



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED
APR 15 2004
Department of Water Resources
Southern Region

☒ Water Right Number(s):

37-11749

37-11750

37-11751

☐ Old Mailing Address:

West Bannock
Boise, ID 83702

37-11752

37-20619

37-20621

☒ New Mailing Address:

3711-758

120 BASELINE Rd.

BELLEVUE, ID 83313

☐ New Telephone Number: (208) 877-8534

☐ Signature of Claimant(s):

Robert B. Hyatt

Date:

4-15-04

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:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 16, 2004

SALLY AND ROBERT HOFFMAN
120 BASELINE RD
BELLEVUE ID 83313

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No #37-11749, 37-11750, 37-11751, 37-11752,
37-20619, 37-20621, 37-11758
Change of Address Notification

Dear Claimant:

Thank you for notifying us of your change in address on the water right claims referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Carrie Hahn
Clerk

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 37-20619
Date Received: 12/14/2001
Receipt No:
Received By: SPLIT/VH

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

1. Name of Claimant(s)

ROBERT B HOFFMAN Phone: (208)384-0123

110 W BRAEMERE
BOISE ID USA 83702

SALLY J HOFFMAN Phone: (208)384-0123

110 W BRAEMERE
BOISE ID USA 83702

2. Date of Priority: 12/12/1979

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01S	19E	7	NW	NW	NE	BLAINE	

5. Description of diverting works:

WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.11	43.8

7. Total Quantity Appropriated is:
0.11 C.F.S. and/or 43.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	19E	6	SW	NE	2	IRRIGATION
			NW	SE		IRRIGATION
						Section Acres
						Total Acres

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:

RIGHT 37-7817 WAS SPLIT BY OWNERSHIP PER NOTICE AND QC DEED 441458 RECEIVED 7/28/2000. KENNETH SCHOESSLER RETAINED PORTION 37-20618.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-7817.

15. Basis of Claim: License

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

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

RECEIVED
JUL 28 2000
Department of Water Resources
Southern Region

1. Water Right Number(s) see Quintanilla Deed
Adjudication Claim Number(s) A37-02556B, A37-07817, A37-11749, A37-11750, A37-11751, A37-11752, A37-11747, A37-11758
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) Kenneth John Schoenleu
HC 62, Box 1600
4. New Owner/Claimant(s) Wells, N. 89835-9805
Robert B. & Sally J. Hoffman
Name connector (check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 110 WEST BRAMER
City, State and ZIP Code Boise, ID 83702
New Telephone Number (208) 384-0123
5. Date you acquired the property 7-24-00
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.
Number of acres actually irrigated 15 Number and type of stock 64 Horses
Diversion rate in CFS _____ Number of homes _____ Other uses _____
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) [Signature] Date 7-24-00
[Signature] Date 7-24-00
8. 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.

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

QUITCLAIM DEED

FOR VALUE RECEIVED

KENNETH JOHN SCHOESSLER and KATHY SCHOESSLER, husband and wife

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

ROBERT B. HOFFMAN and SALLY J. HOFFMAN, husband and wife

whose address is: 110 W. Braemere, Boise, Id 83702

the following described premises situated in Blaine County, Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Instrument # 441458

HAILEY BLAINE, IDAHO

2000-07-25

04:06:00 No. of Pages: 2

Recorded for: SAWTOOTH TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

together with their appurtenances.

Dated: July 24, 2000

Kenneth John Schoessler
KENNETH JOHN SCHOESSLER

Kathy Schoessler
KATHY SCHOESSLER

State of Idaho

}
}ss.
}

County of Blaine

On this 24th day of July, in the year 2000, before me, the undersigned, personally appeared KENNETH JOHN SCHOESSLER and KATHY SCHOESSLER, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal:

Marla G. Mink

Notary Public

Commission Expires: 12/01/2000



Order No. 26818

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: A parcel of land located in the E1/2 of said Section 6, more particularly described as follows:

BEGINNING at a 5/8" rebar by P.L.S. 792, marking the N1/4 corner of said Section 6, said point also being the REAL POINT OF BEGINNING; thence
N. 89° 42' 49" E., 861.45 feet along the north boundary of said Section 6 to a 5/8" rebar by P.L.S. 792; thence
S. 0° 09' 41" E., 755.86 feet to a 5/8" rebar by P.L.S. 792; thence
S. 89° 42' 45" W., 867.48 feet to a 5/8" rebar by P.L.S. 792 on the west boundary of the SE1/4 of said Section 6; thence
N. 0° 17' 45" E., 755.92 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM THE RIGHT OF WAY OF BASELINE ROAD AND SCHOESSLER LANE.

TOGETHER WITH 12.8% OF THE FOLLOWING DESCRIBED WATER RIGHTS:

A37-02556B, A37-07817 GROUDWATER RIGHTS,
A37-11749, A37-11750, A37-11751 AND A37-11752 SURFACE WATER RIGHTS,
A37-11747 STOCK AND ANIMAL UNITS, AND
A37-11758 DOMESTIC

WARRANTY DEED

FOR VALUE RECEIVED

KENNETH JOHN SCHOESSLER and KATHY SCHOESSLER, husband and wife

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

ROBERT B. HOFFMAN and SALLY J. HOFFMAN, husband and wife

GRANTEE(s) whose address is: **110 W. Braemere, Boise, ID 83702**

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

Instrument # 441457

HAILEY BLAINE, IDAHO

2000-07-25 04:05:00 No. of Pages: 2

Recorded for : SAWTOOTH TITLE

MARSHA RIEMANN Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD 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 encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 24, 2000

Kenneth John Schoessler
KENNETH JOHN SCHOESSLER

Kathy Schoessler
KATHY SCHOESSLER

State of Idaho }
County of Blaine } ss.
}

On this 24th day of July, in the year 2000, before me, the undersigned, personally appeared **KENNETH JOHN SCHOESSLER and KATHY SCHOESSLER**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Marla G. Mink

Notary Public

Commission Expires: 12/01/2000



Order No. 26818

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: A parcel of land located in the E1/2 of said Section 6, more particularly described as follows:

BEGINNING at a 5/8" rebar by P.L.S. 792, marking the N1/4 corner of said Section 6, said point also being the REAL POINT OF BEGINNING; thence
N. 89° 42' 49" E., 861.45 feet along the north boundary of said Section 6 to a 5/8" rebar by P.L.S. 792; thence
S. 0° 09' 41" E., 755.86 feet to a 5/8" rebar by P.L.S. 792; thence
S. 89° 42' 45" W., 867.48 feet to a 5/8" rebar by P.L.S. 792 on the west boundary of the SE1/4 of said Section 6; thence
N. 0° 17' 45" E., 755.92 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM THE RIGHT OF WAY OF BASELINE ROAD AND SCHOESSLER LANE.

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 37-7817
Date Received: 10/19/1988
Receipt No: M001647
Received By:

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

1. Name of Claimant(s)

KATHY SCHOESSLER Phone: (775)755-2808

HC 62 BOX 1600
WELLS NV USA 89835

KENNETH J SCHOESSLER Phone: (775)755-2808

HC 62 BOX 1600
WELLS NV USA 89835

2. Date of Priority: 12/12/1979

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	7	NW NW NE	BLAINE	

5. Description of diverting works:

WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.87	342

7. Total Quantity Appropriated is:
0.87 C.F.S. and/or 342 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres			
01S	19E	6	SW	NE	2	IRRIGATION			
			NW	SE		IRRIGATION			
			SW	SE		IRRIGATION			
								Section Acres	62
01S	19E	7	NW	NE		IRRIGATION			
			SW	NE		IRRIGATION			
								Section Acres	52
								Total Acres	114

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:

11-5-2001 AMENDED CLAIM TO AGREE WITH LICENSE DATED MAY 4, 1990. - VH

5/17/00, CHANGED ADDRESS, ADDED KATHY SCHOESSLER AS PER REQUEST RECD 5/8/00.
C.T.

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

15. Basis of Claim: License

16. Signature(s)



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

NCAP
11747
11768
DIRK KEMPTHORNE
GOVERNOR
KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

MAY 08 2000

Department of Water Resources
Southern Region

☐ Water Right Number(s):

00577Ca
A37-00577C, A37-00704G, A37-07817, 37-11747, A37-11749,
A37-11750, A37-11751, A37-11752, 37-11758

☐ Old Mailing Address:

120 BASELINE RD

BELLEVUE ID 83313

(208) 788-3174

☒ New Mailing Address:

Ken + Kathy Schoessler

Hc 102 Box 1600

Wells, NV 89835

☐ New Telephone Number: (775) 755-2808

☐ Signature of Claimant(s): Kathy Schoessler

Ken Schoessler

Date: 5/1/00

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 5/17/00 By: cf

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:



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

May 16, 2000

KEN & KATHY SCHOESSLER
HC 62 BOX 1600
WELLS NV 89835

RE: A37-02556B and A37-0761a (New Claims)
A37-00577C, A37-00704G, A37-07817, A37-11747, A37-11749, A37-11750,
A37-11751, A37-11752 and A37-11758 (Address Changes)

Dear Mr. and Mrs. Schoessler,

Enclosed is your receipt and copies of your new adjudication claims and profile reports showing your address has been updated on your other claims. Please look them over carefully to make sure everything is correct.

Feel free to give me a call at the office if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

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: A37-07817
Date Received: 10/19/1988
Receipt No: M001647
Received By: GC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH J. SCHOESSLER
Address: 120 BASELINE RD.
BELLEVUE, ID

208-788-3174

83313

2. Date of Priority: DEC 12, 1979

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	7	NW	NW	NE		BLAINE

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.870		

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

A.F.A.

8. Total consumptive use is 292.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	6	SW	NE	2	IRR	13.0
			NW	SE		IRR	26.0
			SW	SE		IRR	26.0

Section Acres 65.0

A37-07817

Page 1

Date: 10/19/88

MICROFILMED

FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	19E	7	NW	NE	IRR	26.0
			SW	NE	IRR	26.0
Section Acres						52.0
Total Acres						117.0

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:
37-2556, 37-04109, A37-11752, 11749, 11750, 11751

14. Remarks:

15. Basis of Claim: PERMIT

COPY

A37-07817

Page 2

Date: 10/19/88

MICROFILMED
FEB 24 1993

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 to 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): *Francis Schreiner* Date: 10/19/88

Date: _____

State of Idaho)
County of BLAINE) SS.

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

Walter Gene Fisher
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 7-2-1994

COPY

IRR WELL

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



114° 15' 43° 22' 30"

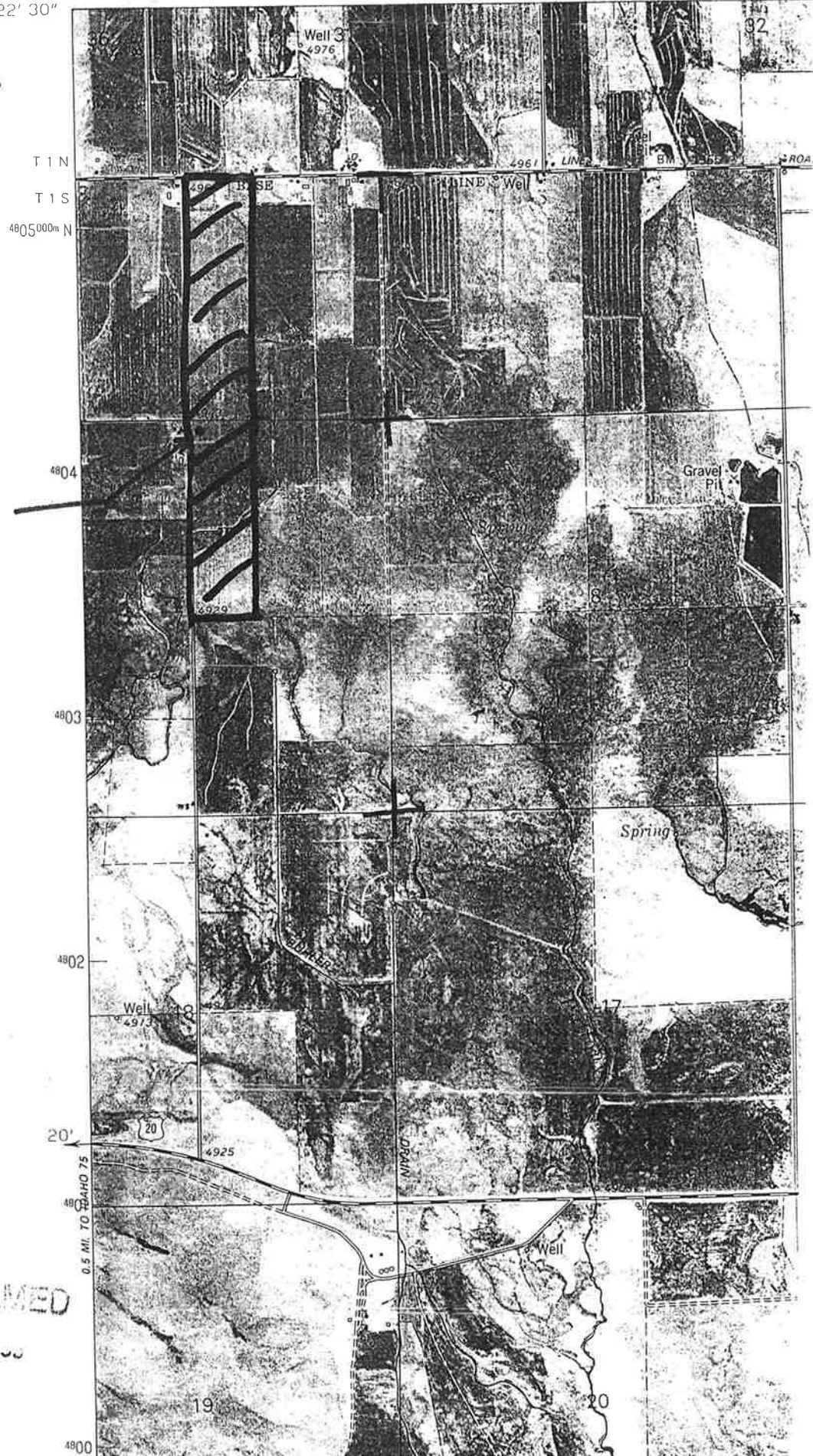
124° 00' 00" E

125

TIS
219E
SECTION 7
VW NWNE

TIN
TIS
TIS

POD



MICROFILMED

FEB 24 1955

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 SEP 22 PM 12 09

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

In Re SRBA

Case No. 39576

) Subcase No. 37-11749, 37-11750,
) 37-11751, 37-11752,
) 37-20619, 37-20621

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
_____)

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

9/21/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9-22, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Helen Bond
120 Baseline Rd
Bellevue ID 83313

Robert Korb
Kneeland Korb Collier & Legg PLLC
PO Box 249
Ketchum ID 83340

Robert Hoffman
Sally Hoffman
304 S Coho Rd
Post Falls ID 83854



Signature of person or attorney mailing the form

09/14/2009

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

RIGHT NUMBER: 37-11749

NAME AND ADDRESS: HELEN H BOND
120 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.700 CFS

PRIORITY DATE: 06/01/1901

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	04/15 10/31	1.700 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE	10.00	T01S R19E S06 NWSE 2.00
	12 ACRES TOTAL		

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - Decreed

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

This right is a split from former right 37-436.

09/14/2009

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

RIGHT NUMBER: 37-11750

NAME AND ADDRESS: HELEN H BOND
120 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.130 CFS

PRIORITY DATE: 06/02/1890

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	04/15 10/31	0.130 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE 10.00	T01S R19E S06 NWSE 2.00	
	12 ACRES TOTAL		

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - Decreed

This right is a split from former right 37-435.

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

09/14/2009

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

RIGHT NUMBER: 37-11751

NAME AND ADDRESS: HELEN H BOND
120 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.590 CFS

PRIORITY DATE: 06/20/1884

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	04/15 10/31	0.590 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE	10.00	T01S R19E S06 NWSE 2.00
	12 ACRES TOTAL		

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - Decreed

This right is a split from former right 37-434.

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

09/14/2009

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

RIGHT NUMBER: 37-11752

NAME AND ADDRESS: HELEN H BOND
120 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 04/17/1883

POINT OF
DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

T01N R18E S25 NWSENW 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	04/15 10/31	0.070 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE 10.00	T01S R19E S06 NWSE 2.00	
	12 ACRES TOTAL		

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - Decreed

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

This right is a split from former right 37-433.

09/14/2009

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

RIGHT NUMBER: 37-20619

NAME AND ADDRESS: HELEN H BOND
120 BASELINE RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.110 CFS
36.00 AFY

Rights 37-20619 and 37-20621 when combined shall not exceed a total diversion rate of 0.19 cfs, and a total annual maximum diversion volume of 42.0 af at the field headgate.

PRIORITY DATE: 12/12/1979

POINT OF
DIVERSION:

T01S R19E S7 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.110 CFS
36.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S06 Lot 2 SWNE 10.00 T01S R19E S06 NWSE 2.00

12 ACRES TOTAL

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The point of diversion is located in Lot 3 Blk 1 of the Schoessler Subdivision.
This right is a split from former Right 37-7817.

09/14/2009

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

RIGHT NUMBER: 37-20621

NAME AND ADDRESS: HELEN H BOND
120 BASELINE RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.170 CFS
42.00 AFY

Rights 37-20619 and 37-20621 when combined shall not exceed a total diversion rate of 0.19 cfs, and a total annual maximum diversion volume of 42.0 af at the field headgate.

PRIORITY DATE: 09/21/1954

POINT OF
DIVERSION:

T01S R19E S7 NWNWNE 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	0.170 CFS 42.00 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE 10.00	T01S R19E S06 NWSE	2.00
	12 ACRES TOTAL		

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former Right 37-2556B.

The point of diversion is located in Lot 3 Blk 1 of the Schoessler Subdivision.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

September 22, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

HELEN BOND
120 BASELINE RD
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-11749, 37-11750, 37-11751, 37-11752,
37-20619, 37-20621

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

cc: Robert Korb, Kneeland Korb Collier & Legg PLLC
Robert and Sally Hoffman

RECEIVED
SEP 04 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
AS 37-11749			AS 37-20621		
AS 37-11750			37-11747 - not appurtenant		X
AS 37-11751			37-02556 - parent of 37-20621		X
AS 37-11752			37-07817 - parent of 37-20619		X
PD 37-11758					
AS 37-20619					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$250.00
- 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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) Household Finance Corporation
577 Lamont Road
Elmhurst, IL 60126
4. New Owner/Claimant(s) Helen H. Bond, an unmarried woman
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 120 Baseline Road
- City, State and ZIP Code Bellevue, ID 83313
- New Telephone Number (208) 788-1205 Email: bluewatersailing45@gmail.co

5. Date you acquired the property

August 21, 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:Received by BWDate 9-4-09Received by BWDate 9-14-09

Processed by _____ AJ

Date _____

Receipt Amt. \$250Receipt No. 5031094

WR _____ Date _____

Instrument # 570438
HAILEY, BLAINE, IDAHO
08-21-2009 14:40:28 No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE COMPANY KETC
and valid electronic
Ex-Officio Recorder Deputy: AR
Electronically Recorded by Simplifile

AFTER RECORDING MAIL TO:

Helen H. Bond
120 Baseline Rd 104 South Cove Lane
Blaine, ID 83312 Hailey, ID 83333

309655

SPECIAL CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,
Household Finance Corporation, organized and existing under the laws of the United States of America a corporation duly organized and existing under the laws of the State of GA, grantor, does hereby Grant, Bargain, Sell and Convey unto

Helen H. Bond, an unmarried person
104 South Cove Lane, Hailey, ID 83333
whose address is: ~~120 Baseline Rd, Blaine, ID 83312~~
grantee, the following described real estate, to-wit:

LEGAL DESCRIPTION: Real property in the County of Blaine, State of Idaho, described as follows:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: A PARCEL OF LAND IN THE EAST HALF OF SAID SECTION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" REBAR BY P.L.S. 792, MARKING THE NORTH QUARTER CORNER OF SAID SECTION 6, SAID POINT ALSO BEING THE REAL POINT OF BEGINNING; THENCE NORTH 89° 42' 49" EAST, 861.45 FEET ALONG THE NORTH BOUNDARY OF SAID SECTION 6 TO A 5/8" REBAR BY P.L.S. 792; THENCE SOUTH 00° 09' 41" EAST, 755.86 FEET TO A 5/8" REBAR BY P.L.S. 792; THENCE SOUTH 89° 42' 45" WEST, 867.48 FEET TO A 5/8" REBAR BY P.L.S. 792 ON THE WEST BOUNDARY OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE NORTH 00° 17' 45" EAST, 755.92 FEET TO THE REAL POINT OF BEGINNING.
(TAX LOT NO. 7675)

EXCEPTING THEREFROM THE RIGHT OF WAY OF BASELINE ROAD AND SCHOESSLER LANE.

APN:

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U.S. patent reservations.

APN:

Corporate Owned-Special
- continued

File No.: 4303-2455677 (TKA)
Date: 08/18/2009

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever, except as to the reservations from and exceptions to warranty when the claim is by, through or under Grantor, but not otherwise.

Corporate Dead-Special
- continued

File No.: 4103-1455677 (TKA)
Date: 08/18/2009

Household Finance Corporation

By: Authorized Signature, Title

Maria I. Ortega
Asst. Vice President

STATE OF _____)
COUNTY OF _____)

~~On this _____ day of August, 2009 , before me, a Notary Public in and for said State, personally appeared _____ known or identified to me to be the _____ of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation~~

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

Notary Public for the State of _____
Residing at: _____
My Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles

On

Aug 19, 2009

before me,

C. M. Pankonin

Here Insert Name and Title of the Officer

personally appeared

Maria I. Ortega

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

C. M. Pankonin

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer is Representing:

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer is Representing:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

08-21-2008 14:40:26 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE COMPANY KETC
JOLYNN DRAGE Fee: \$3.00
Ex-Officio Recorder Deputy: AR
Electronically Recorded by Simplifile

Kneeland, Korb, Collier & Legg
P.O. Box 249
Ketchum, ID 83340-0249
KKCL File No.

QUITCLAIM DEED

FOR VALUE RECEIVED Household Finance Corporation, a _____ corporation, as Grantor, and pursuant to authority given the Board of Directors of such corporation, does hereby convey, release, remise and forever quitclaim unto Helen H. Bond, an unmarried woman, whose address is 104 South Cove Lane, Hailey, Idaho 83333, as Grantee, and to Grantee's heirs, successors and assigns forever the following Idaho Department of Water Resources, Water Rights Numbers 37-11749; 37-11750; 37-11751; 37-11752; 37-11758; 37-20619 and 37-20621 appurtenant to Real Property described on Exhibit A, attached hereto and by this reference made a part hereof:

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument
this 19 day of August, 2009.

HOUSEHOLD FINANCE CORPORATION
By James I. Stige, Its

STATE OF IDAHO)
County of Blaine) ss

Marla I. Ortega
Asst. Vice President

On this _____ day of August, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be the _____ of Household Finance Corporation, a _____ corporation, signer of the foregoing instrument, who duly acknowledged to me that she executed the same on behalf of said corporation.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)

Notary Public for Idaho
Residing at _____
Commission Expires _____

F:\WPDATA\Res\wks\ac\bond quitclaim deed.wpd

QUITCLAIM DEED

Page 1

EXHIBIT "A"

**TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE
COUNTY, IDAHO.**

**SECTION 6: A PARCEL OF LAND IN THE E1/2 OF SAID SECTION MORE
PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING at a 5/8" rebar by P.L.S. 792, marking the N1/4 corner of said
SECTION 6, said point also being the REAL POINT OF BEGINNING; thence N.
89°42'49" E., 861.45 feet along the north boundary of said Section 6 to a 5/8"
rebar by P.L.S. 792;
THENCE S. 00°09'41" E., 755.86 feet to a 5/8" rebar by P.L.S. 792;
THENCE S. 89°42'45" W., 867.48 feet to a 5/8" rebar by P.L.S. 792 on the West
boundary of the SE1/4 of said Section 6;
THENCE N. 00°17'45" E., 755.92 feet to the REAL POINT OF BEGINNING.
(Tax Lot No. 7675)

Excepting therefrom the right of way of Baseline Road and Schoessler Lane.

QUITCLAIM DEED

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On Aug 19, 2009 before me,

personally appeared

C. M. Pankonin
Here Insert Name and Title of the Officer

Maria J. Ortega
Name(s) of Signer(s)

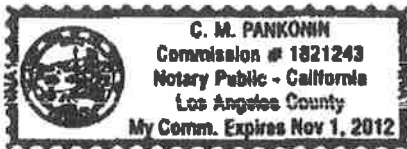
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

C. M. Pankonin
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____



First American Title Company

120 Second Ave. North/P O Box 7999, Ketchum, ID 83340

Phone (208)726-5688 • Fax (208)726-3567

Escrow Officer: -

Title Officer: Basil Service - bservice@firstamholding.com

To: **Sun Land Investments, Inc.**
PO Box 880
Bellevue, ID 83313

Order No.: **309655K**

Attn:

Your Ref:

Re: Property Address: **120 Baseline Road, Blaine County, ID 83313**

COMMITMENT FOR TITLE INSURANCE

Issued by

FIRST AMERICAN TITLE INSURANCE COMPANY

Agreement to Issue Policy

We agree to issue a policy to you according to the terms of this Commitment.

When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-I.

The Exceptions in Schedule B-II.

The Conditions.

This Commitment is not valid without Schedule A and Section 1 and 2 of Schedule B.

First American Title Insurance Company

BY

Curt R. Johnson

PRESIDENT

ATTEST

Misty H. Hillman

SECRETARY



Countersigned

First American Title Company

Robert H. Hillman

ALTA Plain Language Commitment Form

INFORMATION

The Title Insurance Commitment is a legal contract between you and the Company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Policy contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or you as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org/>.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT. YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

TABLE OF CONTENTS

Page

AGREEMENT TO ISSUE POLICY

SCHEDULE A

1. Commitment Date
2. Policies to be Issued, Amounts and Proposed Insureds
3. Interest in the Land and Owner
4. Description of the Land

SCHEDULE B-I -- REQUIREMENTS

SCHEDULE B-II -- EXCEPTIONS

CONDITIONS

**FIRST COMMITMENT
SCHEDULE A**

1. Commitment Date : **August 05, 2009 at 7:30 A.M.**

2. Policy or Policies to be issued:

Policy Amount Premium Amount

Owner's Policy

Standard Owner's Policy (6/17/06) Form 1402-06
with applied credit of

\$ 360,000.00 \$ 1,474.00
\$ None Available

Proposed Insured:

Helen H. Bond and Andrea Adams

Loan Policy

Loan Policy (06/17/06) Form 1056-06
with applied credit of

\$ 0.00 \$
\$ None Available

Proposed Insured:

Endorsements:

\$

3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date by:

Household Finance Corporation

4. The land referred to in this Commitment is described as follows:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 6: A PARCEL OF LAND IN THE E1/2 OF SAID SECTION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" REBAR BY P.L.S. 792, MARKING THE N 1/4 CORNER OF SAID SECTION 6, SAID POINT ALSO BEING THE REAL POINT OF BEGINNING; THENCE N. 89° 42' 49" E., 861.45 FEET ALONG THE NORTH BOUNDARY OF SAID SECTION 6 TO A 5/8" REBAR BY P.L.S. 792; THENCE S. 00° 09' 41" E., 755.86 FEET TO A 5/8" REBAR BY P.L.S. 792; THENCE S. 89° 42' 45" W., 867.48 FEET TO A 5/8" REBAR BY P.L.S. 792 ON THE WEST BOUNDARY OF THE SE1/4 OF SAID SECTION 6; THENCE N. 00° 17' 45" E., 755.92 FEET TO THE REAL POINT OF BEGINNING. (TAX LOT NO. 7675)

EXCEPTING THEREFROM THE RIGHT OF WAY OF BASELINE ROAD AND SCHOESSLER LANE.

Commonly known as: 120 Baseline Road, Blaine County, ID 83313

**SCHEDULE B-SECTION I
REQUIREMENTS**

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of items(s) **as meets lender's / buyer's requirements..**
- (f) If any document in the completion of this transaction is to be executed by an attorney-in-fact, the Power of Attorney must be submitted for review prior to closing.
- (g) Idaho Code §31 3504 permits the state or counties that provide indigent medical assistance to a lien upon real property of the person provided assistance. We require the attached affidavit to be completed prior to recording to eliminate an exception to such lien.
- (h) Pursuant to chapter 10, title 55, Idaho code, we will require that both incoming owner spouses execute any forthcoming mortgage, or we must be furnished satisfactory proof that; (1) the subject property is not their principal residence, (2) the land is not claimed as homestead and the address of their principal residence, or (3) proof that the incoming owner is not married.
- (i) In order to release exceptions Nos: 9 and 10 this office will require reconveyances of said documents.

**SCHEDULE B -SECTION II
EXCEPTIONS**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART I:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. 2009 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year. Taxes which may be assessed and entered on the property roll for 2009 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.

General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein:

Year	Original Amount	Amount Paid	Parcel Number
2008	\$925.16	\$925.16	01S190061120

Homeowners Exemption is in effect for 2008.
Circuit breaker is not in effect for 2008.

8. Matters contained in that certain survey, recorded June 22, 2000, as Instrument No. 440441, records of Blaine County, Idaho.

9. Deed of Trust dated June 9, 2003, to secure an original indebtedness of \$454,737.09, and any other amounts and/or obligations secured thereby
Recorded: June 13, 2003, as Instrument No. 485544
Grantor: Robert B. Hoffman and Sally J. Hoffman, husband and wife
Trustee: First American Title Company
Beneficiary: Household Finance Corporation

By instrument recorded as Instrument No. 568624, the original trustee in said deed of trust has resigned, and a successor trustee Alliance Title & Escrow Corp has been appointed.

Estoppel Affidavit, recorded June 24, 2009, as Instrument No. 568626.

Estoppel Certificate, recorded June 24, 2009, as Instrument No. 568267.

10. Deed of Trust dated October 20, 2005, to secure an original indebtedness of \$151,100.00, and any other amounts and/or obligations secured thereby
Recorded: October 21, 2005, as Instrument No. 527816
Grantor: Robert B. Hoffman and Sally J. Hoffman, husband and wife
Trustee: First American Title Company
Beneficiary: Household Finance Corporation III

Estoppel Affidavit, recorded June 24, 2009, as Instrument No. 568626.

Estoppel Certificat, recorded June 24, 2009, as Instrument No. 568267.

NOTE: The foregoing numbered exceptions (1-6) may be eliminated in an ALTA Extended or EAGLE Coverage Policy.

INFORMATIONAL NOTES

- A. **In addition to standard County recording fees, an electronic filing fee of \$5.00 per document will be charged.**
- B. Pursuant to the State of Idaho Insurance Regulations: A cancellation fee will be charged on all cancelled orders, unless notified to the contrary, all orders shall be cancelled and a billing sent within 6 months of the effective date on the commitment.

CONDITIONS

1. DEFINITIONS

(a) "Mortgage" means mortgage, deed of trust or other security instrument.

(b) "Public Records" means title records that give constructive notice of matters affecting your title according to the state statutes where the land is located.

2. LATER DEFECTS

The Exceptions in Schedule B - Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attach between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B - Section I are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

Comply with the Requirements shown in Schedule B - Section I

or

Eliminate with our written consent any Exceptions shown in Schedule B - Section II.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this commitment and is subject to its terms.

RECEIVED

SEP 04 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STANLEY OFFICE

ANN LEGG

P.O. BOX 24

STANLEY, ID 83278

annlegg@ruralnetwork.net

LAW OFFICES
KNEELAND, KORB, COLLIER & LEGG, PLLC
KNEELAND PROFESSIONAL BUILDING
128 SADDLE ROAD, SUITE 103
P.O. BOX 249
KETCHUM, IDAHO 83340-0249

PHONE (208) 726-9311

FAX (208) 726-4515

ROBERT KORB III
BRUCE COLLIER

G.R. KNEELAND
OF COUNSEL

September 1, 2009

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

ATTENTION: Benny Walker

RE: Change in Water Right Ownership, 120 Baseline Road, Bellevue, ID 83313;
Household Finance Corporation to Helen H. Bond
KKCL File No. 9938

Dear Mr. Walker:

Enclosed please find the Notice of Change in Water Right Ownership application with supporting documentation together with filing fee in the amount of \$250.00 for your information.

The property and water rights were previously owned by Robert B. Hoffman and Sally J. Hoffman which property was foreclosed by Household Finance Corporation and then sold by Household Finance Corporation to Helen H. Bond.

I appreciated your assistance in providing the water right information concerning the subject property. As you may be aware there are three water rights (37-11747, 37-02556 and 37-07817) that may be appurtenant in part to the subject property. These water rights were included as part of the water rights ownership change application.

Please change the water rights ownership accordingly.

Your assistance and cooperation in this matter is most appreciated. Thank you.

Very truly yours,

KNEELAND, KORB, COLLIER & LEGG, PLLC

By


Robert Korb

RK/cm

Enclosures: Notice of Change w/attachments
Title insurance policy

cc: Client

F:\WPDATA\bond,h\ltr IDWR 08-24-09.wpd

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 AUG 10 AM 11 26

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

In Re SRBA

Case No. 39576

) SUBCASE NO. 37-11749, 37-11750,
) 37-11751, 37-11752,
) 37-20619, 37-20621
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

8/10/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8-10, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

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

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

Robert Hoffman
Sally Hoffman
304 S Coho Rd
Post Falls ID 83854



Signature of person or attorney mailing the form

08/03/2009

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

RIGHT NUMBER: 37-11749
NAME AND ADDRESS: ROBERT B HOFFMAN
304 S COHO RD
POST FALLS ID 83854
SALLY J HOFFMAN
304 S COHO RD
POST FALLS ID 83854

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 1.700 CFS
PRIORITY DATE: 06/01/1901

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	04/15 10/31	1.700 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE	10.00	T01S R19E S06 NWSE 2.00
	12 ACRES TOTAL		

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Base Line Canal Co.
This right is a split from former right 37-436.

08/03/2009

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

RIGHT NUMBER: 37-11750

NAME AND ADDRESS: ROBERT B HOFFMAN
304 S COHO RD
POST FALLS ID 83854

SALLY J HOFFMAN
304 S COHO RD
POST FALLS ID 83854

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.130 CFS

PRIORITY DATE: 06/02/1890

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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.130 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S06 Lot 2 SWNE 10.00 T01S R19E S06 NWSE 2.00

12 ACRES TOTAL

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - Decreed

This right is a split from former right 37-435.

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

08/03/2009

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

RIGHT NUMBER: 37-11751
NAME AND ADDRESS: ROBERT B HOFFMAN
304 S COHO RD
POST FALLS ID 83854
SALLY J HOFFMAN
304 S COHO RD
POST FALLS ID 83854

SOURCE: BIG WOOD RIVER
QUANTITY: 0.590 CFS
PRIORITY DATE: 06/20/1884

TRIBUTARY: MALAD RIVER

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	04/15 10/31	0.590 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE 10.00	T01S R19E S06 NWSE	2.00
	12 ACRES TOTAL		

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - Decreed

This right is a split from former right 37-434.

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

08/03/2009

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

RIGHT NUMBER: 37-11752
NAME AND ADDRESS: ROBERT B HOFFMAN
304 S COHO RD
POST FALLS ID 83854
SALLY J HOFFMAN
304 S COHO RD
POST FALLS ID 83854

SOURCE: BIG WOOD RIVER
TRIBUTARY: MALAD RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 04/17/1883

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	04/15 10/31	0.070 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE	10.00	T01S R19E S06 NWSE 2.00

12 ACRES TOTAL

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - Decreed

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

This right is a split from former right 37-433.

08/03/2009

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

RIGHT NUMBER: 37-20619
NAME AND ADDRESS: ROBERT B HOFFMAN
304 S COHO RD
POST FALLS ID 83854
SALLY J HOFFMAN
304 S COHO RD
POST FALLS ID 83854

SOURCE: GROUND WATER
QUANTITY: 0.110 CFS
36.00 AFY

TRIBUTARY:

Rights 37-20619 and 37-20621 when combined shall not exceed a total diversion rate of 0.19 cfs, and a total annual maximum diversion volume of 42.0 af at the field headgate.

PRIORITY DATE: 12/12/1979

POINT OF
DIVERSION:

T01S R19E S7 NWNWNE 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	0.110 CFS 36.00 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R19E S06 Lot 2 SWNE 10.00	T01S R19E S06 NWSE	2.00
	12 ACRES TOTAL		

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The point of diversion is located in Lot 3 Blk 1 of the Schoessler Subdivision.

This right is a split from former Right 37-7817.

08/03/2009

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

RIGHT NUMBER: 37-20621

NAME AND ADDRESS: ROBERT B HOFFMAN
304 S COHO RD
POST FALLS ID 83854

SALLY J HOFFMAN
304 S COHO RD
POST FALLS ID 83854

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.170 CFS
42.00 AFY

Rights 37-20619 and 37-20621 when combined shall not exceed a total diversion rate of 0.19 cfs, and a total annual maximum diversion volume of 42.0 af at the field headgate.

PRIORITY DATE: 09/21/1954

POINT OF
DIVERSION:

T01S R19E S7 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.170 CFS
42.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S06 Lot 2 SWNE 10.00 T01S R19E S06 NWSE 2.00

12 ACRES TOTAL

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former Right 37-2556B.

The point of diversion is located in Lot 3 Blk 1 of the Schoessler Subdivision.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

August 10, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ROBERT HOFFMAN
SALLY HOFFMAN
304 S COHO RD
POST FALLS ID 83854

RE: SRBA Claim(s) 37-11749, 37-11750, 37-11751, 37-11752,
37-20619, 37-20621

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure



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

February 27, 2006

✓ ROBERT B. HOFFMAN
120 BASELINE RD
BELLEVUE ID 83313

DEAN R. ROGERS
28 HILLSIDE RANCH RD
BELLEVUE ID 83313

RECEIVED
JUL 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Application for Transfer No. 71732

Gentlemen:

This letter is a follow-up to our telephone call on this date regarding a Pre-Hearing Conference pertaining to the above contested matter that has been scheduled for:

Tuesday – March 7, 2006 commencing at 1:00 p.m. in the Downstairs Meeting Room, Suite 108, Annex Building located at 219 South First Avenue in Hailey, ID.

If you have a conflict, please let me know as soon as possible.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

208-819-9206

7-24-09

Sarah
Dear ~~Dean~~ Allen,

Please withdraw this application at this time. Also, please change my address for all future correspondence regarding my water rights to:

304 S. COHOD.
POST FALLS, ID
83854

Thanks
Brockman

11/16/2006

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

RIGHT NUMBER: 37-20619

NAME AND ADDRESS: ROBERT B HOFFMAN
120 BASELINE RD
BELLEVUE ID 83313

SALLY J HOFFMAN
120 BASELINE RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.110 CFS
36.000 AFY

Rights 37-20619 and 37-20621 when combined shall not exceed a total diversion rate of 0.19 cfs, and a total annual maximum diversion volume of 42.0 af at the field headgate.

PRIORITY DATE: 12/12/1979

POINT OF DIVERSION:

T01S R19E S7 NWNWNE 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	0.110 CFS 36.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S06 Lot 2 SWNE 10.00 T01S R19E S06 NWSE 2.00

12 ACRES TOTAL

Right Nos. 37-11749, 37-11750, 37-11751, 37-11752, 37-20619 and 37-20621 are limited to the irrigation of a combined total of 12 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: BASIS OF CLAIM - License

The point of diversion is located in Lot 3 Blk 1 of the Schoessler Subdivision.

This right is a split from former Right 37-7817.



Idaho Department of Water Resources

SRBA Recommendation:

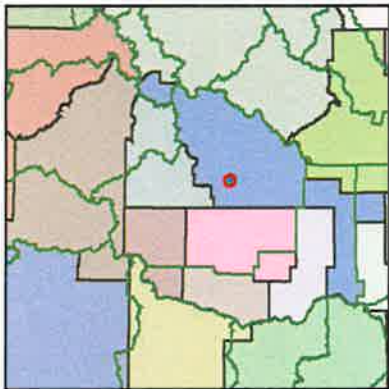
37-20619

37-20621

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles

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

Owner: Robert B Hoffman

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

MEMORANDUM

TO: SRBA Files 37-11749, 37-11750, 37-11751, 37-11752, 37-20618, 37-20619, 37-20620, and 37-20621

FROM: Corey Skinner *CS*

DATE: November 25, 2002

SUBJECT: Transfers involving related rights.

This day, the Department officially received and receipted two transfer applications, #70245 and #70246, involving parts of rights 37-20618 and 37-20620. Kenneth and Kathy Schoessler currently own these two rights. Note that claims 37-11749, 37-11750, 37-11751, 37-11752, 37-20619, and 37-20621, all in the name of Robert and Sally Hoffman, were at one time appurtenant to property owned by the Schoesslers (see ownership changes in claim files). In reviewing the transfers it was discovered that the place of use of surface water claims 37-11749, 37-11750, 37-11751, and 37-11752 overlap the place of use of the Schoessler's rights 37-20618 and 37-20620. However, examination of the claim files reveals that historically Schoessler had only used the surface rights (claims 37-11749, 37-11750, 37-11751, 37-11752) on the property that was sold to the Hoffmans. However, the Hoffman's surface claims still list the Schoessler property as part of their place of use, since the Schoesslers and/or the Hoffmans never amended the surface claims to actually reflect the historical place of use. The two Schoessler transfers are being processed based on the groundwater rights being primary rights, since the surface water is/was used for only the Hoffman property. If the two transfers are approved accordingly, then the **Hoffman surface water claims 37-11749, 37-11750, 37-11751, and 37-11752 need to be recommended only on the Hoffman property.**

Vikie Hancock's 12/14/01 memo in the claim files, and previous conversation memos in the claim files, shed more light on the use of the water on the Schoessler property and subsequent split of part of the property and water rights to the Hoffmans.



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

December 14, 2001

Robert B. and Sally J. Hoffman
110 W Braemere
Boise, Idaho 83702

RE: Snake River Basin Adjudication (SRBA)
Claim Numbers: 37-11749, 37-11750, 37-11751, 37-11752
37-20619 (your deeded portion of 37-7817) and
37-20621 (your deeded portion of 37-2556B)
Change of Ownership Notification

Dear Claimants:

With the receipt of proper documentation showing that you are current owner of lands associated with the above referenced Snake River Basin Adjudication claims, our records have been updated. The enclosed copies are for your records, please review these documents for accuracy in all respects. If you have any questions or concerns, please contact me at this office.

The SRBA is an ongoing process; in the future, you may be notified with more information concerning your water right claim. You also may be asked to provide more information to assist us in correctly recommending your water right to the SRBA Court. It is, therefore, important that IDWR be kept informed of changes in ownership and address. We thank you for your continued cooperation in the Adjudication.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-7817

12/14/2001

WATER RIGHT NUMBER: 37-7817

Owner Type

Current Owner

Name and Address

KATHY SCHOESSLER
 HC 62 BOX 1600
 WELLS, NV 89835
 (775)755-2808

Current Owner

KENNETH J SCHOESSLER
 HC 62 BOX 1600
 WELLS, NV 89835
 (775)755-2808

Priority Date: 12/12/1979

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To
 04/01 to 11/01

Diversion Rate

0.870 CFS

Annual Volume

342.00 AF

Total Diversion:

0.870 CFS

342.00 AF

Location of Point(s) of Diversion

GROUND WATER

BLAINE County

NW1/4NW1/4NE1/4

Sec. 7, Twp 01S, Rge 19E, B.M.

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 19E 6			10.0 L 2												26.0	26.0	62.0
01S 19E 7			26.0	26.0													52.0
Total Acres: 114																	102

Conditions of Approval:

- 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Remarks:

- General 11-5-2001 AMENDED CLAIM TO AGREE WITH LICENSE DATED MAY 4, 1990. - VH
- General 5/17/00, CHANGED ADDRESS, ADDED KATHY SCHOESSLER AS PER REQUEST RECD 5/8/00. C.T.

12.8%
 per deed

37-7817
 Hoffman
 Schoessler
 37-20418

37-20419

43.8
 298.2

12
 50
 52
 102 / 12

STATE OF IDAHO
COUNTY OF BLAINE

I, MARSHA RIEMANN, EX-OFFICIO RECORDER IN AND FOR
SAY COUNTY AND STATE DO HEREBY CERTIFY THAT THE
FOLLOWING IS A FULL, TRUE AND CORRECT COPY OF THAT
CERTAIN INSTRUMENT OR RECORD IN MY OFFICE AS
INSTRUMENT NO. 444956

RECORDS OF BLAINE COUNTY, STATE OF IDAHO
WITNESS MY NAME AND OFFICIAL SEAL THIS 30 DAY

OF October 2001

Leslie London MARSHA RIEMANN
DEPUTY EX-OFFICIO RECORDER

Instrument # 444956

HAILEY, BLAINE, IDAHO

2000-11-09

03:19:00 No. of Pages: 2

Recorded for : ROSHOLT, ROBERTSON

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTYQC/CORP DEED

RECEIVED
DEC 12 2001
Department of Water Resources
Southern Region

QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH J. SCHOESSLER and KATHY SCHOESSLER, husband and wife, hereinafter referred to as "Grantors", do hereby convey, release, remise and forever quitclaim unto ROBERT HOFFMAN and SALLY HOFFMAN, husband and wife, whose address is 110 West Braemere, Boise, Idaho, 83702, all of their right, title and interest in and to the following State of Idaho water rights as claimed in the Snake River Basin Adjudication, to-wit:

Idaho Department of Water Resource Nos. 37-11749,
37-11750, 37-11751 and 37-11752

To have and to hold the said premises and their appurtenances unto the said Grantees, their successors and assigns, forever.

DATED this 6th day of November, 2000.

"GRANTORS"

Kenneth J. Schoessler
KENNETH J. SCHOESSLER

Kathy Schoessler
KATHY SCHOESSLER

STATE OF Idaho)
County of Twin Falls)ss.

On the 6th day of November, 2000, before me, a Notary Public, in and for said County and State, personally appeared KENNETH J. SCHOESSLER, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Sherry L. Call
NOTARY PUBLIC
Residing at Twin Falls, Id
My commission expires: 3/03/04

QUITCLAIM DEED - 1

STATE OF Idaho)
)ss.
County of Blaine Falls)

On the 6th day of November, 2000, before me, a Notary Public, in and for said County and State, personally appeared KATHY SCHOESSLER, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Sherry L. Call
NOTARY PUBLIC
Residing at: Blaine Falls, Id
My commission expires: 3/03/04

!rlw\rcalst\qcd water



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

December 5, 2001

Robert B. Hoffman
802 West Bannock #206
Boise, Idaho 83702

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: 37-2556B, 37-7817, 37-11749, 37-11750, 37-11751, and
37-11752 for irrigation

Dear Mr. Hoffman:

I have not heard from you concerning the change of ownership of the above water rights appurtenant to your property in the Bellevue area. As you recall, there was some question as to whether I had received the most current deed conveying a portion of the water rights to you from Kenneth Schoessler. Please advise if you wish me to hold off on the change of ownership. If I do not hear from you I will proceed as instructed on the Quit Claim Deed, dated July 24, 2000, instrument #441458. If you have sent additional information to the Department that has not reached me, please let me know and I will track it down.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls



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

November 5, 2001

Bob Hoffman
802 West Bannock, #206
Boise, Idaho 83702

RE: Snake River Basin Adjudication (SRBA)
Ownership change - Schoessler to Hoffman
Claim Nos.: 37-2556B & 37-7817 Irrigation from Ground Water
37-11758 Domestic from Ground Water (Decreed) ← *Decreed in Hoffman's name*
37-11747 Stock water from Ground Water ← *Decreed in Schoessler's name*
37-11749, 37-11750, 37-11751, 37-11752 Irrigation from Surface Water

Dear Mr. Hoffman:

I am sorry that it took me a few days to get back to you after your inquiry as to the status of the above ownership change. After doing a bit more research, I found that you had indeed sent in the proper change of ownership forms for these rights. However, as you suspected, there is still some concern about the conveyance of the surface water rights.

It appears that the only deed we have in our files (see enclosed) conveys 12.8% of both the surface and the ground water rights to you. There is correspondence that indicates Gary Slette (now of Robertson, Hepworth, Slette, Worst and Stover) was intending to send additional documents in the form of an affidavit outlining the historical use of surface water on the property you purchased, as well as a deed conveying all the surface water rights to you in their entirety. There is no indication that we received those documents for processing here at Southern region.

If you determine that there were additional documents prepared, and arrange for them to be sent us, we can proceed with the splitting of the water rights appurtenant to the Schossler property in the manner specified in the most current deed. For your review, I am enclosing computer printouts of all the water rights that were filed as claims on the property you purchased. By plotting the meets and bounds found in your deed, IDWR determined that your property consists of 13 acres in the SWNE and 2 acres in the NWSE of Section 6.

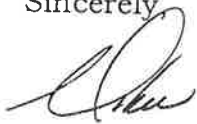
There is an additional impediment to changing ownership of a portion of 37-11747, decreed in the SRBA for stock water and domestic use. If you will notice, this water right was never claimed to be appurtenant to the property you purchased. In order for a portion of this water right to be used on your property for stock water, you would need to file an application to transfer the place of use of a portion of this water right to your property. Depending on the

number of stock you wish to have, domestic right 37-11758 may suffice, as domestic water rights include the watering of stock associated with your home.

I understand that Jim Stanton referred you to our web site for acquiring forms for the transfer of water rights, and also explained that changing a water right from a surface water source to a ground water source may be a difficult sell to the Department. *Unless a superceding deed from Schoessler retains both ground water rights 37-2556B and 37-7817 for use on his property*, you may wish to review the diversion amounts that are available to you for irrigation from groundwater under your portion of these rights before you pursue a transfer of source for rights 37-11749, 37-11750, 37-11751 and 37-11752. The standard diversion amount allowed for irrigation in Idaho is one inch (0.02 cfs) per acre.

If the deed signed July 24, 2000 represents the final instructions for the splitting of these water rights, please let me know and I will process the change on all but 37-11747. I have also enclosed the address and phone number of Gary Slette's firm, as there have been recent changes in name and personnel.

Sincerely,



Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

TRANSMITTAL COVER SHEET

TO: Cary Slette

TOTAL PAGES SENT: 7

(including cover sheet)

DOCUMENT DESCRIPTION: Schoessler → Hoffman
Water Right ownership change

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: D Jones

COMMENTS: _____

09/12 09:45
RSHOLT
00:01:41
07
OK
STANDARD
ECM

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TIME : 09/12/2000 09:47
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

Jones, Doug

From: Young, Norm
Sent: Friday, September 08, 2000 7:54 AM
To: Jones, Doug
Subject: RE: Surface Water/Ground Water Rights separation

Doug: As usual, these matters are a moving target as more information comes available. I understood Slette to say that the ground water right had been used exclusively for decades on the entire property. Merritt was concerned because even if true, the water district records showed the surface right had been diverted whenever available. Perhaps it only provided conveyance water for the canal, but he did not like to see it abandoned, and he had cautioned Slette that if the ground water right were found to be supplemental to the surface water, the use of the ground water right could be limited. My response was simply that this is a very common situation. Karl in looking at Branchflower's request to remove the supplemental condition on a number of his Basin 36 rights had evaluated whether at the time the ground water right was developed, the developer only used the ground water and made no provision for use of the surface water. If so, the ground water right was developed as a primary right.

Now it seems Slette wants to preserve the surface water right for use on part of the property. This complication needs more discussion. Give me a call; perhaps we need to involve Susan and/or Phil.

Norm

21-1011, 37-1149, 11750, 11751, 11752

Jones, Doug

From: Merritt, Allen
Sent: Thursday, September 07, 2000 11:38 AM
To: Jones, Doug; Young, Norm
Subject: RE: Surface Water/Ground Water Rights separation

Yesterday Slette and Schoessler called. And Slette indicated that Schoessler had reviewed with him the history of use since the 80's. In essence the surface water has only been used on the northern parcel to flood irrigate approximately 7 acres. These acres are included in a parcel which have been sold to Hoffman. In the deed to Hoffman it specified a proportionate share of the groundwater and surface water to go with the property. They are going to provide an affidavit to support this history of use. We discussed the options of either relinquishing the surface water on Schoessler's remaining property or somehow getting the water associated with the parcel sold to Hoffman where it has been used. It was decided to have Schoessler quit claim all of the surface water (or at least the proportionate share retained by Schoessler) to Hoffman. I told them they needed to inform Hoffman and the watermaster. (Hoffman then may need to amend his AJ claims)

I do not think a transfer is needed as Doug suggests. It appears based on their historical rendition of use that the southern portion of the property retained by Schoessler has only been irrigated by groundwater.

A review of the priorities of the surface water are such that some of the surface water rights are only good for a flash watering in the spring with the remaining good priority water only good for a very small flow that logically supports the rendition of use they claim (use on only few acres adjacent to canal).

I believe a significant amount of the surface water will sink in the baseline regardless of who claims it.

-----Original Message-----

From: Jones, Doug
Sent: Thursday, September 07, 2000 11:08 AM
To: Young, Norm
Cc: Merritt, Allen
Subject: Surface Water/Ground Water Rights separation

Norm,

Allen referred a matter to me, since he will be gone for a couple of weeks, involving Ken Schoessler in Basin 37. I believe the matter has already been brought to your attention by Gary Slette.

The situation, as I understand it, is that Schoessler wants to unstack his surface and ground water rights so that the parcels he is dividing from the property only have ground water. There is apparently a series of years that the surface water has not been applied to the land, though the watermaster has stated that the water is turned out of the Big Wood.

According to Allen, Mr. Schoessler will be coming in to the office to file some sort of affidavit to the effect that he considers his ground water rights to be his primary source and quit claiming the surface rights to a person named Hoffman. Hoffman bought the first parcel that abuts the Baseline Canal.

I am writing to seek your perspective on how to best proceed. It seems to me that there should be a transfer application filed to move the surface rights from the Schoessler land to the Hoffman land. In the alternative, there may be some administrative precedent to advise that the surface rights need to be retained and diverted in order to "recharge" the aquifer - that quit claiming the surface rights away could jeopardize the validity of the ground water rights developed (at least the older 1954 right) to augment the surface source. Transfer #2391 (1980) supports this conclusion since the application states that the ground water rotated to the property once every two weeks. A two week rotation would adversely affect a crop without some other source of water., hence my conclusion that the right was developed as supplemental water.

Would IDWR recommend an outlandish number of inches per acre if the surface water is mounded on very much fewer acres? Is this an "accomplished transfer"? Is this an enlargement? All tough questions and perhaps not needing an answer at this point.

My reasoning would be that if you think a transfer is not required because of accomplished transfer, then Hoffman needs to amend his "parts" of the SRBA claims to surface water to claim the whole thing. My preference would be that

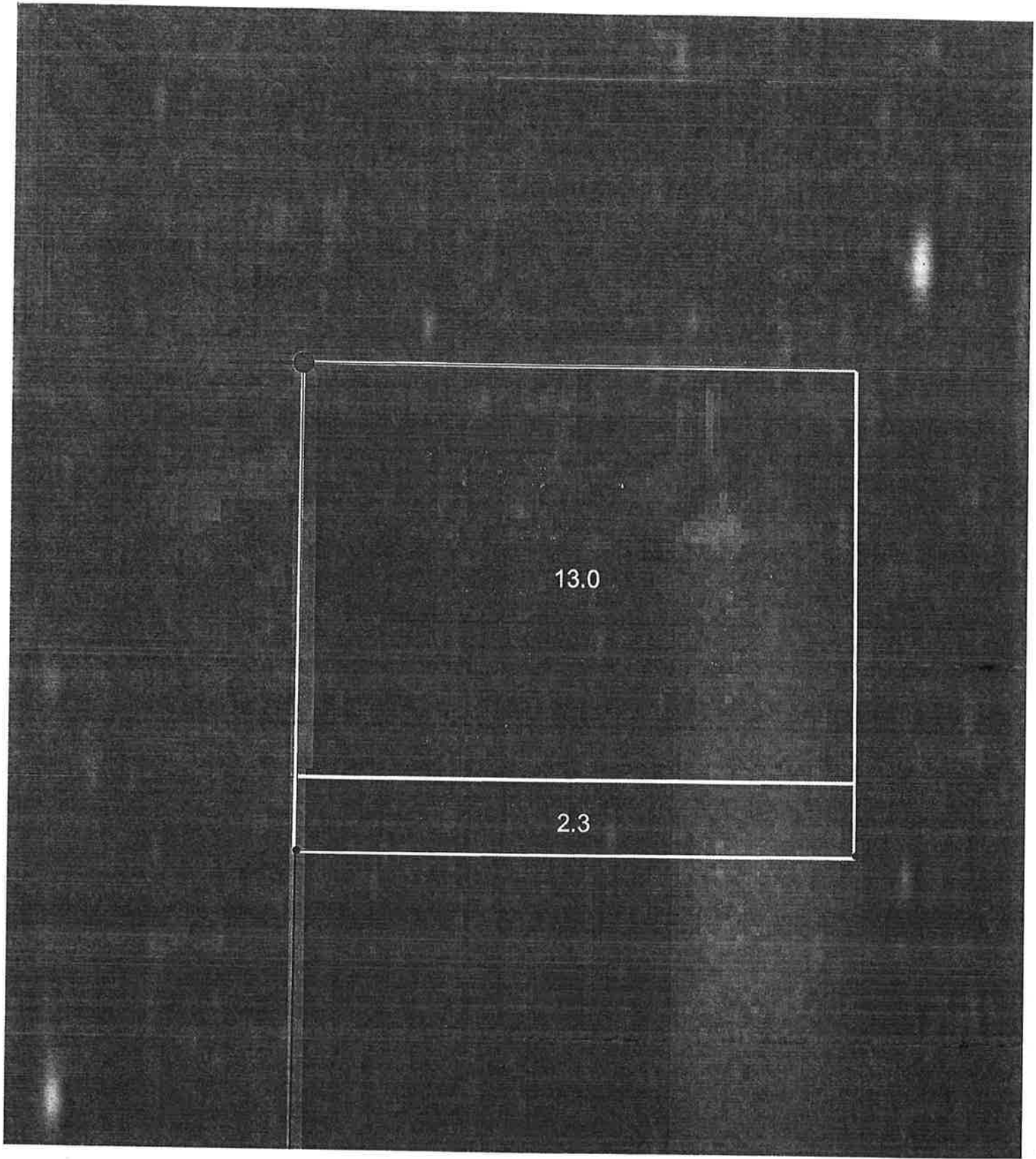
Schoessler retain the surface rights, pay assessment, and use conveyance losses to offset the shift in reliance from surface to ground source.

Thanks for your considerations on this and look forward to hearing from you.

Doug

Lot 2 =
SWNE

06 LT04	06 LT03	06 LT02	06 LT01	05 LT04	05 LT03	05 LT02	05 LT01	04 LT04	04 LT03	04 LT02	04 LT01	03 LT04	03 LT03	03 LT02	03 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01
06 LT03	06 NE3W	06 NW3E	06 NE3E	05 NW3W	05 NE3W	05 NW3E	05 NE3E	04 NW3W	04 NE3W	04 NW3E	04 NE3E	03 NW3W	03 NE3W	03 NW3E	03 NE3E	02 NW3W	02 NE3W	02 NW3E	02 NE3E	01 NW3W	01 NE3W	01 NW3E	01 NE3E
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07 LT02	07 SE1W	07 SW1E	07 SE1E	06 SW1W	06 SE1W	06 SW1E	06 SE1E	05 SW1W	05 SE1W	05 SW1E	05 SE1E	04 SW1W	04 SE1W	04 SW1E	04 SE1E	03 SW1W	03 SE1W	03 SW1E	03 SE1E	02 SW1W	02 SE1W	02 SW1E	02 SE1E
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19 LT04	19 SE3W	19 SW3E	19 SE3E	20 SW3W	20 SE3W	20 SW3E	20 SE3E	21 SW3W	21 SE3W	21 SW3E	21 SE3E	22 SW3W	22 SE3W	22 SW3E	22 SE3E	23 SW3W	23 SE3W	23 SW3E	23 SE3E	24 SW3W	24 SE3W	24 SW3E	24 SE3E
20 LT01	20 NE1W	20 NW1E	20 NE1E	21 NW1W	21 NE1W	21 NW1E	21 NE1E	22 NW1W	22 NE1W	22 NW1E	22 NE1E	23 NW1W	23 NE1W	23 NW1E	23 NE1E	24 NW1W	24 NE1W	24 NW1E	24 NE1E	25 NW1W	25 NE1W	25 NW1E	25 NE1E
20 LT02	20 SE1W	20 SW1E	20 SE1E	21 SW1W	21 SE1W	21 SW1E	21 SE1E	22 SW1W	22 SE1W	22 SW1E	22 SE1E	23 SW1W	23 SE1W	23 SW1E	23 SE1E	24 SW1W	24 SE1W	24 SW1E	24 SE1E	25 SW1W	25 SE1W	25 SW1E	25 SE1E
20 LT03	20 NE3W	20 NW3E	20 NE3E	21 NW3W	21 NE3W	21 NW3E	21 NE3E	22 NW3W	22 NE3W	22 NW3E	22 NE3E	23 NW3W	23 NE3W	23 NW3E	23 NE3E	24 NW3W	24 NE3W	24 NW3E	24 NE3E	25 NW3W	25 NE3W	25 NW3E	25 NE3E
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- Subject Property
- Point(s) of Diversion
- Section Lines
- Quarter/Quarter Lines

Schoessler/Hoffman
Owner Change



8/21/00, D Jones



Title: Schoessler to Hoffman T01S, R19E, S6

Date: 08-22-2000

Scale: 1 inch = 2000 feet

File: Hoffman.des

Tract 1: 15.001 Acres: 653423 Sq Feet: Closure = s20.3432w 0.01 Feet: Precision = 1/509092: Perimeter = 3241 Feet

001=NW,NW;NE,6,1S,19E

003=S0.0941E 755.86

005=N0.1745E 755.92

002=N89.4249E 861.45

004=S89.4245W 867.48

Sawtooth Title

C O M P A N Y

July 27, 2000

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED
JUL 28 2000
Department of Water Resources
Southern Region

Re: Order No. 26818

TL 6861 - 6/1S/19E
Hoffman/Schoessler

Dear Ladies and Gentlemen:

In connection with the above mentioned order, please find attached copies/originals of the following document(s):

<u> X </u>	Notice of Change of Water Right Ownership.
<u> X </u>	Copy of Warranty Deed recorded as Instrument No. 441457.
<u> X </u>	Copy of Quitclaim Deed recorded as Instrument No. 441458.

Please do the transfer of water rights as indicated on the Quitclaim Deed.

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY

Mindy
Mindy J. Smith
Escrow Assistant

mjs

Attachment(s)

cc: Mr. and Mrs. Robert B. Hoffman



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 18, 2000

KEN and KATHY SCHOESSLER
HC 62 BOX 1600
WELLS NV 89835

RE: A37-02556B, A37-07612 (New Claims)
A37-00577C, A37-00704G, A37-07817, 37-11747, A37-11749, A37-11750,
A37-11751, A37-11752, 37-11758 (Address Change)

Dear Mr. and Mrs. Schoessler,

Enclosed are the two **NEW Claims** you wished to file. If they appear correct, please sign in front of a notary and return to my attention with a check for \$100.00 (\$50.00 per claim).

One thing I did notice was that we already had a claim in our TEMP file for A37-07612. It was dated 10/19/1988, but for some reason the fees were never paid and so the claim was never officially filed. This will take care of that and the only reason I mentioned this is because it listed **the legal description for the Point of Diversion (Item #4), as the NWNWNW of Section 7**. The License, however, listed the **Point of Diversion as the NWNE of Section 7**. I have enclosed a map for you to review and if the claim I have prepared needs to be changed, just make any changes and initial by the those changes. I will make the corrections to our records when I receive them with your check.

I have also enclosed the **Change of Address** form listing your other rights, which needs to be **signed and dated** and returned to our office.

If you have any questions, feel free to give me a call at the office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written in dark ink.

Jeanie Robertson
Sr. Water Resource Agent

MAY 22 1990

State of Idaho
Department of Water Resources

Department of Water Resources
Southern Region Office

WATER RIGHT LICENSE
WATER RIGHT NO. 37-07817

Priority: December 12, 1979

Maximum Diversion Rate: 0.87 CFS
Maximum Diversion Volume:¹ 342.0 AF

This is to certify, that KENNETH J. SCHOESSLER
RT. 1

BELLEVUE, ID 83313
has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 12, 1979; and
has submitted Proof of Beneficial Use on January 29, 1982. An examination indicates
that the works have a diversion capacity of 1.730 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.87 CFS	342.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 7, Township 01S, Range 19E
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>
01S	19E	6	LOT 2(SWNE) 10	NWSE 26	SWSE 26	62
		7	NWNE 26	SWNE 26		52

Total number of acres irrigated: 114

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

COPY

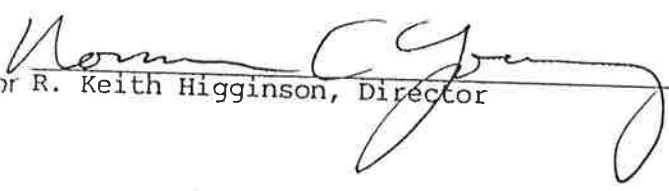
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 37-07817

CONDITIONS/REMARKS:

6. The maximum combined rate of diversion from this well under this right & Right 37-2556B shall not exceed 1.73 cfs.

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 4TH day of MAY, 1990.


Acting for R. Keith Higginson, Director