

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 37-21271
Date Received: 3/3/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

PB INVESTMENTS Phone: (208)734-0700
PO BOX 1906
TWIN FALLS ID 83303-1906

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	0.23	90.6

7. Total Quantity Appropriated is:
0.23 C.F.S. and/or 90.6 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 SE	IRRIGATION	5

					Section Acres	5
01S	19E	7	NW	NE	IRRIGATION	13
			SW	NE	IRRIGATION	13
					Section Acres	26
					Total Acres	31

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:

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, SCHOESSLER SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-21271.

15. Basis of Claim: License



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

August 25, 2004

PB INVESTMENTS
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: SRBA Claim #37-21271, #37-21273

To whom it may concern:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownerships to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Carrie Hahn', is written over a light-colored, possibly stamped, signature line.

Carrie Hahn
Office Specialist

Enc.

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

RECEIVED
AUG 24 2004
 Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-20825 <u>21271</u>	70246	☐			☐
37-20827 <u>21273</u>	70246	☐			☐
		☐			☐
		☐			☐
		☐			☐

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Kathy Schoessler
P.O. Box 712, Wells, NV 89835
4. New Owner/Claimant(s) PB Investments, an Idaho general partnership
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 1906
 City, State and ZIP Code Twin Falls, ID 83303-1906
 New Telephone Number (208) 734-0700
5. Date you acquired the property July 13, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-20825</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.23</u>	<u>31</u>
Stock		
Domestic		
Other		
Total	<u>.23 cfs</u>	

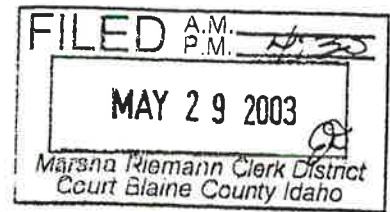
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-20827</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.39</u>	<u>31</u>
Stock		
Domestic		
Other		
Total	<u>.39 cfs</u>	

7. Signature of New Owner(s) or Claimant(s) P.B. Investments
(include title if applicable) By [Signature], - general partner

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____



Gary D. Slette
ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER, P.L.L.C.

Attorneys at Law

P. O. Box 1906

Twin Falls, Idaho 83303-1906

Telephone: (208) 734-0700

Facsimile: (208) 736-0041

ISB# 3198

c:\probate\schoessler\decree

Instrument # 484744

HAILEY, BLAINE, IDAHO

2003-05-30 11:21:00 No. of Pages: 3

Recorded for : GARY D SLETTE

MARSHA RIEMANN

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: PROBATE ACTION(LETTERS TEST,ETC)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF

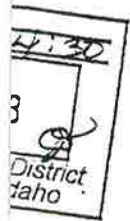
KENNETH SCHOESSLER,
Deceased.

) Case No. SP-03-3154
)
) DECREE VESTING ESTATE
) IN SURVIVING SPOUSE
)

UPON THE PETITION OF KATHY SCHOESSLER for Summary Administration
of Estate in Which Surviving Spouse is Sole Beneficiary, the Court makes the following findings:

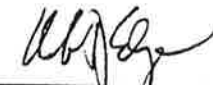
1. That Petitioner and KENNETH SCHOESSLER were duly married.
2. That the real property hereinafter described was acquired during the marriage and by the community efforts of said spouses, and not by gift, bequest, devise or descent of either of said spouses, and that the same was the community property of said parties.
3. That KENNETH SCHOESSLER died intestate on May 19, 2003, in Bannock County, Idaho, and that Decedent was a resident of the State of Nevada prior to and at the time of his death, but owned property in the State of Idaho.
4. That the Petition herein was filed on the 27th day of May, 2003, and that Waivers of all interested parties were filed concurrently therewith waiving notice to hearing.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:



1. That the property hereinafter described was acquired during the marriage and by the community efforts of said spouses; was the community property of said parties; and upon the death of the Decedent, said property became and was the sole and separate property of said Petitioner, surviving spouse of the Decedent, under and by virtue of the laws of succession of the State of Idaho, and clear of and from all right, title, interest, claim or demand of any person claiming under said Decedent as heir.
2. That said property, hereinafter described, and all other property of the Decedent in Idaho not now known, is hereby distributed to and decreed to be vested in KATHY SCHOESSLER, surviving spouse of the Decedent.
3. That there is no inheritance tax or transfer tax due to the State of Idaho from said Petitioner or from said Decedent, all of said property having been the community property of said parties.
4. Said property hereinabove referred to is situated in the State of Idaho, and more particularly described on the inventory attached hereto as Exhibit "A" and incorporated herein by reference.

DATED this 29 day of May, 2003.



MAGISTRATE

STATE OF IDAHO } ss
County of Blaine }

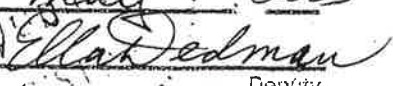
I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by official seal.

this 29 day of May, 2003

MARSHA RIEMANN

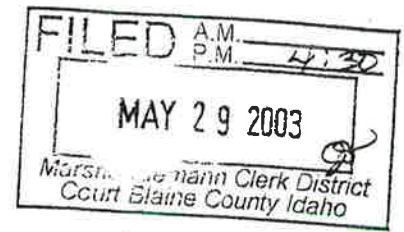
Clerk District Court


Deputy

INVENTORY OF PROPERTY

OF

KENNETH SCHOESSLER



NOTE: All property listed herein, including the below listed real property, was the community property of Kenneth Schoessler and Kathy Schoessler at the time of Kenneth Schoessler's death on May 19, 2003.

I.
REAL ESTATE

The following described real property in Blaine County, Idaho, more particularly described as:

Lots 1, 2, 3 and 4, in Block 1 of Schoessler Subdivision, according to the official plat thereof recorded as Instrument No. 472213, records of Blaine County, Idaho.

Together with any and all water rights appurtenant thereto, including, but not limited to IDWR Water Rights 37-20821, 37-20822, 37-20823, 37-20824, 37-20826 and 37-20828.

II.
INDEBTEDNESS

Indebtedness on the above described real property in favor of Intermountain Federal Land Bank Association, FLCA and Intermountain Production Credit Association, Elko, Nevada.

THE CONVENT

Instrument # 472231

Schweitzer Subdivision
56.7 T1S R19E

Page 1 of 3

1. THE INTERVIEW WAS ALL IN THE END

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The Company assumes no liability for variation, if any, with another or re-survey. Courtesy of AMERITITLE.



Order No. 54207

WARRANTY DEED

FOR VALUE RECEIVED

KATHY SCHOESSLER, an unmarried woman

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

PB INVESTMENTS, an Idaho general partnershipGRANTEE(s) whose address is: **P.O. Box 1906, Twin Falls, ID 83303**the following described real property in **Blaine County, Idaho**, to wit:**Lot 3 in Block 1 of SCHOESSLER SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 472231, records of Blaine County, Idaho.**

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 7, 2004

Kathy Schoessler
KATHY SCHOESSLER

State of Nevada

County of Elko

On this 8th day of July in the year 2004, before me, the undersigned, personally appeared **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 she/he/they executed the same.

WITNESS my hand and official seal

Diana C. Hess

Notary Public

Commission Expires:



DIANA C. HESS
NOTARY PUBLIC - STATE of NEVADA
Elko County - Nevada
CERTIFICATE # 03-83640-6
APPT. EXP. JUNE 4, 2007

Instrument # 506592

HAILEY, BLAINE, IDAHO

2004-07-13 03:30:00 No. of Pages: 1

Recorded for: AMERITITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTVGC/CORP DEED

MAP

Order No. 54207

QUITCLAIM DEED

FOR VALUE RECEIVED

KATHY SCHOESSLER, an unmarried woman

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

PB INVESTMENTS, an Idaho general partnership

whose address is: 275 5th St., Wells, NV 89835

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

Lot 3 in Block 1 of SCHOESSLER SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 472231, records of Blaine County, Idaho.

TOGETHER WITH APPURTENANT WATER RIGHTS DESCRIBED AS FOLLOWS:

0.23 cfs of IDWR No. 37-20825 and 0.39 cfs of IDWR No. 37-20827 limited to a total diversion rate of 0.45 cfs.

together with their appurtenances.

Dated: July 7, 2004

Kathy Schoessler
KATHY SCHOESSLER

Instrument # 606593

HAILEY, BLAINE, IDAHO

2004-07-13

03:31:00 No. of Pages: 1

Recorded for: AMERITITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYQCICORP DEED

MPP

State of Nevada

County of Elko

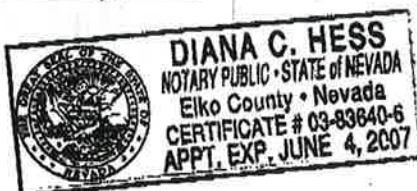
}
}ss.
}

On this 8th day of July, in the year 2004, before me, the undersigned, personally appeared 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.

Notary Public

Commission Expires:



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21271
Date Received: 3/3/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KATHY SCHOESSLER Phone: (775)752-3184
PO BOX 712
WELLS NV 89835-0712

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	0.23	90.6

7. Total Quantity Appropriated is:

0.23 C.F.S. and/or 90.6 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	SE	IRRIGATION	5
					Section Acres	5
01S	19E	7	NW	NE	IRRIGATION	13
			SW	NE	IRRIGATION	13
					Section Acres	26
					Total Acres	31

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:

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, SCHOESSLER SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-21271.

15. Basis of Claim: License



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

March 22, 2004

KATHY SCHOESSLER
PO BOX 712
WELLS NV 89835-0712

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 37-20825, 37-20827
Change of Address

Dear Ms. Schoessler:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it in the enclosed self-addressed envelope. Make corrections to your name and address, if necessary, before returning this letter. Please return this letter by . If your mail delivery address changes in any form, please contact us in writing so we can update our records.

Should you have any questions or need assistance, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

The address is correct as shown above or as otherwise changed.

Claimant Signature

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

161 Fifth Avenue South - Suite 100
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@idalawyer.com

March 26, 2004

Trish Fawcett
Technical Records Specialist
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
MAR 29 2004
Department of Water Resources
Southern Region

RE: Schoessler - Notice of Claim No. 37-20825, 37-20827

Dear Ms. Fawcett:

In accordance with your letters to Kathy Schoessler dated March 4 and March 22, 2004, we are providing the following:

- Letter dated March 22, 2004, signed by Kathy Schoessler regarding Change of Address
- Enclosed is a copy of the recorded Decree Vesting Estate in Surviving Spouse with regard to the Estate of Kenneth Schoessler. Please remove Kenneth Schoessler's name from the new claim numbers 37-21271 and 37-21273.

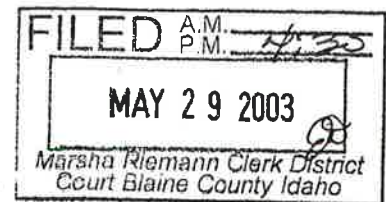
Thank you for your consideration in this regard, and please don't hesitate to call with any questions you may have or if more information is required.

Yours truly,

Robin L. Moore, PLS
Legal Assistant to
GARY D. SLETTE

Encls.
rlw\gds\letter\IDWR13

Gary D. Slette
ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER, P.L.L.C.
Attorneys at Law
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
Facsimile: (208) 736-0041
ISB# 3198
c:\probate\schoessler\decree



Instrument # 484744

HAILEY, BLAINE, IDAHO
2003-05-30 11:21:00 No. of Pages: 3
Recorded for : GARY D SLETTE
MARSHA RIEMANN Fee: 9.00
Ex-Officio Recorder Deputy
Index to: PROBATE ACTION(LETTERS TEST,ETC)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF

KENNETH SCHOESSLER,
Deceased.

) Case No. SP-03-3154
)
) DECREE VESTING ESTATE
) IN SURVIVING SPOUSE
)

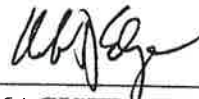
UPON THE PETITION OF KATHY SCHOESSLER for Summary Administration
of Estate in Which Surviving Spouse is Sole Beneficiary, the Court makes the following findings:

1. That Petitioner and KENNETH SCHOESSLER were duly married.
2. That the real property hereinafter described was acquired during the marriage and by the community efforts of said spouses, and not by gift, bequest, devise or descent of either of said spouses, and that the same was the community property of said parties.
3. That KENNETH SCHOESSLER died intestate on May 19, 2003, in Bannock County, Idaho, and that Decedent was a resident of the State of Nevada prior to and at the time of his death, but owned property in the State of Idaho.
4. That the Petition herein was filed on the 27th day of May, 2003, and that Waivers of all interested parties were filed concurrently therewith waiving notice to hearing.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the property hereinafter described was acquired during the marriage and by the community efforts of said spouses; was the community property of said parties; and upon the death of the Decedent, said property became and was the sole and separate property of said Petitioner, surviving spouse of the Decedent, under and by virtue of the laws of succession of the State of Idaho, and clear of and from all right, title, interest, claim or demand of any person claiming under said Decedent as heir.
2. That said property, hereinafter described, and all other property of the Decedent in Idaho not now known, is hereby distributed to and decreed to be vested in KATHY SCHOESSLER, surviving spouse of the Decedent.
3. That there is no inheritance tax or transfer tax due to the State of Idaho from said Petitioner or from said Decedent, all of said property having been the community property of said parties.
4. Said property hereinabove referred to is situated in the State of Idaho, and more particularly described on the inventory attached hereto as Exhibit "A" and incorporated herein by reference.

DATED this 29 day of May, 2003.



MAGISTRATE

STATE OF IDAHO } ss
County of Blaine

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal.

this 29 day of May, 2003

MARSHA RIEMANN

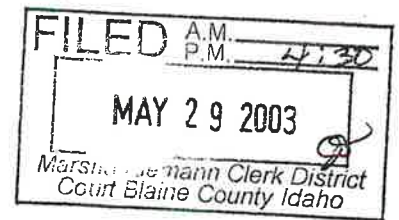
Clerk District Court


Deputy

INVENTORY OF PROPERTY

OF

KENNETH SCHOESSLER



NOTE: All property listed herein, including the below listed real property, was the community property of Kenneth Schoessler and Kathy Schoessler at the time of Kenneth Schoessler's death on May 19, 2003.

I.
REAL ESTATE

The following described real property in Blaine County, Idaho, more particularly described as:

Lots 1, 2, 3 and 4, in Block 1 of Schoessler Subdivision, according to the official plat thereof recorded as Instrument No. 472213, records of Blaine County, Idaho.

Together with any and all water rights appurtenant thereto, including, but not limited to IDWR Water Rights 37-20821, 37-20822, 37-20823, 37-20824, 37-20826 and 37-20828.

II.
INDEBTEDNESS

Indebtedness on the above described real property in favor of Intermountain Federal Land Bank Association, FLCA and Intermountain Production Credit Association, Elko, Nevada.

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

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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KATHY SCHOESSLER Phone: (775)752-3184
HC 62 BOX 1600
WELLS NV 89835

KENNETH J SCHOESSLER Phone: (775)752-3184
HC 62 BOX 1600
WELLS NV 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	0.23	90.6

7. Total Quantity Appropriated is:
0.23 C.F.S. and/or 90.6 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	SE	IRRIGATION	5
					Section Acres	5
01S	19E	7	NW	NE	IRRIGATION	13
			SW	NE	IRRIGATION	13
					Section Acres	26
					Total Acres	31

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:

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, SCHOESSLER SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-21271.

15. Basis of Claim: License



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

March 4, 2004

KATHY SCHOESSLER
HC 62 BOX 1600
WELLS NV 89335

RE: SRBA Claim(s) 37-20825, 37-20827

Dear Ms. Schoessler:

Pursuant to the notification that you sold a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. Your portions have been renumbered 37-21271 and 37-21273.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED
 FEB 24 2004
 Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-20825	70246	X			
37-20827	70246	X			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Kathy Schoessler
- P.O. Box 712, Wells, NV 89835
4. New Owner/Claimant(s) Gary D. Slette / Kathleen H. Slette H&W
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 3381 Willow Way
- City, State and ZIP Code Twin Falls, ID 83301
- New Telephone Number 208 734-9393
5. Date you acquired the property January 6, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-20825</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.23</u>	<u>31</u>
Stock		
Domestic		
Other		
Total	<u>.23 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-20827</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.39</u>	<u>31</u>
Stock		
Domestic		
Other		
Total	<u>.39 cfs</u>	

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Signature]
Kathleen H. Slater

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

For Office Use Only

Received by [Signature] Date 2/24/04 Fee _____
 Received by [Signature] Date _____ Receipt No. _____
 Processed by [Signature] Date 3/3/04 WR _____ Date _____

Gary D. Slette
ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER, P.L.L.C.

Attorneys at Law

P. O. Box 1906

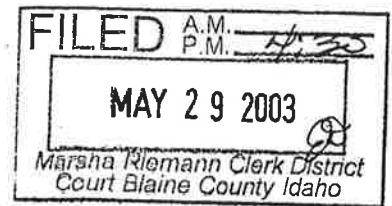
Twin Falls, Idaho 83303-1906

Telephone: (208) 734-0700

Facsimile: (208) 736-0041

ISB# 3198

c:\probate\schoessler\decree



Instrument # 484744

HAILEY, BLAINE, IDAHO

2003-05-30 11:21:00 No. of Pages: 3

Recorded for : GARY D SLETTE

MARSHA RIEMANN Fee: 9.00

Ex-Officio Recorder Deputy

Index to: PROBATE ACTION(LETTERS TEST,ETC)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF

KENNETH SCHOESSLER,
Deceased.

) Case No. SP-03-3154
)
) DECREE VESTING ESTATE
) IN SURVIVING SPOUSE

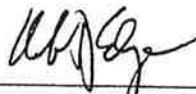
UPON THE PETITION OF KATHY SCHOESSLER for Summary Administration
of Estate in Which Surviving Spouse is Sole Beneficiary, the Court makes the following findings:

1. That Petitioner and KENNETH SCHOESSLER were duly married.
2. That the real property hereinafter described was acquired during the marriage and by the community efforts of said spouses, and not by gift, bequest, devise or descent of either of said spouses, and that the same was the community property of said parties.
3. That KENNETH SCHOESSLER died intestate on May 19, 2003, in Bannock County, Idaho, and that Decedent was a resident of the State of Nevada prior to and at the time of his death, but owned property in the State of Idaho.
4. That the Petition herein was filed on the 27th day of May, 2003, and that Waivers of all interested parties were filed concurrently therewith waiving notice to hearing.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the property hereinafter described was acquired during the marriage and by the community efforts of said spouses; was the community property of said parties; and upon the death of the Decedent, said property became and was the sole and separate property of said Petitioner, surviving spouse of the Decedent, under and by virtue of the laws of succession of the State of Idaho, and clear of and from all right, title, interest, claim or demand of any person claiming under said Decedent as heir.
2. That said property, hereinafter described, and all other property of the Decedent in Idaho not now known, is hereby distributed to and decreed to be vested in KATHY SCHOESSLER, surviving spouse of the Decedent.
3. That there is no inheritance tax or transfer tax due to the State of Idaho from said Petitioner or from said Decedent, all of said property having been the community property of said parties.
4. Said property hereinabove referred to is situated in the State of Idaho, and more particularly described on the inventory attached hereto as Exhibit "A" and incorporated herein by reference.

DATED this 29 day of May, 2003.


MAGISTRATE

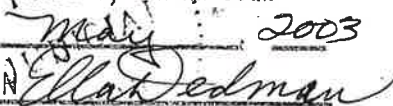
STATE OF IDAHO } ss
County of Blaine

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal.

this 29 day of May, 2003

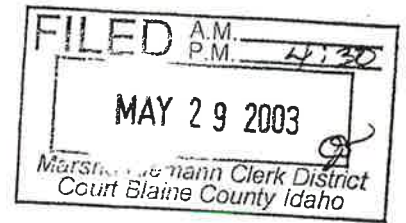
MARSHA RIEMANN
Clerk District Court


Deputy

INVENTORY OF PROPERTY

OF

KENNETH SCHOESSLER



NOTE: All property listed herein, including the below listed real property, was the community property of Kenneth Schoessler and Kathy Schoessler at the time of Kenneth Schoessler's death on May 19, 2003.

I.

REAL ESTATE

The following described real property in Blaine County, Idaho, more particularly described as:

Lots 1, 2, 3 and 4, in Block 1 of Schoessler Subdivision, according to the official plat thereof recorded as Instrument No. 472213, records of Blaine County, Idaho.

Together with any and all water rights appurtenant thereto, including, but not limited to IDWR Water Rights 37-20821, 37-20822, 37-20823, 37-20824, 37-20826 and 37-20828.

II.

INDEBTEDNESS

Indebtedness on the above described real property in favor of Intermountain Federal Land Bank Association, FLCA and Intermountain Production Credit Association, Elko, Nevada.

#472231 10-17-2002

DR

DRAWING NUMBER

Instrument # 472231

MAKER, NAME, DATE

RECORDED IN GALENA, IDAHO

DATE OF RECORDING

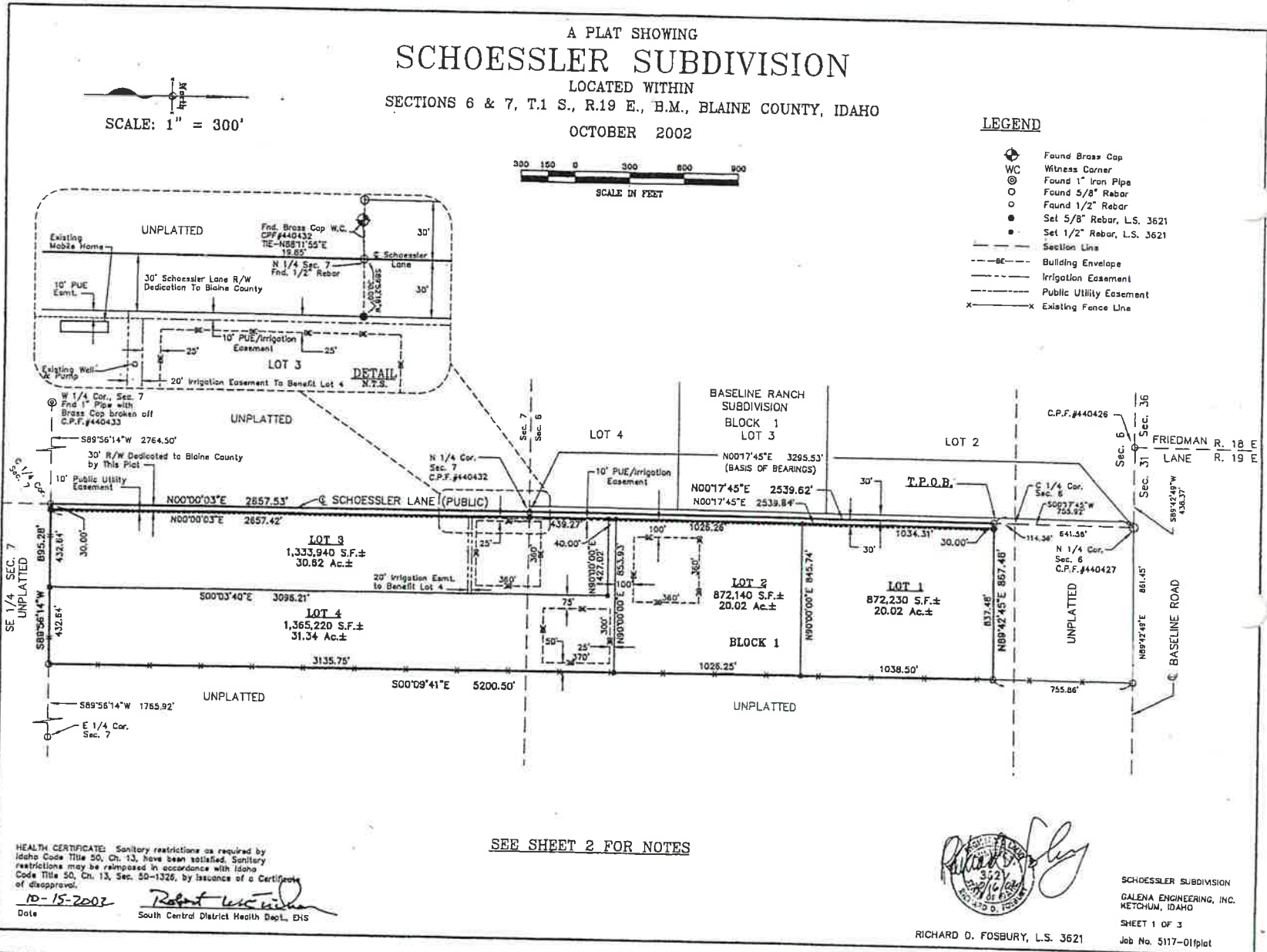
Schoessler Subdivision

Page 1 of 3

DATE OF RECORDING

RECORDED IN GALENA, IDAHO

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The Company assumes no liability for variation, if any, with another or re-survey. Courtesy of AMERITITLE.



Order No. 53694

Instrument # 497555

HAILEY, BLAINE, IDAHO

2004-01-06

03:50:00 No. of Pages: 1

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED AND AS REPLACEMENT PROPERTY IN AN IRC 1031 TAX DEFERRED EXCHANGE

KATHY SCHOESSLER, an unmarried woman

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

GARY D. SLETTE and KATHLEEN H. SLETTE, husband and wife

GRANTEE(s) whose address is: 3381 Willow Way, Twin Falls, ID 83301-8191

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

Lot 4 in Block 1 of SCHOESSLER SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 472231, records of Blaine County, Idaho.

TOGETHER WITH APPURTENANT WATER RIGHTS DESCRIBED AS FOLLOWS:

0.23 cfs of IDWR No. 37-20825 and 0.39 cfs of IDWR No. 37-20827 limited to a total diversion rate of 0.46 cfs

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: December 30, 2003

Kathy Schoessler
KATHY SCHOESSLER

State of Nevada

County of Elko

On this 31st day of December in the year 2003, before me, the undersigned, personally appeared 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 she/he/they executed the same.

WITNESS my hand and official seal

Tennille Horn-Whitaker
Notary Public

TENNILLE HORN-WHITAKER
Notary Public - State of Nevada
Appointment Recorded in Elko County
No: 99-81918-8 - Expires February 9, 2007

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 37-20825

Date Received:

Receipt No:

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 89835

KENNETH J SCHOESSLER Phone: (775) 755-2808
HC 62 BOX 1600
WELLS NV 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	0.46	181.2

7. Total Quantity Appropriated is:

0.46 C.F.S. and/or 181.2 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	SE	IRRIGATION	10
					Section Acres	10
01S	19E	7	NW	NE	IRRIGATION	26
			SW	NE	IRRIGATION	26
					Section Acres	52
					Total Acres	62

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:

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

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 37-20618
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)

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	0.76	298.2

7. Total Quantity Appropriated is:
0.76 C.F.S. and/or 298.2 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	NW	SE	IRRIGATION	24
			SW	SE	IRRIGATION	26
			Section Acres			
01S	19E	7	NW	NE	IRRIGATION	26
			SW	NE	IRRIGATION	26
			Section Acres			
Total Acres						102

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 NUMBER 441458
RECEIVED 7/28/2000. SCHOESSLER TO HOFFMAN PORTION 37-20619. SEE DOCUMENTS IN FILE.
VH

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

15. Basis of Claim: License



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

December 17, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Kenneth J. and Kathy Schoessler
HC 62 Box 1600
Wells, NV 89835

RE: Snake River Basin Adjudication (SRBA)
Claim Numbers: 37-20618 (portion of 37-7817)
37-20620 (portion of 37-2556B)
Change of Ownership Notification

Dear Mr. and Mrs. Schoessler:

With the receipt of proper documentation showing that you sold a portion of the lands associated with the above referenced Snake River Basin Adjudication claims, our records have been updated. Please note that the original water rights have been renumbered as a result of the split. 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.

I apologize for the length of time it took to process the change in these claims. There was some delay in receiving the latest deed from you to the new owners that clarified the percentage of the surface water rights that you conveyed with the property sold. I have now changed ownership of the four surface water irrigation claims entirely into Mr. and Mrs. Hoffman's name. Stock water right 37-11747 was not split as you directed in the deed, however, as it was never claimed or decreed to be used on the northern 15 acres, and as a result, Hoffman's will have to administratively transfer a portion of that right onto their property if they wish to use it there.

The SRBA is an ongoing process; in the future, you may be notified with more information concerning your water right claims. 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 in 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

12/14/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-7817

WATER RIGHT NUMBER: 37-7817

Owner TypeName and Address

Current Owner

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

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

04/01 to 11/01

0.870 CFS

342.00 AF

Total Diversion:

0.870 CFS

342.00 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4NE1/4

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

BLAINE County

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																	

Handwritten notes: 12.8% (top right), 37-7817 (middle right), Hoffman (middle right), Schoessler (middle right), 37-20418 (middle right), 43.8 (middle right), 298.2 (middle right), 12 (bottom right), 50 (bottom right), 52 (bottom right), 102 (bottom right), 12 (bottom right).

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.

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

RECORDED IN BLAINE COUNTY, STATE OF IDAHO
WITNESS MY NAME AND OFFICIAL SEAL THIS 30 DAY
OF October 2001.

BY 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 Twain 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 Twain Falls, Id
My commission expires: 3/23/04

STATE OF Idaho)
)ss.
County of Latah)

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.

lrlw\rcalst\qcd water



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



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 Schoessler 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
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OK
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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

51-1817, 37-11749, 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 right, 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

01S19E

Lot 2 =
SWNE

08 LT04	08 LT03	08 LT02	08 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
08 LT05	08 NE3W	08 NWSE	08 NESE	05 NW3W	05 NE3W	05 NWSE	05 NESE	04 NW3W	04 NE3W	04 NWSE	04 NESE	03 NW3W	03 NE3W	03 NWSE	03 NESE	02 NW3W	02 NE3W	02 NWSE	02 NESE	01 NW3W	01 NE3W	01 NWSE	01 NESE
08 LT08	08 SE3W	08 SWSE	08 SESE	05 SW3W	05 SE3W	05 SWSE	05 SESE	04 SW3W	04 SE3W	04 SWSE	04 SESE	03 SW3W	03 SE3W	03 SWSE	03 SESE	02 SW3W	02 SE3W	02 SWSE	02 SESE	01 SW3W	01 SE3W	01 SWSE	01 SESE
07 LT01	07 NENW	07 NNNE	07 NENE	08 NNNW	08 NENW	08 NNNE	08 NENE	08 NNNW	08 NENW	08 NNNE	08 NENE	10 NNNW	10 NENW	10 NNNE	10 NENE	11 NNNW	11 NENW	11 NNNE	11 NENE	12 NNNW	12 NENW	12 NNNE	12 NENE
07 LT02	07 SENW	07 SWNE	07 SENE	08 SWNW	08 SENW	08 SWNE	08 SENE	08 SWNW	08 SENW	08 SWNE	08 SENE	10 SWNW	10 SENW	10 SWNE	10 SENE	11 SWNW	11 SENW	11 SWNE	11 SENE	12 SWNW	12 SENW	12 SWNE	12 SENE
07 LT03	07 NE3W	07 NWSE	07 NESE	08 NW3W	08 NE3W	08 NWSE	08 NESE	08 NW3W	08 NE3W	08 NWSE	08 NESE	10 NW3W	10 NE3W	10 NWSE	10 NESE	11 NW3W	11 NE3W	11 NWSE	11 NESE	12 NW3W	12 NE3W	12 NWSE	12 NESE
07 LT04	07 SE3W	07 SWSE	07 SESE	08 SW3W	08 SE3W	08 SWSE	08 SESE	08 SW3W	08 SE3W	08 SWSE	08 SESE	10 SW3W	10 SE3W	10 SWSE	10 SESE	11 SW3W	11 SE3W	11 SWSE	11 SESE	12 SW3W	12 SE3W	12 SWSE	12 SESE
18 LT01	18 NENW	18 NNNE	18 NENE	17 NNNW	17 NENW	17 NNNE	17 NENE	18 NNNW	18 NENW	18 NNNE	18 NENE	15 NNNW	15 NENW	15 NNNE	15 NENE	14 NNNW	14 NENW	14 NNNE	14 NENE	13 NNNW	13 NENW	13 NNNE	13 NENE
18 LT02	18 SENW	18 SWNE	18 SENE	17 SWNW	17 SENW	17 SWNE	17 SENE	18 SWNW	18 SENW	18 SWNE	18 SENE	15 SWNW	15 SENW	15 SWNE	15 SENE	14 SWNW	14 SENW	14 SWNE	14 SENE	13 SWNW	13 SENW	13 SWNE	13 SENE
18 LT03	18 NE3W	18 NWSE	18 NESE	17 NW3W	17 NE3W	17 NWSE	17 NESE	18 NW3W	18 NE3W	18 NWSE	18 NESE	15 NW3W	15 NE3W	15 NWSE	15 NESE	14 NW3W	14 NE3W	14 NWSE	14 NESE	13 NW3W	13 NE3W	13 NWSE	13 NESE
18 LT04	18 SE3W	18 SWSE	18 SESE	17 SW3W	17 SE3W	17 SWSE	17 SESE	18 SW3W	18 SE3W	18 SWSE	18 SESE	15 SW3W	15 SE3W	15 SWSE	15 SESE	14 SW3W	14 SE3W	14 SWSE	14 SESE	13 SW3W	13 SE3W	13 SWSE	13 SESE
19 LT01	19 NENW	19 NNNE	19 NENE	20 NNNW	20 NENW	20 NNNE	20 NENE	21 NNNW	21 NENW	21 NNNE	21 NENE	22 NNNW	22 NENW	22 NNNE	22 NENE	23 NNNW	23 NENW	23 NNNE	23 NENE	24 NNNW	24 NENW	24 NNNE	24 NENE
19 LT02	19 SENW	19 SWNE	19 SENE	20 SWNW	20 SENW	20 SWNE	20 SENE	21 SWNW	21 SENW	21 SWNE	21 SENE	22 SWNW	22 SENW	22 SWNE	22 SENE	23 SWNW	23 SENW	23 SWNE	23 SENE	24 SWNW	24 SENW	24 SWNE	24 SENE
19 LT03	19 NE3W	19 NWSE	19 NESE	20 NW3W	20 NE3W	20 NWSE	20 NESE	21 NW3W	21 NE3W	21 NWSE	21 NESE	22 NW3W	22 NE3W	22 NWSE	22 NESE	23 NW3W	23 NE3W	23 NWSE	23 NESE	24 NW3W	24 NE3W	24 NWSE	24 NESE
19 LT04	19 SE3W	19 SWSE	19 SESE	20 SW3W	20 SE3W	20 SWSE	20 SESE	21 SW3W	21 SE3W	21 SWSE	21 SESE	22 SW3W	22 SE3W	22 SWSE	22 SESE	23 SW3W	23 SE3W	23 SWSE	23 SESE	24 SW3W	24 SE3W	24 SWSE	24 SESE
20 LT01	20 NENW	20 NNNE	20 NENE	28 NNNW	28 NENW	28 NNNE	28 NENE	28 NNNW	28 NENW	28 NNNE	28 NENE	27 NNNW	27 NENW	27 NNNE	27 NENE	28 NNNW	28 NENW	28 NNNE	28 NENE	25 NNNW	25 NENW	25 NNNE	25 NENE
20 LT02	20 SENW	20 SWNE	20 SENE	28 SWNW	28 SENW	28 SWNE	28 SENE	28 SWNW	28 SENW	28 SWNE	28 SENE	27 SWNW	27 SENW	27 SWNE	27 SENE	28 SWNW	28 SENW	28 SWNE	28 SENE	25 SWNW	25 SENW	25 SWNE	25 SENE
20 LT03	20 NE3W	20 NWSE	20 NESE	28 NW3W	28 NE3W	28 NWSE	28 NESE	28 NW3W	28 NE3W	28 NWSE	28 NESE	27 NW3W	27 NE3W	27 NWSE	27 NESE	28 NW3W	28 NE3W	28 NWSE	28 NESE	25 NW3W	25 NE3W	25 NWSE	25 NESE
20 LT04	20 SE3W	20 SWSE	20 SESE	28 SW3W	28 SE3W	28 SWSE	28 SESE	28 SW3W	28 SE3W	28 SWSE	28 SESE	27 SW3W	27 SE3W	27 SWSE	27 SESE	28 SW3W	28 SE3W	28 SWSE	28 SESE	25 SW3W	25 SE3W	25 SWSE	25 SESE
21 LT01	21 NENW	21 NNNE	21 NENE	32 NNNW	32 NENW	32 NNNE	32 NENE	33 NNNW	33 NENW	33 NNNE	33 NENE	34 NNNW	34 NENW	34 NNNE	34 NENE	35 NNNW	35 NENW	35 NNNE	35 NENE	36 NNNW	36 NENW	36 NNNE	36 NENE
21 LT02	21 SENW	21 SWNE	21 SENE	32 SWNW	32 SENW	32 SWNE	32 SENE	33 SWNW	33 SENW	33 SWNE	33 SENE	34 SWNW	34 SENW	34 SWNE	34 SENE	35 SWNW	35 SENW	35 SWNE	35 SENE	36 SWNW	36 SENW	36 SWNE	36 SENE
21 LT03	21 NE3W	21 NWSE	21 NESE	32 NW3W	32 NE3W	32 NWSE	32 NESE	33 NW3W	33 NE3W	33 NWSE	33 NESE	34 NW3W	34 NE3W	34 NWSE	34 NESE	35 NW3W	35 NE3W	35 NWSE	35 NESE	36 NW3W	36 NE3W	36 NWSE	36 NESE
21 LT04	21 SE3W	21 SWSE	21 SESE	32 SW3W	32 SE3W	32 SWSE	32 SESE	33 SW3W	33 SE3W	33 SWSE	33 SESE	34 SW3W	34 SE3W	34 SWSE	34 SESE	35 SW3W	35 SE3W	35 SWSE	35 SESE	36 SW3W	36 SE3W	36 SWSE	36 SESE



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 J. Smith
Escrow Assistant

mjs

Attachment(s)

cc: Mr. and Mrs. Robert B. Hoffman

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

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: WTYQICICORP DEED

together with their appurtenances.

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.

TOGETHER WITH 12.8% OF THE FOLLOWING DESCRIBED WATER RIGHTS:

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

 K.D.

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: WTYQICICORP 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	10
			NW	SE		IRRIGATION	26
			SW	SE		IRRIGATION	26
			Section Acres			62	
01S	19E	7	NW	NE		IRRIGATION	26
			SW	NE		IRRIGATION	26
			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)



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,

Jeanie Robertson
Sr. Water Resource Agent



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

NCAP
11747
11758

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

MAY 08 2000

Department of Water Resources
Southern Region

☐ Water Right Number(s): 005772a 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) 755-22808

☐ Signature of Claimant(s):

Kathy Schoessler

Ken Schoessler

Date:

5/4/00

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 89335

RE: A37-02556B and A37-07671 (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 83313 208-788-3174

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

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

M. Gene Egan
Notary Public

Seal

Residing at Boise, Id
My Commission Expires 9-2-1994

IRR WELL

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



114° 15'
43° 22' 30"

240000 E

125

32

TIN

TIS

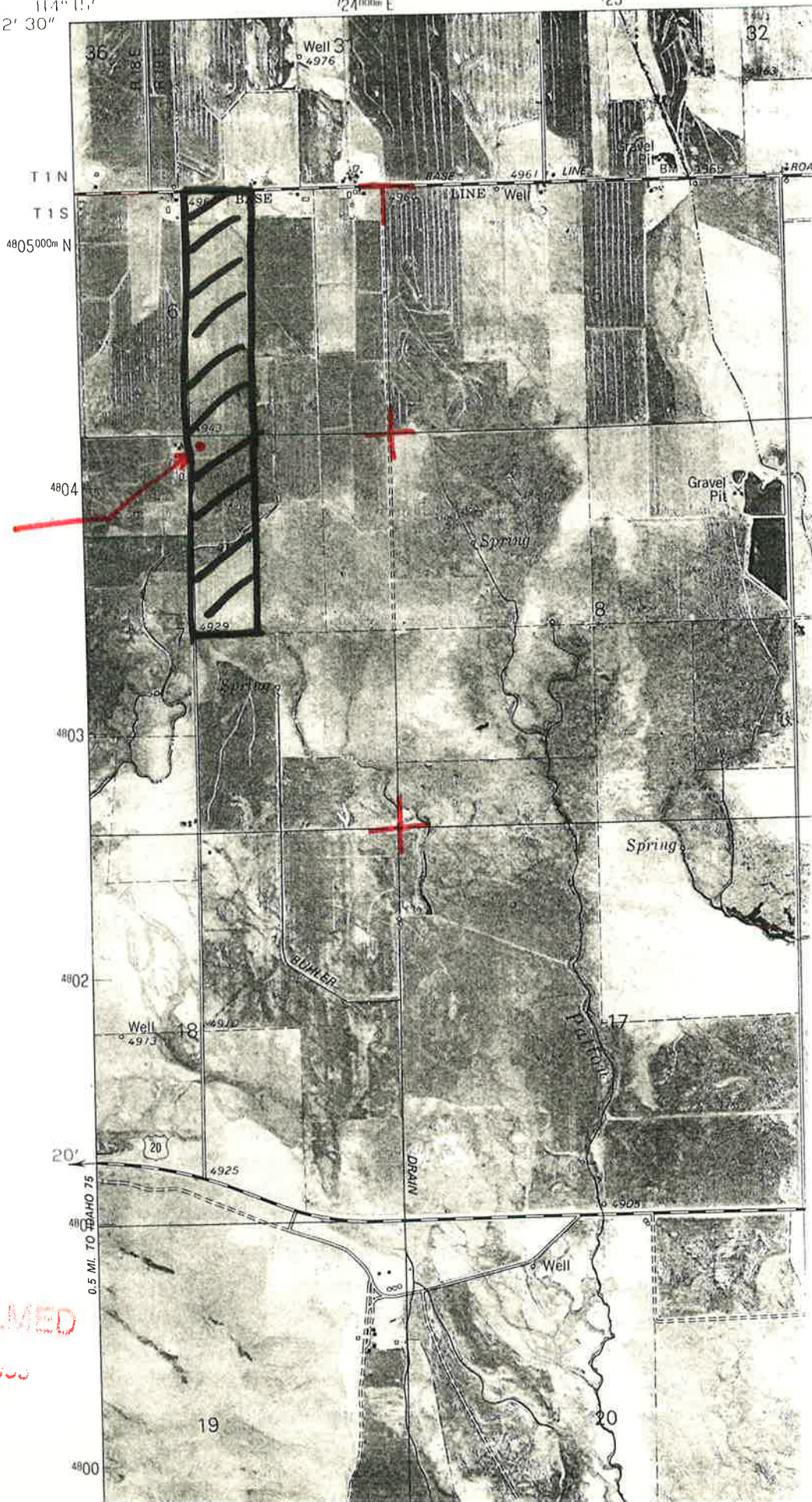
R19E

TIS

SECTION 7

NW NWNE

POD



MICROFILMED
FEB 24 1966

RECEIVED

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.

37-7817

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

RECEIVED

DEC 01 2006

11/21/2006

NOTICE OF ERROR
REPLY

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-21271
PB INVESTMENTS
PO BOX 1906
TWIN FALLS ID 83303-1906
Telephone Number: (208)734-0700

RECEIVED
DEC 06 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/28/06

SIGNATURE:

Gary D. Stettin, member
Gary D. Stettin

Please print your name:

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

SCANNED
DEC - 4 2006

11/16/2006

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

RIGHT NUMBER: 37-21271

NAME AND ADDRESS: PB INVESTMENTS
PO BOX 1906
TWIN FALLS ID 83303-1906

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.230 CFS
93.000 AFY

Rights 37-21271 and 37-21273 when combined shall not exceed a total diversion rate of 0.47 cfs, and a total annual maximum diversion volume of 108.5 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	0.230 CFS 93.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S06	SWSE	5.00	T01S R19E S07	NWNE	13.00
T01S R19E S07	SWNE	13.00			

31 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Property is also known as Lot 3 Blk 1 of Schoessler Subdivision.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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

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



Idaho Department of Water Resources

SRBA Recommendation:

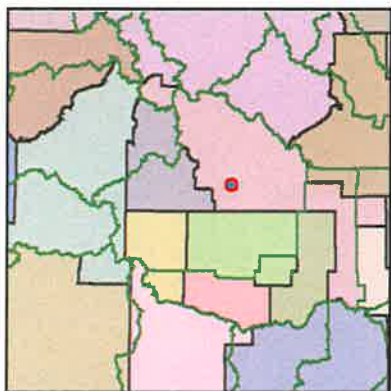
37-21271

37-21273

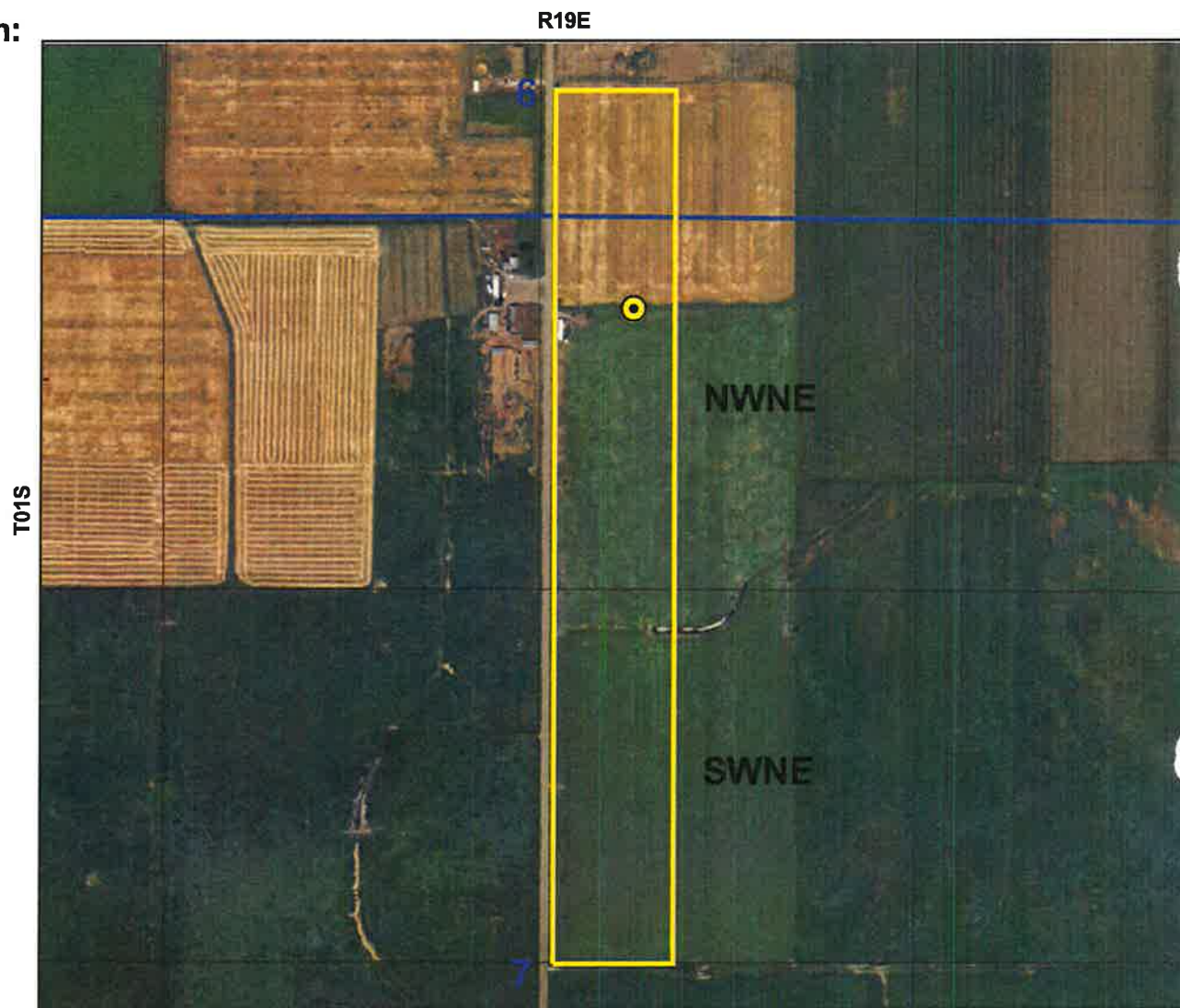
(Irrigation)

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 Tuesday, November 14, 2006
2004 Aerial Photography

Owner: Pb Investments

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.