

COPY

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26671.0000

Attorneys for Michael and Eulla ("Sissy") Wallace

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF CONTESTED
WATER RIGHT TRANSFER
APPLICATION NO. 81039 IN THE NAME
OF WALLACE

Docket No. _____

**AFFIDAVIT OF EULLA "SISSY"
WALLACE**

STATE OF IDAHO)
) ss.
County of Adams)

Eulla "Sissy" Wallace, having been duly sworn upon oath, deposes and states as follows:

1. My name is Eulla "Sissy" Wallace. I am over eighteen years of age and am a joint applicant to Transfer No. 81039 with my husband Michael Wallace. I make this

AFFIDAVIT OF EULLA "SISSY" WALLACE - 1



4262531.1

affidavit upon my own personal knowledge and I am competent to testify regarding the matters contained herein.

2. On May 3, 1988, my father-in-law, Leonard Wallace, filed a Notice of Claim to a Water Right in the Snake River Basin Adjudication ("SRBA") with the Idaho Department of Water Resources (the "Department") for two developed springs gravity fed through a pipeline for domestic use and lawn irrigation on our land. Attached hereto as **Exhibit A** is a true and correct copy of the Notice of Claim. The Department designated the claim as water right claim no. 78-10067. The Notice of Claim described two points of diversion, T19N, R2E, Sec 9, SENWSW and T19N, R2E, Sec 9, SWNWSW, county of Adams.

3. On January 2, 2001, Leonard Wallace transferred his property, which includes the place use for Water Right No. 78-10067, to my husband, Michael Wallace, and me. However, Leonard Wallace and his wife, Sheryl Wallace, remained the owners of record for Water Right No. 78-10067.

4. On August 28, 2005, I decided to search the Department's website for the status of our Water Right Claim in the SRBA. The online file for Water Right Claim No. 78-10067 showed an Adjudication Claim Report describing only one point of diversion, T19N, R2E, Sec 9, SWNWSW, county of Adams, instead of the two points of diversion Leonard Wallace applied for. Attached hereto as **Exhibit B** is a true and correct copy of the Adjudication Claim Report I printed with the date of August 28, 2005. Since the one point of diversion was described correctly, I did not worry about the missing point of diversion.

5. On December 7, 2006, my father-in-law, Leonard Wallace, received a letter from the Department acknowledging the Notice of Claim in the SRBA from 1988 and requesting evidence of priority. Included with the letter was a "computer generated print-out" of

his claim showing what we now know were two incorrect points of diversion for the springs claimed. Attached hereto as **Exhibit C** are true and correct copies of the letter and "computer generated print-out." At the time, we did not realize the points of diversion were in the wrong location because we were sure that the points of diversion would be located where the springs were located. Therefore, we did not object to the print-out. In response to the letter, we provided the evidence of priority by affidavit on December 11, 2006. Attached hereto as **Exhibit D** is a true and correct copy of the affidavit.

6. The Department released a preliminary recommendation of water rights for Water Right Claim No. 78-10067 on December 19, 2006, which described two incorrect points of diversion in T19N, R2E, Sec 9, SENWSW, Lot 3 and T19N, R2E, Sec 9, SENWSW, Lot 3, county of Adams. Attached hereto as **Exhibit E** is a true and correct copy of the preliminary recommendation. Again, we did not realize the points of diversion were in the wrong location because we were sure that the points of diversion would be located where the springs were located. Therefore, we did not object to the preliminary recommendation.

7. The Department released the partial decree for Water Right No. 78-10067 on November 6, 2007, which described the same two incorrect points of diversion, T19N, R2E, Sec 9, SENWSW, Lot 3 and T19N, R2E, Sec 9, SENWSW, Lot 3, county of Adams, which is how they are now described. Attached hereto as **Exhibit F** is a true and correct copy of the partial decree.

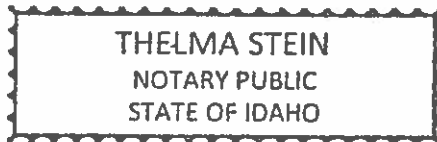
8. It is my belief that the Department made a clerical error in describing the two points of diversions for our springs. When my husband and I finally realized the points of diversion were incorrectly described, we promptly filed an Application for Transfer to correct the locations of the points of diversion to match the locations of the springs.

9. The springs mentioned above are the sole source of water for my husband and I's property.

Further your affiant sayeth naught.

Eulla Sissy Wallace
Eulla "Sissy" Wallace

SUBSCRIBED AND SWORN to before me this 7th day of October, 2016.



Thelma Stein
NOTARY PUBLIC FOR IDAHO
Residing at Valley County, Idaho
My Commission Expires August 17, 2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of October, 2016, I caused a true and correct copy of the foregoing **AFFIDAVIT OF EULLA "SISSY" WALLACE** to be served by the method indicated below, and addressed to the following:

Gary Spackman
Director

IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Shelley M. Davis
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Facsimile (208) 344-6034
Attorneys for Protestants

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Scott L. Campbell

EXHIBIT A

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: A78-10067
Date Received: 6/02/1988 5-3-88
Receipt No: C000534

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEONARD M. WALLACE 208-347-2446
Address: BOX 126
NEW MEADOWS, ID 83654

AND/OR

Name: SHERYL K. WALLACE 208-347-2446
Address: BOX 126
NEW MEADOWS, ID 83654

2. Date of Priority: SEP 01, 1970

3. Source: SPRINGS Trib. to: THREE MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	9	SW	NW	SW		ADAMS

5. Description of diverting works:
TWO DEVELOPED SPRINGS WITH PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
IRRIGATION	04/15	10/15	0.200		

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

8. Total consumptive use is 8.0 Acre Feet Per Annum.

9. Non-irrigation uses:
2 DOMESTICS WITH LAWN IRRIGATION

A78-10067

Page 1

Date: 06/02/88

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	8	NE	SE		DOMEST	
			NE	SE		IRR	4.0
						Section Acres	4.0
						Total Acres	4.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My 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: 39356
Ident. Number A78-10067
Date Received 5-3-88
Receipt Number 48632 C000534
CF

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Leonard M. and/or Sheryl K. Wallace Phone (208) 347-2446

Mailing Address Box 126 New Meadows Zip 83654

2. Date of Priority (Only one (1) per claim) Sept. 1 1970

3. Source of water supply (a) Springs (2)
which is tributary to (b) Three mile Creek

4. a. Location of existing point of diversion is: Township 19N Range 2E Section 9,
SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Adams

Additional points of diversion if any: T19N R2E Sec 9 SWNW SW

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Two developed springs
with pipeline to place of use.

MICROFILMED
Copies: White State, Yellow Claimant

OCT 25 1988

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount 0.08 or _____

For Irrigation purposes from 4-15 to 10-15 amount 0.20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 8 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2 domestics with lawn irrigation

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>19N</u>	<u>2E</u>	<u>8</u>													<u>D</u>				
		<u>8</u>													<u>4</u>				<u>4</u>

Total number of acres irrigated 4

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (☒)

14. Remarks:

Last Name Wallace ~~A 78-10067~~ Ident No. A 78-10067

MICROFILMED Originals Were Stored in Yellow Claimant

OCT 05 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments -1-

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Leonard M. Wallau Date 5-3-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of May 19 88

SEAL

Notary Public Carter Fritschle

Residing at Eagle, Id

My Commission Expires 3-21-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Wallace Ident. Number A78-10067

MICROFILMED
Replaces the Snake River Basin Adjudication

OCT 05 1992

EXHIBIT B

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

08/28/2005

WATER RIGHT NO. 78-10067

Owner Type	Name and Address
Current Owner	LEONARD M WALLACE
Current Owner	SHERYL K WALLACE
	BOX 126
	NEW MEADOWS, ID 83654
	(208)347-2446

Priority Date: 09/01/1970

Basis: Beneficial Use

Status: Active

Source	Tributary
SPRINGS	THREEMILE CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	10/15	0.2 CFS	
DOMESTIC	1/01	12/31	0.08 CFS	
Total Diversion			0.2 CFS	

Read Basin Sequen-
34-78-10067

Location of Point(s) of Diversion:

SPRINGS	SWNWSW	Sec. 09	Township 19N	Range 02E	ADAMS County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION ADAMS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
19N	02E	8		NESE	4									

Place of Use Legal Description: DOMESTIC ADAMS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
19N	02E	8		NESE										

Total Acres: 4

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

EXHIBIT C



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 7, 2006

LEONARD M &/OR SHERYL K WALLACE
PO BOX 126
NEW MEADOWS ID 83654

Re: Claim to a Water Right No. 78-10067

Dear Claimants:

In May of 1988, you submitted the above referenced claim in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated, when this claim was filed, that the water right was based on a "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. This claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, the priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize the water use under this right, if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible.

The required evidence supporting the priority date must be submitted by **December 14, 2006**, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter, or the enclosed pamphlet, please feel free to call me at 287-4953.

Sincerely,

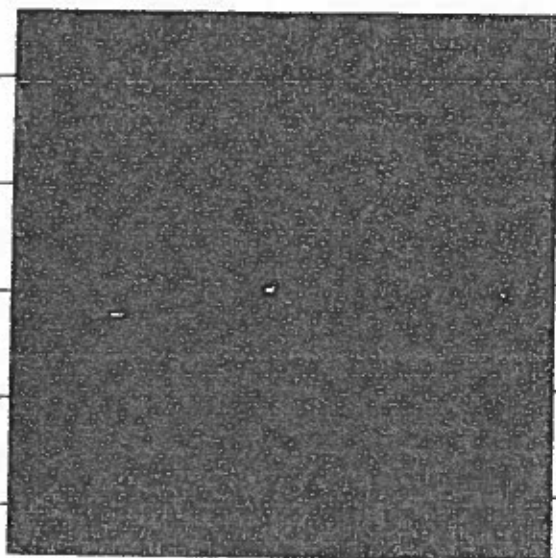
Kay Walker
Sr. Water Resource Agent

Enclosures

EXHIBIT D

We the undersigned do hereby state that the priority date of September 1, 1970 is correct for water right # 78-10067 which held by Leonard & Sheryl Wallace, P.O. Box 126, New Meadows, Idaho 83654 and it has been used every day & year since 1970.

- Everett Osborn Boys 209 New Meadows Id
- Tessie Osborn Boys 209 New Meadows Id



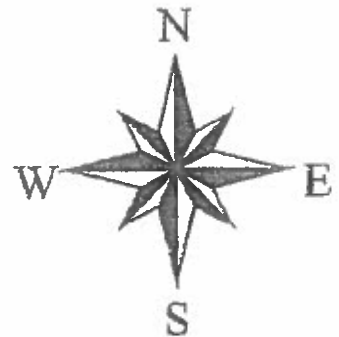
78-10067



700 0 700 1400 Feet



T19N R02E S08



Map prepared by: Carter Fritschle
Date prepared: 06/16/06
2004 NAIP Photography
Idaho Department of Water Resources

EXHIBIT E

12/19/2006

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

RIGHT NUMBER: 78-10067

NAME AND ADDRESS: LEONARD M WALLACE
PO BOX 126
NEW MEADOWS ID 83654

SHERYL K WALLACE
PO BOX 126
NEW MEADOWS ID 83654

SOURCE: SPRINGS

TRIBUTARY: THREEMILE CREEK

QUANTITY: 0.160 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/01/1970

POINT OF DIVERSION:

T19N R02E S9 SENWSW Lot 3 Within ADAMS County

T19N R02E S9 SENWSW Lot 3 Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.080 CFS
IRRIGATION	04/01 10/31	0.080 CFS
Domestic use is for 2 homes.		

PLACE OF USE: IRRIGATION in ADAMS County

T19N R02E S08 NESE 4.00

DOMESTIC in ADAMS County

T19N R02E S08 NESE

4 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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

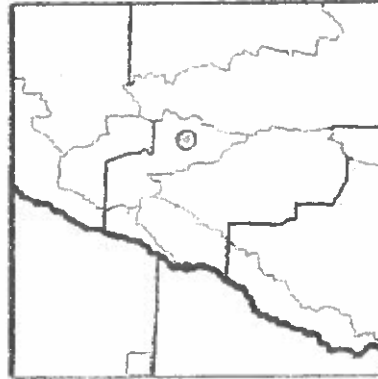
SRBA Recommendation:

78-10067

(Irrigation)

Legend

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



Adams County
IDWR Basin 78

Prepared by K. Walker
On Tuesday, December 19, 2006
1987/88 Aerial Photography

R02E



T19N

0 0.1 0.2 Miles

0

EXHIBIT F

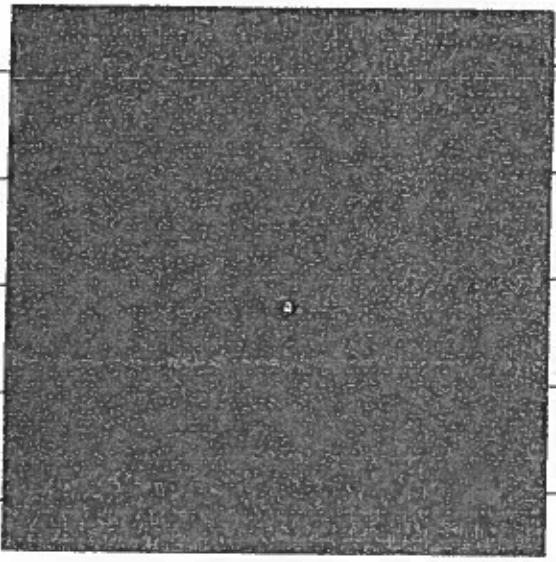
DEC 1 4 2006

We the undersigned do hereby state that the priority date of September 1, 1970 is correct for water right # 78-10067 which held by Leonard & Sheryl Wallace, P.O. Box 126, New Meadows, Idaho 83654 and it has been used every day & year since 1970.

• Everett Osborn Box 209 New Meadows Id

• Tessie Osborn Box 209 New Meadows Id

• _____

• 

• _____

• _____

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• _____

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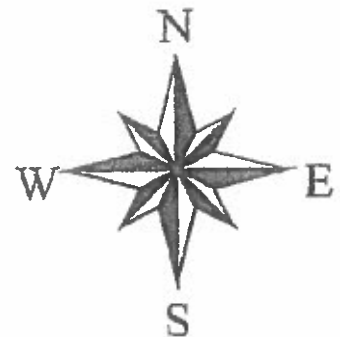
EXHIBIT D

78-10067



700 0 700 1400 Feet

T19N R02E S08



Map prepared by: Carter Fritschle
Date prepared: 06/16/06
2004 NAIP Photography
Idaho Department of Water Resources

EXHIBIT E

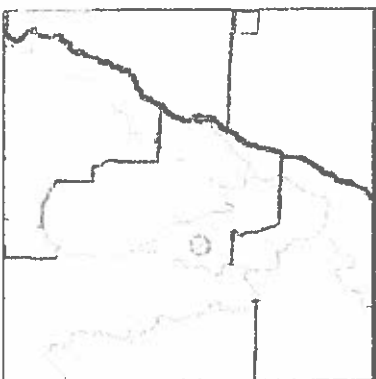
Idaho Department of Water Resources



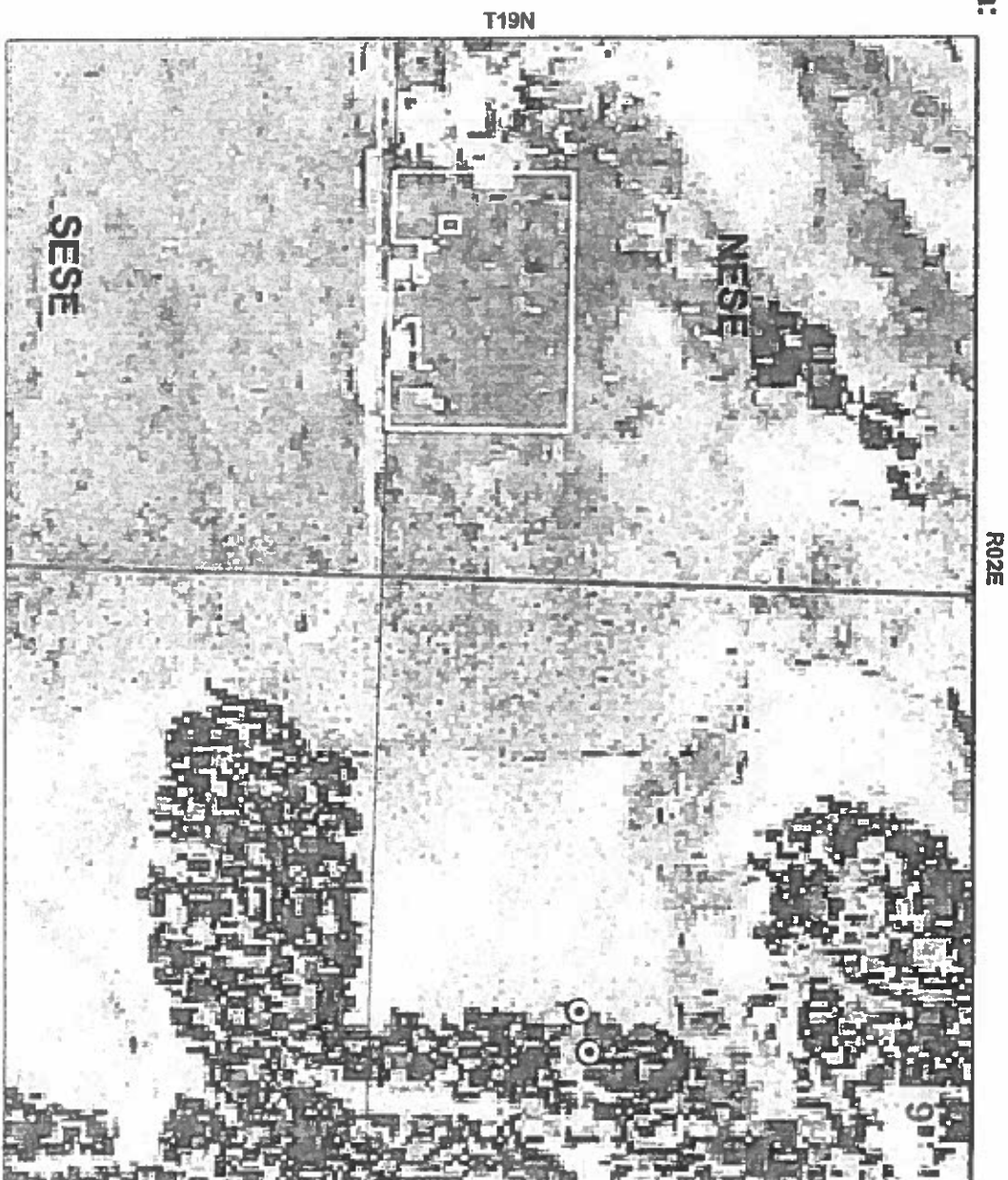
SRBA Recommendation:
78-10067
(Irrigation)

Legend

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



Adams County
IDWR Basin 78



Prepared by K. Walker
On Tuesday, December 19, 2006
1987/88 Aerial Photography

EXHIBIT F

QUITCLAIM DEED

INSTRUMENT NO. 97631
PAGE 1 OF 3

For Value Received LEONARD M. WALLACE as Successor Trustee of
THE CHARLES WALLACE TRUST
Under Trust Agreement dated March 6, 1997

does hereby convey, release, remise and forever quitclaim unto

LEONARD M. WALLACE and SHERYL K. WALLACE,
Husband and wife

whose current address is Box 126, New Meadows, ID 83654

the following described premises, to-wit:

See attached Exhibit A

together with their appurtenances.

Dated: 3-13-2000

THE CHARLES WALLACE TRUST
Under Trust Agreement dated March 6, 1997

Leonard M. Wallace
LEONARD M. WALLACE, Successor Trustee

STATE OF IDAHO)
COUNTY OF Adams) ss

On this 13th day of MARCH 2000,
before me, a Notary Public in and for said State,
personally appeared LEONARD M. WALLACE,
known or identified to me to the Successor Trustee
of THE CHARLES WALLACE TRUST under
Trust Agreement dated March 6, 1997 that executed
this instrument or the person who executed the
instrument on behalf of said Trust, and acknowledged
to me that such Trust executed the same.

Denise A. Groves
Notary Public
Residing at: Blaine County, Idaho
Commission Expires: 06-27-2002

INSTRUMENT NO. 97631
State of Idaho)
County of Adams) ss.
Filed for record at the request of
Timberline Title & Escrow
46 min. past 3 o'clock P.M.
this 13 day of March, 2000
by Michael Fisk RECORDER
Deputy
Fee \$ 9.00

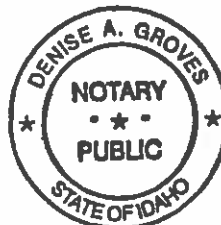


EXHIBIT A

A parcel of land situated in the E1/2SE1/4, Section 8, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, more particularly described as follows:

Commencing at an aluminum cap marking the Section corner common to Sections 8, 9, 16 and 17, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho;

Thence North 00 degrees 27'23" West 1,272.31 feet along the line common to said Sections 8 and 9;

Thence North 89 degrees 32'24" West 247.33 feet to an existing fence line, the REAL POINT OF BEGINNING;

Thence continuing North 89 degrees 32'24" West 522.20 feet along said existing fence line;

Thence North 00 degrees 17'00" East 417.40 feet along said existing fence line;

Thence South 89 degrees 32'24" East 522.20 feet along said existing fence line;

Thence South 00 degrees 17'00" West 417.40 feet along said existing fence line to the POINT OF BEGINNING.

SUBJECT TO road and power line easements of record.

A parcel of land situated in the NW1/4SW1/4 and the NE1/4SW1/4, Section 8, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, more particularly described as follows:

Commencing at a 5/8" rebar marking the SW 1/16 corner of Section 8, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, the REAL POINT OF BEGINNING;

Thence North 89 degrees 44'00" West 45.15 feet along the Southerly boundary of said NW1/4SW1/4 to a 5/8" rebar;

Thence North 00 degrees 42'00" West 463.24 feet along an existing fence line to a 5/8" rebar;

Thence South 88 degrees 22'22" East 477.90 feet along an existing fence line to a 5/8" rebar;

Thence South 02 degrees 48'12" East 457.49 feet along an existing fence line to the Southerly boundary of said NE1/4SW1/4;

Thence North 89 degrees 44'00" West 449.22 feet to the POINT OF BEGINNING.

SUBJECT TO easements and rights-of-way of use of record.

EXCEPTING County Road right-of-way.

Formerly described as:

TRACT 1

Township 19 North, Range 2 East, Boise Meridian, Adams County,
Idaho

Section 8: A parcel of land situated in the NE1/4SE1/4 and the
SE1/4SE1/4 more particularly described as follows:

Beginning at the Southeast corner of said Section 8;

Thence North 1276.1 feet;

Thence North 89° 54' West 264.4 feet to the REAL POINT OF
BEGINNING;

Thence North 89° 54' West 93.5 feet;

Thence North 208.7 feet;

Thence North 89° 54' West 208.7 feet;

Thence South 208.7 feet;

Thence North 89° 54' West 219.5 feet;

Thence North 417.4 feet;

Thence South 89° 54' East 521.7 feet;

Thence South 417.4 feet to the REAL POINT OF BEGINNING.

TRACT 2

Township 19 North, Range 2 East, Boise Meridian, Adams County,
Idaho

Section 8: A parcel of land situated in the NE1/4SW1/4 more
particularly described as follows:

Beginning at the Southeast corner of said Section 8;

Thence North 1316.1 feet;

Thence North 89° 54' West 3481.6 feet to the REAL POINT OF
BEGINNING;

Thence North 89° 54' West 466.7 feet;

Thence North 466.7 feet;

Thence South 89° 54' East 466.7 feet;

Thence South 466.7 feet to the REAL POINT OF BEGINNING.

Scott L. Campbell, ISB No. 2251
Sarah A. McCormack, ISB No. 9683
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
slc@moffatt.com
sam@moffatt.com
26671.0000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

**AFFIDAVIT OF LEONARD M.
WALLACE**

1. My name is Leonard M. Wallace. I am over eighteen years of age and am the father of Michael Wallace, an applicant to Transfer No. 81039. I am the current owner of record of Water Right No. 78-10067, which is the subject of this transfer, and I live on the

property that includes the place use for Water Right No. 78-10067. I make this affidavit upon my own personal knowledge and I am competent to testify regarding the matters contained herein.

2. My father, Charles Wallace and his company, Charles Wallace & Sons, Inc., owned 350 acres as a ranch in Adams County, including the point of diversion and place use for Water Right No. 78-10067 and the property now known as Timber Ridge Subdivision. Charles Wallace used the water from the springs associated with Water Right No. 78-10067 since 1970 for domestic and irrigation use on his property.

3. Charles Wallace sold a large portion of the ranch, which is now known as Timber Ridge Subdivision, to Phil and Kenny Walters in the 1970s. The point of diversion for the springs associated with Water Right No. 78-10067 was located on the land transferred to the Walters. However, the place of use associated with Water Right No. 78-10067 was retained by Charles Wallace. Although the location of the point of diversion was owned by the Walters, Charles Wallace used and claimed a water line easement to access the spring water through a pipeline to his property through the property owned by the Walters.

4. Despite their promise not to sell the ranch acreage, Phil and Kenny Walters sold the land to Hobie Alter, a developer from California, in 1993.

5. Once Hobie Alter decided that he was going to subdivide and develop the ranch acreage into Timber Ridge Subdivision, he contacted me about the water line easement to the springs. I told him that our family had used the water from the springs for as long as we had owned the property and that we had an agreed easement to pipe the spring water to our property. He agreed to put the easement on the plat map of Timber Ridge Subdivision to memorialize the

agreement that the easement existed. Attached hereto as **Exhibit A** is a true and correct copy of the plat map executed by Hobie Alter, showing the above-mentioned water line easement.

6. On May 3, 1988, I filed a Notice of Claim to a Water Right in the SRBA with the Department for the two developed springs gravity fed through a pipeline for domestic use and lawn irrigation on the remaining land owned by the Wallace family. Attached hereto as **Exhibit B** is a true and correct copy of the Notice of Claim. The Department designated the claim as water right claim no. 78-10067.

7. On December 7, 2006, I received a letter from the Department acknowledging my Notice of Claim in the SRBA from 1988 and requesting evidence of priority. Attached hereto as **Exhibit C** is a true and correct copy of the letter. I provided the evidence of priority by affidavit on December 11, 2006. Attached hereto as **Exhibit D** is a true and correct copy of the affidavit.

8. The Department released a preliminary recommendation of water rights on December 19, 2006 and the water right was decreed on November 6, 2007. Attached hereto as **Exhibit E** is a true and correct copy of the preliminary recommendation.

9. Charles Wallace passed away and his property was officially transferred to me through a quitclaim deed on March 13, 2000. Attached hereto as **Exhibit F** is a true and correct copy of the quitclaim deed.

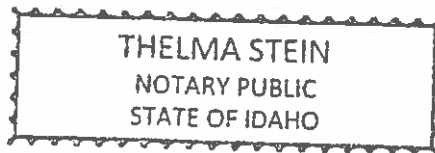
10. On January 2, 2001, I transferred the same property to my son and daughter-in-law, Michael and Eulla ("Sissy") Wallace. The current property consists of five acres in the middle of Timber Ridge Subdivision. I live in a house on one acre and my son and daughter-in-law, Michael and Eulla Wallace, live in a house on the remaining four acres. We use the springs water for domestic use on the two homes and lawn irrigation on our properties. I

also have a well, drilled in 2010, which supplies additional domestic water to my property, but the springs are the sole source of water for my son and daughter-in-law's property.

Further your affiant sayeth naught.

Leonard M. Wallace
Leonard M. Wallace

SUBSCRIBED AND SWORN to before me this 19th day of October, 2016.



Thelma Stein
NOTARY PUBLIC FOR IDAHO
Residing at Vallley County Idaho
My Commission Expires August 14 2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of October, 2016, I caused a true and correct copy of the foregoing **AFFIDAVIT OF LEONARD M. WALLACE** to be served by the method indicated below, and addressed to the following:

Gary Spackman

Director

IDAHO DEPARTMENT OF WATER RESOURCES

322 E. Front St.

P.O. Box 83720

Boise, ID 83720-0098

☐ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

Shelley M. Davis

BARKER ROSHOLT & SIMPSON LLP

1010 W. Jefferson St., Suite 102

P.O. Box 2139

Boise, ID 83701-2139

Facsimile (208) 344-6034

Attorneys for Protestants

☐ U.S. Mail, Postage Prepaid

☐ Hand Delivered

☐ Overnight Mail

☐ Facsimile

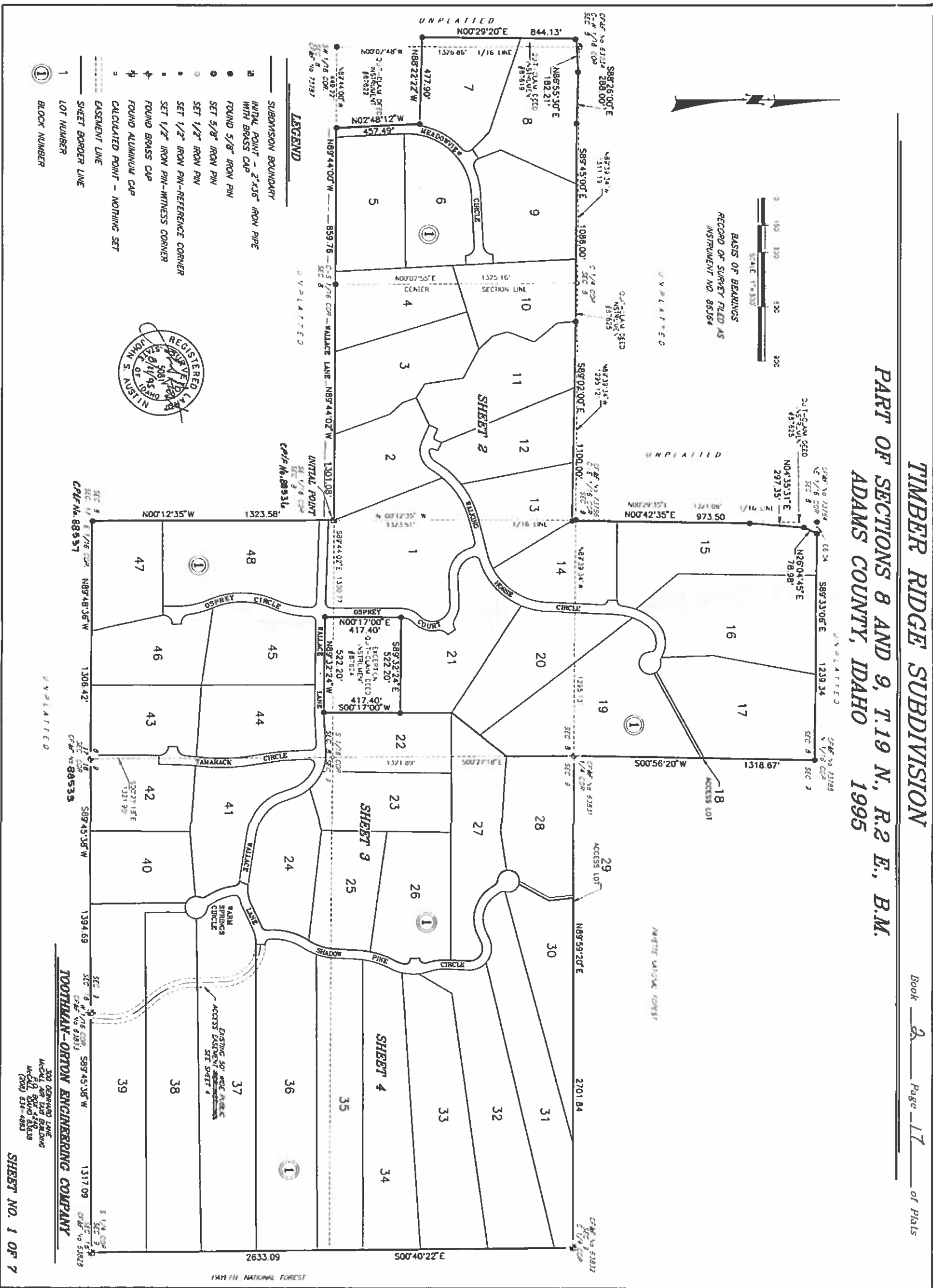
Scott L. Campbell

EXHIBIT A

State of Idaho }
County of Adams } SS

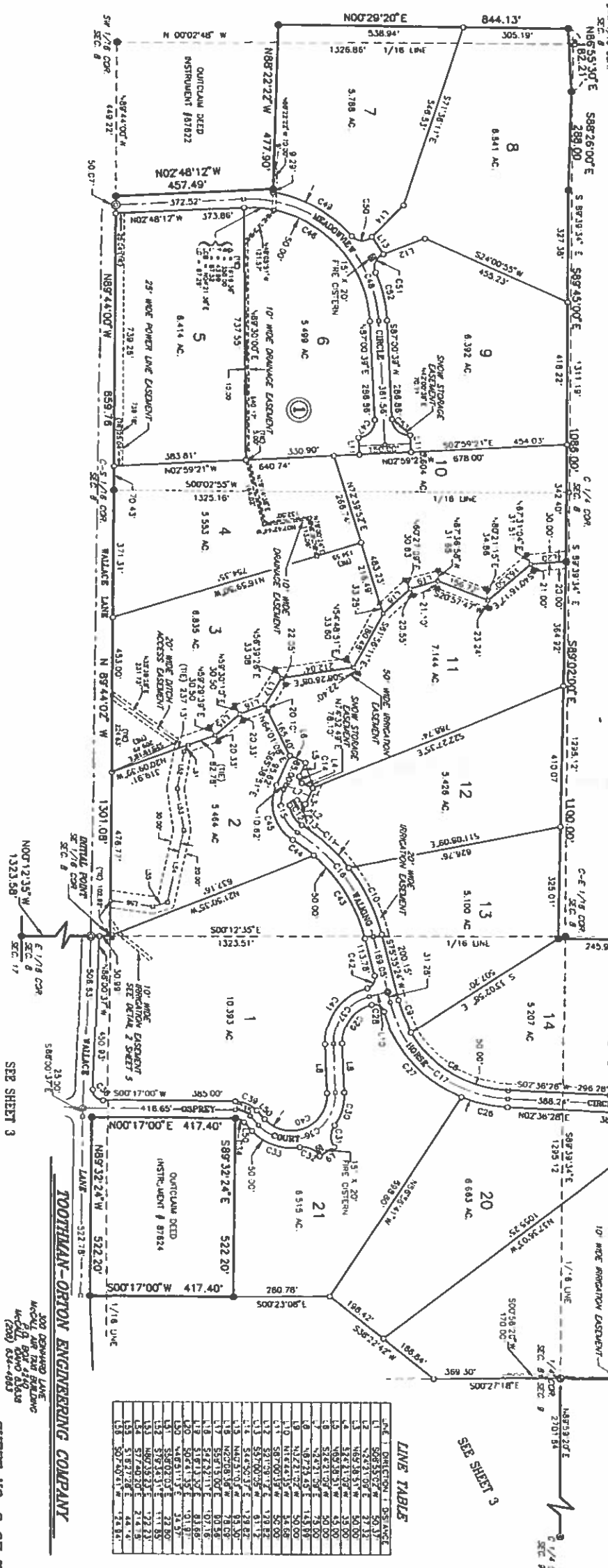
I hereby certify that the foregoing is a
true and correct copy of the original on file
in this office.

Date 5/10/17 **SHERRY WARD**
Clerk
By [Signature] Deputy



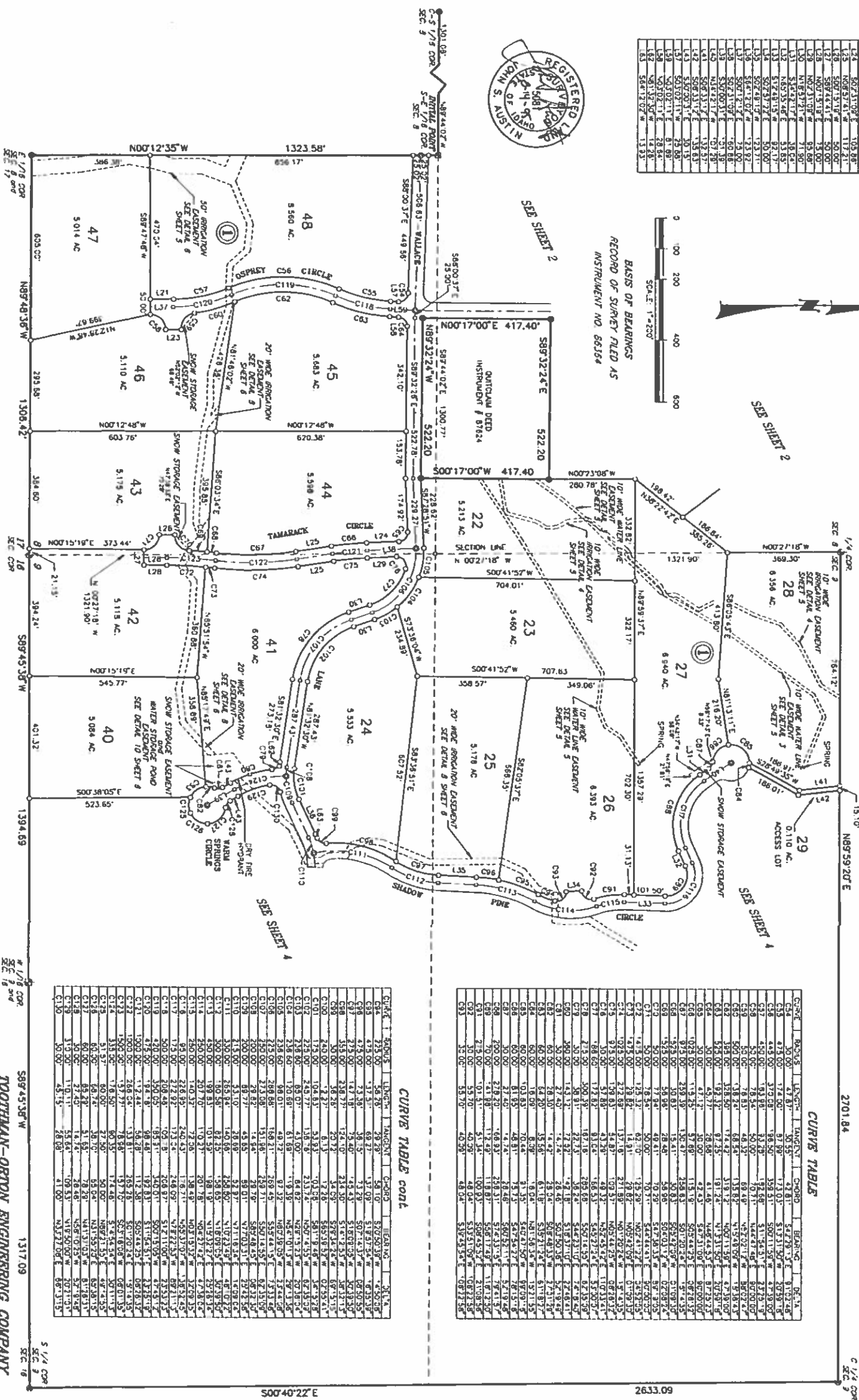
1995

CURVE TABLES cont.

[illegible]

93068\PLAT-SH2

LINE	NAME	WAVELENGTH
1-1	507.782	13.50
1-2	507.782	13.50
1-3	507.782	13.50
1-4	507.782	13.50
1-5	507.782	13.50
1-6	507.782	13.50
1-7	507.782	13.50
1-8	507.782	13.50
1-9	507.782	13.50
1-10	507.782	13.50
1-11	507.782	13.50
1-12	507.782	13.50
1-13	507.782	13.50
1-14	507.782	13.50
1-15	507.782	13.50
1-16	507.782	13.50
1-17	507.782	13.50
1-18	507.782	13.50
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1-20	507.782	13.50
1-21	507.782	13.50
1-22	507.782	13.50
1-23	507.782	13.50
1-24	507.782	13.50
1-25	507.782	13.50
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1-27	507.782	13.50
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1-34	507.782	13.50
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1-37	507.782	13.50
1-38	507.782	13.50
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1-40	507.782	13.50
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1-44	507.782	13.50
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1-46	507.782	13.50
1-47	507.782	13.50
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1-49	507.782	13.50
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1-82	507.782	13.50
1-83	507.782	13.50
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1-85	507.782	13.50
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1-88	507.782	13.50
1-89	507.782	13.50
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1-91	507.782	13.50
1-92	507.782	13.50
1-93	507.782	13.50
1-94	507.782	13.50
1-95	507.782	13.50
1-96	507.782	13.50
1-97	507.782	13.50
1-98	507.782	13.50
1-99	507.782	13.5



Crane	Radius	Length	Height	Blowing	Dr-1
C14	30.00	47.87	50.55	42.81	64.79.15 E
C15	45.00	37.08	19.99	17.01	64.79.15 E
C16	44.50	37.50	18.98	35.81	64.79.15 E
C17	44.50	37.50	18.98	35.81	64.79.15 E
C18	50.00	78.34	50.00	16.71	64.79.15 E
C19	50.00	78.34	46.32	69.49	64.79.15 E
C20	50.00	18.24	68.54	13.83	64.79.15 E
C21	35.00	35.80	17.47	40.01	64.79.15 E
C22	55.00	92.12	9.25	18.12	64.79.15 E
C23	30.00	45.77	28.06	41.46	64.79.15 E
C24	30.00	45.77	28.06	41.46	64.79.15 E
C25	102.00	114.75	87.89	11.16	64.79.15 E
C26	87.50	228.18	150.47	25.81	64.79.15 E
C27	45.00	30.93	15.41	50.81	64.79.15 E
C28	55.00	50.96	28.46	58.90	64.79.15 E
C29	50.00	77.94	40.41	70.29	64.79.15 E
C30	50.00	78.34	50.00	10.71	64.79.15 E
C31	42.00	22.58	14.30	43.92	64.79.15 E
C32	42.00	22.58	14.30	43.92	64.79.15 E
C33	102.00	312.84	137.18	21.88	64.79.15 E
C34	93.00	59.83	34.81	109.51	64.79.15 E
C35	30.00	30.93	41.26	48.32	64.79.15 E
C36	46.00	17.42	91.64	16.53	64.79.15 E
C37	71.00	300.19	18.18	209.68	64.79.15 E
C38	30.00	48.31	32.73	34.24	64.79.15 E
C39	30.00	48.31	32.73	34.24	64.79.15 E
C40	30.00	22.58	14.30	24.46	64.79.15 E
C41	30.00	22.58	14.30	24.46	64.79.15 E
C42	60.00	26.10	14.47	38.44	64.79.15 E
C43	60.00	26.10	35.58	61.18	64.79.15 E
C44	60.00	10.99	8.06	16.04	64.79.15 E
C45	60.00	10.99	70.46	9.35	64.79.15 E
C46	60.00	21.75	48.91	15.33	64.79.15 E
C47	60.00	21.75	48.91	15.33	64.79.15 E
C48	220.00	816.20	164.93	76.18	64.79.15 E
C49	220.00	816.20	112.49	118.87	64.79.15 E
C50	215.00	10.11	51.54	100.83	64.79.15 E
C51	215.00	55.70	40.59	48.04	64.79.15 E
C52	35.00	53.70	40.59	48.04	64.79.15 E
C53	35.00	53.70	40.59	48.04	64.79.15 E

[illegible]

TOOTHMAN-ORTON ENGINEERING COMPANY
200 DEWEY LANE
WOLFE AVE. 1ST BUILDING
S.D. BOX 3100
MCKINNEY, TEXAS
(214) 834-4885

SHEET NO. 3 OF 7

TIMBER RIDGE SUBDIVISION

Book 2 Page 17 of Plats

CERTIFICATE OF OWNERS

PART OF SECTIONS 8 AND 9, T.19 N., R.2 E., B.M.

ADAMS COUNTY, IDAHO 1995

NOTES

- 1) LOTS 18 & 29 ARE 13 FOOT WIDE PRIVATE ACCESS LOTS OWNED BY THE TIMBER RIDGE HOME OWNERS ASSOCIATION.
- 2) ALL LOT LINES ARE SUBJECT TO A 10 FOOT WIDE UTILITY EASEMENT ON EACH SIDE OF A LOT LINE.
- 3) THE RIGHT-OF-WAY OF EACH ROAD WILL ALSO SERVE AS AN EASEMENT FOR PUBLIC UTILITIES AND AS AN EASEMENT FOR THE RIGHT-OF-WAY OF EACH ROAD.
- 4) BUILDING SETBACKS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OR C.C.R. REGULATIONS.
- 5) THIS PLAT IS SUBJECT TO COMPLIANCE WITH IDAHO CODE SECTION 31-3004. IRRIGATION WATER WILL BE SUPPLIED TO SOME OF THE LOTS HEREON.

APPROVAL OF SOUTHWEST DISTRICT HEALTH DEPARTMENT

SANITARY RESTRICTIONS OF THIS PLAT OF TIMBER RIDGE SUBDIVISION ARE HEREBY REMOVED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER USING THE CONDITIONS OF APPROVAL.

#205 (OV3)
INSTRUMENT NO. *John J. Baker*
HEALTH OFFICER

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF ADAMS, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308 DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

DATE 8/18/95
Theresa M. Rortey
COUNTY TREASURER

CERTIFICATE OF COUNTY ENGINEER

I, WANE HOLLAND, REGISTERED ENGINEER FOR ADAMS COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLETES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



COUNTY COMMISSIONERS' ACCEPTANCE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY, IDAHO ON THE 14 DAY OF Aug. 1995.

Waymond Bennett
CHAIRMAN

CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO § 5.5.
COUNTY OF ADAMS § 5.5.
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF JOHN S. AUSTIN, AT 3:00 MINUTES PAST 11 O'CLOCK A.M. ON THURSDAY OF August, 1995 IN BOOK 2, OF PLATS AT PAGES 17 AND INSTRUMENT NO. 88538.
EX OFFICIO RECORDER *Michael Fisk*
DEPUTY

TOOTHMAN-ORTON ENGINEERING COMPANY

100 DENING LANE
WHEELER, IDAHO 83450
(208) 837-4803

SHEET NO. 7 OF 7

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED IS THE OWNER OF THE PROPERTY HEREAFTER DESCRIBED:
A portion of the NW 1/4 of Section 8, T.19 N., R.2 E., B.M., Adams County, Idaho, being described as follows:
BEGINNING at the southeast 1/16th corner of said Section 8, being the initial point and being marked by a 2 inch iron pin with brass cap, thence:
1) N 89°41'02"W, 1301.08 feet along the southerly line of the NW 1/4 SE 1/4 of Section 8 to a 5/8 inch pin/cap at the center-south 1/16th corner of said Section 8;
2) N 89°41'02"W, 859.78 feet along the southerly line of the NW 1/4 SE 1/4 of said Section 8 to a 5/8 inch pin/cap at the southeasterly corner of a portion of land described in a Quit-Claim deed filed in Adams County as instrument No. 87822, thence;
3) N 02°48'12"W, 437.49 feet along the easterly line of said instrument No. 87822 to a 5/8 inch pin/cap at the northwesterly corner of same, thence;
4) N 88°23'22"W, 477.90 feet along the northerly line of said instrument No. 87822 to a 5/8 inch pin/cap at the southeasterly corner of a portion of land described in a Quit-Claim deed filed in Adams County as instrument No. 87819, thence;
5) N 00°29'20"E, 844.13 feet along the easterly line of said instrument No. 87819 to a 5/8 inch pin/cap at the northwesterly corner of same, thence;
6) N 88°15'10"E, 148.21 feet along the northerly line of said instrument No. 87819 and along the southerly line of a portion of land described in a Quit-Claim deed filed in Adams County as instrument No. 87823 to a 5/8 inch pin/cap at an angle point of said southerly line, thence;
7) S 88°18'10"E, 288.00 feet along said southerly line to a 5/8 inch pin/cap at another angle point in said line, thence;
8) S 88°15'10"E, 1068.00 feet along said southerly line to a 5/8 inch pin/cap at another angle point in said line, thence;
9) S 89°23'07"E, 1109.00 feet along said southerly line to a 5/8 inch pin/cap at the southeasterly corner of said instrument No. 87823, thence;
10) N 00°42'35"E, 912.50 feet along the easterly line of said instrument No. 87823 to a 5/8 inch pin/cap at an angle point in said line, thence;
11) N 04°15'31"E, 287.15 feet along said easterly line to a 5/8 inch pin/cap at another angle point in said line, thence;
12) N 88°14'45"E, 78.89 feet along said easterly line to a 5/8 inch pin/cap at the northwesterly corner of instrument No. 87823, in the northerly line of the SE 1/4 NE 1/4 of Section 8, thence;
13) S 88°15'10"E, 1219.34 feet along the northerly line of said SE 1/4 NE 1/4 of Section 8, thence;
14) S 00°38'30"W, 1114.87 feet along the easterly line of said SE 1/4 NE 1/4 to a 2 inch pipe with brass cap at the 1/4 corner common to Sections 8 and 9, thence;
15) N 88°19'30"E, 3201.84 feet along the northerly line of said SW 1/4 of said Section 8 to a 2 inch pipe with an aluminum cap at the 1/4 corner of said section 8, thence;
16) S 00°40'22"E, 2613.08 feet along the easterly line of said SW 1/4 to a 2 inch pipe with an aluminum cap at the 1/4 corner common to Sections 9 and 16, thence;
17) S 08°43'38"W, 1117.08 feet along the southerly line of the SE 1/4 SW 1/4 of Section 9 to a 2 inch pipe with an aluminum cap at the east 1/16th corner common to Sections 9 and 16, thence;
18) S 88°15'10"W, 1194.80 feet along the southerly line of the SW 1/4 SW 1/4 of Section 9 to a 2 inch pipe with a brass cap at the corner common to Sections 9, 16 and 17, thence;
19) N 88°48'38"W, 1306.42 feet along the southerly line of the SE 1/4 SE 1/4 of Section 8 to a 5/8 inch pin/cap at the east 1/16th corner common to Sections 8 and 9, thence;
20) N 00°12'35"W, 1221.58 feet along the easterly line of said SE 1/4 SE 1/4 to the POINT OF BEGINNING.
Excluding a parcel of land described in a Quit-Claim deed filed in Adams County as instrument No. 87824 and described as follows:
Beginning at the 2 inch pipe with brass cap at the corner common to Sections 8, 9, 16 and 17, thence:
1) N 00°17'00"E, 417.40 feet to a 5/8 inch pin/cap, thence;
2) N 88°12'24"W, 522.20 feet to a 5/8 inch pin/cap, thence;
3) S 00°17'00"W, 417.40 feet to a 5/8 inch pin/cap, thence;
4) S 88°12'24"E, 522.20 feet to the POINT OF BEGINNING.
Said exception containing 5.004 acres.
The above-described parcel, excluding the above exception, contains 351.854 acres, and is as shown on a Record of Survey filed in Adams County as instrument No. 88538.
THAT IT IS THE INTENTION OF THE UNDERSIGNED TO AND HE DOES HEREBY INCLUDE SAID LANDS IN THIS PLAT. THAT THE EASEMENTS INDICATED ON SAID PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY NOT PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND FOR SUCH OTHER USES AS ARE DESIGNATED HEREON AND THAT NO STRUCTURES AND OTHER THINGS FOR SUCH UTILITY PURPOSE ARE TO BE ERRECTED WITHIN THE LINES OF SAID EASEMENTS.
THE OWNER HEREBY CERTIFIES THAT THE INDIVIDUAL LOTS SHOWN ON THE PLAT WILL NOT BE SERVED BY ANY SANITARY SEWER SYSTEM BUT WILL BE SERVED BY INDIVIDUAL SEWER LINES AND THAT THE INDIVIDUAL LOTS SHOWN WILL NOT BE SERVED BY ANY WATER SYSTEM BUT WILL BE SERVED BY INDIVIDUAL WELLS.
BY: HOBART L. ALTER, GENERAL PARTNER OF HPL PARTNERS

NOTED BY: *Hobart L. Alter*
HOBART L. ALTER, PARTNER AND ATTORNEY IN FACT FOR HOBART L. ALTER

NOTARY PUBLIC FOR THE STATE OF IDAHO
MY COMMISSION EXPIRES 1-1-97



EXHIBIT B

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: A78-10067
Date Received: 6/02/1988 5-3-88
Receipt No: C000534

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEONARD M. WALLACE 208-347-2446
Address: BOX 126
NEW MEADOWS, ID 83654

AND/OR

Name: SHERYL K. WALLACE 208-347-2446
Address: BOX 126
NEW MEADOWS, ID 83654

2. Date of Priority: SEP 01, 1970

3. Source: SPRINGS Trib. to: THREE MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	9	SW	NW	SW		ADAMS

5. Description of diverting works:
TWO DEVELOPED SPRINGS WITH PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
IRRIGATION	04/15	10/15	0.200		

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

8. Total consumptive use is 8.0 Acre Feet Per Annum.

9. Non-irrigation uses:
2 DOMESTICS WITH LAWN IRRIGATION

A78-10067

Page 1

Date: 06/02/88

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	8	NE	SE		DOMEST	
			NE	SE		IRR	4.0
						Section Acres	4.0
						Total Acres	4.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My 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: 39356
Ident. Number A78-10067
Date Received 5-3-88
Receipt Number 48632 C000534
CF

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Leonard M. and/or Sheryl K Wallace Phone (208) 347-2446

Mailing Address Box 126 New Meadows Zip 83654

2. Date of Priority (Only one (1) per claim) Sept. 1 1970

3. Source of water supply (a) Springs (2)
which is tributary to (b) Three mile Creek

4. a. Location of existing point of diversion is: Township 19N Range 2E Section 9,
SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Adams

Additional points of diversion if any: T19N R2E Sec 9 SWNW SW

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Two developed springs
with pipeline to place of use.

MICROFILMED
Copies: White State, Yellow Claimant

OCT 25 1988

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount 0.08 or _____

For Irrigation purposes from 4-15 to 10-15 amount 0.20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 8 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2 domestics with lawn irrigation

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
19N	2E	8													D				
		8													4				4

Total number of acres irrigated 4

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (☒)

14. Remarks:

Last Name Wallace ~~A 78-10067~~ Ident No. A 78-10067

MICROFILMED
Copies of Water State Records Claimant

OCT 05 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments -1-

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Leonard M. Wallau Date 5-3-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of May 19 88

SEAL

Notary Public Carter Fritschle

Residing at Eagle, Id

My Commission Expires 3-21-94

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Wallace Ident. Number A78-10067

MICROFILMED

OCT 05 1992

EXHIBIT C



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 7, 2006

LEONARD M &/OR SHERYL K WALLACE
PO BOX 126
NEW MEADOWS ID 83654

Re: Claim to a Water Right No. 78-10067

Dear Claimants:

In May of 1988, you submitted the above referenced claim in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated, when this claim was filed, that the water right was based on a "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. This claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, the priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize the water use under this right, if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible.

The required evidence supporting the priority date must be submitted by **December 14, 2006**, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter, or the enclosed pamphlet, please feel free to call me at 287-4953.

Sincerely,

Kay Walker
Sr. Water Resource Agent

Enclosures

We the undersigned do hereby state that the priority date of September 1, 1970 is correct for water right # 78-10067 which held by Leonard & Sheryl Wallace, P.O. Box 126, New Meadows, Idaho 83654 and it has been used every day & year since 1970.

• Tessie Osborn Box 209 New Market, Md

• **Prevalence** = the proportion of a population that has a disease at a particular point in time

DEC 14 2006

EXHIBIT D

DEC 14 2006

We the undersigned do hereby state that the priority date of September 1, 1970 is correct for water right # 78-10067 which held by Leonard & Sheryl Wallace, P.O. Box 126, New Meadows, Idaho 83654 and it has been used every day & year since 1970.

• Everett Osborn Box 209 New Meadows Id

• Tessie Osborn Box 209 New Meadows Id

• _____

• _____

• _____

• _____

• _____

• _____

• _____

• _____

• _____

• _____

• _____

• _____

EXHIBIT E

12/19/2006

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

RIGHT NUMBER: 78-10067

NAME AND ADDRESS: LEONARD M WALLACE
PO BOX 126
NEW MEADOWS ID 83654

SHERYL K WALLACE
PO BOX 126
NEW MEADOWS ID 83654

SOURCE: SPRINGS

TRIBUTARY: THREEMILE CREEK

QUANTITY: 0.160 CFS

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 09/01/1970

POINT OF DIVERSION:

T19N R02E S9 SENWSW Lot 3 Within ADAMS County

T19N R02E S9 SENWSW Lot 3 Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.080 CFS
IRRIGATION	04/01 10/31	0.080 CFS
Domestic use is for 2 homes.		

PLACE OF USE: IRRIGATION in ADAMS County

T19N R02E S08 NESE 4.00

DOMESTIC in ADAMS County

T19N R02E S08 NESE

4 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.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

SRBA Recommendation:

78-10067

(Irrigation)

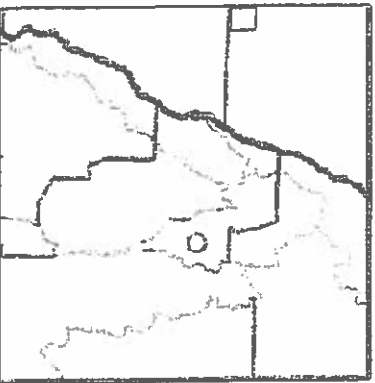
Legend

○ Point of Diversion
Place of Use

□ Townships

□ PLS Sections

□ Quarter Quarters



Adams County
IDWR Basin 78



Prepared by K. Walker
On Tuesday, December 19, 2006
1987/88 Aerial Photography

EXHIBIT F

QUITCLAIM DEED

INSTRUMENT NO. 97631
PAGE 1 OF 3

For Value Received LEONARD M. WALLACE as Successor Trustee of
THE CHARLES WALLACE TRUST
Under Trust Agreement dated March 6, 1997

does hereby convey, release, remise and forever quitclaim unto

LEONARD M. WALLACE and SHERYL K. WALLACE,
Husband and wife

whose current address is Box 126, New Meadows, ID 83654

the following described premises, to-wit:

See attached Exhibit A

together with their appurtenances.

Dated: 3-13-2000

THE CHARLES WALLACE TRUST
Under Trust Agreement dated March 6, 1997

Leonard M. Wallace
LEONARD M. WALLACE, Successor Trustee

STATE OF IDAHO)
COUNTY OF Adams) ss

On this 13th day of MARCH 2000,
before me, a Notary Public in and for said State,
personally appeared LEONARD M. WALLACE,
known or identified to me to the Successor Trustee
of THE CHARLES WALLACE TRUST under
Trust Agreement dated March 6, 1997 that executed
this instrument or the person who executed the
instrument on behalf of said Trust, and acknowledged
to me that such Trust executed the same.

Denise A. Groves
Notary Public
Residing at: Blaine County, ID
Commission Expires: 06-27-2002

INSTRUMENT NO. 97631
State of Idaho)
County of Adams) ss.
Filed for record at the request of
Timberline Title & Escrow
46 min. past 3 o'clock P.M.
this 13 day of March, 2000
by Michael Fisk RECORDER
Deputy
Fee \$ 9.00

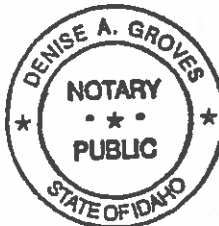


EXHIBIT A

A parcel of land situated in the S1/2SE1/4, Section 8, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, more particularly described as follows:

Commencing at an aluminum cap marking the Section corner common to Sections 8, 9, 16 and 17, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho;

Thence North 00 degrees 27'23" West 1,272.31 feet along the line common to said Sections 8 and 9;

Thence North 89 degrees 32'24" West 247.33 feet to an existing fence line, the REAL POINT OF BEGINNING;

Thence continuing North 89 degrees 32'24" West 522.20 feet along said existing fence line;

Thence North 00 degrees 17'00" East 417.40 feet along said existing fence line;

Thence South 89 degrees 32'24" East 522.20 feet along said existing fence line;

Thence South 00 degrees 17'00" West 417.40 feet along said existing fence line to the POINT OF BEGINNING.

SUBJECT TO road and power line easements of record.

A parcel of land situated in the NW1/4SW1/4 and the NE1/4SW1/4, Section 8, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, more particularly described as follows:

Commencing at a 5/8" rebar marking the SW 1/16 corner of Section 8, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, the REAL POINT OF BEGINNING;

Thence North 89 degrees 44'00" West 45.15 feet along the Southerly boundary of said NW1/4SW1/4 to a 5/8" rebar;

Thence North 00 degrees 42'00" West 468.24 feet along an existing fence line to a 5/8" rebar;

Thence South 88 degrees 22'22" East 477.90 feet along an existing fence line to a 5/8" rebar;

Thence South 02 degrees 48'12" East 457.49 feet along an existing fence line to the Southerly boundary of said NE1/4SW1/4;

Thence North 89 degrees 44'00" West 449.22 feet to the POINT OF BEGINNING.

SUBJECT TO easements and rights-of-way of use or record.

EXCEPTING County Road right-of-way.

Formerly described as:

TRACT 1

Township 19 North, Range 2 East, Boise Meridian, Adams County,
Idaho

Section 8: A parcel of land situated in the NE1/4SE1/4 and the
SE1/4SE1/4 more particularly described as follows:

Beginning at the Southeast corner of said Section 8;

Thence North 1276.1 feet;

Thence North 89° 54' West 264.4 feet to the REAL POINT OF
BEGINNING;

Thence North 89° 54' West 93.5 feet;

Thence North 208.7 feet;

Thence North 89° 54' West 208.7 feet;

Thence South 208.7 feet;

Thence North 89° 54' West 219.5 feet;

Thence North 417.4 feet;

Thence South 89° 54' East 521.7 feet;

Thence South 417.4 feet to the REAL POINT OF BEGINNING.

TRACT 2

Township 19 North, Range 2 East, Boise Meridian, Adams County,
Idaho

Section 8: A parcel of land situated in the NE1/4SW1/4 more
particularly described as follows:

Beginning at the Southeast corner of said Section 8;

Thence North 1316.1 feet;

Thence North 89° 54' West 3481.6 feet to the REAL POINT OF
BEGINNING;

Thence North 89° 54' West 466.7 feet;

Thence North 466.7 feet;

Thence South 89° 54' East 466.7 feet;

Thence South 466.7 feet to the REAL POINT OF BEGINNING.