

12/02/2006

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

RIGHT NUMBER: 67-7392A

NAME AND ADDRESS: EBERLE UMBACH
2254 N GRAYS CREEK RD
INDIAN VALLEY ID 83632

SOURCE: UNNAMED STREAM

TRIBUTARY: GRAYS CREEK

QUANTITY: 0.500 AFY

PRIORITY DATE: 05/12/1978

POINT OF DIVERSION:

T15N R01W S27 NENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER FROM STORAGE	01/01 12/31	0.50 AFY
STOCKWATER STORAGE	01/01 12/31	0.50 AFY

PLACE OF USE: STOCKWATER FROM STORAGE in ADAMS County

T15N R01W S27 SENW

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



Idaho Department of Water Resources

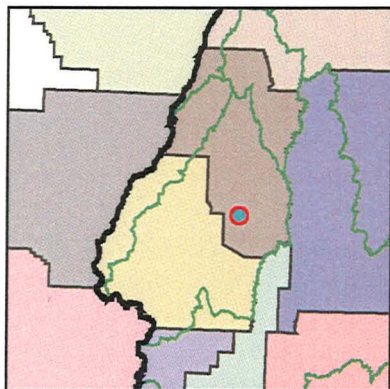
SRBA Recommendation:

67-7392A

(Stockwater From Storage)

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by IDWR State Office
On Saturday, December 2, 2006
1987/88 Aerial Photography

Adjudication Recommendation Report 67-7392A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FAYMA S HOSKINS 421 S CURTIS #3 BOISE, ID 83705 (208)336-4459
Current Owner	EBERLE UMBACH 2254 N GRAYS CREEK RD INDIAN VALLEY, ID 83632
Original Owner	LOWELL D DAVIS 8407 WASHOE RD FRUITLAND, ID 83619 (208)452-3816
Original Owner	GERALDINE M DAVIS 8407 WASHOE RD FRUITLAND, ID 83619 (503)473-5117
Original Owner	JACK C HOSKINS 421 S CURTIS #3 BOISE, ID 83705 (208)336-4459

Basis:	License
1. <i>Ownership</i>	1. <i>Ownership</i>
2. <i>Control</i>	2. <i>Control</i>
3. <i>Transferability</i>	3. <i>Transferability</i>
4. <i>Exclusivity</i>	4. <i>Exclusivity</i>
5. <i>Duration</i>	5. <i>Duration</i>
6. <i>Termination</i>	6. <i>Termination</i>
7. <i>Assignment</i>	7. <i>Assignment</i>
8. <i>Subsidiary</i>	8. <i>Subsidiary</i>
9. <i>Joint Venture</i>	9. <i>Joint Venture</i>
10. <i>Partnership</i>	10. <i>Partnership</i>
11. <i>Franchise</i>	11. <i>Franchise</i>
12. <i>Licensing</i>	12. <i>Licensing</i>
13. <i>Leasing</i>	13. <i>Leasing</i>
14. <i>Concessions</i>	14. <i>Concessions</i>
15. <i>Joint Development</i>	15. <i>Joint Development</i>
16. <i>Co-branding</i>	16. <i>Co-branding</i>
17. <i>Co-promotion</i>	17. <i>Co-promotion</i>
18. <i>Co-sponsorship</i>	18. <i>Co-sponsorship</i>
19. <i>Co-branding</i>	19. <i>Co-branding</i>
20. <i>Co-promotion</i>	20. <i>Co-promotion</i>
21. <i>Co-sponsorship</i>	21. <i>Co-sponsorship</i>
22. <i>Co-branding</i>	22. <i>Co-branding</i>
23. <i>Co-promotion</i>	23. <i>Co-promotion</i>
24. <i>Co-sponsorship</i>	24. <i>Co-sponsorship</i>
25. <i>Co-branding</i>	25. <i>Co-branding</i>
26. <i>Co-promotion</i>	26. <i>Co-promotion</i>
27. <i>Co-sponsorship</i>	27. <i>Co-sponsorship</i>
28. <i>Co-branding</i>	28. <i>Co-branding</i>
29. <i>Co-promotion</i>	29. <i>Co-promotion</i>
30. <i>Co-sponsorship</i>	30. <i>Co-sponsorship</i>
31. <i>Co-branding</i>	31. <i>Co-branding</i>
32. <i>Co-promotion</i>	32. <i>Co-promotion</i>
33. <i>Co-sponsorship</i>	33. <i>Co-sponsorship</i>
34. <i>Co-branding</i>	34. <i>Co-branding</i>
35. <i>Co-promotion</i>	35. <i>Co-promotion</i>
36. <i>Co-sponsorship</i>	36. <i>Co-sponsorship</i>
37. <i>Co-branding</i>	37. <i>Co-branding</i>
38. <i>Co-promotion</i>	38. <i>Co-promotion</i>
39. <i>Co-sponsorship</i>	39. <i>Co-sponsorship</i>
40. <i>Co-branding</i>	40. <i>Co-branding</i>
41. <i>Co-promotion</i>	41. <i>Co-promotion</i>
42. <i>Co-sponsorship</i>	42. <i>Co-sponsorship</i>
43. <i>Co-branding</i>	43. <i>Co-branding</i>
44. <i>Co-promotion</i>	44. <i>Co-promotion</i>
45. <i>Co-sponsorship</i>	45. <i>Co-sponsorship</i>
46. <i>Co-branding</i>	46. <i>Co-branding</i>
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48. <i>Co-sponsorship</i>	48. <i>Co-sponsorship</i>
49. <i>Co-branding</i>	49. <i>Co-branding</i>
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57. <i>Co-sponsorship</i>	57. <i>Co-sponsorship</i>
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65. <i>Co-promotion</i>	65. <i>Co-promotion</i>
66. <i>Co-sponsorship</i>	66. <i>Co-sponsorship</i>
67. <i>Co-branding</i>	67. <i>Co-branding</i>
68. <i>Co-promotion</i>	68. <i>Co-promotion</i>
69. <i>Co-sponsorship</i>	69. <i>Co-sponsorship</i>
70. <i>Co-branding</i>	70. <i>Co-branding</i>
71. <i>Co-promotion</i>	71. <i>Co-promotion</i>
72. <i>Co-sponsorship</i>	72. <i>Co-sponsorship</i>
73. <i>Co-branding</i>	73. <i>Co-branding</i>
74. <i>Co-promotion</i>	74. <i>Co-promotion</i>
75. <i>Co-sponsorship</i>	75. <i>Co-sponsorship</i>
76. <i>Co-branding</i>	76. <i>Co-branding</i>
77. <i>Co-promotion</i>	77. <i>Co-promotion</i>
78. <i>Co-sponsorship</i>	78. <i>Co-sponsorship</i>
79. <i>Co-branding</i>	79. <i>Co-branding</i>
80. <i>Co-promotion</i>	80. <i>Co-promotion</i>
81. <i>Co-sponsorship</i>	81. <i>Co-sponsorship</i>
82. <i>Co-branding</i>	82. <i>Co-branding</i>
83. <i>Co-promotion</i>	83. <i>Co-promotion</i>
84. <i>Co-sponsorship</i>	84. <i>Co-sponsorship</i>
85. <i>Co-branding</i>	85. <i>Co-branding</i>
86. <i>Co-promotion</i>	86. <i>Co-promotion</i>
87. <i>Co-sponsorship</i>	87. <i>Co-sponsorship</i>
88. <i>Co-branding</i>	88. <i>Co-branding</i>
89. <i>Co-promotion</i>	89. <i>Co-promotion</i>
90. <i>Co-sponsorship</i>	90. <i>Co-sponsorship</i>
91. <i>Co-branding</i>	91. <i>Co-branding</i>
92. <i>Co-promotion</i>	92. <i>Co-promotion</i>
93. <i>Co-sponsorship</i>	93. <i>Co-sponsorship</i>
94. <i>Co-branding</i>	94. <i>Co-branding</i>
95. <i>Co-promotion</i>	95. <i>Co-promotion</i>
96. <i>Co-sponsorship</i>	96. <i>Co-sponsorship</i>
97. <i>Co-branding</i>	97. <i>Co-branding</i>
98. <i>Co-promotion</i>	98. <i>Co-promotion</i>
99. <i>Co-sponsorship</i>	99. <i>Co-sponsorship</i>

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	GRAYS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER FROM STORAGE	01/01	to 12/31		0.50 AF
STOCKWATER STORAGE	01/01	to 12/31		0.50 AF
		<u>Total Diversion:</u>		0.50 AF

<u>Location of Point(s) of Diversion</u>		
UNNAMED STREAM	NE1/4NW1/4	Sec. 27, Twp 15N, Rge 01W, B.M.
ADAMS County		

Place of Use
STOCKWATER FROM STORAGE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7392A 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.

Remarks:Comments:

1. mcase 7/30/2004 POD
Comment: Updated shape
2. mcase 7/30/2004 Quantity
Comment: Licensed for .5 AF. Both splits claimed all .5 AF.
3. mvanbussum 12/2/2006 POU
Comment: Recommended POU based on deed submitted with change of ownership in 1995. Deed did not include NESW.

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: AND
 Water District Number: 67A
 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>
Priority Date	4/12/2004 3:54:19 PM	ssherman			Active
POD	4/12/2004 3:54:49 PM	ssherman			Active
Source	4/12/2004 3:55:07 PM	ssherman			Active
POU	4/12/2004 3:55:36 PM	ssherman			Active
Use	4/12/2004 3:56:27 PM	ssherman			Active
Season	4/12/2004 3:57:07 PM	ssherman			Active
Quantity	4/12/2004 3:57:52 PM	ssherman			Active
Contacts	12/2/2006 11:44:18 AM	mvanbussum			Active
Priority Date	12/2/2006 11:44:33 AM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

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POD	12/2/2006 11:44:43 AM	mvanbussum	Active
Source	12/2/2006 11:49:06 AM	mvanbussum	Active
POU	12/2/2006 11:49:19 AM	mvanbussum	Active
Use	12/2/2006 11:53:08 AM	mvanbussum	Active
Season	12/2/2006 11:53:31 AM	mvanbussum	Active
Quantity	12/2/2006 11:54:58 AM	mvanbussum	Active
Summary		12/02/2006 mvanbussum	Active
Quantity	12/2/2006 12:03:03 PM	mvanbussum	Active
Summary		12/02/2006 mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	7/30/2004 11:25:33 AM	mcase	Created polygon from PLS
POD	12/2/2006 11:49:33 AM	mvanbussum	Updated shape
Source	12/2/2006 11:49:48 AM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/2/2006 11:50:02 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Contacts	12/2/2006 11:45:00 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	12/2/2006 11:45:15 AM	mvanbussum	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

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POD	12/2/2006 11:45:25 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Use	12/2/2006 11:53:52 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/2/2006 11:54:15 AM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/2/2006 11:55:41 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Recommended half of available license. Other half recommended to B split.
Summary	12/2/2006 11:56:15 AM	mvanbussum	(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? (No) 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	12/2/2006 11:52:52 AM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7392A V1

Quantity	12/2/2006 12:03:47 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Recommended as licensed.
Summary	12/2/2006 12:04:21 PM	mvanbussum	(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? (No) 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?
POD	4/12/2004 3:54:50 PM	ssherman	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	4/12/2004 3:55:09 PM	ssherman	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	4/12/2004 3:55:37 PM	ssherman	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	4/12/2004 3:56:29 PM	ssherman	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7392A V1

Season	4/12/2004 3:57:09 PM	ssherman	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use?
Quantity	4/12/2004 3:57:54 PM	ssherman	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use?
Priority Date	4/12/2004 3:54:20 PM	ssherman	(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 ?

Water Supply Bank:

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: **A67-07392A**
Date Received: 6/22/1989
Receipt No: C007758
Received By: _____

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

1. Name: EBERLE UMBACH
Address: 2254 N GRAYS CREEK RD
INDIAN VALLEY ID

83632

2. Date of Priority: MAY 12, 1978

3. Source: UNNAMED STREAM

Trib. to: GRAYS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	01W	27		NE	NW		ADAMS

5. Description of diverting works:
PIT & SPILLWAY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			0.50
STOCKWATER FROM STORAGE	01/01	12/31			0.50

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

0.50 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
SS/26 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15N	01W	27	NE	NW		STO FS	
			SE	NW		STO FS	

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:
OWNERSHIP CHANGE 3/29/96 BY MTS

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
SEP 20 1995

Department of Water Resources

DATE OF CLOSING: 9/11/95

LEGAL DESCRIPTION OF PROPERTY: Township 15N Range 01W
Section 27, 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: #A67-07392, #A67-07392A, #A67-10038 & #A67-10039
Donald G. Fortier & Robin K. Fortier E.U.
- [] Name and Address of Former Owner/Claimant(s)(Seller): Donald G. Fortier & Robin K. Fortier
2254 N. Grays Crk Rd
Indian Valley, ID 83632
- [] New Owner/Claimant (Purchaser): Eberle Umbach
- [] New Mailing Address: 2254 N. Grays Creek Rd.
Indian Valley, ID 83632
- [] 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:

RECEIVED

SEP 21 1995

WATER RESOURCES
WESTERN REGION

- [] Attach proof of ownership, describe proof attached: copy of recorded Warranty Deed(s)
(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): Eberle Umbach Date 9/8/95
- [] Signature of Former Owner/Claimant(s): _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 23 1996

INSTRUMENT NO. 86515

RECEIVED

SEP 20 1995

Department of Water Resources

Case # 40378

Warranty Deed

For Value Received Jack C. Hoskins and Fayma S. Hoskins, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto Donald G. Fortier and Robin K. Fortier, husband and wife

whose current address is 2254 N. Grays Creek Rd. , Indian Valley, ID 83632

the grantee s, the following described premises, in Adams County Idaho, to wit:

SEE ATTACHED EXHIBIT A

RECEIVED

SEP 21 1995

WATER RESOURCES
WESTERN REGION

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that the y the owner s in fee simple of said premises; that they are free from all incumbrances

and that the Y will warrant and defend the same from all lawful claims whatsoever.

Dated: August 15, 1994

Jack C. Hoskins
Jack C. Hoskins

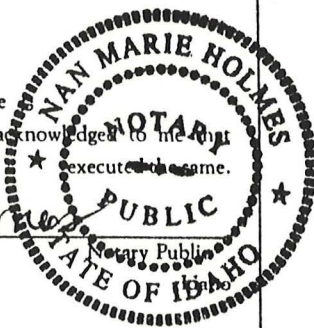
Fayma S. Hoskins
Fayma S. Hoskins

STATE OF IDAHO, COUNTY OF ~~XXXXX~~ Ada
On this 15th day of August, 19 94
before me, a notary public in and for said State, personally appeared
Jack C. Hoskins
Fayma S. Hoskins

known to me to be the person s whose name
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Nan Marie Holmes
Nan Marie Holmes
Residing at Boise

Comm. Expires 8/14/96



INSTRUMENT NO. 86515

State of Idaho)
County of Adams) SS.

Filed for record at the request of
Timberline Title & Escrow
21 min. past 4 o'clock p.m.
this 16th day of August, 19 94

MICHAEL FISK, RECORDER
by *Leah Linkal* Deputy

Fee \$6.00

MICROFILMED

OCT 23 1996

POOR ORIGINAL

EXHIBIT "A"
Ratcliff to Hoskins Transaction

INSTRUMENT NO. 86515

TRACT 1:

Township 15 North, Range 1 West of the Boise Meridian
Section 27:

All that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Northeast of the
Indian Valley Road and

All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, Township
and Range lying Northwest of the Grays Creek Road.
(as established and located on November 6, 1973)

TRACT 2:

Township 15 North, Range 1 West, Boise Meridian
Section 27:

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Department of Water Resources

A tract of land located in said Section more particularly
described as follows, to wit:

Beginning at the center of said Section 27, North 533 feet
more or less,
thence West 308 feet more or less;
thence Southwesterly 560 feet more or less along Highway 95
right of way as it was located and established October 31,
1977;
thence East 480 feet more or less, to the TRUE POINT AND
PLACE OF BEGINNING.

SUBJECT TO: 1. That certain right-of-way deed granted to
the State of Idaho, filed in the office of the County Rec-
order of Adams County, Idaho on the 31st day of July, 1918,
and recorded in Book 6 of Deeds at page 489 thereof as
Instrument No. 7305 of the records of said county. 2. That
certain easement contained in the Deed filed in the office
of the County Recorder of Adams County, Idaho, on the 2nd
day of April, 1949 and recorded in Book 21 of Deed at page
187 thereof as Instrument No. 32499 of the records of said
county. 3. Those certain power line easements contained in
instruments no. 32863, 51408, 55679, and 55680, all of the
records of Adams County, Idaho. 4. Terms, conditions and
restrictions found in that certain deed filed in the office
of the County Recorder of Adams County, Idaho, on November 6,
1973 and and recorded in Book 29M of Deeds at page 987
thereof as Instrument No. 52073 of the records of said county.
5. Restrictions and limitations contained in that certain
Agreement, filed in the office of the County Recorder of
Adams County, Idaho, on the 24th day of August, 1973, and
recorded in Book 29M of Deeds at page 926 thereof as Instru-
ment No. 51859 of the records of said county. 6. Terms,
conditions and restrictions of that certain Contract of Sale
and Purchase of Real Property filed in the office of the
County Recorder of Adams County, Idaho on the 31st day of
October, 1977, Book 9M of Miscellaneous at page 134 thereof
as Instrument No. 56737 of the records of said county. 7. Rights
of way and easements for all County Roads, Telephone, & Power
lines, and ditches and canals.

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WATER RESOURCES
WESTERN REGION

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OCT 23 1996

COPY

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WARRANTY DEED
Department of Water Resources

INSTRUMENT NO. 88712

For Value Received DONALD G. FORTIER and ROBIN K. FORTIER, husband & wife

the grantors , do hereby grant, bargain, sell and convey unto
EBERLE UMBACH, an unmarried woman

the grantee, whose current address is, 2254 N. Grays Crk. Rd, Indian Valley, ID
RT. 1, BOX 89A, WESTON, OR. 97886 83630

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee
her heirs and assigns forever. And the said Grantors do hereby covenant to and with the
said Grantee , that they are the owners in fee simple of said premises; that
they are free from all incumbrances excepting for all easements of record, rights of way,
matters visible, and all matters of record and title.

and that they will warranty and defend the same from all lawful claims whatsoever.

Date: September 11, 1995

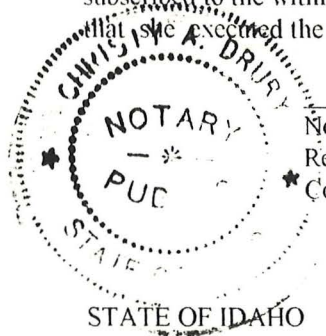
Donald G. Fortier, by Robin K. Fortier his attorney in fact
DONALD G. FORTIER, by Robin K. Fortier, his Attorney in-Fact
Robin K. Fortier
ROBIN K. FORTIER

STATE OF Idaho)
) ss
COUNTY OF Adams)

On this 12th day of Sept. in the year of 1995, before me
a Notary Public, personally appeared
ROBIN K. FORTIER
known or identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that she executed the same

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

at 26 minutes past 11 o'clock PM.
this 12th day of Sept , 19 95 in my
office, and duly recorded in Book
of Deeds at page



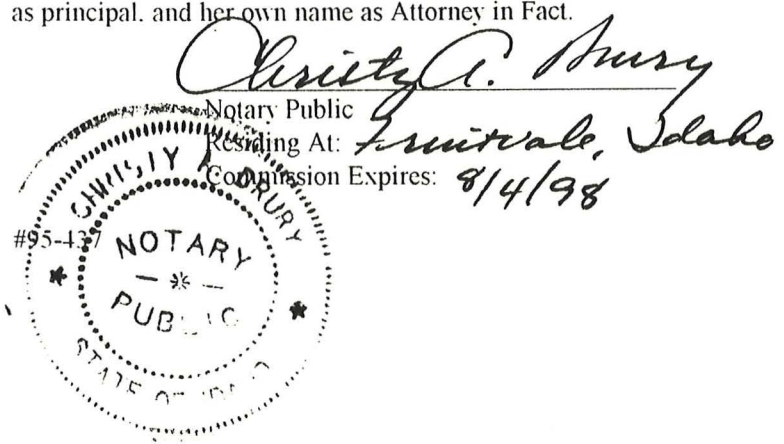
Christy A. Busby
Notary Public
Residing at Freemont, Idaho
Commission expires: 8/4/98

MICHAEL FISK Ex-Officio Recorder
By: Peggy Linkal Deputy

Fees \$ 6.00
Mail to: Timberline Title & Escrow

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

On this 12th day of September, in the year of 1995, before me
a Notary Public, personally appeared
ROBIN K. FORTIER
known or identified to me to be the person whose name is
subscribed to the within instrument as the Attorney in Fact
of DONALD G. FORTIER, and acknowledged to me that
she subscribed the name of DONALD G. FORTIER thereto
as principal, and her own name as Attorney in Fact.



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TRACT 1:

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

Section 27: All that part of the NE1/4SW1/4 lying Northeast of Indian Valley Road; and all that part of the NW1/4SE1/4 lying Northwest of Grays Creek Road (as established and located on November 6, 1973).

TRACT 2:

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

Section 27: A tract of land located in said section more particularly described as follows:

Beginning at the center of said Section 27, North 533 feet more or less;

Thence West 308 feet more or less;

Thence Southwesterly 560 feet more or less along Highway 95 right-of-way as it was located and established October 31, 1977;

Thence East 480 feet more or less to the TRUE POINT AND PLACE OF BEGINNING.

EXCEPTING THEREFROM Highway 95 and Indian Valley Road.

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1995 which are a lien but not yet due or payable.

RIGHT-OF-WAY DEED to the State of Idaho recorded July 31, 1918 in Book 6 Deeds page 489. (Tract 1)

EASEMENT as set forth in State of Idaho Deed recorded April 2, 1949 in Book 21 Deeds page 187. (Tract 1)

EASEMENT granted to IDAHO POWER COMPANY recorded August 26, 1949 in Book 5 Misc. page 102. (Tract 2)

EASEMENT granted to IDAHO POWER COMPANY recorded March 30, 1973 in Book 7M Misc. page 422. (Tract 1)

EASEMENT granted to IDAHO POWER COMPANY recorded February 16, 1977 in Book 9M Misc. page 42 as Instr. No. 55679.

EASEMENT granted to IDAHO POWER COMPANY recorded February 16, 1977 as Instr. No. 55680.

TERMS, CONDITIONS AND RESTRICTIONS as set forth in a deed granted to WAYNE K. YEOMAN and PAULINE E. YEOMAN, husband and wife, recorded November 6, 1973 in Book 29M Deeds page 987. (Tract 1)

TERMS, CONDITIONS AND RESTRICTIONS as set forth in a deed granted to STATE OF IDAHO, recorded August 24, 1973 in Book 29M Deeds page 926 as Instr. No. 51859.

RIGHTS-OF-WAY AND EASEMENTS for all county roads, telephone and power lines, ditches and canals as now established.

ANY CLAIMS arising from the fact that Grays Creek Road is not described.

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WESTERN REGIONRECEIVED
SEP 20 1995
Department of

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OCT 23 1996

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: A67-07392A
Date Received: 6/22/1989
Receipt No: C007758
Received By: Ret

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK C. HOSKINS 208-336-4459
Address: 421 SOUTH CURTIS, #3
BOISE ID 83705
AND/OR
Name: FAYMA S. HOSKINS 208-336-4459
Address: 421 SOUTH CURTIS, #3
BOISE ID 83705

2. Date of Priority: MAY 12, 1978

3. Source: UNNAMED STREAM Trib. to: GRAYS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	01W	27		NE	NW		ADAMS

5. Description of diverting works:
PIT & SPILLWAY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			0.50
STOCKWATER FROM STORAGE	01/01	12/31			0.50

7. Total Quantity Appropriated is:
C.F.S. (and/or) 0.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SS/26 HEAD.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	01W	27	NE	NW		STO FS	
			SE	NW		STO FS	

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:

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 _____

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

Renumbered to A67-07392A

Ident. Number: A67-07392

Date Received: 6/22/1989

Receipt No: 0007758

Received By: RAZ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK C. HOSKINS 208-336-4459
Address: 421 SOUTH CURTIS, #3
BOISE, ID 83705

AND/OR

Name: FAYMA S. HOSKINS 208-336-4459
Address: 421 SOUTH CURTIS, #3
BOISE, ID 83705

2. Date of Priority: MAY 12, 1978

3. Source: UNNAMED STREAM Trib. to: GRAYS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	01W	27	NE		NW		ADAMS

5. Description of diverting works:
PIT & SPILLWAY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			0.50
STOCKWATER FROM STORAGE	01/01	12/31			0.50

7. Total Quantity Appropriated is:
C.F.S. (and/or) 0.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SS/26 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	01W	27	NE	NW		STO FS	
			SE	NW		STO FS	

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:

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

Number of attachments: 1

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): Jack C Hopkins Date: 6 22 89

Date: _____

State of Idaho)
County of Ada) SS.

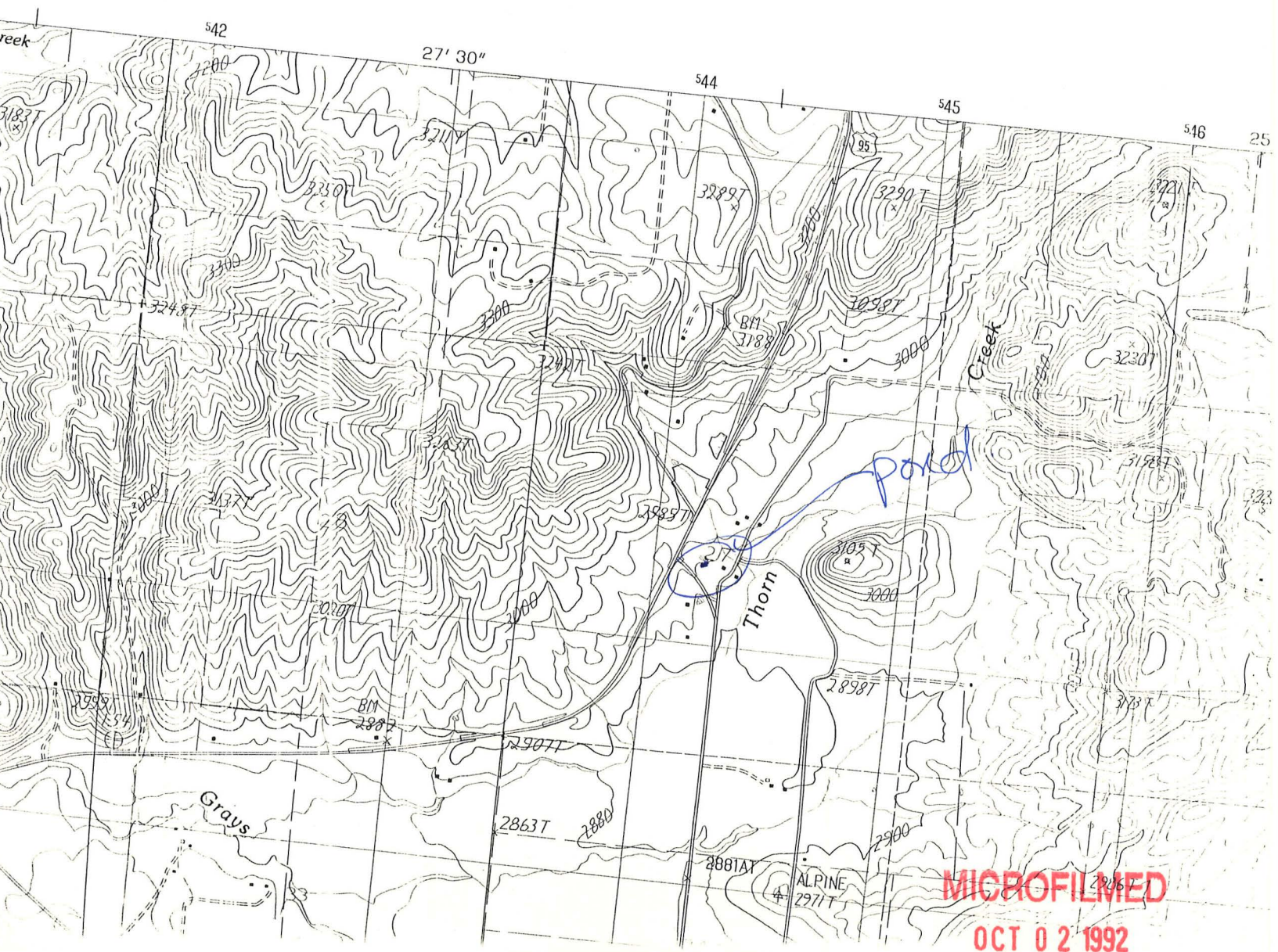
Subscribed and sworn (or affirmed) before me this 22nd day
of June 19 89

Notary Public

Seal

Helen Harrington, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____

RIOR





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 17, 1995

Jack or Fayma Hoskins
421 S Curtis #3
Boise, ID 83705

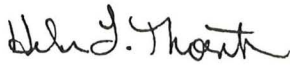
RE: Snake River Basin Adjudication (SRBA)

Dear Claimant:

The Identification Number of your Notice of Claim to a Water Right has been changed from A67-07392 to A67-07392A. The suffix "A" has been added to the number in order to distinguish your claim from other claims that may claim a portion of the same original water right. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Respectfully,


Helen L. Thornton
Adjudication Staff

HHT:h
Enclosures

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OCT 23 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7392 Priority May 12, 1978 Amount .5 acre feet

THIS IS TO CERTIFY, that LOWELL D. &/or GERALDINE M. DAVIS
of Cambridge, Idaho, has complied with the terms and conditions of Permit
No. 67-7392 issued pursuant to Application for Permit dated May 12, 1978,
and has submitted proof to the Department of Water Resources on June 7, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the ^{storage} diversion of .5 acre feet of water from an unnamed stream,
tributary to Gray's Creek (Grays Creek), and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Storage for	from <u>January 1</u> to <u>December 31</u> at <u>N/A</u>	<u>cfs</u> and <u>.5 acre feet</u>	
Stockwater from	from <u>January 1</u> to <u>December 31</u> at <u>N/A</u>	<u>cfs</u> and <u>.5 acre feet</u>	
Storage	from <u>January 1</u> to <u>December 31</u> at <u>N/A</u>	<u>cfs</u> and <u>.5 acre feet</u>	

(both dates inclusive)

Subject, however, to the condition that no more than .5 acre feet of water be ^{stored} diverted at any one time, and
that the amount of water so ^{stored} diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
.5 acre feet per year, said waters to be diverted within the NE 1/4, Sec. 27, Twp. 15N,
Rge. 1W, B.M., in the County of Adams

Description and location of place of use:

Twp.	Range	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	27					X			X									

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
August, 19 79.

Director

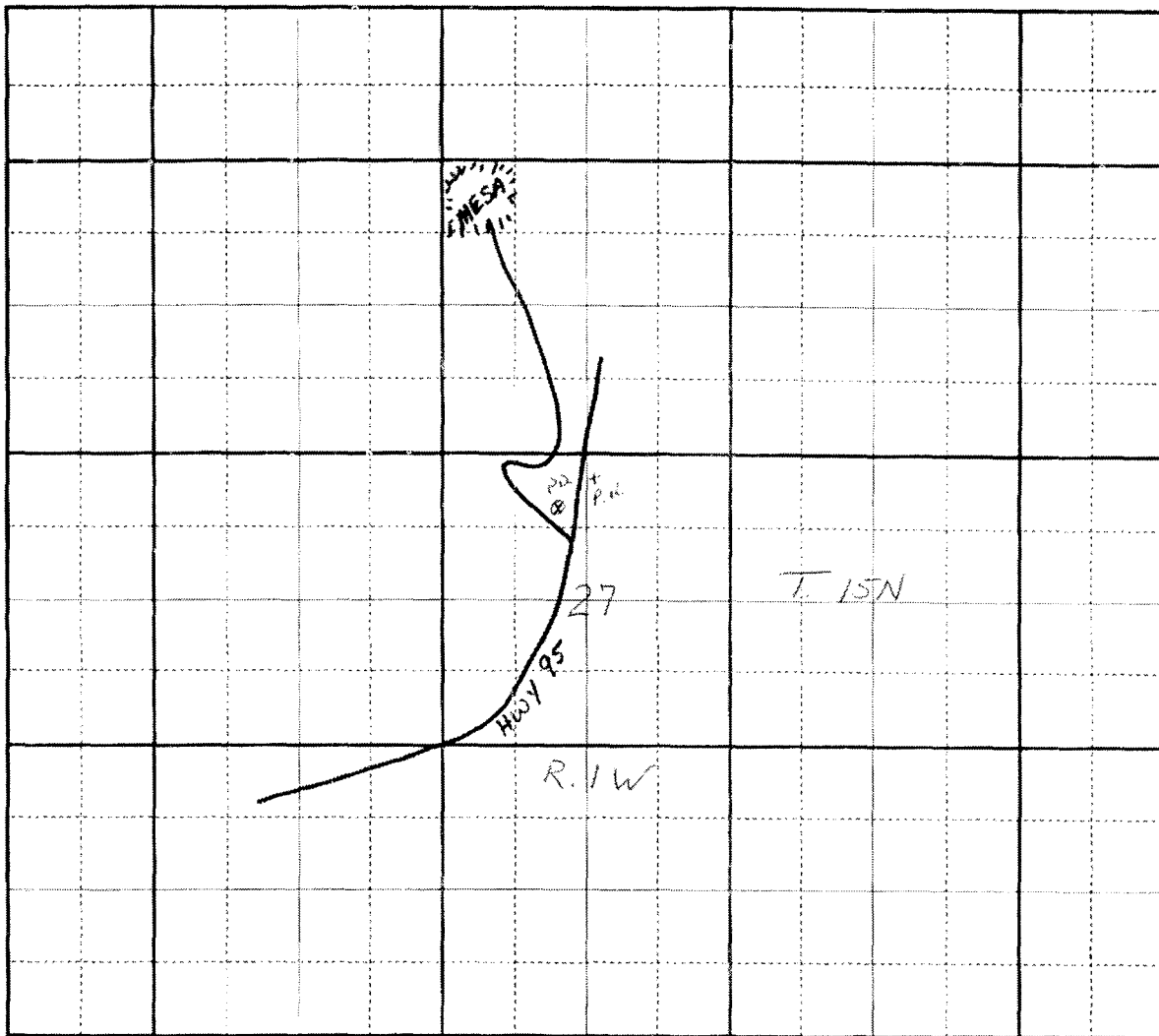


Diagram of System