

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

JUL 03 2006

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas	Michael E. Thomas	Tyler J. Henderson
John W. Barrett	Patricia M. Olsson	Jason G. Murray
R. B. Rock	Bradley J. Williams	Mark C. Peterson
Richard C. Fields	Lee Radford	Andrew J. Waldera
John S. Simko	Michael O. Roe	Tyler J. Anderson
John C. Ward	David S. Jensen	Dylan B. Lawrence
D. James Manning	James L. Martin	Russell G. Metcalf
Gary T. Dance	C. Clayton Gill	Benjamin C. Ritchie
Larry C. Hunter	David P. Gardner	
Randall A. Peterman	John O. Fitzgerald, II	Robert E. Bakes, <i>of counsel</i>
Mark S. Prusynski	Julian E. Gabiola	Morgan W. Richards, <i>of counsel</i>
Stephen R. Thomas	Angela Schaefer Kaufmann	
Glenna M. Christensen	Michael W. McGreaham	<i>Willis C. Moffatt, 1907-1980</i>
Gerald T. Husch	Paul D. McFarlane	<i>Kirk R. Helvie, 1956-2003</i>
Scott L. Campbell	Kimberly D. Evans Ross	
Robert B. Burns	Jon A. Stenquist	

June 26, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

**Re: Settlers Irrigation District/Change in Water Right Ownership for
Water Right No. 63-8718**
MTBR&F File No. 18955.27

Dear Sir or Madam:

Enclosed please find an original change of water right ownership form for the above-referenced water right, along with the requisite documents establishing ownership of the water right. Please file the original and return the receive-stamped copy in the enclosed, self addressed stamped envelope. ✓ DB

Please note that we are not tendering a filing fee because this water right is pending in the Snake River Basin Adjudication. Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffany M. Hudak
Paralegal

/tmh

Enclosure

cc: Board of Directors (w/encl.)

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

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
63-8718	63-08718	License			

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**.
SEE ATTACHMENT A
- 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
SEE ATTACHMENT B
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) Marty Goldsmith and Justin Martin
4487 N. Dresden Place, Ste. 102, Boise, Idaho 83714
4. New Owner/Claimant(s) Settlers Irrigation District
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
PO Box 7571
New Mailing Address Boise, Idaho 83707
City, State and ZIP Code
New Telephone Number (208) 344-2471
5. Date you acquired the property January 5, 2005

NO \$

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

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

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

7. Signature of New Owner(s) or Claimant(s) Tom E Davis
(include title if applicable)

Tom Davis, President, Settlers Irrigation District

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Moffatt, Thomas, Barrett, Rock &
Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/14/05 04:35 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Moffatt Thomas

AMOUNT 18.00 6



(Space Above For Recorder's Use)

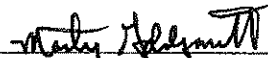
DEED FOR INTEREST IN IRRIGATION WELL

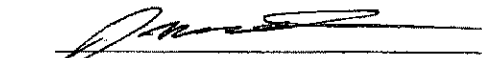
FOR VALUE RECEIVED, MARTY GOLDSMITH, an individual, whose address is 4487 N. Dresden Place, Suite 102, Boise, Idaho 83714, and JUSTIN MARTIN, a married man dealing with his separate property, whose address is 4487 N. Dresden Place, Suite 102, Boise, Idaho 83714 (hereinafter collectively referred to as "Grantors"), do hereby grant, bargain, sell, and convey to SETTLERS IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Idaho, whose address is P.O. Box 7571, Boise, Idaho 83707 ("Grantee"), all of Grantors' right, title, and interest in and to the irrigation well which serves as the diversion point for water right number 63-08718, together with the well casings, pumps, motors, electrical connections, and all other appurtenances used in connection therewith, situated in Ada County, Idaho, as more particularly described in Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD said real property and irrigation well, together with its appurtenances, to Grantee and Grantee's successors and assigns forever. Grantors do hereby warrant and represent to and with Grantee that (a) Grantors are the lawful owner of fee simple in the real property and owns One Hundred Percent (100%) interest in said irrigation well; (b) that said premises are free from all encumbrances and liens and subject to reservations, restrictions,

dedications, easements, rights-of-way and agreements (if any) of record, and general taxes and assessments for the current year are not yet due and payable; and (c) that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 5th day of January, 2005.


Marty Goldsmith


Justin Martin

STATE OF IDAHO)
) ss.
County of Ada)

On this 5th day of January, 2005, before me, a Notary Public in and for said State, personally appeared MARTY GOLDSMITH, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Brian F. McColl
NOTARY PUBLIC FOR IDAHO
Residing at 5 Eagle, Id
My Commission Expires 5/2/06

STATE OF IDAHO)
) ss.
County of Ada)

On this 5th day of January, 2005, before me, a Notary Public in and for said State, personally appeared JUSTIN MARTIN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Brian F. McColl
NOTARY PUBLIC FOR IDAHO
Residing at Eagle, Id
My Commission Expires 5/2/06

EXHIBIT A

EXHIBIT A
BOL_MT2:564193.1

WELL PARCEL
SAGUARO CANYON
DECEMBER 1, 2004

A PARCEL OF LAND AROUND A WELL SITUATED IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, T.4N., R.1E. B.M., MERIDIAN, ADA COUNTY, IDAHO; THENCE S 89°45'44" E ALONG SOUTH LINE OF SAID SECTION 30 2410.76 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 30;

THENCE N 2°12'55" E 3099.68 FEET TO THE REAL POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE N 0°00'00" E 10.00 FEET TO A POINT;

THENCE N 90°00'00" E 10.00 FEET TO A POINT;

THENCE S 0°00'00" W 10.00 FEET TO A POINT;

THENCE S 90°00'00" W 10.00 FEET TO THE REAL POINT OF BEGINNING OF THIS DESCRIPTION.

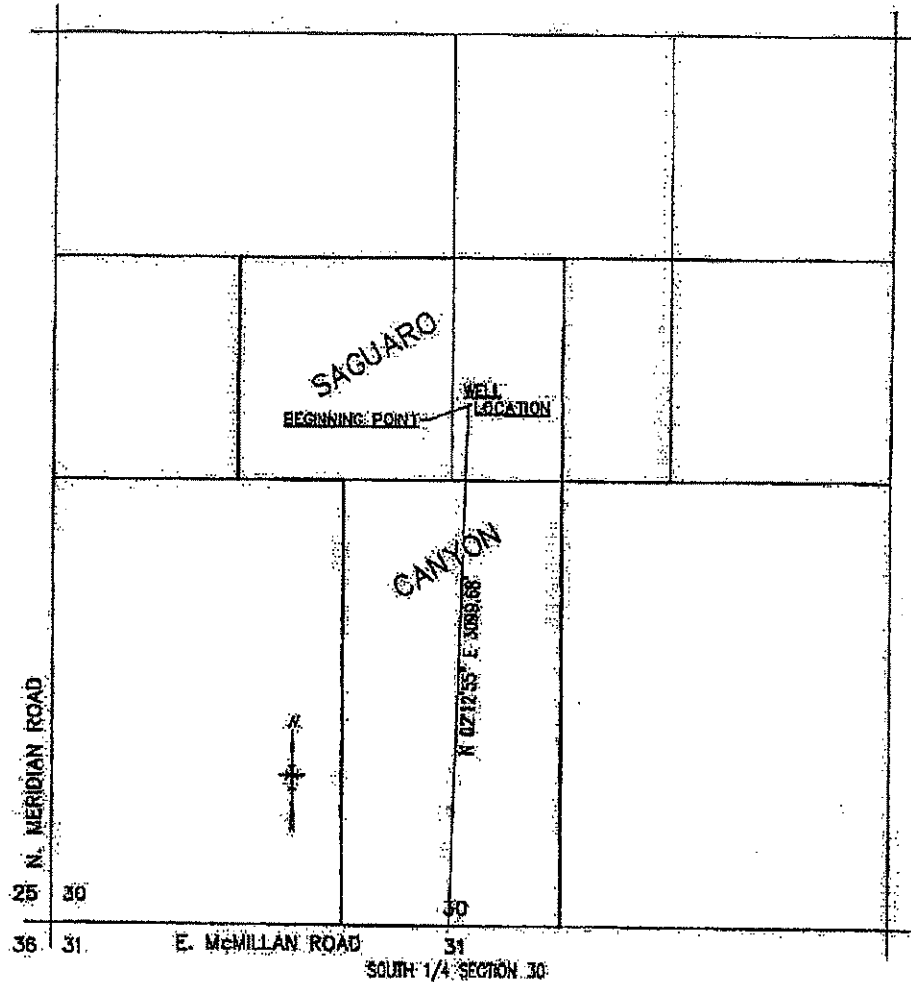
SEE ATTACHED EXHIBIT DRAWING.

WAYNE K. BARBER



PLS 8444

EXHIBIT B



REVISION :	BY:	WELL DESCRIPTION SAGUARO CANYON		BRIGGS ENGINEERING, INC.
SHEET : 1 OF 1		EXHIBIT B		 ENGINEERS PLANNERS SURVEYORS 1800 W. OVERLAND ROAD • BOISE, IDAHO 83705 • (208)344-8700
SHEET		DWG DATE: 12/01/04	DWG NO.: 40206	SCALE: 1" = 1000'
#0206-(b)wallish.dwg		These drawings, or any portion thereof, shall not be used on any Project or extensions of this Project except by written agreement from Briggs Engineering, Inc.		

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Moffatt, Thomas, Barrett, Rock &
Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/14/05 04:35 PM
DEPUTY Bonnie Oberbillig
RECORDED-REQUEST OF
Moffatt Thomas

AMOUNT 9.00 3



(Space Above For Recorder's Use)

DEED FOR WATER RIGHT NUMBER 63-08718

FOR VALUE RECEIVED, MARTY GOLDSMITH, an individual, whose address is 4487 N. Dresden Place, Suite 102, Boise, Idaho 83714, and JUSTIN MARTIN, a married man dealing with his separate property, whose address is 4487 N. Dresden Place, Suite 102, Boise, Idaho 83714 (hereinafter collectively referred to as "Grantors"), do hereby grant, bargain, sell, and convey to SETTLERS IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Idaho, whose address is P.O. Box 7571, Boise, Idaho 83707 (hereinafter "Grantee"), all of Grantors' right, title, and interest in and to that certain water right identified as 63-08718, as more particularly described herein and as represented in the Combination License and Construction, Operation, and Maintenance Agreement for Saguaro Canyon Subdivision, executed contemporaneously herewith.

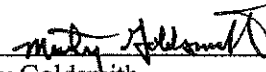
Grantors hereby grant, bargain, sell, and convey to Grantee all of Grantors' right, title, and interest in water right number 63-08718. Water right number 63-08518 is appurtenant to that certain real property situated in the West Half of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 30, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, and the diversion point of which is a well situated on said real property.

DEED FOR WATER RIGHT NUMBER 63-08718 - 1

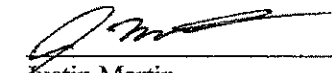
BOI_MT2:564200.2

TO HAVE AND TO HOLD said water right number 63-08718 to Grantee and Grantee's successors and assigns forever. Grantors do hereby represent and warrant to and with Grantee that Grantors are the lawful owners of water right number 63-08718 and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 5th day of January, 2005.



Marty Goldsmith



Justin Martin

STATE OF IDAHO)
) ss.
County of Ada)

On this 5th day of JANUARY, 2005, before me, a Notary Public in and for said State, personally appeared MARTY GOLDSMITH, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Brian F. McColl
NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission Expires 5/12/06

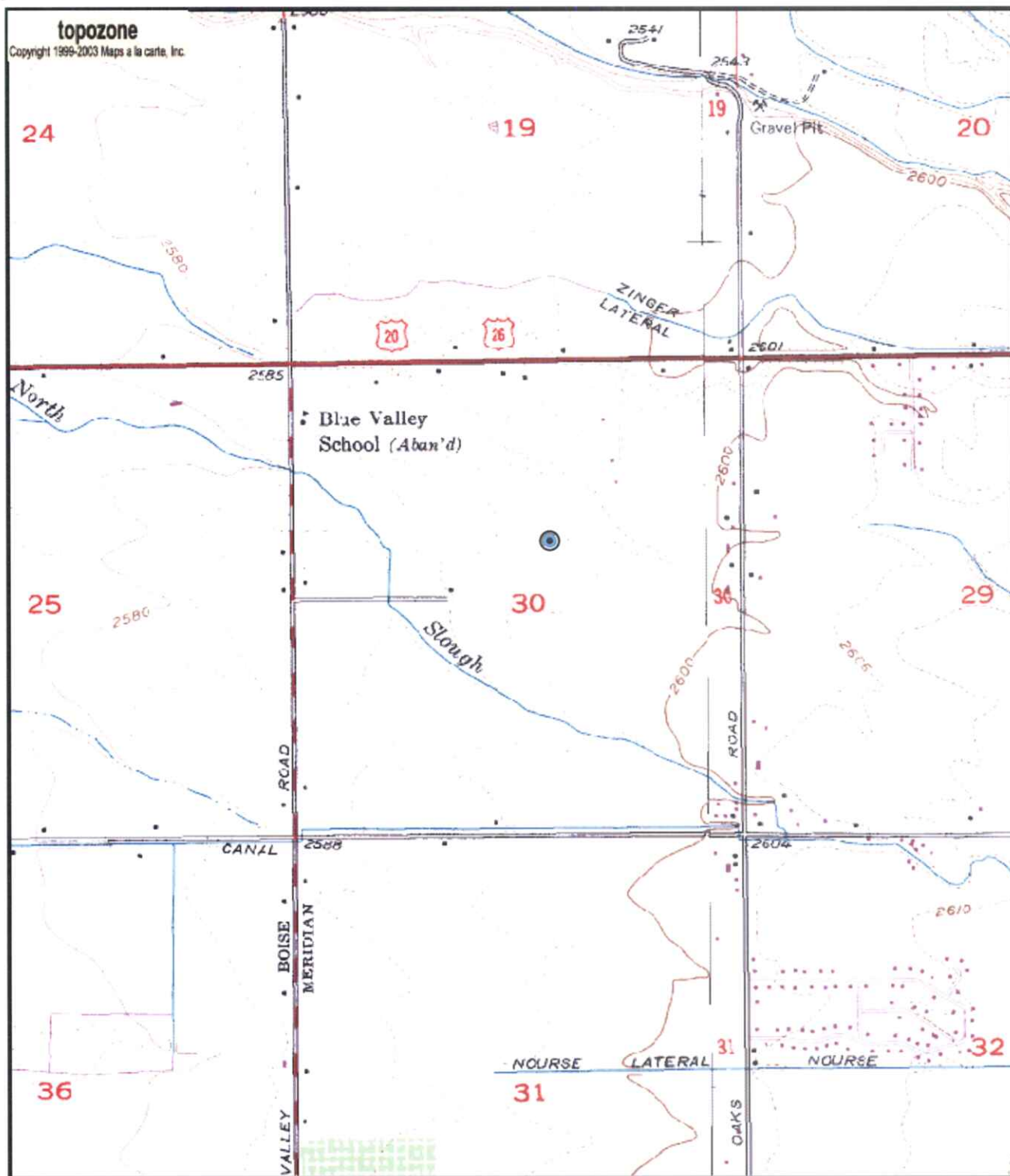
STATE OF IDAHO)
) ss.
County of Ada)

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Brian F. McColl
NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission Expires 5/12/06



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

Map center is UTM 11 549672E 4833818N (WGS84/NAD83)

Star quadrangle

Projection is UTM Zone 11 NAD83 Datum



M=15.498
G=0.425

Township 4N Range 1E
Ada County, Idaho