

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14327 V1

WATER RIGHT NUMBER: 67-14327 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA K ELSE 1351 MANN CREEK RD WEISER, ID 83672 (208)549-1090
Current Owner	RAYMOND LEE ELSE 1351 MANN CREEK RD WEISER, ID 83672 (208)549-1090
Original Owner	JOHNSON BRYANT EQUIPMENT CO PO BOX 135 WEISER, ID 83672 (208)549-0418
Original Owner	JOHN WALKER , ID

Priority Date: 06/01/1881

Basis: Decreed

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4NE1/4	Sec. 11, Twp 12N, 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	
12N	04W	30																	35.0

Total Acres: 35

Conditions of Approval:

1. P06 Recommended as Right No. 67-14775.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14327 V1

2. P16 Recommended as Right No. 67-14775: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

Remarks:Comments:

1. dnarsavage 11/21/2005 Disallowal

Comment: The original 67-540 was decreed out of Webb Ditch. Only about 5 acres of the claimed POU can be irrigated out of Webb Ditch, and this is covered by other rights. The originally intended POU for 67-540 is now owned in its entirety by Stirn. They have claimed 14 of the decreed 21 acres, and can use no more. The other seven acres . . . ????

2. mvanbussum 12/15/2006 Disallow condition

Comment: Per NOE review, 67-14327 was disallowed originally with the incorrect condition. The claimed POD is Mann Creek Ditch. Right 67-523 from Mann Creek Ditch was also decreed for this POU. Right 67-523 was split into 67-14775 and 67-14776. 67-540, which 67-14327 is based on, was decreed out of Webb Ditch for this POU. 67-523 and 67-14327 were filed from the same POD and for the same POU. 67-14775 (split of 67-523) has been recommended for this property. 67-14328 should be disallowed with the condition that it was recommended under 67-14775.

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/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>
Contacts	11/21/2005 10:11:11 AM	dnarsavage			Disallowed
Summary			11/21/2005	dnarsavage	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14327 V1

Summary	11/21/2005 10:11:49 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (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?
---------	------------------------	------------	---

Contacts	11/21/2005 10:11:11 AM	dnarsavage	(No) 1. Do you want to schedule an appointment?
----------	------------------------	------------	---

Comment for 1: No need

Water Supply Bank:

12/17/2006

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

RIGHT NUMBER: 67-14327

NAME AND ADDRESS: DONNA K ELSE
1351 MANN CREEK RD
WEISER ID 83672

RAYMOND LEE ELSE
1351 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 03/01/1969

POINT OF DIVERSION:

T12N R05W S11 SESENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.240 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R04W S30	NESW	11.00	T12N R04W S30 Lot 3	NWSW	33.00
T12N R04W S30 Lot 4	SWSW	19.00	T12N R04W S30	SESW	8.50

71.5 ACRES TOTAL

This right is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 71.5 acres in a single irrigation season. Combined Right Nos.: 67-14327, 67-14775 & 67-14811

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

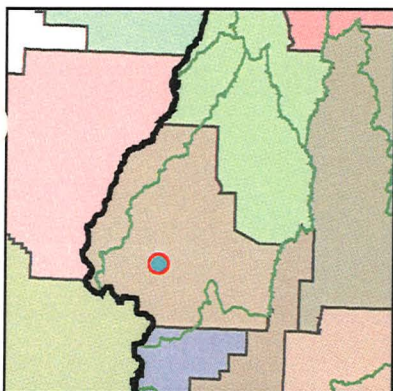
SRBA Recommendation:

67-14327

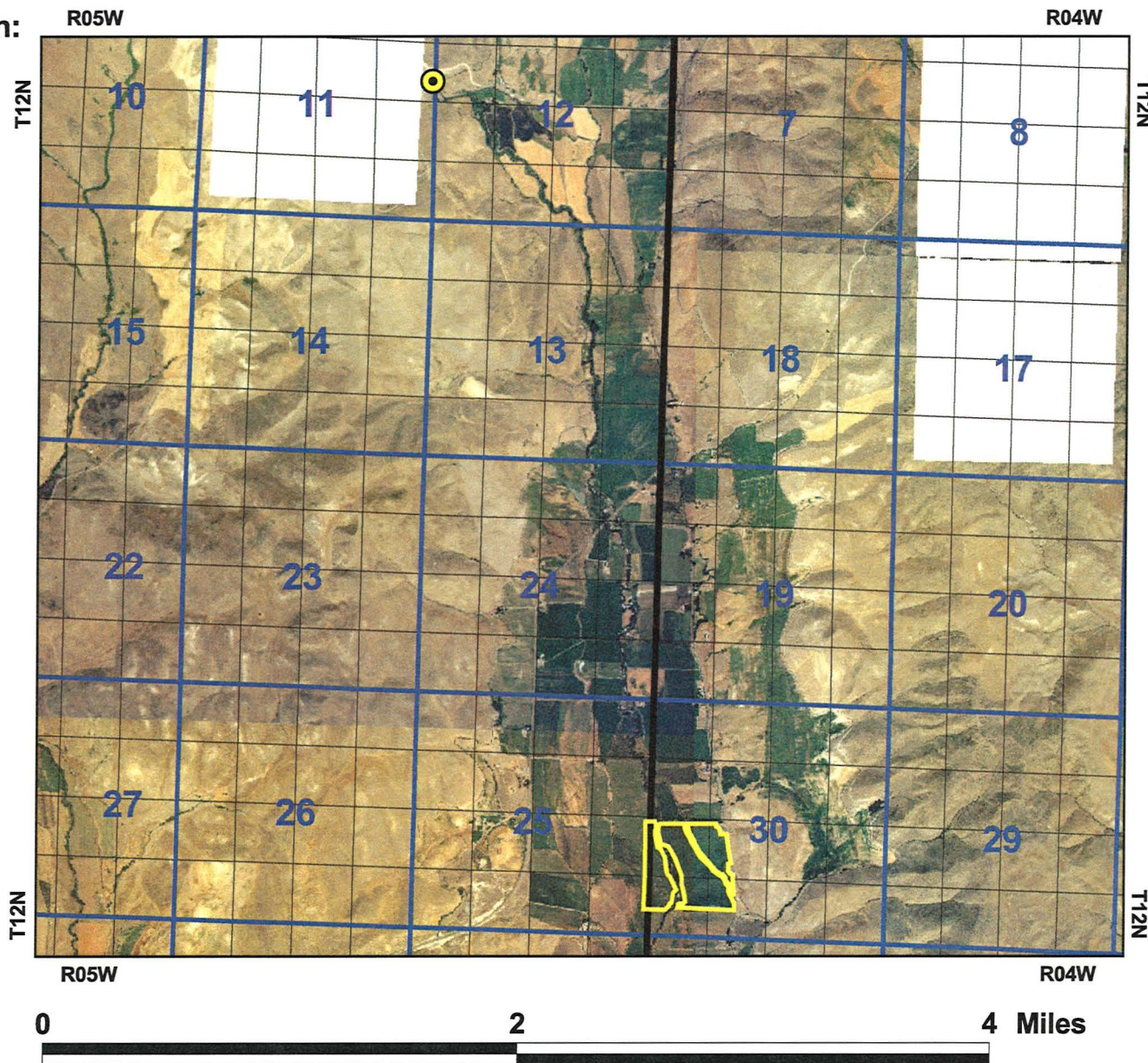
(Irrigation)

Legend

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

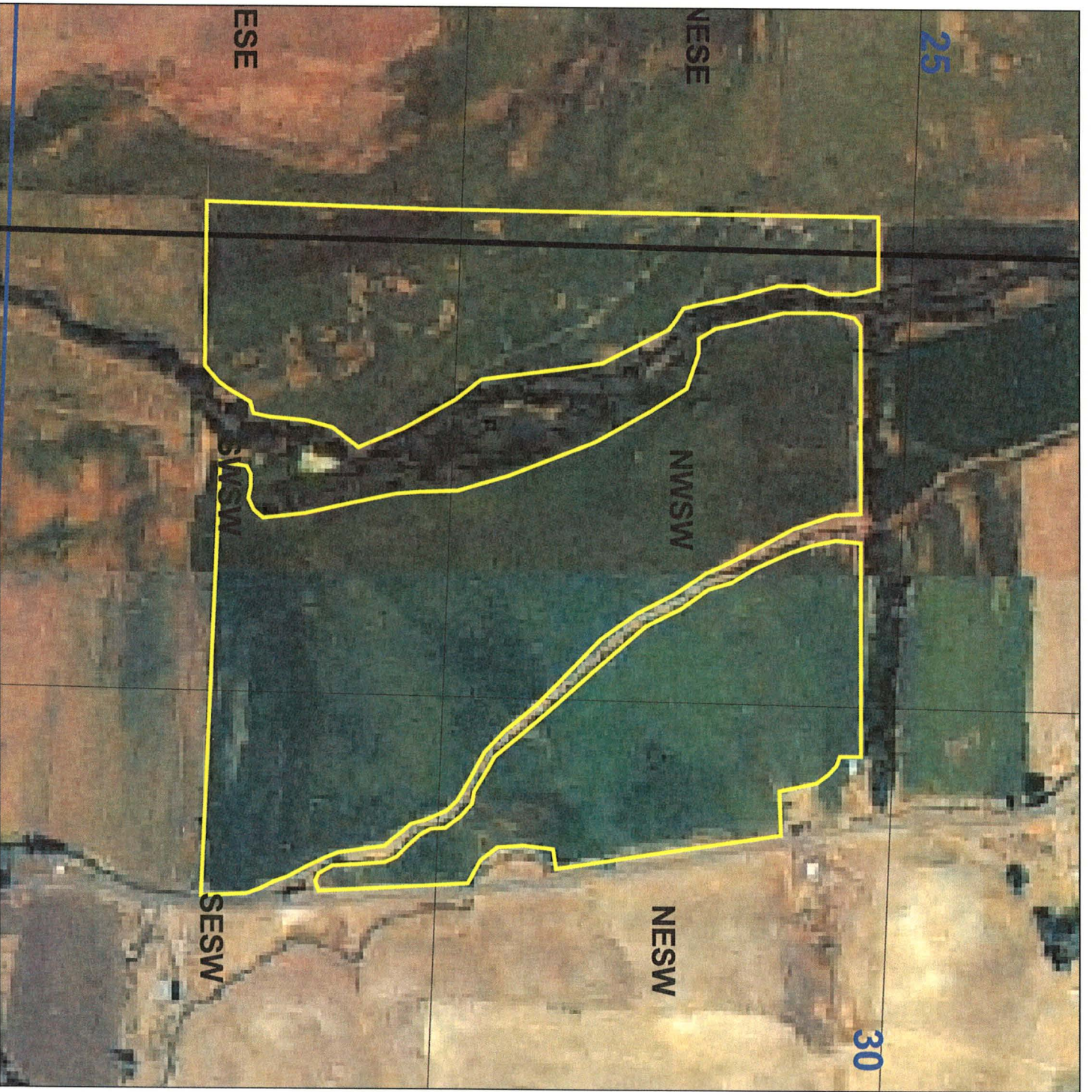
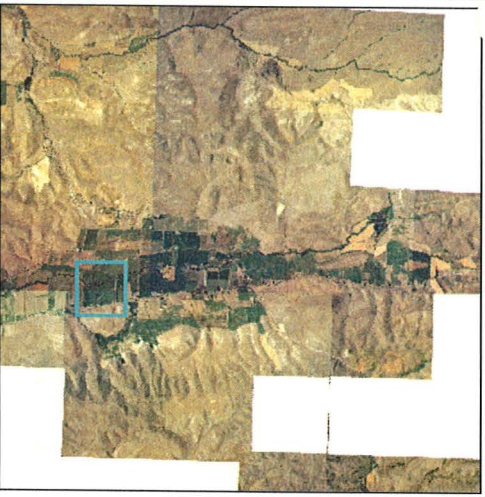


Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Sunday, December 17, 2006
1987/88 Aerial Photography

67-14327



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14327 V1

WATER RIGHT NUMBER: 67-14327 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA K ELSE 1351 MANN CREEK RD WEISER, ID 83672 (208)549-1090
Current Owner	RAYMOND LEE ELSE 1351 MANN CREEK RD WEISER, ID 83672 (208)549-1090
Original Owner	JOHNSON BRYANT EQUIPMENT CO PO BOX 135 WEISER, ID 83672 (208)549-0418
Original Owner	JOHN WALKER , ID

Priority Date: 03/01/1969

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.240 CFS	
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4NE1/4	Sec. 11, Twp 12N, 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	
12N	04W	30									11.0	33.0	19.0	8.5					71.5
											L 3	L 4							

Total Acres: 71.5

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14327 V1

2. K06 This right is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.
3. E56 The rights listed below are limited to the irrigation of a combined total of 71.5 acres in a single irrigation season. Combined Right Nos.:

Remarks:Comments:

1. dnarsavage 11/21/2005 Disallowal

Comment: The original 67-540 was decreed out of Webb Ditch. Only about 5 acres of the claimed POU can be irrigated out of Webb Ditch, and this is covered by other rights. The originally intended POU for 67-540 is now owned in its entirety by Stirr. They have claimed 14 of the decreed 21 acres, and can use no more. The other seven acres . . . ????

2. mvanbussum 12/15/2006 Disallow condition

Comment: Per NOE review, 67-14327 was disallowed originally with the incorrect condition. The claimed POD is Mann Creek Ditch. Right 67-523 from Mann Creek Ditch was also decreed for this POU. Right 67-523 was split into 67-14775 and 67-14776. 67-540, which 67-14327 is based on, was decreed out of Webb Ditch for this POU. 67-523 and 67-14327 were filed from the same POD and for the same POU. 67-14775 (split of 67-523) has been recommended for this property. 67-14328 should be disallowed with the condition that it was recommended under 67-14775.

3. csaxton 12/17/2006 NOE

Comment: Per NOE and an amended claim, this right has been recommended as b-use and limited to 12.0 acres as that is what was claimed on the amended claim.

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/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>
Contacts	11/21/2005 10:11:11 AM	dnarsavage			Active
Summary			11/21/2005	dnarsavage	Active
Summary			12/17/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14327 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/17/2006 1:05:55 PM	csaxton	Updated PLS
POU	12/17/2006 1:45:12 PM	csaxton	Updated shape for Active POU
POD	12/17/2006 1:05:45 PM	csaxton	Updated shape
POU	12/17/2006 1:41:18 PM	csaxton	Updated shape for Active POU
POU	12/17/2006 1:45:46 PM	csaxton	Updated PLS for Active POU
POU	12/17/2006 1:44:59 PM	csaxton	Updated shape for Active POU
POU	12/17/2006 1:45:35 PM	csaxton	Updated shape for Active POU
Summary	12/17/2006 1:55:21 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 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?
Summary	11/21/2005 10:11:49 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (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?
Contacts	11/21/2005 10:11:11 AM	dnarsavage	(No) 1. Do you want to schedule an appointment? Comment for 1: No need

Water Supply Bank:

Split History of 67-523

Water Right History

Decreed

67-523	Carlson
1.21	cfs
60.5	ac
0	af

Claim History

67-523	Else
@70% =	0.85
	113
per acre =	0.0075

67-14775	Else
	0.83
	111
67-14776	Folke
	.02
	2

Sum CFS =	0.83
Sum Acre=	113

Extra CFS =	0.38
Extra Acre=	-52.5

Recommendation

67-14775	Else
	0.83
	41.5
67-14776	Folke
	0.02
	2

Sum CFS =	0.85
Sum Acre=	43.5

Extra CFS =	0.36
Extra Acre=	17

This right is under claimed and recommended (csaxton 12-17-06)

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED
NOV 29 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: 67-14327

DONNA K ELSE
1351 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208) 549-1090

RAYMOND LEE ELSE
1351 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208) 549-1090

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:

Place of use: remove limited acreage of 59.5 acres.
Make place of use 71.5 acres

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

Area of approx 20 1/2 acres west of Mann Creek has always been irrigated w/ siphon under creek as noted by Darrel Krause.

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

DATE:

11/19/06

SIGNATURE:

[Handwritten Signature]

Please print your name:

Raymond Lee Else

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

ATTN: Don Narsavage

SCANNED
NOV 30 2006

Memo regarding the history of 67-540 and all children

In Shannon v Higgenbotham (Shannon), it appears that Mary Sater owned most of the land described for 67-540 in the Jefferson v. Higgenbotham decree (Jefferson)— all except the western 3/4 of 12N 4W S30 NESW, which, along with 120 other acres, was owned by Al Carlson. Sater was decreed 15 miners' inches (MI) out of Webb Ditch and Carlson was decreed none. Out of Manns Creek Ditch, Sater was decreed 30.037 MI and Carlson was granted 42.476 MI.

It also appears that, between the Shannon and Jefferson decrees, Sater sold all of this land and Carlson sold some (at least his 30 acres in 12N 4W S30 NESW) to Johnnie Walker, who in turn claimed it in Jefferson.

Carlson originally owned the portion of 12N 4W S30 NESW that is below Webb Ditch (~1.5 acres) was originally owned by, and he was given no water out of Webb Ditch in Shannon. Consequently, none of the primary water decreed by Jefferson to 67-540 belongs in 12N 4W S30 NESW. This leaves only the approximately 12.1 acres in 12N 4W S30 SWNW as reasonably irrigable from the Webb Ditch under this water right. However, Jefferson granted this right 21.4285 acres. Perhaps this was a typo in the Jefferson decree, and this should have read 12.4285 but the '1' and '2' in '12' were transposed. It's a long shot, but what the hell?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14327 V1

WATER RIGHT NUMBER: 67-14327 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA K ELSE 1351 MANN CREEK RD WEISER, ID 83672 (208)549-1090
Current Owner	RAYMOND LEE ELSE 1351 MANN CREEK RD WEISER, ID 83672 (208)549-1090
Original Owner	JOHNSON BRYANT EQUIPMENT CO PO BOX 135 WEISER, ID 83672 (208)549-0418
Original Owner	JOHN WALKER , ID

Priority Date: 06/01/1881

Basis: Decreed

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4NE1/4	Sec. 11, Twp 12N, 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	
12N	04W	30																	35.0

Total Acres: 35

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14327 V1

1. P11 No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:Comments:

1. dnarsavage 11/21/2005 Disallowal

Comment: The original 67-540 was decreed out of Webb Ditch. Only about 5 acres of the claimed POU can be irrigated out of Webb Ditch, and this is covered by other rights. The originally intended POU for 67-540 is now owned in its entirety by Stirrm. They have claimed 14 of the decreed 21 acres, and can use no more. The other seven acres . . . ????

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/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>
Contacts	11/21/2005 10:11:11 AM	dnarsavage			Disallowed
Summary			11/21/2005	dnarsavage	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14327 V1

Summary	11/21/2005 10:11:49 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (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?
---------	------------------------	------------	---

Contacts	11/21/2005 10:11:11 AM	dnarsavage	(No) 1. Do you want to schedule an appointment?
----------	------------------------	------------	---

Comment for 1: No need

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 67-14327
Date Received: 9/26/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DONNA K ELSE Phone: (208)549-1090

1351 MANN CREEK RD
WEISER ID USA 83672

RAYMOND LEE ELSE Phone: (208)549-1090

1351 MANN CREEK RD
WEISER ID USA 83672

2. Date of Priority: 03/01/1969

3. Source: MANNS CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	05W	11	SE SE NE	WASHINGTON	

5. Description of diverting works:

LATERALS AND PUMPS AND SIPHON ACROSS THE CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.24	

7. Total Quantity Appropriated is:
0.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
12N	04W	30	NW	SW	3	IRRIGATION	12
						Section Acres	12
						Total Acres	12

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:

This claim is the result of a split due to change in ownership for a portion of 67-540A. DH 7/8/2002

NOTE: Johnson Bryant Equipment Co. no longer owns this property. Last chain of title shows property under name of Else - could not find contact. 7/8/2002

Claim amended per claimant request. (csaxton 12-17-06)

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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 67-14327
Date Received: 9/26/1989
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

~~JOHNSON BRYANT EQUIPMENT CO~~ Phone: ~~(208) 549-0418~~
~~PO BOX 135~~
~~WEISER ID USA 83672~~

Raymond Lee Else & Donna K Else
1351 MANNS CR RD
Weiser, ID. 83672

2. Date of Priority: ~~06/01/1981~~ 03/01/1969 ?

3. Source: MANNS CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
12N	05W	11	SE	SE	NE	WASHINGTON	

5. Description of diverting works:

LATERALS AND PUMPS AND SIPHON ACROSS THE CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.24	

7. Total Quantity Appropriated is:
0.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED

NOV 30 2005

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	04W	30	SW	SW	4	IRRIGATION
			NE	SW		IRRIGATION
			NW	SW	3	IRRIGATION
			SE	SW		IRRIGATION
Section Acres						
Total Acres						

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:

67-523

WASTEWATER OFF CAPURRO 67-555

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

[Signature] 11/24/06 Donna K Elmer 11-27-06

(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.

SCANNED
NOV 30 2005

To whom it may concern regarding the property owned by Raymond Lee Else and Donna Kay Else, 1351 Mann Creek Road, Weiser, Idaho:

I, Darrel Krause, became a partner in Johnson-Bryant Equipment Company in March of 1969. We owned the property that Else's now own at 1351 Mann Creek Road. At that time a siphon pipe going under Mann Creek was already in place and in use, irrigating the approx. 20 1/2 acres on the west side of the creek. It was continually used until we sold it in 1991, and the new owner, Mary Ellen Schroeder (property run by her son Paul Schroeder) used it until he sold it to Raymond Lee and Donna Else.

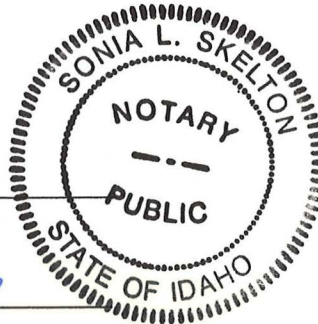
Darrel Krause 6-19-06
Darrel Krause date

State of Idaho)
County of Washington)

On this 19th day of June, in the year of 2006, before
me SONIA L SKELTON, personally appeared
DARREL KRAUSE, proved to me on the basis of satisfactory evidence to be the
person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged
that he/she/they executed the same

Sonia L Skelton
Notary Public

My commission expires on 8/1/06



SCANNED
NOV 30 2005

Idaho Department of Water Resources Receipt

Receipt ID C082715

Payment Amount \$50.00 Date Received 11/29/2006 3:51:34 PM Region State Status
Payment Type Check Check Number 1957

Payer ELSE RAYMOND L AND DONNA K

Comment 67-14327

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	41503	1155	



Signature Line (Dept. Representative)

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 67-14327
Date Received: 9/26/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHNSON BRYANT EQUIPMENT CO
PO BOX 135
WEISER ID USA 83672

Phone: (208) 549-0418

2. Date of Priority: 06/01/1881

3. Source: MANNS CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
12N	05W	11	SE	SE	NE	WASHINGTON	

5. Description of diverting works:

LATERALS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.1	

7. Total Quantity Appropriated is:
0.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SCANNED
APR 16 2004

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	04W	30	NE	SW	IRRIGATION	35
					Section Acres	35
					Total Acres	35

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:

This claim is the result of a split due to change in ownership for a portion of 67-540A. DH 7/8/2002

NOTE: Johnson Bryant Equipment Co. no longer owns this property. Last chain of title shows property under name of Else - could not find contact. 7/8/2002

15. Basis of Claim: Decreed

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

RECEIVED

APR 27 2000

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): 67-555B, 67-540A
 Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant

Johnson Bryant →

RAYMOND Lee AND DONNA K. ELSE

4. New Owner/Claimant(s)

Allen J. AND TONYA CAPURRO

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

1041 MANN CREEK Rd

City, State and ZIP Code

Weiser, Idaho 83672

New Telephone Number

(208) 549-1381

5. Date you acquired the property

10-4-1999

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right 77 Number and type of stock 50 PAIR-COWS

Diversion rate in CFS ? Number of homes you acquired 0 Other uses none

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

Allen J. Capurro
Tonya Capurro

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

67-540A



Johnson Bryant

67-14327

Sec 30

35 Acres

0.1 cfs

Capurro

67-14328

Sec 25

37 acres SE NE
NE 32 40 acres
77 acres

0.2 cfs

* Comments Johnson Bryant no longer owns this property. Last Chain of title shows property under name of Else - could not find a contact.

9-26-89

QUITCLAIM DEED

For Value Received ALLEN J. CAPURRO, a married man, the Grantor, does hereby remise, release and forever quit-claim unto ALLEN J. CAPURRO and TONYA L. CAPURRO, husband and wife, the Grantees, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, all the following described real estate situated in the County of Washington, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

Dated this 26th day of October, 1999.

Allen J. Capurro
Allen J. Capurro

STATE OF IDAHO)
 : ss
County of Washington)

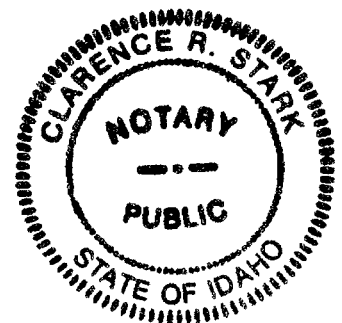
On this 26 day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN J. CAPURRO known to me to be the person who signed the foregoing instrument and acknowledged to me that he executed the same.

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

INSTRUMENT NO. 177934
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
WASHINGTON COUNTY TITLE
06 Min. past FIFTEEN o'clock P.M.
This 26TH day of OCTOBER 19 99
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$6.00
By Sharon Widner Deputy
WASHINGTON COUNTY TITLE

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

Clarence R. Stark
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 9/7/05



Commitment No. T99333

SCHEDULE C

The land referred to in this Commitment is situated in the State of Idaho, County of Washington, and is described as follows:

In Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho:

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel:

Commencing at a point 23 feet South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 330 feet to a point 23 feet from the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

Attachment to Capurro/Capurro Quitclaim Deed

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel:

Beginning at a point 23 feet South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 330 feet to a point 23 feet from the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 23 feet;

Thence Easterly 348 feet;

Thence North 23 feet, to the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West, along said north line 348 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

414
344-2000

Commitment No. T99333
Schedule B - Section 2 continued....

9. Easements for irrigation or drainage ditches, canals or roads; water rights, mineral rights, claims or title to water.
10. Decree in the matter of Thomas Shannon et al vs. Thomas M. Higgenbotham et al, recorded August 16, 1913, in Book C Judgements, Page 512. In regards to the rights to waters of Mann Creek.
11. Right of Way granted to E.M. Barton, as agent for Monroe Creek Irrigation Company, and the Barton Irrigation District, recorded March 7, 1916, in Book 33 Deeds, Page 530.
12. Decree in the matter of E.V. Jefferson et al vs. Thomas M. Higgenbotham et al, recorded July 20, 1921, Book E Judgements, Page 362. In regards to the rights to waters of Mann Creek.
13. Power line easement granted to Idaho Power Company, recorded July 7, 1966, in Book 88 Deeds, Page 295.
14. Reservations in Warranty Deed dated December 13, 1991.
Grantor: Johnson-Bryant Equipment Co.
Grantee: F. Bernard Schroder and Mary Ellen Schroder, husband and wife
Recorded: December 20, 1991, Instrument No. 153451
15. Agreement and order of easement, recorded January 25, 1994 as Instrument No. 159134. **NOTE: This document contains an incorrect legal description.**

*FOR YOUR INFORMATION ONLY WE ADVISE YOU OF THE FOLLOWING
MATTER NOT WITHIN THE INSURING PROVISIONS OF THE COMMITMENT OR
POLICY:*

*According to the County records, general taxes have been assessed on the
following tax parcel which affects the land in question:*

*Parcel No. RP 12NO5W251800 A, originally assessed in the amount of \$1,008.34
for the year 1998, which are paid in full.*

continued...

Commitment No. T99333
Schedule B - Section 2 continued....

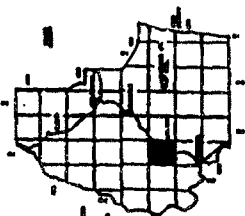
NOTE: PURSUANT TO THE STATE OF IDAHO INSURANCE REGULATIONS, A CANCELLATION FEE IS TO BE CHARGED ON ALL CANCELED ORDERS. UNLESS OTHERWISE ADVISED, ORDERS WILL BE CONSIDERED CANCELED SIX MONTHS AFTER THE EFFECTIVE DATE ON THE COMMITMENT. THE AMOUNT OF THE FEE ASSESSED SHALL BE IN ACCORDANCE WITH OUR RATE FILING WITH THE IDAHO DEPARTMENT OF INSURANCE.

NOTE: "Many companies as well as governmental agencies over which the Company has no control are often needed to provide critical information or services to consummate real estate transactions. These companies or agencies may not be prepared for "Year 2000" and related data processing errors (commonly known as "Y2K") in their computer systems. The purpose of this note is to advise you as our customer that if the companies or governmental agencies involved in this transaction are not Y2K compliant, there may be delays in consummating your transaction. Please consider this potential issue as part of your planning for closing this transaction. This Note is for information purposes only and it will not be carried over into any title policy and will not be construed in any way to modify or limit any policy which is issued pursuant to this Commitment/Report."

WASHINGTON COUNTY
IDAHO

1. All rights reserved by the State of Idaho, Department of Lands, for the purpose of assisting in locating the land and Washington County Title Co. assumes no liability for variations, if any, with actual survey.

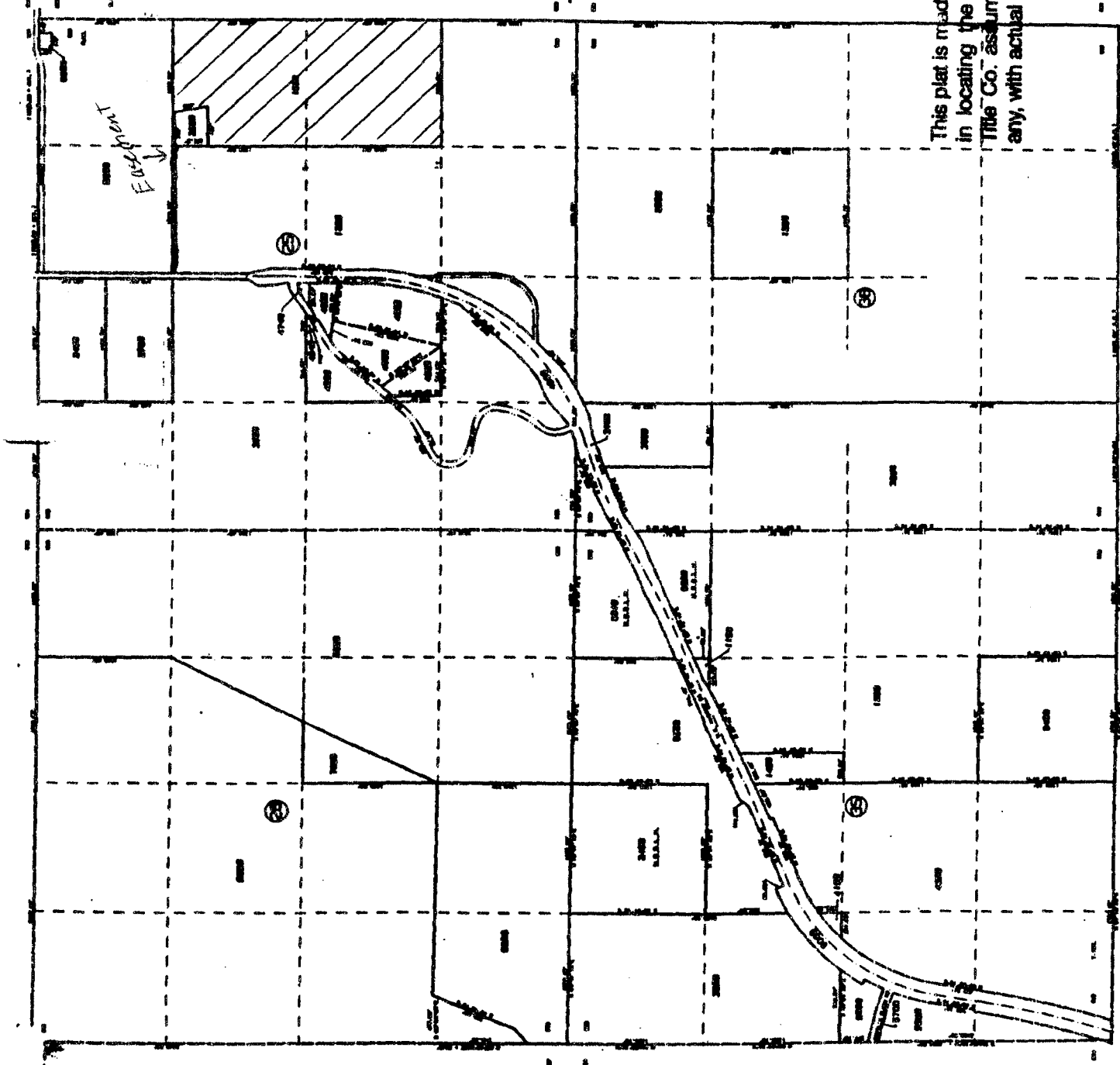
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36

North
↑

This plat is made solely for purpose of assisting in locating the land and Washington County Title Co. assumes no liability for variations, if any, with actual survey.



1205W251800

GRANT DEED

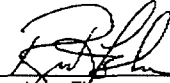
INSTRUMENT NO. 177933
PAGE 1 OF 2

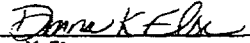
FOR VALUE RECEIVED, RAYMOND LEE ELSE and DONNA K. ELSE, husband and wife, the Grantors, do hereby, grant, bargain, sell and convey unto ALLEN J. CAPURRO, a married man, as his sole and separate property, the Grantee, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors 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 said premises are free from all incumbrances except: (i) easements, restrictions, reservations, conditions and covenants of record at closing; (ii) building or use restrictions general to the area; (iii) rights reserved in federal patents or state deeds if any; (iv) reserved oil and/or mining rights if any; (v) easements, encroachments, assessments, defects or any other matter affecting title as of the date hereof or closing.

DATED this 26 day of October, 1999.


Raymond Lee Else


Donna K. Else

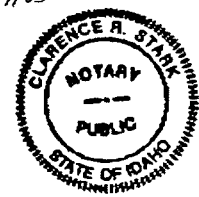
STATE OF IDAHO)
 : ss
County of Washington)

On this 26 day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared RAYMOND LEE ELSE and DONNA K. ELSE known to me to be the persons who signed the foregoing instrument and acknowledged to me that they executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.


Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 9/1/05

INSTRUMENT NO. 177933
STATE OF IDAHO, COUNTY OF WASHINGTON ss,
Filed for record at the request of
WASHINGTON COUNTY TITLE
06 Min. past FIFTEEN o'clock P.M.
This 26TH day of OCTOBER 19 99
Index fee DEEDS
SHARON WIDMER, Recorder Fee \$6.00
By  Deputy
WASHINGTON COUNTY TITLE

Copy to
Copy to
File
Compare
Cert. Fee
St. Fee
Up-charge
Return
Copy



Attachment to Else/Caparro Grant Deed

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel:

Beginning at a point 23 feet South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 330 feet to a point 23 feet from the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 23 feet;

Thence Easterly 348 feet;

Thence North 23 feet, to the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West, along said north line 348 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

1/8 AC

12 POSW 251800

INSTRUMENT NO. 179082
PAGE 1 OF 2

QUITCLAIM DEED

For Value Received ALLEN J. CAPURRO and TONYA L. CAPURRO, the Grantors, do hereby remise, release and forever quit-claim unto THE CAPURRO FAMILY TRUST, Allen J. Capurro and Tonya L. Capurro, Co-Trustees UTA dated July 23, 1997, the Grantee, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, all the following described real estate situated in the County of Washington, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT 'A':

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever.

Dated this 17th day of March, 2000.

Allen J. Capurro
Allen J. Capurro
Tonya L. Capurro
Tonya L. Capurro

STATE OF IDAHO)
 : ss
County of Washington)

On this 17 day of March, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN J. CAPURRO and TONYA L. CAPURRO, known to me to be the person(s) who signed the foregoing instrument and acknowledged to me that they executed the same.

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

INSTRUMENT NO. 179082
STATE OF IDAHO, COUNTY OF WASHINGTON ss
Filed for record at the request of
WASHINGTON COUNTY TITLE
37 1/2% part FOURTEEN of 100% P.M.
The 17th day of MARCH 20 2000
Index to: DEEDS
SIXPENCE Notary Fee \$6.00
By Frances McDaniel Deputy
WASHINGTON COUNTY TITLE

Corp. Index
Corp. Ret.
Fees
Compare
Court Ret.
Ext. Ret.
Up-date
Return
Copy

Frances McDaniel
Notary Public for Idaho
Residing at Weiser, Idaho
Commission Expires 9/1/04

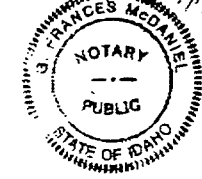


EXHIBIT 'A'

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel:

Beginning at a point 23 feet South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 330 feet to a point 23 feet from the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 23 feet;

Thence Easterly 348 feet;

Thence North 23 feet, to the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West, along said north line 348 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

12N04W304850 P251800

WARRANTY DEED

For Value Received

INSTRUMENT NO. 174932
PAGE 1 OF 2

MARY ELLEN SCHRODER, a widow

The grantor, does hereby grant, bargain, sell and convey unto
RAYMOND LEE ELSE AND DONNA K. ELSE, husband and wifethe grantee s, whose current address is
880 JORDAN CRATER ROAD, JORDAN VALLEY, OR 97910
the following described premises, in WASHINGTON

County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

DATE	
PLAT	☐
LETTER	☐
SS	☒
COMP	☒
HO	☐
SPLIT	☐

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 do as hereby covenant to and
with the said Grantee s, that she is the owner in fee simple of said premises; that they are free
from all incumbrances

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

Dated: 12/17/98

Mary Ellen Schroder
MARY ELLEN SCHRODERSTATE OF WASHINGTON, COUNTY OF WASHINGTON
On this 17th day of DECEMBER, 1998,
before me, a notary public in and for the said State, personally
appeared

MARY ELLEN SCHRODER

known or acknowledged to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me
that she executed the same.Notary Public
Residing at Skamokawa
Common Expires 4-5-99STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLEat 08 minutes past FIFTEEN o'clock P.M.
this 18th day of DECEMBER
1998, in my office, and duly recorded in 9800
Deeds BOOK BY #174932SHARON RIDNER
By: [Signature] Deputy
Notary Public
Residing at [Address]
Common Expires [Date]

EXHIBIT "A"

FILE NO.: 100-98-6779

In Township 12 North, Range 4 West of the Boise Meridian, Washington County, Idaho:

Section 30: Lot 3, NW of Lot 4, NWSE $\frac{1}{4}$ SW $\frac{1}{4}$, NWNE $\frac{1}{4}$ SW $\frac{1}{4}$, AND NWSE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

In Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho:

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel: Commencing at a point 23 feet South of the Northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25; thence South 331.5 feet; thence Easterly 407 feet; thence Northerly 330 feet to a point 23 feet from the North line of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 348 feet to the point of Beginning.

TOGETHER with an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

EXCEPT right of way for Mann Creek Road;

(Optional)
 Recorded ☐ Indexed ☐ Filed ☐ Deed Card ☐ Compared ☐ Key Punched ☐ Master File ☐ Abstracted ☐ To Treasurer ☐

WARRANTY DEED (CORPORATE FORM)

JOHNSON-BRYANT EQUIPMENT CO.

, a corporation
 organized and existing under the laws of the State of Idaho, with its principal office at WEISER
 of County of Washington, State of Idaho,
 grantor, hereby CONVEYS or GRANTS and WARRANTS TO

F. BERNARD SCHRODER and MARY ELLEN SCHRODER, husband and wife,

grantee
 of 961 State Highway 407, Cathlamet, Wabkiakum County, State of Washington for the sum of

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION----- DOLLARS,
 the following described tract(s) of land in Washington County,
 State of Idaho:

TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN;
 Section 30: Lot 3, N $\frac{1}{4}$ of Lot 4, N $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN;
 Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 EXCEPT right of way for Mann Creek Road;
 SAVE AND EXCEPT the following described parcel: Commencing at a point 23 feet
 South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25; thence South
 331.5 feet; thence Easterly 407 feet; thence Northerly 330 feet to a point 23
 feet from the North line of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 348 feet to the point
 of beginning. Together with all water rights from the Adams-Saling Ditch, with
 the understanding that the existing waste water overflow from the Adams-Saling
 Ditch on the North side of the above described parcel is to remain intact.
 Location of above described property

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was
 duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meet-
 ing duly held and attended by a majority.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its
 duly authorized officers this 13th day of December, A. D. 1991.

JOHNSON-BRYANT EQUIPMENT CO.
 (CORPORATE NAME)
 By Walter Bryant President
 Attest: Darrel Krause Secretary

State of Idaho
 County of Washington

On the 13th day of December, A. D. 19 91
 personally appeared before me WALTER BRYANT and DARREL KRAUSE
 who being by me duly sworn did say, each for himself, that he, the said WALTER BRYANT
 is the president, and he, the said DARREL KRAUSE is the secretary
 of JOHNSON-BRYANT EQUIPMENT CO., a corporation, and that the within
 foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board
 of directors and said WALTER BRYANT and DARREL KRAUSE
 each duly acknowledged to me that said corporation executed the same and that the seal affixed is the
 seal of said corporation.

L. Herman McDaniel
 (NOTARY PUBLIC)
 My residence is Weiser, Idaho
 My commission expires 9/1/92

MAIL DEED TO:

Burton & Kroli

P. O. Box 367

Weiser, Idaho 83672

MAIL TAX NOTICE TO:

Name: Mr. & Mrs. F. Bernard Schroder

Address:

City & State: Zip:

Comp. Index
Comp. Ref.
Film
Compare
Card Ref.
Bk. Ref.
Up-date
Return

Warranty Deed
GRANTS

Know ALL MEN by THESE PRESENTS, That DELMAR D. NESSERSMITH

and BETTY J. NESSERSMITH, his wife,

of the County of Washington, State of Idaho

parties of the first part, for and in consideration of the sum of FIFTY FIVE THOUSAND

AND NO/100----- Dollars \$55,000.00

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by JOHNSON-BRYANT EQUIPMENT ~~XXX~~ an Idaho corporation.
COMPANY

Weiser, Idaho

X ~~NESSER~~, hereinafter called party of the second part, do hereby GRANT, SELL, and CON-
VEY unto the party of the second part, ~~JOHNSON-BRYANT EQUIPMENT COMPANY~~, and to its lawful assigns, of the second

party, all of the following-described property situate, lying and being in the County of Washington
State of Idaho, to wit:

In Township 12 North, Range 5 West of the Boise Meridian:
Section 25: SE1/4 and NE1/4.

Together with all water, water rights, ditches and ditch rights
used thereon or appurtenant thereto, including but not limited
to water rights under the Kamm Creek Irrigation District.

Subject to exceptions and reservations contained in patents
from the United States.

Subject to existing easements for roads, highways, ditches,
canals, laterals and power and transmission lines.

Subject to Power Line Easement dated July 7, 1956, granted
by Daniel S. Bower et ux, in favor of Idaho Power Company, a
corporation, recorded in Book 88 Deeds, page 295, Records of
Washington County, Idaho.

Subject to Mortgage, dated October 5, 1972, from Delmar D.
Messersmith, et ux, Mortgagors, in favor of V.S. Clayton and
Margaret P. Clayton, his wife, Mortgages: recorded in Book 57
of Mortgages, page 457, in the office of the County Recorder of
Washington County, Idaho, on the 5th day of October, 1972.

Subject to Agreement with Prior Lienholder, dated October 5, 1972,
between V.S. Clayton and Margaret P. Clayton, his wife, and Delmar
D. Messersmith and Betty J. Messersmith, his wife; recorded in
Book 9 Miscellaneous, page 424, records of Washington County, Idaho,
on October 5, 1972.

Subject to Mortgage, dated October 5, 1972, from Delmar D. and
Betty J. Messersmith, h. & w., Mortgagors, in favor of the United
States of America, acting through the Farmers Home Administration,
USDA, Mortgages: recorded in Book 57 Mortgages, Page 458, in the
office of the County Recorder of Washington County, Idaho, on the
5th day of October, 1972.

6 1 Thru

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: A67-00540A
Date Received: 9/26/1989
Receipt No:
Received By: Woo 469

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHNSON-BRYANT EQUIPMENT COMPANY 208-549-0418
Address: P.O. BOX 135
WEISER, ID 83672
2. Date of Priority: JUN 01, 1881
3. Source: MANNS CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	11	SE	SE	NE		WASHINGTON
5. Description of diverting works:
LATERALS AND PUMPS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.300		
7. Total Quantity Appropriated is:
0.110 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 402.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NA
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	30	NE	SW		IRR	35.0
Section Acres							35.0

~~MICROFILMED~~
OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	25	SE	NE	IRR	37.0
			NE	SE	IRR	40.0
					Section Acres	77.0
					Total Acres	112.0

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:
67-593, 67-524, 67-523, 67-555

14. Remarks:
WATER CARRIED IN THE WEBB DITCH.
THIS IS PRIMARY RIGHT.
FLOOD WATER .428570.
LOW WATER .2999999 CFS.
AC. IRR.=21.4285.
THIS IS A SPLIT RIGHT OF A67-00540 BASED ON 115/320 OF .30 CFS
B.A.S.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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):

Harold Krause
Sec. Johnson-Bryant Corp.

Date:

9-26-89

Date:

State of Idaho

County of

Washington

)
) SS.

Subscribed and sworn (or affirmed) before me this

26 day

of

Sept

19

89

Bruce A. M.
Notary Public

Seal

BRUCE A. SCHULD, NOTARY PUBLIC

Residing at

RESIDING AT BOISE, IDAHO

My Commission Expires

MY COMMISSION EXPIRES APRIL 11, 1995

MICROFILMED
OCT 01 1992