

10/28/2006

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

RIGHT NUMBER: 67-14506

NAME AND ADDRESS: HOLLY SPIERING
611 W INDIANHEAD
WEISER ID 83672

MONTE SPIERING
611 W INDIANHEAD
WEISER ID 83672

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.505 CFS

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

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T14N R02W S1 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.505 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T14N R02W S17	SWNE	40.00	T14N R02W S17	SENE	40.00
T14N R02W S17	NESE	12.00	T14N R02W S17	NWSE	9.00

STOCKWATER same as IRRIGATION

101 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 101.0 acres in a single irrigation season. Combined Right Nos.: 67-4591 and 67-14506

This right is limited to the irrigation of 40.4 acres within the place of use described above in a single irrigation season.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Stockwater use is for 400 range cattle.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

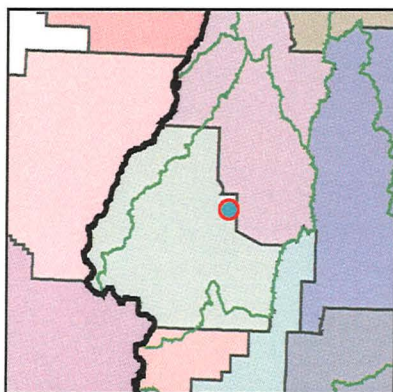
SRBA Recommendation:

67-14506

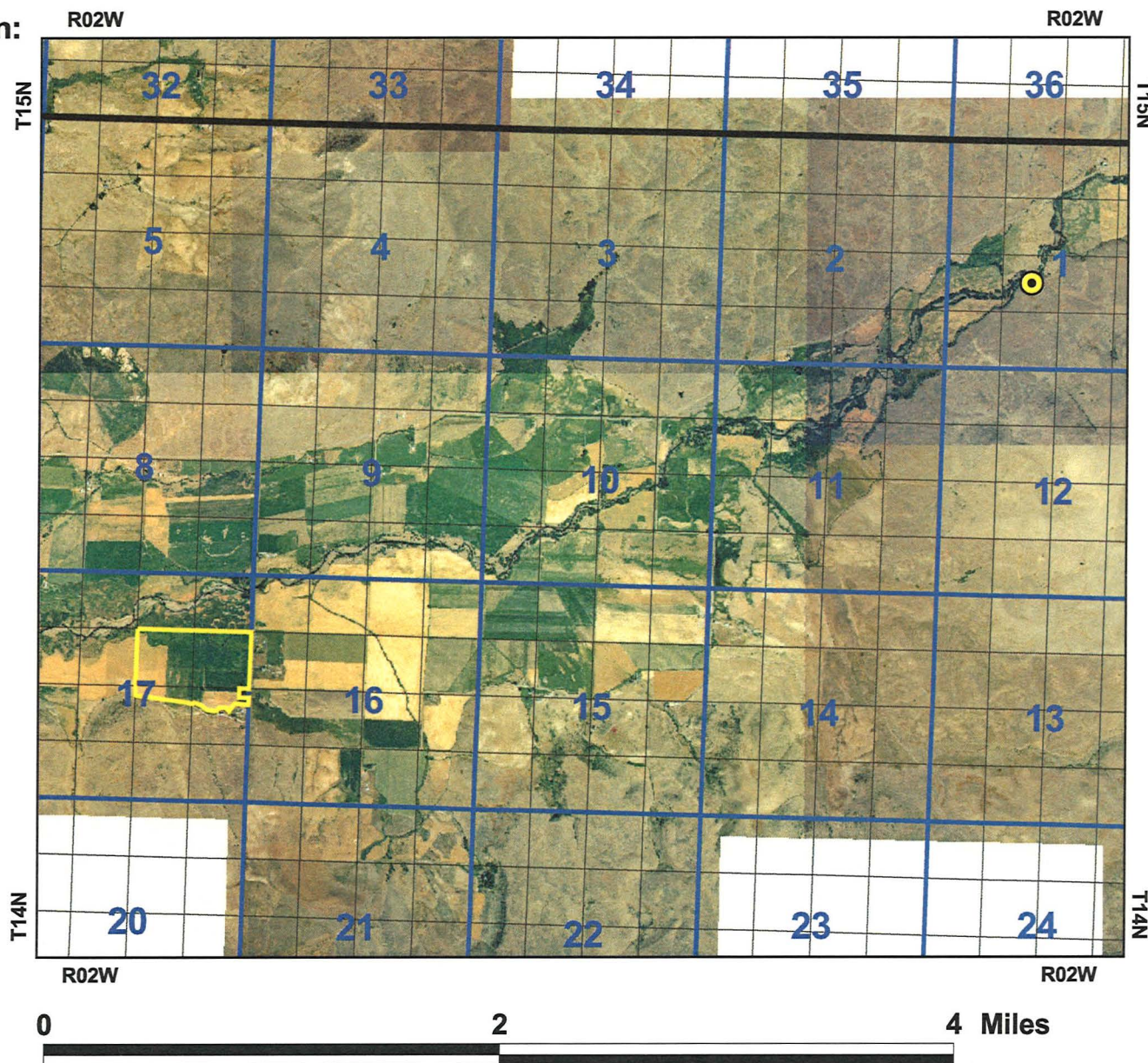
(Irrigation)

Legend

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

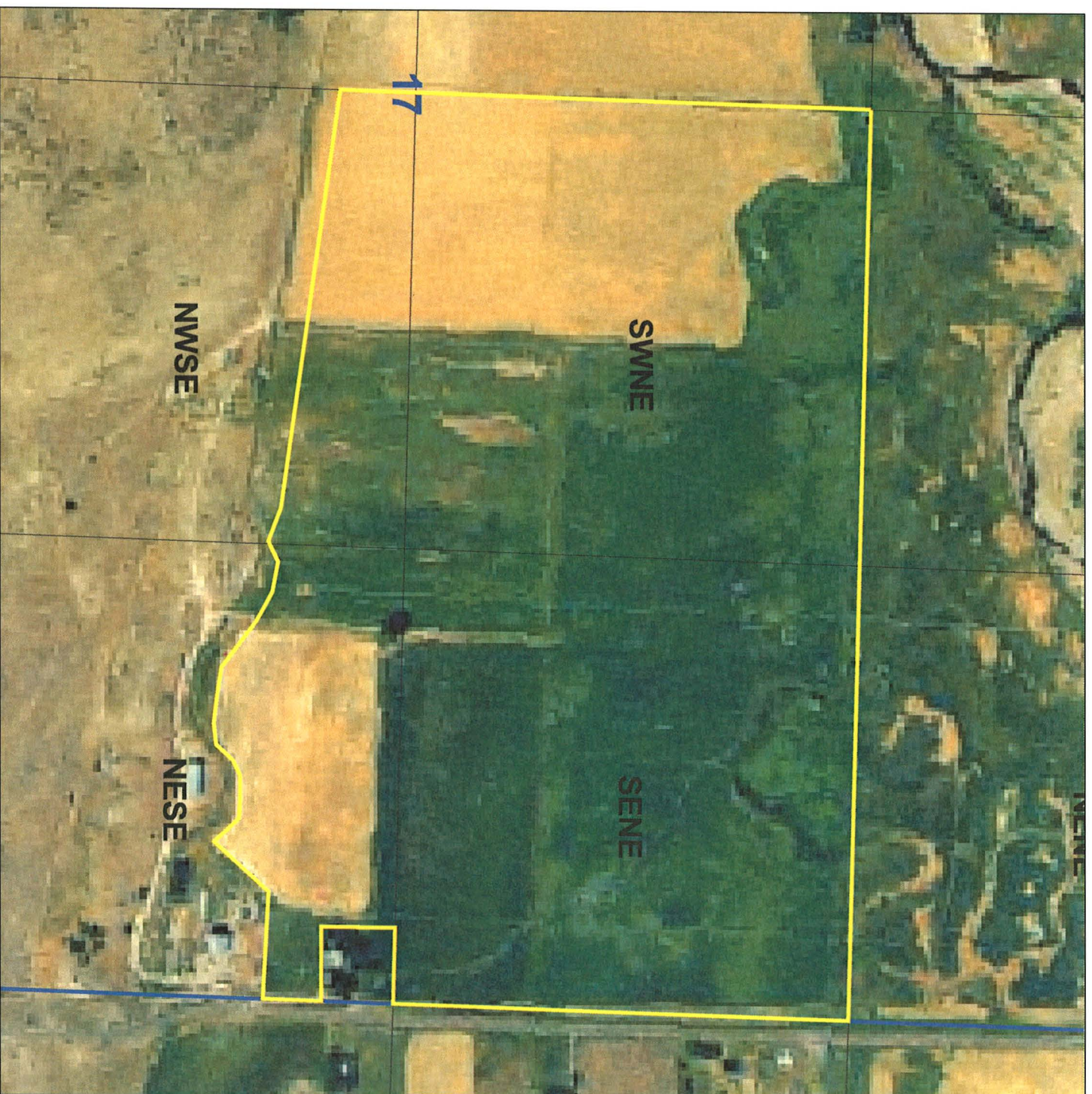


Washington County
IDWR Basin 67



Prepared by C. Saxton
On Saturday, October 28, 2006
1987/88 Aerial Photography

67-14506



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14506 V1

WATER RIGHT NUMBER: 67-14506 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM E GLADHART
	, ZZ
Original Owner	AUSTIN B ROBBINS JR 2747 GLADHART LN CAMBRIDGE, ID 83610 (208)257-3454
Current Owner	HOLLY SPIERING 611 W INDIANHEAD WEISER, ID 83672 (208)549-1712
Original Owner	RUTH E ROBBINS 2747 GLADHART LN CAMBRIDGE, ID 83610 (208)257-3454
Current Owner	MONTE SPIERING 611 W INDIANHEAD WEISER, ID 83672 (208) 549-1712

Priority Date: 05/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.505 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.505 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4	Sec. 1,	Twp 14N,	Rge 02W, B.M.
ADAMS 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	
14N	02W	17			40.0	40.0									12.0	9.0			101.0

Total Acres: 101

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14506 V1

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. X02 Stockwater use is for 400 range cattle.
3. 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.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. E56 The rights listed below are limited to the irrigation of a combined total of 101.0 acres in a single irrigation season. Combined Right Nos.: 67-4591 and 67-14506
6. K06 This right is limited to the irrigation of 40.4 acres within the place of use described above in a single irrigation season.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Remarks:Comments:

1. csaxton 10/28/2006 Split Decreed right

Comment: 67-477 was claimed in two pieces 67-477A and 67-477B. SRBA 67-477A claimed use of decreed water on a place of use that was not originally decreed. Evidence indicates that there was an accomplished change in POU. In 2004 the POU claimed under 67-477A was split and thus the SRBA claim was split into 67-14505 and 67-14506. The portion claimed under 67-14506 is the POU that is not in the decreed POU while 67-14505 ended up with the POU that was within the claimed POU. Without looking at the history, it would appear that 67-14506 just claimed a decreed right that they should not have. However, it appears that the accomplished change took place before the split of the right and therefore 67-14505 and 67-14506 both should have a portion of decreed right 67-477A. This is supported by watermaster delivery records that show delivery to the owner that is applicable to 67-14506 and the ground that is applicable to 67-14505. Recommended diversion rates were taken directly off of the water master delivery records since it was impossible to proportion out delivery rate based on acreage as so much additional acreage was added when combining this decreed water with other supplemental rights.

2. csaxton 10/28/2006 From Claim (1)

Comment: This right is a split from former right 67-477a.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14506 V1

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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101

Combined Water Rights: 67-14506 , 67-4591

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	10/28/2006 3:51:44 PM	csaxton			Active
POD	10/28/2006 3:51:49 PM	csaxton			Active
Source	10/28/2006 3:51:55 PM	csaxton			Active
POU	10/28/2006 3:53:08 PM	csaxton			Active
Quantity	10/28/2006 3:54:36 PM	csaxton			Active
Summary			10/28/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/28/2006 3:51:16 PM	csaxton	Updated shape
POU	10/28/2006 3:52:19 PM	csaxton	Updated shape for Active POU
POD	10/28/2006 3:51:23 PM	csaxton	Updated PLS
POU	10/28/2006 3:52:26 PM	csaxton	Updated PLS for Active POU
General	10/28/2006 3:51:36 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/28/2006 3:51:42 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	10/28/2006 3:51:48 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14506 V1

POU	10/28/2006 3:53:00 PM	csaxton	(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? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - See quicklook comments Description for Question 13 - Desktop Review
Quantity	10/28/2006 3:54:28 PM	csaxton	(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? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	10/28/2006 3:56:51 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

Split history for Decreed Right 67-00477

WR History

Claim History

Recommendation

%

67-00477 Gladheart
2.42 cfs
193.6 ac

67-00477A Robins
0.81
167

67-14505 Robins
0.32
66

Delivered
0.8

67-14506 Spiering
0.51 0.51
101 101

Not in decreed POU

67-00477B Gladheart
1.94
155

67-00477B Gladheart
1.94
155

Delivered
1.62

67-14505 Yocum
0.295
Act irr ac = 59 0.37
ac @ 5/8"/ac = 23.6

67-14506 Spiering
0.505
Act irr ac = 101 0.63
ac @ 5/8"/ac = 40.4

67-00477B Gladheart
1.62
Act irr ac = 150
ac @ 5/8"/ac = 129.6

Acres calculated at 5/8 in per acre
80
0.0125

Sum CFS =	2.77
Sum Acre=	322
Sum AF =	n/a

Extra CFS =	-0.35
Extra Acre =	-128.4
Extra AFA =	n/a

Sum CFS =	2.42
Sum Acre=	193.6
Sum AF =	n/a

Extra CFS =	0
Extra Acre =	0
Extra AFA =	n/a

*Last updated 10-28-06 (csaxton)

Water Master Records					
PARCEL	Name	67A #	Date	CFS	Notes
14N02W1	SCHWENKFELD	477B	5/1/1884	1.62	
14N02W1	SPEARING, MON	477A	5/1/1884	0.8	. Robbins Split
				2.42	

MEMORANDUM

Date: July 13, 2005

To: File

From: Monica Van Bussum

RE: SRBA claims 67-00477B, 67-14505 and 67-14506

All three claims listed above are splits from 67-00477, which was decreed under Muir v. Allison. Upon initial review, it appears that 477B and 14505 actually claim all of the acreage under the decree and 14506 should be disallowed as a decreed claim. There is a split tree attached to this memo that may make it more understandable.

In short, it appears that 14506 claimed a portion of the decreed water that is not on the property for 14506. 477 has been completely claimed by other users (477B and 14505). In order to recommend 14506 as a decreed right, we would need proof of an accomplished change in POU.

The claimants for 14506 have also filed a beneficial use claim (67-04591) on the same property for the same acreage. Per a conversation with C. Saxton, we should pursue the statutory claim and determine if the capacity of the Schwenkfelder ditch is sufficient to carry the water for 14506. If the Schwenkfelder ditch carries ample water and we can get evidence of priority, we can recommend the 4591 claim, but will probably have to disallow the 14506 decreed claim. Acreage in ArcView matches claimed acreage for 4591.

NO - See FCVR

Quick look

C. Saxton

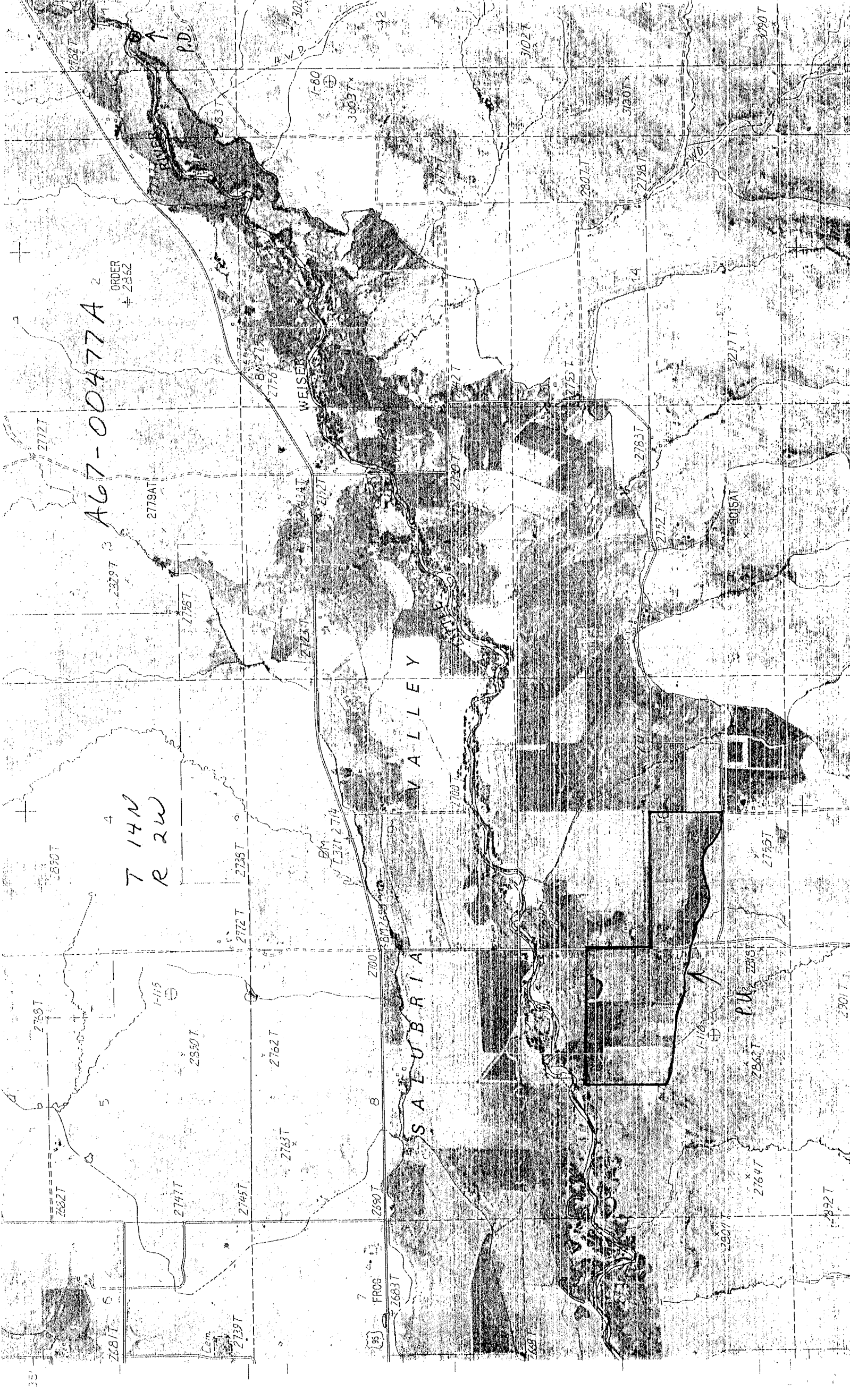
10-28-06

Split/Overlap Analysis - Water Right No.:

Twp	Rng	Sec	Q-Q	Lot	Parent	Children			
					477	14505	14506	477B	
14N	02W	16	NENW		40			40	
			SENW		40			40	
			NWNW		40			30	
			SWNW		40			20	
			NESW		40	34			
			NWSW		40	32			
			NENE						
			SENE						
		15	NENW						
			SENW						
			NWNW						
			SWNW						
		17	NENE					25	
			SWNE				40		
			SENE				40		
			NESE				11		
			NWSE				10		

Twp	Rng	Sec	Q-Q	Lot	Decree	Claim			
					479	479			
14N	02W	16	NENW						
			SENW						
			NWNW						
			SWNW						
			NESW						
			NWSW						
			NENE		40	40			
			SENE		40	40			
		15	NENW		40	40			
			SENW		40	38			
			NWNW		40	40			
			SWNW		40	38			
		17	NENE						
			SWNE						
			SENE						
			NESE						
			NWSE						

Right No:	Rate of Diversion	Irrigated Acres	CFS/ Acre



T 14N
R 2W

AL7-00477A

ORDER
2362

SALUBRIA VALLEY

WEISER

SALUBRIA

PU

2762T

2764T

2766T

2768T

2770T

2772T

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2780T

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2784T

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 21, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Monte & Holly Spiering
611 W Indianhead
Wieser, ID 83672

Re: Original Notice of Claim to a Water Right No. 67-14506

Renumbered Notice of Claim to a Water Right No. 67-477A

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosure

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 67-14506
Date Received: 12/17/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HOLLY SPIERING Phone: (208)549-1712

611 W INDIANHEAD
WEISER ID USA 83672

MONTE SPIERING Phone: (208) 549-1712

611 W INDIANHEAD
WEISER ID USA 83672

2. Date of Priority: 05/01/1884

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	02W	1	NE SW	ADAMS	

5. Description of diverting works:

DIVERSION DAM, SCHWENKFELDER DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.49	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.51 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
14N	02W	17	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	10
			NW	SE	STOCKWATER	
			NE	SE	STOCKWATER	
			SE	NE	STOCKWATER	
			SW	NE	STOCKWATER	
					Section Acres	101
					Total Acres	101

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 right is a split from former right 67-477a.

15. Basis of Claim: Decreed

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

RECEIVED

OCT 08 2004

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-4591					
67-477A		X			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Ruth E. Robbins / Austin B. Robbins, Jr.
4. New Owner/Claimant(s) Monte^R Spiering Holly K. Spiering
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1011 W. Indianhead
- City, State and ZIP Code Wesley, ID 83672
- New Telephone Number 208 549-1712
5. Date you acquired the property 10-6-04

SCANNED

NOV 01 2004

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>67-477A</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7. Signature of New Owner(s) or Claimant(s) Monte R. Sperring by Holly K Sperring by attorney at law
(include title if applicable) Holly K Sperring

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

For Office Use Only DS Date 10-8-04 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Received by _____ Date _____ WR _____ Date _____
 Processed by _____ AJ Date _____

RECEIVED

OCT 08 2004

WATER RESOURCES
WESTERN REGION

Washington County Title Co.

35 West Idaho St.
Weiser, ID 83672

(208) 414-1455
Fax (208) 414-1487
wctitle@ruralnetwork.net

Title Insurance

Escrow Service

October 6, 2005

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Change in Water Right Ownership:
Water Right #'s: 67-4591 and 67-477A
Ruth E. Robbins and Austin B. Robbins, Jr.
2747 Gladhart Lane
Cambridge, ID 83610

Enclosed please find Notice of Change in Water Right Ownership for the above referenced water right numbers. Number 67-477A will need to be split. Please see legal description on attached Warranty Deed conveying property to Monte R. Spiering and Holly K. Spiering, and plat map.

If you have any questions, please don't hesitate to call.

Yours truly,

WASHINGTON COUNTY TITLE CO.



Paula Thomsen

Encl.

195190

Approved by:

Initials HKS

Warranty Deed



FOR VALUE RECEIVED, AUSTIN B. ROBBINS, JR. and RUTH E. ROBBINS, husband and wife, the Grantors, do hereby, grant, bargain, sell and convey unto MONTE R. SPIERING and HOLLY K. SPIERING, husband and wife, the Grantees, whose address is 611 W. Indianhead, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

In Township 14 North, Range 2 West of the Boise Meridian, Washington County, Idaho:

Section 17: S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 6th day of October, 2004.

Instrument # 195190

WEISER, WASHINGTON, IDAHO

2004-10-06 12:31:00 No. of Pages: 1

Recorded for : WASHINGTON COUNTY TITVE

SHARON WIDNER

Ex-Officio Recorder Deputy Sharon Widner Fee: 3.00

Index to: DEED

Austin B. Robbins, Jr.
Austin B. Robbins, Jr.

Ruth E. Robbins
Ruth E. Robbins

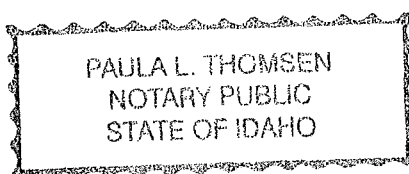
STATE OF IDAHO)

: ss

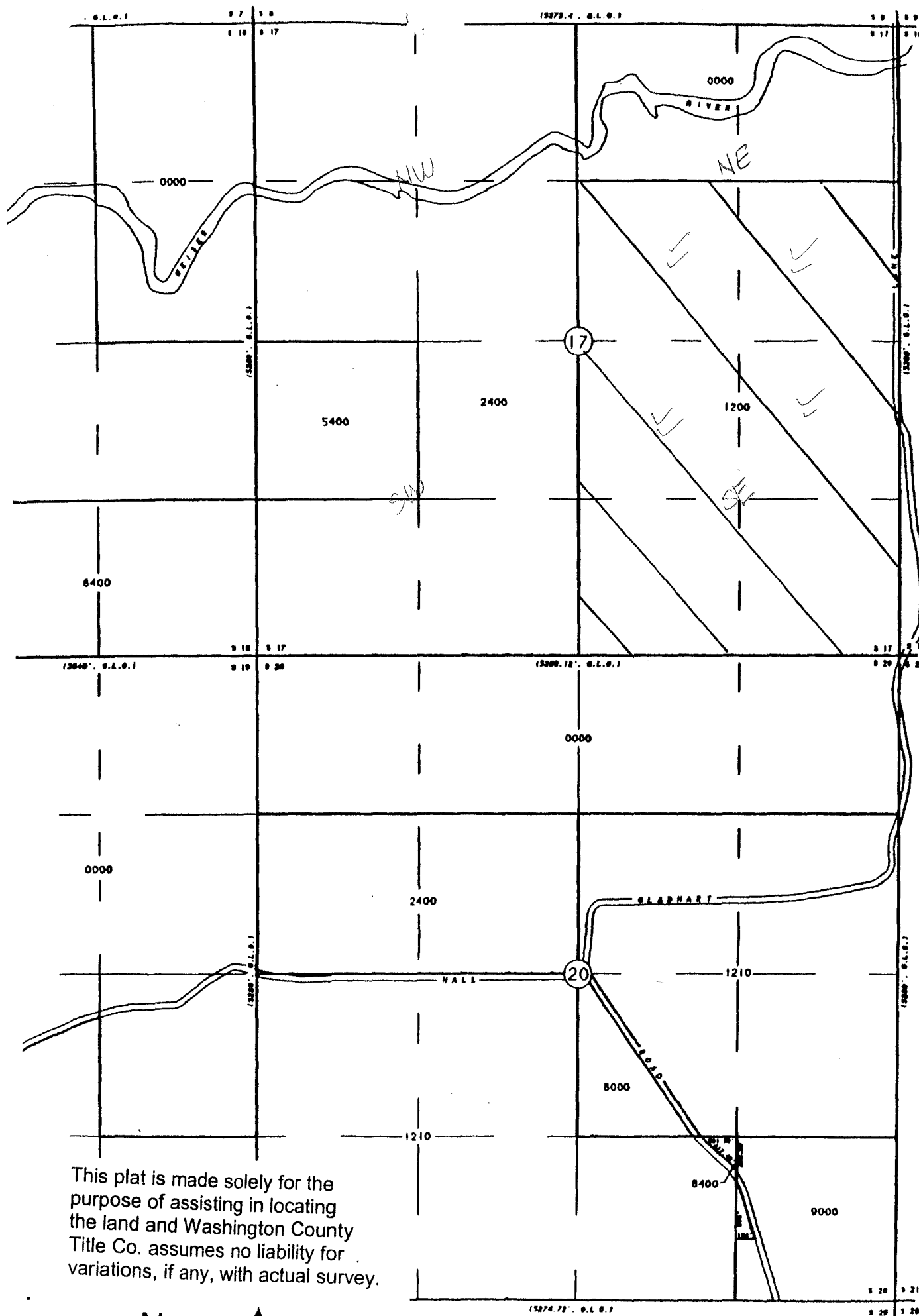
County of Washington)

On this 6th day of October, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared AUSTIN B. ROBBINS, JR. and RUTH E. ROBBINS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

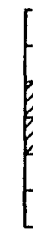
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.



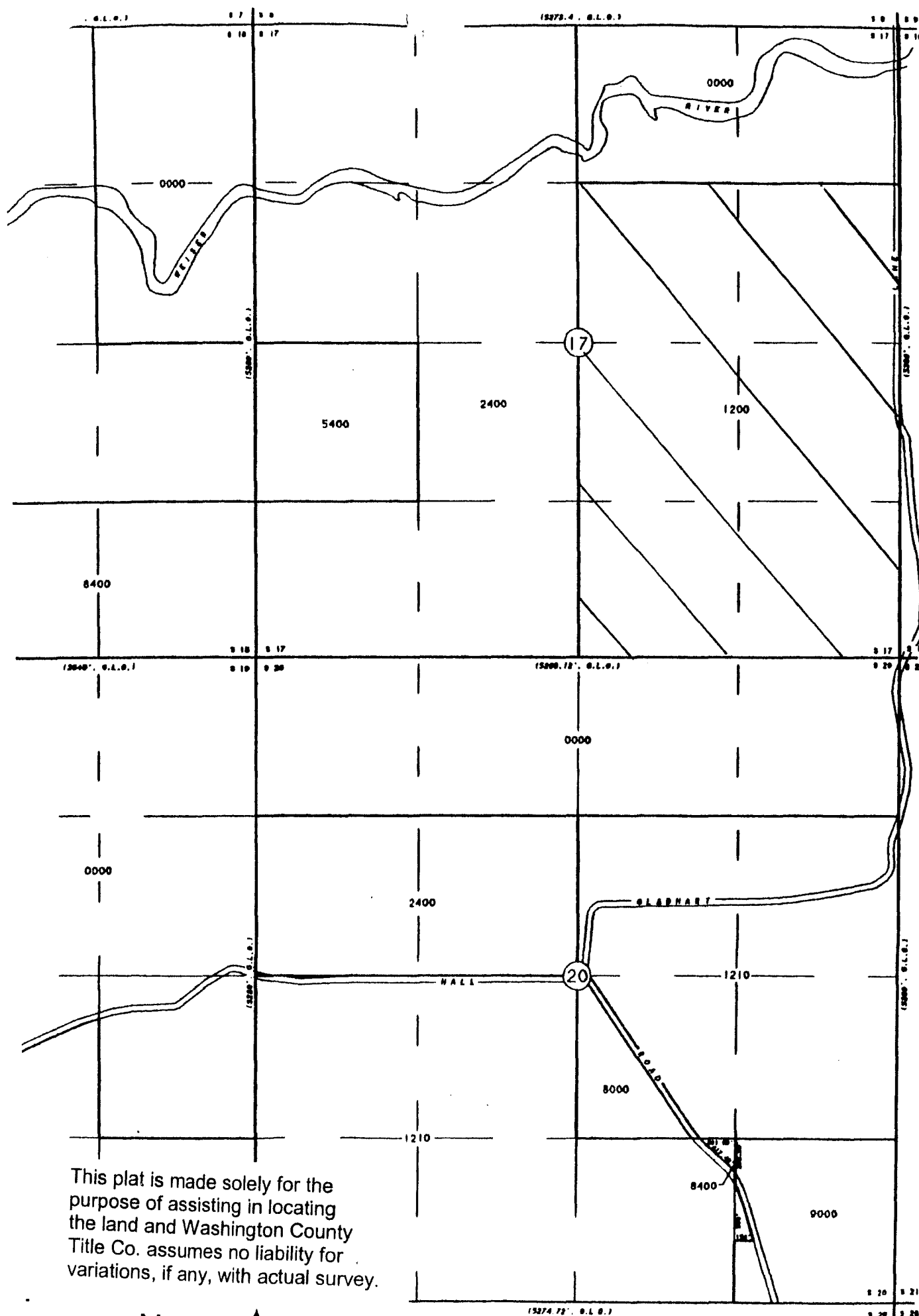
Paula L. Thomsen
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 3-11-2009



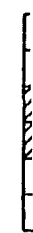
WASHII



SECTIONS 1
T. 14N.
14N



WASHIT



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

N



SECTIONS 1
T. 14N.

14N

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: **A67-00477A**
Date Received: 8/ 1/1989
Receipt No: C008744
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RUTH E ROBBINS 208-257-3454
Address: 2747 GLADHART LN
CAMBRIDGE ID 83610
AND/OR
Name: AUSTIN B ROBBINS JR 208-257-3454
Address: 2747 GLADHART LN
CAMBRIDGE ID 83610

2. Date of Priority: MAY 1, 1884

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	02W	1		NE	SW		ADAMS

5. Description of diverting works:
DIVERSION DAM, SCHWENKFELDER DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.810		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 501.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 400 HEAD CATTLE

SCANNED
APR 06 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	02W	16	NE	SW		IRR	34.0
			NE	SW		STOCK	
			NW	SW		IRR	32.0
			NW	SW		STOCK	
						Section Acres	66.0
		17	SW	NE		IRR	40.0
			SW	NE		STOCK	
			SE	NE		IRR	40.0
			SE	NE		STOCK	
			NE	SE		IRR	11.0
			NE	SE		STOCK	
			NW	SE		IRR	10.0
			NW	SE		STOCK	
						Section Acres	101.0
						Total Acres	167.0

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:

67-04591, 67-04297, 67-02385, 67-04170

14. Remarks:

THIS WATER CARRIED IN THE SCHWENKFELDER DITCH.

|

ADDRESS CHANGE BY CLAIMANT LETTER 5/5/99 SS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs

Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

April 29, 1999

KARL J. DREHER
DIRECTOR

RUTH E ROBBINS
AUSTIN B ROBBINS JR
2747 GLADHART LN
CAMBRIDGE ID 83610

Re: Snake River Basin Adjudication (SRBA)

Water Rights #67-04170, 67-10104, 67-10105, 67-10106, MAY - 3 1999

A67-00477A, A67-04297 & A67-04591

Change of Address

Department of Water Resources

Dear Water Right Holders:

All records changed

NCAP prepared. as 5-5-99

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Ruth E. Robbins

Claimant Signature

(208) 257-3454

Telephone No.

However the address on #67-04170, #67-10104, #67-10105, #67-10106 are incorrect. The other numbers may also need the new address.

4 pieces

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

☐ No account number on mail

☐ Account number illegible

67-04170/67-10105/67-10106/67-10104

Addressee's Name

Austin B Robbins Jr Ruth E Robbins

Old Address (Include apartment or suite number)

Rt 1 Box 129

City, State, and ZIP Code

Cambridge, Id 83610

New Address (Include apartment or suite number)

2747 Gladhart Ln

City, State, and ZIP Code

Cambridge, Id 83610

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address

☐ No such street

☐ No such number

☐ Refused

☐ Attempted, not known

☐ Unclaimed

PS Form 3547, June 1995

AJ5811NP
SELECTION FILE: SS-ROBBINS

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

DATE: 04/28/99
TIME: 08:14:23
PAGE: 1

67-04170
A67-10106

67-10104

67-10105

67-10106

A67-00477A

A67-04170

A67-04297

A67-04591

A67-10104

A67-10105

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: A67-00477A
Date Received: 8/01/1989
Receipt No: C008744
Received By: CA

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RUTH E. ROBBINS 208-257-3454
Address: RT. 1, BOX 129
CAMBRIDGE, ID 83610

AND/OR

Name: AUSTIN B. ROBBINS, JR. 208-257-3454
Address: RT. 1, BOX 129
CAMBRIDGE, ID 83610

2. Date of Priority: MAY 01, 1884

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	1	NE	SW			ADAMS

5. Description of diverting works:
DIVERSION DAM, SCHWENKFELDER DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.810		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 501.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 400 HEAD CATTLE

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	02W	16	NE		SW		IRR	34.0
			NE		SW		STOCK	
			NW		SW		IRR	32.0
			NW		SW		STOCK	
			Section Acres					66.0
		17	SW		NE		IRR	40.0
			SW		NE		STOCK	
			SE		NE		IRR	40.0
			SE		NE		STOCK	
			NE		SE		IRR	11.0
			NE		SE		STOCK	
			NW		SE		IRR	10.0
			NW		SE		STOCK	
			Section Acres					101.0
			Total Acres					167.0

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:
67-04591, 67-04297, 67-02385, 67-04170

14. Remarks:
THIS WATER CARRIED IN THE SCHWENKFELDER DITCH.

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

<u>JOHN T. MUIR</u>	vs	<u>WILLIAM ALLISON</u>
Decree Plaintiff		Decree Defendant

MICROFILMED
OCT 01 1992

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): Austin B. Robbins Jr. Date: 11/17/89
Ruth E. Robbins Date: 11/17/89

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of November 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00477A
Date Received: 8/01/1989
Receipt No: COO 8744
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AUSTIN B. ROBBINS, JR. 208-257-3454
Address: RT. 1, BOX 129
CAMBRIDGE, ID 83610

AND/OR

Name: RUTH E. ROBBINS 208-257-3454
Address: RT. 1, BOX 129
CAMBRIDGE, ID 83610

2. Date of Priority: MAY 01, 1884

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	1	NE	SW			ADAMS

5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.810		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 501.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 400 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	02W	16	NE		NW		IRR	37.0
			NE		NW		STOCK	
			NW		NW		IRR	29.0
			NW		NW		STOCK	
			Section Acres					66.0
		17	SW		NE		IRR	40.0
			SW		NE		STOCK	
			SE		NE		IRR	40.0
			SE		NE		STOCK	
			NE		SE		IRR	11.0
			NE		SE		STOCK	
			NW		SE		IRR	10.0
			NW		SE		STOCK	
			Section Acres					101.0
			Total Acres					167.0

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13. Other Water Rights Used:
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14. Remarks:
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15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN T. MUIR
Decree Plaintiff

vs

WILLIAM ALLISON
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: -1-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Austin Robbins Jr. Date: 8/1/89
Ruth E. Robbins Date: 8/1/89

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of August 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994