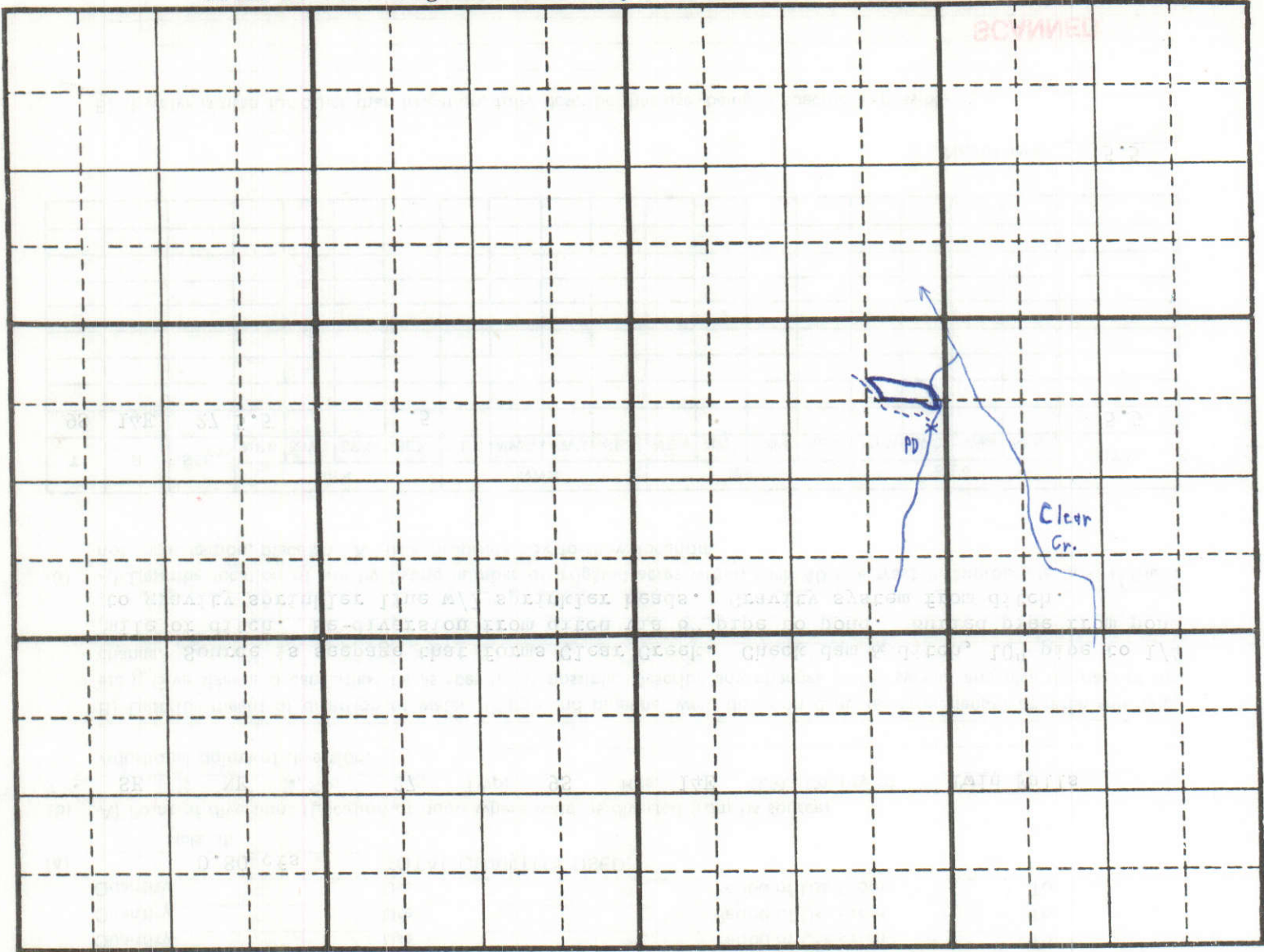


(8) Remarks I bought a half-acre parcel in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27 in 1983. This was irrigated under Claim 47-4241. This land is being to my claim, since it is now irrigated by my portion of this joint ditch. added
Due to the ditch being very flat & porous, a large amount is needed to get the water to the irrigated land. Any unused water & wastewater goes back into Clear Cr



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

[Signature]
 (Claimant)

Sworn to before me this 24 day of April, 19 85.

Mary A. Newby
 Notary Public
 Residing at Twain Falls, ID
 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>J. E. Stanton</u>	Date <u>4-24-85</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>TGB</u>	Date <u>4-25/85</u>		claimant by: _____	
\$30.00 fee received by <u>N/A</u>	Date <u>-</u>			
Published in <u>Times News</u>				
Dates <u>5/2 & 5/6/85</u>				

**NOTICE OF
AMENDED CLAIM
TO A WATER RIGHT
NO. 47-4136**

Notice is hereby given that Claim to a Water Right No. 47-4136 in the name of LeRoy Austin of Wendell, Idaho is hereby amended and recorded as follows:

Source: Seepage tributary to Clear Creek
Priority Date: March 15, 1929

Amount: 0.80 cfs
Diversion Point: SENE, Sec. 27, T9S, R14E, B.M., County of Twin Falls

Use: Irrigation of 5.5 acres from March 15 to November 15 within the NENE, SENE, Sec. 27, T9S, R14E.

Any exception to the Amended Claim to a Water Right must be filed with the Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301.

A. KENNETH DUNN

Director
PUBLISH: **Thursdays**
May 2, and 9, 1985.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

Nº 15044

I, *Linda Capps McSwain*

being first duly sworn upon

oath, depose and say that I am *Print Clerk* of the TIMES-NEW, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for *Two*

consecutive *Weeks*, commencing with the issue dated

May 2, 19*85*, and ending with the issue dated *May 9*, 19*85*.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday, announced as the day on which said legal notices will be published.

Linda Capps McSwain

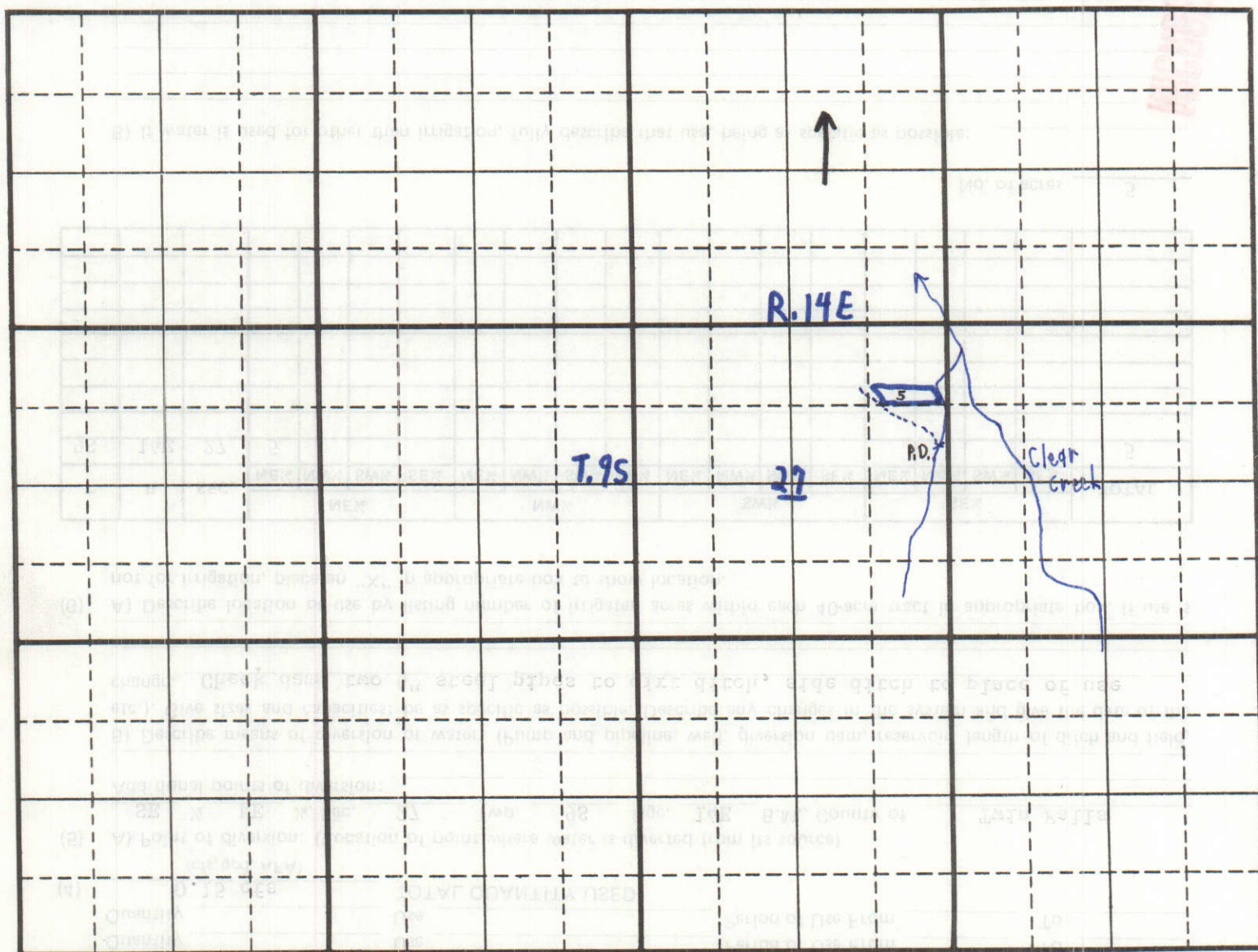
Subscribed and sworn to before me on this *17* day of

May, 19*85*
Gladie G. Lawrence

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

(3) _____



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

L Roy Austin
(Claimant)

Sworn to before me this 5th day of November, 1979

Notary Public
Residing at Twain Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J. G. Stanton Date 11-5-79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by J. G. Stanton Date 11-6-79 claimant by: _____
\$20.00 fee received by Mary Date 11-5-79 # 13383
Published in Times News _____
Dates 11/29 & 12/6/79 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that LeRoy Austin (Name of Claimant)
Box 162, Wendell, ID 83355 Telephone No. 536-6478
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Mar 15, 1929

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Seepage tributary to Clear Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>0.80 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>Mar 15</u>	To <u>Nov 15</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.80 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NE 1/4, Sec. 27 Twp. 9S Rge. 14E B.M., County of Twin Falls
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Source is seepage that forms Clear Creek. Check dam & ditch, 10" pipe to 1/4 mile of ditch. Re-diversion from ditch via 8" pipe to pond. Buried pipe from pond to gravity sprinkler line w/7 sprinkler heads. Gravity system from ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
9S	14E	27	5			.5													5.5

No. of acres 5.5

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

SCANNED

JAN 29 2002

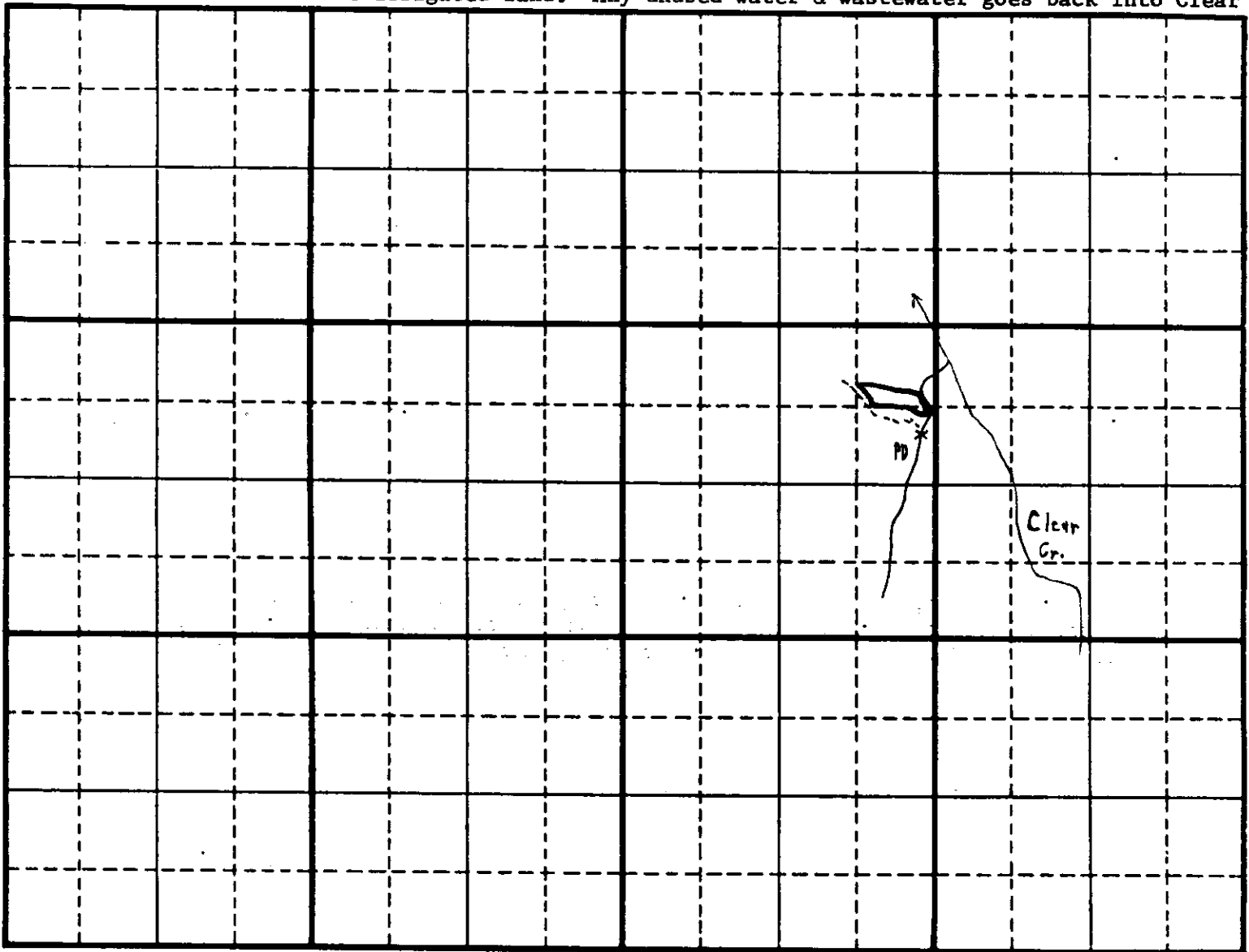
NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

MICROFILMED

- (8) Remarks I bought a half-acre parcel in the SE 1/4 Sec. 27 in 1983. This was irrigated under Claim 47-4241. This land is being added to my claim, since it is now irrigated by my portion of this joint ditch. Due to the ditch being very flat & porous, a large amount is needed to get the water to the irrigated land. Any unused water & wastewater goes back into Clear Cr



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of) ss.
County of)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 24 day of April, 19 85.

[Signature]
(Claimant)

Mary A. Newby
Notary Public
Residing at Lucin Falls, Id.
83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>J. G. Stanton</u>	Date <u>4-29-85</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>TCB</u>	Date <u>4-25-85</u>		claimant by:	
\$30.00 fee received by <u>N/A</u>	Date <u>-</u>			
Published in <u>Times News</u>				
Dates <u>5/2 & 5/8/85</u>				

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

DECEMBER 18, 1979

LEROY AUSTIN
BOX 363
WENDELL

ID 83355

RE: Claim No. 47-4136

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

LOREN O. HOLMES
Southern Region Supervisor

Enclosure



Don Wolford Land Surveying
Rt. 3 Box 208
Buhl, Idaho 83316

Sheet 1 of 1

Leroy Austin
77-5-065-01
June 8, 1977

A tract of land located in the $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ and the $SE\frac{1}{4}NE\frac{1}{4}$ of Section 27, T9S, R14E B.M. Twin Falls County Idaho being more particularly described as follows:

Beginning at the NW Corner of said $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$; Thence $S00^{\circ}06'41''E$ along the West line of said $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}NE\frac{1}{4}$ a distance of 834.63 ft. to the True Point of Beginning;

Thence continuing $S00^{\circ}06'41''E$ along said West line for 152.31 ft. to a point 2 ft. South West of and above the upper bank of a ditch;

Thence parallel to and 2 ft. South West of the upper bank of said ditch $S30^{\circ}10'47''E$ for 156.73 ft.;

Thence $N63^{\circ}22'14''E$ 1135.95 ft. to the Centerline of an existing County Road;

Thence along the Centerline of said County Road for the following (3) Three courses and distances;

$N40^{\circ}18'09''W$ 28.21';
 $N46^{\circ}46'55''W$ 57.67 ft.;
 $N44^{\circ}23'40''W$ 14.12 ft.;

Thence $S74^{\circ}03'59''W$ 1065.31 ft. to the True Point of Beginning;
Containing 5.03 Ac $\pm$

Subject to a 20 ft. wide County Road Right of Way along the above described Road Centerline.



MICROFILMED

MUNROE~ROBERTS

119 BROADWAY NORTH • BUHL, IDAHO 83316

208/543-8806

July 10, 1986

RECEIVED

JUL 14 1986

Department of Water Resources
Southern District Office

RECEIVED

JUL 21 1986

Department of Water Resources

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Gentlemen:

As per the enclosed Real Estate Purchase and Sale Agreement with attached legal description please note that the property has been transferred on May 28, 1986. Please transfer Water Right NO. 47-4136 from LeRoy Austin to Paul Wilkins.

Yours truly,



Joyce Munroe, Broker

Enc.

REAL ESTATE PURCHASE AND SELLER AGREEMENT (with Earnest Money Provision)

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING: IF ANY QUESTION, CONSULT YOUR ATTORNEY.

This agreement supercedes or one dated April 14, 1986 Buyl, Idaho May 16 19 86

J. Paul Wilkins, an unmarried man

Hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises", located in Buyl County of Twin Falls

State of Idaho, commonly known as Austin acreage

legally described as: Section 22, Township 9, Range 14, Part of Tax 472 NE1 and SE1 NE1 T9C01

Consisting of 5 acres more or less

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

1. TOTAL PURCHASE PRICE IS Thirty-six Thousand, Five Hundred and no/100 DOLLARS (\$36,500.00) payable as follows:

A. Earnest Money, E. M. transferred from prior agreement dated April 14 1986 Five Hundred and no/100 Dollars (\$ 500.00)

(a) Buyer hereby deposits and a receipt is hereby acknowledged of Five Hundred and no/100 Dollars (\$ 500.00) evidenced by: ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due, or ☒ none

paid or delivered as earnest money in part payment of the purchase price for the premises.

(b) Earnest Money to be deposited in trust account upon acceptance by all parties.

(c) All Earnest Money shall be held by Munroe Roberts Real Estate for the benefit of the parties hereto, and Joyce Munroe (Broker) shall hold the completely executed broker's copy of this agreement.

B. Balance of purchase price to be paid as follows: Cas down payment \$3,650.00 including E.M. Balance as follows: Purchaser to execute a note secured by a First Deed of Trust on the property in favor of Seller, for the balance of \$32,850.00, payable at \$286.00 per month, or more, including interest at 8 1/2% per annum, with the entire balance due 20 years from date of note. Purchaser to pay taxes and insurance. This offer is contingent upon a septic tank inspection and a water test. Seller and Purchaser to share the cost of septic tank inspection, water test, and one-half each of the closing fee, and share the cost of the escrow set up fee and the monthly fee. The entire amount shall be due in full 20 years from date of note. This offer is also contingent upon a final inspection (walk-thru) one day prior to closing.

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of May 16, 1986. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3. 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. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are: Subject to the Buyer and Seller inspecting the preliminary title report.

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that First American Title Company Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be First American Title Company Joyce Munroe is the broker responsible for the closing.

Where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be May 28, 1986

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before May 28, 1986, and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of May 28, 1986

Buyer shall pay for fuel in fuel tank, the amount to be determined by the supplier at Seller's expense.

8. The parties agree that this agreement contains the following additional terms and conditions: Seller to remove all personal property from property inside and outside prior to closing. \$500 will be held in escrow at closing if not cleaned, (this includes all equipment, refuse, paper, trash, cans, etc.) If property is sold or transferred, the interest rate will accelerate to the current Federal Housing Administration rate, but not less than 8 1/2%

9. The following items of property now on the premises are specifically excluded from the sale: Some outdoor plants, one piece of sprinkler pipe 40' joint. Stained glass shade in living room, ceramic wall fixtures

The following items of personal property are specifically included in the sale: curtains, drapes, range, refrigerator, all sprinkler equipment, all water rights including Claim to water right #47-4136. Seller to maintain trees in good condition until closing including cultivate, spray water & prune

IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full. Also free-standing kitchen cabinet in middle of kitchen.

Listing Agency: Munroe Roberts Real Estate 2/3 share

Selling Agency: Hank Jaslowski 1/3 share

J. Paul Wilkins

By: Hank Jaslowski

Buyer's Address

Buyer's Phone

On this date, May 16, 1986

I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of 8 1/2% of selling price or DOLLARS (\$) to the above named broker(s) for services.

I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties.

LeRoy Austin Carol Austin

114 First Avenue East, Wendell

536-6478

Seller's Phone

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this 16 day of May 19 86

J. Paul Wilkins

BUYER

STATE OF IDAHO

County of Twin Falls

On this day of May 1986

before me, the undersigned, a Notary Public in and for said State, personally appeared LeRoy Austin and Carol Austin, husband and wife, who are the persons who signed the foregoing instrument as Seller and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public for Idaho

Residing at

BROKER'S COPY

JUL 14 1986

Township 9 South, Range 14, East of the Boise Meridian,
Twin Falls County, Idaho

Section 27: A tract of land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, being more particularly
described as follows:

BEGINNING at the Northwest corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 00°06'41" East along the West line of said
S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 834.63 feet to the
TRUE POINT OF BEGINNING;
Thence continuing South 00°06'41" East along said West
line for 152.31 feet to a point 2 feet Southwest of
and above the upper bank of a ditch;
Thence parallel to and 2 feet Southwest of the upper
bank of said ditch South 30°10'47" East for 156.73
feet;
Thence North 63°22'14" East 1135.95 feet to the centerline
of an existing county road;
Thence along the centerline of said county road for the
following three courses and distances:
North 40°18'09" West 28.21 feet;
North 46°46'55" West 57.67 feet;
North 44°23'40" West 14.12 feet;
Thence South 74°03'59" West 1065.31 feet to the TRUE
POINT OF BEGINNING.

SUBJECT TO a 20 foot wide county road right of way along the
above described road centerline.

(End of Schedule A)

First American Title Company

P. O. BOX 1807
TWIN FALLS, ID 83303
PHONE: 208/734.2905

CLOSING STATEMENT

SELLER LeROY AUSTIN & CAROL J. AUSTIN, husband and wife

BUYER J. PAUL WILKINS, an unmarried man

BROKER Hank Jaslowski

PRO RATE DATE May 28, 1986

CLOSER Reva J. Gunter

No. T-5678 E2643



	BUYERS STATEMENT	
	DR.	CR.
PURCHASE PRICE	36,500.00	
EARNEST MONEY PAID		500.00
CONVEYED SUBJECT TO:		
1st MTG. BAL.		
Note and Deed of Trust to seller		32,850.00
Brokers commission due Hank Jaslowski to be credited to buyers per instructions		730.00
Reimburse Munroe-Roberts - 1/2 amount for water & septic inspection	29.25	
1st MTG. BAL.		
INTEREST		
SPECIAL ASSESSMENTS		
TAXES - 1986 APPROX-\$238.96=.655/day 1-1-86 to 5-28-86		96.29
TITLE CHARGES		
CLOSING FEE 1/2 to First American	52.00	
TRUSTEE'S FEES		
Escrow Fee - 1/2 to First American	74.50	
RECORDING	10.00	
RECORDING		
BROKER'S COMMISSION		
CASH DUE		2,489.46
TOTALS	36,665.75	36,665.75

The undersigned hereby authorizes ESCROW AGENT to disburse funds in accordance with the closing statement and any additional instructions contained herein and accepts said closing statement and additional instructions as an accurate representation of the transaction herein.

BUYER J. Paul Wilkins

SELLER _____

BUYER _____

SELLER _____

BUYER _____

SELLER _____

First American Title Company

P. O. BOX 1807
TWIN FALLS, ID 83303
PHONE: 208/734-2905

CLOSING STATEMENT

SELLER LeROY AUSTIN and CAROL J. AUSTIN, husband and wife

BUYER J. PAUL WILKINS, an unmarried man

BROKER MUNROE - ROBERTS, Joyce Munroe

PRO RATE DATE May 28, 1986

CLOSER Reva J. Gunter

No. T-5678 E2643



	SELLERS STATEMENT	
	DR.	CR.
PURCHASE PRICE		36,500.00
EARNEST MONEY PAID		
CONVEYED SUBJECT TO:		
1st MTG. BAL.		
Note and Deed of Trust to seller	32,850.00	
2nd 1/2 1985 taxes on receipt #18954	119.48	
1/2 fee for water & septic inspection reimburse Munroe-Roberts	29.25	
1st MTG. BAL.		
INTEREST		
SPECIAL ASSESSMENTS		
TAXES - 1986 APPROX-\$238.96=.655/day 1-1-86 to 5-28-86	96.29	
TITLE CHARGES Owners for \$36,500.00	233.50	
CLOSING FEE 1/2 to First American	52.00	
TRUSTEE'S FEES		
Escrow fee - 1/2 to First American	74.50	
RECORDING		
RECORDING		
BROKER'S COMMISSION - Munroe-Roberts	1,460.00	
Brokers commission - Hank Jaslowski	730.00	
CASH DUE sellers at closing	854.98	
TOTALS	36,500.00	36,500.00

The undersigned hereby authorizes ESCROW AGENT to disburse funds in accordance with the closing statement and any additional instructions contained herein and accepts said closing statement and additional instructions as an accurate representation of the transaction herein.

BUYER _____

SELLER

BUYER _____

SELLER

BUYER _____

SELLER

LeRoy Austin
LeRoy Austin
Carol J. Austin
Carol J. Austin

Notice is hereby given that Claim to a Water Right No. 47-4136 in the name of LeRoy Austler of Wendell, Idaho is hereby amended and recorded as follows:

Source: Seepage tributary to Clear Creek

Priority Date: March 16, 1920

Amount: 6.00 cfs

Diversion Point: SENE, Sec. 27, T9S, R14E, B.M.,

County of Twin Falls

Use: Irrigation of 5.5 acres from March 15 to November 15 within the SENE, SENE, Sec. 27, T9S, R14E.

Any exception to the Amended Claim to a Water Right must be filed with the Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301.

A. KENNETH DUNN
Director
PUBLISHED: Thursday
May 2, 1985

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

Nº 15044

I, Linda Capps McSwine

being first duly sworn upon

oath, depose and say that I am Print Clerk of the TIMES-NEW, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated

May 2, 1985, and ending with the issue dated May 9, 1985.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, at July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

Linda Capps McSwine

17 day of

May, 1985

Gladys I. Lawrence

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

CLAIM TO A WATER RIGHT

NOV 6 1979

Department of Water Resources

Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that LeRoy Austin

(Name of Claimant)

Box 363, Wendell, Idaho 83355

(Mailing Address)

Telephone No. 536-2329

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1929 Mar 15

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Seepage

tributary to

Clear Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.15 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Mar 15</u>	To <u>Nov 15</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.15 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 NE 1/4, Sec. 27 Twp. 9S Rge. 14E B.M., County of Twin Falls

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Check dam, two 6" steel pipes to dirt ditch, side ditch to place of use

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	14E	27	5																5

No. of acres 5

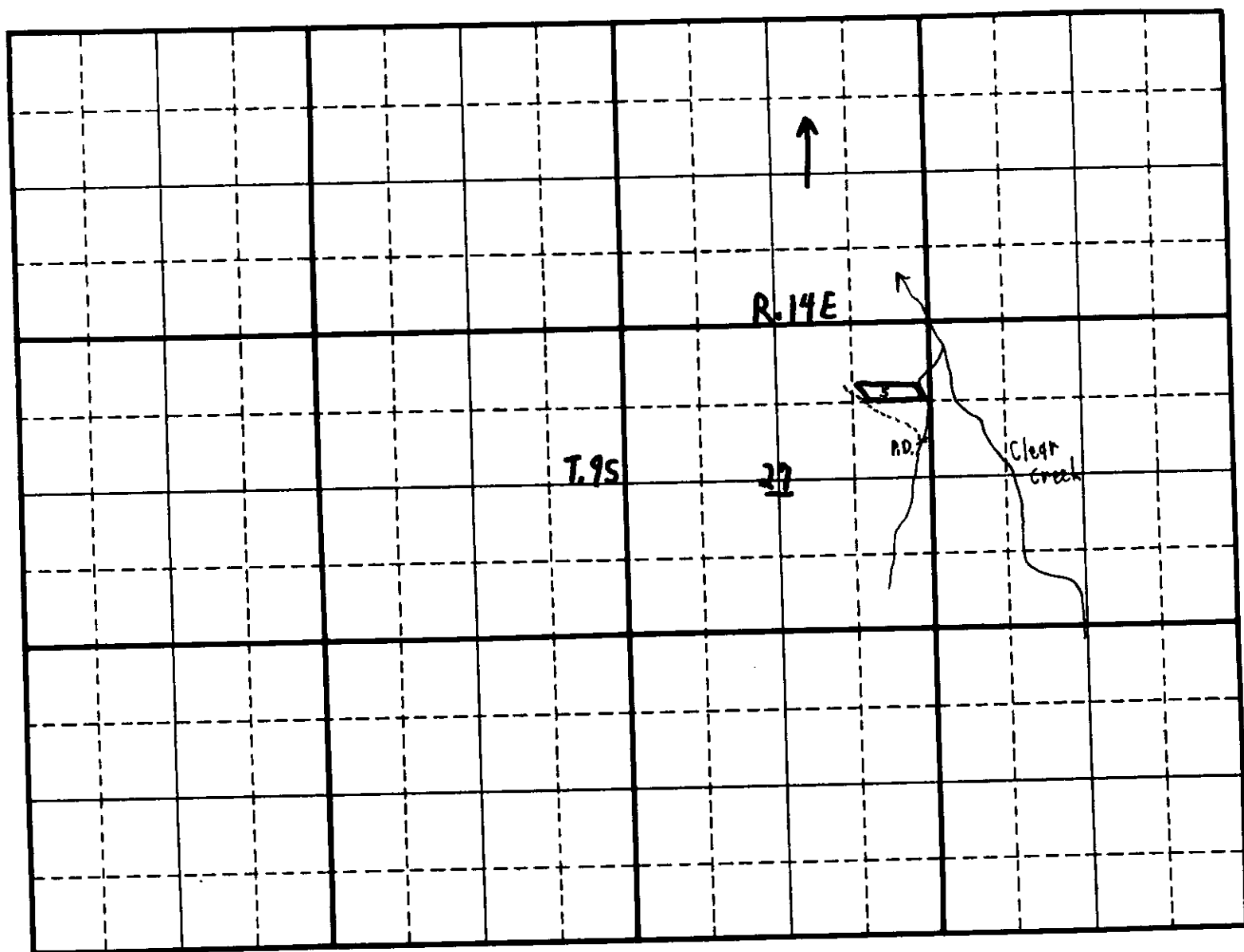
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

RECEIVED

(8) Remarks Water is also diverted from the main ditch to other nearby lands.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

L. Roy Austin
(Claimant)

Sworn to before me this 5th day of November, 1979.

Loren O. Halmer
Notary Public
Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J. E. Altman Date 11-5-79 Exception filed by: _____ Date _____
Prelim. check by J. E. Altman Date 11-6-79
\$20.00 fee received by Marye Date 11-5-79 # 13383
Published in Times News
Dates 11/29 & 12/6/79

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

02-403C

HALL, EARL H.
ROUTE 1, HAGERMAN, ID.
83332

Source: SNAKE RIVER
Priority Date: 04/01/1962

Amount: 0.02 CFS

Diversion Point: LOT 08 Sec
01 T 08S R 13E, TWIN
FALLS Co.

Use: IRRIGATION (0.02 CFS)
from 04/01 to 11/01

Place of Use: LOT 08
(NESW) Sec 01 T 08S R 13E
FOR 1 ACRES

Diversion Means: PUMP
AND PIPELINE

47-4136
AUSTIN, LEROY
BOX 363, WENDELL, ID.
83355

Source: SEEPAGE tributary
to CLEAR CREEK

Priority Date: 03/15/1929

Amount: 0.15 CFS

Diversion Point: SENE Sec
27 T 09S R 14E, TWIN
FALLS Co.

Use: IRRIGATION (0.15 CFS)
from 03/15 to 11/15

Place of Use: SENE Sec 27 T
09S R 14E FOR 5 ACRES

Diversion Means: CHECK
DAM, PIPES, DITCH.

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, Nov.
29, and Dec. 6, 1979.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

SS.

No 8922

merge 12/1/79
I, Linda L. Cappe being first duly sworn upon
oath, depose and say that I am Princ Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two
consecutive Weeks, commencing with the issue dated
November 29, 1979, and ending with the issue dated
December 6, 1979.

And I do further certify that said newspaper is a consolidation, effective February 16,
1948, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; &
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Linda L. Cappe
Subscribed and sworn to before me on this 11 day of

December, 1979.

Melba Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

June 11, 1985

LeRoy Austin
Box 162
Wendell, Idaho 83355

Re: Amended Claim to a Water Right No. 47-4136

Dear Mr. Austin:

The Department of Water Resources has completed the advertising of your amended claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt
Water Resource Engineer

LOH:ADM:marya

Encl:

SCANNED

IAN 29 2000

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

April 25, 1985

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Notice of Amended Claim to a Water right 47-4136

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILM

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 47-4136

Notice is hereby given that Claim to a Water Right No. 47-4136 in the name of LeRoy Austin of Wendell, Idaho is hereby amended and recorded as follows:

Source: Seepage tributary to Clear Creek

Priority Date: March 15, 1929

Amount: 0.80 cfs

Diversion Point: SENE, Sec. 27, T9S, R14E, B.M., County of Twin Falls

Use: Irrigation of 5.5 acres from March 15 to November 15 within the NENE, SENE, Sec. 27, T9S, R14E

Any exception to the Amended Claim to a Water Right must be filed with the Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301.

A.KENNETH DUNN
Director

Published in Times News on May 2 and May 9, 1985.

MICROFILMED

**NOTICE OF
AMENDED CLAIM
TO A WATER RIGHT
NO. 47-4136**

MICROFILMED

Notice is hereby given
that Claim to a Water
Right No. 47-4136 in the
name of LeRoy Austin of
Wendell, Idaho is hereby
amended and recorded
as follows:

Source: Seepage
tributary to Clear Creek
Priority Date: March
15, 1929

Amount: 0.80 cfs
Diversion Point: SENE,
Sec. 27, T9S, R14E, B.M.,
County of Twin Falls

Use: Irrigation of 5.5
acres from March 15 to
November 15 within the
NENE, SENE, Sec. 27,
T9S, R14E.

Any exception to the
Amended Claim to a
Water Right must be fil-
ed with the Department
of Water Resources,
1041 Blue Lakes Blvd.
North, Twin Falls, Idaho,
83301.

A. KENNETH DUNN

Director

**PUBLISH: Thursdays,
May 2, and 9, 1985.**

*ok
mmp
4/30/85*

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

42-4136-

AUSTIN, LEROY

BOX 363, WENDELL, ID 83355

Source: SEEPAGE tributary to CLEAR CREEK

Priority Date: 03/15/1929

Amount: 0.15 CFS

Diversion Point: SENE Sec 27 T 09S R 14E, TWIN FALLS Co.

Use: IRRIGATION (0.15 CFS) from 03/15 to 11/15

Place of Use: NENE Sec 27 T 09S R 14E FOR 5 ACRES

Diversion Means: CHECK DAM, PIPES, DITCH.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 11/29 & 12/6/79.

RECEIVED
NOV 29 1979
TWIN FALLS, IDAHO

47-4136

AUSTIN, LEROY
BOX 363, WENDELL, ID
83355

Source: SEEPAGE tributary
to CLEAR CREEK

Priority Date: 03/15/1929

Amount: 0.15 CFS

Diversion Point: SENE Sec
27 T 09S R 14E, TWIN
FALLS Co.

Use: IRRIGATION (0.15 CFS)
from 03/15 to 11/15

Place of Use: NENE Sec 27 T
09S R 14E FOR 5 ACRES

Diversion Means: CHECK
DAM, PIPES, DITCH.

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes
Bldg. North, Twin Falls,
Idaho 83301.

C. STEPHEN ALLRED

Director

PUBLISH: Thursday, Nov.
29, and Dec. 6, 1979.

*sk
merge
11/28/79*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 15, 1979

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 17, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.