

RECEIVED

JUL 18 2000

Department of Water Resources

200 JUL 17 AM 9:49

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

Case No. 39576

ORDER OF PARTIAL DECREE

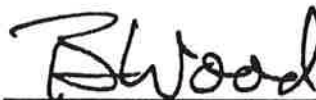
For Water Right 37-19837

On May 9, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 37-19837 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 17, 2000.



BARRY WOOD  
Administrative District Judge and  
Presiding Judge of the  
Snake River Basin Adjudication

37-19837

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

Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 37-19837

2000 JUL 17 AM 9:49

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: SAMUEL D BLACKWELL  
PO BOX 398  
KING HILL, ID 83633-0398

SOURCE: SPRINGS  
UNNAMED STREAM  
TRIBUTARY: SHEEP CREEK  
SHEEP CREEK

QUANTITY: 0.13 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/12/1929

POINT OF DIVERSION: T02S R09E S13 SESWSE Within Elmore County ✓  
S24 NENENE  
R10E S19 NESWNE (Instream Ending Point)  
SWSNW  
SWSENW (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.09 CFS |
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

| PLACE OF USE: | Stockwater    | Within Elmore County |
|---------------|---------------|----------------------|
|               | T02S R09E S13 | SESE                 |
|               | S24           |                      |
|               | R10E S19      | SENW                 |
|               | Domestic      | Within Elmore County |
|               | T02S R09E S13 | SWSE                 |
|               | R10E S19      | SENW                 |

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

2000 JUL 17 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 37-19837

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 37-19837 was mailed  
on July 17, 2000, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

USDI BLM

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

SAMUEL D BLACKWELL  
PO BOX 398  
KING HILL, ID 83633-0398  
Phone: 208-366-2265

DIANA DELANEY  
Chief Deputy Clerk

2000 MAY -9 AM 10:03

FILED  
TWIN FALLS CO., IDAHO

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 )

Case No. 39576 )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 37-19837

On May 09, 2000, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 09, 2000.

  
TERI HRANAC  
Deputy Clerk

RECEIVED

MAY 10 2000

Department of Water Resources

151-383A  
 TWIN FALLS, IDAHO  
 DISTRICT OF THE

|                |   |                                 |
|----------------|---|---------------------------------|
| In Re SRBA     | ) | <b>SPECIAL MASTER’S REPORT</b>  |
|                | ) |                                 |
| Case No. 39576 | ) | <b>FINDINGS OF FACT AND</b>     |
|                | ) | <b>CONCLUSIONS OF LAW</b>       |
|                | ) |                                 |
|                | ) | <b>FOR WATER RIGHT 37-19837</b> |

## Page 1

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 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 37-19837

2000 MAY -9 AM 10:03

FILED  
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: SAMUEL D BLACKWELL  
PO BOX 398  
KING HILL, ID 83633-0398

SOURCE: SPRINGS UNNAMED STREAM  
TRIBUTARY: SHEEP CREEK  
SHEEP CREEK

QUANTITY: 0.13 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/12/1929

POINT OF DIVERSION: T02S R09E S13 SESWSE Within Elmore County  
S24 NENENE  
R10E S19 NESWNE (Instream Ending Point)  
SWSENW  
SWSENW (Instream Beginning Point)

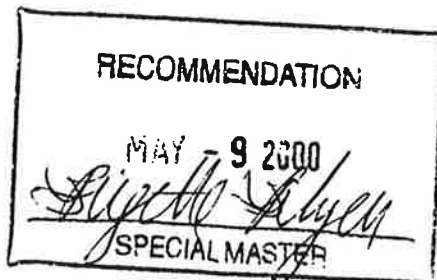
| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Stockwater     | 01-01 TO 12-31 | 0.09 CFS |
|                            | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

| PLACE OF USE: | Stockwater              | Within Elmore County |
|---------------|-------------------------|----------------------|
|               | T02S R09E S13 SWSE SESE |                      |
|               | S24 NENE                |                      |
|               | R10E S19 SWNE SENW      |                      |
|               | Domestic                | Within Elmore County |
|               | T02S R09E S13 SWSE      |                      |
|               | R10E S19 SENW           |                      |

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).



200 MAY -9 AM 10: 03

FILED  
TWIN FALLS, IDAHO  
1-SRBA

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 )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 37-19837

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 09, 2000, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

USDI BLM

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

SAMUEL D BLACKWELL  
PO BOX 398  
KING HILL, ID 83633-0398  
Phone: 208-366-2265

CERTIFICATE OF MAILING

  
TERI HRANAC  
Deputy Clerk

PAGE 1

05/09/00



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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

JUL 30, 1997

SAMUEL & KAROLEE BLACKWELL  
PO BOX 398  
KING HILL ID 83633-0398

RE: ADJUDICATION CLAIM A37-19837

DEAR MR. & MS. BLACKWELL:

THANK YOU FOR INFORMING US OF THESE CHANGES. AN OWNERSHIP CHANGE FORM IS NEEDED TO CHANGE NAMES ON A CLAIM. I AM ENCLOSING A CHANGE OF OWNERSHIP AND A SELF-ADDRESSED ENVELOPE..

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE. THANK YOU FOR YOUR TIME.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L BACKLUND  
ADJUDICATION RECORDS CLERK

/tlb  
ENCLOSURES



IDAHO DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION  
222 SHOSHONE ST E  
TWIN FALLS ID 83301  
(208) 736-3033

PHILIP E BATT  
GOVERNOR

KARL J DREHER  
DIRECTOR

CHANGE IN ADDRESS OF THE NOTICE OF CLAIM  
IN THE SNAKE RIVER BASIN ADJUDICATION

RECEIVED

JUL 21 1997

☐ Water Right Number(s):

A 37 - 19837

Department of Water Resources  
Southern Region

☐ Old Mailing Address:

Samuel & Frances Blackwell

RT 1 Box 430

Glenns Ferry ID 83623

☐ New Mailing Address:

Samuel & Karolee Blackwell

POB 398

King Hill ID 83633-0398

☐ New Telephone Number: (208) 366 - 2265

☐ Signature of Claimant(s):

Samuel D Blackwell

Karolee K. Blackwell

Date:

7.16.97

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:

## CORRECTED DEED OF DISTRIBUTION BY TRUSTEES

THIS INDENTURE, made this 16 day of July 1991, between SAMUEL D. BLACKWELL AND DANIEL H. BLACKWELL, Trustees of the Trust of SAMUEL S. BLACKWELL, Grantors, and SAMUEL D. BLACKWELL, Rt. 1, Box 430, Glenns Ferry, Idaho, hereinafter designated as Grantee.

WHEREAS, Grantors are the duly qualified, appointed and acting Trustees of said Trust, filed as Probate Case No. 8-236A, in the District Court of the Fourth Judicial District, of the State of Idaho, in and for the County of Elmore;

WHEREAS, the Grantee is entitled to distribution of the real property hereinafter described,

NOW THEREFORE, for the purpose of distributing the real property hereinafter described to the Grantee, the Grantors hereby convey, release and relinquish to the Grantee located in the County of Elmore, State of Idaho, described as follows:

An undivided one-half interest in and to the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the North Half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section Twenty-Eight, Township Four South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to the South Half of the South Half of Section 13, Township Two South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to the Northeast Quarter of the Northeast Quarter of Section Twenty-four, Township Two South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to Lot One, East half of the Northwest Quarter, the West half of the Northeast Quarter, all that portion of the Northeast Quarter of the

Southwest Quarter lying North of the existing  
County Road, all in Section Nineteen, Township  
Two South, Range Ten East, Boise, Meridian.

West one-half of the Southwest Quarter of  
Section twenty-two, Township Four South, Range  
Nine East, Boise, Meridian.

IN WITNESS WHEREOF, the undersigned as Trustees aforesaid,  
have hereunto set their hand the day and year first above written.

EXECUTED this 16<sup>th</sup> day of July, 1991.

Samuel D. Blackwell  
Samuel D. Blackwell, Trustee

Daniel H. Blackwell  
Daniel H. Blackwell, Trustee

STATE OF IDAHO            )  
                                  ) ss.  
County of ada            )

On the 19 day of July, 1989, before me, a Notary  
Public of the State of Idaho, personally appeared SAMUEL D.  
BLACKWELL, known to me to be the person whose name is subscribed  
to the within instrument as Trustee of the Trust of Samuel F.  
Blackwell, and acknowledged to me that he executed the same as such  
Trustee.

L. D. Munn  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: 5/24/94



STATE OF COLORADO

County of El Paso

) ss.  
)

On the 1st day of July, 1991, before me, a Notary Public, personally appeared DANIEL H. BLACKWELL, Trustee, known to me to be the person whose name is subscribed to the within instrument as Trustee of the Trust of Samuel F. Blackwell, and acknowledged to me that he executed the same as such Trustee.

Theresa J. Wright  
Notary Public for Colorado

Residing at: 560 Barclay St. Denver, CO 80202

My Commission Expires: 4-9-95

266503

ELMORE COUNTY, IDAHO, ss

Request of

Howard I. Mansweiler

Time 1:45 P.M.

Date December 11, 1991

Book \_\_\_\_\_ of \_\_\_\_\_

Page \_\_\_\_\_

RAMONA YRAZABAL

By Merlynn E. Beckner

Deputy

Fee \$9.00

STATE OF IDAHO

County of Elmore

ss.

I hereby certify that this instrument is a true and correct copy of the original now on file or of record in this office.

Dated March 10, 2000

GAIL L. BEST

Clerk

Ex-officio Auditor and Recorder

Barbara J. Smith

Deputy

## CORRECTED DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE

THIS INDENTURE, made this 16 day of July, 1991, between SAMUEL D. BLACKWELL, as Personal Representative of the Estate of Esther L. Blackwell, Deceased, hereinafter designated as Grantor, and SAMUEL D. BLACKWELL, Rt. 1 Box 430, Glenns Ferry, Idaho, hereinafter designated as the Grantee.

## W I T N E S S E T H:

WHEREAS, Grantor is the duly appointed, qualified and acting Personal Representative of said Estate, filed as Probate No. 8-401-B, in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Elmore, and;

WHEREAS, the Grantee is entitled to distribution of the real property hereinafter described;

NOW THEREFORE, for the purpose of distributing the real property hereinafter described to the Grantee, the Grantor hereby conveys, releases and relinquishes to the Grantee the real property located in Glenns Ferry, County of Elmore, State of Idaho, and more particularly described as follows:

An undivided one-half interest in and to the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the North Half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section Twenty-Eight, Township Four South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to the South Half of the South Half of Section 13, Township Two South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to the Northeast Quarter of the Northeast Quarter of Section Twenty-four, Township Two South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to Lot One, East half of the Northwest Quarter, the West half of the Northeast Quarter, all that portion of the Northeast Quarter of the Southwest Quarter lying North of the existing County Road, all in Section Nineteen, Township Two South, Range Ten East, Boise, Meridian.

West one-half of the Southwest Quarter of Section Twenty-two, Township Four South, Range Nine East, Boise, Meridian.

IN WITNESS WHEREOF, the undersigned, as Personal Representative aforesaid, has hereunto set his hand the day and year herein first above written.

EXECUTED this 19 day of July, 1991.

Samuel D. Blackwell  
Samuel D. Blackwell  
Personal Representative of the  
Estate of Esther L. Blackwell

STATE OF IDAHO )  
County of ada ) ss.

On the 19 day of July, 1991, before me, a Notary Public of the State of Idaho, personally appeared SAMUEL D. BLACKWELL, known to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Esther L. Blackwell, Deceased, and acknowledged to me that he executed the same as such Personal Representative.

266502

L. J. Munn  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: 5/24/94

ELMORE COUNTY, IDAHO, ss

Request of

Hansel I. Manweiler  
Time 1:44 P.M.  
Date December 11, 1991  
Book     of      
Page    

RAMONA YRAZABAL  
By Maria A. Becker  
Deputy

Fee \$6.00

STATE OF IDAHO  
County of Elmore ss.

I hereby certify that this instrument is a true and correct copy of the original now on file or of record in this office.

Dated March 10, 2000  
GAIL L. BEST

Clerk  
Ex-officio Auditor and Recorder  
[Signature]  
Deputy

## DEED OF DISTRIBUTION BY TRUSTEES

THIS INDENTURE, made this 7<sup>th</sup> day of March, 1989, between SAMUEL D. BLACKWELL AND DANIEL H. BLACKWELL, Trustees of the Trust of SAMUEL S. BLACKWELL, Grantors, and SAMUEL D. BLACKWELL, hereinafter designated as Grantee.

WHEREAS, Grantors are the duly qualified, appointed and acting Trustees of said Trust, filed as Probate Case No. 8-236A, in the District Court of the Fourth Judicial District, of the State of Idaho, in and for the County of Elmore;

WHEREAS, the Grantee is entitled to distribution of the real property hereinafter described,

NOW THEREFORE, for the purpose of distributing the real property hereinafter described to the Grantee, the Grantors hereby convey, release and relinquish to the Grantee located in the County of Elmore, State of Idaho, described as follows:

An undivided one-half interest in and to the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the North Half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section Twenty-Eight, Township Four South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to the Southeast Quarter of the Southeast Quarter of Section 13, Township Two South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to the Northeast Quarter of the Northeast Quarter of Section Twenty-four, Township Two South, Range Nine East, Boise, Meridian;

An undivided one-half interest in and to Lot One, East half of the Northwest Quarter, the West half of the Northeast Quarter, all that portion of the Northeast Quarter of the

Southwest Quarter lying North of the existing  
County Road, all in Section Nineteen, Township  
Two South, Range Ten East, Boise, Meridian.

West one-half of the Southwest Quarter of  
Section twenty-two, Township Four South, Range  
Nine East, Boise, Meridian.

IN WITNESS WHEREOF, the undersigned as Trustees aforesaid,  
have hereunto set their hand the day and year first above written.

EXECUTED this 7<sup>th</sup> day of March, 1989.

Samuel D. Blackwell  
Samuel D. Blackwell, Trustee

Daniel H. Blackwell  
Daniel H. Blackwell, Trustee

STATE OF IDAHO                    )  
                                      ) ss.  
County of Ada                    )

On the 7 day of March, 1989, before me, a Notary  
Public of the State of Idaho, personally appeared Samuel D.  
Blackwell, known to me to be the person whose name is subscribed  
to the within instrument as Trustee of the Trust of Samuel F.  
Blackwell, and acknowledged to me that he executed the same as such  
Trustee.

L. D. [Signature]  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: 5/24/94



STATE OF COLORADO

County of El Paso

) ss.

On the 2nd day of May, 1989, before me, a Notary Public, personally appeared Daniel H. Blackwell, Trustee, known to me to be the person whose name is subscribed to the within instrument as Trustee of the Trust of Samuel F. Blackwell, and acknowledged to me that he executed the same as such Trustee.

Melody Witholder

Notary Public for Colorado

Residing at:

My Commission Expires:

My Commission Expires 8/30/92

253240

ELMORE COUNTY, IDAHO, ss

Request of

GUARANTY TITLE INC

Time 10:31 A. M.

Date May 9, 1989

Book                      of                     

Page                     

RAMONA YLAZABAL

By Marta L. Decker

Deputy

Fee \$9.00

STATE OF IDAHO  
County of Elmore

ss.

I hereby certify that this instrument is a true and correct copy of the original now on file or of record in this office.

Dated March 12, 2000

By

GAIL L. BEST

Clerk

Ex-officio Auditor and Recorder

                      
Deputy

ROBERT WARD  
HALL & FRIEDLY  
Attorneys for Plaintiff  
340 East 2nd North Street  
Mountain Home, Idaho 83647  
Telephone: (208) 587-4412



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE  
MAGISTRATE DIVISION

SAMUEL DALE BLACKWELL,  
Plaintiff,

-vs-

FRANCES ELIZABETH BLACKWELL,  
Defendant.

Case No. CV-DR-93-00163  
D E C R E E

The above-entitled cause came on regularly to be heard and tried before the court in open court, at Mountain Home, in the County of Elmore, State of Idaho, on the 7 day of December, 1993, the plaintiff appearing in person and by his attorney Robert Ward, of the firm of Hall & Friedly, and the defendant appearing not, neither in person, by attorney nor otherwise;

Upon said hearing it appeared to the satisfaction of the court that the defendant Frances Elizabeth Blackwell has

been duly and regularly served with summons in this action in the manner provided by law, and said defendant having failed to appear and answer or otherwise plead to the plaintiff's complaint within the time allowed by law, the default of said defendant was duly and regularly entered according to law, and the Court having heard the testimony introduced on behalf of the plaintiff and in support of the allegations of his complaint and the cause having been submitted;

After duly considering the testimony introduced herein the Court finds the issues upon the plaintiff's complaint in favor of the plaintiff and against the defendant and finds that the plaintiff is now and for more than six weeks prior to the commencement of this action has been a bona fide resident of the State of Idaho, and that irreconcilable differences have arisen between the plaintiff and the defendant and that by reason thereof the plaintiff is entitled to have dissolved the bonds of matrimony heretofore and now existing between the plaintiff and the defendant;

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the plaintiff have and he is hereby granted a divorce from the defendant upon the grounds of irreconcilable differences and that the bonds of matrimony heretofore and now existing between the plaintiff Samuel Dale Blackwell and the defendant Frances Elizabeth Blackwell be and the

same are hereby dissolved and that the plaintiff be and he is hereby divorced from the defendant.

2. That the following described separate property of the plaintiff be and the same is hereby confirmed unto him as his sole and separate property and estate, to-wit:

REAL PROPERTY:

Real property known as the Blackwell Ranch;

Real property known as the Cold Springs Creek property which was inherited by the plaintiff;

Real property known as Bennett Mountain property, including the cabin.

PERSONAL PROPERTY:

Cattle and horses currently on the property described above;

Plaintiff's brand;

Miscellaneous equipment and vehicles;

Miscellaneous items of household goods.

3. That the following described separate property of the defendant be and the same is hereby confirmed unto her as her sole and separate property and estate, to-wit:

House in Glenns Ferry;

Mattresses, etc. inherited from plaintiff's mother;

Buick inherited from plaintiff's mother;

Miscellaneous items of household goods.

4. That the plaintiff be and he is hereby awarded as his sole and separate property and estate the following community property, to-wit:

All community property of the parties, subject to the indebtedness thereon under the Chapter 12 bankruptcy.

5. That the plaintiff pay the following community debts of the parties and hold the defendant harmless therefrom, to-wit:

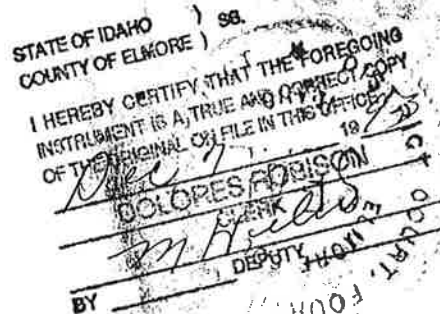
All debts under the Chapter 12 plan;  
All debts incurred by the plaintiff after the separation of the parties on September 10, 1993.

6. That the defendant pay the community debts of the parties and hold the plaintiff harmless therefrom, to-wit:

All debts incurred by the defendant after the separation of the parties on September 10, 1993.

DATED this 7 day of December, 1993.

151 **JOHN R. SELLMAN**  
John R. Sellman  
Judge, Magistrate Division



**277785**

ELMORE COUNTY, IDAHO, ss

Request of

Hall & Friedly

Time 7:16 P.M.

Date December 7, 1993

Book \_\_\_\_\_ of \_\_\_\_\_

Page \_\_\_\_\_

**DOLORES ROBISON**

By Chad M. Lye

Deputy

Fee \$2.00

FILED

DEPT. OF JUSTICE  
COURT

DEPUTY M. G. Summitt

\*  
\*  
\*

ORDER MODIFYING DECREE OF DIVORCE - 1

record, and advised the court of the settlement agreement between the parties; and,

WHEREAS, the parties have entered into this settlement agreement knowingly, willingly and intelligently with the aide of counsel, and each deems it to be fair and equitable. Since the parties are entering into an agreement to settle the above-entitled matter, they each waive their rights to appeal from this court's decision to any other court; and,

WHEREAS, the parties desire that formal written findings of fact and conclusions of law be waived; and,

WHEREAS, the parties pursuant to their agreement have compromised and settled all of their differences herein and desire that the court enter an order modifying decree of divorce which encompasses the agreement of the parties, NOW, THEREFORE;

The Court having considered the settlement agreement by the above-named parties to this action and entered on the open record on May 12, 1994, and good cause appearing therefor;

IT IS HEREBY ORDERED that the Decree of Divorce entered on the 7th day of December, 1993, in the above-entitled matter be modified as follows:

1) That paragraphs 2 through 6 of the Decree of Divorce entered on December 7, 1993, be stricken and new paragraphs 2 through 11 be entered as follows:

2. That the following described separate property of the plaintiff be and the same is hereby confirmed unto him as his sole and separate property and estate to-wit:

REAL PROPERTY:

Real property known as the Blackwell Ranch;

Real property known as the Cold Springs Creek property which was inherited by the plaintiff;

Real property known as Bennett Mountain property, including the cabin.

PERSONAL PROPERTY:

One 18' freezer  
One upright freezer  
One refrigerator  
Maytag washer and dryer  
Three saddles  
One set of silver spurs  
Bed with bookcase  
Blond bedroom set  
Ten drawer dresser  
One metal desk  
One gold chair  
One set of horse shoeing equipment  
Ford tractor  
Various silver bridles  
Various silver halters  
Two Powder River chutes  
Woods lawn mover  
Double F and SB brands-including equipment and registration  
250 gallon gas tank  
One large grinder  
One metal work bench  
Two wood work benches  
One old wash stand  
Card table  
Old stove  
1960 Chevrolet  
Water wagon  
BLM rights  
Forest rights  
1960 Ford Falcon  
Camp cabinet  
Two beds  
One day bed

Six iron chairs  
Gas refrigerator  
Propane stove  
All equipment at Wilson place  
Shelves and desk in den  
Popcorn popper  
Big electric mixer  
Toaster  
Various items of Silverware  
Electric skillet  
Electric steam iron  
Various tools  
Metal shop cabinets  
30-40 Krag Rifle  
30-06 Rifle  
Two H Tractor  
Two M Tractor FarmHand  
Chevrolet dump truck  
One blond buffet  
Seven drawer wooden desk  
Hot Point electric stove  
Round kitchen table  
Six blond and red chairs  
Picture of Samuel B. Blackwell  
Butcher block  
Two Sears Welders  
Large anvil  
One set horse shoeing equipment  
One four drawer bathroom chest  
Hay wagon  
Love seat and chair  
Blue chair and footstool  
1982 Chevrolet pickup  
1979 Oldsmobile automobile  
1972 pickup  
Red two ton cattle truck  
Blue two ton cattle truck  
Three plywood wardrobes  
Allen's saddle from father  
All keys  
Titles to Int. truck, Chevrolet Chevette, Ford  
    one ton, both horse trailers, camp trailer  
Registration to camper  
Registration to trailers  
Registration to horse trailers  
Antique bed  
Bed with bookcase headboard  
Electric stove  
Oil Heater  
Two attic decks  
Jewelry from plaintiff's mother

3. That the following described separate property of the defendant be and the same is hereby confirmed unto her as her sole and separate property and estate to-wit:

One television  
Redwood furniture  
House in Glenns Ferry  
Mattresses, etc. inherited from plaintiff's mother  
Buick inherited from plaintiff's mother  
Serving set  
Silver tea set  
Grandmother's tea set  
Mother's two end tables  
Two end tables with cocktail table  
All curtains  
Frigidaire stove  
Safe  
Hereford figurines  
Cocktail table  
Set flower dishes  
Plants  
Two wood lamps  
Crock pot  
Three ceiling fans  
Wooden cowboy  
Wooden table with glass  
Black dresser  
Blue lamp  
Manual typewriter  
G.E. Microwave oven  
Small four drawer wood chest  
Small wooden night tables  
G.E. Refrigerator  
One gas grill  
One upright freezer  
One 5' brown freezer  
Gold rug  
Small blue chair  
Square wooden kitchen table  
Table saw  
Clock from defendant's mother  
Horse lamps

4. That the plaintiff be and he is hereby awarded as his sole and separate property and estate all of the community property of the parties save and except the

1978 Dodge motor home, including but not limited to the following:

- Two steel filing cabinets
- Paint Horse books
- Two older wagons
- Various silver bridles
- Various silver halters
- One new two horsepower pump
- Lawn mower
- Tack
- Tack shop
- Four wagon wheels
- Silver buckels
- Weed eater
- Lawn chairs
- Cordless phone
- Ironing board
- Steam iron
- Two round stock water tanks
- Three ceiling fans
- Paint Horse statue
- One red and white jockey
- Four wagon wheels
- Double E brand and Diamond F brand including irons equipment and registration
- All cattle of any kind, including horses, whether branded with Double E, Double F, Diamond F, or SB, or unbranded
- 250 gallon diesel tank
- John Deere chain saw
- Stock racks
- Drill press
- Quarter Horse books
- Gray lawn mower
- Table
- Benches
- Pots and pans
- Ironing board
- Circle J four horse trailer
- Two wooden filing cabinets
- Two electric adding machines
- Metal cowboy
- Two rubber water tanks
- Two round stock tanks
- Sale proceeds due from Carol Lane
- Camcorder
- 35mm camera
- Silverware
- Miscellaneous tools
- Drill press
- G.E. electric stove
- Stokamatic coal stove

Lincoln welder  
G.E. refrigerator  
One electric typewriter  
Adding machine  
Pictures, whatnots  
Three wooden cabinets  
1972 Chevrolet Malibu  
1978 One ton Ford  
Blue and white horse trailer  
All fencing panels  
G.E. television  
G.E. washer and dryer  
Two saddles, Porter & Roy Allen  
G.E. VCR  
Echostar satellite  
Gun cabinet  
China cabinet  
Meat cuber  
Childs saddle  
Six chairs  
Microwave stand and dishes  
All improvements to real property

5. That the defendant be and she is hereby  
awarded as her sole and separate property the following  
community property to-wit:

1978 Dodge motor home subject to any encumbrance  
thereon or rights of any creditor or the U. S.  
Trustee in the Chapter 12 Bankruptcy filed by the  
parties previously

Silverware in her possession  
Pots and pans in her possession

6. Defendant acknowledges that in the event  
the bankruptcy is converted to a Chapter 7 that  
the bankruptcy may claim rights to the motor home  
superior to hers and she will not deem it a  
contempt of court on plaintiff's behalf. As  
between plaintiff and defendant, plaintiff waives  
all rights to said motor home and voluntarily  
relinquishes possession of said motor home to  
defendant.

7. That the plaintiff pay the following community debts of the parties and hold the defendant harmless therefrom, to-wit:

All debts under the Chapter 12 plan  
All debts incurred by the plaintiff after the  
separation of the parties on September 10, 1993

8. That the defendant pay the following community debts of the parties and hold the plaintiff harmless therefrom, to-wit:

All debts incurred by the defendant after the  
separation of the parties on September 10, 1993

9. All other debts not contained under the Chapter 12 bankruptcy plan are awarded to the party who incurred the same.

10. The parties hereto each acknowledge respectively that they are entering into this stipulation and agreement modifying Decree of Divorce knowingly, willingly and intelligently with the aide of counsel, and deem it to be fair and equitable. In that the parties are entering into an agreement to settle the above-entitled matter, they each waive their rights to appeal from this court's decision to any other court.

11. Within 14 days after entry of this modification to decree of divorce, defendant shall return to plaintiff all property awarded to plaintiff herein, and within 10 days thereafter plaintiff shall return to defendant all property awarded to defendant herein.

IT IS FURTHER ORDERED that all other terms and conditions of the Decree of Divorce entered in the above-entitled action on the 7th day of December, 1993, shall remain in full force and effect and the same shall not be modified in any manner other than as set forth above.

/s/ JOHN R. SELLMAN  
John R. Sellman  
Judge, Magistrate Division  
7-5-94

# 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.

1. Water Right No(s).: 37-19837  
Adjudication Claim No(s).: 37-19837

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 Samuel D. Blackwell / Frances E. Blackwell  
Rt. 1 Box 430

4. New Owner/Claimant(s) Samuel D. Blackwell  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. Box 398

City, State and ZIP Code King Hill, ID 83633-0398

New Telephone Number (208 ) 366-2265

5. Date you acquired the property 7-16-1991

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.

|                                                          |                                |
|----------------------------------------------------------|--------------------------------|
| Number of acres you irrigate with this water right _____ | Number and type of stock _____ |
| Diversion rate in CFS _____                              | Other uses _____               |

7. Signature of New Owner(s) or Claimant(s) Samuel D Blackwell

**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.