

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: 67-7415

JERROLD B SMITH
870 JENKINS CREEK RD
WEISER ID 83672
Telephone Number: (208)549-2671

NANCY JO SMITH
870 JENKINS CREEK RD
WEISER ID 83672
Telephone Number: (208)549-2671

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: 11/29/06 SIGNATURE: *Jerrold B. Smith*
Please print your name: Jerrold B. Smith

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

SCANNED
DEC 09 2006

10/27/2006

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

RIGHT NUMBER: 67-7415

NAME AND ADDRESS: JERROLD B SMITH
870 JENKINS CREEK RD
WEISER ID 83672

NANCY JO SMITH
870 JENKINS CREEK RD
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.090 CFS
292.500 AFY

PRIORITY DATE: 09/07/1978

POINT OF DIVERSION:

T11N R05W S19 SWNW Lot 2 Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.090 CFS 292.50 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R05W S19 Lot 2 SWNW 27.00 T11N R05W S19 Lot 3 NWSW 38.00

65 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Institute Canal Company.



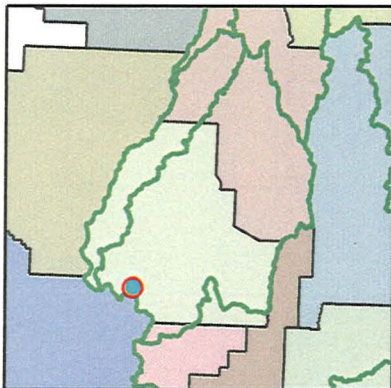
Idaho Department of Water Resources

SRBA Recommendation:

67-7415

Legend

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



Washington County
IDWR Basin 67



0 0.2 0.4 Miles



Prepared by J. Dean
On Friday, October 27, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7415 V1

WATER RIGHT NUMBER: 67-7415 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PARSONS PACKING INC PO BOX 588 WEISER, ID 83672
Original Owner	ROBERT A PARSONS PO BOX 588 WEISER, ID 83672 (208)549-1539
Original Owner	H & S PARTNERSHIP C/O ROBERT L HERT AND JERROLD B SMITH 870 JENKINS CREEK RD WEISER, ID 83672
Current Owner	JERROLD B SMITH 870 JENKINS CREEK RD WEISER, ID 83672 (208)549-2671
Current Owner	NANCY JO SMITH 870 JENKINS CREEK RD WEISER, ID 83672 (208)549-2671

Priority Date: 09/07/1978

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.090 CFS	292.50 AF
	<u>Total Diversion:</u>	1.090 CFS	292.50 AF

Location of Point(s) of Diversion

GROUND WATER	L2 (SW1/4NW1/4)	Sec. 19, Twp 11N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	19							27.0				38.0						65.0
								L 2				L 3							

Total Acres: 65

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7415 V1

Conditions of Approval:

1. F14 Use of this right is combined with water from Institute Canal Company.
2. 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.
3. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Remarks:Comments:

1. mcase 5/3/2004 POU

Comment: It look like Lot 2 overlaps QQs SWNW and NWNW. There is nothing licensed or claimed in NWNW.

2. mcase 5/13/2004 Period of Use

Comment: Licensed Period of Use is shorter than standard. Recommend Shoulder Remark.

3. jdean 10/27/2006 License

Comment: This claim was recommended as licensed with the addition of a shoulder remark for the season of 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: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	5/3/2004 1:56:57 PM	mcase			Active
POD	5/3/2004 2:01:48 PM	mcase			Active
Source	5/3/2004 2:02:00 PM	mcase			Active
POU	5/3/2004 2:05:18 PM	mcase			Active
Use	5/3/2004 2:09:58 PM	mcase			Active
Season	5/3/2004 2:10:22 PM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7415 V1

Quantity	5/3/2004 2:10:45 PM	mcase	Active
Season	5/13/2004 7:49:06 AM	mcase	Active
Contacts	10/27/2006 5:06:15 PM	jdean	Active
Summary	10/27/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	5/13/2004 7:49:07 AM	mcase	(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? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
POD	5/3/2004 2:01:48 PM	mcase	(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?
POD	10/27/2006 5:17:42 PM	jdean	Updated shape
POD	10/27/2006 5:17:58 PM	jdean	Updated PLS
POU	10/27/2006 5:19:01 PM	jdean	Updated shape for Active POU
Summary	10/27/2006 5:24:57 PM	jdean	(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? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	10/27/2006 5:06:16 PM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
POU	10/27/2006 5:19:12 PM	jdean	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7415 V1

Source	5/3/2004 2:02:01 PM	mcase	(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?
Priority Date	5/3/2004 1:56:58 PM	mcase	(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?
POU	5/3/2004 2:05:19 PM	mcase	(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?
Use	5/3/2004 2:09:59 PM	mcase	(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?
Season	5/3/2004 2:10:23 PM	mcase	(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? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
Quantity	5/3/2004 2:10:46 PM	mcase	(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? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - Diversion licensed for 292.5 AF.
POD	5/3/2004 1:58:32 PM	mcase	Edited point location
POU	5/3/2004 2:03:33 PM	mcase	Edited shape boundary

Water Supply Bank:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07415

Priority: September 7, 1978 Maximum Diversion Rate: 1.09 CFS
Maximum Diversion Volume:¹ 292.5 AF

This is to certify, that ROBERT A. PARSONS
P.O. BOX 588
WEISER, ID 83672

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 7, 1978; and has submitted Proof of Beneficial Use on January 29, 1980. An examination indicates that the works have a diversion capacity of 2.640 cfs of water from a GROUNDWATER 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>
IRRIGATION	03/15 to 11/15	1.09 CFS	292.5 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 2(SWNW), Sec. 19, Township 11N, Range 05W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11N	05W	19	LOT 2(SWNW) 27	LOT 3(NWSW) 38		65
Total number of acres irrigated:						65

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 right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery 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.

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 20TH day of JULY, 1989.

MICROFILMED

Acting for

R. Keith Higginson, Director

SEP 08 1989

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-7415
Date Received: 10/6/1989
Receipt No: M004847
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JERROLD B SMITH
870 JENKINS CREEK RD
WEISER ID USA 83672

Phone: (208) 549-2671

NANCY JO SMITH
870 JENKINS CREEK RD
WEISER ID USA 83672

Phone: (208) 549-2671

2. Date of Priority: 09/07/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	05W	19	SW NW 2	WASHINGTON	

5. Description of diverting works:

95' DEEP, SUB. PUMP, PIPED 2' TO DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.09	292.5

7. Total Quantity Appropriated is:

1.09 C.F.S. and/or 292.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
11N	05W	19	SW	NW	2	IRRIGATION	27
			NW	SW	3	IRRIGATION	38
						Section Acres	65
						Total Acres	65

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed to Smith (only) by DB 4/8/2002

OWNERSHIP CHANGE, PARSONS TO H & S PARTNERSHIP 01/31/1994 SF.

15. Basis of Claim: License

RECEIVED

AUG 26 1999

8-23-99

Department of Water Resources

RECEIVED

AUG 26 1999

WATER RESOURCES
WESTERN REGION

Idaho Dept. of Water Resources
Adjudication Bureau

To Whom it may Concern:

RE: Snake River Basin Adjudication (SRBA)
Washington County - Claims #A67-10635 and
#A67-07415

We are notifying you of a change in
ownership of the above-referenced water
right claims. Please change your
records accordingly.

Jerrold B. Smith and Nancy Jo Smith
have purchased the water right claims
of H & S Partnership c/o Robert L. Hert
and Jerrold B. Smith, as referenced
by the enclosed recorded Warranty Deed, and
Partnership Dissolution Agreement.

If you should have questions or concerns
please do not hesitate to call me @
(208) 549-2671.

Best Regards

Jerrold B. Smith
870 Jenkins Creek Rd
Weiser, Idaho

83672

WARRANTY DEED

RECEIVED

AUG 26 1999

For Value Received

H & S PARTNERSHIP, an Idaho partnership

Department of Water Resources

The grantors, do hereby grant, bargain, sell and convey unto

JERROLD B. SMITH AND NANCY J. SMITH, husband and wife
the grantees, whose current address is
870 JENKINS CREEK ROAD, WEISER, ID 83672
the following described premises, in WASHINGTON County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO:

A mortgage dated December 14, 1993 to secure an indebtedness in the principal sum of \$112,000.00.

Recorded : December 20, 1993, Instrument No. 158824, Official Records
Mortgagor : H & S Partnership, an Idaho partnership consisting of Robert L. Hert and Beverly Hert, husband and wife and Jerrold B. Smith and Nancy Jo Smith, husband and wife
Mortgagee : Robert A. Parsons and Lola Parsons, husband and wife

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

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 they are the owners in fee simple of said premises; that they are free from all incumbrances

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

Dated: NOVEMBER 20, 1998

H & S PARTNERSHIP, an Idaho partnership

Robert L. Hert
ROBERT L. HERT, GENERAL PARTNER

Jerrold B. Smith
JERROLD B. SMITH, GENERAL PARTNER

Beverly J. Hert
BEVERLY J. HERT, GENERAL PARTNER

Nancy J. Smith
NANCY J. SMITH, GENERAL PARTNER

STATE OF IDAHO, COUNTY OF

On this

day of

, 19

before me, a notary public in and for the said State, personally

INSTRUMENT

On this _____ day of NOVEMBER in the
year 19 98, before me, a Notary Public, personally appeared
ROBERT L. HERT & BEVELRY J. HERT AND
JERROLD B. SMITH & NANCY J. SMITH
known or identified to me to be (one of) the partner(s) in the partner-
ship of H & S PARTNERSHIP

and the partner(s) who subscribed said partnership name to the foregoing
instrument, and acknowledged to me that they executed the same
in said partnership name.

Notary Public

Residing at

WEISER

Idaho

COMMISSION EXPIRES: 11/1/2003

appeared

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

Notary Public

, Idaho

Residing at

Comm. Expires

RECEIVED

AUG 26 1999

INSTRUMENT NO. 174735
PAGE 1 OF 4

PARTNERSHIP DISSOLUTION AGREEMENT

Department of Water Resources

This Agreement is entered into on this the 20th day of November, 1998, by and between Robert L. Hert and Beverly J. Hert, husband and wife, hereinafter referred to as "First Party", and Jerrold B. Smith and Nancy J. Smith, husband and wife, hereinafter referred to as "Second Party".

WITNESSETH:

WHEREAS, First Party and Second Party entered into a general partnership known and styled in the name of "H & S PARTNERSHIP", which said partnership was evidenced by a Partnership Agreement dated the 3rd day of December, 1993; and

WHEREAS, the partnership was one for farming, which included the ownership of real property located in Washington County, Idaho; and

WHEREAS, the parties hereto have entered into an agreement wherein First Party will sell and Second Party will buy the real property titled in the partnership name; and

WHEREAS, the parties hereto wish to also liquidate and dissolve the partnership; and

THEREFORE, AND IN ACCORDANCE THEREWITH, the parties hereto agree as follows:

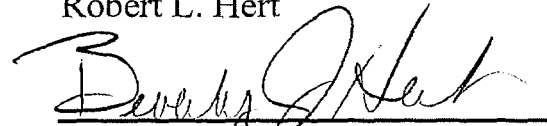
1. The parties hereto agree to liquidate and dissolve this partnership, including removing the assumed business name from the records of Washington County; and
2. That First Party agrees to convey and quitclaim all of their right, title, and interest in and to the assets of H & S Partnership unto the Second Party, upon the parties hereto dissolving this entity so that Second Party can continue to farm or otherwise continue business on their own; and
3. That the parties hereto agree that as set forth in the schedule attached hereto, to pay the debts and divide the assets of the partnership; and
4. That the parties hereto will each be responsible for their own respective income taxes for the year 1998 from said partnership; and
5. That the parties hereto agree that upon distribution of the assets and payment of the debts of the partnership, the partners will be responsible for their own respective attorney fees, costs, and any other cost of the dissolution without contribution or indemnification from the other party; and

6. That the parties hereto agree that all debts or obligations of the partnership, incurred prior to the date hereof, or as otherwise paid pursuant to the schedule attached hereto, will be paid in the percentages as set forth in the partnership agreement; and
7. That the partners hereto agree that some assets may be distributed in kind, if all partners agree thereto; and
8. This agreement is binding upon the heirs, representatives, fiduciaries, or assigns of the parties hereto.

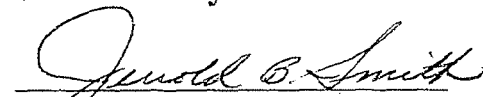
DATED this 20th day of November, 1998.

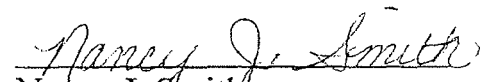
First Party:

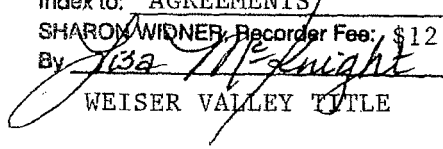

Robert L. Hert


Beverly J. Hert

Second Party:


Jerrold B. Smith


Nancy J. Smith

INSTRUMENT NO. 174735
STATE OF IDAHO, COUNTY OF WASHINGTON ss,
Filed for record at the request of
WEISER VALLEY TITLE
33 Min. past FIFTEEN o'clock P. M.
This 24TH day of NOVEMBER 19 98
Index to: AGREEMENTS
SHARON WIDNER, Recorder Fee: \$12.00
By  Deputy
WEISER VALLEY TITLE

NOTARY

STATE OF IDAHO)

SS:

County of Washington)

On the 20th day of November, 1998, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, Robert L. Hert and Beverly J. Hert, husband and wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


Notary Public for Idaho

Residing in : Weiser

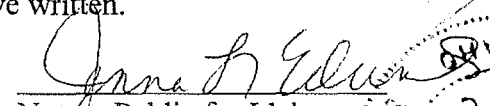
STATE OF IDAHO)

SS:

County of Washington)

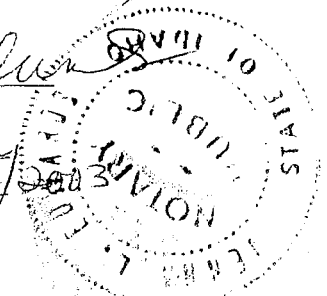
On the 20th day of November, 1998, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, Jerrold B. Smith and Nancy J. Smith, husband and wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


Notary Public for Idaho

Residing in : Weiser

Comm. Expires: 3/27/2003



File No.: 100-98-6743

IN TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

SECTION 19: Lot 3 and all of that part of Lots 1 and 2 lying Southwesterly of the Institute Canal Right-of-Way;

SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:

①

A parcel of land situated within Government Lot 2 of Section 19, Township 11 North, Range 5 West, Boise Meridian, more particularly described as follows:

Beginning at the Northwest corner of Government Lot 2 of Section 19, Township 11 North, Range 5 West, Boise Meridian;

Thence South $0^{\circ}02'11''$ West, 97.88 feet along the West line of said Government Lot 2 to the TRUE POINT OF BEGINNING;

thence South $89^{\circ}57'49''$ East, 874.86 feet to a point on the Southwesterly right-of-way line of the Institute Canal Company Irrigation Ditch;

thence South $60^{\circ}38'01''$ East, 107.27 feet along the Southwesterly right-of-way line said ditch;

thence South $37^{\circ}22'22''$ East, 51.58 feet along the Southwesterly right-of-way line of said ditch;

thence South $18^{\circ}33'51''$ East, 82.09 feet along the Westerly right-of-way line of said ditch;

thence South $14^{\circ}08'23''$ East, 74.07 feet along the Westerly right-of-way line of said ditch;

thence North $89^{\circ}57'49''$ West, 1044.03 feet to a point on the West line of said Government Lot 2;

thence North $0^{\circ}02'11''$ East, 243.13 feet along the West line of said Government Lot 2 to the TRUE POINT OF BEGINNING.

SUBJECT TO the right-of-way as now established of an existing county road known as Jenkins Creek Road, along the West side of the above described parcel of land.

TOGETHER WITH AND SUBJECT TO a cement irrigation ditch along the East boundary.

CONTINUED

X = 
Y = 60

EXHIBIT "A" CONTINUED

INSTRUMENT NO. 174698
PAGE 3 OF 4

File No.: 100-98-6743

AND ALSO SAVE AND EXCEPT:

(2)

A parcel of land situated within Government Lots 1 and 2 of Section 19, Township 11 North, Range 5 West, Boise Meridian, more particularly described as follows:

Beginning at the Southwest corner of Government Lot 1 of Section 19, Township 11 North, Range 5 West, Boise Meridian;

thence North $0^{\circ}02'11''$ East, 200.84 feet along the West line of said Government Lot 1;

thence South $89^{\circ}57'49''$ East, 385.87 feet to a point on the Southwesterly right-of-way of the Institute Canal Company Irrigation Ditch;

thence South $36^{\circ}44'07''$ East, 48.51 feet along said right-of-way line;

thence South $43^{\circ}33'59''$ East, 72.69 feet along said right-of-way line;

thence South $54^{\circ}49'53''$ East, 71.94 feet along said right-of-way line;

thence South $63^{\circ}24'20''$ East, 193.30 feet along said right-of-way line;

thence South $65^{\circ}56'05''$ East, 194.97 feet along said right-of-way line;

thence North $89^{\circ}57'49''$ West, 874.86 feet to a point on the West line of Government Lot 2 of Section 19, Township 11 North, Range 5 West, Boise Meridian;

thence North $0^{\circ}02'11''$ East, 97.88 feet along the West line of said Government Lot 2 to the POINT OF BEGINNING.

SUBJECT TO the right-of-way as now established of an existing county road known as Jenkins Creek Road, along the West side of the above described parcel of land.

AND ALSO SAVE AND EXCEPT:

(3)

A parcel of land situated within Government Lot 1 of Section 19, Township 11 North, Range 5 West, Boise Meridian, more particularly described as follows:

Beginning at the Southwest corner of Government Lot 1 of Section 19, Township 11 North, Range 5 West, Boise Meridian;

thence North $0^{\circ}02'11''$ East, 200.84 feet along the West line of said Government Lot 1 to the TRUE POINT OF BEGINNING;

CONTINUED

$X = \emptyset$
 $Y = 600$
(2)

EXHIBIT "A" CONTINUED

INSTRUMENT NO. 174698
PAGE 4 OF 4

Order No.: 100-98-6743

thence North 0°02'11" East, 258.16 feet along the West line of said Government Lot 1 to a point on the Southerly right-of-way line of the Institute Canal Company Irrigation Ditch;

thence South 89°57'49" East, 66.93 feet along said right-of-way line;

thence South 67°05'27" East, 28.99 feet along the Southwesterly right-of-way line of said ditch;

thence South 47°25'08" East, 49.24 feet along said right-of-way line;

thence South 55°03'41" East, 223.35 feet along said right-of-way line;

thence South 46°43'03" East, 40.00 feet along said right-of-way line;

thence South 36°44'07" East, 72.91 feet along said right-of-way line;

thence North 89°57'49" West, 385.87 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO the right-of-way as now established of an existing county road known as Jenkins Creek Road, along the West side of the above described parcel of land.

AND ALSO SAVE AND EXCEPT

Beginning at the SW corner of Section 19, Township 11 North, Range 5 West, B.M., (which is the intersection lines of the centerlines of the Jenkins Creek Road and Indianhead Road), thence North along the centerline of Jenkins Creek Road 1912 feet more or less to the true point of beginning; thence East 140 feet; thence North 115 feet; thence West 140 feet; thence South 115 feet to the point of beginning.

X = $\emptyset$
Y = $\emptyset$

INSTRUMENT NO. 174698
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
WEISER VALLEY TITLE
40 Min. past TEN o'clock A. M.
This 23RD day of NOVEMBER 19 98
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$12.00
By Sharon Widner Deputy
WEISER VALLEY TITLE

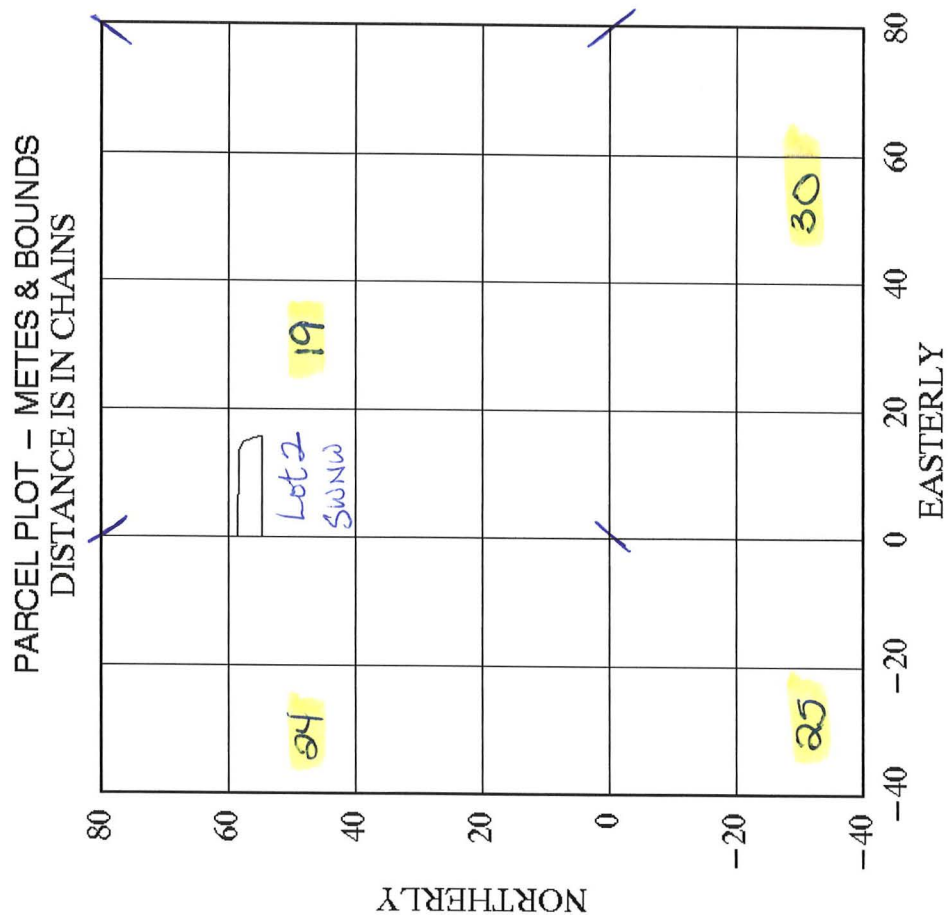
Comp. Index
Comp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
Copy

67-07415

-10635

Exception #1

11N 5W



METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR. (SEE SHEET)	0.00	60.00					
	-0.00	58.52	0.00	2.00	11.00	SW	97.88
	13.25	58.51	89.00	57.00	49.00	SE	874.86
	14.67	57.71	60.00	38.00	1.00	SE	107.27
	15.15	57.09	37.00	22.00	22.00	SE	51.58
-QUAD COEF-	15.54	55.91	18.00	33.00	51.00	SE	82.09
IF NE, X=1,Y=1	15.82	54.82	14.00	8.00	23.00	SE	74.07
IF SE, X=1,Y=-1	-0.00	54.83	89.00	57.00	49.00	NW	1044.03
IF SW, X=-1,Y=-1	-0.00	58.52	0.00	2.00	11.00	NE	243.13
IF NW, X=-1,Y=1	-0.00	58.52					



METES AND BOUNDS TABLE

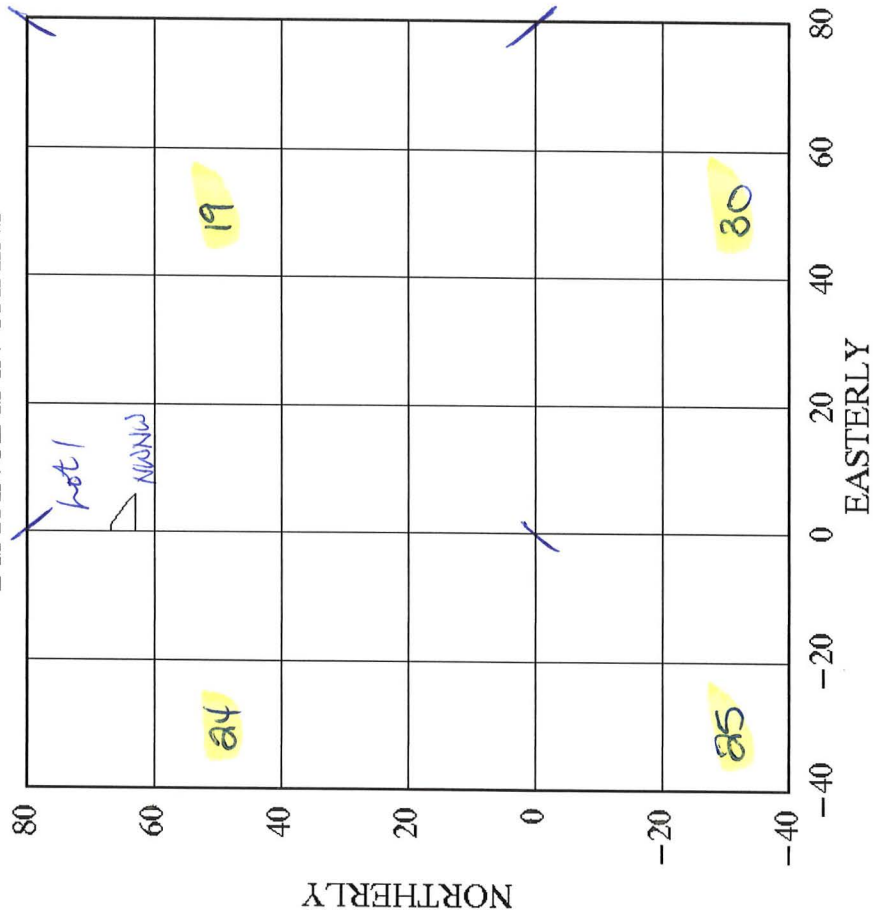
PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING DIST (FT)
			DEGREES	MINUTES	SECONDS	
BEGIN POINT COR. (SEE SHEET)	0.00	60.00				
	0.00	63.04	0.00	2.00	11.00 NE	200.84
	5.85	63.04	89.00	57.00	49.00 SE	385.87
	6.29	62.45	36.00	44.00	7.00 SE	48.51
	7.05	61.65	43.00	33.00	59.00 SE	72.69
-QUAD COEF-	7.94	61.02	54.00	49.00	53.00 SE	71.94
IF NE, X=1,Y=1	10.56	59.71	63.00	24.00	20.00 SE	193.30
IF SE, X=1,Y=-1	13.25	58.51	65.00	56.00	5.00 SE	194.97
IF SW, X=-1,Y=-1	-0.00	58.52	89.00	57.00	49.00 NW	874.86
IF NW, X=-1,Y=1	-0.00	60.00	0.00	2.00	11.00 NE	97.88
	-0.00	60.00				

67-07415

-10635

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



11N 5W

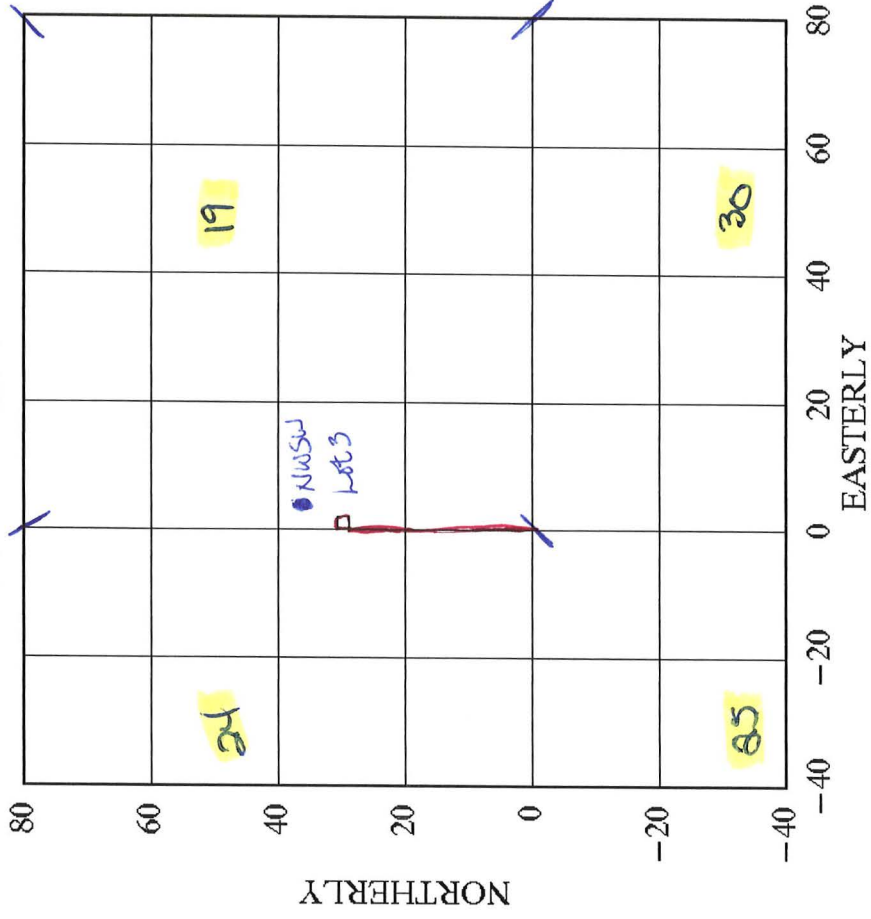
67-07415

-10635

Exception #4

11N SW

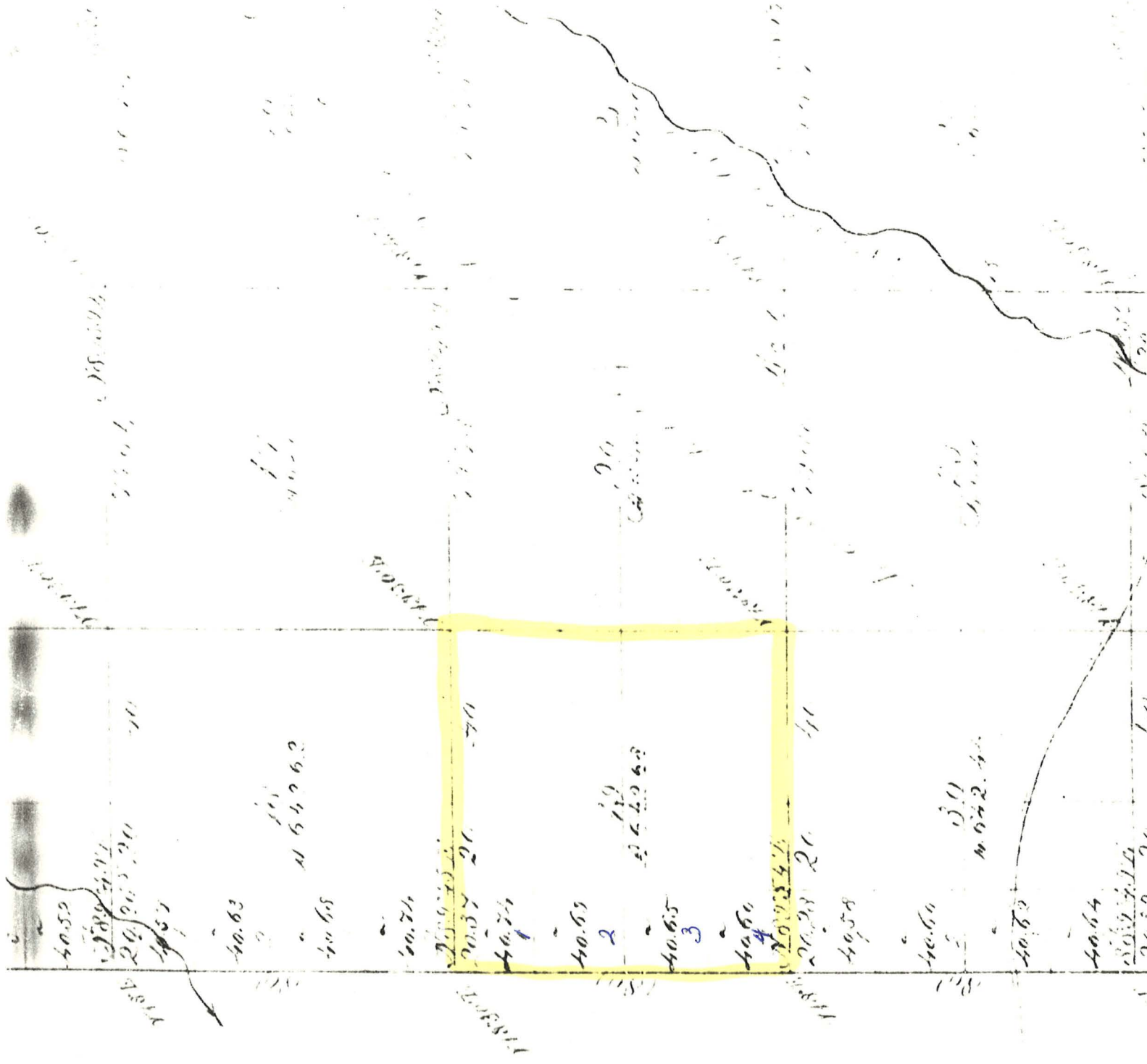
PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



METES AND BOUNDS TABLE ***PRESS ALT P TO PRINT GRAPH***

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	0.00	0.00					
(SEE SHEET)	0.00	28.97	0.00	0.00	0.00	NE	1912.00
	2.12	28.97	90.00	0.00	0.00	NE	140.00
	2.12	30.71	0.00	0.00	0.00	NE	115.00
	0.00	30.71	90.00	0.00	0.00	NW	140.00
-QUAD COEF-	0.00	28.97	0.00	0.00	0.00	SE	115.00
IF NE, X=1,Y=1	0.00	28.97					

11N 5W S-19
 900± lots
 (part) 1-2, lot 3



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: **A67-07415**
Date Received: 10/ 6/1989
Receipt No: M004847
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JERROLD B SMITH
Address: PO BOX 726
WEISER ID

83672

Name: H & S PARTNERSHIP
Address: C/O ROBERT L HERT AND
JERROLD B SMITH
870 JENKINS CREEK RD
WEISER ID

83672

2. Date of Priority: SEP 7, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	05W	19	SW	NW		2	WASHINGTON

5. Description of diverting works:
95' DEEP, SUB. PUMP, PIPED 2' TO DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.090		292.50

7. Total Quantity Appropriated is:
1.090 C.F.S. (and/or) 292.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	05W	19	SW		NW	2	IRR	27.0
			NW		SW	3	IRR	38.0
Section Acres								65.0
Total Acres								65.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A6704250,A6710557,A6710558.

14. Remarks:
OWNERSHIP CHANGE, PARSONS TO H & S PARTNERSHIP 01/31/1994 SF.

15. Basis of Claim: LICENSE

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

RECEIVED

FEB 08 1994

WATER RESOURCES
WESTERN REGION

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

Ident. Number: A67-07415
Date Received: 10/ 6/1989
Receipt No: M004847
Received By: _____

1. Name: H & S PARTNERSHIP
Address: C/O ROBERT L HERT AND
Jerrold → JEROLD B SMITH
870 JENKINS CREEK RD
WEISER ID

83672

2. Date of Priority: SEP 7, 1978

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	05W	19	SW	NW		2	WASHINGTON

5. Description of diverting works:
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Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.090		292.50

7. Total Quantity Appropriated is:
1.090 C.F.S. (and/or) 292.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	05W	19	SW	NW	2	IRR	27.0
			NW	SW	3	IRR	38.0

*Please correct name
and area should
total 69 not 65
please advise
thank you
Jerry Smith
549-1910*

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

					Section Acres	65.0
--	--	--	--	--	---------------	------

					Total Acres	65.0
--	--	--	--	--	-------------	------

69.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A6704250, A6710557, A6710558.

14. Remarks:
OWNERSHIP CHANGE, PARSONS TO H & S PARTNERSHIP 01/31/1994 SF.

15. Basis of Claim: LICENSE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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Ident. Number: **A67-07415**

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

**COPY FOR
YOUR FILES**

1. Name: H & S PARTNERSHIP
Address: C/O ROBERT L HERT AND
JEROLD B SMITH
870 JENKINS CREEK RD
WEISER ID

83672

2. Date of Priority: SEP 7, 1978

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	05W	19	SW	NW		2	WASHINGTON

5. Description of diverting works:

95' DEEP, SUB. PUMP, PIPED 2' TO DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.090		292.50

7. Total Quantity Appropriated is:

1.090 C.F.S. (and/or) 292.50 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	05W	19	SW	NW	2	IRR	27.0
			NW	SW	3	IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	65.0
					Total Acres	65.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A6704250,A6710557,A6710558.

14. Remarks:
OWNERSHIP CHANGE, PARSONS TO H & S PARTNERSHIP 01/31/1994 SF.

15. Basis of Claim: LICENSE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: DEC 1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 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.

SEE ATTACHED LEGAL DESCRIPTION

[] 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: _____

[] Name and Address of Former Owner/Claimant(s)(Seller): ROBERT A. PARSONS AND LOLA PARSONS

P.O. Box 394

McCall, ID 83638

[] New Owner/Claimant (Purchaser):

H & S PARTNERSHIP

[] New Mailing Address:

C/O ROBERT L. HERT and Jerald B. Smith

870 Jenkins Creek Rd

WEISER, IDAHO 83672

[] 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:

see Attached map - 69 acres

[] Attach proof of ownership, describe proof attached:

COPY OF RECORDED DEED TO NEW OWNER

(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)

Jerald B. Smith, Nancy Jo Smith Date 12/14/93
 Robert A. Parsons, Lola B. Parsons Date 12/13/93

[] Signature of Former Owner/Claimant(s)

Robert A. Parsons Date 12/13/93
 Lola B. Parsons Date 12/13/93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 01-04-93 By: R. Foster

Further Action Needed:

New owner contact

Further Action Taken

Date: 01-28-94 By: R. Foster

Final Review and Data-Entry

Date: 01-31-94 By: [Signature]

Claim Numbers of Split, if any:

ABT 10635 XP
 ABT-07A15

no split
 RF 01-31-94

MICROFILMED

AUG 19 1994

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

cc: former Ken Dunn ABT-10635

WARRANTY DEED

For Value Received

ROBERT A. PARSONS AND LOLA PARSONS, HUSBAND AND WIFE

The grantor s, do hereby grant, bargain, sell and convey unto

H & S PARTNERSHIP, AN IDAHO PARTNERSHIP
the grantee S, whose current address is %870 Jenkins Creek Road, Weiser, ID 83672
the following described premises, in WASHINGTON County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH 69 SHARES OF IRRIGATION STOCK IN THE INSTITUTE CANAL COMPANY;

TOGETHER WITH ALL WATER, WATER RIGHTS, DITCHES AND DITCH RIGHTS APPURTENANT THERETO AND IN ANYWISE BELONGING.

SUBJECT TO ALL VALID OUTSTANDING RESERVATIONS, EASEMENTS, RIGHTS-OF-WAY RESTRICTIONS, DEDICATIONS, MINERAL LEASES, MINERAL RESERVATION AND MINERAL CONVEYANCES OF RECORD.

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

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

Dated: DECEMBER 13, 1993

x Robert A. Parsons
ROBERT A. PARSONS

x Lola Parsons
LOLA PARSONS

STATE OF ARIZONA, COUNTY OF PIMA
On this 13 day of DECEMBER, 19 93
before me, a notary public in and for the said State, personally
appeared
ROBERT A. PARSONS AND
LOLA PARSONS
known or identified to me to be the personS whose name S
subscribed to the within instrument, and acknowledged to me
that THEY executed the same.
Alicia Morelli
Notary Public
Residing at 7001 N. Oracle Tucson Arizona
Comm. Expires My Commission Expires Aug. 24, 1995

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLE
at 13 minutes past FIFTEEN o'clock P. M.
this 20TH day of DECEMBER
1993, in my office, and duly recorded in ~~BOOK~~
of Deeds ~~XXXX~~ BY #158823
MARY KAUTZ
Ex-Officio Recorder
By Lisa McKnight Deputy.
Fees \$ 12.00
Mail to: WEISER VALLEY TITLE

INSTRUMENT NO.

Imp. and
Comp. Rel.
Fem
Compare
Card Rel.
Ex. Rel.
Update
Return
Copy

A67-10635 & A67-07415

EXHIBIT "A"

IN TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN,
WASHINGTON COUNTY, IDAHO:

SECTION 19: LOT 3 AND ALL OF THAT PART OF LOTS 1 AND 2 LYING
SOUTHWESTERLY OF THE INSTITUTE CANAL RIGHT OF WAY;

SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:

A PARCEL OF LAND SITUATED WITHIN GOVERNMENT LOT 2 OF SECTION 19,
TOWNSHIP 11 NORTH, RANGE 5 WEST, BOISE MERIDIAN, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2 OF SECTION
19, T.11N., R.5W., B.M.;

THENCE S 0 DEGREES 02'11"W - 97.88 FEET ALONG THE WEST LINE OF SAID
GOVERNMENT LOT 2 TO THE TRUE POINT OF BEGINNING;

THENCE S 89 DEGREES 57'49"E - 874.86 FEET TO A POINT ON THE
SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE INSTITUTE CANAL COMPANY
IRRIGATION DITCH;

THENCE S 60 DEGREES 38'01"E - 107.27 FEET ALONG THE SOUTHWESTERLY
RIGHT-OF-WAY LINE OF SAID DITCH;

THENCE S 37 DEGREES 22'22"E - 51.58 FEET ALONG THE SOUTHWESTERLY
RIGHT-OF-WAY LINE OF SAID DITCH;

THENCE S 18 DEGREES 33'51"E - 82.09 FEET ALONG THE WESTERLY RIGHT-
OF-WAY LINE OF SAID DITCH;

THENCE S 14 DEGREES 08'23"E - 74.07 FEET ALONG THE WESTERLY RIGHT-
OF-WAY LINE OF SAID DITCH;

THENCE N 89 DEGREES 57'49"W - 1044.03 FEET TO A POINT ON THE WEST
LINE OF SAID GOVERNMENT LOT 2;

THENCE N 0 DEGREES 02'11"E - 243.13 FEET ALONG THE WEST LINE OF
SAID GOVERNMENT LOT 2 TO THE TRUE POINT OF BEGINNING.

SUBJECT TO THE RIGHT-OF-WAY AS NOW ESTABLISHED OF AN EXISTING
COUNTY ROAD KNOWN AS JENKINS CREEK ROAD, ALONG THE WEST SIDE OF THE
ABOVE DESCRIBED PARCEL OF LAND.

TOGETHER WITH AND SUBJECT TO A CEMENT IRRIGATION DITCH ALONG THE
EAST BOUNDARY.

AND ALSO SAVE AND EXCEPT:

A PARCEL OF LAND SITUATED WITHIN GOVERNMENT LOTS 1 AND 2 OF SECTION
19 TOWNSHIP 11 NORTH, RANGE 5 WEST, BOISE MERIDIAN, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

A67-10635 + A67-07415

BEGINNING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 5 WEST, BOISE MERIDIAN;

THENCE NORTH 0 DEGREES 02'11"E - 200.84 FEET ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1;

THENCE S 89 DEGREES 57'49"E - 385.87 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF THE INSTITUTE CANAL COMPANY IRRIGATION DITCH;

THENCE S 36 DEGREES 44'07"E - 48.51 FEET ALONG SAID RIGHT-OF-WAY LINE;

THENCE S 43 DEGREES 33'59"E - 72.69 FEET ALONG SAID RIGHT-OF-WAY LINE;

THENCE S 54 DEGREES 49'53"E - 71.94 FEET ALONG SAID RIGHT-OF-WAY LINE;

THENCE S 63 DEGREES 24'20"E - 193.30 FEET ALONG SAID RIGHT-OF-WAY LINE;

THENCE S 65 DEGREES 56'05"E - 194.97 FEET ALONG SAID RIGHT-OF-WAY LINE;

THENCE N 89 DEGREES 57'49"W - 874.86 FEET TO A POINT ON THE WEST LINE OF GOVERNMENT LOT 2 OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 5 WEST, BOISE MERIDIAN;

THENCE N 0 DEGREES 02'11"E - 97.88 FEET ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2 TO THE POINT OF BEGINNING.

SUBJECT TO THE RIGHT-OF-WAY AS NOW ESTABLISHED OF AN EXISTING COUNTY ROAD KNOWN AS JENKINS CREEK ROAD, ALONG THE WEST SIDE OF THE ABOVE DESCRIBED PARCEL OF LAND.

AND ALSO SAVE AND EXCEPT:

A PARCEL OF LAND SITUATED WITHIN GOVERNMENT LOT 1 OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 5 WEST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 5 WEST, BOISE MERIDIAN;

THENCE N 0 DEGREES 02'11"E - 200.84 FEET ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 TO THE TRUE POINT OF BEGINNING;

THENCE N 0 DEGREES 02'11"E - 258.16 FEET ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE INSTITUTE CANAL COMPANY IRRIGATION DITCH;

THENCE S 89 DEGREES 57'49"E - 66.93 FEET ALONG SAID RIGHT-OF-WAY

A67-10635 ✓ A67-07415

LINE;

THENCE S 67 DEGREES 05'27"E - 28.99 FEET ALONG THE SOUTHWESTERLY
RIGHT-OF-WAY LINE OF SAID DITCH;

THENCE S 47 DEGREES 25'08"E - 49.24 FEET ALONG SAID RIGHT-OF-WAY
LINE.

THENCE S 55 DEGREES 03'41"E - 223.35 FEET ALONG SAID RIGHT-OF-WAY
LINE;

THENCE S 46 DEGREES 43'03"E - 40.00 FEET ALONG SAID RIGHT-OF-WAY
LINE;

THENCE S 36 DEGREES 44'07"E - 72.91 FEET ALONG SAID RIGHT-OF-WAY
LINE;

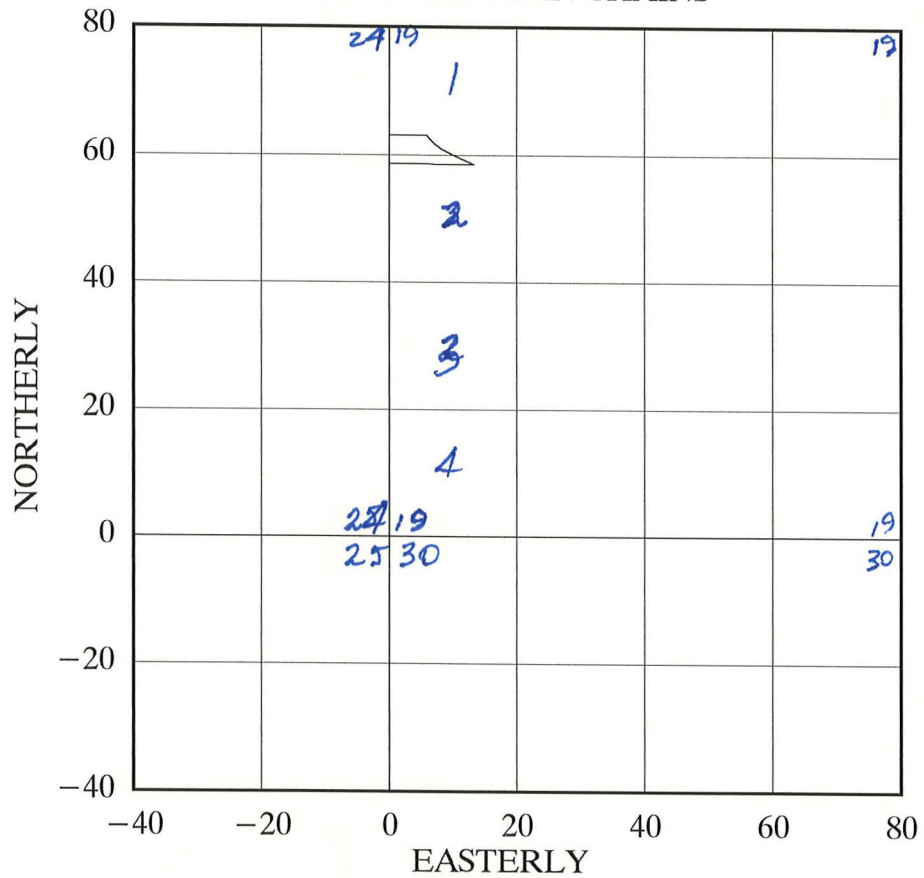
THENCE N 89 DEGREES 57'49"W - 385.87 FEET TO THE TRUE POINT OF
BEGINNING.

SUBJECT TO THE RIGHT OF WAY AS NOW ESTABLISHED OF AN EXISTING
COUNTY ROAD KNOWN AS JENKINS CREEK ROAD, ALONG THE WEST SIDE OF THE
ABOVE DESCRIBED PARCEL OF LAND.

A67-106354 A67-07415

T 11 N R 05 W Sec. 19

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS

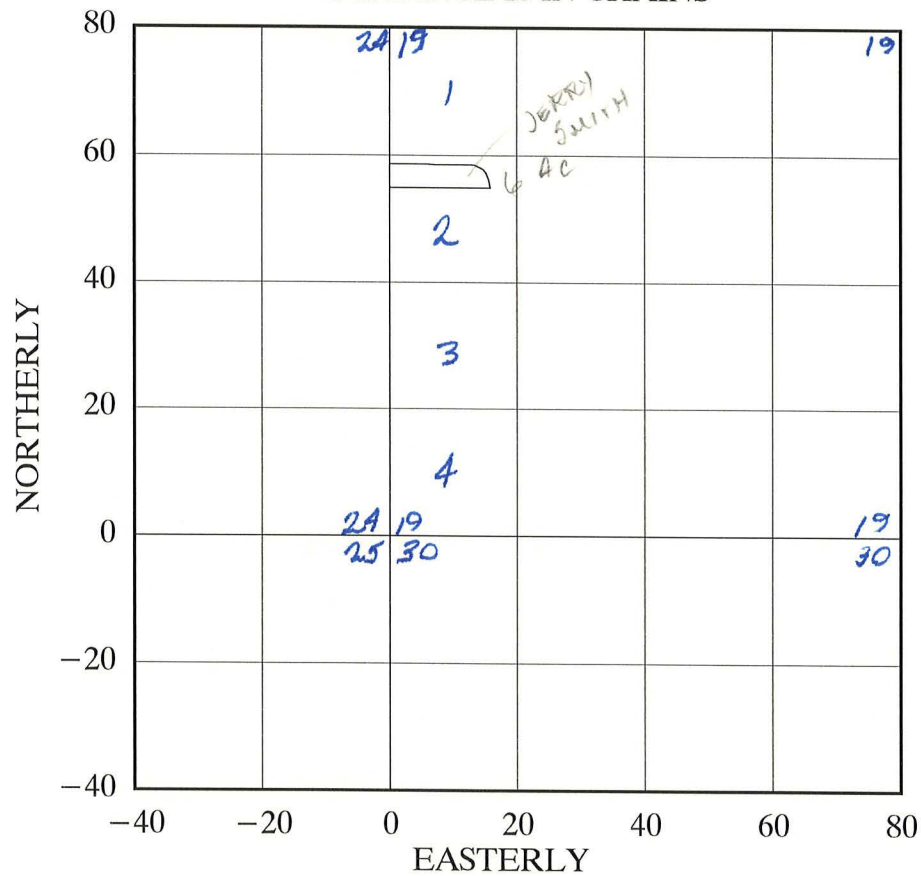


Excursion #2
PARSONS
TO
H&S PARTNERSHIP

A67-07415
A67-10635

T 11 N R 05 W SEC. 19

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



EXCLUSION #1

PARSONS

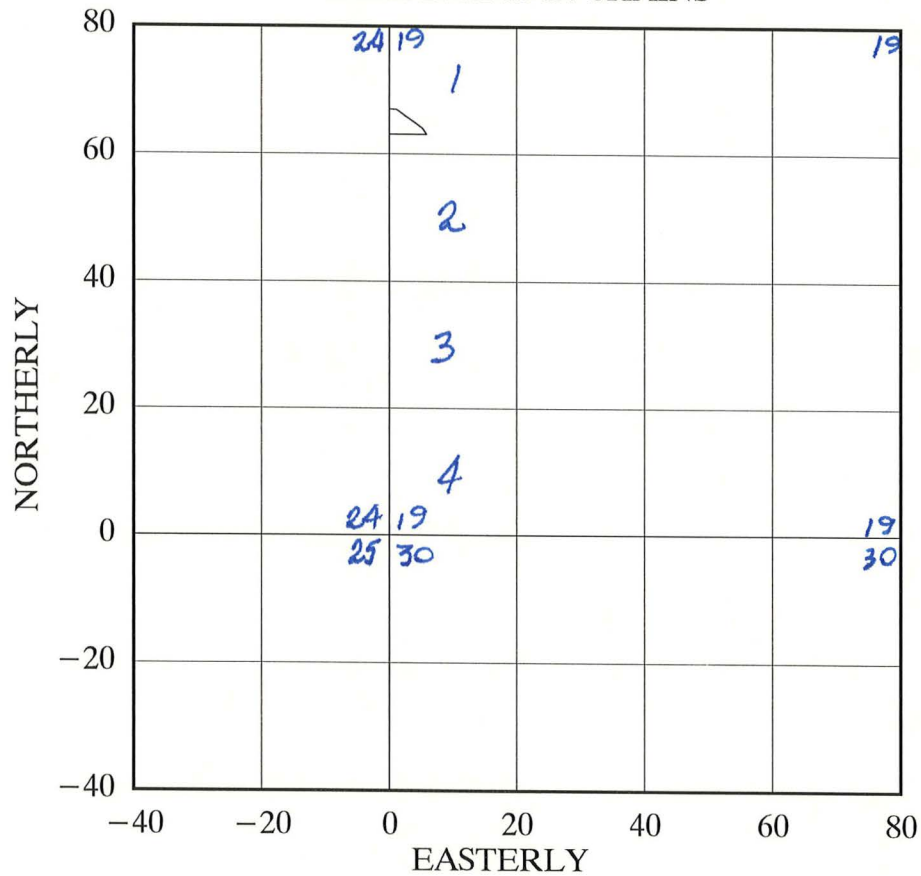
TO

H&S PARTNERSHIP

A6707415
A67-10635

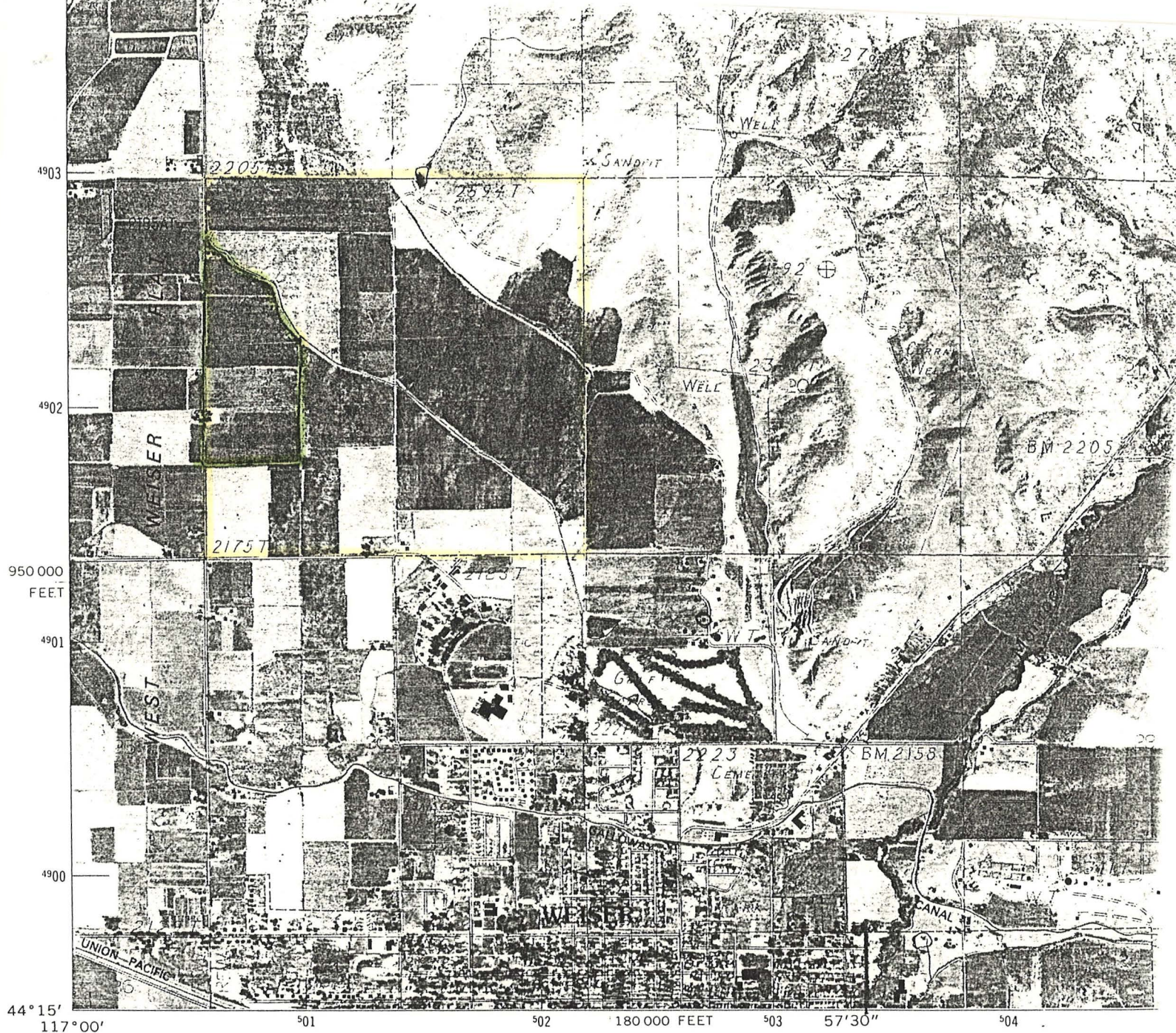
T 11 N R 05 W Sec. 19

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



EXCLUSION #3
PARSONS
TO
H&S PARTNERSHIP

A67-07415
A67-10635

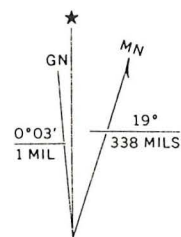


Produced and published by the Geological Survey

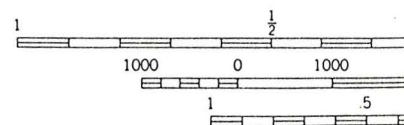
Orthophotograph prepared from 1:76,000-scale
aerial photograph taken August 3, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate
system, west zone (transverse Mercator)
1000-metre Universal Transverse Mercator grid,
zone 11. 1927 North American datum

Photoimagery transformed by scanning techniques
which may produce double or mismatched images;
use the mean of image position for map point



UTM GRID AND 1974 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



This map has been prepared by the Idaho Department of Water Resources pursuant to Idaho Code §42-1410 to assist claimants in filing notices of claims and objections in the Snake River Basin Adjudication. No warranty, either express or implied, is made and no legal responsibility is assumed by IDWR, its employees, its agents, contractors, and reproduction firms, particularly Bonneville Blueprint Supply Co., Inc. or its employees for the accuracy, completeness, or usefulness of any information set forth on this map.

THIS MAP COMPLIES
FOR SALE BY U. S. GEOLOGICAL SUR

T11N
R5W
S19

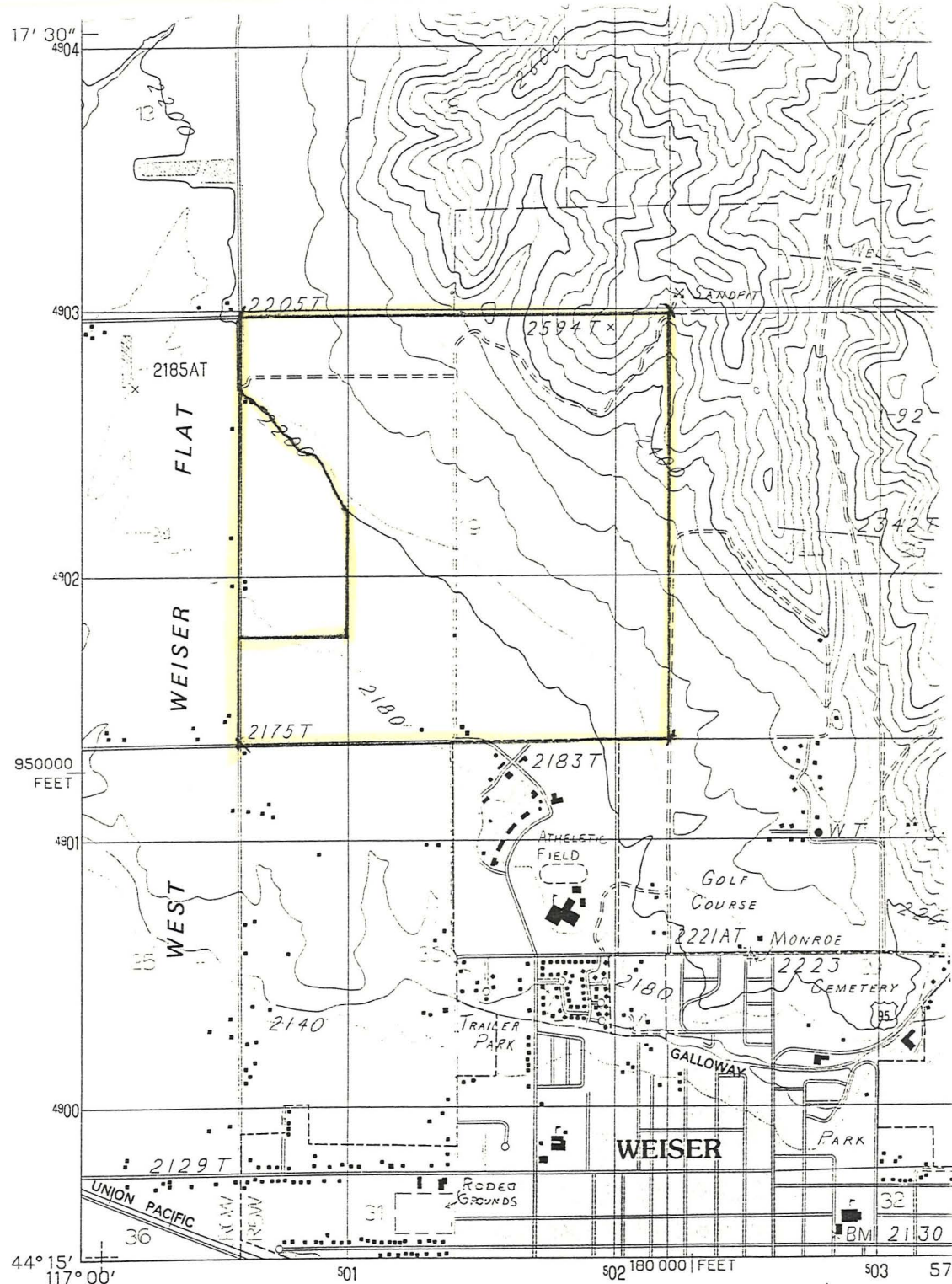
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T 11N
R 5W
S 19

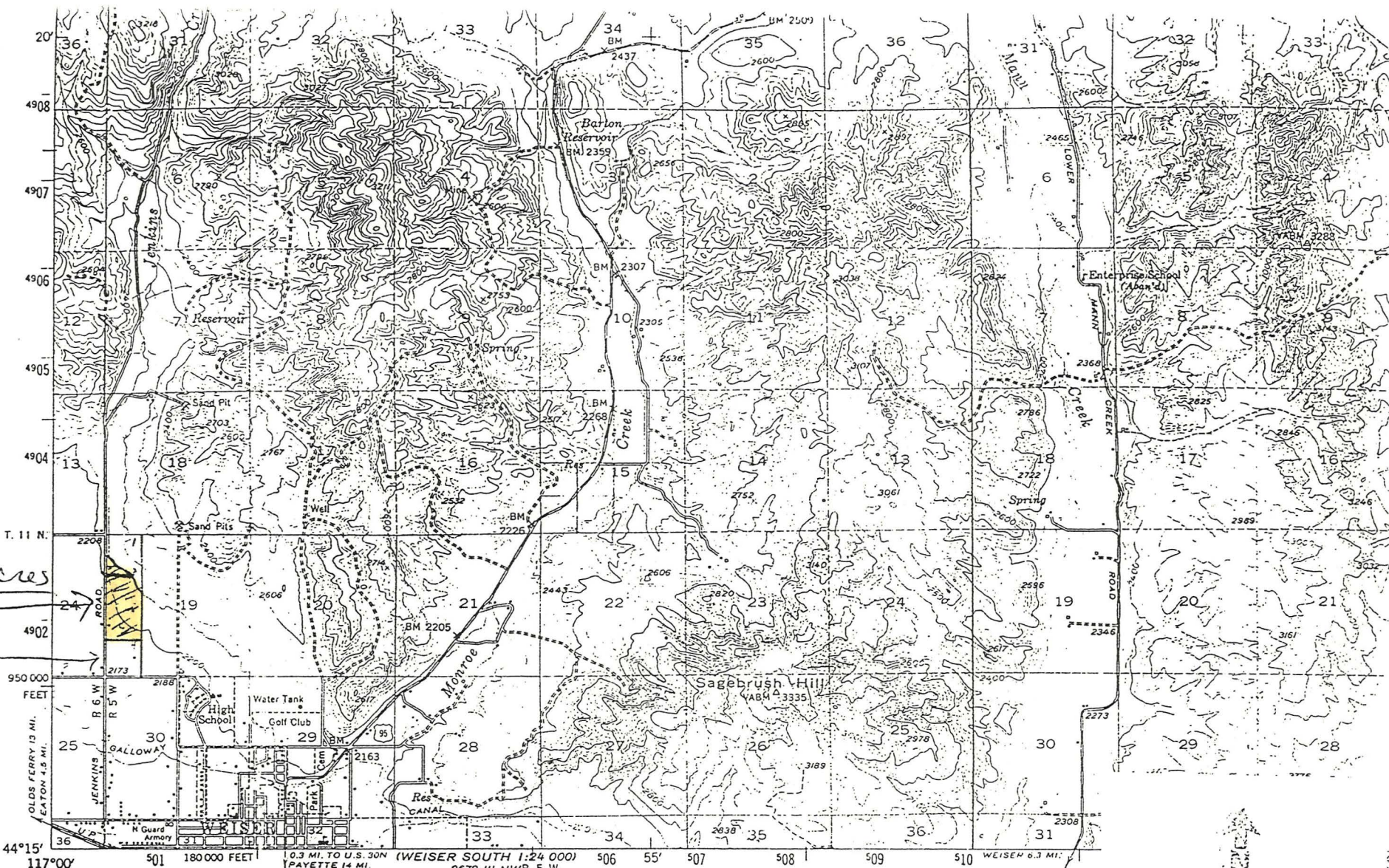
ALG-10635
ALG-07415



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NOAA
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1981
FIELD CHECKED 1984 MAP EDITED 1987

ef 01-28-94

11-53



Mapped, edited and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by multiplex methods

Aerial photographs taken 1951. Field check 1953

Polyconic projection. 1927 North American datum

10,000-foot grid based on Idaho coordinate system, west zone

Red tint indicates areas in which only landmark buildings are shown

Dashed land lines indicate approximate locations

1000-meter Universal Transverse Mercator grid ticks,

zone 11, shown in blue

COMPLIMENTS OF

Weiser Valley
Title

THIS MAP IS INTENDED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTEE
ITS ACCURACY

98

A67-10635 ✓ A67-07415

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: A67-07415
Date Received: 10/06/1989
Receipt No: 1004847
Received By: RSL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT A. PARSONS 208-549-1539
Address: P.O. BOX 588
WEISER, ID 83672

2. Date of Priority: SEP 07, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	05W	19	SW	NW		2	WASHINGTON

5. Description of diverting works:
95' DEEP, SUB. PUMP, PIPED 2' TO DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.090		292.50

7. Total Quantity Appropriated is:
1.090 C.F.S. (and/or) 292.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	05W	19	SW	NW	2	IRR	27.0
			NW	SW	3	IRR	38.0

Section Acres 65.0

A67-07415

Page 1

Date: 10/06/89

MICROFILMED

OCT 02 1992

10. Place of Use: Continued

Total Acres 65.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A6704250, A6710557, A6710558.

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: _____

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): Robert A. Ramsey Date: 10/6/89

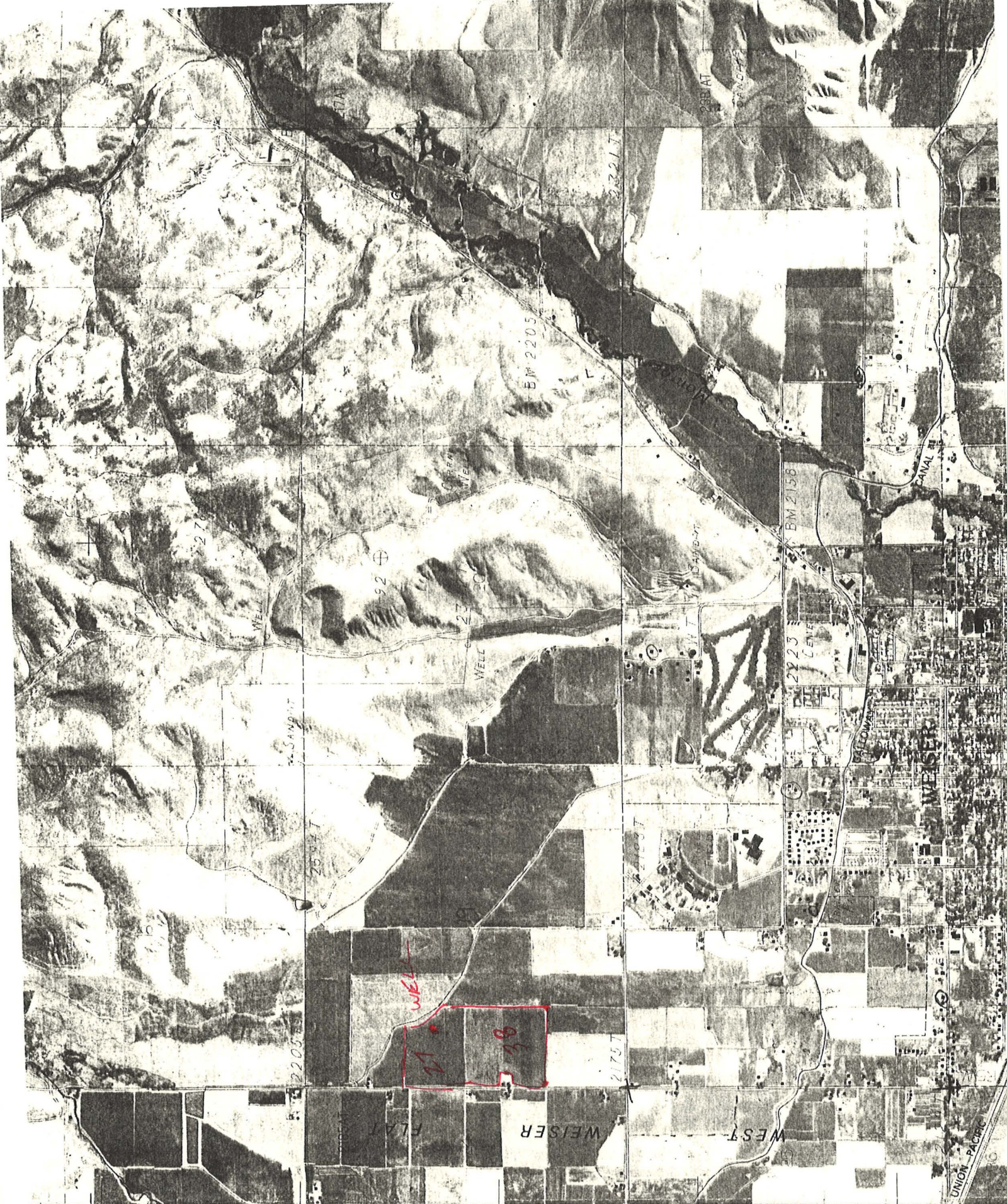
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of Oct 19 89 Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994



67-7415

MICROFILMED
OCT 02 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 31, 1994

H & S Partnership
c/o Robert L. Hert &
Jerold B. Smith
870 Jenkins Creek Rd.
Weiser, ID 83672

RE: Snake River Basin Adjudication (SRBA)
Washington County - Claims #A67-10635 & A67-07415

Dear Claimants:

IDWR has received your notice of the change in ownership of the above-referenced water right claims. Our records have been changed accordingly.

Claims prepared from our computer database are enclosed for your review. If you have any questions, please contact us.

Yours truly,

Idaho Department of Water Resources
Adjudication Bureau

SO:region

Enclosure:

Claims Referenced Above

SCANNED
APR 14 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 6, 1994

AG-10635 + AG-07415

Robert L. Hert
H & S Partnership
870 Jenkins Creek Rd.
Weiser, ID 83672

RECEIVED

JAN 25 1994

Department of Water Resources

RE: Snake River Basin Adjudication (SRBA)
Washington County - Ownership Change

Dear Mr. Hert:

We are returning the Notice of the change in ownership for the property you purchased from Robert and Lola Parsons. We need your assistance, please.

Because you did not describe specific water right(s) on your Change of Ownership form, the Department is unable to change the names on the water right(s). Additionally, we are unable to determine the number of acres involved with these water right(s). The Parsons may be able to assist you.

Upon receipt of this missing information, a claim will be prepared from the Agency's computer and send to you for your review and records.

Sincerely,

Robert Foster

Robert Foster
Water Resource Agent
Adjudication Bureau

RF:sf:state:tf
Enclosure:

Original Ownership Change Form

1/23/94

Mr. Foster,

If you have any further questions please contact Mr. Parsons. Let us know if there are NO water rights on this property!

Weiser Valley Title, 544-1792

*Thank You,
Chudy Vicker*