

Licensing

~~2540~~
22440-
22441-

\$25
\$25

Assignment of permit
Jany - Assignment
of Permit to Webb
+ J. Tipple
Ask to Steve about
licensing permit 63-
13050

Springs - Miller - .08 22440
Jarvis - .04 22441
Webb - .05 13050
Tipple - .05 13050

7770C Well - Burger - .04 7770 H ? PETERSON?
Webb - .04 7770C
Tipple - .04 7770G
Miller - .05 7770G
Jarvis - .04 7770G -

Check pedigree source.

Call Cleo Miller + let him know what's going on. He can get with the Tipples. 467-7753 Cleo home

TONY FOX 462-3914

Charles Mtn Construction.

Bill Tipple

BS1PL@FRONTIERNET.NET

462-3439

462-2215

Ignore D

Orig. Permit 65-1770

For Domestic & Htg of 11 homes

Warm Springs Estates #1

Lots 9-16, 5 & 6 of amended plat
& Lot 10 of orig. plat.

Per exam on 65-1770C - Uses occurred
on Lot 3 & 17 for Jarvis, Miller & Berger
plus 2 homes).

SPLIT
INTO E +
F

65-1770D - Orig. for 2 homes - Livingston
in Lot 2 Warm Spgs Estate & in
Castle Mtn lot across St.

65-1770B - Alice & Michael Czech - Lot 10
Warm Springs #1 - Now in the name
of Withrow.

65-1770C - Orig. Used by Schulz now
split into G & H.

65-1770G - Schulz (Miller) office &
Jarvis plus office.

65-1770-H - Peterson ^{filed claim} should not have
had a portion - Schulz gave him a portion when

sold. Should have come off of Schuly's (Miller's) portion when split between Garvin & Miller (6 portion)

Others Tipple & Webb - need new water rights.

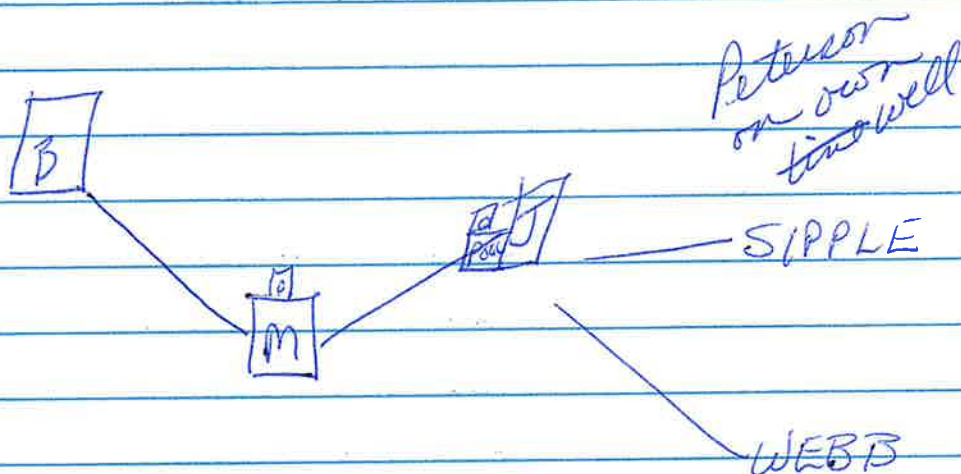
Took at 65-7562 at shapefile.

NOTE: Steve's exam in 1993 exam 13050 - Garvin & Miller & Buzen were using the hot springs to heat homes & 3 other homes were hooked up to wells

Ask Steve if he still has the exam for 65-13050.

Water Supply Bank - Wonder if Miller's & Garvin are using warm springs only & the Miller (did not know that US & Schuly had given it to Tipple's via Johnson, so they thought they had a well not being used & put it in the Water Bank.

Jawis - Well for hty & springs for
htg. Uses bottled water. Spring
quits & well is used & vice versa.



change of ownership
2001 - Schuly - Updike - Miller
.17 cfs

1- Who's on the system now?

2- Of those people will everyone
be interested in a split.

? Hot springs vs the well H₂O.

13050 Look-up Permit exam - see
where house - Does it go to Weeb. or
were there 2 homes on Jarvis.

~~7540 - Where~~

Memo #.4 D/S

**SEE ORIGINAL
CLAIM FILE
DOCUMENTS IN
CLAIM**

NO. A 65 - 07770C

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22441

WATER RIGHT NUMBER: 65-22441

<u>Owner Type</u>	<u>Name and Address</u>
Representative	ERO RESOURCES CORP C/O STEVE HANNULA 3314 GRACE ST BOISE, ID 83703 (208)373-7983
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Current Owner	LON JARVIS 4 SNOW SPRINGS DR GARDEN VALLEY, ID 83622 (208)462-3394

Priority Date: 04/07/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.010 CFS	
HEATING	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

WARM SPRINGS	SW1/4NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	33											X						

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	33											X						

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-22441

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2. 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.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. This right is the result of a split due to change in ownership for a portion of 65-07540. DB 5/16/2001

Remarks:

Comments:

1. dbuffing 5/16/2001 Ownership change
Comment: This right is the result of a split due to change in ownership for a portion of 65-07540.

SubCase:

SubCase Number: 65-22441
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 6/11/2004
Attorney Assigned:
Adjudication Agent: dbuffing (N/A)
Basis of Claim: Decreed
Date Filed: 6/22/2001 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22440

WATER RIGHT NUMBER: 65-22440

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Previous Owner	ERNEST UPDIKE 6 SNOW SPRINGS LN GARDEN VALLEY, ID 83622 (208)462-6064
Current Owner	BARBARA A MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753
Current Owner	CLEO R MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753

Priority Date: 04/07/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01	to 12/31	0.030 CFS	
HEATING	01/01	to 12/31	0.050 CFS	
		Total Diversion:	0.080 CFS	

<u>Location of Point(s) of Diversion</u>		
WARM SPRINGS	SW1/4NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use
DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	Totals
10N	04E	33										X							

HEATING

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22440

			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 04E 33												X							

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. This right is the result of a split due to change in ownership for a portion of 65-07540. DB 5/16/2001
3. 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.
4. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Remarks:Comments:

1. dbuffing 5/16/2001 Ownership change
Comment: This right is the result of a split due to change in ownership for a portion of 65-07540.

SubCase:

SubCase Number: 65-22440
 Class: 1
 SF5 Filed Date: 9/20/2002
 Special Master Recom Signed Date: 10/17/2002
 Attorney Assigned:
 Adjudication Agent: Susan Bock
 Basis of Claim: Decreed
 Date Filed: 6/22/2001 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 65-13050

WATER RIGHT NUMBER: 65-13050

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RENEE JARVIS HC 76 BOX 4213 GARDEN VALLEY, ID 83622 (208)462-3394
Current Owner	LON JARVIS 4 SNOW SPRINGS DR GARDEN VALLEY, ID 83622 (208)462-3394

Priority Date: 02/07/1989

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	to 12/31	0.040 CFS	
HEATING	1/01	to 12/31	0.060 CFS	
<u>Total Diversion:</u>			0.100 CFS	

Location of Point(s) of Diversion

SPRINGS	SE1/4NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	33											X						

DOMESTIC same as HEATINGConditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Domestic use is for two homes.
3. 09E Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
4. 026 Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 65-13050

5. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

Remarks:

Comments:

1. segbert 4/6/2009 3:54:21 PM POD
Comment: PODID 64201 correlated from SpatialDataID 98733 to SpatialDataID 398140
2. segbert 4/6/2009 3:54:35 PM POD
Comment: PODID 64201 correlated from SpatialDataID 98733 to SpatialDataID 398140
3. segbert 4/6/2009 3:54:35 PM POD
Comment: PODID 64201 correlated from SpatialDataID 98733 to SpatialDataID 398140
4. segbert 4/6/2009 3:54:35 PM POD
Comment: PODID 64201 correlated from SpatialDataID 98733 to SpatialDataID 398140

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7770G

WATER RIGHT NUMBER: 65-7770G

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DIANA G SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Previous Owner	ERNEST UPDIKE 6 SNOW SPRINGS LN GARDEN VALLEY, ID 83622 (208)462-6064
Current Owner	CLEO R MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753
Current Owner	BARBARA A MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753

Priority Date: 12/19/1976

Basis: Decreed

Status: Water Supply Bank Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01 to 12/31	0.080 CFS	
DOMESTIC	1/01 to 12/31	0.090 CFS	3.60 AF
	<u>Total Diversion:</u>	0.170 CFS	3.60 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	33																	
												X							

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7770G

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	04E	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												X							

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.
2. PLACE OF USE ALSO KNOWN AS WARM SPRINGS ESTATES NO. 1.
RIGHT NO. 65-07770H IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. DOMESTIC USE IS FOR 2 HOMES & 2 OFFICES.
HEATING USE IS FOR 2 HOMES & 2 OFFICES.

Remarks:Comments:

1. RHOWERTO 12/16/1999 DOMESTIC USE
Comment: THE TWO HOMES REMAINING HERE ARE DIFFERENT FROM THE ORIGINAL 3 HOMES RECOMMENDED FROM ORIGINAL FIELD EXAM DONE IN 1986. THE SITE WAS REVISITED IN 1993 BY IDWR, FINDING THAT THE RIGHT STILL SUPPLIES 3 HOMES BUT ARE DIFFERENT. AN OWNERSHIP CHANGE WAS FILED ON ONE OF THE 3 DIFFERENT HOMES AND RECOMMENDED AS 65-07770H. NO ONE HAS COME FORTH TO DATE TO CLARIFY THE OWNERSHIP OF THE REMAINING 2 HOMES.
2. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. segbert 3/23/2010 1:55:06 PM POD
Comment: PODID 277257 correlated from SpatialDataID 98612 to SpatialDataID 284537

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7770G

Lessor Name:	BARBARA MILLER
Lease Status:	Active
Lease Amount:	All
Rental Availability:	All
Date Received:	10/8/2003
Lease Begin Date:	10/8/2003
Expiration Date:	12/31/2015

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-7770G V1

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	04E	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												X							

Conditions of Approval:

1. PLACE OF USE ALSO KNOWN AS WARM SPRINGS ESTATES NO. 1.
RIGHT NO. 65-07770H IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. 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.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. DOMESTIC USE IS FOR 2 HOMES & 2 OFFICES.
HEATING USE IS FOR 2 HOMES & 2 OFFICES.

Remarks:Comments:

1. RHOWERTO 12/16/1999 DOMESTIC USE

Comment: THE TWO HOMES REMAINING HERE ARE DIFFERENT FROM THE ORIGINAL 3 HOMES RECOMMENDED FROM ORIGINAL FIELD EXAM DONE IN 1986. THE SITE WAS REVISITED IN 1993 BY IDWR, FINDING THAT THE RIGHT STILL SUPPLIES 3 HOMES BUT ARE DIFFERENT. AN OWNERSHIP CHANGE WAS FILED ON ONE OF THE 3 DIFFERENT HOMES AND RECOMMENDED AS 65-07770H. NO ONE HAS COME FORTH TO DATE TO CLARIFY THE OWNERSHIP OF THE REMAINING 2 HOMES.

2. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE

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

3. segbert 3/23/2010 1:55:06 PM POD

Comment: PODID 277257 correlated from SpatialDataID 98612 to SpatialDataID 284537

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 65-7770G V1

WATER RIGHT NUMBER: 65-7770G V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DIANA G SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Previous Owner	ERNEST UPDIKE 6 SNOW SPRINGS LN GARDEN VALLEY, ID 83622 (208)462-6064
Current Owner	CLEO R MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753
Current Owner	BARBARA A MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753

Priority Date: 12/19/1976

Basis: License

Status: Water Supply Bank Closed

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01 to 12/31	0.080 CFS	
DOMESTIC	1/01 to 12/31	0.090 CFS	3.60 AF
	<u>Total Diversion:</u>	0.170 CFS	3.60 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N	04E	33										X							

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-7770G V1

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	04E	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												X							

Conditions of Approval:

1. PLACE OF USE ALSO KNOWN AS WARM SPRINGS ESTATES NO. 1.
RIGHT NO. 65-07770H IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. 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.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. DOMESTIC USE IS FOR 2 HOMES & 2 OFFICES.
HEATING USE IS FOR 2 HOMES & 2 OFFICES.

Remarks:Comments:

1. RHOWERTO 12/16/1999 DOMESTIC USE
Comment: THE TWO HOMES REMAINING HERE ARE DIFFERENT FROM THE ORIGINAL 3 HOMES RECOMMENDED FROM ORIGINAL FIELD EXAM DONE IN 1986. THE SITE WAS REVISITED IN 1993 BY IDWR, FINDING THAT THE RIGHT STILL SUPPLIES 3 HOMES BUT ARE DIFFERENT. AN OWNERSHIP CHANGE WAS FILED ON ONE OF THE 3 DIFFERENT HOMES AND RECOMMENDED AS 65-07770H. NO ONE HAS COME FORTH TO DATE TO CLARIFY THE OWNERSHIP OF THE REMAINING 2 HOMES.
2. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. segbert 3/23/2010 1:55:06 PM POD
Comment: PODID 277257 correlated from SpatialDataID 98612 to SpatialDataID 284537

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-77700

1. Owner: USTO E AND/OR DOROTHY B. SCHULZ
Current Address: HC 76 Box 4048 GARDEN VALLEY ID. 83522

Phone No. 462-3696

2. Accompanied by: USTO SCHULZ EXAM. DATE: 10/2/86

Address: ← SAME AS ABOVE → Phone No. _____

Relationship to Permit Holder: SAME

3. Source: GROUNDWATER tributary to _____

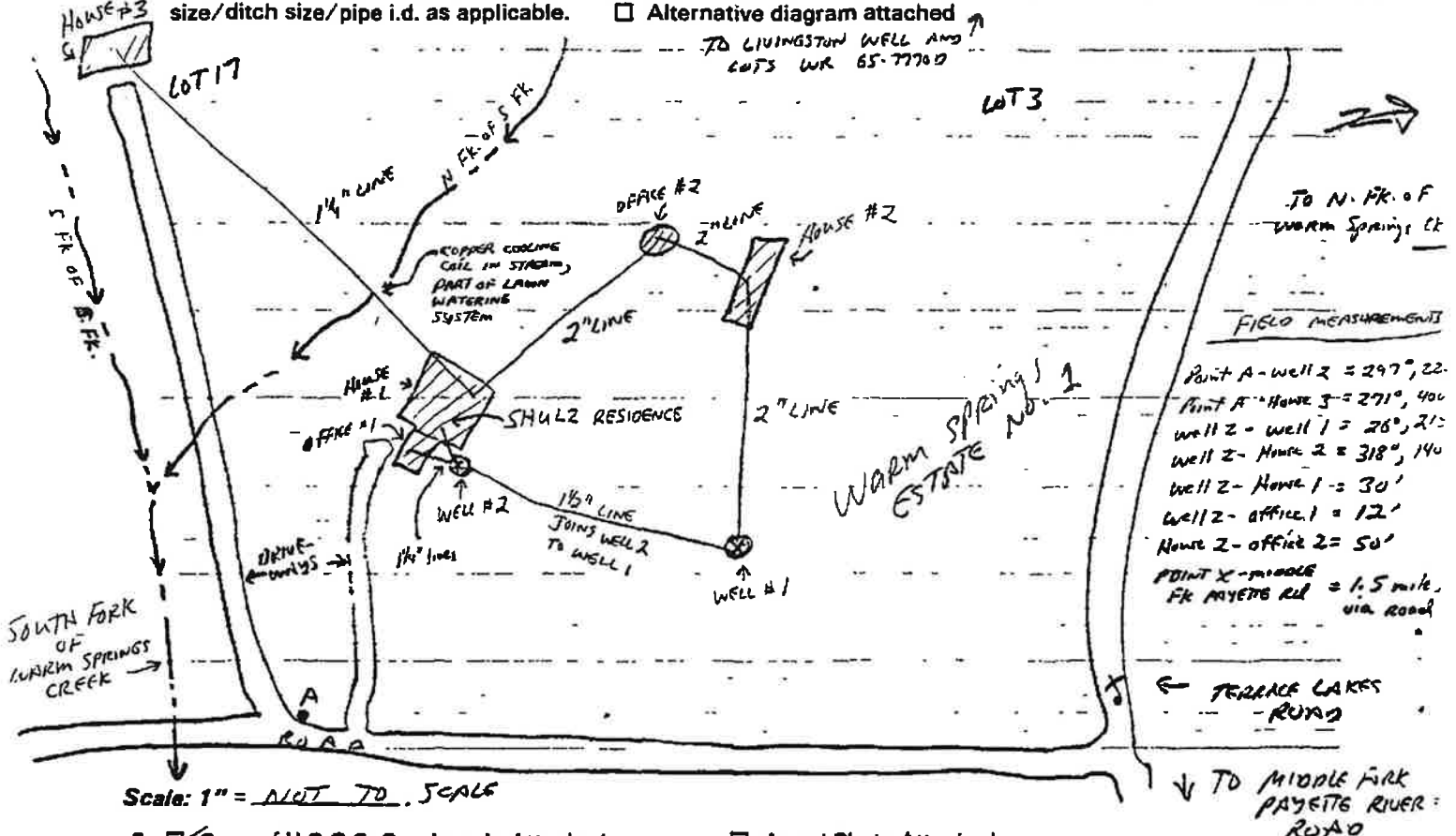
B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-77700, 7595, 12287, 12302, 12392, 12627, 3238, 4002A, 7540, 7562, 7592, 7593 ☒ Copies Attached

2. Other water rights with same point of diversion: 65-77700, 7595, 12287, 12302, 12392, 12627, 3238, 4002A, 7540, 7562, 7592, 7593, 12123, 12289, 12290, 12291, 12292, 12293, 7291, 4002A, 7118 ☒ Copies Attached ☒ Copies of Field Exam's Attached
✓ for 65-7562 and 65-7540

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Two geothermal wells with 6" casings provide hot water for domestic use and heat for 3 houses and 2 offices as well as lawn & garden use for 3 houses (copper cooling in stream and in lawn watering system). Well #1 is 300' deep with a 2" discharge pipe. #2 is 115' deep with a 1 1/2" line connecting to well #1. Well 2 also has 1 1/4" lines back to Shaly residence and attached office #1. 2" line from well #1 leads to house #2, office and house #1. 1 1/4" line branches from house 1 to house 3. Combined HP of the two wells is 3 1/2. Points of diversion are in LOT 3 and places of use occur in LOTS 3 & 17 Warm Springs Estate NO. 1 (Terrace Lakes development).

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL NO. 1	FRANKLIN SUBMERSIBLE	2	UNKNOWN	FRANKLIN SUBMERSIBLE	UNKNOWN
WELL NO. 2	FRANKLIN SUBMERSIBLE	1 1/2		FRANKLIN SUBMERSIBLE	

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1 & 2			NW	SW	33	10N	4E	Boise	USGS 15' QUAD AND WARM SPRINGS ESTATE NO. 1 SUBDIV. MAP (WITH BEARINGS & DISTANCES)

6. Place(s) of Use:

Indicate Method of Determination SAME AS IN PD ABOVE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
10N	4E	33									X								—

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements:

NONE POSSIBLE

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: NONE POSSIBLE

HOWEVER

3 houses at .04 cfs = .12 cfs
2 offices at .02 cfs = .04 cfs
TOTAL = .16 cfs

2. Alternate Method for Checking Purposes: NONE POSSIBLE; IN HP EQ., 3 UNKNOWN.

F. PUMP EFFICIENCY DATA (Optional) N/A

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

HEATING - NONCONSUMPTIVE

DOMESTIC

3 houses at 1.2 AFA = 3.6

2 offices at .6 AFA = 1.2

= 4.8 AFA

H. REMARKS AND OVERLAP REVIEW ANALYSIS

AMENDMENTS : CHANGE PD FROM NESW TO NWSW (2 wells).

Limit Pu From $N\frac{1}{2}SW\frac{1}{4}$ To $NW\frac{1}{4}SW\frac{1}{4}$.

Limit domestic part of WR rate to .16 cfs (3 homes, 20 offices) and allow .12 cfs for heating as shown on WR summary sheet (assignments). Therefore, allow .28 cfs of the .35 that was assigned from 65-7770 to 65-7770C.

OVERLAP:

1a) PD: SURFACE WATER in GS: 12123, 12289, 12290, 12291, 12292, 12293, 12302, 12392, 12627, 3238, 4002A, 70118, 7291, 7542, 7543, 7540, 7562. 7542 & 7543 WERE SHULZ WR'S ASSIGNED TO CZECH 7/12/78. 7540 & 7562 ARE OTHER SCHULZ WR'S. 7540 IS FROM A HOT SPRINGS (CALLED WARMSPRINGS) AND 7562 DRENCHES WATER FROM THE SOUTH FORK WARM SPRINGS CREEK. AND 77700 (LIVINGSTON) CONDUCTED FIELD EXAM WHEN DID GS-77700.

PO: GROUNDWATER IN 65-12287-7595 [✓] ~~65-12287~~ 65-12386 (GROUNDWATER) LARSED 4/86.

20) PU: HEATING, OTHER LOTS THAN 3:17: 65: 12287, 12302, 12392, 4602 A, 7593 (LOT 10, CZECH).

I. RECOMMENDATIONS—*CONTINUED BELOW*—

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afy)
	From	To		
DOMESTIC	1/1	12/31	.16	4.8
HEATING	1/1	12/31	.12	NONCONSUMPTIVE
		Totals:	.28	4.8

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other (RATE of DIVERSION)

J. AUTHENTICATION

Field Examiner's Name Steven Lester

Signature Stan Lester

Certification Date _____

Field Report Preparation Date 10/2/86

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

REMARKS CONTINUED

PU: DOMESTIC, OTHER LHS THAN 3117: 65: 7595, 7592 (LOT), 0, CZECH).

HEATING: DOMESTIC, OTHER LOTS THAN 3: 17: 65: 12627, 77740 (LOT 2, LIVINGSTON).

IRRIGATION, HEATING, & DOMESTIC IN 65-3238, 5 AC. IN OTHER LOT OR LOTS THAN 3117.

NO CONFLICTS IN H1 & H2 ABOVE. SIGNIFICANT OVERLAP FOUND WITH 65-7540 & 65-7562, AS

Fokus:

GS-7540 LICENSE FOR .12 (f) (.04 DOMESTIC, .08 HEATING) FOR HOUSE, GASTHOUSE, GREENHOUSE ON L. 1.2 AFA
SOURCE IS WARM SPRINGS, A HOT SPRINGS NEAR SALLER'S HOME.

65-7562 LICENSE FOR .04 CFS, 1.2 AFA, FOR DOMESTIC USE, 2 HOUSES, GREENHOUSE, AND SWIMMING POOL LOT 3. SOURCE IS SOUTH FK OF WARM SPRINGS CREEK, WHICH ACTUALLY INCLUDES COMBINED WATERS OF AL I S. FORK DUE TO DITCH (BY MR. O. PARKS) FROM N. FK. TO S. FK. UPSTREAM OF 65-7562 PD SEE C PAGE ATTACHED TO LICENSE 65-7562).

CONTINUED ON ATTACHED
PAGE.

H. REMARKS A DOUGLAS REVIEW, 1961, p. 11.

AMENDMENTS : CHANGE PD FROM NESW TO NWSW (2 wells).

Limit pu From $N\frac{1}{2}SW\frac{1}{4}$ To $N1W\frac{1}{4}SW\frac{1}{4}$.

Limit DOMESTIC PART OF WR RATE TO .16 cfs (3 homes, 2 offices) and allow .12 cfs for heating as shown on WR summary SHEET (ASSIGNMENTS). Therefore, allow .28 cfs of the .3 that was assigned from 65-7770 to 65-7770C.

OVERLAP:

1a) PN: SURFACE WATER in 65: 12123, 12289, 12290, 12291, 12292, 12293, 12302, 12392, 12627, 3238, 4002A, 4
7118, 7291, 7592, 7593, 7540, 7562. 7592 & 7593 WERE SCHULZ WRT ASSIGNED TO CZECH 7/12/78. 7540 & 75
ARE OTHER SCHULZ WRT ~~WRT~~. 7540 IS FROM A HOT SPRINGS (CALLED WARMSPRINGS) AND 7562 DIVERS WATER FROM THE
SOUTH FORK WARM SPRINGS CREEK. AND 7770D (LIVINGSTON) CONDUCTED FIELD EXAM WHEN OLD 65-7770

PO: GROUNDWATER IN 65-12287: 7595. ~~65-122~~ 65-12386 (GROUNDWATER) CAPED 4/86.

20) PU: HEATING, OTHER LOTS THAN 3:17:65: 12287, 12302, 12392, 4002 A, 7593 (LOT 10, CZECH).

I. RECOMMENDATIONS—CONTINUED BELOW—

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1/1	12/31	.16	4.8
HEATING	1/1	12/31	.12	NONCONSUMPTIVE
		Totals:	.28	4.8

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other (RATE OF DIVERSION)

J. AUTHENTICATION

Field Examiner's Name Steven Lester

Signature John Laster

Certification Date _____

Field Report Preparation Date 10/2/86

BD.
2/17/87

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

REMARKS CONTINUE

pu: DOME
HEATING
IGR/O.

NO CONFLICT
FOLLOWS:

GS-7540
SARA

65-756.
LOT 3
AL 5
PAGE

Leads like last's home via
65-7540 -
not sure about other 2 of
0/3 note on change of
ownership form.

11165724). -
OTS THAN 3'17.
U 65-7562, A
GREENHOUSE ON
JUNG SWIMMING POOL
MINERAL WATER C
F 65-7562 POOL
JUNG ON ATACI

See 2nd Copy w/o study - next pg.

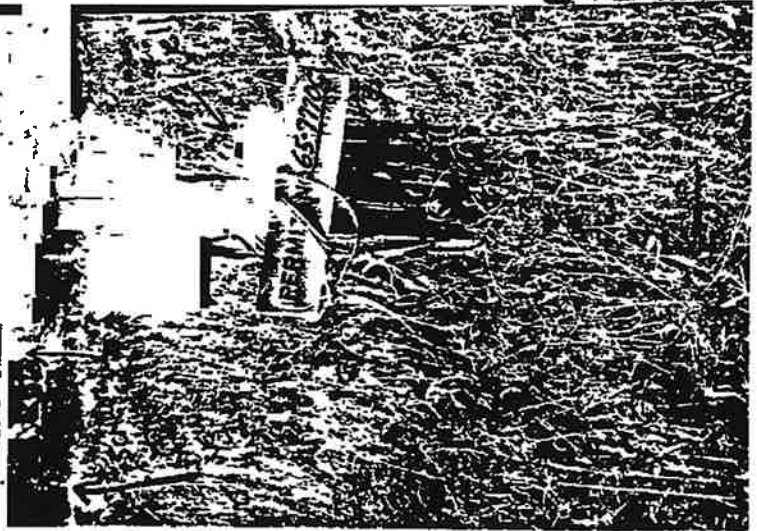
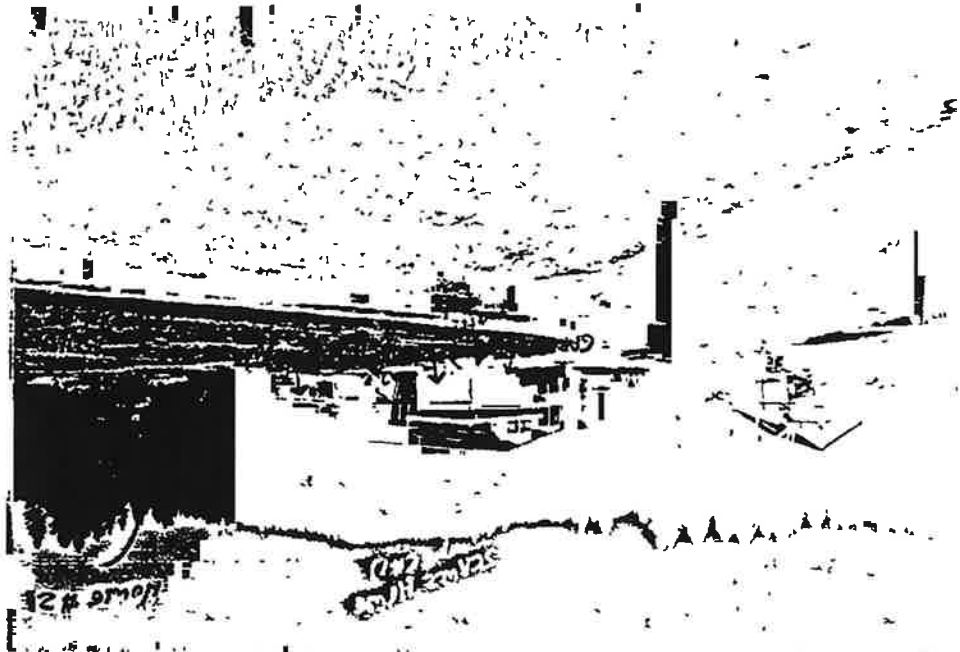
CONTINUED ON ATTACHED
PAGE. 128

65-7770C REMARKS CONTINUED

65-7770C, WHEN COMBINED WITH 65-7540 AND 65-7562,
SHALL PROVIDE WATER TO WARM SPRINGS ESTATE NO. 1, LOT
3 AND THAT PART OF LOT 17 DESCRIBED IN BENEFICIAL USE
FIELD EXAM WITH THE FOLLOWING CONDITION:

RATE OF DIVERSION AND ANNUAL VOLUME SHALL NOT EXCEED

.04 CFS AND 1.2 AFA PER HOUSE AND OR .02 CFS AND .6 AFA
PER OFFICE.



65-7770C

pd. \$100.00

exam fee late COMMENDED AMOUNTS

30 day P/D

3. Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
65-7770C	12-19-1976	0.28 cfs	11-29-1976	1-25-1985	0.28 cfs

4. Permit Holder: Usto E. Schulz & for Dorothy B. Schulz, Dec.

Address: HC 76, Box 4048, Garden Valley, ID 83632

5. Source: gw tributary to ✓

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>Domestic</u>	<u>1-1 12-31</u>	<u>0.16 cfs</u>	<u>4.8 AFA</u>
<u>Heating</u>	<u>1-1 12-31</u>	<u>0.12 cfs</u>	<u>N/A</u>

Allowable Maximums: 0.28 cfs 4.8 AFA

7. Point(s) of Diversion:

No.	Govt. Lot	%	%	%	Sec.	Twp.	Rge.	County
<u>(2 points)</u>	<u>NW 1/4</u>	<u>SW 1/4</u>	<u>33</u>	<u>10N</u>	<u>4E</u>	<u>Boise</u>		

8. Place(s) of Use ✓

Twp.	Rge.	Sec.	NE 1/4	NW 1/4	SW 1/4	SE 1/4	Totals
<u>10N</u>	<u>4E</u>	<u>33</u>			<u>X</u>		

Total Acres

9. Recommended Conditions/Remarks:

P/U aka lots 3 & 17, Warm Springs Estates No. 1.
2. P/D in NW 1/4, S33, T10N, R4E.
D/3 homes and 2 offices.

Needs an Order authorizing priority
due to late exam fee submittal -

10. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

11. Examiner's Signature

Date

Checked in Regional Office by

Date

Approved in State Office by R. Walker

Date 8/27/87

Identification No. _____

Application No. 65-7770

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Schulz
Usto E. Schulz &/or Dorothy E. Phone: 462-3228
post office address P. O. Box 7 Garden Valley, ID
- 2 Source of water supply groundwater which is a tributary of Payette River
- 3 a Local on or point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33 Township 10N
Range 4E 6M Boise County, additions' points of diversion if any _____
- b If water is not consumed, it will be discharged into Warm Springs Creek at a point in NE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 33 Township 10N Range 4E 6M
- 4 Water will be used for the following purposes
Amount .40 cfs for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount .20 cfs for heating purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
- 5 Total quantity to be appropriated
a .60 cfs cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc. water pumped from well and delivered
to eleven dwellings and other out-buildings and swimming pool by 2" pipe.
b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive.
c Proposed well diameter is 6 inches, proposed depth of well is 140 feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years
b Estimated construction cost is \$ 4000
- 8 Description of proposed uses
a If water is not for irrigation
(1) Give the place of use in water NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33 Township 10N
Range 4E 6M
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 11
(5) If water is to be used for other purposes describe water will be used for domestic hot
water and heating dwellings and associated buildings.

b. If water is for irrigation indicate acreage in each subdivision in the tabulation below

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above _____
65-7592, 65-7593

a. Who owns the property at the point of diversion. Usto & Dorothy Schulz

b. Who owns the land to be irrigated or place of use Usto & Dorothy Schulz

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Warm Springs Estates #1
Lots 9, 10, 11, 12, 13, 14, 15, 16, 5 & 6 of amended platt and
Lot 10 of the original platt.

Herring - 7770F
Castle Mtn
Split from D

CLEO MILLER - 7770E
Lt1 Livingston Est
Subd. of Lt2 Warm Spgs Sub
Split from D

LYLE MILLER
Subd 1 Lot 22
Warm Spgs Estates

WEBB
Portion of Lt3 or Jarvis
segregation plat Lot 3

WITHROW
Lot 10 Warm Spgs Sub #1
65-7770B

JARVIS 7770G
#1 ptn Lot 3
Warm Spgs Est. Well

CLEO MILLER-7770G
Portion of Lot 3
Warm Spgs 1

Harry Burger - 7770H
Amd 1 Lot 23
Warm Springs Estates

65-13050

WARM SPRINGS ESTATES NO. 1

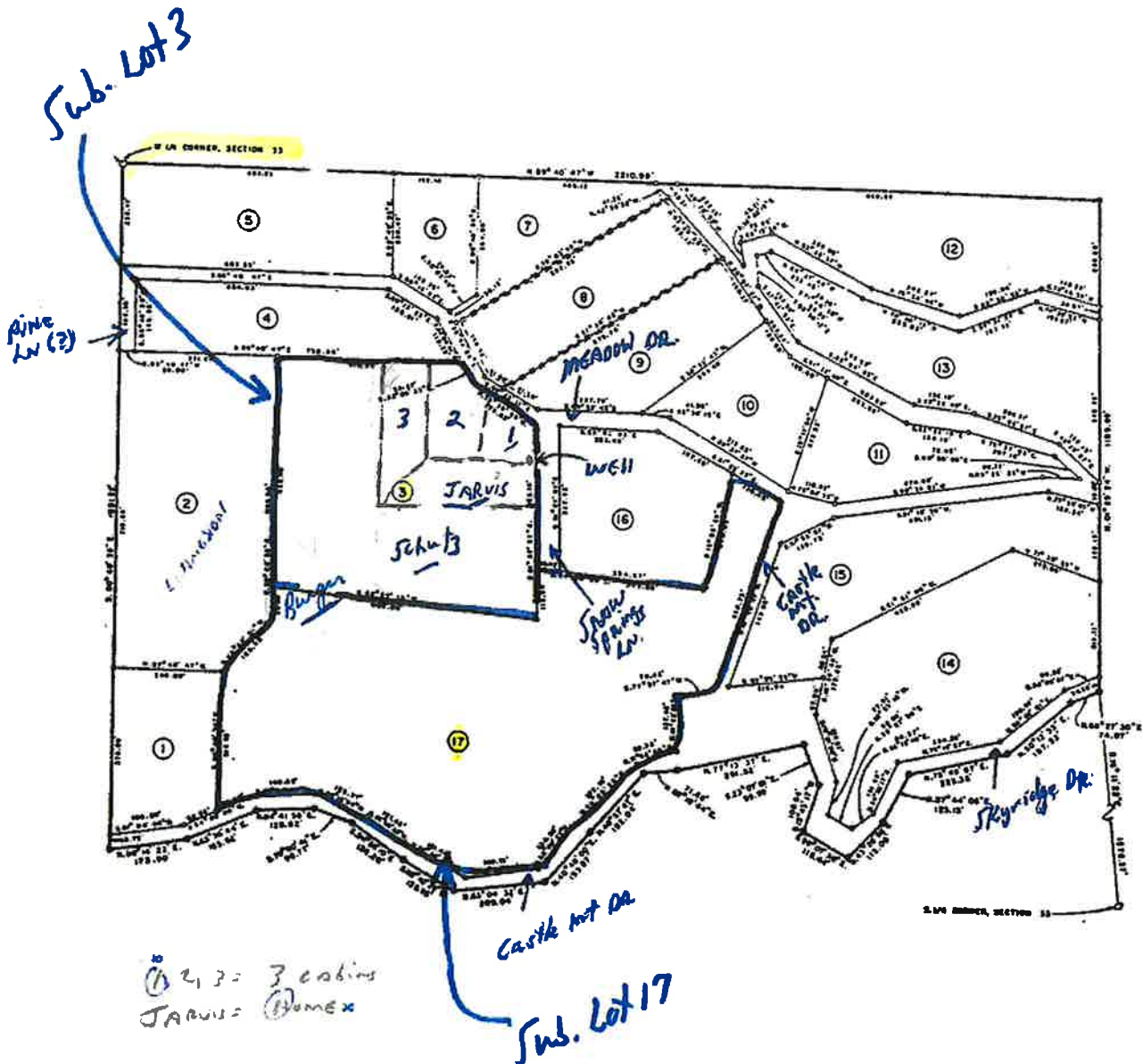
A SUBDIVISION IN
A PORTION OF THE SW 1/4 SECTION 33, T.10N., R.4E., B.M.
BOISE COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.
602 MAIN ST. BOISE, IDAHO

map #2



While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



2/1/12

65-7770G & 65-7540

Water Right should be divided up between:

Cleo Miller
Jarvis
Sipple/Anderson
Webb

1st meeting with Sipples. 2nd meeting with Jarvis and 3rd meeting with Cleo Miller.

1986 Field exam found water going to Schulz, Jarvis and Berger
1993 Field exam found water going to Peterson, Sipple and Webb (Steve Lester told by Lon Jarvis that those 3 homes were all that used the water when in fact the earlier 3 homes were still using that water.

Problem is that the 1986 field exam resulted in a license being issued for 3 homes and 2 offices.

Change of ownership on this right for 1 home went to Peterson who was a member of the 1993 homes. It was decided that the 1993 exam would trump the 1986 exam which should not have happened. New water rights should have been filed when the 3 homes were added onto the well.

Deeds have been filed assuming the water was Usto Schulz to give when Usto Schulz only had a portion of the right. This followed through when he sold to Updike and Updike to Miller.

Mr. Miller unknowingly put the whole thing into the Water Bank based on non-use by him? Question to ask him when we meet with him. He did not have the entire water right to put into the water bank. Still could leave his portion in the water bank if it is not being used. The other portions are still being used. Mr. Miller thought the entire water right was his from past documents (deeds).

Only way to fix the whole mess is to:

- A – Split the water right up 4 ways into Miller, Jarvis, Sipple/Anderson, Webb.
- B – Split the water right 2 ways into Miller and Jarvis, then Jarvis splits their portion of the water right into 3 portions for Jarvis, Sipple/Anderson/Webb.
- C - Split the water right 2 ways into Miller and Jarvis. Sipple/Anderson and Webb file new water rights.
- D – Take the whole thing to Court and get a decision that way.

Each meeting will discuss these possibilities.

Decide what to do on the Peterson/Berger situation. The reason the change of ownership was done for the Peterson is explained in my memo to the file. Steve's field exam in 1993 stated that the 3 homes were now 3 different homes and that the original 3 homes were no longer using the

water? Lon Jarvis explained it this way or at least Steve understood it this way. When the change of ownership came in for Peterson it was processed with the idea that it was one of the 3 homes using the well. This was the re-review for the SRBA. Then, when Berger submitted his change of ownership, the change was made for whatever reason. May need to split this water right with .02 for each and send a letter of explanation.

Herring - 7770F
Castle Mtn
Split from D

CLEO MILLER - 7770E
Lt1 Livingston Est
Subd. of Lt2 Warm Spgs Sub
Split from D

~~CLEO MILLER - 7770E~~
Amndd 1, Lot 22
Warm Spgs Estates

SIPPLE
Portion of Lt3 or Jarvis
segregation plat Lot 2

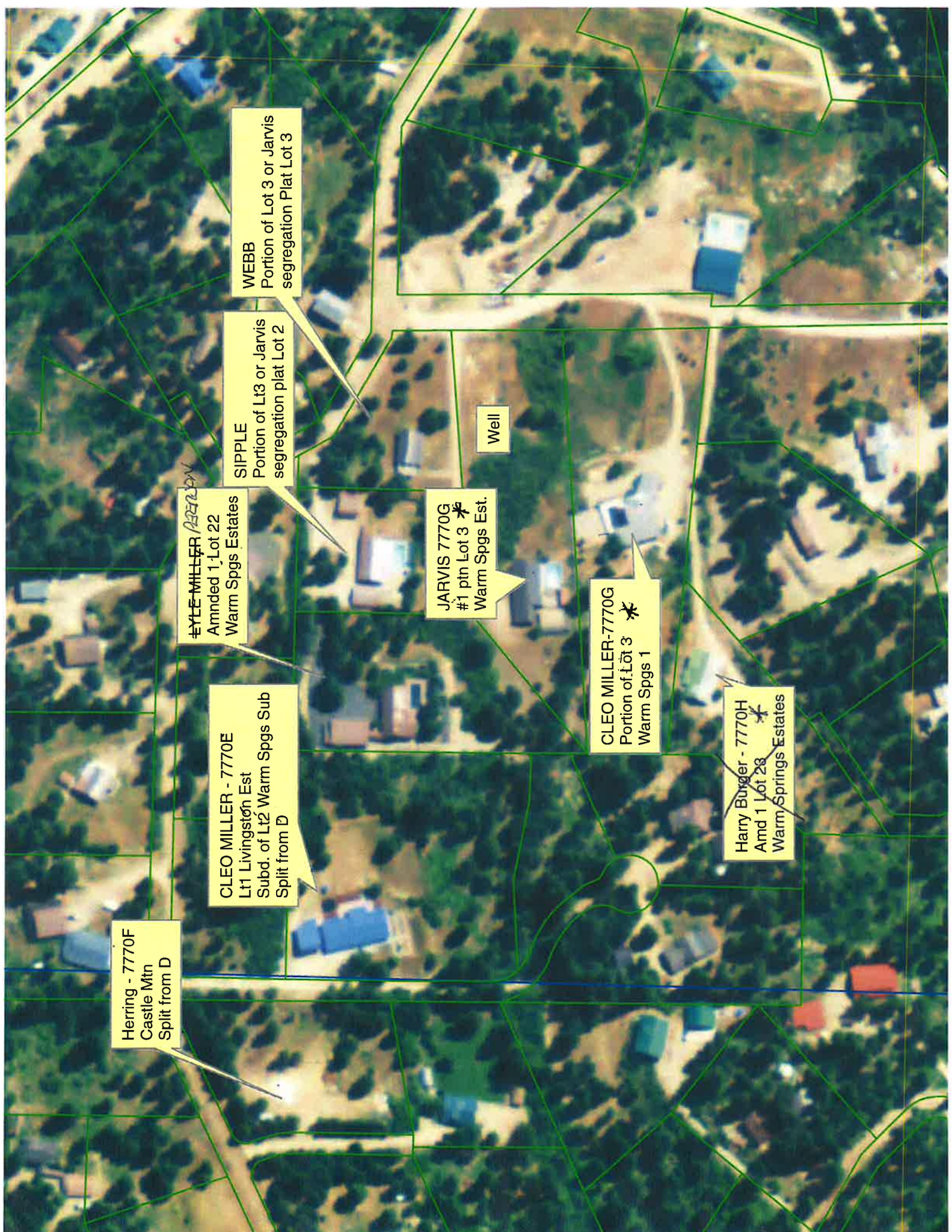
WEBB
Portion of Lot 3 or Jarvis
segregation Plat Lot 3

JARVIS 7770G
#1 ptn Lot 3 *
Warm Spgs Est.

Well

CLEO MILLER-7770G
Portion of Lot 3 *
Warm Spgs 1

~~Harry Burger - 7770H~~
~~Amd 1 Lot 28~~
~~Warm Springs Estates~~



2/1/12

65-7770G & 65-7540

Water Right should be divided up between:

Cleo Miller
Jarvis
Sipple/Anderson
Webb

1st meeting with Sipples. 2nd meeting with Jarvises and 3rd meeting with Cleo Miller.

1986 Field exam found water going to Schulz, Jarvis and Berger

1993 Field exam found water going to Peterson, Sipple and Webb (Steve Lester told by Lon Jarvis that those 3 homes were all that used the water when in fact the earlier 3 homes were still using that water. *In the meantime Berger, Jarvis & Miller used warm springs (offices) unknown.*

Problem is that the 1986 field exam resulted in a license being issued for 3 homes and 2 offices. *which were attached to Berger Jarvis & Miller.*

Change of ownership on this right for 1 home went to Peterson who was a member of the 1993 homes. It was decided that the 1993 exam would trump the 1986 exam which should not have happened. New water rights should have been filed when the 3 homes were added onto the well.

Deeds have been filed assuming the water was Usto Schulz to give when Usto Schulz only had a portion of the right. This followed through when he sold to Updike and Updike to Miller.

Mr. Miller unknowingly put the whole thing into the Water Bank based on non-use by him? Question to ask him when we meet with him. He did not have the entire water right to put into the water bank. Still could leave his portion in the water bank if it is not being used. The other portions are still being used. Mr. Miller thought the entire water right was his from past documents (deeds).

Only way to fix the whole mess is to:

the 3 portion

- or*
- A – Split the water right up *5* ways into Miller, Jarvis, Sipple/Anderson, Webb. *& Berger.*
 - B – Split the water right *3* ways into Miller and Jarvis, then Jarvis splits their portion of the water right into *2* portions for Jarvis, Sipple/Anderson/Webb. *→ & Berger*
 - C – Split the water right 2 ways into Miller and Jarvis. Sipple/Anderson and Webb file new water rights. *& Berger*
 - D – Take the whole thing to Court and get a decision that way.

Each meeting will discuss these possibilities.

Decide what to do on the Peterson/Berger situation. The reason the change of ownership was done for the Peterson is explained in my memo to the file. Steve's field exam in 1993 stated that the 3 homes were now 3 different homes and that the original 3 homes were no longer using the

water? Lon Jarvis explained it this way or at least Steve understood it this way. When the change of ownership came in for Peterson it was processed with the idea that it was one of the 3 homes using the well. This was the re-review for the SRBA. Then, when Berger submitted his change of ownership, the change was made for whatever reason. May need to split this water right with .02 for each and send a letter of explanation.

TO: Regional Offices and Water Allocations Section
FROM: Norman C. Young
DATE: June 4, 1980
PAGE: 2

An interpretation of the definition must be carefully made when a second hookup is attached to an existing single household domestic system. The resulting two-household system can be considered as either a multiple system or two single household systems, depending on intent. If the system was designed and built for multiple hookups, then it must be considered to be a multiple system and subject to the recording requirement. However, if the system was designed and built for one household, and the second household was added later in time, two distinct single household domestic water rights may have been established from one well.

GENERAL DOMESTIC

"Domestic" has in the past been interpreted to include a variety of uses for multi-household water systems. Henceforth this term should be used to identify only the in-house or culinary aspect for these systems. For example, the water right description for a housing subdivision should identify irrigation, recreation and fire protection in addition to domestic use. In this way acre-foot values can be assigned to each parameter for an accurate volumetric description of the water right.

A reference to section 42-111, Idaho Code, indicates that the heating of dwelling houses comes within the meaning of "domestic purposes". However, since the 1922 court case from which that statement was taken, the interpretation of the domestic use has been narrowed considerably. Heating should be designated as a unique use.

A quantification of the rate of flow necessary for the in-house or culinary use for multi-household systems has been identified in Figure 1, attached. The flow identified on this graph should be used as a guideline in determining and reviewing domestic use rates of flow on applications for permit with more than one hookup. Greater flows can be accepted if justified.

Use .6 AFA when irrigation is separated (per household)
Use 1.2 AFA when " " included (per household)

J. perfected prior to 7-1-1987

ADMINISTRATIVE MEMORANDUM

Adjudication No. 54
Application Processing No. 69
Well Construction No. 7

DATE: February 26, 2010

TO: Water Management Division

FROM: Jeff Peppersack 

RE: Permitting Requirements for Low Temperature Geothermal Wells Used for Domestic Purposes

This memo supersedes Adjudication No. 54, Application Processing No. 69 and Well Construction No. 7 dated August 5, 2008.

On April 17, 2008, the Director extended a five-year moratorium for a portion of the Twin Falls Ground Water Management Area (TFGWMA). The moratorium order prohibits approval of applications to appropriate water and limits development under existing permits to divert and use water from the artesian, thermal ground water aquifer. In addition to extending the moratorium, the Director ordered that the moratorium applies to domestic purposes as defined by Section 42-111, Idaho Code based on the following conclusions:

A domestic ground water right from low temperature geothermal water cannot be perfected by beneficial use, but must be established by the filing of an application with the Department and subsequent approval by the Department as a water right.

Low temperature geothermal water rights must be represented by an approved water right, and the Director has authority to refuse to process applications to appropriate low temperature geothermal water for domestic use.

The conclusions from the order are based on requirements in Section 42-233, Idaho Code. Section 42-233 recognizes the validity of domestic water rights for use of low temperature geothermal water perfected by beneficial use prior to July 1, 1987. Section 42-233 requires the filing and approval of a domestic water right for low temperature geothermal water when the use of water was completed after July 1, 1987.

This memo is intended to inform staff of the requirements for filing an application for permit to appropriate water from a low temperature geothermal well for domestic purposes. In the past, the Department has issued well drilling permits for low temperature geothermal wells to be used for domestic purposes without a water right permit, based on the exception provided under Section 42-227, Idaho Code. Staff should work with owners of those domestic wells constructed after July 1, 1987 to ensure that they file an application for permit to appropriate water if the use is not authorized by an existing water right. In addition, the Department should notify the general public through news releases, the Department's website and/or other available means of the requirement to file an application.

For low-temperature geothermal wells, the following shall apply for domestic uses statewide:

- A valid water right permit, license or decree is required to divert and use water from any low temperature geothermal well, except for rights based on beneficial use established prior to July 1, 1987. Note that deferrable domestic uses not claimed in the Snake River Basin Adjudication ("SRBA") qualify for the exception; however, deferrable uses were limited to those currently defined under Section 42-111(1a), Idaho Code.
- Domestic rights from low temperature geothermal wells that were decreed in the SRBA are valid rights decreed by the court; however, the Department should no longer recommend domestic water rights from low temperature geothermal wells based on beneficial use established on or after July 1, 1987.
- An application to appropriate water from a low temperature geothermal well shall include documentation to demonstrate that the use will be primarily for heat value pursuant to Section 42-233, Idaho Code, or shall include a request to exempt the proposed use with documentation demonstrating that the exemption is warranted based on the statutory criteria.
- Water right or permit holders authorized to divert and use water from a well in a cold water aquifer, who "un-intentionally" encounter a low temperature geothermal resource during construction, modification, or replacement of a well, must cease construction of the well and seek further instruction from the Department regarding measures to protect the resource while any water right issues are pending. Except for those measures required to protect the resource, the water right or permit holder may only resume construction after obtaining authorization to appropriate water from the low temperature geothermal resource or an exemption from the requirement to use the water primarily for heat value pursuant to Section 42-233, Idaho Code.
- A valid water right or permit authorizing a well for diversion and use of a low temperature geothermal resource must exist prior to issuance of a well drilling permit to construct a new well or modify or replace an existing well. Bonding and typically more stringent well construction provisions are applicable for construction for low temperature geothermal wells pursuant to Section 42-233, Idaho Code and Rule 30 of IDAPA 37.03.09.
- Start cards are not valid to construct, modify or replace a well seeking to appropriate a low temperature geothermal resource, or encountering a low temperature geothermal resource during construction. In addition, use of start cards may be prohibited for specific areas that may encounter low temperature geothermal resource as designated by the Department. An incidental or unintentional encounter of low temperature geothermal water while drilling a well authorized by a start card will require the filing of a new drilling permit application. A drilling permit upgrade fee of \$125 must accompany the drilling permit application.

Applications to appropriate water from a well using a low temperature geothermal resource for domestic purposes within a moratorium area or other area limiting or prohibiting further development of the resource can only be approved in accordance with the order governing the designated area. An exception will be provided for moratorium areas or other areas limiting or prohibiting further development of the resource that were established or are actively extended or modified by order dated prior to April 17, 2008. In those restricted areas, for situations where development of a domestic use



WARRANTY DEED

For Value Received

Lon Smith Jarvis and Muriel Irene Renee Jarvis, husband and wife,
aka, Renee Jarvis and Lon Smith, husband and wife
the grantors, do hereby grant, bargain, sell, and convey unto

John W. Swartley and Rutha G. Swartley, husband and wife,
the grantees, whose current address is 2405 Anderson Boise, ID 83702

the following described premises, to-wit:

Lot 2 of Jarvis Segregation Plat, according to the official plat thereof,
recorded as Instrument No. 128888, records of Boise County, Idaho.

Boise County Idaho as
Request of

Time 14:25 M.T

Date 4/2/90

136047

Arlene C. Kolar

By: *[Signature]*
Deputy
Fee \$3.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant
to and with the said Grantees, that they are the owners 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 they will
warrant and defend the same from all claims whatsoever.

Dated: March 29, 1990

[Signature]
Lon Smith Jarvis

[Signature]
Muriel Irene Renee Jarvis

STATE OF IDAHO)

COUNTY OF ADA) ss

On this 29th day of March, in the year 1990, before me, a Notary Public in
and for said State, personally appeared Lon Smith Jarvis and Muriel Irene Renee
Jarvis, known or identified to me to be the person(s) whose name(s) are subscribed
to the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public of Idaho
Residing at Boise, Idaho
Commission Expires: 2/10/92

First American Title Company of Idaho



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

3F

A 151500 CB

WARRANTY DEED
(INDIVIDUAL)

FOR VALUE RECEIVED JOHN W. SWARTLEY and RUTHE G. SWARTLEY, husband and wife

Grantor s , do hereby grant, bargain, sell and convey unto MAX E. JOHNSON and PEGGY M. JOHNSON, husband and wife

the Grantee s , whose current address is: IIC 76 Box 4012, Garden Valley, ID 83622
the following described real property in Boise County, State of Idaho, more particularly described as follows, to-wit:

Lot 2 of JARVIS SEGREGATION PLAT, according to the Official Plat thereof recorded as instrument No. 12888, records of Boise County, Idaho.

INST# 162611
REQUEST Ht. View Time
96 NOV 1 PM 2:40
BY *[Signature]*
TYPE *[Signature]* FEE *[Signature]*

162611

[Handwritten initials]

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

Dated: October 30, 1996

[Signature]
John W. Swartley

[Signature]
Ruthe G. Swartley

STATE OF Idaho, County of Ada, ss.

On this 30 day of October, in the year of 1996, before me Lynn P. Basura, a notary public, personally appeared John W. Swartley and Ruthe G. Swartley, known or identified to me as the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: *[Signature]*
Residing at: Meridian, Idaho
My Commission Expires: 5/30/2000



PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 336-6700

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

162612

INST# 162612

REQUEST H.T. View Title

20 NOV 1 PM 2:10

IDAHO COUNTY RECORDER

Crystal Campbell
INT. AND. FEE 6.00

P-151500 LB

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED USTO SCHULZ and DIANA G. SCHULZ, husband and wife

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

MAX E. JOHNSON and PEGGY M. JOHNSON, husband and wife

GRANTEE(S), whose current address is: HC 76 Box 4012, Garden Valley, Idaho 83622
the following described real property in Boise County, State of Idaho,
more particularly described as follows, to wit:

Lot 2 of JARVIS SEGREGATION PLAT, according to the official plat thereof, recorded
as Instrument No. 12888, records of Boise County, Idaho.

Together with the following share of water from Water Licence #65-07770C in
the amount of 18cfs.

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

Dated: October 25, 1996

Usto Schulz

Diana G. Schulz

STATE OF SOUTH CAROLINA, County of Richland, ss.

On this 30th day of October, in the year of 1996, before me
Laura B. Alexander, a notary public,

personally appeared Usto Schulz and Diana G. Schulz
known or identified to me to be the person (s) whose name (s) are subscribed to the within
instrument, and acknowledged to me that he executed the same.



Notary Public: Laura B. Alexander
Residing at: Columbia, S.C.
My Commission Expires: 2-7-99

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 65-07770C

Priority: December 19, 1976 Amount: 0.21 CFS 4.8 AFA

This is to certify, that USTO E. SCHULZ
DOROTHY B. SCHULZ, DEC.

HC 76 BOX 4048

GARDEN VALLEY, ID 83622

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 29, 1976, and has submitted proof to the Department of Water Resources on January 25, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .280 cfs of water from a GROUNDWATER source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
HEATING	01/01 to 12/31	0.10 CFS	
DOMESTIC	01/01 to 12/31	0.11 CFS	4.8 AFA
	Totals	0.21 CFS	4.8 AFA

LOCATION OF POINT OF DIVERSION(S):

NWSW, Sec. 33, Township 10N, Range 04E
BOISE County

PLACE OF USE: HEATING

TWN RGE SEC

10N 04E 33 NWSW

PLACE OF USE: DOMESTIC, same as HEATING use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use also known as Lots 3 & 17, Warm Springs Estates No. 1.
5. 2 points of diversion located in NWSW, S33, T10N, R4E.
6. Domestic use is for 3 homes & 2 offices.



PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 336-6700

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

162612

INST# 162612

REQUEST H.T. View Title

OF NOV 1 PM 2:10

IDAHO COUNTY RECORDER

Bygitta Campbell
W.D. Fee Book

3F

P-151500 LB

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED USTO SCHULZ and DIANA G. SCHULZ, husband and wife

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

MAX E. JOHNSON and PEGGY M. JOHNSON, husband and wife

GRANTEE(S), whose current address is: HC 16 Box 4012, Garden Valley, Idaho 83622
the following described real property in: Boise County, State of Idaho,
more particularly described as follows, to wit:

Lot 2 of JARVIS SEGREGATION PLAT, according to the official plat thereof, recorded
as Instrument No. 12888, records of Boise County, Idaho.

Together with the following share of water from Water Licence #65-07770C in
the amount of ~~18cfs~~ gpm

RE-RECORD to correct cfs to gpm

163419

INST# 163419

REQUEST Pioneer Title

97 JAN 23 PM 2:02

IDAHO COUNTY RECORDER

Bygitta Campbell

TYPE 31 Fee Book

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

Dated: October 25, 1996

Usto Schulz

Diana G. Schulz

STATE OF SOUTH CAROLINA, County of Richland, ss.

On this 30th day of October, in the year of 1996, before me
Laura B. Alexander, a notary public,
personally appeared Usto Schulz and Diana G. Schulz
known or identified to me to be the person (s) whose name (s) are subscribed to the within
instrument, and acknowledged to me that he executed the same.



Notary Public: Laura B. Alexander
Residing at: Columbia, S.C.
My Commission Expires: 2-7-99

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 65-07770C

Priority: December 19, 1976 Amount: 0.21 CFS 4.8 AFA

This is to certify, that USTO E. SCHULZ
DOROTHY B. SCHULZ, DEC.

HC 76 BOX 4048

GARDEN VALLEY, ID 83622

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 29, 1976, and has submitted proof to the Department of Water Resources on January 25, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .280 cfs of water from a GROUNDWATER source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
HEATING	01/01 to 12/31	0.10 CFS	
DOMESTIC	01/01 to 12/31	0.11 CFS	4.8 AFA
	Totals	0.21 CFS	4.8 AFA

LOCATION OF POINT OF DIVERSION(S):

NWSW , Sec. 33, Township 10N, Range 04E
BOISE County

PLACE OF USE: HEATING

TWN RGE SEC

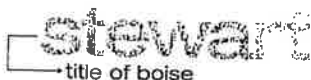
10N 04E 33 NWSW

PLACE OF USE: DOMESTIC, same as HEATING use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use also known as Lots 3 & 17, Warm Springs Estates No. 1.
5. 2 points of diversion located in NWSW, S33, T10N, R4E.
6. Domestic use is for 3 homes & 2 offices.

Instrument # 203581
IDAHO CITY, BOISE COUNTY, IDAHO
2005-08-01 04:51:27 No. of Pages: 1
Recorded for : MTN VIEW TITLE
RORA A. CANODY
Ex-Officio Recorder Deputy *[Signature]* Fee: 3.00
Index to: DEEDS



WARRANTY DEED

For Value Received Max E Johnson and Peggy M Johnson, Husband and Wife

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

William J Sipple and Jamie A Anderson, Husband and Wife

the grantee, whose current address is 22 Mustang Way, Garden Valley, ID 83622

the following described premises, to wit:

Lot 2 of Jarvis Segregation Plat, according to the official plat thereof recorded as Instrument No. 128888, records of Boise County, Idaho

Parcel Number:

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 29th day of July, 2005.

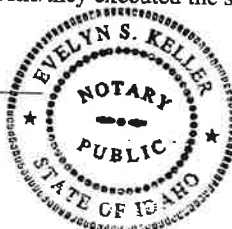
[Signature]
Max E Johnson

[Signature]
Peggy M Johnson

STATE OF Idaho)
) ss.
COUNTY OF Ada)

On this 29th day of July, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared Max E Johnson and Peggy M Johnson known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.
WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]
Notary Public: Evelyn S Keller
Residing at: Boise, ID
My commission expires February 18, 2010





PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 336-6700

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

162612

INST# 162612
REQUEST MT View Title
25 NOV 1996 PM 2:40
COUNTY RECORDER
Brigitte Campbell
WD FEE 6.00

Instrument # 211828

IDAHO CITY, BOISE COUNTY, IDAHO
2007-01-04 04:29:18 No. of Pages: 2

Recorded for : MTN VIEW TITLE

RORA A CANODY

Ex-Officio Recorder Deputy Shirley Fee: 7.00
Index to: DEEDS

P-151500 LB

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED USTO SCHULZ and DIANA G. SCHULZ, husband and wife

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

MAX E. JOHNSON and PEGGY M. JOHNSON, husband and wife

GRANTEE(S), whose current address is: HC 76 Box 4012, Garden Valley, Idaho 83622
the following described real property in Boise County, State of Idaho,
more particularly described as follows, to wit:

Lot 2 of JARVIS SEGREGATION PLAT, according to the official plat thereof, recorded as Instrument No. ~~12888~~ 128898 records of Boise County, Idaho.

Together with the following share of water from Water Licence #65-07770C in the amount of ~~18 cfs~~ 21 CFS

RE-RECORD to correct cfs to gpm
RE-RECORD TO CORRECT TYPOGRAPHICAL ERROR

163419

INST# 163419
REQUEST Pioneer Title
27 JUN 2007 2:02
COUNTY RECORDER
Adrian Adams
TYPE 31 FEE 6.00

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

Dated: October 25, 1996

Usto Schulz
Usto Schulz

Diana G. Schulz
Diana G. Schulz

STATE OF SOUTH CAROLINA, County of Richland, ss.

On this 30th day of October, in the year of 1996, before me
Laura B. Alexander, a notary public,
personally appeared Usto Schulz and Diana G. Schulz
known or identified to me to be the person (s) whose name (s) are subscribed to the within
instrument, and acknowledged to me that the y executed the same.



Notary Public: Laura B. Alexander
Residing at: Columbia, S.C.
My Commission Expires: 2-7-99

Instrument # 211829
 IDAHO CITY, BOISE COUNTY, IDAHO
 2007-01-04 04:29:18 No. of Pages: 1
 Recorded for : MTN VIEW TITLE
 RORA A. CANODY Fee: 3.00
 Ex-Officio Recorder Deputy *[Signature]*
 Index to: DEEDS

Instrument # 203581
 IDAHO CITY, BOISE COUNTY, IDAHO
 2005-08-01 04:51:27 No. of Pages: 1
 Recorded for : MTN VIEW TITLE
 RORA A. CANODY Fee: 3.00
 Ex-Officio Recorder Deputy *[Signature]*
 Index to: DEEDS



[Handwritten initials]

WARRANTY DEED

For Value Received Max E Johnson and Peggy M Johnson, Husband and Wife

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

William J Sipple and Jamie A Anderson, Husband and Wife

the grantee, whose current address is 22 Mustang Way, Garden Valley, ID 83622

the following described premises, to wit:

Lot 2 of Jarvis Segregation Plat, according to the official plat thereof recorded as Instrument No. ~~128888~~, records of Boise County, Idaho
 128898

[Handwritten: DMV Map]

Together with the following share of water from Water License #65-07770C in the amount of ~~18 cfm~~ .21 CFS

[Handwritten: DMV Map]

Parcel Number:

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 29th day of July, 2005.

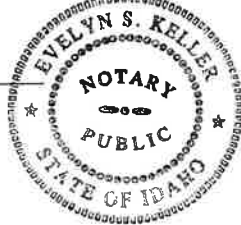
[Signature: Max E Johnson]
 Max E Johnson

[Signature: Peggy M Johnson]
 Peggy M Johnson

STATE OF Idaho)
) ss.
 COUNTY OF Ada)

On this 29th day of July, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared Max E Johnson and Peggy M Johnson known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.
 WITNESS MY HAND AND OFFICIAL SEAL.

[Signature: Evelyn S Keller]
 Notary Public: Evelyn S Keller
 Residing at: Boise, ID
 My commission expires February 18, 2010



Title File No.: BT-90-10-78

WARRANTY DEED

FOR VALUE RECEIVED Lon Smith Jarvis aka Lon S. Jarvis and Muriel Irene Renee Jarvis aka Renee Jarvis husband and wife

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

James L. Murray, Jr. and Debra S. Murray, husband and wife

GRANTEE(S), whose current address is: 5503 Waterwheel Drive, Boise, Idaho 83725, the following described real property in more particularly described as follows, to wit: Boise County, State of Idaho,

Lot 3 of Jarvis Segregation Plat according to the official plat thereof recorded as Instrument No. 128888 records of Boise County Idaho.

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

Dated: October 4, 1990

Lon Smith Jarvis
Lon Smith Jarvis

Muriel Irene Renee Jarvis
Muriel Irene Renee Jarvis

STATE OF IDAHO, County of Boise, ss.

On this 7 day of OCT. in the year of 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared LON SMITH JARVIS, MURIEL IRENE RENE JARVIS.

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.

Signature: *Lon Smith*
Name: LON SMITH
(Type or print)

Residing at: Drive 6-24-92
My commission expires:

STATE OF IDAHO, COUNTY OF Boise

I hereby Certify that this instrument was filed for record at the request of Mr. View

at minutes past 12:30 o'clock this 11 day of October 1990, in my office, and duly recorded in Book of Deeds at page 138063

Ex-Officio Recorder
By *Debra S. Murray*
Deputy
Fee \$ 00
Mail to: 138063



Boise Title & Escrow, Inc.

INSTRUMENT No.

QUITCLAIM DEED

For Value Received, JAMES L. MURRAY, Grantor,

do hereby convey, release, remise and forever quit claim

unto DEBRA S. MURRAY, the Grantee, whose address is 5678 Gatehouse Court, Boise, Idaho, 83703 the following described premises, to-wit:

Lot 3 of Jarvis Segregation Plat, according to the official plat thereof recorded as Instrument No. 12888, records of Boise County, Idaho.

together with their appurtenances.

Dated:

May 1, 1992
James L. Murray

STATE OF IDAHO, COUNTY OF Ada
On this 1st day of May, 1992,
before me, a notary public in and for said State, personally
appeared

JAMES L. MURRAY

143727

known to me to be the person who se name is
subscribed in the within instrument, and acknowledged to
me that JAMES L. MURRAY executed the same.

Arlene C. Kolar
Notary Public
Residing at Boise, Id.
Comm. Expires 6/93

STATE OF IDAHO, COUNTY OF

BOISE COUNTY IDAHO §§
REQUEST OF
Debra S. Murray
DATE 5-1-92 TIME 11 A.M.

92 JUN -5 PM 12:13

ARLENE C. KOLAR
BY Arlene C. Kolar
DEPUTY
FEE \$ 2.00

Deputy.

Fees \$
Mail to:



PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 336-6700

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

P-131716-KD/TP

152840

BOISE COUNTY IDAHO SS
REQUEST OF

Pioneer Title
DATE TIME H.

9 AUG -5 PM 3:47

ARLENE C. KOLAR

Shirley Sings
DISPUTED
\$ 3.00

SPACE ABOVE FOR RECORDING DATA

QUITCLAIM DEED

FOR VALUE RECEIVED

BRIAN NYE, HUSBAND OF GRANTEE

do hereby convey, release, remise and forever quitclaim

unto DEBRA TAYLOR STEPHENS, WIFE OF GRANTOR

whose address is: ~~LOT 3 JARVIS SEGREGATION PLAT GARDEN VALLEY, ID 83821~~
5678 GATE HOUSE COURT BOISE, ID 85703 *[Signature]*

the following described premises, to wit:

LOT 3 OF JARVIS SEGREGATION PLAT, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED
AS INSTRUMENT NO. 12988, RECORDS OF BOISE COUNTY, IDAHO.

BY THE EXECUTION OF THIS DEED, IT IS THE INTENT OF THE GRANTOR HEREIN TO
ELIMINATE ANY INTEREST WHICH MAY BE PRESENTLY HELD OR MAY BE HEREAFTER
ACQUIRED IN THE PARCEL HEREIN DESCRIBED AND CONVEY UNTO THE GRANTEE ALL
OF THE GRANTORS RIGHT, TITLE AND INTEREST IN AND TO THE PARCEL HEREIN DESCRIBED.

I FURTHER ACKNOWLEDGE THE CONVEYANCE OF MY HOMESTEAD RIGHTS AS SITED IN
CHAPTER 10, TITLE 55, I.C. OF THE IDAHO STATE CODE.

together with their appurtenances.

Dated: AUGUST 1, 1994

[Signature]
BRIAN NYE

STATE OF IDAHO, County of ADA

On this 1ST day of AUGUST, 1994, before me

THE UNDERSIGNED, BRIAN NYE, a notary public,

personally appeared, BRIAN NYE

known or identified to me to be the person(s) whose name(s) is/are

instrument, and acknowledged to me that



[Signature]
Notary Public,
BOISE, IDAHO

Commission Expires 10/6/98



A Pioneer Company
PIONEER TITLE COMPANY
 OF ADA COUNTY
 821 W. State St. / Boise, Idaho 83702
 (208) 373-3744

P 211064

Instrument # 183762

IDAHO CITY, BOISE COUNTY, IDAHO
 2001-12-04 04:21:02 No. of Pages: 1
 Recorded for : PIONEER TITLE
 RORA A. CANODY Fee: 3.00
 Ex-Officio Recorder Deputy *Shirley George*
 Index to: DEEDS

WARRANTY DEED

For Value Received DEBRA TAYLOR STEPHENS, AN UNMARRIED PERSON

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

MAC C. WEBB, A MARRIED PERSON, DEALING WITH HIS SOLE AND SEPARATE PROPERTY

hereinafter referred to as Grantee, whose current address is 2 Snow Springs, Garden Valley, ID 83622
 the following described premises, to-wit:

Lot 3 of Jarvis Segregation Plat, according to the official plat thereof recorded as Instrument No.
 12888, records of Boise County, Idaho.



To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
 and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

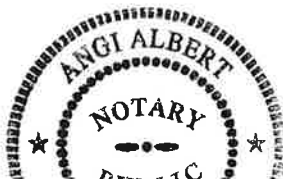
Dated: December 3, 2001

Debra Taylor Stephens

 Debra Taylor Stephens

STATE OF IDAHO. County of Ada, ss.

On this 3rd day of December, in the year of 2001, before me Angi Albert, notary public personally
 appeared Debra Taylor Stephens known or identified to me to be the person/persons whose name
 is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the
 same.



Angi Albert

 Angi Albert
 Notary Public of Idaho
 Residing at Boise, Idaho

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-7770G V1

WATER RIGHT NUMBER: 65-7770G V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DIANA G SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Previous Owner	ERNEST UPDIKE 6 SNOW SPRINGS LN GARDEN VALLEY, ID 83622 (208)462-6064
Current Owner	CLEO R MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753
Current Owner	BARBARA A MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753

Priority Date: 12/19/1976

Basis: License

Status: Water Supply Bank Closed

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01	to 12/31	0.080 CFS	
DOMESTIC	1/01	to 12/31	0.090 CFS	3.60 AF
	<u>Total Diversion:</u>		0.170 CFS	3.60 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	33										X							

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-7770G V1

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	33										X							

Conditions of Approval:

1. PLACE OF USE ALSO KNOWN AS WARM SPRINGS ESTATES NO. 1.
RIGHT NO. 65-07770H IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. 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.
3. DOMESTIC USE IS FOR 2 HOMES & 2 OFFICES.
HEATING USE IS FOR 2 HOMES & 2 OFFICES.
4. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:Comments:

1. RHOWERTO 12/16/1999 DOMESTIC USE

Comment: THE TWO HOMES REMAINING HERE ARE DIFFERENT FROM THE ORIGINAL 3 HOMES RECOMMENDED FROM ORIGINAL FIELD EXAM DONE IN 1986. THE SITE WAS REVISITED IN 1993 BY IDWR, FINDING THAT THE RIGHT STILL SUPPLIES 3 HOMES BUT ARE DIFFERENT. AN OWNERSHIP CHANGE WAS FILED ON ONE OF THE 3 DIFFERENT HOMES AND RECOMMENDED AS 65-07770H. NO ONE HAS COME FORTH TO DATE TO CLARIFY THE OWNERSHIP OF THE REMAINING 2 HOMES.

2. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE

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

3. segbert 3/23/2010 1:55:06 PM POD

Comment: PODID 277257 correlated from SpatialDataID 98612 to SpatialDataID 284537

Water Supply Bank:

was commenced prior to April 17, 2008, the Department will only consider a new application to appropriate water from a low temperature geothermal well provided that each of the following requirements are met:

- Development of the domestic use proposed under the new application was commenced prior to April 17, 2008 (for example, this may include a situation where a well was drilled just prior to April 17 and development has continued uninterrupted even though water was not diverted and used from the well for domestic purposes until shortly after April 17; however, it would not include a situation where the domestic use was not at least in initial stages of construction prior to April 17)
- The use is limited to domestic use as defined in Section 42-111, Idaho Code; the domestic use must be primarily for heat value and within the limits of parts A or B of the domestic definition, unless the domestic use qualifies for an exemption from the heating requirements pursuant to Section 42-233, Idaho Code.
- The well complies with drilling permit requirements for wells drilled on or after July 1, 1987

Applications that meet these requirements and are otherwise acceptable for processing shall be advertised and may be approved if the criteria in Section 42-203A, Idaho Code are satisfied. Note that current moratorium areas prohibiting further development of a low temperature geothermal resource may also be subject to other moratoriums or restrictions such as the Eastern Snake River Plain moratorium area; however, those areas may provide exceptions for domestic purposes and will require review on a case by case basis for applications in each area.

Any low temperature geothermal water use or well construction for domestic purposes, not authorized by a water right permit, license or decree (unless right based on beneficial use established prior to July 1, 1987) and/or well drilling permit shall be subject to an administrative enforcement action and/or abandonment of the well pursuant to Chapter 2, Title 42, Idaho Code and Rules of the Department. Department staff are instructed to work with water users to ensure that the appropriate applications are filed to obtain permits or authorization for existing uses.

65-7770

- 1976 App for Permit approved 1/15/77
7/12/78 Partial assignment to Czech (65-7770B)
12/18/84 Partial assignment to Livingston (65-7770D)

NOTE: the next 2 transactions appear to be before the 12/18/84 assignment. 65-7770 was still in the permit stage when the conveyance of Tracts B & C occurred, therefore an assignment of permit would have been required to complete the ownership change from Schulz to Jarvis.

- 5/13/81 Tract B sold to Jarvis (with 1/3 interest in 75-7540, no mention of 65-7770A or C)
- 8/29/81 Tract C sold to Jarvis (now Sipple/Anderson & Webb parcels)
- 1/21/85 Proof of beneficial use submitted
- 1986/87 Field exam indicated 3 homes & 2 offices in Lots 3 & 17 (now 23)
Home/office appears to be on Jarvis' lot
Home/office appears to be on Miller's lot
Home appears to be on Burger's lot
- 1/30/89 65-7770C – licensed WR .21 cfs for 3 homes/2 offices
- 5/2/89 Claim filed in the SRBA as
3 homes, 2 offices
2 POD in NWSW
POU aka Lot 3, Warm Springs Estates
- 4/12/92 Tract D sold to Peterson with 19 gpm of water right 65-7770C
- 1993 Field examiner notes that:
Home appears to be on the Peterson(now Lyle Miller) lot
Home appears to be on the Sipple/Anderson lot
Home appears to be on the Webb lot
Office on Jarvis lot
Office on Schulz/Updike/Miller lot
- 10/25/96 Conveyed portion of tract C to Johnson with 18 cfs of 65-7770C, corrected 01/97 to 18 gpm.
(Not sure why this deed was required/effectuated...for water right purposes or?)
- 9/8/99 Tract A sold to Updike (now Cleo & Barbara Miller) no mention of water rights

*FIELD EXAM ON
- 63-13050 (SPRINGS)
HTG. COIL*

AGREEMENT

PARTIES TO THIS AGREEMENT ARE:

LON & RENEE JARVIS
&
USTO & DIANA SCHULZ
&
JOHN & MARGIE TRIBBY
&
HARRY & HELEN BURGER
&
EARL & FAY LIVINGSTON
&
HARRY SHERMAN & LENETTE MARIE BURGER, III

2. In respect to irrigation: The diversion works, canal, and pipe will be improved and maintained by all parties. Cost of materials and expense for equipment or labor will be born at a pro rata share. Any pipe system on individual property *expenses will be borne solely by the individual property owner.*

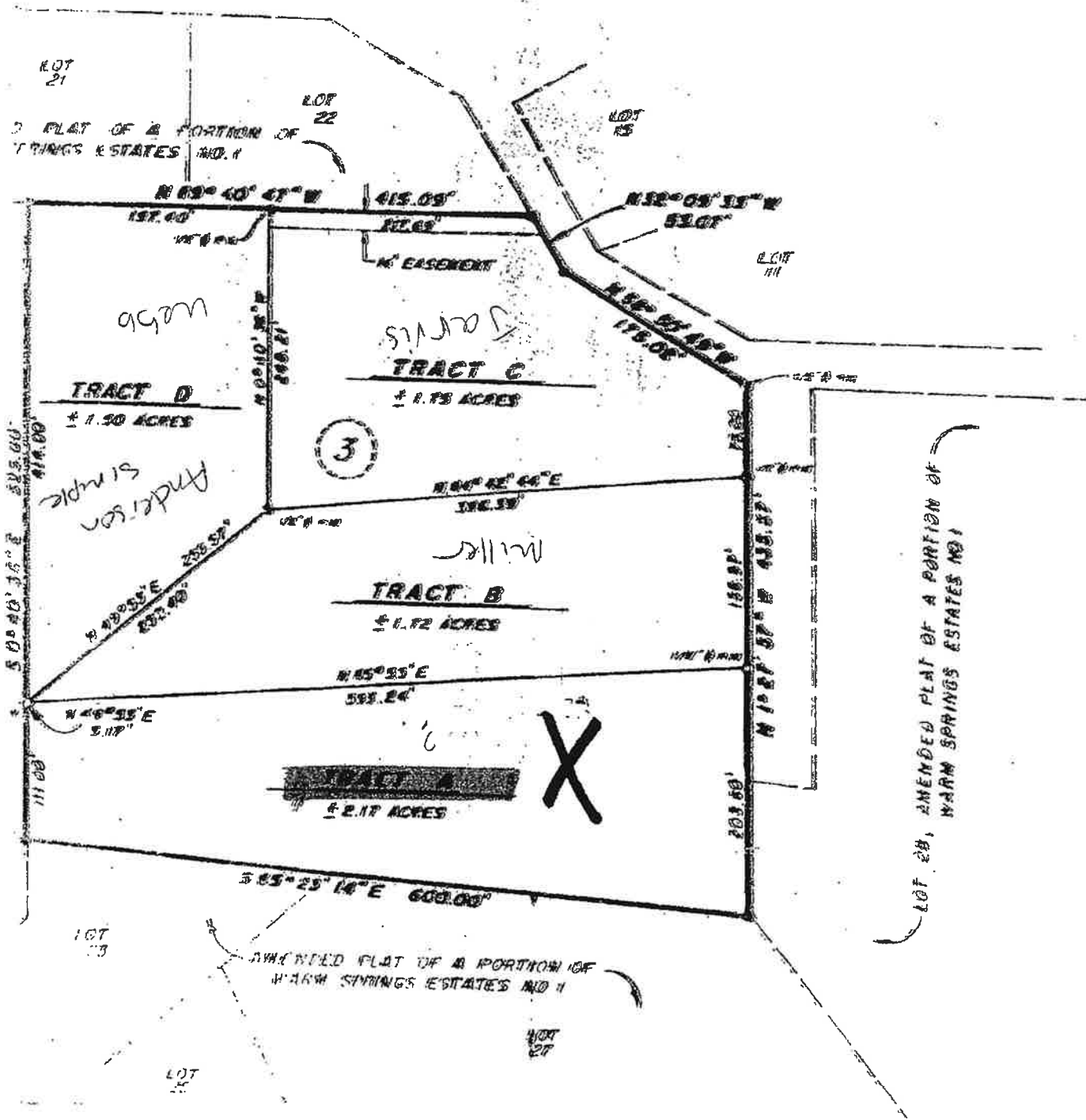
3. With respect to heating and domestic: The parties *involved* will share cost of site preparation, pumps, pipe, maintenance, and operating expenses on a pro rata share of the water appropriated.

70796

RECORD OF SURVEY

A DIVISION OF LOT 3, WARM SPRINGS ESTATES NO. 1 IN SW¹ OF SECTION
T.10N., R.4E., B.M.
BOISE COUNTY, IDAHO

TUDOR ENGINEERING CO. - BOISE, IDAHO
DECEMBER, 1978



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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-077706

NAME AND ADDRESS: DIANA G SCHULZ
USTO E SCHULZ
HC 76 BOX 4048
GARDEN VALLEY, ID 83622

SOURCE: GROUNDWATER

QUANTITY: 0.17 CFS
3.60 AFY

PRIORITY DATE: 12/19/1976

POINT OF DIVERSION: T10N R04E S33 NWSW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Heating	01-01 TO 12-31	0.08 CFS
	Domestic	01-01 TO 12-31	0.09 CFS
			3.60 AFY

PLACE OF USE:	Heating		Within Boise County
	T10N R04E S33	NWSW	
	Domestic		Within Boise County
	T10N R04E S33	NWSW	

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.

*Still for 2 homes &
2 offices*

Barry Wood

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

RECEIVED

FEB 09 2012

DEPARTMENT OF
WATER RESOURCES

February 3, 2012

Emalee Rushing, Water Allocation Bureau
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Dear Ms. Rushing,

We, the following property owners, agree to accept the allocation of water appurtenant to each property and to file with the State of Idaho Department of Water Resources the following documents to memorialize the allocations:

Assignment of Permit No. 65-13050 spring water from Lon Jarvis (two forms and fee by others) to:

William J. Sipple and Jamie A. Anderson, as recorded in Boise County Ins. #211829, also known as RP08201000003F or T10N R4E Warm Springs Estates 1 Portion of Lot 3 or Jarvis Segregation Plat Lot 2 Sec 33 SW ¼ in the amount: .03 cfs heating and .02 cfs domestic (\$25 fee)

Mac C. Webb, as recorded in Boise County Ins. #183762 also known as RP08201000003G or T10N R4E Warm Springs Estates 1 Portion of Lot 3 or Jarvis Segregation Plat Lot 3 Sec 33 SW ¼ in the amount: .03 cfs heating and .02 cfs domestic (\$25 fee)

Notice of Change in Water Right Ownership of Water Right No. 65-07770G from Usto Schultz to:

Cleo R. Miller and Barbara A. Miller, as recorded in Boise County Ins. #205227 also known as RP08201000003H or T10N R4E Warm Springs Estates 1 Portion of Lot 3 or Tax 344 Sec 33 SW ¼ in the amount: .02 cfs heating and .03 cfs domestic (ownership change form submitted and fee paid)

Mac C. Webb, as recorded in Boise County Ins. #183762 also known as RP08201000003G or T10N R4E Warm Springs Estates 1 Portion of Lot 3 or Jarvis Segregation Plat Lot 3 Sec 33 SW ¼ in the amount: .02 cfs heating and .02 cfs domestic (ownership change form submitted and fee paid)

William J. Sipple and Jamie A. Anderson, as recorded in Boise County Ins. #211829, also known as RP08201000003F or T10N R4E Warm Springs Estates 1 Portion of Lot 3 or Jarvis Segregation Plat Lot 2 Sec 33 SW ¼ in the amount: .02 cfs heating and .02 cfs domestic (form and \$25 fee)

Lon Jarvis, as recorded in Boise County Ins. #128898, also known as RP0820100000E or T10N R4E Warm Springs Estates 1 Portion of Lot 3 or Jarvis Segregation Plat Lot 1 Sec 33 SW ¼ in the amount: .02 cfs heating and .02 cfs domestic (form and fee by others)

This agreement to accept the allocation of water appurtenant to each property may be executed in one or more counterparts each which shall be deemed an original but all of which together will constitute one and the same agreement.

AGREEMENT

PARTIES TO THIS AGREEMENT ARE:

LON & RENEE JARVIS
&
USTO & DIANA SCHULZ
&
JOHN & MARGIE TRIBBY
&
HARRY & HELEN BURGER
&
EARL & FAY LIVINGSTON
&
HARRY SHERMAN & LENETTE MARIE BURGER, III

With respect to water right described in instrument Identification Number 65-03238 on file with the IDAHO DEPARTMENT OF WATER RESOURCES, the parties agree as follows:

1. Water will be allocated to each of the parties for use as indicated.

IRRIGATION:

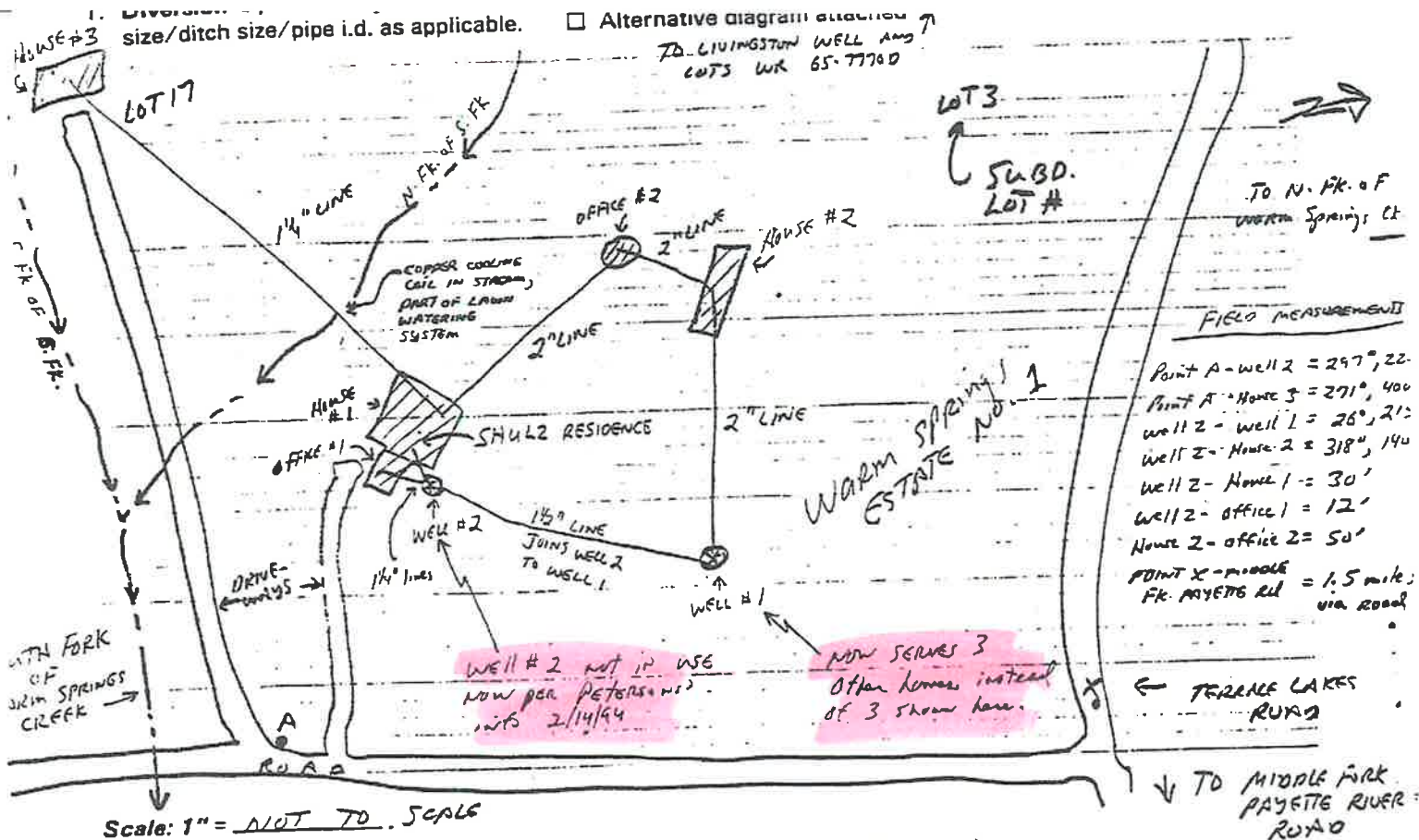
	<u>GAL/MIN</u>
Earl & Fay Livingston.....	31
Harry & Helen Burger.....	9
Harry & Lenette Burger.....	9
Usto & Diana Schulz.....	22
John & Margie Tribby.....	9
Lon & Renee Jarvis.....	18

98.0
===

HEATING

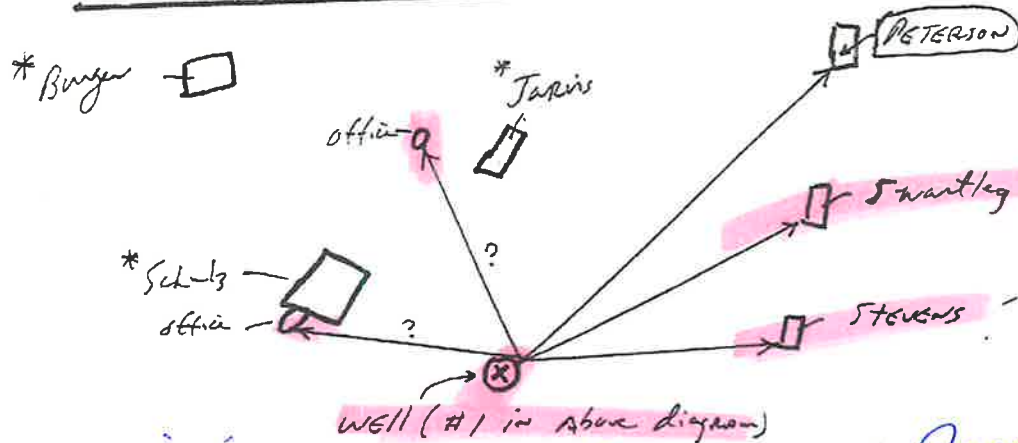
	<u>GAL/MIN</u>
Lon & Renee Jarvis.....	22
Usto & Diana Schulz.....	22
Harry & Helen Burger.....	9

Domestic
Lon & Renee Jarvis
Usto & Diana Schulz



2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

- ABOVE - FROM 1986 EXAM 65-077700 by JL.
- IN NOV. 1993, revisited site for exam 65-13050, nearby lot springs. was told by Mr. JARVIS that well #1 serves 3 new homes in Lot 3 of subd.
- FEB 14, 1994, PETERSONS filed change in ownership, portion of 65-077700. Right still supplies 3 homes (i.e. 2 offices), but SERVES 3 different homes instead of the 3 original. This is still within terms of water right.

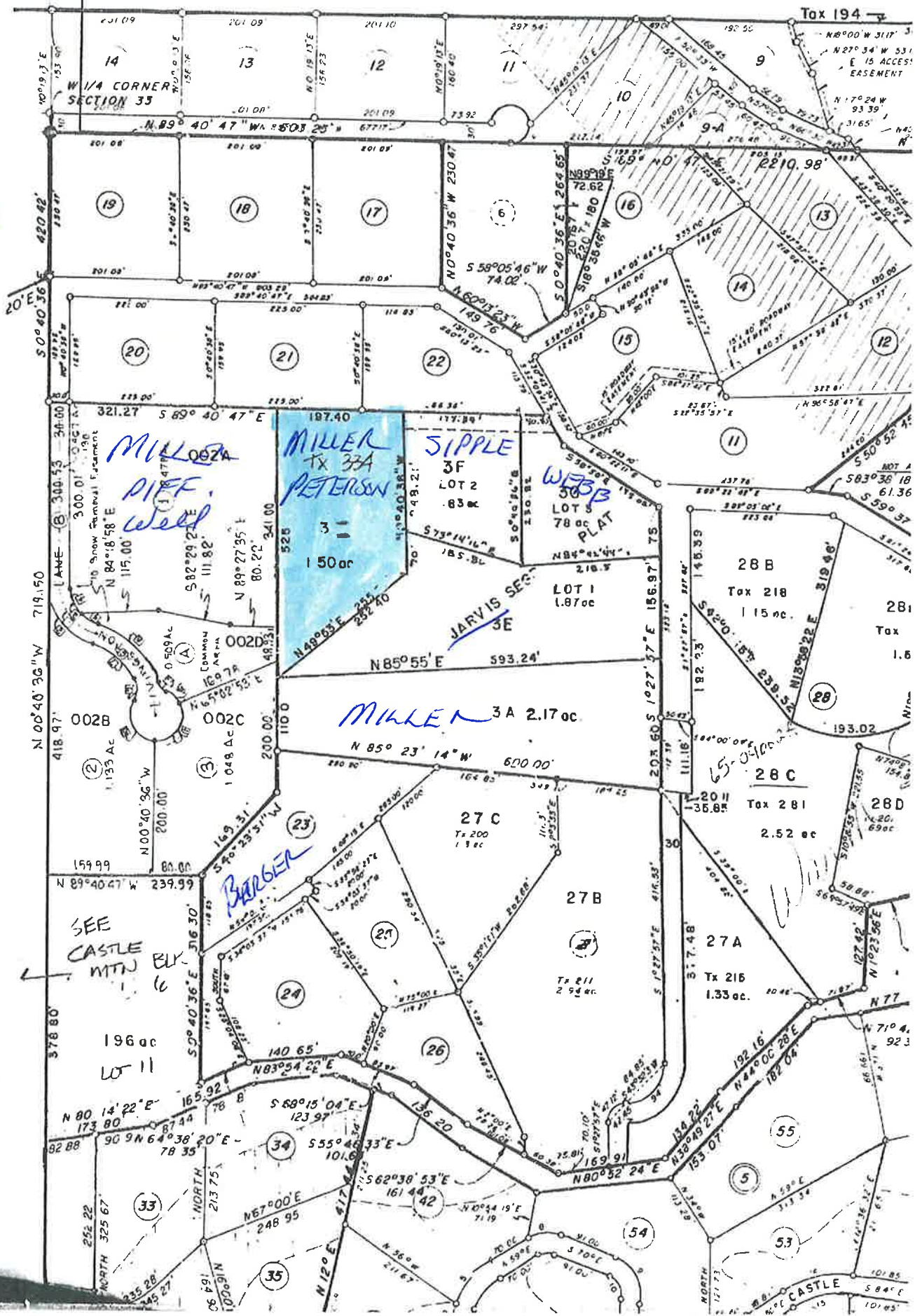


* O/S NOW SERVED by hot springs, other water rights.

JL
2/14/94

EXAM IN 1994 indicates 2 offices + 3 homes - well - Jarvis, Miller + Burger Hot Springs?

TAX 334 - "PETERSON"
BOISE CITY TAX MAP
3/27/87
PORTION OF LOT 3



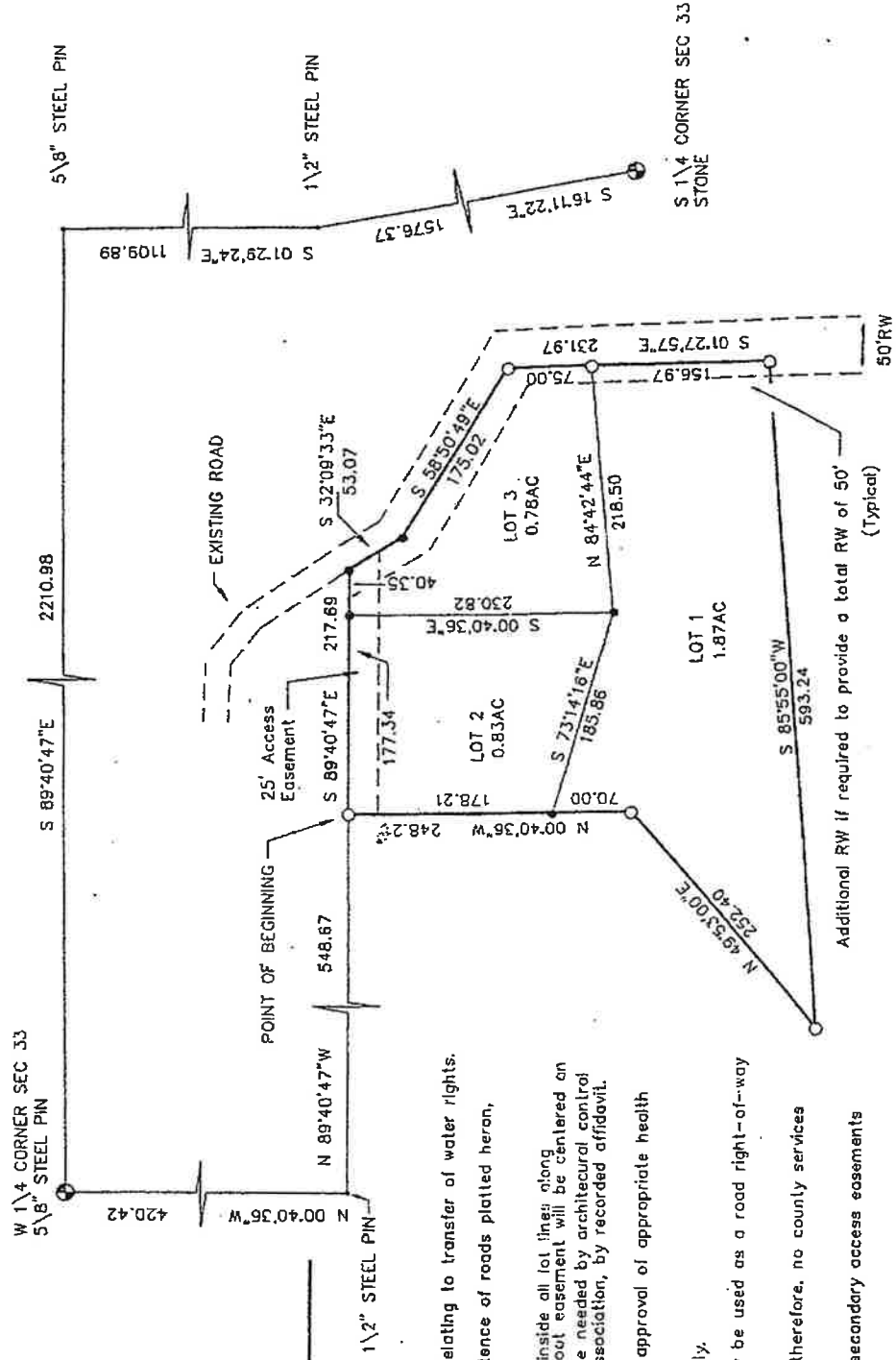
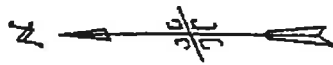
SHIP PARCEL NO
EE DIGITS)

JARVIS SEGREGATION PLAT

A PORTION OF LOT 3, WARM SPRINGS ESTATES NO 1 IN THE SW 1/4 OF SECTION 33, T10N, R4E 8M, BOISE COUNTY IDAHO.
 ROYLANCE AND ASSOCIATES PA - 1988

LEGEND

- 1/4 COR (Monument Indicated)
- FOUND 1 1/2" STEEL PIN
- SET 1 1/2" STEEL PIN & CAP
- STEEL PIN



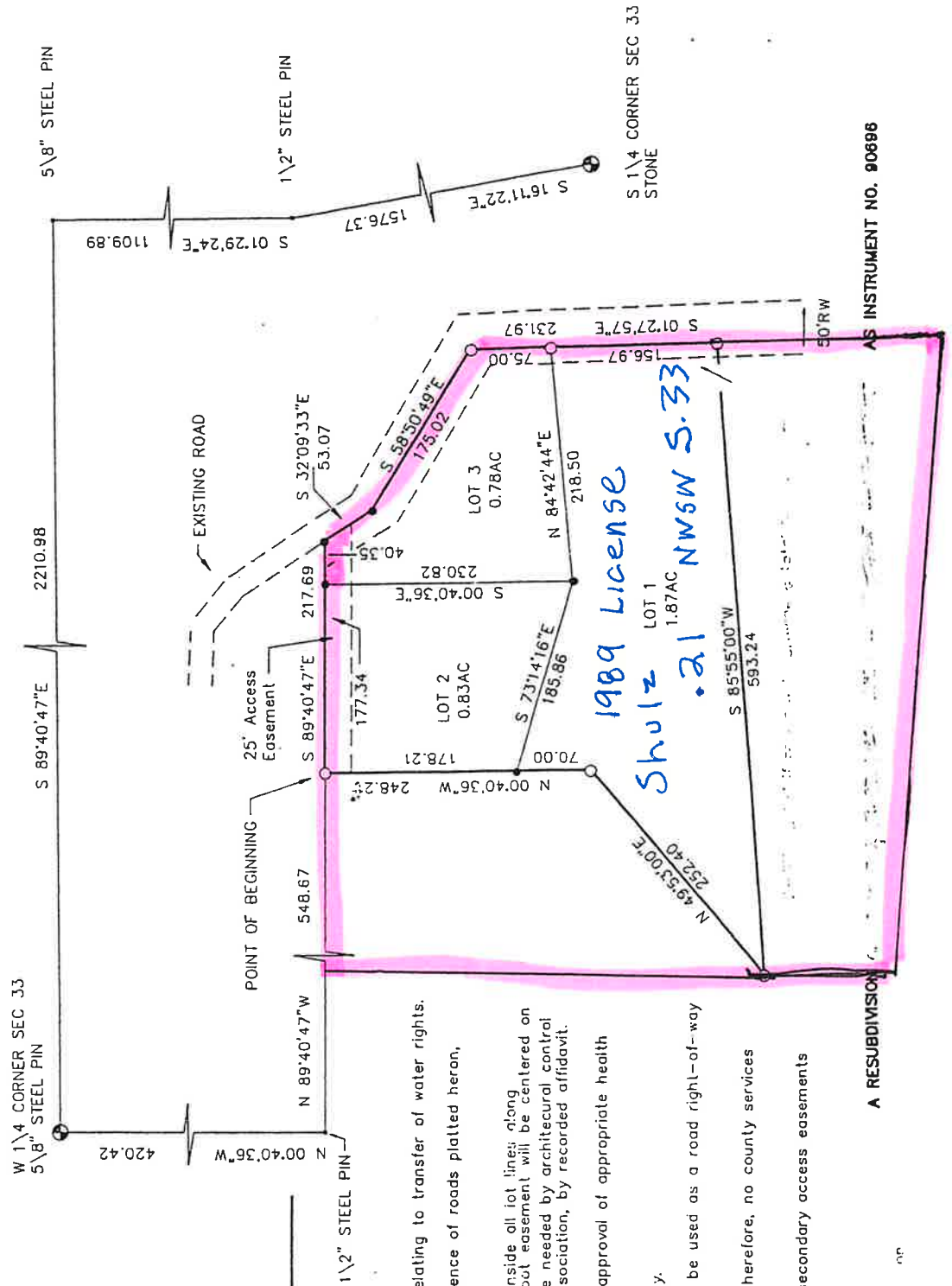
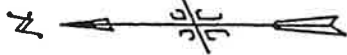
NOTES

- 1 The developer shall comply with I.C. 31-3805, relating to transfer of water rights.
- 2 Boise County assumes no responsibility for maintenance of roads platted hereon, subject to Boise County Ordinance 85-1.
- 3 A 12 foot utility and drainage easement exists inside all lot lines along roads and the subdivision boundary, and a 12 foot easement will be centered on all interior lot lines, unless determined not to be needed by architectural control committee, or if none, then by a homeowner association, by recorded affidavit.
- 4 Lots shall not be reduced by size without prior approval of appropriate health authority and the Boise County Commissioners
- 5 All areas shown hereon are for tax purposes only.
- 6 Utility and drainage easements along roads may be used as a road right-of-way easement and for snow storage.
- 7 All roads platted hereon are private roads and therefore, no county services except emergency in nature, will be provided.
- 8 Road grades shall not exceed 10% except that secondary access easements may exceed 10% gradient.
- 9 Building Setbacks: Front 20', Rear 10', Side 10', Side Flanking Road 15'

A RESUBDIVISION OF TRACT B & C TRACT C AS SHOWN ON RECORD OF SURVEY RECORDED AS INSTRUMENT NO. 90898

LEGEND

- | | |
|------------------------------|--|
| 1/4 COR (Monument Indicated) | |
| FOUND 1 1/2" STEEL PIN | |
| SET 1 1/2" STEEL PIN & CAP | |
| STEEL PIN | |



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- 9 Building Setbacks:

Front	20'
Rear	10'
Side	10'
Side Flanking Road	15'

Shulz to Johnson - Skipping over
Swartzley

No Water Provisions in Deeds
corrected to
exp. for Lot 2 18cfs / 18 gal per min



A RESUBDIVISION OF

Pre Decree

- ## NOTES
- 1 The developer shall comply with 1.C. 31-3805, relating to transfer of water rights.
 - 2 Boise County assumes no responsibility for maintenance of roads platted heron, subject to Boise County Ordinance 85-1.
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 - 9 Building Setbacks:
Front 20'
Rear 10'
Side 10'
Side Flanking Road 15'
- A RESUBDIVISION

JARVIS SEGREGATION PLAT

A PORTION OF LOT 3, WARM SPRINGS ESTATES NO 1 IN THE SW 1/4 OF SECTION 33, T10N, R4E BM. BOISE COUNTY IDAHO.
 ROYLANCE AND ASSOCIATES PA - 1988

LEGEND

1/4 COR (Monument Indicated)

1/4 COR (Monument Indicated)

1/4 COR (Monument Indicated)

1/4 COR (Monument Indicated)

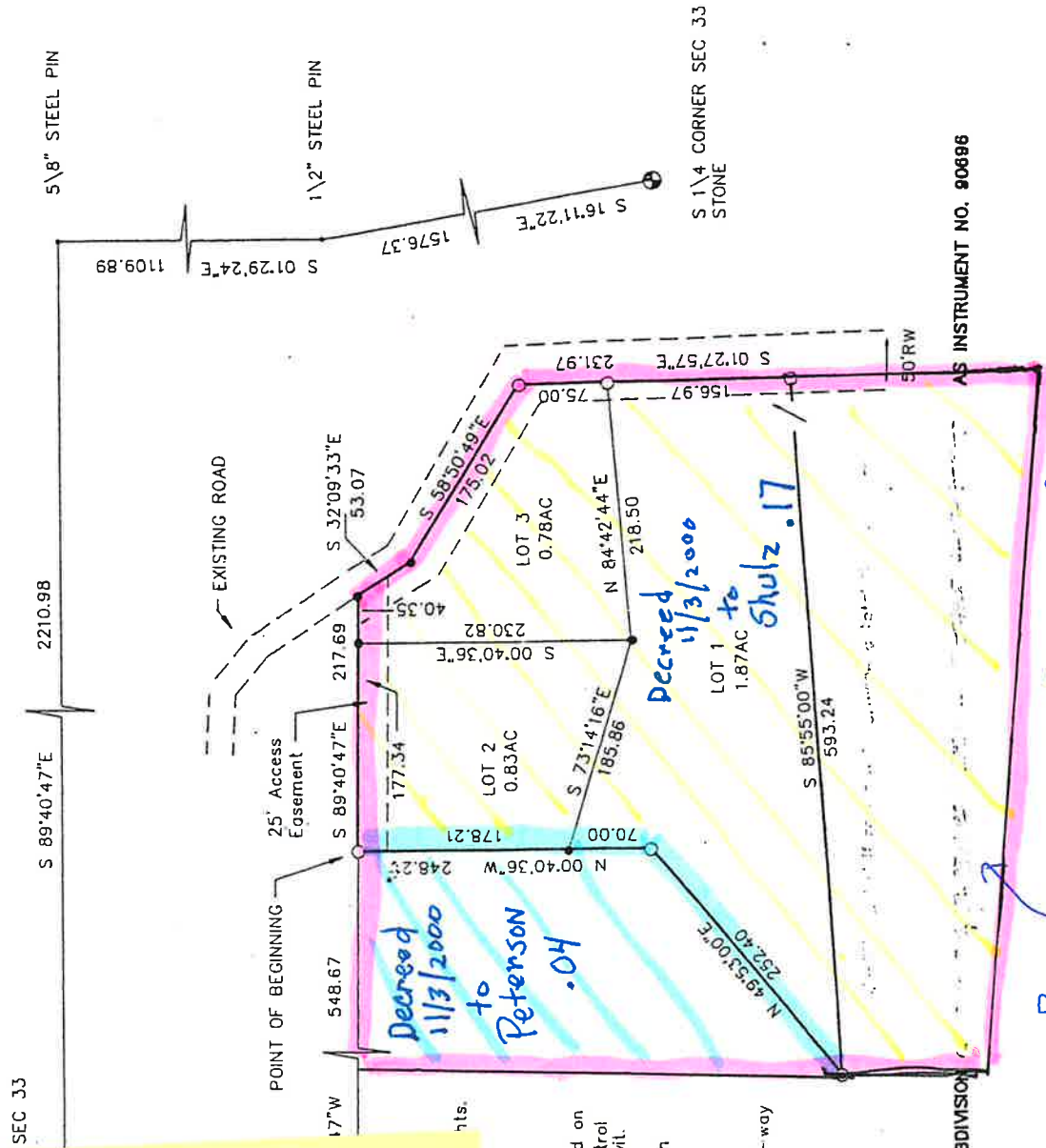
① Change of Ownership
 65-7770H dated
 May 1, 2001 initiated
 by Harry Berger should
 not be recognized.

Increase w. R # listed

NOTES

- The developer shall c
 - Boise County
 - A 12 foot util
 - Lots shall not
 - All areas sho
 - Utility and dr
 - All roads plat
 - Road grades
 - Building Setb
- ① 65-7770G
 Roads to be removed
 from Water Bank
- ② Change of Ownership
 dated 4-19-2001 initiated
 by Updike predecessor to Miller
 should be ~~not~~ recognized
 only a portion of
 65-7770G should been
 changed

Post Decree



Berger get a portion of G

Review of property transfers for what was known as Lot 3, Warm Springs Estates No. 1 (approximately 7.5 acres).

Lot 3 as described on Instrument # 90796 was comprised of Tracts A, B, C, and D. Tract C was divided into 2 parts. I believe this took place when Lon Jarvis filed the Jarvis Segregation Plat in 1988 (Instrument # 128898 – often incorrectly referenced on deeds as 12888 and 128888).

All are described as a portion of Lot 3, Warm Springs Estates No. 1

Tract	Jarvis Segregation Plat	Parcel No.	Tax Lot Holder 3/2010
A		RP08201000003H	Cleo & Barbara Miller
B	Lot 1	RP08201000003E	Lon & Muriel Jarvis
C	Lot 2	RP08201000003F	Wm Sipple, Jamie Anderson
C	Lot 3	RP08201000003G	Mac Webb
D		RP08201000003I	Lyle & Janna Miller

Usto & Dorothy Schulz purchased the property on July 29, 1974 (per deed in 65-7540) from Ernest & Elizabeth Hubbard.

Usto Schulz then sold portions of the parcel in 4 transactions. The attached spreadsheet shows the sales from Schulz to the next entity in bold, then subsequent transfers in title are listed.

I am confused by the transactions for parcel 3F.

Original deeds (none of which had a reference to any water rights):

1981 Schulz – Jarvis
 1990 Jarvis – Swartley
 1996 Swartley – Johnson
 2005 Johnson – Sipple/Anderson

Corrected deeds (appear to primarily address conveyance of water right 65-7770c):

1996 – 2 deeds issued in the transaction from Swartley to Johnson. The one listed above, and a second one from Schulz – Johnson (162612) with added language – 18 cfs of 65-7770c.

- ? Why the deed from Schulz to Johnson when Schulz sold the property to Jarvis in 1981.
- ? If it was for the purpose of conveying part of water right 65-7770c, was it Schulz's to convey?
 (I left a message for Mark Anderson at Pioneer Title 208-373-3666. I wanted to find out if they knew why both deeds were executed to transfer the title to the Johnsons.

That deed (162612) was then corrected in either Dec. 1996 or Jan. 1997 (163419). The correction went from 18 cfs to 18 gpm. This amount makes sense as water right 65-7770c was for 0.21 cfs - for 3 homes and 2 offices. Also, 19 gpm of water right 65-7770c was conveyed on 4/12/92 to parcel 3I. Leaving 0.17 cfs for 2 homes and 2 offices. It seems timely, but not initialed.

That deed (162612/163419) was again corrected around January 2007 (211828) by the Johnsons (their initials are on the deed). They changed 18 gpm to 0.21 cfs of water right 65-7770c. The Johnsons also corrected their 2005 deed to Sipple/Anderson. They added the same 0.21 cfs of water right 65-7770c.

2/1/12

65-7770G & 65-7540

Water Right should be divided up between:

Cleo Miller
Jarvis
Sipple/Anderson
Webb

1st meeting with Sipples. 2nd meeting with Jarvises and 3rd meeting with Cleo Miller.

1986 Field exam found water going to Schulz, Jarvis and Berger

1993 Field exam found water going to Peterson, Sipple and Webb (Steve Lester told by Lon Jarvis that those 3 homes were all that used the water when in fact the earlier 3 homes were still using that water.

Problem is that the 1986 field exam resulted in a license being issued for 3 homes and 2 offices.

Change of ownership on this right for 1 home went to Peterson who was a member of the 1993 homes. It was decided that the 1993 exam would trump the 1986 exam which should not have happened. New water rights should have been filed when the 3 homes were added onto the well.

Deeds have been filed assuming the water was Usto Schulz to give when Usto Schulz only had a portion of the right. This followed through when he sold to Updike and Updike to Miller.

Mr. Miller unknowingly put the whole thing into the Water Bank based on non-use by him? Question to ask him when we meet with him. He did not have the entire water right to put into the water bank. Still could leave his portion in the water bank if it is not being used. The other portions are still being used. Mr. Miller thought the entire water right was his from past documents (deeds).

Only way to fix the whole mess is to:

- A – Split the water right up 4 ways into Miller, Jarvis, Sipple/Anderson, Webb.
- B – Split the water right 2 ways into Miller and Jarvis, then Jarvis splits their portion of the water right into 3 portions for Jarvis, Sipple/Anderson/Webb.
- C - Split the water right 2 ways into Miller and Jarvis. Sipple/Anderson and Webb file new water rights.
- D – Take the whole thing to Court and get a decision that way.

Each meeting will discuss these possibilities.

Decide what to do on the Peterson/Berger situation. The reason the change of ownership was done for the Peterson is explained in my memo to the file. Steve's field exam in 1993 stated that the 3 homes were now 3 different homes and that the original 3 homes were no longer using the

water? Lon Jarvis explained it this way or at least Steve understood it this way. When the change of ownership came in for Peterson it was processed with the idea that it was one of the 3 homes using the well. This was the re-review for the SRBA. Then, when Berger submitted his change of ownership, the change was made for whatever reason. May need to split this water right with .02 for each and send a letter of explanation.

Lic 65-07770C

3 homes } A-E 1986 *

2 offices } D-H 1993 **

65-13050
Map #1

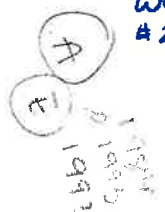
B) Burger
Home



LOT
17

A) Schulz
home

E) Office



Old Muller
Barbara Muller

C) Jarvis
Home

D) Office



H) Peterson
home

NO DIC



LOT
3

3 Lyle Muller

G) 2

SWARTLEY
home



Anderson
current
parcel
owner

F) 1

STEVENS
Home



McCabe
current
parcel
owner
+ Submitted
etc

Access
Road

* WGS found from well #1
1986 Exam 65-07770C
(Schulz)

** WGS found from well #1
1993 Exam 65-13050
(JARVIS)
nearly hot springs

I examined the info shown here
per 1986 & 1993 field trips. - JZ 2/14/94

SPLIT TREE 65-07770 C

SD-0607-2 Prefix: A Basin: 65 Starting Water Right: 07770 STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A65-07770B	WITHROW, ARNOLD F	C	11/29/1976	L/	GROUNDWATER	43 DOMEST
	WITHROW, JB	C				22 HEAT
A65-07770C	SCHULZ, USTO E	C	12/19/1976	L/	GROUNDWATER	22 HEAT
	SCHULZ, DIANA G	C				43 DOMEST
A65-07770D	SPLIT CLAIM,	C	12/18/1976	/Z	GROUNDWATER	22 HEAT
					SPLIT CLAIM	43 DOMEST
A65-07770E	LIVINGSTON, FAY	C	12/18/1976	L/	GROUNDWATER	22 HEAT
	LIVINGSTON, EARL	C				43 DOMEST
A65-07770F	HERRING, NANCY	C	12/18/1976	L/	GROUNDWATER	22 HEAT
	HERRING, EDWARD	C				43 DOMEST
A65-07777	DAVIS CATTLE CO,	C	12/03/1976	P/	FLAT CREEK	01 IRR
A65-07779	DEWEY, IVERGENE	C	12/06/1976	L/	SHAFFER CREEK	01 IRR
	DEWEY, COLLENE E	C				
A65-07781	FRISBIE, SCOTT	C	12/07/1976	D/	UNNAMED STREAM	49 FIRE
	FRISBIE, ROBERT	C				
A65-07784	WARRICK SUBDIVISION,	C	02/15/1977	L/	GROUNDWATER	43 DOMEST

(Enter=Continue)

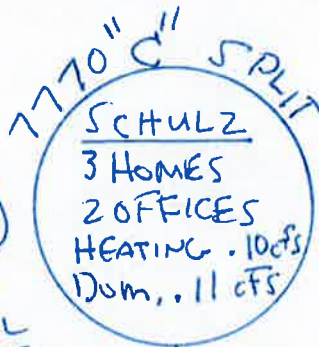
(GOLD7=This Query)

(Menu _____)

NEXT SPLITS

HEATING .10 cfs/5 =
.02 cfs/UNIT (96PM)

Dom DEED & OWNERSHIP
CHG REFLECT TOTAL
OF 196PM / 0.04 cfs
Thus PETERSON'S = .02 cfs

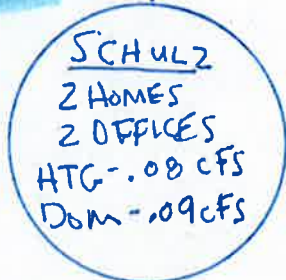


FILED 2/14/94
OWNERSHIP CHANGE NOTICE
SPLITS INTO G & H.

SPLIT

(G)

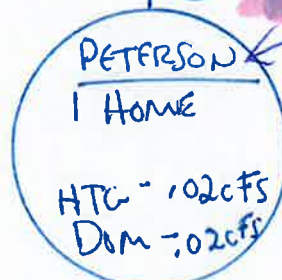
GROUND WATER
SOURCE



"G" TOTAL = .17 cfs

SPLIT

(H)



"H" TOTAL = .04 cfs

NEW
LYNE MILLER
?

CORRECTION

WARRANTY DEED

For Value Received ERNEST E. HUBBARD and ELIZABETH HUBBARD, husband and wife, of Fairbanks, Alaska, and DWIGHT G. PARKS and JEAN PARKS, husband and wife, of Garden Valley, County of Boise, Idaho,

the grantor s, do hereby grant, bargain, sell and convey unto

USTO E. SCHULZ and DOROTHY B. SCHULZ, husband and wife,

the grantee s, whose current address is Box 7, Garden Valley, Idaho, 83622

the following described premises, in

Boise

County Idaho, to-wit:

Lot 3, Warm Springs Estates No. 1, according to the official plat thereof on file and of record with the County Recorder of Boise County, Idaho.

Including all water and ditch rights appurtenant thereto or used in connection therewith. Subject to easements, rights of ways, exceptions, and reservations, if any.

This deed is executed and delivered with the understanding and agreement that the said grantees are taking the property subject to existing restrictive covenants; provided, however, any restrictive covenant impairing the right of said grantees to a non-exclusive easement, not to exceed 10 feet in width, to provide a flow of water by means of a pumping system and pipe from a hot springs situated on other lands of Grantors, to the lands described in this deed is waived and declared inapplicable to this particular conveyance. Any pipe used for the conveyance of said hot water shall not exceed 12" in diameter. This grant and conveyance includes said non-exclusive easement for said purpose.

The intent and purpose of this correction deed is to clarify the wording in connection with the easement for water, above-described. The original deed was between the same parties, dated July 29, 1974, and recorded as Instrument # 81201, September 3, 1974, in Boise County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 17th, 1976

Ernest E. Hubbard

Dwight G. Parks

Elizabeth Hubbard

Jean Parks

STATE OF IDAHO, COUNTY OF Boise
On this 17th day of October, 1976,
before me, a Notary Public in and for the said State, personally appeared
DWIGHT G. PARKS and
JEAN PARKS husband and wife,

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Residing at Emmett
Comm. Expires 1977
Notary Public
Idaho

STATE OF IDAHO, COUNTY OF Boise
I hereby certify that this instrument was filed for record at
the request of Mrs. Dorothy Schulz
at 10 minutes past 1 o'clock P.M.,
this 15th day of May,
1977, in my office, and duly recorded in Book 73
of Deeds at Page 285

Robert J. Ladd
Ex-Officio Recorder
By *Judy Lanning* Deputy.

Fees \$ 1.00

Mail to: Box 7

Garden Valley, Idaho 83622

STATE OF ~~MAINE~~ ALASKA
County of Denali

On this 17th day of October, 1976, before me, the undersigned, a Notary Public in and for said ~~Commonwealth~~ State, personally appeared ERNEST E. HUBBARD and ELIZABETH HUBBARD, husband and wife, known to me to be the person s whose name s are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Samuel J. Lanning
Notary Public for State of Alaska
Residing at Emmett, Idaho

INSTRUMENT NO. 86214



A Pioneer Company

**PIONEER TITLE COMPANY
OF ADA COUNTY**

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

WARRANTY DEED

For Value Received

USTO SCHULZ and DIANA G. SCHULZ, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

ERNEST A. UPDIKE and DEBORAH J. UPDIKE, husband and wife

hereinafter referred to as Grantee, whose current address is

6 SNOW SPRING LANE, GARDEN VALLEY, ID 83622

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A" WHICH BY THIS REFERENCE BECOMES A PART HEREOF AND IS
COMPRISED OF ONE (1) PAGE.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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: September 8, 1999.

Usto Schulz 174486
USTO SCHULZ

Diana G. Schulz
DIANA G. SCHULZ

INST# 174486
REQUEST mtm-view

99 SEP 10 PM 3:13

BOISE COUNTY RECORDER

Shirley George
TYPE Real Fee 16.00 ck

STATE OF ^{New York} ~~IDAHO~~)
COUNTY OF ^{New York} ~~ADA~~) ss.

On This 9TH day of September, in the year 1999, before me, a Notary Public in and for said State, personally appeared USTO SCHULZ AND DIANA G. SCHULZ, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

SHERI G. BUCHMAN
Notary Public, State of New York
No. 4883207
Qualified in Suffolk County
Certificate Filed in New York County
Commission Expires Jan. 28, 2001

Sheri G. Buchman
Notary Public of ~~Idaho~~ ^{New York}
Residing at ^{New York, NY}
Commission expires: Jan 26, 2001

FILE NO.: P184291

EXHIBIT A

1 
A PORTION OF LOT 3, WARM SPRINGS ESTATES NO. 1, ACCORDING TO THE PLAT
THEREOF, FILED UNDER INSTRUMENT NO. 80717, RECORDS OF BOISE COUNTY, IDAHO,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A STEEL PIN MARKING THE SOUTHEAST CORNER OF LOT 3, WARM
SPRINGS ESTATES NO. 1; THENCE
NORTH 1 DEGREE 27' 57" WEST ALONG THE BOUNDARY LINE OF SAID LOT 3, A
DISTANCE OF 203.60 FEET TO A STEEL PIN; THENCE
SOUTH 85 DEGREES 55' WEST 593.24 FEET TO A STEEL PIN; THENCE
SOUTH 49 DEGREES 53' WEST 3.17 FEET TO A STEEL PIN ON THE BOUNDARY LINE,
OF SAID LOT 3; THENCE
SOUTH 0 DEGREE 40' 36" EAST ALONG SAID BOUNDARY LINE 111.00 FEET TO A STEEL
PIN MARKING THE SOUTHWEST CORNER OF SAID LOT 3; THENCE
SOUTH 85 DEGREES 23' 14" EAST ALONG THE BOUNDARY LINE OF SAID LOT 3, A
DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

258721
CB/SB



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY

661 S. Rivershore Lane, Suite 110 / Eagle, Idaho 83616
(208) 938-8075

IDAHO CITY, BOISE COUNTY, IDAHO
2005-10-24 03:31:05 No. of Pages: 2
Recorded for : PIONEER TITLE
RORA A. CANODY
Ex-Officio Recorder Deputy *Ally* Fee: 6.00
Index to: DEEDS

WARRANTY DEED

For Value Received

ERNEST A. UPDIKE and DEBORAH J. UPDIKE, Husband and

Wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

CLEO R. MILLER and BARBARA A. MILLER, Husband and Wife

hereinafter referred to as Grantee, whose current address is 1509 W. Greenhurst, Nampa, ID 83686
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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 7, 2005

Ernest A. Updike
Ernest A. Updike

Deborah J. Updike
Deborah J. Updike

STATE OF Idaho. County of Ada, ss.

On this 7th day of October, in the year of 2005, before me The Undersigned, notary public personally appeared Ernest A. Updike and Deborah J. Updike known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Terry W. Kirkman
Terry W. Kirkman
Notary Public of Idaho
Residing
Mendota, Idaho

at

EXHIBIT A

A portion of Lot 3, Warm Springs Estates No. 1, according to the plat thereof, filed under Instrument No. 80717, records of Boise County, Idaho, being more particularly described as follows:

Beginning at a steel pin marking the Southeast corner of Lot 3, Warm Springs Estates No. 1;
thence
North $1^{\circ}27'57''$ West along the boundary line of said Lot 3, a distance of 203.60 feet to a steel pin;
thence
South $85^{\circ}55'$ West 593.24 feet to a steel pin; thence
South $49^{\circ}53'$ West 3.17 feet to a steel pin on the boundary line of said Lot 3; thence
South $0^{\circ}40'36''$ East along said boundary line 111.00 feet to a steel pin marking the Southwest corner of said Lot 3; thence
South $85^{\circ}23'14''$ East along the boundary line of said Lot 3, a distance of 600.00 feet to the point of beginning.

65-77706

cc: T/ick, Vicki K.
1-30-01.

ERO Resources Corp
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax 373-7985

ERO

Denver • Boise

www.eroresources.com
eroboise@eroresources.com

RECEIVED

JAN 30 2001

Department of Water Resources

RECEIVED

FEB 02 2001

WATER RESOURCES
WESTERN REGION

January 29, 2001

65-7540
✓-7562
✓-3238A
✓-77706

Don Shaff
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: ERO Project 1460

Dear Don:

After our discussions some weeks ago with regard to the handling of Mr. Usto Schulz's water right claims in the SRBA, I am providing you with a letter signed by Mr. Schulz and his wife asking that all documents and correspondence relating to his water rights filed as claims in the Snake River Basin Adjudication be sent directly to me. You indicated that if we provided you with this formal request you would be able to arrange the records to meet our request.

If you have any questions or need additional information, please do not hesitate to give me a call.

Sincerely yours,



Sheri L. Chapman

SLC:sw

cc: Usto Schulz (w/o encl.)

re records modified
1-31-01.
-M

January 3, 2001

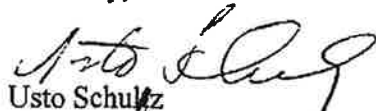
David Tuthill
Chief, Adjudication Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Tuthill:

After consultation with Mr. Don Shaff and Nick Spencer, both of the Department of Water Resources, I understand that I can designate an individual to receive all notices, mailings, and other correspondence regarding my water rights in the Snake River Basin Adjudication. I am temporarily out of the area and have had significant difficulty in receiving the proper correspondence on a timely basis. Because of this problem I want to designate Mr. Sherl L. Chapman of ERO Resources Corporation, 1106 N. Cole Rd., Suite C, Boise, Idaho 83704-8661 to receive all notices, correspondence, and documents for me until further advised. I have attached a list, provided by the Department, of the pertinent water rights.

If you have any questions please contact me or Mr. Chapman directly.

Sincerely,


Usto Schultz


Diana Schultz

SD-0601-2 Last Name: SCHULZ

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	SCHULZ						
-	USTO E	C	A65-07540	04/07/1975	WARM SPRING	0.120	22 HEAT
-							43 DOMEST
-	USTO E	C	A65-07562	07/09/1975	WARM SPRING	0.040	43 DOMEST
-	USTO E	O	A65-07770B	11/29/1976	GROUNDWATER	0.060	43 DOMEST
-							22 HEAT
-	DOROTHY B	O	A65-07770B	11/29/1976	GROUNDWATER	0.060	43 DOMEST
-							22 HEAT
-	~~ROBERT W~~	~~C~~	~~A65-12044~~	~~10/29/1977~~	~~GROUNDWATER~~	~~0.040~~	~~43 DOMEST~~
-	~~ROBERT W~~	~~C~~	~~A65-12044~~	~~10/29/1977~~	~~GROUNDWATER~~	~~0.040~~	~~43 DOMEST~~
-	USTO E	C	65-07562	07/09/1975	WARM SPRING	0.040	43 DOMEST
-	USTO	C	A65-03238A	06/01/1883	WARM SPRING	0.380	01 IRR
-					WARM SPRING		43 DOMEST
-							22 HEAT
-	DIANA	C	A65-03238A	06/01/1883	WARM SPRING	0.380	01 IRR
-					WARM SPRING		43 DOMEST

(Enter=Continue)

(COLD7=This Query)

(Menu _____)

SD-0601-2 Last Name: SCHULZ

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	STATE Use Code Desc
	SCHULZ						
	DIANA	C	A65-03238A	06/01/1883			
	ROBERT W	C	65-12044	10/29/1977	GROUNDWATER	0.380	22 HEAT
	ROBERT W	C	65-12044	10/29/1977	GROUNDWATER	0.040	43 DOMEST
	DIANA G	O	A65-07770H	12/19/1976	GROUNDWATER	0.040	43 DOMEST
	USTO E	O	65-07770H	12/19/1976	GROUNDWATER	0.040	22 HEAT
	DIANA G	O	65-07770H	12/19/1976	GROUNDWATER	0.040	43 DOMEST
	USTO E	O	65-07770B	11/29/1976	GROUNDWATER	0.060	43 DOMEST
	USTO E	O	A65-07770H	12/18/1976	GROUNDWATER	0.100	22 HEAT
	DOROTHY B	O	A65-07770D	12/18/1976	SPLIT CLAIM	0.100	43 DOMEST
					SPLIT CLAIM		43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _ _)

SD-0601-2 Last Name: SCHULZ

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	SCHULZ						
-	USTO E	C	65-07540 ✓	04/07/1975	WARM SPRING	0.120	22 HEAT 43 DOMEST
-	USTO E	C	A65-07770G ✓	12/19/1976	GROUNDWATER	0.170	22 HEAT 43 DOMEST
-	DIANA G	C	A65-07770G	12/19/1976	GROUNDWATER	0.170	22 HEAT 43 DOMEST
-	DIANA G	O	R65-07770C	12/19/1976	GROUNDWATER SPLIT CLAIM	0.210	22 HEAT 43 DOMEST
-	USTO E	C	65-07770G	12/19/1976	GROUNDWATER	0.170	22 HEAT 43 DOMEST
-	DIANA	C	65-03238A	06/01/1883	WARM SPRING WARM SPRING	0.380	01 IRR 43 DOMEST 22 HEAT
-	USTO	C	65-03238A	06/01/1883	WARM SPRING WARM SPRING	0.380	01 IRR 43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

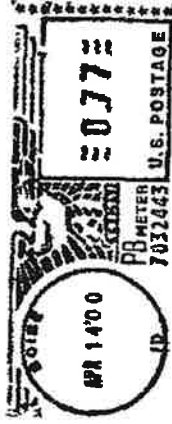
(Menu _____)

SD-0601-2 Last Name: SCHULZ

S	O	STATE
E	W	
L	N	
First	Water	
Name	Right No.	
	Priority	
	Date	
	Source	
	Total	
	Diversions	
	Use	
	Code Desc	
SCHULZ		
USTO	C 65-03238A	06/01/1883

0 200 22 0000

Dept. of Water Resources
Adjudication Bureau
P. O. Box 80720
Holt, IN 46120-0098



RECEIVED
APR 18 2000
WATER RESOURCES
WESTERN REGION

402

ATTENTION TO PERSON

☒ MAIL LEFT NO ADDRESS
☐ MAIL DELIVERABLE AS ADDRESSED
☐ UNDELIVERED - NO RETURN
☐ UNDELIVERED - NO RETURN
☐ NO SUCH STREET - RETURNED
☐ NO POST OFFICE - RETURNED
☐ NO MAIL RECEIPT ADDRESS
☐ MAIL CLOSED NO DELIVER

65-03238A
DIANA SCHULZ
USTO SCHULZ
HC 76 BOX 4048
GARDEN VALLEY ID 83622

65-07540

-077709

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER 65-07770G

NAME AND ADDRESS: USTO E SCHULZ
DIANA G SCHULZ
HC 76 BOX 4048
GARDEN VALLEY ID 83622

SOURCE: GROUNDWATER

QUANTITY: 0.17 CFS
3.6 AFY

PRIORITY-DATE: 12/19/1976

POINT OF DIVERSION T10N R04E S33 NWSW Within BOISE County

PURPOSE AND

PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	HEATING	01-01 12-31	0.08 CFS
	DOMESTIC	01-01 12-31	0.09 CFS
			3.6 AFY

DOMESTIC USE IS FOR 2 HOMES & 2 OFFICES.
HEATING USE IS FOR 2 HOMES & 2 OFFICES.

PLACE OF USE: HEATING Within BOISE County
T10N R04E S33 NWSW

DOMESTIC Within BOISE County
T10N R04E S33 NWSW

OTHER MATTERS 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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL. BASIS OF CLAIM - LICENSE

PLACE OF USE ALSO KNOWN AS WARM SPRINGS ESTATES NO. 1
RIGHT NO 65-07770H IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 11, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

65-07770G
USTO E SCHULZ
DIANA G SCHULZ
HC 76 BOX 4048
GARDEN VALLEY ID 83622

RE: Water Rights in Reporting Area 15, Basin 65
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in part 2 of basin 65 (the South and Middle Fork of the Payette River drainage areas). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 60 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Cascade, Idaho City, Emmett, Payette, and Weiser, and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed near the end of this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

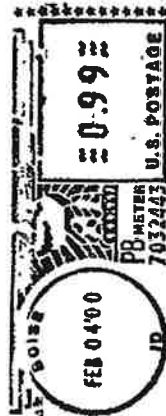
Sincerely,

Karl J. Dreher
Director

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED

FEB 08 2000

WATER RESOURCES
WESTERN REGION



- ☒ RETURN TO SENDER
- ☒ MOVED, LEFT NO ADDRESS
- ☒ NOT DELIVERABLE AS ADDRESSED
- ☒ UNCLAIMED, NOT KNOWN
- ☒ NO SUCH STREET, NUMBER
- ☒ DO NOT RE-MAIL IN THIS ENVELOPE
- ☒ INADEQUATE ADDRESS
- ☒ NO MAIL RECEIPTABLE
- ☒ BOX CLOSED NO ORDER

R65-07770G
USTO E SCHULZ
DIANA G SCHULZ
HC 75 BOX 4048
GARDEN VALLEY

ID 83622

65-07540
-08238A

Mailed to this address 2-11-2000
3845 Sea Island Ct.
Meridian 83642

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way

Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

★ ★ ★
111 PB8594393
9462 \$00.330 DEC 15 99
3264 MAILED FROM BOISE ID 83705

RECEIVED

DEC 20 1999

WATER RESOURCES
WESTERN REGION

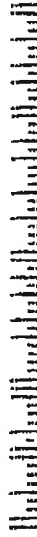
USTO E SCHULZ
DIANA G SCHULZ
HC 76 BOX 4048
GARDEN VALLEY ID 83622



- ☒ MOVED, LEFT NO ADDRESS
- ☐ NOT DELIVERABLE AS ADDRESSED
- ☐ UNDELIVERABLE TO FORWARD
- ☐ UNCLAIMED
- ☐ NO SUCH STREET - NUMBER
- ☐ DO NOT RE-MAIL IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEIPTABLE
- ☐ BOX CLOSED NO ORDER

A65-01770 G

A3622-9 83705/5082



DATE: 12/16/99
PAGE: 1

Remarks:	USE DOMESTIC USE IS FOR 2 HOMES & 2 OFFICES. HEATING USE IS FOR 2 HOMES & 2 OFFICES.
EXP	PLACE OF USE ALSO KNOWN AS WARM SPRINGS ESTATES NO. 1. RIGHT NO. 65-07770H IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
Dates:	Exam Made Date: Verified Date: 12/16/1999 Objection Filed Date:
Misc:	Water District Number: Field Inspection Flag: Presumption Flag:

AJ0749NP
No. R65-07770G

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/16/99
PAGE: 2

Comments:

Date: 12/16/1999 User-ID: RHOWERTO Subject: DOMESTIC USE
THE TWO HOMES REMAINING HERE ARE DIFFERENT FROM THE ORIGINAL 3
HOMES RECOMMENDED FROM ORIGINAL FIELD EXAM DONE IN 1986.
THE SITE WAS REVISITED IN 1993 BY IDNR, FINDING THAT THE RIGHT
STILL SUPPLIES 3 HOMES BUT ARE DIFFERENT. AN OWNERSHIP CHANGE
WAS FILED ON ONE OF THE 3 DIFFERENT HOMES AND RECOMMENDED AS
65-07770H. NO ONE HAS COME FORTH TO DATE TO CLARIFY THE OWNERSHIP
OF THE REMAINING 2 HOMES.

Audit:

12/16/99 RHOWERTO

CLAIM NO. 65-077706

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
NEW OWNER: _____
☐ No Change ADDRESS
NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

- SEE SPLIT TREE
- SEE COMMENTS ON "R" FILE
- LICENSE IS NOT LIMITED TO 13000 GPD FOR DOMESTIC, HOWEVER IF THE DOMESTIC 2-HOMES REMAINING ARE SPLIT FROM THIS RIGHT THEY SHOULD BE LIMITED TO 13000 GPD. REL (NII only).

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☐
MAP ☒
SYSTEM DIAGRAM ☒

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED: IN-OFFICE 12/18/99

FIELD EXAMINER: Ron Howerton

Signature

D Sr Water Agent
Ron Howerton



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

USTO E SCHULZ
DIANA G SCHULZ
HC 76 BOX 4048
GARDEN VALLEY ID 83622

Re: Original Notice of Claim to a Water Right No. A65-07770C

Renumbered to Notice of Claim to a Water Right No. A65-07770G

Dear Claimants:

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

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

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB:d

Enclosure

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	USTO E SCHULZ DIANA G SCHULZ HC 76 BOX 4048 GARDEN VALLEY ID 83622 (208) 462-3696	12/19/1976	HEATING DOMESTIC	01-01 12-31 01-01 12-31	0-168 CFS 0-118 CFS	4.80 AFA
			TOTAL DIVERSION:		0-210 CFS	4.80 AFA
			Tributary to: MSW			
			Water Source: GROUNDWATER			
			Point(s) of Diversions: T10N R04E S33			
			Place of use Legal Description for: HEATING ME NW			
T	R	S	MENE NAME SE NE	SESW MSW SUW SWW	NESE MSWE SUSE SESE	
Lt	Ac	Lt	Ac	Lt	Ac	Lt
10N	04E	33	:	:	:	:

Stage: LICENSE
BOISE County

3.6 AFA
-17 cfs

Water Source: GROUNDWATER

Point(s) of Diversion: T10N R04E S33

MSM

BOISE County

Place of use Legal Description for: HEATING

[illegible]

Place of use location for DOMESTIC is the same location as described for: HEATING

POU County: BOISE

Non-Irrigation Uses: DOMESTIC FOR 3 HOMES, 2 OFFICES

Other Rights: A65-07562, A65-07540

Remarks: GEN

Place of use also known as Lots 3- Warm Springs Estates

No. 1.
2 points of diversion located in NWSW, S33, T10N, R4E.
Domestic use is for 3 homes & 2 offices.

Dates:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

DATE: 06/13/96
PAGE: 1

DIVERSION
VOLUME

4.80 AFA

Made F - '02 cpa bkg } 1 home
'02 cpa cloth }

No. 65-07770C

**IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT**

DATE: 03/17/99
PAGE: 45

OWNER

NAME & ADDRESS

C USTO E. SCHULZ
HC 76 BOX 4048
GARDEN VALLEY ID 83622

C DOROTHY B. SCHULZ

PRIORITY
DATE

12/19/1976 HEATING DOMESTIC

WATER USE

HEATING DOMESTIC

USE PERIOD	FROM	TO
1	1/1/1980	12/31/1980
2	1/1/1981	12/31/1981
3	1/1/1982	12/31/1982
4	1/1/1983	12/31/1983
5	1/1/1984	12/31/1984
6	1/1/1985	12/31/1985
7	1/1/1986	12/31/1986
8	1/1/1987	12/31/1987
9	1/1/1988	12/31/1988
10	1/1/1989	12/31/1989
11	1/1/1990	12/31/1990
12	1/1/1991	12/31/1991
13	1/1/1992	12/31/1992
14	1/1/1993	12/31/1993
15	1/1/1994	12/31/1994
16	1/1/1995	12/31/1995
17	1/1/1996	12/31/1996
18	1/1/1997	12/31/1997
19	1/1/1998	12/31/1998
20	1/1/1999	12/31/1999
21	1/1/2000	12/31/2000
22	1/1/2001	12/31/2001
23	1/1/2002	12/31/2002
24	1/1/2003	12/31/2003
25	1/1/2004	12/31/2004
26	1/1/2005	12/31/2005
27	1/1/2006	12/31/2006
28	1/1/2007	12/31/2007
29	1/1/2008	12/31/2008
30	1/1/2009	12/31/2009
31	1/1/2010	12/31/2010
32	1/1/2011	12/31/2011
33	1/1/2012	12/31/2012
34	1/1/2013	12/31/2013
35	1/1/2014	12/31/2014
36	1/1/2015	12/31/2015
37	1/1/2016	12/31/2016
38	1/1/2017	12/31/2017
39	1/1/2018	12/31/2018
40	1/1/2019	12/31/2019
41	1/1/2020	12/31/2020
42	1/1/2021	12/31/2021
43	1/1/2022	12/31/2022
44	1/1/2023	12/31/2023
45	1/1/2024	12/31/2024
46	1/1/2025	12/31/2025
47	1/1/2026	12/31/2026
48	1/1/2027	12/31/2027
49	1/1/2028	12/31/2028
50	1/1/2029	12/31/2029
51	1/1/2030	12/31/2030
52	1/1/2031	12/31/2031
53	1/1/2032	12/31/2032
54	1/1/2033	12/31/2033
55	1/1/2034	12/31/2034
56	1/1/2035	12/31/2035
57	1/1/2036	12/31/2036
58	1/1/2037	12/31/2037
59	1/1/2038	12/31/2038
60	1/1/2039	12/31/2039
61	1/1/2040	12/31/2040
62	1/1/2041	12/31/2041
63	1/1/2042	12/31/2042
64	1/1/2043	12/31/2043
65	1/1/2044	12/31/2044
66	1/1/2045	12/31/2045
67	1/1/2046	12/31/2046
68	1/1/2047	12/31/2047
69	1/1/2048	12/31/2048
70	1/1/2049	12/31/2049
71	1/1/2050	12/31/2050
72	1/1/2051	12/31/2051
73	1/1/2052	12/31/2052
74	1/1/2053	12/31/2053
75	1/1/2054	12/31/2054
76	1/1/2055	12/31/2055
77	1/1/2056	12/31/2056
78	1/1/2057	12/31/2057
79	1/1/2058	12/31/2058
80	1/1/2059	12/31/2059
81	1/1/2060	12/31/2060
82	1/1/2061	12/31/2061
83	1/1/2062	12/31/2062
84	1/1/2063	12/31/2063
85	1/1/2064	12/31/2064
86	1/1/2065	12/31/2065
87	1/1/2066	12/31/2066
88	1/1/2067	12/31/2067
89	1/1/2068	12/31/2068
90	1/1/2069	12/31/2069
91		

01/01 12/31
01/01 12/31

DIVERSION
RATE

0.100 CFS
0.110 CFS

DIVERSION
VOLUME

.....

4.80 AFA

0.210 CFS

L DIVERSION:

Results

2

Water Source: GROUNDWATER

Tributary to:

stage: license

Point(s) of Diversion Capacity: 0.280 CFS

Point(s) of Diversion: T10N R04E S33

Place of use Legal Description for: HEATING

NE

FNNS	NNNS	NNNN	: ENNS	NNNS	NNNN
FNNS	NNNS	NNNN	:	NNNS	NNNN

$$L_t \text{ Ac } L_t \text{ Ac } L_t \text{ Ac } L_t \text{ Ac} : L_t \text{ Ac } L_t \text{ Ac } L_t \text{ Ac } L_t \text{ Ac}$$
[illegible]

Place of use location for DOMESTIC is the same location as described for: HEATING

Pou County: BOISE

Remarks:	GEN	Place of use also known as
	No. 1.	Lots 3 & 17, Warm Springs Estates
		2 points of diversion located in NWSW, S33, T10N, R4E.
		Domestic use is for 3 homes & 2 offices.

Dates:	App. Received:	11/29/1976	Priority Date:	12/19/1976
	Proof Due Date:	02/01/1985	Proof Made Date:	01/25/1985
	Exam Made Date:	10/02/1986	Exam Sent to S.O.:	
	Licensed Date:	01/30/1989		

Misc: Water District Number: Field Exam Fee: R (Received)

Audit:	10/20/87	04/30/88	CONVERT	01/05/89	CURTIS	06/04/90	CURTIS
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Instrument # 211829

IDAHO CITY, BOISE COUNTY, IDAHO

2007-01-04 04:29:18 No. of Pages: 1

Recorded for: MTN VIEW TITLE

RORA A. CANODY

Ex-Officio Recorder Deputy

Fee: 3.00

Index to: DEEDS



stewart
title of boise

Instrument # 203581

IDAHO CITY, BOISE COUNTY, IDAHO

2005-08-01 04:51:27 No. of Pages: 1

Recorded for: MTN VIEW TITLE

RORA A. CANODY

Ex-Officio Recorder Deputy

Fee: 3.00

Index to: DEEDS

WARRANTY DEED

For Value Received Max E Johnson and Peggy M Johnson, Husband and Wife

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

William J Sipple and Jamie A Anderson, Husband and Wife

the grantee, whose current address is 22 Mustang Way, Garden Valley, ID 83622

the following described premises, to wit:

Lot 2 of Jarvis Segregation Plat, according to the official plat thereof recorded as Instrument No.

~~128888~~, records of Boise County, Idaho

128898

Together with the following share of water from Water License #65-07770C in the amount of ~~18 cfs~~ .21 CFS

Parcel Number:

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 29th day of July, 2005.


Max E Johnson


Peggy M Johnson

STATE OF Idaho)

) ss.

COUNTY OF Ada)

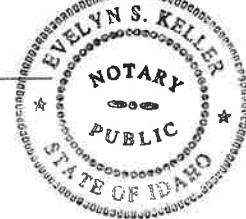
On this 29th day of July, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared Max E Johnson and Peggy M Johnson known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public: Evelyn S Keller

Residing at: Boise, ID

My commission expires February 18, 2010





PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 336-6700

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

162612

INST# 162612
REQUEST 41 View Title
DATE 10/27/96 PM 2:40
RECORDED
Bridgetta Campbell
WD TEL 6:00ck

Instrument # 211828

IDAHO CITY, BOISE COUNTY, IDAHO
2007-01-04 04:29:18 No. of Pages: 2
Recorded for: MTN VIEW TITLE
RORA A. CANODY
Ex-Officio Recorder Deputy *Shirley*
Index to: DEEDS

P-151500 LB

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED USTO SCHULZ and DIANA G. SCHULZ, husband and wife

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

MAX E. JOHNSON and PEGGY M. JOHNSON, husband and wife

GRANTEE(S), whose current address is: *HC 76 Box 4012, Garden Valley, Idaho 83622*
the following described real property in Boise County, State of Idaho,
more particularly described as follows, to wit:

Lot 2 of JARVIS SEGREGATION PLAT, according to the official plat thereof, recorded as Instrument No. ~~12888~~ *128898* records of Boise County, Idaho.

Together with the following share of water from Water Licence #65-07770C in the amount of ~~18cfs. gpm.~~ *21 CFS*

RE-RECORD to correct cfs to gpm
RE-RECORD TO CORRECT TYPOGRAPHICAL ERROR

163419

INST# 163419
REQUEST *Pioneer Title*
DATE 10/27/96 PM 2:02
Lynne S. Adams
TYPE 31

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

Dated: October 25, 1996

Usto Schulz
Usto Schulz

Diana G. Schulz
Diana G. Schulz

STATE OF SOUTH CAROLINA, County of Richland, ss.

On this 30th day of October, in the year of 1996, before me
Laura B. Alexander, a notary public,
personally appeared Usto Schulz and Diana G. Schulz
known or identified to me to be the person (s) whose name (s) are subscribed to the within
instrument, and acknowledged to me that he executed the same.



Notary Public: *Laura B. Alexander*
Residing at: Columbia, S.C.
My Commission Expires: 2-7-99

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Permit~~	~~65-7770~~	~~Usto E. Schulz &/or Dorothy B. Schulz~~	~~0.60 cfs~~
Partial Assignment	65-7770B <i>Licensed 3/81</i>	Michael &/or Alice Czech	0.06 cfs $\leftarrow \begin{matrix} .04 D \\ .02 G \end{matrix}$
~~Remainder Original~~	~~65-7770A~~	~~Usto E. Schulz &/or Dorothy B. Schulz~~	~~0.54 cfs~~
Partial Assignment	65-7770D	Earl & Fay Livingston	0.18 cfs $= \begin{matrix} .12 D \\ .06 G \end{matrix}$
Remainder Part A	65-7770C	Usto E. Schulz &/or Dorothy B. Schulz	0.36 cfs $= \begin{matrix} .24 D \\ .12 G \end{matrix}$

MICROFILMED

State of Idaho
Department of Water Resources

Department of Water Resources
Western Regional Office

PARTIAL ASSIGNMENT OF PERMIT

I, Usto E. and Dorothy B. Schulz hereby assign to Michael and/or Alice Gzech
of Garden Valley, Idaho
Address

CHECK ONE



All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. 65-7770 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Pd. is .06 cfs in the NESW Sec. 33 10N, 4E
for use in the NESW sec 33 10N, 4E
for domestic and heating all in Boise
County

Made this 12 day of July, 19 78.

Usto E. Schulz
Permit Holder

Dorothy B. Schulz
Spouse of Permit Holder

State of Idaho)

County of Ada) ss.

On this 12 day of July, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Dan R. Tulkely
Notary Public residing at
Boise Id

My commission expires:

Sept 10, 1980

MICROFILMED

State of Idaho
Department of Water Resources

RECEIVED
JAN 25 1985

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Usto E. Schulz, hereby assign to Earl & Fay Livingston
of Garden Valley, ID
Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit
No. 65-7770 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

.12 domestic and .06 heating from well located on

Lot 2 of Warm Springs Estates Subdivision

Made this 18th day of December, 19 84.

Usto E. Schulz
Permit Holder

Deceased
Spouse of Permit Holder

State of Idaho)
County of Boise) ss.

On this 18 day of December, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

J. A. Schu
Notary Public residing at
15B Id

My commission expires:

9/4/88

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7770F

WATER RIGHT NUMBER: 65-7770F

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FAY B LIVINGSTON HC 76 BOX 4043 GARDEN VALLEY, ID 83622 (208)462-3765
Original Owner	EARL D LIVINGSTON HC 76 BOX 4043 GARDEN VALLEY, ID 83622 (208)462-3765
Previous Owner	EDWARD HERRING 7 ANTLE PT GARDEN VALLEY, ID 83622 (208)462-2020
Previous Owner	NANCY HERRING 7 ANTLE PT GARDEN VALLEY, ID 83622 (208)462-2020
Current Owner	BARBARA A MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753
Current Owner	CLEO R MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753

Priority Date: 12/18/1976

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01	to 12/31	0.020 CFS	
DOMESTIC	1/01	to 12/31	0.030 CFS	1.20 AF
	<u>Total Diversion:</u>		0.050 CFS	1.20 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4

Sec. 33, Twp 10N, Rge 04E, B.M.

BOISE County

Place of Use

HEATING

Twp	Rge	Sec		NE		NW		SW		SE							
	NE		NW		SW		SE		NE		NW		SW		SE		Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7770F

10N 04E 33				X		
------------	--	--	--	---	--	--

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 04E 33										X							

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. PROPERTY ALSO KNOWN AS LOT 1, LIVINGSTON ESTATES.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:Comments:

1. LHARRIS 3/6/1998 COPIED FROM REMARKS

Comment: THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A65-07770D, NO FEE REQUIRED. WARM SPRINGS ESTATE NOW KNOWN AS LOT 2 LIVINGSTON ESTATES #1. PREVIOUSLY LOT 2 WARM SPRINGS ESTATES #1.

2. segbert 3/23/2010 1:55:06 PM POD

Comment: PODID 224264 correlated from SpatialDataID 98612 to SpatialDataID 284537

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 65-7770C

WATER RIGHT NUMBER: 65-7770C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	DIANA G SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Representative	ERO RESOURCES CORP C/O STEVE HANNULA 3314 GRACE ST BOISE, ID 83703 (208)373-7983

Priority Date: 12/19/1976

Basis:

Status: See Remarks

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01 to 12/31	0.100 CFS	
DOMESTIC	1/01 to 12/31	0.110 CFS	4.80 AF
	<u>Total Diversion:</u>	0.210 CFS	4.80 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 04E 33										X							

DOMESTIC same as HEATINGConditions of Approval:

- Place of use also known as Lots 3, Warm Springs Estates No. 1.
2 points of diversion located in NWSW, S33, T10N, R4E.
Domestic use is for 3 homes & 2 offices.
SEE RIGHT NUMBERS A65-07770G & A65-07770H.

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 65-7770C

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 65-7770D

WATER RIGHT NUMBER: 65-7770D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FAY B LIVINGSTON HC 76 BOX 4043 GARDEN VALLEY, ID 83622 (208)462-3765
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	EARL D LIVINGSTON HC 76 BOX 4043 GARDEN VALLEY, ID 83622 (208)462-3765
Original Owner	DOROTHY B SCHULZ ID

Priority Date: 12/18/1976

Basis:

Status: See Remarks

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01 to 12/31	0.040 CFS	
DOMESTIC	1/01 to 12/31	0.060 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	32																	X
10N	04E	33											X						

DOMESTIC same as HEATING

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 65-7770D

Conditions of Approval:

1. PLACE OF USE ALSO KNOWN AS LOT 2, WARM SPRINGS ESTATES NO. 1 SUBDIVISION.
DOMESTIC USE IS FOR 2 HOMES.
WARM SPRINGS ESTATE NOW KNOWN AS LOT 2 LIVINGSTON ESTATES #1.
SEE CLAIM NOS. A65-07770E & A65-07770F.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-7770B V1

WATER RIGHT NUMBER: 65-7770B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MICHAEL CZECH
Current Owner	GARDEN VALLEY, ID 83622 ARNOLD F WITHROW HC 76 BOX 4053 GARDEN VALLEY, ID 83622 (208)462-3627
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	DOROTHY B SCHULZ
Original Owner	, ID ALICE CZECH
Representative	GARDEN VALLEY, ID 83622 ERO RESOURCES CORP C/O STEVE HANNULA 3314 GRACE ST BOISE, ID 83703 (208)373-7983
Current Owner	J B WITHROW HC 76 BOX 4053 GARDEN VALLEY, ID 83622 (208)462-3627

Priority Date: 11/29/1976

Basis: License

Status: Closed

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

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
HEATING	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.060 CFS	1.20 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

DOMESTIC

Twp Rge Sec	NE		NW		SW		SE	
-------------	----	--	----	--	----	--	----	--

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-7770B V1

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 04E 33										X								

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	04E	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X								

Conditions of Approval:

1. PARCEL NO. RP 082010000100 A PROPERTY IS ALSO KNOWN AS LOT 10, WARM SPRINGS ESTATES N0.1
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. 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:Comments:

1. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
2. scurtis 4/30/2003 8:37:25 AM Water Right
Comment: This water right record was updated by decree record from old RightID 67308 to new RightID 219613

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-7770C V1

WATER RIGHT NUMBER: 65-7770C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	DIANA G SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Representative	ERO RESOURCES CORP C/O STEVE HANNULA 3314 GRACE ST BOISE, ID 83703 (208)373-7983

Priority Date: 12/19/1976

Basis:

Status: See Remarks

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.110 CFS	4.80 AF
HEATING	1/01 to 12/31	0.100 CFS	
	<u>Total Diversion:</u>	0.210 CFS	4.80 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 04E 33										X							

DOMESTIC same as HEATINGConditions of Approval:

1. SEE RIGHT NUMBERS 65-07770G & 65-07770H.

Remarks:

WARRANTY DEED

For value received, Usto E. Schulz, the grantor, does hereby grant, bargain, sell and convey unto Lon Smith Jarvis and Muriel Irene Renee Jarvis, husband and wife, the grantees, the following described premises in Boise County, Idaho, to wit:

TRACT B

A portion of Lot 3, Warm Springs Estates No. 1, in the SW $\frac{1}{4}$ of Section 33, T. 10 N., R. 4 E., B.M., Boise County, Idaho, being more particularly described as follows:

Commencing at a steel pin marking the southeast corner of Lot 3, Warm Springs Estates No. 1, according to the official plat thereof on file in the Boise County Recorder's Office, Idaho City, Idaho, thence N. $1^{\circ}27'57''$ W. along the boundary line of said Lot 3, 203.60 feet to a steel pin, the real point of beginning; thence N. $1^{\circ}27'57''$ W. along said boundary line 156.97 feet to a steel pin; thence S. $84^{\circ}42'44''$ W., 396.39 feet to a steel pin; thence S. $49^{\circ}53'$ W., 252.40 feet to a steel pin; thence N. $85^{\circ}55'$ E., 593.24 feet to the real point of beginning. Said tract contains 1.72 acres more or less, subject to easements of record or in use.

Including the right to use one third ($1/3$) of the flow of the hot water from a spring to which the grantor has a license from the State of Idaho, Department of Water Resources, under License of Water Right No. 65-7540, subject to the obligation of grantees to pay one third ($1/3$) of the costs of maintaining the water line and the pump at the spring.

And reserving unto the grantor, his successors, heirs and assigns, an easement of access to a well located on the hereinabove described property 100 feet westerly of a road on the easterly side of said property and along the northerly side thereof, thence 40 feet southerly thereof for the purpose of maintaining and using said well and for access for said purposes. And also an easement for the purpose of laying a pipe from said well and along the dry bed of the south fork of Warm Springs Creek which goes through the hereinabove described property.

To have and to hold the said premises, with their appurtenances unto the said grantees, their heirs and assigns, forever. And the said grantor does hereby covenant to and with the said grantees that he is the owner in fee simple of said premises; that they are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

DATED This 13th day of May, 1981.

Usto E. Schulz
USTO E. SCHULZ

STATE OF IDAHO)
) ss.
County of Ada)

On this 13 day of May, 1981, before me a Notary Public in and for said state, personally appeared USTO E. SCH known to me to be the person whose name is subscribed to the instrument, and acknowledged to me that he executed the same.

Willa Wells Glass
Notary Public for Idaho
Residing at Boise



WARRANTY DEED

For Value Received

USTO E. SCHULZ

the grantor , does hereby grant, bargain, sell and convey unto

Lon Smith Jarvis and Muriel Irene Renee Jarvis, husband and wife,
the grantees , the following described premises, in Boise County Idaho, to wit:

See Exhibit "A" attached hereto

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees ,
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantees , that they are the owners in fee simple of said premises; that they are free
from all encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: August 29, 1981Usto E. Schulz

STATE OF IDAHO, COUNTY OF Boise
On this 29th day of August, 19 81,
before me, a notary public in and for said State, personally
appeared Usto E. Schulz

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that Usto E. Schulz executed the same.

Usto E. Schulz

Notary Public
Residing at Garden Valley, Idaho
Comm. Expires Lifetime

STATE OF IDAHO, COUNTY OF Boise
I hereby certify that this instrument was filed for record at
the request of Renee Jarvis
at 44 minutes past 1 o'clock P.m.,
this 10th day of September,
19 81, in my office, and duly recorded in Book 83
of Deeds at page 112

Arlene C. Kolar
Ex-Officio RecorderBy Lana M. Hill Deputy.

Fees \$ 4.00
Mail to: Lon Jarvis
Garden Valley, ID.

INSTRUMENT No 101873

First American Title Company of Idaho

EXHIBIT A

TRACT C

A portion of Lot 3, Warm Springs Estates No. 1, in the SW 1/4 of Section 33, T. 10 N., R. 4 E., B.M., Boise County, Idaho, being more particularly described as follows:

Commencing at a steel pin marking the southeast corner of Lot 3, Warm Springs Estates No. 1, according to the official plat thereof on file in the Boise County Recorder's Office, Idaho City, Idaho, thence N. 1°27'57" W. along the boundary line of said Lot 3, 360.57 feet to a steel pin, the real point of beginning; thence N. 1°27'57" W. along said boundary line, 75.00 feet to a steel pin; thence N. 58°50'49" W. along said boundary line, 175.02 feet to a steel pin; thence N. 32°09'33" W. along said boundary line, 53.07 feet to a steel pin; thence N. 89°40'47" W. along said boundary line, 217.69 feet to a steel pin; thence S. 0°40'36" E., 248.21 feet to a steel pin; thence N. 84°42'44" E., 396.39 feet to the real point of beginning. Said tract contains 1.75 acres more or less, subject to easements of record or in use and subject to the following described easement for ingress and egress: Commencing at a steel pin marking the northwest corner of said Lot 3, Warm Springs Estates No. 1, thence S. 89°40'47" E. along the boundary line of said Lot 3, 197.40 feet to a steel pin, the real point of beginning, said point being the northwest corner of the above described tract; thence S. 89°40'47" E. along said boundary line, 217.69 feet to a steel pin; thence S. 32°09'33" E., 16.60 feet to a point; thence N. 89°40'47" W., 226.36 feet to a point; thence N. 0°40'36" W., 14.00 feet to the real point of beginning.

A65-07770D	SPLIT CLAIM,	C 12/18/1976 /Z	GROUNDWATER	22 HEAT
			SPLIT CLAIM	43 DOMEST
A65-07770E	LIVINGSTON, FAY	C 12/18/1976 L/	GROUNDWATER	22 HEAT
	LIVINGSTON, EARL	C		43 DOMEST
A65-07770F	HERRING, NANCY	C 12/18/1976 L/	GROUNDWATER	22 HEAT
	HERRING, EDWARD	C		43 DOMEST
A65-07777	DAVIS CATTLE CO,	C 12/03/1976 P/	FLAT CREEK	01 IRR
A65-07779	DEWEY, IVERGENE	C 12/06/1976 L/	SHAFAER CREEK	01 IRR
	DEWEY, COLLENE E	C		
A65-07781	FRISBIE, SCOTT	C 12/07/1976 D/	UNNAMED STREAM	49 FIRE
	FRISBIE, ROBERT	C		
A65-07784	WARRICK SUBDIVISION,	C 02/15/1977 L/	GROUNDWATER	43 DOMEST

(Enter=Continue)

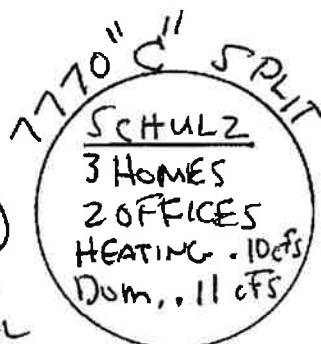
(GOLD7=This Query)

(Menu _____)

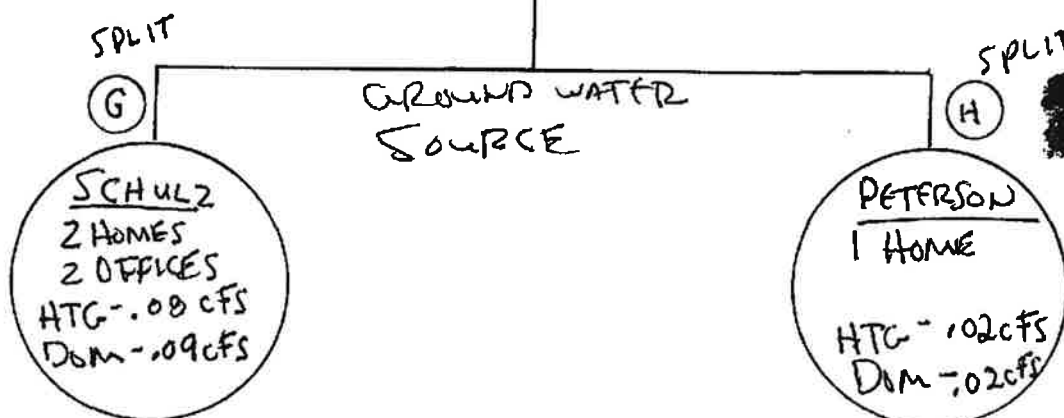
NEXT SPLITS

HEATING .10 cfs/5 =
.02 cfs/UNIT (96PM)

Dom DEED & OWNERSHIP
CHG REFLECT TOTAL
OF 196PM / 0.04 cfs
THUS PETERSON'S = .02 cfs



FILED 2/14/94
OWNERSHIP CHANGE NOTICE
SPLITS INTO G & H.



"G" TOTAL = .17 cfs

"H" TOTAL = .04 cfs

AJ0749NP
No. R65-07770g

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/16/99
PAGE: 2

Comments:

Date: 12/16/1999 User-ID: RHOMERTO Subject: DOMESTIC USE
THE TWO HOMES REMAINING HERE ARE DIFFERENT FROM THE ORIGINAL 3
HOMES RECOMMENDED FROM ORIGINAL FIELD EXAM DONE IN 1986.
THE SITE WAS REVISITED IN 1993 BY IDWR, FINDING THAT THE RIGHT
STILL SUPPLIES 3 HOMES BUT ARE DIFFERENT. AN OWNERSHIP CHANGE
WAS FILED ON ONE OF THE 3 DIFFERENT HOMES AND RECOMMENDED AS
65-07770H. NO ONE HAS COME FORTH TO DATE TO CLARIFY THE OWNERSHIP
OF THE REMAINING 2 HOMES.

Audit:

12/16/99 RHOMERTO

ADJUDICATION MEMORANDUM

CLAIM NO: A65-07770C SUBJECT: MEMBERSHIP CHANGE
EMPLOYEE: TAN SHUKTE DATE: 12-29-97

Per Steve Laster's memo dated 2-14-94 & my
review it appears the 3 homes ^{of 2 officers} received by
this unit are different than the 3 originally
sewed. Therefore, since it is still within the
terms of this unit, the change of ownership
can be processed. NOTE: After this change,
any future changes must be signed by
Wto Schulz & must be accompanied by
a deed in order for the homes under the unit
to be clearly delineated for future quarters.

Estimated amount (.02 kg x .02 dom) = .04 (18-19 gm per decade).

Rushing, Emalee

From: Lester, Steve
Sent: Tuesday, July 29, 2008 3:47 PM
To: Rushing, Emalee
Subject: 65-13050 field exam info & well #1 update

Attachments: Well Number 1.pdf

Hi Emalee:

Above exam was conducted in late 1993 but field report remains incomplete at Western.

I copied 2 maps from the 1993 exam and added a handwritten page of notes summarizing what those maps say, see attached. Note different north arrows for the maps. These maps are not marked with P/D for 65-13060, hot springs.

Based on what Jarvis told me in 1993, well #1 use changed from 1986 to 1993. Still served 5 connections but different 3 homes than in 1986.

Confusing, eh?

Not sure if this helps or not.

Steve



Well Number 1.pdf
(153 KB)

9-

ABOUT WELL #1

SEE MAP #1:

— 1986 Exam 65-7770C Schulz

5 connections

3 homes A Schulz

B Burger

C Jarvis

2 officers D by home C

E by home A

7770C
same
7 L home
1 off.

— 1993 Exam Hot Springs 65-13050 JARVIS

5 connections different than 1986

3 homes F Stevens

G Swartley

H Peterson

2 officers D } same as
E } 1986

(1)
(2) } *
(3)

* SEE MAP #2

F = 1

G = 2

H = 3

} Handwritten #'s 1-3 in
is portion of Sub Lot 3
just above (north) of Jarvis
home C

— 7/29/08 from notes → 11/19/93 Exam 65-13050

Shurte, Jan

From: Bill Sipple [bsipl@frontiernet.net]
Sent: Tuesday, January 24, 2012 8:54 PM
To: Shurte, Jan
Subject: Warm Springs 2 Water Rights

Just checking to see if we are ready to have a meeting—apparently the Berger home has been sold and will close in two weeks—the new owners have been told they have water rights and that the system will maintained — I guess that would be me. I want to get the well agreements but no one wants to act until the water rights are resolved – also Lon Jarvis had a stroke and at the age of 92 I'm afraid we may lose him—we really need to get some done here.

Thanks Bill Sipple Garden Valley 462 3439

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-07770H
Date Received: 5/ 2/1989
Receipt No: X999999
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: SHIRLEY A PETERSON 208-462-3741
Address: 7 CORGI LANE
GARDEN VALLEY ID 83622

AND/OR

Name: JACK E PETERSON 208-462-3741
Address: 7 CORGI LANE
GARDEN VALLEY ID 83622

2. Date of Priority: DEC 19, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	04E	33		NW	SW		BOISE

5. Description of diverting works:
6" CASED WELL, SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.020		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	04E	33	NW	SW		HEAT	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS A PORTION OF LOT 3, WARM SPRINGS ESTATES NO. 1
ADDRESS CHANGED BY RDH 2/23/00.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-07770H
Date Received: 5/ 2/1989
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JACK E PETERSON 208-462-3741
Address: HC 76 BOX 4042
GARDEN VALLEY ID 83622

AND/OR

Name: SHIRLEY A PETERSON 208-462-3741
Address: HC 76 BOX 4042
GARDEN VALLEY ID 83622

2. Date of Priority: DEC 19, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	04E	33		NW	SW		BOISE

5. Description of diverting works:
6" CASED WELL, SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.020		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	04E	33	NW	SW		HEAT	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS A PORTION OF LOT 3, WARM SPRINGS ESTATES NO. 1

15. Basis of Claim: LICENSE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 10 N Range 4 E
Section 33, — 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____, BM.
Lot 3, Block, _____, Subdivision/Townsite Warm Springs Estates No. 1
If you have additional legal descriptions, please attach separate sheet. (within Tract D, A portion of L.3)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A65-07770C

☒ Name and Address of Former Owner/Claimant(s)(Seller): USTO E. / DIANA G. SCHULZ
HC 76 Box 4048

☒ New Owner/Claimant (Purchaser): Garden Valley, ID 83622
JACK E. & Shirley A. PETERSON

☒ New Mailing Address: HC 76 Box 4042
Garden Valley, ID 83622

☒ New Telephone Number: () 462-3741

☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

PER WARRANTY DEED 1950m = .04 cfs for heating /
domestic use 1 home. SEE Attached diagram also.

☒ Attach proof of ownership, describe proof attached: WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) x Jack E. Peterson Date 2/14/94
Shirley A. Peterson Date 2-14-94

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: 12-29-97 By: [Signature]

Final Review and Data-Entry

Date: 12-29-97 By: [Signature]

Claim Numbers of Split, if any:

A65-07770

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

FOR VALUE RECEIVED

USTO SCHULZ and DIANA G. SCHULZ, husband and wife

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

JACK E. PETERSON and SHIRLEY A. PETERSON
husband and wife

GRANTEE(S), whose current address is Garden Valley, Idaho 83622
the following described real property in Boise County, State of Idaho,
more particularly described as follows, to wit

See exhibit A

together with the following share of water from
water license #65-07770c in the amount of 19 gpm.

BOISE COUNTY IDAHO SS
REQUEST OF

Valley Real Estate

143200

92 APR 14 PM 1:08

ARLENE C. KOLAR

Dale Yonker
DEPUTY
FEE \$6.00

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

Dated April 12, 1992

Diana G. Schulz

Usto Schulz

STATE OF Idaho ..., County of Boise ..., ss.

On this 12th day of April
in the year of 1992, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Public In and for said State, personally appeared
Usto and Diana G. Schulz,
husband and wife

known or identified to me to be the person(s) whose name(s)
is/are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Signature: *Fay Livingston*

Name: Fay Livingston

(Type or print)

Garden Valley, Id.

My commission expires: 9-1-94

STATE OF IDAHO, COUNTY OF

I hereby Certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Deputy.

Fee \$ _____

Mail to: _____



Boise Title & Escrow, Inc.

PARCEL I

Tract D of Survey recorded December 6, 1978 as Instrument No. 90796.

A portion of Lot 3, WARM SPRINGS ESTATES NO. 1, according to the official plat thereof filed as Instrument No. 80717, records of Boise County, Idaho, being more particularly described as follows:

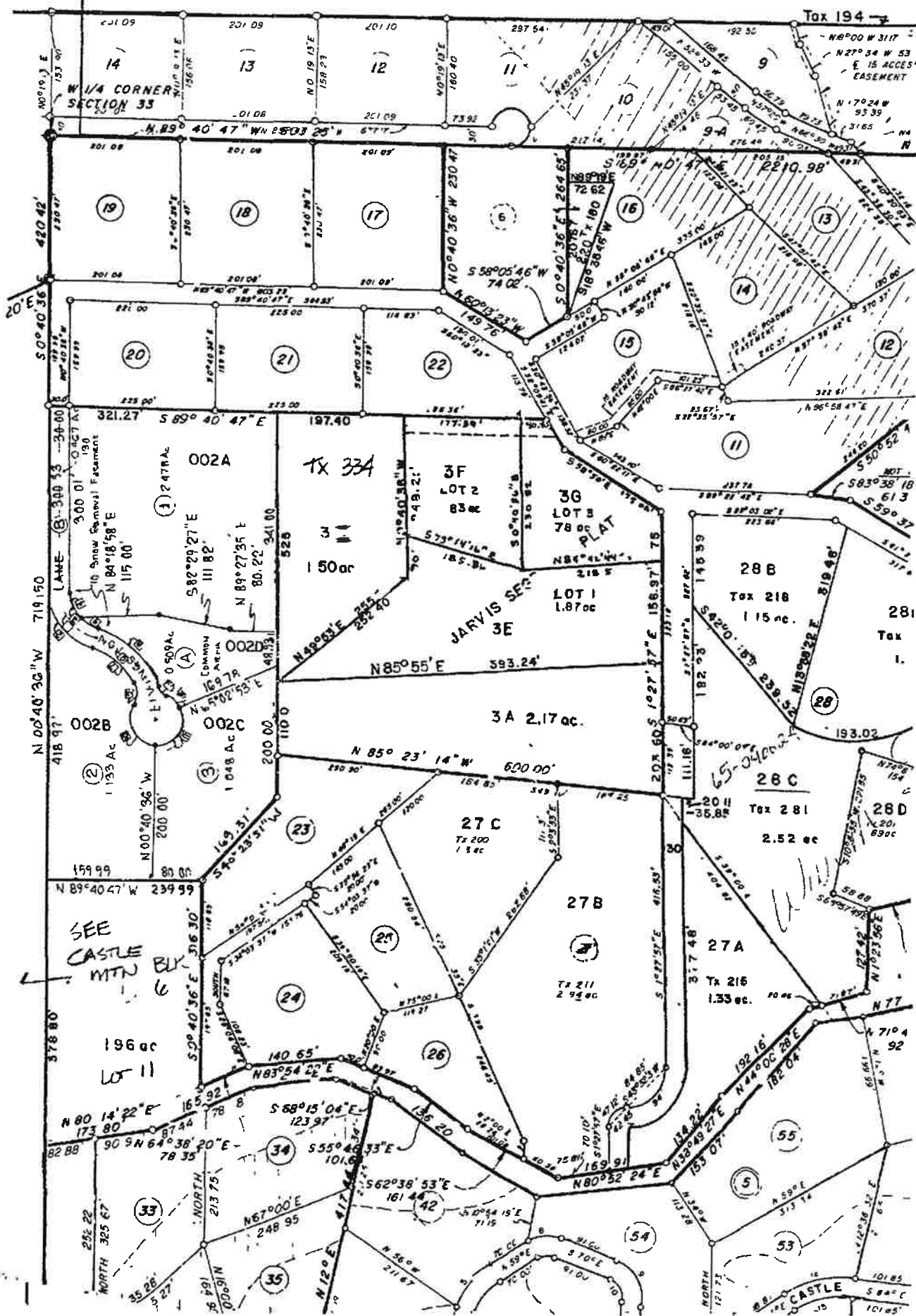
Beginning at steel pin marking the Northwest corner of Lot 3, Warm Springs Estates No. 1, according to the official plat thereof on file in the Boise County Recorder's Office, Idaho City, Idaho; thence South $0^{\circ}40'36''$ East along the boundary line of said lot 3, a distance of 414.00 feet to a steel pin; thence North $49^{\circ}53'$ East 255.57 feet to a steel pin; thence North $0^{\circ}40'36''$ West 248.21 feet to a steel pin on the boundary line of said Lot 3; thence North $89^{\circ}40'47''$ West along said boundary line, 197.40 feet to the REAL POINT OF BEGINNING.

PARCEL II

Together with the following described easement for ingress and egress:

Commencing at a steel pin marking the Northwest corner of said Lot 3, Warm Springs Estates No. 1; thence South $89^{\circ}40'47''$ East along the boundary line of said Lot 3, a distance of 197.40 feet to a steel pin, the REAL POINT OF BEGINNING, said point being the Northeast corner of the above described tract; thence South $89^{\circ}40'47''$ East along said boundary line, 217.69 feet to a steel pin; thence South $32^{\circ}09'33''$ East 16.60 feet to a point; thence North $89^{\circ}40'47''$ West 226.36 feet to a point; thence North $0^{\circ}40'36''$ West 14.00 feet to the REAL POINT OF BEGINNING.

TAX 334 - "PETERSON"
BOISE CITY TAX MAP
3/27/87
PORTION OF LOT 3



SHIP PARCEL NO
FE DIGITS)

PETERSEN, MELVIN C (ESTATE OF) TION R4E WARM SPRINGS ESTATES 15 1994
PETERSEN, SANDRA W. AND 1 LOT 16 LESS TAX 180 37 1994
3958 BRYSON WAY SEC 33 SW 1/4
BOISE ID 83704

PROPERTY ADDRESS 6 SODA COURT

900 **

PETERSEN, MELVIN C (ESTATE OF) TION R4E CASTLE MTN CREEK 15 1994
PETERSEN, SANDRA W. SUB 5 BLK 1 LOT 9A REC 33
3958 BRYSON WAY
BOISE ID 83704

PROPERTY ADDRESS

290 **

PETERSON, JACK E & SHIRLEY A TION R4E WARM SPRINGS SUB 1 15 1994
7 CORGI LN A PORTION OF LOT 3 OR TAX 334 37 1994
HC-76-BOX 4042 SEC 33 SW1/4

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PMD001
ALPHA ROLL

PAGE 338

NAME/ADDRESS

LEGAL DESCRIPTION

CAT QUANTITY UNIT

MARKET REVIEW
YEAR

GARDEN VALLEY ID 83622

PROPERTY ADDRESS 7

CORGI LANE

1 500 **

***- *HO*

PETTY FAMILY TRUST TION R4E RECORDER'S PLAT 15 1996
% PETTY, RICHARD J & PHYLLIS A LIGHTNING CREEK LDT 11 SEC 13 37 1996
% COLLINS, TERREL A & KATHLEEN INCLUDES 1995 PATENT FOR
65 THUNDER RD GOV'T LOT 3
HC 76 BOX 2383

GARDEN VALLEY ID 83622

PROPERTY ADDRESS: 65

THUNDER RD

1 030 **

*** *HO*

LOT 347

65-7770C

SHWZ

LOT 2

65-7770D

LIVINGSTON

N.

WARM SPRINGS ESTATES NO. 1

A SUBDIVISION IN
A PORTION OF THE SW 1/4 SECTION 33, T.10N, R.4E, E.M.
BOISE COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.
800 MAIN ST. BOISE, IDAHO

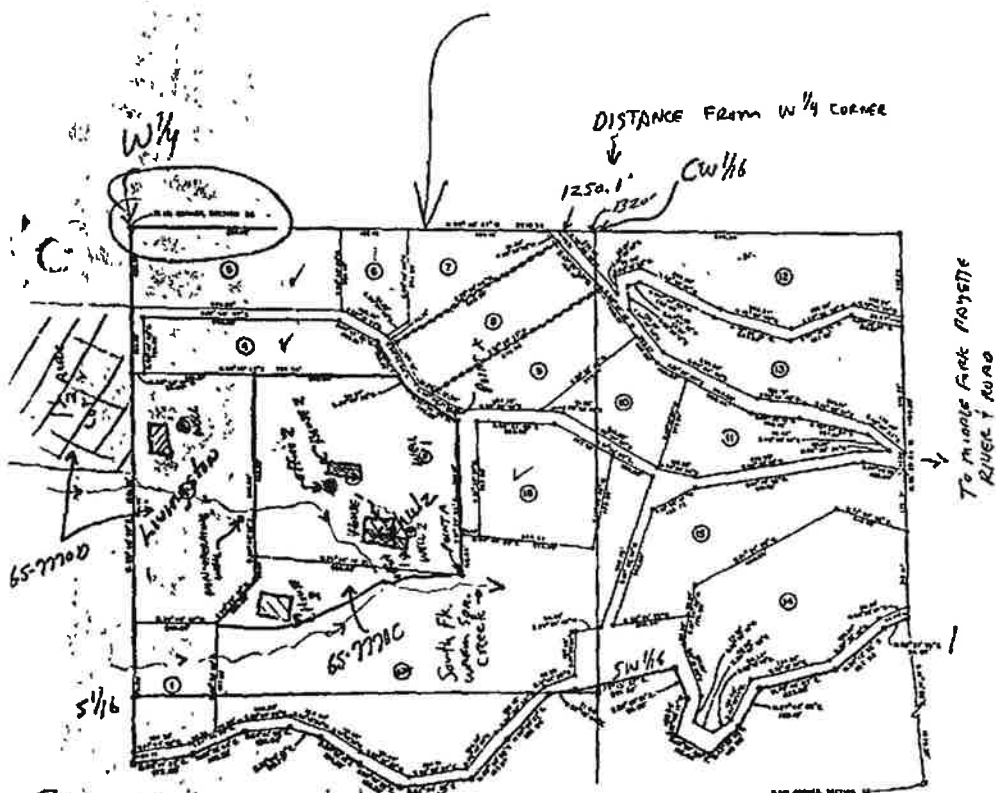
While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or recovery.



NW 1/4 SW 1/4

DISTANCE FROM W 1/4 CORNER

1250.1' CW 1/4



TO MOUNTAIN FARM ROSETTE
RUEB T. ROAD

o = well
/// = Place of use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-07770C
Date Received: 5/02/1989
Receipt No: No fee
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: USTO E. SCHULZ 208-462-3696
Address: HC 76 BOX 4048
GARDEN VALLEY, ID 83622

Name: DIANA G. SCHULZ 208-462-3696
Address: HC 76 BOX 4048
GARDEN VALLEY, ID 83622

2. Date of Priority: DEC 19, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	04E	33	NW	SW			BOISE

5. Description of diverting works:
6" CASED WELLS 300' AND 120' DEPTHS SUB. PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
HEATING	01/01	12/31	0.100		
DOMESTIC	01/01	12/31	0.110		4.80

7. Total Quantity Appropriated is:
0.210 C.F.S. (and/or) 4.80 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR 3 HOMES, 2 OFFICES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04E	33	NW SW		HEAT	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A65-07562, A65-07540

14. Remarks:

Place of use also known as Lots 3, Warm Springs Estates
No. 1.
2 points of diversion located in NWSW, S33, T10N, R4E.
Domestic use is for 3 homes & 2 offices.

15. Basis of Claim: LICENSE

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

~~MICROFILMED~~
~~SEP 23 1992~~

DATE: 02/23/00
PAGE: 1

EXP PLACE OF USE IS A PORTION OF LOT 3, WARM SPRINGS ESTATES NO. 1.
RIGHT NO. 65-07770G IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

AJ0749NP
No. R65-07770H

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/23/00
PAGE: 2

Dates: Exam Made Date: Verified Date: 02/23/2000 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 01/31/2000 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit: 02/23/00 RHOWERTO

February 3, 2000

NOTICE OF ERROR
REPLY

RECEIVED

FEB 22 2000

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2000

Water right number: 65-07770H

SHIRLEY A PETERSON
JACK E PETERSON
~~HC 76 BOX 4042~~ 7 Corgi Lane
GARDEN VALLEY ID 83622

Jack and Shirley Peterson
7 Corgi Lane
Garden Valley, Idaho 83622

Daytime Telephone Number: 208 462-3741
Evening Telephone Number: SAME

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

ADDRESS ONLY - HAS BEEN CHANGED FROM BOX NUMBER
TO PHYSICAL ADDRESS

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

DATE: 2-18-00 SIGNATURE: 
Please print your name: JACK E PETERSON

DATE: 12/16/99
PAGE: 1

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	

AJ0749NP
No. R65-07770H

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/16/99
PAGE: 2

Audit: 12/16/99 RHOWERTO

CLAIM NO. 65-07704

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
NEW OWNER: _____
☐ No Change ADDRESS
NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

- N 11, N 13
- HEATING IS FOR DOMESTIC HOME
- 65-07700A IS ALSO DIVERGED THROUGH P&D
- PLACE OF USE IS PORTION OF LOT 3, WARM SPRINGS ESTATES NO. 1.

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☒
MAP ☒
SYSTEM DIAGRAM ☒

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED:

IN OFFICE 12/16/99

FIELD EXAMINER:

Ron Howerton

Signature

Sr. Water Agent

Ron Howerton



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK E PETERSON
SHIRLEY A PETERSON
HC 76 BOX 4042
GARDEN VALLEY ID 83622

Re: Original Notice of Claim to a Water Right No. A65-07770C

Renumbered Notice of Claim to a Water Right No. A65-07770H

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

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

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DB:d

Enclosure

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	USTO E SCHULZ	12/19/1976	HEATING	01-01 12-31	.02	←80 AFA 1.2
C	DIANA G SCHULZ		DOMESTIC	01-01 12-31	.02	←80 AFA 1.2
	HC 76 BOX 4048					
	GARDEN VALLEY ID 83622					
	(208) 462-5696					
	PETERSON			TOTAL DIVERSION:	0.240 CFS	
					.04	

Water Source: GROUNDWATER

Point(s) of Diversion: T10N R04E S33 NSW

Place of use Legal Description for: HEATING

[illegible]

Place of use Location for DOMESTIC is the same Location as described for: HEATING

POU County: BOISE

Non-Irrigation Uses: DOMESTIC FOR 3 HOMES, 2 OFFICES
Other Rights: 665-07562, 665-07540
DOMESTIC, HOME
DELETE

Remarks: GEN No. 1 Place of use also known as Lots 3, Warm Springs Estates
2 points of diversion located in NWSN, S37, T10N, R4E.
Duplicate use is for 3 homes & 2 offices

Dates:	Exam Made Date:	Verified Date:	objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag:

(WEL. R.M.E)
PLACE OF USE IS A PORTION
OF LOT 3, WARM SPRINGS
ESTATE NO. 1

DATE: 03/17/99
PAGE: 45

100111

4-80 AEA

4.80 AFA

Stage: LICENSE

ASHN

SENW
Lt AC

•••••

EATING

Estate.

1976
1985

(per)

CURTIS

ADJUDICATION MEMORANDUM

CLAIM NO: A65-07770C

SUBJECT: OWNERSHIP CHANGE

EMPLOYEE: JAN SHURTE

DATE: 12-29-97

Per Steve Laster's memo dated 2-14-94 & my research it appears the 3 homes ^{now} ~~now~~ ^{or 2 offices} ~~now~~ by this right are different than the 3 originally ~~sewed~~ ^{sewed}. Therefore, since it is still within the terms of this right, the change of ownership can be processed. NOTE: After this change, any future changes must be signed by Wt Schulz & must be accompanied by a deed in order for the homes under this right to be clearly delineated for future queries.

Pro-rated amount (.02 kg x .02 dom) = .04 (18-18 gpm per deed also)

SPLIT TREE 65-07770 C

SD-0607-2 Prefix: A Basin: 65 Starting Water Right: 07770

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A65-07770B	WITHROW, ARNOLD F	C	11/29/1976	L/	GROUNDWATER	43 DOMEST
	WITHROW, JB	C				22 HEAT
A65-07770C	SCHULZ, USTO E	C	12/19/1976	L/	GROUNDWATER	22 HEAT
	SCHULZ, DIANA G	C				43 DOMEST
A65-07770D	SPLIT CLAIM,	C	12/18/1976	/Z	GROUNDWATER	22 HEAT
					SPLIT CLAIM	43 DOMEST
A65-07770E	LIVINGSTON, FAY	C	12/18/1976	L/	GROUNDWATER	22 HEAT
	LIVINGSTON, EARL	C				43 DOMEST
A65-07770F	HERRING, NANCY	C	12/18/1976	L/	GROUNDWATER	22 HEAT
	HERRING, EDWARD	C				43 DOMEST
A65-07777	DAVIS CATTLE CO,	C	12/03/1976	P/	FLAT CREEK	01 IRR
A65-07779	DEWEY, IVERGENE	C	12/06/1976	L/	SHAFFER CREEK	01 IRR
	DEWEY, COLLENE E	C				
A65-07781	FRISBIE, SCOTT	C	12/07/1976	D/	UNNAMED STREAM	49 FIRE
	FRISBIE, ROBERT	C				
A65-07784	WARRICK SUBDIVISION,	C	02/15/1977	L/	GROUNDWATER	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

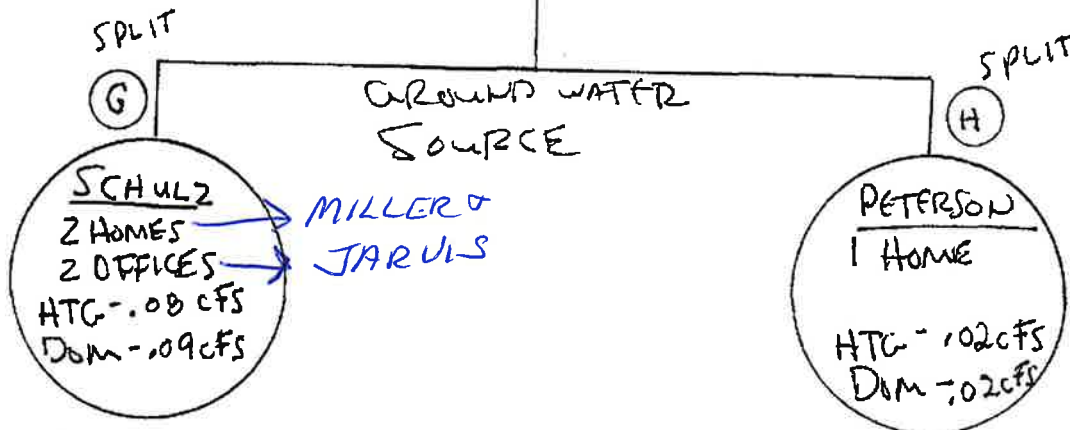
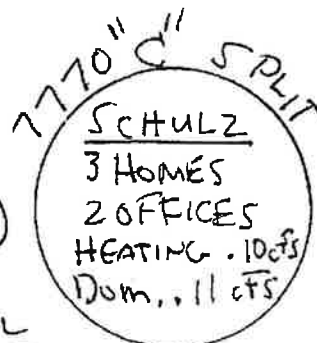
NEXT SPLITS

FILED 2/14/94

OWNERSHIP CHANGE NOTICE
SPLITS INTO G & H.

HEATING .10 cfs/5 =
.02 cfs/UNIT (96PM)

Dom DEED & OWNERSHIP
CHG REFLECT TOTAL
OF 196PM / 0.04 cfs
Thus PETERSEN'S = .02 cfs



"G" TOTAL = .17 cfs

"H" TOTAL = .04 cfs

**SEE ORIGINAL
CLAIM FILE
DOCUMENTS IN
CLAIM**

NO. A 65 - 07770C

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

RECEIVED**APR 05 2001****WATER RESOURCES
WESTERN REGION**

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
65-07770 ^H ~~C~~	~~A65-07770C~~	~~No~~ Yes			

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

- A The appropriate **FILING FEE** See instructions for fee amounts
- B A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**
- C Either of the following (if necessary to clarify division of water rights or other complex property descriptions) **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

- 3 Name and Address of Former Owner/Claimant(s) Usto E. Schulz
250 W 50th St., Apt 39B, New York, NY 10019
- 4 New Owner/Claimant(s) Harry Burger
Name Connector (Check one) [] and, [] or, [] and/or
- New Mailing Address #8 Snow Springs Drive
- City, State and ZIP Code Garden Valley, ID 83622
- New Telephone Number (208) 462-3350
- 5 Date you acquired the property 1981

MICROFILMED

APR 11 2001

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

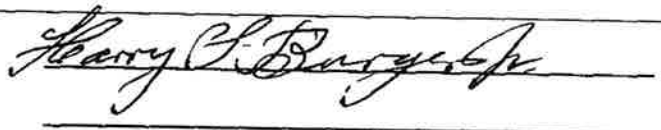
DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>85-077700 & A65-077700</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	<u>02</u>	<u>Single Family Residence</u>
Other <u>Heating</u>	<u>02</u>	<u>Residential Space Heating</u>
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7

Signature of New Owner(s) or Claimant(s)

(include title if applicable)



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 J. M. M. Date 5.1.01 Fee \$25.00
 Receipted by J. M. M. Date 6.12.03 Receipt No 6069558
 Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED

JUL 2003

MAKE CHECK PAYABLE TO:
BOISE COUNTY TAX COLLECTOR
P.O. BOX 80, ID CITY, ID 83631
PHONE 382-4441

2000 TAX BILL (RILEY)

PARCEL NUMBER
RP082020000230A

BILL# 8530

CODF AREA 2-00

1ST HALF DUE
TAX 586.80
LATE
INT
COST
TOT

PAID 12-16-59
4/10/59

2ND HALF DUE
TAX 586.80
LATE
INT
COST
TOT

FULL DUE
TAX 1,173.60
LATE
INT
COST
TOT

TOT MV
HM-
NET MV

169,434
50,000
119,434

BURGER HARRY S JR
8 SNOW SPRINGS DR
MC 76 BOX 4036
GARDEN VALLEY ID 83622

TAXING DISTRICT

RATE

STATE	000000000	AMOUNT	516.70
COUNTY	004326288		390.16
SCH DIST # 71	003266834		49.82
ROAD & BRIDGE	000000000		43.42
G V LIBRARY	000417226		1,000.10
GV HDSP DIST	000363564		10.00
DISTRICT TOTAL	008373912		126.02
GARDEN VALLEY TV			21.24
SOLID WASTE			1.24
STATE FIRE ASSESS			15.00
FPA			1,173.60
GV REC DISTRICT			
AMOUNT DUE			

1100 PIE ULLM SPRINGS ESTATES
AND LOT 27 SEC 73 SW 1/4

8 SNOW SPRINGS DR

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE
KEEP TOP PORTION FOR YOUR RECORDS
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE

YOUR CANCELLED CHECK IS YOUR RECEIPT

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 65-07770H

NAME AND ADDRESS: JACK E PETERSON
SHIRLEY A PETERSON
7 CORGI LANE
GARDEN VALLEY, ID 83622

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
1.20 AFY

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

PRIORITY DATE: 12/19/1976

POINT OF DIVERSION: T10N R04E S33 NWSW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Heating	01-01 TO 12-31	0.02 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS
			1.20 AFY

PLACE OF USE:	Heating		Within Boise County
	T10N R04E S33	NWSW	
	Domestic		Within Boise County
	T10N R04E S33	NWSW	

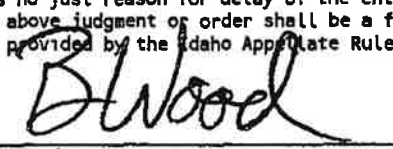
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7770H

WATER RIGHT NUMBER: 65-7770H

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	SHIRLEY A PETERSON 7 CORGI LN GARDEN VALLEY, ID 83622 (208)462-3741
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	DIANA G SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Current Owner	HARRY S BURGER JR #8 SNOW SPRINGS DR GARDEN VALLEY, ID 83622 (208)462-3350
Representative	ERO RESOURCES CORP C/O STEVE HANNULA 3314 GRACE ST BOISE, ID 83703 (208)373-7983
Previous Owner	JACK E PETERSON 7 CORGI LN GARDEN VALLEY, ID 83622 (208)462-3741

Priority Date: 12/19/1976

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01	to 12/31	0.020 CFS	
DOMESTIC	1/01	to 12/31	0.020 CFS	1.20 AF
	<u>Total Diversion:</u>		0.040 CFS	1.20 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp	Rge	Sec	NE	NW	SW	SE	Totals
NE	NW	SW	SE	NE	NW	SW	SE

SHOULD NOT BE ON IT.
NOT ON THIS RIGHT
NOW HAS OWN RIGHT

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7770H

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 04E 33										X							

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
10N 04E 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										X							

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. HEATING USE IS FOR 1 HOME.
4. 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.
5. PLACE OF USE IS A PORTION OF LOT 3, WARM SPRINGS ESTATES NO. 1.
RIGHT NO. 65-07770G IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Remarks:Comments:

1. AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
2. segbert 3/23/2010 1:55:06 PM POD
Comment: PODID 277258 correlated from SpatialDataID 98612 to SpatialDataID 284537

Water Supply Bank:



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 12, 2003

HARRY BURGER
#8 SNOW SPRINGS DR
GARDEN VALLEY ID 83622

RE: Change of Ownership for Water Right 65-7770H

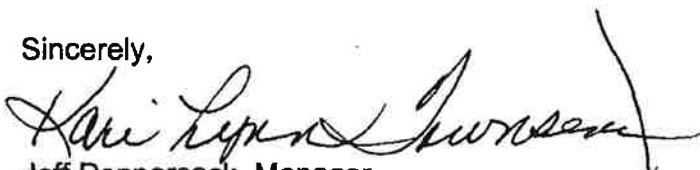
Dear Water Right Holder(s):

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. Also enclosed is a receipt for the \$25.00 filing fee.

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,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: ERO RESOURCES CORP

MICROFILMED
SEP 09 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

June 6, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HARRY BURGER
#8 SNOW SPRINGS DR
GARDENVALLEY ID 83622

RE: Change in Ownership of Decreed Water Right 65-7770H

Dear Mr. Burger:

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:

✓ **Filing Fee of \$25 per water right**

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. We have determined that the filing fee for your notice will be \$25.00.

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees 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.

Please feel free to contact the Department if you have any questions.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

MICROFILMED

SEP 09 2003

ERO Resources Corp
1106 N Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax 373-7985

Denver • Boise

www.eroresources.com
oboise@eroresources.com



RECEIVED

APR 05 2001

WATER RESOURCES
WESTERN REGION

March 27, 2001

Gary Spackman
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

APR 19 2001

Department of Water Resources

RE: Water Right Nos. 65-07770C, 65-07540, and 65-07562

Dear Mr. Spackman:

Mr. Usto Schulz, owner of the above referenced water rights, is dividing the water rights among three separate owners. In an effort to help clarify the division of these water rights for the file and for future reference, this letter is an effort to provide you with a break down of the water right distribution. The breakdown of the water rights are as follows:

License No. 65-07770C - .21 cfs total diversion - *Wen*

Updike - .08 cfs heating .09 cfs domestic

/Berger - .02 cfs heating *put in* .02 cfs domestic)

License No. 65-07540 - .12 cfs total diversion - *HOT SPRING S*

Updike - .05 cfs heating .03 cfs domestic *already processed 2244*

Jarvis - .03 cfs heating .01 cfs domestic

License No. 65-07562 - .04 cfs total diversion - *?*

Updike - .04 cfs domestic

I hope that the above table will assist the Department in completing the Change of Ownership forms submitted at this time. If you have any questions please do not hesitate to give me a call.

Sincerely yours,

Sheri L. Chapman

SLC.sw

Encl.

Consultants in
Natural Resources
and the Environment

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22794

WATER RIGHT NUMBER: 65-22794

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GARDEN VALLEY ASSN STAR RT GARDEN VALLEY, ID 83622
Previous Owner	CASTLE MOUNTAIN CREEK OWNERS ASSN INC 5 SNOW SPRINGS DR GARDEN VALLEY, ID 83622 (208)462-3765
Current Owner	WILLIAM R PARTRIDGE 7 CASTLE MOUNTAIN DR GARDEN VALLEY, ID 83622
Current Owner	MARLENE J PARTRIDGE 7 CASTLE MOUNTAIN DR GARDEN VALLEY, ID 83622

Priority Date: 06/01/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	01/01 to 12/31	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

SPRINGS	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N	04E	33										X							

Conditions of Approval:

1. RIGHT NO. 65-04002X IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
PROPERTY IS ALSO KNOWN AS PART OF LOT 28, WARM SPRINGS SUBDIVISION.
2. HEATING IS FOR MAINTENANCE SHED & SPAS

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22794

3. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
4. 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:Comments:

1. kwalker 4/24/2003 Split of 65-4002A
Comment: Right 65-4002A has been split into 65-22793 (Castle Mtn.) and 65-22794 (Partridge).
2. segbert 4/6/2009 3:54:32 PM POD
Comment: PODID 590039 correlated from SpatialDataID 284537 to SpatialDataID 398140
3. segbert 4/6/2009 3:54:32 PM POD
Comment: PODID 590039 correlated from SpatialDataID 284537 to SpatialDataID 398140

Dates and Other Information:

Licensed Date:
Decreed Date: 2/13/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

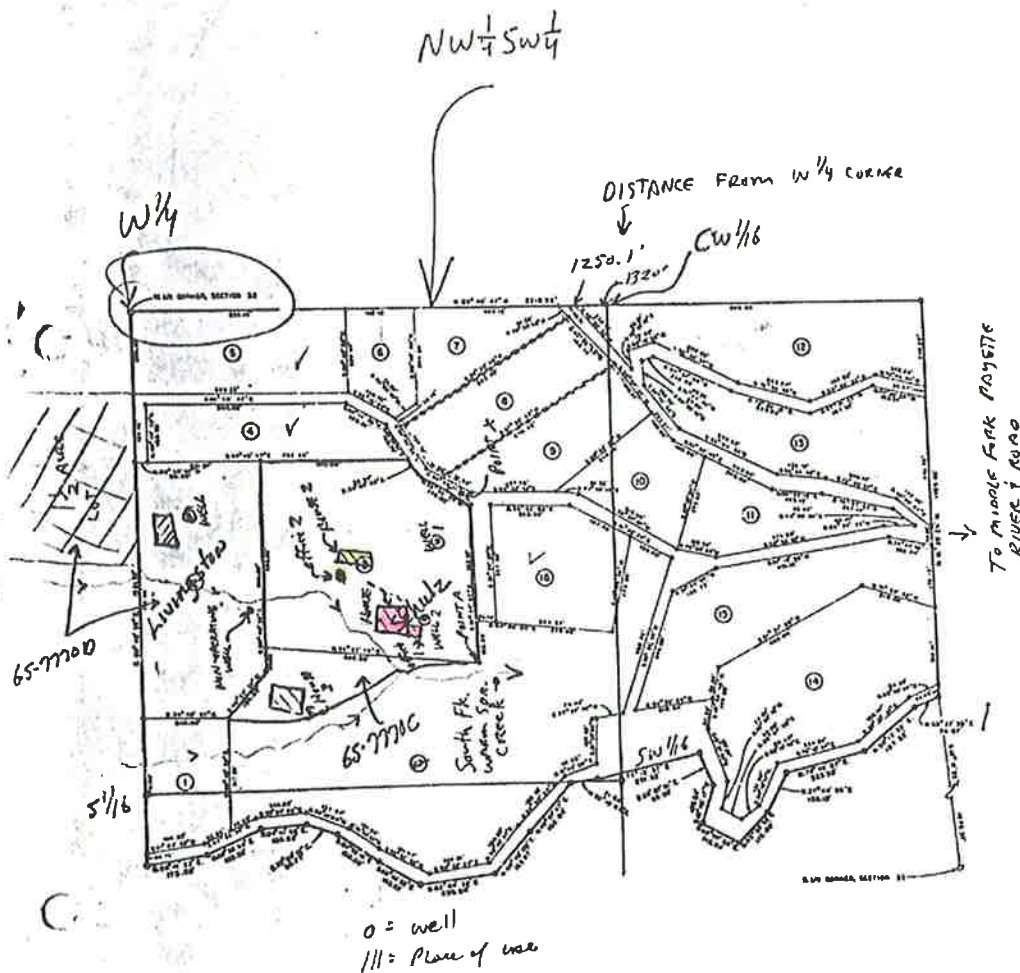
SHULZ

LIVINGSTON

N

SMITH & MONROE ENGINEERS, INC.
505 MAIN ST. BOISE, IDAHO

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



for

177980

BY Shirley George
TYPE 31 FEE \$6.80/chg.

TitleOne
a title & escrow co.

EXHIBIT A

Tract D of Survey recorded December 6, 1978 as Instrument No. 90796.

A portion of Lot 3, Warm Springs Estates No. 1, according to the official plat thereof recorded as Instrument No. 80717, records of Boise County, Idaho, being more particularly described as follows:

Beginning at a steel pin marking the Northwest corner of Lot 3, Warm Springs Estates No. 1, according to the official plat thereof on file in the Boise County Recorder's Office, Idaho City, Idaho; thence South $00^{\circ}40'36''$ East along the boundary line of said lot 3, a distance of 414.00 feet to a steel pin; thence North $49^{\circ}53'$ East 255.57 feet to a steel pin; thence North $00^{\circ}40'36''$ West 248.21 feet to a steel pin on the boundary line of said Lot 3; thence North $89^{\circ}40'47''$ West along said boundary line, 197.40 feet to the REAL POINT OF BEGINNING.

ADJUDICATION MEMORANDUM

CLAIM NO: ALAS-01770C SUBJECT: OWNERSHIP CHANGE
EMPLOYEE: JAN SHUKTE DATE: 12-29-97

Per Steve Gaster's memo dated 2-14-94 & my
recall it appears the 3 homes ^{of 2 officers} not reviewed by
this unit are different than the 3 originally
reviewed. However, since it is still within the
term of the unit, the change of ownership
can be processed. Note: After this change,
any future changes must be signed by
Wto Schuly & must be accompanied by
a deed in order for the homes under the unit
to be clearly delineated for future periods.

Estimated amount (.02 bty x .02 down) = .04 (18-19 gpm per decade).

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-07770G**
Date Received: 5/ 2/1989
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: USTO E SCHULZ 208-462-3696
Address: HC 76 BOX 4048
GARDEN VALLEY ID 83622

Name: DIANA G SCHULZ 208-462-3696
Address: HC 76 BOX 4048
GARDEN VALLEY ID 83622

2. Date of Priority: DEC 19, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	04E	33		NW	SW		BOISE

5. Description of diverting works:
6" CASED WELL, SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.080		
DOMESTIC	01/01	12/31	0.090		3.60

7. Total Quantity Appropriated is:
0.170 C.F.S. (and/or) 3.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR 2 HOMES, 2 OFFICES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	04E	33	NW	SW		HEAT	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used;
A65-07562, A65-07540

14. Remarks:

SPRINGS
PLACE OF USE ALSO KNOWN AS WARM SPRINGS ESTATES NO. 1.

15. Basis of Claim: LICENSE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 10N Range 4E
Section 33, — 1/4 of NW 1/4 of SW 1/4 Govt. Lot _____, BM.
Lot 3, Block _____, Subdivision/Townsite WARM SPRINGS ESTATES No. 1
If you have additional legal descriptions, please attach separate sheet. (within Tract D, A portion of L.3)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A65-07770C

☒ Name and Address of Former
Owner/Claimant(s)(Seller): USTO E. / DIANA G. SCHULZ
HC 76 Box 4048

☒ New Owner/Claimant
(Purchaser): Garden Valley, ID 83622
JACK E. &/or Shirley A. PETERSON

☒ New Mailing Address: HC 76 Box 4042
Garden Valley, ID 83622

☒ New Telephone Number: () 462-3741

☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
PER WARRANTY DEED 195pm = .04 cfs for heating /
domestic use 1 home. SEE Attached diagram also.

☒ Attach proof of
ownership, describe
proof attached: WARRANTY DEED
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New
Owner/Claimant(s) x Jack E. Peterson Date 2/14/94
Shirley A. Peterson Date 2-14-94

☐ Signature of Former
Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: 2-29-97 By: [Signature]
Final Review and Data-Entry
Date: 2-29-97 By: [Signature]
Claim Numbers of Split, if any:

A65-07770

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

FOR VALUE RECEIVED

USTO SCHULZ and DIANA G. SCHULZ, husband and wife

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

JACK F. PETERSON and SHIRLEY A. PETERSON
husband and wife

GRANTEE(S), whose current address is: Garden Valley, Idaho 83622
the following described real property in Boise County, State of Idaho,
more particularly described as follows, to wit

See exhibit A

together with the following share of water from
water license #65-07770c in the amount of 19 gpm.

143200

BOISE COUNTY IDAHO SS
REQUEST OF
Valley Real Estate

92 APR 14 PM 1:08

APLENE C. MOLAR
W. J. Jala Jansen
DEPUTY
FEE #6.00

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

Dated. April 12, 1992

Diana G. Schulz
Usto Schulz

STATE OF Idaho, County of Boise, ss

On this 12th day of April
In the year of 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Usto and Diana G. Schulz, husband and wife

known and identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: *Ray Livingston*

Name: Ray Livingston
(type or print)

Address: Garden Valley, Id.

My commission expires: 9-1-94

STATE OF IDAHO, COUNTY OF

I hereby Certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m,
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Deputy

Fee \$ _____

Mall to _____



Boise Title & Escrow, Inc.

Legal Description (continued)

PARCEL I

Tract D of Survey recorded December 6, 1978 as Instrument No. 90796.

A portion of Lot 3, WARM SPRINGS ESTATES NO. 1, according to the official plat thereof filed as Instrument No. 80717, records of Boise County, Idaho, being more particularly described as follows:

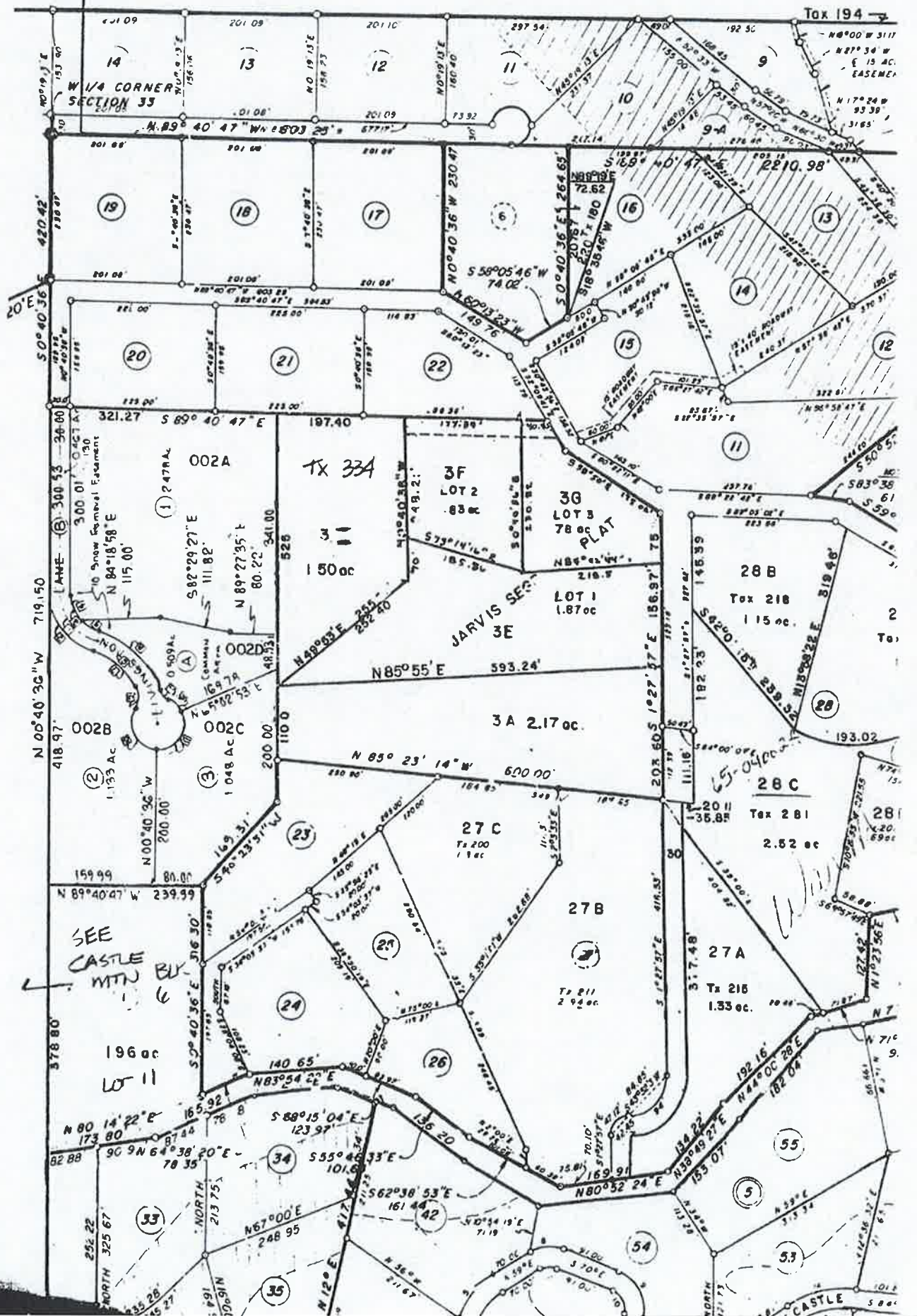
Beginning at steel pin marking the Northwest corner of Lot 3, Warm Springs Estates No. 1, according to the official plat thereof on file in the Boise County Recorder's Office, Idaho City, Idaho; thence South $0^{\circ}40'36''$ East along the boundary line of said lot 3, a distance of 414.00 feet to a steel pin; thence North $49^{\circ}53'$ East 255.57 feet to a steel pin; thence North $0^{\circ}40'36''$ West 248.21 feet to a steel pin on the boundary line of said Lot 3; thence North $89^{\circ}40'47''$ West along said boundary line, 197.40 feet to the REAL POINT OF BEGINNING.

PARCEL II

Together with the following described easement for ingress and egress:

Commencing at a steel pin marking the Northwest corner of said Lot 3, Warm Springs Estates No. 1; thence South $89^{\circ}40'47''$ East along the boundary line of said Lot 3, a distance of 197.40 feet to a steel pin, the REAL POINT OF BEGINNING, said point being the Northeast corner of the above described tract; thence South $89^{\circ}40'47''$ East along said boundary line, 217.69 feet to a steel pin; thence South $32^{\circ}09'33''$ East 16.60 feet to a point; thence North $89^{\circ}40'47''$ West 226.36 feet to a point; thence North $0^{\circ}40'36''$ West 14.00 feet to the REAL POINT OF BEGINNING.

TAX 334 - "PETERSON"
BOISE CITY TAX MAP
3/27/87
PORTION OF LOT 3



SHIP PARCEL NO
EE DIGITS)

PETERSEN, MELVIN C (ESTATE OF) TION R4E WARM SPRINGS ESTATES 15 1994
PETERSEN, SANDRA W AMD 1 LOT 16 LESS TAX 180 37 1994
3958 BRYSON WAY SEC 33 SW 1/4
BOISE ID 83704

PROPERTY ADDRESS 6 SODA COURT 900 ** ***
100

PETERSEN, MELVIN C (ESTATE OF) TION R4E CASTLE MTN CREEK 15 1994
PETERSEN, SANDRA W SUB 5 BLK 1 LOT 9A SEC 33
3958 BRYSON WAY
BOISE ID 83704

PROPERTY ADDRESS 290 ** ***
400

PETERSON, JACK E & SHIRLEY A TION R4E WARM SPRINGS SUB 1 15 1994
7 CORGI LN A PORTION OF LOT 3 OR TAX 334 37 1994
HC 76 BOX 4042 SEC 33 SW1/4

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PM0001
ALPHA ROLL

PAGE 338

NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
--------------	-------------------	-----	----------	------	--------	-------------

GARDEN VALLEY ID 83622

PROPERTY ADDRESS 7 CORGI LANE 1 500 ** *** #HO#
100

PETTY FAMILY TRUST TION R4E RECORDER'S PLAT 15 1996
% PETTY, RICHARD J & PHYLLIS A LIGHTNING CREEK LOT 11 SEC 13 37 1996
& COLLINS, TERREL A & KATHLEEN INCLUDES 1975 PATENT FOR
65 THUNDER RD GOV'T LOT 3
HC 76 BOX 2383
GARDEN VALLEY ID 83622

PROPERTY ADDRESS 65 THUNDER RD 1 030 ** *** #HO#

SHULZ

LIVINGSTON

'N

(While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variations, if any, with another or no-survey.)

NW $\frac{1}{4}$ SW $\frac{1}{4}$

DISTANCE FROM IN $\frac{1}{4}$ CORNER

1250.1' CW 1/6

 $W^{1/4}$

65-7700

516

To Middle Fork Payette
River & Road

0 = well
/// = Place of use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-07770C
Date Received: 5/02/1989
Receipt No: No fee
Received By: RW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: USTO E. SCHULZ 208-462-3696
Address: HC 76 BOX 4048
GARDEN VALLEY, ID 83622

Name: DIANA G. SCHULZ 208-462-3696
Address: HC 76 BOX 4048
GARDEN VALLEY, ID 83622

2. Date of Priority: DEC 19, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	04E	33	NW	SW			BOISE

5. Description of diverting works:
6" CASED WELLS 300' AND 120' DEPTHS SUB. PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
HEATING	01/01	12/31	0.100		
DOMESTIC	01/01	12/31	0.110		4.80

7. Total Quantity Appropriated is:
0.210 C.F.S. (and/or) 4.80 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR 3 HOMES, 2 OFFICES

A65-07770C

Page 1

Date: 05/02/89

MICROFILMED
SEP 23 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04E	33	NW SW		HEAT	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A65-07562, A65-07540

14. Remarks:

Place of use also known as Lots 3, Warm Springs Estates
No. 1.
2 points of diversion located in NWSW, S33, T10N, R4E.
Domestic use is for 3 homes & 2 offices.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Walter Shultz* Date: May 2, 1989
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 2nd day

of May 19 89

Seal

Jan Shulte
Notary Public

Residing at Meridian, ID

My Commission Expires 9-14-94

WATER RIGHTS AGREEMENT AND QUITCLAIM DEED

This AGREEMENT is made by, between, and among CASTLE MOUNTAIN CREEK OWNERS ASSOCIATION, INC., an Idaho corporation, HC 76, Box 4001, Garden Valley, Idaho 83622, hereinafter referred to as "CMC", and USTO E. SCHULZ and DIANA G. SCHULZ, husband and wife, 65 West 55th Street, Apartment #8-G, New York, New York 10019, hereinafter referred to collectively as "Schulz".

WITNESSETH:

WHEREAS, both CMC and Schulz claim an interest in and to Water Right No. 65-03238 which is associated with real property in Boise County, Idaho, more particularly described in Exhibit "A" hereto, and

WHEREAS, Schulz has protested CMC's Application for Transfer No. 4392 (the "Transfer") for Water Right No. 65-03238, and

WHEREAS, CMC owns Water Right No. 65-04002A which is associated with real property in Boise County, Idaho, more particularly described in Exhibit "B" hereto, and

WHEREAS, the parties desire to resolve matters relating to Water Right No. 65-03238 and the Transfer,

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth hereinafter, CMC and Schulz agree as follows:

1. Schulz does hereby convey, release, remise, and forever quitclaim to CMC all of their right, title, and interest in and to Water Right No. 65-03238. Schulz shall immediately withdraw their protest against the Application for Transfer No. 4392 (Water Right No. 65-03238) by executing and filing with the Idaho Department of Water Resources ("IDWR") a Notice of Withdrawal of Protest. A copy of the Notice of Withdrawal of Protest is attached hereto as Exhibit "C" and is incorporated herein by reference as if set forth in full.

175895

INST# 175895
REQUEST Beeman

00 JAN 20 AM 11:41

BOISE COUNTY RECORDER

BY C. Waller

TYPE 2 FEE 24.00 1ck

2. After IDWR issues its final written approval for the Transfer upon conditions which do not substantially change or limit the use of water requested on the face of the Transfer, and upon IDWR's written approval for the Transfer having final effect by the running of all applicable periods for reconsideration, amendment, or appeal, CMC shall execute a quitclaim deed (the "CMC Deed") conveying to Schulz 0.06 cubic feet per second ("cfs") of Water Right No. 65-04002A. It is the intention of the parties that after the CMC Deed is executed, delivered, and recorded, CMC shall retain 0.19 cfs of Water Right No. 65-04002A and Schulz shall have 0.06 cfs of Water Right No. 65-04002A.

3. Schulz agrees to place their 0.06 cfs share of Water Right No. 65-04002A to a beneficial use and to obtain all necessary approvals from IDWR to place their share of Water Right No. 65-04002A to beneficial use within 12 months of the issuance of a quitclaim deed from CMC to Schulz. If Schulz does not put their share of Water Right No. 65-04002A to beneficial use by the date agreed to above, or does not obtain the necessary approvals to do so by such date, Schulz shall convey their 0.06 cfs share of Water Right No. 65-04002A back to CMC by recordable quitclaim deed delivered to CMC within 60 days. Both CMC and Schulz shall install suitable measuring devices at their respective diversion points to ensure that CMC's and Schulz's diversions remain within their respective allocated shares of Water Right No. 65-04002A, unless the parties can mutually agree to some other means of measurement.

4. This Agreement shall inure to the benefit of and be binding upon the parties to this Agreement, and their heirs, devisees, assigns, personal representatives and successors. This Agreement shall be recorded in Boise County. The covenants and agreements herein contained shall run with the land associated with Water Right Nos. 65-04002A and 65-03238, and to any land to which Water Right Nos. 65-04002A and 65-03238 are subsequently transferred and to the land associated with any successor water rights split from these water rights. If any portion or all of either of these water rights is transferred to other lands, the respective party shall record this Agreement in the applicable county with an indication that the covenants and agreements herein contained run with such other lands.

5. The party signing on behalf of CMC certifies that the CMC board has approved this Agreement in a resolution memorialized in its corporate minutes and has authorized the individual signing this Agreement to execute the same on behalf of CMC.

6. Time is of the essence in the performance of each and every term and condition hereof.

7. If either party seeks the services of an attorney for the enforcement of any provision of this Agreement, the prevailing party shall have the right to reimbursement of attorney fees and costs, both as to trial and on appeal.

8. This Agreement shall be governed by and interpreted and construed in accordance with the laws of the State of Idaho.

9. If any provision of this Agreement is held to be invalid, illegal, unconscionable or unenforceable in any respect, such shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, unconscionable or unenforceable provision had never been included herein, all other terms and provisions remaining effective and in force to the fullest extent permitted by law.

10. The failure of a party to insist, in any one or more instances, upon strict performance of any term, covenant or condition of this Agreement or in any instrument or document referred to herein or contemplated hereby, or to exercise any option contained herein shall not be construed as a waiver, or a relinquishment for the future, of such term, covenant, condition or option, but the same shall remain and continue in full force and effect.

11. The parties may at any time hereafter modify or amend this Agreement by a subsequent written agreement executed by the parties. This Agreement shall not, however, be changed orally, nor shall it be deemed modified in any way by the act of any of the parties hereto. Nothing herein is intended, nor shall it be construed, as obligating either party to agree to any modification to this Agreement.

12. This Agreement and the instruments and documents referred to herein or contemplated hereby constitute the entire agreement between the parties concerning the subject matter of this Agreement, there are no oral or parol agreements existing between the parties relative to the subject matter hereof which are not expressly set forth herein or in the instruments or documents referred to herein or contemplated hereby.

13. The parties hereto have participated in and have had an equal opportunity to participate in drafting this Agreement. No ambiguity shall be construed against any party based on a claim that the party drafted the ambiguous language.

This Agreement is dated this 20 day of Nov., 1999.

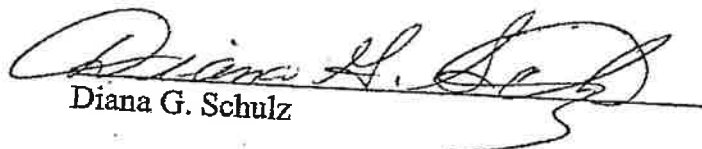
CASTLE MOUNTAIN CREEK OWNERS
ASSOCIATION, INC.

By


President

SCHULZ


Usto E. Schulz


Diana G. Schulz

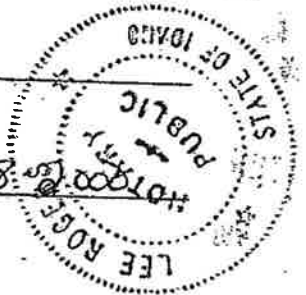
STATE OF IDAHO)

County of Ada) ss

On this 20th day of November, 1999, before me, a notary public in and for the State of Idaho, personally appeared Lyle J Medcoff known or identified to me to be the PRESIDENT of CASTLE MOUNTAIN CREEK OWNERS ASSOCIATION, INC., the corporation executing the within and foregoing instrument and acknowledged to me that said corporation executed the same for the uses and purposes therein mentioned.

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

Lee Roge
Notary Public for Idaho
Residing at Garden Valley Idaho
My Commission Expires: 3-8-2001



STATE OF NEW YORK)
County of New York) ss

On this 12th day of October, 1999, before me, a notary public in and for the State of New York, personally appeared USTO E. SCHULZ and DIANA G. SCHULZ, known or identified to me to be the persons who executed the foregoing instrument and acknowledged to me that they executed the same for the uses and purposes therein mentioned.

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

David A. Silverstein
Notary Public for New York
Residing at 1348 6th Ave NY NY 10014
My Commission Expires: _____

DA1793V2715F

EXHIBIT A

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, all in Township 10 North, Range 4 East, B.M., also known as portions of the Amended Plat of a Portion of Warm Springs Estates Number 1, Castle Mountain Creeks Subdivision Number 1, and Castle Mountain Creeks Subdivision Number 5, Boise County, Idaho.

EXHIBIT B

A portion of the NW¼SW¼ Section 33, Township 10 North, Range 4 East, B.M., also known as a portion of Lot 28 of the Amended Plat of a Portion of Warm Springs Estates Number 1, Boise County, Idaho.

EXHIBIT C

NOTICE OF WITHDRAWAL OF PROTEST

COMES NOW A.J. BOHNER, of the law offices of BOHNER, CHASA, & WALTON, L.L.C., attorneys for Usto Schulz and Diana Schulz, and hereby withdraws their protest to Application for Transfer No. 4392 (Water Right No. 65-03238) in the name of Castle Mountain Creek Owners Association, Inc. ("CMC") This withdrawal of protest is made because the undersigned and CMC have reached a mutual agreement as to the sharing of water right no. 65-04002A pursuant to a written Agreement of even date herewith.

This withdrawal is effective this 13th day of October, 1999.

BOHNER, CHASAN & WALTON, L.L.C.

By 
A.J. Bohner - of the firm
Attorneys for Usto & Diana Schulz

Hot Water Sources at Spring Layout



Source #1

Source #2

Source #3

Source #4

#4 covered and used by
EARL WARD when
Springs Greenhouse

Source #5

Source #6

Terrace Lakes
Collector

overflow

Creek

4806 6 COL. - 8806 6 COL.



Source # 1, 2 & 3 free flow to
Warm Springs Creek

Source # 4 Used by Warm Springs
Greenhouses via '4" transite
pipe. completely covered
by concrete

5 Used by
1. Castle Mountain Creek ^{slippings}
2. Wick Easel creek only
3. Hato Schultz slip pump
over flow proceeds to Terrace
Lakes collector along with
Source # 6.

Terrace lakes gravity flow to
Terrace lakes via 1/4" transite.

$$GAL/min = cuft/sec \times 60 sec/min \times 7.48 gal/cu ft$$

Example $.12 cuft/sec \times 60 \times 7.48 gal/cu ft = 53.8 gal per min$

$$cuft/sec = \frac{\# gal}{7.48} \div \# sec ends$$

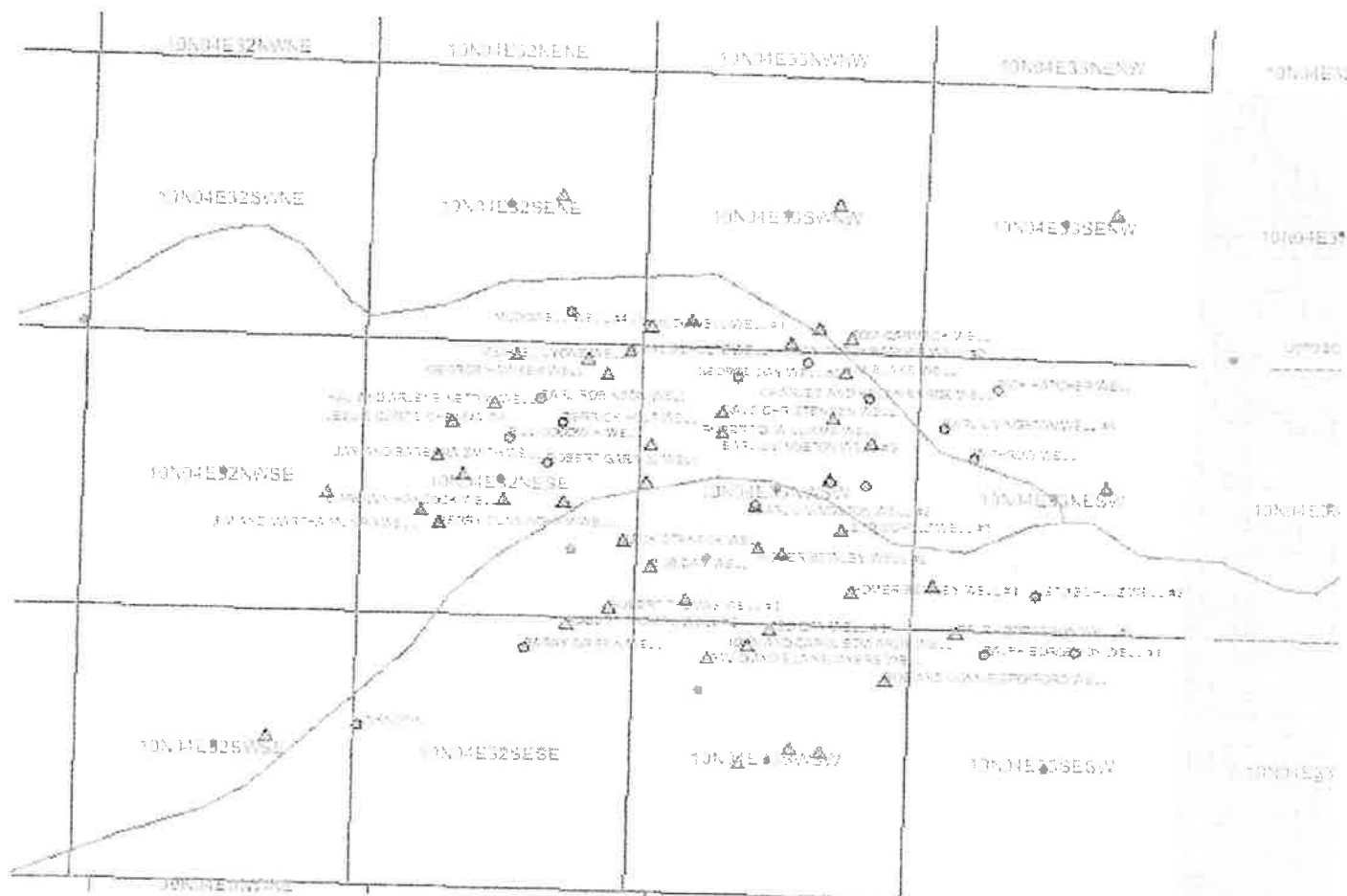
Example $\frac{5 gal}{7.48} \div 6 sec ends = .11 cuft/sec$

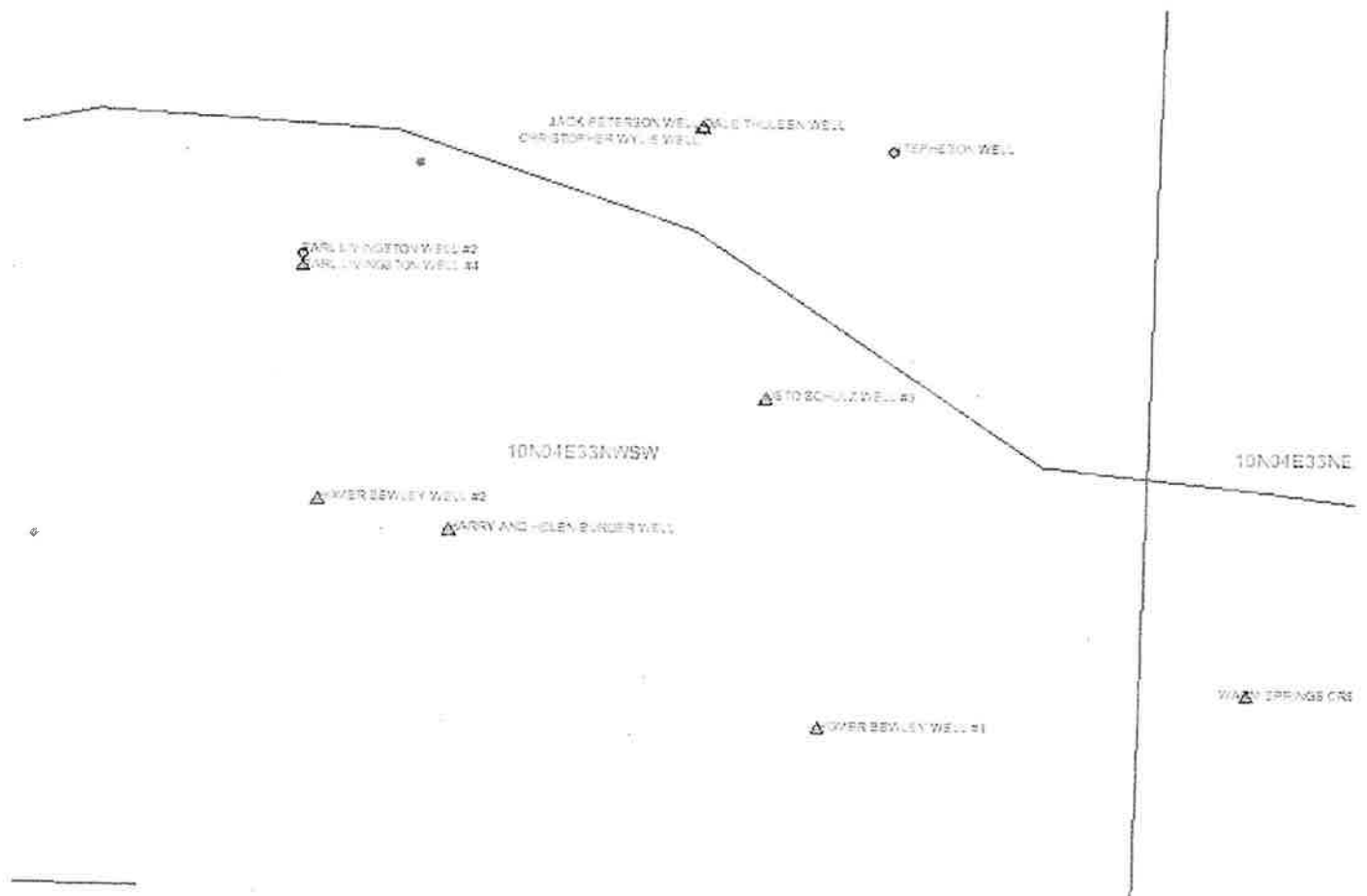
$$BTU/HR = gal/min \times 60 \times 8 lb/gal \times Temp Drop$$

Example $10 gal/min \times 60 \times 8 \times 40 \text{ } ^\circ F = 192,000 BTU/hr$

Using stop watch time # seconds needed to fill 5 gal bucket

4806 6 COL. - 8806 6 COL.





STATE OF CALIFORNIA)
) ss.
County of Santa Clara)

On this 21 day of November, 1980, before me, a Notary Public in and for said State, personally appeared Donald S. Carlson, known to me to be the President of PROPERTY RESOURCES, INC., a California corporation, which corporation is the sole general partner of GARDEN VALLEY INVESTORS, a California limited partnership, which partnership is one of the partners of GARDEN VALLEY ASSOCIATES, an Idaho partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year in this certificate first above written.



Michelle Sue Grocott
Notary Public for California
Residing at: Santa Clara County

STATE OF IDAHO)
) ss.
County of Boise)

On this 25 day of November, 1980, before me, a Notary Public in and for said State, personally appeared A. N. Gordon, known to me to be one of the partners of TERRACO, an Idaho general partnership, which partnership is one of the partners of GARDEN VALLEY ASSOCIATES, an Idaho partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year in this certificate first above written.



Marnette C. Corcoran
Notary Public for Idaho
Residing at: Boise County, Id.

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

Water Right 65-07770H

NOW LYLE MILLER (NEW OWNER)
ON THEIR OWN WELL

QUANTITY: 0.04 CFS
1.20 AFY

PAGE 1
Nov-01-2000

WARRANTY DEED

FOR VALUE RECEIVED

USTO SCHULZ and DIANA G. SCHULZ, husband and wife

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

JACK E. PETERSON and SHIRLEY A. PETERSON
husband and wife

GRANTEE(S), whose current address is Garden Valley, Idaho 83622
the following described real property in Boise
more particularly described as follows, to wit

County, State of Idaho,

See exhibit A

together with the following share of water from
water license #65-07770c in the amount of 19 gpm.

143200

BOISE COUNTY IDAHO SS
REQUEST OF

Valley Real Estate

92 APR 14 PM 1:08

ARLENE C. KOLAR

Arlene C. Kolar
DEPUTY
FEE \$6.00

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

Dated April 12, 1992

Diana G. Schulz

Usto Schulz

STATE OF Idaho, County of Boise, ss.

On this 12th day of April
in the year of 1992, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Usto and Diana G. Schulz,
husband and wife

known or identified to me to be the person(s) whose name(s)
is/are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Signature: *Fay Livingston*

Name: Fay Livingston
(type or print)

Residing at: Garden Valley, Id.

My commission expires: 9-1-94

STATE OF IDAHO, COUNTY OF

I hereby Certify that this instrument was filed for record at
the request of

at minutes past o'clock m.,
this day of
19, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By

Deputy.

Fee \$

Mail to:



Boise Title & Escrow, Inc.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-07770C

Priority: December 19, 1976 Amount: 0.21 CFS 4.8 AFA

This is to certify, that USTO E. SCHULZ
DOROTHY B. SCHULZ, DEC.

HC 76 BOX 4048
GARDEN VALLEY, ID 83622 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated November 29, 1976, and
has submitted proof to the Department of Water Resources on January 25, 1985, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .280 cfs of water from a GROUNDWATER
source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
HEATING	01/01 to 12/31	0.10 CFS	
DOMESTIC	01/01 to 12/31	0.11 CFS	4.8 AFA
	Totals	0.21 CFS	4.8 AFA

LOCATION OF POINT OF DIVERSION(S): NWSW, Sec. 33, Township 10N, Range 04E
BOISE County

PLACE OF USE: HEATING

TWN RGE SEC

10N 04E 33 NWSW

PLACE OF USE: DOMESTIC, same as HEATING use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use also known as Lots 3 & 17, Warm Springs Estates No. 1.
5. 2 points of diversion located in NWSW, S33, T10N, R4E.
6. Domestic use is for 3 homes & 2 offices.

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 65-07770C

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 30th
day of January, 1987.

Acting for the Director



65-7770C



FEB 09 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-77700

1. Owner: USTO E AND/OR DOROTHY B. SCHULZ Phone No. 462-3696
Current Address: HC 76 Box 4048 GARDEN VALLEY ID. 83522

2. Accompanied by: USTO SCHULZ EXAM. DATE: 10/2/86

Address: ← SAME AS ABOVE → Phone No. _____

Relationship to Permit Holder: SAME

3. Source: GROUNDWATER tributary to —

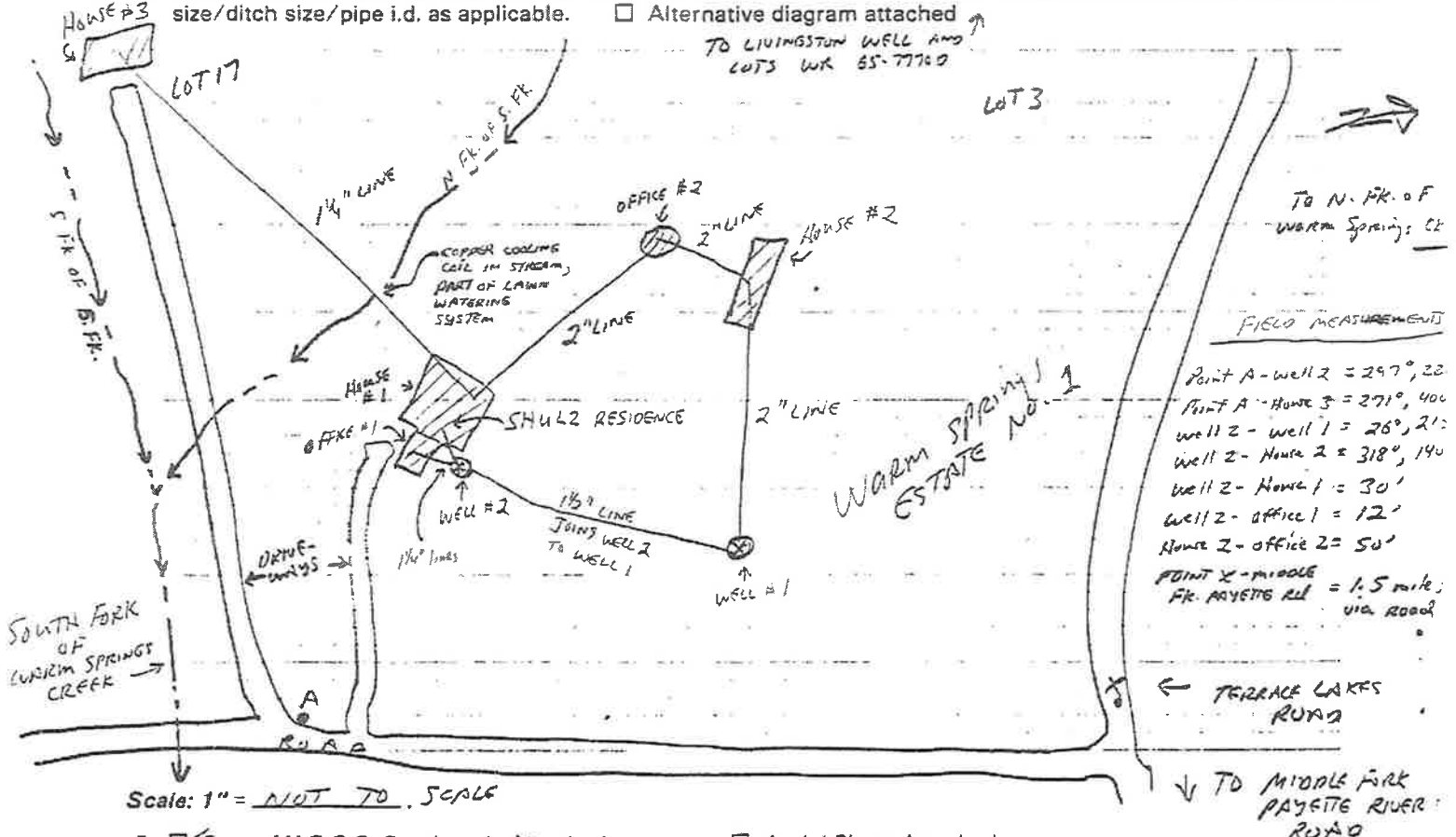
B. OVERLAP REVIEW

1. Other water rights with same place of use: (65-12386 LARSEN 4/86)
65-77700, 7595, 12287, 12302, 12392, 12627, 3238, 4002A,
7540, 7562, 7592, 7593 ☒ Copies Attached

2. Other water rights with same point of diversion: 65-77700, 7595, 12287, 12302, 12392, 12627, 3238, 4002A,
7540, 7562, 7592, 7593, 12123, 12289, 12290, 12291, 12292, 12293, 7291, 4002A, 7118 ☒ Copies Attached ☒ Copies of Field Exam's Attached
✓ FOR 65-7562 AND 65-7540

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

FIELD MEASUREMENTS
Point A - Well 2 = 297', 28"
Point A - House 3 = 271', 40"
Well 2 - Well 1 = 26', 21"
Well 2 - House 2 = 318', 19"
Well 2 - House 1 = 30'
Well 2 - Office 1 = 12'
House 2 - Office 2 = 50'
Point X - middle Fr. Payette Rd = 1.5 mile; via road

H. REMARKS AND OVERLAP REVIEW ANALYSIS

AMENDMENTS: CHANGE PD FROM NGSW TO NWSW (2 WEEK)

Limit PU From $\frac{1}{2}$ SWt to swt swt

Limit domestic part of W.R. rate to .16 cfs (3 hrs., 20 ft.) and allow .12 cfs for
planting as shown on W.R. summary sheet (Assignments). Thereafter, allow .28 cfs in the .36 cfs
that was assigned from 65-7770 to 65-7770C.

OVERLAP:

(A) PD 1 SURFACE WERE IN 65: 12123, 12189, 12290, 12291, 12292, 12293, 12302, 12392, 12627, 9238, 4002A, 4002X, 7018, 7291, 9542, 7513, 7540, 7562, 7592, 7593 WERE SHULE W/1 ASSIGNED TO CRASH 7/13/78, 7591 & 7562 ARE OTHER SHULE WAS ~~200~~. 7590 IS FROM A HOT SPRING (CALLED WARM SPRING) AND 7562 DROVE WORK FROM THE SOUTH SIDE WARM SPRING CREEK. — AND 7770 (CUMINGTON) COMPLETED FIELD WORK WHEN DIED 85-7770C.

PO: GRAMMETER in 65-12287 + 7595¹ from 65-12346 (GRAMMETER) CAPED 4/86.

2a) PU: HEATING, OTHER LOTS THAN 3117: 65: 12287, 12302, 12392, 4402 A, 7593 (LOT 10, CREEK)

I. RECOMMENDATIONS—continued Below—

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afy)
	From	To		
DOMESTIC	1/1	12/31	.16	4.8
HEATING	1/1	12/31	.12	NONECONSUMPTIVE
			Total:	4.8

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
- ☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other (Rate of Diversion)

J. AUTHENTICATION

Field Examiner's Name Steen, Lester

Signature Stan Foster

Certification Date _____

Field Report Preparation Date 10/2/86

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

REMARKS CONTINUED

NA: DOMESTIC, OTHER LHS THAN 3117: 6517545, 7592 (LIT), CZECH).

HEATING: DOMESTIC, OTHER LOTS THAN 3:17:65:12627, 7770 (LOT 2, LIVINGSTON).

IRRIGATION, HEATING, & DOMESTIC IN 65-3238, 5 AC. IN OT. CR. LOT OR LOTS THAN 3117.

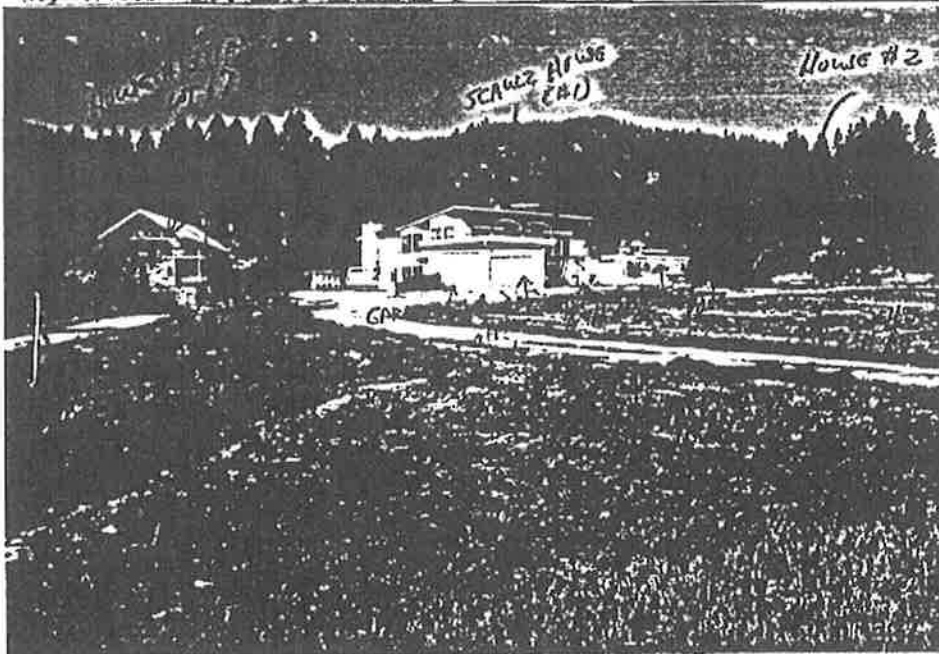
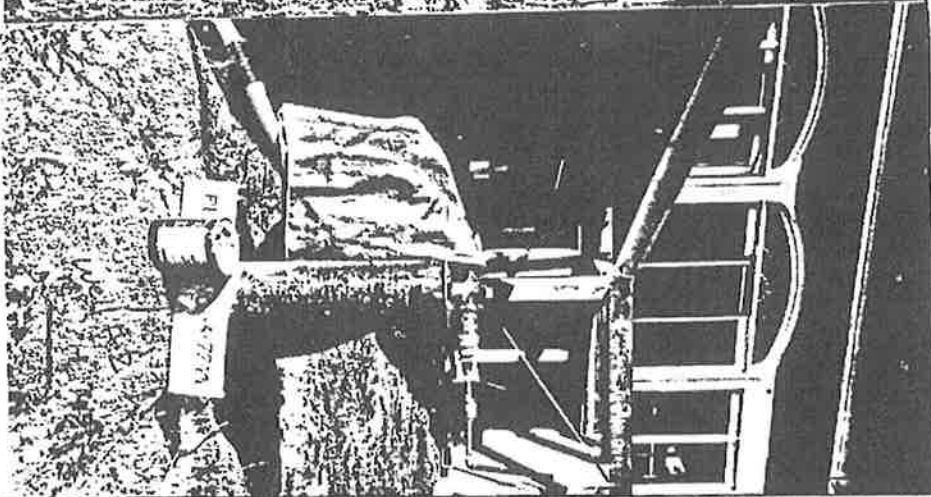
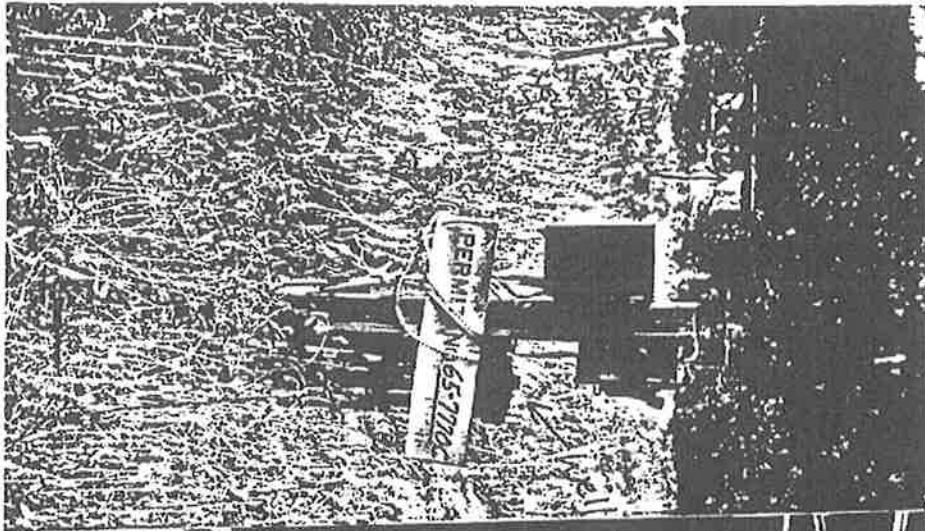
NO CONFLICTS IN H1 & H2 ABOVE. SIGNIFICANT OVERLAP FOUND WITH 65-7540 & 65-7562, AS FOLLOWS: 1.2 AFA

65-7550 LICENSE FOR .12 LBS (.84 DDMITH, .02 NETHING) FOR H. GUTHRIE, GREENHOUSE ON LOT 3.
SINCE IS WARM SPRINGS, A HOT SPRINGS NEAR SALT-HOME

65-7562 LICENSE FOR .04 CFS, 12 AFA, FOR DOMESTIC USE; 2. NUNCE, BREEDING, AND SWIMMING POOL AND LOT 3. SOURCE IS SOUTH FL. OF WARM SPRINGS CREEK, WITHIN ACTUALITY TACUOS, COMMUNITY OF 12. ALL 5. FUEL DUE TO OUCH (BY T.R. O. AAK) FROM N. FL. TO S. FL. WESTERN OF 65-7562 PO (RE EAST PASS ATTACK) 2. LICENSE 65-7562).

CONTINUED ON ATTACHED
PAGE.

65-7770C



JARVIS SEGREGATION PLAT

CERTIFICATE OF SURVEYOR

I, David H. Roylance, do hereby certify that I am a Registered Land Surveyor, licensed by the State of Idaho, and that this plat of "JARVIS SEGREGATION PLAT" as described in the "Certificate of Owners" and shown on the attached plat was drawn from an actual survey made on the ground under my supervision and this plat accurately represents the points thereon and is in conformity with the State of Idaho Code, Title 50, Chapter 13, relating to Plats and Surveys, and conform to Boise County Ordinance 85-1, Chapter 5, Section 1, relating to Segregation Plats involving not more than four lots, parcels or tracts of land.



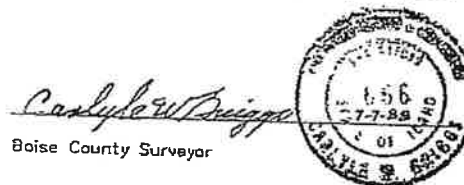
APPROVAL OF CENTRAL DISTRICT HEALTH DEPARTMENT

Sanitary restrictions of this plat are hereby removed according to the letter to be read on file with the County Recorder or his/her agent listing the conditions of approval.

By _____

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, County Surveyor for Boise County, Idaho, do hereby certify that I have checked this plat of "JARVIS SEGREGATION PLAT" and that it is in compliance with Title 50, Chapter 13, Idaho Code relating to Plats and Surveys, and is also in compliance with Boise County Subdivision Ordinance 85-1, Chapter 5, Section 1, relating to segregation subdivision plats.



CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Boise, State of Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this Segregation Subdivision Plat have been paid in full. This certification is valid for the next 30 days only.

County Treasurer

Date

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NUMBER 128898

STATE OF IDAHO) SS
COUNTY OF BOISE)

I hereby certify that this plat of "JARVIS SEGREGATION PLAT" was filed at the request of Don Jarvis at 28 minutes past 11:00 o'clock M this 11 day of July A.D. 1988 in my office and was duly recorded as Instrument Number 128898

Dale Yunker
Deputy

Arlene C. Kolar
Ex-officio Recorder

Fee \$5.00

SPLIT TREE

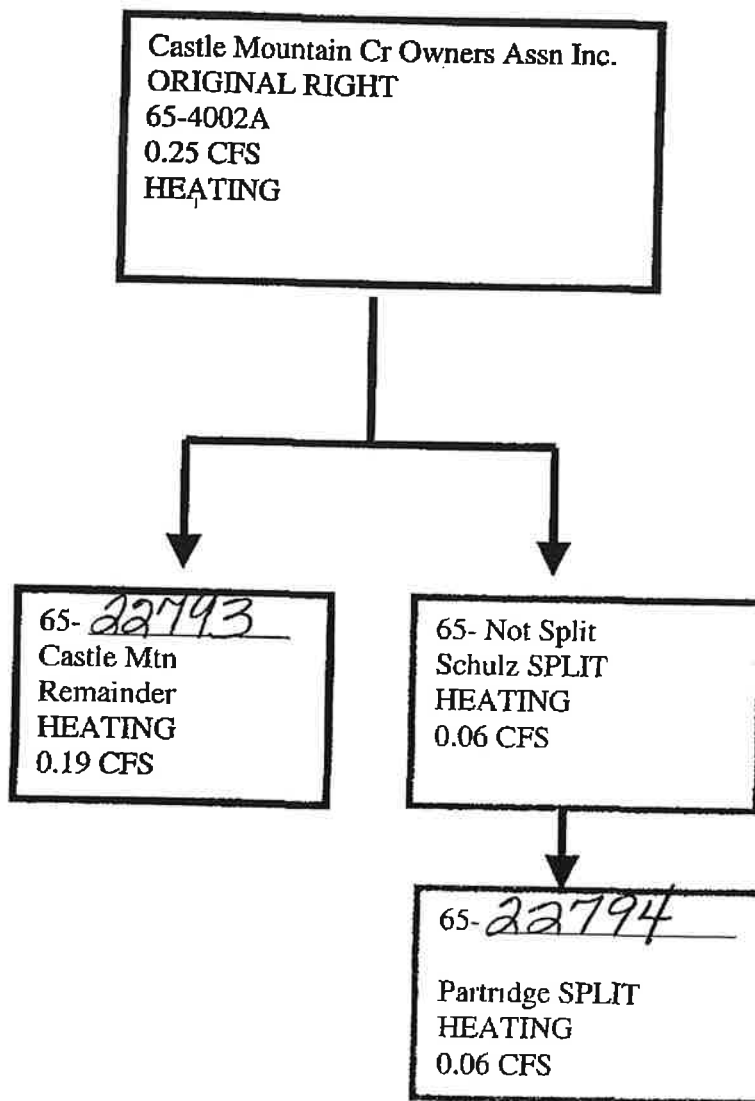
CLAIMS 65-4002A

AGENT: Ron Howerton

Date: 8/5/2002

REMAINDER 65- 22793 = 0.19 CFS @ Heating
PARTRIDGE SPLIT 65- 22794 = 0.06 CFS @ Heating

TOTALS = Heating @ 0.25 CFS (Split per Water rights agreement between Castle Mountain Creek Owners Association Inc. & Usto Schutz & Diana Schutz.) Then new owners (William R. Partridge & Marlene J. Partridge) bought Usto & Diana Schutz's property.



MICROFILMED

11/15/2003

fw
4/24/03

Lon Jarvis
H.C. 76 Box 4213
Garden Valley, ID 83622

March 10, 1988

Board of County Commissioners
Boise County
Idaho City, ID

RE: Subdivision of property

The proposed change is in Tract C of Warm Springs Estates (see attached) to divide said tract into two (2) parcels for the purpose of erecting one (only) single unit dwelling on each parcel.



Lon S. Jarvis

LSJ/ds

Attachments: 1

cc: Marty Jones
Central District Health Department

Usto E. Schulz

Earl Livingston

Dick McDowell
Garden Valley, ID 83622

May 12, 1988

Mr. Lon Jarvis
Garden Valley, ID 83622

RE: Sub-division of property
A. Division of Lot 3, Warm Springs Estates
No. 1 in S.W. 4 A. Sector 33
T-10N-R4E-BM
Boise County

I do not oppose your planned change in Tract C of Warm Springs Estates to divide said Tract into two (2) parcels for the purpose of erecting one (only) single unit dwelling on each parcel.

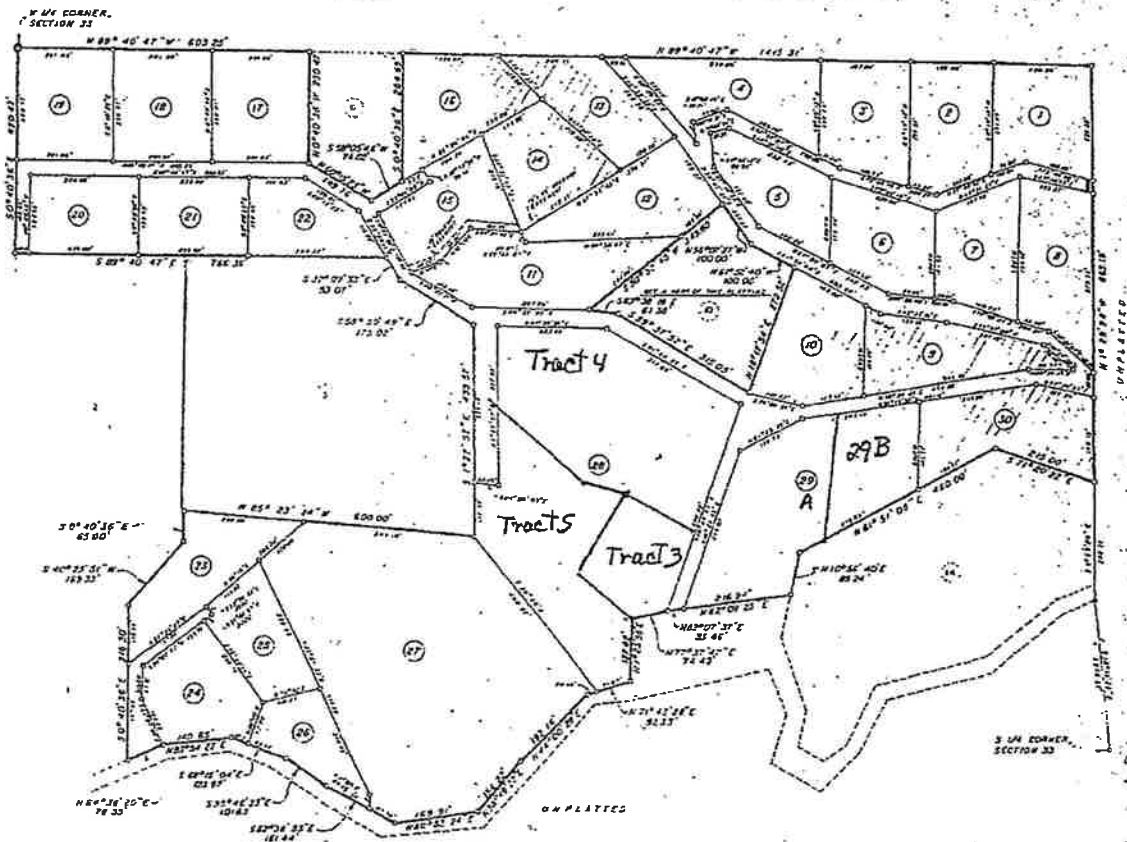
A handwritten signature in cursive script that reads "Dick McDowell". The signature is written in dark ink and is positioned above the printed name.

Dick McDowell

DM/ds

— 1975 —

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



AMENDED PLAT —OF A PORTION OF— WARM SPRINGS ESTATES NO. 1

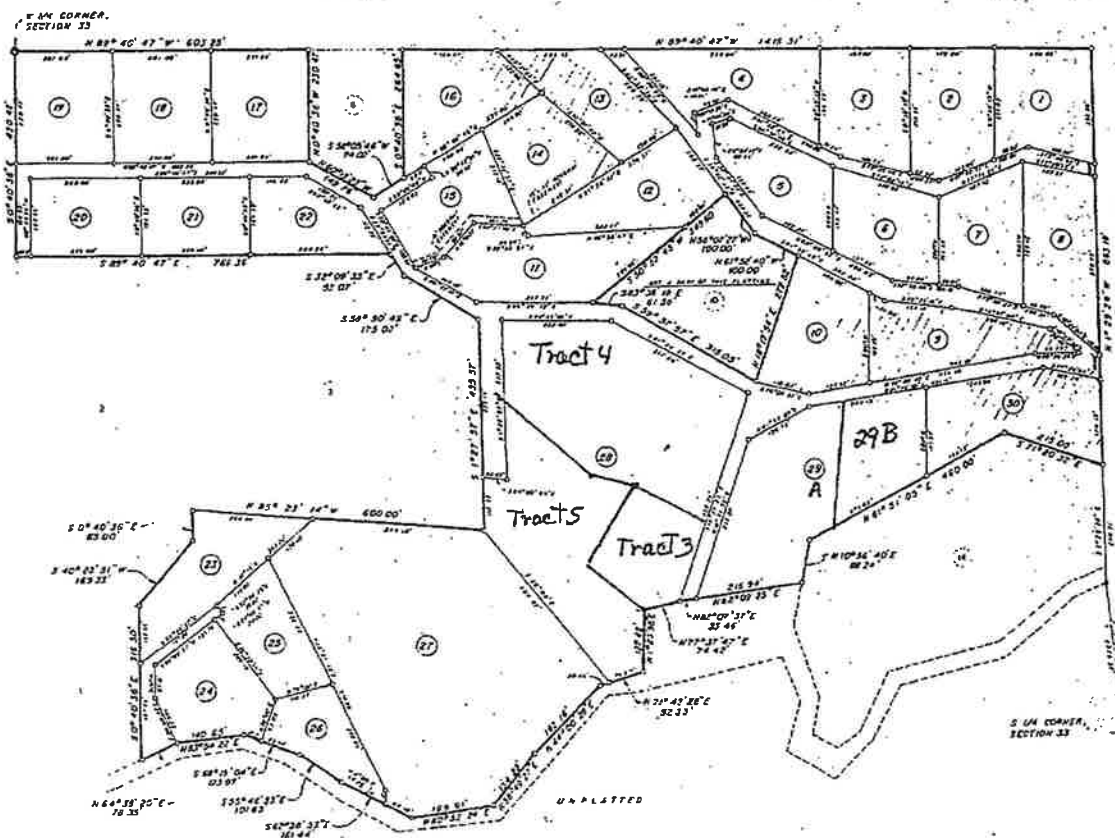
A SUBDIVISION IN A PORTION OF THE SW 1/4 SECTION 33, T.10N., R.4 E., B.M., BOISE COUNTY, IDAHO

TUDOR ENGINEERING COMPANY-BOISE, IDAHO
—1976—

This sketch is for location purposes only. The Company assumes no liability for variations.

PIONEER TITLE COMPANY
of Ada County

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



SHIP PARCEL No
FE DIGITS)

ERO Resources Corp
1106 N Cole Rd, Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax 373-7985



Denver • Boise

www.eroresources.com
boise@eroresources.com

RECEIVED

APR 05 2001

WATER RESOURCES
WESTERN REGION

March 27, 2001

Gary Spackman
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

APR 15 2001

Idaho Department of Water Resources

RE: Water Right Nos. 65-07770C, 65-07540, and 65-07562

Dear Mr. Spackman:

Mr. Usto Schulz, owner of the above referenced water rights, is dividing the water rights among three separate owners. In an effort to help clarify the division of these water rights for the file and for future reference, this letter is an effort to provide you with a break down of the water right distribution. The breakdown of the water rights are as follows:

G
License No. 65-07770C - .21 cfs total diversion

MILLER → Updike - .08 cfs heating .09 cfs domestic

/Berger - .02 cfs heating *not #* .02 cfs domestic)

License No. 65-07540 - .12 cfs total diversion

Updike - .05 cfs heating .03 cfs domestic

already processed in 1993

Jarvis - .03 cfs heating .01 cfs domestic

License No. 65-07562 - .04 cfs total diversion

Updike - .04 cfs domestic

I hope that the above table will assist the Department in completing the Change of Ownership forms submitted at this time. If you have any questions please do not hesitate to give me a call.

Sincerely yours,

Sheri L. Chapman

SLC.sw

Encl.

Consultants in
Natural Resources
and the Environment

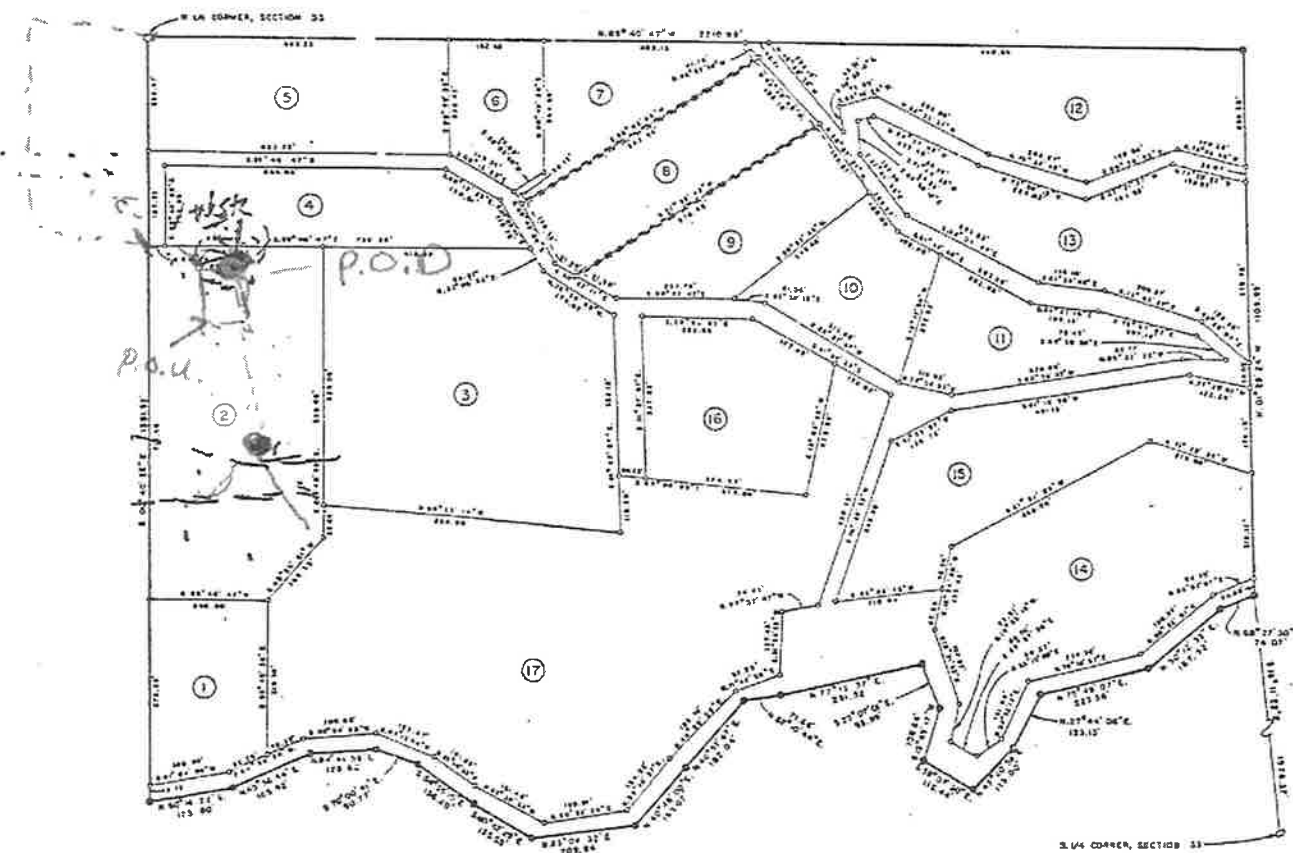
WARM SPRINGS ESTATES NO. 1

A SUBDIVISION IN
A PORTION OF THE SW 1/4 SECTION 33, T.10N., R.4E., B.M.
BOISE COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.
602 MAIN ST. BOISE, IDAHO

While this map is a photographic reproduction of that on
file in either the recorder's or surveyor's office, the
company assumes no liability for variation, if any, with
another or re-survey.

Safeco Title Insurance Company of Idaho
300 North Sixth Street
Box 2528
Boise, Idaho 83701



MICROFILMED
SEP 23 1992

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-7770C V1

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-7770G V1

WATER RIGHT NUMBER: 65-7770G V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DIANA G SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Original Owner	USTO E SCHULZ 2473 CULPEPPER BOISE, ID 83709 (208)378-7413
Previous Owner	ERNEST UPDIKE 6 SNOW SPRINGS LN GARDEN VALLEY, ID 83622 (208)462-6064
Current Owner	CLEO R MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753
Current Owner	BARBARA A MILLER 1910 S MIDDLETON RD NAMPA, ID 83686 (208)467-7753

Priority Date: 12/19/1976

Basis: License

Status: Water Supply Bank Closed

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

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	1/01 to 12/31	0.080 CFS	
DOMESTIC	1/01 to 12/31	0.090 CFS	3.60 AF
	<u>Total Diversion:</u>	0.170 CFS	3.60 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N	04E	33										X							

DOMESTIC

Jerry
208-589-3391

Cles Miller
Payette

462-0830

462-3498

2/2

Tom Jarvis
208-879-4230
home
8-840-0849

63-33617

NO CLAIM

Give to Lori

Cles Miller → ~~462-0830~~
941-5520 Cell
462-7753 HOME

~~Robert~~

bsip1@FRONTIER.NET

Not on a

Bill Tapp - 462-3439

2400.00

2201.68 bal.

198.32 left

DALOUNY LOAN
LADY

287-4999 ID

MESSAGES 4992
2416 PW

1-208-879-4230-HOME?

Tom Jarvis - 1-208-940-0849
Cell

→ Chellis, Idaho

Will be in town week-
end of the 5th. &
possibly on the 6th.

Cleo Miller - 642-0830

155 5 7th ST APT 4

Payette, ID 83661

65-7770G - .17cps + 3.6

X to - .08

AF

Loch - .09

Possibly split 4 ways - .02 ea. home?

2 homes & 2 offices

65-7770H → Harry Burger

.02 - Dom

.02 - Htg.