

67-14545

Priority Date

Claimant wants recommended priority date of 3/15/1946. Recommended priority date is 3/15/1946. No changes warranted.

Agreed
C. Lytham
12-18-06

12/08/2006

NOTICE OF ERROR

REPLY

RECEIVED
DEC 8 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: 67-14545

SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER, PA 15658-0780
Telephone Number: (724) 238-6731

- Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Priority Date

Describe the changes you wish to make in the proposed recommendation:

Priority Date: Change priority date to 03/15/1946

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

Priority Date: The recommended date is incorrect.

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

DATE: December 8, 2006

SIGNATURE: _____



Please print your name:

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of record for Seward Prosser Mellon

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

? I don't know what they are asking for.

✓ by the
12-18-06

SCANNED

DEC 11 2006 BOI_MT2:635304.1

09/20/2006

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

RIGHT NUMBER: 67-14545

NAME AND ADDRESS: SEWARD PROSSER MELLON
PO BOX RKM
LIGONIER PA 15658-0780

SOURCE: SPRINGS

TRIBUTARY: DEER CREEK

QUANTITY: 0.030 CFS

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

PRIORITY DATE: 03/15/1946

POINT OF DIVERSION:

T13N R04W S31 SENWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.030 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

T13N R04W S31 NWSE

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

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

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
Stockwater use is for 125 range cattle.



Idaho Department of Water Resources

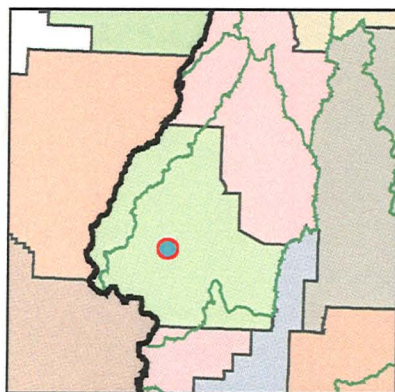
SRBA Recommendation:

67-14545

(Stockwater)

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by C. Saxton
On Wednesday, September 20, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14545 V1

WATER RIGHT NUMBER: 67-14545 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SEWARD PROSSER MELLON PO BOX RKM LIGONIER, PA 15658-0780 (724) 238-6731
Original Owner	JAMES M DAVIES BOX 392 KETCHUM, ID 83340 (208)726-3259
Original Owner	DAVID J JENSEN 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086
Original Owner	NELLIE A TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086
Original Owner	GEORGE D TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086

Priority Date: 03/15/1946

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	DEER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

SPRINGS	SE1/4NW1/4SE1/4	Sec. 31, Twp 13N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
13N	04W	31														X			

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14545 V1

Conditions of Approval:

1. X02 Stockwater use is for 125 range cattle.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. csaxton 9/20/2006 Priority

Comment: This is a split portion of a right that originally had irrigation associated with it. Recommend the priority date the same as the date recommended for the irrigation split (67-14546).

2. csaxton 9/20/2006 Stock

Comment: Original parent statutory claim listed 150 head of stock. 67-14546 was recommended with 25 stock with leaves 125 stock for this right.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 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>
Summary			09/20/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/20/2006 4:56:00 PM	csaxton	Updated shape
POU	9/20/2006 4:56:36 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14545 V1

Summary	9/20/2006 4:59:58 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? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
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Water Supply Bank:

Split history for Decreed Right 67-04053

WR

Claimed

67-04053 Tarter		67-04053 Davies		67-14545 Davies		67-14545 Davies	
0.65	cfs	0.65		0.03		0.03	
9.5	ac	10		0	Stock Only	0	
0	af	0		0		0	
				67-14546 Soulier		67-14546 Soulier	
				0.62	Amended	0.62	
				10		12	Additional Acreage paid for
				0		0	

SRBA claimed owership wnet from Tater to Jensen to Davies

Sum CFS =	0.65
Sum Acre=	10
Sum AF =	n/a

Un-accounted CFS =	0
Un-accounted Acre =	0
Un-accounted AFA =	n/a

Sum CFS =	0.65
Sum Acre=	12
Sum AF =	N/A

Un-accounted CF	N/A
Un-accounted Ac	N/A
Un-accounted AF	N/A

*Last updated 4-5-05 (csaxton)

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

Soulter

67-14845

Davies

67-14845

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4053

WATER RIGHT NUMBER: 67-4053

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES M DAVIES BOX 392 KETCHUM, ID 83340 (208)726-3259
Original Owner	DAVID J JENSEN 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086
Original Owner	NELLIE A TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086
Original Owner	GEORGE D TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086

For split:

Priority Date: 06/01/1923

Basis: Statutory Claim

Status: Active

Source

SPRINGS

Tributary

DEER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.600 CFS	0.60
STOCKWATER	1/01 to 12/31	0.050 CFS	0.02 0.03
		<u>Total Diversion:</u>	0.650 CFS 0.62 0.03

Location of Point(s) of Diversion

SPRINGS NE1/4NE1/4NW1/4 Sec. 31, Twp 13N, Rge 04W, B.M.
WASHINGTON County

SPRINGS SE1/4NW1/4SE1/4 Sec. 31, Twp 13N, Rge 04W, B.M. - stays w/original owner
WASHINGTON County

SPRINGS NE1/4SW1/4SW1/4 Sec. 31, Twp 13N, Rge 04W, 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	
13N	04W	31											2.0	8.0					10.0

Total Acres: 10

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-4053

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N 04W 31					X					X	X			X			

Conditions of Approval:Remarks:

1. General AC. IRR.=9.5.
2 P/D IN NW SW, S31, T13N, R4W.
*CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 6/29/93.

Comments:Dates and Other Information:

Claim Received Date: 10/12/1989
 State or Federal: S
 Owner Name Connector: OR
 Mitigation Plan: False

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 67-14545
Date Received: 4/4/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

SEWARD PROSSER MELLON Phone:

PO BOX RKM
LIGONIER PA USA 15658-0780

2. Date of Priority: 06/01/1923

3. Source: SPRINGS Trib. to: DEER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	04W	31	SE NW SE	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.03 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
13N	04W	31	NW SE	STOCKWATER	

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 the result of splitting 67-04053 into 67-14545 and 67-14546 per change of ownership (csaxton 4-4-05).

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 20, 2005

SEWARD PROSSER MELLON
PO BOX RMK
LIGONIER PA 15658-0780

RE: Notice of claim to a water Right No. 67-14545

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Original Snake River Basin Adjudication claim 67-04053 was split into two new claims 67-14545 and 67-14546. Your portion of this split is 67-14545.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

Split history for Decreed Right 67-04053

WR History

67-04053	Tarter
0.65	cfs
9.5	ac
0	af

Claim History

67-04053	Davies
0.65	
10	
0	

67-14545	Davies
0.03	
0	
0	
67-14546	Soulier
0.62	
10	
0	

c/o 7-20-05
Stock Only

Amended

67-14545	Prosser Mellon
0.03	
0	
0	
67-14546	Soulier
0.62	
12	
0	

Additional Acreage paid for

SRBA claimed ownership wnet from Tater to Jensen to Davies

Sum CFS =	0.65
Sum Acre=	10
Sum AF =	n/a

Un-accounted CFS =	0
Un-accounted Acre =	0
Un-accounted AFA =	n/a

Sum CFS =	0.65
Sum Acre=	12
Sum AF =	N/A

Un-accounted CF	N/A
Un-accounted Ac	N/A
Un-accounted AF	N/A

**Last updated 7-20-05 (csaxton)*

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

MEMORANDUM

Date: June 7, 2005

To: File

From: Monica Van Bussum

Notes: This memo is **2 pages**.

67-04053 is a split right and is set to "Parent" status. It was split into 67-14545 and 67-14546 per change of ownership done by csaxton (4-4-05).

Before the latest change of ownership (stamped "Received Oct 21 2003" and "Received Nov 13 2003") can be processed, we must locate files 67-14545 and 67-14546. Copies of claims for 67-14545 and 67-14546 are attached to this memo.

Current IDWR Information for splits from 67-04053

14545

Claimant: James Davies

Claimed POU

13N 04W 31

NWSE

14546

Claimants: George and Jeri Soulier

Claimed POU

13N 04W 31

NENW

W1/2SW (NWSW & SWSW)

New ownership information based on change of ownership forms for 67-4053

Oct 21 2003: Davies to Soulier

This is file 67-14546

13N R04W 31

Lots 1, 2, 3 and 4, E1/2W1/2

Here, taxlot data reports Soulier as current owner. Change of ownership matches taxlot data and claim form.

Nov 13 2003: Davies to Seward Prosser Mellon

This is file 67-14545

S1/2 Lot 4, SE1/4SW1/4

NE1/4

W1/2SE1/4

Here, taxlot data reports Prosser Mellon as current owner. Change of ownership matches taxlot data, but not claim form.

Conclusion: 14546 appears to be okay without changes. 14545 appears to need change of ownership from Davies to Prosser Mellon. Okay to change 67-14545 in entirety once the file is located.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner

Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Peter Benjamin McLaughlin
Bradley J. Dixon
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

November 12, 2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise, Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED

NOV 13 2003

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Notice of Change of Ownership
MTBR&F File No. 18977.4

To Whom It May Concern:

I am enclosing a Notice of Change of Ownership for water right number 67-04053. The Notice of Change of Ownership also includes a filing fee in the amount of \$25.00.

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

Very truly yours,


Angela Schaer Kaufmann

ASK/dll
Enclosure
cc: Ross Kane
Seward Prosser

Warranty Deed says this does not
result in a change of the present
land usage.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2003

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD
101 S CAPITOL BLVD, 10TH FLOOR
PO BOX 829
BOISE ID 83701-0829

RE: Water Right No. 67-4053

To Whom It May Concern:

This office has received the Notice of Change of Water Right Ownership (copy enclosed), recently submitted for Seward Prosser Mellon. We also received check number 169527 in the amount of \$25; however, we are returning it to you, as the ownership change fee is *not required* for this particular water right. This water right has not yet been decreed by the SRBA Court. The ownership change is being processed and copies will be mailed upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield". The signature is written in dark ink and is positioned above the printed name and title.

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

P.O. Box 829
Boise, Idaho 83701

WELLS FARGO BANK NORTHWEST, N.A.
BOISE, IDAHO
92-379 / 1241

CHECK NO.

16952

NOT VALID UNLESS
NEGOTIATED WITHIN 90 DAYS

DATE

AMOUNT

11/12/03

\$25.00

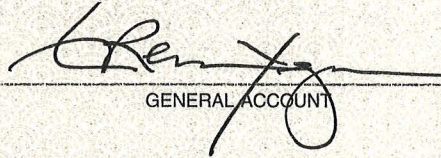
PAY

TWENTY-FIVE AND 00/100

TO THE
ORDER
OF

Idaho Dept of Water Resources

COPY


GENERAL ACCOUNT **MP**

⑈ 169527 ⑈ ⑆ 124103799⑆0030084230⑈

Idaho Dept of Water Resources
CONTROL: 169527

16952

INVOICE NO:

DESCRIPTION:

VOUCHER:

AMOUNT:

18977.0004

filing fee for notice of

188806

25.00

TO

Idaho Dept of Water Resources

Moffatt Thomas Barrett Rock & Fields Chartered

P.O. Box 829 • Boise, Idaho 83701

(208) 345-2000

Fax No.: (208) 385-5384

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

RECEIVED

NOV 13 2003

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
<u>67-04053</u>	<u>67-04053</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

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**. **SEE**

ATTACHMENT A

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). **SEE**

OR

ATTACHMENT B

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) James M. Davies
Box 392, Ketchum, ID 83340
4. New Owner/Claimant(s) Seward Prosser Mellon
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box RKM
 City, State and ZIP Code Ligonier, PA 15658-0780
 New Telephone Number (724) 238-6731
5. Date you acquired the property October 19, 1999

SEE ATTACHMENT C

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>67-04053</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	<u>.04 cfs</u>	
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) *Edward Thomas Miller*
(include title if applicable) owner

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

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

EXCHANGE AGREEMENT

THIS AGREEMENT made and entered into this 19th day of October, 1999, by and between SEWARD PROSSER MELLON, a married man dealing with his sole and separate property, hereinafter referred to as "Mellon", and THE DAVIES FAMILY LIMITED PARTNERSHIP, by and through partner, JAMES M. DAVIES, hereinafter referred to as "Davies".

W I T N E S S E T H:

WHEREAS, each of the parties hereto own certain real property located in Washington County, Idaho, more particularly described in the attached Exhibits "A" and "B", and

WHEREAS, the parties desire to exchange those properties one for the other, and

WHEREAS, the parties desire to set forth their agreements concerning that exchange in writing.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements between the parties hereto, IT IS HEREBY AGREED AS FOLLOWS:

1. MELLON TO DAVIES PROPERTY: The parties acknowledge that the attached Exhibit "A" is a Warranty Deed from Mellon to Davies. That on the signing of this agreement, Mellon shall execute the Warranty Deed attached hereto as Exhibit "A" transferring free and clear title in and to the property described therein to Davies, free and clear of any indebtedness or encumbrances.

2. DAVIES TO MELLON PROPERTY: The parties acknowledge that the attached Exhibit "B" is a Warranty Deed from Davies to Mellon. That on the signing of this agreement, Davies shall execute the Warranty Deed attached hereto as Exhibit "B" transferring free and clear title in and to the property described therein to Mellon, free and clear of any indebtedness or encumbrances.

Each party represents to the other that all taxes for 1998 and prior years shall be paid by the party in possession of that property prior to this exchange. All 1999 taxes and taxes assessed thereafter will be paid by the party in ownership of the properties after the exchange has been completed.

3. TITLE INSURANCE: Each party agrees to provide title insurance to the other in the amount of \$24,000.00. Costs of those premiums to each is the sum of \$234.00.

4. SURVEY COSTS: The parties further agree that the boundary line between their two properties has been surveyed through surveyor, Roland Mullinix, and that costs of that survey have been or will be divided one-half to each.

5. FENCING: The parties acknowledge that the property has been fenced along the new boundary created by the exchange of lands herein referenced. Costs of that fencing have been or will be divided one-half to each.

6. NON-SUBDIVISION: The parties are aware that under Washington County Ordinance 6-2-2, a subdivision is defined as the result of an act of dividing an original lot, tract or parcel of land into more than four (4) parts for the purpose of transfer of ownership or development. However, this title does not apply to: (F) the exchange of land which does not result in the change of the present land usage.

Both parties acknowledge and agree that this exchange of land is made for the purpose of adjusting boundary lines for the purposes of making both ranches more profitable for range and grazing purposes.

Both parties agree to take whatever action is necessary to insure that planning and zoning personnel and the County Commissioners, or other County officials recognize this division as a non-subdivision.

The parties further agree that the following wordage shall be placed on each party's Warranty Deed:

"That this Warranty Deed is granted as an exchange of like properties (in consideration of a grant of Warranty Deed from Grantee recorded this date), for the purpose of adjusting boundary lines. This exchange of land does not result in the change of the present land usage."

7. ATTORNEY'S FEES AND COSTS: Each party shall pay their own attorney's fees incurred in this matter. Recording fees will be divided one-half to each.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Seward Prosser Mellon
Seward Prosser Mellon

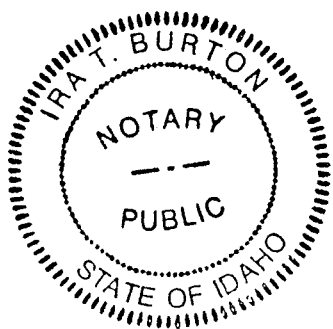
THE DAVIES FAMILY LIMITED
PARTNERSHIP

By: James M. Davies
James M. Davies, Partner

STATE OF IDAHO)
County of Washington) ss.

On this the 19th day of OCTOBER, 1999, before me the undersigned, a Notary Public in and for said State, personally appeared SEWARD PROSSER MELLON, a married man dealing with his sole and separate property, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



Ira T. Burton
Notary Public for said State
Residing at Weiser

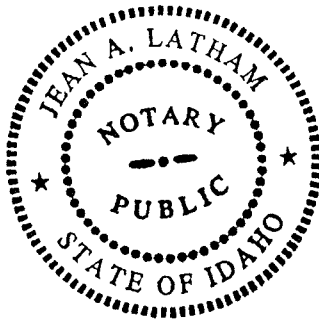
STATE OF

)
) ss.

County of

On this the 10th day of November, 1999, before me the undersigned, a Notary Public in and for said State, personally appeared JAMES M. DAVIES, Partner, The Davies Family Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



Jean A. Latham
Notary Public for said State
Residing at Blaine Co.

(Optional)

Recorded
Microfilmed
Indexed☐
☐
☐Platted
Deed Card
Compared☐
☐
☐Key Punched
Master File
Abstracted☐
☐
☐

To Treasurer

☐
☐

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

SEWARD PROSSER MELLON, a married man dealing with his sole and separate property, GRANTOR(S)
of _____ County of _____ State of Idaho
hereby CONVEYS, GRANTS and WARRANTS TO

THE DAVIES FAMILY LIMITED PARTNERSHIP

GRANTEE(S)

whose current address is

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars (\$ 10.00)

the following described tract(s) of land in Washington

County, State of Idaho:

TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, WASHINGTON
COUNTY, IDAHO:

Section 6: Lots 3 and 4;

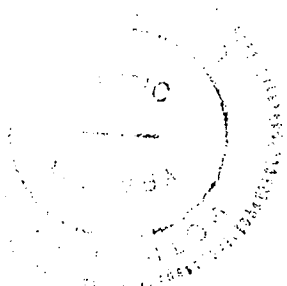
TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, WASHINGTON
COUNTY, IDAHO:

Section 31: S1/2 of Lot 4, SE1/4SW1/4;

TOWNSHIP 13 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON
COUNTY, IDAHO:

Section 36: SE1/4NE1/4 and NE1/4SE1/4.

That this Warranty Deed is granted as an exchange of like properties
(in consideration of a grant of Warranty Deed from Grantee recorded this
date), for the purpose of adjusting boundary lines. This exchange of
land does not result in the change of the present land usage.



Location of above described property _____

House No. _____

Street _____

Eph A
1212

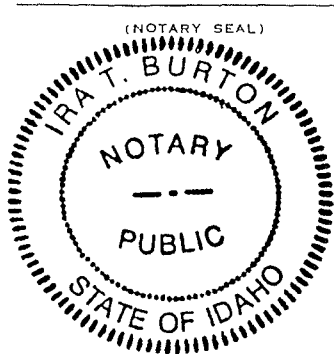
WITNESS the hand of said Grantors this

19¹²

day of OCT

A.D. 19 99

Seward Prosser Mellon
Seward Prosser Mellon



State of Idaho

County of WASHINGTON } ss.

On the 19 day of OCTOBER A.D. 1999

personally appeared before me SEWARD PROSSER MELLON, a married man dealing with his sole and separate property,

the signer(s) of the within instrument, who duly acknowledged to me that he executed the same.

Ira T. Burton

(NOTARY PUBLIC)

Residing at: Weiser

My Commission expires: Sept 29 2004

MAIL DEED TO:

MAIL TAX NOTICE TO:

Name Davies Family Limited Partnership

Address

City & State

Zip

No.

WARRANTY DEED

—TO—

Dated _____, 19____

STATE OF IDAHO

ss.

County of _____

I hereby certify that this instrument was filed for record at request of _____

at _____ minutes past _____

o'clock _____ M., this _____ day _____

of _____, A.D. 19____

in my office, and duly recorded in Book _____

of _____ at page _____

Ex-Officio Recorder.

By _____ Deputy.

Fees \$ _____

Eph "A"
Page 2 of 2

(Optional)

Recorded	☐	Platted	☐	Key Punched	☐	To Treasurer	☐
Microfilmed	☐	Deed Card	☐	Master File	☐		☐
Indexed	☐	Compared	☐	Abstracted	☐		

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

THE DAVIES FAMILY LIMITED PARTNERSHIP, by and through partner, JAMES M. DAVIES,
 of _____ County of _____ GRANTOR(S)
 hereby CONVEYS, GRANTS and WARRANTS TO State of Idaho
 SEWARD PROSSER MELLON, a married man dealing with his sole and separate GRantee(S)
 property,
 whose current address is
 for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars (\$10.00)
 the following described tract(s) of land in Washington County, State of Idaho:

In Township 13 North, Range 4 West of the Boise Meridian,
 Washington County, Idaho:

Section 31: NE1/4 and W1/2SE1/4.

That this Warranty Deed is granted as an exchange of like properties
 (in consideration of a grant of Warranty Deed from Grantee recorded
 this date), for the purpose of adjusting boundary lines. This
 exchange of land does not result in the change of the present land
 usage.

Location of above described property _____
 House No. _____ Street _____

Exp. "B"
 1-1-7

WITNESS the hand of said Grantors this

day of

A.D. 1999

THE DAVIES FAMILY LIMITED PARTNERSHIP

By:

James M. Davies

(NOTARY SEAL)

State of Idaho
County of

ss. On the day of A.D. 19 99

personally appeared before me JAMES M. DAVIES, Partner, The Davies Family
Limited Partnership

the signer(s) of the within instrument, who duly acknowledged to me that he
executed the same.

(NOTARY PUBLIC)

Residing at:

My Commission expires:

MAIL DEED TO:

MAIL TAX NOTICE TO:

Name Seward Prosser Mellon

Address

City & State

Zip

No.

WARRANTY DEED

—TO—

Dated , 19

STATE OF IDAHO

County of ss.

I hereby certify that this instrument was
filed for record at request of

at minutes past

o'clock M., this day

of , A.D. 19

in my office, and duly recorded in Book

of at page

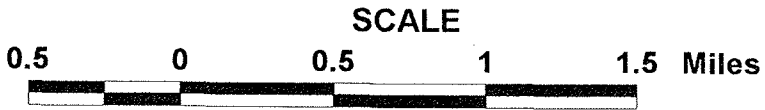
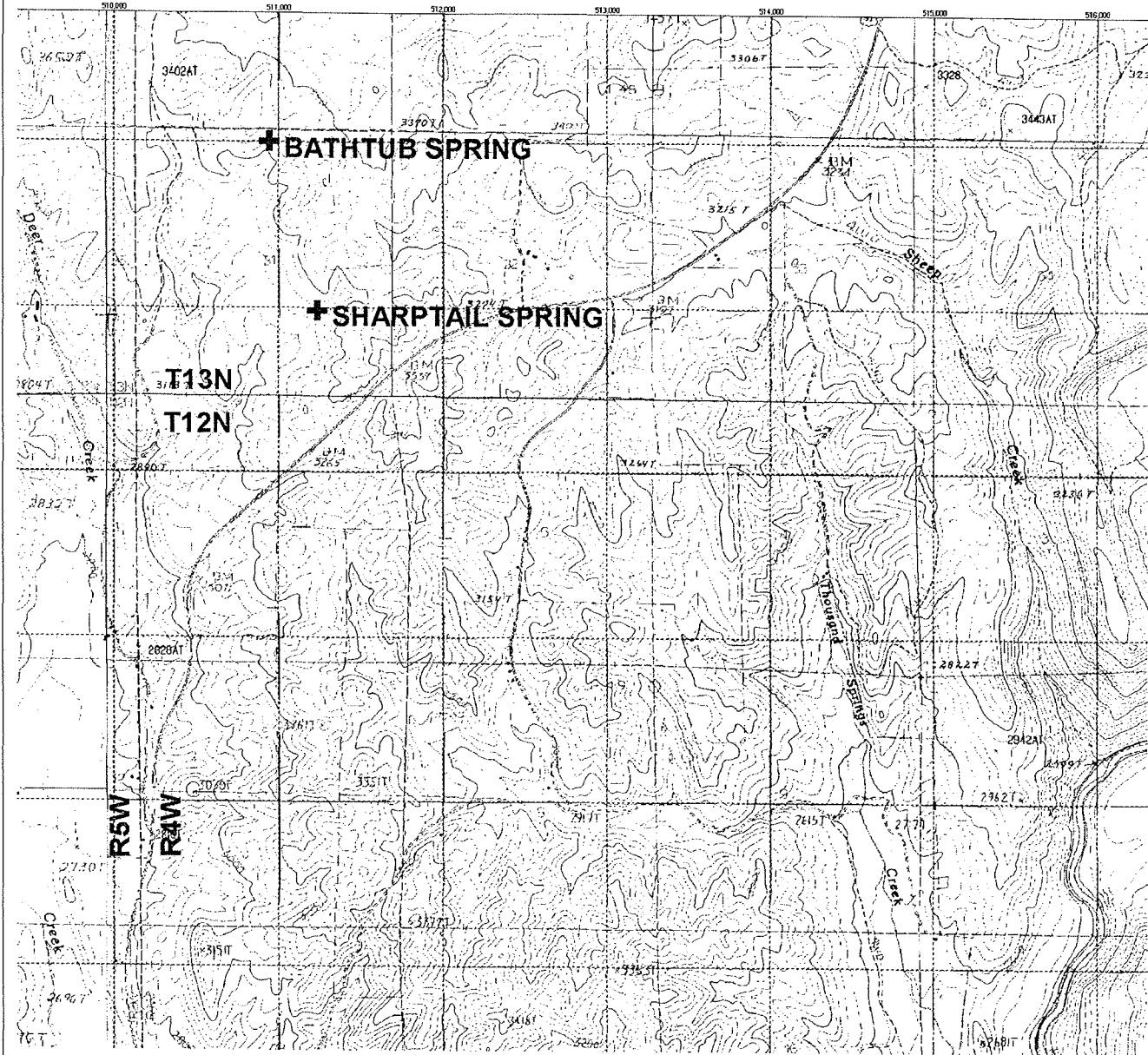
Ex-Officio Recorder.

By Deputy.

Fees \$

Exh B
Page 2 of 2

Point of Diversion Map for Davies Water Rights



**NOTICE OF CHANGE OF OWNERSHIP
WATER RIGHT NO. 67-04053**

ATTACHMENT C

On or about October 19, 1999, Mr. Mellon acquired certain real property from the Davies Family Limited Partnership, by and through its partner James M. Davies. (Attachment A to Notice of Ownership). Two of the springs described as points of diversion for water right number 67-4053 are appurtenant to the property now owned by Mr. Mellon.

One point of diversion is described as Township 13N, Range 4W, Section 31, the SENWSE. Mr. Mellon's ranch manager has named that spring "Sharptail Spring." Ownership of that point of diversion should be changed to Mr. Mellon.

Mr. Mellon retained the services of Sherl Chapman, a registered professional geologist, to map and otherwise describe the exact location of the springs on his property. Mr. Chapman used GPS to determine that a spring was located in Township 13N, Range 4W, Section 31, the NWNE. Mr. Mellon's ranch manager has named that spring "Bathtub Spring." Mr. Chapman has indicated that the spring is located very close the dividing line between the Northwest and the Northeast quarter sections of Section 31, but his GPS readings indicate that the spring is indeed in the NWNE, and thus is appurtenant to Mr. Mellon's property. Rather than a change in point of diversion necessitating a transfer application, this should be viewed as a clerical change to more accurately reflect the legal description of the point of diversion.

Therefore, the point of diversion which is currently described as Township 13N, Range 4W, Section 31, NENENW is more accurately described as Township 13N, Range 4W, Section 31, NWNE. Ownership should be changed to Mr. Mellon.

Ownership of the point of diversion located at Township 13N, Range 4W, Section 31, NESWSW properly remains with Davies.

Ownership of those portions of the place of use for water right number 67-04053 which are located in Township 13N, Range 4W, Section 31, NE 1/4 and the W1/2 of the SE 1/4 should be changed to Mr. Mellon. The other-described places of use should remain with Davies.

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

RECEIVED

OCT 21 2003

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
67-4053		NO			

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)

JAMES M. DAVIES

BOX 392 KETCHUM, ID 83340

4. New Owner/Claimant(s)

GEORGE R. + OR JERI L. SOLLIER

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

New Mailing Address

~~1261 LONG RD~~ 1840 E. FORK RD

City, State and ZIP Code

WEISEN, ID 83672

New Telephone Number

(208) 549-0009

5. Date you acquired the property

1/4/02

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 _____		
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) _____
(include title if applicable)

James R. Boulieu
Jim L. Boulieu

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			
Received by <u>DH</u>	Date <u>10-21-03</u>	Fee <u>0</u>	
Receipted by _____	Date _____	Receipt No. _____	
Processed by _____ AJ	Date _____	WR _____	Date _____

RECEIVED

OCT 21 2003

WATER RESOURCES
WESTERN REGION

184790

Approved by:
Initials _____

WARRANTY DEED

FOR VALUE RECEIVED, THE DAVIES FAMILY LIMITED PARTNERSHIP, the Grantor, does hereby, grant, bargain, sell and convey unto GEORGE R. SOULIER and JERI L. SOULIER, husband and wife, the Grantees, whose address is 1267 Long Road, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

IN TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 6: Government Lots 3 and 4;

IN TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 31: Government Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$;

IN TOWNSHIP 13 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 36: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ 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 Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of December, 2001.

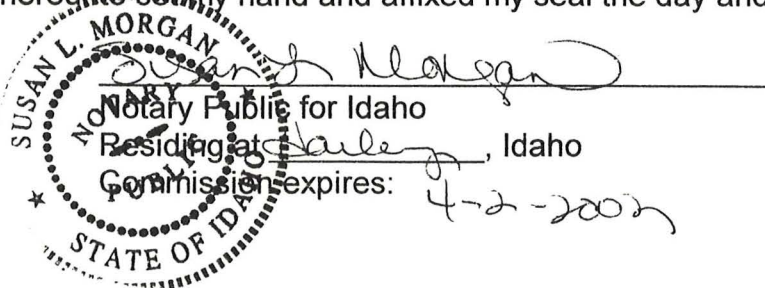
James M. Davies GP.
James M. Davies, General Partner

Patricia P. Davies - GP
Patricia P. Davies, General Partner

STATE OF IDAHO)
County of Blaine) : ss

On this 3rd day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared James M. Davies and Patricia P. Davies, (or proved to me on the oath of well known). To be the general partners in the partnership of THE DAVIES FAMILY LIMITED PARTNERSHIP, the general partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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



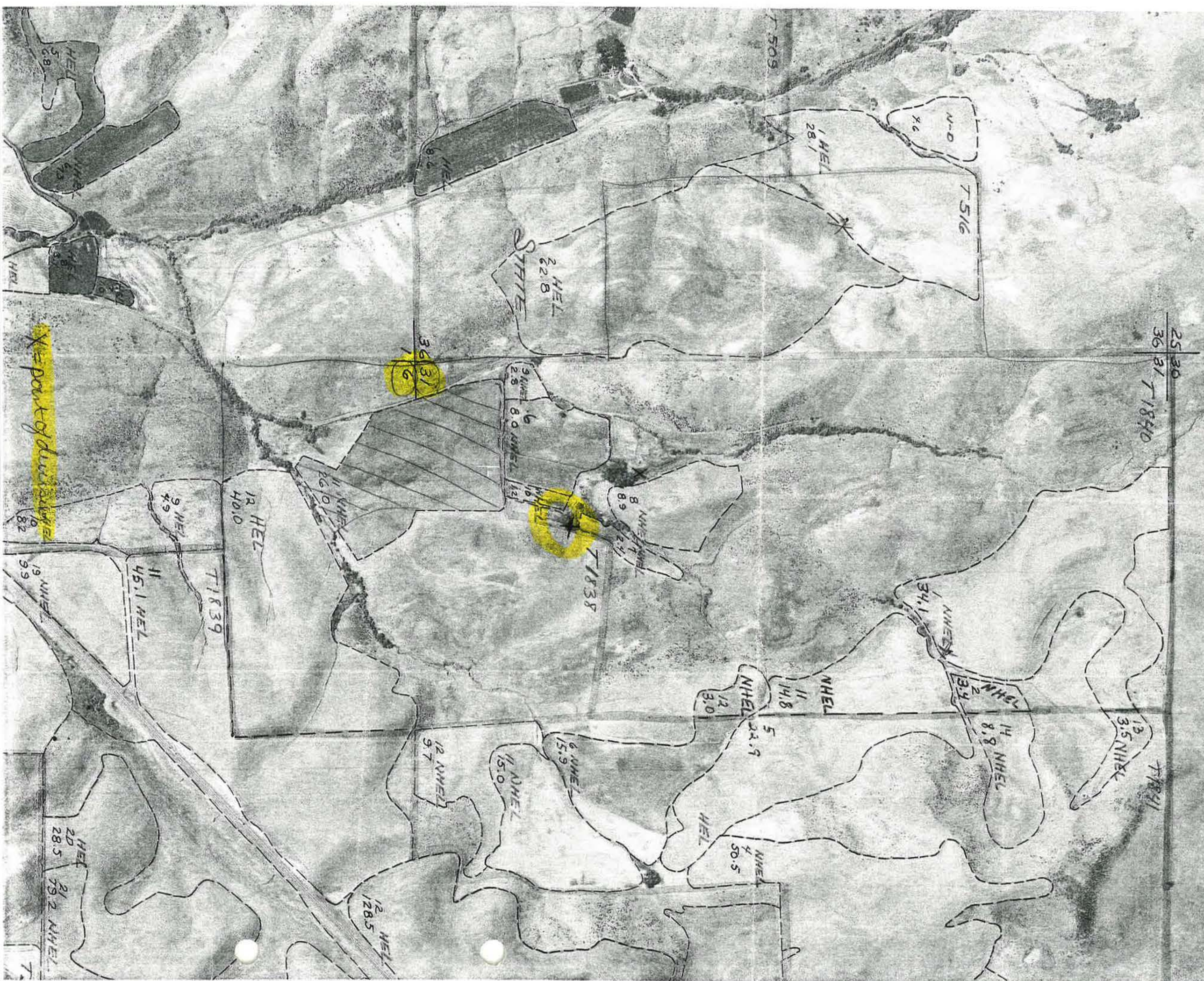
160037-889

6041

LEFT

R 4 W

T 13 N



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 67-14545
Date Received: 4/4/2005
Receipt No: M004909
Received By:

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

1. Name of Claimant(s)

JAMES M DAVIES Phone: (208)726-3259

BOX 392
KETCHUM ID USA 83340

2. Date of Priority: 06/01/1923

3. Source: SPRINGS Trib. to: DEER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	04W	31	SE NW SE	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.03 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
13N	04W	31	NW SE	STOCKWATER	

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 the result of splitting 67-04053 into 67-14545 and 67-14546 per change of ownership (csaxton 4-4-05).

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 5, 2005

JAMES M DAVIES
PO BOX 392
KETCHUM ID 83440

Re: Notice of Claim to a Water Right No. 67-14545

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Original Snake River Basin Adjudication claim 67-04053 was split into two new claims 67-14545 and 67-14546. Your portion of this split is 67-14545.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton', is written over a horizontal line.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

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

RECEIVED
MAR 30 2005
DEPARTMENT OF
WATER RESOURCES

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
<u> </u>	<u>67-4053</u>	☒	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. = N/A
- 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)

JAMES M. DAVIES
BOX 392 KETCHUM, ID 83340

4. New Owner/Claimant(s)

GEORGE R. & JERI L. SOULIER
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

1840 E. FORK RD

City, State and ZIP Code

WEISER, ID 83672

New Telephone Number

(208) 549-0009

5. Date you acquired the property

1/2002

SEE MAP with amended claim (see Craig)
 Ownership split = all except spring + stock use in NWSE S. 31

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>67-4053</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	<u>.60 CFS</u>	<u>10 acres</u>
Stock	<u>.02 CFS</u>	<u>25 RANGE CATTLE/HORSES</u>
Domestic	_____	_____
Other	_____	_____
Total	<u>.62 cfs</u>	

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) _____
(include title if applicable) _____

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
 Received by JZ Date 3/25/05 Fee N/A
 Receipted by — Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

OCT 21 2003

WATER RESOURCES
WESTERN REGION

184790

Approved by:

Initials _____

WARRANTY DEED

FOR VALUE RECEIVED, THE DAVIES FAMILY LIMITED PARTNERSHIP, the Grantor, does hereby, grant, bargain, sell and convey unto GEORGE R. SOULIER and JERI L. SOULIER, husband and wife, the Grantees, whose address is 1267 Long Road, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

IN TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 6: Government Lots 3 and 4;

IN TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 31: Government Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$;

IN TOWNSHIP 13 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 36: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ 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 Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of December, 2001.

James M. Davies GP.
James M. Davies, General Partner

Patricia P. Davies - GP
Patricia P. Davies, General Partner

STATE OF IDAHO)

County of Blaine) : ss

On this 3rd day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared James M. Davies and Patricia P. Davies, (or proved to me on the oath of well known). To be the general partners in the partnership of THE DAVIES FAMILY LIMITED PARTNERSHIP, the general partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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

Susan L. Morgan
Notary Public for Idaho
Residing at Idaho, Idaho
Commission expires: 4-2-2002

Instrument # 184790

WEISER, WASHINGTON, IDAHO

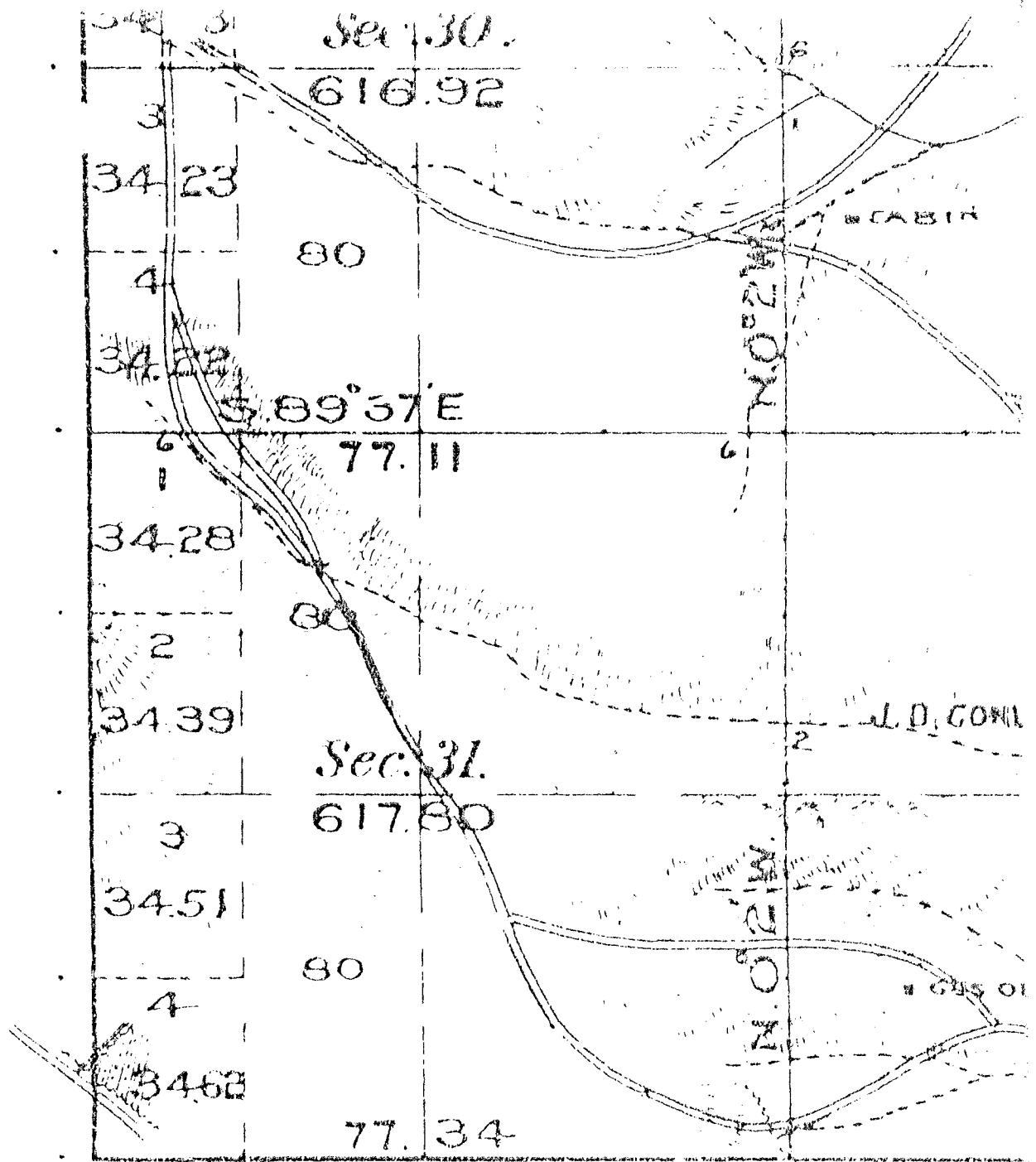
2002-01-04

10:58:00 No. of Pages: 1

M

13N
4W
m 5.31

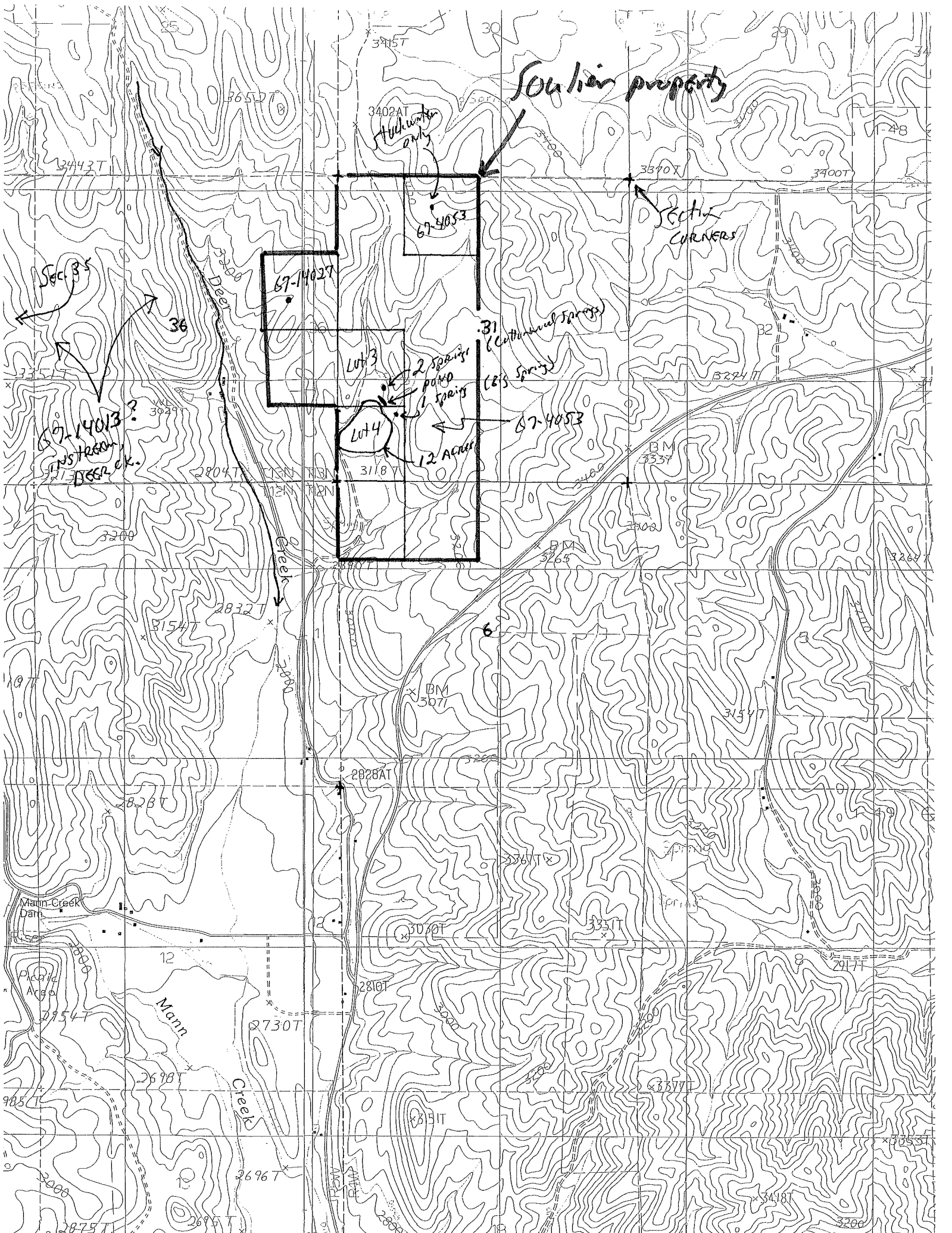
N



Lots 1-4 + $5\frac{1}{2}W\frac{1}{2}$ = $W\frac{1}{2}$ of Section

U

Surveys Designated	By Whom Surveyed	Date of
West Township lines	Oliver & Klippel	204 M
Subdivisions	Herman D. Gordon and James H. Robb	235 Jan
do (Resurvey)	"	"



Souther property

3402AT
Hickory
only

Section
CORNERS

Sec. 35

67-14013?
instream,
Deer ck.

B1
(Cathedral Springs)
(Big Spring)

2 Springs
pump
1 Spring

Lot 4

1.2 Acres

3 1/8 A

67-4053

BM
3337

6

BM
3077

2828AT

3030T

2810T

2730T

3351T

3357T

3418T

3053T

Mann Creek
Dam

Plastic
Area

Mann
Creek

Creek

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that GEORGE D. &/or NELLIE A. TARTER
(name of claimant)
of Rt. #2, Weiser, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Deer Creek.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) 4 springs

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	0.6	Use	Irrigation	Period of Use:	From	April 1	To	Oct. 31
Amount	0.05	Use	Stockwater	Period of Use:	From	Jan. 1	To	Dec. 31
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.65 cubic feet per second, or _____ acre feet
per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1923

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

Additional points of diversion: (1) NW $\frac{1}{4}$ SE $\frac{1}{4}$, (1) NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 31, T. 13 N., R. 4 W., B.M.

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Gravity irrigation & stock use from spring.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

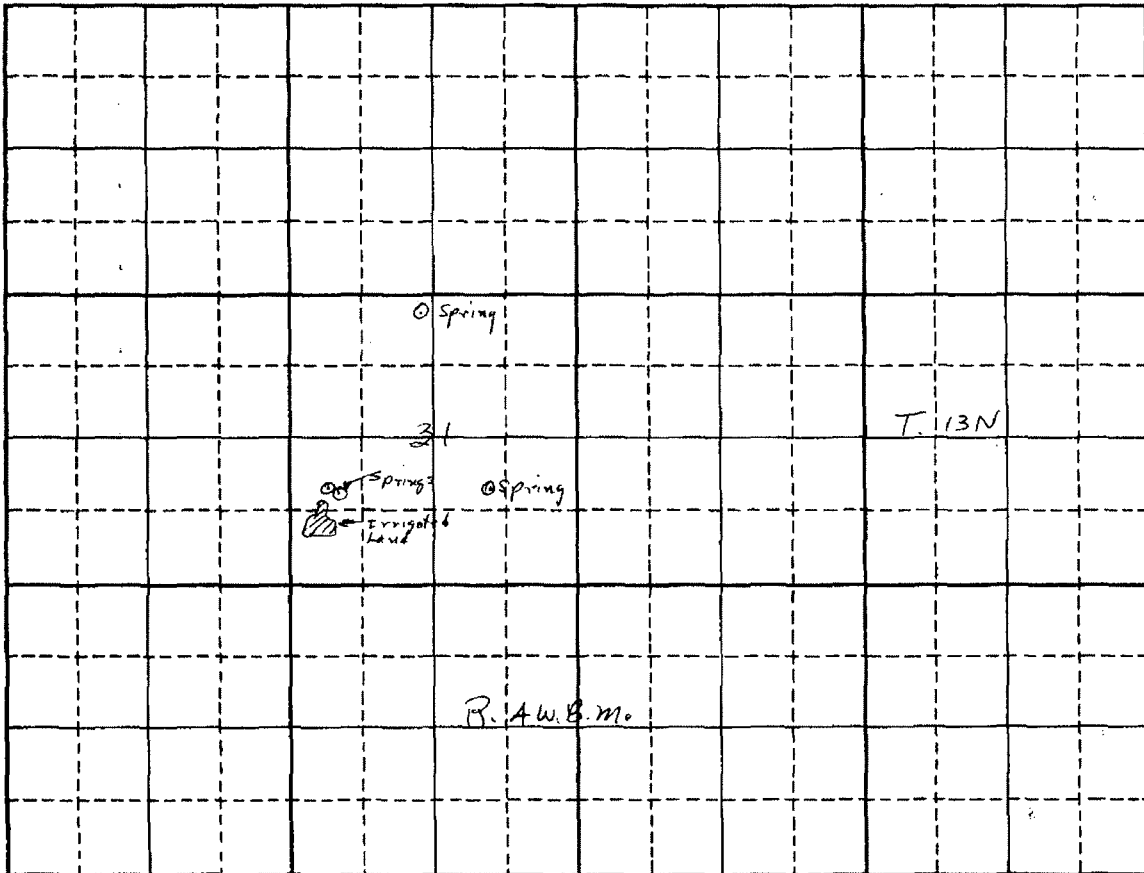
[illegible]

Total No. of acres 9.5

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater for 150 head beef stock.

- (7) If you are claiming water as a member of an organization, list name of organization:

67 4053

(8) Remarks Springs in NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31 are for stockwater use only.

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

George D. Tarter
(Claimant)

Sworn to before me this 22nd day of March, 1974

Emma Tarter
Notary Public
Residing at Boise, Idaho

My commission expires June 15, 1977

For Department Use Only

Received by <u>R.W.H.</u>	Date <u>3-22-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>3-22-74</u>		claimant by:	
\$10.00 fee received by <u>R.W.H.</u>	Date <u>3-22-74</u>	<u>recpt 14249</u>		
Approved for publication by				
Published in <u>Upper Country News Reporter</u>				
Dates <u>4-1-74</u> & <u>4-11-74</u>				