

10/20/2003

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

RIGHT NUMBER: 37-1164G
NAME AND ADDRESS: GARY L & LUCY C OSBORNE FAMILY LTD PARTNERSHIP
1776 S 1625 E
GOODING ID 83330
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.890 CFS
This right is subject to a 5% conveyance loss; 0.85 cfs may be diverted from the Big Wood River.

PRIORITY DATE: 04/20/1907

POINT OF DIVERSION:
T05S R14E S26 SENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.890 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S26	SWNE	9.0	T05S R14E S26	SENW	18.0
T05S R14E S26	NESW	39.0	T05S R14E S26	NWSE	39.0

105 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-359B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 105 ACRES IN A SINGLE
IRRIGATION SEASON.

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

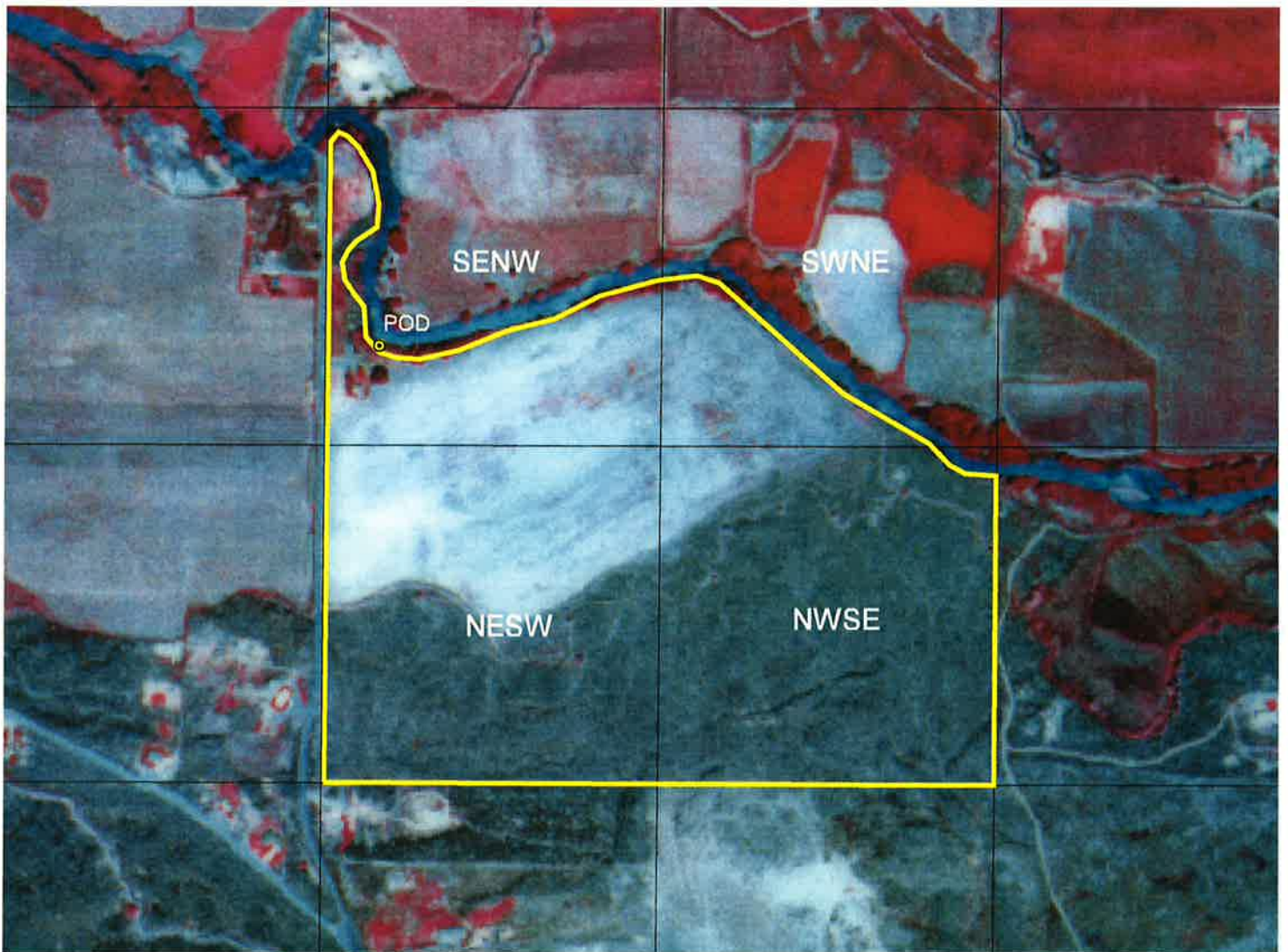
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

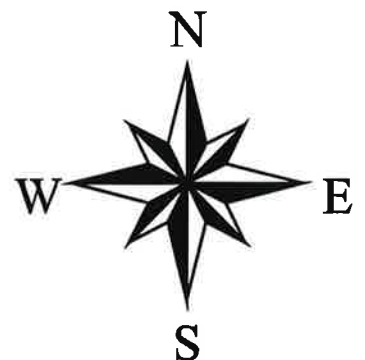
37-359B & 37-1164G



1000 0 1000 2000 Feet

T05S R14E S26

Map prepared by: Carter Fritschle
Date prepared: 10/20/03
1987-1988 NAPP photography
Idaho Department of Water Resources



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 37-1164G
Date Received: 6/6/88
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARY L & LUCY C OSBORNE FAMILY LTD PARTNERSHIP
1776 S 1625 E
GOODING ID USA 83330

2. Date of Priority: 04/20/1907

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
05S	14E	26	SW SE NW	GOODING

5. Description of diverting works:

JONES #35-P1 PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.89	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	26	SW	NE	IRRIGATION	8
			SE	NW	IRRIGATION	18
			NE	SW	IRRIGATION	40
			NW	SE	IRRIGATION	39
					Section Acres	105
					Total Acres	105

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 220, 2760

RT. IS FOR 0.89 CFS - 5% CONVEYANCE LOSS = 0.85 CFS

1/16/01 tf; ownership changed Stewart to Osborne Fam Ltd Partnership per 1409(6) and warranty deed received 1/16/01.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

January 17, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY L & LUCY C OSBORNE FAMILY LTD PARTNERSHIP
1776 S 1625 E
GOODING ID 83330

RE: SRBA Claim(s) A37-00359B and A37-01164G
Decreed Water Right 37-10078

Dear Claimant/Water Right Holder:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) and water right noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED
JAN 16 2001
Department of Water Resources
Southern 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
37-10078					
37-01164G					
A3700359B					

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) Ella Stewart
1664 South 1625 East, Gooding, ID 83330
4. New Owner/Claimant(s) The Gary L. and Lucy C. Osborne Family Limited
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or Partnership
New Mailing Address 1776 South 1625 East,
City, State and ZIP Code Gooding, ID 83330
New Telephone Number ()
5. Date you acquired the property January 10, 2001

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) Gary L. Osborne
(include title if applicable) Gary L. Osborne, General Partner
Lucy C. Osborne
Lucy C. Osborne, General Partner

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 Only

Received by <u>[Signature]</u>	Date <u>1/16/01</u>	Fee <u>25.00</u>
Receipted by <u>[Signature]</u>	Date <u>1/16/01</u>	Receipt No. <u>5023562</u>
Processed by <u>[Signature]</u>	AJ Date _____	WR _____ Date _____

WARRANTY DEED

#GG-02431

For Value Received

Ella Stewart, an unmarried woman

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

The Gary L. and Lucy C. Osborne Family Limited Partnership
Address: 1776 South 1625 East, Gooding, ID 83330

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

TOWNSHIP 5 SOUTH, RANGE 14 EAST, OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 26: NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of River and SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of River

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2001 and subsequent years, an accruing lien, but not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Easement given by Elizabeth M. Jones to The American Telephone and Telegraph Company of Wyoming, dated June 16, 1941, recorded November 7, 1941 on Book 4 of Miscellaneous at Page 573 as Instrument Number 81881, Gooding County records, affecting NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 5 South, Range 14 E.B.M.

Power Line Easement given by Andrew C. Andersen to Idaho Power Company, a corporation, dated March 1, 1973, recorded April 27, 1973 as Instrument Number 045281, Gooding County records, affecting the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 5 South, Range 14 E.B.M.

Y.D.
20. **TOGETHER WITH** all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 46 Acres of American Falls Reservoir District No. 2, American Falls Supplemental Water, 28.75 inches at .58 CFS, and including but not limited to State of Idaho Water right numbers 37-10078, 37-01164G, 37-00359B.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 10, 2001

Ella Stewart by Curtis L. Stewart
Ella Stewart, by Curtis L. Stewart,
Attorney in Fact

Instrument # 188960

GOODING, GOODING, IDAHO

2001-01-11

03:22:38

No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy *Denny Archibald*

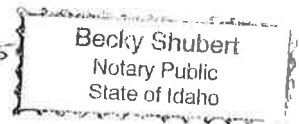
Index to DEED, WARRANTY

Fee: 6.00

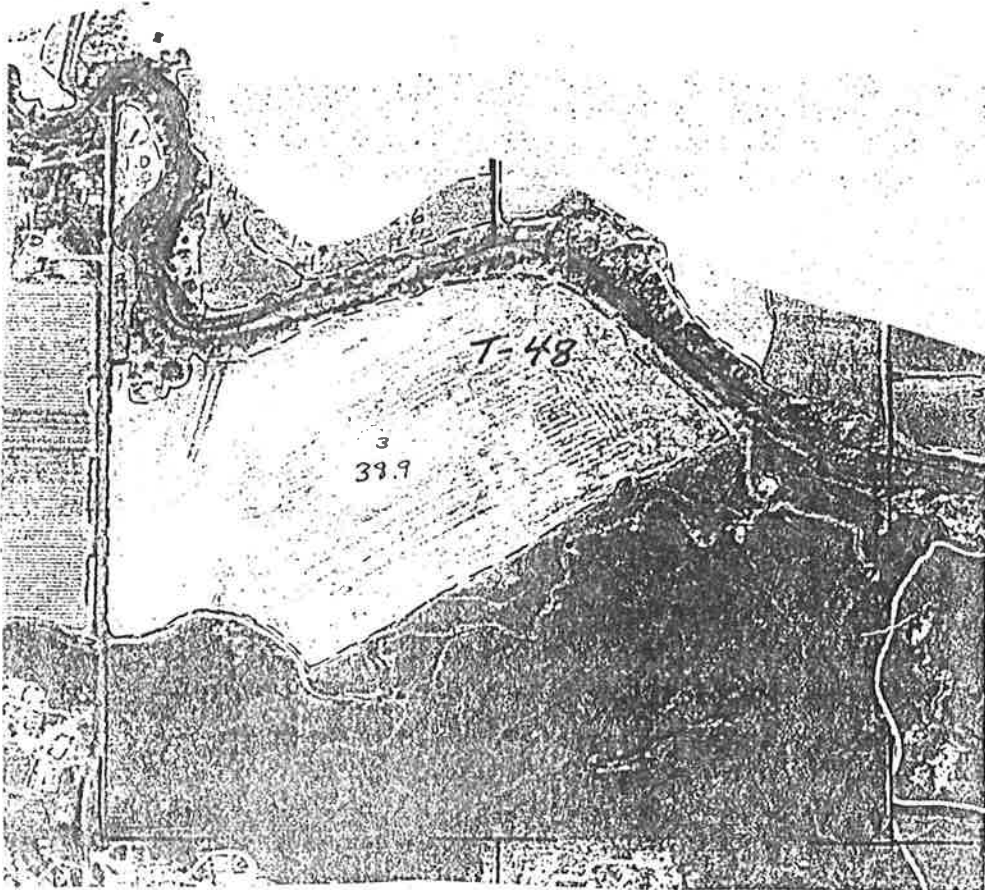
STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 11th day of January, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Curtis L. Stewart, known or identified to me to be the person whose name is subscribed to the within instrument, as the Attorney-In-Fact of Ella Stewart and acknowledged to me that he subscribed the name of Ella Stewart thereto as principal, and his own name as Attorney-In-Fact.

Becky Shubert
Notary Public
Residing at: Wendell, ID
My Commission expires: 02-23-05

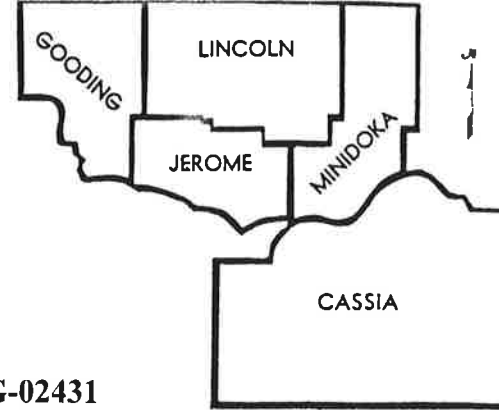


Shelli -
Land Title



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



January 10, 2001

REFER TO: GG-02431
OFFICE: Gooding

State of Idaho
Department of Water Resources
Southern Region
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

JAN 16 2001

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Osborne/Stewart
Cert. Mail # 7000 0520 0015 3075 4492

Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
- Copy of Deed # 188960
- Copy of Map
- Our Check # 13987 in the amount of \$25.00 for the transfer fee.

Thank You,

LAND TITLE AND ESCROW, INC.


Shelley Fredrickson
Escrow Department
(208) 934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0608 - FAX 436-1199

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: A37-01164G
Date Received: 6/06/1988
Receipt No: 5000336
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELLA STEWART 208-934-5012
Address: 1646 SOUTH 1625 EAST
RT.1
GOODING, ID 83330

2. Date of Priority: APR 20, 1907

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	14E	26	SW	SE	NW		GOODING

5. Description of diverting works:
JONES #35-P1 PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.890		

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

8. Total consumptive use is 315.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	26	SW	NE		IRR	8.0
			SE	NW		IRR	18.0
			NE	SW		IRR	40.0

A37-01164G

Page 1

Date: 06/06/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	26	NW	SE		IRR	39.0

Section Acres 105.0

Total Acres 105.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-0359B

14. Remarks:

TRANS. 220, 2760.

RT. IS FOR 0.89 CFS - 5% CONVEYANCE LOSS = 0.85 CFS.

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date:

KATIE JONES

Decree Plaintiff

vs

SEWELL H. CHAPMAN

Decree Defendant

16. Signature(s)

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

Number of attachments: 0

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): Ella Stewart Date: 6/6/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992