

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 PALOUSE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 59576

Claim ID: 87-10784Date Received: 6/11/19Receipt No: N034823Claim Fee: 25- By: LH

RECEIVED

JUN 11 2019

DEPT. OF WATER RESOURCES

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

Please type or print clearly

- Name of claimant(s) BERNA BEVEREE BUBBAS, ERIK BUBBAS Phone (209) 460-9838
Mailing address 1086 NEARING RD. MOSCOW ID Zip 83843
Street or Box City State
Email address (optional) bubbas@gmail.com
- Date of priority: (Only one per claim) 5-20-1976 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water (☒) or Other () (a) _____
which is tributary to (b) _____
- Location of point of diversion is: Township 40 N, Range 05 WBM, Section 17,
_____ 1/4 of _____ 1/4, or Govt. Lot 23 and a portion of 24 BM, County of Latah;
Parcel no. 017400000230 and 01740000024B
Additional points of diversion, if any: _____
If available, GPS coordinates: _____
- Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Two wells, depth unknown (domestic use)
well is located behind house (replacement well)
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)
For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.02 cfs (☒) or AFY ()
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.02 cfs () or AFY ()
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
Domestic- 1 home, no lawn

9. Location of place of use is: Township 40N, Range 5W, Section 17,

_____ 1/4 of _____ 1/4, Govt. Lot _____ BM, Parcel no. _____

for (check one) Domestic ☒ Stock () Domestic and Stock () If different than shown in Item 4

Additional places of use, if any _____

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

11. Do you own the property listed above as place of use? Yes ☒ No ()

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ☒

13. Remarks (include an explanation of the priority date selected):

14. Basis of claim (check one) Beneficial Use ☒ Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Palouse River Basin Water System 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) [Signature] Date: 6/11/19

[Signature] Date: 6/11/19

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

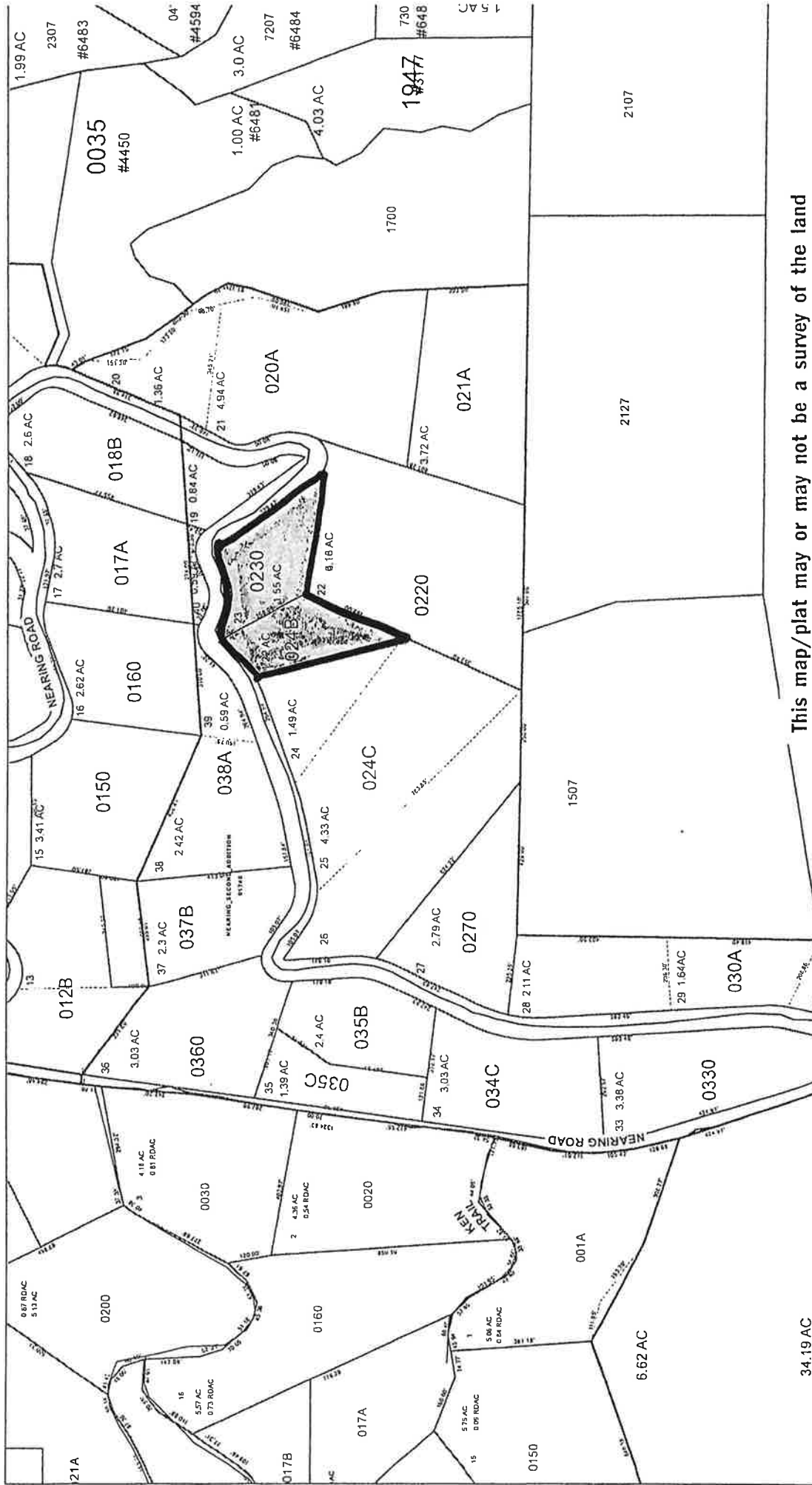
16. **Notice of Appearance:**

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

Signature _____ Date _____

Address _____

Name of claimant(s) _____ Claim ID _____



This map/plat may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. The company expressly disclaims any liability for alleged loss or damage which may result from reliance upon this map.

34.19 AC

Uniform Residential Appraisal Report

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address 1086 Nearing Rd City Moscow State ID Zip Code 83843
 Borrower Buzbas Owner of Public Record Shattuck/Stromvall County Latah
 Legal Description Nearing 2nd Add. Lot 23 (1.55 Acres) and 1.22 Acres Tax #3443 of Lot 2, S 17 T 40 N R 05 WBM
 Assessor's Parcel # RP 017400000230 & RP 01740000024B Tax Year 2012 R.E. Taxes \$ 4,200.00
 Neighborhood Name Rural Moscow Map Reference N/A Census Tract 0051.00
 Occupant Owner ☒ Tenant ☐ Vacant ☐ Special Assessments \$ 0 PUD HOA \$ 0 per year per month

Property Rights Appraised ☒ Fee Simple ☐ Leasehold ☐ Other (describe)
 Assignment Type ☒ Purchase Transaction ☐ Refinance Transaction ☐ Other (describe)

Lender/Client Wells Fargo Bank Address Lewiston, ID 83501,

Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? ☒ Yes ☐ No

Report data source(s) used, offerings price(s), and date(s). DOM 349; Subject property was offered for sale. Latest Price \$299,900; Latest Date 01/23/2013; Original Price \$319,000; Original Date 03/01/2012; MLS#61617

I ☒ did ☐ did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. Arms length sale; On 02/05/2013, the buyer and seller signed a purchase and sale agreement for \$296,850.

Contract Price \$ 296,850 Date of Contract 02/05/2013 Is the property seller the owner of public record? ☒ Yes ☐ No Data Source(s) Assessor
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? ☐ Yes ☒ No
 If Yes, report the total dollar amount and describe the items to be paid. \$0; N/A

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics				One-Unit Housing Trends			One-Unit Housing		Present Land Use %			
Location	Urban	Suburban	☒ Rural	Property Values	Increasing	☒ Stable	Declining	PRICE	AGE	One-Unit	75 %	
Built-Up	Over 75%	☒ 25-75%	Under 25%	Demand/Supply	Shortage	☒ In Balance	Over Supply	\$ (000)	(yrs)	2-4 Unit	0 %	
Growth	Rapid	☒ Stable	Slow	Marketing Time	Under 3 mths	☒ 3-6 mths	Over 6 mths	100	Low	0	Multi-Family	0 %
Neighborhood Boundaries Latah County lines to the North, South, East and West.								800	High	130	Commercial	0 %
								300	Pred.	40	Other Vacant	25 %

Neighborhood Description The rural area surrounding Moscow is comprised of average to good quality homes. These homes range from entry level homes in the lower price range to higher quality homes in highly desirable rural neighborhoods with good territorial views in the higher price range.

Market Conditions (including support for the above conclusions) After several years of steady appreciation in Latah County, the real estate market has stabilized. The real estate market follows the University of Idaho school year with most activity occurring between May and September. Financing is primarily Conventional with little concessions.

Dimensions Irregular Area 2.77 ac Shape Irregular View N;Mtn;
 Specific Zoning Classification AF Zoning Description Ag-Forest (Minimum Lots Size .5Acre)
 Zoning Compliance ☒ Legal ☐ Legal Nonconforming (Grandfathered Use) ☐ No Zoning ☐ Illegal (describe)
 Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? ☒ Yes ☐ No If No, describe.

Utilities Public Other (describe) Public Other (describe) Off-site Improvements--Type Public Private
 Electricity ☒ Water ☐ ☒ Well Street Gravel ☒
 Gas ☒ Sanitary Sewer ☐ ☒ Septic Tank Alley None ☐

FEMA Special Flood Hazard Area ☐ Yes ☒ No FEMA Flood Zone C FEMA Map # 1600860230B FEMA Map Date 08/15/1980
 Are the utilities and/or off-site improvements typical for the market area? ☒ Yes ☐ No If No, describe.

Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? ☐ Yes ☒ No If Yes, describe.

General Description				Foundation		Exterior Description		materials/condition		Interior		materials/condition	
Units	☒ One	☐ One with Accessory Unit		Concrete Slab	☒ Crawl Space	Foundation Walls	Concrete/Average/Good	Floors	Cpt-W-V-Lam/Avg/Good				
# of Stories	2.00			Full Basement	Partial Basement	Exterior Walls	Wd/Average/Good	Walls	Drywall/Average/Good				
Type	☒ Det.	☐ Att.	☐ S-Det./End Unit	Basement Area	0 sq. ft.	Rooftop Surface	Comp Shingle/Average/Good	Trim/Finish	WdStn/Average/Good				
☒ Existing	☐ Proposed	☐ Under Const.	Basement Finish	0 %	Gutters & Downspouts	Alum/Average/Good	Bath Floor	Vinyl/Average/Good					
Design (Style)	2 Story		Outside Entry/Exit	Sump Pump	Window Type	Al-Wd/Average/Good	Bath Wainscot	Ct-Fbrq/Avg/Good					
Year Built	1976		Evidence of	Infestation	Storm Sash/Insulated	Yes/Average/Good	Car Storage	None					
Effective Age (Yrs)	15		Dampness	Settlement	Screens	Yes/Average/Good	☒ Driveway	# of Cars	2				
Attic	None		Heating	☒ FWA	HWB	Radiant	Amenities	☒ Woodstove(s) # 1	Driveway Surface	Gravel			
☐ Drop Stair	☐ Stairs		Other	Fuel	Prop	☒ Fireplace(s) # 1	Fence	None	☒ Garage	# of Cars	2		
☐ Floor	☒ Scuttle		Cooling	Central Air Conditioning	☒ Patio/Deck	2	Porch	None	Carport	# of Cars	0		
☐ Finished	☐ Heated		Individual	☒ Other	None	Pool	None	☒ Other	See Below				

Appliances ☒ Refrigerator ☒ Range/Oven ☒ Dishwasher ☒ Disposal ☒ Microwave ☒ Washer/Dryer ☐ Other (describe)
 Finished area above grade contains: 6 Rooms 3 Bedrooms 3.0 Bath(s) 2,388 Square Feet of Gross Living Area Above Grade
 Additional features (special energy efficient items, etc.) Fireplace, Wood Stove, Loft, 2 Decks, Sauna, Wood Storage and 2 Car Garage.

Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). C3; Kitchen-updated-timeframe
 unknown; Bathrooms-updated-timeframe unknown;

At the time of inspection, no repairs, deterioration, renovations or remodeling was noted or required. Utilities were on and in working order at the time of inspection. The Subject is typical for the market and is not considered to be an over or under improvement.

Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? ☐ Yes ☒ No If Yes, describe

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? ☒ Yes ☐ No If No, describe

WARRANTY DEED

For Value Received Wendy E. Shattuck and Erik J. Stromvall, wife and husband, who acquired title as unmarried persons

the Grantors, hereby grant, bargain, sell, convey and warrant unto

Berna Devezer Buzbas and Erkan Buzbas, wife and husband

the Grantees, whose current address:
1086 Nearing Road
Moscow, ID 83843

the following described premises, located in Latah County State of Idaho to wit:

Lot 23, Nearing's Second Addition to Latah County, as shown by the recorded plat thereof.

AND, a portion of Lot 24, Nearing's Second Addition to Latah County, as shown by the recorded plat thereof, being more particularly described as follows:

BEGINNING at the corner common to Lots 22, 24 and 25 of said Addition; thence N. 24°31' E. 289 feet along the line between Lots 22 and 24; thence N. 28°34' W. 255.6 feet along the line between Lots 23 and 24 to a point on the south right of way line of Nearing Road; thence S. 43°00' W. 41.28 feet along said right of way, to a point of curvature; thence along said right of way line around a curve having a radius of 304.18 feet and a central angle of 27°22' 90.23 feet; thence leaving said right of way line, S. 14°06' E. 413.75 feet to the POINT OF BEGINNING.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and water rights, ditch and ditch rights.

SUBJECT to reservations in United States Patent, restrictive covenants, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees successors, heirs and assigns forever. Said Grantors do hereby covenant to and with said Grantees, that Grantors are owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that Grantors will warrant and defend the same from all lawful claims whatsoever.