

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 37-21219
Date Received: 1/21/2004
Receipt No: 5026428
Received By: *[Signature]*

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

1. Name of Claimant(s)

VICTOR VILLAVICENCIO
321 AUSTIN RD
CAREY ID USA 83320

Phone: (208) 823-4638

MARLA VILLAVICENCIO
321 AUSTIN RD
CAREY ID USA 83320

Phone: (208) 823-4638

2. Date of Priority: 08/18/1905

3. Source: FISH CREEK

Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	22E	33	SE NE SE	BLAINE	

5. Description of diverting works:

Delivered through the High Line Canal

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.9	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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01S

22E 6

SE	SW	
SW	SW	5

IRRIGATION	16
IRRIGATION	9

Section Acres 25

Total Acres 25

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: PART OF WATER RIGHT 37-753.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): 1/1 Julia Villavicencio Date: 1-21-04
Date: _____

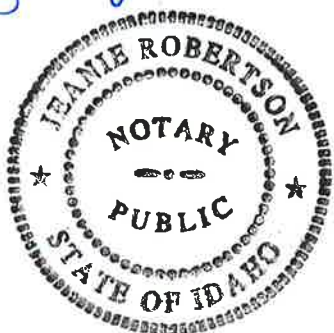
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st.
of January 2004
Jenni Robertson

Notary Public

Residing at Twin Falls, ~~Id.~~

My commission Expires 9-23-06



Idaho Department of Water Resources Receipt

Receipt ID S026428

Payment Amount \$100.00 Date Received 1/21/2004 12:01:46 PM Region Southern Status ☐
Payment Type Check Check Number 4098

COPY

Payer VILLAVICENCIO, MARLA

Comment 37-21219 Irrigation \$75.00
37-21220 Stockwater \$25.00

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337		44503	1155


Signature Line (Dept. Representative)

REAL ESTATE MORTGAGE FOR IDAHO

THIS MORTGAGE is made and entered into by VICTOR VILLAVICENCIO and MARLA L.

VILLAVICENCIO, husband and wife

residing in BLAINE County, Idaho, whose post office address is

P.O. Box 722 Picabo, Idaho 83348,

herein called "Borrower," and the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government."

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

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
February 27, 1989	\$48,600.00	5%	February 27, 2029

(The interest rate for limited resource farm ownership or limited resource operating loan(s) secured by this instrument will be increased after 3 years as provided in the Farmers Home Administration regulations and the note.)

And the note evidences a loan to Borrower, and the Government, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farm and Rural Development Act, or Title V of the Housing Act of 1949 or any other statutes administered by the Farmers Home Administration;

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

And this instrument also secures the recapture of any interest credit or subsidy which may be granted to the Borrower by the Government pursuant to 42 U.S.C. §1490a.

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

County(ies) of _____:

Township 1 South, Range 22 East, Boise Meridian, Blaine County, Idaho
Section 6: Lot 5 and SE $\frac{1}{4}$ SW $\frac{1}{4}$

AND

100 Share(s) in Carey Valley Irrigation Reservoir Company.

COPY

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

NUMBER
45

SHARES



CAREY VALLEY IRRIGATION RESERVOIR COMPANY, INC.

THIS CERTIFIES THAT *United States of America Mortgage*
Victor Villaricencio and Maria Villaricencio is the owner of
One hundred (100) Shares of the Capital Stock of

CAREY VALLEY IRRIGATION RESERVOIR COMPANY, INC.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and to be sealed with the Seal of the Corporation

Charles J. Paul this *28th* day of *February* A.D. *1989*
Edwin Lester

SECRETARY

PRESIDENT

Shares NO PAR Each.

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR, WITHOUT
ALTERATION OR ENLARGEMENT, OR ANY CHANGE WHATSOEVER.

For Value Received, hereby sell, assign, and transfer
under _____ *Shares*
of the Capital Stock represented by the within
Certificate, and do hereby, irrevocably, constitute and appoint
to transfer the said Stock on the books of the within named
Corporation with full power of substitution in the premises:
Dated _____ *19* _____
The Assignee of

CERTIFICATE

FOR
SHARES

OF THE
Capital Stock

CAREY VALLEY
IRRIGATION RESERVOIR
COMPANY, INC.

ISSUED TO

DATED

This certificate entitles the owner thereof to receive one acre foot of water per share from storage space in Fish Creek Reservoir, if available, less transmission losses, said water being appurtenant to the following described land:

in accordance with the terms of the Articles and By-Laws of the Carey Valley Irrigation Reservoir Company, Inc.

And this certificate also entitles the owner to a proportionate interest in the dam, reservoir, diversion works, canals, water rights and other facilities of the Carey Valley Irrigation Reservoir Company, Inc., based upon the number of shares issued in accordance with the Articles and By-Laws of said Company.

The shares of stock represented hereby are subject to assessment in accordance with Articles VI and VIII of the Articles of Incorporation and the By-Laws of this Corporation.

STOCK CERTIFICATE RESTRICTIONS

This Stock Certificate and the water and ditch right represented hereby may be transferred only after compliance with Article IX, Section 3 of the By-Laws of the corporation.

This Stock is assessable in accordance with the Articles of Incorporation and By-Laws and in addition to the other remedies provided by law, the water rights and the real property to which such rights are appurtenant are subject to a lien for the payment of all assessments.

The water right represented by this Stock Certificate is subject to actual transmission losses incurred in effecting delivery of the water to the land to which the water is appurtenant.

T 6

T 257 V. Villavicencio
8

T 258 J. Rush
78

Spring
(Stockwater)
37-21220

7.0

2
3.9

3
8.7

8.3

Domestic
well

2 7



9



16

SW SW

(37-21220)
SPRING
K

SE SW

T 01 S
R 22 E
Sec 6

37-21219

03/10/2004

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

RIGHT NUMBER: 37-21219

NAME AND ADDRESS: VICTOR VILLAVICENCIO
321 AUSTIN RD
CAREY ID 83320

MARLA VILLAVICENCIO
321 AUSTIN RD
CAREY ID 83320

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.900 CFS

PRIORITY DATE: 08/18/1905

POINT OF DIVERSION:

T01N R22E S33 SENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.900 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R22E S06 Lot 5 SWSW 9.0

T01S R22E S06

SESW 16.0

25 ACRES TOTAL

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

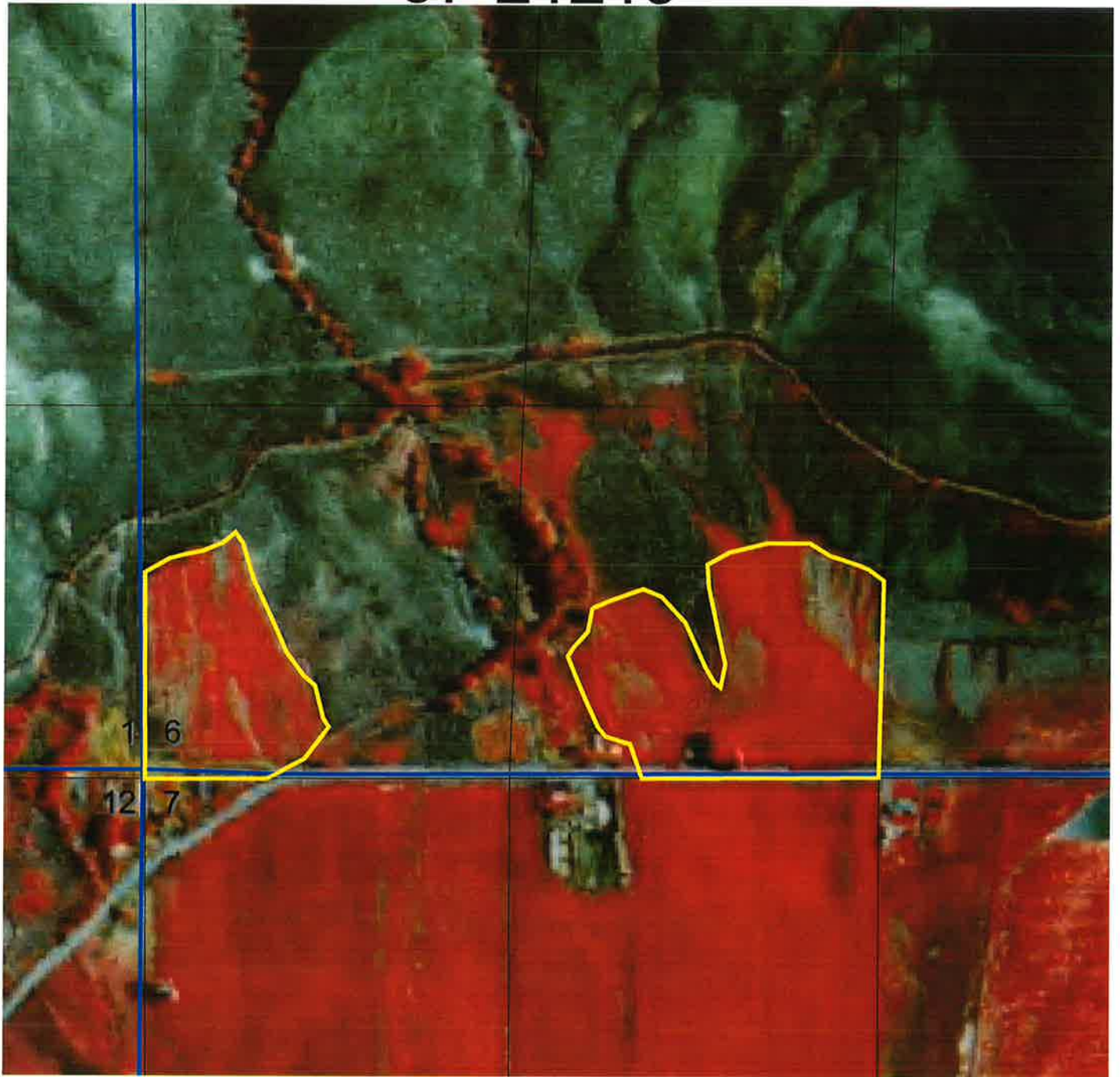
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH HIGHLINE CANAL.

IDAHO DEPT OF WATER RESOURCES

37-21219



1320 0 1320 Feet

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

TWN: 1S
RNG: 22E
SEC: 6



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

Date: MARCH 10, 2004

Joe
Died

37-21219

37-753 split > 37-21218

12/23/03
SCL

1. Q as shown by WM? Ownership? SEE - 1-12-04
(appears this claimant is owner of $\frac{1}{2}$ the decree.)
(Other $\frac{1}{2}$ may be owned by Victor Villavicencio - unclaimed?
Victor Phone 823-4638 321 Austin Rd Carry
2. POD location? Is this delivered via Highline Canal
SEE - map (POD Highline = TIN R22E S33 SE NESE)

1-5-04

Tony Surveys, Director of Fish & Wildlife
delivered photo, map and filing with me
and advised me that this land is a
pasture & brush below highline canal. SEE
MAP page the area marked as FISH (lake area)
is Joe & Alma Rush land - other, circle, is
Victor property

Rush water out of Fish & Wildlife Canal

1-12-04
AS Per Ron Peck ^{F.C. SECRETARY} 160 acre farm owned by Joe & Alma E Rush was split between 2 sons Don & Dennis. Don runs 80 acre farm live at home with Alma. Dennis lost his 80 acres to FHA, FHA then sold Dennis 80 acres to Victor Villavicencio. so I called and visited with Mrs Villavicencio about checking with FHA on change of Adj. filing, if FHA has done nothing they should come to Boise. SEE STEVE and MAKE CORRECTIONS.

<37-21219 copy>

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-753

WATER RIGHT NUMBER: 37-753

Owner Type Name and Address
 Current Owner CHAS E HALE
 , ZZ

Priority Date: 08/18/1905

Basis: Decreed

Status: Active

Source
 FISH CREEK

Tributary
 LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.800 CFS	
	<u>Total Diversion:</u>	1.800 CFS	

Location of Point(s) of Diversion
 FISH CREEK

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	22E	6											X	X			X	X	

claimed
 pou
 37-21219

Conditions of Approval:Remarks:

1. General AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.

Comments:Dates and Other Information:

SPLIT
 A 0.90
 B 0.90
 1.80 cfs