

09/01/2006

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

RIGHT NUMBER: 67-4122B

NAME AND ADDRESS: LARRY FISK
2193 RIDGE RD
FRUITVALE ID 83620

PENNY FISK
2193 RIDGE RD
FRUITVALE ID 83620

SOURCE: WEST FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.390 CFS

Right Nos. 67-4122b and 67-144c are limited to a total combined diversion rate of 0.6 cfs.

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T18N R01W S32 SWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.390 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S16 NENE 30.00

30 ACRES TOTAL

Right Nos. 67-4122b and 67-144c are limited to the irrigation of a combined total of 30 acres in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



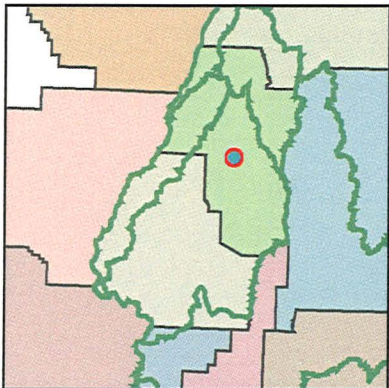
Idaho Department of Water Resources

SRBA Recommendation:

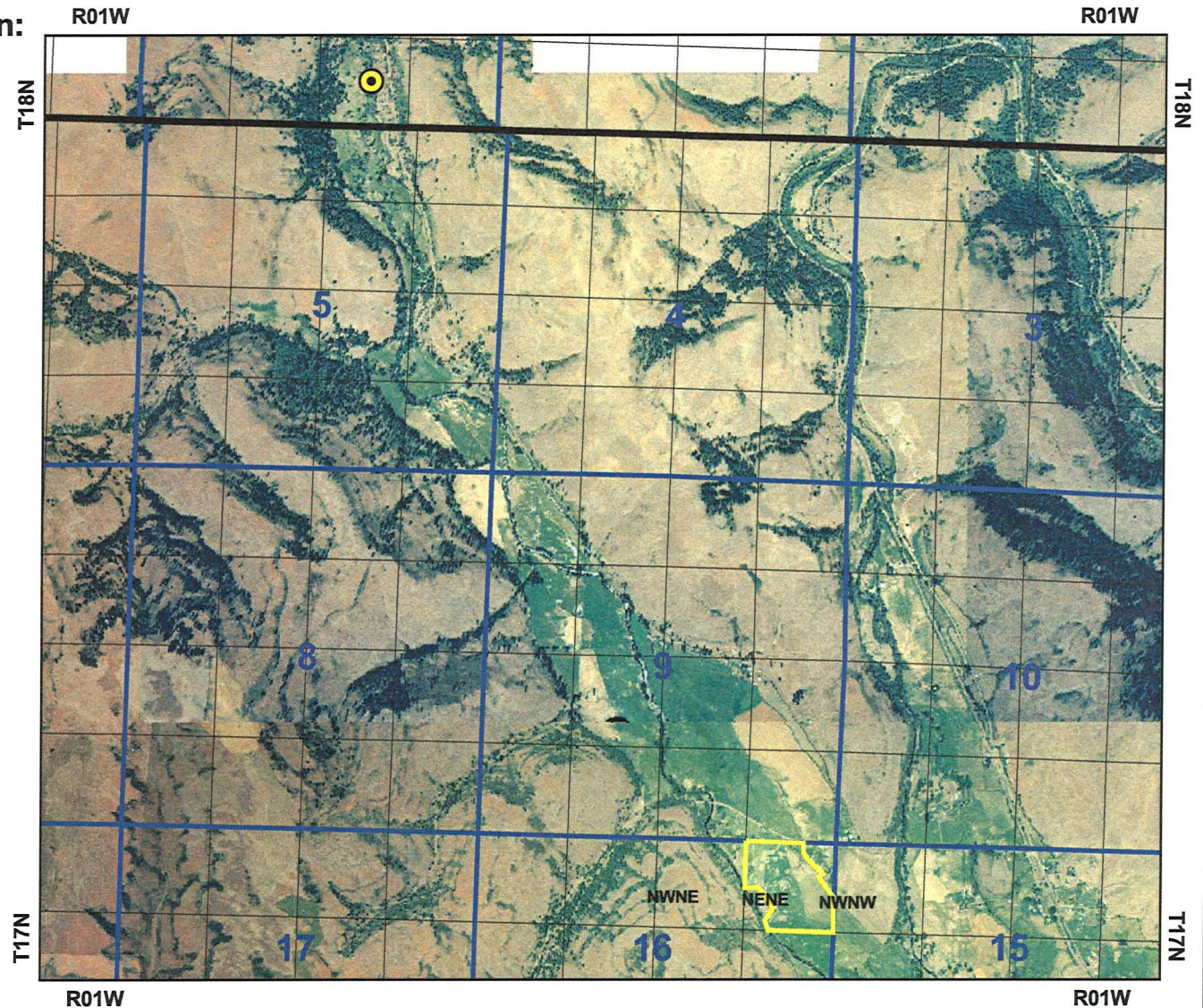
67-4122B

Legend

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



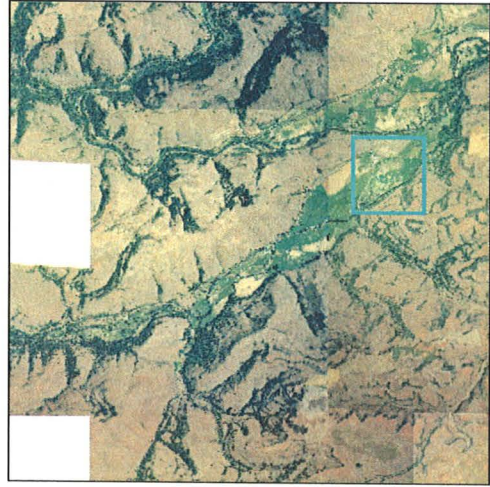
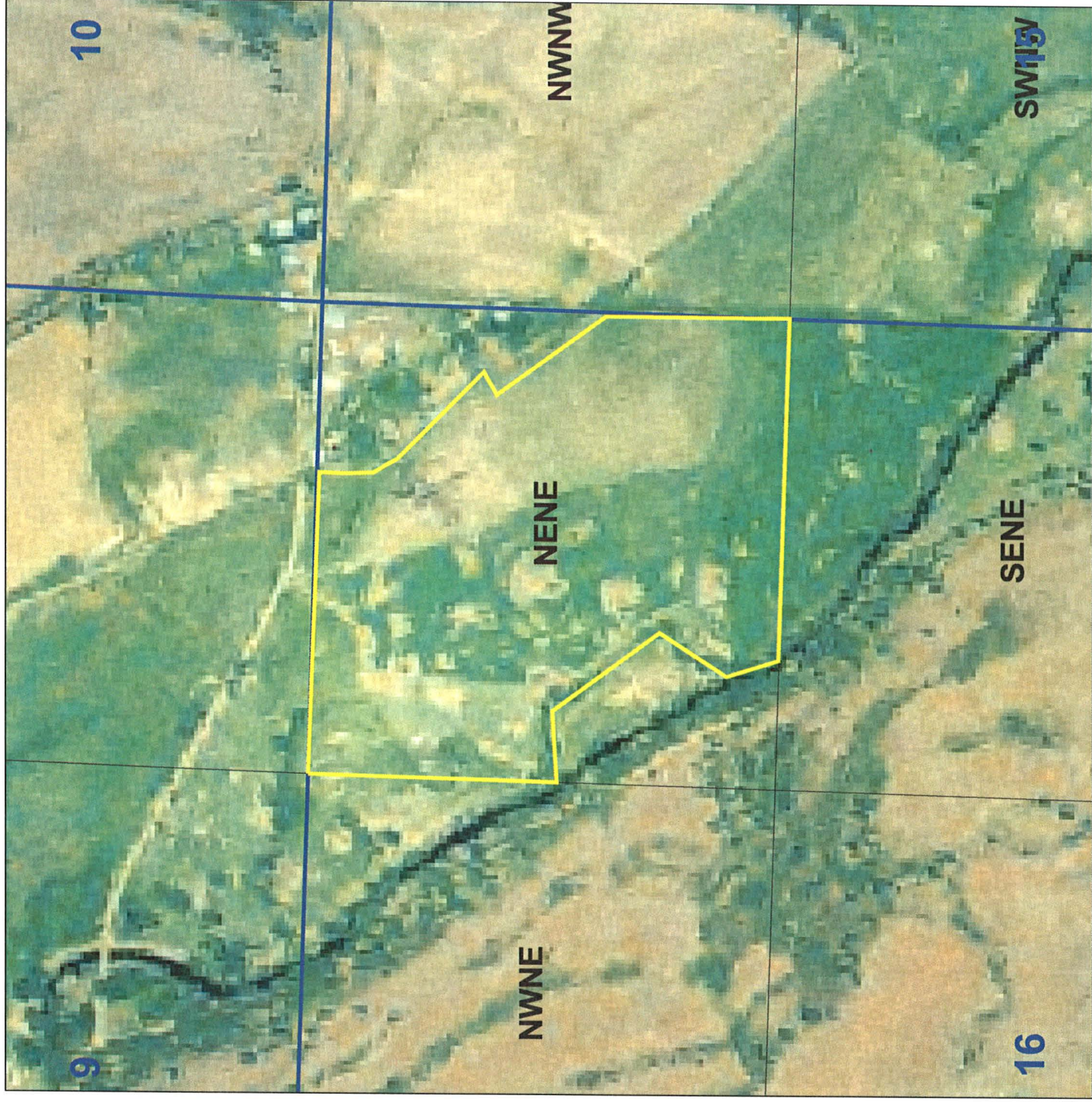
Adams County
IDWR Basin 67



0 1 2 Miles

Prepared by M. Mount
On Friday, September 1, 2006
1987/88 Aerial Photography

67-4122B



67-4122B

Notes

7/15/05:

Does not need evidence of priority - covered by
decreed right 67-144, also from TJ Glenn ditch.
BUT earliest for flood water: May 10, 1918 -
explain this to the Fists.

confirm POD

POD - TJ Glenn ditch leaves W. Fork Weiser R.
@ # A0014009 in Section 32

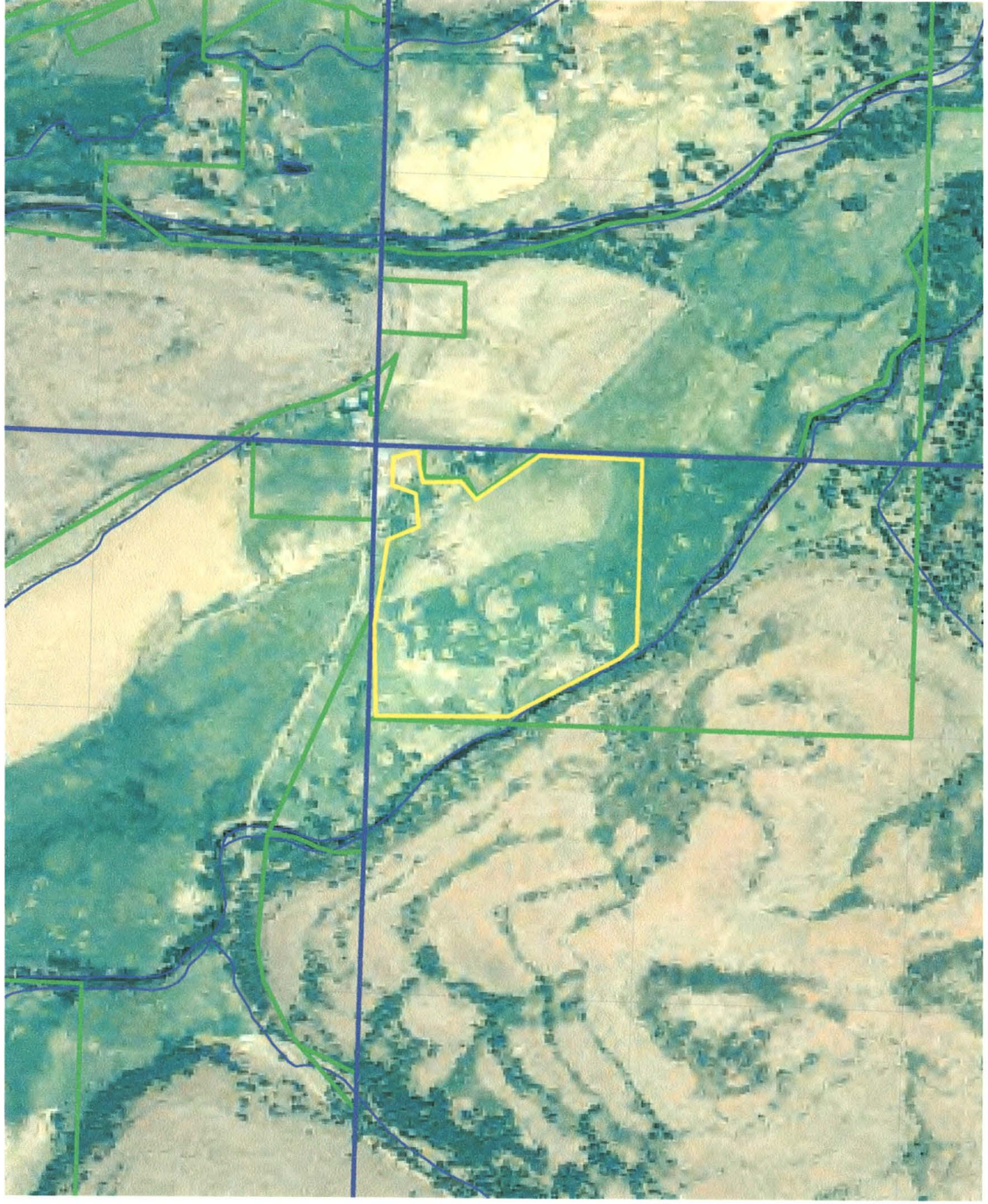
ditch capacity: 300"

no flow measurement needed.

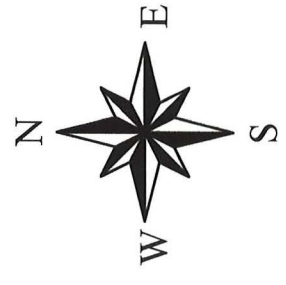
* Section 16 is where user takes water from ditch -
not "real" POD

no need for FE - POD already GPSd,
POU straightforward

67-4122b



- 67-4122b.shp
- T_r_sections.shp
- Parcels.shp
- Quarterquarters.shp
- Streams.shp
- Basinoutlines.shp



AMMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that T.J. Glenn Ditch (name of claimant)
of Fruitvale, ID 83620, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) West Fork Weiser River
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|---------------------|-----------------------|---|
| Amount <u>8 cfs</u> | Use <u>Irrigation</u> | Period of Use: From <u>April 15</u> To <u>Oct. 14</u> |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
- (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 8 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 5-1-1898 - 3.2 cfs, 5-1-1900 - 4.8 cfs
A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.
- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 32 Twp. 18 N Rge. 1W B. M. County of Adams
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. There is a diversion dam of rocks and a concrete, screw down typw headgate. There is no measuring device at the present time. The headgate is model #101F 24".

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

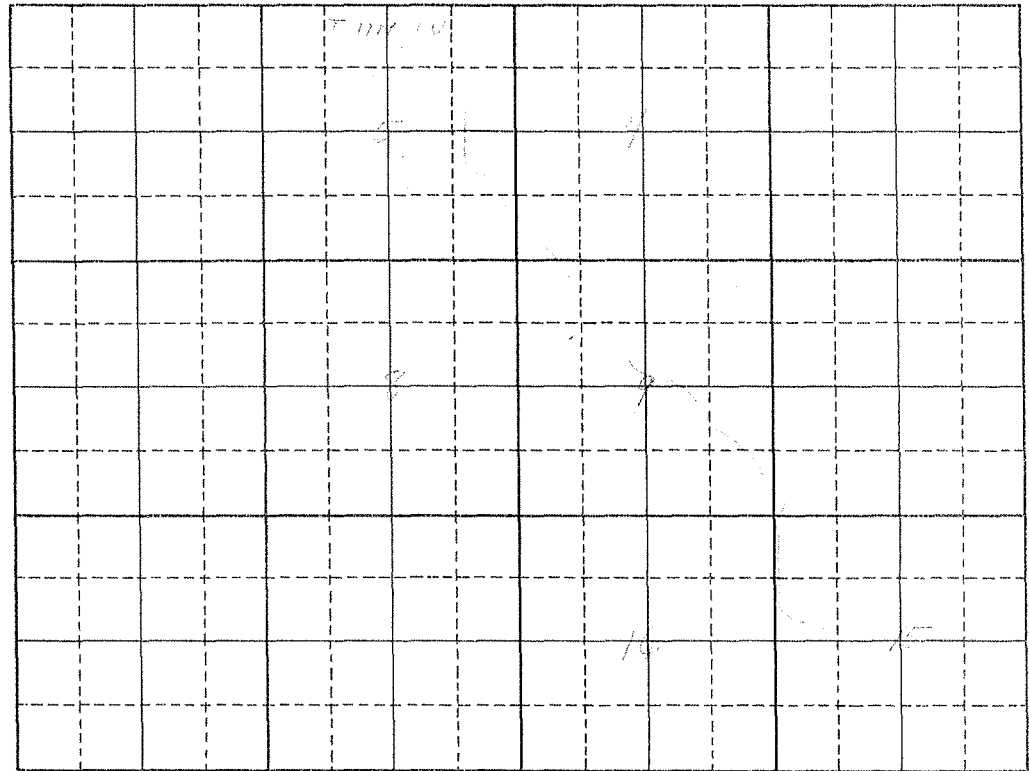
Total No. of acres 261

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: T. J. Glenn Ditch
(Also know as the West Fork Ditch Co.)

39 T 19 N 10'

Point of Diversion



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Adams)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 11 day of AUGUST 1945
W. H. Kitch (Claimant) per
Edwin D. Foster

Notary Public
Residing at Canal Idaho

My commission expires Sept 4

For Department Use Only

Received by <u>ch</u>	Date <u>8/15/45</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ch</u>	Date <u>8/15/45</u>		claimant by:	
\$10.00 fee received by <u>ch</u>	Date <u>8/15/45</u>			
Approved for publication by				
Published in <u>Adams County Teachers</u>				
Dates <u>Sept 4 & 11</u>				

Claim No. 657122

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. ~~The filing of this claim does not confirm the water right but will serve for information purposes only.~~ It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that T. J. Glenn Ditch
(name of claimant)
of Fruitvale, Idaho 83620, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) West Fork Weiser River
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|--------------|-----|-------------------|----------------|------|-----------------|----|------------------------|
| Amount | <u>8 cfs</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>April 15</u> | To | <u>Oct. 14</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm) | | (dom., irri., | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: Eight (8) cubic feet per second, or _____ acre feet) per annum, and/or _____ gallons per minute. 5-1-1900-4.8 C.F.S. See 4-24-75
- (4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1898 - 3.2 C.F.S. dated Rev. H.

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32 Twp. 18N Rge. 1 W B. M. County of Adams
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. There is a diversion dam of rocks and a concrete, screw down type headgate. There is no measuring device at the present time. The headgate is model #101F 24".

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

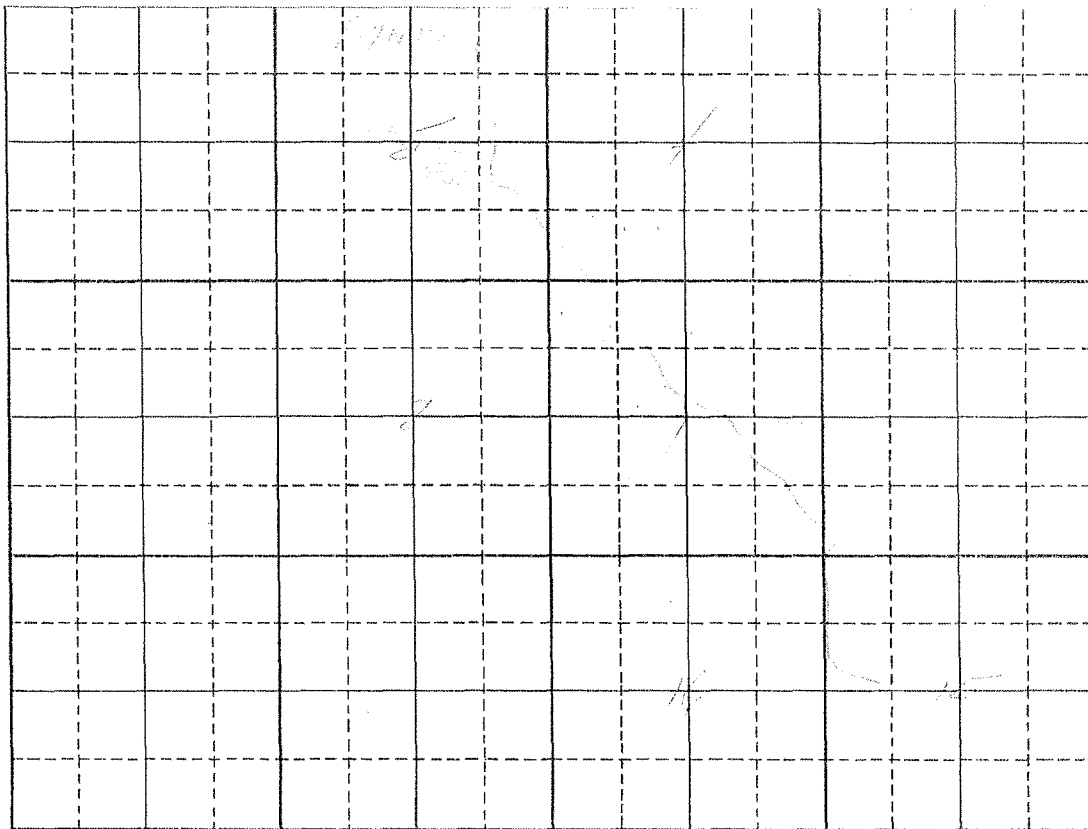
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	1W	5			7										8	2	5	22	
"	"	4																4	
"	"	9							22		9	6			8	39	33	149	
"	"	16																30	
"	"	15							30	26								56	

Total No. of acres 261

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____
- (7) If you are claiming water as a member of an organization, list name of organization: T. J. Glenn Ditch
(Also known as the West Fork Ditch Co.)

~~RESTRICTED~~

320 - 1024 10'



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Adams)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

A. B. Schwanke
(Claimant)

Sworn to before me this 15th day of April 1975.

Barton D. Lester
Notary Public
Residing at Council, Idaho

My commission expires Life

For Department Use Only

Received by <u> </u>	Date <u>1-17-78</u>	Exception filed by: <u> </u>	Forwarded to <u> </u>
Prelim. check by <u> </u>	Date <u>7/17/78</u>	claimant by: <u> </u>	<u> </u>
\$10.00 fee received by <u> </u>	Date <u>4/27/78</u>	<u>1501</u>	<u> </u>
Approved for publication by <u> </u>	<u> </u>	<u> </u>	<u> </u>
Published in <u> </u>	<u> </u>	<u> </u>	<u> </u>
Dates <u>May 13, 1978</u>	<u> </u>	<u> </u>	<u> </u>

70 File AG7-04122B

August 8, 1990

Larry and Penny Fisk
Box 91
Fruitvale, Idaho 83620

RE: Request for change in ownership.

Dear Mr. and Mrs. Fisk;

During the review of your request, we have noted that all of the water rights previously owned by Dick and Alma Fisk have already been put in your name except for the storage right A67-02053Z for 2 acre feet.

As such, we cannot comprehend what the nature of your request is. Although there may be some misunderstanding regarding the water rights appertenant to your lands, all of the paper work appears to be in order. If you would, however, stop by our office near the Boise Airport, if and when you visit Boise, we may clearly explain what water rights were claimed and how they apply to your lands.

Thank you for your concern, and if we may be of any other service, please do not hesitate to contact our office.

Regards,

Bruce A. Schuld
Senior Water Resource Agent

cc:BAS:files

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OCT 02 1992

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: A67-04122B
Date Received: 12/19/1989
Receipt No: W007196
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED - L.W.

1. Name: LARRY FISK 208-253-6073
Address: 2193 RIDGE RD.
FRUITVALE, ID 83620
OR
Name: PENNY FISK 208-253-6073
Address: 2193 RIDGE RD.
FRUITVALE, ID 83620

2. Date of Priority: MAY 01, 1898

3. Source: WEISER RIVER, W. FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	16	NE	NE	NE	R	ADAMS
18N	01W	32	SW	SE	SE		ADAMS

5. Description of diverting works:
HEADGATE, DITCH & GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/14	0.900		

7. Total Quantity Appropriated is:
0.900 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

SCANNED
APR 08 2004
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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	16	NE	NE		IRR	30.0
Section Acres							30.0
Total Acres							30.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:
PRIORITY DATES ARE 5-1-1898 OF 3.2 CFS. & 5-1-1900 4.8 CFS.
THIS WATER RIGHT HAS BEEN SPLIT TO:
A67-04122A, 1.4 CFS, RYALS, MELVIN D.

15. Basis of Claim: BENEFICIAL USE

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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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:

Ident. Number

Date Received

Receipt Number

^B
39576
A67-04122 (SPLIT)
12-19-89
W007196

RECEIVED

DEC 19 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FISK, DICK C. & ALMA L. Phone (208) 253-4852

Mailing Address Box 14, FRUITVALE, ID. Zip 83620

2. Date of Priority (Only one (1) per claim) 03/01/1898

3. Source of water supply (a) WEISER RIVER, WEST FORK
which is tributary to (b) WEISER RIVER

4. a. Location of existing point of diversion is: Township 18N Range 01W Section 32,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of ADAMS

Additional points of diversion if any: PT OF RE-DIV. T18N, R01W, SEC 16, NENE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. HEADGATE, DITCH, & GRAVITY

Flow

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/14 amount 0.90 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.90 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 90.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER INCIDENTAL TO IRRIGATION

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
17N	01W	16	30.0																30.0

Total number of acres irrigated 30.0

11. In which county (ies) are lands listed above as place of use located? ADAMS

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A67-00081 (SPLIT), A67-00144 (SPLIT), A67-02053 (SPLIT) or None ()

14. Remarks: THIS RT IS CLAIMED FOR A PORTION OF STATUTORY CLAIM 67-04122 FOR THE IRRIGATION OF 30 AC UNDER THE CLAIM OWNED BY THE CLAIMANT. ORIGINAL RT OF DIV. = 0.03 CFS / ACRE.

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Last Name FISK Ident No. A67-04122 (SPLIT)

OCT 02 1992
Copies: White -State, Yellow-Claimant

OCT 05 1995

Scale: 2 inches equals 1 mile

[illegible]

Ident No. A67-04122(SPLIT) Copies: *White-State, Yellow-Claimant*

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Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 67-04122

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Dick C. Fisk Date 12-12-1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of ADAMS) SS.

Subscribed and sworn (or affirmed) before me this 12th day of Dec. 19 89

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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OCT 02 1992

Last Name FISK Ident. Number 67-04122(SPLIT)

Copies White-State, Yellow-Claimant

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): AG7-04122B

[] Name and Address of Former Claimant(s): Dick and Alma Fisk

[] New Claimant(s): Larry or Penny Fisk

[] New Mailing Address: 2193 Ridge Road
Box 91
Fruitvale Idaho 83620

New Telephone Number: (208) 253-6073

[] Does the change in ownership result in a splitting of the water right claimed? yes no
If yes, then describe the portion of the water right that is now claimed by the new owner:

[X] Attach proof of ownership
Describe proof attached: Warranty Deed
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): Penny Fisk

Larry Fisk

Date: April 3, 1990

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OCT 02 1992

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

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: _____

Claim Numbers of Split, if any:

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OCT 02 1992

WARRANTY DEED

This indenture made and executed as of the 1st day of March, 1990, by and between Dick C. Fisk and Alma Fisk, husband and wife, with a Post Office Address of Post Office Box 14, Fruitvale, Idaho 83620, Dale L. Fisk, a married man, dealing with his sole and separate property, residing at Post Office Box 252, Council, Idaho 83612, and Alan D. Fisk, a single man, residing at Post Office Box 112, Fruitvale, Idaho 83620, Grantors and Larry N. Fisk and Penny M. Fisk, husband and wife, residing at Post Office Box 91, Fruitvale, Idaho 83620, as Grantees;

WITNESSETH, that the Grantors, for and in consideration of Value Received do hereby grant, bargain, sell and convey unto the Grantees, their heirs and assigns forever, all their right, title and interest in and to the following described property, to-wit:

The East Half of the Northeast Quarter (E1/2 NE1/4) of Section Sixteen (16) in township Seventeen (17) North, Range One (1) West of the Boise Meridian, and

TOGETHER with all tenements, hereditaments and appurtenances to said premises belonging or appertaining, and together with all water, water rights, ditch and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises, and together with all leases of State Lands, and all grazing rights, preferences, permits or privileges upon public domain and the Payette National Forest, which are based upon or held in connection with the aforesaid lands and premises.

EXCEPTING THEREFROM the home and surrounding real property of the Grantors and an easement for ingress-egress, in Adams County, Idaho, more particularly described as:

A parcel of land situated within the NE1/4NE1/4 of Section 16, Township 17 North, Range 1 West, Boise Meridian, more particularly described as follows:

Beginning at the Northeast Corner of the NE1/4NE1/4 of Section 16, Township 17 North, Range 1 West, Boise Meridian;

Thence, South 0 Degrees, 04 Minutes, 04 Seconds, West, 277.56 feet along the east line of said NE1/4NE1/4 to the TRUE POINT OF BEGINNING;

Thence, North, 88 Degrees, 47 Minutes, 04 Seconds, West, 109.96 feet;

Thence, South, 01 Degrees, 42 Minutes, 29 Seconds, West, 208.29 feet;

Thence, South, 59 Degrees, 09 Minutes, 21 Seconds, West,

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OCT 02 1992

less, to a Point on the South line of said Section 17, that is 280 feet East of the Southwest corner of said Section 17;

Thence West, on and along the South line of said Section 17, 280 feet to the Point and Place of Beginning at the Southwest corner of said Section 17, Township 17 North, Range 1 West, B.M.; and

The SE1/4NE1/4, the NE1/4SE1/4, and that portion of the NW1/4, SE1/4 lying East of the County Road, of Section 18; and

The N1/2NE1/4 and the E1/2NW1/4 of Section 20, and a tract of land described as Beginning at Section corner common to Sections 17, 18, 19 and 20,

Thence East along Section line a distance of 1,040 feet to the Point and Place of Beginning;

Thence continuing East a distance of 280 feet, more or less to the Northeast Corner of NW1/4NW1/4 of Section 20;

Thence South at right angles a distance of 210 feet more or less to a point;

Thence Northwesterly a distance of 400 feet more or less to the point and Place of Beginning.

TOGETHER with all tenements, hereditaments and appurtenances to said premises belonging or appertaining, and together with all water, and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises, and together with all leases of State Lands, and all grazing rights, preferences, permits or privileges upon public domain and the Payette National Forest, which are based upon or held in connection with the aforesaid lands and premises.

Subject to Rights-of-way and Easements of Record or in use upon the property.

SUBJECT TO that certain Mortgage, made and executed as of the 1st day of January, 1990, wherein Dick C. Fisk and Alma Fisk are the Mortgagors therein and the Mortgagee is Michael A. Fisk, a married man dealing with his sole and separate property, which Mortgage is filed of record in the Records of Adams County, Idaho as Instrument #78104, at Page 324-325, Book 28M, of Mortgages, and which was corrected as to the property description by that certain Correction Mortgage, dated the _____ day of March, 1990, filed of record in the Records of Adams County, Idaho as Instrument #_____, at Page _____-_____, Book 28M of Mortgages, which

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Warranty Deed

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certain Mortgage, made and executed as of the 1st day of January, 1990, wherein the Grantors herein are the Mortgagors therein and the Mortgagee is Michael A. Fisk, a single man dealing with his sole and separate property, which Mortgage is filed of record in the Records of Adams County, Idaho as Instrument #78104, at Page 324-325, Book 28M, of Mortgages, and which was corrected as to the property description by that certain Correction Mortgage, dated the _____ day of March, 1990, filed of record in the Records of Adams County, Idaho as Instrument #_____, at Page ____-____, Book 28M of Mortgages,

Larry N. Fisk
Larry N. Fisk

Penny M. Fisk
Penny M. Fisk

State of Idaho,)
(ss.
County of Adams.)

On this 28th day of March, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Dick C. Fisk and Alma Fisk, husband and wife, Dale L. Fisk and Alan D. Fisk, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Anna Weiser

Notary Public for Idaho
Residing at: *Weiser*
My Commission expires: *10/2/94*

State of Idaho,)
(ss.
County of Adams.)

On this 28th day of March, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Larry N. Fisk and Penny M. Fisk, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the

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