



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 3, 2007

GINNY PONTE
3772 TOMS CABIN RD
EMMETT ID 83617

RE: Snake River Basin Adjudication (SRBA)
Notice of Change of Water Right Ownership Fee
Notice of Claim to a Water Right #67-7364A

Dear Claimant:

The Notice of Claim referenced above is still pending before the SRBA District Court; therefore, no fees were due. The refund process has been initiated with the State Auditor's Office for the \$25.00 fee you paid on receipt #C083179. You should receive a check soon.

Please don't hesitate to contact me if you have questions or need additional information.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region:ref

SCANNED

APR - 3 2007

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: C. Fritschle/D. Allen
 FROM: S. Sherman Date: 3-16-01
 SUBJ: Receipt No. C083179 (Please attach ARQ2 Receipt copy immediately behind blue form)
 RE: PayOR Ginny Ponte
 Address 3772 Toms Cabin Rd.
Emmett ID 83617

Claimant(s) if NOT Payor —
 Refund Amount \$ 25.— Claim Location (Region/Claimant) S.O.
 Extension Filed? Y/N (NA) Copy Attached? Y/N (NA)
 Late Fees Paid? Y/N (NA) Late Fee Receipt # C083179
 S.O. Verified Ext. by — on — D.B. Query by —
 Refund Generated By () Agent () Claimant (✓) Sal
 Refund Category:
 insufficient fees / claim incomplete / withdrawn / (o-pmt)

Date of Last Correspondence (copy attached) —

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>07-7364A</u>	<u>04</u>	<u>\$25.—</u>	<u>\$0</u>	<u>C083179</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
Total		<u>\$25.—</u>	<u>\$0</u>	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y (N)
w/R Still B4 Court. No fee due.

Region AJ Spvsr. Approval _____ S.O. AJ Spvsr. Approval CS
 C. Fritschle Approval C. Fritschle Hold — To Fiscal 4-4-07
 Logged 3-16-01
 Data Base Modified? Y/N (NA) A &/or R Records By — on —

RECEIVED

FEB 02 2007

DEPARTMENT OF
WATER RESOURCES

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

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

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
67-7364A	OK C. Barker				

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) Gerald R. Fowler & Marilyn E. Fowler
PO Box 278

4. New Owner/Claimant(s) Emmett Id 83617
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
Virginia Ponte
 New Mailing Address 3772 Toms Cabin Rd
 City, State and ZIP Code Emmett Id 83617
 New Telephone Number (208) 365-5124

SCANNED

FEB - 6 2007

5. Date you acquired the property

11/13/05

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		Stockwater 100 head cattle
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Nathan Pente

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by AMBDate 2-2-07Receipt Amt. 25.00Received by AMBDate 2-2-07Receipt No. 0083179Processed by MBMDate 3-16-07

WR

Date

ok to changeE. SmithNCAR prepared.2-26-06 Refund request prepared.

Feb 01 2007 10:13AM HP LASERJET 3330

p. 1

ALLIANCE

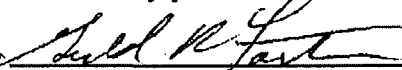
TITLE & ESCROW CORP.

REQUEST FOR FULL RECONVEYANCE

TO: Timberline Title, as Trustee

The undersigned Beneficiary is the legal owner and holder of all indebtedness secured by a Deed of Trust dated 11/14/2005, made by Virginia Ponte, an unmarried person, Grantor to Gerald R. Fowler and Marilyn E. Fowler, Husband and Wife, Beneficiary, recorded on _____ as Instrument No. _____, records of Adams County, Idaho.

You are hereby requested, in accordance with the terms of said Deed of Trust, to reconvey, without warranty, to 'the person or persons legally entitled thereto', the estate now held by you thereunder in said Deed of Trust, situate in Adams County, Idaho.


Gerald R. Fowler


Marilyn E. Fowler

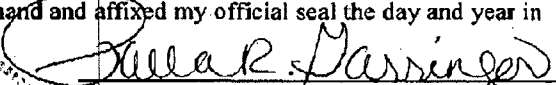
State of Idaho

County of Ben

On this 15th day of November 2005, before me, a Notary Public in and for said state, personally appeared Gerald R. Fowler & Marilyn E. Fowler known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed 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.




Notary Public for the State of Idaho
Residing at: Emmett ID
Commission Expires: 11-25-2008

SCANNED

FEB 6 2007

Feb 01 2007 10:13AM HP LASERJET 3330

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Exhibit "A"

Township 15 North, Range 1 West, Boise Meridian, Adams
County, Idaho

Section 10: SW1/4SW1/4

Section 15: N1/2NW1/4NW1/4 lying East of U.S. Highway 95

TOGETHER WITH AND SUBJECT TO an ingress-egress easement along that
portion of Old Highway 95 within the S1/2NW1/4NW1/4 of said Section 15.
ALSO TOGETHER WITH AND SUBJECT TO a 30 foot wide ingress-egress
easement along the East side of the N1/2SW1/4NW1/4 and along the East side of the
S1/2NW1/4NW1/4 of said Section 15, running between the Northwestern side of Old
Highway 95 within said N1/2SW1/4NW1/4 and the Southeasterly side of Old
Highway 95 within said S1/2NW1/4NW1/4.

COANNED

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INSTRUMENT NO. **110416**

Virginia Grant
Timberline
Fowler Rev

Instrument # **110416**

COUNCIL, ADAMS, IDAHO

2005-11-17

03:41:42 No. of Pages: 3

Recorded for : **TIMBERLINE TITLE & ESCROW**

MICHAEL FISK

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED OF TRUST

Order No.: AT-4050507093PG

DEED OF TRUST

THIS DEED OF TRUST, Made this November 14, 2005 BETWEEN Virginia Ponte, an unmarried person herein called GRANTOR, whose address is: 3772 Toms Cabin Rd. Emmett, ID 83617 AND Timberline Title, herein called TRUSTEE, AND Gerald R. Fowler and Marilyn E. Fowler, Husband and Wife, herein called BENEFICIARY, whose address is 1683 Cherry Lane Emmett, ID 83617.

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST WITH POWER OF SALE, that property in the county of Adams, State of Idaho, described as follows and containing not more than forty acres:

See Attached Exhibit "A"

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits. For the purpose of securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of \$55,000.00, with final payment due: June 1, 2006 and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair, not to remove or demolish any building thereon, to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.
2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.
3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.
4. To pay, at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In Addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.
5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at the rate of interest specified in the above described promissory note.
6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligations hereof, may; make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgement of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

COANNED

FEB 6 2007

Feb 01 2007 10:13AM HP LASERJET 3330

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B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: Reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention upon payment of its fees, Trustee shall reconvey without warranty, the property then held hereunder. The Grantee in such reconveyance may be described as 'the person or persons legally entitled thereto'.

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property of any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon and indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its Deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the rate specified in the above described promissory note; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

Virginia Ponte
Virginia Ponte

State of Idaho

County of Gem }
On this 14th day of November, 2005, before me, a Notary Public in and for said state,
personally appeared Virginia Ponte } ss
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and
acknowledged to me that he/she/they executed 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.

Palla R. Marston
Notary Public for the State of Idaho
Residing at: Emmett
Commission Expires: 2007



SPF
MEZ

SCANNED

FEB 16 2007

ALLIANCE

TITLE & ESCROW CORP.

P.O. Box 622, 1022 S. Washington Ave., Emmett, ID, 83617, (208) 365-4486, FAX (208) 365-4541

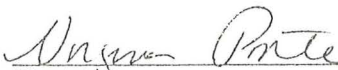
Addendum to Escrow Closing Instructions

To: Alliance Title & Escrow Corp.

Escrow No. 4050507093PG

Date: November 13, 2005

The undersigned buyer and seller hereby understand, acknowledge and accept that any irrigation, ditch and/or water rights, *other than those disclosed on the Escrow Closing Instructions and HUD-1 Settlement Statement(s)/closing statement(s) signed herewith*, shall be handled by the parties outside the close of this escrow. The undersigned agree that it is the responsibility of the parties herein to inform Alliance Title & Escrow Corp. (ATEC) of any irrigation, ditch and/or water rights to be transferred in connection with the purchase and sale of the subject property in the above referenced escrow. Further, the undersigned buyer and seller are aware and understand that ATEC transfers irrigation, ditch and/or water rights as a courtesy only and makes no representation as to the acreage or inches of water being sold or transferred in this transaction. ATEC is hereby released and relieved of any and all liability and/or responsibility in connection with this matter.


Virginia Ponte

Gerald R. Fowler

Marilyn E. Fowler

SCANNED

FEB - 6 2007



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Virginia Ponte
3772 Toms Cabin Rd
Emmett, ID 83617

December 13, 2006

RECEIVED

FEB 12 2007

DEPARTMENT OF
WATER RESOURCES

Re: Basin 67 Notice of Error—Change of Ownership
Adjudication Claim Nos: 67-7364A

Dear Claimant:

The Idaho Department of Water Resources ("IDWR") has received a Notice of Error stating that a change to the ownership element of the above water right(s) should be made. In order for IDWR to make the ownership change, additional documentation is needed.

For example:

- Ownership change due to sale of property or change in persons with interest on the property – A copy of the deed conveying ownership and plat of property
- One of the original claimants is deceased – A copy of the death certificate
- Ownership has changed as the result of a divorce - A copy of the judgment and division of property

Please complete the enclosed State of Idaho Dept. of Water Resources Notice of Change in Water Right Ownership form and include the required information.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Craig Saxton
Senior Water Resource Agent

Enc: State of Idaho Dept. of Water Resources Notice of Change in Water Right Ownership form

CC: Gerald & Marilyn Fowler

SCANNED

FEB - 6 2007



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Virginia Ponte
3772 Toms Cabin Rd
Emmett, ID 83617

December 13, 2006

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Adjudication Claim Nos: 67-7364A

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Please complete the enclosed State of Idaho Dept. of Water Resources Notice of Change in Water Right Ownership form and include the required information.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Craig Saxton
Senior Water Resource Agent

Enc: State of Idaho Dept. of Water Resources Notice of Change in Water Right Ownership form

CC: Gerald & Marilyn Fowler

SCANNED

DEC 14 2006

Adjudication Recommendation Report 67-7364A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EMMA BALL MESA, ID 83643
Current Owner	GERALD R FOWLER PO BOX 278 EMMETT, ID 83617 (208)365-5321
Original Owner	ESTATE OF EMMA BALL C/O JAMES BALL PO BOX 62 MESA, ID 83643-0062 (208)256-4422
Original Owner	JAMES BALL PO BOX 62 MESA, ID 83643
Current Owner	T J T ENTERPRISES JERRY FOWLER PO BOX 278 EMMETT, ID 83617 (208)365-5321
Current Owner	MARILYN E FOWLER PO BOX 278 EMMETT, ID 83617 (208)365-5321

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	1.35 AF
	<u>Total Diversion:</u>	0.020 CFS	1.35 AF

SPRINGS NE1/4NW1/4NW1/4 Sec. 15, Twp 15N, Rge 01W, B.M.
ADAMS County

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7364A V1

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.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. X02 Stockwater use is for 100 range cattle.

Remarks:Comments:

1. csaxton 7/25/2005 Split claim

Comment: This claim has been split from license 67-7364 retaining only a portion of the stockwater use.

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: 67
 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	7/25/2005 9:31:12 AM	csaxton			Active
Priority Date	7/25/2005 9:31:34 AM	csaxton			Active
Summary			07/25/2005	csaxton	Active
POD	7/25/2005 9:47:17 AM	csaxton			Active
POU	7/25/2005 9:47:18 AM	csaxton			Active
Season	7/25/2005 9:47:19 AM	csaxton			Active
Source	7/25/2005 9:47:19 AM	csaxton			Active
Use	7/25/2005 9:47:19 AM	csaxton			Active
Quantity	7/25/2005 9:47:20 AM	csaxton			Active

11/17/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 13 2006
DEPARTMENT OF
WATER RESOURCES

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: 67-7364A

GERALD R FOWLER
PO BOX 278
EMMETT ID 83617
Telephone Number: (208) 365-5321

Virginia Ponte
3772 Toms Cabin Road
Emmett Id 83617

T J T ENTERPRISES
JERRY FOWLER
PO BOX 278
EMMETT ID 83617
Telephone Number: (208) 365-5321

MARILYN E FOWLER
PO BOX 278
EMMETT ID 83617
Telephone Number: (208) 365-5321

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:

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

DATE: 12/18/06 SIGNATURE: Virginia Ponte

Please print your name: Virginia Ponte

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

SCANNED
DEC 13 2006

11/17/2006

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

RIGHT NUMBER: 67-7364A

NAME AND ADDRESS: GERALD R FOWLER
PO BOX 278
EMMETT ID 83617

Virginia Ponte
3772 Tom's Cabin Road
Emmett, ID 83617

T J T ENTERPRISES
JERRY FOWLER
PO BOX 278
EMMETT ID 83617

MARILYN E FOWLER
PO BOX 278
EMMETT ID 83617

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
1.35 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/31/1977

POINT OF DIVERSION: T15N R01W S15 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS 1.35 AFY

PLACE OF USE: STOCKWATER in ADAMS County
T15N R01W S15 NWNW

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 - License
Stockwater use is for 100 range cattle.

SCANNED
1 3 2006

RECEIVED

NOV 22 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-7364A

GERALD R FOWLER
PO BOX 278
EMMETT ID 83617
Telephone Number: (208)365-5321

T J T ENTERPRISES
JERRY FOWLER
PO BOX 278
EMMETT ID 83617
Telephone Number: (208)365-5321

MARILYN E FOWLER
PO BOX 278
EMMETT ID 83617
Telephone Number: (208)365-5321

WE AGREE

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:

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

DATE: 11-21-06 SIGNATURE: Jerry L. Rodandt

Please print your name: JERRY L. RODANT

DBA T.J.T. ENT. LLC.
IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

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: **A67-07364A**
Date Received: 12/15/1989
Receipt No: X777777
Received By: _____

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

1. Name: TJT ENTERPRISES 208-365-5321
Address: PO BOX 278
EMMETT ID 83617
AND
Name: GERALD R FOWLER 208-365-5321
Address: PO BOX 278
EMMETT ID 83617
AND
Name: MARILYN E FOWLER 208-365-5321
Address: PO BOX 278
EMMETT ID 83617

2. Date of Priority: OCT 31, 1977

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	01W	15	NE	NW	NW		ADAMS

5. Description of diverting works:
SPRING BOX, PIPED TO TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 HD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	01W	15	NW	NW		STOCK	

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:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. 67-07364 FEE PAID UNDER RECEIPT NO. W007154.
RDH 5-31-94.

2 POINTS OF DIVERSION LOCATED IN NWNW, S15, T15N, R01W.
OWNERSHIP CHANGED BY RDH ON 10-29-96.

15. Basis of Claim: LICENSE

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 25 1993

DATE OF CLOSING: 5/24/93

LEGAL DESCRIPTION OF PROPERTY: Township 15 N Range 01 W Department of Water Resources
Section 10+15, 1/4 of 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A 67-07364 A

☐ Name and Address of Former Owner/Claimant(s)(Seller): Emma Ball Estate c/o James Ball
P.O. Box 67

☐ New Owner/Claimant (Purchaser): Mesa, ID 83643
TJT Enterprises, 1/2 interest & Gerald R. & Marilyn F. Fowler, 1/2 interest

☐ New Mailing Address: P.O. Box 278
Emmett, ID 83617

☐ New Telephone Number: (208) 365-5321

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

Please see attached. Only that
stockwater in Section 15 to New
owner

☐ Attach proof of ownership, describe proof attached: Copy of Recorded Personal Representative's 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 owner/claimant.)

☐ Signature of New Owner/Claimant(s): [Signature] Date 5/22/93
[Signature] Date 5/22/93

☐ Signature of Former Owner/Claimant(s): Date
 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:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 6
To <u>CRISTY</u>	From <u>Danni Smith</u>	
Co.	Co.	
Dept. <u>253-6887</u>	Phone # <u>327-7931</u>	

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: A67-07364

Date Received: 12/15/1989

Receipt No: W007154

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: EMMA BALL ESTATE 208-256-4422
Address: C/O JAMES BALL
P.O. BOX 62
MESA ID 83643

2. Date of Priority: OCT 31, 1977

3. Source: UNNAMED SPRING Trib. to: BACON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	01W	9	SE	SW	SW		ADAMS
		15		NW	NW		ADAMS

5. Description of diverting works:
SPRING BOX, PIPED TO TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
UP TO 200 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	01W	9	SW	NW		STOCK	
		15	NW	NW		STOCK	

Acres

21 wilder 2/3
190 acres
22 100 acres

DEED BY PERSONAL REPRESENTATIVE

THIS DEED, made by JAMES L. BALL, as Personal Representative of the Estate of EMMA BALL, aka EMMA M. BALL, deceased, the Grantor, to TJT ENTERPRISES, a general partnership consisting of Terry J. Sheldon and Jerry L. Radandt, as to one-half interest, AND GERALD R. FOWLER and MARILYN E. FOWLER, husband and wife, as to one-half interest

Grantee, whose address is: P.O. Box 278, Emmett, ID 83617

WHEREAS, said Grantor is the qualified Personal Representative of said Estate, filed as Probate Number P-176, in Adams County Idaho;

THEREFORE, Grantor sells, grants, and conveys to Grantee the following described real property, situated in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

SUBJECT TO THE FOLLOWING:

Including easements or rights of way appurtenant to or used for the benefit of said described premises, if any.

Subject to easements, rights of way, exceptions and reservations, if any now existing.

There are no covenants or representations as to availability or delivery of irrigation or domestic water.

There are no surface or irrigation water rights included in the sale. Groundwater if available and present, is included, but no warranties or covenants pertaining to availability or presence of groundwater are made.

This deed is executed by grantor as Personal Representative of said Estate as above noted, and any general covenants of warranty herein contained are restricted to grantor in the representative capacity, and not as an individual grantor.

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee, and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting and Federal, State, of local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, hazardous materials and toxic wastes. Grantor makes no warranties as to survey, boundaries, or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, except as herein contained in writing, if any.

EXECUTED THIS 28th day of May, 1993.

James L. Ball
Personal Representative of the Estate of EMMA BALL,
aka EMMA M. BALL, deceased

STATE OF IDAHO)

) SS

COUNTY OF ADAMS)

On this 28th day of May 1993 before me, a Notary public in and for said State, personally appeared JAMES L. BALL, known to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of EMMA BALL, aka EMMA M. BALL, deceased, and acknowledged to me that the same was executed as the Personal Representative of said Estate. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Christy A. Murry
Notary Public for State of Idaho. Residing at *Franklin*, Idaho
Commission Expires *8/4/96*

CP

Township 15 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 10: SW1/4SW1/4
Section 15: NW1/4NW1/4 and NW1/4SW1/4 lying East of U.S. Highway 95;
SW1/4NW1/4 lying East of U.S. Highway 95 and West of Old Highway 95;

EXCEPTING THEREFROM the following tract of land:

Township 15 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 15: A parcel of land situated in the SW1/4NW1/4 more particularly described as follows:

Beginning at the W1/4 corner of said section, township and range;
Thence North 42 degrees 43'40" East 1162.90 feet to a point designated by a 1/2" x 24" steel pin driven into the ground;
Thence North 06 degrees 00'00" West 200.00 feet to a point designated by a 1/2" x 24" steel pin driven into the ground, the REAL AND TRUE POINT AND PLACE OF BEGINNING;
Thence North 06 degrees 00'00" West 118.50 feet to a point designated by a 5/8" x 30" steel pin driven into the ground and capped with a 1-1/2" aluminum cap marked "property corner";
Thence North 83 degrees 10'17" East 337.86 feet to a point designated by a 5/8" x 30" steel pin driven into the ground and capped with a 1-1/2" aluminum cap marked "property corner";
Thence North 06 degrees 00'00" West 118.50 feet to a point designated by a 5/8" x 30" steel pin driven into the ground and capped with a 1-1/2" aluminum cap marked "property corner";
Thence North 83 degrees 10'17" East 337.86 feet to a point designated by a 5/8" x 30" steel pin driven into the ground and capped with a 1-1/2" aluminum cap marked "property corner";
Thence South 32 degrees 35'34" East 118.50 feet to a point designated by a 5/8" x 30" steel pin driven into the ground and capped with a 1-1/2" aluminum cap marked "property corner";
Thence South 74 degrees 12'50" West 102.50 feet to a point designated by a 1/2" x 24" steel pin driven into the ground;
Thence South 84 degrees 00'00" West 289.87 feet to the REAL AND TRUE POINT AND PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM the following:

Township 15 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 15: A parcel of land in the SW1/4NW1/4 more particularly described as follows:

Beginning at the W1/4 corner of said Section 15;
Thence North 42 degrees 43'40" East 1,162.90 feet to the REAL POINT OF BEGINNING;
Thence North 06 degrees 00'00" West 200.00 feet to a point;
Thence North 84 degrees 00'00" East 289.87 feet to a point in the Westerly right-of-way fence of Highway No. 95;
Thence South 38 degrees 00'00" West 138.00 feet along said fence to a point;
Thence South 06 degrees 00'00" East 100.73 feet along said fence to a point;
Thence South 84 degrees 00'00" West 194.01 feet to the REAL POINT OF BEGINNING.

SUBJECT TO THE FOLLOWING:

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to PEOPLES WEST COAST HYDRO-ELECTRIC CORPORATION (no representation is made as to present ownership of easement), recorded January 12, 1928 in Book 3 of Misc. at page 34 as Instr. No. 15807, records of Adams County, Idaho.

A RIGHT-OF-WAY for a canal across the SW1/4NW1/4 and the W1/2SW1/4 of Section 14 (particularly described in Book F of Deeds at page 429), and A RIGHT-OF-WAY for flume and pipeline 40 feet wide over and across the SW1/4SW1/4 of Section 14 (particularly described in Book 2 of Deeds at page 44) by instruments dated:

February 11, 1910 from J. J. ALLISON to WEISER VALLEY LAND & WATER COMPANY, recorded February 24, 1910 in Book 8 of Deeds at page 308 as Instr. No. 14572;

June 2, 1910 from A. M. SHAW and CARRIE L. SHAW to WEISER VALLEY LAND & WATER COMPANY, recorded June 8, 1910 in Book 26 of Deeds at page 494 as Instr. No. 15414;

April 25, 1911 from A. M. SHAW and CARRIE L. SHAW, husband and wife, to WEISER VALLEY LAND & WATER COMPANY, recorded June 16, 1911 in Book 2 of Deeds at page 44 as Instr. No. 321;

June 19, 1933 from RAYMOND H. WILTSIE and ENID WILTSIE, husband and wife, to ORCHARDS WATER COMPANY, an Idaho corporation, recorded June 23, 1933 in Book 13 of Deeds at pages 492-493 as Instr. No. 19986; all records of Adams County, Idaho. Affects all tracts.

A RIGHT-OF-WAY AND EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement) recorded March 2, 1950 in Book 5 of Misc. at page 141 as Instr. No. 33210, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), as set forth in a Warranty Deed recorded May 5, 1972 in Book 29M of Deeds at page 508 as Instr. No. 50400, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded January 29, 1973 in Book 7M of Misc. at page 380 as Instr. No. 51203, records of Adams County, Idaho.

RIGHT-OF-WAY EASEMENT for access road granted to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado corporation (no representation is made as to present ownership of easement), recorded November 12, 1974 in Book 8M of Misc. at page 153 as Instr. No. 53159, records of Adams County, Idaho.

EXHIBIT "A" CONTINUED

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded March 19, 1985 in Book 13M of Misc. at page 156 as Instr. No. 70067, records of Adams County, Idaho.

THE RIGHT-OF-WAY for all public roads and other rights-of-way shown on the plat of Council Mesa Orchards, revised plat of Subdivision No. 1, recorded in Book 1 of Plats at page 21, records of Adams County, Idaho.

THE RIGHT-OF-WAY of U.S. Highway 95 as now established.

TERMS AND CONDITIONS contained in a Stipulation for Possession under Case No. 1805 of the Third Judicial District Court of Idaho, County of Adams, together with easements therein, recorded March 6, 1973 in Book 7M of Misc. at page 403 as Instr. No. 51321, and a Second Judgment and Decree of Condemnation filed in Book 5 of Judgments at page 254, records of Adams County, Idaho.

ANY RIGHTS, INTERESTS OR EASEMENTS in favor of the public that exist or are claimed to exist to old abandoned Highway 95.

INSTRUMENT NO. 84165
State of Idaho)
County of Adams) ss.
Filed for record at the request of
Timberline Title & Escrow
55 min. past 3 o'clock P.M.
this 28 day of May, 19 93
MICHAEL FISK, RECORDER
by [Signature] Deputy
Fee \$ 12.00
Indexed

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: **A67-07364A**
Date Received: 12/15/1989
Receipt No: X777777
Received By: _____

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

1. Name: EMMA BALL ESTATE 208-256-4422
Address: C/O JAMES BALL
PO BOX 62
MESA ID 83643

2. Date of Priority: OCT 31, 1977

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	01W	15	NE	NW	NW		ADAMS

5. Description of diverting works:
SPRING BOX, PIPED TO TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 HD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15N	01W	15	NW	NW		STOCK	

11. Place of use in counties: ADAMS

MICROFILMED

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. 67-07364 FEE PAID UNDER RECEIPT NO. W007154.

RDH 5-31-94.

2 POINTS OF DIVERSION LOCATED IN NWNW, S15, T15N, R01W.

15. Basis of Claim: LICENSE

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 _____

MICROFILMED
AUG 05 1994

Water Right Number - 67-07364 *A*

Prefix Translation: WATER RIGHT

Old (D) Number -

X777777

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BALL

OK

JAMES

1 - P.O. BOX 62

2 -

3 -

City- MESA

State- ID Zip- 83643

Phone - 208-000-0000

BALL

EMMA

1 - P.O. BOX 62

2 -

3 -

City- MESA

State- ID Zip- 83643

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/31/1977 14 WESTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS SINKS+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.~~15N 01W 9 SE SW SW (3) ADAMS~~
15 NE NW NW (3) ADAMS+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER

01/01

12/31

~~0.040~~

2.70

0.02

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

~~0.040~~

2.70

~~0.040~~*0.02*+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County~~15N 01W 9 SW SW 04 STOCKWATER~~

(3) ADAMS

15N 01W 15 NW NW

04 STOCKWATER

(3) ADAMS

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

2 points of diversion located in NENWNW, S15, T15N, R1W.

Stockwater use is for ~~200 head~~ *100 Hd*

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

*-SPLIT-*MICROFILMED
AUG 05 1994

Water right number - 67-07364

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 10/05/87 05/01/88 CONVERT 11/06/89 REVU 02/12/90 CURTIS 10/02/90 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 01/01/1983	Field Exam Made - 09/24/1987	Field Exam Fee - N
Approved/Denied - 01/12/1978	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 11/08/1982	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 10/15/1990	Appl Received - 10/31/1977	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag-
Presumption Flag -		

MICROFILMED
AUG 05 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

JUN 25 1993

Department of Water Resources

DATE OF CLOSING: 5/26/93

LEGAL DESCRIPTION OF PROPERTY: Township 15N Range 01W
 Section 9, SW 1/4 of NW 1/4 of 1/4, Govt. Lot , BM.

Lot , Block, , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR:

1767-07364

[] Name and Address of Former
Owner/Claimant(s)(Seller):

Emma Ball Estate c/o James BallP.O. Box 62Mesa, ID 83643

[] New Owner/Claimant
(Purchaser):

Ray W. Wilder & Janet L. Wilder

[] New Mailing Address:

3340 N. Ten Mile RoadMeridian, ID 83642

[] New Telephone Number:

() -

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

only that highlighted on attached

[] Attach proof of
ownership, describe
proof attached:

Copy of recorded Personal Representative's 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 owner/claimant.)

[] Signature of New
Owner/Claimant(s)

Ray W. WilderDate 6-1-93Janet R. WilderDate 5-31-93

[] Signature of Former
Owner/Claimant(s):

James BallDate 6-1-93Date

(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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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Township 15 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 9: NE1/4SW1/4, SW1/4SW1/4, N1/2SE1/4SW1/4, NW1/4SE1/4 lying South and East of Goodrich Road; NW1/4SE1/4, N1/2N1/2S1/2SE1/4SW1/4, N1/2SW1/4SE1/4, N1/2N1/2S1/2SW1/4SE1/4, that portion of the SE1/4SE1/4 lying West of U.S. Highway 95.

Section 16: NW1/4NW1/4 EXCEPTING THEREFROM a parcel of land in the NW1/4NW1/4 of said township, range and section, more particularly described as follows:

Beginning at the section corner for Sections 8, 9, 16 and 17;
Thence South 00 degrees 09'50" East 210.00 feet to the REAL POINT OF BEGINNING;
Thence South 00 degrees 09'50" East 1043.60 feet to a point;
Thence North 89 degrees 59'34" East 1252.30 feet to a point;
Thence North 00 degrees 09'50" West 1043.60 feet to a point;
Thence South 89 degrees 59'34" West 1252.30 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a parcel of land in the NW1/4 of said township, range and section, more particularly described as follows:

Beginning at the section corner of Section 8, 9, 16 and 17;
Thence South 00 degrees 09'50" East 1253.60 feet to a point;
Thence North 89 degrees 59'34" East 1043.589 feet to the REAL POINT OF BEGINNING;
Thence South 00 degrees 09'50" East 208.711 feet to a point;
Thence North 89 degrees 59'34" East 417.422 feet to a point;
Thence North 00 degrees 09'50" West 208.711 feet to a point;
Thence North 89 degrees 59'34" East 417.422 feet to a point;
Thence North 00 degrees 09'50" West 625.133 feet to a point;
Thence South 89 degrees 59'34" West 625.133 feet to a point;
Thence South 00 degrees 09'50" East 625.133 feet to a point;
Thence South 89 degrees 59'34" West 208.711 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a parcel of land in the NW1/4NW1/4 of said township, range and section, more particularly described as follows:

Beginning at the Section corner of Sections 8, 9, 16 and 17 of said Township 15 North, Range 1 West;
Thence South 00 degrees 09'50" East 1,253.60 feet to the REAL POINT AND PLACE OF BEGINNING;
Thence North 89 degrees 59'43" East 1,043.589 feet;
Thence South 00 degrees 09'50" East 67.00 feet, more or less, to a point on the South line of said NW1/4NW1/4;
Thence North 89 degrees 59'43" West 1,043.589 feet;
Thence North 00 degrees 09'50" West 67.00 feet, more or less, to the REAL POINT AND PLACE OF BEGINNING.

That portion of the SE1/4NE1/4 of Section 16, the NE1/4NE1/4 of Section 16, and the SW1/4NW1/4 of Section 15, all of Township 15 North, Range 1 West, Boise Meridian, Adams County, Idaho, lying West of the Westerly right-of-way line of U.S. Highway 95 and Northeasterly of the centerline of an existing private roadway known as Hermitage Lane, which centerline of said Hermitage Lane is more particularly described as follows:

Beginning at the Southeast corner of the SE1/4NE1/4 of Section 16, Township

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15 North, Range 1 West, Boise Meridian, (1/4 corner common to Sections 15 and 16 of Township 15 North, Range 1 West, Boise Meridian);

Thence North 10 degrees 21'42" East 964.84 feet to the TRUE POINT OF BEGINNING, which point is within the SW1/4NW1/4 of said Section 15, and which point is on the centerline of said Hermitage Lane and on the Westerly right-of-way line of said U.S. Highway 95, and which point bears North 80 degrees 27'59" East 5527.98 feet from the West 1/4 corner of said Section 16;

Thence South 87 degrees 16'16" West 84.98 feet along the centerline of said Hermitage Lane;

Thence North 66 degrees 11'50" West 80.89 feet along the centerline of said Hermitage Lane;

Thence North 56 degrees 41'34" West 427.51 feet along the centerline of said Hermitage Lane;

Thence North 39 degrees 13'29" West 239.72 feet along the centerline of said Hermitage Lane to a point within the NE1/4NE1/4 of said Section 16;

Thence North 83 degrees 41'50" West 130.92 feet along the centerline of said Hermitage Lane;

Thence South 87 degrees 01'09" West 670 feet, more or less, along the centerline of said Hermitage Lane to a point on the West line of said NE1/4NE1/4 which point is the POINT OF ENDING.

SUBJECT TO AND TOGETHER WITH all rights of way or easements of record or in use.

SUBJECT TO THE FOLLOWING:

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded March 19, 1985 in Book 13M of Misc. at page 156 as Instr. No. 70069, records of Adams County, Idaho.

THE RIGHT-OF-WAY of U.S. Highway 95 as now established.

TERMS AND CONDITIONS contained in a Stipulation for Possession under Case no. 1805 of the Third Judicial District Court of Idaho, County of Adams, together with easements therein, recorded March 6, 1973 in Book 7M of Misc. at page 403 as Instr. No. 51321, and a Second Judgment and Decree of Condemnation filed in Book 5 of Judgments at page 254, records of Adams County, Idaho.

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EXHIBIT "A" CONTINUED

A RIGHT-OF-WAY for a canal across the SW1/4NW1/4 and the W1/2SW1/4 of Section 14 (particularly described in Book F of Deeds at page 429), and A RIGHT-OF-WAY for flume and pipeline 40 feet wide over and across the SW1/4SW1/4 of Section 14 (particularly described in Book 2 of Deeds at page 44) by instruments dated:

February 11, 1910 from J. J. ALLISON to WEISER VALLEY LAND & WATER COMPANY, recorded February 24, 1910 in Book 8 of Deeds at page 308 as Instr. No. 14572;
June 2, 1910 from A. M. SHAW and CARRIE L. SHAW to WEISER VALLEY LAND & WATER COMPANY, recorded June 8, 1910 in Book 26 of Deeds at page 494 as Instr. No. 15414;
April 25, 1911 from A. M. SHAW and CARRIE L. SHAW, husband and wife, to WEISER VALLEY LAND & WATER COMPANY, recorded June 16, 1911 in Book 2 of Deeds at page 44 as Instr. No. 321;
June 19, 1933 from RAYMOND H. WILTSIE and ENID WILTSIE, husband and wife, to ORCHARDS WATER COMPANY, an Idaho corporation, recorded June 23, 1933 in Book 13 of Deeds at pages 492-493 as Instr. No. 19986;
all records of Adams County, Idaho.

RIGHT-OF-WAY EASEMENT for ingress and egress as set forth in an Agreement to Sell Real Estate granted to Robert Hooban and Homer Hooban (no representation is made as to present ownership of easement), recorded December 4, 1974 in Book 8 of Misc. at page 162 as Instr. No. 53208, records of Adams County, Idaho.

RIGHT-OF-WAY EASEMENT for ingress and egress and utility easement set forth in an Agreement to Sell Real Estate granted to Robert A. Hooban (no representation is made as to present ownership of easement), recorded December 4, 1974 in Book 8 of Misc. at page 166 as Instr. No. 53209, records of Adams County, Idaho.

RIGHT-OF-WAY EASEMENT for purposes of ingress and egress and a utility easement set forth in an Agreement to Correct Description granted to HOMER L. HOOBAN and ENID I. HOOBAN, husband and wife (no representation is made as to present ownership of easement), recorded January 3, 1975 in Book 8M of Misc. at page 188 as Instr. No. 53305, records of Adams County, Idaho.

AMENDED EASEMENT granted to HOMER L. HOOBAN and ENID I. HOOBAN, husband and wife, (no representation is made as to present ownership of easement), amending easement granted recorded January 3, 1975 as Instr. No. 53305, said amendment recorded May 11, 1976 in Book 8M of Misc. at page 431 as Instr. No. 54624, records of Adams County, Idaho.

RIGHT-OF-WAY EASEMENT for ingress and egress as set forth in a Correction Deed of Gift granted to MARYMOUNT HERMITAGE (no representation is made as to present ownership of said easement), recorded September 24, 1984 in Book 38 of Deeds at page 47 as Instr. No. 69070, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded March 19, 1985 in Book 13M of Misc. at page 156 as Instr. No. 70067, records of Adams County, Idaho.

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DEED BY PERSONAL REPRESENTATIVE

THIS DEED, made by JAMES L. BALL, as Personal Representative of the Estate of EMMA BALL, aka EMMA M. BALL, deceased, the Grantor, to RAY W. WILDER and JANET L. WILDER, husband and wife

Grantee, whose address is: 3340 N. Ten Mile Road, Meridian, ID 83642

WHEREAS, said Grantor is the qualified Personal Representative of said Estate, filed as Probate Number P-176, in Adams County Idaho;

THEREFORE, Grantor sells, grants, and conveys to Grantee the following described real property, situated in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

SUBJECT TO THE FOLLOWING:

Including easements or rights of way appurtenant to or used for the benefit of said described premises, if any.

Subject to easements, rights of way, exceptions and reservations, if any now existing.

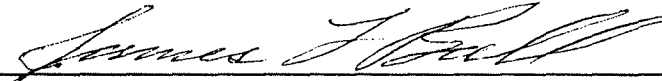
There are no covenants or representations as to availability or delivery of irrigation or domestic water.

There are no surface or irrigation water rights included in the sale. Groundwater, if available and present, is included, but no warranties or covenants pertaining to availability or presence of groundwater are made.

This deed is executed by grantor as Personal Representative of said Estate as above noted, and any general covenants of warranty herein contained are restricted to grantor in the representative capacity, and not as an individual grantor.

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee, and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting and Federal, State, of local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, hazardous materials and toxic wastes. Grantor makes no warranties as to survey, boundaries, or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, exceptions as herein contained in writing, if any.

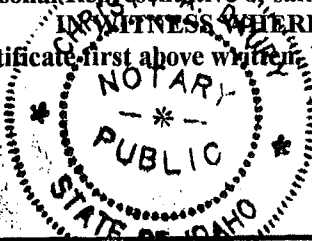
EXECUTED THIS 12th day of June, 1993.

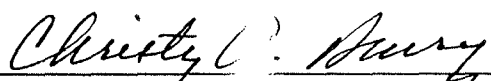

Personal Representative of the Estate of EMMA BALL,
aka EMMA M. BALL, deceased

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

On this 12th day of June, 1993 before me, a Notary public in and for said State, personally appeared JAMES L. BALL, known to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of EMMA BALL, aka EMMA M. BALL, deceased, and acknowledged to me that the same was executed as the Personal Representative of said Estate.

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




Notary Public for State of Idaho; Residing at Fruitvale, Idaho
Commission Expires: 1998

State of Idaho
Department of Water Resources

OCT 17 1990

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07364

Department of Water Resources
Western Regional Office

Priority: October 31, 1977

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.04 CFS
2.7 AF

This is to certify, that JAMES BALL
EMMA BALL

P.O. BOX 62
MESA, ID 83643

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 31, 1977; and has submitted Proof of Beneficial Use on November 8, 1982. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

SPRINGS

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.04 CFS	2.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SESWSW , Sec. 9, Township 15N, Range 01W
NENWNW , Sec. 15, Township 15N, Range 01W
ADAMS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

15N 01W	9	SWSW
15		NWNW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07364

CONDITIONS/REMARKS:

5. 2 points of diversion located in NENWNW, S15, T15N, R1W.
6. Stockwater use is for 200 head.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15th
day of OCTOBER, 1990.

Acting for


R. Keith Higginson, Director

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AUG 05 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07364

RECEIVED
SEP 17 1990
no v encl.
Department of Water Resources

Date of Priority: October 31, 1977

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 2.7 AF

Comes now

JAMES BALL
EMMA BALL

P.O. BOX 62
MESA, ID 83643

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 67-07364, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.04 CFS	2.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SESWSW , Sec. 9, Township 15N, Range 01W
NENWNW , Sec. 15, Township 15N, Range 01W
ADAMS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

15N 01W	9	SWSW
	15	NWNW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Mesa, this 13 day of 7, 1976.

James J. Ball
(Signature)

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AUG 05 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07364

FOR DEPARTMENT USE ONLY

Preliminary check by SC Fee = \$20.00 Received by C Wong Date 10-2-90 # C018506

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 67-07364 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 2 points of diversion located in NENWNW, S15, T15N, R1W.

Witness my hand this 15TH day of OCTOBER, 1990.

Acting for

R. Keith Higginson, Director

MICROFILMED

AUG 05 1994

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: A67-07364
Date Received: 12/15/1989
Receipt No: WCO 7154
Received By: RSH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EMMA BALL ESTATE 208-256-4422
Address: C/O JAMES BALL
P.O. BOX 62
MESA, ID 83643

2. Date of Priority: OCT 31, 1977

3. Source: UNNAMED SPRING Trib. to: BACON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	01W	9	SE	SW	SW		ADAMS
		15		NW	NW		ADAMS

5. Description of diverting works:
SPRING BOX, PIPED TO TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
UP TO 200 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15N	01W	9	SW	NW		STOCK	

A67-07364

Page 1

Date: 12/15/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	01W	15	NW	NW		STOCK	

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:
THIS PERMIT HAS HAD ITS FIELD EXAM AND ALL INFO WAS USED FROM
IT TO BASE THIS CLAIM.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): James T Ball Date: 12/15/89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of DEC 19 89

Ron Jowerton
Notary Public

Seal

Residing at _____

My Commission Expires _____

PD:pu : 15N 1W 5.15 NWNW
S. 9 SWSW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

167-73164
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index SL 9/22/87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index SL 9/22/87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached? N/A
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☒ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? DN 7-22-87 (Initial and date)

☒ Appointment made and telephone conversation memo attached

After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

Review and Processing:

Exam Completed Stan Lester 9/24/87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent BD 1/15/88 (Initial and date)

Exam Reviewed by Manager of Regional Office LWS 11/21/88 (Initial and date)

Exam Data Entered in Computer ✓ (Initial and date)

Exam sent to State Office 6/2/88 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

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AUG 05 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-7364

Phone No. 256-4422

1. Owner: Emma and/or James Ball
Current Address: Box 62 Mesa, ID. 83643

2. Accompanied by: James Ball EXAM. DATE: 9/24/87

Address: same Phone No. same

Relationship to Permit Holder: co-owner

3. Source: UNNAMED Spring tributary to Sink

B. OVERLAP REVIEW

1. Other water rights with same place of use: 67-0080A & 0081H

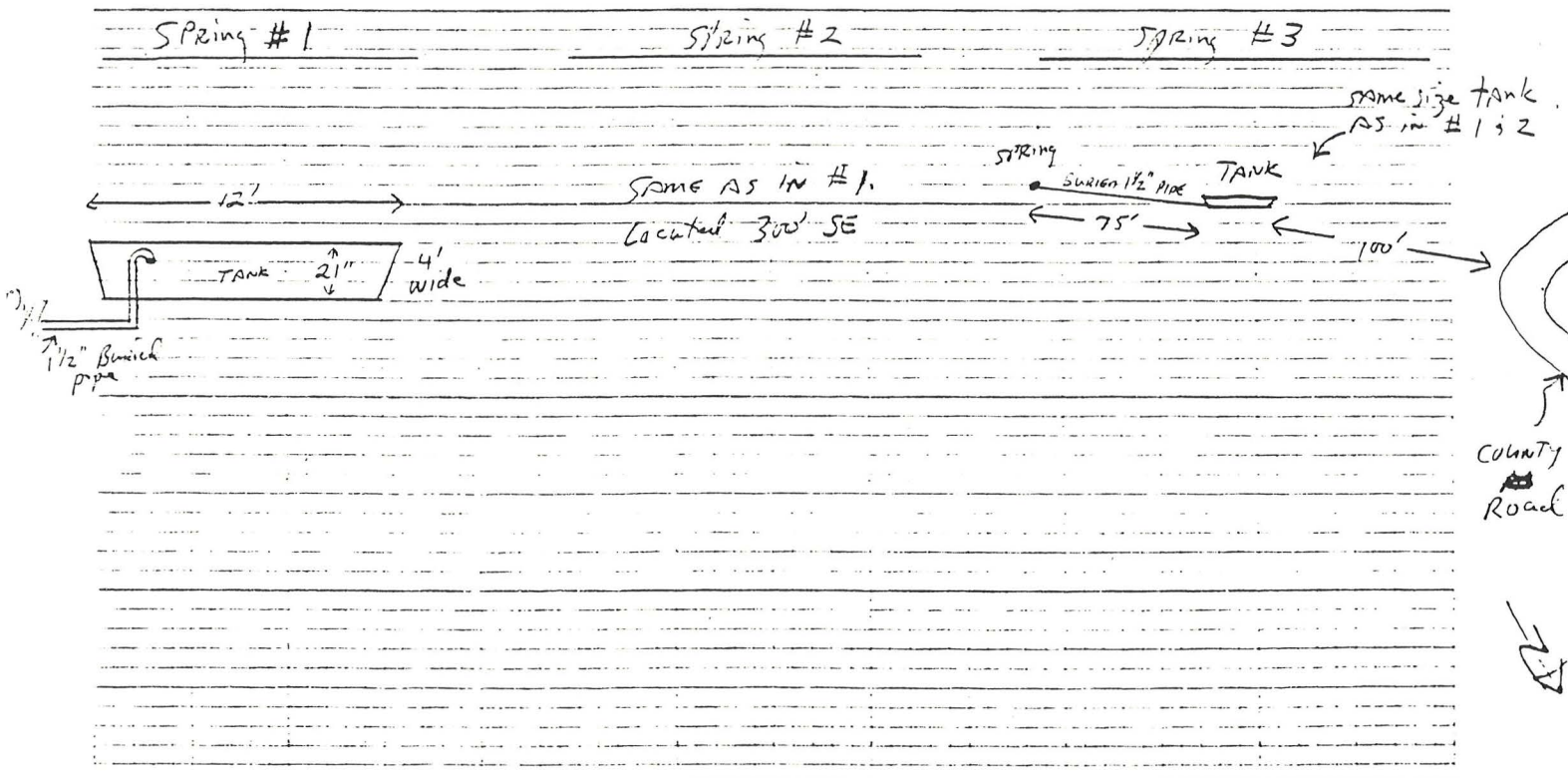
NOT NEEDED
☐ Copies Attached

2. Other water rights with same point of diversion: NONE

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NOT TO SCALE

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2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements:

NONE

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

} NONE possible

F. PUMP EFFICIENCY DATA (Optional) N/A

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

STOCKWATER

200 cattle, 12 months/yr., 12 gal/hd. - same cattle at all 3 tanks

Same cattle using the springs

$$\frac{200 \times 12 \times 365}{325,850} = 2.7$$

$$v. (.04)(365)(1.9835) = 29.0$$

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

3 Springs host one stock tank each for 200 cattle all year long. Each spring employs a 1 1/2" pipe to a 12'x4'x21" tank. Springs 1 & 2 are just east of a Hwy 95 N. of mesa. Spring 2 is 300' SE from #1.
new

Spring 3 is about 1 mile west of #1 & 2. It is approx 175' SE of large curve in county Road.

The same livestock use these springs.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A	gravity flow		w/2L	1 1/2" pipes.

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1)			NW	NW	15	15N	1W	Adams	USGS 15' QUAD. CANNOT DETERMINE
2)									10 ac. tract for PD 1 & 2. Are in NW 1/4 NW 1/4
3		SE	SW	SW	9	15N	1W	Adams	

6. Place(s) of Use:

Indicate Method of Determination USGS 15' QUAD

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
15N	1W	15						S											—
		9											S						—

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Do not use this space

H. REMARKS AND OVERLAP REVIEW ANALYSIS

3 PD's, but 2 are in same 1/4 1/4.
 1 PU

Overlap

PU only - 67 0080A's 0081H are irrigation rights from other sources.
 No conflict.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	1/1	12/31	.04	2.7
Totals:				

2. Recommended Amendments

- ☒ Change P.D. as reflected above
☒ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

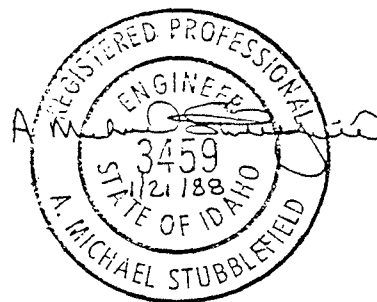
J. AUTHENTICATION

Field Examiner's Name Steven Lester
 Signature Steven Lester
 Certification Date _____
 Field Report Preparation Date 9/24/87

BD
 1/15/88

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



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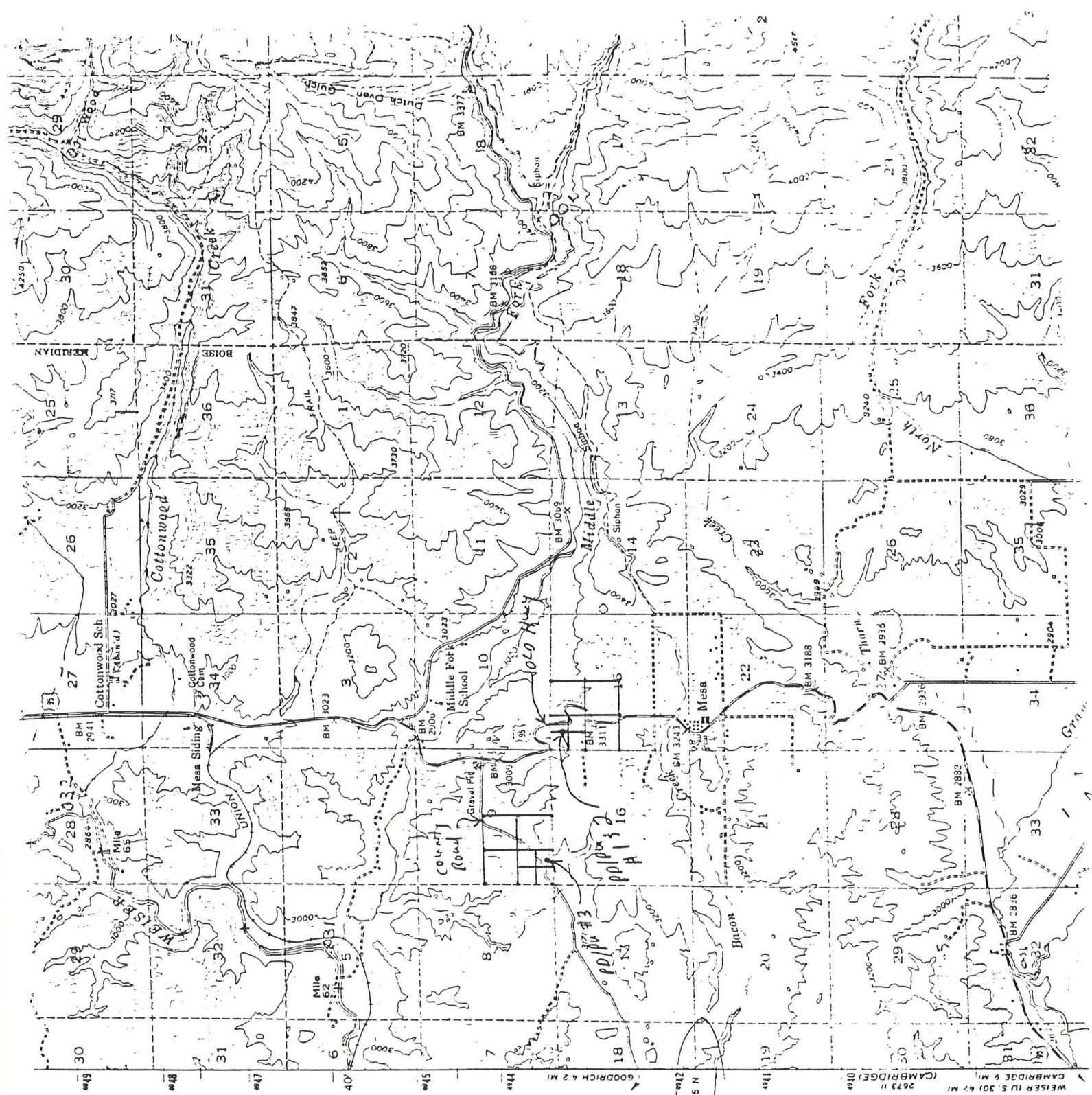
Low

15N 1W
S. 9
S. 15.

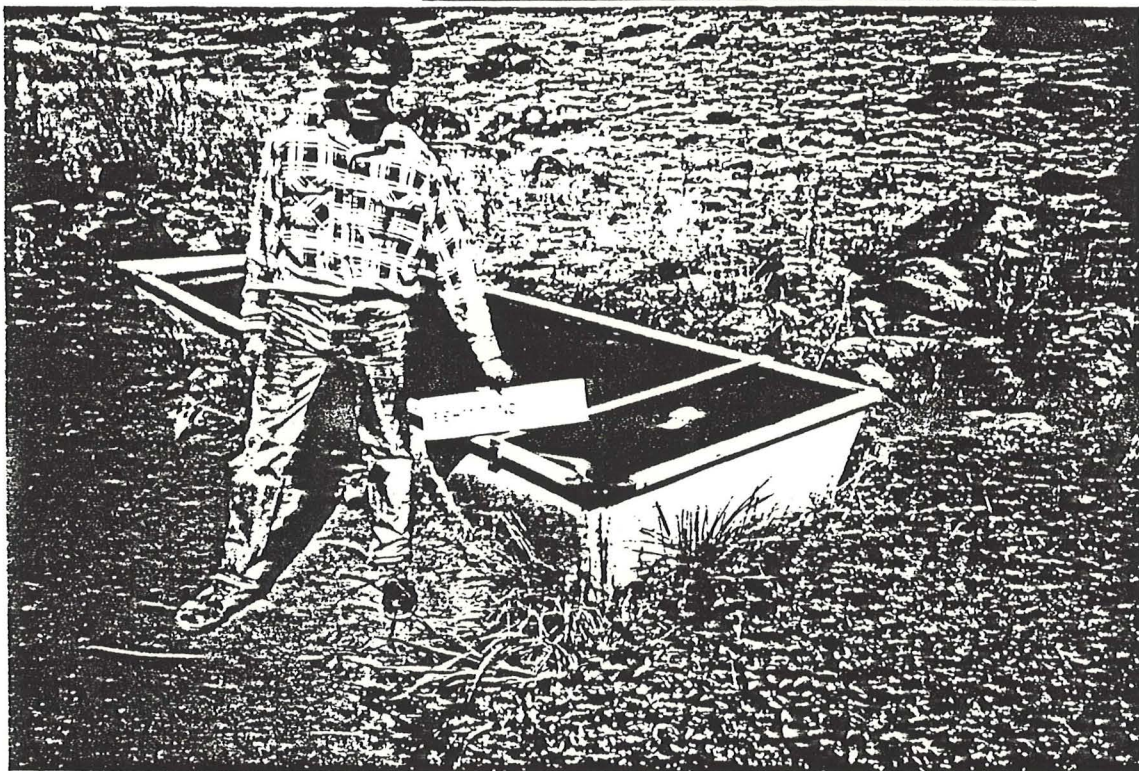
67-9364 #15

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New part of
 Hwy 95 mrs to W.
 of Spring 152

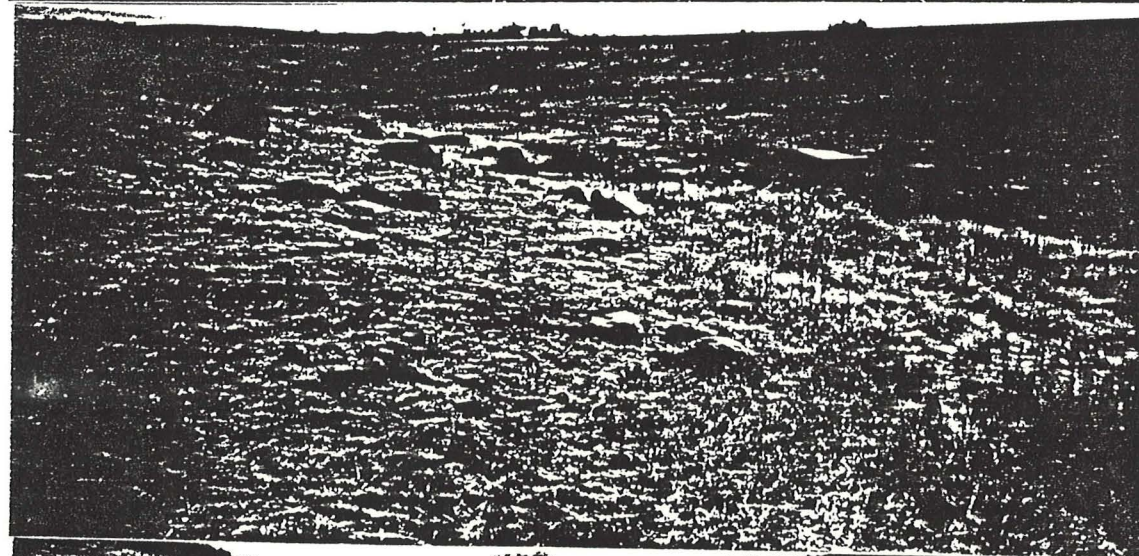


67-7364



Spring #1 and
Mr. Ball.

POOR ORIGINAL



Looking SE AT
Spring #1 (right
center) and spring
#2 (left background).

This is 1 mile N- of
mesa.



Spring #3 original
75' behind tank at
shrubs. This is 1 1/2
miles NW of mesa

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07/25/2005

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

RIGHT NUMBER: 67-7364A

NAME AND ADDRESS: GERALD R FOWLER
PO BOX 278
EMMETT ID 83617

T J T ENTERPRISES
JERRY FOWLER
PO BOX 278
EMMETT ID 83617

MARILYN E FOWLER
PO BOX 278
EMMETT ID 83617

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
1.350 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/31/1977

POINT OF DIVERSION:

T15N R01W S15 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS 1.35 AFY

PLACE OF USE: STOCKWATER Within ADAMS County

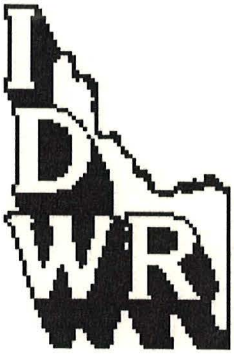
T15N R01W S15 NWNW

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 - License

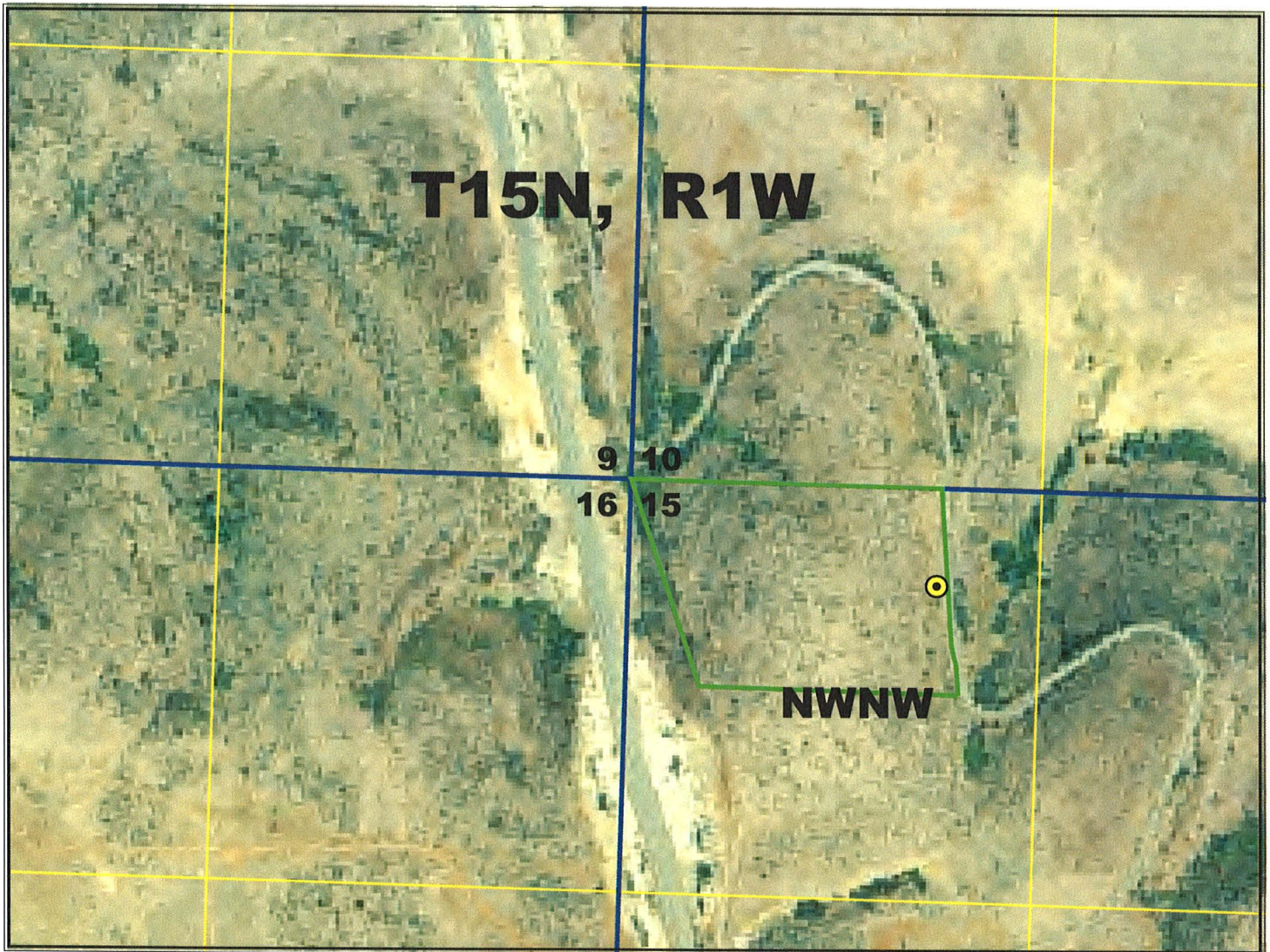
Stockwater use is for 100 range cattle.



STATE OF IDAHO

Department of Water Resources

Water Right(s): 67-07364A



1320 0 1320 Feet

Purpose of Use: Stockwater

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: July 2005

Adjudication Recommendation Report 67-7364A V1

WATER RIGHT NUMBER: 67-7364A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EMMA BALL MESA, ID 83643
Current Owner	GERALD R FOWLER PO BOX 278 EMMETT, ID 83617 (208)365-5321
Original Owner	ESTATE OF EMMA BALL C/O JAMES BALL PO BOX 62 MESA, ID 83643-0062 (208)256-4422
Original Owner	JAMES BALL PO BOX 62 MESA, ID 83643
Current Owner	T J T ENTERPRISES JERRY FOWLER PO BOX 278 EMMETT, ID 83617 (208)365-5321
Current Owner	MARILYN E FOWLER PO BOX 278 EMMETT, ID 83617 (208)365-5321

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	1.35 AF
	Total Diversion:	0.020 CFS	1.35 AF

SPRINGS NE1/4NW1/4NW1/4 Sec. 15, Twp 15N, Rge 01W, B.M.
ADAMS County

Place of Use
STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7364A V1

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.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. X02 Stockwater use is for 100 range cattle.

Remarks:Comments:

1. csaxton 7/25/2005 Split claim

Comment: This claim has been split from license 67-7364 retaining only a portion of the stockwater use.

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: 67
 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	7/25/2005 9:31:12 AM	csaxton			Active
Priority Date	7/25/2005 9:31:34 AM	csaxton			Active
Summary			07/25/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	7/25/2005 9:31:13 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7364A V1

General	7/25/2005 9:31:35 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Summary	7/25/2005 9:41:37 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?
POU	7/25/2005 9:38:25 AM	csaxton	Updated shape for Active POU
POU	7/25/2005 9:38:31 AM	csaxton	Updated PLS for Active POU

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-7364A

WATER RIGHT NUMBER: 67-7364A

Paid \$ 25⁰⁰

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD R FOWLER ✓ PO BOX 278 EMMETT, ID 83617 (208)365-5321
Current Owner	T J T ENTERPRISES ✓ JERRY FOWLER PO BOX 278 EMMETT, ID 83617 (208)365-5321
Current Owner	MARILYN E FOWLER ✓ PO BOX 278 EMMETT, ID 83617 (208)365-5321

Priority Date: 10/31/1977 ✓

Basis: License ✓

Status: Active ✓

<u>Source</u>	<u>Tributary</u>
SPRINGS ✓	SINKS

- N-code limit to 13⁰⁰⁰ GPD.
- no N-11
1.35 AFA

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
STOCKWATER ✓	1/01 to 12/31	0.020 CFS ✓
	<u>Total Diversion:</u>	0.020 CFS ✓

Location of Point(s) of Diversion

SPRINGS	NE1/4NW1/4NW1/4	Sec. 15, Twp 15N, Rge 01W, B.M.
ADAMS County	<i>NE NW NW</i>	<i>" " "</i>

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	01W	15							X	✓									

Conditions of Approval:

- THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. 67-07364 FEE PAID UNDER RECEIPT NO. W007154.
RDH 5-31-94.
2 POINTS OF DIVERSION LOCATED IN NWNW, S15, T15N, R01W.
OWNERSHIP CHANGED BY RDH ON 10-29-96.

Dates and Other Information:

Claim Received Date: 12/15/1989
 State or Federal: S
 Water District Number: 67
 Mitigation Plan: False

x61 Exp - 100 head
C18
N13

Split history for Decreed Right 67-07364

WR History

67-07364	Ball
0.04	cfs
200 hd	ac
2.7	af

Claim History

67-07364	Emma Ball Estates	67-07364A	Fowler/TJT
			0.02 Stock 0
Permit	0.04	67-07364B	Nourse
	Stock 0		0.02 Stock 0

Recommendation

67-07364A	Fowler/TJT
	0.02 100 head 1.35
67-07364B	
	0.02 100 head 1.35

Sum CFS =	0.04
Sum Acre=	N/A
Sum AF =	0

Un-accounted CFS =	0
Un-accounted Acre =	N/A
Un-accounted AFA =	2.7

Sum CFS =	0.04
Sum Acre=	N/A
Sum AF =	2.7

Un-accounted CFS =	0
Un-accounted Acre =	N/A
Un-accounted AFA =	0

***Last updated 7-18-05 (csaxton)**

For digital copy of Excel spreadsheet file: See Craig L. Saxton



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 29, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TJT ENTERPRISES &
GERALD R FOWLER &
MARILYN E FOWLER
PO BOX 278
EMMETT ID 83617

NOTICE OF CLAIM NO.
A67-07364A

Ref: Ownership change

Dear Waterusers:

1. Enclosed is a copy of the above referenced claim which reflects the CHANGE IN OWNERSHIP of the lands and appurtenant water rights covered by this claim.
2. The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.
3. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

CC: EMMA BALL ESTATE

SCANNED
APR 14 2004

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
JUN 13 1994
WATER RESOURCES
WESTERN REGION

EMMA BALL ESTATE
C/O JAMES RATTI
PO BOX 6
MESA ID

RESENT 6-30-94
BALL 836432004 1893 06/07/94
FORWARDING TIME EXPIRED
BALL
419 W GREENHURST RD
NANPA ID 83643-2507
RETURN TO SENDER



MICROFILMED
AUG 05 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 31, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Original Notice of Claim to a Water Right No. A67-07364

Renumbered to Notice of Claim to a Water Right No. A67-07364A

Emma Ball Estate
C/O James Ball
PO Box 62
Mesa, ID 83643

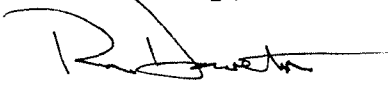
Dear James Ball,

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

If you have any questions concerning this ownership change or the enclosed claim copy, please feel free to contact this office.

Sincerely,


Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment

MICROFILMED

AUG 05 1994