

11/04/2006

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

RIGHT NUMBER: 75-14116

NAME AND ADDRESS: DEBRA D WHITCOMB
4340 E INDIAN SCHOOL RD
PHOENIX AZ 85018

MARK P WHITCOMB
4340 E INDIAN SCHOOL RD
PHOENIX AZ 85018

SOURCE: DAVIS CANYON CREEK

TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.990 CFS

PRIORITY DATE: 04/01/1936

POINT OF DIVERSION:

T23N R22E S36 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.990 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S36	NENW	11.00	T23N R22E S36	NWNW	0.10
T23N R22E S36	SWNW	19.00	T23N R22E S36	SENW	20.10

50.2 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 - Beneficial Use

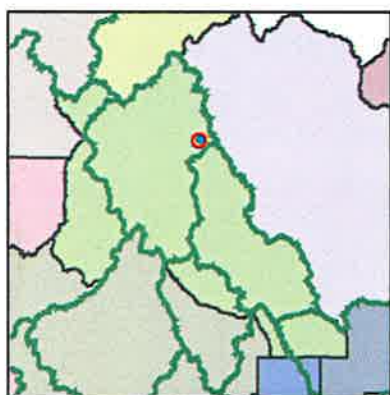


Idaho Department of Water Resources

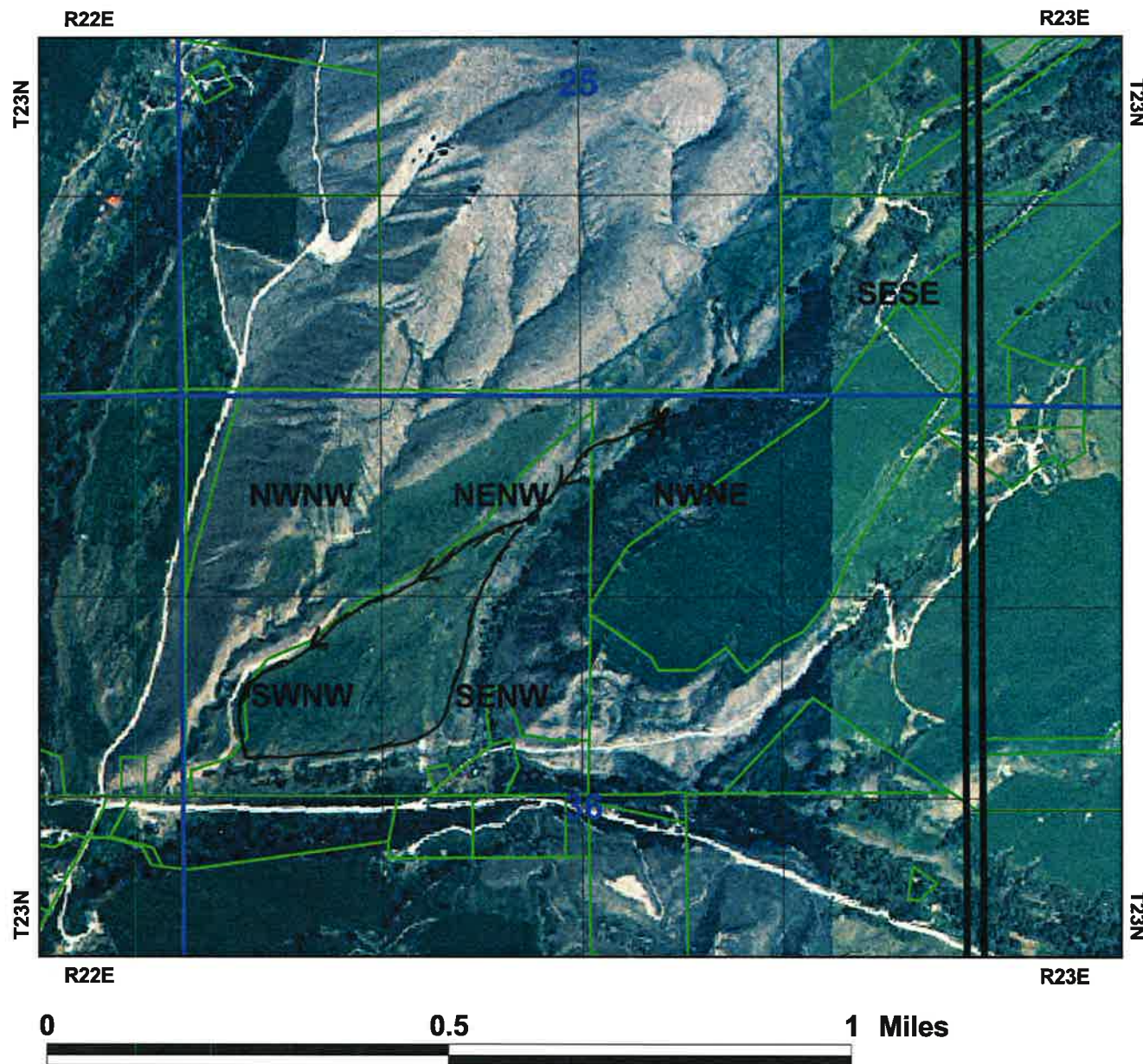
SRBA Claim:
75-14116

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s).

A75 14116

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

- ☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: 40017058 GPS 118

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township <u>23N</u>	Range <u>22E</u>	Section <u>36</u>	<u>1/4 NE</u>	<u>1/4 NW</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4 SE</u>	<u>1/4 NW</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4 SW</u>	<u>1/4 NW</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

This ranch has been divided. This part
uses the POD in section 36

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Jack Z. Ellis
Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

September 17, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

GEORGE & LOIS BUTCHER
DAVID & JILL MELTON
25 TOM BOYLE RD
CARMEN ID 83462

RE: Notice of Change of Water Right Ownership (NCO) for 75-14116 and Notice of Completed Administrative Proceeding (NCAP)

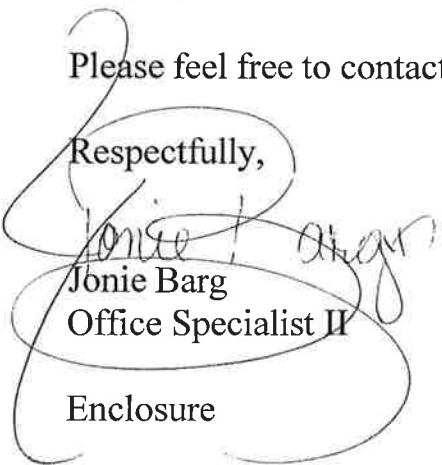
Dear Sir/Madam:

On August 2, 2007 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,


Jonie Barg
Office Specialist II

Enclosure

cc: MARK & DEBRA WHITCOMB

SCANNED

OCT 11 2007

CERTIFICATE OF MAILING

I certify that on October 12, 2007, 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:
Mark Whitcomb &/Or
Debra Whitcomb
4340 E Indian School Rd
Phoenix AZ 85018

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:	
George & Lois Butcher	David & Jill Melton
25 Tom Boyle Rd	25 Tom Boyle Rd
Carmen ID 83462	Carmen ID 83462

4. One copy to:

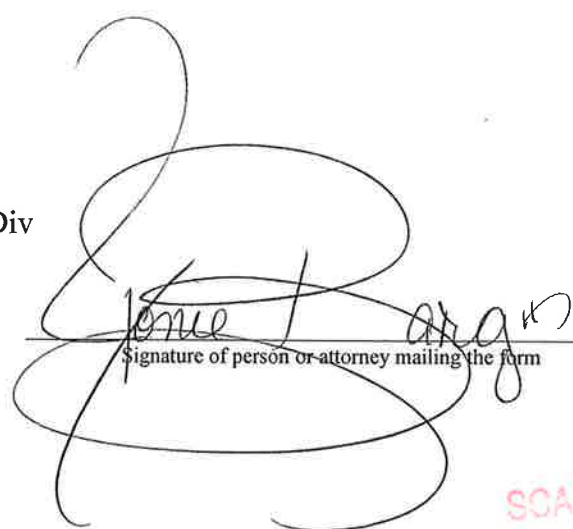
Each party in the subcase, or attorney of record

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

09/17/2007

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

RIGHT NUMBER: 75-14116

NAME AND ADDRESS: GEORGE BUTCHER
25 TOM BOYLE RD
CARMEN ID 83462

LOIS BUTCHER
25 TOM BOYLE RD
CARMEN ID 83462

DAVID MELTON
25 TOM BOYLE ROAD
CARMEN ID 83462

JILL MELTON
25 TOM BOYLE ROAD
CARMEN ID 83462

SOURCE: DAVIS CANYON CREEK

TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.990 CFS

PRIORITY DATE: 04/01/1936

POINT OF

DIVERSION: T23N R22E S36 NWNE Within LEMHI County

PURPOSE AND

PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	0.990 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T23N R22E S36 NENW 11.00	T23N R22E S36 NWNW	0.10
	T23N R22E S36 SWNW 19.00	T23N R22E S36 SENW	20.10

50.2 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 - Beneficial Use

SCANNED

OCT 11 2007



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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
75-14116					

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 on file with the county Planning and Zoning or Recorder's Office).

OR

- D. 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 or equivalent **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)

Mark P +/on Debra Whitcomb
4340 E. Indian School RD Phoenix AZ 85018

4. New Owner/Claimant(s)

George +/on Lois Butcher Tom Dravo +/on Jill Meltzer
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

25 Tom Boyle Road

City, State and ZIP Code

Carmen ID 83462

New Telephone Number

(208) 702-6963



5. Date you acquired the property

7-13-2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED

OCT 11 2007

Warranty Deed

For Value Received

DEBRA D WHITCOMB

the grantor, does hereby grant, bargain, sell and convey unto

GEORGE BUTCHER and LOIS BUTCHER, husband and wife and DAVID MELTON and JILL MELTON, husband and wife

Whose current address is
25 Tom Boyle Road
Carmen, ID 83462

the grantees, the following described premises, to-wit:

See Attached Exhibit "A"

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 13, 2007

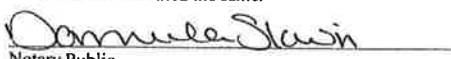

DEBRA D WHITCOMB

STATE OF IDAHO
COUNTY OF Lemhi

On this 13th Day of July 2007, before me, a notary public in and for said State, personally appeared:

DEBRA D WHITCOMB

known to me or proved to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public
Residing at: Salmon, ID
Comm. Expires: 11-15-2011

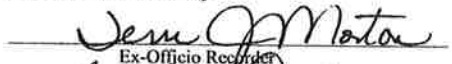


272394

INSTRUMENT NO:
STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instrument was filed for record at the request of Lemhi Title

at 16 minutes past 3 o'clock p.m.,
this 17 day of July
2007, in my office, and duly recorded in Book
of Deeds in Lemhi County.


Ex-Officio Recorder
By 
Deputy
Fees \$
Mail to:

SCANNED

OCT 11 2007

EXHIBIT "A"

PARCEL #1

A PARCEL OF LAND LOCATED IN THE NW1/4, SECTION 36, T. 23 N. , R. 22 E. , BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/4 CORNER OF SAID SECTION 36, RUN THENCE S. 89° 45' 23"W. , ALONG THE SOUTHERLY BOUNDARY OF SAID NW1/4 A DISTANCE OF 36.00 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG A FENCE;

N. 00°35'29" E., 167.37 FT.; N. 71°17'15" E., 266.24 FT.;
 N. 41°02'42" E., 182.82 FT.; N. 06°02'06" W., 208.42 FT.;
 N. 14°26'15" E., 142.81 FT.; N. 34°35'55" E., 192.02 FT.;
 N. 67°09'31" E., 315.02 FT.; N. 51°23'18" E., 378.02 FT.;
 N. 61°56'47" E., 377.57 FT.; N. 57°52'34" E., 169.26 FT.;
 N. 53°28'21" E., 460.10 FT.; N. 36°58'19" E., 454.80 FT.;
 N. 48°53'52" E., 476.07 FT.; N. 55°04'46" E., 84.96 FT.; TO A POINT ON THE

EASTERLY BOUNDARY OF SAID NW1/4;

THENCE S. 00°21'49" W. , ALONG SAID BOUNDARY A DISTANCE OF 2142.49 FT., TO A POINT IN THE CENTER OF AN EXISTING ROAD; THENCE ALONG SAID CENTERLINE;

S. 88°14'37" W., 125.69 FT.; N. 86°34'31" W., 137.95 FT.;

N. 78°45'37" W., 127.15 FT.; S. 87°32'11" W., 55.53 FT.;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG A FENCE;

N. 13°30'13" W., 70.06 FT.; N. 22°07'19" W., 167.19 FT.;

N. 21°45'44" W., 96.36 FT.; N. 87°26'01" W., 94.46 FT.;

S. 06°17'26" W., 182.42 FT.; S. 09°01'34" E., 200.22 FT.;

THENCE S. 52°00'17" W., A DISTANCE OF 320.88 FEET;

THENCE N. 25°31'59" W., A DISTANCE OF 82.81 FEET;

THENCE S. 75°29'34" W., A DISTANCE OF 134.40 FEET;

THENCE S. 18°18'45" E., A DISTANCE OF 142.77 FEET;

THENCE S. 52°02'54" W., A DISTANCE OF 68.70 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID NW1/4; THENCE S. 89°45'23" W. , ALONG SAID BOUNDARY A DISTANCE OF 1547.81 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A 30 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS; WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE W1/4 CORNER OF SECTION 36, RUN THENCE S. 89°45'23" W., A DISTANCE OF 36.00 FEET TO THE POINT OF BEGINNING.

THENCE N. 00°35'29" E. , A DISTANCE OF 167.37 FEET;

THENCE N. 71°17'15" E., A DISTANCE OF 266.24 FEET;

THENCE N. 41°02'42" E., A DISTANCE OF 182.82 FEET;

THENCE N. 06°02'06" W., A DISTANCE OF 208.42 FEET;

THENCE N. 14°26'15" E., A DISTANCE OF 142.81 FEET;

THENCE N. 34°35'55" E., A DISTANCE OF 192.02 FEET.

SUBJECT TO:

SCANNED

OCT 11 2007

A 15 FOOT WIDE WATER LINE AND UTILITY EASEMENT, 7.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, LOCATED IN THE NW1/4, SECTION 36, T. 23 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

COMMENCING AT THE NW1/4 CORNER OF SAID SECTION 36 AND THE NORTHEAST CORNER OF PARCEL "A" AS SHOWN ON RECORD OF SURVEY, INSTRUMENT NO. 223487, RECORDS OF LEMHI COUNTY, IDAHO, RUN THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID PARCEL:

S. 00°21'23" W., 139.00 FEET; S. 55°04'46" W., 84.96 FEET;
S. 48°53'52" W., 476.07 FEET; S. 36°58'19" W., 454.80 FEET;
S. 53°28'21" W., 253.06 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE;
S. 23°30'15" E., 184.77 FEET; S. 00°34'24" E., 29.68 FEET; S. 03°36'29" W., 102.34 FEET.

ALSO: A 20 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS, 10 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE POINT OF BEGINNING OF THE ABOVE DESCRIBED WATER LINE AND UTILITY EASEMENT, RUN THENCE S. 53°28'21" W., A DISTANCE OF 207.04 FEET TO THE POINT OF BEGINNING; THENCE S. 79°06'17" E., A DISTANCE OF 244.47 FEET.

ALSO INCLUDED:

PARCEL #2:

A PARCEL OF LAND LOCATED IN THE NW1/4, SECTION 36, T. 23 N., RANGE 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/4 CORNER OF SAID SECTION 36, FROM WHICH THE NW CORNER OF SAID SECTION BEARS N. 00°01'00" W., 2662.66 FEET THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N. 88°17'13" E., A DISTANCE OF 1638.69 FEET TO A POINT IN THE CENTER OF AN EXISTING ROAD AND THE POINT OF BEGINNING:

THENCE N. 18°18'45" W., A DISTANCE OF 142.77 FEET;

THENCE N. 75°29'34" E., A DISTANCE OF 134.40 FEET;

THENCE S. 25°31'59" E., A DISTANCE OF 82.81 FEET, TO A POINT IN THE CENTER OF AN EXISTING ROAD; THENCE S. 52°00'17" W, ALONG SAID CENTERLINE A DISTANCE OF 153.49 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN FREEMAN CREEK ROAD.

SCANNED

OCT 11 2007

Special Warranty Deed

For Value Received

MARK P. WHITCOMB
A Single Person

the Grantor does hereby grant, bargain, sell and convey unto

GEORGE BUTCHER and LOIS BUTCHER
Husband and Wife
and DAVID MELTON and JILL MELTON
Husband and Wife
25 Tom Boyle Road, Carmen, Idaho 83462

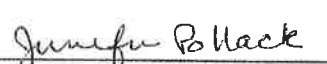
the Grantees, the following described premises, in Lemhi County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD, the said premises, together with appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with said Grantees that he is the co-owner of said premises; that said premises are free from all encumbrances, created or suffered by him, that he will warrant and defend the same from all lawful claims created or suffered by him.

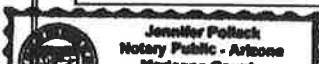
Dated: the 11 day of July 2007.


MARK P. WHITCOMB

STATE OF ARIZONA)
County of Maricopa) ss.
On this 11th day of July, 2007,
before me a Notary Public in and for Said State, personally appeared
MARK P. WHITCOMB
known to me to be the person whose name is subscribed to the
within instrument, and acknowledged to me that he executed the
same.

(SEAL) Notary Public for State of Arizona
Residing at 2600 N Central 635, Phoenix, AZ
My Commission Expires: 3/30/2010
re\SPECIAL\wd1798-07

THIS SPACE RESERVED FOR COUNTY RECORDER

State of Idaho) 272393
County of Lemhi) SS No.
This Instrument was filed for record at the request
of Debbie J. Jelle
at 2:15 o'clock p.m. 7-17-2007
and duly filed and indexed in the records of Lemhi
County
Terry J. Morton
Ex-Officio Recorder
By Debbie J. Jelle Deputy
Fee 9.00
Return to LT



SCANNED

OCT 11 2007

EXHIBIT "A"

PARCEL #1

A PARCEL OF LAND LOCATED IN THE NW1/4, SECTION 36, T. 23 N. , R. 22 E. , BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/4 CORNER OF SAID SECTION 36, RUN THENCE S. 89° 45' 23"W. , ALONG THE SOUTHERLY BOUNDARY OF SAID NW1/4 A DISTANCE OF 36.00 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG A FENCE;

N. 00°35'29" E., 167.37 FT.; N. 71°17'15" E., 266.24 FT.;

N. 41°02'42" E., 182.82 FT.; N. 06°02'06" W., 208.42 FT.;

N. 14°26'15" E., 142.81 FT.; N. 34°35'55" E., 192.02 FT.;

N. 67°09'31" E., 315.02 FT.; N. 51°23'18" E., 378.02 FT.;

N. 61°56'47" E., 377.57 FT.; N. 57°52'34" E., 169.26 FT.;

N. 53°28'21" E., 460.10 FT.; N. 36°58'19" E., 454.80 FT.;

N. 48°53'52" E., 476.07 FT.; N. 55°04'46" E., 84.96 FT.; TO A POINT ON THE

EASTERLY BOUNDARY OF SAID NW1/4;

THENCE S. 00°21'49" W. , ALONG SAID BOUNDARY A DISTANCE OF 2142.49 FT., TO A POINT IN THE CENTER OF AN EXISTING ROAD; THENCE ALONG SAID CENTERLINE;

S. 88°14'37" W., 125.69 FT.; N. 86°34'31" W., 137.95 FT.;

N. 78°45'37" W., 127.15 FT.; S. 87°32'11" W., 55.53 FT.;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG A FENCE;

N. 13°30'13" W., 70.06 FT.; N. 22°07'19" W., 167.19 FT.;

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THENCE N. 25°31'59" W., A DISTANCE OF 82.81 FEET;

THENCE S. 75°29'34" W., A DISTANCE OF 134.40 FEET;

THENCE S. 18°18'45" E., A DISTANCE OF 142.77 FEET;

THENCE S. 52°02'54" W., A DISTANCE OF 68.70 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID NW1/4; THENCE S. 89°45'23" W. , ALONG SAID BOUNDARY A DISTANCE OF 1547.81 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A 30 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS; WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE W1/4 CORNER OF SECTION 36, RUN THENCE S. 89°45'23" W., A DISTANCE OF 36.00 FEET TO THE POINT OF BEGINNING.

THENCE N. 00°35'29" E. , A DISTANCE OF 167.37 FEET;

THENCE N. 71°17'15" E., A DISTANCE OF 266.24 FEET;

THENCE N. 41°02'42" E., A DISTANCE OF 182.82 FEET;

THENCE N. 06°02'06" W., A DISTANCE OF 208.42 FEET;

THENCE N. 14°26'15" E., A DISTANCE OF 142.81 FEET;

THENCE N. 34°35'55" E., A DISTANCE OF 192.02 FEET.

SUBJECT TO:

SCANNED

OCT 11 2007

A 15 FOOT WIDE WATER LINE AND UTILITY EASEMENT, 7.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, LOCATED IN THE NW1/4, SECTION 36, T. 23 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

COMMENCING AT THE NW1/4 CORNER OF SAID SECTION 36 AND THE NORTHEAST CORNER OF PARCEL "A" AS SHOWN ON RECORD OF SURVEY, INSTRUMENT NO. 223487, RECORDS OF LEMHI COUNTY, IDAHO, RUN THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID PARCEL:

S. 00°21'23" W., 139.00 FEET; S. 55°04'46" W., 84.96 FEET;
S. 48°53'52" W., 476.07 FEET; S. 36°58'19" W., 454.80 FEET;
S. 53°28'21" W., 253.06 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE;
S. 23°30'15" E., 184.77 FEET; S. 00°34'24" E., 29.68 FEET; S. 03°36'29" W., 102.34 FEET.

ALSO: A 20 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS, 10 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE POINT OF BEGINNING OF THE ABOVE DESCRIBED WATER LINE AND UTILITY EASEMENT, RUN THENCE S. 53°28'21" W., A DISTANCE OF 207.04 FEET TO THE POINT OF BEGINNING; THENCE S. 79°06'17" E., A DISTANCE OF 244.47 FEET.

ALSO INCLUDED:

PARCEL #2:

A PARCEL OF LAND LOCATED IN THE NW1/4, SECTION 36, T. 23 N., RANGE 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/4 CORNER OF SAID SECTION 36, FROM WHICH THE NW CORNER OF SAID SECTION BEARS N. 00°01'00" W., 2662.66 FEET THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N. 88°17'13" E., A DISTANCE OF 1638.69 FEET TO A POINT IN THE CENTER OF AN EXISTING ROAD AND THE POINT OF BEGINNING:

THENCE N. 18°18'45" W., A DISTANCE OF 142.77 FEET;

THENCE N. 75°29'34" E., A DISTANCE OF 134.40 FEET;

THENCE S. 25°31'59" E., A DISTANCE OF 82.81 FEET, TO A POINT IN THE CENTER OF AN EXISTING ROAD; THENCE S. 52°00'17" W., ALONG SAID CENTERLINE A DISTANCE OF 153.49 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN FREEMAN CREEK ROAD.

SCANNED

OCT 11 2007



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 16, 2003

MARK P. & DEBRA D. WHITCOMB
1515 TENDROY AVENUE
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR 75-4132

Dear Mr. & Mrs. Whitcomb:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-4132 split into:

75-14115: 0.31 cfs, 15.8 acres, Sundles

75-14116: 0.99 cfs, 50.2 acres, Whitcomb

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

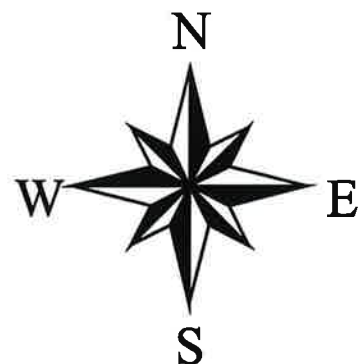
Kristen Forsgren
Office Specialist 1

75-14116



0.3 0 0.3 0.6 Miles

 75-14116.shp
 GCDB23N23E GCDB
 GCDB23N22E GCDB
 GCDB22N23E GCDB
 GCDB22N22E GCDB



U.S. POSTAGE
1750 PB3523907
89855 00.60 SEP 22 2003
2787 MAILED FROM ZIP CODE 83402

IDAHO DEPT. OF WATER RESOURCES

Eastern Region
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718
(208) 525-7161

To

RETURNED
MARK P & DEBRA D WHITCOMB
4340 E INDIAN SCHOOL RD
SENDER PHOENIX AZ 85018-5360

Insufficient address

To avoid delay in delivery have your Mail
addressed to correct Street and Number,
Zip Code, Apartment Number, P. O. Box
or General Delivery.



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

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Director

September 16, 2003

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1515 TENDROY AVENUE
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75-4132 split into:

75-14115: 0.31 cfs, 15.8 acres, Sundles

~~75-14116~~: 0.99 cfs, 50.2 acres, Whitcomb

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

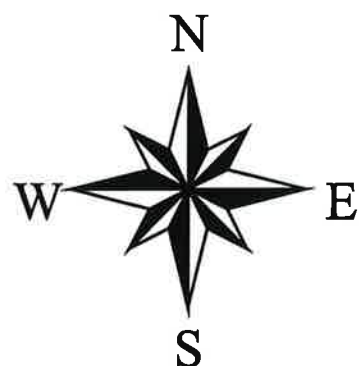
Kristen Forsgren
Office Specialist 1

75-14116



0.3 0 0.3 0.6 Miles

 75-14116.shp
 GCDB23N23E GCDB
 GCDB23N22E GCDB
 GCDB22N23E GCDB
 GCDB22N22E GCDB



STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
AUG 29 2002
Department of Water Resources
Eastern Region

1. Water Right No(s): 75-4132
Adjudication Claim No(s): 75-4132

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim 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**.

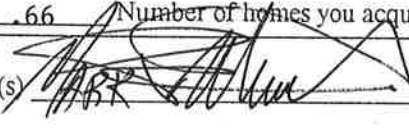
3. Name and Address of Former Owner/Claimant TIM SUNDLES AND DIANA SUNDLES
P.O. BOX 78, CARMEN, IDAHO 83462

4. New Owner/Claimant(s) MARK P. WHITCOMB AND DEBRA D. WHITCOMB
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1515 TENDROY AVENUE,
City, State and ZIP Code SALMON, IDAHO 83467
New Telephone Number (208) 756-4955

5. Date you acquired the property AUGUST 19, 2002

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
WE ARE ACQUIRING A PORTION OF THE WATER RIGHT (SEE BELOW)

Number of acres you irrigate with this water right <u>33</u>	Number and type of stock _____
Diversion rate in CFS <u>.66</u>	Number of homes you acquired <u>0</u> Other uses <u>STOCK WATER</u>

7. Signature of New Owner(s) or Claimant(s) 

- Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Page 1

05/14/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4132

WATER RIGHT NUMBER: 75-4132

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PETE WALCHY 1003 BRYAN AVE SALMON, ID 83467 (208)756-2877
Current Owner	TIM SUNDLES PO BOX 78 CARMEN, ID 83462 (208)756-3659
Original Owner	ESTATE OF CHARLES H WALCHLY 1003 BRYAN AVE SALMON, ID 83467 (208)756-2877
Current Owner	DIANA SUNDLES PO BOX 78 CARMEN, ID 83462 (208)756-3659

Priority Date: 04/01/1936

Basis: Statutory Claim

Status: Active

Source

DAVIS CANYON CREEK

Tributary

FREEMAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.300 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

DAVIS CANYON CREEK LEMHI County	SE1/4SE1/4	Sec. 25, Twp 23N, Rge 22E, B.M.
DAVIS CANYON CREEK LEMHI County	NW1/4NE1/4	Sec. 36, Twp 23N, Rge 22E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	22E	36					20.0	6.0	20.0	20.0									66.0

Total Acres: 66

Conditions of Approval:

Page 2

05/14/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4132Remarks:

1. General CHANGED OWNERSHIP 12/19/96/DC/JT

Comments:Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: AND

Warranty Deed

For Value Received

TIM SUNDLES and DIANA SUNDLES
Husband and Wife
P.O. Box 78
Carmen, Idaho 83462

RECEIVED
AUG 29 2002
Department of State, Boise, Idaho

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

MARK P. WHITCOMB and DEBRA D. WHITCOMB
Husband and Wife
1515 Tendoy Avenue
Salmon, Idaho 83467

the Grantees, the following described premises, in Lemhi County Idaho, to-wit:

A parcel of land located in the NW $\frac{1}{4}$, Section 36, T. 23 N., R. 22 E.,
Boise Meridian, Lemhi County, Idaho, more particularly described on
Exhibit "A", attached hereto and made a part hereof.

COPY

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 owners in fee simple of said premises; they are free from all encumbrances except the lien for taxes for the current year, any liens and encumbrances of record on this date, and any liens or encumbrances suffered or created by Grantees prior to the date hereof, that they will warrant and defend the same from all lawful claims whatsoever.

Dated: the 19th day of August 2002.


TIM SUNDLES


DIANA SUNDLES

STATE OF IDAHO) COUNTY OF LEMHI) On this <u>19th</u> day of <u>August</u>, 2002, before me a Notary Public in and for said State, personally appeared <u>TIM SUNDLES AND DIANA SUNDLES</u> known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.  Notary Public for State of Idaho (SEAL) Residing at Salmon, Idaho My Commission Expires: <u>4/1/04</u> RealEstate\W\11\COMB\wdt449-02	THIS SPACE RESERVED FOR COUNTY RECORDER State of Idaho) County of Lemhi) SS No. <u>251474</u> This instrument was filed for record at the request of <u>Frank Little</u> at <u>11:47</u> o'clock <u>A.M.</u> <u>8-19</u> 2002 and duly filed and indexed in the records of Lemhi County Terri J. Morton Ex-Officio Recorder By <u>Debra Eagle</u> Deputy Fee <u>6.</u> Return to <u>Frank Little</u>
--	--

PARCEL #1

A PARCEL OF LAND LOCATED IN THE NW $\frac{1}{4}$ SECTION 36, T. 23 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W $\frac{1}{2}$ CORNER OF SAID SECTION 36, RUN THENCE S. 89°45'23"W., ALONG THE SOUTHERLY BOUNDARY OF SAID NW $\frac{1}{4}$ A DISTANCE OF 36.00 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG A FENCE;
 N. 00°35'29" E., 167.37 FT.; N. 71°17'15" E., 266.24 FT.;
 N. 41°02'42" E., 182.82 FT.; N. 06°02'06" W., 208.42 FT.;
 N. 14°26'15" E., 142.81 FT.; N. 34°35'55" E., 192.02 FT.;
 N. 67°09'31" E., 315.02 FT.; N. 51°23'18" E., 378.02 FT.;
 N. 61°56'47" E., 377.57 FT.; N. 57°52'34" E., 169.26 FT.;
 N. 53°28'21" E., 460.10 FT.; N. 36°58'19" E., 454.80 FT.;
 N. 48°53'52" E., 476.07 FT.; N. 55°04'46" E., 84.96 FT.; TO

A POINT ON THE EASTERLY BOUNDARY OF SAID NW $\frac{1}{4}$;
 THENCE S. 00°21'49" W., ALONG SAID BOUNDARY A DISTANCE OF 2142.49 FT.;
 TO A POINT IN THE CENTER OF AN EXISTING ROAD; THENCE ALONG SAID CENTERLINE;
 S. 88°14'37" W., 125.69 FT.; N. 86°34'31" W., 137.95 FT.;
 N. 78°45'37" W., 127.15 FT.; S. 87°32'11" W., 55.53 FT.;
 THENCE THE FOLLOWING COURSES AND DISTANCES ALONG A FENCE;
 N. 13°30'13" W., 70.06 FT.; N. 22°07'19" W., 167.19 FT.;
 N. 21°45'44" W., 96.36 FT.; N. 87°26'01" W., 94.46 FT.;
 S. 06°17'26" W., 182.42 FT.; S. 09°01'34" E., 200.22 FT.;
 THENCE S. 52°00'17" W., A DISTANCE OF 320.88 FEET;
 THENCE N. 25°31'59" W., A DISTANCE OF 82.81 FEET;
 THENCE S. 75°29'34" W., A DISTANCE OF 134.40 FEET;
 THENCE S. 18°18'45" E., A DISTANCE OF 142.77 FEET;
 THENCE S. 52°02'54" W., A DISTANCE OF 68.70 FEET TO A POINT ON THE
 SOUTHERLY BOUNDARY OF SAID NW $\frac{1}{4}$; THENCE N. 89°45'23" E., ALONG SAID BOUNDARY
 A DISTANCE OF 1547.81 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

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 S. 00°21'23" W., 139.00 FEET; S. 55°04'46" W., 84.96 FEET;
 S. 48°53'52" W., 476.07 FEET; S. 36°58'19" W., 454.80 FEET;
 S. 53°28'21" W., 253.06 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE;
 S. 23°30'15" E., 184.77 FEET; S. 00°34'24" E., 29.68 FEET;
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 THENCE N. 75°29'34" E., A DISTANCE OF 134.40 FEET;
 THENCE S. 25°31'59" E., A DISTANCE OF 82.81 FEET, TO A POINT IN THE CENTER OF AN EXISTING ROAD; THENCE S. 52°00'17" W., ALONG SAID CENTERLINE A DISTANCE OF 153.49 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN FREEMAN CREEK ROAD.

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 75-14116
Date Received: 9/16/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A7514116



1. Name of Claimant(s)

DEBRA D WHITCOMB Phone: (208) 756-4955
1515 TENDROY AVENUE
SALMON ID USA 83467

MARK P WHITCOMB Phone: (208) 756-4955
1515 TENDROY AVENUE
SALMON ID USA 83467

2. Date of Priority: 04/01/1936

3. Source: DAVIS CANYON CREEK , DAVIS CANYON CREEK Trib. to: FREEMAN CREEK ,
FREEMAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	25	SE SE	LEMHI	
23N	22E	36	NW NE	LEMHI	

5. Description of diverting works:

DITCHES, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.99	

7. Total Quantity Appropriated is:
0.99 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
23N	22E	36	NE	NW	IRRIGATION	11
			NW	NW	IRRIGATION	0.1
			SW	NW	IRRIGATION	19
			SE	NW	IRRIGATION	20.1
					Section Acres	50.2
					Total Acres	50.2

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4132.

15. Basis of Claim: Statutory Claim

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
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1515 TENDROY AVENUE
SALMON ID USA 83467

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1515 TENDROY AVENUE
SALMON ID USA 83467

2. Date of Priority: 04/01/1936

3. Source: DAVIS CANYON CREEK , DAVIS CANYON CREEK Trib. to: FREEMAN CREEK ,
FREEMAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
23N	22E	25	SE	SE		LEMHI	
23N	22E	36	NW	NE		LEMHI	

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7. Total Quantity Appropriated is:
0.99 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
23N	22E	36	NE	NW	IRRIGATION	11
			NW	NW	IRRIGATION	0.1
			SW	NW	IRRIGATION	19
			SE	NW	IRRIGATION	20.1
					Section Acres	50.2
					Total Acres	50.2

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4132.

15. Basis of Claim: Statutory Claim