

July 10, 2008

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

RECEIVED

JUL 11 2008

WATER RESOURCES
WESTERN REGION

Subject: Englehardt Ownership Change (61-12151 Split From 61-12058)

Dear Steve,

On behalf of Beverly and Patrick Englehardt, we request Idaho Department of Water Resources (IDWR) to examine a *Notice of Change in Water Right Ownership* submitted by the Englehardts April 20, 2006 on water right 61-12058. The following letter and attachments summarize what we found in our investigation and why we question Englehardt's resulting split portion of water right 61-12058 processed by IDWR

Water right 61-2137 was originally licensed to the Lotts for 33 acres in the SWNW and 20 acres in the NWSW Section 12 as indicated in Figure 1. The Lotts sold the SWNW 33 acres to John Wilson and filed transfer No. 4067 that allowed them to use a separate system resulting in split rights 61-2137A (Wilson) and 61-2137B (Lotts) The original licensed place of use was not changed. Information and documents associated with license 61-2137 and transfer No. 4067 are included in Attachment 1.

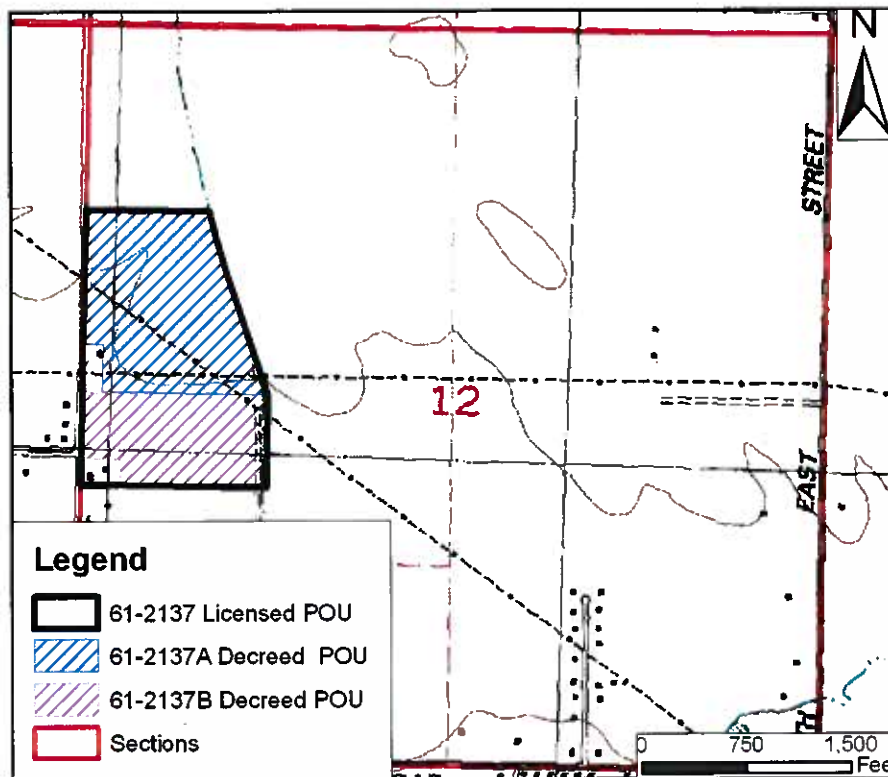


Figure 1

The Bairds then purchased portion of the 61-12059 place of use from Wilson and hired SPF to file transfer No. 71067 to allow them to use a separate system resulting in split rights 61-12058 (Wilson's remaining 29 acres) and 61-12059 (Baird's 4 acres). Wilson objected to the transfer, stating that the Bairds did not own any of his water right. During that time, SPF requested IDWR provide the current SRBA shape file for partial decree 61-2137A. In response, Jeff Peppersack sent SPF the attached memo dated June 11, 2004 that included the current map POU map for water right 61-2137A in IDWR's database along with shapes associated with a Notice of Error Reply submitted by Wilson during the SRBA review process. Wilson's reply indicated an area west of the canal (locally known as Miller Canal) that he wanted decreed, which was outside the original licensed area. This unauthorized area is indicated on 1987, 2004 or 2006 aerial photography as shown in Figures 2, 3 and 4. A settlement was eventually reached between the Bairds and Wilson and a stipulation filed allowing approval of the transfer. Information and documents associated with the Baird water right split are included in Attachment 2.

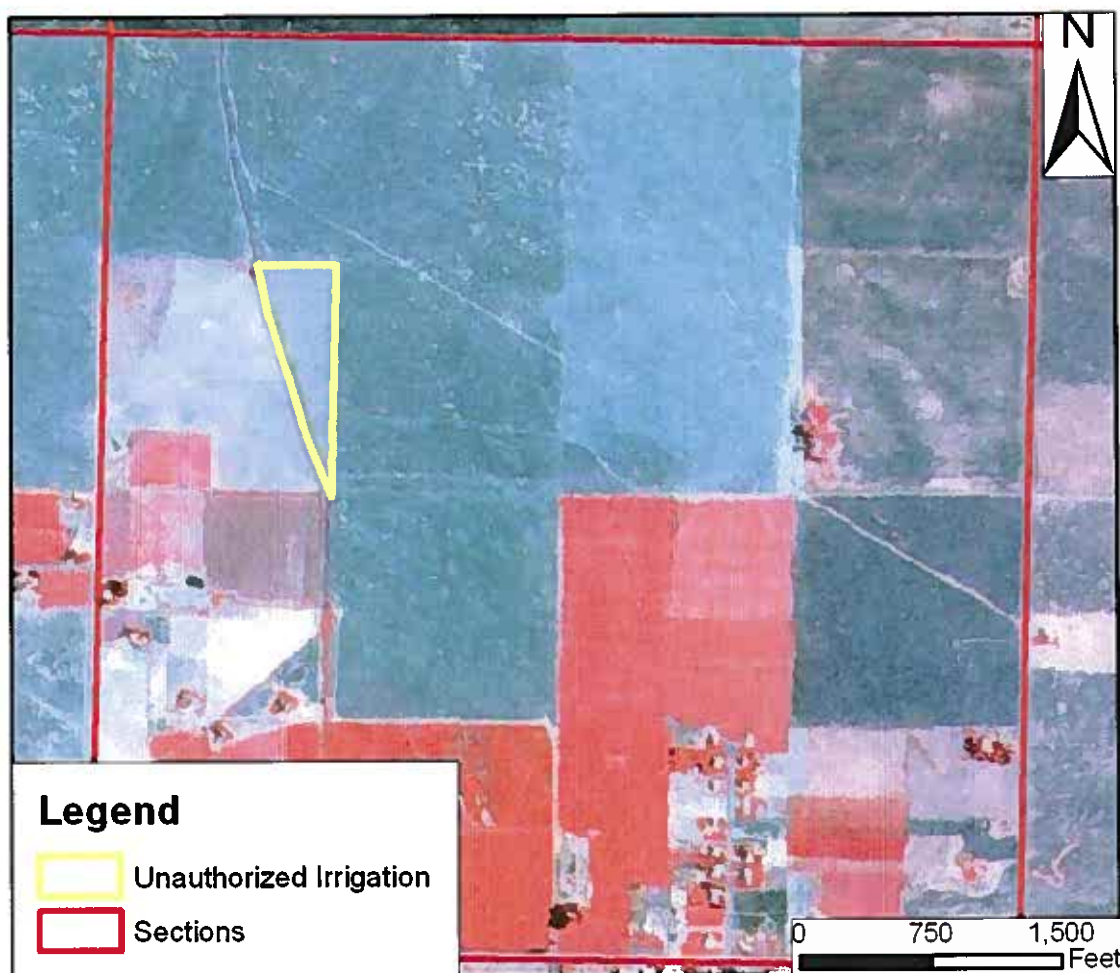


Figure 2: 1987 Aerial Photo

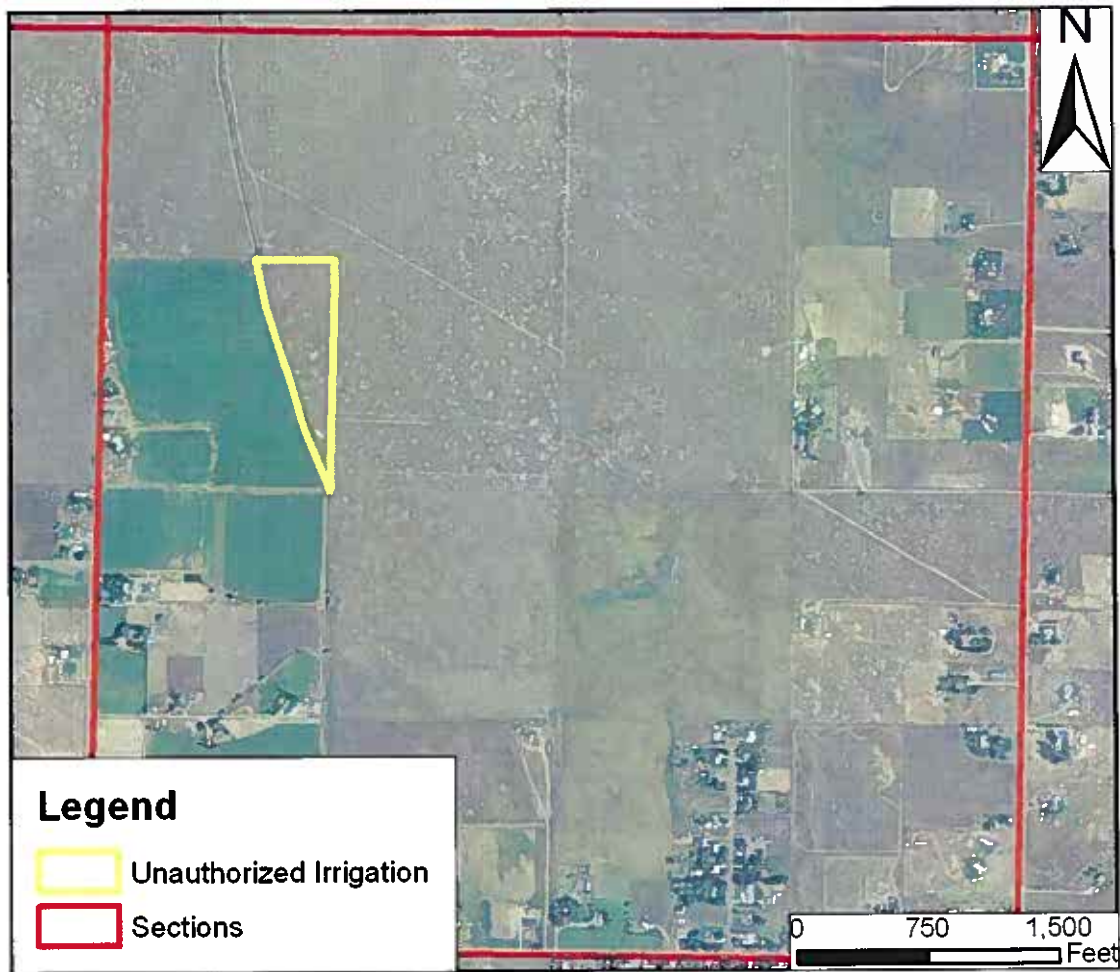


Figure 3: 2004 Aerial Photo

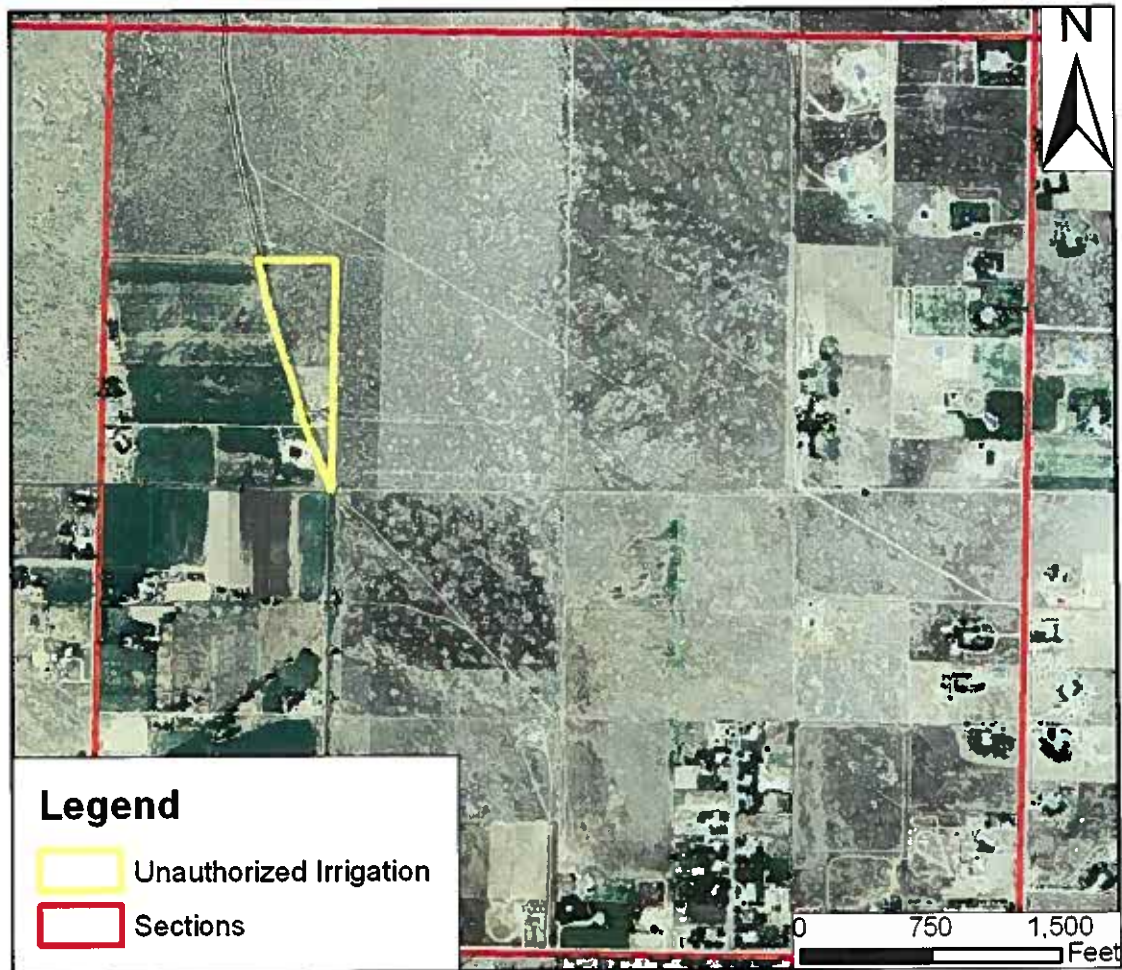


Figure 4: 2006 Aerial Photo

The Engelhardts then purchased 9.4 acres from Wilson and filed the attached Notice of Change in Water Right Ownership with IDWR for their portion of water right 61-12058. The Englehardts did not indicate on the notice their specific portion of water right 61-12058, however, they did attach a copy of their warranty deed with the metes and bounds legal description of their property. IDWR used this information to determine the property that the Englehardts purchased as indicated on a file map labeled Wilson/Engelhardt Metes and Bounds. The calculated parcel reflects 9.4 acres that are all located within the licensed/decreed place of use, but for some unknown reason, IDWR only allocated the Englehardts 3.5 acres (water right 61-12151) as shown in Figure 5. Englehardt's sales agreement stated "Seller to have irrigation well agreement, which includes 8 acres of water, available at closing", however, the final ownership documents did not contain language restricting irrigation from the property. It appears that the Englehardts should have been allocated 9.4 acres based on the deed, or at least 8.0 acres based on the sales agreement. Curiously, the shape file for the remaining 25.5 acres listed on water right 61-12150 included the unauthorized irrigation area located outside the licensed/decreed area. Information and documents associated with the Englehardt water right split are included in Attachment 3.

The Briggs then purchased 5.0 acres from Wilson and filed the attached Notice of Change in Water Right Ownership with IDWR for their portion of 61-12058, which IDWR changed to 61-12150. Like the Englehardts, the Briggs did not indicate on the notice their specific portion of the water right, however, they did attach a copy of their warranty deed and the metes and bounds legal description of their property. The Briggs' ownership documentation specified that they were limited to 4 acres of ground water rights. Water right 61-12150 was split into water right 61-12152 for Wilson's remaining 21.5 acres and water right 61-12153 for Briggs' 4.0 acres. Information and documents associated with the Briggs water right split are included in Attachment 4.

The Labbes then purchased 14.0 acres from Wilson and filed the attached Notice of Change in Water Right Ownership with IDWR for their portion of 61-12058, which IDWR changed to 61-12152. Like the Englehardts and Briggs, the Labbes did not indicate on the notice their specific portion of the water right, however, they did attach a copy of their warranty deed with the metes and bounds legal description of their property. The ownership documents did not contain language restricting irrigation from the property. Water right 61-12152 was split into water right 61-12154 for Wilson's remaining 7.5 acres water right 61-12155 for Labbe's 14 acres. Information and documents associated with the Labbe water right split are included in Attachment 5.

Figure 5 shows how parent right 61-2137A has been split by IDWR from the changes in ownerships discussed above. Note that the 7.5 remaining acres listed on water right 61-12154 are all located west of the Miller Canal in an area that was not originally licensed or decreed irrigation water, and that shows no evidence of irrigation

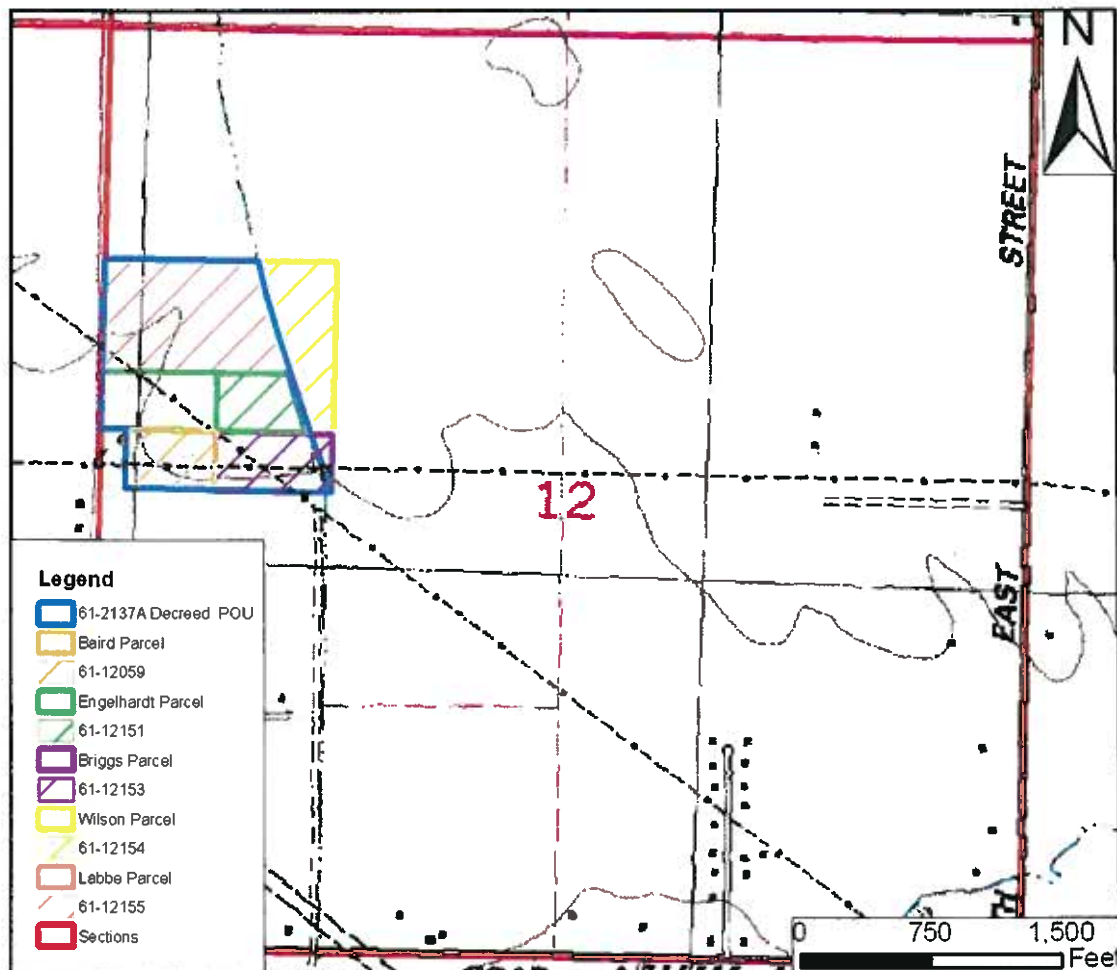


Figure 5

Please let me know if there are any questions concerning this letter and attachments. We look forward to your re-evaluation of this water right split.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Beverly and Patrick Englehardt

Enclosures: Attachments 1-4

SPF file number: 718.0010

ATTACHMENT 1

LICENSE 61-2137 & TRANSFER NO. 4067

REPORT OF ENGINEER

Permit No. 0-29718

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant: Jack A. Lott

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ of Section 12

T. 3 S R. 6 E. B. M. County of Elmore

4. Describe works as they exist, giving dimensions and capacities of same: 25 HP F-M Motor
 # F437602, Layne & Butler Pump # 29405, 6" discharge to 8" x 150'
 buried concrete pipe to open ditch. 6 stages. 110' x 6" Column
 Well. 450' x 10" = 12' x 10" casing. h. 3.8' reported.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number
 of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other
 than irrigation):

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12., Twp. 3 S., Rge. 6 E. B. M. (50 acres)

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. John Lott calling

Measured by CFS Flow Meter 5 289 x 16.3 = 4686 CM = 1.04 cfs = 5.2"

This examination was made on the

22nd day of November, 1965

(Signed)

L. J. Johnston

Engineer

29718

2 1
11 12

PD

John Lott

3
DGD
40 H

33

Jack Lott

18

PH

James H

10 Lott

DG 1
10 H

10

53

WV

DGD 20 H

Donald L. H

DGD

FC Lott
30 H

11 12

14 13

61 713

State of Idaho

License and Certificate of Water Right

Water License No. G-29713

Amount 1.0 c.f.s.

Water District No.

Priority May 11, 1961

THIS IS TO CERTIFY that JACK A. LOTT
of Mountain Home, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 11, 1961; that Permit NoG-29713
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.0 second feet, was issued thereunder on December 14, 1965, showing that said works
were completed on the 13th day of November, 1964; and that on the 13th
day of November, 1964, Jack A. Lott

of Mountain Home, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of irrigation
under Use Permit No. G-29713 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8417, on the 14th day of December, 1965;
The right hereby confirmed dates from May 11, 1961;
The Point of Diversion is located
in the SE 1/4 Sec. 12, Tp. 3 S, R. 5 E, B. M. Elmore County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>3 S</u>	<u>6 E</u>	<u>12</u>	<u>SW 1/4</u>	<u>40</u>	<u>33</u>
			<u>NE 1/4</u>	<u>10</u>	<u>20</u>
			Total number of acres to be irrigated:		<u>53</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
14th day of December, 1965.

(SEAL)

WALTER J. LUTZ
Deputy State Reclamation Engineer.

61-2135



33

20

53

Subdivisions

2

AREA

53 acres

Q

1000 ft x 50 mch

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

29718

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No 51067

MAR 29 1993

Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant HELEN LOTT
Post Office address Box 654 - Mt. Vernon, Va. 22644 Phone 584-3384
A. PURPOSE OF TRANSFER

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes PROPERTY OWNERSHIP IS SEPARATE. CURRENT OWNERS WISH TO ESTABLISH SEPARATE POINTS OF DIVERSION FOR EACH PARCEL. SPLIT W/IR INTO A & B. NEW PID WILL BE ON APPLICANTS PROPERTY. (HAROLD LOTT)

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
Wilson 61-02137A	05/11/1961	0.62	RRIC	4/1 to 10/31
Loft 61-02137B	05/11/1961	0.38	RRIC	03/15 to 11/15 (over 4ths)
				02/15 to 10/31
				4/1 to
2. Total amount of water being				to

2. Total amount of water being transferred 1.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion: _____

4 Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	12	3S	6E	ELMORE	GROUNDED WATER / (PART A) KARL FEEDEY (John)
		NW	SW	12	3S	6E	ELMORE	" (PART B) (HAROLD LOTT) (Helen)

5. Lands irrigated or place of use:

5. Lands irrigated or place of use:

[illegible]

Total across 53

PART 1

(b) General Information.

a. Description of diversion system ADD WELL WELL, SPRINKLERS, SAME FLOOD.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NO - CHANGE

d. Remarks: ^(attached) Change in ownership filing has resulted in separate SRBA claims ~~ONLY ONE CLAIM HAS BEEN FILED IN THE SRBA WITH BOTH OWNERS ON THE CLAIM. AFTER TRANSFER IS APPROVED (IF) AN ADDITIONAL SPLIT CAN BE MADE FOR A&B. SON HAD PERMISSION TO FILE CLAIM.~~

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

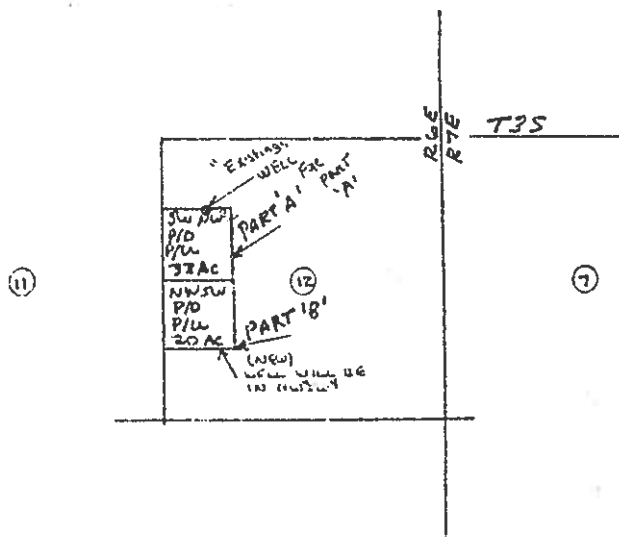
This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



61-02137

PART 'A' = FERRIS FEODY
PART 'B' = HAROLD LOTT
HELEN

SCALE: 2 inches equal 1 mile Draw plan in ink

PART 3

8. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	NONE			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Helen Lott
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of Jan 19 93

Walter F. Smith
(Notary Public)

My commission expires April 15, 1998

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 1 attachments

Received by Rch Date 1/26/93 11:11 AM Protest filed by _____

Prelim check by CYU Fee \$50.00 W015870

Received by Rch Date 1/28/93

Published in Mountain Home News Copies of protest forwarded by _____

Pub. dates 2/17 & 2/24/93 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd _____ by DRF Q88

Copy of transfer sent to lien holder _____

ATTACHMENT 2
BAIRD WATER RIGHT SPLIT

To File

T 71067

61-2137A

Page 1 of 1

Peppersack, Jeff

From: TMSANLAN@aol.com
Sent: Tuesday, June 01, 2004 5:23 PM
To: jpeppers@idwr.state.id.us
Subject: Mike Baird

Jeff -

Mike Baird told me he visited with you recently regarding his protested transfer application (61-2137A, split into 61-12059 for Baird and 61-12058 for Wilson). He said that you had an SRBA shape file for 61-2137A. Could you email a copy (.jpg) to me? Thanks.

Terry

6/11/2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 11, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SPF WATER ENGINEERING LLC
TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706

RE: Transfer 71067 – Water Right 61-2137A

Dear Mr. Scanlan:

I received your e-mail requesting a copy of the SRBA shape file for water right no. 61-2137A. I am sending you copies of printed images from the SRBA claim file for the water right. These images show the shape (boundary) currently in our database (marked IDWR Database) and the shapes associated with a Notice of Error submitted by the right holder (a copy of the notice is also included).

Since the preliminary order approving Transfer 71067 is now a contested case, I am also copying this letter and attachments to Mr. John Wilson. Please feel free to contact the Department if you need additional information.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

Enclosure(s)

cc: JOHN H WILSON
4760 N 3RD E
MOUNTAIN HOME ID 83647

November 20, 1998

**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: December 18, 1998

Water right number: 61-02137A

JOHN WILSON
4750 NORTH 3RD EAST
MOUNTAIN HOME ID 83647

Daytime Telephone Number: 828-6444
Evening Telephone Number: 587-5882

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

Place of use is wrong

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

See (D/S) image

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

*① there is a 5 acre section which Mike + Sandy owned.
② I have 2 houses and a large barn area on one corner of the land*

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 30 Nov 98 SIGNATURE: John H. Wilson
Please print your name: John H. Wilson

Sent corrected image 12/24/98
R Brown

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

Claims: 61-02137A, 61-02137B



**T03S R06E,
Sec. 12**

- Point of diversion
- Place of use
- QQ lines
- Section lines



Date: Nov. 17, 1998
Prepared by: Roxanne Brown
NAPP Photography: 1987

Claims: 61-02137A, 61-02137B

**T03S R06E,
Sec. 12**

Point of diversion
Place of use
QQ lines
Section lines



Date: Nov. 17, 1998
Prepared by: Roxanne Brown
NAPP Photography: 1987

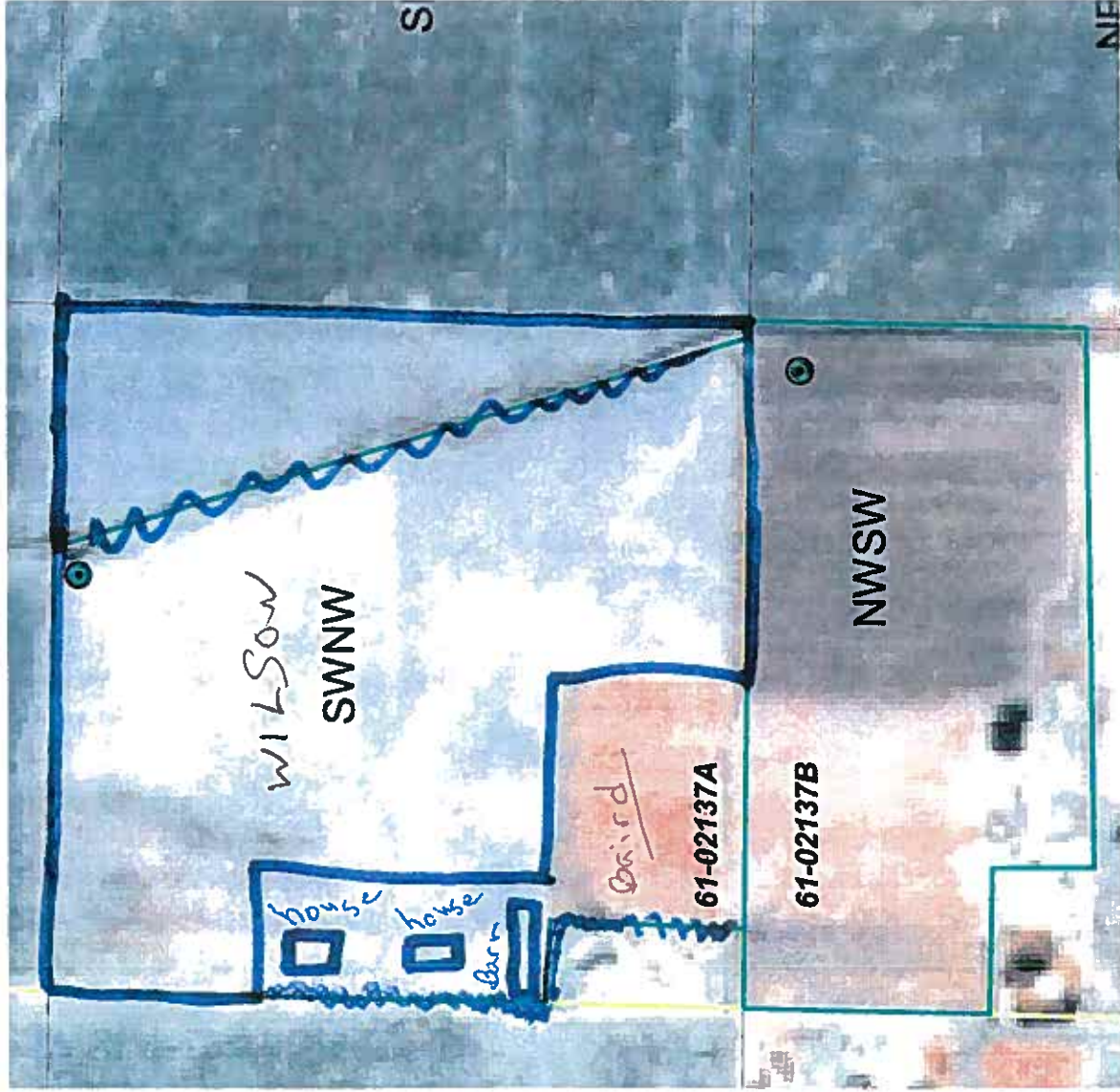
0.27 Miles

0.18

0.09

0.

Claims: 61-02137A, 61-02137B



**T03S R06E,
Sec. 12**

- Point of diversion
- Place of use
- QQ lines
- Section lines
- Actual use

Date: Nov. 17, 1998
Prepared by: Roxanne Brown
NAPP Photography: 1987

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

RECEIVED
JUN 22 2004
DEPARTMENT OF
WATER RESOURCES

COPY

Gary G. Allen
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Franklin G. Lee
David R. Lombardi

D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Metillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LLM

Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LLM
Conley E. Ward
Robert B. White
Michael V. Woodhouse

James A. McClure
OF COUNSEL

Raymond D. Givens
RETIRED

Via Hand Delivery

June 22, 2004

Mr. John Westra
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer No. 71067 of Water Right No. 63-2137A
Our File No. 7232-1

Dear John:

Enclosed for filing in the above-reference matter please find the original and one copy of the *Stipulation for Withdrawal of Objection/Request for Hearing* which has been signed by both parties. Please stamp the copy as received by your office and return it to me in the enclosed self-addressed, stamped envelope.

Inasmuch as the Department's Order approving the transfer became final within fourteen (14) days absent any objection, and Mr. Wilson's objection has now been withdrawn, I would appreciate the Department providing me with written confirmation as quickly as possible that the Department's Order approving the transfer now is a final order.

Thank you for your cooperation and assistance with this matter. If you have any questions please call.

Sincerely,



Michael C. Creamer

Enclosures

cc: Mike Baird
Jeff Peppersack (via Hand Delivery)

MCC:kdt S:\CLIENTS\7232\1\MCC Ltr to John Westra re Withdrawal of Objection DOC

SCANNED

JUN 22 2004

Michael C. Creamer (ISB # 4030)
GIVENS PURSLEY LLP
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
S:\CLIENTS\7232\1\Stipulation for Withdrawal of Protest.doc

Attorneys for Michael and Sandra Baird

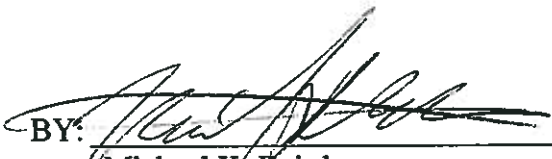
BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

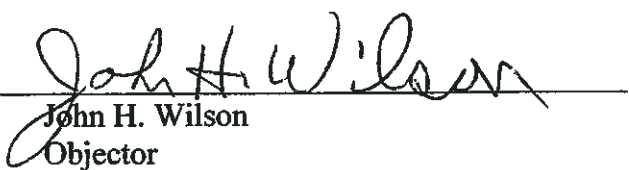
IN THE MATTER OF APPLICATION FOR	)	
TRANSFER NO. 71067 OF WATER RIGHT	)	
NO. 63-2137A IN THE NAME OF MICHAEL	)	STIPULATION FOR
K. BAIRD AND SANDRA L. BAIRD	)	WITHDRAWAL OF OBJECTION/
	)	REQUEST FOR HEARING

COMES NOW, Objector John H. Wilson, together with Applicants Michael K. Baird and Sandra L. Baird, and hereby stipulate to withdrawal of Mr. Wilson's objection and request for hearing regarding the Department's May 18, 2004 Order approving Transfer No. 71067 ("Order") due to the fact that the parties have reached a settlement of all issues with respect to such Order.

DATED this 21 day of June 2004.

BY: 

Michael K. Baird
Applicant

BY: 

John H. Wilson
Objector

JUN 22 2004

DEPARTMENT OF
WATER RESOURCES

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June 2004, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

☒ Hand Delivery
☐ U.S. Mail
☐ Overnight Mail
☐ Facsimile

John H. Wilson
4760 North 3rd East
Mountain Home, ID 83647

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Mail
☐ Facsimile



Michael C. Creamer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71067

This is to certify that: MICHAEL K BAIRD And
SANDRA L BAIRD
4750 N 3RD E
MOUNTAIN HOME ID 83647
(208)587-4775

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-2137A	WR/Decreed	05/19/1961	0.62 cfs	132 af	N/A	33.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-2137A	YES	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-2137A	61-12059	0.08 cfs	16 af	N/A	4.0	61-12058	0.54 cfs	116 af	N/A	29.0
COMBINED										
TOTALS		0.08 cfs	16 af	N/A	4.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of May, 2004



Chief, Water Allocation Bureau

SCANNED

MAY 07 2004

WATER RIGHT NO. 61-12058
As Modified by Transfer No. 71067

In accordance with the approval of Transfer No. 71067, Water Right No. 61-12058 is now described as follows.

Right Holder: JOHN H WILSON
 4760 N 3RD E
 MOUNTAIN HOME ID 83647

Priority Date: May 19, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.54 CFS	116.0 AF
		0.54 CFS	116.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 12 Twp 03S Rge 06E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03S 06E 12								29.0									29.0

Total Acres: 29

CONDITIONS OF APPROVAL

1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
3. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of May, 2004



 Chief, Water Allocation Bureau

SCANNED

JUL 07 2004

WATER RIGHT NO. 61-12059
As Modified by Transfer No. 71067

In accordance with the approval of Transfer No. 71067, Water Right No. 61-12059 is now described as follows.

Right Holder: MICHAEL K BAIRD And
 SANDRA L BAIRD
 4750 N 3RD E
 MOUNTAIN HOME ID 83647

Priority Date: May 19, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.08 CFS	16.0 AF
			0.08 CFS	16.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 12 Twp 03S Rge 06E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	12								4.0									4.0

Total Acres: 4

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

SCANNED
 11/11 07 2004

WATER RIGHT NO. 61-12059
As Modified by Transfer No. 71067

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of May, 20 04



Chief, Water Allocation Bureau

SCANNED
JUN 07 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12058

WATER RIGHT NUMBER: 61-12058

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FERREL FEDDY RT 1 BOX 654 MOUNTAIN HOME, ID 83647
Original Owner	JACK A LOTT RT 1 BOX 654 MOUNTAIN HOME, ID
Original Owner	HAROLD LOTT RT 3 BOX 654 MOUNTAIN HOME, ID 83647 (208)587-8374
Current Owner	JOHN H WILSON 915 HOLIDAY DR MOUNTAIN HOME, ID 83647 (208)587-5882

Priority Date: 05/19/1961

Basis: Decreed

Status: PARENT

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.540 CFS	116.00 AF
	<u>Total Diversion:</u>	0.540 CFS	116.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4 Sec. 12, Twp 03S, Rge 06E, B.M. ELMORE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03S	06E	12	NE	NW	SW	SE	29.0

Total Acres: 29

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

SCANNED

OCT 29 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12058

2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
3. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Remarks:Comments:

1. pskaggs 5/18/2004 9:25:28 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 71067
2. Ownership Change 10/29/2007 11:52:02 AM Split Right
Comment: Split into 61-12150 and 61-12151.

Dates and Other Information:

Licensed Date:
 Decreed Date: 4/12/2001
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND/OR
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

SCANNED

OCT 29 2007

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/08/2008

WATER RIGHT NO. 61-12059

Owner Type	Name and Address
Current Owner	MICHAEL K BAIRD
Current Owner	SANDRA L BAIRD
	4750 NE LOTT RD
	MOUNTAIN HOME, ID 83647-5293
	(208)587-4775
Original Owner	JOHN H WILSON
	915 HOLIDAY DR
	MOUNTAIN HOME, ID 83647
	(208)587-5882
Original Owner	FERREL FEDDY
Original Owner	JACK A LOTT
	RT 1 BOX 654
	MOUNTAIN HOME, ID 83647
Original Owner	HAROLD LOTT
	RT 3 BOX 654
	MOUNTAIN HOME, ID 83647
	(208)587-8374

Priority Date: 05/19/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.08 CFS	16 AFA
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 12|Township 03S|Range 06E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	06E	12		SWNW	4									

Total Acres: 4

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. O46 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
6. R68 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dates:

Licensed Date:

Decreed Date: 04/12/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number:

ATTACHMENT 3
ENGLEHARDT WATER RIGHT SPLIT

SALES AGREEMENT

RE-21 RESIDENTIAL PURCHASE AND SALE AGREEMENT PAGE 2 of 8 JULY 2006 EDITION

PROPERTY ADDRESS: 4760 NE Lotsin Home ID#: 47846307

4. OTHER TERMS AND/OR CONDITIONS: This Agreement which must be satisfied prior to closing. This offer made at closing.

all terms, considerations and/or contingencies as selling (1435 Lara Place) prior to

All heating, cooling, electrical, plumbing, and a well in good working condition at time of closing.

Seller to have irrigation well agreement, which includes 8 acres of water, available at closing.

Seller to provide irrigation rights transfer form at closing.

SELLER TO FENCE BETWEEN TWO PROPERTIES

5. ITEMS INCLUDED & EXCLUDED IN THIS SALE: All existing fixtures and fittings that are attached to the property are INCLUDED IN THE PURCHASE PRICE (unless excluded below), and shall be transferred free of liens. These include, but are not limited to, all attached floor coverings, attached television antennae, satellite dish and receiving equipment, attached plumbing, bathroom and lighting fixtures, window screens, screen doors, storm windows, storm doors, all window coverings, garage door opener(s) and transmitter(s), exterior trees, plants or shrubbery, water heating apparatus and fixtures, attached fireplace equipment, awnings, ventilating, cooling and heating systems, all ranges, ovens, built-in dishwashers, fuel tanks and irrigation fixtures and equipment, all water systems, wells, springs, water, water rights, ditches and ditch rights, if any, that are appurtenant thereto that are now on or used in connection with the premises and shall be included in the sale unless otherwise provided herein. BUYER should satisfy himself/herself that the condition of the included items is acceptable. It is agreed that any item included in this section is of nominal value less than \$100.

(A). ADDITIONAL ITEMS SPECIFICALLY INCLUDED IN THIS SALE: range, wood stove, 2 ceiling fans, dishwasher

(B). ITEMS SPECIFICALLY EXCLUDED IN THIS SALE: seller's personal property

6. TITLE CONVEYANCE: Title of SELLER is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by SELLER may be paid out of purchase money at date of closing. No liens, encumbrances or defects which are to be discharged or assumed by BUYER or to which title is taken subject to, exist unless otherwise specified in this Agreement.

7. TITLE INSURANCE: There may be types of title insurance coverages available other than those listed below and parties to this agreement are advised to talk to a title company about any other coverages available.

(A). TITLE COMMITMENT: Prior to closing the transaction, ☒ SELLER or ☐ BUYER shall furnish to BUYER a commitment of a title insurance policy showing the condition of the title to said premises. BUYER shall have 5 business day(s) from receipt of the commitment or not fewer than twenty-four (24) hours prior to closing, within which to object in writing to the condition of the title as set forth in the commitment. If BUYER does not so object, BUYER shall be deemed to have accepted the conditions of the title. It is agreed that if the title of said premises is not marketable, or cannot be made so within 5 business day(s) after notice containing a written statement of defect is delivered to SELLER, BUYER'S Earnest Money deposit will be returned to BUYER and SELLER shall pay for the cost of title insurance cancellation fee, escrow and legal fees, if any.

(B). TITLE COMPANY: The parties agree that Mountain Home located at Guaranty Title shall provide the title policy and preliminary report of commitment. Title Company

(C). STANDARD COVERAGE OWNER'S POLICY: SELLER shall within a reasonable time after closing furnish to BUYER a title insurance policy in the amount of the purchase price of the premises showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this Agreement to be discharged or assumed by BUYER unless otherwise provided herein. The risk assumed by the title company in the standard coverage policy is limited to matters of public record. BUYER shall receive a ILL/ALTA Homeowner's Policy of Title Insurance. A title company, at BUYER's request, can provide information about the availability, desirability, coverage and cost of various title insurance coverages and endorsements. If BUYER desires title coverage other than that required by this paragraph, BUYER shall instruct Escrow Holder in writing and pay any increase in cost unless otherwise provided herein.

(D). EXTENDED COVERAGE LENDER'S POLICY (Mortgagee policy): The lender may require that BUYER (Borrower) furnish an Extended Coverage Lender's Policy. This extended coverage lender's policy considers matters of public record and additionally insures against certain matters not shown in the public record. This extended coverage lender's policy is solely for the benefit of the lender and only protects the lender.

8. MECHANIC'S LIENS - GENERAL CONTRACTOR DISCLOSURE STATEMENT NOTICE: BUYER and SELLER are hereby notified that, subject to Idaho Code §45-525 et seq., a "General Contractor" must provide a Disclosure Statement to a homeowner that describes certain rights afforded to the homeowner (e.g. lien waivers, general liability insurance, extended policies of title insurance, surety bonds, and sub-contractor information). The Disclosure Statement must be given to a homeowner prior to the General Contractor entering into any contract in an amount exceeding \$2,000 with a homeowner for construction, alteration, repair, or other improvements to real property, or with a residential real property purchaser for the purchase and sale of newly constructed property. Such disclosure is the responsibility of the General Contractor and it is not the duty of your agent to obtain this information on your behalf. You are advised to consult with any General Contractor subject to Idaho Code §45-525 et seq. regarding the General Contractor Disclosure Statement.

BUYER'S Initials (AK) (JD) Date 12 Nov 05

SELLER'S Initials (SW) (SW) Date 2 Nov 05

This form is printed and distributed by the Idaho Association of REALTORS®, Inc. This form has been designed for use by and is provided only for use by and estate professionals who are members of the National Association of REALTORS®. USE BY ANY OTHER PERSON IS PROHIBITED.
Copyright Idaho Association of REALTORS®, Inc. All rights reserved.

RECEIVED

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

FEB 17 2006

WATER RESOURCES
WESTERN 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
61-12058					

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)

John H. Wilson

4. New Owner/Claimant(s)

Patrick L. & Beverly D. Engelhardt

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

4760 NE Cott Rd

City, State and ZIP Code

Mountain Home, Id 83647

New Telephone Number

(208) 580-0633

5. Date you acquired the property

02/15/06

SCANNED

MAY 11 2006

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Robert L. Engerhart
Laverly L. Engerhart

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 <u>CB</u>	Date <u>4/20/06</u>	Fee <u>\$25.00</u>	
Receipted by _____	Date _____	Receipt No. <u>C081017</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

SCANNED
MAY 1 2006

WARRANTY DEED

FOR VALUE RECEIVED

John H. Wilson, a single man

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
 Patrick L. Engelhardt and Beverly D. Engelhardt, husband and wife

GRANTEE(S), whose current address is: 4760 NE Lott Rd.
 the following described real property in Elmore
 more particularly described as follows, to wit:

Mountain Home, Id 83647
 County, State of Idaho,

(See Attached)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever. , except those of record.

Dated: February 2, 2006

John H. Wilson
 John H. Wilson

STATE OF Idaho, County of Elmore, ss.

On this 15th day of February
 in the year of 2006, before me, the undersigned, a Notary
 Public in and for said State, personally appeared
John H. Wilson

known or identified to me to be the person whose name
 is he subscribed to the within instrument, and
 acknowledged to me that he executed the same.

Signature: Sheryl A. Revment

Sheryl A. Revment

(Type or print)

Residing at Mountain Home

My commission expires: 12-27-11

Instrument # 373529
 Elmore County, Idaho
 04:52pm Feb. 15, 2006
 For: GUARANTY TITLE INC
 No. of Pages: 3 Fee: \$9.00
 GAIL L. BEST, Recorder
 Deputy: DLE

SCANNED

MAY 11 2006

LEGAL DESCRIPTION

A parcel of land lying in the SW1/4NW1/4 of Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Brass Cap marking the N1/4 Corner of said Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho;
thence South 89°34'42" West 2650.28 feet along the north boundary of the said NW1/4 of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12;
thence South 00°00'00" East 1322.49 feet along the west boundary of the said NW1/4 of Section 12 to a set 5/8" iron pin marking the N1/16 Corner common to said Sections 11 and 12;
thence continuing South 00°00'00" East 642.73 feet along the west boundary of the said SW1/4NW1/4 of Section 12 to a set 1/2" iron pin, said pin marking the Real Point of Beginning;

thence North 89°32'06" East 1071.85 feet to a set 1/2" iron pin lying on the centerline of the Miller Canal;

thence South 19°09'05" East 369.71 feet along the said centerline of the Miller Canal to a set 1/2" iron pin;

thence South 89°35'13" West 1193.14 feet to a set 1/2" iron pin lying on the said west boundary of the SW1/4NW1/4 of Section 12;

thence North 00°00'00" West 349.15 feet along the said west boundary of the SW1/4NW1/4 of Section 12 to the Point of Beginning.

TOGETHER WITH:

A 30 foot wide ingress and egress easement per Instrument No. 268829.

SUBJECT TO:

A 30 foot wide ingress and egress easement lying in the SW1/4NW1/4 of Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho, said easement being more particularly described as follows:

Commencing at a found Brass Cap marking the N1/4 Corner of said Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho;
thence South 89°34'42" West 2650.28 feet along the north boundary of the said NW1/4 of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12;
thence South 00°00'00" East 1322.49 feet along the west boundary of the said NW1/4 of Section 12 to a set 5/8" iron pin marking the N1/16 Corner common to said Sections 11 and 12;
thence continuing South 00°00'00" East 642.73 feet along the

(See Attached)

SCANNED

LEGAL DESCRIPTION

west boundary of the said SW1/4NW1/4 of Section 12 to a set 1/2" iron pin, said pin marking the Real Point of Beginning;

thence North 89°32'06" East 30.00 feet to a point;

thence South 00°00'00" East 349.18 feet to a point;

thence South 89°35'13" West 30.00 feet to a set 1/2" iron pin lying on the said west boundary of the SW1/4NW1/4 of Section 12;

thence North 00°00'00" West 349.15 feet along the said west boundary of the SW1/4NW1/4 of Section 12 to the Point of Beginning.

ALSO SUBJECT TO:

A 30 foot wide ingress and egress easement lying in the SW1/4NW1/4 of Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho, said easement being more particularly described as follows:

Commencing at a found Brass Cap marking the N1/4 Corner of said Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho;

thence South 89°34'42" West 2650.28 feet along the north boundary of the said NW1/4 of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12; thence South 00°00'00" East 1322.49 feet along the west boundary of the said NW1/4 of Section 12 to a set 5/8" iron pin marking the N1/16 Corner common to said Sections 11 and 12; thence continuing South 00°00'00" East 991.88 feet along the west boundary of the said SW1/4NW1/4 of Section 12 to a set 1/2" iron pin, said pin marking the Real Point of Beginning;

thence North 00°00'00" West 30.00 feet along the said west boundary of the SW1/4NW1/4 of Section 12 to a point;

thence North 89°35'13" East 1182.74 feet to a point lying on the centerline of the Miller Canal;

thence South 19°09'05" East 31.68 feet along the said centerline of the Miller Canal to a set 1/2" iron pin;

thence South 89°35'13" West 1193.14 feet to the Point of Beginning.

SUBJECT TO AND/OR TOGETHER WITH:

Any additional easements or rights of way of record or in use.

SCANNED
MAY 11 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2190

RECEIVED

MAR 1 2006

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 17, 2006

Patrick and Beverly Engelhardt
4760 NE Lott Rd
Mountain Home, ID 83647

RE: Notice of Change in Water Right Ownership

Dear Property Owner(s):

Our office has received your Notice of Change in Water Right Ownership, and it is being returned to you at this time. There is no existing water right in our records under the former owner's name given for the legal description listed on the deeds. If, after further research, you find more information concerning a water right, such as a water right number, please contact us

If you have any questions concerning this matter, please feel free to contact this office at any time.

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosures

SCANNED

MAY 1 2006

RECEIVED

WKKZCIBD

RECEIVED

FEB 17 2006

WATER RESOURCES
WESTERN REGION

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

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
W.R. 61-12058		YES			

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)

John H. Wilson

4. New Owner/Claimant(s)

Patrick L. & Beverly D. Engelhardt
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

4760 NE Lott Rd

City, State and ZIP Code

Mountain Home, ID 83647

New Telephone Number

(208) 580-0633

5. Date you acquired the property

02/15/06

SUPPORT DATA

IN FILE # 61-12058

SCANNED

OCT 29 2007

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Butch L. Engst
Laverly S. Engst

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 CB

Received by CB

Processed by _____

Date

Date

Date

4/20/06

Fee

Receipt No.

WR

25.00

081017

25

Date

10/29/07

SCANNED

OCT 29 2007

05-1217

WARRANTY DEED

FOR VALUE RECEIVED

John H. Wilson, a single man

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
 Patrick L. Engelhardt and Beverly D. Engelhardt, husband and wife

GRANTEE(S), whose current address is: 4760 NE Lott Rd.
 the following described real property in Elmore
 more particularly described as follows, to wit:

Mountain Home, Id 83647
 County, State of Idaho,

(See Attached)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: February 2, 2006

John H. Wilson
 John H. Wilson

STATE OF Idaho, County of Elmore, ss.

On this 15th day of February
 in the year of 2006, before me, the undersigned, a Notary
 Public in and for said State, personally appeared

John H. Wilson

known or identified to me to be the person whose name
 is John H. Wilson subscribed to the within instrument, and
 acknowledged to me that he executed the same.

Signature: [Signature]
 Sheryl A. Fleyment



My office is located at: Mountain Home
 My commission expires: 12-27-11

Instrument # 373529
 Elmore County, Idaho
 04:52pm Feb. 15, 2006
 For: GUARANTY TITLE INC
 No. of Pages: 3 Fee: \$9.00
 GAIL L. BEST, Recorder
 Deputy: DLE

SCANNER

OCT 29 2007

CASE NO.: 05-1217

LEGAL DESCRIPTION

A parcel of land lying in the SW1/4NW1/4 of Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Brass Cap marking the N1/4 Corner of said Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho;
thence South 89°34'42" West 2650.28 feet along the north boundary of the said NW1/4 of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12;
thence South 00°00'00" East 1322.49 feet along the west boundary of the said NW1/4 of Section 12 to a set 5/8" iron pin marking the N1/16 Corner common to said Sections 11 and 12;
thence continuing South 00°00'00" East 642.73 feet along the west boundary of the said SW1/4NW1/4 of Section 12 to a set 1/2" iron pin, said pin marking the Real Point of Beginning;

thence North 89°32'06" East 1071.85 feet to a set 1/2" iron pin lying on the centerline of the Miller Canal;

thence South 19°09'05" East 369.71 feet along the said centerline of the Miller Canal to a set 1/2" iron pin;

thence South 89°35'13" West 1193.14 feet to a set 1/2" iron pin lying on the said west boundary of the SW1/4NW1/4 of Section 12;

thence North 00°00'00" West 349.15 feet along the said west boundary of the SW1/4NW1/4 of Section 12 to the Point of Beginning.

TOGETHER WITH:

A 30 foot wide ingress and egress easement per Instrument No. 268829.

SUBJECT TO:

A 30 foot wide ingress and egress easement lying in the SW1/4NW1/4 of Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho, said easement being more particularly described as follows:

Commencing at a found Brass Cap marking the N1/4 Corner of said Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho;
thence South 89°34'42" West 2650.28 feet along the north boundary of the said NW1/4 of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12;
thence South 00°00'00" East 1322.49 feet along the west boundary of the said NW1/4 of Section 12 to a set 5/8" iron pin marking the N1/16 Corner common to said Sections 11 and 12;
thence continuing South 00°00'00" East 642.73 feet along the

(See Attached)

SCANNED

OCT 29 2007

CASE NO.: 05-1217

LEGAL DESCRIPTION

west boundary of the said SW1/4NW1/4 of Section 12 to a set 1/2" iron pin, said pin marking the Real Point of Beginning;

thence North 89°32'06" East 30.00 feet to a point;

thence South 00°00'00" East 349.18 feet to a point;

thence South 89°35'13" West 30.00 feet to a set 1/2" iron pin lying on the said west boundary of the SW1/4NW1/4 of Section 12;

thence North 00°00'00" West 349.15 feet along the said west boundary of the SW1/4NW1/4 of Section 12 to the Point of Beginning.

ALSO SUBJECT TO:

A 30 foot wide ingress and egress easement lying in the SW1/4NW1/4 of Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho, said easement being more particularly described as follows:

Commencing at a found Brass Cap marking the N1/4 Corner of said Section 12, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho;

thence South 89°34'42" West 2650.28 feet along the north boundary of the said NW1/4 of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12; thence South 00°00'00" East 1322.49 feet along the west boundary of the said NW1/4 of Section 12 to a set 5/8" iron pin marking the N1/16 Corner common to said Sections 11 and 12; thence continuing South 00°00'00" East 991.88 feet along the west boundary of the said SW1/4NW1/4 of Section 12 to a set 1/2" iron pin, said pin marking the Real Point of Beginning;

thence North 00°00'00" West 30.00 feet along the said west boundary of the SW1/4NW1/4 of Section 12 to a point;

thence North 89°35'13" East 1182.74 feet to a point lying on the centerline of the Miller Canal;

thence South 19°09'05" East 31.68 feet along the said centerline of the Miller Canal to a set 1/2" iron pin;

thence South 89°35'13" West 1193.14 feet to the Point of Beginning.

SUBJECT TO AND/OR TOGETHER WITH:

Any additional easements or rights of way of record or in use.

SCANNED

OCT 29 2007

CHANGE OF OWNERSHIP SPLIT
FOR Corrected Change of Ownership

#	<u>61-12058</u>		
Name	<u>Wilson</u>		
Irrigation:		<u>.01862</u>	<u>4.0</u>
<u>29</u> acres	<u>.54</u> cfs	<u>116.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

#	<u>61-12150</u>		
Name	<u>Wilson</u>		
Irrigation:			
<u>25.5</u> acres	<u>.47</u> cfs	<u>102.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

#	<u>61-12151</u>		
Name	<u>Engelhardt</u>		
Irrigation:			
<u>3.5</u> acres	<u>.07</u> cfs	<u>14.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

SCANNED

OCT 29 2007

**Wilson/Engelhardt
Metes and Bounds**



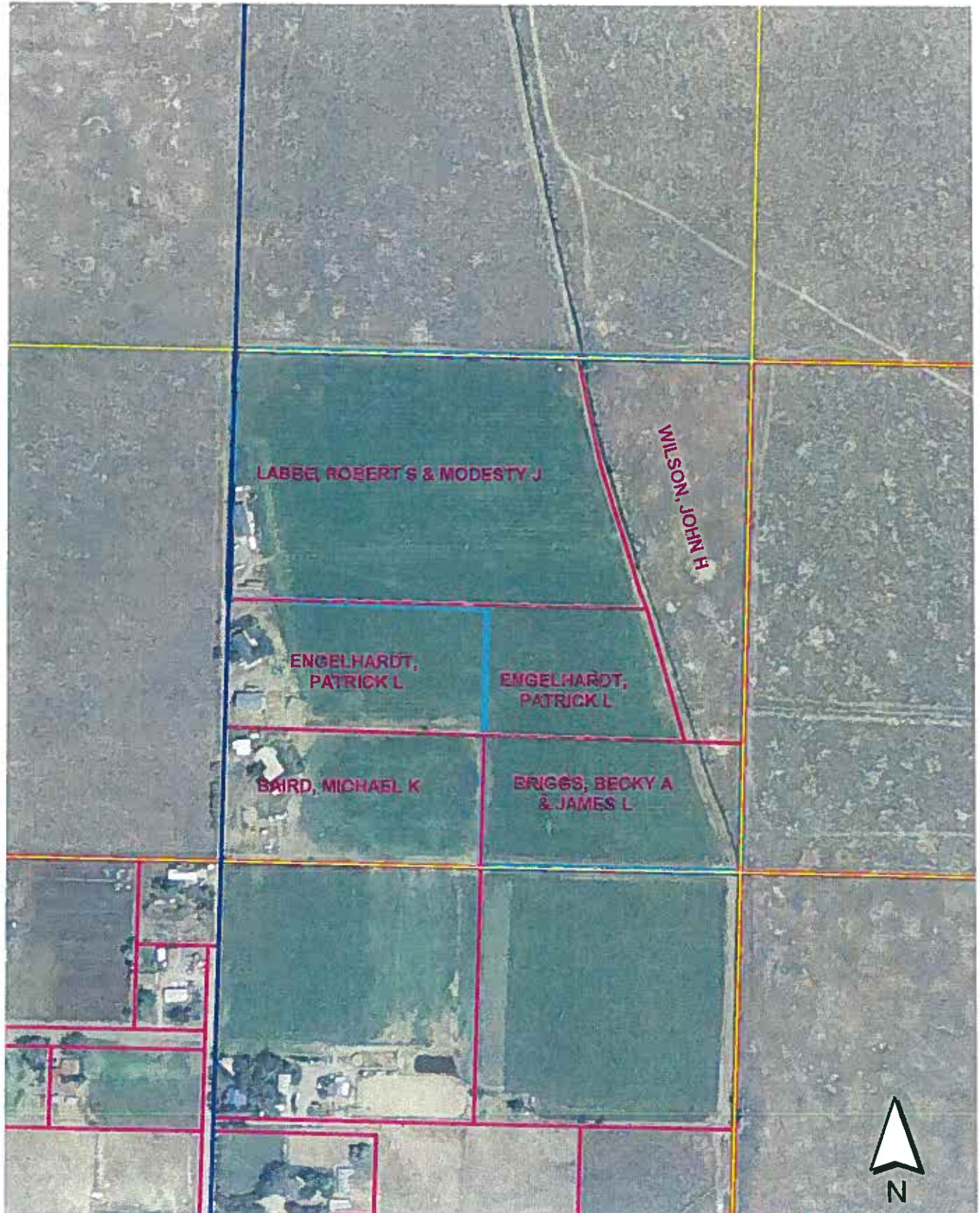
SCANNED

OCT 29 2007



**Ownership Change
Wilson/Engelhardt**

**Light blue is water right boundary
Purple is tax lot data**



SCANNED

OCT 29 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12058

WATER RIGHT NUMBER: 61-12058

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FERREL FEDDY RT 1 BOX 654 MOUNTAIN HOME, ID 83647
Previous Owner	JOHN H WILSON 915 HOLIDAY DR MOUNTAIN HOME, ID 83647 (208)587-5882
Current Owner	PATRICK L ENGELHARDT 4760 N E LOTT RD MOUNTAIN HOME, ID 83647 (208) 580-0633
Current Owner	BEVERLY D ENGELHARDT 4760 N E LOTT RD MOUNTAIN HOME, ID 83647 (208) 580-0633
Original Owner	JACK A LOTT RT 1 BOX 654 MOUNTAIN HOME, ID
Original Owner	HAROLD LOTT RT 3 BOX 654 MOUNTAIN HOME, ID 83647 (208)587-8374

Priority Date: 05/19/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.540 CFS	116.00 AF
	<u>Total Diversion:</u>	0.540 CFS	116.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 12, Twp 03S, Rge 06E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	12																	29.0

Total Acres: 29

SCANNED
OCT 28 2007

25.5 Wilson
3.5 -
Engelhardt



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

October 29, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN H WILSON
915 HOLIDAY DR
MOUNTAIN HOME ID 83647

Re: *Original Water Right No. 61-12058*
Split into: Water Right Nos. 61-12150 & 61-12151

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original water right number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original water right, after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new water right number when corresponding with our office.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Administrative Assistant

DB: db

Enclosure

SCANNED

OCT 29 2007

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082
RETURN SERVICE REQUESTED

RECEIVED
NOV 01 2007
WATER RESOURCES
WESTERN REGION

JOHN H WILSON
915 TRIMMAY DR
MC

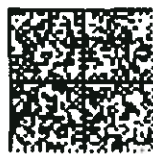
1440331 40364
837055082

X 837 NFE 1 \$061 DO 10/31/07
FORWARD TIME EXP RTN TO SEND
WILSON, JOHN H
5353 NEW WATERDOG WAY
MOUNTAIN HOME ID 83647-6070

RETURN TO SENDER

|||||

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
02 3M \$00.312
0004227270 OCT 30 2007
MAILED FROM ZIP CODE 83702

601-12150

Sent again 11-15-07

SCANNED
NOV 15 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 29, 2007

PATRICK L ENGELHARDT
BEVERLY D ENGELHARDT
4760 NE LOTT RD
MOUNTAIN HOME ID 83647

Re: *Original Water Right No. 61-12058*
Split into: Water Right Nos. 61-12150 & 61-12151

Dear Water Right Holder(s):

On April 25, 2006, IDWR sent you a letter and a copy of water right 61-12058, indicating that the ownership had been changed, and was transferred *entirely* into your name. This was an error made by the Department, as the water right should have been split. The paperwork enclosed represents the corrected information, showing your *new* water right number, and your portion of the original water right.

Your portion of this water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your water right, then no further action is required at this time.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning the enclosed information or this letter.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

SCANNED
OCT 29 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12150

WATER RIGHT NUMBER: 61-12150

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FERREL FEDDY RT 1 BOX 654 MOUNTAIN HOME, ID 83647
Original Owner	JACK A LOTT RT 1 BOX 654 MOUNTAIN HOME, ID
Original Owner	HAROLD LOTT RT 3 BOX 654 MOUNTAIN HOME, ID 83647 (208)587-8374
Current Owner	JOHN H WILSON 915 HOLIDAY DR MOUNTAIN HOME, ID 83647 (208)587-5882

Priority Date: 05/19/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.470 CFS	102.00 AF
	<u>Total Diversion:</u>	0.470 CFS	102.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 12,	Twp 03S,	Rge 06E, B.M.	ELMORE County
--------------	------------	----------	----------	---------------	---------------

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	12																	25.5

Total Acres: 25.5

SCANNED
DEC 11 2007

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 61-12150

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Remarks:Comments:

1. dbuffington 10/29/2007 Field Report Narrative

Comment: This right is the result of a split from 61-12058, due to change in ownership.

Dates and Other Information:

Licensed Date:
Decreed Date: 4/12/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And/Or
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

SCANNED

DEC 11 2007

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/08/2008

WATER RIGHT NO. 61-12151

Owner Type	Name and Address
Current Owner	BEVERLY D ENGELHARDT
Current Owner	PATRICK L ENGELHARDT
	4760 NE LOTT RD
	MOUNTAIN HOME, ID 83647
	(208) 580-0633
Original Owner	FERREL FEDDY
Original Owner	JACK A LOTT
	RT 1 BOX 654
	MOUNTAIN HOME, ID 83647
Original Owner	HAROLD LOTT
	RT 3 BOX 654
	MOUNTAIN HOME, ID 83647
	(208)587-8374

Priority Date: 05/19/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.07 CFS	14 AFA
Total Diversion			0.07 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 12|Township 03S|Range 06E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	06E	12		SWNW	3.5									

Total Acres: 3.5

Conditions of Approval:

- X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
- X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 04/12/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And/Or

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:

ATTACHMENT 4
BRIGGS WATER RIGHT SPLIT

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

RECEIVED *WV*

JUL 05 2006

DEPARTMENT OF
WATER RESOURCES

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
~~61-120508~~	PD issued under parent		61-2137A		
(see # 61-12150)					

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)

John H. Wilson

4. New Owner/Claimant(s)

915 Holiday Drive, Mtn Home, ID 83647Berky A Briggs / James L BriggsName Connector (Check one): ☒ and ☐ or ☐ and/or

New Mailing Address

PO Box 46

City, State and ZIP Code

Mounthome, ID 83647

New Telephone Number

208) 599-2263

5. Date you acquired the property

2 June 2006

SUPPORT DATA

IN FILE # 61-12150

SCANNED

DEC 12 2007

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other <u>4 acres</u>	_____	_____
Total	_____	_____

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

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

Becky A. Bungo
James R. Bungo

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 <u>100.00</u>
Received by <u>RAW</u>	Date <u>7/5/06</u>	Receipt No. <u>2081605</u>
Processed by _____	Date _____	WR <u>DR</u> Date <u>11-21-07</u>

SCANNED

DEC 12 2007

WARRANTY DEED

FOR VALUE RECEIVED

Riley Construction, LLC

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

Becky A. Briggs and James L. Briggs, wife and husband

GRANTEE(s) whose address is: **1075 NE Cattle Drive, Mountain Home, ID 83647**

The following described real property in **ELMORE** County, Idaho to wit:

See Attached Legal Description

Subject to: Taxes, easements and restrictions of record.

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: June 2, 2006

Riley Construction, LLC



Billy Riley

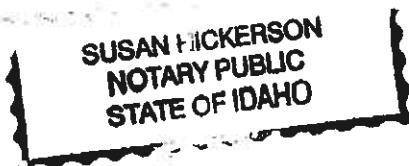
State of IDAHO
County of ELMORE

On June 2nd 2006, before me, a Notary Public, in and for said State, personally appeared Billy Riley, known or identified to me to be the **Manager** of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

WITNESS my hand and official seal.



Notary Public
Residing at: Mountain Home, Idaho
Commission Expires: 8-13-07



SCANNED

DEC 12 2007

Legal Description

Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho

Section 12: A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said section being more particularly described as follows:

Commencing at a found Brass Cap marking the N $\frac{1}{4}$ corner of Section 12, T.3S., R.6E., Boise Meridian, Elmore County, Idaho; thence S. 89°34'42" W. 2650.28 feet along the north boundary of the said NW $\frac{1}{4}$ of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12; thence S. 00°00'00" E. 1322.49 feet along the west boundary of the said NW $\frac{1}{4}$ of Section 12 to a set 5/8" iron pin marking the N 1/16 Corner common to said Sections 11 and 12; thence N. 89°35'12" E. 1326.43 feet along the north boundary of the said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to a set 5/8" iron pin marking the NW 1/16 Corner of said Section 12; thence S. 00°03'21" E. 1322.52 feet along the east boundary of the said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to a set 5/8" iron pin marking the W 1/16 Corner of said Section 12, said pin also marking the Real Point of Beginning;

Thence S. 89°35'13" W. 663.86 feet along the south boundary of the said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12;

Thence N. 00°01'41" W. 330.63 feet to a set 1/2" iron pin;

Thence N. 89°35'13" E. 663.70 feet to a set 1/2" iron pin lying on the east boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12;

Thence S. 00°03'21" E. 330.63 feet along the said east boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to the Point of Beginning.

Together with:

A 30-foot wide ingress and egress easement per Instrument No. 268829.

Also Together with:

A 30-foot wide ingress and egress easement lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T.3S., R.6E., B.M., Elmore County, Idaho; , said easement being more particularly described as follows:

Commencing at a found Brass Cap marking the N $\frac{1}{4}$ Corner of said Section 12 T.3S., R.6E., Boise Meridian, Elmore County, Idaho; thence S. 89°34'42" W. 2650.28 feet along the north boundary of the said NW $\frac{1}{4}$ of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12; thence S. 00°00'00" E. 1322.49 feet along the west boundary of the said NW $\frac{1}{4}$ of Section 12 to a set 5/8" iron pin marking the N 1/16 Corner common to said Sections 11 and 12; thence continuing S. 00°00'00" E. 991.88 feet along the West boundary of the said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to a set 1/2" iron pin, said pin marking the Real Point of Beginning;

Thence N. 00°00'00" W. 30.00 feet along the said West boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to a point;

Thence N. 89°35'13" E. 1182.74 feet to a point lying on the centerline of Miller Canal;

Thence S. 19°09'05" E. 31.68 feet along the said centerline of the Miller Canal to a set 1/2" iron pin;

Thence S. 89°35'13" W. 1193.14 feet to the Point of Beginning.

Subject to and/or Together with:

Any additional easements or rights-of-way of record or in use.

Together with 4 acres of ground water rights.

SCANNED

DEC 12 2007

CHANGE OF OWNERSHIP SPLIT
FOR _____

#	<u>61-12150</u>		
Name	<u>Wilson</u>		
Irrigation:	<u>.01843</u> 4		
<u>25.5</u> acres	<u>.47</u> cfs	<u>102.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

#	<u>61-12152</u>		
Name	<u>Wilson</u>		
Irrigation:			
<u>21.5</u> acres	<u>.14</u> cfs	<u>86.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

#	<u>61-12153</u>		
Name	<u>Briggs</u>		
Irrigation:			
<u>4</u> acres	<u>.07</u> cfs	<u>16.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

SCANNED

DEC 12 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

November 21, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN H WILSON
915 HOLIDAY DR
MOUNTAIN HOME ID 83647

Re: *Original Water Right No. 61-12150*
Split into: Water Right Nos. 61-12152 & 61-12153

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original water right number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original water right, after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new water right number when corresponding with our office.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

Denise Buffington
Administrative Assistant

DB: db

Enclosure

SCANNED

DEC 12 2007

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

RECEIVED
NOV 01 2007
WATER RESOURCES
WESTERN REGION

JOHN H WILSON
915 HAYDEN DR
MC

FORWARD TIME EXP RTN TO SEND
WILSON, JOHN H
5393 NE WATERDOG WAY
MOUNTAIN HOME ID 83647-6070

RETURN TO SENDER

1A4G3E51 8364
8370505062



61-12150

RECEIVED
NOV 16 2007
DEPARTMENT OF
WATER RESOURCES

Sent again 11-15-07

SCANNED
NOV 15 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

November 21, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JAMES L BRIGGS
BECKY A BRIGGS
PO BOX 46
MOUNTAIN HOME ID 83647

Re: *Original Water Right No. 61-12150*
Split into: Water Right Nos. 61-12152 & 61-12153

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of the original Water Right as referenced above. This Change of Ownership required a split of the original water right resulting in renumbering this water right, using a new water right number to represent each split. The new water right number for your portion is referenced above and a copy is enclosed.

Your portion of this water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your water right, then no further action is required at this time.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning the enclosed information or this letter.

Sincerely,

Denise Buffington
Administrative Assistant

DB: db

Enclosure

SCANNED

DEC 12 2007

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 61-12152

WATER RIGHT NUMBER: 61-12152

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FERREL FEDDY RT 1 BOX 654 MOUNTAIN HOME, ID 83647
Original Owner	JACK A LOTT RT 1 BOX 654 MOUNTAIN HOME, ID
Original Owner	HAROLD LOTT RT 3 BOX 654 MOUNTAIN HOME, ID 83647 (208)587-8374
Current Owner	JOHN H WILSON 915 HOLIDAY DR MOUNTAIN HOME, ID 83647 (208)587-5882

Priority Date: 05/19/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.400 CFS	86.00 AF
	<u>Total Diversion:</u>	0.400 CFS	86.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4 Sec. 12, Twp 03S, Rge 06E, B.M. ELMORE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	12							21.5										21.5

Total Acres: 21.5

Conditions of Approval:

1. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

SCANNED

DEC 12 2007

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 61-12152

2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Remarks:Comments:

1. dbuffington 11/21/2007 Split

Comment: This right is the result of a split from 61-12150 due to change in ownership.

Dates and Other Information:

Licensed Date:
Decreed Date: 4/12/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And/Or
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

SCANNED

DEC 12 2007

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/08/2008

WATER RIGHT NO. 61-12153

Owner Type	Name and Address
Current Owner	BECKY A BRIGGS
Current Owner	JAMES L BRIGGS PO BOX 46 MOUNTAIN HOME, ID 83647 (208) 599-2263
Original Owner	FERREL FEDDY
Original Owner	JACK A LOTT RT 1 BOX 654 MOUNTAIN HOME, ID 83647
Original Owner	HAROLD LOTT RT 3 BOX 654 MOUNTAIN HOME, ID 83647 (208)587-8374

Priority Date: 05/19/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.07 CFS	16 AFA
Total Diversion			0.07 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec 12|Township 03S|Range 06E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	06E	12		SWNW	4									

Total Acres: 4

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dates:

Licensed Date:

Decreed Date: 04/12/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And/Or

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:

ATTACHMENT 5
LABBE WATER RIGHT SPLIT

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

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

RECEIVED
 JUL 20 2006
 DEPARTMENT OF WATER RESOURCES

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
WR 61-12058		✓			
Deed # 61-12152					

RECEIVED
 NOV 15 2007
 WATER RESOURCES
 WESTERN REGION

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) John Wilson
4. New Owner/Claimant(s) Robert S. LARBE and MURIEL V. LARBE
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 4770 NE GATE ROAD
- City, State and ZIP Code MTN. HOME, IDAHO 83647
- New Telephone Number 208 832-4540
5. Date you acquired the property 12 December, 2005

SUPPORT DATA
 IN FILE # 61-12152

SCANNED
 DEC 12 2007

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 _____		
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	14 new / .26 CFS	
Stock		
Domestic		
Other		
Total		

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 _____		
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		
Stock		
Domestic		
Other		
Total		

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

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 S.O. Date 7-21-06 Fee \$25- C081748
 Receipted by N. Date Nov. 19, 07 Receipt No. W035983 - #75-
 Processed by AJ Date 11-21-07 WR DB

SCANNED

DEC 12 2007

WARRANTY DEED

FOR VALUE RECEIVED

John H. Wilson, an unmarried man GRANTOR(s) do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto Robert S. Labbe and Modesty J. Labbe, husband and wife GRANTEE(s) whose address is: 4770 NE Lott Road, Mountain Home, ID 83647

The following described real property in **ELMORE** County, Idaho to wit:

Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho

Section 12: A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said section, said parcel being more particularly described as follows:

Commencing at a found Brass Cap marking the N $\frac{1}{4}$ Corner of said Section 12, T.3S., R.6E., Boise Meridian, Elmore County, Idaho; thence S. 89°34'42" W. 2650.28 feet along the north boundary of the said NW $\frac{1}{4}$ of Section 12 to a found brass cap marking the section corner common to Section 1, 2, 11 and 12; thence S. 00°00'00" E. 1322.49 feet along the west boundary of the said NW $\frac{1}{4}$ of Section 12 to a set 5/8" iron pin marking the N1/16 corner common to said Sections 11 and 12, said pin also marking the Real Point of Beginning;

Thence N. 89°35'12" E. 881.74 feet along the north boundary of the said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to a set 1/2" iron pin lying on the centerline of the Miller Canal;

Thence along the said centerline of the Miller Canal the following courses and distances:

S. 12°54'35" E. 280.61 feet to a set 1/2" iron pin;

Thence S. 18°29'41" E. 346.94 feet to a set 1/2" iron pin;

Thence S. 24°37'14" E. 41.65 feet to a set 1/2" iron pin;

Thence leaving the said centerline of the Miller Canal, S. 89°32'06" W. 1071.85 feet to a set 1/2" iron pin lying on the west boundary of the said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12;

Thence N. 00°00'00" W. 642.37 feet along the west boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to the Point of Beginning.

Together With:

A thirty-foot wide ingress and egress easement per Instrument No. 268829.

Also Together With:

A thirty-foot wide ingress and egress easement lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T.3S., R.6E., Boise Meridian, Elmore County, Idaho, said easement being more particularly described as follows:

Commencing at a found Brass Cap marking the N $\frac{1}{4}$ Corner of said Section 12, T.3S., R.6E., Boise Meridian, Elmore County, Idaho; thence S. 89°34'42" W. 2650.28 feet along the north boundary of the said NW $\frac{1}{4}$ of Section 12 to a found Brass Cap marking the Section Corner common to Sections 1, 2, 11 and 12; thence S. 00°00'00" E. 1322.49 feet along the west boundary of the said NW $\frac{1}{4}$ of Section 12 to a set 5/8" iron pin marking the N1/16 Corner common to said Sections 11 and 12; thence continuing S. 00°00'00" E. 642.73 feet along the west boundary of the said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to a set 1/2" iron pin, said pin marking the Real Point of Beginning;

Thence N. 89°32'06" E. 30.00 feet to a point;

Thence S. 00°00'00" E. 349.18 feet to a point

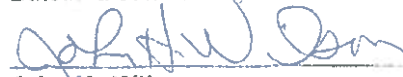
Thence S. 89°35'13" W. 30.00 feet to a set 1/2" iron pin lying on the said west boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12 to the Point of Beginning.

Subject to and/or Together with any additional easement or rights of way of record or in use.

Subject to: Taxes, easements and restrictions of record.

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 6, 2005


John H. Wilson

State of IDAHO
County of ELMORE

Instrument # 371873
Elmore County, Idaho
Dec. 12, 2005
04:34pm
For: FIRST AMERICAN TITLE COMPA
No. of Pages: 1 Fee: \$3.00
GAIL L. BEST, Recorder
Deputy: DLE

SCANNED

DEC 12 2007

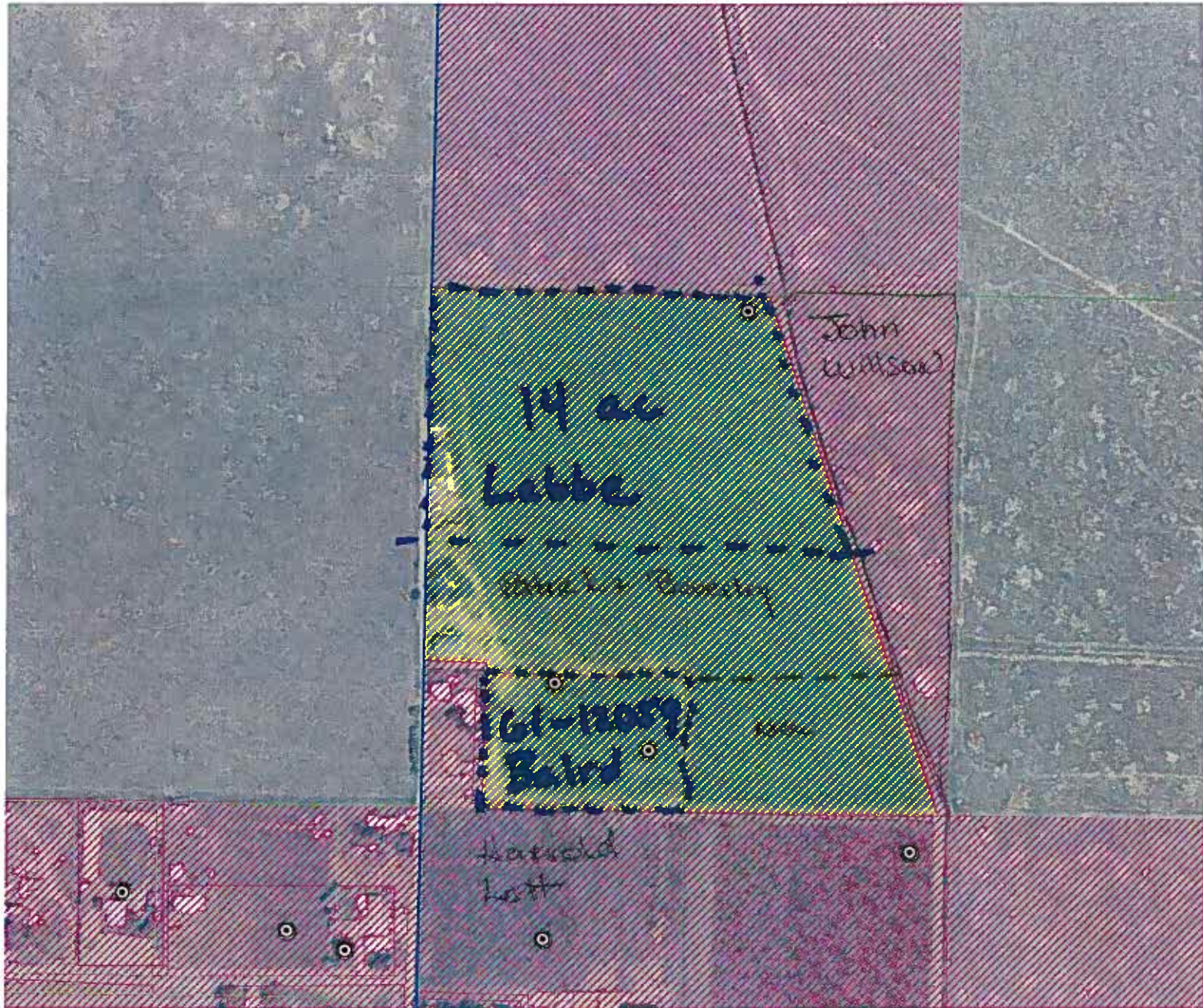
On December 9, 2005 before me, a notary public in and for said State, personally appeared John H. Wilson, known or identified to me to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same.

WITNESS my hand and official seal.


Notary Public
Residing at Mountain Home, Idaho
Commission Expires 11/30/10

61-2137A

3S 6E 12 SWNW



0.1 0 0.1 0.2 Miles

- Sections
- Elmore taxlots
- Right POD
- Right POU

Labbe portion - part of
61-12058

61-2137A in yellow



CHANGE OF OWNERSHIP SPLIT
FOR _____

#	<u>61-12152</u>		
Name	<u>Wilson</u>		
Irrigation:	<u>.0186</u>	<u>4</u>	
<u>21.5</u> acres	<u>.4</u> cfs	<u>86.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

#	<u>61-12154</u>		
Name	<u>Wilson</u>		
Irrigation:			
<u>7.5</u> acres	<u>.14</u> cfs	<u>30.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

#	<u>61-12155</u>		
Name	<u>Labbe</u>		
Irrigation:			
<u>14</u> acres	<u>.26</u> cfs	<u>56.0</u> AF	
Stockwater	_____ cfs	_____ AF	
Domestic	_____ cfs	_____ AF	
TOTAL	_____ cfs	_____ AF	

SCANNED

DEC 12 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

November 21, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN H WILSON
915 HOLIDAY DR
MOUNTAIN HOME ID 83647

Re: *Original Water Right No. 61-12152*
Split into: Water Right Nos. 61-12154 & 61-12155

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original water right number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original water right, after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new water right number when corresponding with our office.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Administrative Assistant

DB: db

Enclosure

SCANNED

DEC 12 2007

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

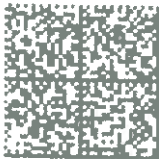
RETURN SERVICE REQUESTED

RECEIVED

NOV 26 2007

WATER RESOURCES
WESTERN REGION

PRESORTED
FIRST CLASS



02 1M
0004227270
NOV 21 2007
MAILED FROM ZIP CODE 83702

\$ 00.312

61-12152

JOHN H WILSON
915 HOLIDAY DR

X 837 MFE 1 3081 00 11/23/07
FORWARD TIME EXP RTN TO SEND
WILSON, JOHN H
5393 NE WATERDOG WAY
MOUNTAIN HOME ID 83647-6070

RETURN TO SENDER

144035517055082

|||||



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

November 21, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ROBERT S LABBE
MODESTY J LABBE
4770 NE LOTT RD
MOUNTAIN HOME ID 83647

Re: *Original Water Right No. 61-12152*
Split into: Water Right Nos. 61-12154 & 61-12155

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of the original Water Right as referenced above. This Change of Ownership required a split of the original water right resulting in renumbering this water right, using a new water right number to represent each split. The new water right number for your portion is referenced above and a copy is enclosed.

Your portion of this water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your water right, then no further action is required at this time.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning the enclosed information or this letter.

Sincerely,

Denise Buffington
Administrative Assistant

DB: db

Enclosure

SCANNED

DEC 12 2007

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/08/2008

WATER RIGHT NO. 61-12154

Owner Type	Name and Address
Current Owner	JOHN H WILSON 915 HOLIDAY DR MOUNTAIN HOME, ID 83647 (208)587-5882
Original Owner	FERREL FEDDY
Original Owner	JACK A LOTT RT 1 BOX 654 MOUNTAIN HOME, ID 83647
Original Owner	HAROLD LOTT RT 3 BOX 654 MOUNTAIN HOME, ID 83647 (208)587-8374

Priority Date: 05/19/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.14 CFS	30 AFA
Total Diversion:			0.14 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 12|Township 03S|Range 06E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	06E	12		SWNW	7.5									

Total Acres: 7.5

Conditions of Approval:

1. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 04/12/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And/Or

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](#)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

07/08/2008

WATER RIGHT NO. 61-12155

Owner Type	Name and Address
Current Owner	MODESTY J LABBE
Current Owner	ROBERT S LABBE 4770 NE LOTT RD MOUNTAIN HOME, ID 83647 (208) 832-4540
Original Owner	FERREL FEDDY
Original Owner	JACK A LOTT RT 1 BOX 654 MOUNTAIN HOME, ID 83647
Original Owner	HAROLD LOTT RT 3 BOX 654 MOUNTAIN HOME, ID 83647 (208)587-8374

Priority Date: 05/19/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.26 CFS	56 AFA
Total Diversion:			0.26 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 12|Township 03S|Range 06E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	06E	12		SWNW	14									

Total Acres: 14

Conditions of Approval:

1. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
2. X6 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 12, 2001
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 04/12/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And/Or

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: