

IDAHO DEPARTMENT OF WATER RESOURCES 01/11/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 29-2221F

NAME AND ADDRESS: JOANN C WEHKING
3103 S OLD HWY 91
MC CAMMON ID 83250

HENRY H WEHKING
3103 S OLD HWY 91
MC CAMMON ID 83250

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.12 CFS
PRIORITY DATE: 08/18/1919
POINT OF DIVERSION:

T08S R36E S23 NENWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.120 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R36E S23	NENE	3.1	T08S R36E S23	NWNE	3.8
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6.9 ACRES TOTAL

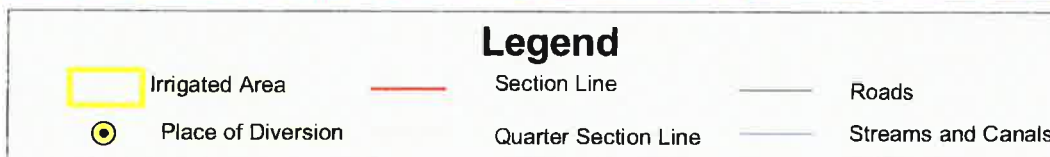
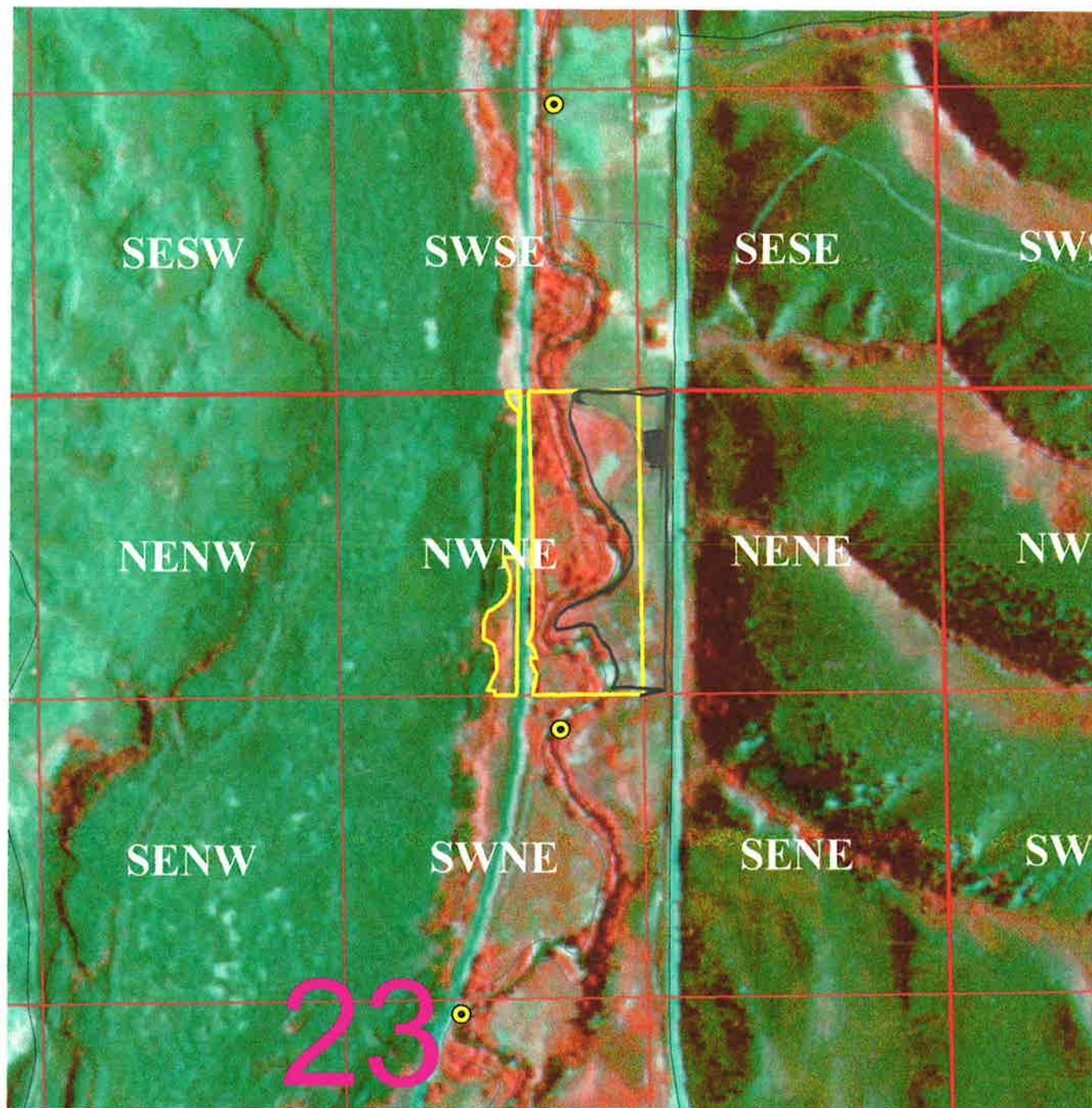
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

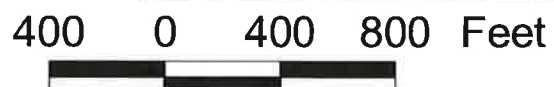
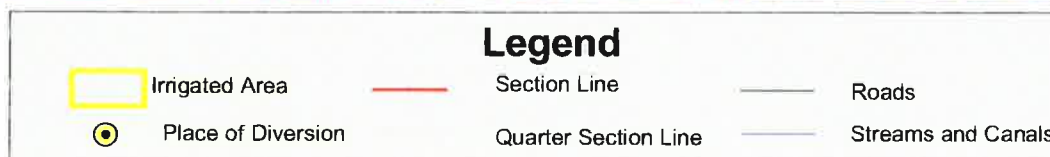
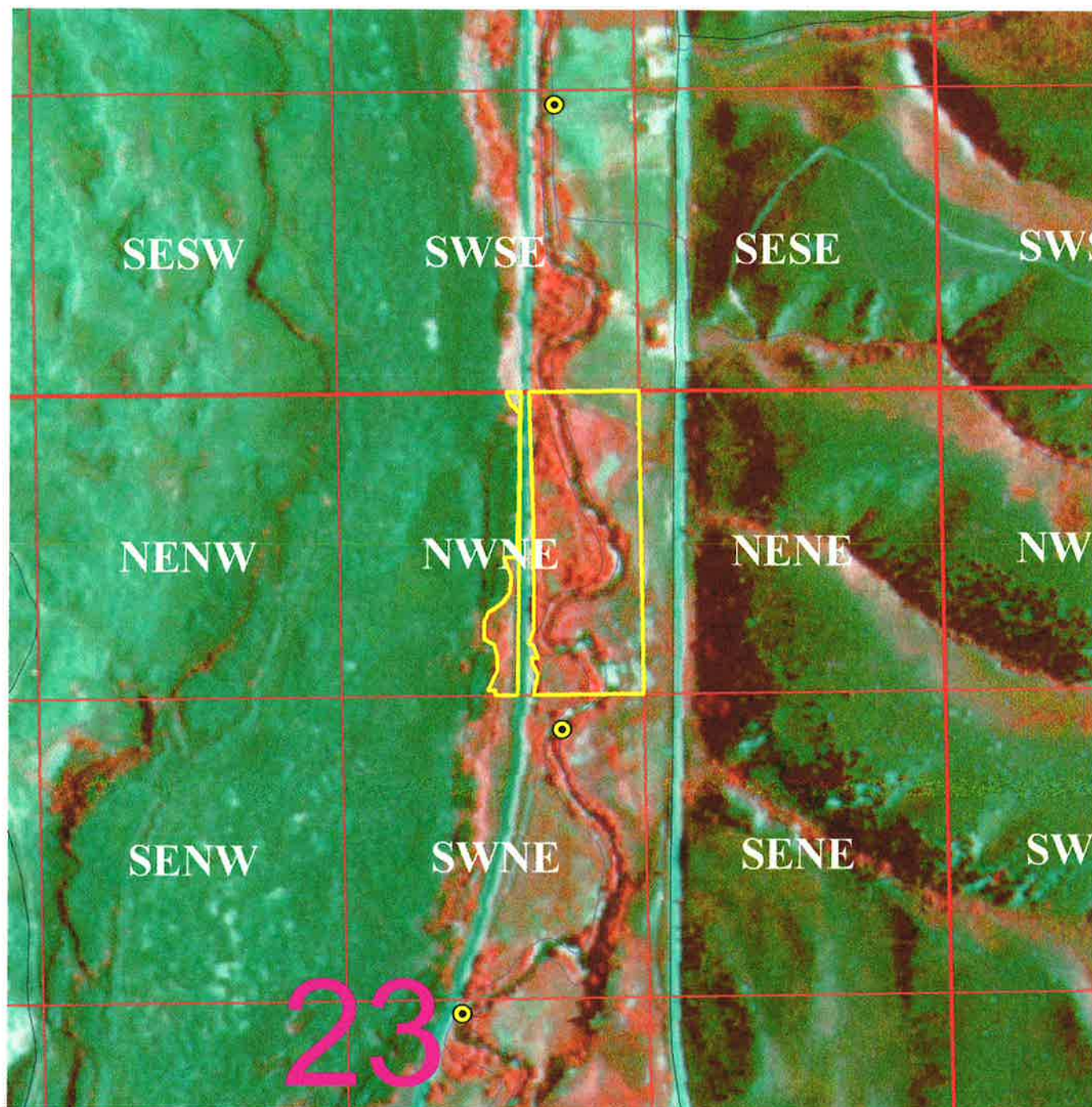
EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

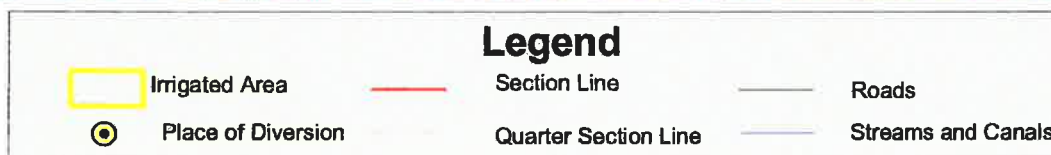
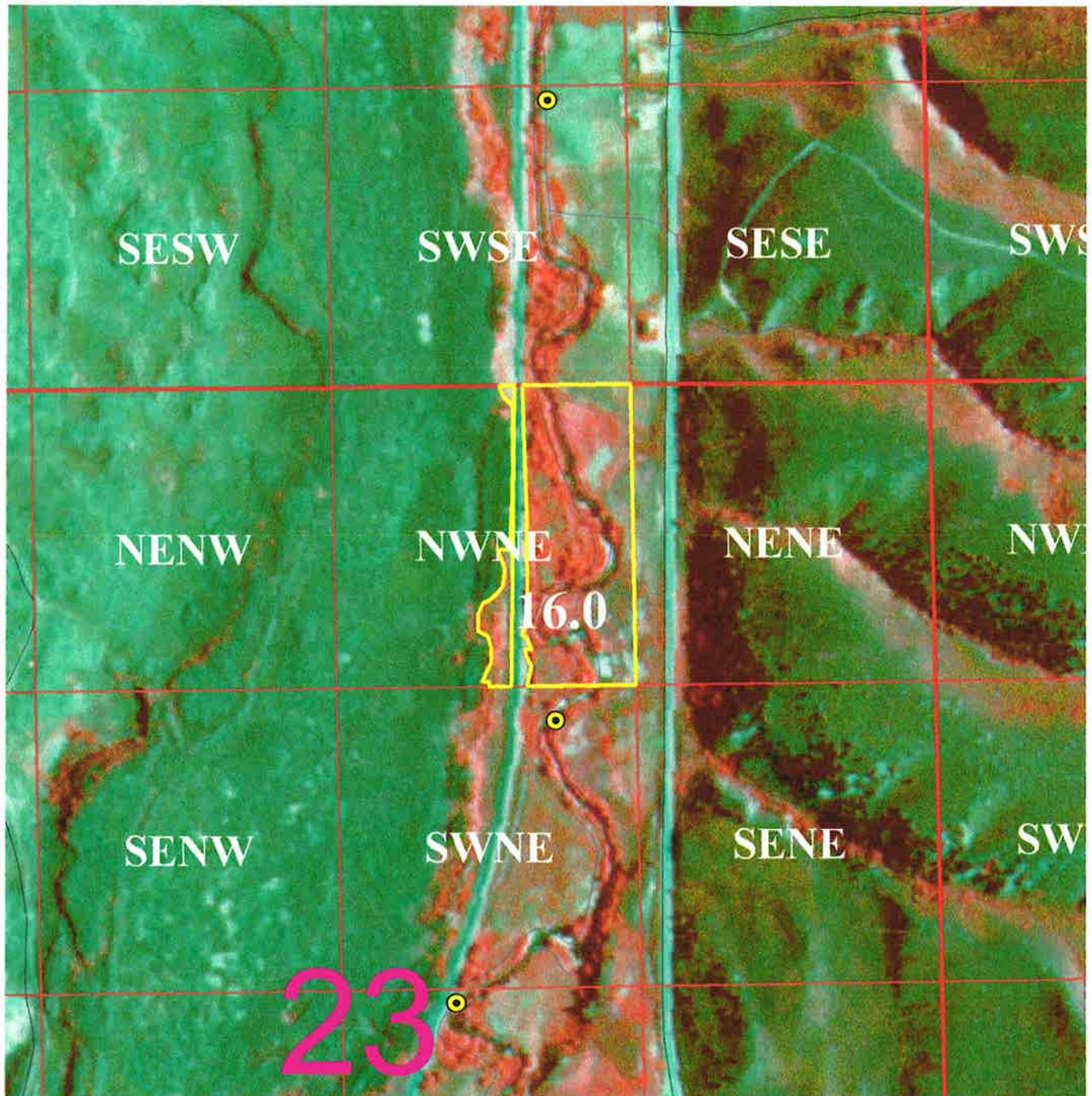
Township , 8S36E



Township , 8S36E



Township , 8S36E



06/18/2004

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

RIGHT NUMBER: 29-2221F
NAME AND ADDRESS: RALPH ONSTINE
3103 S OLD HWY 91
MC CAMMON ID 83250

NORA LEE ONSTINE
3103 S OLD HWY 91
MC CAMMON ID 83250

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 08/18/1919

POINT OF
DIVERSION: T08S R36E S23 NENWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.120 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R36E S23	NENE	3.1	T08S R36E S23	NWNE	3.8
---------------	------	-----	---------------	------	-----

6.9 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 - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

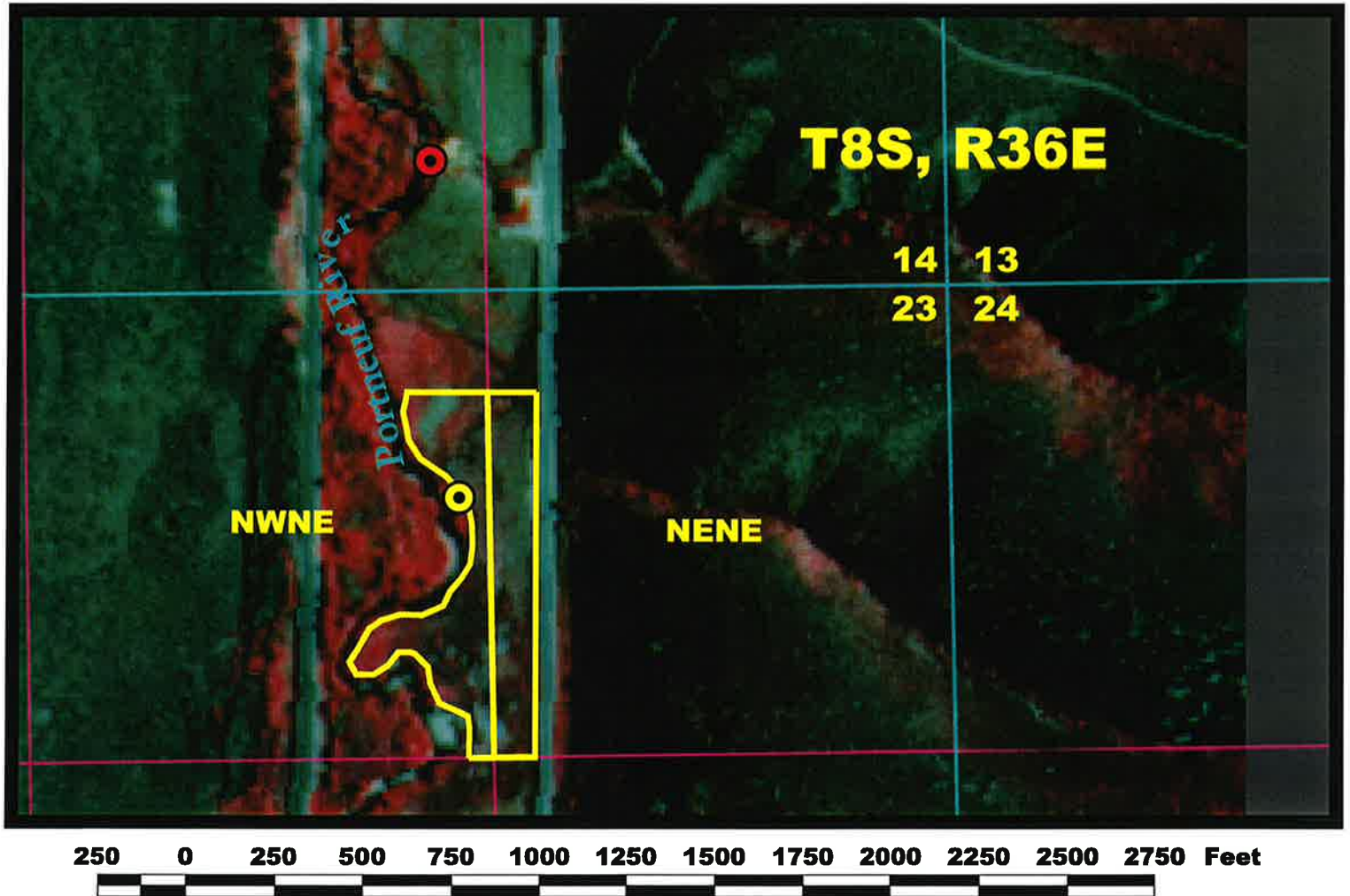


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-02221F



LEGEND

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

Place of Use: T8S, R36E
(parts of) Sec. 23 NENE, NWNE

Point(s) of Diversion: T8S, R36E
Sec. 23 NENWNE



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2002

SCANNED

JAN 17 2000

PROTECTED

T8S, R36E

14 13

23 24

NENE

3.1

3.8

Portneuf River

NWNE



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

June 18, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RALPH & NORA LEE ONSTINE
3103 S OLD HWY 91
MC CAMMON ID 83250

RE: Notice of Change of Water Right Ownership (NCO) for 29-2221F and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On June 7, 2004, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Kristen Forsgren
Office Specialist 1

Enclosure

cc: HENRY & JOANN C WEH KING

PROFILED

SCANNED
JAN 17 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Water Rights: 29-2221F

Case No. 39576

)
)
) **NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

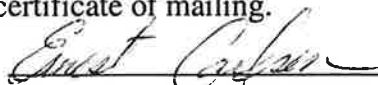
_____ IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 18 June 2004



Signature of IDWR Representative

SCANNED

JAN 17 2008

CERTIFICATE OF MAILING

I certify that on June 18, 2004, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
HENRY & JOANN C WEHKING
3103 S OLD HWY 91
MC CAMMON ID 83250

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
RALPH & NORA LEE ONSTINE
3103 S OLD HWY 91
MC CAMMON ID 83250

4. One copy to:

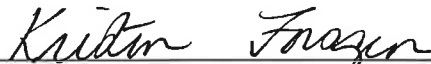
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED

JAN 17 2006

OK JC 6-11-04

RECEIVED
JUN 07 2004
Department of Water Resources
Eastern 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, 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
29-2221F					

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) are 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) JOANN C WEH KING
HENRY H WEH KING
4. New Owner/Claimant(s) RALPH & NORA LEE DUNSTINE
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3103 S. OLD HWY 91
- City, State and ZIP Code MCCAMMON, IDAHO 83250
- New Telephone Number 208 275-4780
5. Date you acquired the property 5/26/2004

WARRANTY DEED

For Value Received **HENRY H. WEHKING and JOANN C. WEHKING, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

RALPH ONSTINE and NORA LEE ONSTINE, husband and wife *Q 27a*

whose address is: **3103 South Old Hwy 91, McCammon, ID 83250**

Hereinafter called the Grantee, the following described premises situated in **Bannock County, Idaho, to-wit:**

SEE ATTACHED LEGAL DESCRIPTION

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.

Dated:: 05/25/04

HENRY H. WEHKING

JOANN C. WEHKING

STATE OF Idaho

)ss.

COUNTY OF BANNOCK

On this 26th day of May, 2004, before me SHEILA GARRETT, personally appeared HENRY H. WEHKING and JOANN C. WEHKING, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public of Idaho
Residing at: Inkom, Idaho
Commission Expires: 09/17/05

PARCEL 1

A PARCEL OF LAND LOCATED IN SECTION 23 OF TOWNSHIP 8 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY IDAHO, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 89°21'33" EAST 1400.16 FEET ALONG THE NORTH LINE OF SAID SECTION 23 TO A 5/8-INCH REBAR WITH CAP LABELLED HUDSON PLS 4735 SET ON THE WESTERLY RIGHT OF WAY LINE OF OLD HIGHWAY 91-191; THENCE SOUTH 01°29'29" WEST 275.11 FEET ALONG SAID RIGHT OF WAY LINE TO A 5/8-INCH REBAR WITH CAP, THE TRUE POINT OF BEGINNING; THENCE SOUTH 01°29'29" WEST 654.00 FEET ALONG SAID RIGHT OF WAY TO A 5/8-INCH REBAR WITH CAP; THENCE WEST 477.75 FEET TO THE CENTERLINE OF THE PORTNEUF RIVER; THENCE ALONG THE CENTER LINE OF THE CHANNEL THROUGH THE FOLLOWING COURSES:

NORTH 43°02'22" EAST 15.19 FEET;
NORTH 57°40'01" EAST 64.87 FEET;
NORTH 86°02'11" EAST 42.95 FEET;
NORTH 81°25'39" EAST 48.45 FEET;
NORTH 76°40'20" EAST 39.20 FEET;
NORTH 64°14'18" EAST 15.75 FEET;
NORTH 40°36'09" EAST 28.12 FEET;
NORTH 47°25'51" EAST 37.17 FEET;
NORTH 31°00'37" EAST 35.59 FEET;
NORTH 11°18'02" EAST 20.68 FEET;
NORTH 13°15'40" WEST 71.99 FEET;
NORTH 20°42'28" WEST 109.88 FEET;
NORTH 40°05'36" WEST 41.53 FEET;
NORTH 19°29'22" WEST 46.14 FEET;
NORTH 52°10'11" WEST 34.71 FEET;
NORTH 44°10'05" WEST 37.63 FEET;
NORTH 29°07'49" WEST 36.99 FEET;
NORTH 16°03'38" WEST 84.18 FEET;
NORTH 10°41'06" WEST 62.17 FEET;
NORTH 21°08'39" WEST 30.44 FEET;

THENCE LEAVING SAID CENTER LINE AND GOING EAST 433.38 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2

A PARCEL OF LAND LOCATED IN SECTION 23 OF TOWNSHIP 8 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 89°21'33" EAST 1400.16 FEET ALONG THE NORTH LINE OF SAID SECTION 23 TO A 5/8-INCH REBAR WITH CAP LABELLED HUDSON PLS 4736 SET ON THE WESTERLY RIGHT OF WAY LINE OF OLD HIGHWAY 91-191; THENCE SOUTH 01°29'29" WEST 929.11 FEET ALONG SAID RIGHT OF WAY LINE TO A 5/8-INCH REBAR WITH CAP, THE TRUE POINT OF BEGINNING;

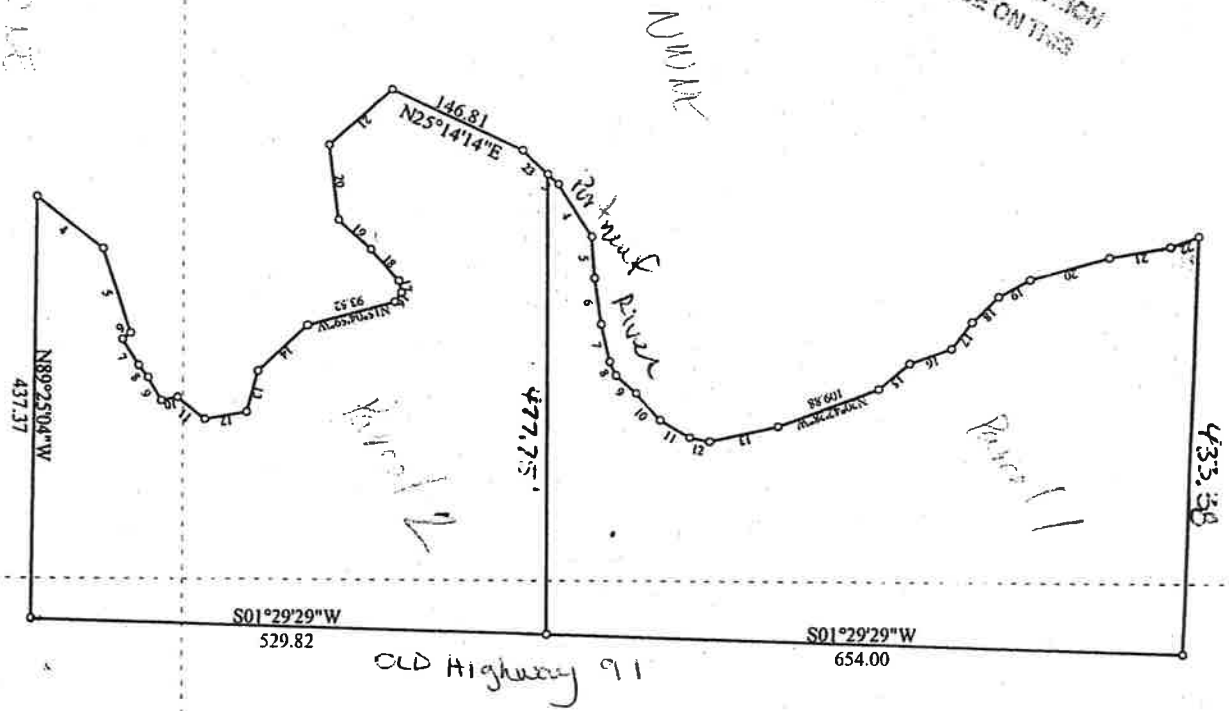
THENCE SOUTH 01°29'29" WEST 529.82 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 89°25'04" WEST 0.33 FEET TO A FOUND 1/2-INCH REBAR SET BY JON A. JACOBSON, JR., PLS 4430; THENCE NORTH 89°25'04" WEST 437.37 FEET TO THE CENTERLINE OF THE PORTNEUF RIVER; THENCE ALONG THE CENTERLINE OF THE CHANNEL THROUGH THE FOLLOWING COURSES:

NORTH 38°57'46" EAST 85.83 FEET;
NORTH 72°62'19" EAST 77.97 FEET;
SOUTH 38°49'36" EAST 10.62 FEET;
NORTH 58°01'46" EAST 31.08 FEET;
NORTH 50°59'31" EAST 15.52 FEET;
NORTH 60°15'20" EAST 27.76 FEET;
NORTH 12°55'13" WEST 17.30 FEET;
NORTH 37°50'41" EAST 36.44 FEET;

NORTH 09°47'08" WEST 44.21 FEET;
NORTH 74°27'16" WEST 43.79 FEET;
NORTH 42°41'52" WEST 69.60 FEET;
NORTH 15°04'59" WEST 93.52 FEET;
NORTH 54°44'20" WEST 11.72 FEET;
SOUTH 77°19'08" WEST 12.57 FEET;
SOUTH 48°58'56" WEST 43.35 FEET;
SOUTH 42°22'26" WEST 45.73 FEET;
NORTH 82°42'39" WEST 78.72 FEET;
NORTH 41°38'48" WEST 87.28 FEET;
NORTH 25°14'14" EAST 146.81 FEET;
NORTH 43°02'22" EAST 36.21 FEET;

THENCE LEAVING SAID CENTER LINE AND GOING EAST 477.75 FEET TO THE TRUE POINT OF BEGINNING.

THIS SECTION OF THE MAP IS FOR THE PURPOSE OF ASSISTING IN LOCATING THE PREMISES. THE COMPANY ASSUMES NO LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE ON THIS MAP.



Title:

Scale: 1 inch = 200 feet

File:

Date: 04-23-2004

Section 23, Township 4 S, Range 36 E, E 1/4

FIELD AMENDMENT FORM

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): ColAnn Wehking Date: 10-25-01
 _____ Date: _____

For Organizations:

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

 Signature of Authorized Agent

 Title and Organization

 Date

State of Idaho)
 County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25th day
 of October 2001

Aaron B. Robery
 Notary Public

Seal

Residing at Adams Falls Rd

My Commission Expires 9/23/03

NOTE: This Amendment ADDS ACRES IN NEENB
 (W OF Old Hwy 91) OF SEC. 23. THERE IS A
 POSSIBILITY THAT THE ^{GIS} PHOTO AND GCDB ARE NOT
 RECTIFIED Properly. ADDS 3.1 AC IN NEENB.
 ABR

27-02221F

10/25/01 Spoke to Mr. WETHKING (AT HIS WORK) ²³⁷⁻⁴³³⁰. Discussed my
FIELD EXAM. Need to look at POD & POEL.

He uses a portable pump from Rivor.

Also, spoke w/ Mrs. WETHKING. Discussed POEL and Portable
Pump use from Rivor.

It appears there is (could be) a RECTIFICATION ERROR
OF GCDB AND Photo where GCDB is OFFSET TOO FAR WEST.

Advised Mrs. WETHKING to FILE A FIELD AMENDMENT WHICH
WILL ALLOW RECOMMENDATION OF OTHERWISE UNCLAIMED
ACRES - She did so - CC ATTACHED ON CLAIM 5105.

THERE ARE ACTUALLY 2 DOGS, EACH CONVEYING 0.06 cfs
of Portwest water Rt. $\Rightarrow \leq 0.12$ cfs, as claimed.

SCANNED

JAN 17 2006

PROTECTED



SCANNED

JUN 08 2001

Log for claim A29-02221F

Spatial Dynamics AMH

8/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	23	NWNE	9	16	Permissible place of use?
Totals:			9	16	



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

APRIL 3, 1995

HENRY H WEHKING
3103 S OLD HWY 91
MC CAMMON ID 83250

RE: CHANGE IN OWNERSHIP FOR A29-02221F

Dear Mr. Wehking:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jo Thompson".

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

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.

☐ 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: _____

A29-02221 F OK (?)
Kevin & Kelly D Summers

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

1222 Freeman LN #174
Pocatello ID 83201

☐ New Owner/Claimant
(Purchaser): _____

Henry H Wehking & Joann C

☐ New Mailing Address: _____

3103 S Old Hwy 91
Mc Cammon ID 83250

☐ New Telephone Number: _____

(208) 775-4530

☐ 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: _____

(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) _____

Henry H Wehking
Joann C Wehking

Date *3-23-95*

Date *3-23-95*

☐ 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

3-1
WARRANTY DEED

94018226

FOR VALUE RECEIVED, KEVIN R. SUMMERS AND KELLY D. SUMMERS, HUSBAND AND WIFE

the Grantor(s), do(es) hereby grant, bargain, sell, and convey unto HENRY H. WEHKING AND JOANN C. WEHKING, HUSBAND AND WIFE

the Grantee(s), whose address is 3103 SOUTH OLD HWY 91, MCCAMMON, ID 83250

(Mailing Address), 3103 SOUTH OLD HIGHWAY 91, MCCAMMON, ID 83250

(Property Address),

the following described premises, situated in BANNOCK

County, Idaho:

EXHIBIT A ATTACHED

Also: WATER RIGHT TO PUMP APPROXIMATELY .06 CUBIC FEET PER SECOND OF WATER FROM THE PORTNEUF RIVER AS SUCH WATER RIGHT MAY PERTAIN TO THE PROPERTY CONVEYED HEREIN. NO OTHER WATER RIGHTS ARE CONVEYED BY THIS INSTRUMENT.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 45917TA, dated August 16, 1994; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

DATED this 06 day of October, 1994.

Kevin R. Summers
KEVIN R. SUMMERS

Kelly D. Summers
KELLY D. SUMMERS

STATE OF IDAHO

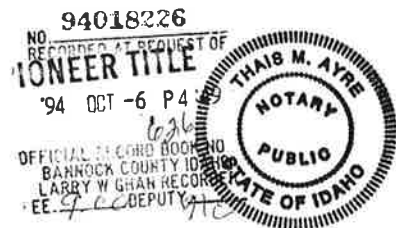
County of BANNOCK

} ss

On this 06 day of October, 1994, before me, the undersigned, personally appeared KEVIN R. SUMMERS AND KELLY D. SUMMERS, known or identified to me to be the person(s) whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Thais M. Ayre
Notary Public
Residing at: CHUBBUCK, IDAHO
Commission Expires: 2-27-95



3-2

Exhibit A

94018226

Parcel 1

A parcel of land located in Section 23 of Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 23; thence South 89°21'33" East 1400.16 feet along the North line of said Section 23 to a 5/8-inch rebar with cap labelled HUDSON PLS 4735 set on the Westerly right of way line of Old Highway 91-191; thence South 01°29'29" West 275.11 feet along said right of way line to a 5/8-inch rebar with cap, the true point of beginning; thence South 01°29'29" West 654.00 feet along said right of way to a 5/8-inch rebar with cap; thence West 477.75 feet to the centerline of the Portneuf River; thence along the center line of the channel through the following courses:

North 43°02'22" East 15.19 feet;
North 57°40'01" East 64.87 feet;
North 86°02'11" East 42.95 feet;
North 81°25'39" East 48.45 feet;
North 76°40'20" East 39.20 feet;
North 64°14'18" East 15.75 feet;
North 40°36'09" East 28.12 feet;
North 47°25'51" East 37.17 feet;
North 31°00'37" East 35.59 feet;
North 11°18'02" East 20.68 feet;
North 13°15'40" West 71.99 feet;
North 20°42'28" West 109.88 feet;
North 40°05'36" West 41.53 feet;
North 19°29'22" West 46.14 feet;
North 52°10'11" West 34.71 feet;
North 44°10'05" West 37.63 feet;
North 29°07'49" West 36.99 feet;
North 16°03'38" West 84.18 feet;
North 10°41'06" West 62.17 feet;
North 21°08'39" West 30.44 feet;

thence leaving said center line and going East 433.38 feet to the true point of beginning.

3-3
Exhibit A (con't)

34018226

Parcel 2

A parcel of land located in Section 23 of Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

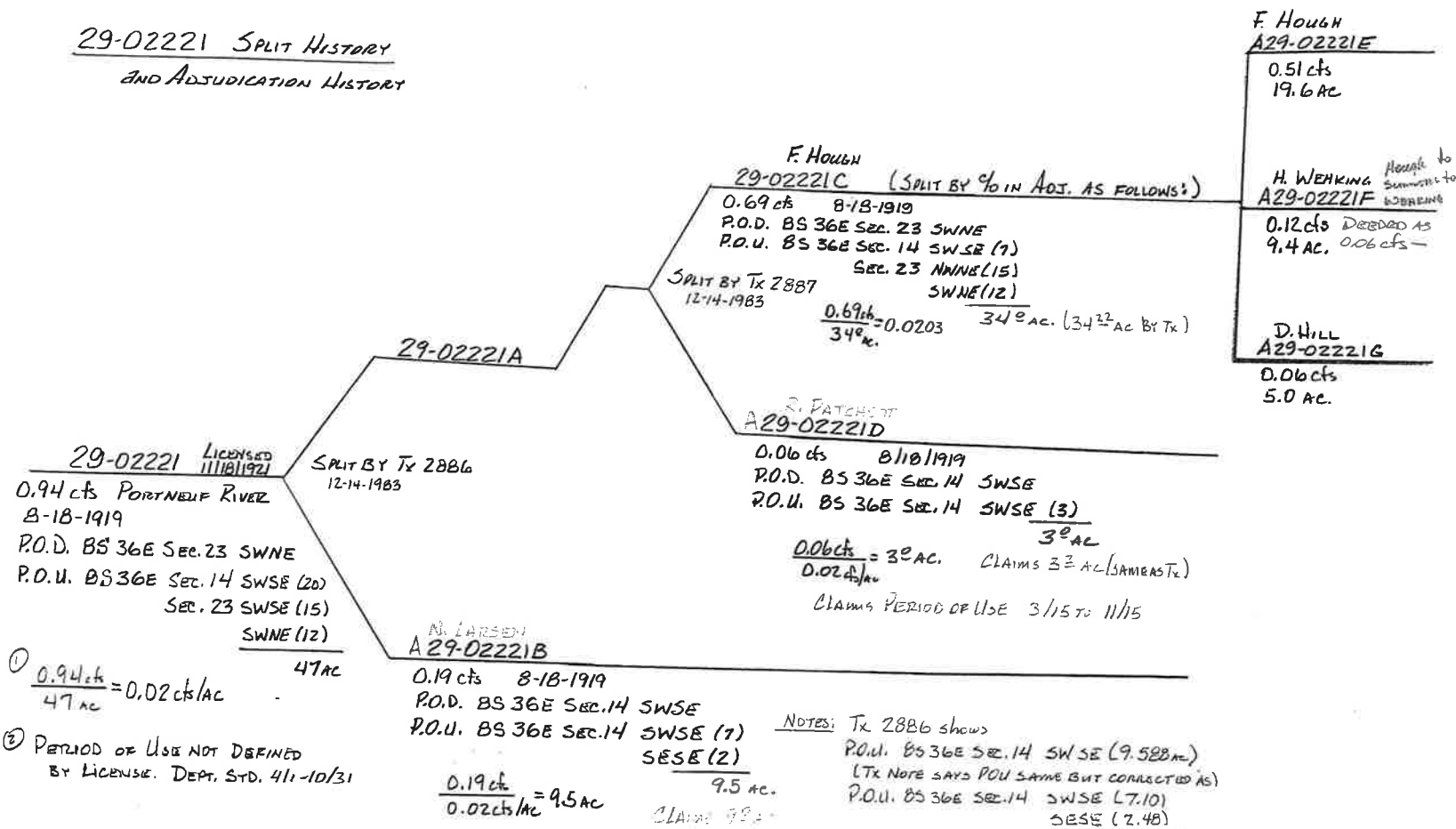
Beginning at the North quarter corner of said Section 23; thence South 89°21'33" East 1400.16 feet along the North line of said Section 23 to a 5/8-inch rebar with cap labelled HUDSON PLS 4736 set on the Westerly right of way line of Old Highway 91-191; thence South 01°29'29" West 929.11 feet along said right of way line to a 5/8-inch rebar with cap, the true point of beginning;

thence South 01°29'29" West 529.82 feet along said right of way; thence North 89°25'04" West 0.33 feet to a found 1/2-inch rebar set by Jon A. Jacobson, Jr., PLS 4430; thence North 89°25'04" West 437.37 feet to the centerline of the Portneuf River; thence along the center line of the channel through the following courses:

North 38°57'46" East 85.83 feet;
North 72°62'19" East 77.97 feet;
South 38°49'36" East 10.62 feet;
North 58°01'46" East 31.08 feet;
North 50°59'31" East 15.52 feet;
North 60°15'20" East 27.76 feet;
North 12°55'13" West 17.30 feet;
North 37°50'41" East 36.44 feet;
North 09°47'08" West 44.21 feet;
North 74°27'16" West 43.79 feet;
North 42°41'52" West 69.60 feet;
North 15°04'59" West 93.52 feet;
North 54°44'20" West 11.72 feet;
South 77°19'08" West 12.57 feet;
South 48°58'56" West 43.35 feet;
South 42°22'26" West 45.73 feet;
North 82°42'39" West 78.72 feet;
North 41°38'48" West 87.28 feet;
North 25°14'14" East 146.81 feet;
North 43°02'22" East 36.21 feet;

thence leaving said center line and going East 477.75 feet to the true point of beginning.

29-02221 SPLIT HISTORY
AND ADJUDICATION HISTORY



① $\frac{0.94 \text{ cfs}}{47 \text{ AC}} = 0.02 \text{ cfs/AC}$

② PERIOD OF USE NOT DEFINED
BY LICENSE. DEPT. STD. 411-10/31

WARRANTY DEED

92003014

FOR VALUE RECEIVED FRANK H. HOUGH AND MARY S. HOUGH, HUSBAND AND WIFE

the grantor S , do hereby grant, bargain, sell, and convey unto

KEVIN R. SUMMERS AND KELLY D. SUMMERS, HUSBAND AND WIFE

the grantee S , whose current address is 12545 N. LUNAR, POCATELLO, ID

the following described premises, to-wit: SEE ATTACHED EXHIBIT "A"

ALSO: WATER RIGHT TO PUMP APPROXIMATELY .06 CUBIC FEET PER SECOND OF WATER FROM THE PORTNEUF RIVER AS SUCH WATER RIGHT MAY PERTAIN TO THE PROPERTY CONVEYED HEREIN. NO OTHER WATER RIGHTS ARE CONVEYED BY THIS INSTRUMENT.

ALSO THE FOLLOWING RESTRICTIVE COVENANTS APPLY:

PROPERTY SHALL NOT BE USED AS A FEED LOT FOR CATTLE, HORSES, SHEEP OR GOATS, NOR SHALL HOGS BE ON THE PREMISES. ANY CORRALS OR BARNYARDS SHALL BE KEPT AND MAINTAINED IN SANITARY CONDITION. ANY HOMES PLACED ON THE PREMISES SHALL BE SINGLE FAMILY DWELLINGS HAVING A CONSTRUCTION VALUE OF \$50,000.00 OR MORE. ANY AND ALL OUTBUILDINGS OR BARNs PLACED UPON THE PREMISES SHALL CONFORM TO THE GENERAL ARCHITECTURAL FORM OF THE HOME OR HOMES THEREON

TO HAVE AND TO HOLD the said 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 owner in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: SEPTEMBER 27, 1991

Frank H. Hough
FRANK H. HOUGH

Mary S. Hough
MARY S. HOUGH

STATE OF IDAHO, COUNTY OF BANNOCK
On this 27TH day of SEPTEMBER , 19 91,
before me, a notary public in and for said State, personally
appeared
FRANK H. HOUGH & MARY S. HOUGH
HUSBAND AND WIFE

NOTARY SEAL

known to me to be the person S who ES name S
subscribed to the within instrument, and acknowledged to
me that THEY HAVE executed the same

Rae Bitten

Notary Public

Residing at POCATELLO
Comm. Expires 5/30/93



NO. 92003014
RECORDER AT REQUEST OF
FIRST AMERICAN TITLE
'92 MAR -2 P3:30

OFFICIAL 558
BANNOCK COUNTY CLERK
LARRY W. SPAIN RECORDER
FEE 6.00 DEPUTY MR.

INSTRUMENT No.

First American Title Company of Pocatello, Inc.

"EXHIBIT A"

PARCEL B

A parcel of land located in Section 23 of Township 8 South, Range 36 East of the Boise Meridian, Bannock County and further described as follows:

Beginning at the North Quarter corner of said Section 23;
Thence S 89° 21' 33" E 1400.16 feet along the north line of said Section 23 to a 5/8" rebar with cap labelled HUDSON PLS 4735 set on the westerly right of way line of old highway 91-191;
Thence S 01° 29' 29" W 275.11 feet along said right of way line to a 5/8" rebar with cap, the True point of Beginning;
Thence S 01° 29' 29" W 664.00 feet along said right of way to a 5/8" rebar with cap;
Thence West 477.75 feet to the centerline of the Portneuf River;
Thence along the center line of the channel through the following courses:
N 43° 02' 22" E 15.19 feet; N 57° 40' 01" E 64.87 feet;
N 86° 02' 11" E 42.95 feet; N 81° 25' 39" E 48.45 feet;
N 76° 40' 20" E 39.20 feet; N 64° 14' 48" E 15.75 feet;
N 40° 36' 09" E 28.12 feet; N 47° 25' 51" E 37.17 feet;
N 31° 00' 37" E 35.59 feet; N 11° 18' 02" E 20.68 feet;
N 13° 15' 40" W 71.99 feet; N 20° 42' 28" W 109.88 feet;
N 40° 05' 38" W 41.53 feet; N 19° 29' 22" W 46.14 feet;
N 52° 10' 11" W 34.71 feet; N 44° 10' 05" W 37.63 feet;
N 29° 07' 49" W 36.99 feet; N 16° 03' 38" W 84.18 feet;
N 10° 41' 06" W 62.17 feet; N 21° 08' 39" W 30.44 feet;
Thence leaving said center line and going East 433.38 feet to the True Point of Beginning;
Containing 4.7 acres of land.

PARCEL C

A parcel of land located in Section 23 of Township 8 South, Range 36 East of the Boise Meridian, Bannock County and further described as follows:

Beginning at the North Quarter corner of said Section 23;
Thence S 89° 21' 33" E 1400.16 feet along the north line of said Section 23 to a 5/8" rebar with cap labelled HUDSON PLS 4735 set on the westerly right of way line of old highway 91-191;
Thence S 01° 29' 29" W 929.11 feet along said right of way line to a 5/8" rebar with cap, the True point of Beginning;
Thence S 01° 29' 29" W 529.82 feet along said right of way;
Thence N 89° 25' 04" W 0.33 feet to a found 1/2" rebar set by Jon A. Jacobson, Jr., PLS 4430;
Thence N 89° 25' 04" W 437.67 feet to the centerline of the Portneuf River;
Thence along the center line of the channel through the following courses:
N 38° 57' 46" E 85.83 feet; N 72° 52' 19" E 77.97 feet;
S 38° 49' 36" E 10.52 feet; N 58° 01' 45" E 31.08 feet;
N 50° 59' 31" E 15.52 feet; N 60° 15' 20" E 27.75 feet;
N 12° 55' 13" W 17.30 feet; N 37° 50' 41" E 36.44 feet;
N 09° 47' 08" W 44.21 feet; N 74° 27' 16" W 43.79 feet;
N 42° 41' 52" W 69.60 feet; N 15° 04' 59" W 93.52 feet;
N 54° 44' 20" W 11.72 feet; S 77° 19' 08" W 12.57 feet;
S 48° 58' 56" W 43.35 feet; S 42° 22' 26" W 45.73 feet;
N 82° 42' 39" W 78.72 feet; N 41° 38' 48" W 67.28 feet;
N 25° 14' 14" E 146.81 feet; N 43° 02' 22" E 36.21 feet;
Thence leaving said center line and going East 477.75 feet to the True Point of Beginning;
Containing 4.7 acres of land.

SEPTEMBER 14, 1992

KEVIN R SUMMERS
1222 FREEMAN LANE #174
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR A29-02221F

Dear Mr. Summers:

The request for Change in Ownership concerning the Notice of Claim in the above reference has been processed and the Notice changed to show you as the current owner.

The original water right (A29-02221C) in the name of Frank H Hough was split as follows: to Frank Hough, 0.51 cfs, 19.6 acres for irrigation; Kelly Summers, 0.12 cfs, 9.4 acres for irrigation. The other water right (A29-00260) does not appear to be appurtenant to the property you purchased from Mr. Hough.

Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: NOTICE OF CLAIM A29-02221F

CC: Frank Hough / ep form

Handwritten:
Dad shows
0.06 cfs
2-Dad's @
0.06 cfs

MICROFILMED

NOV 13 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 08S Range 36E
Section 23, 1/4 of W 1/2 of NE 1/4, Govt. Lot _____, BM. Portion of
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. see Warranty Deed

☐ 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: A29-00260 & A29-02221C-F

☐ Name and Address of Former Owner/Claimant(s)(Seller): Frank H. & Mary S. Hough
3049 S. Old Hwy. 91 McCammon Id 83250

☐ New Owner/Claimant (Purchaser): Kevin R. & Kelly D. Summers
Id

☐ New Mailing Address: 1222 Freeman Ln. #174
Pocatello, Id 83201

☐ New Telephone Number: (208) 233-5448

☐ 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:
9.4 Acres of both claims

☐ Attach proof of ownership, describe proof attached: 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) Kevin R. Summers Date 3-19-92

Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____

Date _____

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:

(Signature of former claimant(s) is not required if proof of ownership is attached.) 9-11-92

DC determined that A29-00260 was
not appurtenant to the above property.
No C/o was involved with this WR. No if

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

MICROFILMED

NOV 13 1992

JUN 08 2001

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: **A29-02221F**
Date Received: 4/ 6/1990
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: HENRY H WEHKING 208-775-4550
Address: 3103 S OLD HWY 91
MC CAMMON ID 83250
AND/OR
Name: JOANN C WEHKING 208-775-4550
Address: 3103 S OLD HWY 91
MC CAMMON ID 83250

2. Date of Priority: AUG 18, 1919

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	36E	14	SW	SE			BANNOCK
		23	SW	NE			BANNOCK
			NW	SE			BANNOCK

5. Description of diverting works:
PORTABLE PUMP WITH DISCHARGE TO SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	23	NW	NE		IRR	9.4
Section Acres							9.4
Total Acres							9.4

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-00260

14. Remarks:
AC. IRR. = 34.22.
TRANS. 2887.
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS
CHANGED OWNERSHIP 3/31/95/JT/GT

15. Basis of Claim: LICENSE

Water Right Number: 14243

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: **A29-02221F**
Date Received: 4/ 6/1990
Receipt No: X777777
Received By: _____

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

1. Name: KELLY D SUMMERS 208-233-5448
Address: 1222 FREEMAN LANE
#174
POCATELLO ID 83201
AND/OR
Name: KEVIN R SUMMERS 208-233-5448
Address: 1222 FREEMAN LANE
#174
POCATELLO ID 83201



2. Date of Priority: AUG 18, 1919

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	36E	14		SW	SE		BANNOCK
		23		SW	NE		BANNOCK
				NW	SE		BANNOCK

5. Description of diverting works:
PORTABLE PUMP WITH DISCHARGE TO SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	36E	23	NW NE		IRR	9.4
Section Acres						9.4
Total Acres						9.4

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-00260

14. Remarks:
AC. IRR. = 34.22.
TRANS. 2887.

15. Basis of Claim: LICENSE
Water Right Number: 14243

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: _____