

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 47-11847

NAME AND ADDRESS: FRED JESKE
SHIRLEY JESKE
PO BOX 241
KIMBERLY, ID 83341

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 12/30/1940

POINT OF DIVERSION: T11S R18E S07 NESWNE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

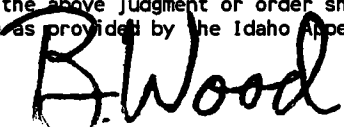
PLACE OF USE: Stockwater Within Twin Falls County
T11S R18E S07 SWNE
Domestic Within Twin Falls County
T11S R18E S07 SWNE

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.

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

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

RECEIVED
JAN 14 2004
RECEIVED
JAN 13 2004
Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
47-11847					

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)

Shirley Seske

4. New Owner/Claimant(s)

Cecil and Shanna Wetzstein

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

New Mailing Address

3387 E 3400N

City, State and ZIP Code

Kimberly, ID 83341

New Telephone Number

(208) 423-5894

5. Date you acquired the property

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)

Shanna Wetstein

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>[Signature]</u>	Date <u>11/13/04</u>	Fee <u>25.00</u>
Receipted by <u>[Signature]</u>	Date <u>11/13/04</u>	Receipt No. <u>5026395</u>
Processed by <u>[Signature]</u> AJ	Date _____	WR _____ Date _____

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Co.

By

First American Title Insurance Company

BY

Gary L. Bennett

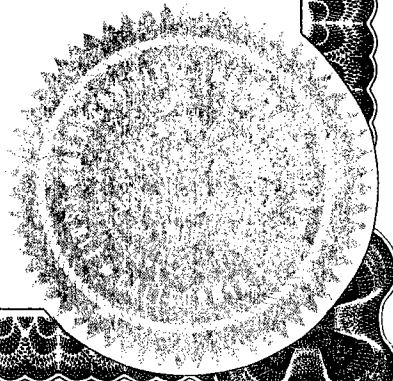
PRESIDENT

ATTEST

Mark D. Amos

SECRETARY

J 1888460



OWNER'S POLICY

SCHEDULE A

Order No.: **TF36372**

Policy No.: **J 1888460**

Reference No.:

Amount of Insurance: **\$ 129,900.00**

Premium: **\$ 695.00**

Endorsements:

\$

Date of Policy: **October 22, 2003** at **08:23 AM**

1. Name of Insured:

Cecil E. Wetzstein and Shanna L. Wetzstein

2. The estate or interest in the land which is covered by this policy is:

A fee simple interest

3. Title to the estate or interest in the land is vested in:

Cecil E. Wetzstein and Shanna L. Wetzstein, husband and wife

4. The land referred to in this policy is described as follows:

Parcel 1:

Township 11 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho;

Section 7: SW $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 7, from which the Northeast corner of said Section 7 bears North 89°50'37" East, 2638.06 feet;

THENCE North 89°50'37" East along the North boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 1319.03 feet to the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7;

THENCE South 00°44'48" East along the East boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 1322.04 feet to the Northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 and begin the POINT OF BEGINNING;

THENCE South 00°44'48" East continuing along the East boundary of the

**OWNER'S POLICY
SCHEDULE A
(Continued)**

Order No.: **TF36372**

**SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 330.00 feet;
THENCE South 89°43'54" West parallel with the North boundary of the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 336.60 feet;
THENCE North 00°44'48" West parallel with the East boundary of the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 330.00 feet to a point on the
North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7;
THENCE North 89°43'54" East along the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$
of said Section 7 for a distance of 336.60 feet to the POINT OF
BEGINNING.**

Parcel 2:

**An easement for ingress and egress over the East 20 feet of the
NW $\frac{1}{4}$ NE $\frac{1}{4}$.**

SCHEDULE B

Order No.: **TF36372**

Policy No.: **J 1888460**

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

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, interest, or claims which are not shown by the public records but 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 public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
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.
7. The 2002 taxes are paid in full.
2003 taxes are an accruing lien, not yet due or payable.
8. Rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code.
9. Easement granted to Idaho Power Company, recorded March 2, 1966, as Instrument No. 561389.
10. Right of way and easement of a 35.00 foot wide access, utility and ditch easement along the North boundary.
11. Right of way and easement of a 20.00 foot wide utility and ditch easement along the

**OWNER'S POLICY
SCHEDULE B
(Continued)**

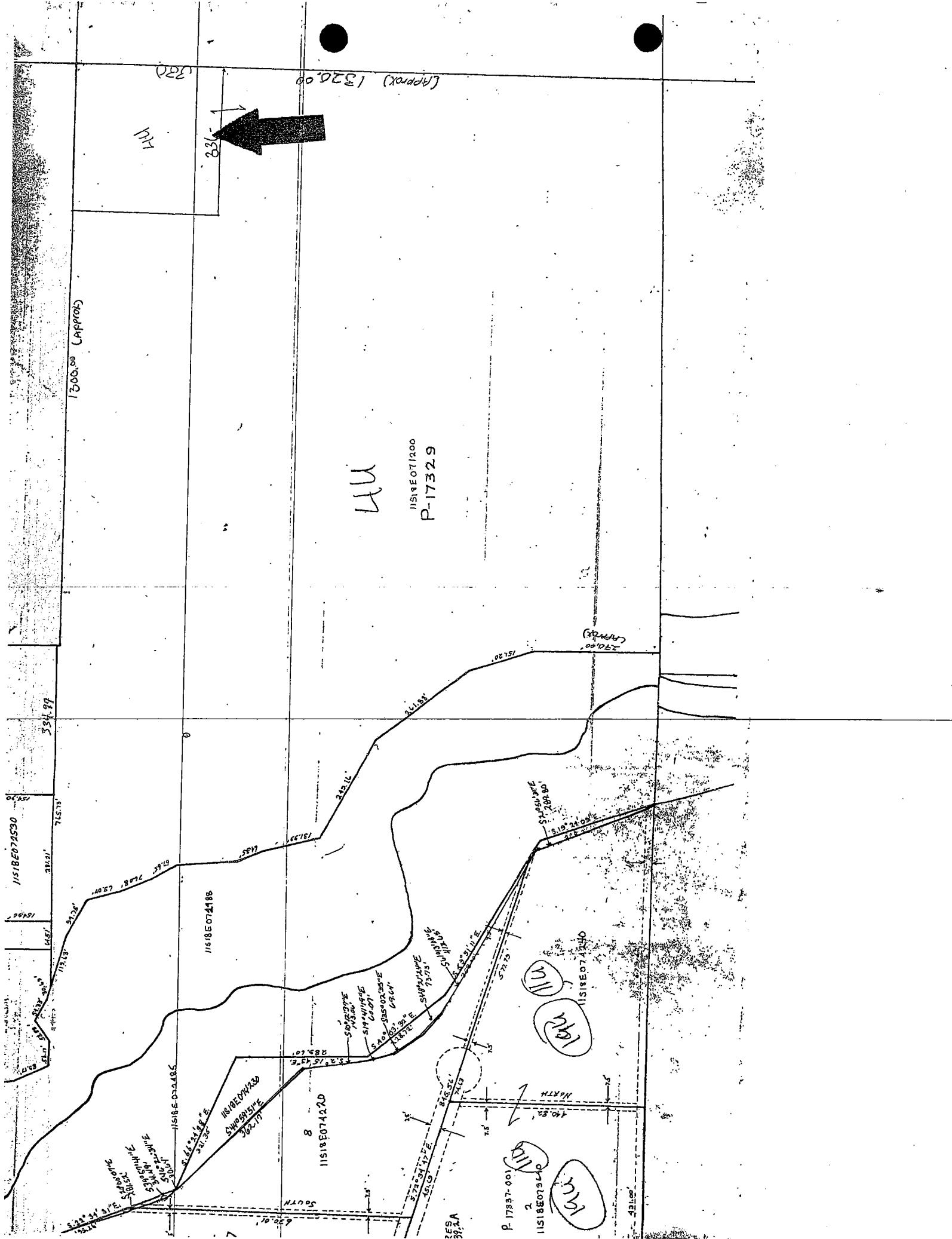
Order No.: **TF36372**

East boundary.

12. Deed of trust dated October 21, 2003 to secure an indebtedness of \$123,405.00 and any other amounts and/or obligations secured thereby.
Recorded: October 21, 2003, as Instrument No. 2003027480
Grantor: Cecil E. Wetzstein and Shanna L. Wetzstein, husband and wife
Trustee: First American Title Co.
Beneficiary: Magic Valley Bank

Assigned to Countrywide Document Custody Services, a division of Treasury Bank, NA, by instrument recorded October 22, 2003, as Instrument No. 2002027484

END OF EXCEPTIONS



Twin Falls County, Idaho
Recorded for:
FIRST AMERICAN TITLE CO.
04:28pm Oct. 21, 2003
2003 - 027479
No. of Pages: 2 Fee: \$6.00
KRISTINA GLASCOCK
County Clerk
Deputy: CN

TF36372

WARRANTY DEED

For Value Received **Shirley M. Jeske, an unmarried woman**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Cecil E. Wetzstein and Shanna L. Wetzstein, husband and wife

whose address is: , 3387 North 3400 East, Kimberly ID 83341

Hereinafter called the Grantee, the following described premises situated in **Twin Falls** County, Idaho, to-wit:

See legal description attached hereto and made a part of

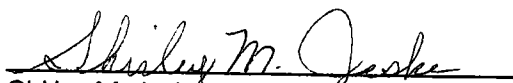
Subject to a 35.00 feet in width access, utility and ditch easement along the North boundary and also subject to a 20.00 feet in width utility and ditch easement along the East boundary

Together with 1.26 shares of Twin Falls Canal Company Water Stock

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

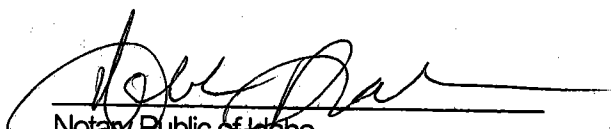
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 20, 2003


Shirley M. Jeske

STATE OF Idaho
)ss.
COUNTY OF TWIN FALLS

On this 21st day of October, 2003, before me Debbie Drake, personally appeared Shirley M. Jeske, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public of Idaho
Residing at: Jerome, Idaho
Commission Expires: 04/13/06

Parcel 1:

Township 11 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho;

Section 7: SW $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 7, from which the Northeast corner of said Section 7 bears North 89°50'37" East, 2638.06 feet;
THENCE North 89°50'37" East along the North boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 1319.03 feet to the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7;
THENCE South 00°44'48" East along the East boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 1322.04 feet to the Northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 and begin the POINT OF BEGINNING;
THENCE South 00°44'48" East continuing along the East boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 330.00 feet;
THENCE South 89°43'54" West parallel with the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 336.60 feet;
THENCE North 00°44'48" West parallel with the East boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 330.00 feet to a point on the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7;
THENCE North 89°43'54" East along the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7 for a distance of 336.60 feet to the POINT OF BEGINNING.

Parcel 2:

An easement for ingress and egress over the East 20 feet of the NW $\frac{1}{4}$ NE $\frac{1}{4}$.