

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: **A37-19827**
Date Received: 11/ 3/1995
Receipt No: S018639
Received By: [Signature]

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

1. Name: DWIGHT L WILSON 208-788-3241
Address: PO BOX 1612
HAILEY ID 83333

2. Date of Priority: JUN 15, 1891

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	12		SW	SW		BLAINE
		25		NE	NW	R	BLAINE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		

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

8. Total consumptive use is 63.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	36	NW	NW		IRR	18.0
			SW	NW		IRR	7.5

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NOV 29 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	25.5
					Total Acres	25.5

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:

THIS RIGHT REPRESENTS THE COMBINED FLOW OF A37-00703B AND A37-00704H.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S C FROST, ET AL
Decree Plaintiff

ALTURAS WATER COMPANY, ET AL
vs Decree 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:

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: 11-3-95

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of Nov 19 95

Douglas Jones
Notary Public

Seal

Residing at Buhl

My Commission Expires 8/8/2001

MICROFILMED

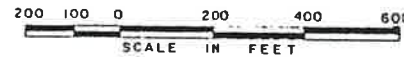
NOV 29 1996

PLAT SHOWING DOVE FLATS SUBDIVISION

IN THE W1/2 NW1/4 SEC. 36, T.1N., R.18E.B.M.

BLAINE COUNTY, IDAHO

SEPTEMBER 1979



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

BASIS OF BEARINGS

N 0°00'00" E

2624.97'

N 0°15'11" W

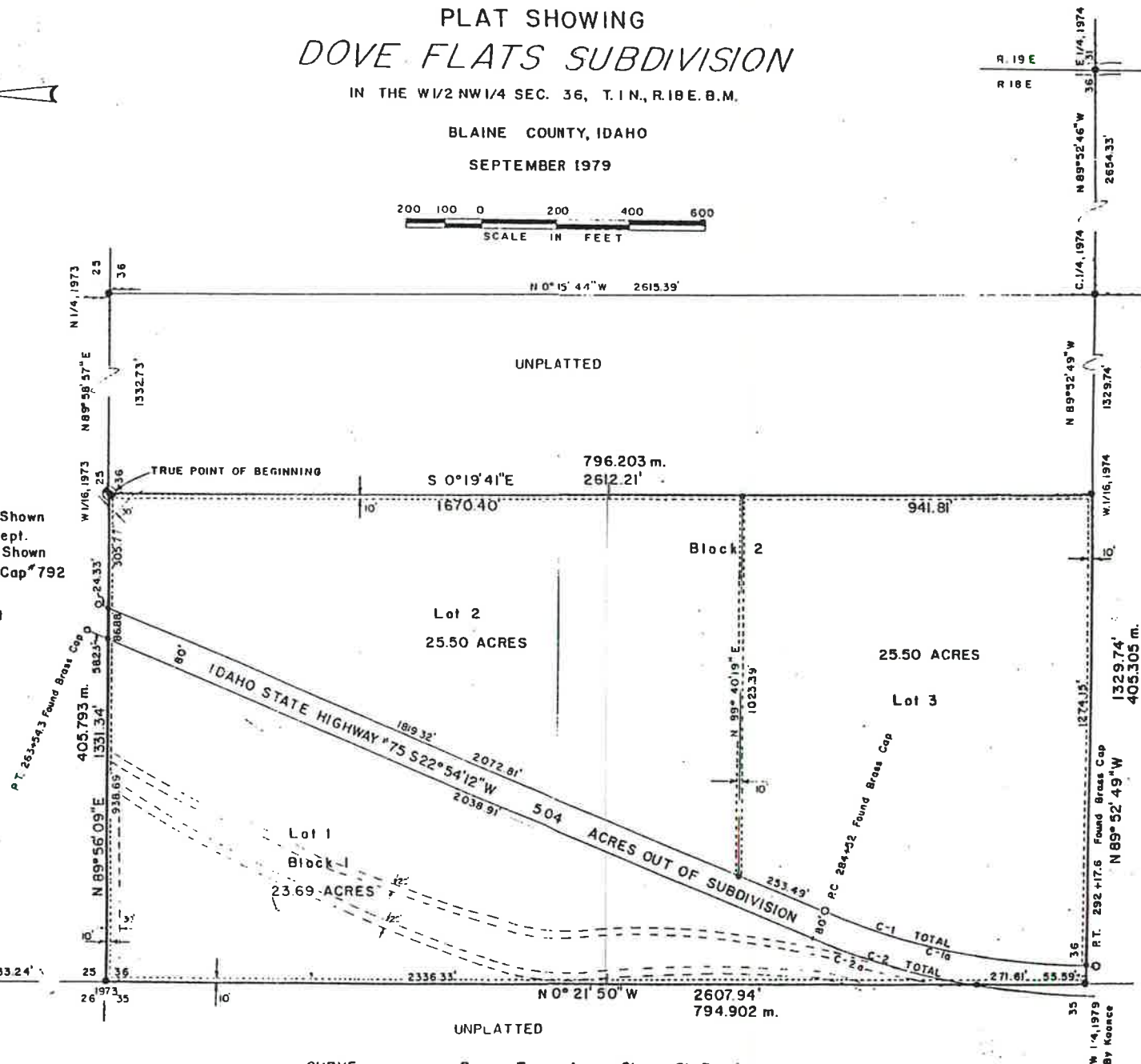
2839.81'

LEGEND

- Found 5/8" Rebar By JUB, Date Shown
- Brass Cap By Highway Dept.
- P.K. Nail By JUB Date Shown
- Set 1/2" x 24" Rebar w/Plastic Cap #792
- Set Brass Cap
- Canal Maintenance Easement
- 103m. Distance in meters
- Public Utility Easement

SCALE: 1" = 200'

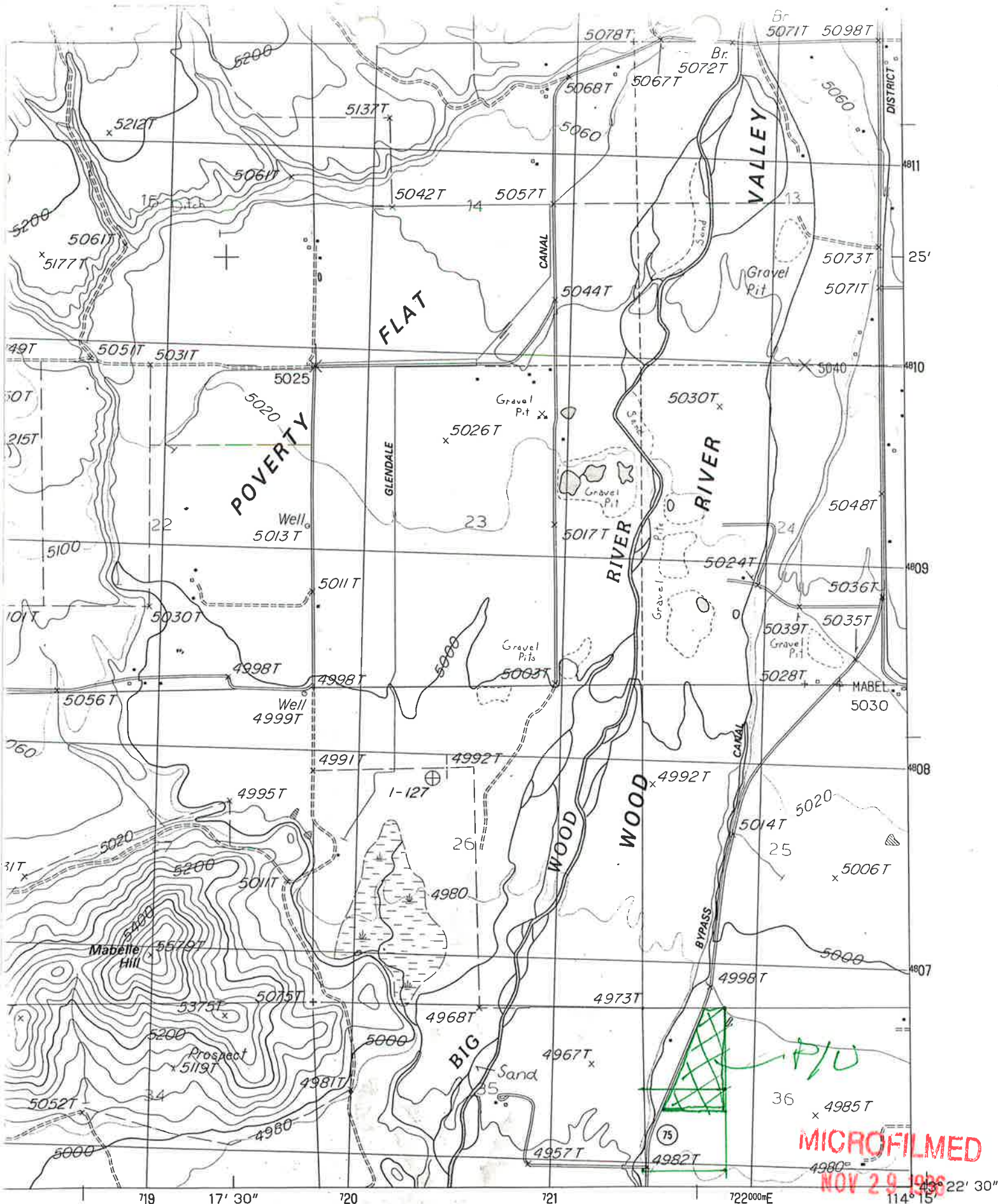
THIS MAP IS A PHOTOGRAPHIC
REDUCTION OF THAT ON FILE IN
THE RECORDS OF THE SURVEYOR'S
OFFICE. THIS COMPANY ASSUMES NO
LIABILITY FOR VARIATION, IF ANY, WITH
THE ORIGINAL SURVEY.



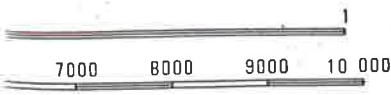
NOTE:

The existing water rights to Lot 1 shall remain with Lot 1.
Lots 2 and 3 shall be granted 25.5 miners inches of
water per lot.

CURVE	R	T	L	Ch.	Ch. Bearing
C-1	23°00'00"	1863.64	3,916'	748.11'	S11°24'12"W
C-2	"	1943.64	395.44	780.23'	"
C-1a	22°07'06"	1863.64	364.25	719.44'	S11°50'39"W
C-2a	14°06'22"	1943.64	240.42	478.52'	S15°50'54"W



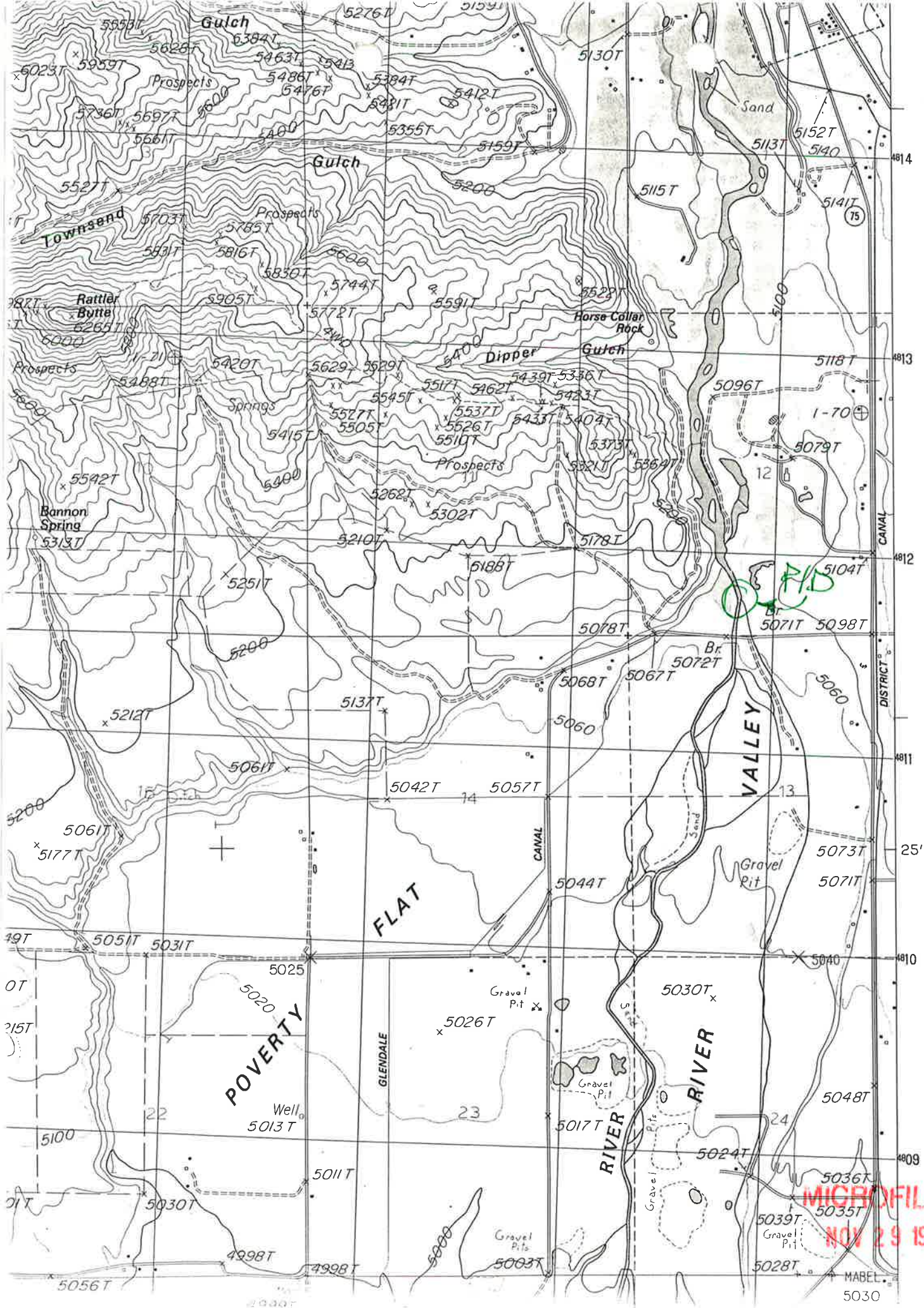
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NOV 29 1986



QUADRANGLE LOCATION

ROAD LEGEND

Improved Road
Unimproved Road



130.3

6.4

26.25
35.36

T51
375

Molyneux Bros. 2
9.9

T52

3
101.0

49.9

4
22.7

T76
307

1
102.0

6
16.0

MICROFILMED
MAY 23 1998

WARRANTY DEED

FOR VALUE RECEIVED

Linda C. McStay, an unmarried woman

the grantor, does hereby grant, bargain, sell and convey unto

Dwight L. Wilson and Catherine A. Wilson, husband and wife

the grantees, whose current address is

PO Box 1612
Hailey ID 83333

Deed

BLAINE CO. REQUEST

OF: SUN VALLEY TITLE

'95 OCT 18 PM 3 19

MARY GREEN CLERK

FEES \$

3.00

MP

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

**Lot 2, Block 2 of DOVE FLAT SUBDIVISION, Blaine County, Idaho,
according to the official plat thereof, recorded March 3, 1980, as Instrument
No. 201636, records of Blaine County, Idaho.**

Together with 20" via ID-37-0703 and 10" via ID 37-0704 Water Rights

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 Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are
free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: October 11, 1995

Linda C. McStay
Linda C. McStay

STATE OF IDAHO

COUNTY OF: Adams

On this 12 day of October, 1995, before
me a Notary Public in and for said State,
personally appeared
Linda C. McStay
known or identified to me to be the person
whose name is subscribed to the within
instrument, and acknowledged to me that she
executed the same.

Stacy Swift Dreyer
Notary Public

Residing at: New Meadows, ID

Comm. expires: 4-19-99

Seal/Stamp:



RECEIVED

APR 26 1996

Department of Water Resources
Southern Region

CLAIM FEE \$50.00
L.A.E.F. \$50.00
\$1.00/ACRE FEE 25.00
Due: \$125.00

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: A37-00704H
Date Received: 8/16/1994
Receipt No: _____
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK NACHTMAN 916-626-2601
Address: MARSHALL WAY
PLACERVILLE CA 95667

2. Date of Priority: JUN 15, 1891

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	12	NW	SE	SW		BLAINE

5. Description of diverting works:
HEADGATE, BYPASS CANAL TO DITCHES, GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		

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

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	36	SW	NW		IRR	25.0

Section Acres 25.0

Total Acres 25.0

MICROFILMED

NOV 22 1996

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:
A37-19811

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF 37-00704D.
PROPERTY IS ALSO KNOWN AS LOT 3, BLK 2, DOVE FLATS SUBD.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/27/1925

Decree Plaintiff

vs

Decree Defendant

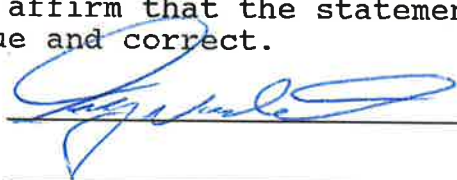
16. Signature(s)

(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: _____

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: 3-6-98

Date: _____

MICROFILMED

NOV 22 1996

State of ~~Idaho~~ CALIFORNIA)
County of EL DORADO) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of MARCH 19 96

Miriam M. Dixon
Notary Public

Seal



Residing at PLACERVILLE, CALIF
My Commission Expires 3-29-96

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NOV 22 1996

FEES: CLAIM Fee \$50⁰⁰
 TE. E 50⁰⁰
 \$1⁰⁰/Ac Fee 25⁰⁰
 Due \$125⁰⁰

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: A37-00704H

Date Received: 8/16/1994

Receipt No: _____

Received By: _____

** Copy Sent to Claimant for
 Signature & fees.*

NOTICE OF CLAIM TO A WATER RIGHT
 ACQUIRED UNDER STATE LAW

*Replace w/
 signed Version
 when Returned.
 sent >> 8-18-94*

1. Name: FRANK NACHTMAN 916-626-2601
 Address: MARSHALL WAY
 PLACERVILLE CA 95667

2. Date of Priority: JUN 15, 1891

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	12	NW	SE	SW		BLAINE

5. Description of diverting works:
 HEADGATE, BYPASS CANAL TO DITCHES, GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		

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

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	36	SW	NW		IRR	25.0
Section Acres							25.0
Total Acres							25.0

MICROFILMED
NOV 22 1996

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:
A37-19811

14. Remarks:
THIS CLAIM IS BASED ON A PORTION OF 37-00704D.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/27/1925

Decree Plaintiff

vs

Decree 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: _____

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: _____

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NOV 22 1996

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
NOV 22 1996

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 1 North Range 18 East
Section 36 W 1/4 of NW 1/4 of 1/4 Govt. Lot _____, BM. _____
Lot 3 Block 2 Subdivision/Townsite Dove Flats
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) ID 37-0577
Assigned by IDWR: _____

☒ Name and Address of Former Owner/Claimant(s)(Seller): Gary McStay and Linda McStay
P. O. Box 307
Bellevue, Idaho 83313

☒ New Owner/Claimant (Purchaser): Frank H. Nachtman and Janet L. Nachtman

☒ New Mailing Address: 3805 Carson Road
Camino, CA 95709

☒ New Telephone Number: (916) 644 - 6531

☒ Does the change in ownership result in a splitting of the water right owned/claimed? XX yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
10"

☒ Attach proof of ownership, describe proof attached: Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Janet L. Nachtman Date 8-12-93

☒ Signature of Former Owner/Claimant(s) Linda McStay Date 8/10/93
Gary McStay Date 8/11/93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED
NOV 22 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

1/4 NW 1/4 SW 1/4

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 1 North Range 18 East
Section 36, W 1/4 of NW 1/4 of 1/4 Govt. Lot, BM.
Lot 3, Block, 2, Subdivision/Townsite Dove Flats.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) ID 37-0704
Assigned by IDWR: _____

☒ Name and Address of Former Owner/Claimant(s)(Seller): Gary McStay and Linda McStay
P. O. Box 307
Bellevue, Idaho 83313

☒ New Owner/Claimant (Purchaser): Frank H. Nachtman and Janet L. Nachtman

☒ New Mailing Address: 3805 Carson Road
Camino, CA 95709

☒ New Telephone Number: (916) 644 - 6531

☒ Does the change in ownership result in a splitting of the water right owned/claimed? XX yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
30"

☒ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Frank H. Nachtman Date 5-12-93

☒ Signature of Former Owner/Claimant(s) Janet L. Nachtman Date 8-12-93
Linda McStay Date 8/10/93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED
NOV 22 1996

Original to be mailed to Idaho Department of Water Resources

ESCROW INSTRUCTIONS

Escrow Number 16760

Officer NANCY WOLDBERG

Date August 5, 1993

Buyer: Frank H. Nachtman and Janet L. Nachtman, husband and wife

To: FIRST AMERICAN TITLE COMPANY, KETCHUM, IDAHO

I hereby agree to purchase the hereinafter described property for a total consideration of \$92000.00 and will on or before closing hand you said consideration, which is payable as follows:

Cash on closing

I will deliver to you any additional funds and execute any instruments which are necessary to comply with the terms hereof, all of which you may use when you hold for me

a Warranty Deed from the Sellers

and when you can issue your standard coverage form policy of title insurance with liability of \$92000.00, on the property described on attached Order No. 16760

SHOWING TITLE VESTED IN Frank H. Nachtman and Janet L. Nachtman, husband and wife

FREE OF ENCUMBRANCES EXCEPT

1. Paragraphs 1 thru 10 of Schedule B of Commitment for Title Insurance, Order No. 16760, a copy of which is attached hereto.
2. Deed of Trust (or Mortgage) of record securing a note with an approximate unpaid balance of \$-0- with interest at the rate of (SEE NOTE)% per annum in favor of N/A.
3. Other:

OTHER INSTRUCTIONS:

Transfer of 10" Water on Permit #ID 37-0577 and 30" on Permit #ID 37-0704

PRORATE AND/OR ADJUST THE FOLLOWING AS OF: 8-11-93.

1. Taxes based on the amount of the last tax statement of the Tax Collector issued prior to the close of escrow. (If the amount of the new tax bill issued by the Tax Collector after close of escrow is more or less than the amount used for proration purposes, the difference, if any, will be adjusted by the parties herein outside of escrow.) Sellers are to forward to buyers any present or future tax bills on property herein.
2. Levies and assessments of Baseline Pump Association if applicable.
3. Interest on all existing trust deeds, improvements assessments and/or bonds taken over by Buyers.
4. Rental per rent statement handed you.
5. Charge the buyer and credit the seller the amount of any funds held in an impound account, if any, in connection with an existing loan.

You are to hold for me -0- shares of water stock of the N/A Company.

I hereby agree to hold you harmless from the failure of the transfer of water to myself regardless of the reason or cause. The transfer of water is being done as an accommodation for me. I understand that you have not made a search of the water rights to this land. I further understand that you are not making any representation and warranty concerning said water rights.

I hereby agree to pay charges including usual Buyers escrow fee and any advances and expenses that are properly chargeable to me regardless of the consummation of this escrow. At the close of escrow, you are to deliver all documents, etc., to the persons entitled thereof.

MICROFILMED

NOV 22 1996

WARRANTY DEED

For Value Received Gary McStay and Linda McStay, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Frank H. Nachtman and Janet L. Nachtman, husband and wife
whose address is: 3805 Carson Road, Camino, CA, 95709

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 3 in Block 2 of DOVE FLATS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 201636, records of Blaine County, Idaho.

The entry road serving Lots 2 and 3 of Dove Flats Subdivision is to be 24 feet wide and 100 feet in length and the maintenance cost is to be shared as well as the cost of maintaining the log entry arch.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:

Gary McStay

Linda McStay

State of Idaho

County of Blaine

On _____ before me, the undersigned, a Notary Public in and for said State, personally appeared Gary McStay personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Signature _____

Commission Expires:

ACCEPTED & APPROVED BY:

ACCEPTED & APPROVED BY:

MICROFILMED
NOV 22 1996

WARRANTY DEED

For Value Received Gary McStay and Linda McStay, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Frank H. Nachtman and Janet L. Nachtman, husband and wife
whose address is: 3805 Carson Road, Camino, CA, 95709

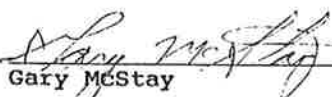
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Lot 3 in Block 2 of DOVE FLATS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 201636, records of Blaine County, Idaho.

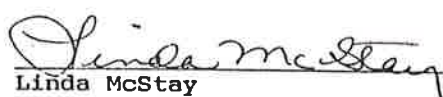
The entry road serving Lots 2 and 3 of Dove Flats Subdivision is to be 24 feet wide and 100 feet in length and the maintenance cost is to be shared as well as the cost of maintaining the log entry arch.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:



Gary McStay



Linda McStay

State of Idaho

County of Blaine

On August 21, 1993 before me, the undersigned, a Notary Public in and for said State, personally appeared Gary McStay personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal:

Signature  _____

Commission Expires: 10.9.93

MICROFILMED

NOV 22 1996

CLOSING ESCROW INSTRUCTIONS, Page 2
Escrow No. 16760

GENERAL PROVISIONS

All disbursements shall be made by your check. All funds received in this escrow shall be deposited in one or more of your general escrow accounts with any bank doing business in the State of Idaho and may be transferred to any other general escrow account or accounts. Upon specific instructions from all parties to this escrow, you may hold funds as otherwise instructed herein.

The expression "close of escrow" means the date on which instruments referred to herein are filed for record unless otherwise indicated herein.

Recordation of any instruments delivered through this escrow, if necessary or proper in the issuance of a policy of title insurance called for, is hereby authorized.

You are to furnish a copy of these instructions, amendments thereto, closing statements and/or any other documents deposited in this escrow, to the lender or lenders, the real estate broker or brokers and/or the attorney or attorneys involved in this transaction upon request of such lenders, brokers or attorneys.

Should you, before or after close of escrow, receive or become aware of any conflicting demands or claims with respect to this escrow or the rights of any of the parties hereto, or any money or property deposited herein or affected hereby, you shall have the right to discontinue any or all further acts on your part until such conflict is resolved to your satisfaction, and you shall have the further right to commence or defend any action or proceedings for the determination of such conflict.

The parties hereto jointly and severally agree to pay all costs, damages, judgments and expenses, including reasonable attorney's fees suffered or incurred by you in connection with, or arising out of this escrow, including, but without limiting the generality of the foregoing, a suit in interpleader brought by you.

If any party to this escrow selects to cancel these instructions because of the failure of any party to comply with any of the terms hereof within the time limits provided herein, said party so electing to cancel shall deliver to escrow agent a written notice to the other party and escrow agent demanding that said other party comply with the terms hereof within ten days from the receipt of said notice by escrow agent; that these instructions shall hereupon become canceled. When the written notice is delivered to escrow agent by the party so electing to cancel, escrow agent shall within five days thereafter send a copy of said notice to the other party in the manner provided by law and the usual practices of the escrow agent.

In the event said other party shall fail within said ten day period to comply with all of the terms hereof, these instructions shall become canceled and escrow agent is thereupon authorized: (a) first, to pay to the party electing to cancel any earnest money deposited hereunder by said other party, after deducting any charges; (b) second, to pay to said other party, any other money deposited hereunder by said other party, after deducting any charges remaining unpaid; (c) third, to pay to the party electing to cancel, any money deposited by said party, after deducting any charges remaining unpaid; and (d) fourth, to return all documents deposited hereunder to the party who delivered the same except documents executed by more than one party, which shall be marked "canceled" and retained in the files of escrow agent.

Internal Revenue Code Section 6109(h) imposes requirements for furnishing, disclosing and including taxpayer identification numbers in tax returns on the parties to a residential real estate transaction involving seller-provided financing. The parties understand that the disclosure reporting requirements are the exclusive obligations between the parties to this transaction and that First American Title Company is not obligated to transmit the taxpayer identification numbers to the Internal Revenue Service or to the parties. First American Title Company is not rendering an opinion concerning the effect of this law on this transaction, and the parties are not acting on any statements made or omitted by the escrow or closing officer.

To facilitate compliance with this law, the parties to this escrow hereby authorize First American Title Company to release any party's taxpayer identification number to any requesting party who is a party to this transaction. The requesting party shall deliver a written request to escrow prior to the release of the confidentiality regarding their respective taxpayer identification numbers and agree to hold First American Title Company harmless against any fees, costs, or judgments incurred and/or awarded in connection with the release of taxpayer identification numbers and the accuracy of any taxpayer identification numbers.

Both Seller and Buyer acknowledge by their signatures hereon the following: I have been specifically informed that First American Title Company (hereinafter designated "First American") is not licensed to practice law and no legal advice has been offered by First American or any of its employees. I have been further informed that First American is acting only as escrow holder and that it is forbidden by law from offering any advice to any party respecting the merits of this escrow transaction or the nature of the instruments utilized, and that it has not done so. I have not been referred by First American to any named attorney or attorneys or discouraged from seeking advice of my attorney, but have been requested to seek legal counsel of my own choosing at my own expense, if I have doubt concerning any aspect of this transaction.

I further declare all instruments to which I am a party, if prepared by First American, have been prepared under the direction of my attorney or myself, and particularly declare that copying legal descriptions from title reports onto forms of deeds, etc., or reformatting of legal descriptions or agreements, is, or will be solely at my direction or request.

I have been afforded adequate time and opportunity to read and understand these escrow instructions and all other documents referred to therein.

Any amendments of and/or supplement to any instructions must be in writing. If any "Earnest Money Agreements", "Receipt and Agreements to Purchase" or the like are attached to these instructions and one or more terms of said agreements conflict with or vary from these instructions, these instructions shall, nevertheless, control.

The Seller agrees to sell and the Buyer agrees to buy the property herein described upon the terms hereof.

Buyer [Signature] Soc. Sec. # 567-60-9524

Buyer Aneth Nachman Soc. Sec. # 570-92-1256

Address: 3805 CARSON RD
CANNON, CA 95709

SELLER: Gary McStay and Linda McStay, husband and wife

I/We approve of the foregoing instructions, agree to be bound thereof, and agree to sell and will deliver to you papers, instructions and/or funds required from me within the time limits specified herein, which you are authorized to deliver when you can issue your policy of title insurance as set forth above. You are instructed to use the money and record the instruments to comply with said escrow instructions and to pay all encumbrances of record necessary, without further approval including prepayment penalties to show title as herein provided. I agree to pay your usual sellers escrow fee, drawing of documents and such other charges which are advanced for my account regardless of the consummation of this escrow. I also agree to pay the policy of title insurance premium and recording fees which are properly chargeable to me.

At the close of this transaction, you are authorized to pay commissions as follows:

\$4,600.00 to Acme Real Estate

\$4,600.00 to WARM SPRINGS REALTY

At the close of this escrow, you are to mail any documents and your check or check payable to Gary McStay and Linda McStay.

Seller [Signature] Soc. Sec. # 547-50-11436

Seller Linda McStay Soc. Sec. # 518-68-5984

MICROFILMED
NOV 22 1996

PLAT SHOWING DOVE FLATS SUBDIVISION IN THE W1/2 NW1/4 SEC. 36, T.1N., R.18E.B.M.

BLAINE COUNTY, IDAHO
SEPTEMBER 1979

200 100 0 200 400 600
SCALE IN FEET



BASIS OF BEARINGS

MICHOFILMED
NOV 22 1986

LEGEND

- Found 5/8" Rebar By JUB, Date Shown
- Brass Cap By Highway Dept.
- P.K. Nail By JUB Date Shown
- Set 1/2" x 24" Rebar w/Plastic Cap 792
- Set Brass Cap
- - - Canal Maintenance Easement
- 796.203m Distance in meters
- - - Public Utility Easement

SCALE: 1" = 200'

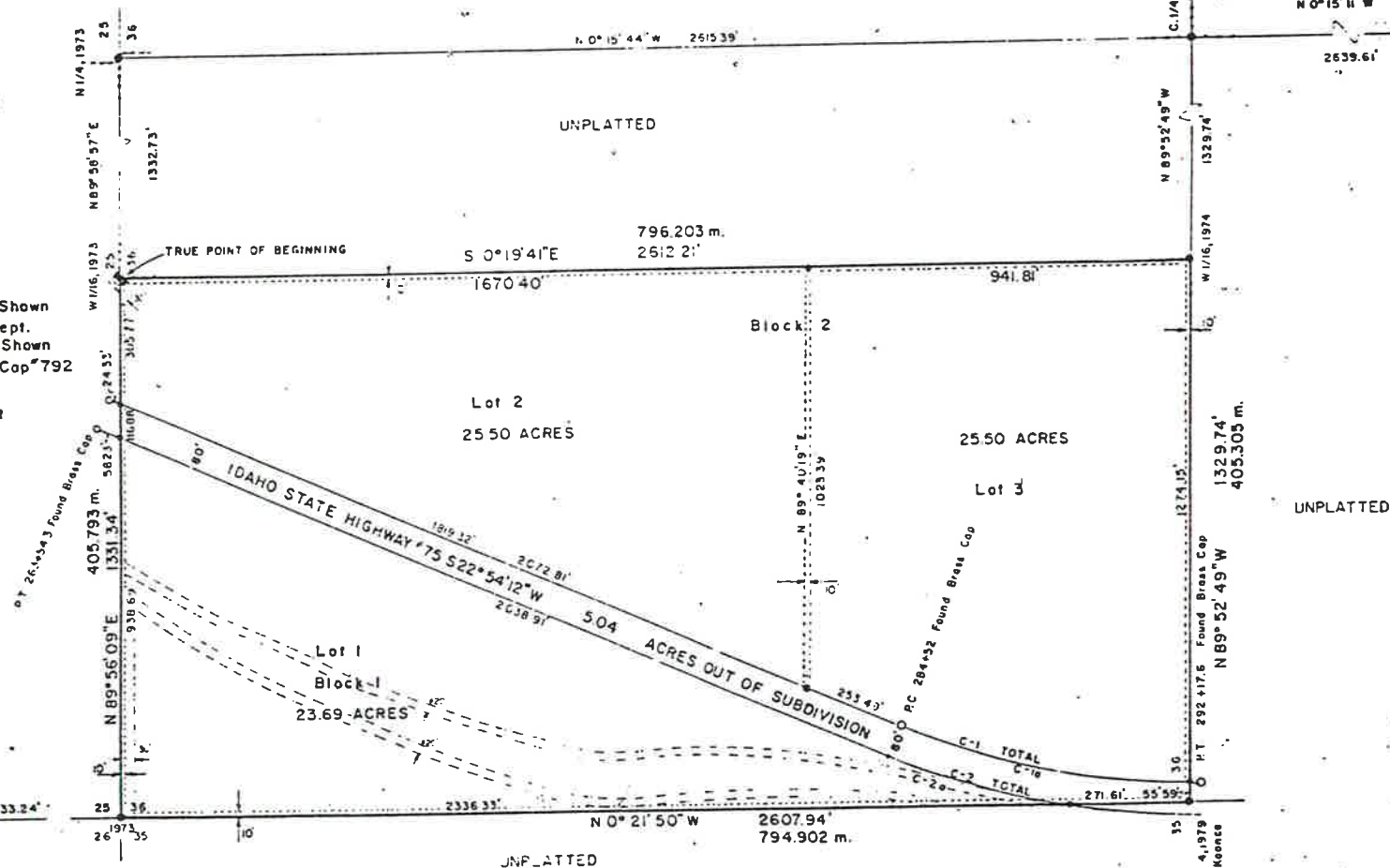
UNPLATTED

MICHOFILMED
NOV 22 1986

NOTE:

1. The existing water rights to Lot 1 shall remain with Lot 1.
2. Lots 2 and 3 shall be granted 25.5 miners inches of water per lot.

CURVE	R	T	L	Ch.	Ch Bearing
C-1	73°00'00"	1863.64	179.16	748.11'	511°24'12"W
C-2	"	1943.64	395.44	780.25'	775°50'
C-1a	22°02'06"	1863.64	364.25	719.44'	511°50'39"W
C-2a	14°06'22"	1943.64	240.47	478.52'	515°50'34"W



DOVE FLATS SUBDIVISION
SAWTOOTH ENGINEERS
CONSULTING ENGINEERS
KETCHUM, IDAHO

7539

WARRANTY DEED

For Value Received

JOSEPH W. BEARD, an unmarried man

POOR ORIGINAL

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

GARY McSTAY, A Married man.

whose address is: Bellevue, ID 83113

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho, to-wit:

Township 1 North, Range 18 E., B.M., Blaine County, Idaho

Section 36: That portion of the W&M's, lying West of the Idaho State Highway No. 75.

Together with 24.2" of 1883 Big Wood River Irrigation water.

SUBJECT to easements of record in the records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 1, 1979

Joseph W. Beard

STATE OF Idaho, COUNTY OF Blaine
On this 1st day of May, 1979,
before me, a notary public in and for said State, personally appeared
Joseph W. Beard, an unmarried man
known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that he executed the same.
Notary Public
Residing at Hailey
Comm. Expires LIFE

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at the request of Sawtooth Title Co
at 35 minutes past 4:00 o'clock P.M.
this 4 day of May
1979. In my office, and duly recorded in Book of Deeds at page
MARIE MIE JULY
Ex-Officio Recorder
By Hazel Brainer Deputy.
Fees \$1.00
Mail to:

No. 193053

MICHO-ILMED
NOV 22 1979

WARRANTY

POOR ORIGINAL

For Value Received

JOSEPH WILLIAM BEARD, a divorced

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

GARY McSTAY

whose address is: P.O. Box 37 Bellevue, ID 83313

Hereinafter called the grantee, the following described premises, in Blaine County, to-wit:

Township 1 North, Range 18 E., B.M., Blaine County, Idaho

Section 36: That portion of the W³N¹W¹ lying East of the Idaho State Highway No. 75:

Together with 60' of 1821 Big Wood River water and all rights of Grantor in Base Line Canal Co. #1 and #2 pumps.

SUBJECT TO easements and rights of way of record in the Records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 20, 1979

Joseph William Beard
Joseph William Beard

STATE OF Idaho, COUNTY OF Blaine
On this 20th day of November, 1979,
I, Joseph William Beard, a
single man, do hereby certify that the within and for said State, pro-

PUBLIC

and I have signed this instrument and acknowledged to me that he has executed the same.

Alvin M. Rasmussen
Notary Public

STATE OF IDAHO, COUNTY OF Blaine
I hereby certify that this instrument was filed for record at the request of *Sawtooth Title Co.*

at 4:00 minutes past 4:00 o'clock P.M. this 28th day of Nov 1979, in my office, and duly recorded in Book of Deeds at page.

Notary Public
Office Recorder

By *Heidi Bonde*
Notary Public

Fee \$2.00
Book 156

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NOV 22 1979

11/19/79

11/16/2006

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

RIGHT NUMBER: 37-19827

NAME AND ADDRESS: DWIGHT L WILSON
PO BOX 1612
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

T01N R18E S25 NWSESW Rediversion Within BLAINE County

This right is measured and administered at the point of rediversion.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	0.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S36	NWNW	17.00	T01N R18E S36	SWNW	6.80
---------------	------	-------	---------------	------	------

23.8 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a combined portion of old rights 37-703 and 37-704.

Use of this right is combined with water from Base Line Canal Co.



Idaho Department of Water Resources

SRBA Recommendation:

37-19827

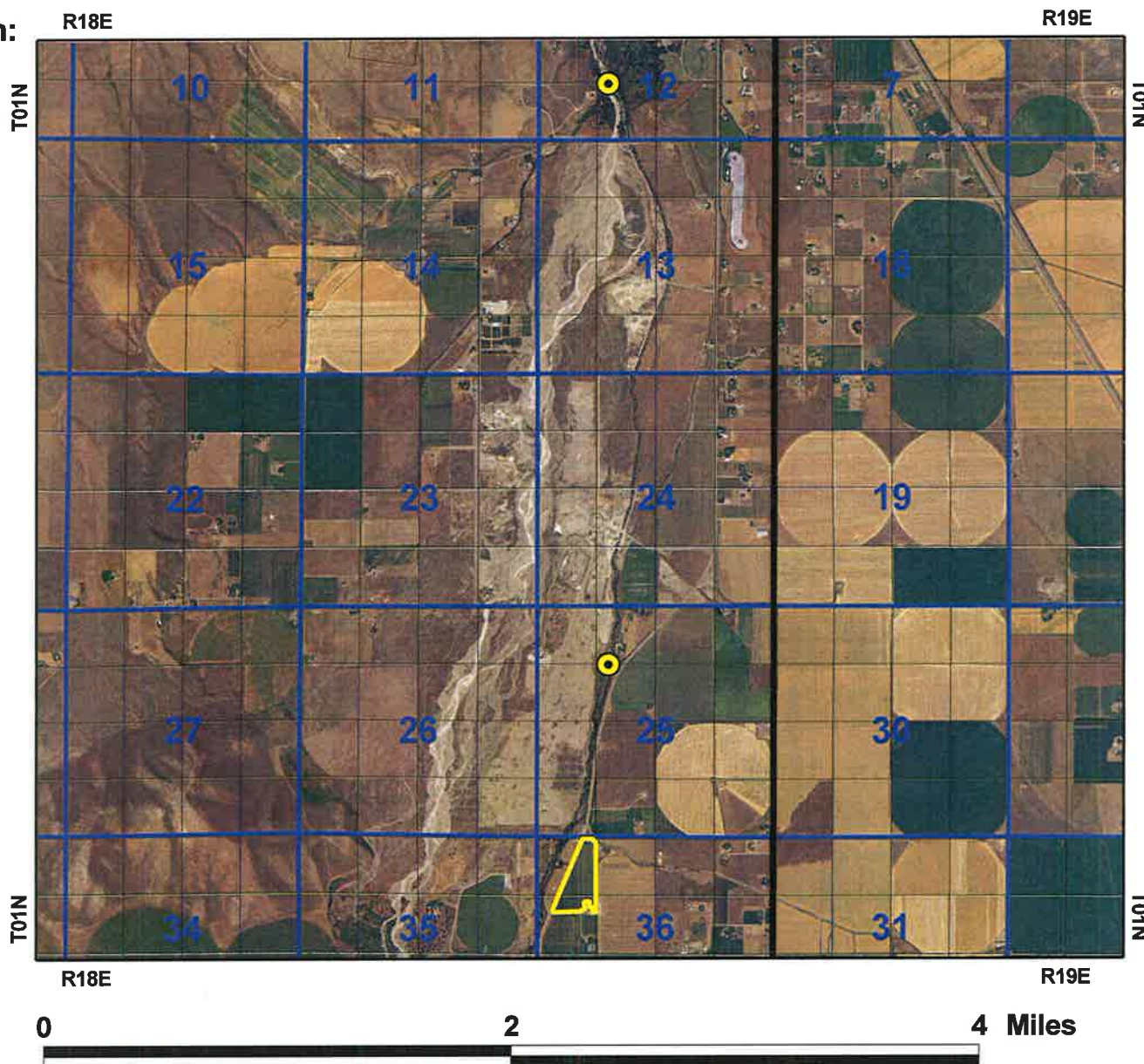
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

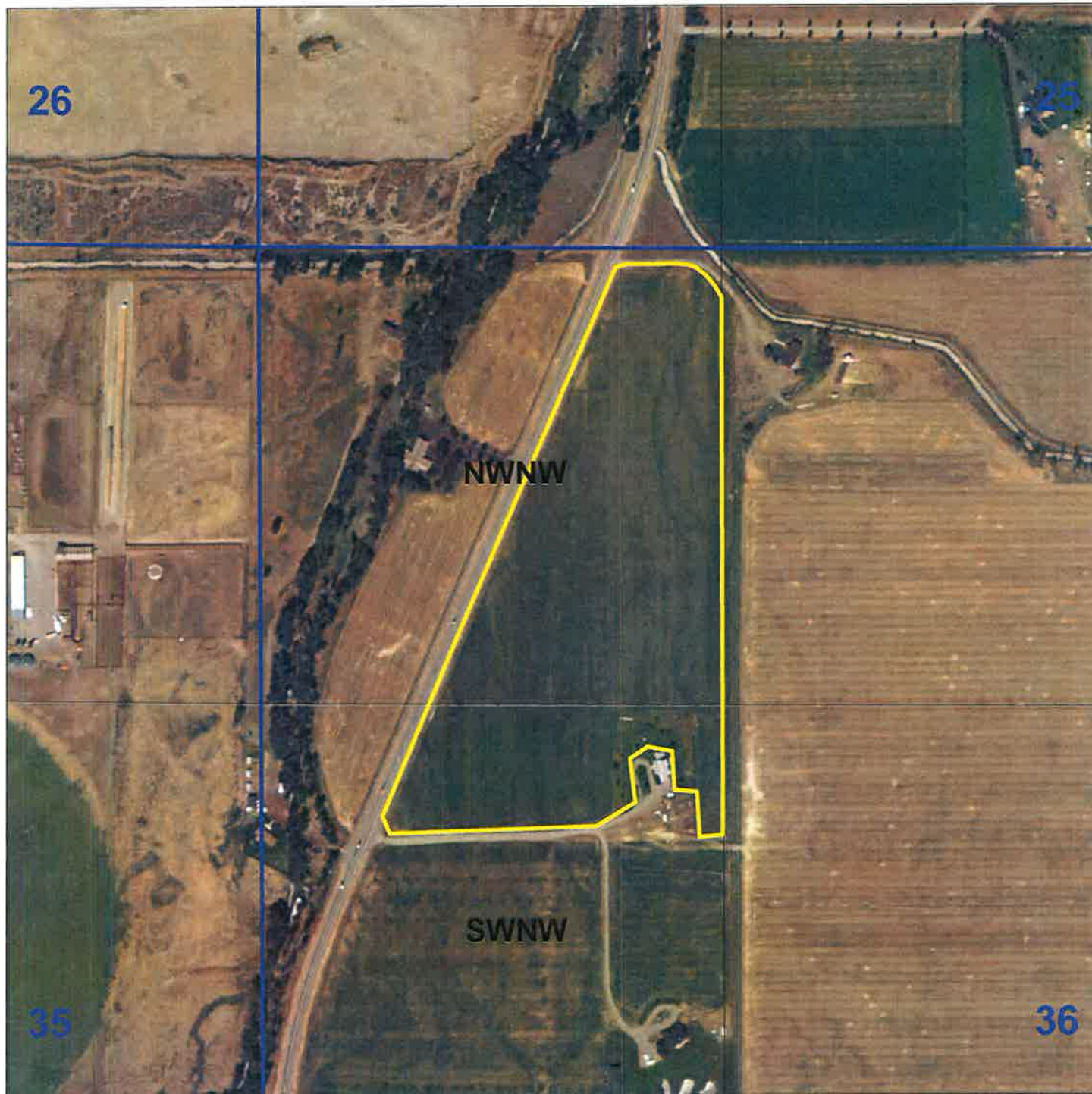


Prepared by A. Merritt
On Tuesday, November 14, 2006
2004 Aerial Photography

Owner: Dwight L Wilson

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

37-19827



04.01.04

BIG WOOD ABOVE MAGIC DECREE BOOK

DIVER NO	R	DIVER NAME	OWNER	ST_ID	DECREETO	PRIOR DATE	INCHES	CFS	OWNER CFS	CANAL CFS
55-C	E	BASELINE	WASHINGTON ASPHALT	37-0436	HYRAM MACKAY	06 / 01 / 1901	98.50	1.97	3.08	55.04
55-C	E	BASELINE	DWIGHT L WILSON	37-0703	A.D.WILLIAMS	06 / 15 / 1891	20.00	0.40	0.40	55.44
55-C	E	BASELINE	DWIGHT L WILSON	37-0704	M.H.WILLIAMS	06 / 15 / 1891	10.00	0.20	0.60	55.64

Claimed P/U part of lands decreed to 37-703 & 37-704.
 deed in file shows ent. claimed. WMA records show
 delivery. Recommend ents. claimed.

ADW 11/13/06



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

AUGUST 18, 1994 R. KEITH HIGGINSON
Director

FRANK NACHTMAN
MARSHALL WAY
PLACERVILLE, CA 95667

RE: SRBA CLAIMS A37-00704H & A37-19811 LATE FILING

DEAR MR. NACHTMAN,

ENCLOSED PLEASE FIND THE TWO SRBA CLAIMS TO A WATER RIGHT
PREPARED FROM THE DISCUSSIONS WE HAD IN MY OFFICE ON 8-16-94.

PLEASE REVIEW EACH CLAIM CAREFULLY AND IF THEY REPRESENT THE
WATER RIGHTS YOU WISH TO CLAIM, THEN SIGN WITH A NOTARY PRESENT
AND RETURN THE FORMS TO OUR OFFICE. ALSO INCLUDE THE FEES AND
LATE FEES THAT ARE DUE TO FILE THESE CLAIMS: EACH CLAIM FILING
IS \$50.00, PLUS A LATE FEE OF \$50.00 EACH CLAIM, AND A VARIABLE
FEE OF \$1.00 PER ACRE CLAIMED FOR A TOTAL OF \$225.00 FOR THE TWO
CLAIMS DESCRIBED ABOVE.

IF YOU WISH TO CHANGE OR CORRECT THE CLAIMS, EITHER CORRECT THE
COPY AND INITIAL THE CHANGES OR CONTACT OUR OFFICE TO PREPARE THE
CORRECTED COPY.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

ENC:

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NOV 22 1996

COMMUNICATION DOCUMENTATION

Claim No. A32-00704 H
A32-19811

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent STEVE CLELLAND Date 8-16-94Contact Person(s) FRANK NACHTMANNature of Contact Came in to file claims in SRBA.

Substance of Communication I explained the Water rights and AS relationship and how they are affected by the change of ownership of property & Warranty Deeds from the IDWR perspective. We searched his POA for WR & AS rights & claims then discussed the findings. I sent him home w/ a copy of those Queries.

Finally, I told him he can claim anything he want to claim, independent of what previous owners may have stated. I could not proceed with the change of ownerships he brought in since McStay has no record of WR ownership.

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NOV 22 1996

We agreed to prepare a draft claim here at Southern Region, I will mail him the Claim form generated. He can Review & return, signed & with fees.

COMMUNICATION DOCUMENTATION

Claim No. A37 - 00704 H
A37 - 19811

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent STEVE CLELLAND Date 8-15-94Contact Person(s) FRANK NACHTMANNature of Contact Questions on Claims & 1/2 Water Rights.

Substance of Communication He had several basic water questions that finally revealed he had no valid claims in the SRBA for his Water Rights. He believes his rights are based on 37-00577 (3-24-1883) and 37-00704 (6-15-1891). He farms 25 acres which are leased out. He bought the land from "MCSTAY". AT Queries show no claims by MCSTAY. I offered 2 options, 1) consult an attorney or 2) come to our office w/ legal description to fill out the claim forms.
He plans to visit this week sometime.

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NOV 22 1996

POOR ORIGINAL

SUN VALLEY TITLE

COMPANY



FOR:

DATE:

TIME:

Frank + Joan
622-7342

First (line) Title

PROFESSIONAL SERVICE

Mel Shottki - 736-3033 - Water Dist
1st Norma Peterson - 886-2457 - Water Master
in Shoshone

Bill Shottki - Base Line Canal Co -

Norma gave me these Permit # 's -

24.20" - 3/24/83 - ID 37-0577

20" - 6/15/91 - ID 37-0703

40" - 6/15/1891 - ID 37-0704

(Jim Stanton - get info on pond -)

W.R. Well Drilling - Ken Smith -
Molynex - To North 138' - Well - 30 gal min

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NOV 22 1996

MARSHALL HOSPITAL

Frank Nachtman
Administrator

916.626-2601
916.622-1441

MARSHALL WAY, PLACERVILLE, CALIFORNIA 95667

Use this name, address
& phone to prepare
claims for Mr. Frank Nachtman.

See
8-16-94

possible local phone?
622-7342

~~XXXX~~

A37-00704 H

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NOV 22 1996

AJ claims

Run 162 List

SD-42 Prefix: A Basin: 37 Starting Water Right: 00703 STATE

Water Right No.	Name Last, First	W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A37-00703C	SPLIT RIGHT,	C	06/15/1891	/Z	BIG WOOD RIVER SPLIT RIGHT	01 IRR
A37-00703E	GRAYSTONE INC., ROSEBERRY, THOMAS	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
A37-00704E	SPLIT RIGHT,	C	06/15/1891	/Z	BIG WOOD RIVER SPLIT RIGHT	01 IRR
A37-00704G	S&S RANCH,	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
A37-00705A	WESTERN OUTFITTERS INC BLECHMANN, FREDERICK H	C	05/31/1883	D/	BIG WOOD RIVER	01 IRR
A37-00705B	BLECHMANN TRUST, FREDE	C	05/31/1883	D/	BIG WOOD RIVER	01 IRR
A37-00705C	WELCH JR, RICHARD E	C	05/31/1883	D/	BIG WOOD RIVER	01 IRR
	WELCH JR, ELIZABETH K	C				
	BLECHMANN, FREDERICK H	C				
A37-00706C	MOLYNEUX, A. W.	C	03/15/1883	D/	LOVING CREEK	01 IRR
	MOLYNEUX, MAXINE	C			BUTTE CREEK	
A37-00706D	LARKIN, CHARLES R.	C	03/15/1883	D/	SILVER CREEK	01 IRR

(Enter=Continue)

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(Menu _____)

WATER RIGHTS

SD-42 Basin: 37 Starting Water Right: 00703 STATE

Water Right No.	Name Last, First	W N	Priority Date	STG/ STS	Source	Use Code Desc
37-00703			00/00/0000	/		
37-00703A			00/00/0000	/		
37-00703B	SHEEHAN, CHARLES	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
37-00703C	WILLIAMS, A. D.	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
37-00703D	SPENCER, MABEL	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
37-00704			00/00/0000	/		
37-00704A			00/00/0000	/		
37-00704B	WILSON, C. W.	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
37-00704C			00/00/0000	/		
37-00704D	SHEEHAN, CHARLES	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
37-00704E	WILLIAMS, M. H.	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
37-00704F	CALHOUN, CHARLOTTE	C	06/15/1891	D/	BIG WOOD RIVER	01 IRR
						43 DOMEST
37-00705	CAMPBELL, EVERETT	C	05/31/1883	D/	BIG WOOD RIVER	43 DOMEST
						01 IRR
37-00706			00/00/0000	/		

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

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NOV 22 1996

SPLIT RIGHT:

portion to NACHTMAN 30" A37-00704H
portion to MCSTAY 10"
(also 704B to MCSTAY)

75

Pou Query

SD-0604-2 Township: 01N Range: 18E Section: 36 Tract: SWNW Lot: 125
S L STATE O S Max # Records
E O Water Name W T Priority Use
L Tract T Right No. Last, First N AC G Date Code Desc

	A37-11384	LANIER, FRANK J.	C		J	03/01/1981	43	DOMEST
							04	STOCK
	R37-10754	MC COY, RODNEY D	C		J	01/01/1978	43	DOMEST
		MC COY, ROSAN	C				04	STOCK
	A37-10754	MC COY, RODNEY D.	O		J	01/01/1978	43	DOMEST
		MC COY, ROSAN	O				04	STOCK
		TRASK, TERRANCE P	C					
SWNW	A37-00891B	BASE LINE CANAL CO.	C	36	D	07/24/1924	01	IRR
SWNW	A37-01206	BASE LINE CANAL CO.	C	36	D	04/01/1921	01	IRR
SWNW	A37-02556A	BASELINE PUMP ASSOCIAT	C	27	L	09/21/1954	01	IRR
SWNW	A37-04109	BASELINE PUMP ASSOCIAT	C	36	S	07/28/1948	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

WR

Pou Query

SD-0604-2 Township: 01N Range: 18E Section: 36 Tract: SWNW Lot: 74
S L STATE O S Max # Records
E O Water Name W T Priority Use
L Tract T Right No. Last, First N AC G Date Code Desc

SWNW	37-00703B	WILLIAMS, A. D.	O		D	06/15/1891	01	IRR
		SHEEHAN, CHARLES	C					
SWNW	37-00704D	WILLIAMS, M. H.	O		D	06/15/1891	01	IRR
		SHEEHAN, CHARLES	C					
SWNW	37-00891C	ALLRED, GEORGE	C		D	07/24/1924	01	IRR
							04	STOCK
							43	DOMEST
SWNW	37-01206	BASE LINE CANAL CO.	C		D	04/01/1921	01	IRR
							43	DOMEST
SWNW	37-02556A	WINGARD, EDITH	O	27	L	09/21/1954	01	IRR
		SHERBINE, WILLIAM	O					
		SHERBINE, NANCY	O					
		SHERBINE, NANCY	C					
		SHERBINE, WILLIAM	C					
SWNW	37-04109	BASELINE PUMP ASSN.	C	40	S	07/28/1948	01	IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

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NOV 22 1996