

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 37-21274
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)

GARY D SLETTE Phone: (208)734-9393
3381 WILLOW WAY
TWIN FALLS ID 83301

KATHLEEN H SLETTE Phone: (208)734-9393
3381 WILLOW WAY
TWIN FALLS ID 83301

2. Date of Priority: 09/21/1954

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 NE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.39	

7. Total Quantity Appropriated is:
0.39 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
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 4, BLK 1, SCHOESSLER SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20827.

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

GARY SLETTE
KATHLEEN SLETTE
3381 WILLOW WAY
TWIN FALLS ID 83301

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

Dear Mr. and Mrs. Slette:

Pursuant to the notification that you purchased 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 37-21272 and 37-21274.

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. Slotta

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.

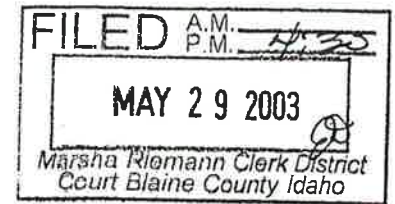
For Office Use Only

Received by *[Signature]*
 Receipted by *[Signature]*
 Processed by *[Signature]*

Date 2/24/04
 Date 3/3/04

Fee _____
 Receipt No. _____
 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) Case No. SP-03-3154
)
KENNETH SCHOESSLER,) DECREE VESTING ESTATE
Deceased.) 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

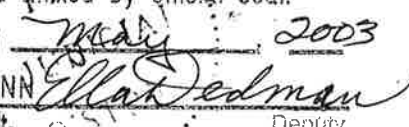
STATE OF IDAHO } ss
County of Blaine }

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

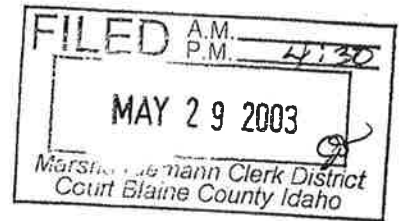
MARSHA RIEMANN
Clerk District Court


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

Surveyed for: SCHOESSLER SUBDIVISION

Surveyed by: DALENA ENGINEERING, INC.

Surveyed on: 10-15-2002

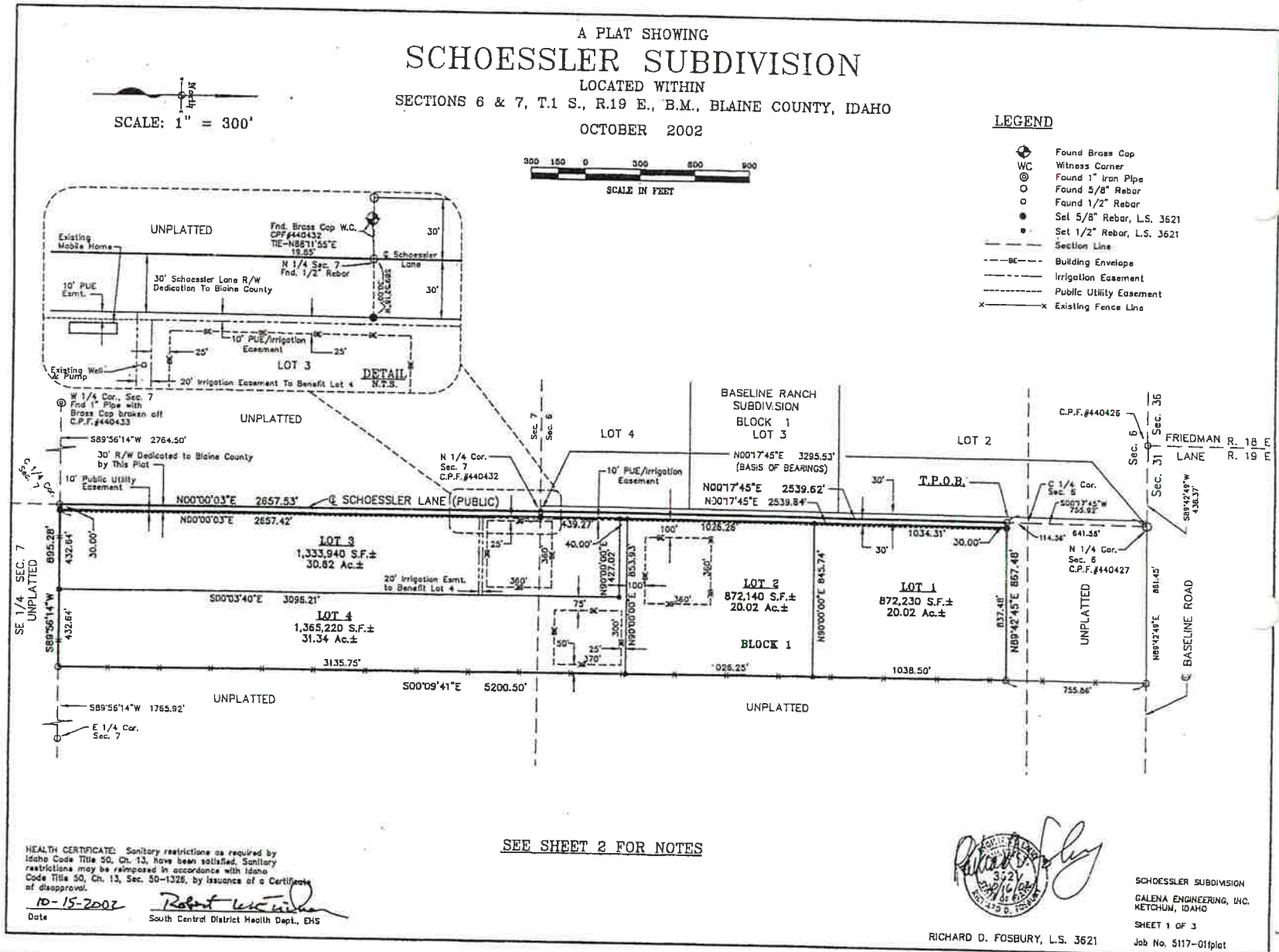
PAGE 1 OF 3

SALES/PRODUCTS - SURVEYING INSTRUMENTS

Schoessler Subdivision

56,715 S.F.

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: 99-51918-8 - Expires February 9, 2007

RECEIVED

DEC 01 2006

DEPARTMENT OF
WATER RESOURCES

11/21/2006

NOTICE OF ERROR
REPLY

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: 37-21274

GARY D SLETTE
3381 WILLOW WAY
TWIN FALLS ID 83301
Telephone Number: (208)734-9393

KATHLEEN H SLETTE
3381 WILLOW WAY
TWIN FALLS ID 83301
Telephone Number: (208)734-9393

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:

G. Slette

Please print your name:

Gary D. Slette

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

SCANNED

DEC - 4 2006

11/20/2006

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

RIGHT NUMBER: 37-21274

NAME AND ADDRESS: GARY D SLETTE
3381 WILLOW WAY
TWIN FALLS ID 83301

KATHLEEN H SLETTE
3381 WILLOW WAY
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
108.500 AFY

Rights 37-21272 and 37-21274 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: 09/21/1954

POINT OF DIVERSION:

T01S R19E S7 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.400 CFS 108.50 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

Place of use is also known as Lot 4 Blk 1 of Schoessler Subdivision.

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

The point of diversion is located in 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.



Idaho Department of Water Resources

SRBA Recommendation:

37-21272

37-21274

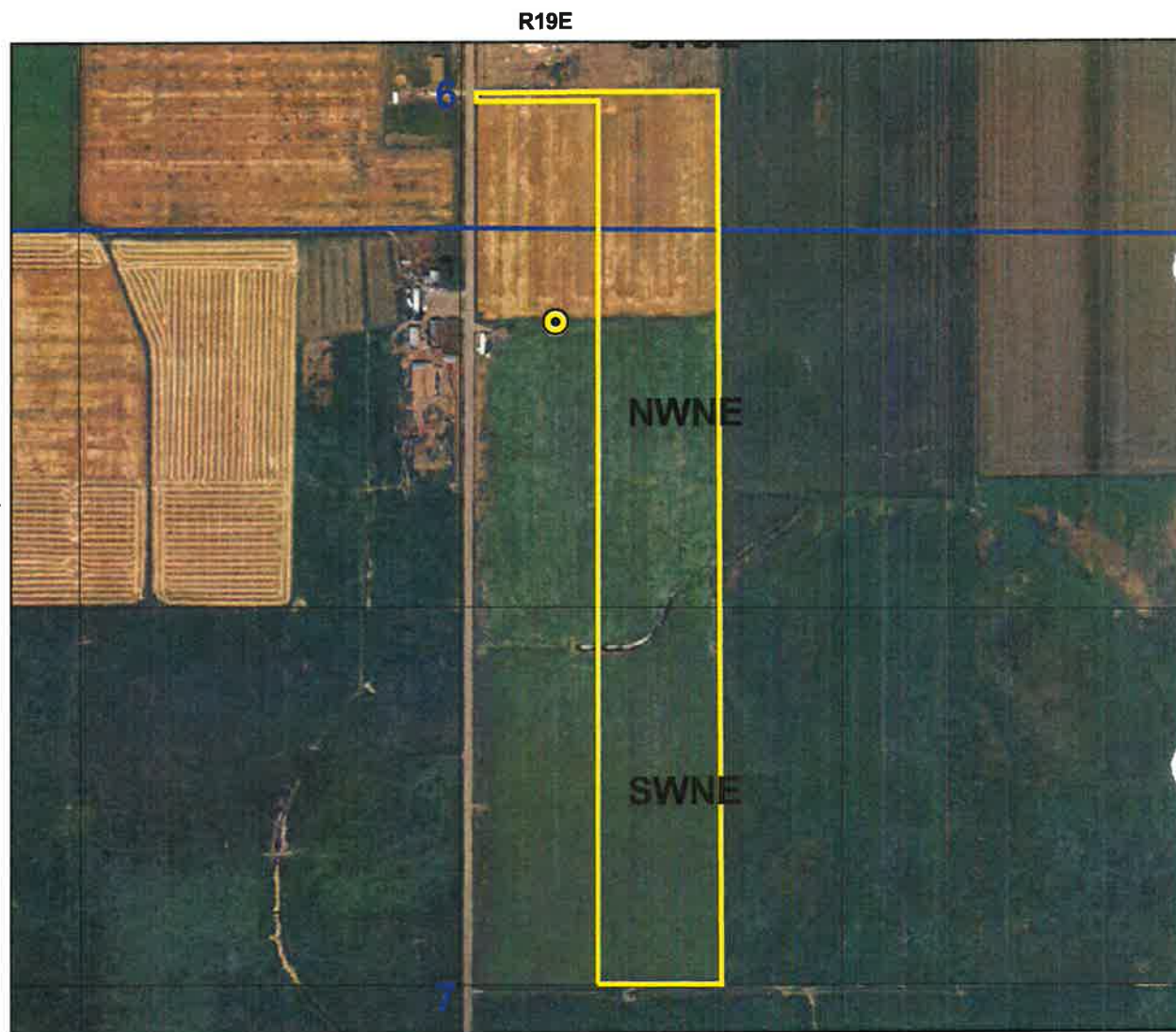
(Irrigation)

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: Gary D Slette

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