

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-10498B V1

WATER RIGHT NUMBER: 37-10498B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY RITA FIKE 384 RIVER RD BLISS, ID 83314 (306)631-2892
Original Owner	MARCIA L WILLHITE 384 RIVER RD BLISS, ID 83314 (208)352-1129
Original Owner	LEROY PERKINS 384 RIVER RD BLISS, ID 83314 (208)352-4203
Original Owner	ROBERT G WILLHITE 384 RIVER RD BLISS, ID 83314 (208)352-1129
Original Owner	LINDA L PERKINS 384 RIVER RD BLISS, ID 83314 (208)352-4203
Previous Owner	PAMELA K WISSENBACH 5707 WILLOW CREEK RD EAGLE, ID 83616
Previous Owner	MICHAEL JOHN WISSENBACH 5707 WILLOW CREEK RD EAGLE, ID 83616

Priority Date: 04/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.010 CFS	
IRRIGATION	03/15 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

SPRINGS	NE1/4SE1/4SE1/4	Sec. 17, Twp 06S, Rge 13E, B.M.
GOODING County		

Place of Use

STOCKWATER

Twp Rge Sec	NE		NW		SW		SE	
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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S 13E 17														X			

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	13E	17														2.1			2.1

Total Acres: 2.1

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. Source is also known as Montana Mining Company Spring No. 9.
4. C18 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.
5. This right is a portion of former right 37-792B

Remarks:Comments:

1. cfritsch 2/27/2004 EXP Remark

Comment: Added Explanatory remark identifying the source as Montana Mining Company Spring No. 9.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-10498B V1

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

July 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MARY RITA FIKE
384 RIVER RD
BLISS ID 83314

RE: #37-10498B

Dear Ms. Fike,

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn', is written over a faint, larger signature that is partially obscured.

Carrie Hahn
Clerk

enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAY 09 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-10498B					

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) Michael John & Pamela Wissenbach
2154 E 3450 N, Filer, ID. 83328
4. New Owner/Claimant(s) Mary Rita Fike
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 384 River Road,
- City, State and ZIP Code Bliss, ID. 83314
- New Telephone Number (360) 631-2892
5. Date you acquired the property 5/7/07

WARRANTY DEED

#GG-08195

For Value Received

Michael John Wissenbach and Pamela K. Wissenbach, husband and wife

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

Mary Rita Fike, a single person

Address: 24119 99th Drive, NE, Arlington, WA 98223

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

MRF

PARCEL NO. 1:

TOWNSHIP 6 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 17: That part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

Beginning at the East Quarter corner for Section 17;

Thence South 89°52'08" West, 1316.76 feet along the Northerly boundary of SE $\frac{1}{4}$, Section 17 to the Northeast Corner for NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence South 0°02'56" East, 388.69 feet along the Easterly boundary of NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;

Thence North 58°00'18" West, 484.12 feet;

Thence South 63°46'27" West, 371.44 feet to the center of an Irrigation Lateral known as the "Montana Ditch";

Thence along the center of said "Montana Ditch" the following courses:

South 32°50'03" East, 49.86 feet;

South 22°40'27" East, 79.04 feet;

South 37°41'03" East, 72.38 feet;

South 41°16'48" East, 111.82 feet;

South 73°51'58" East, 68.51 feet;

South 70°56'28" East, 157.66 feet;

South 60°48'24" East, 87.77 feet;

South 62°06'27" East, 94.87 feet;

Thence departing said Irrigation Lateral North 21°21'24" East, 23.06 feet;

Thence North 4°37'57" East, 198.03 feet;

Thence North 58°39'27" East, 197.37 feet to the TRUE POINT OF BEGINNING.

Instrument # 221511

GOODING, GOODING, IDAHO

2007-05-07

01:54:00

No. of Pages: 2

Recorded for : LAND TITLE

DENISE M. GILL

Ex-Officio Recorder Deputy

Fee: 6.00

St. Housers

PARCEL NO. 2:

A 30.00 feet in width Access and Irrigation Easement for benefit of Parcel No. 1 as set forth in Quitclaim recorded March 29, 1999 as Instrument Number 179785, records of Gooding County, Idaho, over the following described land:

TOWNSHIP 6 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 17: Part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

Beginning at the East Quarter corner for Section 17;

Thence South 89°52'08" West, 2367.18 feet along the Northerly boundary of SE $\frac{1}{4}$, Section 17 to the center of Old U.S. Highway 30;

Thence South 34°38'14" East, 160.67 feet along the center of said Highway to the center of the Montana Ditch;

Thence South 84°53'08" East, 32.16 feet along the center of said Montana Ditch to the Point of Beginning for a 30.00 feet in width Access and Irrigation Lateral Easement;

Thence along the center of said Lateral and the Westerly boundary of Access Road the following courses:

South 84°53'08" East, 26.06 feet;

South 43°17'30" East, 80.31 feet;

South 49°56'10" East, 112.26 feet;

South 32°50'03" East, 30.74 feet to the end of said Access Easement.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right No. 37-10498B with the Idaho Department of Water Resources.

SUBJECT TO:

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

Taxes for 2007 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments levied or to be levied by any local irrigation district.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by Ray D. Kucera and Myrtle K. Kucera, his wife to Idaho Power Company, a corporation, dated May 15, 1966, recorded July 29, 1966 as Instrument Number 19056, Gooding County records, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 6 South, Range 13, East of the Boise Meridian.

Easement for ingress and egress as disclosed in Warranty Deed from Ray Kucera a/k/a Ray D. Kucera and Myrtle Kucera, a/k/a Myrtle K. Kucera, husband and wife to Leroy W. Perkins and Linda L. Perkins, husband and wife, dated October 9, 1985, recorded November 7, 1985 as Instrument Number 118025, records of Gooding County, Idaho.

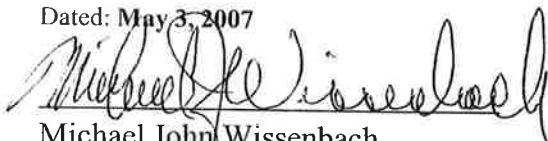
Power Line Easement given by Robert G. Willhite and Marcia L. Willhite to Idaho Power Company, a corporation, dated May 24, 1999, recorded August 30, 1999 as Instrument Number 182075, Gooding County records, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 6 South, Range 13, East of the Boise Meridian.

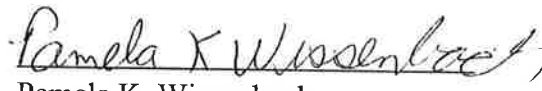
Power Line Easement given by Robert G. Willhite and Marcia L. Willhite to Idaho Power Company, a corporation, dated May 24, 1999, recorded August 30, 1999 as Instrument Number 182090, Gooding County records, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 6 South, Range 13, East of the Boise Meridian.

Power Line Easement given by James E. Brizendine and Jennette W. Brizendine to Idaho Power Company, a corporation, dated June 9, 1999, recorded August 30, 1999 as Instrument Number 182091, Gooding County records, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 6 South, Range 13, East of the Boise Meridian.

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

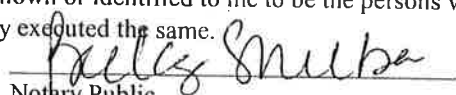
Dated: May 3, 2007

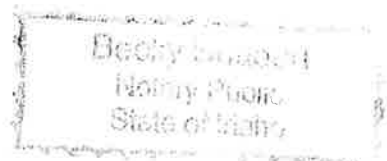

Michael John Wissenbach


Pamela K. Wissenbach

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 31st day of May, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared **Michael John Wissenbach and Pamela K. Wissenbach**, known or identified 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
Residing at: Gooding ID
My Commission expires: 02-23-2011



Land Title and Escrow, Inc.

A Full Service Title Company



GG-08195

Gooding

May 7, 2007

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

RECEIVED
MAY 09 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: Notice of Change of Water Right Ownership
From: Wissenbach To: Fike

Cert Mail :7006 0100 0003 4427 0635

Dear Sirs:

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

- Notice of Change of Water Right Ownership on 384 River Road, Bliss ID 83314, for Water Right Number 37-10498B
- Copy of Deed #221511
- Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.

A handwritten signature in blue ink, appearing to read "Susana Ourique".

Susana Ourique
(208) 934-8477

P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

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Box 177 ~ Burley, Idaho 83318
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lteb@pmt.org

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Phone: 324-3357 ~ Fax: 324-8961
ltej@pmt.org

Box 473 ~ Gooding, Idaho 83330
Phone: 934-8477 ~ Fax: 934-5890
lteg@pmt.org

Box 111 ~ Rupert, Idaho 83350
Phone: 436-0606 ~ Fax: 436-1199
lter@pmt.org



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

July 12, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MARY RITA FIKE
384 RIVER RD
BLISS ID 83314

Re: Change in Water Right Ownership for Water Right 37-10498B

Dear Ms. Fike:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

 X **Filing Fee** of \$25 per water right

 Evidence of Water Right Ownership: copy of your Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed.

Because the Department cannot process the ownership change without proper fee, we will hold any action on your notice pending receipt of the necessary fee. If we do not receive the necessary fee within 30 days, we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water rights ownership and/or mailing address to the Department within 120 days of the change. Failing to report these changes could result in a \$100 late filing fee. Please feel free to contact this office if you have any questions.

Sincerely,

Trish Fawcett
Technical Records Specialist



Title:

Date: 07-23-2007

Scale: 1 inch = 2000 feet

File:

+Tract 1: 5.081 Acres: 221327 Sq Feet: Closure = s02|1827e 0.04 Feet: Precision = 1/54232: Perimeter = 1996 Feet
Net Area = 5.081 Acres: 221327 Sq Feet

001=s|se,se,ne,17,06s,13e

007=s|22.4027e 79.04

013=s|62.0627e 94.87

002=s|89.5208w 1316.76

008=s|37.4103e 72.38

014=n|21.2124e 23.06

003=s|0.0256e 388.69

009=s|41.1648e 111.82

015=n|4.3757e 198.03

004=n|58.0018w 484.12

010=s|73.5158e 68.51

016=n|58.3927e 197.37

005=s|63.4627w 371.44

011=s|70.5628e 157.66

006=s|32.5003e 49.86

012=s|60.4824e 87.77