

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: A36-15298
Date Received: 2/13/1992
Receipt No: S014154
Received By: Sc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSEL WALLACE
Address: 1157 LAVINA AVE
TWIN FALLS ID 83301
208-736-1795

2. Date of Priority: MAR 15, 1957

3. Source: WASTE WATER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	19E	30	SW	NE	SW		JEROME

5. Description of diverting works:
POND WITH 56 HP DIESEL PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.080		

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

8. Total consumptive use is 162.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	19E	30	SW	SW	4	IRR	14.0
			SE	SW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	54.0
					Total Acres	54.0

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS PROPERTY IS ON THE TAIL END OF THE NORTH SIDE CANAL CO.
SYSTEM WHERE EXCESS WATER IS DRAINED OFF INTO SINK HOLES.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

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): Russel K. Wallace Date: 2-13-92

Date: _____

State of Idaho

County of

Twin Falls

) SS.
)

Subscribed and sworn (or affirmed) before me this 13th day

of February 19 92

John C. Bell
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

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R18E

R19E

KIMBERLY QUADRANGLE
IDAHO

7.5 MINUTE SERIES (ORTHOPHOTOQUAD)

POD

CLAIM A36-15298 INIT su

T. R. S. Q/Q
P/D 9S 19E 30 SWNESW

PHOTO

DT.&ID. BB74 1976

A36-15298

WALLACE

T9S

T10

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Idaho Department of Water Resources

Fee Calculation

Time: 08:52:34

Late Fee: 50.00

154.00

Fee

Free

Fee

104.00

(GOLD1=CALC FEE) (GOLD2=CALC FEE/LATE CHG) (GOLD3=RECALC TOTAL) (GOLD4=PREVIOUS)
(GOLD5=NEXT) (GOLD6=ADD AR RECORD) (GOLD7=RECEIPT) (GOLD8=CANCEL) (Menu)

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CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A36-15298

RE: VALIDATION OF CLAIM

DATE 1-21-92

NAME OF PARTY

LORETTA WALLACE (CLAIMANT'S WIFE) 736-1795

I called and spoke to Mrs. Wallace.

I explained, I wanted to know if he intends to pursue the claim for Wash. Water he filed in 11-18-91. Needs a payment and signature.

She took my name and number with the message.

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1

RECEIVED

MAR 20 1992

Department of Water Resources
Southern Region Office

Claim A3615 298

I Jack Parrott from my own personal knowledge + from land titles + legal documents I received from Mike Orical Randall who owned the land + used the waste water and from his wife Clara Randall. Herman Mangum and John Mangum both uncles of Clara Randall lived on the lower place where the waste water first came onto the property. They used the water for a vineyard, Orchard garden and pasture, this was in the late 1940's.

The first obstruction in the form of a dam was in place as early as 1919 on the upper place for the purpose of diverting water for irrigation. This was in place and being used at the time Orical Randall purchased the land on April 4, 1952. The first electric pump was installed in 1950. In 1955 Mr. Randall installed a larger pump and an underground pipe line. He installed a large head gate for diverting the water, built a large holding pond and dug a canal to feed the ponds. In March 1978 I purchased the land from Clara Randall after Mr. Randall passed away. I built another diversion + two more ponds for holding water. I installed a sprinkler system, and pump pond, in 1979. With the sprinkler system we had enough water for almost 60 acres, and with the holding ponds we cleaned all sediments from the water before it went back into the

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FEB 9 1997

2

ground To contaminate the ground.
water. All water that leaves this farm
goes into the lava rock and underground.
This is the last place on ditch that has
water shares.

I sold this farm to Russel
Wallace in 1989.
Mr Oriel Randall was my father,
in law.

Jack Parrott March 20, 1992

"State of Idaho)

) ss

County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 20th day of
March, 1992."

Notary Public for the State of Idaho

Rebecca Swan

Commission expires 12/23/97/

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FEB 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

MARCH 6, 1992

R. KEITH HIGGINSON
Director

RUSSEL WALLACE
1157 LAVINA AVE
TWIN FALLS ID 83301

**** PROOF OF PRIORITY ****
**** DEADLINE: MARCH 23, 1992 ****

RE: EVIDENCE OF PRIORITY - CLAIM A36-15298

DEAR MR. WALLACE,

OUR RECORDS INDICATE THAT YOUR CLAIM LISTED ABOVE IS BASED UPON A "BENEFICIAL USE" OF WATER. FOR WATER RIGHTS OF THIS TYPE, THE CLAIMED "PRIORITY DATE" MUST BE SUBSTANTIATED WITH SUPPORTING EVIDENCE.

BEFORE THE DEPARTMENT CAN MAKE A RECOMMENDATION TO THE COURT TO DECREE THE CLAIM, SOME EVIDENCE OF THE PRIORITY DATE MUST BE SUBMITTED. WE ARE ENCLOSING A BROCHURE OUTLINING THE TYPES OF EVIDENCE YOU MAY SUBMIT AND A PRINTOUT OF YOUR CLAIM FOR REFERENCE. WE REQUEST THAT YOU SUBMIT YOUR EVIDENCE OF PRIORITY AS SOON AS POSSIBLE. IF WE DO NOT RECEIVE THE REQUESTED DOCUMENTATION, YOUR CLAIM WILL BE RECOMMENDED FOR DISALLOWAL DUE TO LACK OF EVIDENCE SUPPORTING ANY PRIORITY DATE.

PLEASE SUBMIT THE REQUIRED EVIDENCE SUPPORTING THE PRIORITY DATE BY MARCH 23, 1992. PLEASE REFERENCE THE CLAIM NUMBER ON YOUR CORRESPONDENCE. IF YOU HAVE QUESTIONS OR NEED OTHER ASSISTANCE PLEASE CONTACT THIS OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

ENCLOSURE

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FEB 09 1993

1

RECEIVED

MAR 20 1992

Department of Water Resources
Southern Region Office

Claim #3615 298

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not personal knowledge

what proof?

Mr. Randall's account.

Affiant's testimony

Describes upper system

Personal knowledge

Describes system as filed with permit

The first obstruction in the form of a dam was in place as early as 1919 on the upper place for the purpose of diverting water for irrigation. This was in place and being used at the time Oriol Randall purchased the land on April 4, 1952. The first electric pump was installed in 1950. In 1955 Mr. Randall installed a larger pump and an underground pipe line. He installed a large head gate for diverting the water, built a large holding pond and dug a canal to feed the pond. In March 1978 I purchased the land from Clara Randall after Mr. Randall passed away. I built another diversion + two more ponds for holding water. I installed a sprinkler system, and pump pond, in 1979. With the sprinkler system we had enough water for almost 60 acres, and with the holding ponds we cleaned all sediments from the water before it went back into the

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"State of Idaho)

) ss

County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 20th day of

March, 1992"

Notary Public for the State of Idaho

Rebecca Swan

Commission expires 12/23/97/

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FEB 09 1993

1 IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
2 STATE OF IDAHO, IN AND FOR THE COUNTY OF JEROME.

3 WILLIAM MacLEOD,)

4 Plaintiff,)

5 -VS-

6 MIKE RANDALL,)

7 Defendant.)

FINDINGS OF FACT AND

CONCLUSIONS OF LAW.

8
9 This matter came on regularly for trial before the Court
10 sitting without a jury on November 7th and 8th, 1956, the plaintiff
11 appearing in person and by Robert W. Stephan and Edward H. Heap of
12 Stephan, Stephan & Heap, his attorneys, and the defendant appearing
13 in person and by John H. Daly and Clifford E. Fix of Parry, Robert-
14 son & Daly, his attorneys, evidence both oral and documentary having
15 been introduced on behalf of each of the parties and the Court having
16 considered the same, and the matter having been argued and reargued
17 and submitted to the Court for decision, and the Court being fully
18 advised in the premises now makes the following findings of fact and
19 conclusions of law.

20 FINDINGS OF FACT

21 I.

22 That plaintiff owns, among other lands, the following des-
23 cribed real property situated in Jerome County, Idaho:

24 The North Half (N $\frac{1}{2}$) of Section Thirty-Five (35)
25 and the Northwest Quarter of the Northwest Quarter
(NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-Six (36) Township Nine
(9) South, Range Eighteen (18) E.B.M.

26 II.

27 That defendant owns, among other lands, the following des-
28 cribed real property situated in Jerome County, Idaho:

29 The Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty (30),
30 Township Nine (9) South, Range Nineteen (19) E.B.M.

31 III.

32 That on October 5, 1951, plaintiff was granted a license

1 by the State Reclamation Engineer to use, upon the Southwest Quarter
2 of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-Five (35), Town-
3 ship Nine (9) South, Range Eighteen (18) E.B.M. with a priority date
4 of June 5, 1946, .2 of a cubic foot per second, or 10 miner's inches
5 of the waters of an unnamed stream, the source of which is waste
6 water from the lands served by the North Side Canal Company and which
7 unnamed stream is composed of two forks or sources, one of which is
8 known as the Lake Channel which flows southwesterly from a pond or
9 lake located in the Northeast Quarter of Section 30, Township 9
10 South, Range 19 E.B.M., and a waste ditch known as Lateral C-40
11 which enters defendant's land above described at approximately the
12 northeast corner of the South Half of the Southwest Quarter of said
13 Section 30 and flows across defendant's said land in a westerly dir-
14 ection; that the said Lake Channel and Lateral C-40 converge at a
15 point approximately one and one-fourth miles west of the east line
16 of the defendant's land described in Finding of Fact No. 2; that
17 plaintiff's point of diversion under said license is southwesterly
18 from this convergence and is located in the Southwest Quarter of the
19 Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-Five (25), Township
20 Nine (9) South, Range Eighteen (18) E.B.M.

21 IV.

22 That plaintiff has not abandoned whatever rights he acquir-
23 ed by reason of the license referred to in the preceding paragraph.

24 V.

25 That, at least since 1919, an obstruction in the form of a
26 dam has been maintained by defendant and his predecessors in interest
27 at the point where Lateral C-40 enters defendant's land for the pur-
28 pose of diverting water for the irrigation of portions of his above
29 described land, which portions are situated both north and south of
30 Lateral C-40; that beginning with the farming season of 1950 defend-
31 ant's predecessor in interest diverted water from said obstruction
32 or dam, through an existing gravity irrigation ditch running in a

1 southwesterly direction, to a point in the Southwest Quarter of the
2 Southwest Quarter of said Section 30 where an electric pump was in-
3 stalled; that beginning with the farming season of 1950, through the
4 use of said pump, the defendant and his predecessor in interest have
5 continuously used water from Lateral C-40 to irrigate the portion of
6 defendant's said lands located to the south and above the said grav-
7 ity irrigation ditch.

8 VI.

9 That by the use of the waters from Lateral C-40 by gravity
10 flow and by the use of said electric pump defendant's lands have
11 reached a high state of productivity and show the efficient and
12 effective use of water for irrigation thereon.

13 VII.

14 That above plaintiff's point of diversion the waters in
15 the Lake Channel, and the waters in Lateral C-40 after said Lateral
16 leaves defendant's land, flow with no perceptible current through
17 two extensive areas of tules and willows and spread out over sub-
18 stantial areas in which there are sink holes and a tremendous loss
19 of water.

20 VIII.

21 That the flow of said unnamed stream out of the areas of
22 tules and cattails is only a small fraction of the water which flows
23 into said areas, resulting in a disproportionate amount of loss and
24 demonstrating a completely inefficient means of transporting water
25 which may be in said unnamed stream to the lands of the plaintiff;
26 that the loss of water prior to the construction of a by-pass ditch
27 around a portion of the areas of tules and cattails, which ditch was
28 constructed by plaintiff after the commencement of this action, was
29 in excess of 90% of the water in said unnamed stream.

30 IX.

31 That plaintiff's lands are sandy, shallow, rocky, rough and
32 arid, and while the application of water to such lands might produce

1 some grass, such lands could not be cultivated to the high state of
2 productivity of defendant's lands.

3 X.

4 That defendant's diversions have been from Lateral C-40
5 and the evidence does not disclose the extent to which Lateral C-40
6 has contributed to the flow of said unnamed stream; that said Lake
7 Channel is the larger contributor to said unnamed stream and plain-
8 tiff has asserted no right in the flow of the said Lake Channel.

9 XI.

10 That water is available in said unnamed stream only during
11 the spring runoff and at such other times as water is being wasted
12 by water users of the North Side Canal Company, and such waste water
13 reaches said unnamed stream; that during certain periods of time dur-
14 ing the irrigation season no such waste water is flowing in either
15 the Lake Channel or Lateral C-40.

16 XII.

17 That defendant has not used water from Lateral C-40 to
18 which he is not entitled.

19 XIII.

20 That the use of water by defendant from Lateral C-40 has
21 not interfered with or prevented plaintiff from receiving any water
22 to which he is entitled; that, if plaintiff has not received water
23 from said unnamed stream, such failure to receive water is due either
24 to the fact that no waste water is flowing therein, or to the condi-
25 tion of the channel of said unnamed stream, or to the use of such
26 water by other water users, not parties to this action, whose rights
27 are or may be prior in time and in right to the right of plaintiff.

28 XIV.

29 That defendant has not wrongfully deprived plaintiff of
30 water to which he is entitled.

31 XV.

32 That defendant's method of operation puts to a beneficial

1 use water which would otherwise be wasted, and results in a more
2 efficient and greater use of the waters of the State.

3 XVI.

4 That plaintiff has not been damaged in any amount by rea-
5 son of defendant's diversion and use of the waters of Lateral C-40.

6 CONCLUSIONS OF LAW

7 I.

8 That plaintiff has the right to appropriate .2 cubic feet
9 per second, or 10 miner's inches, of the waters of said unnamed
10 stream, when and if such water is available at plaintiff's point of
11 diversion.

12 II.

13 Other than the right set forth in the preceding paragraph,
14 plaintiff should take nothing by his Complaint, either by way of in-
15 junctive relief or by way of damages.

16 III.

17 Any failure of the plaintiff to obtain water is not due
18 to any act of the defendant.

19 IV.

20 Defendant should be awarded his costs and disbursements
21 herein.

22 Let Judgment be entered accordingly.

23 DATED this ____ day of _____, 1957.

24 _____
25 District Judge

26 Service of the foregoing Findings
27 of Fact and Conclusions of Law is
28 hereby acknowledged by receipt of a
29 copy thereof this ____ day of _____, 1957.

30 STEPHAN, STEPHAN & HEAP
31 Residing at Twin Falls, Idaho
32 Attorneys for Plaintiff.

31 By _____

COPY

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEROME

WILLIAM McLEOD,

Plaintiff,

vs.

MIKE RANDALL,

Defendant.

MEMORANDUM OF DECISION

The files, misplaced in the Clerk's office at Jerome, have been found.

I have re-examined the case for the purpose of determining first the accuracy of the conclusion that all other users of water from the unnamed stream and its two tributaries should be made parties by second amended complaint. While a determination of the rights of the plaintiff to the use of the water is involved, the act on is not one primarily to adjudicate the rights to the use of the waters in this stream. Plaintiff's right is pleaded definitely and is asserted to be superior only to the claim of the defendant. The plaintiff does not ask that the rights of the various users be determined and fixed by the decree. No other users are called upon to disclose their right to the use of such waters. On the other hand, the plaintiff alleges a diversion and use for the irrigation of 120 acres of his land for the period of more than five years of 1.1 second feet of the waters of said stream; that the defendant alone has wrongfully obstructed the flow and has diverted water to which plaintiff is entitled. He alleges he has sustained damages and, accordingly, prays that the defendant be enjoined from what the plaintiff contends is an unlawful diversion and to recover damages.

At the time of the trial the desirability of having all

water users before the court was suggested. The suggestion was rejected by the plaintiff; his counsel stating confidentially, in effect, that all issues in the case could be finally determined between the parties then before the court. It appears that the diversions of other users, if we except the users residing on C-40 above defendant, are insignificant in amount. Such diversions do not harm, and the failure of such users to divert would apparently not benefit the plaintiff. The parties went to trial upon the issues framed by the amended complaint and the answer. Both parties were of the opinion the issues were so formed as to permit a clear and full presentation of all matters in controversy and that a determination of such issues would finally dispose of the case.

The Memorandum of January 22, 1957, so far as it directs that all other users be made parties and for that purpose a second amended complaint be filed, is withdrawn.

The other essential facts are stated in that Memorandum. I remain of the opinion that plaintiff's evidence does not disclose that he diverted (and diversion is essential to a valid appropriation of water) more than ten inches awarded to him by his license. If his license was good when issued, it is good now. There is no contention that he has lost that right by abandonment or by prescription. It will be held that his claim to that appropriation is valid; however, that avails the plaintiff but little. My opinion is the evidence does not disclose that the defendant's diversion of water has denied to plaintiff any part of the ten inches. There is no proof that if defendant had not diverted the plaintiff's right could have been filled in whole or in part at his point of diversion. In my opinion the plaintiff has failed to make the requisite proof that his failure to obtain water was due to the acts of the defendant.

The question of the right of the plaintiff to insist that tremendous quantities of water be wasted to supply his small right for the slight irrigation use has at all times been in my mind. It has been and is inconceivable to me that the principles of irrigation law would not only sanction but also demand the wasting of such disproportionate quantities of water. I have read the cases cited in support of the text found on Page 968 of 93 C.J.S. under the title "Waste of Water". The statement of Judge Bourquin of the Federal Court in Montana (60 Fed. 2d 662-8) seems to be apt.

He says:

"In respect to waste of which complaint is made, the right in water is limited to reasonable necessity and use, and none for waste. Although the user is not bound to extraordinary diligence in means and methods of use, may proceed according to local custom, he is bound to reasonable care in construction and maintenance of appliances to the end that of the vital fluid others be not unnecessarily deprived.

"To secure the amount to which the appropriator is entitled admeasured at his land, no excess can be diverted from the source to cover unreasonable loss in transit. Plaintiffs and Mueller use the water more than 5 miles from point of diversion and in open and in part poorly constructed and maintained ditches, involving excessive evaporation, seepage, and absorption.

"In places their ditch is little or no more than an injuriously wide and shallow brook. They who ask equity must do equity, so, before any injunction in their behalf, this defect must be remedied and any others likewise."

See also In Re Water Rights of Deschutes River (Ore.)

36 Pac. 2d 585; Worden v. Alexander (Mont.) 90 Pac. 2d 160;

Bennett v. The City of Salem (Ore.) 235 Pac. 2d 772; Tonkin v.

Winzell (Nev.) 73 Pac. 593; Witherill v. Brehm (Cal.) 279 Pac. 432.

Plaintiff's diversion works and conduits are not reasonably efficient as by law required (State v. District Court (Mont.) 88 Pac. 223.) Except for the by-pass constructed in 1956 plaintiff's irrigation works cannot really be called works of irrigation. If plaintiff would avail himself of the available water supply, and

I believe water would be available to him in substantial quantities whenever it would be available to the defendant, he must employ some device to avoid the inexcusable waste he now insists be continued.

Except that the defendant's right to appropriate ten inches of water in accordance with the water license, the decree will be that the plaintiff take nothing either by injunction or by way of damages.

Will counsel for the defendant prepare, serve and submit conforming Findings, Conclusions and Decree.

Dated June 7, 1957.

/s/ Hugh A. Baker

District Judge

WARRANTY DEED

THIS INDENTURE, Made this 14th day of April in the year of our Lord, one thousand nine hundred and fifty-two between Edgar P. Huettig, a bachelor

of Eden County of Jerome, State of Idaho the party of the first part, and Oriel Randall whose wife is Clara Randall of Eden County of Jerome, State of Idaho the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Forty-five hundred and 00/100 DOLLARS lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in Jerome County, State of Idaho, to-wit:

Lots Three and Four (3 & 4) and the East half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty (3), Township Nine (9) South, Range Nineteen (19) East B. M.

This conveyance is exclusive of any water rights.

Together with any pumping equipment used for irrigation water.



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right title and interest in and to the said property as well in law as in equity, of the said party of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceful possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

[Signature]

Edgar P. Huettig (Seal)

STATE OF IDAHO,

County of Jerome

SS.

On this 4th day of April, 19 52, before me H. E. Gundelfinger

, a Notary Public

in and for said State and County, personally appeared

Edgar P. Huettig, a bachelor

known to me to be the person whose name is

subscribed to the within instrument, and acknowledged to me that he executed the same.

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

H. E. Gundelfinger

Notary Public, State of Idaho

My Commission expires on the 10th day of April, 19 55

INDEXED
413330
INDEXED

COMPARED

WARRANTY DEED

Edgar P. Huettig

TO

Oriel Randall

Dated 4th, 19 52

STATE OF IDAHO

SS.

County of Jerome

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

Weylton State Bank

at 42 minutes past 10

o'clock A.M., this

day of April, 19 52

in my office, and duly recorded in

Book 149 of

at page 7

Mabel A. Beardsley

Ex-Officio Recorder.

By Mamma Walenwood

Deputy.

Fees \$ 95¢ 1.50

Ret. Weylton State Bank

WARRANTY DEED

THIS INDENTURE, Made this 20th day of November in the year of our Lord,
one thousand nine hundred and forty-six between
Edwin E. Adams and Ruth N. Adams, husband and wife at all
times during ownership of the property hereby conveyed

of Jerome County of Jerome, State of Idaho the part ies
of the first part, and Oriel Randall (whose wife is Alta M. Randall)

of Jerome County of Jerome, State of Idaho the part y
of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
One Dollar and other valuable considerations ~~DOLLARS~~
lawful money of the United States of America, to them in hand paid by the said
part y of the second part, the receipt whereof is hereby acknowledged, have granted, bargained,
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part y
of the second part, and to his heirs and assigns forever, all of the following described
real estate, situated in Jerome County, State of Idaho, to-wit:

Southwest quarter of the Northwest quarter,
Section Twenty-nine,
Township Nine South,
Range Nineteen East, Boise Meridian

together with the water right appurtenant thereto, evidenced
by 15. shares of capital stock of the North Side Canal Co. Ltd.

Subject to assessments of American Falls Reservoir District.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto be-
longing or in any wise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof, and all estate, right, title and interest in and to the said property as well in
law as in equity, of the said part ies of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, togeth-
er with the appurtenances, unto the part y of the second part, and to his heirs and assigns
forever. And the said part ies of the first part, and their heirs, the said premises in the quiet
and peaceful possession of the said part y of the second part, his heirs and assigns, against
the said part ies of the first part, and their heirs, and against all and every person and persons
whomsoever lawfully claiming or to claim the same shall and will WARRANT and by these presents
forever DEFEND.

IN WITNESS WHEREOF, the said part ies of the first part ha ve hereunto set their
hand s and seal s the day and year first above written.

Signed, sealed and delivered in the presence of

Shirley

Edwin E. Adams (Seal)
Ruth N. Adams (Seal)

_____ (Seal)
_____ (Seal)

STATE OF IDAHO,

County of Jerome

SS.

On this 20th day of November, 19 46, before me
the undersigned, a Notary Public

in and for said State and County, personally appeared
Edwin E. Adams and Ruth N. Adams, husband and wife

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

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

Shirley
Notary Public; State of Idaho
Residing at Jerome, Idaho

My Commission expires on the 1st day of November, 19 50

INDEXED COMPARED INDEXED
115829

WARRANTY DEED

Edwin A. Adams

TO

Oriel Randall

Dated _____, 19____

STATE OF IDAHO

County of Jerome } ss.

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

Wayston State Bank

at 41 minutes past 10

o'clock A.M., this 5

day of April, 19 52

in my office, and duly recorded in

Book 149 of

at page 6

Mabel A. Beveridge

Ex-Officio Recorder

By Nanna Halverson

Deputy.

Fees \$ 1.50

Ret to Wayston State Bank

127714

NO.

Dated....., 19.....

Transfer Agreement

Recorded ☒

NO.

Compared ☒

STATE OF IDAHO,

County of Jerome

Direct ☒

SS. ☒

Reverse ☒

I hereby certify that this instrument was

filed for record at the request of.....

Oriel Randall

at 1:50 o'clock P. M., this 23

day of December, 19 55,

my office, and duly recorded in book

154 at page 552.

Mabel A Beveridge

Ex-Officio Recorder.

By M. J. Jackson

Deputy.

Fees, \$ 3.25

Return to Above

Eden, Idaho

NO.

Dated....., 19.....

Transfer Agreement

NO.

STATE OF IDAHO,

County of.....

SS.

I hereby certify that this instrument was

filed for record at the request of.....

at..... o'clock..... M., this.....

day of....., 19.....,

in my office, and duly recorded in book

..... at page.....

Ex-Officio Recorder.

By.....

Deputy.

Fees, ...

Return to.....

AGREEMENT

THIS AGREEMENT, Made this 5th day of Decr, 1955,
between Oriel Randall & Clara Randall, husband & wife
of Eden, Idaho, party of the first part, and
Oriel Randall & Clara Randall, husband & wife
of Eden, Idaho, party of the second part,

WITNESSETH:

WHEREAS, The party of the first part is now the owner of 15.0 shares of the capital stock of the North Side Canal Company, Limited, the same having heretofore been issued pursuant to a certain water contract or contracts between the predecessors in interest of parties of the first part and Twin Falls North Side Land and Water Company, which said contracts are of record in the office of the County Recorder of Jerome County, Idaho, and the contracts between the State of Idaho and said Land and Water Company covering the construction of the irrigation system serving said lands, reference to which said contracts is hereby made, and the applicable Statutes of the State of Idaho and of the United States of America, and being all the water appurtenant to the following described land situated in the County of Jerome, State of Idaho, to-wit:

Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section Twenty-nine (29), Township Nine (9) South,
Range Nineteen (19) East, Boise Meridian

and,

WHEREAS, That portion of said land represented by said shares of stock is not capable of agricultural use and said shares of stock are not required for use on said land, and,

WHEREAS, The party of the second part is the owner of the following described land, situated in the County of Jerome State of Idaho, to-wit:

Lots Three (3) and Four (4), East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$)
Section Thirty (30), Township Nine (9) South, Range Nineteen (19)
East, Boise Meridian

and,

WHEREAS, The said last described land is without an adequate supply of water for its irrigation, and the water represented by said shares of stock can be used to advantage on said last described land, and,

WHEREAS Request has been duly made to the North Side Canal Company, Limited, for the right to transfer said water right and shares of stock from said first above described land to the second above described land, and the Board of Directors of the North Side Canal Company, Limited, did on the 20th day of September, 1955, authorize said transfer by Resolution as follows:

WHEREAS, Request for the permanent transfer of 15.0 shares of Capital Stock of the North Side Canal Company, Ltd., covered by Certificate 14123 according to the books and records of said Company, said stock representing all of the water right now appurtenant to the following described land situated in the county of Jerome, State of Idaho, to-wit:

Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section Twenty-nine (29), Township Nine (9), South,
Range Nineteen (19) East, Boise Meridian

has been presented to this Board of Directors, said shares of stock to be for use upon and to become appurtenant to the following described land situated in the County of

Jerome, State of Idaho, to-wit:

Lots Three (3) and Four (4), East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section Thirty (30), Township Nine (9) South, Range Nineteen (19) East, Boise Meridian

and,

WHEREAS, It appears that the transfer of said shares of stock to the land last above described will not be detrimental to the irrigation system of the North Side Canal Company, Ltd., or prejudicial to the interests of its stockholders, and,

WHEREAS, All the terms and conditions required to be performed with reference to said permanent transfer have been fully complied with,

NOW, THEREFORE, BE IT RESOLVED, That the said 15.0 shares of Capital Stock of the North Side Canal Company, Ltd., appurtenant to the land first hereinabove described be and the same are hereby transferred to the land last hereinabove described.

NOW, THEREFORE, Each of the conditions imposed and required in the Resolution adopted by the said North Side Canal Company, Ltd., and hereinabove recited, permitting the transfer of the water right as herein recited, having been accepted and complied with, and for and in consideration of the sum of One Dollar (\$1.00), the receipt whereof is hereby acknowledged, and the terms and conditions herein contained, the said party of the first part has sold and by these presents does hereby sell, assign, transfer, and set over to

the party of the second part the said 15.0 shares of the capital stock of the North Side Canal Company, Limited, as and for a water right for use upon, dedicated to, and as an appurtenance of said last above described land and no other, and does hereby surrender and release all right in and to said shares of stock and water right represented thereby from said first above described land. The said party of the second part does hereby expressly agree to accept said shares of stock and water right represented thereby for use upon his said land and as an appurtenance thereto in the same manner and subject to the same conditions as if the same had been originally acquired from the Twin Falls North Side Land and Water Company.

This transfer is made solely on the condition that said water shall forever be delivered ~~only through~~ at the end of C-42.

It is mutually agreed that said shares of stock hereby are sold and transferred subject to the right of said North Side Canal Company, Limited, to control, operate, and maintain said irrigation system, and to levy and collect charges, tolls, and assessments upon said land and shares of stock pursuant to the Articles of Incorporation and By-laws of the North Side Canal Company, Limited, and the laws of the State of Idaho, and the said party of the second part hereby agrees to pay all such charges, tolls and assessments when and as due.

In construing this agreement, the singular includes the plural and the masculine includes the feminine and neuter and where executed by two or more persons, it shall be the joint and several obligations of each and shall in all cases bind the undersigned, his heirs, executors, administrators, assigns and personal representatives.

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

Oriel Randall
Clara Randall
Party of the First Part.

Oriel Randall
Clara Randall
Party of the Second Part.

STATE OF Idaho }
County of Teton } ss.

On this 5th day of December in the year 1955,
before me, C. E. Gundelfinger, a Notary Public
in and for said State, personally appeared Oriel Randall & Clara
Randall, his wife, known to me to be the
persons whose names are subscribed to the within instrument and acknow-
ledged to me that they executed the same.

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

C. E. Gundelfinger

STATE OF _____ }
County of _____ } ss.

On this _____ day of _____ in the year 19_____,
before me, _____, a _____
in and for said State, personally appeared _____
_____, known to me to be the
person whose name _____ subscribed to the within instrument and acknow-
ledged to me that _____ he _____ executed the same.

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

1 IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
2 STATE OF IDAHO, IN AND FOR THE COUNTY OF JEROME.

3
4 WILLIAM MacLEOD,

Plaintiff,

5 -vs-

6 MIKE RANDALL,

7 Defendant.

8
9 JUDGMENT AND DECREE

10 This matter came on regularly for trial before the Court
11 sitting without a jury on November 7th and 8th, 1956, the plaintiff
12 appearing in person and by Robert W. Stephan and Edward H. Heap of
13 Stephan, Stephan & Heap, his attorneys, and the defendant appearing
14 in person and by John H. Daly and Clifford E. Fix of Parry, Robertson
15 & Daly, his attorneys, evidence both oral and documentary having been
16 introduced on behalf of each of the parties and the Court having con-
17 sidered the same, and the matter having been argued and reargued and
18 submitted to the Court for decision, and the Court having rendered
19 its decision herein consisting of Findings of Fact and Conclusions
20 of Law;

21 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
22 as follows:

23 1. That plaintiff has the right to appropriate, for use
24 upon the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Sec-
25 tion Thirty-five (35), Township Nine (9) South, Range Eighteen (18)
26 E.B.M., .2 cubic feet per second, or ten miner's inches, of the
27 waters of the unnamed stream described in said Findings of Fact,
28 when and if such water is available at plaintiff's point of diversion
29 located in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
30 of Section Twenty-five (25), Township Nine (9) South, Range Eighteen
31 (18) E.B.M.

32 2. That, other than as provided in the preceding paragraph
hereof, plaintiff take nothing by his Complaint.

1 3. That defendant have and recover from plaintiff his
2 costs and disbursements herein taxed in the sum of \$ _____.

3 DATED This _____ day of _____, 1957.
4
5

6 _____
7 District Judge

8 Service of the foregoing Judgment
9 and Decree is hereby acknowledged
by receipt of a copy thereof this
_____ day of _____, 1957.

10 STEPHAN, STEPHAN & HEAP
11 Residing at Twin Falls, Idaho
Attorneys for Plaintiff.

12 By _____
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6-9-92

Hellen Trowbridge:

she came in this date to check on her claim. We did a quick review of the claim and I ~~recommended~~ ~~the~~ discussed the possibility of submitting additional evidence of priority as soon as possible. She felt that there was an agreement with the canal company regarding waste water use.

P.S. ^{KKC} I did not let her review the file as you hadn't completed the review. I did let her look at the affidavit from Parrett.

MICROFILMED
FEB 09 1993

Log for claim 36-15298

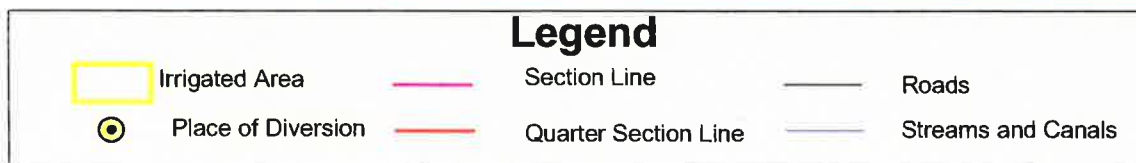
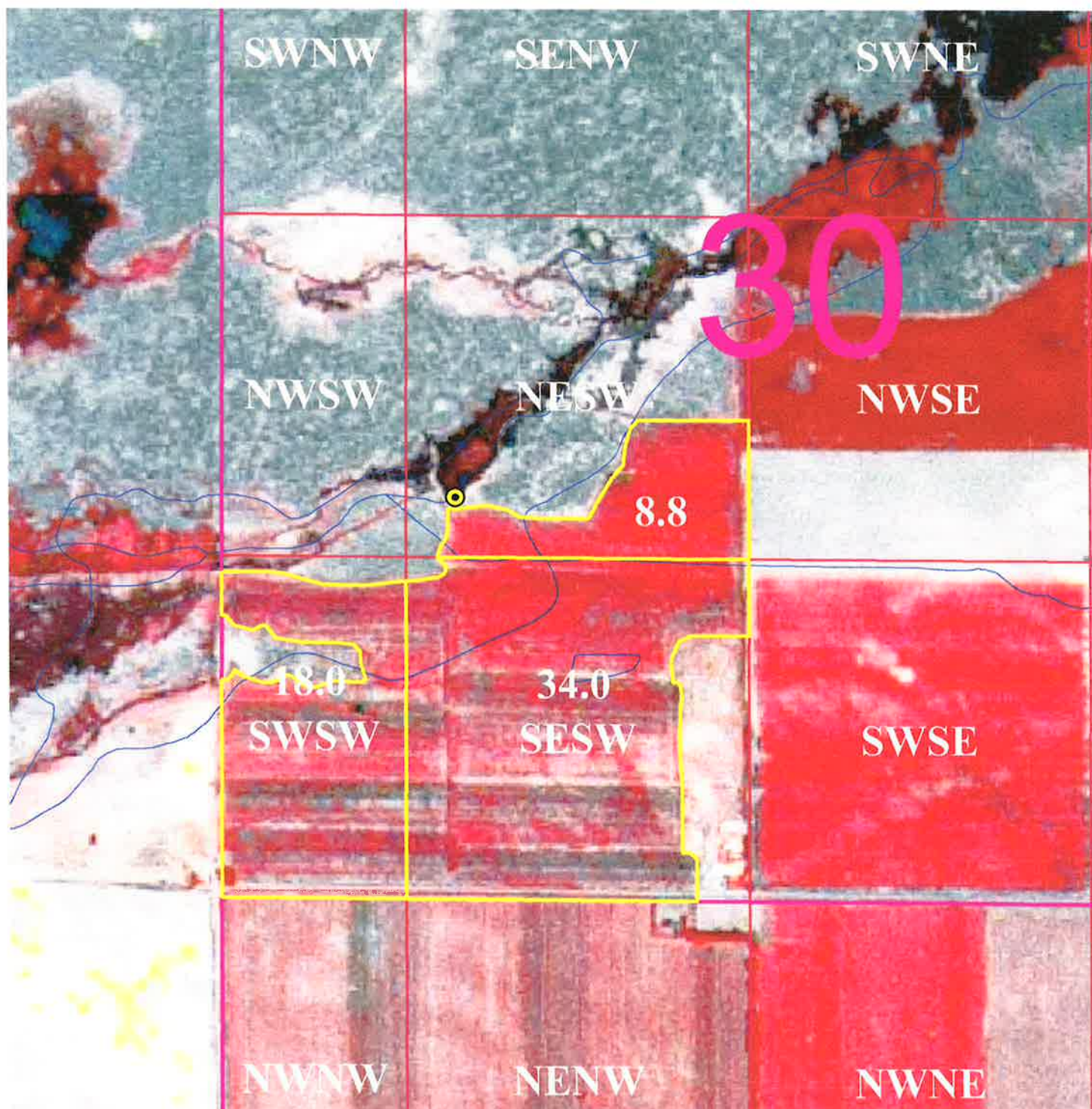
Spatial Dynamics LTD

8/29/01

TR	SEC	QQ	Acres Recommended	Acres Found	COMMENT
09s19e	30	NESW	7	8.8	
09s19e	30	SWSW	15	18	
09s19e	30	SESW	32	34	
Totals:			54	60.8	

Water Right Claim Number 36-15298
Township , 9S19E

08/29/2001



400 0 400 800 Feet

SPATIAL
DYNAMICS

COPY

1999 NOV 19 PM 12: 46

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Right 36-15298

IDWR has completed the following Administrative Proceeding:

☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water
right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 36-15298

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
9/23/1999

36-15298

PAGE 1

From (Claimant/Seller):

Name of Claimant: RUSSEL WALLACE
Address: 1157 LAVINA AVE
TWIN FALLS ID 83301
Phone: (208) 736-1795

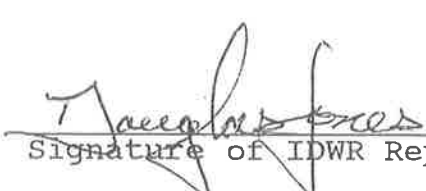
To (Claimant/Purchaser):

Name of Claimant: CHRISTOPHER METZLER
MERRY K METZLER
Address: 1236A E 800 S
EDEN ID 83325
Phone: (208) 825-4208

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 11/5/99



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/19/1999 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

RUSSEL WALLACE
1157 LAVINA AVE
TWIN FALLS ID 83301
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

CHRISTOPHER METZLER
MERRY K METZLER
1236A E 800 S
EDEN ID 83325
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-20-1999
PAGE: A-1

RIGHTS FROM: SOURCE: WASTE WATER TRIBUTARY: SINKS

RIGHT NUMBER: 36-15298

NAME & ADDRESS: CHRISTOPHER METZLER
MERRY K METZLER
1236A E 800 S
EDEN ID 83325

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 1.08 CFS

PRIORITY DATE: 10/17/1963

POINT OF DIVERSION: T09S R19E S30 SWNESW Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03-15 11-15	1.08 CFS

PLACE OF USE: IRRIGATION Within JEROME County
T09S R19E S30 NESW 7 Lot 4 (SWSW)15 SESW 32
54 ACRES TOTAL

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

November 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHRISTOPHER METZLER
MERRY K METZLER
1236A E 800 S
EDEN ID 83325

RE: SRBA Claim(s) 36-15298

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Russell Wallace

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

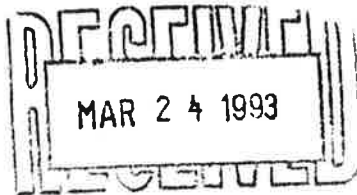
JUN 18 1999

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Southern Region

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

1. Water Right No(s).: 36-15298
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant C. Russel Wallace
Jack Parrott and Geraldine Parrott
4. New Owner/Claimant(s) Christopher Metzler and Merry K. Metzler
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1236 A East 800 South
City, State and ZIP Code Eden Idaho 83325
New Telephone Number (208) 825-4208
5. Date you acquired the property March 17, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 54 Number and type of stock _____
Diversion rate in CFS 1.08 Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) x Christopher Metzler
x Merry K. Metzler
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



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

JACK PARROTT and GERALDINE
PARROTT, husband and wife,)
Plaintiff/)
Counterdefendants.)

CASE NO. CV-OC-92-00118

NOTICE OF ORDER FILED

VS
RUSSEL K. & LORETTA MAE WALLACE
WILLIAM & HELEN TROWBRIDGE.)
Defendants/)
Counterclaimants.)

John R. Coleman
Attorney at Law
P.O. Box 525
Twin Falls, ID 83303

Russell & Loretta Wallace
1157 Lavina
Twin Falls, ID 83301

William & Helen
Trowbridge
2727 E. 3700 N.
Twin Falls, ID 8330

NOTICE IS HEREBY GIVEN TO EACH OF YOU that an _____

JUDGMENT AND DECREE OF FORECLOSURE

has been filed in the above entitled matter this 22nd
day of March 19 93.

CHERYL M. WATTS
Clerk of the District Court

Kyla Moretti
Deputy Clerk

CERTIFICATE OF MAILING

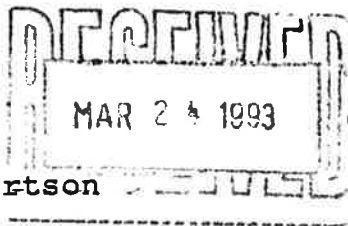
I, Kyla Moretti, Hereby Certify that a true and correct
copy of the above and foregoing Notice of Order Filed and _____

JUDGMENT AND DECREE OF FORECLOSURE

_____ was mailed to each of the above persons, enclosed
in an envelope with postage prepaid thereon by depositing the same
in the UNITED STATES MAIL.

Dated this 23rd day of March, 19 93.

Kyla Moretti
Deputy Clerk



DISTRICT COURT
FIFTH JUDICIAL DIST.
IDAHO

MAR 22 5 10 PM '93
Cheryl En [Signature]
BY Kylla T. [Signature]

JOHN R. COLEMAN
Coleman, Ritchie & Robertson
Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, ID 83303-0525
Telephone: (208) 734-1224

RECEIVED
JUN 18 1999
Department of Water Resources
Southern Region

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

* * * * *

JACK PARROTT and GERALDINE
PARROTT, husband and wife,

Case No. CV-OC-92-118

Plaintiffs/
Counterdefendants,

vs.

JUDGMENT AND DECREE
OF FORECLOSURE

RUSSEL K. WALLACE and LORETTA
MAE WALLACE, husband and wife,
and WILLIAM TROWBRIDGE and
HELEN TROWBRIDGE, husband and
wife,

Defendants/
Counterclaimants.

The above entitled cause came on for trial before the
Honorable Roger Burdick, Magistrate Judge of the District Court of
the Fifth Judicial District of the State of Idaho in regular term
of said District Court in and for Jerome County, on February 8,
1993. The plaintiffs/counterdefendants appeared by John R. Coleman
of the firm of Coleman, Ritchie & Robertson, their attorneys. The
defendants/ counterclaimants, Russel K. Wallace and Loretta Mae
Wallace, appeared pro se. The defendants/counterclaimants, William

1 Trowbridge and Helen Trowbridge, appeared pro se. The Court
2 heretofore on the 18th day of March, 1993, made and entered its
3 Findings of Fact and Conclusions of Law, finding and concluding that
4 Judgment should be entered in favor of the plaintiffs on their
5 Complaint and in favor of the plaintiffs on the counterclaim of the
6 defendants.

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

8 1. That the claim of defendants/counterclaimants, William
9 Trowbridge and Helen Trowbridge, in the property subject to this
10 Decree is subject, subsequent, and inferior to the Mortgage, claim,
11 and lien of the plaintiffs.

12 2. That the defendants/counterclaimants take nothing by
13 their counterclaim.

14 3. Plaintiffs have Judgment against the defendants,
15 Russell K. Wallace and Loretta Mae Wallace, in the amount of
16 \$102,114.18 plus costs in the amount of \$ 898⁰⁰ and plus
17 attorney's fees in the amount of \$ 7500⁰⁰, all for the total of
18 \$ 110,512¹⁸, with interest thereon at the statutory rate of
19 interest from February 8, 1993.

20 4. Plaintiffs are entitled to have their Mortgage
21 enforced and foreclosed and the lands, premises, and personal
22 property sold in the manner prescribed by law and the proceeds
23 arising from such sale applied to said Mortgage as follows:

24 a. \$102,114.18 to the payment of Plaintiffs' Note dated
25 October 13, 1989, taxes and assessments, and interest thereon
to February 8, 1993.

26 b. Plaintiffs' costs incurred in this action in the

1 amount of \$ 898⁰⁰, including the foreclosure title
2 report.

3 c. Plaintiffs' attorney's fees in the amount of
4 \$ 7500⁰⁰.

5 d. Sheriff's costs of sale.

6 e. All of said sums above described are hereby declared
7 to be a lien on said premises hereinafter described.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that
9 Plaintiffs have Judgment and Decree of this Court foreclosing their
10 Mortgage and directing the Sheriff of Jerome County, Idaho, to carry
11 out the foregoing and to sell said premises, together with 15 shares
12 of North Side Canal Company stock and improvements thereon con-
13 sisting of a 1977 28x68 foot Villa West double-wide mobile home, 56
14 hp Deutz diesel engine and irrigation pump, 200 joints of 3-inch
15 ball and socket sprinkle pipe, one-fourth mile 4-inch mainline pipe,
16 and one-fourth mile of 12-, 10-, and 8-inch main line pipe, and
17 apply the proceeds in the order herein-above set forth.

18 IT IS FURTHER ORDERED that an Order of Sale in the usual
19 form be issued by the Clerk of this Court on application of
20 plaintiffs, and without notice to the defendants, at any time after
21 entry of this Decree, requiring and directing the said Sheriff to
22 proceed to sell the said mortgaged premises and improvements as
23 aforesaid ordered.

24 IT IS FURTHER ORDERED that the said Sheriff, after the
25 time allowed by law for redemption has expired, execute a Deed to
26 the purchaser of the mortgaged premises on said sale; that the
Sheriff retain, out of the proceeds of said sale, his fees and

1 disbursements on said sale and pay to the plaintiffs or their
2 attorney out of said proceeds the amount so found as aforesaid,
3 together with interest thereon at the statutory rate of _____ %
4 from February 8, 1993, or so much thereof as the said proceeds of
5 said sale will pay of the same. If there be any surplus over and
6 above the amount required to satisfy this Judgment with interest in
7 full plus costs of sale, the Sheriff shall pay such surplus over to
8 the Clerk of this Court for payment to the parties entitled thereto.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the
10 purchaser or purchasers of said mortgaged premises at such sale be
11 let into the possession thereof and any person who since the
12 commencement of this action has come into the possession under the
13 defendants deliver possession thereof to such purchaser or
14 purchasers on production of the Sheriff's Certificate of Sale for
15 such premises, or any part thereof, and that in case said purchaser
16 be refused such possession, a Writ of Assistance issue without
17 further notice requiring the Sheriff of the county in which the
18 lands are situated to place and maintain said purchaser in the quiet
19 and peaceful possession of the said lands and premises purchased by
20 him and the whole thereof.

21 That the lands, premises, and improvements referred to in
22 this Decree and directed to be sold by this Decree are situated in
23 Jerome County, State of Idaho, and more particularly described as
24 follows, to-wit:

25 Lots 2, 3 and 4; N $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; and
26 SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 30, Township 9 South, Range 19 East of
the Boise Meridian, Jerome County, State of Idaho.

1 Excepting therefrom the following parcel:
2 BEGINNING at the Northeast corner of said Section 30;
3 Thence South 0°04' East 669.47 feet along the Easterly
4 boundary of said Section 30;
5 Thence South 70°47'06" West 552.28 feet;
6 Thence North 854.11 feet to the Northerly boundary of
7 said Section 30;
8 Thence South 89°41' East 520.74 feet along said Northerly
9 boundary to the TRUE POINT OF BEGINNING.

10 ALSO EXCEPTING therefrom the following parcel:
11 BEGINNING at the Northeast corner of said Section 30,
12 thence S 0°04' East 669.47 feet along the Easterly
13 boundary of said Section 30, to a point, also being
14 the true point of beginning;
15 Thence S 70°47'06" West 552.28 feet;
16 Thence South to a point on the North line of the SE¼NE¼
17 of Section 30;
18 Thence East to the East line of the NE¼ of Section 30;
19 Thence North along the east line to the point of
20 beginning;
21 EXCEPTING therefrom any portion of said land lying within
22 the boundary of U.S. Highway 25.

23 TOGETHER with an easement over the Southerly 20 feet of
24 the following parcel:
25 BEGINNING at the Northeast corner of said Section 30,
26 thence S 0°04' East 669.47 feet along the Easterly
boundary of said Section 30, to a point, also being
the true point of beginning;
Thence S 70°47'06" West 552.28 feet;
Thence South to a point on the North line of the SE¼NE¼
of Section 30;
Thence East to the East line of the NE¼ of Section 30;
Thence North along the east line to the point of
beginning.
EXCEPTING therefrom any portion of said land lying within
the boundary of U.S. Highway 25.

DATED this 22nd day of March, 1993.



ROGER S. BURDICK, Magistrate Judge

970835

RECEIVED
JUN 18 1999
Department of Water Resources
Southern Region

RECEIVED
OF John Coleman
MAR 7 10 49 AM '97
JEROME COUNTY, IDAHO
DEP
-EES

JOHN R. COLEMAN
Coleman, Ritchie & Robertson
Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, ID 83303-0525
Telephone: (208) 734-1224

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

* * * * *

JACK PARROTT and GERALDINE
PARROTT, husband and wife,

Plaintiffs/
Counterdefendants,

vs.

RUSSEL K. WALLACE and LORETTA
MAE WALLACE, husband and wife,
and WILLIAM TROWBRIDGE and
HELEN TROWBRIDGE, husband and
wife,

Defendants/
Counterclaimants.

Case No. CV-OC-92-118

SHERIFF'S CERTIFICATE
OF SALE OF REAL PROPERTY

I, JIM WEAVER, Sheriff of the County of Jerome, State of Idaho, do hereby certify that under and by virtue of an Order of Sale issued out of the District Court of the Fifth Judicial District of the State of Idaho, in and for Jerome County, Idaho, in the action of Jack Parrott and Geraldine Parrott, husband and wife,, Plaintiffs, vs. Russel K. Wallace and Loretta Mae Wallace,

husband and wife, and William Trowbridge and Helen Trowbridge, husband and wife, Defendants, reciting the material parts of the decree in said action, issued on the 23rd day of December, 1996, by said Clerk of the Court, was received by me on the 29th day of January, 1997; and as such Sheriff, duly directed and delivered, whereby I was commanded to execute on such sale, in conformity therewith, towards the satisfaction of the decree in said action, with interest, attorneys' fees, and costs, I duly levied on the following described real property:

Lots 2, 3 and 4; N $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; and SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 30, Township 9 South, Range 19 East of the Boise Meridian, Jerome County, State of Idaho.

Excepting therefrom the following parcel:
BEGINNING at the Northeast corner of said Section 30;
Thence South 0°04' East 669.47 feet along the Easterly boundary of said Section 30;
Thence South 70°47'06" West 552.28 feet;
Thence North 854.11 feet to the Northerly boundary of said Section 30;
Thence South 89°41' East 520.74 feet along said Northerly boundary to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING therefrom the following parcel:
BEGINNING at the Northeast corner of said Section 30,
thence S 0°04' East 669.47 feet along the Easterly boundary of said Section 30, to a point, also being the true point of beginning;
Thence S 70°47'06" West 552.28 feet;
Thence South to a point on the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30;
Thence East to the East line of the NE $\frac{1}{4}$ of Section 30;
Thence North along the east line to the point of beginning;
EXCEPTING therefrom any portion of said land lying within the boundary of U.S. Highway 25.

TOGETHER with an easement over the Southerly 20 feet of the following parcel:
BEGINNING at the Northeast corner of said Section 30,
thence S 0°04' East 669.47 feet along the Easterly boundary of said Section 30, to a point, also being

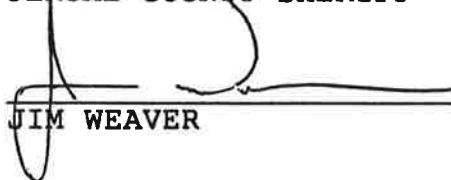
the true point of beginning;
Thence S 70°47'06" West 552.28 feet;
Thence South to a point on the North line of the SE¼NE¼
of Section 30;
Thence East to the East line of the NE¼ of Section 30;
Thence North along the east line to the point of
beginning.
EXCEPTING therefrom any portion of said land lying
within the boundary of U.S. Highway 25;

TOGETHER WITH the 1977 28x68 foot Villa double wide
mobile home, VIN Number 22738X, 2nd Identification
Number/MC Engine Number 22738U, Title No. A 868842,

and at 1236 East 800 South, Eden, Jerome County, Idaho, on February
25, 1997, at 10:00 o'clock a.m., after due and legal notice and
according to law, I sold all the right, title, and interest of
Russel K. Wallace and Loretta Mae Wallace and William Trowbridge
and Helen Trowbridge, in such real property at public auction to
Jack Parrott and Geraldine Parrott, husband and wife, whose address
is 1279 Desert View Drive, Twin Falls, Idaho 83301, who made the
highest bid therefor at such sale in the sum of \$108,496.12. Said
property is subject to redemption in accordance with Idaho Law.

DATED this 25th day of February, 1997.

JEROME COUNTY SHERIFF



JIM WEAVER

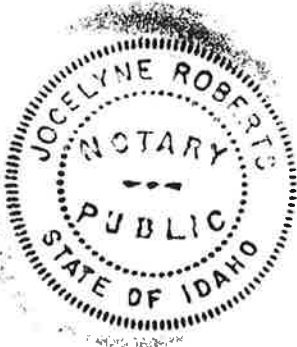
STATE OF IDAHO

County of Twin Falls

)
) ss.
)

On this 3 day of March, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared JIM WEAVER, Sheriff of Jerome County, Idaho, 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 the day and year in this certificate first above written.



Jocelyne Roberts
NOTARY PUBLIC FOR IDAHO
Residing at Jerome, Id
Commission Expires 5-2-99

RECEIVED
JUN 18 1999
Department of Water Resources
Southern Region

SHERIFF'S DEED

REC'D
Coleman, Ritchie
MAR 4 9 29 AM '98
JEROME COUNTY, IDAHO
FEES 12.00 DEP 0.25

981089

THIS INDENTURE, made this 3rd day of March, 1998, between JIM WEAVER, Sheriff of the County of JEROME, State of Idaho, the party of the first part, and JACK PARROTT and GERALDINE PARROTT, husband and wife, whose address is 1279 Desert View Drive, Twin Falls, Idaho 83301, the parties of the second part.

WHEREAS, an Order of Sale out of and under the seal of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Jerome dated the 23rd day of December, 1996, directed and delivered to the said Sheriff, commanding him to sell real property therein described. Said Order was issued upon a Judgment and Decree of Foreclosure recovered in said Court on the 23rd day of March, 1993, in favor of Jack Parrott and Geraldine Parrott, husband and wife, against Russel K. Wallace and Loretta Mae Wallace, husband and wife, and

WHEREAS, the said Sheriff did, in obedience to said Order to sell the real estate and premises therein and hereinafter particularly described, with the appurtenances, did, on the 25th day of February, 1997, sell the said premises at public auction at 1236 East 800 South, in Eden, Idaho, in said County of Jerome, at the hour of 10:00 o'clock a.m., after having first given due notice of the time and place of such sale according to law. At such sale said property was sold in one parcel to Jack Parrott and Geraldine Parrott, husband and wife of Twin Falls, Idaho, for the sum of ONE

HUNDRED EIGHT THOUSAND FOUR HUNDRED NINETY-SIX and 12/100 (\$108,496.12) DOLLARS, lawful money of the United States of America; the said Jack Parrott and Geraldine Parrott, husband and wife, being the highest bidders, and that being the highest sum bid for the same, whereupon the said Sheriff gave to said purchasers a Certificate of said sale as required by law, and a duplicate of such Certificate was duly filed on March 7, 1997, for record by the said Sheriff in the office of the Recorder of the County of Jerome, and

WHEREAS, one year from the date of said sale has expired without any redemption of the said premises having been made.

NOW THIS INDENTURE WITNESSETH, that the said Jim Weaver, the Sheriff aforesaid, by virtue of the said Order of Sale has GRANTED, BARGAINED, SOLD, CONVEYED, and CONFIRMED, and by these present does GRANT, BARGAIN, SELL, CONVEY, and CONFIRM, unto the said parties of the second part, Jack Parrott and Geraldine Parrott, husband and wife, and to their heirs and assigns, FOREVER, all the right, title, interest, and claim which the said Judgment debtor had in and to all that certain lot, piece or parcel of land situate, lying and being in the said County of Jerome, State of Idaho, and bounded and particularly described as follows, to-wit:

Lots 2, 3 and 4; N $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; and SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 30, Township 9 South, Range 19 East of the Boise Meridian, Jerome County, State of Idaho.

Excepting therefrom the following parcel:
BEGINNING at the Northeast corner of said Section 30;
Thence South 0°04' East 669.47 feet along the Easterly boundary of said Section 30;
Thence South 70°47'06" West 552.28 feet;

Thence North 854.11 feet to the Northerly boundary of said Section 30;

Thence South 89°41' East 520.74 feet along said Northerly boundary to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING therefrom the following parcel:

Beginning at the Northeast corner of said Section 30, thence S 0°04' East 669.47 feet along the Easterly boundary of said Section 30, to a point, also being the true point of beginning;

Thence S 70°47'06" West 552.28 feet;

Thence South to a point on the North line of the SE¼NE¼ of Section 30;

Thence East to the East line of the NE¼ of Section 30;

Thence North along the east line to the point of beginning;

EXCEPTING therefrom any portion of said land lying within the boundary of U.S. Highway 25.

TOGETHER with an easement over the Southerly 20 feet of the following parcel:

BEGINNING at the Northeast corner of said Section 30, thence S 0°04' East 669.47 feet along the Easterly boundary of said Section 30, to a point, also being the true point of beginning;

Thence S 70°47'06" West 552.28 feet;

Thence South to a point on the North line of the SE¼NE¼ of Section 30;

Thence East to the East line of the NE¼ of Section 30;

Thence North along the east line to the point of beginning.

EXCEPTING therefrom any portion of said land lying within the boundary of U.S. Highway 25;

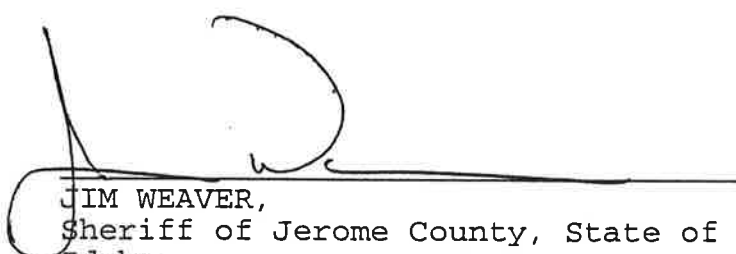
TOGETHER WITH the 1977 28x68 foot Villa double wide mobile home, VIN Number 22738X, 2nd Identification Number/MC Engine Number 22738U, Title No. A 868842.

TOGETHER WITH all water rights appurtenant thereto, including 15 shares of stock in North Side Canal Company, Limited.

TO HAVE AND TO HOLD the said premises, with the appurtenances, unto the said parties of the second part, their heirs and assigns, forever as fully and absolutely as the said Sheriff can, may or ought to, by virtue of the said Order of Sale and of the statute in such case made and provided, grant, bargain, sell,

convey, and confirm the same.

IN WITNESS WHEREOF, the said Sheriff, the said party of the first part, has hereunto set his hand and seal the day and year first above written.


JIM WEAVER,
Sheriff of Jerome County, State of
Idaho

STATE OF IDAHO)
) ss.
County of Jerome)

On this _____ day of March, 1998, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared JIM WEAVER, known to me to be the person whose name is subscribed to the within instrument as Sheriff of Jerome County, Idaho, and acknowledged to me that he executed the same as such Sheriff.

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




Notary Public
Residing at Jerome, Id
Commission expires 5-2-99

J-28162

991316

WARRANTY DEED

RECORDED AT REQUEST
 Land Title & Escrow, Inc.
 MAR 18 4 21 PM '99
 JEROME COUNTY, IDAHO
 FEES 900 DEP 200

For Value Received JACK PARROTT and GERALDINE PARROTT, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto the Grantees, CHRISTOPHER METZLER and MERRY K. METZLER, husband and wife, whose current address is 1236 East 800 South Eden, ID 83325, the following described premises, in Jerome County, Idaho, to-wit:

Parcel 1:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 9 South, Range 19 East of the Boise Meridian, Jerome County, State of Idaho.

Parcel 2:

Lots 2, 3 and 4; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 30, Township 9 South, Range 19 East of the Boise Meridian, Jerome County, State of Idaho.

Excepting therefrom the following parcel:

BEGINNING at the Northeast corner of said Section 30; Thence South 0°04' East 669.47 feet along the Easterly boundary of said Section 30;

Thence South 70°47'06" West 552.28 feet;

Thence North 854.11 feet to the Northerly boundary of said Section 30;

Thence South 89°41' East 520.74 feet along said Northerly boundary to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING therefrom the following parcel:

Beginning at the Northeast corner of said Section 30, thence S 0°04' East 669.47 feet along the Easterly boundary of said Section 30, to a point, also being the true point of beginning;

Thence S 70°47'06" West 552.28 feet;

Thence South to a point on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30;

Thence East to the East line of the NE $\frac{1}{4}$ of Section 30;

Thence North along the east line to the point of beginning;

EXCEPTING therefrom any portion of said land lying within the boundary of U.S. Highway 20.

TOGETHER with an easement over the Southern 20 feet of the following parcel:

BEGINNING at the Northeast corner of said Section 30,

WARRANTY DEED

Thence S 0°04' East 669.47 feet along the Eastern boundary of said Section 30, to a point, also bearing the true point of beginning;
Thence S 70°47'06" West 552.28 feet;
Thence South to a point on the North line of the SEANNE of Section 30;
Thence East to the East line of the NE¼ of Section 30;
Thence North along the east line to the point of beginning.
EXCEPTING therefrom any portion of said land lying within the boundary of U.S. Highway 25;

TOGETHER WITH the 1977 28x68 foot Villa double wide mobile home, VIN Number: 22738X, 2nd identification Number/MC Engine Number 22738U, Title No. A 868842.

TOGETHER WITH all water rights appurtenant thereto, including 1/4 share of stock in North Side Canal Company, Limited, and Water Right No. 36-15298.

SUBJECT to easements, rights of way of record and taxes for 1999 and subsequent years.

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

DATED: March 3 1999.

Jack Parrott
JACK PARROTT

By Geraldine Parrott
GERALDINE PARROTT
Attorney in Fact

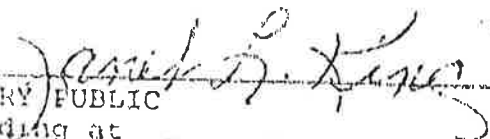
Geraldine Parrott
GERALDINE PARROTT

STATE OF IDAHO)
) ss.
 County of Twin Falls)

On this 3rd day of March, 1999, before me, a Notary Public in and for said County and State, personally appeared GERALDINE PARROTT, known to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of JACK PARROTT, and acknowledged to me that she subscribed the name of JACK PARROTT thereto as principal, and her own name as Attorney in Fact.

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


 JANET L. KING
 NOTARY PUBLIC - STATE OF IDAHO
 Residing at Twin Falls, Idaho
 Commission Expires 3/15/99

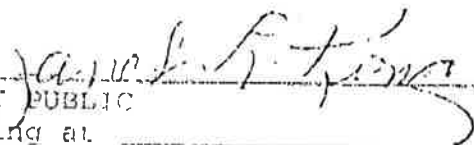

 NOTARY PUBLIC
 Residing at _____
 My Commission Expires _____

STATE OF IDAHO)
) ss.
 County of Twin Falls)

On this 3rd day of March, 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared GERALDINE PARROTT, known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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


 JANET L. KING
 NOTARY PUBLIC - STATE OF IDAHO
 Residing at Twin Falls, Idaho
 Commission Expires 3/15/99


 NOTARY PUBLIC
 Residing at _____
 My Commission Expires _____

COLEMAN, RITCHIE & ROBERTSON

Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, Idaho 83303-0525

JOHN R. COLEMAN, CHTD.
JOHN S. RITCHIE
THOMAS M. ROBERTSON
DAVID A. COLEMAN, CHTD.

TELEPHONE (208)734-1224

FAX (208)734-3983
E-MAIL: crr@micron.net

RECEIVED

JUN 18 1999

Department of Water Resources
Southern Region

June 17, 1999

Mr. Cory Skinner
Idaho Department of Water Resources
1341 Fillmore Suite 200
Twin Falls, ID 83301-3380

Re: Water Right #36-15298

Dear Cory:

With regard to the above Water Right I am enclosing herewith an Executed Notice of Change of Water Right Ownership signed by Christopher Metzler and Merry K. Metzler. This right was originally initiated in the name of Jack and Geraldine Parrott. Jack and Geraldine Parrott sold this property to Russell and Loretta Wallace a few years ago and took a Purchase Money Mortgage back to secure payment. We prosecuted a foreclosure action against the Wallace's on behalf of Mr. and Mrs. Parrott. We obtained a Decree of Foreclosure which was subsequently followed by Sheriff's Sale in which a Sheriff's Certificate of Sale was issued to Mr. and Mrs. Parrott followed by Sheriff's Deed. In March of 1999 Mr. and Mrs. Parrott sold the property to Christopher and Merry K. Metzler.

I have attached to the Notice of Change of Water Right Ownership, a copy of the Foreclosure Decree, the Sheriff's Certificate of Sale, the Sheriff's Deed, and a copy of the Deed from Mr. and Mrs. Parrott to the Metzlers. I believe this should satisfy the change of title so that you might issue a Change of Ownership of this Water Right to Mr. and Mrs. Metzler. Any document showing change of ownership should be sent to Mr. and Mrs. Metzler at 1236 A. East 800 South Eden, ID 83325 and a copy of Notice of Change to us for our file.

If you have any questions or need further information, please feel free to call me.

Sincerely yours,



JOHN R. COLEMAN

JRC/rlh
Enclosure
cc: Metzler

R PROOF



CVR



MAPS



PHOTOS



MISC

MONOFILMED

FEB 09 1993

Water Right Number - R36-15298

Prefix Translation: RESEARCH

Old (D) Number -

PERMITS BY

500

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WALLACE

RUSSEL

1 - 1157 LAVINA AVE
2 -
3 -
City- TWIN FALLS
Phone - 208-736-1795

State- ID Zip- 83301

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
10/17/1963 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WASTE WATER SINKS+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

09S 19E 30 SW NE SW (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 1.080+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.080 162.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 19E 30 NE SW 7.0 01 IRRIGATION (53) JEROME
09S 19E 30 SW SW 4 15.0 01 IRRIGATION (53) JEROME
09S 19E 30 SE SW 32.0 01 IRRIGATION (53) JEROME

Total Acres: 54.0

+ - - Diversion Means - POND WITH 56 HP DIESEL PUMP TO SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE CONDITIONS

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers FoundMICROFILMED
FEB 09 1993

Water right number - R36-15298

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - - +
G01 - THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL
- APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
- GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO
- CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT,
- OR TO RECAPTURE IT.
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- NORTH SIDE CANAL CO. LTD.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 08/11/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS PROPERTY IS ON THE TAIL END OF THE NORTH SIDE CANAL CO. SYSTEM WHERE EXCESS WATER IS DRAINED OFF INTO SINK HOLES.

+ - - Audit Fields - - +

08/11/92 CLELLAND

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 04/10/1992	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/11/1992	Old Judicial District	-
Claim Received Date	- 02/13/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S014154	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 09 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:01:23
03/20/92

PAGE: 10
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-15298

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y	affidavit			6.	See 8-11-92		See 8-11-92
POINT OF DIV	Y		4-10-92 See					
SOURCE	Y							
PLACE OF USE	Y		4-10-92 See		12456			
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y				6.			
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
FEB 09 1993

~~DISALLOWED~~
POT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:02:48
03/20/92

PAGE: 11
PROFILE REPORT

CLAIM NUMBER: A36-15298

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUSSEL WALLACE 1157 LAVINA AVE TWIN FALLS ID 83301 (208) 736-1795	03/15/1957	IRRIGATION	03-15 11-15	1.08 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.08 CFS 162.0 AFA

Water Source: WASTE WATER

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09S R19E S30

SWNESW

JEROME County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	19E	30	:																	:	54.0
																			TOTAL ACRES	54.0	

POU County: JEROME

Other Rights: NONE

Remarks: THIS PROPERTY IS ON THE TAIL END OF THE NORTH SIDE CANAL CO.
SYSTEM WHERE EXCESS WATER IS DRAINED OFF INTO SINK HOLES.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
FEB 09 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:01:23
03/20/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-15298

LAST: WALLACE
ADDRESS: 1157 LAVINA AVE
CITY: TWIN FALLS
PHONE NUMBER: 208-736-1795

FIRST: RUSSEL
STATE: ID ZIP: 83301

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS PROPERTY IS ON THE TAIL END OF THE NORTH SIDE CANAL CO.
SYSTEM WHERE EXCESS WATER IS DRAINED OFF INTO SINK HOLES.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM: # A36-15298 PRIORITY DATE: 03-15-1957 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(☒) N(☐)
IF YES EXPLAIN.

REMARKS:

Claimant has submitted response. (3-20-92) Does not give personal knowledge by affiant.

Further review of the evidence submitted appears to describe two systems developed; an upper series of ponds and the lower series described within this claim. According to the affidavit the lower ponds were developed in 1979. Violates the Permit Statute

→ No Lawful Appropriation shown

*** Allowed 10-17-1963 ASCS photo as evidence of use + priority*

RECOMMENDED PRIORITY DATE:

REVIEWED BY

see

DATE

8-11-92

10-17-1963

*# J-16
from Jerome Public
Library*

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-15298	09S	19E	30	SW	NE	SW		JEROME

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: WASTE WATER

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER
N

REMARKS:

Confirmed by field exam + OPQ.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY

SOURCE: Waste Water

TRIB: Sinks

REVIEWED BY: see

DATE: 4-14-92

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A. ROOT WATER RIGHT NUMBERS: A36-15298

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	19E	30	SW	SW	4	WALLACE, RUSSEL	A36-15298 /14.0	- /	24.0		
			SW	SW		NORTH SIDE CANAL COMPANY LTD.	A01-0021020/ 2.5	- /		19	17
			SW	SW		LARGE CLAIM	A01-0021224/ 2.5	- /			(15)
09S	19E	30	SE	SW		WALLACE, RUSSEL	A36-15298 /40.0	- /	40.0		
			SE	SW		NORTH SIDE CANAL COMPANY LTD.	A01-0021020/ 5.0	- /		36	32
			SE	SW		LARGE CLAIM	A01-0021224/ 5.0	- /			(32)
TOTAL ACRES							A36-15298	54.00	64.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(X) N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

POU COUNTY: JEROME

PRESUMPTION FLAG:

REMARKS:

NSCC = 7.5Ac.

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

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Acres 1987

*(INCLUDES NESW)

NESW

(62)

(54)

19

17

(15)

36

32

(32)

55

7

(7)

A. AJ CLAIMED USES:

PURPOSES
A36-15298 IRRIGATION

MONTH/DAY
FROM ~~03-15~~ TO ~~11-15~~

4-16 10-31

DIVERSION QUANTITY
1.080 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.080 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE FIELD
EXAMINER
Y
Y
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(~~X~~) N() Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.080 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

see Remarks

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-15298	WASTE WATER	WALLACE, RUSSEL	1.080	0.020		
A01-0021020	SNAKE RIVER	NORTH SIDE CANAL COMPANY LTD.	400.000	0.027		
A01-0021224	LARGE CLAIM	LARGE CLAIM	9999999.000	342.350		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 54 x 0.02 CFS/ACRE = 1.08 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 162.0 AF/A

ACRES 54 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 162 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME N/A AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

1b. CALCULATIONS

theoretical shows capacity to deliver recommended rate.

RECEIVED
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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE	
DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
irrigation ~~Dist~~	4-1 10-31	1.08	N/A	162	
TOTAL FOR THIS RIGHT					

REVIEWED BY: ser

DATE: 8-11-92

GOI

condition:
GOI

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-15298

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-15298	1.080	-	-	-	-
TOTAL CFS		1.080				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

Handwritten signature and notes in blue ink.

AUTHENTICATION:

SIGNATURE:

Handwritten signature in blue ink.

DATE:

8-11-92

NAME OF FIELD EXAMINER:

TITLE:

R18E R19E

KIMBERLY QUADRANGLE
IDAHO

7.5 MINUTE SERIES (ORTHO PHOTOQUAD)

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POD

CLAIM A36-15298 INIT su
T. R. S. Q/Q
P/D 9S 19E 30 SW/ESW
PHOTO
DT.&ID. BB74 1976

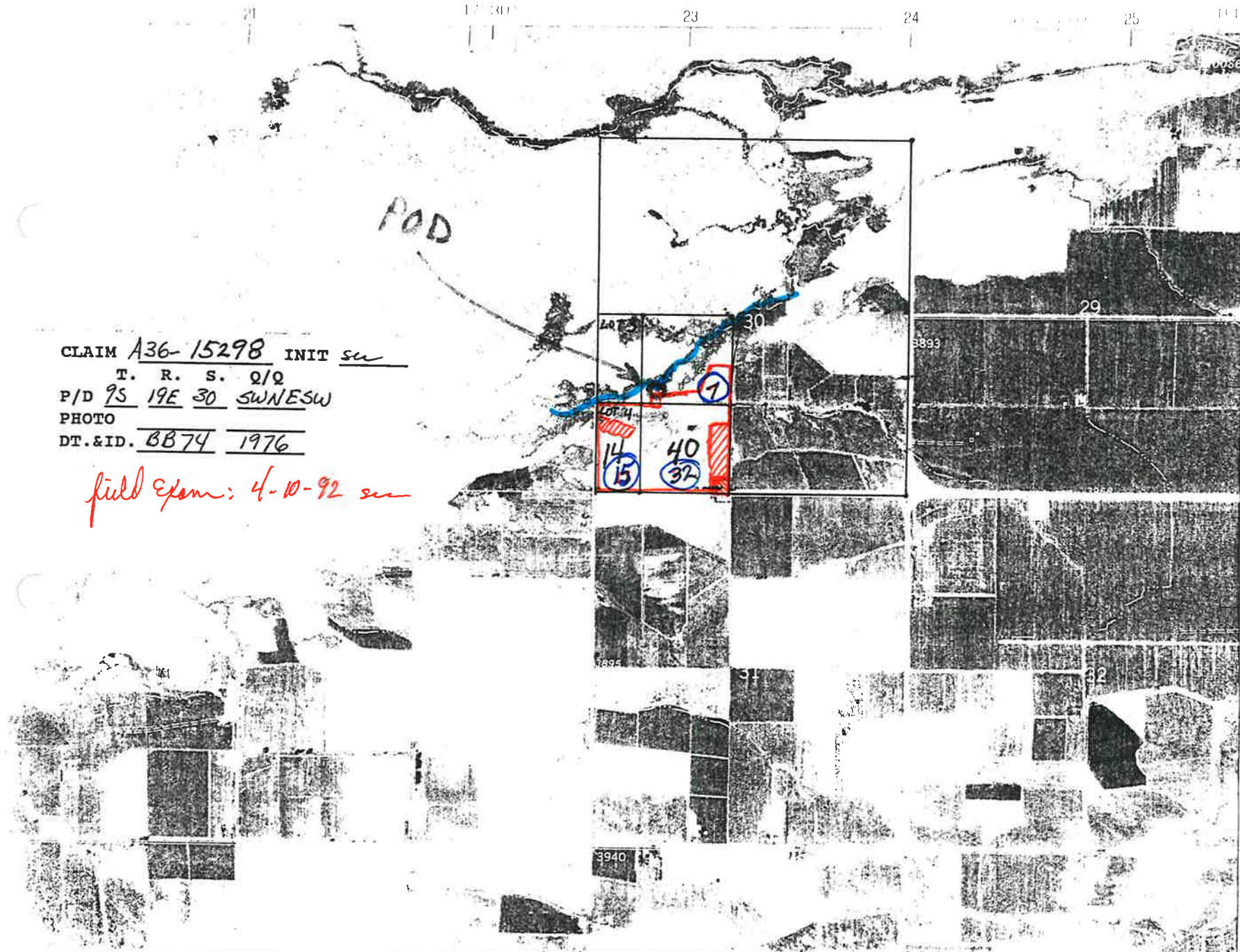
field exam: 4-10-92 su

A3615298

WALLACE

T9S

T10



CLAIM A36-04259 INIT SCC
T. R. S. Q/Q 4-15-92
P/D _____
PHOTO ASCS _____
DT.&ID. 1987 _____

T315
1010

ALL HEL
#T5889

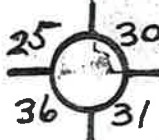
1706-3-6

RECEIVED
FEB 09 1993

122

T
9
S

T316
1011
measured
on
L16



3
19² 2
36 1

2
136 3

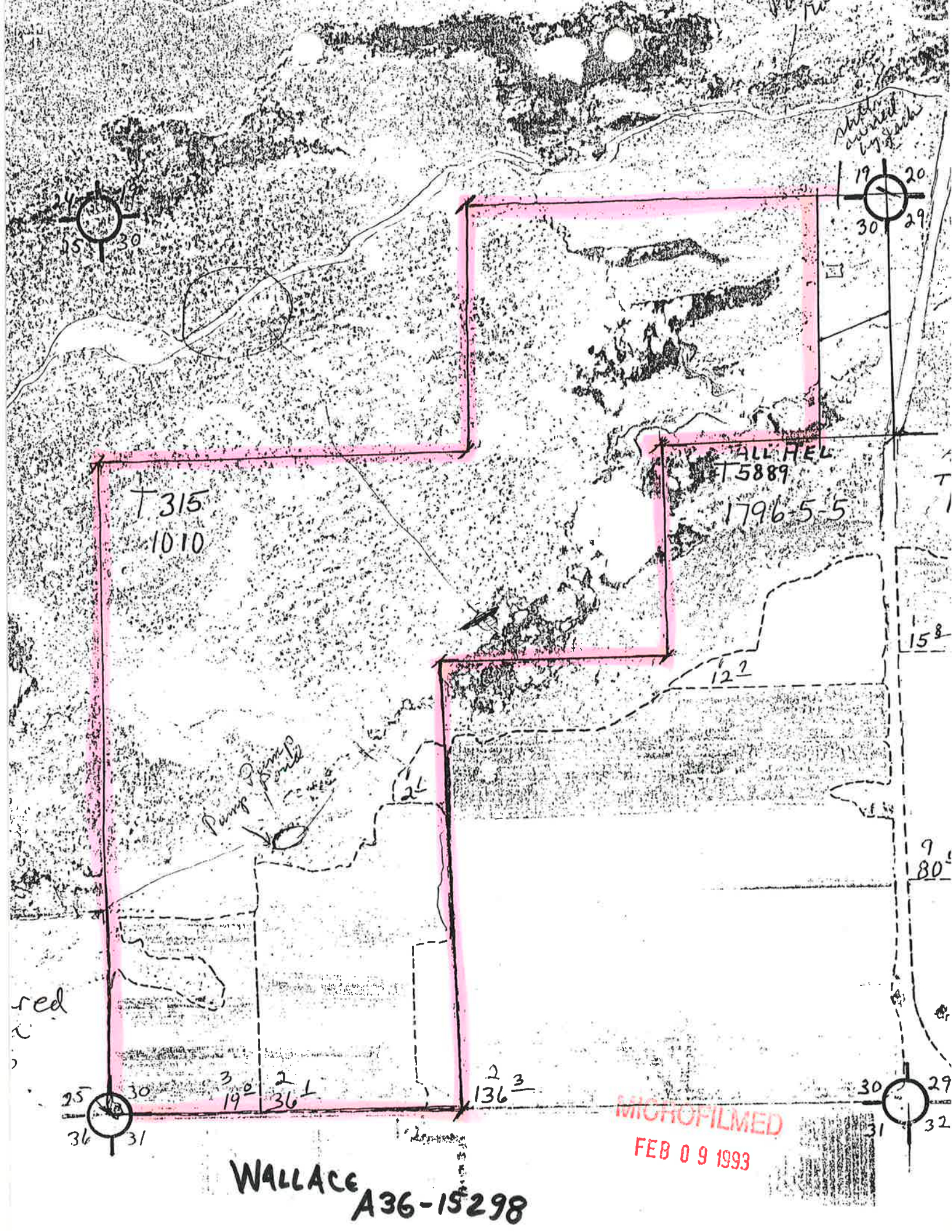
31¹

80

R18E

R19E

W 1 R



WALLACE
A36-15298

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1920
3029

2368

B 5

P 5

E
10.2

D
1.2

F
9.6

J
30

J
40.16

R
12.1



T 315
1010

ALL HEL
T 5889
1796-5-5

ALL HEL
T 6107
1689-1-4

15² HEL

2² 60⁰ HEL

T 28
18

78²

9⁰ 80⁰ HEL

8² 152² HEL

T 316
1011
measured
on
L16

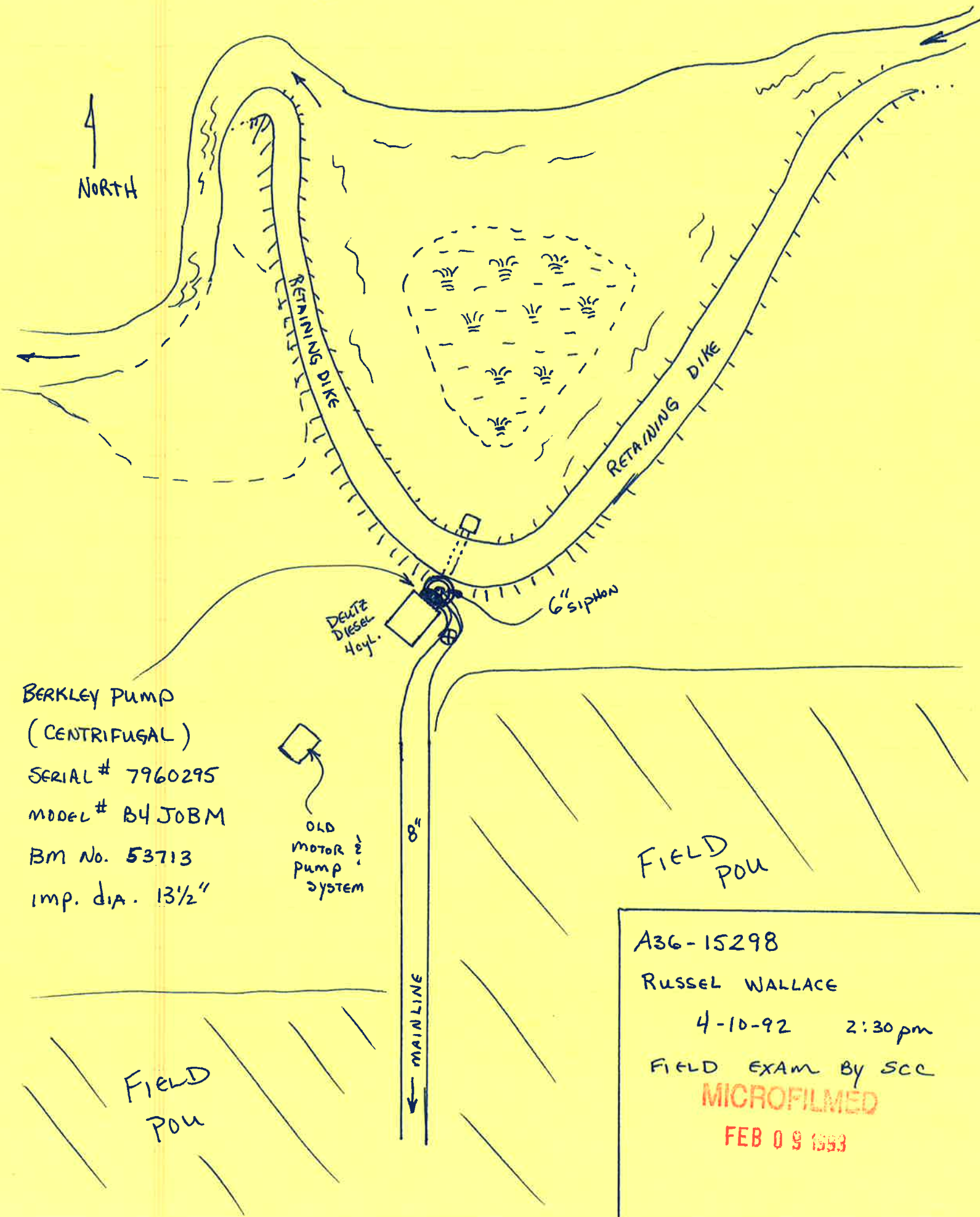


3⁰ 19⁰ 2¹ 36¹

2³ 136³



M 16



BERKLEY PUMP
(CENTRIFUGAL)
SERIAL # 7960295
MODEL # B4J0BM
BM No. 53713
imp. dia. 13 1/2"

OLD
motor &
pump
system

FIELD
POU

FIELD
POU

A36-15298

RUSSEL WALLACE

4-10-92 2:30 pm

FIELD EXAM By SCC

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View North



4" LINE
IS CAPABLE
OF INTAKE
AT THE WATER
LINE IN THE
POND.

AREA BELOW DIKE



← DOWNSTREAM
VIEW FROM BELOW DIKE.

View EAST



WALLACE
A36-15298

PHOTOS: 4-10-92 By SEC

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NON IRRIGATED
AREA AS SHOWN ON
ASCS + NAPP PHOTO

WALLACE
A36-15298

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SE SW

MAINLINE

SW SW
LOT 4

VIEW SOUTH

S30 T09S R19E

PHOTOS: 4-10-92 BY SCC

View South



WALLACE

A36-15298

POD = SWNE SW

S 30

T09S R19E

View North



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PHOTOS: 4-10-92 By SCL (SEE ALSO SKETCH OF LAYOUT)

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A36-15298

DATE: _____

BY: _____

THEORETICAL RATE OF FLOW:

$$Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (56) \times (0.30)}{[(1.5) + (60 \times 2.31)]} = \frac{148}{140.1} = 1.06 \text{ cfs}$$

adjusted efficiency for Diesel motor

LIFT FROM:

measurement (X) 1.5'

owner ()

area estimate ()

well logs ()

Booster (Y)

PSI FROM:

measurement ()

owner ()

estimate (X)

owner gage ()

(N)

NOTES ON PUMP:

Motor Make, Serial or ID

DEUTZ (4cyl. Diesel) 56 HP

Pump Make, Serial or ID, rating

Berkley centrifugal

Serial # 7960295, Model # B4J08M

(BM No. 53713)

impeller dia. 13 1/2". No Rating given.

REMARKS

ANNUAL VOLUME ANALYSIS

$$\text{POTENTIAL Acre Feet/Acre/Annum} = \frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$$

(season) (days) CV-DV

5/01-09/30 153 2-3

4/15-10/15 184 2.5-3.5

4/01-10/31 214 3-4

3/01-11/30 275 VARIES

3/15-11/15 246 VARIES

$$\text{POTENTIAL} = \frac{(\dots) \times (1.98) \times (\dots)}{(\dots)}$$

$$\text{POTENTIAL} = \frac{\dots}{\dots}$$

REQUIRED Acre Feet/Acre/Annum =

(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

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