

12/22/2006

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

RIGHT NUMBER: 75-14276

NAME AND ADDRESS: MICHAEL J GEBEL
1395 SUNSET GROVE RD
FALLBROOK CA 92028

PATRICIA GEBEL
1395 SUNSET GROVE RD
FALLBROOK CA 92028

SOURCE: NAPOLEON CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 08/08/1985

POINT OF DIVERSION:

T23N R21E S2 NWNW Within LEMHI County

The issuance of this right does not grant any right-of-way or easement
across the land of another. *EXP*

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/01	0.090 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R21E S02	NWNW	2.00	T24N R21E S34	SESE
T24N R21E S35	SWSW			

STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

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.

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit



Idaho Department of Water Resources

SRBA Recommendation:

75-14276

(Irrigation)

Legend

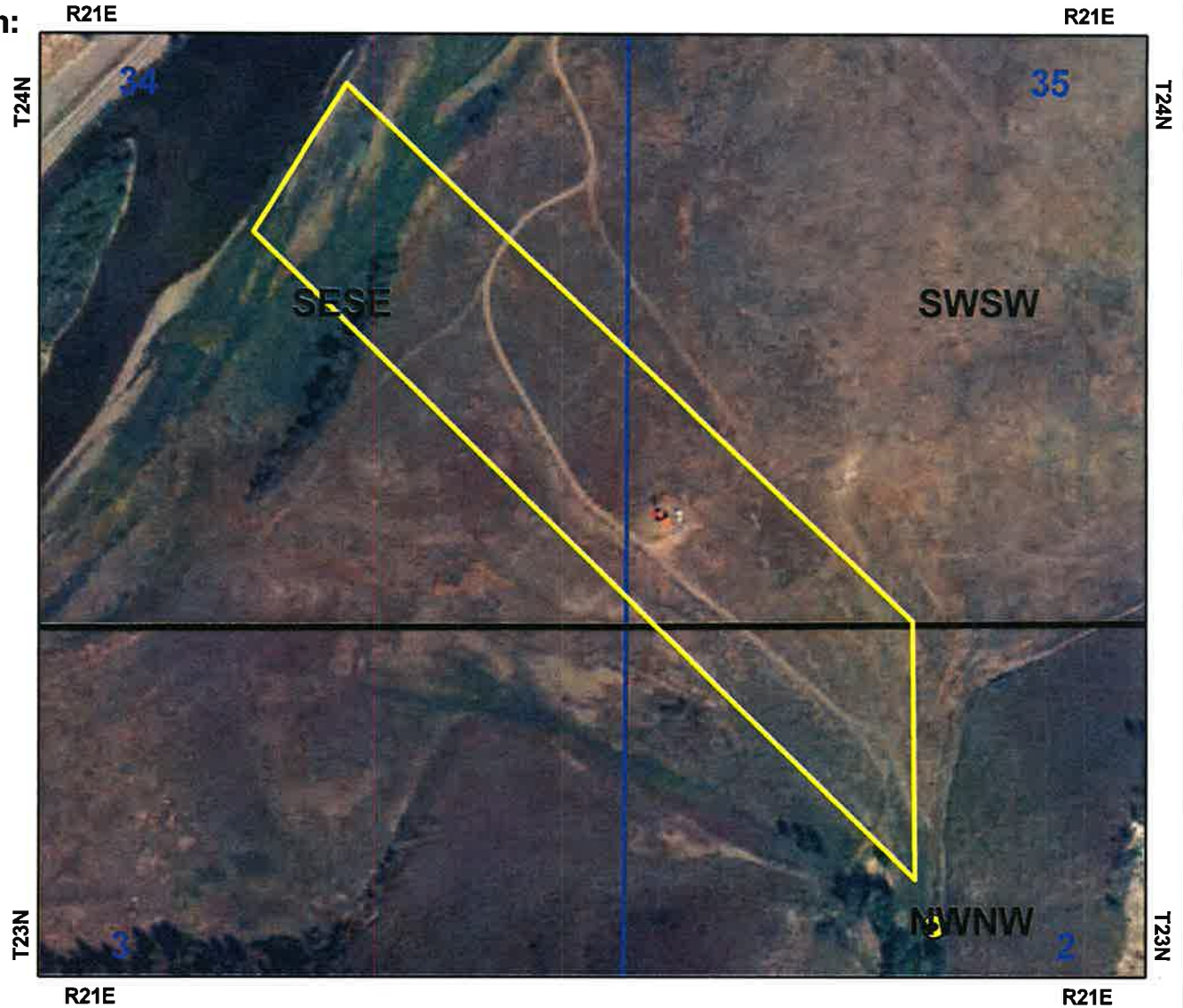
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



Prepared by A. Warntjes
On Friday, December 22, 2006
2004 Aerial Photography



0 0.1 0.2 Miles

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 75-14276
Date Received: 12/22/2006
Receipt No:
Received By: DRT

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

1. Name of Claimant(s)

MICHAEL J GEBEL Phone: (260)723-6654
1395 SUNSET GROVE RD
FALLBROOK CA USA 92028

PATRICIA GEBEL Phone: (260)723-6654
1395 SUNSET GROVE RD
FALLBROOK CA USA 92028

2. Date of Priority: 08/08/1985

3. Source: NAPOLEON CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	21E	2	NW NW	LEMHI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/01	0.14	
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.2 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	21E	2	NW	NW	IRRIGATION	7
					Section Acres	7
24N	21E	34	SE	SE	IRRIGATION	1
					Section Acres	1
24N	21E	35	SW	SW	IRRIGATION	4
					Section Acres	4
					Total Acres	12

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:

The issuance of this right does not grant any right-of-way or easement across the land of another.

15. Basis of Claim: Permit

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:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 75-14276

WATER RIGHT NUMBER: 75-14276

DRAFT

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLAUDIA J MAXWELL BOX 1156 NORTH FORK, ID 83466
Current Owner	LARRY D MAXWELL BOX 1156 NORTH FORK, ID 83466

Priority Date: 08/08/1985

Basis:

Status: Active DRAFT

<u>Source</u>	<u>Tributary</u>
NAPOLEON CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	4/01 to 10/01	0.140 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

<u>Location of Point(s) of Diversion</u>		
NAPOLEON CREEK	NW1/4NW1/4	Sec. 2, Twp 23N, Rge 21E, B.M.
LEMHI County		

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	21E	2						7.0											7.0
24N	21E	34																1.0	1.0
24N	21E	35											4.0						4.0

Total Acres: 12

STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 75-14276

Comments:

Dates and Other Information:

Permit Proof Due Date: 10/1/1986
Permit Proof Made Date: 11/4/1986
Permit Approved Date: 9/26/1985
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

May 5, 2006

Status notes:

Processing Assignment of permit requiring split of permit no. 75-7428. According to tax lot information available, the Brodins do not own all of the acres to be assigned. Additionally, the diversion rate identified on the assignment is not proportional to the number of acres assigned. Proof of beneficial use has been submitted, but a field exam has not been performed. There is some concern that additional development could take place by new owners. Clarification of the extent of development, the number of acres actually available for irrigation by the Brodins, and corresponding diversion rate are needed prior to processing the assignment. Shelley requested that Bob Foster conduct a field exam prior to completion.

File put on 30-day call-up or until response from Bob Foster.

Cynthia Clark

(75-7428 SPLIT INTO 75-14275 & 75-14276 → DRAFT DOWNE)

11/99

For Office Use Only
\$25 filing fee KRW
Receipt # C 081060
Date 4/25/06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Larry D. Maxwell, hereby assign to Sune & Maggie Brodin
of 30189 Cool Valley Ln. Valley Center CA 92082 Ph. 769 1747
Mail: PO Box 1197, Valley Center CA 92082
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. _____ to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. 75-7428 to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

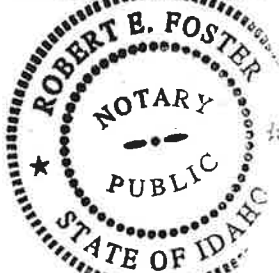
For Irrigation of 10 acres . 11 cfs

Made this 20th day of April, 20 06.

Larry D. Maxwell
Permit Holder(s)

State of Idaho)
County of Blaine)ss

On this 20th day of April, 20 06, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



SEAL

Robert E. Foster
Notary Public residing at
Salmon Id.

My commission expires: 2-16-07

Warranty Deed

For Value Received

NORMAN G. GALLAGHER, TRUSTEE OF THE NORMAN G. GALLAGHER AND DEBRA L. GALLAGHER FAMILY TRUST, DATED APRIL 24, 1981

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

SUNE B. BRODIN AND MAGGIE R. BRODIN, husband and wife

whose current address is

PO BOX 1197
VALLEY CENTER, CA 92082

the grantee S, the following described premises, in LEMHI County Idaho, to wit:

LOT 5 IN NAPOLEON CREEK SUBDIVISION ACCORDING TO THE
OFFICIAL PLAT THEREOF FILED FOR RECORD IN BOOK 6 OF
PLATS AT PAGE NO. 31, RECORDS OF LEMHI COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor S do hereby covenant to and with the said
Grantee S, that they're the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: ~~APRIL~~ May 1, 1995

BY: Norman G. Gallagher, Trustee
NORMAN G. GALLAGHER, TRUSTEE

STATE OF ~~Idaho~~ California
COUNTY OF
On this day of , 19 95
before me, a notary public in and for said State, personally appeared

NORMAN G. GALLAGHER

attached

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

Notary Public
CA ID#

Residing at
Comm. Expires

SS No. 226068
This instrument was filed for record at the request of
American Land Title
at 1:50 o'clock pm May 04 1995
and duly filed and indexed in the records of Lemhi
County

Alberta Wiederrick
Ex-Officio Recorder

By Sharon Stevens Deputy

Page 6

Notary in ACT

SCANNED

NOV 18 2004

RECEIVED
SEP 01 2005
Department of Water Resources

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.

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
75-4038	75-4038	✓			
75-4037	75-4037	✓			
75-7428	75-7428	✓			

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)

Norman Gallagher 760-295-0101
1529 Clearidge Road

4. New Owner/Claimant(s)

Vista, CA 92081

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Mike Gebel & Patricia Gebel

City, State and ZIP Code

1395 Sunset Grove Road

New Telephone Number

760-723-6654 Fallbrook, CA 92028

5. Date you acquired the property

Dec 2003

RECEIVED

AUG 29 2005

Department of Water Resources
Eastern Region

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)
(include title if applicable)

Matthew J. Gabel
Matthew J. Gabel

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____

Easement For Irrigation Water Ditch

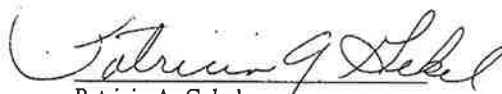
A parcel of land located in the U.S. Government Lots 3, Section 35, T. 24 N. R. 21 E., B.M., Lemhi County, Idaho more particularly described as follows:

Commencing at the south quarter corner of said Section 35, a distance of 428.61 feet on a bearing of N. 89° 43' 10" W. to the east meander corner of the Salmon River; thence N. 89° 44' 45" W. 626.45 feet to the west meander corner of the Salmon River, which is also the southwest corner of lot 8 of the "Napoleon Creek" subdivision map recorded in the Office of the Recorder of Lemhi County, Idaho, on October 24, 1994 in Plat Book 6, page 31; thence N. 89° 33' 38" W. 934.82 feet to the corner monument at the southeast corner of lot 4 of the said "Napoleon Creek" subdivision thence S. 71° 31' 12" E. 77.95 feet to a point at the termination of the irrigation easement as shown on the said "Napoleon Creek" subdivision map which is the **REAL POINT OF BEGINNING**:

Thence from the termination of said existing irrigation easement a 20 foot wide easement running westerly so as to allow gravity delivery of water from the termination of said existing irrigation easement to the easterly boundary of lot 3 of the said "Napoleon Creek" subdivision.

Said easement is for the benefit of parcels 1, 2 and 3 of the "Napoleon Creek" subdivision and shall be binding on grantor and its successors and assigns.


Michael J. Gebel


Patricia A. Gebel

State of Idaho)
County of Lemhi) SS No. 257102
This instrument was filed for record at the request
of Alliance
at 11:50 o'clock A.M. 2 Jan 2004
and duly filed and indexed in the records of Lemhi
County
Terry J. Morton
Ex-Officio Recorder
By K. Baumer Deputy
Fee 6.00
Return to _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

SS.

On 12-24-03

Date _____

before me.

Sally A. Church Notary

Name and Title of Officer (e.g., Jane Doe, Major, Sergeant)

personally appeared

Name and Title of Officer (e.g., "Jane Doe, Notary Public")
Michael W. Gebel and Patricia A. Gebel
 Name(s) of Signer(s)

Name(s) of Singer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

33

Heidi A. Church
Signature of Notary Public

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title' or Type of Document:

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing:



NAPOLEON CREEK SUBDIVISION

WATER RIGHTS/CLAIMS AGREEMENT/DISTRIBUTION

The following water rights/claims will be distributed as follows:

1. Water right/claim number A75-04038 shall be proportionately divided among the parcels on a gross acreage basis by multiplying the gross acreage of the parcel by .02235 the product will be the cfs (cubic feet per second) allowed to be pumped from the Salmon River.
2. Water right/claim number A75-07428 will be for the sole benefit of parcel number "3" of the "Napoleon Creek" subdivision.

The maximum "cfs" will not be greater than the "cfs" allowed by the State of Idaho Department of Water Resources.

The pumps, water lines, ditches, and any other means of procurement of the water, will be maintained as set forth in Article VIII of the Napoleon Creek "Declarations of Restrictions and Protective Covenants," on file with the County Recorder of Lemhi county.

State of Idaho)
County of Lemhi) ss No. **224504**

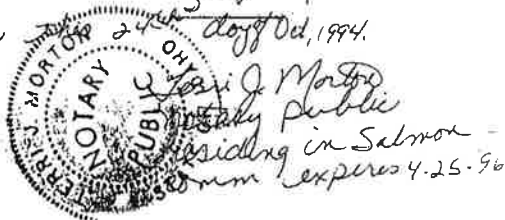
This instrument was filed for record at
the request of Norman Gallagher
at 3:21 o'clock P.M. 10-24 1994
and duly filed and indexed in the
records of Lemhi County

Alberta Wiederrich

County Official Recorder

By Kerri J. Morton 3 Dep.

Norman Gallagher
State of Idaho) ss
County of Lemhi)
Subscribed & sworn to before me



SANITARY RESTRICTIONS INSTRUMENT CERTIFICATION
These SANITARY REGULATIONS AND RECOMMENDATIONS hereto attached to the
Napolean Creek plat

are the SANITARY ATTACHMENTS stipulated under the SANITARY RESTRICTIONS of said plat.

This plat is a re-subdivision of the original River Bend Estates subdivision and the information originally submitted for the River Bend Estates subdivision is pertinent to the Napolean Creek subdivision.

Soils in the subdivision are suitable for subsurface sewage disposal and the lots are large enough to meet all required setbacks.

It appears there is adequate water to meet all potable water needs.

BY: Steve Adams, EHS
Environmental Health Specialist

DATE: 7/11/94
District Seven Health Department

Subscribed & sworn to before me this 24th day of October, 1994.

COUNTY RECORDER'S CERTIFICATE

Instrument No. : 224506

STATE OF IDAHO)
COUNTY of Lemhi) SS.



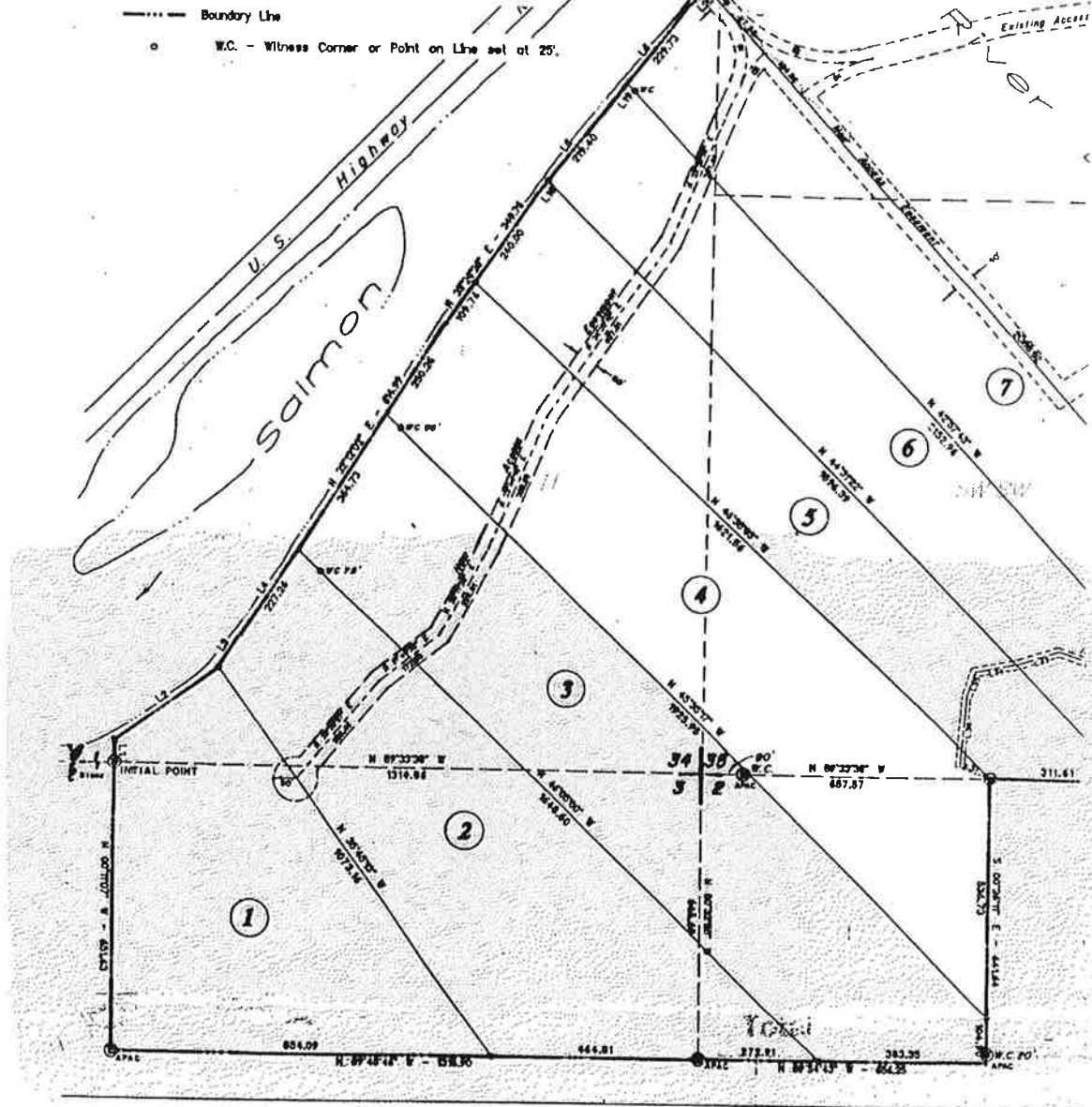
This instrument was filed for record at the request of Norman Gallagher
3:23 at o'clock p.m., on Oct. 24 1994 and duly filed
and indexed in the Records of Lemhi County, Idaho.

Terri J. Morton
Deputy

Alberta Wiederrick
Ex-Officio Recorder

FEES: 300

The Company has not surveyed the premises described in 03-1924. The sketch below is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability as to the validity, location, or ownership of any easement or other matter shown thereon, nor for the inaccuracies therein, including the accurate location of boundaries, including water boundaries. This sketch does not purport to show all highways, roads and easements adjoining or affecting said premises, nor is it a part or modification of this report, commitment, policy or other title evidence to which it may be attached.



Order No.:307031924L-D

FOR VALUE RECEIVED

Norman G. Gallagher, Trustee of the Norman G. Gallagher and Debra L. Gallagher Family Trust,
Dated April 24, 1981

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Michael J. Gebel and Patricia A. Gebel, husband and wife

whose current address is

1395 Sunset Grove Rd. Fallbrook, CA 92028

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

LOT 4 IN NAPOLEON CREEK SUBDIVISION, ACCORDING TO THE OFFICIAL
PLAT THEREOF, FILED FOR RECORD IN BOOK 6 OF PLATS AT PAGE NO. 31
RECORDS OF LEMHI COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-12-2003

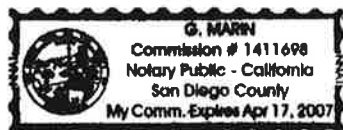
The Norman G. Gallagher and Debra L. Gallagher
Family Trust, Dated April 24, 1981

By: Norman G. Gallagher, Trustee

State of CALIFORNIA }
County of SAN DIEGO } ss.

On this 12th day of DECEMBER 2003, before me, a Notary Public in and for said state, personally appeared Norman G. Gallagher known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the The Norman G. Gallagher and Debra L. Gallagher Family Trust, Dated April 24, 1981, and acknowledged to me that he executed the same as Trustee.

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



Notary Public for the State of CALIFORNIA
Residing at: 128 N BROADWAY, ESCONDIDO, CA
Commission Expires: 04-17-07

State of Idaho)
County of Lemhi) SS No. 256993

This instrument was filed for record at the request of Alliance Title at 3:01 o'clock pm 12/17 2003

and duly filmed and indexed in the records of Lemhi
County. Terri J. Morton

By Grenda C. Cullong Deputy
Fee 3.00

Return to AT