

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 USE OF WATER FROM THE PALOUSE RIVER BASIN WATER SYSTEM.	CIVIL CASE NO. 59576 IDENT. NUMBER: 87-10292 DATE RECEIVED: 5/15/2019 RECEIPT NO.: N034414 CLAIM FEE: RECEIVED BY:
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AFFIDAVIT ESTABLISHING WATER RIGHTS

STATE OF WASHINGTON)
)ss.
County of Whitman)

The undersigned, JANIE NIRK, "Affiant" being duly sworn on oath, deposes and states that:

1. I am over the age of 18 years.
2. This Affidavit is given for the purpose of providing documentation and information to establish the date of priority of 1938, which was incorrectly stated as December 31, 1970, in the *Notice of Claim to Water Right Acquired Under State Law* dated July 31, 2019.
3. Attached as Exhibit 1 is a copy of a *Warranty Deed* dated September 20, 1973, and recorded June 17, 1999, under Latah County Recorder's no. 444245, evidencing the transfer of the real property located in Northwest Quarter of the Southeast Quarter of Section 30, Township 43 North, Range 4, West Boise Meridian, commonly referred to as the "Upper Place," from D. L. Nirk and Mary A. Nirk, husband and wife, to Ronald J. Nirk and Janie G. Nirk, husband and wife.
4. Attached as Exhibit 2 is a true and correct copy of a 1938 Metzker's Map reflecting the ownership of the property in Section 30 in the name of D. L. Nirk. D. L. Nirk, aka Durell Irwin Nirk, and Mary A. Nirk, the parents of Ronald J. Nirk, historically used the Upper Place to pasture livestock and the water used to provide drinking water for livestock came from a developed spring and a developed stock pond situated on the property. Following their 1973

transfer to Ronald J. Nirk and Janie G. Nirk and thereafter, the Upper Place has continued to be used as pasture for livestock.

5. Since 1938, the source of water to provide drinking water to livestock comes from the developed spring and developed stock pond located on property; see Exhibit 3 attached.

DATED this 16 day of October, 2019.

Janie Nirk
JANIE NIRK, Affiant

SUBSCRIBED AND SWORN to before me this 16th day of October, 2019, by JANIE NIRK.



D Gail Gearhiser
Notary Public, in and or the State of Idaho,
residing at Pullman WA. washington

My commission expires: 5/9/2023

EXHIBIT 1

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That D. I. NIRK and MARY A. NIRK, husband and wife, in consideration of the sum of ONE DOLLAR (\$1.00) and other things of value, do hereby grant, bargain, sell and convey unto RONALD J. NIRK and JANIE C. NIRK, husband and wife, whose address is Coeur d'Alene Highway, Potlatch, Idaho, the following described real property situated in Latah County, State of Idaho, to-wit:

In Section 30, Township 43 North, Range 4 West Boise Meridian:

Northeast Quarter ($NE\frac{1}{4}$);

Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$);

A Right of Way in the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) described as follows: Beginning at a point 450 feet West of the Northeast corner of the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section Thirty (30), Township Forty-three (43) North, Range Four (4) West of the Boise Meridian; thence West (35) feet; thence in a Southeasterly direction to a point (35) feet West of the Southeast corner of the said Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of said Section Thirty (30); thence in a Northwesterly direction to the point of beginning.

A parcel of land in the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) described as follows:

Beginning at the Northwest corner of said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$); running thence East on the North line of said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) a distance of 426 feet; thence Southwesterly to a point on the West line of said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$); said point being 576 feet South of the point of beginning; thence North on the West line of said forty to the point of beginning, containing 2.8 acres, more or less.

In Section 12, Township 42 North, Range 5 West Boise Meridian:

Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$);

North One-half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$);

Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$);

Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$) excepting that part of the West one-half of said Southeast Quarter of the

1 Northwest Quarter ($W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$) lying and being South of U.S.
2 Highway 95 as it now exists;

3 All that part of the Northwest Quarter of the Southwest Quarter
4 ($NW\frac{1}{4}SW\frac{1}{4}$) lying and being North of U.S. Highway 95 as it now
5 exists;

6 Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), excepting
7 the North two hundred five (205') feet of the West one-half ($W\frac{1}{2}$)
8 of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$);

9 Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$).

10 SUBJECT TO easements for the existing highways and county
11 roads as they now exist.

12 TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments
13 and appurtenances thereunto belonging or in anywise appertaining.

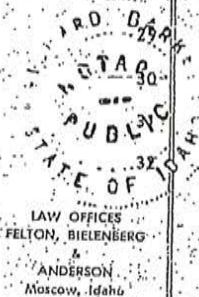
14 The above named grantors hereby covenant that the above described
15 premises are free from all encumbrances and they will and their heirs, exe-
16 cutors and administrators shall warrant and defend the above premises against
17 all lawful claims and demands.

18 DATED this 20th day of September, 1973.

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21
22 STATE OF IDAHO)
23) ss.
24 County of Latah)

25 On this 20th day of September, 1973, before me, the undersigned,
26 a Notary Public in and for said State, personally appeared D. I. NIRK and
27 MARY A. NIRK, husband and wife, known to me to be the persons whose
28 names are subscribed to the foregoing instrument, and acknowledged to me
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal
on the date last above written.



Richard Barker
Notary Public for Idaho, Residing in Latah
County.
444245

AT THE REQUEST OF:
Dated & Hour: 10:17 99 10:00
LUBOIT PETERSEN
LATAH COUNTY RECORDER
FEE \$ 100.00
m/1010 S. Brinker Rd.
Pocatello, ID 83455

EXHIBIT 2

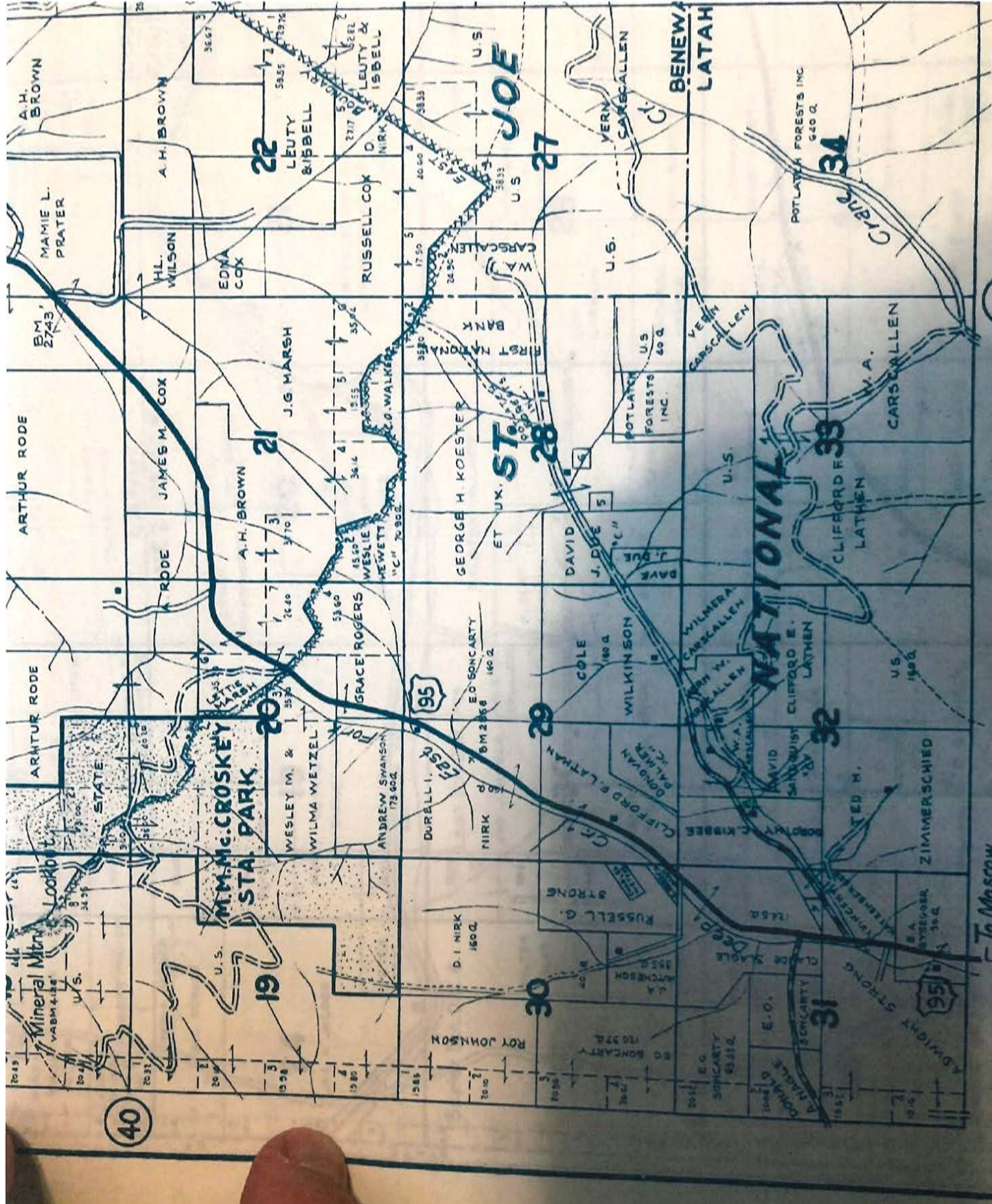


EXHIBIT 3

