

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4530

GINA S WADDELL

532 DAY RD

WEISER ID 83672

Telephone Number: (208) 549-0788

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-29-06

SIGNATURE: *Gina S. Waddell*

Please print your name: Gina S. Waddell

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 11 2006

07/10/2006

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

RIGHT NUMBER: 67-4530

NAME AND ADDRESS: GINA S WADDELL
532 DAY RD
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
9.000 AFY

PRIORITY DATE: 08/16/1947

POINT OF DIVERSION:

T10N R05W S4 SWNWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.060 CFS
9.00 AFY

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S04 NWSE 2.00

2 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



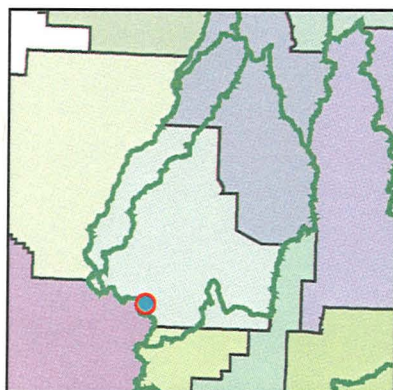
Idaho Department of Water Resources

SRBA Recommendation:

67-4530

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles

Prepared by C. Saxton
On Monday, July 10, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4530 V1

WATER RIGHT NUMBER: 67-4530 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HARLAN DOWNS RT 3 DAY RD 532 WEISER, ID 83672 (208)549-0354
Original Owner	JEAN DOWNS RT 3 DAY RD 532 WEISER, ID 83672 (208)549-0354
Current Owner	GINA S WADDELL 532 DAY RD WEISER, ID 83672 (208) 549-0788

Priority Date: 08/16/1947

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.060 CFS	9.00 AF
	<u>Total Diversion:</u>	0.060 CFS	9.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4SE1/4 Sec. 4, Twp 10N, Rge 05W, B.M.
WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N	05W	4															2.0		2.0

Total Acres: 2

Conditions of Approval:

1. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4530 V1

Comments:

1. mvanbussum 6/21/2006 POU

Comment: Judging from map provided by claimant and claimant address of 532 Day Rd, POU was claimed in error as NESW and should have been claimed as NWSE. Property address in NWSE is 532 Day Rd and deed describing sale of property from Downs (original claimant) to Waddell describes land in NWSE.

2. csaxton 7/10/2006 Diversion Rate Per Acre

Comment: Since 5 acres or less is irrigated, can recommend 1.5 inches per acre as claimed.

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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	7/10/2006 8:48:18 AM	csaxton			Active
Priority Date	7/10/2006 8:48:53 AM	csaxton			Active
POD	7/10/2006 8:49:07 AM	csaxton			Active
Source	7/10/2006 8:52:11 AM	csaxton			Active
POU	7/10/2006 8:52:34 AM	csaxton			Active
Use	7/10/2006 8:53:18 AM	csaxton			Active
Season	7/10/2006 8:53:34 AM	csaxton			Active
Quantity	7/10/2006 8:57:11 AM	csaxton			Active
Summary			07/10/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	7/10/2006 8:50:47 AM	csaxton	Updated shape
POU	7/10/2006 8:52:56 AM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4530 V1

Use	7/10/2006 8:53:19 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Desktop Review.
POU	7/10/2006 8:55:26 AM	csaxton	Updated shape for Active POU
Quantity	7/10/2006 8:57:12 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - No flow measurement needed for claims of 0.20 cfs or less. Description for Question 10 - $(4.5 \text{ af}) \times (2 \text{ ac}) = 9 \text{ afa}$
Summary	7/10/2006 8:57:59 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	7/10/2006 8:48:19 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4530 V1

General	7/10/2006 8:48:54 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from previous owner.
POD	7/10/2006 8:49:08 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	7/10/2006 8:51:07 AM	csaxton	Updated PLS
Source	7/10/2006 8:52:12 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Desktop Review
POU	7/10/2006 8:52:35 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photography
POU	7/10/2006 8:52:48 AM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4530 V1

Season	7/10/2006 8:53:35 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	7/10/2006 8:55:35 AM	csaxton	Updated PLS for Active POU

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

JUL 07 2006

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2006

GINA S WADDELL
532 DAY RD
WEISER ID 83672

RESPONSE DEADLINE

July 10, 2006

RE: EVIDENCE OF PRIORITY FOR SNAKE RIVER BASIN ADJUDICATION (SRBA) 67-4530

Dear Claimant:

I recently received the Change in Ownership form for the above-mentioned claim. Thank you for responding so quickly, and for including a map of the property showing well locations. I also received the deed dated 1943 that mentions water rights. Unfortunately, many deeds have similar phrases and further evidence is needed to establish the priority date. I sent an "Evidence of Priority" pamphlet with my last mailing and you might consult that for further information on establishing a priority date.

As you know, water right claims similar to this one are established by the historic use of water, dating back to when water was first used for the irrigation. The priority date for your claim has not been verified. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

If you have any questions regarding this matter, please call me at (208) 287-4907 or another Water Resource Agent, Misty Mount, at (208) 287-4940.

Respectfully submitted,

Monica LB

Monica P. Van Bussum
Water Resource Agent/GIS Technician

SCANNED

JUL - 7 2006

Gina S. Waddell
532 Day Rd
Weiser, ID 83672
Adjudication #SRBA 67-4530

State of Idaho
Department of Water Resources
322 East front Street
P.O. Box 83720
Boise, ID 83720-0098

Dear Adjudicator,

I was able to trace previous owners of my property back to 1946, when this house was built. I have enclosed a notarized affidavit signed by the son of Joe Jonely, who owned the property at that time. His name is Jim Jonely and he remembers helping build the house and outbuildings, and says that the property was definitely irrigated during the entire time that the Jonely family owned the property. I have included a copy of the deed of transfer showing Joe Jonely selling the property to the next owner; and also a copy of my deed to show that we are really talking about the same property. If you need to contact Jim Jonely; he now lives at 1112 Feltham Peak Way Emmett, ID 83617 and his phone number is 365-3348.

I have also included an aerial photograph from the USGS for August 1946, with the property circled.

I hope that this information is conclusive enough to preserve the water rights of this property for future generations.

SCANNED

JUL - 7 2006

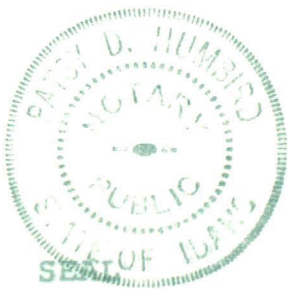
IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
67-4530)
)
)
State of Idaho)
County of _____)

AFFIDAVIT

_____ being first duly sworn,
deposes and says: I, Jim Jonely, am the son of Joe Jonely,
who owned the property at what is now 532 Day Rd. in
Weiser, Idaho from 1947 through March of 1956. The legal
description of the property is, to-wit:

Beginning at the Southwest corner of the North Half of
the South Half of the Northwest Quarter of the Southeast Quarter
of Section 4, Township 10 North, Range 5W of the Boise Meridian
and running thence due East a distance of 32 rods; thence North
a distance of 10 rods; thence West a distance of 32 rods; thence
South a distance of 10 rods to the place of beginning.

I attest that the above property was being irrigated
in 1947 when we moved there, and continued to be
irrigated while my family lived there.



Jim Jonely
(Signature)

Subscribed and sworn to before me this
day 3rd of May, 2006.

Patsy D. Humbird
(Notary Public)

Residing at Emmett

My Commission Expires 3-14-2011

SCANNED

!!! - 7 2006

WARRANTY DEED

BOOK 84 PAGE 131
INSTRUMENT NO. 93412

THIS INDENTURE, Made this 12th day of March, in the year 1956,
between JOE JONELY and LUCILLE JONELY, husband and wife,

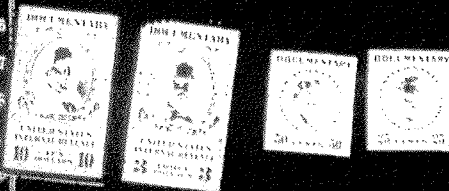
of Idaho Falls, County of Bonnerville, State of Idaho,
the part of the first part, and ARLO E. CHAPMAN and GENEVA CHAPMAN, husband
and wife,

of of, County of, State of, the part of the second part.

WITNESSETH, That the said part of the first part, for and in consideration of the sum of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION DOLLARS lawful money of the United States of America, to in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said part of the second part, and to heirs and assigns forever, all the following described real estate situated in Washington County, State of Idaho, to-wit:

Beginning at the Southwest corner of the North Half of the South Half of the Northwest Quarter of the Southeast Quarter of Section Four (4) in Township Ten (10) North of Range Five (5) West of the Boise Meridian, and running thence due East a distance of thirty-two (32) rods; thence due North a distance of ten (10) rods; thence due West a distance of thirty-two (32) rods; thence due South a distance of ten (10) rods, to the place of beginning.

1956 Q.
This grant is made subject to taxes.



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said part of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances unto the part of the second part, and to heirs and assigns forever. And the said part of the first part, and heirs, the said premises in the quiet and peaceable possession of the said part of the second part heirs and assigns against the said part of the first part, and heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said part of the first part has hereunto set hands and seals the day and year first written.

Signed, sealed and delivered in the presence of:

[Signature]

[Signature] (SEAL)
[Signature] (SEAL)

_____ (SEAL)

DONART & DONART
ATTORNEYS AT LAW
WEISER, IDAHO

BK 84/pg 132

-132-

BOOK 84, PAGE 132
INSTRUMENT NO.

STATE OF IDAHO,

County of Boonville } ss.

On this 16th day of March, 19 56, before me, the undersigned
a Notary Public in and for the State of Idaho, personally appeared JOE JONELY and LUCILLE
JONELY, husband and wife,

known to me to be the person(s) whose name(s) are subscribed to the within instru-
ment and acknowledged to me that he 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.



Joe Jonely
Notary Public.

My commission expires July 7, 1960
Residing at Idaho Falls, Idaho

No. 88412

WARRANTY DEED

Joe Jonely, et ux

TO

Arlo R. Chapman, et ux

Dated March 12, 19 56

STATE OF IDAHO,

County of Washington }

I hereby certify that this instrument was

filed for record at the request of

Vincent Derig

at 30 minutes past 1

o'clock P. M. the 18th day

of October, A. D. 19 63

in my office, and duly recorded in book

84 of Deeds at page 21

HELEN L. LIND

By Charles M. Smith

Deputy.

Fee \$ 1.80

572

185716

oved by:

ils _____

WARRANTY DEED

VALUE RECEIVED, HARLAN I. DOWNS, a married man dealing with his sole and irate property, the Grantor, does hereby, grant, bargain, sell and convey unto GINA ADDELL, a single woman, the Grantee, whose address is 532 Day Road, Weiser, ID 83272, the following described real estate situated in Washington County, State of Idaho, (t):

Beginning at the southwest corner of the North Half of the South Half of the Northwest Quarter of the Southeast Quarter of Section 4, Township 10 North, Range 5 West of the Boise Meridian, and running thence due East a distance of 32 rods; thence North a distance of 10 rods; thence West a distance of 32 rods; thence South a distance of 10 rods to the place of beginning.

SUBJECT TO right of way for existing county road, known as Day Road, along the West boundary.

HAVE AND TO HOLD the said premises, with their appurtenances unto the said itee, her successors and assigns forever. And the said Grantor does hereby covenant id with the said Grantee, that he is the owner in fee simple of said premises; that said ises are free from all incumbrances, and that he will warrant and defend the same all lawful claims whatsoever.

ED this 4-25-02 day of April, 2002.

Harlan I. Downs
Harlan I. Downs

By: William Floyd Gordon Attorney in Fact
William Floyd Gordon, Attorney in Fact

TE OF IDAHO)
: ss
nty of Washington)

his 5 day of April, 2002, before me, a Notary Public in and for said State, onally appeared WILLIAM FLOYD GORDON, known or identified to me to be the on whose name is subscribed to the within instrument as the attorney in fact of LAN I. DOWNS, and acknowledged to me that he subscribed the name of Harlan I. ns thereto as principal, and his own name as attorney in fact.

185716
STON, IDAHO
03-08:00 No. of Pages: 1
WASHINGTON COUNTY TITLE

5.00
Disburse - 185716 W. F. Gordon

Clarence R. Stark
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 09/07/05



SCANNED

JUL - 7 2006

8-31-40

3 180

GS-CK

0817 EASTMAN AEROPHOTO SAFETY

0816 EASTMAN AEROPHOTO SAFETY

 USGS
science for a changing world

1946 Survey

SCANNED

JUL - 7 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2006

GINA S WADDELL
532 DAY RD
WEISER ID 83672

RESPONSE DEADLINE
July 10, 2006

RE: EVIDENCE OF PRIORITY FOR SNAKE RIVER BASIN ADJUDICATION (SRBA) 67-4530

Dear Claimant:

I recently received the Change in Ownership form for the above-mentioned claim. Thank you for responding so quickly, and for including a map of the property showing well locations. I also received the deed dated 1943 that mentions water rights. Unfortunately, many deeds have similar phrases and further evidence is needed to establish the priority date. I sent an "Evidence of Priority" pamphlet with my last mailing and you might consult that for further information on establishing a priority date.

As you know, water right claims similar to this one are established by the historic use of water, dating back to when water was first used for the irrigation. The priority date for your claim has not been verified. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

If you have any questions regarding this matter, please call me at (208) 287-4907 or another Water Resource Agent, Misty Mount, at (208) 287-4940.

Respectfully submitted,

Monica LB

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

May 1, 2006

Idaho Department of Water Resources
Attn. Monica Van Bussum
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

RE: Change in ownership and water rights claim for Snake River Basin Adjudication
(SRBA) 67-4530

Dear Monica,

Per your request I have applied for the Change of Ownership for my property, formerly owned by Harlan and Jean Downs and legally described as:

T10N R05W S4 NE1/4SW1/4

As to the claim of water usage based on "Beneficial Use" or "Statutory Claim"; I am enclosing a Warranty Deed from 1943 which states in paragraph three that the water rights are deeded "together with all water, water rights, ditches or laterals used for or pertaining to the irrigation of the above described land." If this is not sufficient to support my claim for water right priority, please let me know. I will continue to research this issue to that end.

As per the filing instructions, I am enclosing the fee for the transfer of ownership for the Domestic Well only, at this time. If I do need to forward the fee for the transfer of ownership of the Irrigation Well at some point please notify me.

If you need to contact me by phone, my number is: 208/549-0788

Thank you for your assistance in this matter.



SCANNED

MAY 04 2006



Idaho Department of Water Resources

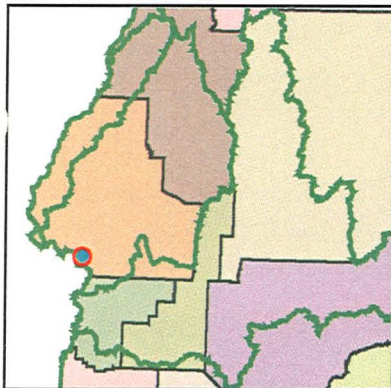
SCANNED
MAY 8 4 2006

Adjudication Claim Number: **67-4530**

T10N R05W

Legend

- PLSS Section LinesGcdb_sections.shp
- GCDB10N05W GCDB
- B-67 streams.shp



Payette County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by M. Van Bussum
On Monday, April 24, 2006
2004 NAIP Aerial Photography

WARRANTY DEED

THIS INDENTURE, Made this 19th day of May in the year of our Lord nineteen hundred and forty-three between H. C. Fliegel and Elizabeth Fliegel his wife of Weiser, County of Washington, State of Idaho the parties of the first part, and George D. Fliegel and Norman Fliegel of Weiser, County of Washington, State of Idaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Four Thousand and no/100 DOLLARS lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledge, have granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate situated in Washington County, State of Idaho, to-wit:

The South-half of the northwest quarter of the Southeast quarter of section Four (4) Township Ten (10) North range Five (5) West Boise Meridian.

together with all water, water rights, ditches or laterals used for or pertaining to the irrigation of the above described land.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs, and assigns, against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first written.

Signed, sealed and delivered
in the presence of -
F. B. Lloyd) Witnesses to
Alice Fliegel) Elizabeth Fliegel
Mark

H. C. Fliegel (SEAL)
her
Elizabeth x Fliegel (SEAL)
mark

STATE OF IDAHO,)
County of Washington) ss.

On this 19th day of May 1943, before me, the Undersigned, a Notary Public in and for the State of Idaho, personally appeared H. C. Fliegel and Elizabeth Fliegel his wife 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.

Seal
(F. B. Lloyd Notary Public)
(State of Idaho)

F. B. Lloyd Notary Public
My commission expires March 15th, 1945
Residing at Weiser, Idaho.

\$4.40 Documentary Revenue Stamps (3-3-47)

Filed for record at the request of Geo. Fliegel at 1:10 o'clock P.M., March 3rd, 1947.

Naomi Black, Recorder

Fees, \$1.20

By Ruth Ann Hunt, Deputy

Idaho Department of Water Resources Receipt

Receipt ID C081120

Payment Amount	\$25.00	Date Received	5/2/2006 11:47:44 AM	Region	State	Status
Payment Type	Check	Check Number	2846			

Payer GINA S WADELL

Comment CHANGE OF OWNERSHIP FOR SRBA 67-4530.

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	ADJUDICATION FILING FEE	0337	41503	1155	



Signature Line (Dept. Representative)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 1983

200-600000 OF PAPER RECOVERED

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Harlan & Jean Downs
(Name of Claimant)

Rt 3 Box 320 Wisconsin Idaho 83672 Telephone No. 549-0354

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1947

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)	
Quantity		Use	Period of Use From	To	
Quantity	<u>Curlew ft per Sec</u>	Use	<u>Irrigation & stock</u>	<u>5-1</u>	<u>10-31</u>
Quantity	<u>0.42</u>	Use	<u>IRRIGATION</u>		
Quantity	<u>.02</u>	Use	<u>STOCKWATER</u>		
Quantity		Use	Period of Use From	To	

(4) 14 CFS TOTAL QUANTITY USED.
(CIS, RI)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4 Twp. 10 N. Rge. 5 W. B.M., County of Washington
 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. Describe any changes in the system and give the date of the change. Pump and Pipe line. 55 gals. per minute

(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]

No. of acres 3 1/2

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

NOTE: Include here the type and number of stock watered: Human 2-10, Cow

(7) If you are claiming water as a member of an organization, list name of organization:

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 67-4530
Date Received: 10/12/1989
Receipt No: M004912
Received By:

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

1. Name of Claimant(s)

GINA S WADDELL Phone: (208) 549-0788
532 DAY RD
WEISER ID USA 83672

2. Date of Priority: 08/16/1947

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10N	05W	4	SE NE SW	WASHINGTON	

5. Description of diverting works:

WELL, 19' DEEP, DUG WELL, 3.5 FT ACROSS, 2 HP PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.06	

7. Total Quantity Appropriated is:
0.06 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
10N	05W	4	NE SW	IRRIGATION	2
Section Acres					2

Total Acres 2

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case 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
67-4530	67-4530				
67-10789	67-4530				

okay to change in full
MVB 6-21-2006

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) Harlan Downs
- Jean Downs
4. New Owner/Claimant(s) Gina S. Waddell
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 532 Day Rd.
- City, State and ZIP Code Weiser, ID 83672
- New Telephone Number (208) 549-0788
5. Date you acquired the property April 5, 2002

SCANNED

MAY 04 2006

Approved by:
Initials _____

WARRANTY DEED

FOR VALUE RECEIVED, HARLAN I. DOWNS, a married man dealing with his sole and separate property, the Grantor, does hereby, grant, bargain, sell and convey unto GINA S. WADDELL, a single woman, the Grantee, whose address is 532 Day Road, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

Beginning at the southwest corner of the North Half of the South Half of the Northwest Quarter of the Southeast Quarter of Section 4, Township 10 North, Range 5 West of the Boise Meridian, and running thence due East a distance of 32 rods; thence North a distance of 10 rods; thence West a distance of 32 rods; thence South a distance of 10 rods to the place of beginning.

SUBJECT TO right of way for existing county road, known as Day Road, along the West boundary.

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

DATED this 4-25-02 day of April, 2002.

Harlan I. Downs
Harlan I. Downs

By: William Floyd Gordon Attorney in fact
William Floyd Gordon, Attorney in Fact

STATE OF IDAHO)
: ss
County of Washington)

On this 5 day of April, 2002, before me, a Notary Public in and for said State, personally appeared WILLIAM FLOYD GORDON, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of HARLAN I. DOWNS, and acknowledged to me that he subscribed the name of Harlan I. Downs thereto as principal, and his own name as attorney in fact.

Instrument # 185716

WEISER, WASHINGTON, IDAHO

2002-04-08 03:09:00 No. of Pages: 1

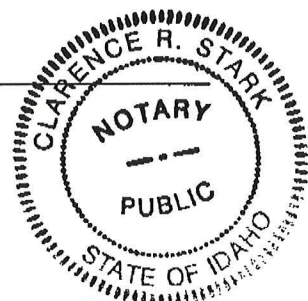
Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER Fee: 3.00

Ex-Officio Recorder Deputy Sharon Widner

Index to: DEED

Clarence R. Stark
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 09/07/05



SCANNED

MAY 04 2006

9

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: A67-04530
Date Received: 10/12/1989
Receipt No: M004912
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARLAN DOWNS 208-549-0354
Address: RT. 3, DAY RD. 532
WEISER, ID 83672

OR
Name: JEAN DOWNS 208-549-0354
Address: RT. 3, DAY RD. 532
WEISER, ID 83672

2. Date of Priority: AUG 16, 1947

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	4	SE	NE	SW		WASHINGTON

5. Description of diverting works:
WELL, 19' DEEP, DUG WELL, 3.5 FT ACROSS, 2 HP PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A67-04530

Page 1

Date: 10/12/89

SCANNED
APR 14 2004

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	4	NE	SW		IRR	2.0
Section Acres							2.0
Total Acres							2.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 _____

52⁰⁰

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

A67-04530

Date Received

10/12/89

Receipt Number

M004912

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Haelan & Jean Downs Phone () 549-0354

Mailing Address Rt. 3 Day Rd 532 Weiser Zip 83672

2. Date of Priority (Only one (1) per claim) 8/16 1947

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 10N Range 5W Section 4,
SE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Washington

Additional points of diversion if any: _____

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. well 19' deep dug well

3 1/2 feet across 2 hp pump - sprinklers

MICROFILMED

OCT 02 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 0.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 7.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	
<u>10N</u>	<u>5W</u>	<u>4</u>									<u>2</u>								<u>2</u>

Total number of acres irrigated 2

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

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.
None or None (X)

14. Remarks:

Last Name DOWNS Ident No. _____

MICROFILMED
Copies: White - State, Yellow - Claimant

OCT 02 1992

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

Decree _____

If applicable provide IDWR Water Right Number A67-04530

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

Signature of Claimant (s) Karlson Downs Date 10-12-89

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 Washington) SS.

Subscribed and sworn (or affirmed) before me this 12th day of October 1989

SEAL

Notary Public Anna Baunhoff

Residing at Anna Baunhoff, Notary Public

Residing at Boise, Idaho

My Commission Expires December 7, 1994

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 _____

Last Name Downs Ident. Number _____

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

~~R5W~~



10N
SW

MICROFILMED
OCT 02 1992