

No Color

Documents

In File

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 67-11014

NAME AND ADDRESS: GENEVA DAWSON TRUST
C/O VAUGHN KELLEY
PO BOX 413
WEISER, ID 83672

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1959

POINT OF DIVERSION: T11N R05W S32 NENWNE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Washington County
T11N R05W S32 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

SEP 16 2003



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 18, 2003

LLOYD ROBERTS
1648 COVE RD
WEISER ID 83672

RE: Change of Ownership for Decreed Water Right 67-11014

Dear Mr. Roberts:

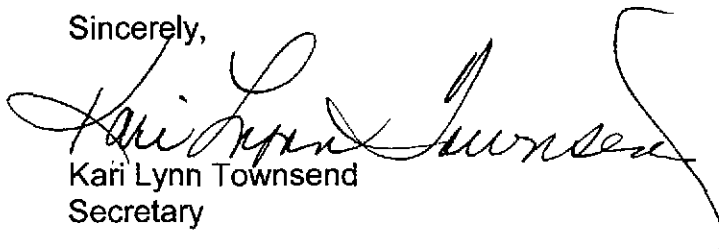
Our letter of March 18, 2003 (copy enclosed) requesting correct legal description of property remains unanswered. Therefore, I am returning the ownership change request. A copy of your ownership change information will be kept in our files for reference.

If you find that the change of ownership should be processed for either water right 67-10489 or 67-10490 (water right reports enclosed) you may resubmit the request showing the appropriate water right number.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required proof of ownership, legal description and filing fee and we will be happy to complete the request for you.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,



Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MICROFILMED

SEP 16 2003

RECEIVED**STATE OF IDAHO****DEPARTMENT OF WATER RESOURCES****NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP****RECEIVED****DEC 27 2000**WATER RESOURCES
WESTERN REGION

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, 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
67-II014					

RECEIVED**JAN 03 2001**WATER RESOURCES
WESTERN REGION**RECEIVED**

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

JAN - 5 2001

Department of Water Resources

- 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) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO**. **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)
GENEVA DAWSON TRUST
VAUGHN KELLEY
P.O. BOX 413 Weiser, Idaho 83672-0413
4. New Owner/Claimant(s)
LLOYD ROBERTS
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
1648 COVE ROAD
- City, State and ZIP Code
WEISER, IDAHO 83672
- New Telephone Number
(208) 549-1961
5. Date you acquired the property
MARCH 1st. 1999

COPY

MICROFILMED

SEP 16 2003

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) Lloyd E. Roberts
(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 <u>DB</u>	Date <u>12/27/00</u>	Fee <u>\$25-</u>	MICROFILMED
Received by <u>DB</u>	Date <u>12/27/00</u>	Receipt No. <u>W227250</u>	
Processed by _____ AJ	Date _____	WR _____ Date <u>SEP 16 2003</u>	



First American Title Insurance Company

INFORMATION

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

TABLE OF CONTENTS

	Page
AGREEMENT TO ISSUE POLICY	1
SCHEDULE A	
1. Commitment Date	2
2. Policies to be Issued, Amounts and Proposed Insureds	2
3. Interest in the Land and Owner	2
4. Description of the Land	2
SCHEDULE B-1 — Requirements	3
SCHEDULE B-2 — Exceptions	4
CONDITIONS	other side of 1

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, please contact the issuing office.

COPY
MICROFILMED

SEP 16 2003

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-1.

The Exceptions in Schedule B-2.

The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.



First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Amerson* SECRETARY

BY *Clarence R. Hall* COUNTERSIGNED

MICROFILMED

SEP 18 2003

COPY



Wayne Stafford (2155)
Idaho Homes and Land

SCHEDULE A

1. **Commitment Date:** March 1, 1999, 8:00 am **Commitment No:** T99146
2. **Policy or Policies to be issued:** **Policy Amount**
 - (A) Owner Policy Form No. 1402.92 (10/17/92) Standard \$110,000.00
Endorsements: None
Proposed Insured: LLOYD E. ROBERTS and ADELIA KAY ROBERTS, husband and wife
Premium \$ 585.00
 - (B) Loan Policy Form No. 1056.92 (10/17/92) \$
Endorsements:
Proposed Insured:
Premium \$
3. **FEE SIMPLE** interest in the land described in this Commitment is owned, at the Commitment Date, by:

THE GENEVA DAWSON TRUST
4. **The land referred to in this Commitment is described as follows.**

IN WASHINGTON COUNTY, IDAHO:

IN TOWNSHIP 10 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN;

Section 5: The NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$

According to the office of the County Assessor, the address associated with the referenced real estate is:

1389 Cooper Rd.
Weiser, Idaho 83672

MICROFILMED

SEP 16 2003

COPY

Commitment No. T99146

**SCHEDULE B - Section 1
Requirements**

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in the Commitment ~~who will get an interest in the land or who will make a loan on the land.~~ We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of items(s) ____
- (f) We require a copy of and any amendments to The Geneva Dawson Trust Agreement.
- (g) You must give us the following information:
 - 1. Any off record leases, surveys, etc.
 - 2. Statement(s) of identity, all parties.
 - 3. Other

COPY

MICROFILMED

SEP 16 2003

Commitment No. T99146

**SCHEDULE B - Section 2
Exceptions**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART 1:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records by which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: Schedule B - Section 2 exceptions 1-6 will be eliminated in an ALTA Extended Coverage Policy.

PART 2:

7. General taxes for 1999 an accruing lien, not yet due or payable.

continued...

MICROFILMED
SEP 16 2003

COPY

Commitment No. T99146
Schedule B - Section 2 continued....

8. Liens, levies and assessments of Flood Control District No. 3 of the State of Idaho, and the rights, powers and easements of said district as provided by law. Assessments levied by said district are collected with the County taxes.
9. Easements for irrigation or drainage ditches, canals or roads; water rights, mineral rights, claims or title to water.

*FOR YOUR INFORMATION ONLY WE ADVISE YOU OF THE FOLLOWING
MATTER NOT WITHIN THE INSURING PROVISIONS OF THE COMMITMENT OR
POLICY:*

*According to the County records, general taxes have been assessed on the
following tax parcel which affects the land in question:*

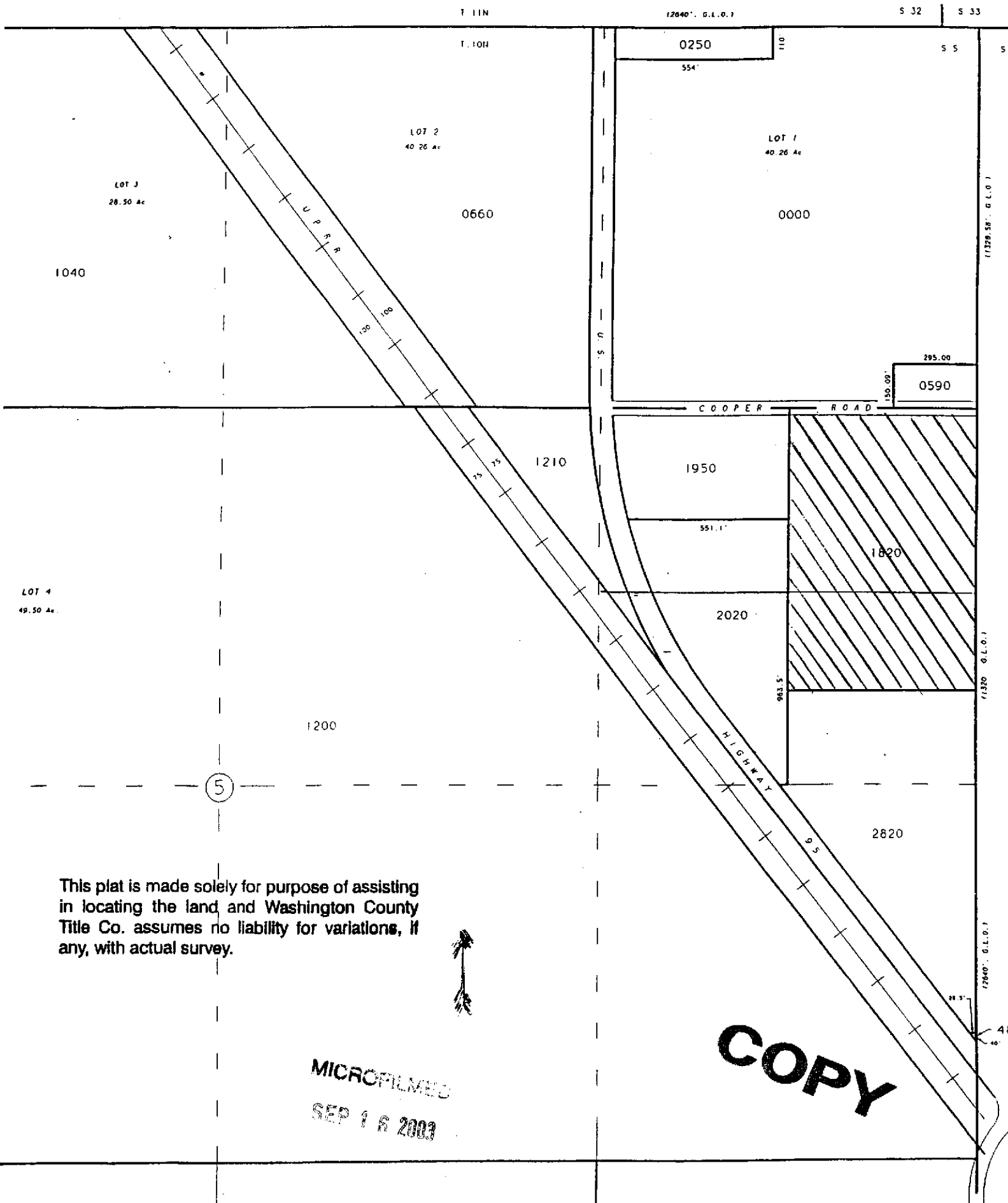
*Parcel No. RP 10NO5W051820 A, originally assessed in the amount of \$1,628.94
for the year 1998, which are paid in full.*

NOTE: PURSUANT TO THE STATE OF IDAHO INSURANCE REGULATIONS, A
CANCELLATION FEE IS TO BE CHARGED ON ALL CANCELED ORDERS.
UNLESS OTHERWISE ADVISED, ORDERS WILL BE CONSIDERED
CANCELED SIX MONTHS AFTER THE EFFECTIVE DATE ON THE
COMMITMENT. THE AMOUNT OF THE FEE ASSESSED SHALL BE IN
ACCORDANCE WITH OUR RATE FILING WITH THE IDAHO
DEPARTMENT OF INSURANCE.

COPY

MICROFILMED

SEP 18 2003



This plat is made solely for purpose of assisting in locating the land and Washington County Title Co. assumes no liability for variations, if any, with actual survey.



MICROFILMED
SEP 16 2003

COPY



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2003

LLOYD ROBERTS
1648 COVE RD
WEISER ID 83672

RE: Change in Ownership of Decreed Water Right 67-11014

Dear Mr. Roberts:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Legal Description of Property**

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. The legal description for water right 67-11014 is **T11N, R5W, S32, NWNE** and the legal description described in your support data is for **T10N, R5W, S5**. There are two (2) water rights (**67-10489 & 67-10490**) that are decreed in the name of Geneva M. Dawson that cover lands that are described in your support data. I have enclosed a copy of these water right(s) for your reference. Please verify the property that you own and furnish our office with correct information.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

MICROFILMED
SEP 16 2003

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend". The signature is fluid and cursive, with the first name "Kari" being more prominent.

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MICROFILMED
SEP 16 2003