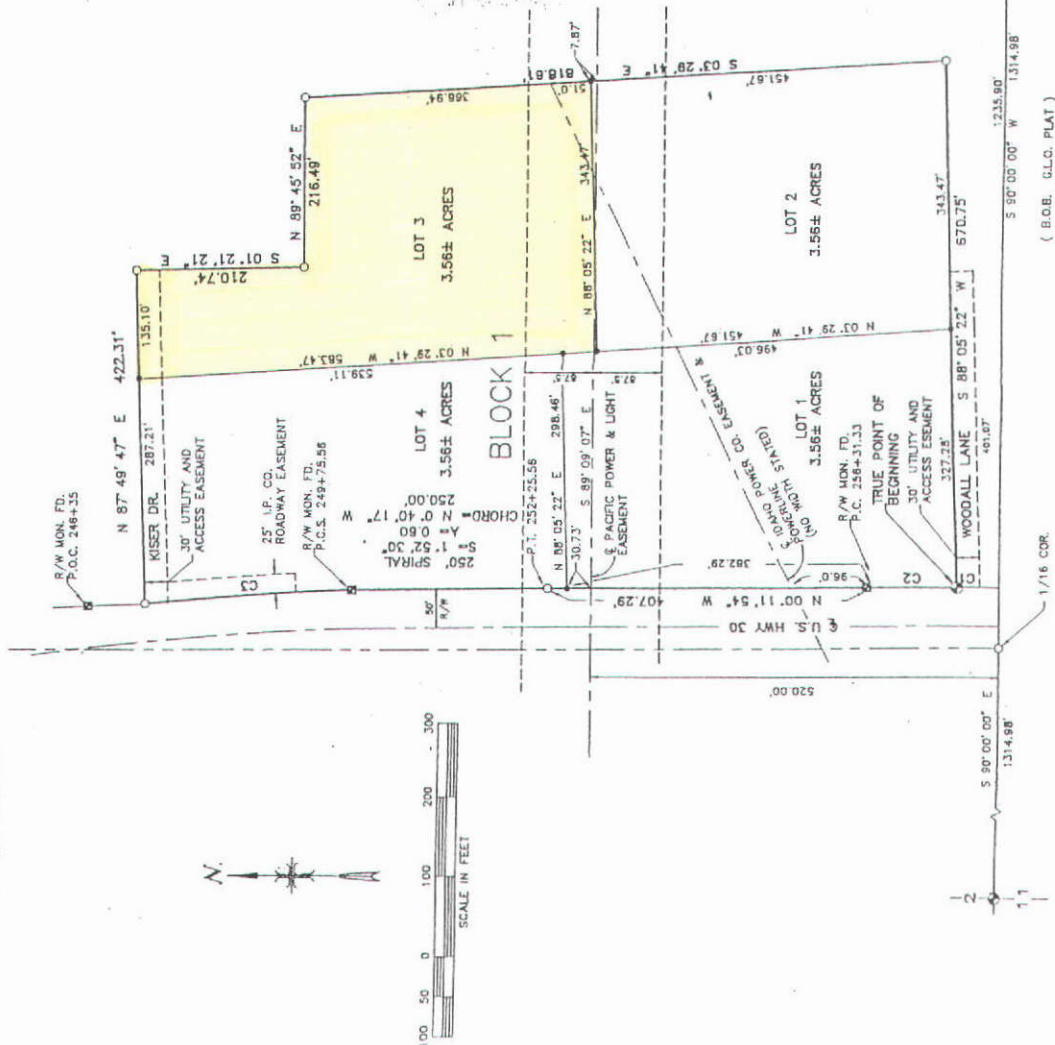


LEGEND

- Found Brass Cap Monument
- Set 5/8" x 30" Iron Pin with Plastic Cap
- Set 1/2" x 24" Iron Pin
- Subdivision Boundary Line
- Lot Line
- Easement Line
- Section Line
- 1/16 Section Line

PLAT SHOWING
LAKE VIEW SUBDIVISION

A PORTION OF THE SE 1/4 OF THE SE 1/4,
SECTION 2, TOWNSHIP 7 SOUTH, RANGE 13 EAST,
BOISE MERIDIAN
GOODING COUNTY, IDAHO
1992



VICINITY MAP
N.T.S.

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF
ASSISTING IN LOCATING THE LAND, AND THE CO.
ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY,
WITH AN ACTUAL SURVEY.

J-U-B ENGINEERS, INC.
Engineers Surveyors Planners
Twin Falls, Idaho

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

RECEIVED
OCT 21 2003
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
36-71A	36-16190 36-16191	XX			

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) Robert L. Harney and Betty Jo Harney
P. O. Box 548, Hagerman, ID 83332
4. New Owner/Claimant(s) Ignacio Nick Zabala and Carmen Maria Zabala
Name Connector (Check one): [] and, [] or, [] and/or
P. O. Box 262, Hagerman, ID 83332
- New Mailing Address _____
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property October 10, 2003

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NOV 20 2003

6. If the change in ownership affects the entire water right for each water right adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number <u>36-71A</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>XX .560 CFS</u>	<u>3.56</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>.560</u>	<u> </u>

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number <u> </u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>7.0 inches</u>	<u>3.56 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>7.0</u>	<u>3.56</u>

7.

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

Ignacio Nick Zabala

and Carmen Maria Zabala

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>10/23/03</u>	Fee <u>100.00</u>
Received by <u>[Signature]</u>	Date <u>10/23/03</u>	Receipt No. <u>5026197</u>
Processed by <u>[Signature]</u> AJ	Date <u> </u>	WR <u> </u> Date <u> </u>

MICROFILMED

NOV 2 8 2003

WARRANTY DEED

#GG-04887

Instrument # 203103

GOODING, GOODING, IDAHO

2003-10-10

04:27:14 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: 6.00

For Value Received

Robert L. Harney and Betty Jo Harney, husband and wife

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

Ignacio Nick Zabala and Carmen Maria Zabala, husband and wife

Address: P.O. Box 262, Hagerman, ID 83332

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

Lot 3 in Block 1 of Lake View Subdivision, being a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho, according to the plat thereof, recorded December 21, 1992 as Instrument Number 151043 in the Office of the County Recorder of said County.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2003 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments levied or to be levied by any local irrigation district.

The effect of Power Line Easement given by Roy Lewellen and Nettie M. Lewellen, husband and wife, to Idaho Power Company, a corporation, dated February 25, 1935, recorded March 29, 1935 in Book 3 Page 586 as Instrument Number 61216, Gooding County records, affecting a portion of Lot 2 of Section 2, Township 7 South, Range 13 East, Boise Meridian.

Power Line Easement given by Marjorie Justice Thomas and Daniel Thomas, her husband, to Idaho Power Company, a corporation, dated February 15, 1962, recorded August 17, 1962 as Instrument Number 5378, Gooding County records, affecting a portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 7 South, Range 13, East Boise Meridian.

Conditions and restrictions contained in Warranty Deed given by Marjorie Justice Thomas and Daniel Thomas, her husband, first parties, to the State of Idaho, second party, dated August 7, 1962, recorded August 29, 1962 as Instrument Number 5500, Gooding County records, pertaining to a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 7 South, Range 13 East, Boise Meridian.

Easement given by Marjorie Justice Thomas and Daniel Thomas, her husband, Grantors, to the State of Idaho, Grantee, dated August 7, 1962, recorded August 29, 1962 as Instrument Number 5501, Gooding County records, pertaining to a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 7 South, Range 13 East Boise Meridian.

Power Line Easement given by Marjorie Justice Thomas to Idaho Power Company, a corporation, dated July 5, 1973, recorded February 4, 1974 as Instrument Number 48661, Gooding County records, affecting a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 7 South, Range 13 East, Boise Meridian.

Power Line Easement given by Marvin L. Andersen and Anita G. Andersen, husband and wife, to Idaho Power Company, a corporation, dated June 21, 1973, recorded February 4, 1974 as Instrument Number 48663, Gooding County records, affecting a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 7 South, Range 13 East, Boise Meridian.

Right-of-Way Easement given by Anita G. Andersen, Sharon Dillon, Jackie Ray Andersen, and Terry Lynn Andersen, to Pacific Power & Light Company, a corporation, dated March 13, 1979, recorded March 20, 1979 as Instrument Number 75487, Gooding County records, affecting a portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 7 South, Range 13 East, Boise Meridian.

Subject to an Easement as set forth in Warranty Deed given by George R. Kneeland and Diane Kneeland, husband and wife, as to an undivided one-half interest, Grantor, to Karl Woodall & Sons, Inc., and John Kiser, Grantee, dated March 25, 1992, recorded April 20, 1992 as Instrument Number 148410, Gooding

NOV 20 2003

County records.

Easements and set back lines as shown on the recorded plat.

Restrictive Covenants for Lake View Subdivision as stated in document recorded February 17, 1993 as Instrument Number 151667, Gooding County records.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 7.0 inches of Water Right number 36-71A, from Billingsley Creek.

R.L. Harney
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The 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 incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 10, 2003

Robert L. Harney
Robert L. Harney

Betty Jo Harney
Betty Jo Harney

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 10th day of **October, 2003**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Robert L. Harney and Betty Jo Harney**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Becky Shubert
Notary Public
Residing at: Wendell ID
My Commission expires: 02-23-05

Becky Shubert
Notary Public
State of Idaho

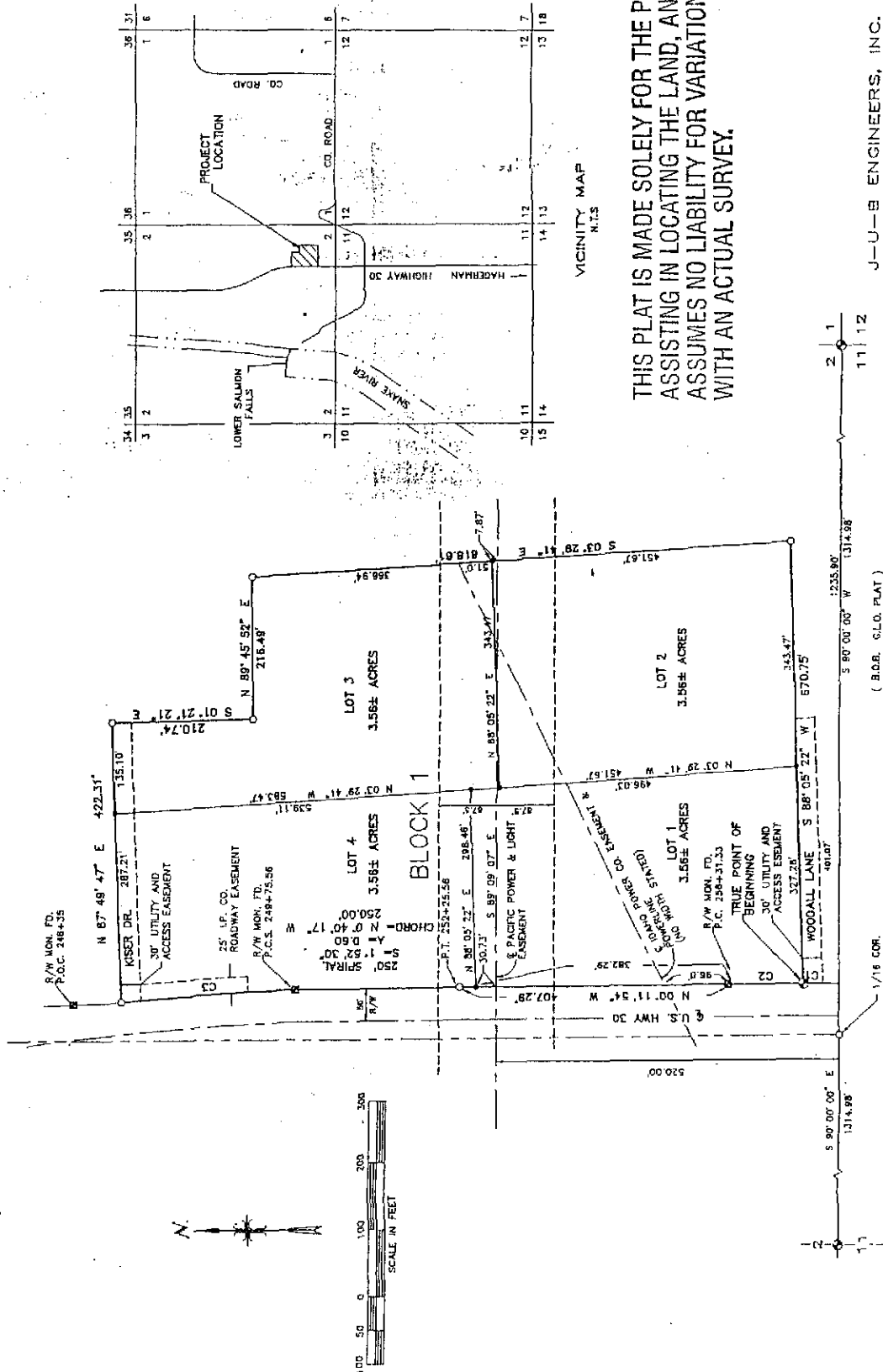
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OCT 26 2003

LEGEND

- Found Brass Cap Monument
- Sail 5/8" x 30" Iron Pin with Plastic Cap
- Sail 1/2" x 24" Iron Pin
- Subdivision Boundary Line
- Lot Line
- Easement Line
- Section Line
- 1/16 Section Line

PLAT SHOWING
LAKE VIEW SUBDIVISION
A PORTION OF THE SE 1/4 OF THE SE 1/4,
SECTION 2, TOWNSHIP 7 SOUTH, RANGE 13 EAST,
BOISE MERIDIAN
GOODING COUNTY, IDAHO
1992

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEG
C1	0° 08' 11"	2286.82	54.58	54.66	27.35	N 00° 01' 13" E
C2	5° 33' 33"	2386.59	12.50	12.50	131.51	N 00° 01' 13" E
C3	5° 33' 33"	3365.72	253.93	262.68	131.51	N 04° 02' 56" W



THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE CO. ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

J-U-B ENGINEERS, INC.
Engineers Surveyors Planners
Twin Falls, Idaho

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-16191

WATER RIGHT NUMBER: 36-16191

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	ROBERT L HARNEY
Previous Owner	BETTY JO HARNEY PO BOX 548 HAGERMAN, ID 83332 (208) 837-9152
Current Owner	IGNACIO NICK ZABALA
Current Owner	CARMEN M ZABALA PO BOX 262 HAGERMAN, ID 83332 (208) 837-6654

Priority Date: 06/26/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BILLINGSLEY CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	02/15	11/30	0.140 CFS	
	<u>Total Diversion:</u>		0.140 CFS	

Location of Point(s) of Diversion

BILLINGSLEY CREEK	NE1/4SE1/4NE1/4	Sec. 11, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

IRRIGATION Within GOODING County

T07S R13E S02 SESE 3.6

Total Acres: 3.6

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH JOHN BELL DITCH.

Comments:

1. cclark 11/6/2003 Ownership Change

Comment: Right 36-71A split by ownership change into rights 36-16190 and 36-16191.

Dates and Other Information:

Decreed Date: 8/27/2001

Water District Number: 36A

11/06/2003
NOV 9 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-71A

WATER RIGHT NUMBER: 36-71A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE KNEELAND 117 SKYLN DR SUN VALLEY, ID 83353 (208)726-9311
Original Owner	OWEN SIMPSON 17865 U S HWY 30 BLISS, ID 83314 (208)837-6230
Current Owner	ROBERT L HARNEY
Current Owner	BETTY JO HARNEY PO BOX 548 HAGERMAN, ID 83332 (208)837-9152
Directors Report Owner	KARL WOODALL & SONS INC PO BOX 64 HAGERMAN, ID 83332 (208)837-4703
Directors Report Owner	JOHN KISER PO BOX 64 HAGERMAN, ID 83332 (208)837-4703

Priority Date: 06/26/1881**Basis: Decreed****Status: PARENT**

<u>Source</u>	<u>Tributary</u>
BILLINGSLEY CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	2/15 to 11/30	0.560 CFS	
<u>Total Diversion:</u>		0.560 CFS	

Location of Point(s) of Diversion

BILLINGSLEY CREEK	NE1/4SE1/4NE1/4	Sec. 11, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of UseIRRIGATION Within GOODING County

T07S R13E S02 SESE 14.0

Total Acres: 14

MICHAEL J. JONES

NOV 26 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-71A

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH JOHN BELL DITCH.

Comments:

1. BEDKE 3/8/1991 SCC-STAFF REVIEW

Comment:

2. CLELLAND 2/6/1992 COPIED FROM REMARKS

Comment: OPEN DITCH IS KNOWN AS THE JOHN BELL DITCH.

3. CLELLAND 5/13/1992 CHANGE OF OWNERSHIP

Comment: CHANGE FORM RECEIVED 4-24-92 FROM JOHN KISER WITH WARRANTY DEED. CHANGE INCLUDED A36-00075 BUT NOT A36-00096A.

4. SCHULTZ 9/23/1992 NOTICE OF ERROR (NOE)

Comment: RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.

5. WORSTELL 10/15/1992 NOTICE OF ERROR RECORD

Comment: PERIOD OF USE CHANGED TO 3/15 TO 11/15

6. SCHULTZ 2/19/1993 ADDED NEW ATTORNEY

Comment: RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ 2/10/93. CLAIM VERIFIED 10/15/92. DID NOT REVERIFY CLAIM.

7. SCELLAN 5/17/1996 CHANGE OF OWNERSHIP

Comment: CHANGE OF OWNERSHIP FILED BY HARNEY'S ON 5/6/96. SF3 FORMS SUP- PLIED TO CLAIMANT.

8. TFAWCETT 2/20/1997 ATTORNEY REMOVED

Comment: PAT BROWN REMOVED AS ATTORNEY OF RECORD.

9. SCELLAN 10/27/1997 COPIED FROM REMARKS

Comment: A DIVERSION RATE OF 0.38 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE. WATER IS DELIVERED THROUGH JOHN BELL DITCH. 0.06 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. SF5 MET WITH MR. & MRS. HARNEY AND SIGNED SF5.

10. AJU10-DS 12/21/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

11. cclark 4/19/2002 7:37:43 AM Water Right

Comment: This water right record was updated by decree record from old RightID 225447 to new RightID 421080

12. Ownership Change 11/6/2003 8:46:33 AM Split Right

Comment: Split into 36-16190 and 36-16191.

Dates and Other Information:

Decreed Date: 8/27/2001

Water District Number: 36A

APPROVED
11/6/2003



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

November 6, 2003

IGNACIO NICK ZABALA
CARMEN M ZABALA
PO BOX 262
HAGERMAN ID 83332

RE: Change of Ownership for Water Right 36-16191 (Split from 36-71A)

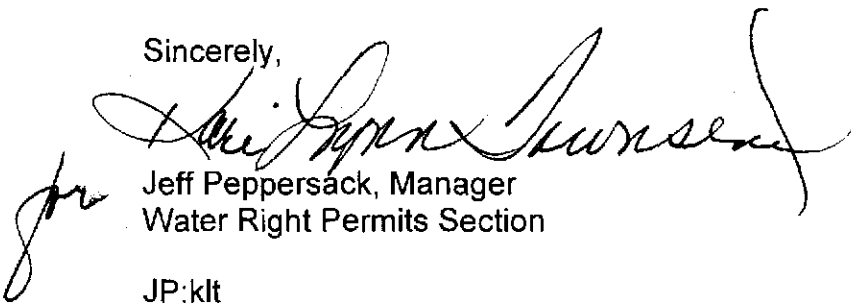
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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NOV 20 2003