

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 37-20632  
Date Received: 3/14/2002  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

INGEBORG MOLYNEUX Phone: (208) 823-4366  
138 LAIDLAW PK RD  
CAREY ID 83320

2. Date of Priority: 06/20/1883

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County | Type |
|----------|-------|---------|-----------------------|----|----|--------|------|
| 01N      | 21E   | 30      | NW                    | SW | SE | BLAINE |      |

5. Description of diverting works:

DIV. IN RIVER W/HEADGATE TO EAST CANAL, REDIV. TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.44   |            |

7. Total Quantity Appropriated is:  
0.44 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         |      |
|----------|-------|---------|------------|-----|-----|---------------|------|
| 02S      | 21E   | 2       | NE         | NW  | 3   | IRRIGATION    | 39   |
|          |       |         | NW         | NW  | 4   | IRRIGATION    | 19.7 |
|          |       |         |            |     |     | Section Acres | 58.7 |
|          |       |         |            |     |     | Total Acres   | 58.7 |

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:

3/14/02 tf; this claim was split from 37-11E per 1409(6) and deeds received 3/4/02.

15. Basis of Claim: Decreed



**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**

March 15, 2002

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

INGEBORG MOLYNEUX  
138 LAIDLAW PARK RD  
CAREY ID 83320

RE: SRBA Claim(s) 37-10B (Part), 37-11E (Part)  
Decreed Water Right 37-11439

Dear Inge:

Pursuant to the notification that you now solely own a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims as requested. Your portion of claim 37-10B has been renumbered to A37-20634 and the portion of 37-11E appurtenant to your property has been renumbered to 37-20632. Decreed water right 37-11439 has also been updated to reflect you as sole owner.

Enclosed please find your copies of the computer generated claims. Review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett  
Technical Records Specialist

enc.

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

RECEIVED

MAR 04 2002

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

Department of Water Resources  
Southern Region

1. Water Right Number(s) 37-11 E 37-10B  
Adjudication Claim Number(s) \_\_\_\_\_

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Robb & Kathi Peck

Box 26 Carey, ID 83320

4. New Owner/Claimant(s) Ingeborg Molyneux

New Mailing Address

Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR

138 Laidlaw Pl. Rd. Carey, ID 83320

City, State and ZIP Code

New Telephone Number

(208) 823-4366

5. Date you acquired the property 2/8/02

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. attached (included)

Number of acres actually irrigated 58.72 Number and type of stock \_\_\_\_\_

Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses irrigation

cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Ingeborg Molyneux Date 2/20/02

Date \_\_\_\_\_

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)  
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

BASE OF BEARING  
N 89°06'39" E 2625.61'

Griffin Loop

Redhawk Lane

N 89°06'08" E 2655.27'

S 01°06'57" E 1312.56'

UNPLATTED  
CONV. LOT 24Lot 3  
20.00 Ac.  
871,204 s.f.Lot 4  
58.72 Ac.  
2,557,947 s.f.

BLOCK 2

Lagoon Pcl.  
Tract 'A'  
5.74 Ac.  
249,927 s.f.BLOCK 1  
Lot 2  
127.10 Ac.  
5,536,616 s.f.

S 89°07'31" W 2622.06'

UNPLATTED



## Legend:

SUBDIVISION BOUNDARY LINE  
LOT LINE  
SECTION LINE  
QUARTER SECTION LINE  
CL SEWER LINE EASEMENT  
RIGHT OF WAY LINE  
CANAL MAINTENANCE EASEMENT  
FOUND BRASS CAP  
SET 5/8" x 30" REBAR & CAP  
SET 1/2" x 24" REBAR & CAP  
ANGLE POINT - NOT SET

1" = 300'

## REDHAWK ESTATES SUBDIVISION

Located In

NW4, Section 2 and NE4, Section 3  
T. 2 S, R. 21 E, RM.  
Blaine County, Idaho  
2001

## NOTES

1. A 90' BUILDING SETBACK EXISTS ON EITHER SIDE OF THE DESCRIBED CENTER LINE OF THE RIVER.
2. A 10' WIDE UTILITY EASEMENT SHALL EXIST ALONG ALL FRONT LOT LINES ADJOINING ROAD RIGHT OF WAYS AND CENTERED ON ALL LOT LINES.
3. A WASTE WATER EFFLUENT APPLICATION RIGHT IS HEREBY RESERVED FOR THE CAREY WATER AND SEWER DISTRICT ON LOT 2, BLOCK 1.
4. TRACT 'A' SHALL REMAIN UNDER OWNERSHIP OF THE CAREY WATER AND SEWER DISTRICT, ITS HEIRS, OR ASSIGNS.
5. NO NEW OR EXPANDED DEVELOPMENT SHALL OCCUR WITHIN THE 100-YEAR FLOODPLAIN AS DESIGNATED PER FEMA'S INSURANCE RATE MAP, COMMUNITY PANEL #185187-11620 & 11680 OR AS THUS MAY BE AMENDED.
6. THE PURCHASERS OR OWNERS OF LOTS 3 & 4 UNDERSTAND AND AGREE THAT ROAD CONSTRUCTION, MAINTENANCE, AND SHOW REPAIRS ON REDHAWK LANE SHALL BE THE OBLIGATION OF THE OWNERS OF LOTS 3 & 4, OR THEIR SUCCESSORS IN INTEREST, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN, OR REPAIR THIS DEDICATED ROADWAY UNTIL IT IS BROUGHT UP TO COUNTY STANDARDS AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL HOLD IN TRUST ANY SUCCESSORS IN INTEREST OF THESE FACTS.
7. OWNERS SHALL COMPLY WITH ALL HEALTH DEPARTMENT REGULATIONS INCLUDING A 300' SEWAGE DISPOSAL SYSTEM SETBACK FROM ANY RIVER CHANNEL.
8. INDIVIDUAL LOT OWNERS ARE RESPONSIBLE FOR CONTROL OF WEEDS AS PER STATE REGULATIONS, MOWING AND MANUAL REMOVAL ARE RECOMMENDED.
9. ALL FIRE PROTECTION REQUIREMENTS OF THE CAREY RURAL FIRE DISTRICT, THE UNIFORM FIRE CODE, AND BLAINE COUNTY'S FIRE PROTECTION REGULATIONS, INCLUDING BUT NOT LIMITED TO WATER SUPPLY, ACCESS, AND CLEAR ZONES, SHALL BE COMPLIED WITH PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. CURRENTLY, THESE REQUIREMENTS ALSO LIMIT THE SIZE OF ANY "GROUP R-3" STRUCTURES, (I.E. HABITABLE STRUCTURES IN "ZONE 1" OF THE CAREY RURAL FIRE DISTRICT TO A TOTAL FLOOR AREA OF 2400 SQUARE FEET UNLESS THE OWNER PROVIDES AN ACCEPTABLE SUPPLEMENTAL WATER SUPPLY.
10. A FOUR SEED "ENVELOPE" FOR ANY NEW BUILDINGS ON LOTS 3 & 4 SHALL NOT EXCEED TWO ACRES IN SIZE. ON LOT 2, THE "ENVELOPE" IS LOCATED IN THE VICINITY OF AND SHALL INCLUDE THE EXISTING EMPLOYE HOUSING. ON LOT 4, THE "ENVELOPE" SHALL BE LOCATED IN EITHER THE SOUTHWEST OR SOUTHEAST CORNER AND SET BACK 50 FEET FROM THE SOUTHERN PROPERTY LINE.

11. WARNINGS OF ENCLOSURE: THIS PROPERTY INCLUDES AND IS ADJACENT TO ACTIVE AGRICULTURAL USES, WHICH MAY INVOLVE ACTIVITIES OCCURRING DURING THE DAY OR NIGHT. THESE ACTIVITIES MAY RESULT IN THE PRODUCTION OF NOISE, ODORS, AND DUST AND MAY INVOLVE LOGS, AERIAL SPRAYING, MACHINERY AND OTHER INCONVENIENCES. ALL DEEDS CONVEYING TITLE TO THIS PROPERTY WILL CONTAIN A RESTRICTION PREVENTING PROPERTY OWNERS FROM CHALLENGING LAWFULLY CONDUCTED AGRICULTURAL OPERATIONS OCCURRING WITHIN ONE (1) MILE OF THE PROPERTY.
12. DEED RESTRICTION: ALL DEEDS CONVEYING TITLE TO REAL PROPERTY WITHIN THIS SUBDIVISION SHALL INCLUDE THE FOLLOWING DEED RESTRICTION: "EACH GRANTEE TAKING THIS PROPERTY OR ANY PORTION THEREOF CONTAINING AND AGREE FOR THE GRANTEE AND GRANTEE'S HEIRS, EXECUTORS, AND ASSIGNS, TO NOT CHALLENGE ANY AGRICULTURAL USES OR OPERATIONS THAT ARE AUTHORIZED BY THE BLAINE COUNTY ZONING ORDINANCE AND CONDUCTED WITHIN ONE (1) MILE OF THE AGENCY, AS OF THE DATE OF EACH DEED CONVEYING ANY RIGHT, TITLE, OR INTEREST IN THIS PROPERTY OR ANY PORTION THEREOF."
13. GRANTEE'S ACKNOWLEDGMENT AND WAIVER: EACH GRANTEE SHALL CONTEMPORANEOUSLY WITH THE EXECUTION OF ANY DEED CONVEYING TITLE TO REAL PROPERTY WITHIN THIS SUBDIVISION, SIGN AND RECORD WITH THE BLAINE COUNTY RECORDER THE FOLLOWING ACKNOWLEDGMENT AND WAIVER, WHICH SIGNING SHALL BE DULY ACKNOWLEDGED BY A NOTARY PUBLIC: "I, THE UNDERSIGNED ACKNOWLEDGE AND AGREE THAT THE PROPERTY DESCRIBED IN EXHIBIT A (LEGAL DESCRIPTION OF PROPERTY BEING CONVEYED) IS EITHER LOCATED IN, OR NEAR, AN AGRICULTURAL ZONE, AND THAT LAWFUL ACTIVITIES WITHIN AN AGRICULTURAL ZONE MAY OCCUR DURING THE DAY OR NIGHT, AND MAY RESULT IN THE PRODUCTION OF NOISE, ODORS, AND DUST AND MAY INVOLVE LOGS, AERIAL SPRAYING, MACHINERY, AND OTHER INCONVENIENCES. EACH OF THE UNDERSIGNED ACKNOWLEDGES THAT THE DEED CONVEYING TITLE WILL CONTAIN A RESTRICTION THAT WILL PROHIBIT CHALLENGING ALL AGRICULTURAL USES OR OPERATIONS AUTHORIZED BY THE BLAINE COUNTY ZONING ORDINANCE AND CONDUCTED WITHIN ONE (1) MILE OF THE PROPERTY DESCRIBED IN EXHIBIT A THAT WERE LAWFULLY OCCURRING, OR AUTHORIZED BY ANY GOVERNMENTAL AGENCY, AS OF THE DATE OF EACH DEED CONVEYING ANY RIGHT, TITLE, OR INTEREST IN THE PROPERTY DESCRIBED IN EXHIBIT A. EACH OF THE UNDERSIGNED, FOR THE BENEFIT OF ANY OWNER OF REAL PROPERTY WITHIN ONE (1) MILE OF THE PROPERTY DESCRIBED IN EXHIBIT A, HEREBY WAIVES ANY RIGHT OR CAUSE OF ACTION THE UNDERSIGNED MAY HAVE UNDER LAW TO CHALLENGE ANY SUCH LAWFULLY OCCURRING OR AUTHORIZED AGRICULTURAL USES OR OPERATIONS."

## Health Certificate

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary Restrictions may be reimposed, in accordance with Idaho Code, Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

7-12-2001

Date:

Robert W. Eakin  
South Central District  
Health Department, LHS

The lots on this plat are subject of restrictions concerning the location of wells and septic systems. These restrictions are on file at the South Central District Health Department and no building permits will be issued without the consent of the Health Department and strict conformance to these restrictions.

THIS MAP IS A PHOTOGRAPHIC REPRODUCTION OF THAT ON FILE IN EITHER THE RECORDERS OR SURVEYORS OFFICE. THE COMPANY ASSUMES NO LIABILITY FOR VARIATION, IF ANY, WITH ANOTHER OR THE SURVEY.

SVTC Order No. 01-16954

## WARRANTY DEED

FOR VALUE RECEIVED

Robb K. Peck and Kathi L. Peck, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

C.E. Molyneux and Ingeborg Molyneux, husband and wife

the grantees, whose current address is 80 Laidlaw Park Road  
Carey ID 83320

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

Lot 4 in Block 2 of REDHAWK ESTATES SUBDIVISION, BLAINE COUNTY, IDAHO, as  
shown on the official plat thereof, recorded July 18, 2001, as Instrument No. 453242, 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  
and 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.

Dated: August 28, 2001

Robb K. Peck  
Robb K. Peck

Kathi L. Peck  
Kathi L. Peck

State of Idaho  
County of Blaine

On this 30th day of Aug, 2001, Before me a Notary Public in and for said State, personally  
appeared Robb K. Peck and Kathi L. Peck known or identified to me to be the persons whose names are subscribed  
to the within instrument, and acknowledged to me that they executed the same.

Carolyn Baird  
Notary Public  
Residing at Blackfoot  
Comm. Expires 3/14/2003



RECEIVED

MAR 04 2002

Department of Water Resources  
Southern Region

COPY

(Space above this line for Recorder's use only)

## QUITCLAIM DEED

FOR VALUE RECEIVED, CLARENCE E. MOLYNEUX does hereby convey, release, remise and forever quitclaim unto INGEBORG A. MOLYNEUX, a single woman, as her sole and separate property, of 138 Laidlaw Park Rd., Carey, ID 83320, the following described premises situated in the County of Blaine, State of Idaho, to-wit:

Lot 4 in Block 2 of REDHAWK ESTATES SUBDIVISION,  
BLAINE COUNTY, IDAHO, as shown on the official plat thereof,  
recorded July 18, 2001, as Instrument No. 453242, records of  
Blaine County, Idaho.

together with its appurtenances.

DATED this 8 day of February, 2002.

Clarence E. Molyneux  
CLARENCE E. MOLYNEUX

STATE OF IDAHO )  
                          ) ss.  
County of Blaine )

On this 8 day of February, 2002, before me, a Notary public in and for said State, personally appeared CLARENCE E. MOLYNEUX known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Robb Peck  
Notary Public for Idaho

Residing at: Hailey, ID

My commission expires: 11/04/03

RECEIVED  
MAR 04 2002  
Department of Water Resources  
Southern Region

NOTARY PUBLIC  
STATE OF IDAHO

ORIGINAL IN RED

T254 C. Molyneux  
531

RECEIVED

MAR 04 2002

Department of Water Resources  
Southern Region

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5/28/97  
Final map  
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NHEL

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# IDAHO DEPT OF WATER RESOURCES

## 37-20632 & 37-20634



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S  
RNG: 21E  
SEC: 2



GIS Place of Use Presentation  
NAPP Aerial Photo 1987/1988  
By Steve Clelland

Date: FEBRUARY 8, 2006

NOTICE OF ERROR  
REPLY

RECEIVED  
04/12/2005  
MAY 25 2005  
Department of Water Resources  
Southern Region

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: June 3, 2005

Water right number: 37-20632

INGEBORG MOLYNEUX  
138 LAIDLAW PK RD  
CAREY ID 83320  
Telephone Number: (208)823-4366

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

~~Period of use - The enclosed copies of "Notice of claim to a water right" shows period of use is from 4/1 to 11/1, not 4/15 to 10/31.~~

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

~~point of diversion is incorrect - needs to be moved north on map.~~  
Access to property is included in right & needs to be shown on map

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: 5/23/05

SIGNATURE:

*Ingeborg Molyneux*

Please print your name:

Ingeborg molyneux

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

Please change my mailing address and  
phone number.

Ingeborg molyneux  
19185 US Hwy 20  
Picabo, Idaho 83348

phone (208) 481-0391  
721-2211

Hi Steve,

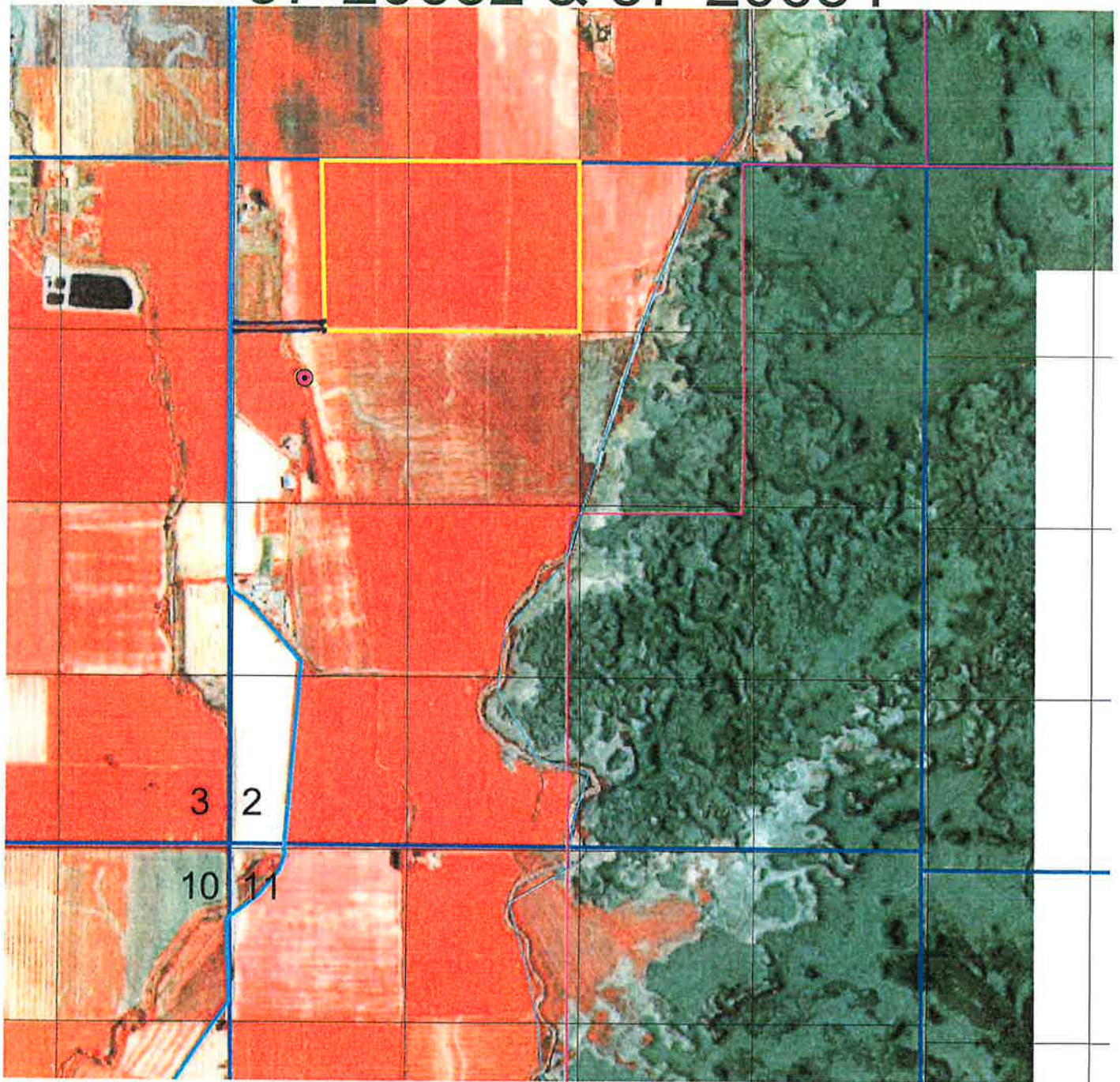
She crossed out the Period of Use  
part after I explained that  
the Standard Season is now  
"4/15 → 10/31."

- She would like <sup>the</sup> 40' access  
included however since the  
road part is only 10' wide,  
and that is included in what  
makes her parcel = 58.7 acres

Jenni

# IDAHO DEPT OF WATER RESOURCES

## 37-20632 & 37-20634



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S  
RNG: 21E  
SEC. 2

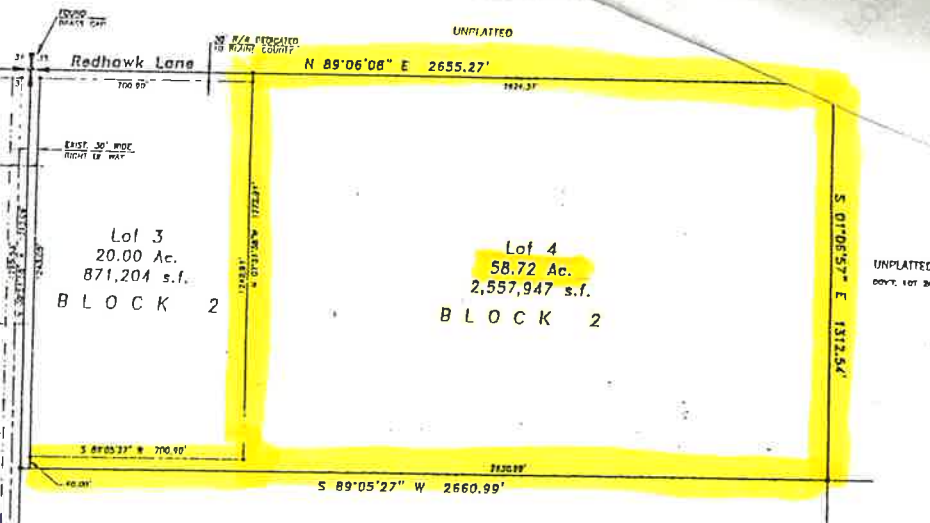
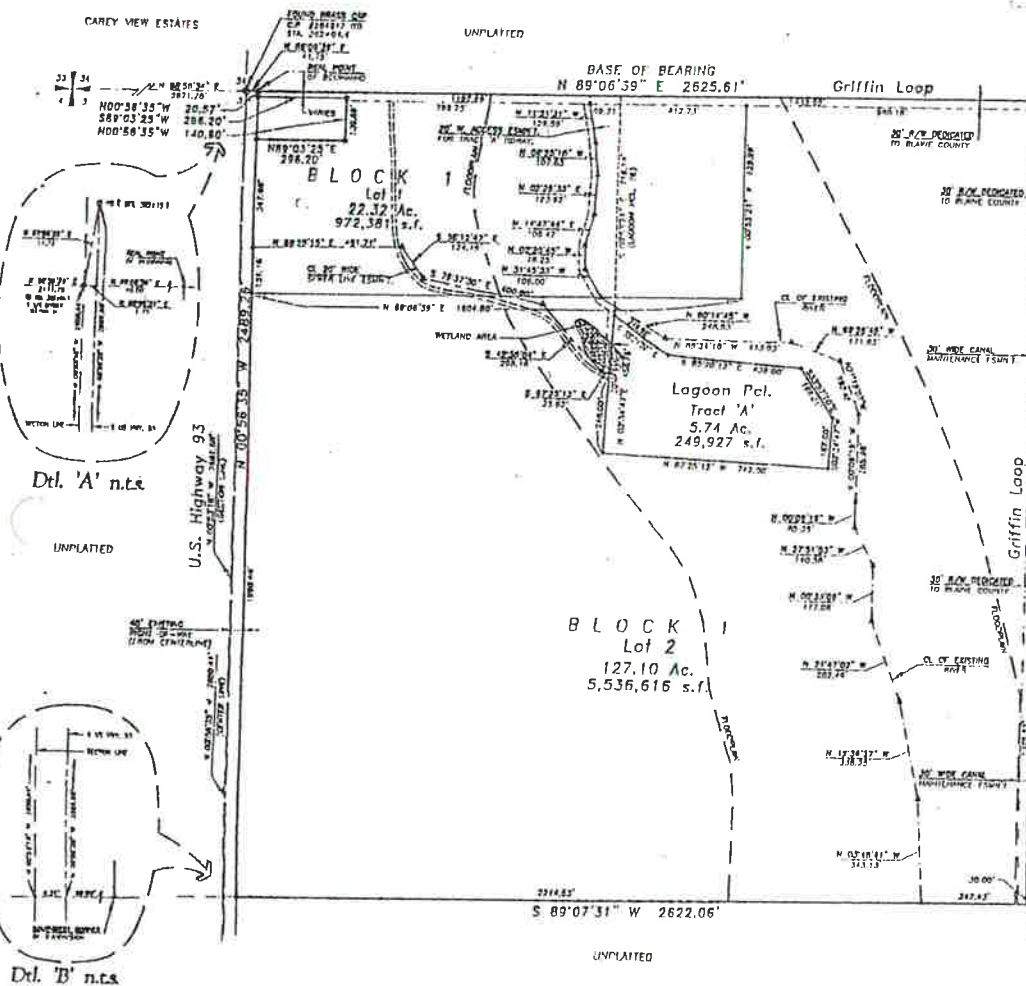


GIS Place of Use Presentation  
NAPP Aerial Photo 1987/1988  
By Steve Clelland

SCANNED

Date: APRIL 6 2005

UNPLATTED



## Legend:

- SUBDIVISION BOUNDARY LINE
- LOT LINE
- SECTION LINE
- QUARTER SECTION LINE
- CI SEWER LINE EASMENT
- RIGHT OF WAY LINE
- CANAL MAINTENANCE EASEMENT
- FOUND BRASS CAP
- SEI 5/8" x 30" REBAR & CAP
- SEI 1/2" x 24" REBAR & CAP
- ANGLE POINT - NOT SET

1" = 300'

## REDHAWK ESTATES SUBDIVISION

Located In

NW 1/4, Section 2 and NE 1/4, Section 3  
T. 2 S, R. 21 E, B.M.  
Blaine County, Idaho  
2001

## NOTES:

1. A 90' BUILDING SETBACK EXISTS ON EITHER SIDE OF THE DESCRIBED CENTER LINE OF THE RIVER.
2. A 10' WIDE UTILITY EASEMENT SHALL EXIST ALONG ALL FRONT LOT LINES ADJOINING ROAD RIGHT OF WAY AND CENTERED ON ALL LOT LINES.
3. A WASTE WATER EFFLUENT APPLICATION RIGHT IS HEREBY RESERVED FOR THE CARRY WATER AND CENTER DISTRICT ON LOT 2, BLOCK 1.
4. TRACT 'A' SHALL REMAIN UNDER OWNERSHIP OF THE CARRY WATER AND CENTER DISTRICT, ITS HEIRS, OR ASSIGNS.
5. NO NEW OR EXPANDED DEVELOPMENT SHALL OCCUR WITHIN THE 100-YEAR FLOODPLAIN AS DESIGNATED PER FEMA'S FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 1105107-110520 & 110520-110530 AS SHOWN ON THE MAP.
6. THE PROCEEDINGS OR OWNERS OF LOTS 3 & 4 UNDERSTAND AND AGREE THAT RURAL CONSTRUCTION, MAINTENANCE, AND OTHER WORKING ON REDHAWK LAGOON SHALL BE THE OBLIGATION OF THE OWNERS OF LOTS 3 & 4 OR THEIR SUCCESSORS IN INTEREST AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN, OR APPROVE THIS UTILIZED ROADWAY EASEMENT. IT IS BROUGHT UP TO COUNTRY STANDARDS AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL WAIVE IN WRITING ANY SUCCEEDING IN INTEREST OF THEIR FACTS.
7. OWNERS SHALL COMPLY WITH ALL HEALTH DEPARTMENT REGULATIONS INCLUDING A 300' SWAGE DISPOSAL SYSTEM SETBACK FROM ANY RIVER CHANNEL.
8. INDIVIDUAL LOT OWNERS ARE RESPONSIBLE FOR CONTROL OF NOXIOUS WEED AS PER STATE REGULATIONS. WEEDING AND MANUAL REMOVAL ARE RECOMMENDED.
9. ALL FIRE PROTECTION REQUIREMENTS OF THE CARRY WATER DISTRICT, THE TOWN OF REDHAWK, AND BLAINE COUNTY'S FIRE PROTECTION REQUIREMENTS, INCLUDING BUT NOT LIMITED TO WATER SUPPLY, ACCESS, AND CLEAR ZONES, SHALL BE COMPLIED WITH PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. CURRENTLY, THESE REQUIREMENTS ALSO LIMIT THE SIZE OF ANY "GROUP B-3" STRUCTURES, (E.G. MANUFACTURED STRUCTURES) IN ZONE "1" OF THE CARRY WATER DISTRICT TO A TOTAL FLOOR AREA OF 2400 SQUARE FEET UNLESS THE OWNER PROVIDES AN ACCEPTABLE SUPPLEMENTAL WATER SUPPLY.
10. A TROPIC TREE ENVELOPE FOR ANY NEW BUILDINGS ON LOTS 3 & 4 SHALL NOT EXCEED TWO ACRES IN SIZE. ON LOT 2, THE ENVELOPE IS LOCATED BY THE VICINITY OF AND SHALL INCLUDE THE EXISTING IMPROVED HOUSING ON LOT 4, THE ENVELOPE SHALL BE LOCATED IN EITHER THE SOUTHWEST OR SOUTHEAST CORNER AND SET BACK 50 FEET FROM THE SOUTHERN PROPERTY LINE.

11. MARKETING DISCLOSURE: THIS PROPERTY INCLUDES AND IS ADJACENT TO ACTIVE AGRICULTURAL USES, WHICH MAY INVOLVE ACTIVITIES OCCURRING DURING THE DAY OR NIGHT. THESE ACTIVITIES MAY RESULT IN THE PRODUCTION OF NOISE, ODORS, AND DUST AND MAY PRODUCE LIGHTS, AIRBORNE SPRAYING, MACHINERY AND OTHER INCONVENIENCES. ALL DEEDS CONVEYING TITLE TO THIS PROPERTY WILL CONTAIN A RESTRICTION PREVENTING PROPERTY OWNERS FROM CHALLENGING LAWFULLY CONDUCTED AGRICULTURAL OPERATIONS OCCURRING WITHIN ONE (1) MILE OF THE PROPERTY.
12. DEED RESTRICTION: ALL DEEDS CONVEYING TITLE TO REAL PROPERTY WITHIN THIS SUBDIVISION SHALL INCLUDE THE FOLLOWING DEED RESTRICTION: EACH GRANTEE TAKING THIS PROPERTY ON ANY PORTION THEREOF CONTAINING AND AGREE FOR THE GRANTEE AND GRANTEE'S HEIRS, EXECUTORS, AND ASSIGNS, TO NOT CHALLENGE ANY AGRICULTURAL USES OR OPERATIONS THAT ARE AUTHORIZED BY THE BLAINE COUNTY ZONING ORDINANCE AND CONDUCTED WITHIN ONE (1) MILE OF THE PROPERTY, AND THAT THEY WILL LAWFULLY DISCUSSING, OR AUTHORIZED BY ANY GOVERNMENT AGENCY, AS OF THE DATE OF EACH DEED CONVEYING ANY RIGHT, TITLE, OR INTEREST IN THIS PROPERTY OR ANY PORTION THEREOF.
13. GRANTEE'S ACKNOWLEDGMENT AND WAIVER: EACH GRANTEE SHALL CONTEMPORANEOUSLY WITH THE EXECUTION OF ANY DEED CONVEYING TITLE TO REAL PROPERTY WITHIN THIS SUBDIVISION, SIGN AND RECORD WITH THE BLAINE COUNTY RECORDER THE FOLLOWING ACKNOWLEDGMENT AND WAIVER, WHICH SPOUSE SHALL BE DULY ACKNOWLEDGED BY A NOTARY PUBLIC: "THE UNDERSIGNED ACKNOWLEDGE AND AGREE THAT THE PROPERTY DESCRIBED IN ENHANCE (A LEGAL DESCRIPTION OF PROPERTY BEING CONVEYED) IS EITHER LOCATED IN, OR NEAR, AN AGRICULTURAL ZONE, AND THAT LAWFUL ACTIVITIES WITHIN AN AGRICULTURAL ZONE MAY OCCUR DURING THE DAY OR NIGHT, AND MAY RESULT IN THE PRODUCTION OF NOISE, ODORS, AND DUST AND MAY PRODUCE LIGHTS, AIRBORNE SPRAYING, MACHINERY, AND OTHER INCONVENIENCES. EACH OF THE UNDERSIGNED ACKNOWLEDGES THAT THE DEED CONVEYING TITLE WILL CONTAIN A RESTRICTION THAT WILL PROHIBIT CHALLENGING ALL AGRICULTURAL USES OR OPERATIONS AUTHORIZED BY THE BLAINE COUNTY ZONING ORDINANCE AND CONDUCTED WITHIN ONE (1) MILE OF THE PROPERTY DESCRIBED HEREIN. I/WE AGREE AS OF THE DATE OF EACH DEED CONVEYING ANY RIGHT, TITLE, OR INTEREST IN THE PROPERTY DESCRIBED IN ENHANCE (A LEGAL DESCRIPTION OF PROPERTY BEING CONVEYED) THAT I/WE AGREE TO NOT CHALLENGE ANY AGRICULTURAL USES OR OPERATIONS THAT ARE AUTHORIZED BY THE BLAINE COUNTY ZONING ORDINANCE AND CONDUCTED WITHIN ONE (1) MILE OF THE PROPERTY DESCRIBED HEREIN. I/WE AGREE TO NOT CHALLENGE ANY SUCH LAWFULLY OCCURRING OR AUTHORIZED AGRICULTURAL USES OR OPERATIONS."

## Health Certificate

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary Restrictions may be reimposed, in accordance with Idaho Code, Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

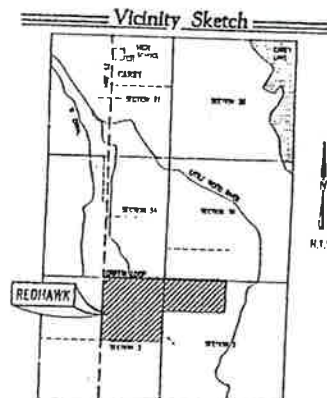
7-12-2001

Date:

*Robert E. Eakin*  
South Central District  
Health Department, EHS

The lots on this plat are subject of restrictions concerning the location of well and septic systems. These restrictions are on file at the South Central District Health Department and no building permits will be issued without the consent of the Health Department and strict conformance to these restrictions.

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 OF THE SURVEY.



SCANNED  
MAY 27 2005

04/06/2005

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

---

RIGHT NUMBER: 37-20632  
NAME AND ADDRESS: INGEBORG MOLYNEUX  
138 LAIDLAW PK RD  
CAREY ID 83320  
SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER  
QUANTITY: 0.440 CFS  
PRIORITY DATE: 06/20/1883  
POINT OF DIVERSION:  
T01N R21E S30 NWSWSE Within BLAINE County  
PURPOSE AND  
PERIOD OF USE:  

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.440 CFS       |

  
PLACE OF USE: IRRIGATION Within BLAINE County  
T02S R21E S02 Lot 3 NENW 39.0 T02S R21E S02 Lot 4 NWNW 19.7

58.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-20634 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 58.7 ACRES IN A SINGLE  
IRRIGATION SEASON.

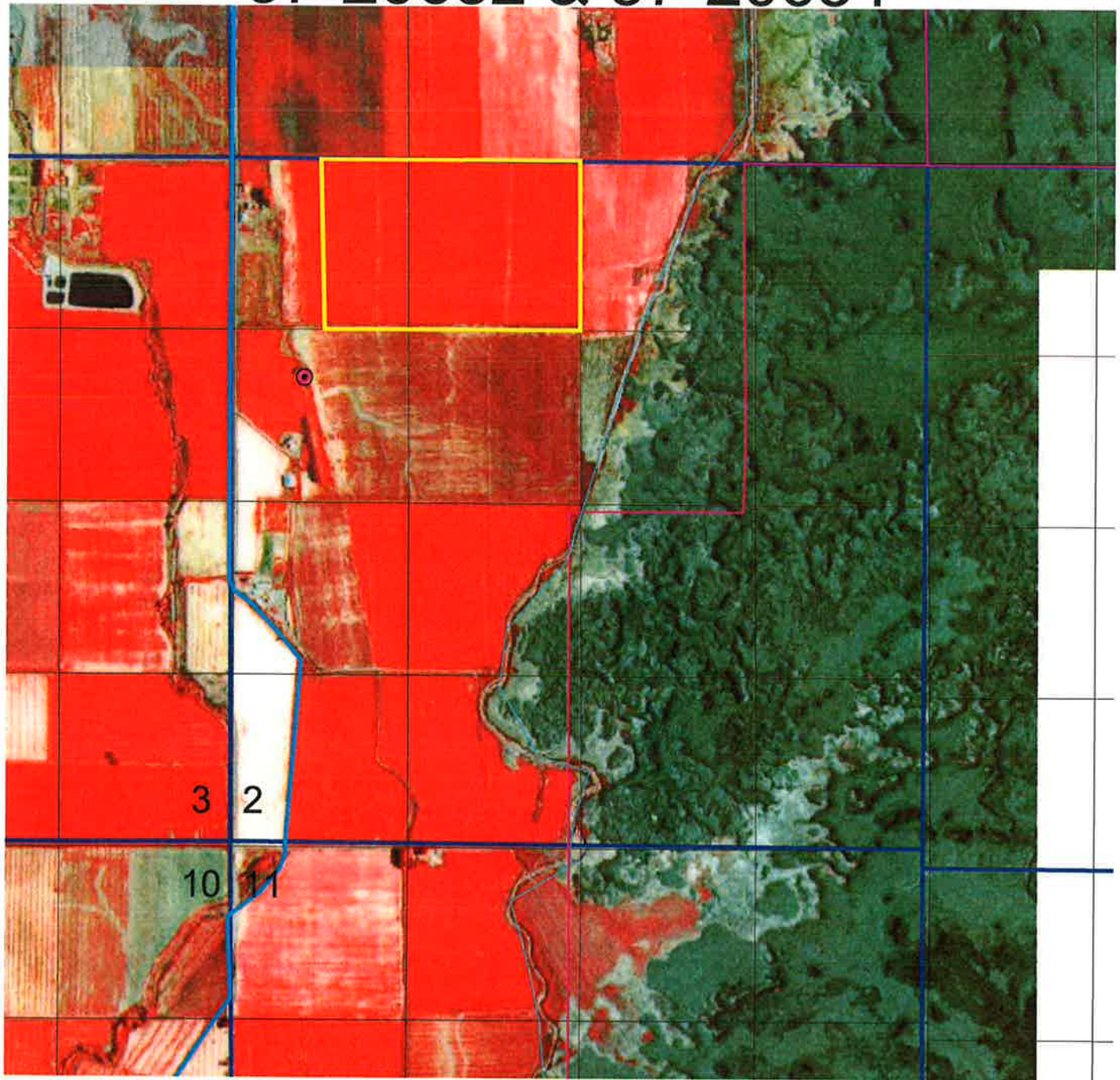
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed  
WATER IS DELIVERED THROUGH EAST CANAL.

# IDAHO DEPT OF WATER RESOURCES

## 37-20632 & 37-20634



1320 0 1320 Feet

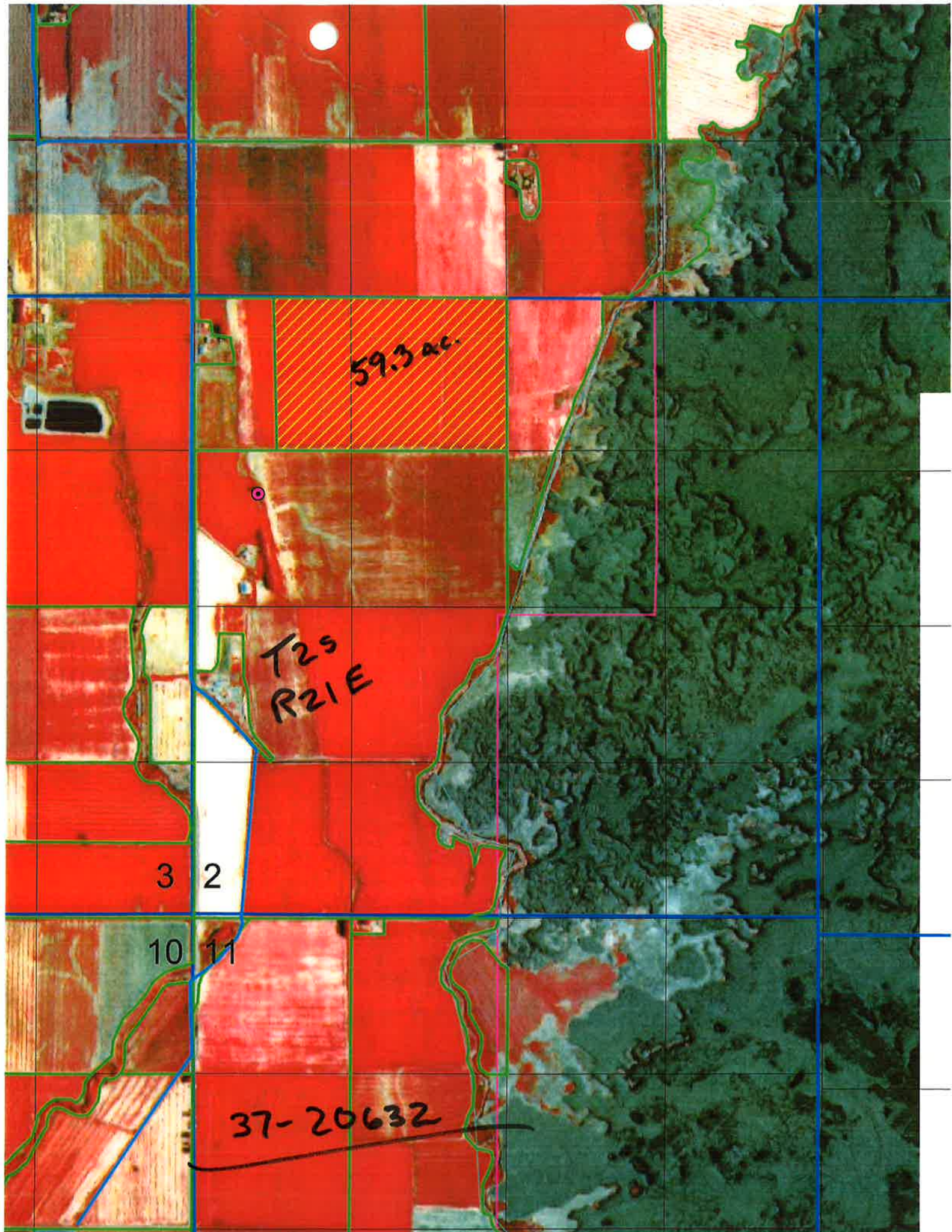
-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S  
RNG: 21E  
SEC. 2



GIS Place of Use Presentation  
NAPP Aerial Photo 1987/1988  
By Steve Clelland

Date: APRIL 6, 2005



59.3 ac.

T2S  
R21E

3 2

10 11

37-20632

37-11

4/5/05  
SLC

WR

37-11A 1.48

|        |       |
|--------|-------|
| 37-11B | .12   |
|        | <hr/> |
|        | 1.60  |

Claims: (OVERCLAIMED)

11A .71

11C .20 (wm list = 19.5) .195

11D .12

|            |       |
|------------|-------|
| 11E parent | .58   |
|            | <hr/> |
|            | 1.61  |

|                |       |            |
|----------------|-------|------------|
| 37-20631       | .144  | .135       |
| SPLIT 37-20632 | .44   | .44        |
|                | <hr/> |            |
|                | .58.4 | (.575 Bal) |

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-11A

WATER RIGHT NUMBER: 37-11A

Owner Type                      Name and Address  
 Current Owner                  JAMES AINSWORTH

, ID

Priority Date: 06/20/1883

Basis: Decreed

Status: Active

Source                                      Tributary  
 LITTLE WOOD RIVER                      MALAD RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | / to /                  | 1.480 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.480 CFS             |                      |

Location of Point(s) of Diversion  
 LITTLE WOOD RIVER

Place of Use  
 IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW  |     |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|-----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE  | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02S | 21E | 2   |    |    |    |    | X   | X   | X  | X  | X  | X  |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:Remarks:

1. General      SEE BARTON VS WIER & MALCOLM DECREE.

Comments:OVERCLAIMED  
SPLITSA  
B  
C  
D  
E  
← 20631  
20632

Ingeborg Molyneux  
138 Laidlaw Park Road  
Carey, Idaho 83320  
February 20, 2002

RECEIVED

MAR 04 2002

Department of Water Resources  
Southern Region

Trish Fawcett  
IDWR Southern Region  
1341 Filmore Street, Suite 200  
Twin Falls, Idaho 83301-3380

Dear Trish;

Enclosed please find a form to change water right ownership. The original water rights (enclosed and marked "A") had the numbers 37-11E and 37-10B, covered 77 acres, and were owned by Robb and Kathi Peck.

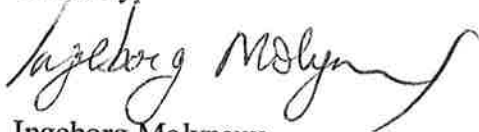
Sometime around 1989, the Pecks sold 20 acres of this property. The new owner has evidently never had the water right split. In 2001, the Pecks formally subdivided the property, and the remaining 58.72 acres (highlighted on the enclosed exhibit marked "B") was purchased by C. E. and Ingeborg Molyneux, as evidenced by the enclosed warranty deed (marked "C"). Please note the new legal description that the subdivision created.

In January, 2002, C.E. Molyneux and Ingeborg Molyneux divorced and Ingeborg received title to the property as evidenced by the enclosed Quit Claim Deed (marked "D").

It is therefore requested, that IDWR split the water right on the original farm, and issue the newly created portion of such right to Ingeborg Molyneux, located at the address above. This right would be for Lot 4 in Block 2 of Redhawk Estates Subdivision, and would encompass the 58.72 acres.

Thank you for your help in this matter. Ingeborg can be reached at (208) 823-4366 if you have any questions.

Sincerely,



Ingeborg Molyneux

08/21/2001

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11E

WATER RIGHT NUMBER: 37-11E

| <u>Owner Type</u> | <u>Name and Address</u>                                    |
|-------------------|------------------------------------------------------------|
| Current Owner     | ROBB PECK<br>BOX 26<br>CAREY, ID 83320<br>(208)823-4440    |
| Current Owner     | KATHI L PECK<br>BOX 26<br>CAREY, ID 83320<br>(208)823-4440 |

Priority Date: 06/20/1883

Basis: Decreed

Status: Active

| <u>Source</u>     | <u>Tributary</u> |
|-------------------|------------------|
| LITTLE WOOD RIVER | MALAD RIVER      |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 4/01 to 11/01         | 0.576 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.576 CFS             |                      |

Location of Point(s) of Diversion

LITTLE WOOD RIVER                      NW1/4SW1/4SE1/4                      Sec. 30, Twp 01N, Rge 21E, B.M.  
BLAINE County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW   |      |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02S | 21E | 2   |    |    |    |    | 39.0 | 38.0 |    |    |    |    |    |    |    |    |    |    | 77.0   |
|     |     |     |    |    |    |    | L3   | L4   |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 77

Conditions of Approval:Remarks:

- General      THIS RIGHT IS BEING CLAIMED AS A PORTION OF 37-00011A WHICH WAS SPLIT FROM THE PARENT RIGHT AND ORIGINALLY WAS FOR 74". WATER- MASTER HAS BEEN DELIVERING 28.8" TO THIS PORTION.

Comments:Dates and Other Information:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 37-10B

WATER RIGHT NUMBER: 37-10B

| <u>Owner Type</u> | <u>Name and Address</u>                                    |
|-------------------|------------------------------------------------------------|
| Current Owner     | KATHI L PECK<br>BOX 26<br>CAREY, ID 83320<br>(208)823-4440 |
| Current Owner     | ROBB PECK<br>BOX 26<br>CAREY, ID 83320<br>(208)823-4440    |

Priority Date: 04/15/1884

Basis: Decreed

Status: Active

| <u>Source</u>     | <u>Tributary</u> |
|-------------------|------------------|
| LITTLE WOOD RIVER | MALAD RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01           | 0.560 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.560 CFS             |                      |

Location of Point(s) of Diversion

LITTLE WOOD RIVER                      NW1/4SW1/4SE1/4                      Sec. 30, Twp 01N, Rge 21E, B.M.  
BLAINE County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW   |      |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02S | 21E | 2   |    |    |    |    | 39.0 | 38.0 |    |    |    |    |    |    |    |    |    |    | 77.0   |
|     |     |     |    |    |    |    | L 3  | L 4  |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 77

Conditions of Approval:Remarks:

1. General      THIS RT.IS CLAIMED AS A PORTION OF THE PARENT RIGHT, 37-00010, ORIGINALLY DECREEED FOR 80". WATERMASTER HAS BEEN DELIVERING 28" TO THIS PORTION.^^

Comments:Dates and Other Information: