

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 37-7751
Date Received: 10/27/1988
Receipt No: C004586
Received By:

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

1. Name of Claimant(s)

MARTHA MARTIN Phone: (208)788-8905
DALE MARTIN
202 BAY HORSE
BELLEVUE ID USA 83313

Amended

2. Date of Priority: 12/08/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	SE SE	BLAINE	

5. Description of diverting works:

WELL, 6" X 130', 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.12	

7. Total Quantity Appropriated is:
0.12 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
02N	18E	36	SE SE	IRRIGATION	6
				Section Acres	6
				Total Acres	6

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

LOT 7, MULDOON RANCH SUBDIVISION

The claim was amended to reflect the licensed diversion rate and place of use acres. kkc

15. Basis of Claim: Permit

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:

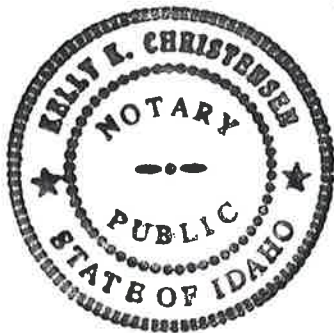
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Dore R. Martin Date: 10/19/05

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day of Oct 2005



Kelly K. Christensen
Notary Public

Residing at _____ Twin Falls, ID

My commission Expires 4-2-2010

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02N	18E	36	SE SE	BLAINE	

5. Description of diverting works:

WELL, 6" X 130', 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:
37-7751

10/13/2005

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	36	SE	SE	IRRIGATION	4
					Section Acres	4
					Total Acres	4

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

LOT 7, MULDOON RANCH SUBDIVISION

15. Basis of Claim: Permit

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

RECEIVED**OCT 06 2005**

Department of Water Resources
 Southern Region

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-07751					
37-12407					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

Hans & Lette Buhler
P.O. Box 423 Bellevue ID 83313 202 Bay Horse
Bellevue ID

4. New Owner/Claimant(s)

Dale & Martha Martin
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

202 Bay Horse

City, State and ZIP Code

Bellevue ID 83313

New Telephone Number

(208) 788-8905

5. Date you acquired the property

8-17-05

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) Dale R. Maiten
(include title if applicable) Naitha J. Maiten

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

For Office Use Only			
Received by <u>YF</u>	Date <u>10-6-05</u>	Fee <u>25⁰⁰</u>	
Received by <u>YF</u>	Date <u>10-6-05</u>	Receipt No. <u>5028048</u>	
Processed by <u>YF</u>	Date _____	WR _____	Date _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07751

Priority: December 8, 1978 Amount: 0.12 CFS 18.0 AFA

This is to certify, that HANS U. BUHLER

P.O. BOX 423

BELLEVUE, ID 83313

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated December 8, 1978, and has submitted proof to the Department of Water Resources on December 13, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .120 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.12 CFS	18.0 AFA

LOCATION OF POINT(S) OF DIVERSION: SESE, Sec. 36, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	36	SESE	6		6

Total number of acres irrigated: 6

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 3rd day of April, 1984.

Director

Order No. 0521695

WARRANTY DEED

Inst nent # 524739

HAILEY, BLAINE, IDAHO

2005-08-18

02:32:00

No. of Pages: 2

Recorded for : SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

FOR VALUE RECEIVED

HANS U. BUHLER AND LOTTE BUHLER, as co-trustees of THE HANS AND LOTTE BUHLER TRUST under trust agreement dated November 19, 1992

the Grantors do hereby grant, bargain, sell, convey and warrant unto

DALE MARTIN and MARTHA MARTIN, husband and wife

the Grantees whose current address is:

*100m 10 Buttercup 202 Bay House Rd
Hailey, ID 83333 Bellevue, ID 83313*

the following described premises, in **BLAINE COUNTY, IDAHO**, to-wit:

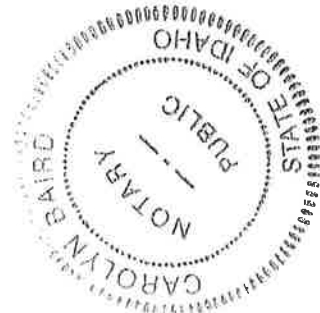
Lot 7 of MULDOON RANCH SUBDIVISION, according to the official plat thereof, recorded in Book 6 of Plats, Page 9, records of Blaine County, Idaho.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

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

Hans U. Buhler, TRUSTEE
Hans U. Buhler, Co-Trustee

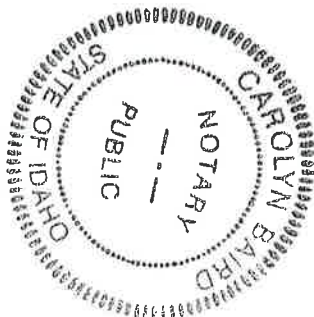
Lotte Buhler, Trustee
Lotte Buhler, Co-Trustee



State of: Idaho
County of: Blaine

On this 10th day of Aug, 2005, before me, the undersigned Notary Public in and for said state, personally appeared **Hans U. Buhler** and **Lotte Buhler**, Co-Trustees of the HANS AND LOTTE BUHLER TRUST, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustees of said Trust, and acknowledged to me that they have executed the same in their capacity as Trustees.

Carolyn Baird
Notary Public
Residing at: Hailey
Commission Expires: 1/23/2009

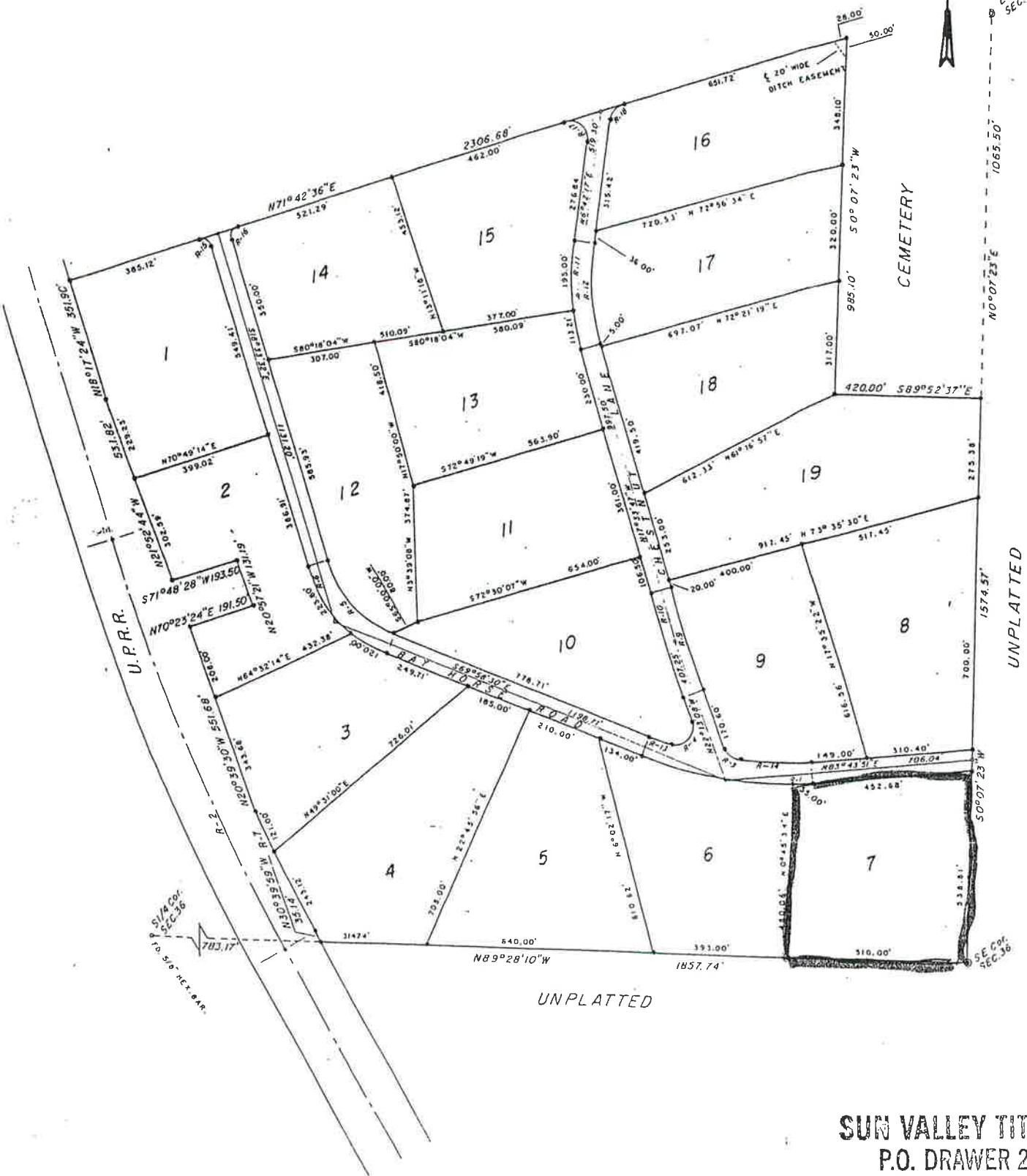


MULDOON RANCH SUBDIVISION

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



E 1/4 SEC. 3



SUN VALLEY TITLE CO.
 P.O. DRAWER 2365
 KETCHUM, IDAHO 83340
 (208) 726-9341

DEED OF TRUST

0055022404

MIN 100085200550224044

THIS DEED OF TRUST is made this 17th day of August, 2005, among the Grantor,
DALE R MARTIN &
MARTHA I MARTIN, Husband & Wife

(herein "Borrower"),

SUN VALLEY TITLE COMPANY, 221 SOUTH RIVER STREET #2A
HAILEY, ID 83333

(herein "Trustee"), and the Beneficiary,

Mortgage Electronic Registration Systems, Inc. ("MERS"), (solely as nominee for Lender, as hereinafter defined, and Lender's successors and assigns). MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

FIRST HORIZON HOME LOAN CORPORATION

existing under the laws of THE STATE OF KANSAS
4000 Horizon Way, Irving, Texas 75063

("Lender") is organized and
, and has an address of

BORROWER, in consideration of the indebtedness herein recited and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the County of Blaine, State of Idaho:

LOT 7 OF MULDOON RANCH SUBDIVISION, ACCORDING
TO THE OFFICIAL PLAT THEREOF, RECORDED IN BOOK
6 OF PLATS, PAGE 9, RECORDS OF BLAINE COUNTY, IDAHO.

which has the address of 202 BAYHORSE ROAD

[Street],

BLAINE COUNTY [City], Idaho 83313 [Zip Code] (herein "Property Address");

TOGETHER with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances and rents (subject however to the rights and authorities given herein to Lender to collect and apply such rents), all of which shall be deemed to be and remain a part of the property covered by this Deed of Trust; and all of the foregoing, together with said property (or the leasehold estate if this Deed of Trust is on a leasehold) are hereinafter referred to as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Deed of Trust; but, if necessary to comply with law or custom, MERS, (as nominee for Lender and Lender's successors and assigns), has the right to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing or canceling this Deed of Trust.

TO SECURE to Lender the repayment of the indebtedness evidenced by Borrower's note dated August 17th, 2005 and extensions and renewals thereof (herein "Note"), in the principal sum of U.S. \$ 189,000.00, with interest thereon, providing for monthly installments of principal and interest, with the balance of the indebtedness, if not sooner paid, due and payable on September 1st, 2020; the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Borrower herein contained.

IDAHO - SECOND MORTGAGE - 1/80 - FNMA/FHLMC UNIFORM INSTRUMENT WITH MERS

Initials

[Signature]

Form 3813

Amended 2/99

Borrower covenants that Borrower is lawfully ^{owner} of the estate hereby conveyed and has the right to grant ^{and} convey the Property, and that the Property is unencumbered, except for encumbrances of record. Borrower covenants that Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to encumbrances of record.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. **Payment of Principal and Interest.** Borrower shall promptly pay when due the principal and interest indebtedness evidenced by the Note and late charges as provided in the Note.

2. **Funds for Taxes and Insurance.** Subject to applicable law or a written waiver by Lender, Borrower shall pay to Lender on the day monthly payments of principal and interest are payable under the Note, until the Note is paid in full, a sum (herein "Funds") equal to one-twelfth of the yearly taxes and assessments (including condominium and planned unit development assessments, if any) which may attain priority over this Deed of Trust, and ground rents on the Property, if any, plus one-twelfth of yearly premium installments for hazard insurance, plus one-twelfth of yearly premium installments for mortgage insurance, if any, all as reasonably estimated initially and from time to time by Lender on the basis of assessments and bills and reasonable estimates thereof. Borrower shall not be obligated to make such payments of Funds to Lender to the extent that Borrower makes such payments to the holder of a prior mortgage or deed of trust if such a holder is an institutional lender.

If Borrower pays Funds to Lender, the Funds shall be held in an institution the deposits or accounts of which are insured or guaranteed by a federal or state agency (including Lender if Lender is such an institution). Lender shall apply the Funds to pay said taxes, assessments, insurance premiums and ground rents. Lender may not charge for so holding and applying the Funds, analyzing said account or verifying and compiling said assessments and bills, unless Lender pays Borrower interest on the Funds and applicable law permits Lender to make such a charge. Borrower and Lender may agree in writing at the time of execution of this Deed of Trust that interest on the Funds shall be paid to Borrower, and unless such agreement is made or applicable law requires such interest to be paid, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds showing credits and debits to the Funds and the purpose for which each debit to the Funds was made. The Funds are pledged as additional security for the sums secured by this Deed of Trust.

If the amount of the Funds held by Lender, together with the future monthly installments of Funds payable prior to the due dates of taxes, assessments, insurance premiums and ground rents, shall exceed the amount required to pay said taxes, assessments, insurance premiums and ground rents as they fall due, such excess shall be, at Borrower's option, either promptly repaid to Borrower or credited to Borrower on monthly installments of Funds. If the amount of the Funds held by Lender shall not be sufficient to pay taxes, assessments, insurance premiums and ground rents as they fall due, Borrower shall pay to Lender any amount necessary to make up the deficiency in one or more payments as Lender may require.

Upon payment in full of all sums secured by this Deed of Trust, Lender shall promptly refund to Borrower any Funds held by Lender. If under paragraph 17 hereof the Property is sold or the Property is otherwise acquired by Lender, Lender shall apply, no later than immediately prior to the sale of the Property or its acquisition by Lender, any Funds held by Lender at the time of application as a credit against the sums secured by this Deed of Trust.

3. **Application of Payments.** Unless applicable law provides otherwise, all payments received by Lender under the Note and paragraphs 1 and 2 hereof shall be applied by Lender first in payment of amounts payable to Lender by Borrower under paragraph 2 hereof, then to interest payable on the Note, and then to the principal of the Note.

4. **Prior Mortgages and Deeds of Trust; Charges; Liens.** Borrower shall perform all of Borrower's obligations under any mortgage, deed of trust or other security agreement with a lien which has priority over this Deed of Trust, including Borrower's covenants to make payments when due. Borrower shall pay or cause to be paid all taxes, assessments and other charges, fines and impositions attributable to the Property which may attain a priority over this Deed of Trust, and leasehold payments or ground rents, if any.

5. **Hazard Insurance.** Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and such other hazards as Lender may require and in such amounts and for such periods as Lender may require.

The insurance carrier providing the insurance shall be chosen by Borrower subject to approval by Lender; provided, that such approval shall not be unreasonably withheld. All insurance policies and renewals thereof shall be in a form acceptable to Lender and shall include a standard mortgage clause in favor of and in a form acceptable to Lender. Lender shall have the right to hold the policies and renewals thereof, subject to the terms of any mortgage, deed of trust or other security agreement with a lien which has priority over this Deed of Trust.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower.

If the Property is abandoned by Borrower, or if Borrower fails to respond to Lender within 30 days from the date notice is mailed by Lender to Borrower that the insurance carrier offers to settle a claim for insurance benefits, Lender is authorized to collect and apply the insurance proceeds at Lender's option either to restoration or repair of the Property or to the sums secured by this Deed of Trust.

6. **Preservation and Maintenance of Property; Leaseholds; Condominiums; Planned Unit Developments.** Borrower shall keep the Property in good repair and shall not commit waste or permit impairment or deterioration of the Property and shall comply with the provisions of any lease if this Deed of Trust is on a leasehold. If this Deed of Trust is on a unit in a condominium or a planned unit development, Borrower shall perform all of Borrower's obligations under the declaration or covenants creating or governing the condominium or planned unit development, the by-laws and regulations of the condominium or planned unit development, and constituent documents.

7. **Protection of Lender's Security.** If Borrower fails to perform the covenants and agreements contained in this Deed of Trust, or if any action or proceeding is commenced which materially affects Lender's interest in the Property, then Lender, at Lender's option, upon notice to Borrower, may make such appearances, disburse such sums, including reasonable attorneys' fees, and take such action as is necessary to protect Lender's interest. If Lender required mortgage insurance as a condition of making the loan secured by this Deed of Trust, Borrower shall pay the premiums required to maintain such insurance in effect until such time as the requirement for such insurance terminates in accordance with Borrower's and Lender's written agreement or applicable law.

Any amounts disbursed by Lender pursuant to this paragraph 7, with interest thereon, at the Note rate, shall become additional indebtedness of Borrower secured by this Deed of Trust. Unless Borrower and Lender agree to other terms of payment, such amounts shall be payable upon notice from Lender to Borrower requesting payment thereof. Nothing contained in this paragraph 7 shall require Lender to incur any expense or take any action hereunder.

8. **Inspection.** Lender may make or cause to be made reasonable entries upon and inspections of the Property, provided that Lender shall give Borrower notice prior to any such inspection specifying reasonable cause therefor related to Lender's interest in the Property.

9. **Condemnation.** The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of the Property, or part thereof, or for conveyance in lieu of condemnation, are hereby assigned and shall be paid to Lender, subject to the terms of any mortgage, deed of trust or other security agreement with a lien which has priority over this Deed of Trust.

10. **Borrower Not Released; Forbearance By Lender Not a Waiver.** Extension of the time for payment or modification of amortization of the sums secured by this Deed of Trust, granted by Lender to any successor in interest of Borrower shall not operate to release, in any manner, the liability of the original Borrower and Borrower's successors in interest. Lender shall not be required to commence proceedings against such successor or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Deed of Trust by reason of any demand made by the original Borrower and Borrower's successors in interest. Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any such right or remedy.

11. **Successors and Assigns Bound; Joint and Several Liability; Co-signers.** The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower, subject to the provisions of paragraph 16 hereof. All covenants and agreements of Borrower shall be joint and several. Any Borrower who co-signs this Deed of Trust, but does not execute the Note, (a) is co-signing this Deed of Trust only to grant and convey that Borrower's interest in the Property to Trustee under the terms of this Deed of Trust, (b) is not personally liable on the Note or under this Deed of Trust, and (c) agrees that Lender and any other Borrower hereunder may agree to extend, modify, forbear, or make any other accommodations with regard to the terms of this Deed of Trust or the Note, without that Borrower's consent and without releasing that Borrower or modifying this Deed of Trust as to that Borrower's interest in the Property.

12. **Notice.** Except for any notice required under applicable law to be given in another manner, (a) any notice to Borrower provided for in this Deed of Trust shall be given by delivering it or mailing such notice by certified mail addressed to Borrower at the Property Address or at such other address as Borrower may designate by notice to Lender as provided herein, and (b) any notice to Lender shall be given by certified mail to Lender's address stated herein or to such other address as Lender may designate by notice to Borrower as provided herein. Any notice provided for in this Deed of Trust shall be deemed to have been given to Borrower or Lender when given in the manner designated herein.

13. **Governing Law; Severability.** The state and local laws applicable to this Deed of Trust shall be the laws of the jurisdiction in which the Property is located. The foregoing sentence shall not limit the applicability of federal law to this Deed of Trust. In the event that any provision or clause of this Deed of Trust or the Note conflicts with applicable law, such conflict shall not affect other provisions of this Deed of Trust or the Note which can be given effect without the conflicting provision, and to this end the provisions of this Deed of Trust and the Note are declared to be severable. As used herein, "costs," "expenses" and "attorneys' fees" include all sums to the extent not prohibited by applicable law or limited herein.

14. **Borrower's Copy.** Borrower shall be furnished a conformed copy of the Note and of this Deed of Trust at the time of execution or after recordation hereof.

15. **Rehabilitation Loan Agreement.** Borrower shall fulfill all of Borrower's obligations under any home rehabilitation, improvement, repair, or other loan agreement which Borrower enters into with Lender. Lender, at Lender's option, may require Borrower to execute and deliver to Lender, in a form acceptable to Lender, an assignment of any rights, claims or defenses which Borrower may have against parties who supply labor, materials or services in connection with improvements made to the Property.

16. **Transfer of the Property or a Beneficial Interest in Borrower.** If all or any part of the Property or any interest in it is sold or transferred (or if a beneficial interest in Borrower is sold or transferred and Borrower is not a natural person) without Lender's prior written consent, Lender may, at its option, require immediate payment in full of all sums secured by this Deed of Trust. However, this option shall not be exercised by Lender if exercise is prohibited by federal law as of the date of this Deed of Trust.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Borrower must pay all sums secured by this Deed of Trust. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Deed of Trust without further notice or demand on Borrower.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

17. **Acceleration; Remedies.** Except as provided in paragraph 16 hereof, upon Borrower's breach of any covenant or agreement of Borrower in this Deed of Trust, including the covenants to pay when due any sums secured by this Deed of Trust, Lender prior to acceleration shall give notice to Borrower as provided in paragraph 12 hereof specifying: (1) the breach; (2) the action required to cure such breach; (3) a date, not less than 10 days from the date the notice is mailed to Borrower, by which such breach must be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of the sums secured by this Deed of Trust and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the nonexistence of a default or any other defense of Borrower to acceleration and sale. If the breach is not cured on or before the date specified in the notice, Lender, at Lender's option, may declare all of the sums secured by this Deed of Trust to be immediately due and payable without further demand and may invoke the power of sale and any other remedies permitted by applicable law. Lender shall be entitled to collect all reasonable costs and expenses incurred in pursuing the remedies provided in this paragraph 17, including, but not limited to, reasonable attorneys' fees.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute a written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold and shall cause such notice to be recorded in each county in which the Property or some part thereof is located. Lender or Trustee shall mail copies of such notice in the manner prescribed by applicable law. Trustee shall give public notice of sale to the persons and in the manner prescribed by applicable law. After the lapse of such time as may be required by applicable law, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in such order as Trustee may determine. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled sale. Lender or Lender's designee may purchase the Property at any sale.

Trustee shall deliver to the purchaser Trustee's deed conveying the Property so sold without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all reasonable costs and expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees and costs of title evidence; (b) to all sums secured by this Deed of Trust; and (c) the excess, if any, to the person or persons legally entitled thereto.

18. **Borrower's Right to Reinstate.** Notwithstanding Lender's acceleration of the sums secured by this Deed of Trust due to Borrower's breach, Borrower shall have the right to have any proceedings begun by Lender to enforce this Deed of Trust discontinued at any time prior to the earlier to occur of (i) the fifth day before sale of the Property pursuant to the power of sale contained in this Deed of Trust or (ii) entry of a judgment enforcing this Deed of Trust if: (a) Borrower pays Lender all sums which would be then due under this Deed of Trust and the Note had no acceleration occurred; (b) Borrower cures all breaches of any other covenants or agreements of Borrower contained in this Deed of Trust; (c) Borrower pays all reasonable expenses incurred by Lender and Trustee in enforcing the covenants and agreements of Borrower contained in this Deed of Trust, and in enforcing Lender's and Trustee's remedies as provided in paragraph 17 hereof, including, but not limited to, reasonable attorneys' fees; and (d) Borrower takes such action as Lender may reasonably require to assure that the lien of this Deed of Trust, Lender's interest in the Property and Borrower's obligation to pay the sums secured by this Deed of Trust shall continue unimpaired. Upon such payment and cure by Borrower, this Deed of Trust and the obligations secured hereby shall remain in full force and effect as if no acceleration had occurred.

19. Assignment of Rents; Appointment of Receiver; Lender in Possession. As additional security hereunder, Borrower hereby assigns to Lender the rents of the Property, provided that Borrower shall, prior to acceleration under paragraph 17 hereof or abandonment of the Property, have the right to collect and retain such rents as they become due and payable.

Upon acceleration under paragraph 17 hereof or abandonment of the Property, Lender, in person, by agent or by judicially appointed receiver shall be entitled to enter upon, take possession of and manage the Property and to collect the rents of the Property including those past due. All rents collected by Lender or the receiver shall be applied first to payment of the costs of management of the Property and collection of rents, including, but not limited to, receiver's fees, premiums on receiver's bonds and reasonable attorneys' fees, and then to the sums secured by this Deed of Trust. Lender and the receiver shall be liable to account only for those rents actually received.

20. Reconveyance. Upon payment of all sums secured by this Deed of Trust, Lender shall request Trustee to reconvey the Property and shall surrender this Deed of Trust and all notes evidencing indebtedness secured by this Deed of Trust to Trustee. Trustee shall reconvey the Property without warranty and without charge to the person or persons legally entitled thereto. Such person or persons shall pay all costs of recordation, if any.

21. Substitute Trustee. Lender, at Lender's option, may from time to time remove Trustee and appoint a successor trustee to any Trustee appointed hereunder. Without conveyance of the Property, the successor trustee shall succeed to all the title, power and duties conferred upon the Trustee herein and by applicable law.

22. Area and Location of Property. Either the Property is not more than forty acres in area or the Property is located within an incorporated city or village.

REQUEST FOR NOTICE OF DEFAULT
AND FORECLOSURE UNDER SUPERIOR
MORTGAGES OR DEEDS OF TRUST

Borrower and Lender request the holder of any mortgage, deed of trust or other encumbrance with a lien which has priority over this Deed of Trust to give Notice to Lender, at Lender's address set forth on page one of this Deed of Trust, of any default under the superior encumbrance and of any sale or other foreclosure action.

IN WITNESS WHEREOF, Borrower has executed this Deed of Trust.

Dale R Martin (Seal) Martha I Martin (Seal)
DALE R MARTIN -Borrower MARTHA I MARTIN -Borrower

____ (Seal) ____ (Seal)
-Borrower -Borrower

____ (Seal) ____ (Seal)
-Borrower -Borrower

____ (Seal) ____ (Seal)
-Borrower -Borrower

[Sign Original Only]

STATE OF IDAHO, BLAINE County ss:
On this 17th day of August 2005, before me,
Carolyn Baird, a Notary Public in and for said county and state, personally appeared
DALE R MARTIN & MARTHA I MARTIN

known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that he/she/they executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Carolyn Baird
Notary Public residing at: Hailey
effus 11/23/2009

AFTER RECORDING PLEASE RETURN TO:
FHHLC - POST CLOSING MAIL ROOM

1555 W. WALNUT HILL LN. #200 MC 6712
IRVING, TX 75038

0055022404

0055022404

RIDER TO DEED OF TRUST/MORTGAGE/SECURITY DEED

Date: 8/17/2005

The escrow of taxes and insurance required in Paragraph 2 of your DEED OF TRUST/MORTGAGE/SECURITY DEED to

FIRST HORIZON HOME LOAN CORPORATION
is hereby waived and you are notified that you are not required to deposit with

FIRST HORIZON HOME LOAN CORPORATION
any of the amounts set forth in said paragraph, provided:

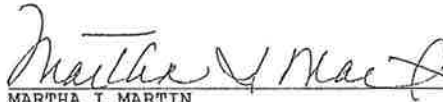
- (a) Escrows for future taxes and insurance premiums are being collected and maintained by the holder or servicer of the mortgage loan superior to our lien; or
- (b) If you pay your own taxes and insurance premiums, you fulfill your obligation to keep taxes and insurance premiums current with respect to the property secured hereby.

This waiver does not, in any way, release you from your obligation to make escrow payments of taxes and insurance to the holder of any prior mortgage, nor does it relieve you of your obligation to keep taxes and insurance premiums current with respect to the secured property.

All payments will be applied first to the accrued interest and next to the unpaid principal of your loan. The exact amount of your final payment, finance charge, and total of payments will be somewhat more or less than the amounts shown if we do not receive each payment on the scheduled payment date.

RECEIPT ACKNOWLEDGED:


DALE R MARTIN


MARTHA I MARTIN

**BALLOON PAYMENT RIDER
TO THE SECURITY INSTRUMENT**

Borrower Name: DALE R MARTIN & MARTHA I MARTIN

Property Address: 202 BAYHORSE ROAD
BLAINE COUNTY, ID 83313

Loan Number: 0055022404

THE TERMS OF THE LOAN CONTAIN PROVISIONS WHICH WILL REQUIRE A BALLOON PAYMENT AT MATURITY.

THE AMORTIZATION OF PRINCIPAL AND INTEREST IS BASED ON A 30 YEAR FACTOR AND WOULD AMORTIZE THE PRINCIPAL LOAN ON A 30 YEAR SCHEDULE, BUT SINCE THE FULL BALANCE IS PAYABLE IN 180 MONTHS, A BALLOON PAYMENT OF \$ 152,628.85 WILL BE REQUIRED ON September 1st, 2020.

The loan is payable in full at the end of 15 years. You must repay the entire principal balance of the loan and the unpaid interest then due. The lender is under no obligation to refinance the loan at that time. You will, therefore, be required to make payment out of other assets you may own, or you will have to find a lender willing to lend you the money at the prevailing market rate, which may be considerably higher or lower than the rate on this loan.

If you refinance this loan at maturity, you may have to pay some or all closing costs normally associated with a new loan, even if you obtain refinancing from the same lender.

I/We hereby acknowledge receipt of the above notice relating to the balloon payment provision of this loan, which have also been explained to me/us.

Dale R Martin (Seal)
DALE R MARTIN -Borrower

Martina I Martin (Seal)
MARTHA I MARTIN -Borrower

____ (Seal)
-Borrower

____ (Seal)
-Borrower

____ (Seal)
-Borrower

____ (Seal)
-Borrower

____ (Seal)
-Borrower

____ (Seal)
-Borrower

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07751

Priority: December 8, 1978 Amount: 0.12 CFS 18.0 AFA

This is to certify, that HANS U. BUHLER

P.O. BOX 423

BELLEVUE, ID 83313

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated December 8, 1978, and has submitted proof to the Department of Water Resources on December 13, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .120 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.12 CFS	18.0 AFA

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 36, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 18E 36	SESE 6			6

Total number of acres irrigated: 6

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 320 day of APRIL, 1989.

Acting for the Director

MICROFILMED

APR 28 1989



Title:			Date: 10-12-2005
Scale: 1 inch = 2000 feet	File:		
Tract 1: 5.487 Acres 239012 Sq Feet: Closure = n65.5352e 60.32 Feet: Precision = 1/33: Perimeter = 1962 Feet			
001=s/36.02n 18e	003=n83.4351e 452.68	005=n89.2810w 510.	
002=n0.4534e 460.06	004=s0.0723w 538.81		



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

October 13, 2005

DALE & MARTHA MARTIN
202 BAY HORSE
BELLEVUE ID 83313

Re: SRBA Claim #37-7751

Dear Mr. and Mrs. Martin,

Pursuant to the change in ownership request that has been submitted to the department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimants.

In research, the Department has found this water right claim to be lower in rate of diversion, (.10 cfs vs .12 cfs) and acres, (4 acres vs. 6 acres) than the water right license the claim is based on. As claimants, you can amend the claim to add acres and rate of flow to match the license for a \$2 (Two Dollar) fee. Any of our Adjudication Agents can help you with this amendment.

If you have any questions, please feel free to contact the Department. (208) 736-3033.

Sincerely,

Carrie Hahn
Office Specialist

Enc.

CA

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: A37-07751
Date Received: 12/22/1988
Receipt No: C004586
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HANS U. BUHLER 208-788-3180
Address: P.O. BOX 423
BELLEVUE, ID 83313

OR

Name: LOTTE BUHLER 208-788-3180
Address: P.O. BOX 423
BELLEVUE, ID 83313

2. Date of Priority: DEC 08, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	36	SE	SE			BLAINE

5. Description of diverting works:
WELL, 6" X 130', 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.100		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-07751

Page 1

Date: 01/31/89

MICROFILMED
MAR 01 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	36	SE	SE		IRR	4.0
Section Acres							4.0
Total Acres							4.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:
LOT 7, MULDOON RANCH SUBDIVISION

15. Basis of Claim: PERMIT

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 A37-07751Date Received 10-27-88Receipt Number C004586214/21/88

RECEIVED

OCT 27 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

DEC 22 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Hans U. or Lotte Buhler Phone (208) 788-3180Mailing Address Box 423, Bellevue Id. Zip 833132. Date of Priority (Only one (1) per claim) Dec. 8, 783. Source of water supply (a) ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 2 North Range 18 East Section 36,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.130 ft. 6" irrigation well with 5hp. pump

MICROFILMED

MAR 01 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 0.1 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ of _____

7. Total quantity claimed (a) 0.1 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 10 ~~8~~ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdlvision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2 N	18 E	36																X	4

Total number of acres irrigated 4

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

MICROFILMED

MAR 01 1993

Last Name Buhler

Ident No. 37-7751

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares, each containing a crosshair pattern of dashed lines. The grid is used for handwriting practice, with a red crosshair in the bottom right corner.

MICROFILMED
MAR 01 1993
Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 37-7751
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1 Muldoon Sub. Plot

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) James H. Buhler Date 10-24-88
Lotte Buhler Date 10-24-88

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 25th day of October 19 88

SEAL

Notary Public Teresa Whaley

Residing at Hailey, Idaho

My Commission Expires 2-24-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
MAR 01 1993

Last Name Buhler Ident. Number 37-7751

Copies White-State, Yellow-Claimant



Idaho Department of Water Resources

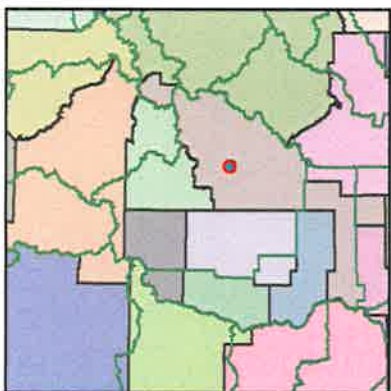
SRBA Recommendation:

37-7751

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by J. Peppers
On Wednesday, November 15, 2006
2004 Aerial Photography



Idaho Department of Water Resources

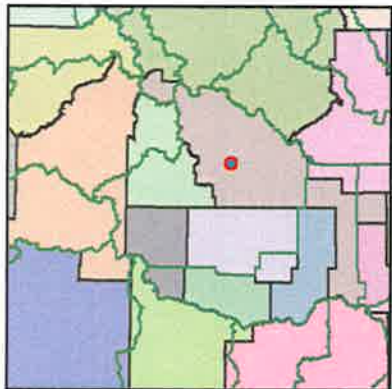
SRBA Recommendation:

37-7751

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by J. Peppers
On Wednesday, November 15, 2006
2004 Aerial Photography

11/15/2006

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

RIGHT NUMBER: 37-7751

NAME AND ADDRESS: MARTHA MARTIN
202 BAY HORSE
BELLEVUE ID 83313

DALE MARTIN
202 BAY HORSE
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
18.000 AFY

PRIORITY DATE: 12/08/1978

POINT OF DIVERSION:

T02N R18E S36 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.120 CFS 18.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S36 SESE 6.00

6 ACRES TOTAL

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.

LOT 7, MULDOON RANCH SUBDIVISION

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SVL

11/21/2006

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: 12/13/2006

Water right number: 37-7751

MARTHA MARTIN
202 BAY HORSE
BELLEVUE ID 83313
Telephone Number: (208)788-8905

DALE MARTIN
202 BAY HORSE
BELLEVUE ID 83313
Telephone Number: (208)788-8905

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: 12-6-06 SIGNATURE: Dale R. Martin
Please print your name: Dale R. Martin

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 13 2006

11/21/2006

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

RIGHT NUMBER: 37-7751
NAME AND ADDRESS: MARTHA MARTIN
202 BAY HORSE
BELLEVUE ID 83313

DALE MARTIN
202 BAY HORSE
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
18.00 AFY

PRIORITY DATE: 12/08/1978

POINT OF DIVERSION: T02N R18E S36 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	0.120 CFS 18.00 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S36 SESE 6.00		
	6 ACRES TOTAL		

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.

LOT 7, MULDOON RANCH SUBDIVISION

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED
DEC 13 2006

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07751

Priority: December 8, 1978 Amount: 0.12 CFS 18.0 AFA

This is to certify, that HANS U. BUHLER
P.O. BOX 423

BELLEVUE, ID 83313

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated December 8, 1978, and has submitted proof to the Department of Water Resources on December 13, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .120 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.12 CFS	18.0 AFA

LOCATION OF POINT(S) OF DIVERSION: SESE, Sec. 36, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 18E 36	SESE 6			6

Total number of acres irrigated: 6

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 32nd day of APRIL, 1989.

Acting for the Director

MICROFILMED

APR 28 1989

1/30/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Buhler

CLAIM ENT. NO.

A37-07751

DATE RECEIVED 12-22-88

CK # 1999

AMOUNT \$ 54-

- | | YES | NO | Required Info? |
|--|--|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ N/A | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ N/A | ☐ | |
| Is the consumptive use correct? | ☒ N/A | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ N/A | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ Exempt | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ N/A | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: CA

Date: 1-31-89

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

(Yes) ☐ (No) ☒

Receipt Prepared by: Don Shaff

Date: 12-22-88

Claim data entered by: ?

Date:

Sent to claimant by:

Checked by: CA

Date: 1-31-89

Comments:

MAR 01 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 16, 1989

Mr. & Mrs. Hans Buhler
Box 423
Bellevue, ID 83313

Dear Claimant:

We are returning your Notice of Claim to a Water Right filed for your property in Blaine County for the reason(s) listed below:

[] Your check # 1888 in the amount of \$ 25.00 is also being returned. Upon completion of the items on the Notice of Claim as requested, please return the filing fee.

☒ ^{Incorrect} No filing fees were attached to the Notice of Claim. The filing fee required for this claim is \$ 54.00.

[] Priority date was excluded from Notice of Claim. This date is when the water was first placed to beneficial use, by yourself or your predecessors, to the best of your knowledge.

[] No signature of claimant. Notice of Claim must be signed on Item #16 by person/persons listed as Claimant on Item #1.

[] No Notary Public for signature. The Notary is required on this document as this is the documentation presented in the judicial system.

^{noted prob w/ #8}
Please return the documents to this office at my attention. If you will make the necessary corrections before Jan. 16, 1989, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Yours truly,

Donald V. Shaff
Adjudication Section
Supervisor

DVS;ds
Enclosures

MICROFILMED

MAR 01 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Buhler CLAIM NO. A37-07751

DATE RECEIVED 10/27/88 CK # 1888 AMOUNT \$ 20.00

1. Is the name and address complete with zip code? ☒ YES ☐ NO
2. Is a priority date entered? ☒ YES ☐ NO

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ☒ YES ☐ NO
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A X

4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO

5. Is there a description of the diverting works? ☒ YES ☐ NO

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO

Is the period of use included? ☒ YES ☐ NO

Is a quantity claimed for each use? ☒ YES ☐ NO

7. Is a total quantity claimed entered? ☒ YES ☐ NO

8. If required is a consumptive use entered? ☒ YES ☐ NO N/A X

Is the consumptive use correct? entered as 8 should be 10 ☐ YES ☒ NO N/A X

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO N/A X

10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO

11. Is (are) the county(ies) entered? ☒ YES ☐ NO

12. Is the ownership of p.u. checked? ☒ YES ☐ NO

13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ NO N/A X

15. Is the basis of the claim indicated? ☒ YES ☐ NO

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ YES ☐ NO

Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO

Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO

Is the fee enclosed correct? ☐ YES ☒ NO Exempt X

If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A X

Should this claim be receipted and data entered? ☐ YES ☒ NO

MAR 01 1993

Claim checked by: ARB

Comments: fee should be \$54.00 \$50.00 filing fee
and 1\$/Acres irrigation = \$54.00

SD-183
INQUIRY

IDAH⁰ DEPARTMENT OF WATER RESOUR⁰ES
ADJUDICATION AUDIT INFORMATION SCREEN

DATE: 09/27/90
TIME: 10:24:23

WATER RIGHT NUMBER: A37-07751

FIRST PAGE

DATE-STAMP: 881222
890131
900126

USER-ID: SHAFF
FRITSCHL
WHITE

(GOLD4=PREV SCREEN) (GOLD6=END OF DATA)
(GOLD5=NEXT SCREEN)

(ENTER=EXIT)
(GOLD8=CANCEL)

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MAR 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 16, 1988

Mr. & Mrs. Hans Buhler
Box 423
Bellvue, Id 83313

A 37-12407
C 004587
Refund MC-10-3-89
Dennis Smith
9-27-90

Dear Claimant:

We are returning your Notice of Claim to a Water Right filed for your property in Blaine County for the reason(s) listed below:

- ☐ Your check # 1857 in the amount of \$ 25⁰⁰ is also being returned. Upon completion of the items on the Notice of Claim as requested, please return the filing fee.
- ☐ No filing fees were attached to the Notice of Claim. The filing fee required for this claim is \$ _____.
- ☒ Priority date was excluded from Notice of Claim. This date is when the water was first placed to beneficial use, by yourself or your predecessors, to the best of your knowledge.
- ☐ No signature of claimant. Notice of Claim must be signed on Item #16 by person/persons listed as Claimant on Item #1.
- ☐ No Notary Public for signature. The Notary is required on this document as this is the documentation presented in the judicial system.

Please return the documents to this office at my attention. If you will make the necessary corrections before _____, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Yours truly,

Donald V. Shaff

Donald V. Shaff
Adjudication Section
Supervisor

DVS;ds
Enclosures

MICROFILMED

MAR 01 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Buhler

CLAIM EN' 10.

DATE RECEIVED

10/27/88

CK #

1857

AMOUNT \$

25.00

1. Is the name and address complete with zip code?

YES

NO

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
 A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by:

AB

Comments:

MICROFILMED

MAR 01 1993

SD-183'
INQUIRY

IDAI DEPARTMENT OF WATER RESOURCES
ADJUDICATION AUDIT INFORMATION SCREEN

DATE: 09/27/90
TIME: 10:19:01

WATER RIGHT NUMBER: A37-12407

FIRST PAGE

DATE-STAMP: 881222
890131
891003

USER-ID: SHAFF
FRITSCHL
REFUNDML

(GOLD4=PREV SCREEN) (GOLD6=END OF DATA)
(GOLD5=NEXT SCREEN)

(ENTER=EXIT)
(GOLD8=CANCEL)

MICROFILMED

MAR 01 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A37-07751FIELD REPORT LOG

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
PRIORITY DATE	N		See 3-6-90	
POINT OF DIV.	N		See 5-2-90	
SOURCE	N			
PLACE OF USE	N* Claimed Less Ac. than Lic.	(CONTACT CLAIMANT)	See 6-11-90	
DIV. AMOUNT	N*			
CONSUMPTIVE USE	N*			
USES	N			
PERIOD OF USE	N*			
BASIS OF CLAIM	N			

REMARKS:

* Claim is for 4 Acres, Licensed for 6.0 Acres
Should Claimant be Advised?

My Field Exam shows $\approx$ 4 Ac. (see)

Recommend as CLAIMED
Licensed

MICROFILMED

MAR 01 1993

GENERAL INFORMATION

Claim number: A37-07751

LAST: BUHLER

FIRST: HANS U.

ADDRESS: P.O. Box 423

CITY: BELLEVUE

STATE: ID

ZIP: 83313

PHONE: (208) 788-3180

OWNER CODE: C

OWNER CONNECTOR: OR

LAST: BUHLER

FIRST: LOTTE

ADDRESS: P.O. Box 423

CITY: BELLEVUE

STATE: ID

ZIP: 83313

PHONE: (208) 788-3180

OWNER CODE: C

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER (____) ____-____

DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE? Y(____) N(____), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

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MAR 01 1993

PAGE 3.
PRIORITY DATE REVIEW SHEET

CLAIM NUMBER: A37-07751

A. SRBA CLAIM # A37-07751 PRIORITY DATE: 12/8/1978 STAGE P

B. IDWR RECORD # 37-07751 PRIORITY DATE: 12/8/1978 STAGE L

C. REVIEW - FIELD EXAM NEEDED? Y() N(☒)

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

REMARKS:

RECOMMENDED PRIORITY DATE: 12/8/1978

REVIEWED BY

SCC

DATE

3-6-90

MICROFILMED

MAR 01 1993

POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # A37-07751

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>36</u>	—	<u>SE</u>	<u>SE</u>	—	<u>BLAINE</u>

SOURCE: GROUNDWATER TRIB: _____

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>36</u>	—	<u>SE</u>	<u>SE</u>	—	<u>13</u>

SOURCE: G. W. TRIB: _____

C. REVIEW - FIELD EXAM NEEDED? Y() N()

		ATTACHED	OR	SEE FILE
VERIFIED	(X) TOPO MAP/ORTHO-PQ	YES(X)	NO()	_____
WITH:	() ASCS MAP	YES()	NO()	_____
	() WATERMASTER RECORDS	YES()	NO()	_____
	() FIELD EXAM	YES()	NO()	_____
	(X) OTHER <u>Plat Map</u>	YES(X)	NO()	_____

REMARKS: (X) License X

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>2N</u>	<u>18E</u>	<u>36</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	—	<u>13</u>

SOURCE: G.W. TRIB: _____REVIEWED BY Sec DATE 5-2-90

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MAR 01 1993

PAGE 5.

PLACE OF USE REVIEW SHEET (IRRIGATION)

CLAIM # A37-07751

FIELD EXAM REQUIRED: Y() N()

PRESUMPTION FLAG: Y() N()

ROOT WATER RIGHT NUMBERS 37-07751

TWP RGE SEC 1/4 1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
<u>2N 18E 36 SE SE A37-07244/ 5</u>		<u>37-07244/ 5 18</u>			
<u>→ -07751/ 4</u>		<u>-07751/ 6</u>			
<u>-07925/ 6</u>		<u>-07925/ 6</u>			
<u>- /</u>		<u>-07228/ 5</u>			
<u>- /</u>		<u>-07342/ 5</u>			
<u>- /</u>		<u>- /</u>			
<u>- /</u>		<u>- /</u>			
<u>- /</u>		<u>- /</u>			
TOTAL ACRES	<u>4</u>	<u>6</u>			

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

REMARKS: License is For 6 Ac.
Claimed only 4 Ac.

REVIEWED BY See

DATE 5-2-90

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MAR 01 1993

A. S.R.B.A CLAIMED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u>IRRIGATION</u>	FROM <u>4-15</u> TO <u>10-15</u>	<u>0.1</u> CFS
FOR _____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR _____	FROM <u>-</u> TO <u>-</u>	_____ CFS

B. I.D.W.R. RECORDED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>0.12</u> CFS
FOR _____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR _____	FROM <u>-</u> TO <u>-</u>	_____ CFS

PRESUMPTION FLAG: _____

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y(☒) N(☐)

RECOMMENDED AS CLAIMED?

Y(☐) N(☒)

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y(☒) N(☐)

REMARKS:

Licence 37-07751

RECOMMENDED USES:

PURPOSES	MONTH/DAY	RATE
FOR <u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>0.12</u> CFS
FOR _____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR _____	FROM <u>-</u> TO <u>-</u>	_____ CFS

REVIEWED BY

sc

DATE

5-2-90

MICROFILMED
MAR 01 1993

PAGE 7.
DIVERSION AMOUNT REVIEW SHEET

CLAIM # A37-07751

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(☒)

SRBA CLAIMED RATE: 0.10 CFS IDWR ROOT RIGHT RATE: 0.12 CFS
IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.

IS FLOW MEASUREMENT REQUIRED? Y() N(☒)

B. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y() N(☒) If YES complete overlap review.

OTHER RIGHTS LISTED IN CLAIM: - - -
- - -
- - -

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES 4 X 0.02 CFS/ACRE = 0.08 CFS.
(Taken from p/u review)

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

IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y() N(☒)

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES 4 X CONSUMPTIVE RATE FOR AREA 2.5 A.F./ACRE =

TOTAL CONSUMPTIVE USE 10 ACRE FEET/ANNUM

ACRES _____ X FIELD APPLIC. RATE FOR AREA _____ A.F./ACRE =

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y() N() SEE ATTACHED SHEET? Y() N()

RECOMMENDED DIVERSION RATE: 0.12 CFS

RECOMMENDED CONSUMPTIVE USE: 15 AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY SCC

DATE 5-2-90

MICROFILMED
MAR 01 1993

BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM # 137-0775/

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
EXCESSIVE AMOUNT _____	()	()

THIS SRBA CLAIM CFS/ACRE

0.025

OTHER SRBA CLAIMS CFS/ACRE

_____ - _____

_____ - _____

_____ - _____

**Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT # _____	SPLITS # _____	_____ CFS
_____ CFS	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	TOTAL CFS	_____

**Do the sum of the parts equal the whole?

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

AUTHENTICATION:

SIGNATURE: Steve C. [Signature]DATE: 5-2-90

NAME OF FIELD EXAMINER: _____

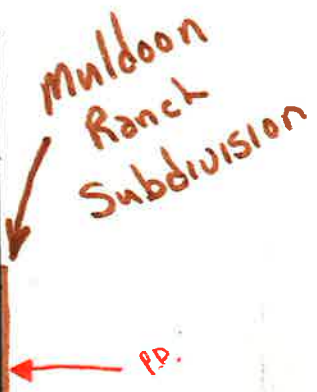
TITLE: _____

=====

MICROFILMED

MAR 01 1993

№ 0193



1 MILE

Water Right Number - A37-07751

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

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

*** C - CURRENT OWNER ***
BUHLER

HANS U.

1 - P.O. BOX 423

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-3180

BUHLER

LOTTE

1 - P.O. BOX 423

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-3180

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
12/08/1978 17 P - PERMIT+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)

02N 18E 36 SE SE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/15

10/15

0.100

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.100 10.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

02N

18E

36

SE SE

4.0

01

IRRIGATION

(13) BLAINE

Total Acres: 4.0

+ - - Diversion Means - WELL, 6" X 130', 5 HP PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
LOT 7, MULDOON RANCH SUBDIVISIONMICROFILMED
MAR 01 1993

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

Water right number - A37-07751

Adj. flag translation: Adjudication Temporary Work Area

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

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

+ - - Audit Fields - WHITE

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/27/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C004586	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR		

RECEIVED
MAR 01 1993

Water Right Number - 37-07751 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***

BUHLER HANS U. 1 - P.O. BOX 423
2 -
3 -
City- BELLEVUE State- ID Zip- 83313
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

12/08/1978 17 L - LICENSE

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

GROUNDWATER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
02N	18E	36	SE SE		(13)	BLAINE	

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01	0.120	18.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

0.120 18.00 0.120

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	18E	36	SE SE		6.0	01	IRRIGATION	(13) BLAINE

Total Acres: 6.0

+ - - 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

+ - - Audit Fields - 02/14/89 JOHNSON 03/21/89 CURTIS

MICROFILMED
MAR 01 1993

Water right number - 37-07751

Adj. flag translation: Standard Water Right Number

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

Proof Due Date	- 02/01/1984	Field Exam Made	- 07/26/1984	Field Exam Fee	-
Approved/Denied	- 02/15/1979	Protested Date	- 00/00/0000	Swan Falls	- 2
Proof Made Date	- 12/13/1983	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 04/03/1989	Appl Received	- 12/08/1978	Transfer/Amended	-
Decree Date	- 00/00/0000				

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MAR 01 1993

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Department of Water Resources
Adjudication Bureau
1301 N. Orchard
Statehouse Mail
Boise, Id. 83720

MAR 01 1993

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MAR 01 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
06/02/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-07751

LAST: BUHLER
ADDRESS: P.O. BOX 423
CITY: BELLEVUE
PHONE NUMBER: 208-788-3180

FIRST: HANS U.

STATE: ID ZIP: 83313

OWNER CODE: C

LAST: BUHLER
ADDRESS: P.O. BOX 423
CITY: BELLEVUE
PHONE NUMBER: 208-788-3180

FIRST: LOTTE

STATE: ID ZIP: 83313

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: LOT 7, MULDOON RANCH SUBDIVISION

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OCT 26 1994

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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OCT 26 1994

A. AJ CLAIM: # A37-07751 PRIORITY DATE: 12-08-1978 STAGE: P
B. WR RECORD: # 37-07751 PRIORITY DATE: 12-08-1978 STAGE: L

C. FIELD EXAM REQUIRED? DATABASE FIELD
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N EXAMINER

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

REMARKS:

RECOMMENDED PRIORITY DATE:
12-08-1978

REVIEWED BY

DATE

MICROFILMED
OCT 26 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-07751	02N	18E	36		SE	SE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A37-07244	R37-07244
A37-12143	R37-07925
A37-12407	R37-12143
A37-07925	R37-12407

WR RECORDS IN SAME 40 ACRE TRACT

37-07228
37-07244
37-07342
37-07925

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
37-07751	02N	18E	36		SE	SE		BLAINE

OTHER WR RECORDS WITH SAME WR POD

37-07228
37-07244
37-07342
37-07925

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A37-07244	R37-07244
A37-12143	R37-07925
A37-12407	R37-12143
A37-07925	R37-12407

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE	Y
	N

FIELD
EXAMINER

REMARKS:

MICROFILMED
OCT 26 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: _____ DATE: _____

MICROFILMED
OCT 26 1994

A. ROOT WATER RIGHT NUMBERS: A37-07751
R37-07751

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	18E	36	SE	SE		BUHLER , HANS U.	A37-07751 / 4.0	37-07751 / 6.0	18.0		
						DIGGINS , THOMAS M.	A37-07244 / 5.0	37-07244 / 5.0			
						BUHLER , HANS U.	A37-12407 /	- /			
						BROADIE , JERRY E.	A37-12143 /	- /			
						GOSCHE , JON M.	A37-07925 / 6.0	37-07925 / 6.0			
						DIGGINS , THOMAS M.	R37-07244 / 5.0	- /			
						BUHLER , HANS U.	R37-07751 / 4.0	- /			
						GOSCHE , JOHN M.	R37-07925 / 6.0	- /			
						BROADIE , JERRY E.	R37-12143 /	- /			
						BUHLER , HANS U.	R37-12407 /	- /			
						UNION CENTRAL LIFE INSURANCE C		37-00113B /			
						BULLER , R. F.		37-00114 /			
						BULLER , R. F.		37-00117 /			
						UNION CENTRAL LIFE INSURANCE C		37-00881 /			
						RIGGEN , ROBERT D.		37-07228 / 5.0			
						MC STAY , G. M.		37-07342 / 5.0			
TOTAL ACRES							A37-07751	4.00	6.00	18.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

MICROFILMED
OCT 26 1994

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

MICROFILMED
OCT 26 1994

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A37-07751 IRRIGATION	FROM 04-15 TO 10-15	.100 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.100 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
37-07751 IRRIGATION	FROM 04-01 TO 11-01	.120 CFS 18.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		.120 CFS 18.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(____) N(____)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(____) N(____) Explain in remarks, below.

REMARKS:

MICROFILMED
OCT 26 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.120 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-07751	GROUNDWATER	BUHLER , HANS U.	0.100	0.025		
A37-07244	GROUNDWATER	DIGGINS , THOMAS M.	0.140	0.028	14.70	2.94
R37-07244	GROUNDWATER	DIGGINS , THOMAS M.	0.140	0.028		
R37-07751	GROUNDWATER	BUHLER , HANS U.	0.100	0.025		
R37-07925	GROUNDWATER	GOSCHE , JOHN M.	0.160	0.026		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A37-12407	DOMESTIC	BUHLER , HANS U.	FROM 01-01 TO 12-31	.040 CFS	
A37-12143	DOMESTIC	BROADIE , JERRY E.	FROM 01-01 TO 12-31	.040 CFS	
R37-07244	DOMESTIC	DIGGINS , THOMAS M.	FROM 01-01 TO 12-31	.040 CFS	
R37-07925	DOMESTIC	GOSCHE , JOHN M.	FROM 01-01 TO 12-31	.040 CFS	
R37-12143	DOMESTIC	BROADIE , JERRY E.	FROM 01-01 TO 12-31	.040 CFS	
R37-12407	DOMESTIC	BUHLER , HANS U.	FROM 01-01 TO 12-31	.040 CFS	

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OCT 26 1994

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 10.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

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

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-15 10-15	DATABASE EXAMINER 0.100	DATABASE EXAMINER	DATABASE EXAMINER 10.0
TOTAL FOR THIS RIGHT		0.100		10.0

REVIEWED BY: _____

DATE: _____

MICROFILMED
OCT 26 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-07751

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.120

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A37-07751	0.100	R37-07751	0.100	37-07751	0.120
A37-07751	R37-07751	0.100	R37-07751	0.100	37-07751	0.120
TOTAL CFS		0.200		0.200		0.120

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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OCT 26

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
06/02/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-07751

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

"VERIFIED BY" CODES

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

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

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