

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 37-4083
Date Received: 10/18/1989
Receipt No: M004956
Received By:

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

1. Name of Claimant(s)

DONALD E ROBERTS
RT 1 BOX 1180
FAIRFIELD ID USA 83327

Phone: (208)764-2394

CAROLYN S ROBERTS
RT 1 BOX 1180
FAIRFIELD ID USA 83327

Phone: (208)764-2394

2. Date of Priority: 06/01/1910

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	16E	6	SW NE NW	CAMAS	

5. Description of diverting works:

2 WELLS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.24	
DOMESTIC	1/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

01S	16E	6	NE	NW	DOMESTIC	
			NE	NW	IRRIGATION	12
					Section Acres	12
					Total Acres	12

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

ONE WELL SERVES THE HOUSE; ONE WELL SERVES THE IRRIGATION USE.

15. Basis of Claim: Statutory Claim

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: A37-04083
Date Received: 10/18/1989
Receipt No: M004956
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD E. ROBERTS 208-764-2394
Address: P.O. BOX 1180
FAIRFIELD, ID 83327

OR

Name: CAROLYN S. ROBERTS 208-764-2394
Address: P.O. BOX 1180
FAIRFIELD, ID 83327

2. Date of Priority: JUN 01, 1910

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	16E	6	SW	NE	NW		CAMAS

5. Description of diverting works:
2 WELLS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.240		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 36.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	16E	6	NE	NW		IRR	12.0
			NE	NW		DOMEST	

Section Acres 12.0

Total Acres 12.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
NONE

14. Remarks:
ONE WELL SERVES THE HOUSE; ONE WELL SERVES THE IRRIGATION USE.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Catalpa Sue Roberts Date: 10-18-89

Date: _____

State of Idaho)
County of Camas) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of October 19 89

Steve Cole
Notary Public

Seal

Residing at Tim Falls
My Commission Expires Dec 7, 1994

02/16/2006

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

RIGHT NUMBER: 37-4083

NAME AND ADDRESS: DONALD E ROBERTS
PO BOX 1180
FAIRFIELD ID 83327

CAROLYN S ROBERTS
~~PO BOX 1180~~
FAIRFIELD ID 83327

} Address Updated

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 06/01/1910

POINT OF DIVERSION:

T01S R16E S6 SWNENW Lot 3 Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within CAMAS County

T01S R16E S06 Lot 3 NENW

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

11/01/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-4083

DONALD E ROBERTS

PO BOX 1180 RT1 Box 1180

FAIRFIELD ID 83327

Telephone Number: (208)764-2394

CAROLYN S ROBERTS

PO BOX 1180 RT1 Box 1180

FAIRFIELD ID 83327

Telephone Number: (208)764-2394

RECEIVED

NOV 14 2006

DEPARTMENT OF
WATER RESOURCES

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

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

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

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

DATE: 11/7/06

SIGNATURE: Donald E. Roberts

Please print your name: DONALD E. ROBERTS

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED

NOV 14 2006

Adjudication Claim Notes

Claim(s): 37-4083

Background Data

- Beneficial Use Claim
- Source is Groundwater
- Claimed 0.24 cfs for Irrigation of 12 acres
- Claimed 0.04 cfs for Domestic

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R16E Section 6

- Domestic POD & POU digitized based on 2004 aerial photo.
- Irrigation use disallowed.
 - 4/18/05 - In conversation with V. Hancock claimant stated that 2 wells are used, one for irrigation and one for domestic. Claimant said the irrigation well was drilled in ~1970 and irrigated 3 acres. V. Hancock told claimant that evidence of priority was not needed for Domestic well.
 - 4/27/05 – Claimant submitted evidence of priority (assumed to be for irrigation well since they were told that is the well that needed evidence of priority) that indicates that the irrigation well was drilled in 1977. The claimed priority date of June 1, 1910 appears to be for the domestic use (according to claimant conversation with V. Hancock). Since the irrigation well appears to have been drilled in 1977, after the mandatory date of 3/25/1963 for groundwater, the irrigation portion of claim was disallowed.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

RECEIVED

APR 19 2005

Department of Water Resources

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

April 18, 2005

Regarding:

Customer:

37-4083

Carolyn Roberts

She called to find out what she needed to provide for proof of priority. The above claim covers two wells. One by the house for domestic she said was probably used since 1910 as claimed because it was an old house. I told her she would not have to provide proof of priority for the domestic use. The second well is used for irrigation of three acres - not 12 acres as claimed. In the conversation she mentioned that she thought that the irrigation well was drilled in 1970 by a previous owner. I told her that she may want to check for sure because after 1963 it was necessary to obtain a license to irrigate more than 1/2 acre from ground water.

I suggested that she look on the well house to see if there is any info on who drilled the well and/or when it was drilled. I told her the drillers may have logs that would help with quantity. I also told her that some neighbors may have information as people usually notice a well rig on the property. She is going to send something in.

LOAN GRANTED
TO LEE + DORIS
DAVIS FROM F.H.A.
WE UNDERSTAND
IT WAS FOR DRINKING
THIS WELL IN 1977.
EATON DRINKING
DID THE WORK BUT
BEING SO LONG AGO
HAD NO RECORDS
MR. DAVIS IS DECEASED

SCANNED

APR 19 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that Lynn Lee Davis (name of claimant)
 of Rte. 1, Wendell, Idaho (mailing address), claims a right to the diversion and beneficial use of
 the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water
 _____, tributary to _____

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

Amount	<u>.24 cfs</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>Apr 1</u>	To	<u>Oct 31</u>
Amount	<u>.04 cfs</u>	Use	<u>domestic</u>	Period of Use:	From	<u>Jan 1</u>	To	<u>Dec 31</u>
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: .28 cubic feet per second, or 37.6 acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1910

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

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 6 Twp. 15 Rge. 16E B. M. County of Camas
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Well, pump, ditches, sprinklers

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

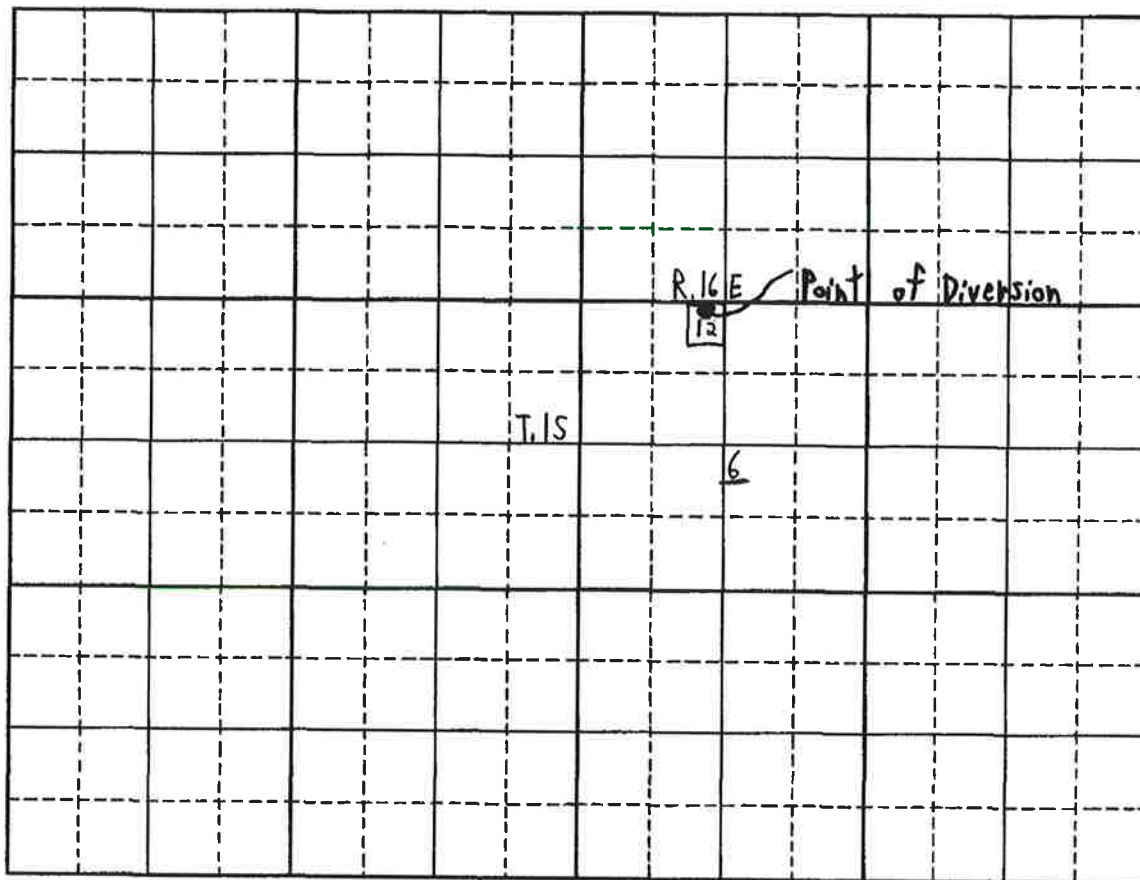
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15	16E	6					12												12

Total No. of acres 12

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
domestic use for 1 household

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Twin Falls) ss.

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

Sworn to before me this 17th day of May, 1977.

Lynn L. Davis
(Claimant)

[Signature]
Notary Public

Residing at Hansen

My commission expires 2-22-81

For Department Use Only

Received by *JA* Date *5-17-77* Exception filed by: Forwarded to
Prelim. check by *ADM* Date *5-19-77* claimant by: Date
\$10.00 fee received by *ADM* Date *5/17/77* #3528
Approved for publication by *[Signature]*
Published in *Mountain Home News*
Dates *June 9 & June 16, 1977*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-4083

WATER RIGHT NUMBER: 37-4083

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD E ROBERTS PO BOX 1180 FAIRFIELD, ID 83327 (208)764-2394
Current Owner	CAROLYN S ROBERTS PO BOX 1180 FAIRFIELD, ID 83327 (208)764-2394

Priority Date: 06/01/1910

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/31	0.240 CFS	
<u>Total Diversion:</u>		0.280 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NW1/4	Sec. 6, Twp 01S, Rge 16E, B.M.
CAMAS County		

Place of UseDOMESTIC Within CAMAS County

T01S R16E S06 NENW

IRRIGATION Within CAMAS County

T01S R16E S06 NENW 12.0

Total Acres: 12

Conditions of Approval:Remarks:

- General ONE WELL SERVES THE HOUSE; ONE WELL SERVES THE IRRIGATION USE.

Comments:

RECEIVED
APR 26 2005
Department of Water Resources
Southern Region

RECEIVED
APR 27 2005
Department of Water Resources

SCANNED
APR 27 2005

RECEIVED
APR 26 2005
Department of Water Resources
Southern Region

To Whom it may concern, we water with this five horse-power 51 gpm sub pump with a 4 inch od main line and a 3 inch od sprinkler line that is 300 ft and has 13 rain-bird 30 ws 3/64 {orifice} sprinklers. There are two lines here but can use only one at a time. We use this to water About 3 acres of pine trees in the fall and I have if we had a dry spring. Also a stand pipe with four valves with 1/2 inch and regular garden hoses to water the lawn protect from fire and whatever. These garden hoses are not used with the sprinkler line there is only 40psi. I water in the evening and never more than an hour.

Donald E. Roberts 4/25/05

SCANNED
APR 27 2005

RECEIVED
APR 26 2005
Department of Water Resources
Southern Region

To Whom it may concern, I Charles Gaskill did witness the drilling of the one hundred and thirty six foot deep well for Lynn Lee Davis in 1977, located within Camas County. Place of use, T01S R16E S06 NENW 12.0. Drilled by Eaton drilling of Wendell Idaho. Property now owned by Donald and Carolyn Roberts since 1978.

Signed... *Charles Gaskill* Date... *4/24/05*

SCANNED
APR 27 2005

Eaton Drilling & Pump Service, Inc.

P.O. BOX 230 • 485 S. IDAHO ST.
 WENDELL, IDAHO 83355
 (208) 536-2223
 1-800-427-2270

Member:
 Idaho Ground Water Assn.
 Member:
 National Ground Water Assn.

Idaho Public Works
 Contractor
 Family-Owned Business
 Since 1907

RECEIVED
 APR 26 2005
 Department of Water Resources
 Southern Region

SOLD TO Donald Roberts
Rt 1 Box 1185
Fairfield
764-2390

33860

Date 4/2/04

MEMO	CASH		CHARGE	REC'D ON ACCT.		ADJUSTMENT		SOLD BY
	Cash	Check		Cash	Check	Credit	Paid Out	
QTY.	DESCRIPTION				PRICE PER UNIT	AMOUNT DUE		
1	pulled + replaced pump				1304K	2392.00		
1	500410245hp Star Lite pump				03K18	330.00		
	5hp Franklin controlled					260.00		
	Rig + labor							
pump set @ 136' 2" pipe								
SWL - 105'								
SUBTOTAL						2982.00		
SALES TAX						-200.00		
TOTAL						2782.00		
RECEIVED ON ACCOUNT								
TOTAL						2782.00		

work DONE ON
 old pump last
 year.

SCANNED
 APR 27 2005

RECEIVED
APR 26 2005
Department of Water Resources
Southern Region

This mortgage is released by Instrument No
44707 Recorded in 4
Release of Mortgage, page 278

USDA-FmHA
Form FmHA 427-1 ID
(Rev. 12-15-76)

Position 5

REAL ESTATE MORTGAGE FOR IDAHO

THIS MORTGAGE is made and entered into by LYNN LEE DAVIS and

DORIS E. DAVIS

residing in GOODING County, Idaho, whose post office address is
ROUTE #1, WENDELL, Idaho, 83355

herein called "Borrower," and:

WHEREAS Borrower is indebted to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government," as evidenced by one or more promissory note(s) or assumption agreement(s), herein called "note," which has been executed by Borrower, is payable to the order of the Government, authorizes acceleration of the entire indebtedness at the option of the Government upon any default by Borrower, and is described as follows:

Date of Instrument	Principal Amount	Annual Rate of Interest	Due Date of Final Installment
December 20, 1977	\$5,000.00	5%	December 20, 1997

And the note evidences a loan to Borrower, and the Government, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farm and Rural Development Act, or Title V of the Housing Act of 1949:

And it is the purpose and intent of this instrument that, among other things, at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the note, this instrument shall secure payment of the note; but when the note is held by an insured holder, this instrument shall not secure payment of the note or attach to the debt evidenced thereby, but as to the note and such debt shall constitute an indemnity mortgage to secure the Government against loss under its insurance contract by reason of any default by Borrower.

NOW, THEREFORE, in consideration of the loan(s) and (a) at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the payment of the note, to secure prompt payment of the note and any renewals and extensions thereof and any agreements contained therein, including any provision for the payment of an insurance or other charge, (b) at all times when the note is held by an insured holder, to secure performance of Borrower's agreement herein to indemnify and save harmless the Government against loss under its insurance contract by reason of any default by Borrower, and (c) in any event and at all times to secure the prompt payment of all advances and expenditures made by the Government, with interest, as hereinafter described, and the performance of every covenant and agreement of Borrower contained herein or in any supplementary agreement, Borrower does hereby grant, bargain, sell, convey, mortgage, and assign unto the Government the following property situated in the State of Idaho:

County(ies) of

CAMAS

A tract of land located in Lots 3, 4 and 5, SE1/4 of Section 6, Township 1 South, Range 16 East, Boise Meridian in Camas County, Idaho, described as follows: Beginning at a point located 1049.0 feet East of the NW corner of Section 6, Township 1 South, Range 16 East, Boise Meridian, on the North line of Section 6; thence Easterly along said North line for a distance of 791.0 feet; thence Southerly and parallel to the East line of Section 6 for a distance of 791.0 feet; thence Westerly and parallel to the North line of Section 6 for a distance of 791.0 feet; thence Northerly and parallel to the West line of Section 6 for a distance of 791.0 feet to the point of beginning, EXCEPT a strip of land 25 feet wide off the North side of the above land for county road and except a visible easement for electric and telephone pole line right of way.

SCANNED
APR 27 2005

FmHA 427-1 ID (Rev. 12-15-76)

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, unless and until some other address is designated in a notice so given, in the case of the Government to Farmers Home Administration, United States Department of Agriculture, at Boise, Idaho 83702, and in the case of Borrower to him at the address shown in the Farmers Home Administration Finance Office records (which normally will be the same as the post office address shown above).

(23) WAIVER: THE BORROWER ACKNOWLEDGES AND AGREES THAT IF HE DEFAULTS A NONJUDICIAL FORECLOSURE SALE OF THE PROPERTY MAY BE CONDUCTED WITHOUT A HEARING OF ANY KIND AND WITHOUT NOTICE BEYOND THE PUBLICATION OF THE NOTICE OF SALE. THE BORROWER HEREBY WAIVES ANY RIGHTS HE MAY HAVE TO ANY SUCH HEARING AND NOTICE. NEVERTHELESS, THE REGULATIONS OF THE FARMERS HOME ADMINISTRATION IN EFFECT AT THE TIME SUCH FORECLOSURE IS STARTED MAY PROVIDE FOR NOTICE AND A MEETING AND THE GOVERNMENT WILL FOLLOW THESE REGULATIONS.

(24) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed binding upon Borrower and all claiming under him.

(25) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(26) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) this 20th day of

December, 19 77.

Lynn Lee Davis
LYNN LEE DAVIS

(HUSBAND)

Doris E. Davis
DORIS E. DAVIS

(WIFE)

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF Gooding

On this 20th day of December, in the year of 1977 before me, the undersigned,

a Notary Public in and for said State, personally appeared Lynn Lee Davis and

Doris E. Davis, his wife

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they have executed the same as their free act and deed for the uses, purposes and consideration herein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

NOTARIAL SEAL)

Ralph M. Linder
Notary Public, residing at Gooding, Idaho

My commission expires January

SCANNED

APR 27 7 05

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

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

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

Subject to the burdens incident to the inclusion of the land within the boundaries of Camas County, Idaho.

44494
Filed for Record at the Register of
Camas County, Idaho
STATE OF IDAHO
County of Camas
I hereby certify that this instrument
was filed for record in my office at
1:20 P.M. on Dec 21 1922 and
 duly recorded in book 16 of
Notary Public Fred J. [Signature]
Camas Recorder
By [Signature] Deputy

together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, the rents, issues, and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers, or carpeting purchased or financed in whole or in part with loan funds, all water, water rights, and water stock pertaining thereto, and all payments at any time owing to Borrower by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein-all of which are herein called "the property".

TO HAVE AND TO HOLD the property unto the Government and its assigns forever in fee simple.

BORROWER for himself, his heirs, executors, administrators, successors and assigns WARRANTS THE TITLE to the property to the Government against all lawful claims and demands whatsoever except any liens, encumbrances, easements, reservations, or conveyances specified hereinabove, and COVENANTS AND AGREES as follows:

- (1) To pay promptly when due any indebtedness to the Government hereby secured and to indemnify and save harmless the Government against any loss under its insurance of payment of the note by reason of any default by Borrower. At all times when the note is held by an insured holder, Borrower shall continue to make payments on the note to the Government, as collection agent for the holder.
- (2) To pay to the Government such fees and other charges as may now or hereafter be required by regulations of the Farmers Home Administration.
- (3) If required by the Government, to make additional monthly payments of 1/12 of the estimated annual taxes, assessments, insurance premiums and other charges upon the mortgaged premises.
- (4) Whether or not the note is insured by the Government, the Government may at any time pay any other amounts required herein to be paid by Borrower and not paid by him when due, as well as any costs and expenses for the preservation, protection, or enforcement of this lien, as advances for the account of Borrower. All such advances shall bear interest at the rate borne by the note which has the highest interest rate.
- (5) All advances by the Government as described by this instrument, with interest, shall be immediately due and payable by Borrower to the Government without demand at the place designated in the latest note and shall be secured hereby. No such advance by the Government shall relieve Borrower from breach of his covenant to pay. Any payment made by Borrower may be applied on the note or any indebtedness to the Government secured hereby, in any order the Government determines.
- (6) To use the loan evidenced by the note solely for purposes authorized by the Government.
- (7) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the Government, without demand receipts evidencing such payments.
- (8) To keep the property insured as required by and under insurance policies approved by Government, and renewed by the Government.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 37-04083

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
DAVIS

LYNN LEE

1 - RT. 1

2 -

3 -

City- WENDELL

State- ID Zip- 83355

Phone -

+ - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1910 17 S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

01S 16E 6 NE NW (25) CAMAS

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.240	37.60
43 - DOMESTIC		01/01	12/31	0.040	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.280 37.60

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01S	16E	6	NE NW		12.0	01	IRRIGATION	(25) CAMAS

Total Acres: 12.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

MICROFILMED
FEB 23 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 37-04083

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields -

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/28/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
FEB 23 1993