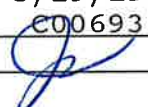


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: **A65-10953**
Date Received: 5/19/1989
Receipt No: C006935
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GEORGE DOVEL
Address: RT 1 BOX 61
HORSESHOE BEND ID 83629
OR
Name: ELISABETH V WALLACE 208-793-2768
Address: RT 1 BOX 61
HORSESHOE BEND ID 83629

2. Date of Priority: JUN 1, 1946

3. Source: PORTER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	02E	12	SW	SW			BOISE
	03E	7	SW	NW		2	BOISE

5. Description of diverting works:
DAM, BOX AND PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02E	12	SW	SW		DOMEST	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
65-10952

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO MORE THAN .04 CFS NOR 1.2 AFA.
THIS CLAIM IS BASED ON DECREED RIGHTS WITH CORRECTION. (SEE ATTACHMENTS)
CLAIM AMENDED PER TRANSFER NO. 3728 APPROVED 08-31-90. NOTE - THE APPROVED TRANSFER ALSO AMENDED THE PRIORITY DATE BACK TO THE ORIGINAL DECREED PRIORITY DATE. CONDITIONS ON THE TRANSFER ARE:
1- USE OF WATER UNDER THIS RIGHT IS SUBJECT TO CONTROL BY THE WATERMASTER OF STATE WATER DISTRICT NO. 65-B, PORTER CREEK.
2- THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE COMPLETED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
3- FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3728

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant George Dovel on Elisabeth V. Wallace Phone 793-2768
Post Office address Rt. 1 Box 61 Horseshoe Bend, Id. 83629

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Ceasing irrigation of 10 acres in NWNW 5.13 & commencing irrigation of 10 acres in SWSE 5.12. Adding a point of diversion to each right to the point where Watermaster delivers water.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|----------------------|---------------------|--------------------|-------------------|----------------------------|
| <u>65-10951</u> | <u>June 1, 1912</u> | <u>.84 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| <u>(see remarks)</u> | | <u>.03 cfs</u> | <u>Stockwater</u> | <u>1/1</u> to <u>12/31</u> |
| <u>65-10953</u> | <u>June 1, 1946</u> | <u>.04 cfs</u> | <u>Domestic</u> | <u>1/1</u> to <u>12/31</u> |
| | | | | to _____ |
2. Total amount of water being transferred .88 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Porter Creek tributary to Payette River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>2</u>		<u>SW</u>	<u>NW</u>	<u>7</u>	<u>7N</u>	<u>3E</u>	<u>Burke</u>	<u>Watermaster delivery point, pld for both rights</u>
		<u>NW</u>	<u>SE</u>	<u>12</u>	<u>7N</u>	<u>2E</u>		<u>2nd pld for 65-10951</u>
		<u>SW</u>	<u>SW</u>	<u>12</u>	<u>7N</u>	<u>2E</u>		<u>2nd pld for 65-10953</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7N</u>	<u>2E</u>	<u>12</u>												<u>15</u>			<u>11</u>		<u>26</u>
													<u>S</u>				<u>S</u>		
		<u>13</u>																	
<u>7N</u>	<u>2E</u>	<u>12</u>												<u>D</u>					

Total acres 42

PART 1

6. General Information:

a. Description of diversion system headgate & gravity ditches; dam, culvert to concrete boxes; headgate for gravity pipeline sprinkler system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. Mortgagee is A. & R. Madarieta see Attachment A & B

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
10 acres in NW 1/4 S. 13 will no longer be irrigated.

d. Remarks:

Stockwater use is shown as clarification of assumptions in Payette Decree. "Findings of Fact" No. 12 & "Conclusions of Law" No. 7 are the basis for this. Stockwater includes 100 head. Stockwater rate is included in irrigation rate but not added to irrigation rate (.84 cfs and .03 cfs equal total of .84 cfs).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 65-10951/10953

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. Use of water under this license is subject to control by the watermaster of State Water District No. 65-B, Porter Creek.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Witness my hand this

31st

day of

August

1990

H. Glen Saxton
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-10951 Decreed to Angel & Rose I. Madarieta
in case of A & C Corp. et al vs. State of Idaho
dated Jan. 21, 1986 in 3rd Jud. District county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other

See Attachments A & B

3. Source of water Porter Creek tributary to Poyette River

4. Date or priority June 1, 1912

5. Water is used for the following purpose:

amount .84 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount (stockwater) for implicit but not listed as a line item purposes from in decree
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .84 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	12	7N	2E	Boise	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	2E	12											15				1		16
		13					11	15											26

Total acres 42

9. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED *ENTIRE RIGHT REMAINS UNDER ONE OWNERSHIP*
 (If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-10953 Decreed to Angel & Rose I. Madaneta
in case of A & C Corp. et al vs. State of Idaho
dated Jan. 21, 1986 in 3rd Jud. District county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other

See Attachments A+B

3. Source of water Porter Creek tributary to Payette River

4. Date or priority June 1, 1946

5. Water is used for the following purpose:

amount .04 cfs for Domestic purposes from 1/1 to 12/31
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right .04 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	12	7N	2E	Boise	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	2E	12											D						—

Total acres _____

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED ENTIRE RIGHT REMAINS UNDER ONE OWNERSHIP
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

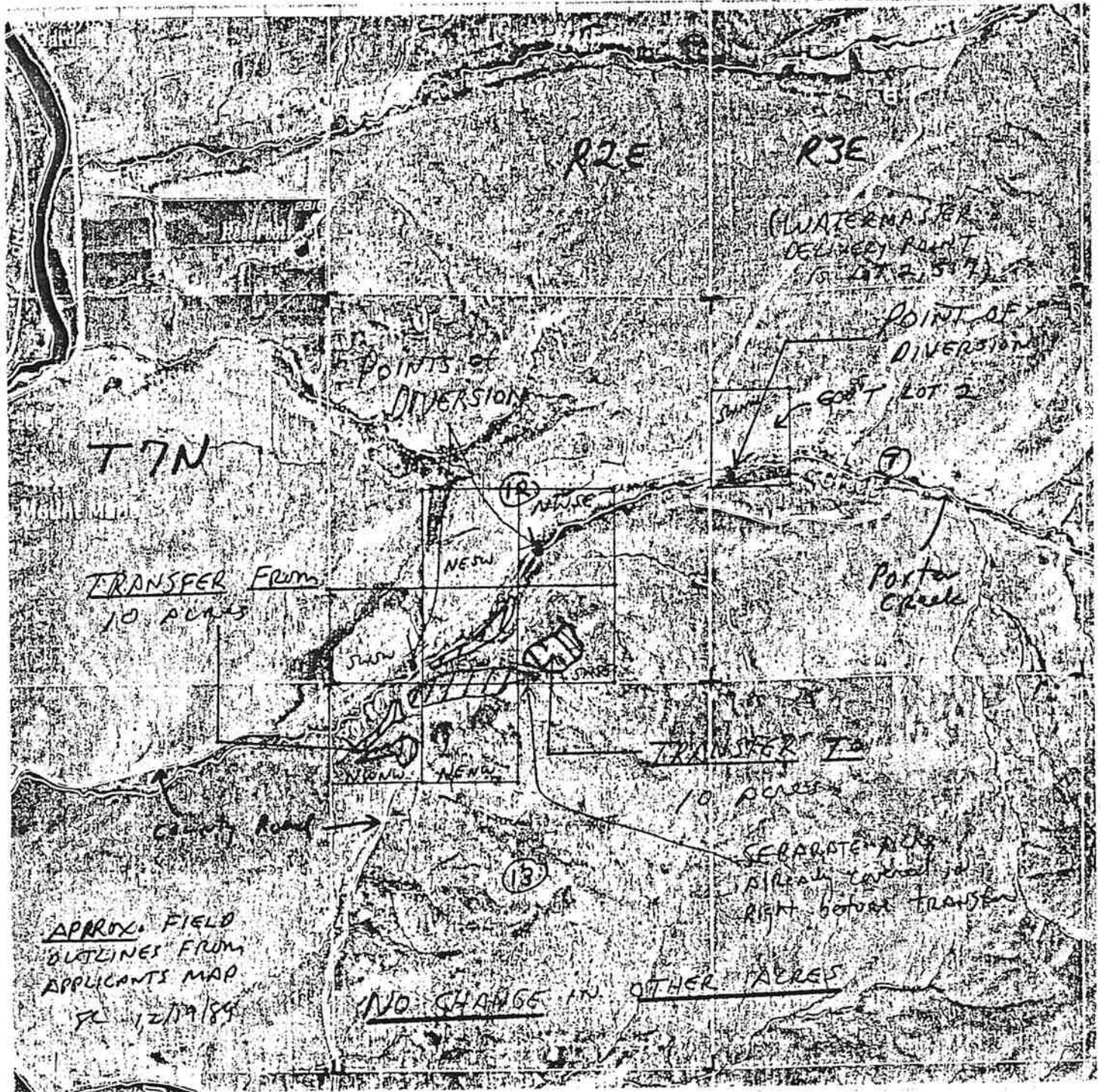
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE N/A

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 22nd day of January, 19 90.

George Davel
(Signature of Applicant)

David R. Tuttle
(Notary Public)

My commission expires 9/15/1994

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by SL Date 1/22/90

Prelim. check by SL Fee \$50 W006773

Receipted by DRT Date 11/22/1989

Published in Idaho World

Pub. dates 2/7 & 2/14/90

Watermaster recommendation requested on _____

_____ rec'd. 5/23/1990

Copy of transfer sent to lien holder _____

Original received by DRT 11/22/89,
Revised version rec'd by SL 1/22/90

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

by DRT

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: A65-10953
Date Received: 5/19/1989
Receipt No: C006935
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE DOVEL
Address: RT. 1 BOX 61
HORSESHOE BEND, ID 83629

2. Date of Priority: JAN 01, 1872

3. Source: PORTER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03E	7	SW		NW		BOISE

5. Description of diverting works:
DAM, BOX AND PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20
FIRE PROTECTION	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC AND FIRE PROTECTION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02E	12	SW	SW		DOMEST	

11. Place of use in counties: BOISE

A65-10953

Page 1

Date: 07/11/89

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

13. Other Water Rights Used:
65-10952

14. Remarks:
THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO
MORE THAN .04 CFS NOR 1.2 AFA.
THIS CLAIM IS BASED ON DECREED RIGHTS WITH CORRECTION. (SEE
ATTACHMENTS)

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: 65-10953
DATE RECEIVED: 5-19-89
RECEIPT NO: 0006935
RECEIVED BY: AAH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: GEORGE DOVEL
ADDRESS: RT. 1 BOX 61
HORSESHOE BEND, ID 83629

NAME: ~~AMX RXX DOVEL~~
ADDRESS: ~~RTXXX BOX 61~~
~~HORSESHOE BEND, ID~~ ~~83629~~

2. DATE OF PRIORITY: Jan. ~~MMN~~ 01, ~~XXXX~~ 1872

3. SOURCE: PORTER CREEK TRIB. TO: PAYETTE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
~~07N~~	~~02E~~	~~XX~~	~~SW~~	~~SW~~			BOISE
<u>07N</u>	<u>03E</u>	<u>7</u>	<u>SW</u>	<u>NW</u>			BOISE

5. DESCRIPTION OF DIVERTING WORKS:
Dam, box and pipeline

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20
<u>Fire protection</u>	<u>01/01</u>	<u>12/31</u>			

7. TOTAL QUANTITY APPROPRIATED IS:
0.040 C.F.S. (AND/OR) 1.20 A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

Domestic and Fire Protection

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
07N	02E	12	SW SW		DOMEST	

11. PLACE OF USE IN COUNTIES: BOISE, BOISE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

65-10952

14. REMARKS:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO MORE THAN .04 CFS NOR 1.2 AFA.

15. BASIS OF CLAIM: ~~DECREE~~ Beneficial Use ~~ND~~

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS
DECREE DEFENDANT

Beneficial Use

Remarks: This claim is based on decreed rights with correction (see attachments)

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: Five 4

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): x George W. Devel DATE: x May 19, 1989

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF _____ TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Ada) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 19th DAY
OF May 19 89

Helen Harrington
NOTARY PUBLIC

SEAL

RESIDING AT Helen Harrington, Notary Public
Residing at Boise, Idaho
MY COMMISSION EXPIRES December 1, 1994

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

In Re SRBA	)	Subcase No. 65-10953
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	STIPULATED ELEMENT OF
_____	)	WATER RIGHT(s)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is a digital depiction of the boundary for the Lower Payette Ditch Company produced by IDWR.

CLAIMANT(s)/OBJECTOR:
George Dovel

George Dovel	Date
--------------	------

IDWR Concurrence:



IDWR Agent Date

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

United States of America (courtesy copy)
US Dept of Justice
Environment & Natural Resource
550 West Fort Street, MSC 033
Boise, ID 83724
Attn: David W. Gehlert

George Dovel
434 Pioneer Road
Horseshoe Bend, ID 83629

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 65-10953

NAME AND ADDRESS: GEORGE W DOVEL
434 PIONEER RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.040 CFS
1.200 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO MORE THAN .04 CFS NOR 1.2 AFA.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1946

POINT OF DIVERSION:

T07N R02E S12 SWSW Within BOISE County

T07N R03E S7 SWNW Lot 2 Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.040 CFS

1.20 AFY

PLACE OF USE: DOMESTIC Within BOISE County

T07N R02E S12 SWSW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

Water Right 65-10953

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

RIGHT NUMBER: 65-10953

NAME AND ADDRESS: GEORGE W DOVEL
434 PIONEER RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.040 CFS
1.200 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO MORE THAN .04 CFS NOR 1.2 AFA.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1946

POINT OF DIVERSION:

T07N R02E S12 SWSW Within BOISE County

T07N R03E S7 SWNW Lot 2 Within BOISE County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: DOMESTIC Within BOISE County

T07N R02E S12 SWSW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

Water Right 65-10953

**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

Water Rights: 65-10953

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer

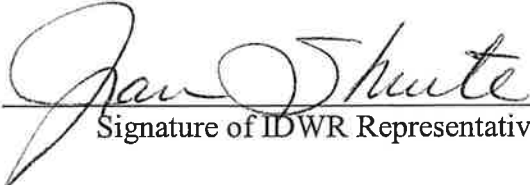
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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 Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 16, 2004


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 19, 2004, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

George W Dovel (Former Owners)
434 Pioneer Rd
Horseshoe Bend ID 83629

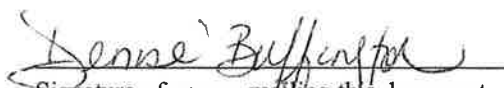
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Elisabeth V Wallace
Rt 1 Box 61
Horseshoe Bend ID 83629

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

George W Dovel (Current Owners)
434 Pioneer Rd
Horseshoe Bend ID 83629

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 20, 2004

GEORGE W DOVEL
434 PIONEER RD
HORSESHOE BEND ID 83629

RE: Water Right No. 65-10953

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosures

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: 65-10953
DATE RECEIVED: 5-19-89
RECEIPT NO: 0006935
RECEIVED BY: mt

COPY
FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: GEORGE DOVEL
ADDRESS: RT. 1 BOX 61
HORSESHOE BEND, ID 83629

NAME: ~~XXX XXX DOVEL~~
ADDRESS: ~~XXXXX BOX 61~~
~~HORSESHOE BEND, ID~~ 83629

2. DATE OF PRIORITY: Jan. ~~XXX~~ 01, ~~XXXX~~ 1872

3. SOURCE: PORTER CREEK TRIB. TO: PAYETTE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4 OF	LOT	COUNTY
~~XXX~~	~~XXX~~	~~XX~~	~~SW~~	~~SW~~			BOISE
<u>07N</u>	<u>03E</u>	<u>7</u>	<u>SW</u>	<u>NW</u>			BOISE

5. DESCRIPTION OF DIVERTING WORKS:
Dam, box and pipeline

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20
<u>Fire protection</u>	<u>01/01</u>	<u>12/31</u>			

7. TOTAL QUANTITY APPROPRIATED IS:
0.040 C.F.S. (AND/OR) 1.20 A.F.A.

9. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

Domestic and Fire Protection

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
07N	02E	12	SW SW		DOMEST	

11. PLACE OF USE IN COUNTIES: BOISE, BOISE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

65-10952

14. REMARKS:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO MORE THAN .04 CFS NOR 1.2 AFA.

15. BASIS OF CLAIM: ~~DECREE~~ Beneficial Use ~~nd~~

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS
DECREE DEFENDANT

Beneficial Use

Remarks: This claim is based on decreed rights with
correction (see attachments)

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: five 4

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): x George W. Dovel DATE: x May 19, 1989

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Ada) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 19th DAY
OF May 19 89

Helen Harrington
NOTARY PUBLIC

SEAL

RESIDING AT Helen Harrington, Notary Public
Residing at Boise, Idaho
MY COMMISSION EXPIRES December 1, 1994

Attached Paperwork:

Elisabeth Wallace deeds to
Wallace Corporation.
w/ articles of Wallace
Corp attached.

Wallace Corp deeds to Dovel.

Wallace death certificate.

Power of attorney puts Dovel
in charge.

Dovel deeds (on behalf of Wallace)
to Dovel Soley.

RECEIVED

APR 01 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	65-22327				
	65-22329				
Also includes: 65-10953					

2. The following _____ submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) George Dovel (1/2 int) Elisabeth V. Wallace (1/2 int)
4. New Owner/Claimant(s) George Dovel
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 434 Pioneer Road
- City, State and ZIP Code Horseshoe Bend, ID 83629
- New Telephone Number (208) 793-2768
5. Date you acquired the property 4-5-82 (1/2) 4-17-98 (all)

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

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

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

7. Signature of New Owner(s) or Claimant(s) George Dorel
(include title if applicable) _____

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

For Office Use Only

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

RECEIVED

APR 01 2003

WATER RESOURCES
WESTERN REGION

To: Jan Shurte, IDWR Western Region
From: George Dovel
Date: April 1, 2003
Subject: Notice of Change in Water Right Ownership

Hand Delivered

The attached proofs of chain of title include the following:

1. General (Durable) Power of Attorney from Elisabeth V. Wallace to George Dovel, dated October 31, 1989 and recorded in Boise County on 11/1/89.
2. Articles of Incorporation for Wallace Corporation, dated and recorded January 18, 1990, a sole corporation formed by George Dovel to administer the affairs of Elisabeth V. Wallace after she was declared incapable of handling her affairs.
3. Bargain and Sale deed by George Dovel, Attorney in Fact for Elisabeth V. Wallace, dated January 18, 1990, recorded 1/22/90, transferring her undivided ½ interest in the subject property and water rights to Wallace Corporation.
4. February 8, 1996 Idaho Certificate of Death certifying that Elisabeth V. Wallace died on February 7, 1996.
5. Bargain and Sale Deed, dated April 17, 1988, transferring title of ½ interest in subject property, and water rights from Wallace Corporation to George Dovel. This instrument was recorded jointly with the following Bargain and Sale deed on October 23, 1998.
6. Bargain and Sale Deed, dated October 15, 1998, transferring subject property and water rights from George Dovel, personal representative of Elisabeth V. Wallace decedent to George Dovel. This (apparently unnecessary) instrument was requested by Mountain View Title Company prior to the sale of a portion of the property and water rights to Randy and Amy Heffner and was recorded jointly with the foregoing April 17, 1988 deed to George Dovel on October 23, 1988.

Transfers of ownership:

1. April 5, 1982 - Elisabeth V. Wallace and George Dovel purchase original property and water rights from Angel and Rosa I. Madarieta (see IDWR records).
2. November 15, 1989 - Elisabeth V. Wallace and George Dovel transfer portion of original property, but no water rights, to Angel and Rosa I. Madarieta (see SRBA file).
3. January 18, 1990 - Elisabeth V. Wallace ½ interest to Wallace Corporation.
4. April 17, 1998 - Wallace Corporation ½ interest to George Dovel.
5. October 15, 1998 - Portion of property and water rights transferred from George (and Patti) Dovel to Randy and Amy Heffner. George Dovel retained the 13.76 acres and the water rights described in said warranty deed (see SRBA file).

If you have any questions or need additional information, please call 793-2768 or email gdovel@mindspring.com

Thank you.

P1166899

RECEIVED

APR 01 2003

WATER RESOURCES
WESTERN REGION

BARGAIN AND SALE DEED

THE GRANTOR is **George Dovel**, the personal representative of the **Estate of Elisabeth Virginia Wallace, decedent**, having been duly appointed as such on the date of October 7, 1997, by order of the Magistrate's Division of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, (herein called grantor) whose current address is 434 Pioneer Road, Horseshoe Bend, ID 83629.

THE GRANTEE is **George Dovel**, a married man dealing with his sole and separate property, (herein called grantee) whose current address is 434 Pioneer Road, Horseshoe Bend, ID 83629.

FOR VALUE RECEIVED, the grantor hereby bargains, sells and conveys unto the grantee **AN UNDIVIDED ONE-HALF INTEREST** in those premises situated in Boise County, Idaho, and described in Exhibit A which is attached hereto and by this reference incorporated herein and made a part hereof.

TOGETHER with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

SUBJECT to the following: all current taxes and assessments of every kind whatsoever; all patent and state deed reservations; the bonded debt of all taxing units; all repayment contracts between any irrigation district in which the premises may be situated and the United States; and all rights of way over the premises regardless of how evidenced or acquired and whether the same appear of record or not.

TO HAVE AND TO HOLD the premises and its appurtenances unto the grantee and the grantee's successors and assigns forever.

INTERPRETATION: The date this deed is dated immediately below is the date on which it will take effect.

DATED: OCT 15 1998

INST# 170741
REQUEST Mtn View

SIGNED BY THE GRANTOR: 170741

98 OCT 23 PM 3: 57

BOISE COUNTY RECORDER
BY William

ESTATE OF ELISABETH VIRGINIA WALLACE, decedent, TYPE Deed FEE 12.00/ck

By George Dovel
George Dovel, personal representative

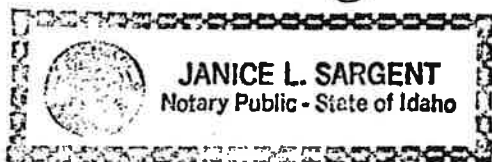
4pgs

STATE OF IDAHO, County of Canyon) ss

On this date, before me, the undersigned notary public for such state, personally appeared **GEORGE DOVEL**, known to me to be the person whose name is subscribed to the within instrument as the personal representative of the Estate of Elisabeth Virginia Wallace, and acknowledged to me that he executed the same as such personal representative.

WITNESS my hand and seal on OCT 15 1998.

Janice L. Sargent Notary Public.



The E $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 7 North, Range 2 East, B.M., excepting therefrom the following described lands:

EXCEPTION NO. 1:

A parcel of land being a portion of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, T.7N., R.2E., B.M., Boise County, Idaho and more particularly described as follows:

Beginning at a brass cap marking the Northwest corner of the said Section 13; thence along the Westerly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13

South 00°06'32" East 626.00 feet to an iron pin, also said point being the REAL POINT OF BEGINNING; thence continuing

South 00°06'32" East 688.87 feet to an iron pin marking the Southwest corner of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13; thence along the Southerly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$

South 89°36'26" East 1286.78 feet to an iron pin marking the Southeast corner of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence along the Easterly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$

North 00°07'36" East 871.07 feet to an iron pin; thence leaving said boundary

South 79°11'35" West 21.74 feet to a point marking a point of beginning of curve on the centerline of a certain County road; thence along the said centerline along a curve to the left whose central angle is 83°20'23", whose radius is 97.00 feet, whose length is 141.09 feet and whose long chord bears

North 52°28'36" West 128.98 feet to a point of tangent; thence continuing

South 85°51'13" West 84.14 feet to a point of curve; thence continuing along a curve to the right whose central angle is 90°55'46", whose radius is 93.00 feet, whose length is 147.59 feet and whose long chord bears

North 48°40'55" West 132.58 feet to a point of tangent; thence continuing

North 03°13'02" West 140.22 feet to a point of curve; thence continuing along a curve to the right whose central angle is 35°12'52", whose radius is 115.00 feet, whose length is 70.68 feet and whose long chord bears

North 14°23'24" East 69.57 feet to a point of ending of curve; thence leaving said centerline

North 58°00'10" West 38.52 feet to an iron pin; thence

South 67°24'18" West 187.18 feet to an iron pin; thence

South 42°58'28" West 253.77 feet to an iron pin; thence

South 15°06'13" West 25.96 feet to an iron pin; thence

South 35°46'24" West 379.74 feet to an iron pin; thence

North 88°03'28" West 319.10 feet to an iron pin; thence

North 70°57'14" West 69.93 feet to the POINT OF BEGINNING.

EXHIBIT A

EXCEPTION NO. 2:

A triangular tract of land located in the Northwest Corner of the Southwest Quarter of the Southwest Quarter, Section 12, Township 7 North, Range 2 East, of the Boise Meridian, Boise, described as follows:

Commencing at the Southwest Corner of said Section 12, thence North 6.41 chains to the place of beginning; thence North 13.60 chains; thence East 13.44 chains; thence Southwesterly 19.12 chains to the point of beginning.

EXHIBIT A

RECORDING REQUESTED BY WHEN RECORDED MAIL TO NAME STREET ADDRESS CITY STATE ZIP	Boise County Idaho ss Request of <u>George Dovel</u> Time <u>14:52 M.T</u> Date <u>11/1/89</u> 134502 Arlene C. Kolar By <u>[Signature]</u> Deputy Fee <u>\$3.00</u>	9003499 Ada County, Idaho Request of <u>George Dovel</u> TIME <u>8:21</u> DATE <u>1-19-9</u> JOHN BASTIDA RECORDER
---	--	--

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

POWER OF ATTORNEY — GENERAL [includes optional DURABLE POWER OF ATTORNEY]

KNOW ALL PERSONS BY THESE PRESENTS: That I, Elisabeth V. Wallace of San Juan Capistrano, County of Orange, California

the undersigned (jointly or severally, if more than one) hereby make, constitute and appoint George Dovel of Horseshoe Bend, County of Boise, Idaho

my true and lawful Attorney for me and in my name, place and stead and for my use and benefit:

(a) To ask, demand, sue for, recover, collect and receive each and every sum of money, debt, account, legacy, bequest, interest, dividend, annuity and demand (which now is or hereafter shall become due, owing or payable) belonging to or claimed by me, and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to execute and deliver a satisfaction or release therefor, together with the right and power to compromise or compound any claim or demand;

(b) To exercise any or all of the following powers as to real property, any interest therein and/or any building thereon: To contract for, purchase, receive and take possession thereof and of evidence of title thereto, to lease the same for any term or purpose, including leases for business, residence, and oil and/or mineral development; to sell, exchange, grant or convey the same with or without warranty; and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of a negotiable or non-negotiable note or performance of any obligation or agreement;

(c) To exercise any or all of the following powers as to all kinds of personal property and goods, wares and merchandise, choses in action and other property in possession or in action. To contract for, buy, sell, exchange, transfer and in any legal manner deal in and with the same, and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of a negotiable or non-negotiable note or performance of any obligation or agreement;

(d) To borrow money and to execute and deliver negotiable or non-negotiable notes therefor with or without security, and to loan money and receive negotiable or non-negotiable notes therefor with such security as he/she shall deem proper;

(e) To create, amend, supplement and terminate any trust and to instruct and advise the trustee of any trust wherein I am or may be trustor or beneficiary; to represent and vote stock, exercise stock rights, accept and deal with any dividend, distribution or bonus, join in any corporate financing, reorganization, merger, liquidation, consolidation or other action and the extension, compromise, conversion, adjustment, enforcement or foreclosure, singly or in conjunction with others of any corporate stock, bond, note, debenture or other security, to compound, compromise, adjust, settle and satisfy any obligation, secured or unsecured, owing by or to me and to give or accept any property and/or money whether or not equal to or less in value than the amount owing in payment, settlement or satisfaction thereof.

(f) To transact business of any kind or class and as my act and deed to sign, execute, acknowledge and deliver any deed, lease, assignment of lease, covenant, indenture, indemnity, agreement, mortgage, deed of trust, assignment of mortgage or of the beneficial interest under deed of trust, extension or renewal of any obligation, subordination or waiver of priority, hypothecation, bottomry, charter-party, bill of lading, bill of sale, bill, bond, note, whether negotiable or non-negotiable, receipt, evidence of debt, full or partial release or satisfaction of mortgage, judgment and other debt, request for partial or full reconveyance of deed of trust and such other instruments in writing or any kind or class as may be necessary or proper in the premises

(g) [Strike if not applicable.] This Power of Attorney shall not be affected by subsequent incapacity of the principal [and shall remain effective for a period of _____ years after the disability or incapacity occurs]

(h) [Strike if not applicable.] ~~This Power of Attorney shall become void upon the incapacity of the principal [and shall remain effective for a period of _____ years after the disability or incapacity occurs]~~

(i) If (g) and/or (h) are not stricken, the following warning applies - WARNING TO PERSON EXECUTING THIS DOCUMENT:

This is an important legal document. It creates a durable power of attorney. Before executing this document, you should know these important facts:

1. This document may provide the person you designate as your attorney in fact with broad powers to manage, dispose, sell, and convey your real and personal property and to borrow money using your property as security for the loan.
2. These powers will exist for an indefinite period of time unless you limit their duration in this document. These powers will continue to exist notwithstanding your subsequent disability or incapacity.
3. You have the right to revoke or terminate this power of attorney.
4. If there is anything about this form that you do not understand, you should ask a lawyer to explain it to you.

GIVING AND GRANTING unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite, necessary or appropriate to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present, hereby ratifying all that my said Attorney shall lawfully do or cause to be done by virtue of these presents. The powers and authority hereby conferred upon my said Attorney shall be applicable to all real and personal property or interests therein now owned or hereafter acquired by me and wherever situate.

My said Attorney is empowered hereby to determine in his/her sole discretion the time when, purpose for and manner in which any power herein conferred upon him shall be exercised, and the conditions, provisions and covenants of any instrument or document which may be executed by him/her pursuant hereto; and in the acquisition or disposition of real or personal property, my said Attorney shall have exclusive power to fix the terms thereof for cash, credit and/or property, and if on credit with or without security.

When the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

WITNESS my hand this 31st day of October, 1989

Elisabeth V. Wallace
ELISABETH V. WALLACE

STATE OF CALIFORNIA

COUNTY OF ORANGE

On this 31st day of OCTOBER, in the year 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared ELISABETH V. WALLACE

personally 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 it.

WITNESS my hand and official seal.

Susan Wernet
Notary Public in and for said State.



CERTIFICATION OF VITAL RECORD

STATE OF IDAHO IDAHO DEPARTMENT OF HEALTH AND WELFARE COOPERATIVE CENTER FOR HEALTH STATISTICS

FEB - 8 1996

State of Idaho CERTIFICATE OF DEATH

State File No. **679**
Local Reg. No. _____

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR, WITH THE SEALS OF HEALTH AND WELFARE RAINED SEAL, SHALL BE USED IN FINAL PRICE
EVIDENCE OF THIS DEATH UNDER BOARD CODE 30-4100 & 30-420

DECEDENT TYPE OR PRINT IN PERMANENT BLACK INK DO NOT USE FELT PEN	DECEDENT - NAME FIRST ELISABETH		MIDDLE VIRGINIA		LAST WALLACE		SEX FEMALE	DATE OF DEATH (Month, Day, Year) FEBRUARY 7, 1996
	SOCIAL SECURITY NUMBER 523-34-4425		AGE - Last Birthday (Yrs.) 73	UNDER 1 YEAR MONTHS _____ DAYS _____	UNDER 1 DAY HOURS _____ MIN. _____	DATE OF BIRTH (Month, Day, Year) APRIL 25, 1922		BIRTHPLACE (City and State or Foreign Country) HARRISONBURG, VA
NAME OF DECEDENT For use by physician or institution	WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		PLACE OF DEATH (Check only one) ☐ Hospital ☐ (1) Inpatient ☐ (2) ER/Outpatient ☐ (3) DCA ☐ (4) Long-Term Care Facility ☐ (5) Own Residence ☐ (6) Other Private Residence ☐ (7) Other (Specify) _____					
	FACILITY NAME AND ADDRESS (if not a hospital, enter name of place, street and number) 739 E. PARKCENTER BLVD.		CITY, TOWN OR LOCATION OF DEATH BOISE		COUNTY OF DEATH ADA			
	MARRIAGE STATUS - Married, Never Married, Widowed, Divorced (Specify) WIDOWED		SURVIVING SPOUSE (if wife, give maiden name) _____		DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.) PROGRAM SUPERVISOR (A.I.D.) U.S. STATE DEPT.		KIND OF BUSINESS / INDUSTRY _____	
	RESIDENCE STATE IDAHO		COUNTY ADA	CITY, TOWN OR LOCATION BOISE		STREET AND NUMBER 739 E. PARKCENTER BLVD.		ZIP CODE 83706
PARENTS INFORMANT DISPOSITION CAUSE OF DEATH	INSIDE CITY LIMITS ☒ Yes ☐ No		WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes - if yes, specify Cuban, Mexican, Puerto Rican, etc.) ☐ Yes ☒ No		RACE - American Indian, Black, Japanese, White, etc. (Specify) WHITE		14. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) 12 College (1-4 or 5+) 0	
	FATHER - NAME ROBERT AUSTIN DOVEL		BIRTHPLACE VIRGINIA		MOTHER - FULL MAIDEN NAME ALICE AHL SHIFFLETT		BIRTHPLACE MARYLAND	
	INFORMANT'S NAME (Type Print) GEORGE DOVEL		MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) RT. 1 BOX 61, HORSESHOE BEND, IDAHO 83629					
	METHOD OF DISPOSITION ☐ Burial ☐ Cremation ☒ Removal from Idaho ☐ Donation ☐ Other (Specify) _____		PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) WOODBIND CEMETERY		LOCATION - City or Town, State HARRISONBURG, VIRGINIA			
CERTIFIER TO BE FILED FOR EXTERNAL CAUSES ONLY CORONER'S REVIEW AREA REGISTRAR	SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>[Signature]</i>		LICENSE NUMBER (of Licensee) M-749		NAME AND ADDRESS OF FACILITY RELYEA FUNERAL CHAPEL, BOISE, IDAHO			
	TIME OF DEATH 7:00 PM		DATE PROPOSED DEAD (Month, Day, Year) FEB. 7, 1996		WAS CASE REFERRED TO CORONER? ☒ Yes ☐ No		MANNER OF DEATH (Check One) ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Pending Investigation ☐ Could Not Be Determined	
	27. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) Atherosclerotic cardio vascular disease, probable DUE TO (or as a consequence of): a. _____ b. _____ c. _____ d. _____							
	27. PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I. Hypertension WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☐ No							
CERTIFIER (Check only one) ☐ PHYSICIAN - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☒ CORONER - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.								
SIGNATURE AND TITLE OF CERTIFIER <i>[Signature]</i> ADA COUNTY CORONER		LICENSE NUMBER 6169		DATE SIGNED (Month, Day, Year) 2-8-96				
NAME AND ADDRESS OF CERTIFIER 6169 CLINTON ST., BOISE IDAHO 83704								
DATE OF INJURY (Mo., Day, Yr.) _____		HOUR OF INJURY _____		DESCRIBE HOW INJURY OCCURRED _____				
INJURY AT WORK? ☐ Yes ☒ No		IF TRANSPORTATION ACCIDENT, Specify ☐ Driver ☒ Passenger ☐ Pedestrian ☐ Other _____		PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify) _____		LOCATION (Street or Route Number, City/Town, or County, and State) _____		
CORONER'S ACTION (Check One) ☐ (1) Reviewed Only ☐ (2) Reviewed and/or Amended, and Certified		CORONER'S SIGNATURE <i>[Signature]</i>		DATE SIGNED (Month, Day, Year) _____				
REGISTRAR'S SIGNATURE <i>[Signature]</i>				DATE FILED (Month, Day, Year) FEB - 8 1996				

I certify that this is a true and correct reproduction or abstract of an official record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

FEB 08 1996

DATE ISSUED: _____

JANE S. SMITH
State Registrar

P11610899

RECEIVED

APR 01 2003

WATER RESOURCES
WESTERN REGION

BARGAIN AND SALE DEED

THE GRANTOR is **Wallace Corporation**, an Idaho corporation, (herein called grantor).

THE GRANTEE is **George Dovel**, the personal representative of the **Estate of Elisabeth Virginia Wallace, decedent**, having been duly appointed as such on the date of October 7, 1997, by order of the Magistrate's Division of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, (herein called grantee) whose current address is 434 Pioneer Road, Horseshoe Bend, ID 83629.

FOR VALUE RECEIVED, the grantor hereby bargains, sells and conveys unto the grantee **AN UNDIVIDED ONE-HALF INTEREST** in those premises situated in Boise County, Idaho, and described in Exhibit A which is attached hereto and by this reference incorporated herein and made a part hereof.

TOGETHER with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

SUBJECT to the following: all current taxes and assessments of every kind whatsoever; all patent and state deed reservations; the bonded debt of all taxing units; all repayment contracts between any irrigation district in which the premises may be situated and the United States; and all rights of way over the premises regardless of how evidenced or acquired and whether the same appear of record or not.

TO HAVE AND TO HOLD the premises and its appurtenances unto the grantee and the grantee's successors and assigns forever.

INTERPRETATION: The date this deed is dated immediately below is the date on which it will take effect.

DATED: April 17, 1998

SIGNED BY THE GRANTOR:

170742

WALLACE CORPORATION

By George Dovel
George Dovel, President

INST# 170742

REQUEST Mtn View

98 OCT 23 PM 3:59

BOISE COUNTY RECORDER

BY D. W. [Signature]

TYPE Deed FEE 12.00/ck

4pgs

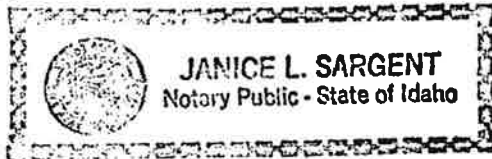
STATE OF IDAHO, County of Canyon) ss

On this date, before me, the undersigned notary public for such state, personally appeared **GEORGE DOVEL**, known to me to be the president of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

WITNESS my hand and seal on APR 17 1998

Janice L. Sargent

Notary Public.



The E $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 7 North, Range 2 East, B.M., excepting therefrom the following described lands:

EXCEPTION NO. 1:

A parcel of land being a portion of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, T.7N., R.2E., B.M., Boise County, Idaho and more particularly described as follows:

Beginning at a brass cap marking the Northwest corner of the said Section 13; thence along the Westerly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13

South $00^{\circ}06'32''$ East 626.00 feet to an iron pin, also said point being the REAL POINT OF BEGINNING; thence continuing

South $00^{\circ}06'32''$ East 688.87 feet to an iron pin marking the Southwest corner of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13; thence along the Southerly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$

South $89^{\circ}36'26''$ East 1286.78 feet to an iron pin marking the Southeast corner of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence along the Easterly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$

North $00^{\circ}07'36''$ East 871.07 feet to an iron pin; thence leaving said boundary

South $79^{\circ}11'35''$ West 21.74 feet to a point marking a point of beginning of curve on the centerline of a certain County road; thence along the said centerline along a curve to the left whose central angle is $83^{\circ}20'23''$, whose radius is 97.00 feet, whose length is 141.09 feet and whose long chord bears

North $52^{\circ}28'36''$ West 128.98 feet to a point of tangent; thence continuing

South $85^{\circ}51'13''$ West 84.14 feet to a point of curve; thence continuing along a curve to the right whose central angle is $90^{\circ}55'46''$, whose radius is 93.00 feet, whose length is 147.59 feet and whose long chord bears

North $48^{\circ}40'55''$ West 132.58 feet to a point of tangent; thence continuing

North $03^{\circ}13'02''$ West 140.22 feet to a point of curve; thence continuing along a curve to the right whose central angle is $35^{\circ}12'52''$, whose radius is 115.00 feet, whose length is 70.68 feet and whose long chord bears

North $14^{\circ}23'24''$ East 69.57 feet to a point of ending of curve; thence leaving said centerline

North $58^{\circ}00'10''$ West 38.52 feet to an iron pin; thence

South $67^{\circ}24'18''$ West 187.18 feet to an iron pin; thence

South $42^{\circ}58'28''$ West 253.77 feet to an iron pin; thence

South $15^{\circ}06'13''$ West 25.96 feet to an iron pin; thence

South $35^{\circ}46'24''$ West 379.74 feet to an iron pin; thence

North $88^{\circ}03'28''$ West 319.10 feet to an iron pin; thence

North $70^{\circ}57'14''$ West 69.93 feet to the POINT OF BEGINNING.

EXHIBIT A

EXCEPTION NO. 2:

A triangular tract of land located in the Northwest Corner of the Southwest Quarter of the Southwest Quarter, Section 12, Township 7 North, Range 2 East, of the Boise Meridian, Boise, described as follows:

Commencing at the Southwest Corner of said Section 12, thence North 6.41 chains to the place of beginning; thence North 13.60 chains; thence East 13.44 chains; thence Southwesterly 19.12 chains to the point of beginning.

EXHIBIT A

RECEIVED
APR 01 2003
WATER RESOURCES
WESTERN REGION

COPY
ORIGINAL

JAN 18 3 53 PM '90
SECRETARY OF STATE

ARTICLES OF INCORPORATION
OF

WALLACE CORPORATION

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, being a natural person of full age, in order to form a corporation for the purposes hereinafter stated under and pursuant to the provisions of the Idaho Business Corporation Act and acts amendatory thereof and supplementary thereto, do hereby certify as follows:

FIRST: The name of this corporation is "WALLACE CORPORATION".

SECOND: The purposes and objects for which this corporation is formed are as follows:

- a. To engage in any commercial, industrial, mining and agricultural enterprise permitted under all applicable law and to transact all lawful business for which corporations may be incorporated under the Idaho Business Corporation Act.
- b. To buy, contract to buy, lease, receive, manufacture, produce, or otherwise acquire; to hold, own, lease, operate, manage, improve, develop, or otherwise use; to mortgage, pledge or otherwise encumber; to assign, sell, contract to sell, exchange, give or otherwise dispose of; and to import, export, distribute or otherwise deal in and with personal property of every kind, whether now known or hereafter to be discovered or invented.
- c. To buy, contract to buy, lease, receive, or otherwise acquire; to hold, own, occupy, operate, manage, improve, develop, or otherwise use; to mortgage, pledge, or otherwise encumber; and to convey, sell, contract to sell, exchange, give or otherwise dispose of and deal in real property including its appurtenances and each and every right, interest or estate therein.
- d. To buy, contract to buy, receive, or otherwise acquire; to hold, own, manage, vote or otherwise use; to assign as security, pledge or otherwise encumber; and to sell, contract to sell, exchange, assign, endorse, give or otherwise dispose of and deal in all kinds of stocks, bonds, securities, negotiable instruments, contracts, mortgages or other evidence of indebtedness.

- e. To make, perform and carry out contracts of every kind for any lawful purpose and for any amount with any person, firm, association or corporation, either public or private, or with any city, county, state or government or any agency thereof.
- f. To arrange credit and borrow money from any private, commercial or government source; to evidence such borrowings by issuing negotiable and non-negotiable contracts, bonds, debentures, promissory notes or other evidence of indebtedness; and to secure such borrowings, contracts or any of the obligations of the corporation or of any other person, firm, association or corporation by issuing assignments for security, pledges, mortgages, trust deeds or any other forms of encumbrances upon all or any part of the assets of the corporation.
- g. To evidence, guarantee or otherwise become liable or responsible for the debts or performance of any person, firm, association or corporation, and to loan money and extend credit in any amount, with or without security, to any person, firm, association or corporation.
- h. To act as agent, factor, broker, middleman, forwarder or in any other capacity for any person, firm, association or corporation.
- i. To employ employees, agents, brokers, salesmen or persons, firms, associations or corporations in any other capacity for carrying on any business of the corporation.
- j. To buy, acquire, hold, sell, exchange, re-issue or cancel any shares of its own capital stock but the shares of its own capital stock belonging to the corporation shall not be voted directly or indirectly.
- k. To organize and become a member of a partnership; and to organize, incorporate and reorganize subsidiary corporations, joint stock companies and associations for any purpose permitted by law.
- l. To have and to exercise any and all powers and privileges now or hereafter conferred by the laws of the State of Idaho upon corporations formed under any of the general corporation laws of the State of Idaho, or under any acts amendatory thereof or supplementary thereto or substituted therefor.
- m. To exercise all of the powers and purposes provided in these articles by and through its Board of Directors without

the necessity of securing the authorization of the shareholders.

The purposes specified herein shall be construed as purposes and powers and shall not be limited or restricted by reference to or inference from the terms of any other clause in this or any other article. The purposes and powers specified in each of the clauses herein shall be regarded as independent purposes and powers and the enumeration of specific purposes and powers shall not be construed to limit or restrict in any manner the meaning of general terms or of the general powers of the corporation, nor shall the expression of one thing be deemed to exclude another, although it be of like nature not expressed.

THIRD: This corporation is to have perpetual existence.

FOURTH: The location of and post office address of the registered office of this corporation is Route 1, Box 61, Horseshoe Bend, Idaho 83629 and the name of the registered agent at that address is George Dovel.

FIFTH: The corporation shall have authority to issue in the aggregate 1,000 shares of common stock of one class only and all such shares shall be without par value.

SIXTH: The name and post office address of each incorporator is as follows:

George Dove whose address is Route 1, Box 61
Horseshoe Bend, ID 83629

SEVENTH: One director shall constitute the initial board of directors and the name and post office address of such initial director who is to serve until the first annual meeting of the shareholders or until a successor is elected and qualifies is as follows:

George Dove whose address is Route 1, Box 61
Horseshoe Bend, ID 83629

EIGHTH: The private property of the shareholders shall not be subject to the payment of corporate debts to any extent whatsoever, and the shares of this corporation shall not be subject to the assessments for the purpose of paying expenses, conducting business or paying debts of this corporation.

NINTH: The number of directors of this corporation shall be as specified in the by-laws and such number may be increased

EISMAN LAW OFFICES
3016 CALDWELL BLVD.
Nampa, IDAHO 83651-6416
(208) 467-3100

or decreased in such manner as may be provided by the by-laws but the number of directors shall not be less than one.

TENTH: Shareholders shall have the preemptive right provided by the laws of the State of Idaho to acquire unissued or treasury shares or securities convertible into such shares or carrying a right to subscribe to or acquire shares of this corporation.

ELEVENTH: At each election for directors each shareholder shall have the right of cumulative voting.

TWELFTH: The power to adopt, alter, amend or repeal by-laws or adopt new by-laws, subject to repeal or change by action of the shareholders, is vested in the board of directors, except that the board of directors shall have no power to alter, amend, repeal or change a by-law adopted by the shareholders.

THIRTEENTH: The corporation reserves the right to amend, alter, change or repeal any provision contained in these articles of incorporation in the manner now or hereafter provided by law by the affirmative vote in person or by proxy of the holders of two-thirds of the shares entitled to vote thereon at any annual meeting of the shareholders or any special meeting duly called for the purpose, except where the laws of the State of Idaho provide otherwise.

DATED: January 18, 1990

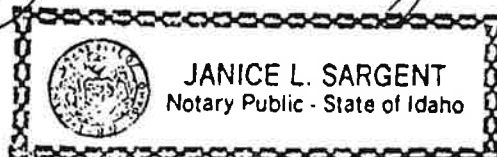
George Dovel
George Dovel, Incorporator.

STATE OF IDAHO, County of Canyon) ss

On this day, before me the undersigned notary public for such state, personally appeared **GEORGE DOVEL** known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and seal on JAN 18 1990

Janice L. Sargent Notary Public.



Telephone (208) 467-3100
Facsimile (208) 466-4498

EISMANN LAW OFFICES
3016 CALDWELL BLVD.
NAMPA, IDAHO 83651-6416

RICHARD B. EISMANN
JACK D. SWAFFORD

January 19, 1990

RECEIVED

APR 01 2003

WATER RESOURCES
WESTERN REGION

Boise County Recorder
Boise County Courthouse
Idaho City, ID 83631

Re: Elisabeth V. Wallace/Wallace Corporation

Dear Recorder:

Enclosed please find the following:

1. Original Bargain and Sale Deed together with our check in the amount of \$9.00 in payment of the recording fee.
2. Six copies of Power of Attorney recorded November 1, 1989, as Instrument No. 134502 together with our check in the amount of \$9.00 in payment of the certification fee.

Please record the deed, certify the six copies of the Power of Attorney and return all documents to me in the envelope provided.

If you have any questions, please give me a call.

Thank you very much.

Very truly yours,

Richard B. Eismann
RBE/js/4
Enclosures

CLT: Mr. George Dovel

BARGAIN AND SALE DEED

THE GRANTOR is ELISABETH V. WALLACE, a single woman, (herein called grantor).

THE GRANTEE is WALLACE CORPORATION, an Idaho corporation, (herein called grantee) whose current address is Route 1, Box 61, Horseshoe Bend, ID 83629.

FOR VALUE RECEIVED, the grantor hereby bargains, sells and conveys unto the grantee AN UNDIVIDED ONE-HALF INTEREST in those premises situated in Boise County, Idaho, and described in Exhibit A which is attached hereto and by this reference incorporated herein and made a part hereof.

TOGETHER with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

SUBJECT to the following: all current taxes and assessments of every kind whatsoever; all patent and state deed reservations; the bonded debt of all taxing units; all repayment contracts between any irrigation district in which the premises may be situated and the United States; and all rights of way over the premises regardless of how evidenced or acquired and whether the same appear of record or not.

TO HAVE AND TO HOLD the premises and its appurtenances unto the grantee and the grantee's successors and assigns forever.

INTERPRETATION: The date this deed is dated immediately below is the date on which it will take effect.

DATED: JAN 18 1990

GRANTOR: Elisabeth V. Wallace
Elisabeth V. Wallace, Principal
by George Dovel
George Dovel, Attorney in Fact

STATE OF IDAHO, County of Canyon) ss

On this date, before me, the undersigned notary public for such state, personally appeared GEORGE DOVEL, known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of ELISABETH V. WALLACE, and acknowledged to me that he subscribed the name of ELISABETH V. WALLACE thereto as principal, and his own name as attorney in fact.

WITNESS my hand and seal on JAN 18 1990

Janice L. Sargent

Notary Public.



JANICE L. SARGENT
Notary Public - State of Idaho

The E $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 7 North, Range 2 East, B.M., excepting therefrom the following described lands:

EXCEPTION NO. 1:

A parcel of land being a portion of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, T.7N., R.2E., B.M., Boise County, Idaho and more particularly described as follows:

Beginning at a brass cap marking the Northwest corner of the said Section 13; thence along the Westerly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13

South $00^{\circ}06'32''$ East 626.00 feet to an iron pin, also said point being the REAL POINT OF BEGINNING; thence continuing

South $00^{\circ}06'32''$ East 688.87 feet to an iron pin marking the Southwest corner of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13; thence along the Southerly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$

South $89^{\circ}36'26''$ East 1286.78 feet to an iron pin marking the Southeast corner of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence along the Easterly boundary of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$

North $00^{\circ}07'36''$ East 871.07 feet to an iron pin; thence leaving said boundary

South $79^{\circ}11'35''$ West 21.74 feet to a point marking a point of beginning of curve on the centerline of a certain County road; thence along the said centerline along a curve to the left whose central angle is $83^{\circ}20'23''$, whose radius is 97.00 feet, whose length is 141.09 feet and whose long chord bears

North $52^{\circ}28'36''$ West 128.98 feet to a point of tangent; thence continuing

South $85^{\circ}51'13''$ West 84.14 feet to a point of curve; thence continuing along a curve to the right whose central angle is $90^{\circ}55'46''$, whose radius is 93.00 feet, whose length is 147.59 feet and whose long chord bears

North $48^{\circ}40'55''$ West 132.58 feet to a point of tangent; thence continuing

North $03^{\circ}13'02''$ West 140.22 feet to a point of curve; thence continuing along a curve to the right whose central angle is $35^{\circ}12'52''$, whose radius is 115.00 feet, whose length is 70.68 feet and whose long chord bears

North $14^{\circ}23'24''$ East 69.57 feet to a point of ending of curve; thence leaving said centerline

North $58^{\circ}00'10''$ West 38.52 feet to an iron pin; thence

South $67^{\circ}24'18''$ West 187.18 feet to an iron pin; thence

South $42^{\circ}58'28''$ West 253.77 feet to an iron pin; thence

South $15^{\circ}06'13''$ West 25.96 feet to an iron pin; thence

South $35^{\circ}46'24''$ West 379.74 feet to an iron pin; thence

North $88^{\circ}03'28''$ West 319.10 feet to an iron pin; thence

North $70^{\circ}57'14''$ West 69.93 feet to the POINT OF BEGINNING.

EXCEPTION NO. 2:

A triangular tract of land located in the Northwest Corner of the Southwest Quarter of the Southwest Quarter, Section 12, Township 7 North, Range 2 East, of the Boise Meridian, Boise, described as follows:

Commencing at the Southwest Corner of said Section 12, thence North 6.41 chains to the place of beginning; thence North 13.60 chains; thence East 13.44 chains; thence Southwesterly 19.12 chains to the point of beginning.

Boise County Idaho ss
Request of

E. J. J. J. J.

Time 9:00 M.T.

Date 1/22/90

135533

Arlene C. Kolar

By *Dola Yunker*
Deputy

Fee \$9.00

EXHIBIT A

RECEIVED

JAN 23 2002

Department of Water Resources

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

A: Subcase 65-10953

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

RECEIVED

JAN 28 2002

WATER RESOURCES
WESTERN REGION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: George Dovel

Address: 434 Pioneer Rd.

Horseshoe Bend, ID 83629

Daytime Phone: (208) 793-2768

Name & Address of Attorney, if any:

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: George Dovel Elisabeth V. Walker

Address: 434 Pioneer Rd. Rt. 1, Box 61

Horseshoe Bend, ID 83629 Horseshoe Bend, ID 83629

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ Name and Address George Dovel and Ruth Dovel
434 Pioneer Road
Horseshoe Bend, ID 83629
 Should be:

2. ☐ Source
 Should be:

3. ☐ Quantity
 Should be:

4. ☒ Priority Date 01/01/1872
 Should be:

5. ☐ Point(s) of Diversion
 Should be:

6. ☐ Instream Flow Description
 Should be:

7. ☐ Purpose(s) of Use
 Should be:

8. ☐ Period of Year
 Should be:

9. ☐ Place of Use
 Should be:

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

See Attachment 3

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on January 18, 2002, ²⁰⁰²~~199~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original/^{hand delivered}to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: self
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

George Donel
Signature of Objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho ss. Idaho County of Blaine

George Dove (Name of person filing objection), duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

George Dove
(Signature of person filing objection)

January 18, 2002
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



Sandra Seibel
Notary Public for Idaho
Residing at Blaine Bend
My Commission Expires: 2/12/04

Attachment 3 to SRBA Case No. 38576 Subcase 65-10953 dated January 17, 2002

D.1. My sister, Elisabeth V. Wallace, former co-owner of this water right was declared incapable of handling her affairs in January 1990 and died in February 1996. I, George Dovel, was her attorney in fact, the president of Wallace Corporation which handled her affairs while she was alive, and the administrator of her estate and the sole beneficiary of her estate after she died.

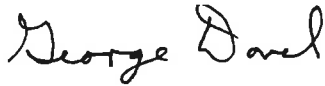
In 1990 I transferred her interest in the water right to Wallace Corporation and transferred that interest to myself in 1996. I married Patti Dovel on November 1, 1997 and she jointly owns the water right.

D.4. Ownership of this water, called "the oldest water right on Porter Creek", passed from Applegate to DeGrouchy on 01/01/1872. It subsequently passed to Prout, Madarieta, Dovel/Wallace and Dovel with no interruption in use. This included domestic water right use from Porter Creek and IDWR has all of this information.

In 1946, Madarieta filed an application for a different downstream diversion point from Porter Creek to allow diversion of domestic water pumped from the creek a few feet away rather than attempt to convey the .04 cfs in a long irrigation ditch with significant evapotranspiration losses.

This does not alter the 1/01/1872 priority date of the .04 cfs domestic and stockwater right.

I swear that the foregoing information is true and correct to the best of my knowledge and belief.



George Dovel
1/17/2002

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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)

A. Subcase 65-10953
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: George Dovel	Elisabeth V. Wallace
Address: 434 Pioneer Rd.	RT 1 Box 61
Horseshoe Bend, ID 83629	Horseshoe Bend, ID 83629

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

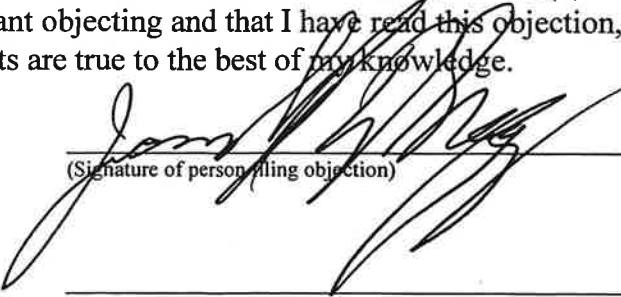
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

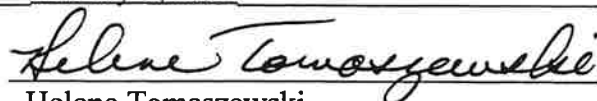

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, 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, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:	George Dovel	Elisabeth V. Wallace
Address:	434 Pioneer Rd. Horseshoe Bend, ID 83629	RT 1 Box 61 Horseshoe Bend, ID 83629

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

ADDRESS SERVICE
REQUESTED

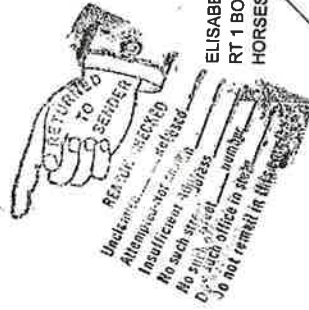


Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
 Boise, ID 83720-0098

65-10953

22327

22329



RECEIVED

SEP 24 2001

Department of Water Resources

W. K. Moore

D



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 10, 2001

RE: Water Rights in Reporting Area 15, Basin 65
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in Basin 65 for the Payette River drainage basin. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have 120 days in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Emmett, Payette, Weiser, Idaho City, and Cascade, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed the first part of next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', is written over a circular embossed seal. The signature is fluid and cursive.

Karl J. Dreher
Director

Enclosures

1239

434 Pioneer Road
Horseshoe Bend, ID 83629
Phone/fax (208)793-2768; Email gdovel@micron.net

RECEIVED

JUN 05 2001

WATER RESOURCES
WESTERN REGION

June 1, 2001

Sue Bock
Sr. Water Resource Agent
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Dear Ms. Bock:

The following is my response to your May 9, 2001 letter of reply to my April 12, 2001 Notice of Error Reply for Rights 65-10953, 65-19641, 65-22327 and 65-22329.

Water Right 65-10953

1. The copy of approved transfer # 3728, dated 8/31/1990, which you forwarded as proof that the priority date is 6/1/1946, was processed to change ownership of and record additional points of diversion for this and one other right. The transfer ignores extensive documentation to the contrary including the enclosed copy of Notice of Claim to a Water Right for 65-10953 in the SRBA, dated 3/4/1989 with a priority date of Jan. 1, 1872.
2. That priority was based on decreed rights with correction, on beneficial use and on the agreement with George Dovel and IDWR by Donald Rumsey of Double Diamond Ranch in a recorded IDWR hearing, to transfer .04 cfs of domestic and stockwater, with a 1/1/1872 priority to me in return for my withdrawing a protest to his hydro application and pipeline and agreeing to construction of the pipeline through the Dovel property. The pipeline was constructed and the transfer agreement for .04 cfs was never altered. IDWR has recommended numerous other transferred water rights for inclusion in the SRBA while apparently ignoring the Rumsey-IDWR-Dovel transfer agreement of .04 cfs with a #1 Porter Creek priority.
3. I'll call you next week for assistance in filling out the transfer application you enclosed.

Water Right 65-19641

1. Like transfer #3728, this application was also filled out entirely by IDWR personnel and handed to me for my signature. Through my attorney, Richard Eismann, I had protested the IDWR practice of providing so-called "courtesy water" as a domestic right with the highest priority to everyone who built a home near Porter Creek.
2. The practice was discontinued and I continued to receive the .04 cfs that had historically been diverted. Then IDWR chose to allow three other homeowners below the Double Diamond ditch to legally receive domestic water they had been diverting by filing a so-called "expansion claim" for .02 cfs.

3. Although I had previously filed (on 3/4/1989) the .04 cfs claim of water used historically and also subsequently transferred from Double Diamond, I was told by Western Region to file the expansion claim on 8/12/1992 to assure that I would receive the .04 cfs from one source or the other. I was charged a separate fee for both filings.

Water Rights 65-22327 and 65-22329

1. Enclosed please find my corrections to the GIS image in black ink.
2. Also enclosed see Notices of Claim to a Water Right for 65-10950 and 65-10951 (changed to 65-22327 and 65-22329), dated 3/4/89, with priority dates of 6/1/1878. Substantial documentation was provided for that priority date at that time.

Thank you for the material and assistance you provided. Please notify me when the Director's Report goes out so I can obtain the necessary forms from you for filing an objection.

Sincerely,

George Dovel

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 9, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

George Dovel
434 Pioneer Rd
Horseshoe Bend, ID 83629

Dear Mr. Dovel:

This letter is a reply to your notice of error submitted on rights 65-10953, 65-19641, 65-22327, and 65-22329.

Water Right 65-10953.

1. This water right is for domestic use only with a priority date of 6/1/1946, as per approved transfer no. 3728. I have included a copy of this transfer for your review.
2. Stockwater was not included as a use for this right; therefore, I can not add stockwater to this claim. Keep in mind that a domestic right allows for incidental stockwatering. If you need to, you can file an additional claim for stockwater. Fire protection was covered under the general provisions of the Payette Decree. I can not add this component to your claim, but if necessary this right can be used for fire protection.
3. In order to process the ownership change from Mrs. Wallace to Patti Dovel, I will need to have a signed Change of Ownership form, enclosed.

Water right 65-19641

This right was referred to as "courtesy water" from Porter Creek. Your original claim was for .5 acres in Sec 12, T7N, R2E. All of the Porter Creek courtesy water claims were disallowed, as they were not claimed in the Payette River Basin Adjudication (PRBA). I have included a copy of your claim for reference.

Water right 65-22327 and 65-22329

1. Enclosed you will find the GIS image provided to you earlier. If you will mark the correct location of the recommended acres on the map and return it to me, I can make the necessary changes. Please return the map by May 25, 2001.
2. The priority dates are recommended as decreed in the PRBA.

Other Matters:

Permit 65-12709 never had a claim filed in the SRBA, nor was a claim required; therefore, we will not be making a recommendation on this right.

As you requested, I have included a copy of all preliminary recommendations from Porter Creek.

The Director's Report is scheduled to go out in June 2001. Once the report has been issued you have 180 days to file objections to any of the Department's recommendations. There is a formal procedure for filing objections. Once the Director's Report has been mailed, I will be happy to provide you with the forms necessary for filing an objection.

I hope you will find the enclosed information useful. Please return the GIS map to my attention. If you have any questions, please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue Bock".

Sue Bock
Sr. Water Resource Agent
Western Region

Enclosures: Water right recommendations, GIS map, claim, copy of transfer, ownership change form.

434 Pioneer Road
Horseshoe Bend, ID 83629
Phone/fax (208)793-2768; Email gdovel@micron.net

RECEIVED

APR 13 2001

WATER RESOURCES
WESTERN REGION

April 12, 2001

Karl J. Dreher, Director
Idaho Dept. of Water Resources
P.O. Box 82720
Boise, ID 83707-9815

Re: Notice of Error Reply for IDWR Rights 65-10953, 65-19641, 65-22327 and 65-22329

Dear Sir:

In accordance with your letter dated March 9, 2001 and accompanying instructions concerning preliminary recommendations for the above referenced four water rights mailed to me on March 13, 2001 and March 18, 2001, I herewith submit the following:

Water Right 10953

1. I disagree with the priority date of 06/01/1946 and the use that is limited to Domestic.
2. I wish to change the priority date to 1/1/1872, list the uses as Domestic, Stockwater and Fire Protection and change the owners to George Dovel and Patti Dovel.
3. The first two corrections were provided to IDWR in the Payette River Basin Adjudication process in January 1982, and accompanied by proof of transfers of the right from Applegate to DeGrouchy to Prout to Madarieta to Dovel/Wallace. IDWR promised to allow these corrections in the final corrections to the PRBA one year later but reneged on the promise when we petitioned the court. The information and documentation was subsequently provided in the SRBA process. The third correction was made by me as attorney in fact for Elisabeth Wallace, and as executor for her estate and President of Wallace Corporation following the death of Mrs. Wallace in February 1996. I was married to my wife, Patti, on Nov. 1, 1997 and wish to add her name as a joint owner.

Water Right 65-19641

1. I disagree with the statement that this water right was disallowed because it was not claimed in the prior (PRBA) adjudication as explained above.
2. The "Disallowed" recommendation does not state whether this right is for the water established by beneficial use and adverse possession to irrigate 25 acres with a 01/01/1872 priority or the .04 cfs domestic right portion of 65-3103 transferred by Donald Rumsey to Dovel/Wallace as a condition of our dropping our objection to the Double Diamond hydropower application. In either event this is a valid right and should be recommended for adjudication.
3. This right was also filed separately as an expansion claim but the lack of information provided makes it impossible to determine what right is being discussed.

Water Right 65-22327

1. I disagree with the location of this three acres as shown on the GIS image provided. I also disagree with the priority date.
2. Move the location approximately one-eighth mile exactly east on the section line. Correct the priority to 01/01/1872 as applied for in both adjudications.
3. This water has been used historically to irrigate the three acres located at approximately the mid point of the section line between the SWSW of S 12 and the NWNW of S 13. Earlier priority was applied for in both adjudications.

Water Right 65-22329

1. As with 65-22327, I disagree with both the location shown on the GIS image provided, and the priority date.
2. Correct the location of part of the right to that portion of Field #5 which lies between Porter Creek Road and Porter Creek in the NW portion of the NWNW of S 13. Correct the priority to 01/01/1872 as applied for in both adjudications.
3. The documentation of priority date was provided in both adjudications.

I have not yet received any preliminary recommendation for my approved permit 65-12709. I also have not received notification of the recommended rights for other Porter Creek water users.

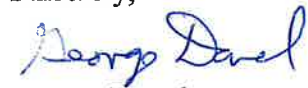
In the PRBA, approval of known fraudulent claims for several Porter Creek water users by IDWR resulted in incorrect priority being established for our water rights which cost us large sums of money. Subsequent transfers and switching portions of Porter Creek water rights approved by IDWR resulted in substantial expansion of acreage irrigated and water used despite our protests and IDWR hearings.

At a substantial cost, we hired the expertise to prove the expansion during these hearings yet IDWR refused to disallow the transfers until the Snake River Basin Adjudication is heard. I herewith request a copy of the preliminary recommendation for all Porter Creek water rights.

Please consider this a formal protest to recommendation or approval of the expansion of any Porter Creek water rights adjudicated in the PRBA, including 65-3103 and 65-3104.

Please also consider this a formal protest to the capricious IDWR ruling that disallowed lawfully filed expansion claims for minor domestic, stockwater and fire protection while permitting significant increases in historical irrigation uses via the above mentioned transfers.

Sincerely,



George Dovel

Copy Judge Burdick, IDWR Western Region

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I do hereby certify on his behalf, under the seal of the National Archives of the United States, that the foregoing reproduction(s) is a true and correct copy of documents in his custody.



SIGNATURE <i>Janet L. Hargett</i>	
NAME Janet L. Hargett	DATE 11-10-83
TITLE Chief, General Branch	
NAME AND ADDRESS OF DEPOSITORY Civil Archives Division The National Archives Washington, D. C. ~~20408~~ 20409	

GSA FORM 6791A
APR 68

*Spec 11/11/83
EW, L.H.S.*

Jan Mar 20th 1886

Rec Vol 1. 1902. 4116

21-147

July 25th, 1878

I, James De Grouchy, of Boise County, D. C.
having filed my application, No. 812, for an entry under the
provisions of the act of Congress approved May 20, 1862, entitled "An act
to secure homesteads to actual settlers on the public domain," do solemnly
swear, that I am a citizen of the United States
and was twenty-one years of age

that said application, No. 812, is made for the purpose of actual
settlement and cultivation; that said entry is made for my own exclusive
benefit and not directly or indirectly for the benefit or use of any other
person or persons whomsoever; neither have I heretofore perfected or
abandoned an entry made under this act.

James De Grouchy
Sworn to and subscribed this 25th day

of July 1878, before
John B. Miller
Register of the Land Office.

Receiver's Duplicate Receipt, No. 817

Application No. 817

HOMESTEAD.

Receiver's Office, Albia, Ark. July 25

July 25th, 1878.

RECEIVED of James Dr. Penney the sum of 40 dollars 00 cents;

being the amount of fee and compensation of Register and Receiver for the entry of 34-5 NW 1/4 & 36-9 of Section 16 in

Township 7 N of Range 2 E, under

Section 2290, Revised Statutes of the United States.

James Drisk
Receiver.

\$ 16.00

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after six months, pay for it with cash or land warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

HOMESTEAD PROOF.—TESTIMONY OF WITNESS.

Charles T. Morgan being called as witness in support of the Homestead entry
of James B. Mooney for 65 Acres of land Dec. 13
Mr & Mrs Lee 13 7 74 N. 2 E

Ques. 1.—What is your occupation and where is your residence?

Ans. farmer & live at Horseshoe Bend, Boone Co. Mo.

Ques. 2.—Have you been well acquainted with James B. Mooney, the claimant, in
this case ever since he made his homestead entry No. 817.

Ans. Yes.

Ques. 3.—Was claimant qualified to make said entry? (State whether the settler was a citizen of the United States,
over the age of twenty-one years, or the head of a family, and whether he ever made a former homestead entry.)

Ans. He had reached his majority & become a citizen of the
U. S. was over 21 years old, and I do not know that he ever
made a former homestead entry.

Ques. 4.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?
(Describe the dwelling and other improvements, giving total value thereof.)

Ans. In Apr. 1877 He established residence same time
James B. Mooney, Richard, small, 30 acre piece, north of Lee

Ques. 5.—Have claimant and family resided continuously on the homestead since first establishing residence thereon?
(If settler is unmarried, state the fact.)

Ans. Claimant has; he is single man

Ques. 6.—For what period or periods has the settler been absent from the land since making settlement, and for
what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. He has been absent about that of time of

Ques. 7.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. About 25 acres. Raised crops 6 years

Ques. 8.—Are there any indications of coal, salines, or minerals of any kinds on the homestead? (If so, describe
what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. None not of known of

Ques. 9.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not that I know of

Ques. 10.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfect-
ing this entry?

Ans. Yes, I do think settler has acted in good faith
Edward T. Morgan

I HEREBY CERTIFY that the witness is a person of respectability; that the foregoing testimony was read to him
before being subscribed, and was sworn to before me this 31 day of Oct, 1887.

(SEE NOTE ON FRONT PAGE.)

Malcolm Phelps
Recorder.

HOMESTEAD PROOF.—TESTIMONY OF WITNESS.

being called as witness in support of the Homestead entry

of John Fulkerson for Edwin M. Lee, testifies as follows:

Ques. 1.—What is your occupation and where is your residence?

Ans. Farmer, Hannett Co. Ark., Borro Co. Ark.Ques. 2.—Have you been well acquainted with James B. Fulkerson, the claimant, in

this case ever since he made his homestead entry No. 817, for Edwin M. Lee, in 1884?

Ans. Yes

Ques. 3.—Was claimant qualified to make said entry? (State whether the settler was a citizen of the United States,

over the age of twenty-one years, or the head of a family, and whether he ever made a former homestead entry.)

Ans. He was as far as I know. He has declared his intention to become a citizen of the U. S. He was over 21 years and young enough to be made a farmer as a farmer he is.

Ques. 4.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

(Describe the dwelling and other improvements, giving total value thereof.)

Ans. Seven years ago established residence & one time, dwelling 14x16. put barn, 30 x 40 built, worth \$500

Ques. 5.—Have claimant and family resided continuously on the homestead since first establishing residence thereon?

(If settler is unmarried, state the fact.)

Ans. Claimant has. He is a single man

Ques. 6.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. None that I know of

Ques. 7.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. Cultivated 20 to 35 acres. raised crops & more

Ques. 8.—Are there any indications of coal, salines, or minerals of any kinds on the homestead? (If so, describe

what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. Not that I know of

Ques. 9.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not that I know of

Ques. 10.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfect-

ing this entry?

Ans. I am not. I think with has acted in good faith

I HEREBY CERTIFY that the witness is a person of respectability; that the foregoing testimony was read to him before being subscribed, and was sworn to before me this 31st day of Oct, 1884.

(SEE NOTE ON FOURTH PAGE.)

HOMESTEAD PROOF.—TESTIMONY OF CLAIMANT.

James De Kornecky being called as a witness in his own behalf in support of homestead entry No. 817, for 65 1/2 Acres of land in Sec. 12 & 13 of Twp. 2 N. R. 13 E., 12 & 13 N. 1/2 Sec. 13/14, testifies as follows:

Ques. 1.—What is your name—written in full and correctly spelled—your age, and post-office address?

Ans. James De Kornecky, 52 years, P.O. Address, Noble and Buck, Boone Co., Idaho.

Ques. 2.—Are you a native of the United States, or have you been naturalized?

Ans. I am a naturalized citizen.

Ques. 3.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. I do not know. There was a log cabin built on the land. I do not know the date of its construction. It was built on the land in 1877. I do not know the date of its construction. It was built on the land in 1877. I do not know the date of its construction. It was built on the land in 1877.

Ques. 4.—(If whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. We are no family, as a single man. I have never in the past continuously resided continuously on the land since first establishing residence thereon.

Ques. 5.—For what period or periods, have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. I have not been absent at any time.

Ques. 6.—How much of the land have you cultivated and for how many seasons have you raised crops thereon?

Ans. I have cultivated 20 acres, since 1877 to 1884.

Ques. 7.—Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. There are none.

Ques. 8.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. No.

Ques. 9.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans. I have not.

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this 3rd day of Oct 1884.

James De Kornecky
Notary Public,
Boone Co., Idaho.

NOTE.—If naturalized, the claimant must file a certified copy of his certificate of naturalization. In a committed homestead a foreign-born claimant, if not naturalized, must file a certified copy of his declaration of intention. In making proof, the party must surrender the original duplicate receipt, or file affidavit of its loss.

and acknowledged is now that he executed the same,
San Antonio Officer, I have the same set upon it
and affixed my official seal, the day and year in
this certificate indicated are written;

(Seal)
J. R. Fisher
Notary Public.

State of Texas,
County of Bexar,

I hereby certify that the instrument here filed in
record at volume of S. & C. Books at 11 minutes and
o'clock A.M., this 21st day of Nov. 1892.

J. R. Fisher
Notary Public.

Filed 11/21/92

And I further state, that the entire fourth day a decree in
the year of our Lord one thousand nine hundred and one;
Between James De Worshy, of Al breche Bond, State
of Texas, Plaintiff, vs the first part, and John De Worshy,
of Al breche Bond, County of Bexar, State of Texas, the second
part;

Witnesseth: That the said party of the first part, and
and in consideration of the sum of ten thousand (\$8,000.00)
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, do hereby present grant
to the second part, and to his heirs and assigns, with
all that certain land situate in the County of Bexar and
State of Texas, and described as follows, to-wit:-

The South half of the South quarter, and the South
quarter of the South quarter of Section Twelve (12)
and the North half of the North quarter of Section Twelve (12)
in Tract No 1 and Tract No 2 of Range Two (2)
East of 33 and West of 34 and East of 35 and West of 36 and East of 37 and West of 38 and East of 39 and West of 40 and East of 41 and West of 42 and East of 43 and West of 44 and East of 45 and West of 46 and East of 47 and West of 48 and East of 49 and West of 50 and East of 51 and West of 52 and East of 53 and West of 54 and East of 55 and West of 56 and East of 57 and West of 58 and East of 59 and West of 60 and East of 61 and West of 62 and East of 63 and West of 64 and East of 65 and West of 66 and East of 67 and West of 68 and East of 69 and West of 70 and East of 71 and West of 72 and East of 73 and West of 74 and East of 75 and West of 76 and East of 77 and West of 78 and East of 79 and West of 80 and East of 81 and West of 82 and East of 83 and West of 84 and East of 85 and West of 86 and East of 87 and West of 88 and East of 89 and West of 90 and East of 91 and West of 92 and East of 93 and West of 94 and East of 95 and West of 96 and East of 97 and West of 98 and East of 99 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also the stock brand above described;

That: A certain right known as the oldest water right
taking water from Porter creek and the ditches conveying said
water from said Porter creek into the above described land.

Together with all and singular the premises, hereditaries,
wells, and appurtenances thereto belonging, or in anywise
appertaining, and the rents, issues and profits thereof;
It is now and to hold, all and singular, the above mentioned
and described premises, and property, together with the appur-
tenances, unto the said party of the second part, and his
heirs and assigns forever.

And the said party of the first part, and his heirs,
the said premises and property, in the quiet and peace-
able possession of the said party of the second part, her heirs
and assigns, against the said party of the first part,
and his heirs, and against all and every person
and persons whatsoever, lawfully claiming unto
claim the same, shall and will warrant, and by these
present words defend.

For 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

James De Gruchy (Seal)

in the presence of
W. W. Dunbar

John Throck.

State of Idaho,
County of Ada, viz.

On this Twenty-fourth day of October, in the year 1902,
before me W. W. Dunbar, a Notary Public, in and for said
County of Ada, and State of Idaho, personally appeared
James De Gruchy, known to me to be the person whose
name is subscribed to the within instrument, and
acknowledged to me that he executed the same.

I, a Notary Public, have hereunto set my hand
and official seal, this day and year in these
witnessed above written.

(Seal)

W. W. Dunbar

Notary Public

Filed
11/13/1902
Book 211 Page 146

This Indenture made this 24th day of October in the
year of our Lord one thousand nine hundred and
two between Sa. Wm. Crook and Hanns & Crook of
Horseshoe Bend, County of Boone, State of Idaho, the party
of the first part, and Alfred Gott & Boone County State
Bank & others the party of the second part
witnesseth: That the said parties of the first part for
and in consideration of the sum of five hundred
dollar & no more full being the United States of America,
to them in hand paid by the said party of the second part
the receipt whereof is hereby acknowledged, have granted
warranted, sold and conveyed, and by their presents
do grant, bargain, sell and convey unto the said party
of the second part, and to their heirs and assigns, forever,
all those certain lots, pieces or parcels of land sit-
uate, lying and being in the County of Boone and State of
Idaho, which particularly described as follows, to wit:
The East half of the South West quarter and the South
West quarter of the South West quarter of Section Twelve
Q23 and the Southwest quarter of the South West quarter
of Section Fifteen Q33 in Township Seven (7) North
of Range Two Q2 East of Boone Meridian, in Boone (see
Map, & Maps containing same) bounded and with more
or less certain other rights appurtenant to the above tract
or rights-taking waters from Porter Creek and Waller
Creek connecting said waters from said Porter Creek
to the above described land
together with all and singular the tenements,
incidentalments and appurtenances thereto belonging or
in anywise appertaining.
And the said party of the second part to secure the
payment of one certain promissory note of seven dollars
with interest and charges by the said Wm. Crook
and Hanns & Crook to the said party of the second
part, which note is in words and figures following
to wit:

\$ 550.⁰⁰

Boone, Idaho, October 24. 1902

On or before one year after date, for value received, we
or either of us promise to pay to the order of Alfred
Gott of the Boone City National Bank, in Boone, Idaho
five hundred dollar & no more full being the sum of \$

States & convenience, with intent - thereon in full paid
Cash, from date lent is paid, at the rate of ten (10) per
cent per annum.

(Signed) Walter W. Probst
Walter W. Probst

And the proceeds shall be paid in such payment - but,
But in case default shall be made in the payments - and
Principal sum & interest, or any part thereof, as provided
in said Note or by the intent - be not paid as herein spe-
cified, then and from thenceforth it shall be optional
with the said party of the second part, his executors,
administrators, or assigns, to consider the whole of
said Principal sum enforced in said Note as imme-
diately due and payable, although the time expressed in
said Note for the payment - shall shall not have ex-
pired, and immediately to enter into and upon all
and singular the above provided premises, and to
sell and dispose of the same and all things and ac-
cessories and redemption of the said parties of the first part,
their heirs, executors, administrators or assigns, according
to law, and out of the money arising from such sale to at-
tain the Principal and interest - which shall then be due on
the said Promissory Note together with the costs and char-
ges & foreclosure suit, including reasonable reasonable
fees to be fixed by the Court and also the amounts of
all such payments & taxes assessments, incumbrances,
or insurance as may have been made by said party of the
second part, his heirs, executors, administrators or assigns,
by reason of the provision hereinafter given. With the
intent - on the same day or before allowed. Notwithstanding the aforesaid
of the Principal sum - (if any there shall be) with the said
Walter W. Probst and Francis W. Probst Parties of the first part
their heirs, executors, administrators or assigns, And the
said Parties of the first part do hereby further command,
Remain and agree, to and with the said party of the second
part, to pay and discharge, at Maternity, all such taxes
or assessments, liens or other incumbrances that shall be
levied, or hereafter to be laid or imposed upon said prin-
ciple or interest hereby in effect - a prior charge there-
upon to those persons, claiming the continuance thereof,
and in default thereof, the said party of the second part

McIntosh
Dec 19
p 255

THIS INDENTURE, Made this 13th day of January, in the year of our Lord one thousand and hundred and fifteen, by and between Frank M. Prout and Ida M. Prout, husband and wife, the County of Boise, and State of Idaho, parties of the first part, and THE NORTHWESTERN INVESTMENT COMPANY, Ltd., a corporation organized under the laws of the State of Idaho, with its principal place of business at Boise, Idaho, party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Two Thousand and no/100 Dollars, to them in hand paid by the said party 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 PARTY OF THE SECOND PART, and to its successors and assigns FOREVER, all of the following described tract, piece or parcel of land lying and situated in the County of Boise, and State of Idaho, to-wit:

The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and North Half of Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) and East Half of Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and Southwest Quarter of Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and Southeast Quarter of Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twelve (12); and part of Northwest Quarter of Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirteen (13) all in Township Seven (7) North of Range Two (2) East of Boise Meridian, containing 391 acres, together with the rights thereunto appertaining and belonging.

TO HAVE AND TO HOLD the same, with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and all rights of homestead, exemption, together with any and all water, water rights, irrigation ditches, aqueducts, canals, appropriations, franchises and privileges owned by said parties of the first part, whether of them, or belonging to or with, leading to, connected with, or usually hand and enjoyed in connection with said premises ^{or any part} or parcel thereof, unto the said party of the second part, and to its successors or assigns FOREVER And the said parties of the first part do hereby covenant and agree that at the delivery hereof they the lawful owners of the premises above granted and seized of a good and indefeasible estate of inheritance therein, free and clear of all incumbrance, that they will WARRANT and DEFEND the same in the quiet and peaceable possession of said party of the second part, its successors or assigns FOREVER, against the lawful claim of all persons whatsoever.

PROVIDED ALWAYS, and this instrument and conveyance is made upon the following conditions and agreements:

First:- Said parties of the first part are justly indebted to the party of the second part in the principal sum of Two Thousand and no/100 Dollars, gold coin of the United States of America, of or equal to the present standard of weight and fineness, also obligated to be paid by that certain note or obligation bearing even date herewith,

payable to the order of said THE NORTHWESTERN INVESTMENT COMPANY, Ltd., at its office in Boise, Idaho, on the 15th day of January, A.D. 1920, with interest thereon from date until maturity, at the rate of eight per cent per annum, payable annually on the 15th days of January in each year at its said office in such gold coin as aforesaid, and with interest at the rate of twelve per cent per annum after maturity, also payable in such gold coin as aforesaid, which semi-annual interest is evidenced by five (5) coupon notes attached to the principal note and of even date therewith, payable to the order of said THE NORTH-

WESTERN INVESTMENT COMPANY Ltd., at the said office in Boise, Idaho, the parties of the first part agree to pay said principal sum and interest at the times and places herein above specified in gold coin of the United States of America of or equal to the present standard of weight and fineness.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED

MAR 19 2001

WATER RESOURCES
WESTERN REGION

65-10953

22327

22329

Sent again

3-20-01

ELISABETH V WALLACE

STREET AND/OR NUMBER HAS BEEN
CHANGED BY LOCAL AUTHORITIES
ONE YEAR TIME LIMIT HAS EXPIRED.

RETURN TO SENDER

1208 E Washington
Boise 83712

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED
MAR 15 2001
WATER RESOURCES
WESTERN REGION

65-22327, -22329, -10953

sent again

3-16-01

GEORGE DOVEL
RT-1 DNV 24

STREET AND/OR NUMBER HAS BEEN
CHANGED BY LOCAL AUTHORITIES
ONE YEAR TIME LIMIT HAS EXPIRED.
RETURN TO SENDER

434 Pioneer Rd

Horseshoe Bend 83629

793-2768

Boise City Assessor

DATE: 06/22/00
PAGE: 1

Misc: Water District Number: 65 Field Inspection Flag: Presumption Flag:

Conversation Memo

DATE: May 19, 1989

Conversation between Helen Harrington-Thornton and
George Dovel

RE: Decreed Claims in Boise County
A65-10950
A65-10951
A65-10953

Mr. Dovel stopped in yesterday, Thursday, May 18, 1989 and asked Celia Clemons about making changes on decreed claims. She asked me to speak with him.

Mr. Dovel said that he wanted to change the priority date on several Payette decreed claims which he had received in the mail. I told him he would have to pay fees on the claims if changes of that magnitude were made. I told him to make the changes and come in at 8:00 a.m. on Friday, May 19, and I would calculate the fees for him.

He submitted seven claims. Four claims were claimed as decreed and were not changed; no fees were changed.

However, the above referenced claims contained the changes he had mentioned. I did a quick review of the changes and calculated the fees for him. In addition to changing the priority date, he had typed in "Beneficial Use" under Item 15. I asked him what his basis of claim was -- whether he was basing his claim on a decreed right or on beneficial use. He asked me to tell him which he should use. He also asked if he could lose the water right if he did not file.

I told him that he could ^{also} lose the water rights if they were not claimed in this adjudication. However, I couldn't answer his questions as to whether the court would forfeit the decreed right if he claimed it as beneficial use. I told him I was not an attorney and had no idea as to how the court would view it. I told him that he had to decide what the basis of claim was.

I made copies of the attachments which he wanted to attached to the above referenced claims; made copies of the claims which changes; notarized the claims; and took the fees.

The number of attachments was changed by hand because I told him that he did not have to attached a copy of his divorce decree.

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Comments: Date: 06/21/2000 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS BASED ON DECREED RIGHTS WITH CORRECTION. (SEE
ATTACHMENTS)
CLAIM AMENDED PER TRANSFER NO. 3728 APPROVED 08-31-90. NOTE -
THE APPROVED TRANSFER ALSO AMENDED THE PRIORITY DATE BACK TO THE
ORIGINAL DECREED PRIORITY DATE. CONDITIONS ON THE TRANSFER ARE:
1- USE OF WATER UNDER THIS RIGHT--IS SUBJECT TO CONTROL BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 65-B, PORTER CREEK.
2- THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE COMPLETED
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
3- FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS
CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE
APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

Audit: 06/22/00 SBOCK

WR5809NP
No. 65-10953

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/10/00
PAGE: 90

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE DOVEL	06/01/1946	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	AMY R. DOVEL RT. 1 BOX 61 HORSESHOE BEND ID 83629				0.040 CFS	1.20 AFA
				TOTAL DIVERSION:		

Water Source: PORTER CREEK
Point(s) of Diversion: T07N R02E S12
Place of use Legal Description for: DOMESTIC

Tributary to: PAYETTE RIVER
Stage: DECREED
BOISE County

Pou County: BOISE

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO MORE THAN .04 CFS NOR 1.2 AFA.

Dates: App. Received: 06/01/1946
Proof Due Date:
Exam Made Date:
Exam Sent to S.O.:

Misc: Water District Number: 65 Field Exam Fee:

01 WATER RIGHT NUMBER - 65-10953

02 OLD (D) NUMBER -

LAST NAME
03001 - MADARIETA
03002 - MADARIETA
03003 - DOVEL
03004 - DOVEL

FIRST NAME
04001 - ANGEL
04002 - ROSE I.
04003 - GEORGE
04004 - AMY R.

ORIG. OWNER
05001 - D
05002 - D
05003 - C
05004 - C

06 ADD LINE 1 - RT. 1 BOX 61

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - HORSESHOE BEND

10 STATE - ID

11 ZIP - 83629

12 STAGE - D DECREE

13 STATUS -

SOURCE
14001 - PORTER CREEK

TRIBUTARY OF
15001 - PAYETTE RIVER

16 DIVERSION MEANS -

17 CCUNTY - 15 BOISE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .040

20 TOTAL DIVERSION VOLUME - 1.20

21 WATER DISTRICT - 65

DIVERSION POINTS										STREAM INDEX FIELDS									
TRACT	SEC	TWN	RNG	LOT	RFLG														
22001 - SWSW	23001 - 12	24001 - 07N	25001 - 02E	26001 -	27001 -														
			28001 -	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0		

29 NON-IRRIGATION USE -

USE CODE / USE		TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 43 DOMESTIC		31001 - 07N	32001 - 02E	33001 - 12	34001 - SWSW	35001 -	36001 -
							TOTAL ACRES: 0

PERIOD FROM		PERIOD TO		USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101		38001 - 1231		39001 - 43 DOMESTIC		40001 - 0.040	41001 - 1.20

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO
44002 - MORE THAN .04 CFS NOR 1.2 AFA.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D A T E S		D A T E S		F L A G S	
47 PRIORITY	- 1-JUN-1946	55 LICENSE	-	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED-		58 DECREE	-	66 FLAG_2	-