

04/20/2005

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

RIGHT NUMBER: 27-12065

NAME AND ADDRESS: LOUIS MORALES
1577 E WOLVERINE RD
FIRTH ID 83236

SUSAN MORALES
1577 E WOLVERINE RD
FIRTH ID 83236

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1973

POINT OF DIVERSION:

T02S R38E S10 SENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within BINGHAM County

T02S R38E S10 SENE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Water Right 27-12065

PROFILED

SCANNED
MAY 04 2006

RECEIVED

JUN 29 2005

DEPARTMENT OF
WATER RESOURCES

04/20/2005

RECEIVED

JUL 06 2005

Department of Water Resources
Eastern Region

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-12065
Louis Morales
1577 East Wolverine Road
Firth, ID 83236
Telephone Number: (208) 346-6088

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

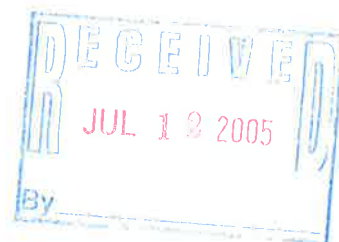
DATE: 6/15/05 SIGNATURE: Louis Morales Jr

Please print your name: LOUIS MORALES, JR

IDWR Regional Office, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, (208) 525-7161

SCANNED

JUN 29 2005



Notes

3-25-05 Sent claimant a letter requesting a copy of the warranty deed & plat map. PB
3-31-05 Received warranty deed and county plat. PB
from claimant. PB

4/30/05 Recommended as claimant. PB.
Domestic only.

SCANNED

MAY 04 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Louis Morales
1577 East Wolverine Road
Firth, Idaho 83236

March 25, 2005

Re: Snake River Basin Adjudication (SRBA)
Claim 27-12065

Subject: EVIDENCE OF OWNERSHIP

Response Date: April 8, 2005

Dear Claimant(s):

Our office is reviewing your above referenced Notice of Claim to a Water Right and need some additional information in order to recommend your claim to the SRBA Court.

Please provide us with a copy of your warranty deed and a county plat or survey map with your property identified.

This information needs to be returned to us in the Soda Springs office by the response date listed above. If you have any questions please feel free to contact us at 547-3993.

Respectfully,

Pauline Bassett

FTI: Our address at the time of closing was 5005 S Fairbrook Lane in SLG; we have since received Idaho Residential status and our living @ 1577 East Wolverine Road in Firth ID

Sincerely,

Susan Morales

P.S. We have also submitted the above requested information to the Idaho Falls office.

SCANNED
MAY 04 2006

FEE _____ DEP _____

549560

2005 JAN 18 PM 4:28

AFTER RECORDING MAIL TO:

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY, INC.
168 WEST PACIFIC STREET
BLACKFOOT, IDAHO 83221

FIRST AMERICAN TITLE COMPANY

WARRANTY DEED

File No.: **104278-B (Id)**

Date: **January 07, 2005**

For Value Received, **Jay L. Stolworthy** whose name also appears of record as **Jay Lloyd Stolworthy and Cindy Stolworthy, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **The Susan Morales Trust**, hereinafter called the Grantee, whose current address is 5005 S. FAIRBROOK LANE -, SALT LAKE CITY, UT, the following described premises, situated in **Bingham County, Idaho**, to-wit: 84117

PARCEL 1:

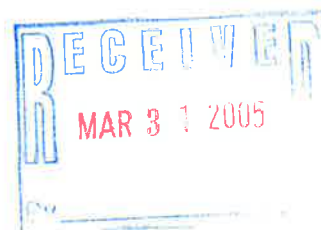
PART OF SECTION 10 AND 11, TOWNSHIP 2 SOUTH, RANGE 38 E.B.M., BINGHAM COUNTY, IDAHO, DESCRIBED AS: BEGINNING AT A POINT THAT IS N. 0°16'20" E. 801.83 FEET ALONG THE EAST LINE OF SAID SECTION 10 FROM THE E¹/₄ CORNER OF SAID SECTION 10, AND RUNNING THENCE S. 72°40'58" E. 128.43 FEET; THENCE S. 64°45'39" E. 646.38 FEET; THENCE S. 88°27'48" E. 620.63 FEET; THENCE S. 0°16'20" W. 1110.08 FEET; THENCE N. 90°00'00" W. 120.30 FEET; THENCE N. 76°48'07" W. 454.61 FEET; THENCE S. 68°03'23" W. 494.92 FEET; THENCE S. 89°37'47" W. 631.11 FEET; THENCE N. 57°24'51" W. 1170.01 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF WOLVERINE ROAD; THENCE THE FOLLOWING TWELVE (12) COURSES ALONG SAID SOUTHERLY RIGHT-OF-WAY: (1) N. 22°58'39" E. 313.17 FEET; THENCE (2) N. 33°40'19" E. 58.14 FEET; THENCE (3) N. 42°24'52" E. 84.71 FEET; THENCE (4) N. 54°28'46" E. 73.53 FEET; THENCE (5) N. 48°10'09" E. 125.96 FEET; THENCE (6) N. 17°26'46" E. 119.02 FEET; THENCE (7) N. 06°23'12" E. 76.71 FEET; THENCE (8) N. 00°34'53" W. 190.07 FEET; THENCE (9) N. 01°40'58" E. 64.47 FEET; THENCE (10) N. 09°34'40" E. 86.03 FEET; THENCE (11) N. 15°07'27" E. 113.77 FEET; THENCE (12) N. 17°41'17" E. 29.08 FEET; THENCE S. 53°47'54" E. 90.34 FEET; THENCE S. 72°40'58" E. 818.35 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A 40 FOOT DITCH EASEMENT BEING 20 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

SCANNED

MAY 04 2006



Date: 01/07/2005

Warranty Deed
- continued

File No.: 104278-B (ld)

PART OF THE NE $\frac{1}{4}$ OF SECTION 10 AND THE NW $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 38 E.B.M., BINGHAM COUNTY, IDAHO, DESCRIBED AS: BEGINNING AT A POINT THAT IS S. 00°16'20" W. 946.23 FEET ALONG THE EAST LINE OF SAID SECTION 10 AND N. 89°43'40" E. 77.42 FEET TO THE POINT OF DIVERSION OF A SPRING FROM THE NE CORNER OF SAID SECTION 10, AND RUNNING THENCE S. 59°45'48" W. 108.11 FEET; THENCE S. 26°29'28" W. 34.71 FEET; THENCE S. 35°29'37" W. 162.00 FEET; THENCE S. 44°20'07" W. 151.47 FEET; THENCE S. 52°28'03" W. 168.46 FEET; THENCE S. 46°36'55" W. 98.04 FEET; THENCE S. 25°11'43" W. 196.89 FEET; THENCE S. 47°38'40" W. 66.93 FEET.

RESERVING UNTO GRANTORS THE FOLLOWING EASEMENT:

A 60 FOOT POWER EASEMENT BEING 30 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

PART OF THE NE $\frac{1}{4}$ OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 38 E.B.M., BINGHAM COUNTY, IDAHO, DESCRIBED AS: BEGINNING AT A POINT THAT IS S. 00°16'20" W. 633.51 FEET ALONG THE EAST LINE OF SAID SECTION 10 FROM THE NE CORNER OF SAID SECTION 10, AND RUNNING THENCE THE FOLLOWING 17 COURSES 30 FEET FROM AND PARALLEL TO THE SOUTHERLY RIGHT-OF-WAY OF WOLVERINE ROAD: (1) S. 34°09'47" W. 415.28 FEET; THENCE (2) S. 34°58'14" W. 110.45 FEET; THENCE (3) S. 40°41'40" W. 102.37 FEET; THENCE (4) S. 48°43'32" W. 148.10 FEET; THENCE (5) S. 52°24'04" W. 389.01 FEET; THENCE (6) S. 38°10'58" W. 68.15 FEET; THENCE (7) S. 17°41'17" W. 21.08 FEET; THENCE (8) S. 17°41'17" W. 28.40 FEET; THENCE (9) S. 15°07'27" W. 111.64 FEET; THENCE (10) S. 09°34'40" W. 82.50 FEET; THENCE (11) S. 01°42'17" W. 61.22 FEET; THENCE (12) S. 00°34'53" E. 191.90 FEET; THENCE (13) S. 06°23'12" W. 81.44 FEET; THENCE (14) S. 17°26'46" W. 130.17 FEET; THENCE (15) S. 48°10'09" W. 135.85 FEET; THENCE (16) S. 54°28'46" W. 72.01 FEET; THENCE (17) S. 42°24'52" W. 62.95 FEET; THENCE S. 10°09'10" E. 210.36 FEET TO AN EXISTING POWER POLE.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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

By: Jay L. Stolworthy aka Jay Lloyd Stolworthy
Jay L. Stolworthy aka Jay Lloyd Stolworthy

By: Cindy Stolworthy
Cindy Stolworthy

SCANNED

MAY 04 2006

Date: 01/07/2005

Warranty Deed
- continued

File No.: 104278-B (1d)

STATE OF Idaho)
COUNTY OF BONNEVILLE)
18th BS

On this ~~11th~~ ^{18th BS} day of January, 2005, before me, a Notary Public in and for said State, personally appeared **Jay L. Stolworthy also known as Jay Lloyd Stolworthy and Cindy Stolworthy**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Bertha Stafford
Notary Public for the State of Idaho
Residing at: Idaho Falls, ID
My Commission Expires: 1-27-05

549560

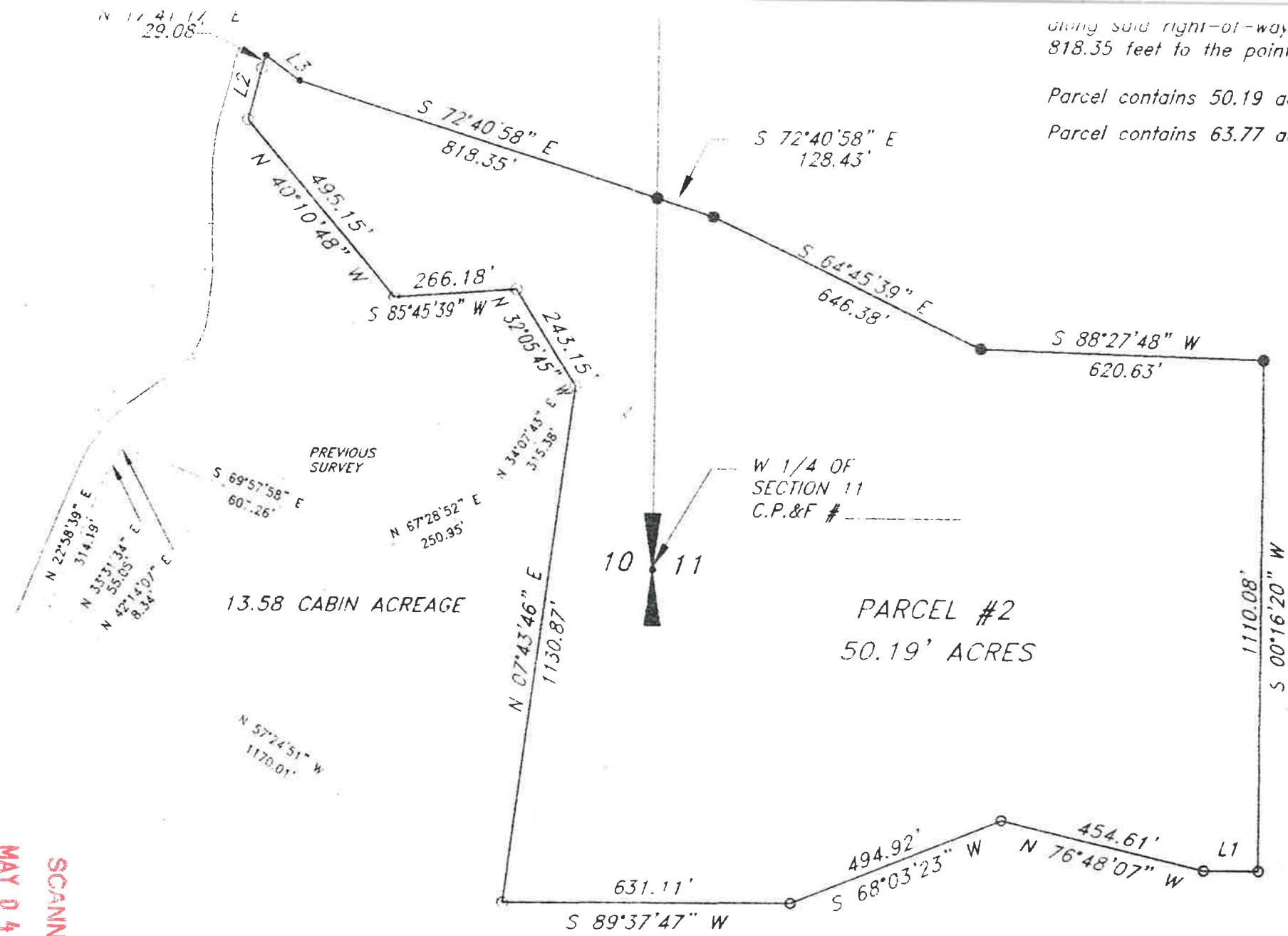
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MAY 04 2006

along said right-of-way; thence
818.35 feet to the point of begi

Parcel contains 50.19 acres.

Parcel contains 63.77 acres tota



SCANNED
MAY 04 2006

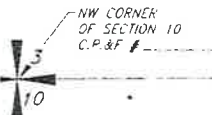
SECTION 10 AND 11, T. 2 S., R. 38 E. B.M., BINGHAM COUNTY, IDAHO

SURVEYORS CERTIFICATE

I, Kim H. Leavitt, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.

Kim H. Leavitt License No. 4563 Date

4563



BASIS OF BEARING PREVIOUS SURVEY

N 89°22'57" E

5077.37'

NW CORNER
OF SECTION 11
C.P.&F #

SCALE: 1" = 300'

LINE	DIRECTION	DISTANCE
L1	N 90°00'00" W	120.30'
L2	N 15°07'27" E	113.77'
L3	N 53°47'54" W	90.54'
L4	N 49°53'37" W	54.43'
L5	N 17°41'17" E	26.50'
L6	N 38°10'58" E	77.33'
L7	N 48°43'32" E	145.03'
L8	N 40°41'41" E	98.77'
L9	N 34°58'14" E	108.74'
L10	N 63°42'17" E	66.97'
L11	N 05°52'56" E	69.54'
L12	N 27°10'17" E	63.47'
L13	N 09°23'02" W	46.13'
L14	N 24°19'50" E	120.92'
L15	N 05°21'18" W	42.67'
L16	N 21°26'29" E	77.00'
L17	N 27°44'46" E	86.07'
L18	N 14°35'09" E	29.50'
L19	N 39°55'56" E	118.19'
L20	N 81°44'16" E	140.59'
L21	N 76°18'53" E	107.64'
L22	N 59°05'45" E	65.47'
L23	N 66°31'51" E	132.89'
L24	N 58°47'30" E	68.92'
L25	N 44°36'01" E	75.21'
L26	N 52°38'23" E	184.46'

N 17°41'17" E
29.08'

PREVIOUS
SURVEY

13.58 CABIN ACREAGE

307.63'

N 68°16'29" E

S 72°40'58" E
128.43'

S 64°45'39" E
646.39'

W 1/4 OF
SECTION 11
C.P.&F #

PARCEL #2
50.19 ACRES

BOUNDARY DESCRIPTION

Parcel 2

Part of Section 10 and 11, Township 2 South, Range 38 East, B.M., Bingham County, Idaho described as:

Beginning at a point that is N 0°16'20" E 801.83 feet along the east line of said Section 10 from the East 1/4 Corner of said Section 10 and running thence S 72°40'58" E 128.43 feet; thence S 64°45'39" E 646.38 feet; thence S 88°27'48" W 620.63 feet; thence S 0°16'20" W 1110.05 feet; thence N 90°00'00" W 120.30 feet; thence N 76°48'07" W 454.61 feet; thence S 68°01'23" W 494.92 feet; thence S 89°37'47" W 631.11 feet; thence N 07°43'46" E 1130.87 feet; thence N 32°05'45" W 243.15 feet; thence S 85°45'39" W 266.19; N 40°10'48" W 495.15 feet to a point on the southerly right-of-way of Wolverine Road; thence N 17°41'17" E 113.77 feet along said right-of-way; thence N 17°41'17" E 29.08 feet along said right-of-way; thence S 5°47'54" W 90.54 feet; thence S 72°40'58" E 818.35 feet to the point of beginning.

Parcel contains 50.19 acres.

Parcel contains 63.77 acres total with cabin acreage and parcel #2



LEGEND

- Section corner control
- Found 1/2" Iron Rod
- Placed 1/2" X 24" Iron rod with cap marked P.L.S. 4563
- Fence line.



RECORD OF SURVEY

CABIN AND PARCEL #
Sec.10, T.2 S., R.38 E.,

HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
400 N. JENSEN BL. P.O. BOX 808, BLACKFOOT,
IDAHO 83201 (208) 786-8777 OR 888
888 N. CENTRAL AVE., FALLS CHURCH, VIRGINIA 22044
DAVID R. ANDERSON (202) 534-9514

JOB NO.	87730
DATE	5-17-05
DRAWN BY	MLR
CHECKED BY	
APPROVED BY	

MAY 10 2005

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 27-12065
Date Received: 3/18/2005
Receipt No: E030687
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOUIS MORALES Phone: (208)346-6088

1577 E WOLVERINE RD
FIRTH ID USA 83236

SUSAN MORALES Phone: (208)346-6088

1577 E WOLVERINE RD
FIRTH ID USA 83236

2. Date of Priority: 04/01/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	38E	10	SE NE	BINGHAM	

5. Description of diverting works:

well/pump to home and lawn

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

SCANNED
MAY 04 2006

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	38E	10	SE	NE	DOMESTIC	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

SCANNED
MAY 04 2006

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): *[Signature]* Date: 3/18/05

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this
of March 2005

[Signature]
Notary Public

Residing at Rigby, Id

My commission Expires 2/26/2008



SCANNED
MAY 04 2006

