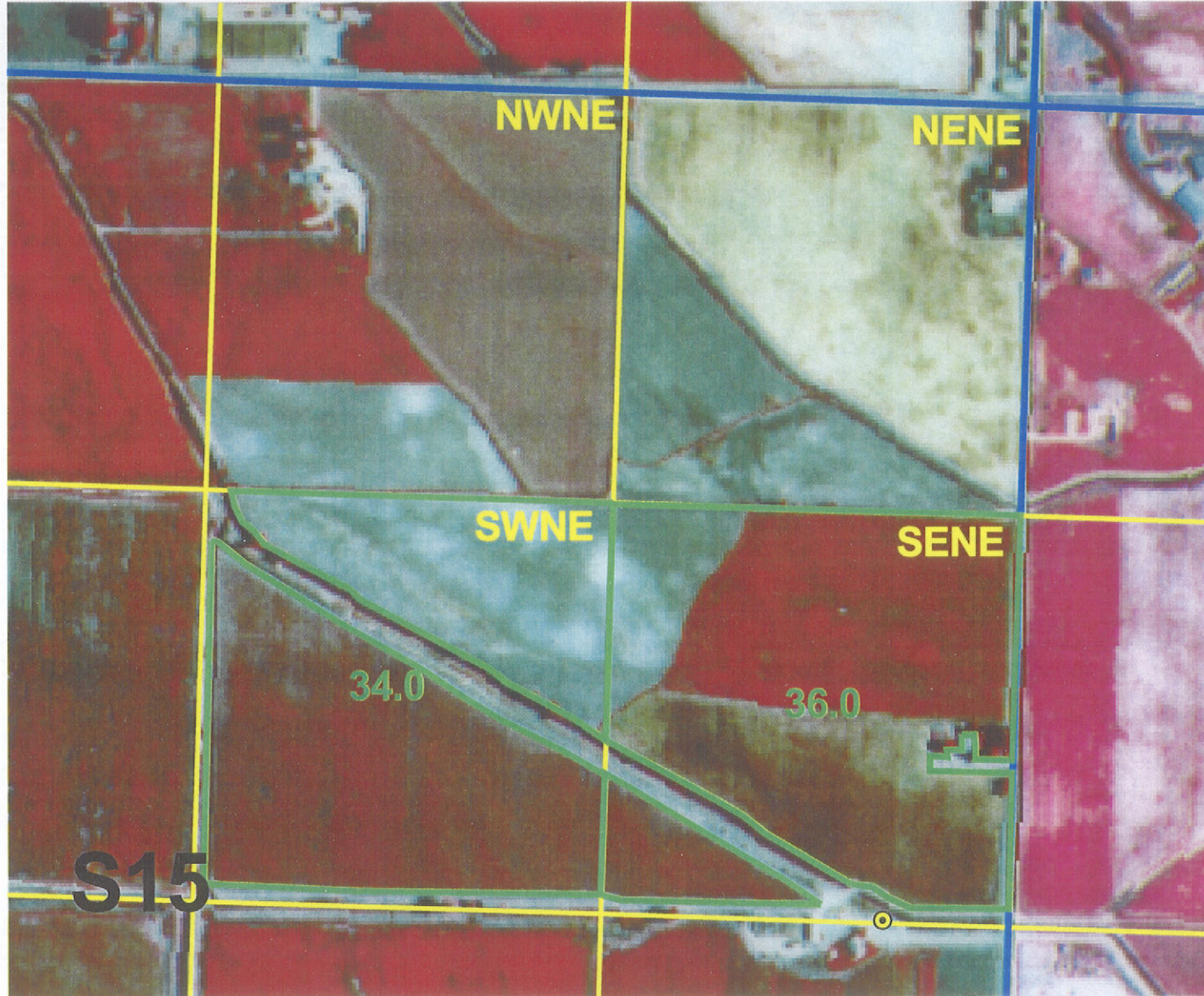


Idaho Department of Water Resources

**T03N, R01W,
S15**

Claim No: 63-27475
Prepared By: Kimberly Brown
Date: January 7, 2005



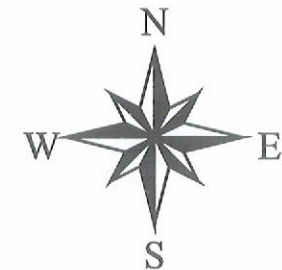
 Place of Use

 Section Lines

 1/4 1/4

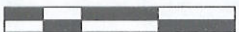
 Point of Diversion

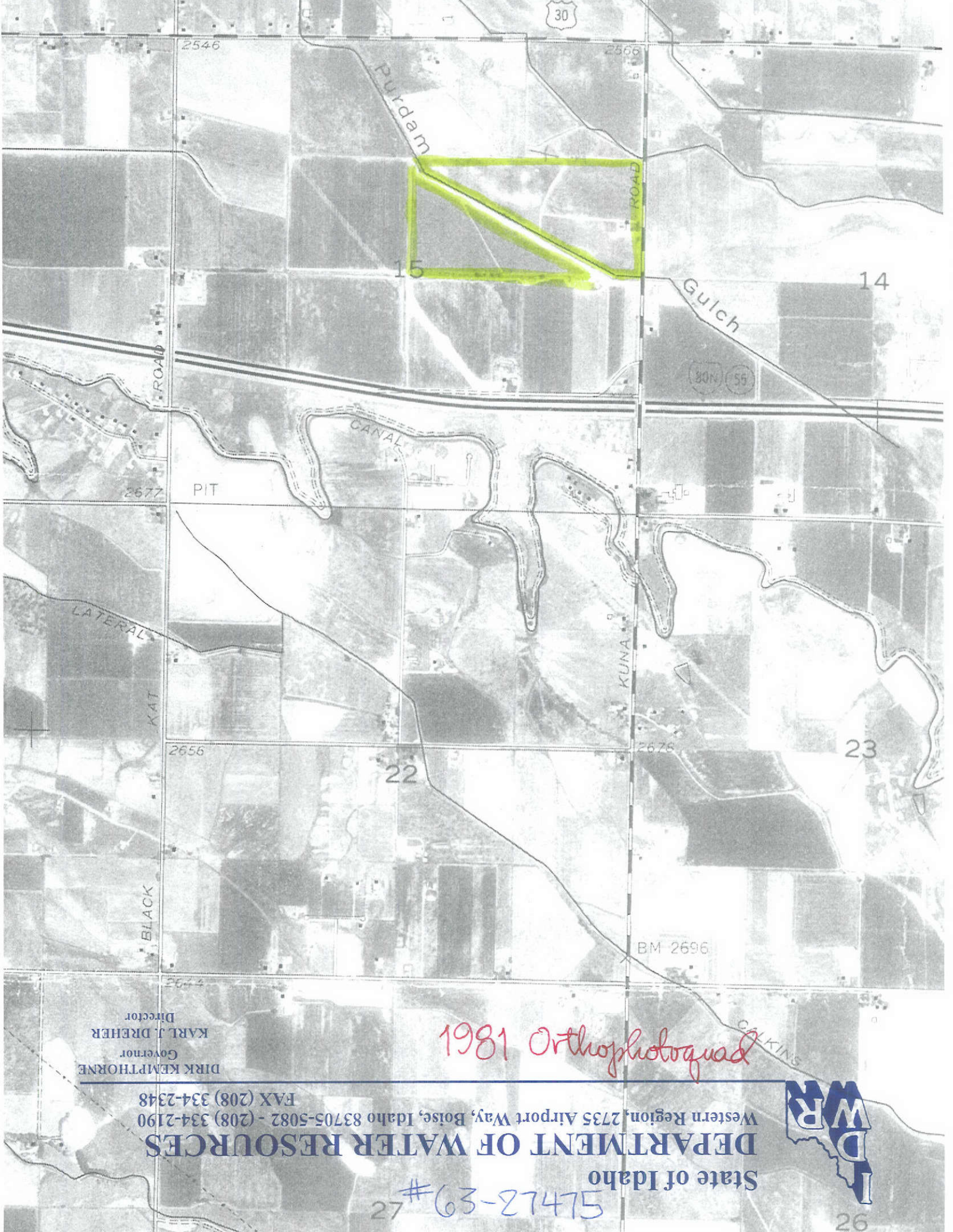
Acres Irrigated = 70.0



1987 NAPP

0.04 0 0.04 0.08 Miles





Orthophoto 1981

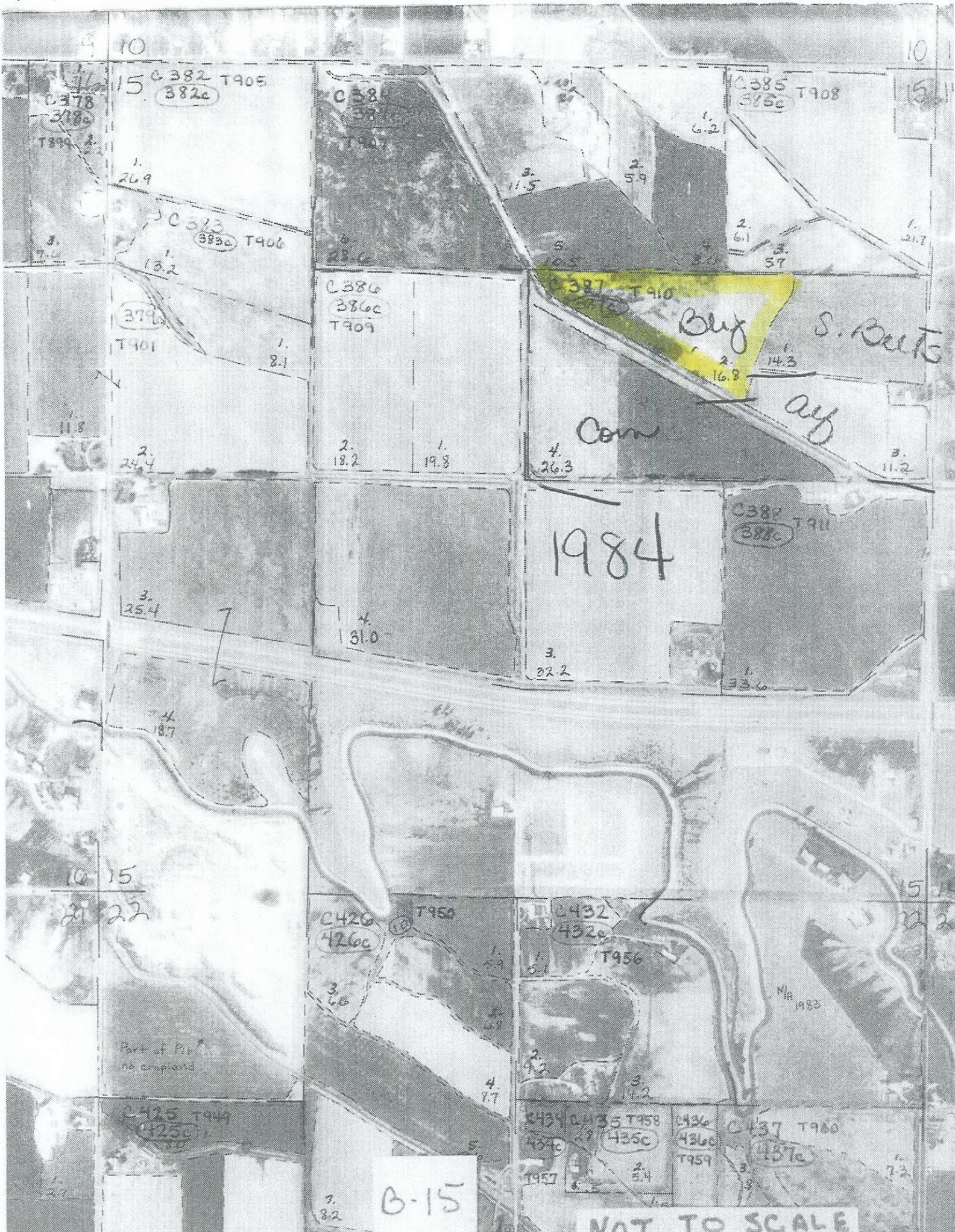
#63-27475

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

State of Idaho
DEPARTMENT OF WATER RESOURCES







NWNE

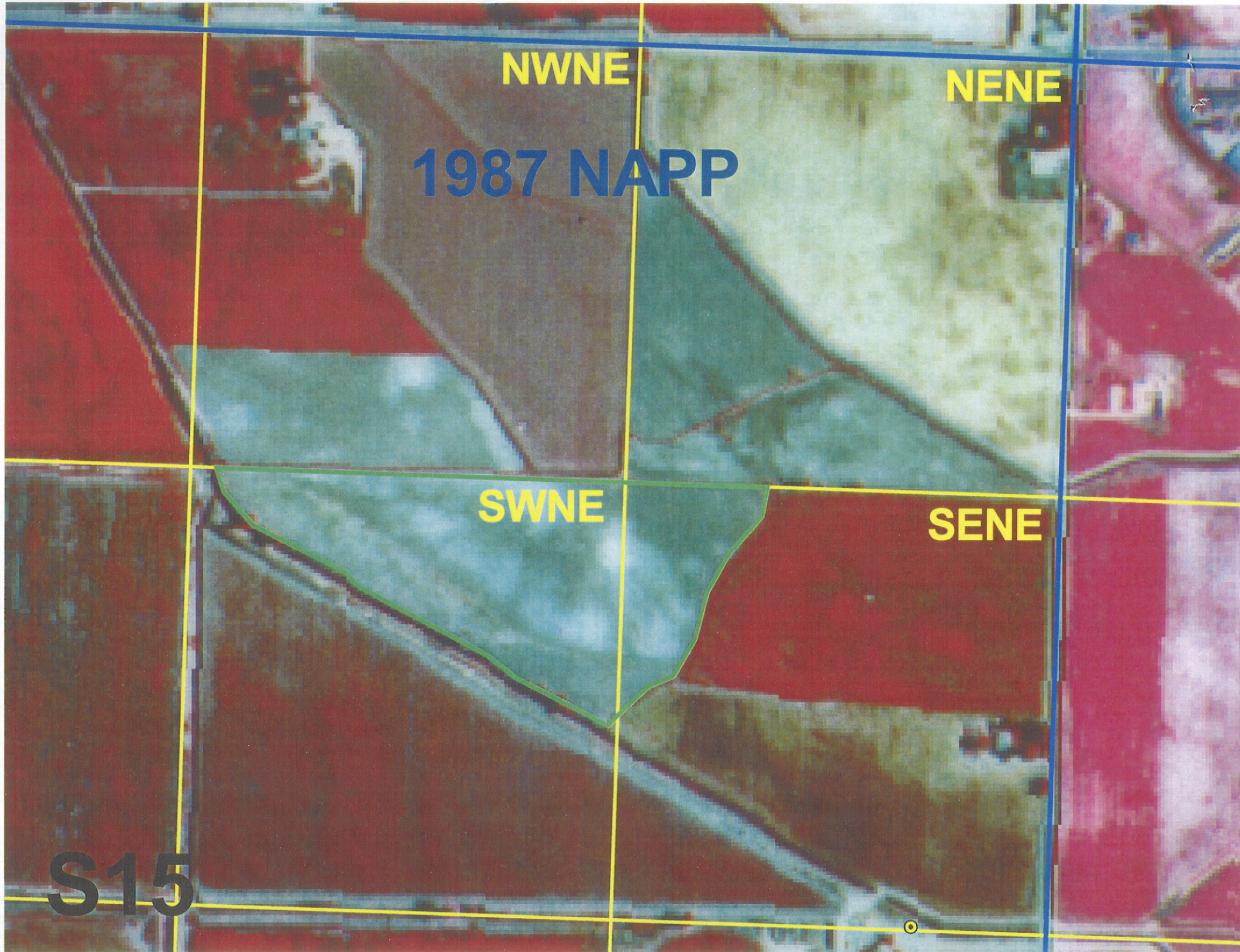
NENE

1987 NAPP

SWNE

SENE

S15



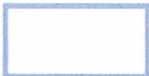
Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-27475

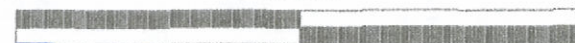
Legal: T3N, R1W, S15

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



0 0.25 0.5 Miles

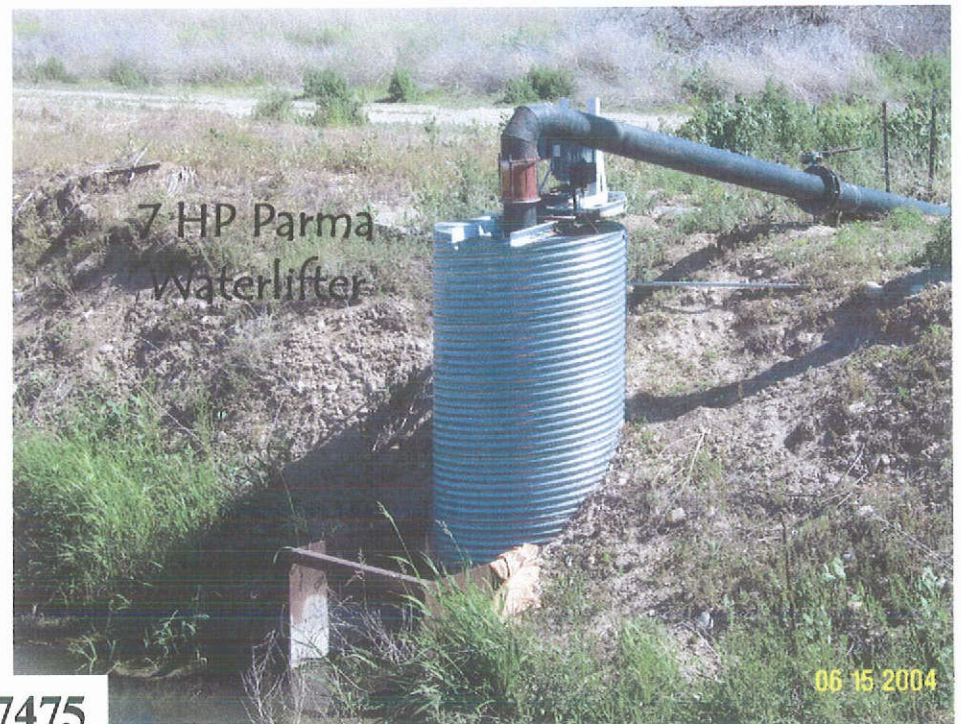


Janicek

1 1/2" = 1320'

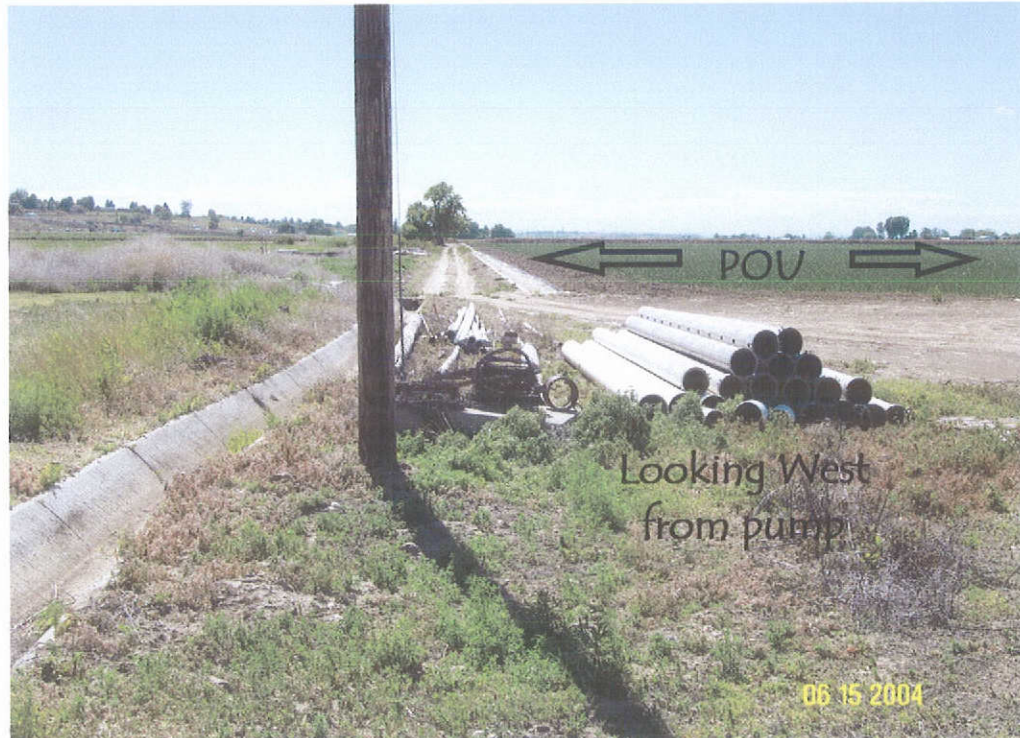
880' = 1/4"







63-27475



HYDRAULICS: Capacity of Concrete Lined Canals - Normal Flow

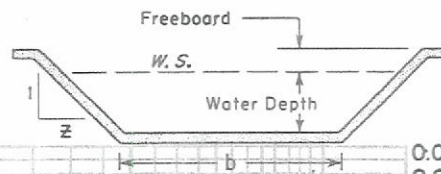
$b = 1.0$
 $n = 0.014$
 $z = 1.0$

UNSTABLE ZONE $0.7 S_c < S_o < 1.3 S_c$
 Freeboard = $0.2 H_e + 0.25 d_c \left[1 - 11.1 \left(\frac{S_o}{S_c} - 1 \right)^2 \right]$

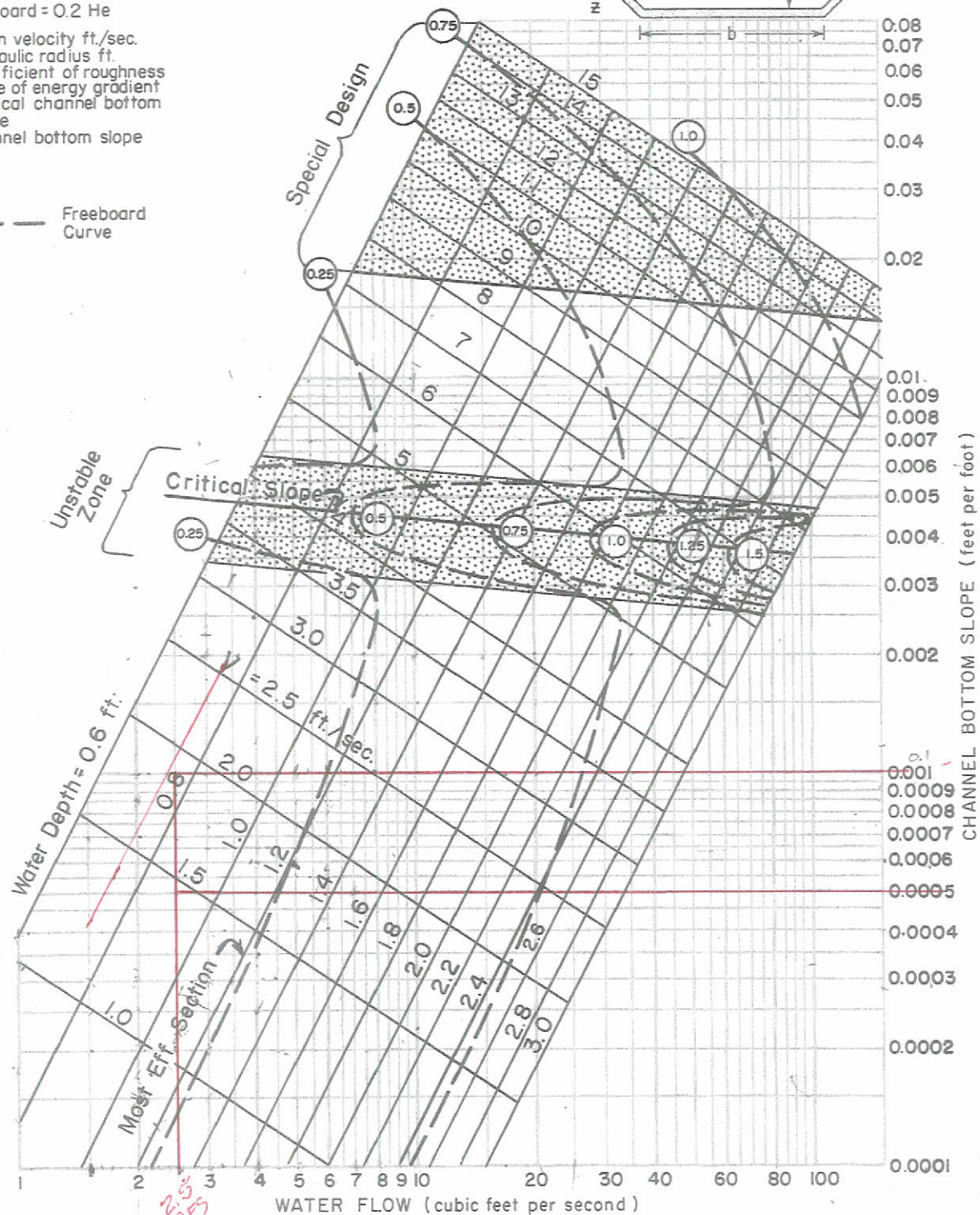
UNIFORM FLOW $V = \frac{1.486}{n} r^{2/3} S^{1/2}$

Freeboard = $0.2 H_e$

V = mean velocity ft./sec.
 r = hydraulic radius ft.
 n = coefficient of roughness
 S = slope of energy gradient
 S_c = critical channel bottom slope
 S_o = channel bottom slope



0.25 — — — Freeboard Curve



REFERENCE:

U. S. DEPARTMENT of AGRICULTURE
SOIL CONSERVATION SERVICE
 ENGINEERING and WATERSHED PLANNING UNIT
 PORTLAND, OREGON

Sheet 3 of 9
 Date: November, 1956
 Drawing No. 7-L-20151
 REVISED 5-'61

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-27475

Legal: T3N, R1W, S15

Reviewed By: *Karan Waters,*
IDWR contractor



Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

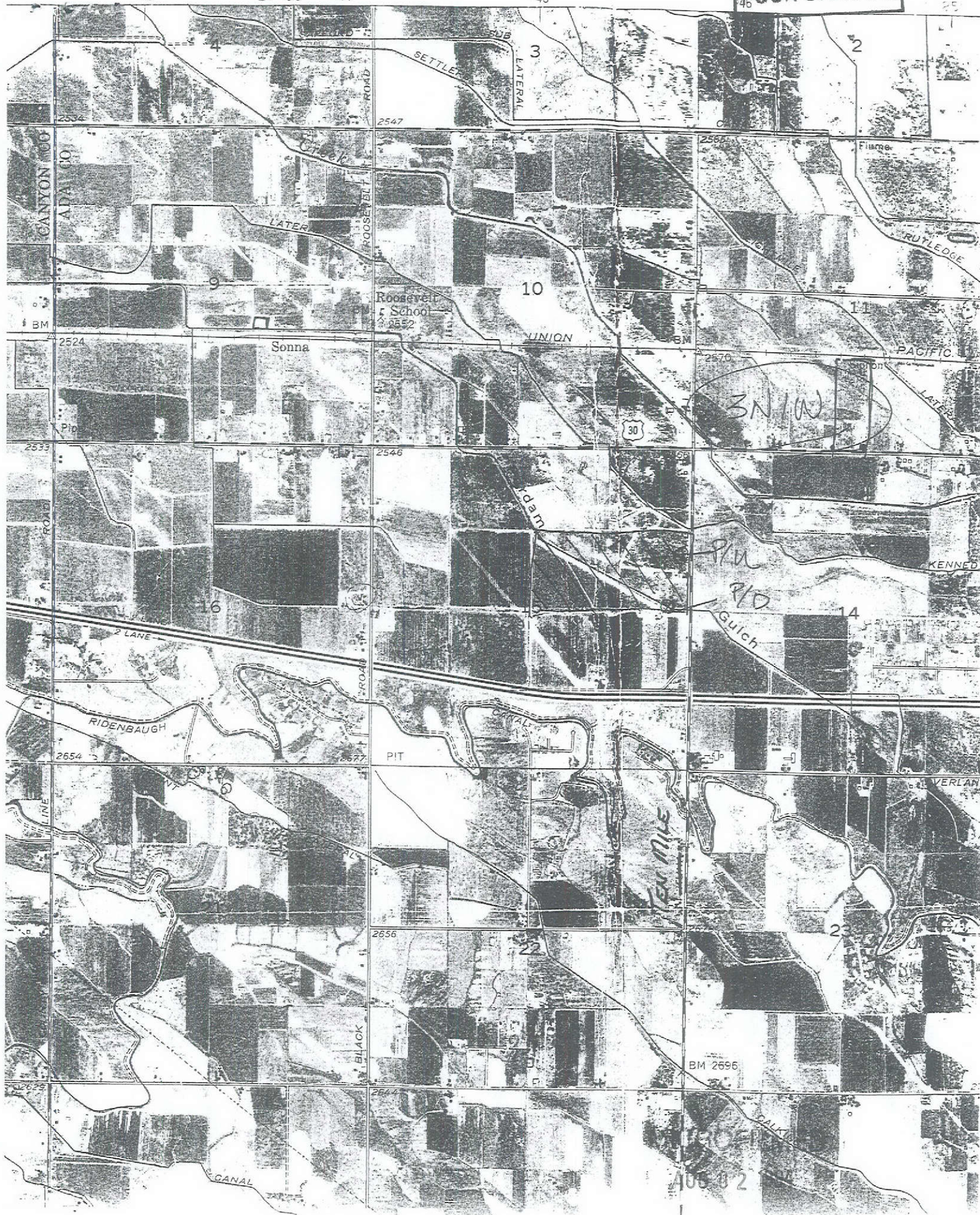


0 0.25 0.5 Miles



4.13.04

*According to Janicek, (in office)
this is correct -
both POP & POU. -KLB*



RECEIVED

APR 21 1998

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 63-27475

(Insert water right no.)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:

Daniel V. Steenson

S. Bryce Farris

Ringert Clark Chartered

P.O. Box 2773

Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Janicek Properties LLC

Address: 1284 S Gosling Way
Eagle, Idaho 83616

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☒ **Name and Address**
Should be: Disallowed. See below.

2. ☒ **Source**
Should be: Disallowed. See below.

3. ☒ **Quantity**
Should be: Disallowed. See below.

4. ☒ **Priority Date**
Should be: Disallowed. See below.

5. ☒ **Point(s) of Diversion**
Should be: Disallowed. See below.

6. ☐ **Instream Flow Description**
Should be: N/A

7. ☒ **Purpose(s) of Use**
Should be: Disallowed. See below.

8. ☒ **Period of Year**
Should be: Disallowed. See below.

9. ☒ **Place of Use**
Should be: Disallowed. See below.

10. ☒ **I object because:**

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of said claim is a drain which was constructed or enlarged by or for NMID. Said drain is owned, operated, maintained and controlled by NMID and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by NMID. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

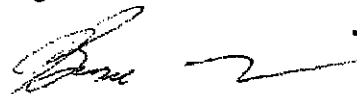
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

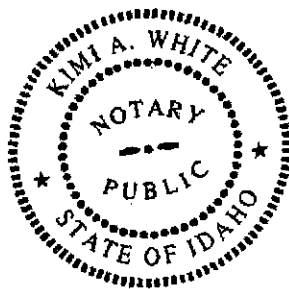
S. Bryce Farris, duly sworn, upon oath, deposes and says:

~~That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that~~
I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2020





Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 01/31/20

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 20th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: Janicek Properties, LLC

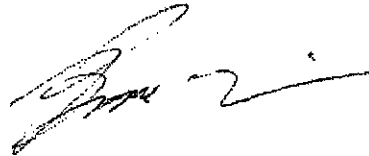
Address: 1284 S. Gosling Way
Eagle, Idaho 83616

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

04/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-27475

NAME AND ADDRESS: JANICEK PROPERTIES LLC
1284 S GOSLING WAY
EAGLE ID 83616

SOURCE: PURDAM GULCH CREEK

TRIBUTARY: MASON CREEK

QUANTITY: 1.400 CFS

PRIORITY DATE: 03/01/1951

POINT OF DIVERSION:

T03N R01W S15 SESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.400 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R01W S15 SWNE 34.0

T03N R01W S15 SENE 36.0

70 ACRES TOTAL

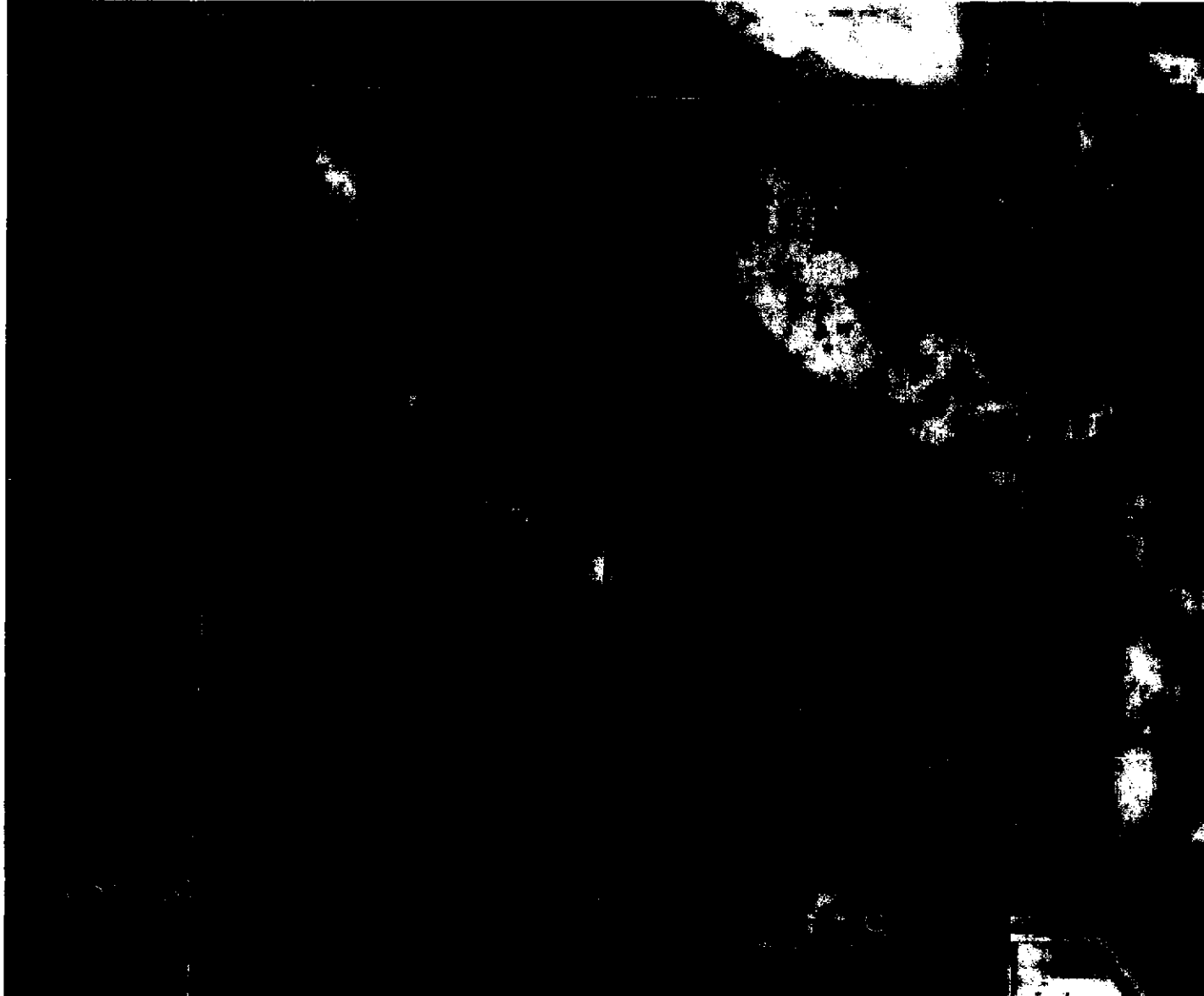
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Beneficial Use

Use of this right is combined with water from Nampa Meridian Irrigation District.

Idaho Department of Water Resources



**T03N, R01W,
S15**

**Claim No: 63-27475
Prepared By: Kimberly Brown
Date: January 7, 2005**

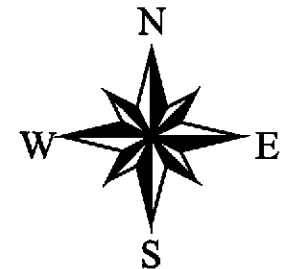
 **Place of Use**

 **Section Lines**

 **1/4 1/4**

 **Point of Diversion**

Acres Irrigated = 70.0



0.04 0 0.04 0.08 Miles



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-27475

WATER RIGHT NUMBER: 63-27475 ✓

Owner Type

Original Owner

Name and Address

GEORGE B DAVIS ✓
3440 DAVIS LN
MERIDIAN, ID 83642

Current Owner ✓

JANICEK PROPERTIES LLC ✓
1284 S GOSLING WAY
EAGLE, ID 83616

Priority Date: ~~06/20/1943~~ ✓

3/01/1951

Basis: Beneficial Use ✓

Status: Active

Source

PURDAM GULCH CREEK ✓

Tributary

MASON CREEK ✓

Beneficial Use

IRRIGATION ✓

From To

3/15 to 11/15 ✓

Diversion Rate1.4 ~~1.600~~ CFS ✓Annual VolumeTotal Diversion: ~~1.600~~ CFS ✓

1.4

Location of Point(s) of Diversion

PURDAM GULCH CREEK

SE1/4SE1/4NE1/4 ✓

Sec. 15, Twp 03N, Rge 01W, B.M. ✓

ADA County ✓

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01W	15																	70.0 ✓

Total Acres: ~~70.0~~ ✓

70.0

12.166

21.655

32.64

3.311

Conditions of Approval:

= 34 AC = 36 AC

Remarks:

1. General Ownership changed by DB 4/16/2004

ADD W - Use combined with Nampa-Meridian Irr District water.

Comments:Dates and Other Information:

Parcel No: S1215131760.

NRECS records? 81
for plot in question

Property Address:

625 S. Ten Mile Rd.
Meridian 83642

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-27475

Claim Received Date: 6/18/1992

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$90.00 (\$50.00 flat fee + \$80.00 = \$130.00, assuming that irr. district paid some of fees.)
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-27475Owner: Ganick Properties, LLC Phone No. (208) 880-0328Current Address: 1284 S. Gosling Way, Eagle 83616

Property Address ☒ No change NAME IS THE SAME
☐ NEW OWNER
625 S. Ten Mile Rd. ☒ No change Address
Meridian ☐ NEW ADDRESS
83642 ☐ How long owned property?

Accompanied by: N/A**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6/20/1943

(If priority date, based on your exam, seems questionable, explain below.)

The Affidavit, submitted by Jerry Taylor on 4/8/04,
goes back to 1951. Therefore, I am recommending 3/1/1951
as the priority date.

Source: Purdum Gulch Creek Tributary to Mason Creek

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See Adjudication Field Report (6/15/04).

OVERLAP REVIEW

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☐ No change

☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount 1.4 CFS AFA

Use _____ From _____ To _____ Amount _____ CFS AFA

Use _____ From _____ To _____ Amount _____ CFS AFA

70 AC x 4.5 cfs/acre = 315.0 cfs of farm use (V.) 1.4 cfs x 1.9835 x 260 days = 721.99

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☒ Changes found, the new total is, Amount 1.4 CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

of farm use
surface water -
volume N/A

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Parcel No: 81215131760.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	11W	15			34	36													70

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See Adjudication Field Report (6/15/04).

Well or Diversion Identification No	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
GPS - A 0002477					
2303436					
1380277					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Use combined with Nampa-Meridian Irrigation District
water.

Parcel No: 31215131760.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 1.7.05 (in office review)

FIELD EXAMINER: Kimberly Brown

overlay review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-27475

01/07/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
~~63-27475~~	~~Claim~~	~~03N~~	~~04W~~	~~15~~	~~SE~~	~~NE~~		~~PURDAM CULCH CREEK~~ ~~MASON CREEK~~	~~JANICEK PROPERTIES LLC~~

no overlap

overlap review -

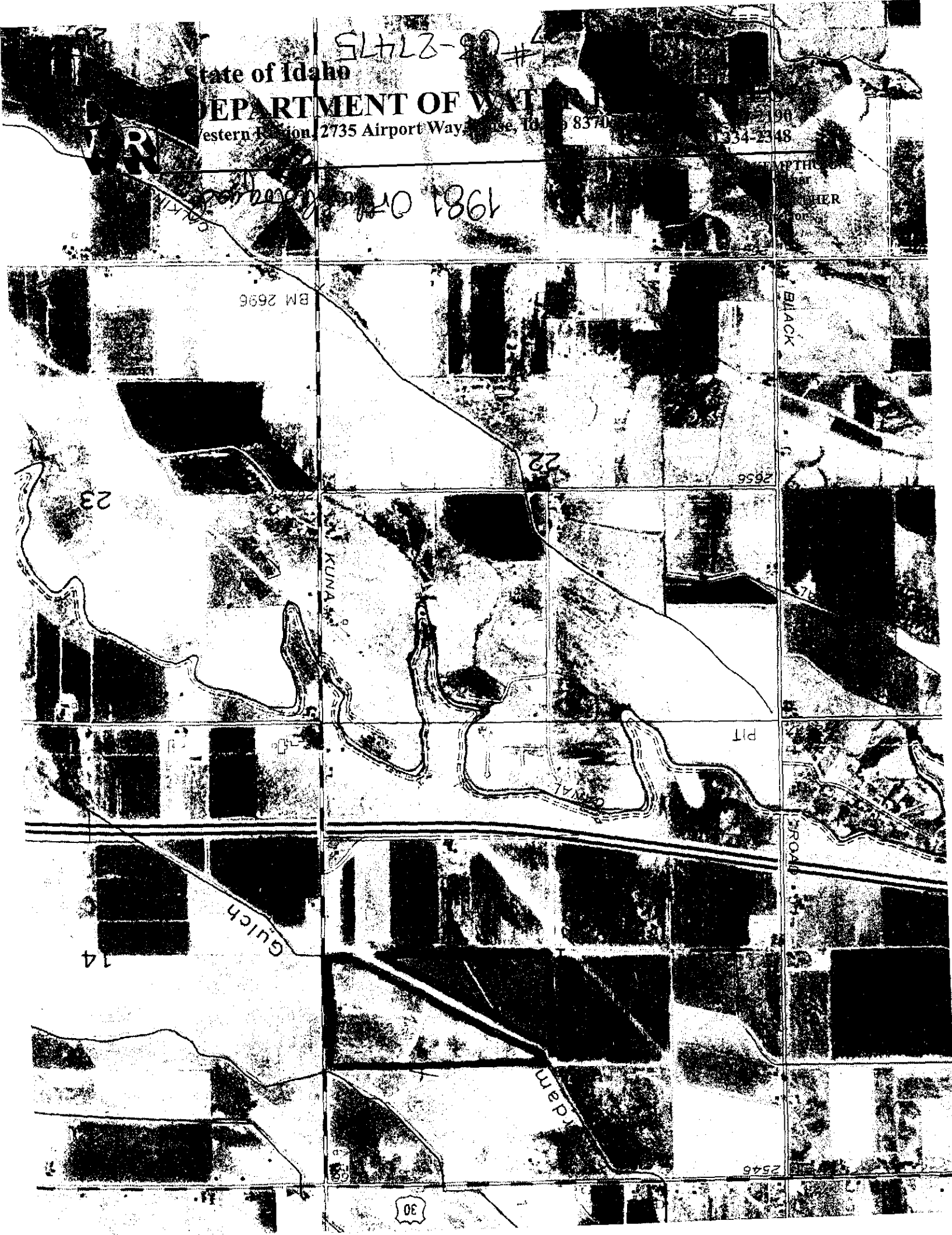
IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-27475

01/07/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~27475~~	~~Claim~~	~~03N~~	~~01W~~	~~15~~	~~SW~~	~~NE~~		~~IRRIGATION~~	~~40/80~~	~~JANICEK PROPERTIES LLC~~
~~27475~~	~~Claim~~	~~03N~~	~~01W~~	~~15~~	~~SE~~	~~NE~~		~~IRRIGATION~~	~~40/80~~	~~JANICEK PROPERTIES LLC~~

no overlap



SL+L2-20 # 27475

State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83720

1981 07-10

BM 2696

BLACK

2556

KUNA

PIT

GULCH

ROAD

ROAD

2546

30

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

SECTION II - OPERATOR'S CERTIFICATION

OPERATOR'S SIGNATURE

DATE

OPERATOR'S SIGNATURE

DATE _____

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled In by Reporter ONLY.)

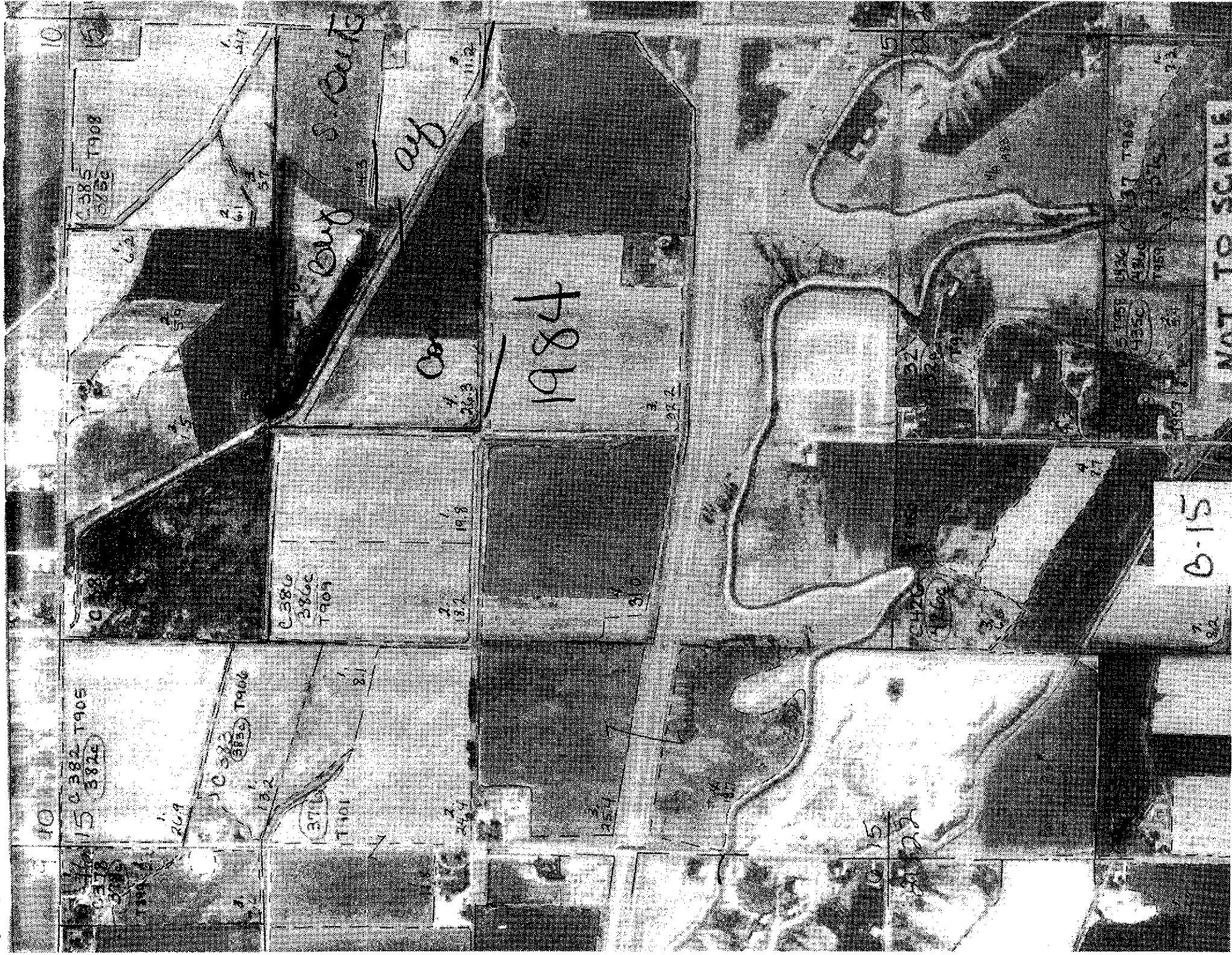
SECTION II - OPERATOR'S CERTIFICATION

OPERATOR'S SIGNATURE

DATE _____

OPERATOR'S SIGNATURE

DATE



NOTICE OF DETERMINED ACREAGE

FARM NO. 387
C
NAME AND ADDRESS
Brad Janicek
6905 W. Ustick
Meridian, ID 83642

Ada Co. ASCS
5330 Morris Hill
Boise, ID 83706

NAME AND
ADDRESS OF
COUNTY ASCS
OFFICE

1984 3-1-85
CROP YEAR DATE OF MAILING

G.B. Davis - OW

1. Program Crops					2. Quota Crops				
CROP AND PERMITTED (Optional)	REPORTED ACREAGE	DETERMINED ACREAGE	DIFFERENCE		CROP	ACREAGE ALLOT.	REPORTED ACREAGE	DETERMINED ACREAGE	EXCESS ACREAGE
A	B	C	D		E	F	G	H	I
Wheat					ELS Cotton				
Barley		16.8	16.8	-	Tobacco (Flue Cured)				
Oats					Tobacco ()				
Corn		26.3	26.3	-	Tobacco ()				
Grain Sorghum					Tobacco ()				
~~Wheat~~ Alf.		11.2	11.2	-	Peanuts (For Nuts)				DIFF.
~~XXX~~ Sugar Beets		14.3	14.3	-	Peanuts ()				
Designated Cons. Use									

IMPORTANT NOTICE - Read Carefully

- This notice of determined acreage shall constitute notice to all persons who as landlord, tenant, or sharecropper are interested in the crops on this farm.
- If you believe any acreage determined for this farm is not correct, you may have such acreage redetermined by filing a request for redetermination at the County ASCS Office within 15 days from the date of this notice, and making a cash deposit to cover the cost of redetermination. (Your deposit will be refunded if a significant error in the initial acreage determination is found.)
- For tobacco farms except Flue-Cured and Burley. If you wish to adjust the acreage to the extent indicated in column 2I, your intention to do so must be made known to the County Office within 15 days from the date of this notice. Also, your cash deposit to cover the cost of a farm visit must be made before any marketing.

6. REMARKS

Late filed report of acreage ground checked 3-1-85, acreages verified 2-27-85 with aerial flown 7-84.
Acreages verified as reported and will be used for history purposes.
Notice of Yields and Acreage Bases indicates applicable 1985 acreage bases.

FARM NO. 737	NAME & ADDRESS BRAD LA DICK 6005 E 13710K MERCER IS 63612	PROGRAM YEAR 79 69 6-15	PROGRAM NO. 1124 045	SERIAL NO. 12	PHOTO NOS.
U.S. DEPARTMENT OF AGRICULTURE Agricultural Stabilization and Conservation Service					
MEASUREMENT SERVICE RECORD					
NAME AND ADDRESS OF PERSON TO CONTACT J.A.D.			TELEPHONE NO. 4674687	FARM LOCATION off to mile south of Franklin	

SECTION I - SERVICE REQUEST AND COST

1. KIND OF SERVICE REQUEST	2. PROGRAM CROP OR LAND USE	3. NO. ACRES	4. NO. PLOTS	5. COST	6. BASIC FARM RATE
Stake and Reference ☐					\$ 20.11
Measurement after Planting ☐					\$ 103 per acre
Remeasurement ☐					
OTHER (Specify) verification of rate for crop yield					
					7. TOTAL COST OF SERVICE REQUESTED \$ 20.87

8. PERSON MAKING REQUEST: I hereby agree to pay the cost of the service as requested. SIGNATURE OF PERSON MAKING REQUEST: *Road Janicek* DATE: 3-2-85

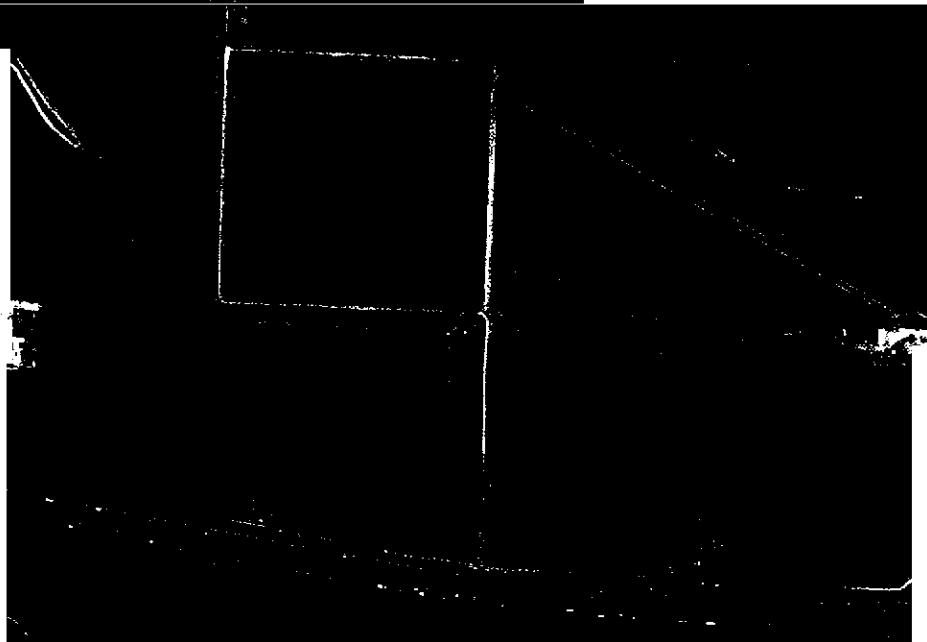
9. CASH RECEIPT	10. DEDUCTION FROM PROGRAM PAYMENT (MS Only)
PAYMENT RECEIVED FOR SERVICES REQUESTED \$ 20.87	I request that full payment in the amount indicated be deducted from the first wheat, feed grain or cotton payment due me.
CK OR MO ☐ CASH ☐	
SIGNATURE OF COUNTY OFFICE EMPLOYEE: <i>April A. ...</i> DATE: 3-3-85	SIGNATURE OF PERSON MAKING REQUEST: DATE:

11. FOR REMEASUREMENT ONLY				12. SPECIAL INSTRUCTIONS TO REPORTER			
REFUND FOR (Crop or service) No Refund ☐							
AMOUNT	CHECK NO.	DATE	APPROVAL	REPORTER NAME	DATE ISSUED	DATE RETURNED	

SECTION II - RECORD OF MEASUREMENT SERVICE PERFORMED

TRACT NO.	FIELD NO.	CROP OR LAND USE	ACRES DETERMINED			19	20	21	22	23	24
			GROSS	DEDUCTIONS	NET						
13	14	15	16	17	18	19	20	21	22	23	24
7910	2	Barley/grn	16.8		16.8	16.8					
	4	Corn/grn	26.3		26.3		26.3				
	1	Sugar Beets	14.3		14.3			14.3			
	3	Alf.	11.2		11.2				11.2		
TOTALS			68.6		68.6	16.8	26.3	14.3	11.2		

REPORTER: All required determinations for this farm visit have been made in accordance with applicable procedures. REPORTER: *Cordell Kendrick* DATE: 3-1-85



According to Mr. Janick, this aerial
from 1984 and shows the barley
crop (refer to the Report of Average, etc.
mitted in addition to this photo).

RECEIVED
FEB 01 2005
WATER RESOURCES
WESTERN REGION

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-27475

January 14, 2005

Mr. Janicek called in response to the letter I sent him on January 7th. He is currently having the ASCS look in their archives for a crop report. According to Mr. Janicek, the parcel of land in question is "really gravelly" and often "set aside." As a result, it lays fallow every few years because it is so gravelly. However, Mr. Janicek believes it was watered in the 5-year period before 1987. He said he will write an affidavit and attach any documents the ASCS finds in order to provide evidence of this parcel's use.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 7, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JANICEK PROPERTIES LLC
1284 S GOSLING WAY
EAGLE ID 83616

RE: Snake River Basin Claim No: A63-27475

Mr. Janicek,

Since I received the evidence for your priority date and the field investigation for this claim has been completed, I was recently able to begin reviewing your claim.

During my review, it came to my attention that there appears to be a prolonged period of nonuse associated with the plot of land depicted on the attached 1987 aerial photograph; more specifically, the land outlined in green. I have also attached aerial photos from 1994, 2000, and 2003 that show the particular plot of land in question.

In order for me to recommend the acres outlined in green on the 1987 aerial photograph (the other acres surrounding this plot to the east and the south are not in question), it is necessary that you submit information showing use of this plot of land for irrigation purposes within the five-year period preceeding 1987. My supervisor suggested that NRCS records would suffice, or you may have other information you believe is sufficient.

Please submit this information by January 25, 2004. If you have any questions, please contact me at 334-2190.

Respectfully Submitted,

Kimberly Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: Notice of Claim A63-05048



**Land Records**
[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)
Property Details for Parcel S1215131760

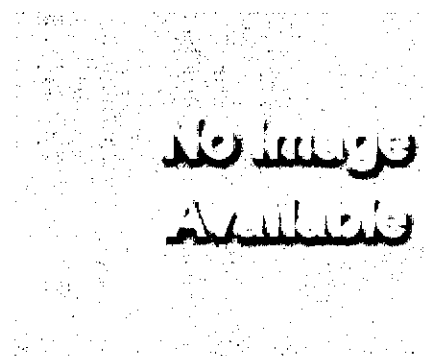
- [Main Page](#)
- [Property Search](#)
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- [About Us](#)
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- [Old interactive map](#)

General Information

Property Acres: 80.000
Zone Code: RUT
Primary Code Area: 242 Tax Districts
Group Type: SECT
Subdivision: 3N 1W 15
Section: 3N1W15

Property Description

S2NE4
 SEC 15 3N 1W

**Assessor Links**

Property Address
 625 S TEN MILE RD
 MERIDIAN, ID 83642

[Click to View Interactive Map](#)

- [Assessor Main Page](#)
- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	10-IRRIGATED AG	73.000	\$68,700	INCOME
Primary	190-WASTE LAND	6.000	\$0	INCOME
Primary	100-HOMESITE ON AG	1.000	\$70,000	MARKET

Total Assessed Value: \$138,700

Parcel Valuation History

Assessed value for year 2004 \$138,700
Assessed value for year 2003 \$215,200
Assessed value for year 2002 \$209,400
Assessed value for year 2001 \$208,300
Assessed value for year 2000 \$183,000

Ada County Links

- [Ada County Home Page](#)
- [Commissioners](#)
- [Treasurer](#)
- [Clerk/Auditor/Recorder](#)
- [Development Services](#)
- [Human Resources](#)

Property Characteristics
 Agriculture
 Land

[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)

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**Land Records****Characteristics Detail**[Go Back to Property](#)

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Agricultural**Land****Land Characteristics 1 for Parcel "S1215131760"**

Residential Acres:	1.000
Commercial Acres:	0.000
Other Acres:	0.000
MLS Area:	1030 - NW Meridian
Street:	None
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	N
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

Assessor Links

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**Land Records****Characteristics Detail**[Go Back to Property](#)

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- [Image Documents](#)
- [Old interactive map](#)

Agricultural**Land****Agriculture Characteristics 1 for Parcel "S1215131760"****Irrigated Acres:****Capability Class 1:**

0.0

Capability Class 2:

58.0

Capability Class 3:

0.0

Capability Class 4:

15.0

= 73 AC**Non-Irrigated Acres:****Capability Class 1:**

0.0

Capability Class 2:

0.0

Capability Class 3:

0.0

Capability Class 4:

0.0

Assessor Links

- [Assessor Main Page](#)
- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Waste Acres:**Capability Class 8:**

0.0

Ada County Links

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- [Treasurer](#)
- [Clerk/Auditor/Recorder](#)
- [Development Services](#)
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Receipt Details for ID W014921

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/18/1992 11:24:38 AM	6/18/1992	Western	\$90.00	Check
Payer		DAVIS, GEORGE B.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3606			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$90.00	ADJUDICATION CLAIM FEE	41503	337	0 0		1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	27475		\$90.00	Claim

[Print Report](#)

Field Exam Date 6/15/04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED

JUL 13 2004

WATER RESOURCES
WESTERN REGION

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-27475

Owner: BRAD JANICEK Phone No. _____

Current Address: 4325 W. CHINDEN, MERIDIAN ID 83642

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER BRAD JANICEK
- ☐ No change Address
- ☒ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: BRAD

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: PURDAM GULCH CREEK Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

SITE TAG = A0002477

GPS = 2303436 #35
1380277

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SE	SE	NE	15	3 N	1 W	ADA	GPS + NAPP PHOTO

Description of diverting works

A PARMA WATERLIFTER INSTALLED IN A 36" VERTICAL C.M.P. STRUCTURE WHICH IS PLACED ALONG THE SIDE OF PURDAM GULCH CR. (SEE PHOTOS) PUMPS WATER INTO A CONCRETE LINED HEAD DITCH -

OVERLAP REVIEW

Other water rights with the same point of diversion: NAMPA-MERIDIAN I.D.

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☒ No change

☐ Different Uses

Use IRRIGATION From 3/15 To 11/15 Amount 1.6 CFS 4.5 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1W	15			37.6	37.6													75.2

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: _____

Delivery System Narrative: PURDAM GULCH CREEK CARRIES WASTEWATER FROM FARMS ABOVE THIS FARM. I ALSO IS DELIVERY DITCH FOR SOME OF NAMPA-MERIDIAN I.D. LIVE WATER INCLUDING SOME FOR BRAD. BRAD PUMPS THIS CO-MINGLED WATER INTO A CONCRETE DITCH WHICH RUNS WEST ALONG THE SOUTH SIDE OF THE BORG. HE SAYS HE CAN ALSO PUMP WATER FROM THIS PUMP TO THE NORTH EAST CORNER OF BRAG. VIA A PORTABLE PIPELINE. NAMPA-MERIDIAN. HE CAN ALSO GET IRLDIST WATER AT THE N.E. CORNER.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A 000 2477	MAGNATEK	7.5	325 GRSE	PARMA	8.01"
				WATERLIFTER	

FLOW MEASUREMENTS: HP: 7.5
LIFT: 10.5'
EFF: 40%

$$GPM = \frac{(7.5)(.40)(3960)}{10.5'} = 1131 GPM$$

$$= \frac{1131 GPM}{2.4883 GPM/CFS} = 2.52 CFS$$

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

I CALLED BRAD ON 5/26/04 - NO ANSWER - LEFT MESSAGE TO CALL. BRAD CALLED ON 5/29/04 AND I DISCUSSED WITH HIM THE VARIOUS ELEMENTS OF THE WATER RIGHT. THEY PUMP WATER FROM THE PURDAM GULCH CREEK, LOCATION IS AS SHOWN ON THE AERIAL PHOTO. THE WATER GOES INTO A CONCRETE LINED DITCH ALONG THE SOUTH SIDE OF FARM (SEE NAPP PHOTO). THE CONCRETE DITCH IS A 14" DITCH - @ 3" FREE BOARD THE CAPACITY IS 2.5 CFS @ 0.001 FT SLOPE THEY CAN ALSO PUMP WATER FROM THE PUMP TO THE N.E. CORNER USING PORTABLE ALUMINUM PIPE. THEY HAVE USED A GATED PIPE ALONG THE NORTH SIDE OF FARM TO IRRIGATE THE AREA NORTH OF PURDAM GULCH CREEK. THIS YEAR (2004) EVERYTHING NORTH OF PURDAM GULCH CREEK IS IN FALLOW. THE NAMPA-MERIDIAN HEADGATE AT THE N.E. CORNER IS OPERABLE.

ACTUAL FIELD EXAMINATION WAS CONDUCTED ON 6/15/04
WRITE-UP + ADDITIONAL DATE 6/21/04, 7/9/04

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 5/29/04, 6/15/04, 7/9/04

FIELD EXAMINER:

Quake H. Scholten

Idaho Department of Water Resources

Claim Number: 63-27475

Legal: T3N, R1W, S15

Reviewed By:

1987 Napp Photo



Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines



0 0.25 0.5 Miles



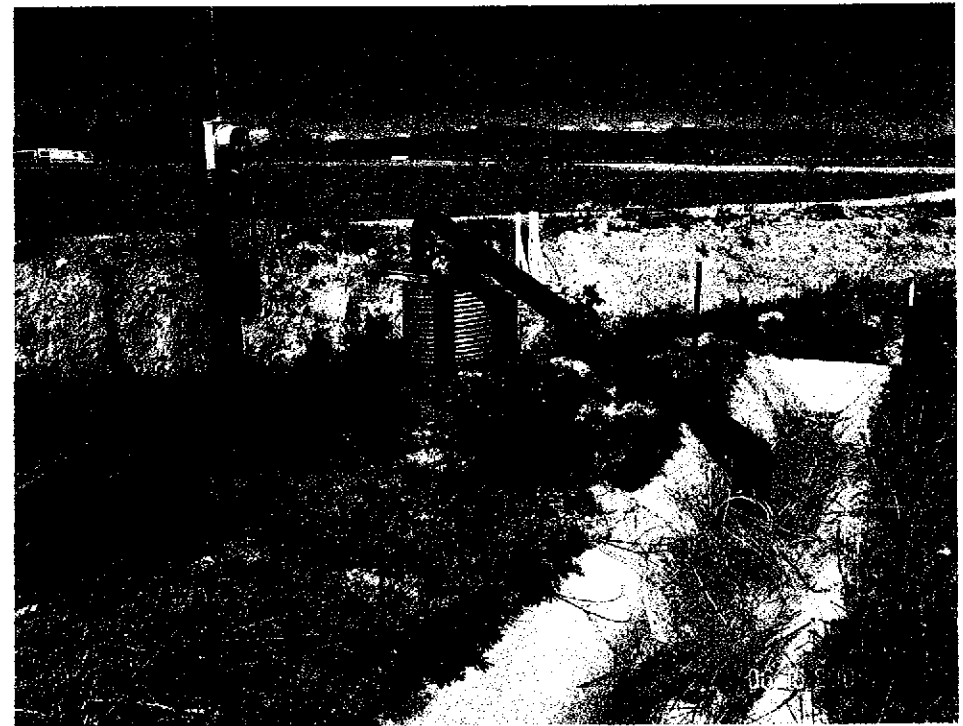
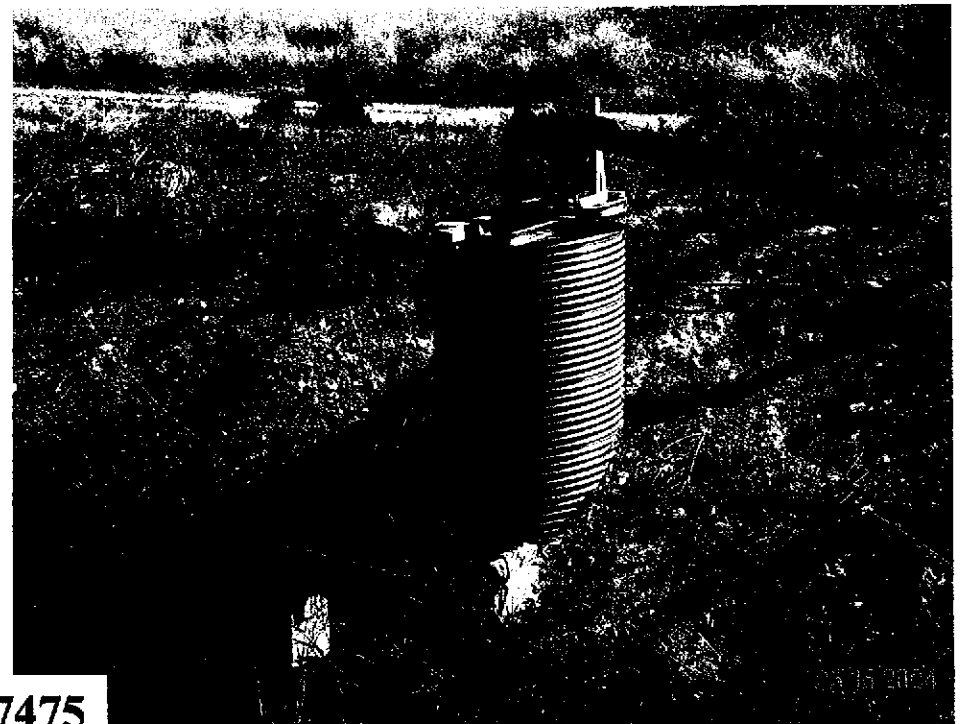
Jamicek

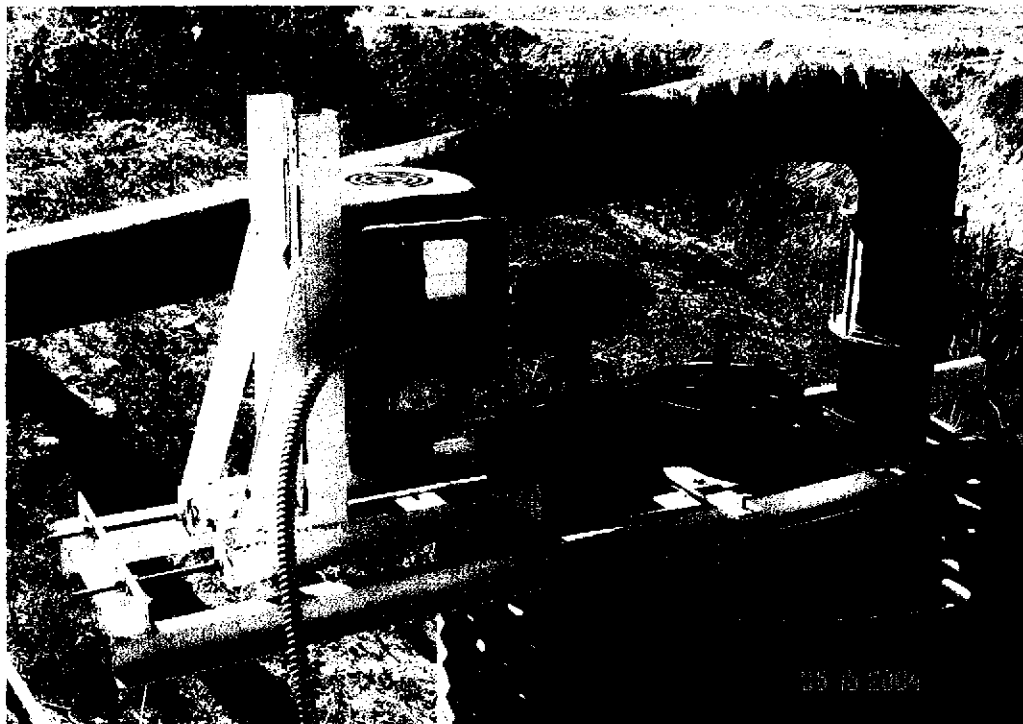
1 1/2" / 1320

880' / 1/4"



63-27475





63-27475



HYDRAULICS: Capacity of Concrete Lined Canals - Normal Flow

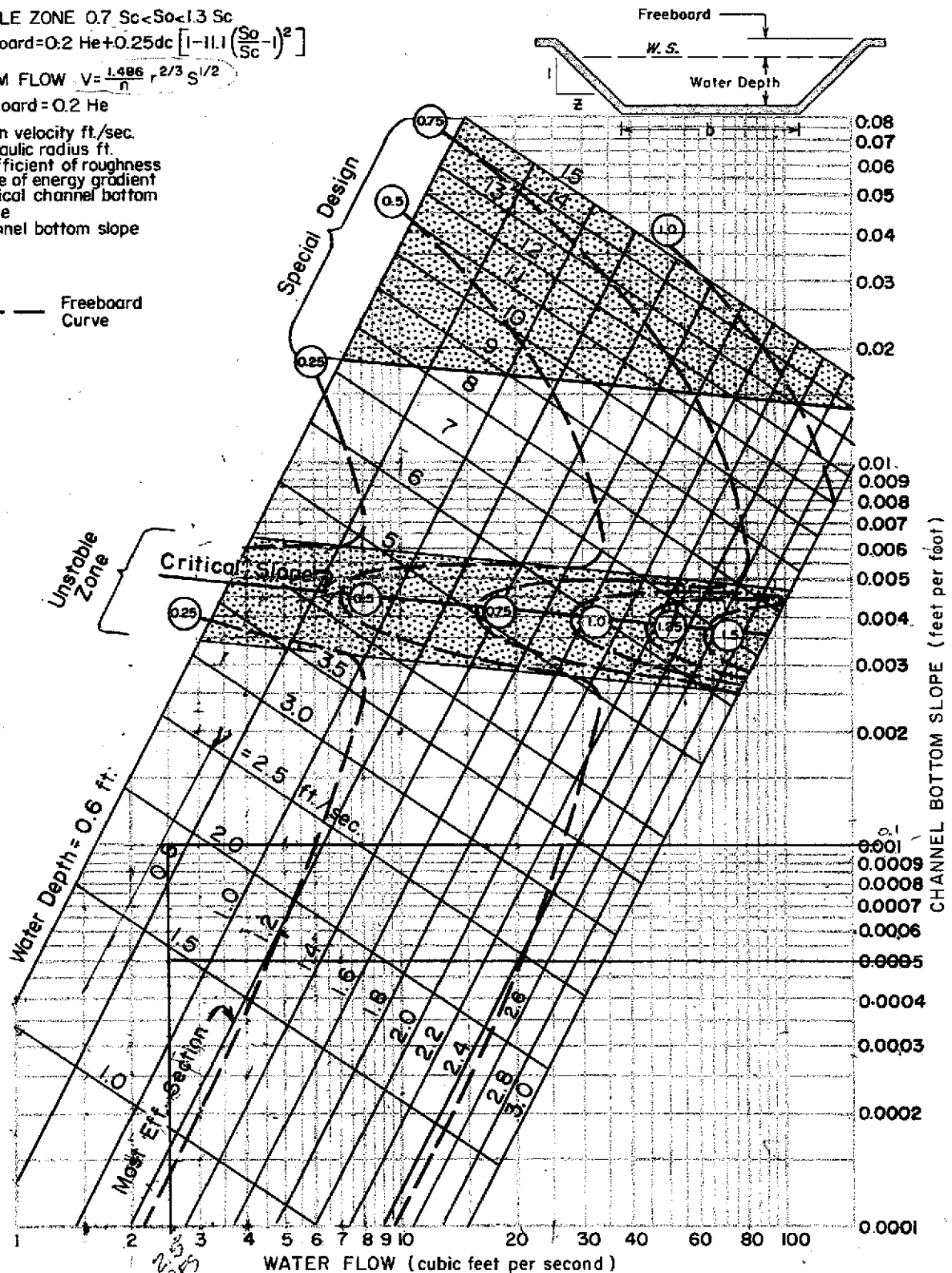
$b = 1.0$
 $n = 0.014$
 $z = 1.0$

UNSTABLE ZONE $0.7 S_c < S_o < 1.3 S_c$
 Freeboard = $0.2 H_e + 0.25 d_c \left[1 - 1.1 \left(\frac{S_o}{S_c} - 1 \right)^2 \right]$

UNIFORM FLOW $V = \frac{1.486}{n} r^{2/3} S^{1/2}$
 Freeboard = $0.2 H_e$

V = mean velocity ft./sec.
 r = hydraulic radius ft.
 n = coefficient of roughness
 S = slope of energy gradient
 S_c = critical channel bottom slope
 S_o = channel bottom slope

0.25 — — — Freeboard Curve



REFERENCE:

U. S. DEPARTMENT of AGRICULTURE
SOIL CONSERVATION SERVICE
 ENGINEERING and WATERSHED PLANNING UNIT
 PORTLAND, OREGON

Sheet 3 of 9
 Date: November, 1956

Drawing No. 7-L-20151

REVISED 5-'61

03-27475

gave Change^{1.16}
in Ownership &
Address forms
in Denise

4.16.04

Current owner is: Brad Yarnick

~~888-5565~~

888-5565

cell # 880-0328

CALLED
5/26/04
4:30 PM
BMS
LEFT
MESSAGE
TO
CALL

I believe^(not sure) the location of the property is:
625 S. Ten Mile Rd, Meridian

* Verify that system has a capacity of ^{2.53} 1.6 cfs.

- Verify source - Purdam Gulch creek. OK

- GPS & verify location of PCD on enclosed
aerial photo. OK

- Is right supplemented with irrigation district water?
from Nampa - Meridian Irr. District? YES
any others? NO

Bruck's notes

OVER →

IDAHO POWER #

MTR# = 01656775

$K_h = 7.2$

ID = 03N 01W 15 01

A000 2477

GPS#35 2303436
1380277

MOTOR = MAGNATEK / CENTURY ELECTRIC

HP = 7.5

RPM = 1720

SF 1.00

230 VOLT

38 AMP

ID = BEACON 325 GRSE

SINGLE PHASE

PUMP - PARMA WATER LIFTER

DISCHARGE - OD = 8.01"

NO PLATE INFO.

PULLEY RATIO = $12\frac{1}{2} : 5\frac{3}{4}$

LIFT PIPE = W.S. TO RISER TOP = 8'4"

PIPE ABOVE RISER = 2'2"

SUCTION BELOW WATER = 1'5" CI

ESTIMATED FLOW RATE

$$\frac{(7.5 \text{ HP})(\text{Hd eff})(3960)}{10.5' \text{ LIFT}} = \frac{1131 \text{ GPM}}{448.83} = \underline{\underline{2.52 \text{ CFS}}}$$

CONCRETE DITCH

= 14" VERTICAL 12" BOT.

TOP WIDTH = 40" SS = 1:1

SLOPE = .0005' - .001' / ft

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-27475

March 2, 2004

While reviewing Claim No. A63-04655, I spoke with E. Marks and he mentioned that George Davis passed away approximately 15 years ago. Since I have not received any evidence of priority from Mr. Davis and the 2002 Tax Lot information states that Janicek Properties LLC is the current owner of the land associated with this right, I sent a *Change in Ownership* form and *Evidence of Priority* letter to Janicek Properties at 1284 S. Gosling Way, Eagle.

March 15, 2004

Brad Janicek received the form and letter sent to him on 3/2/04. He stated that he is the current owner. I explained the need to submit evidence of priority and file the Change in Ownership form.

March 29, 2004

Kristin Bjorkman, Mr. Janicek's attorney, called regarding evidence of priority. I explained the need for evidence. Since Mr. Janicek purchased this land in 1996 and did not have personal knowledge going back to the claimed priority date of 1943, Ms. Bjorkman requested an extension of two weeks to submit evidence. (I mentioned to Ms. Bjorkman that she should submit a *Notice of Appearance* with the department.)

April 14, 2004

Mr. Janicek hand delivered three affidavits as evidence of priority. While he was in the office, I also showed him Ms. Water's shapefile and he verified the outlined POU and location of the POD.

Kimberly Brown
Senior Water Resource Agent
Western Region

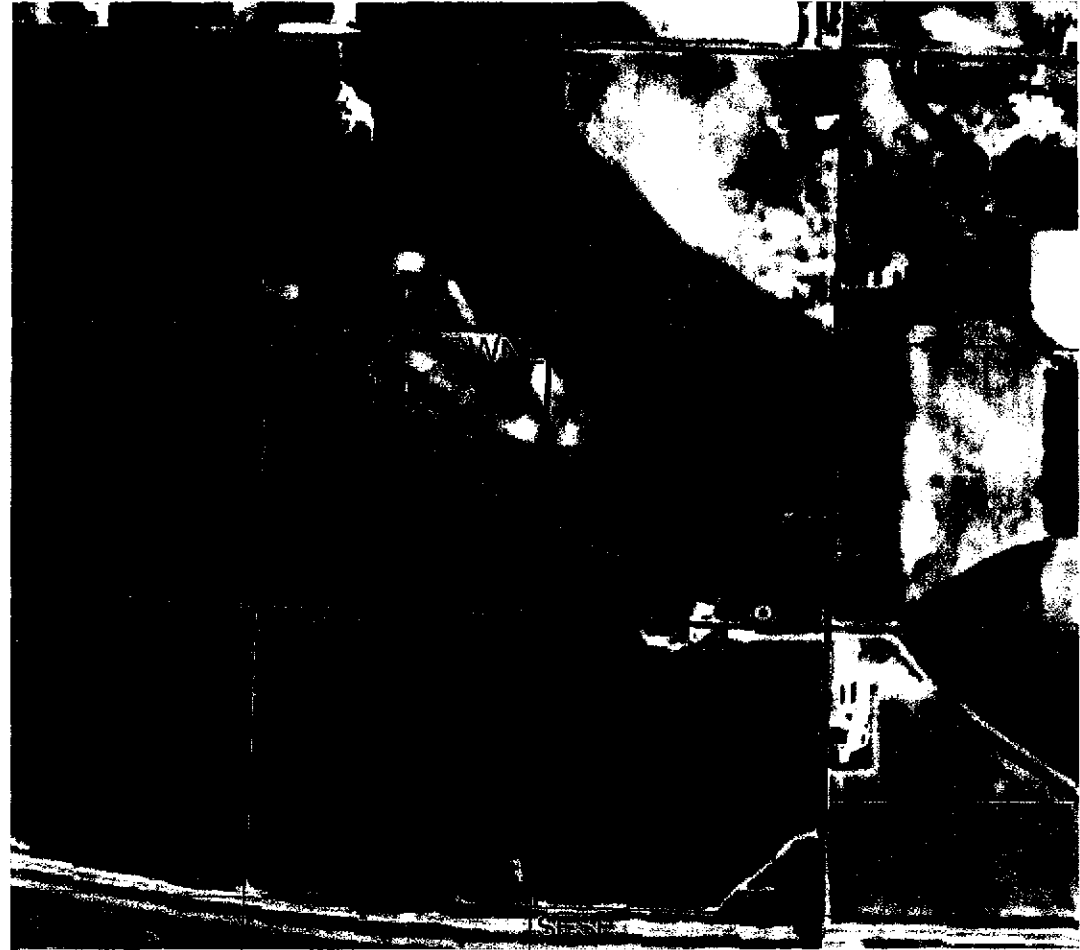
Idaho Department of Water Resources

Claim Number: 63-27475

Legal: T3N, R1W, S15

Reviewed By: *Karan Waters,*
IDWR contractor

1987 Napp Photo



⊙ Point of Diversion



Place of Use

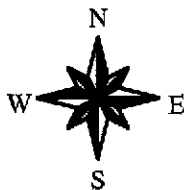


Section Lines



Quarter Quarter Lines

0 0.25 0.5 Miles



4.13.04

*According to Janicek, (in office)
this is correct -*

both POP & POU. -KLB



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX COVER SHEET

DATE: July 7, 2004 FROM: Kimberly Brown
TO: Kristin Bjorkeman
RE: Claim #AC3-27475 Janicek

Kristin, if you want to receive all correspondence
for this water right, please file a Notice of

TOTAL PAGES SENT: _____ + cover sheet Appearance with our dept.

INTERNET SEARCH OF IDWR INFORMATION: WELL LOGS, WATER RIGHTS, SNAKE RIVER BASIN ADJUDICATION ETC.

You can search for IDWR records on the Internet at www.idwr.state.id.us

Look for "Top Picks" on the home page.

For Water Right &/or Adjudication information, click "Adjudication & Water Rights Search (text based)" for best results. The best starting point in your search is to use the "Where" tab under that site and enter the township, range, section (and maybe $\frac{1}{4}$ or $\frac{1}{4}$ of the section) for the property in question. Be sure to choose "Point of Diversion" or "Place of Use" depending on the information you need ("both" means diversion and use are within identical search parameters, not that either are within the parameters). It is better to do a broader search first instead of a narrow search. A narrow search would include a street address or person's name, for example, and might miss the information you are seeking.

For Well Log information, click "Well Construction Info Search." Again, use a broader search at first such as township, range and section. Results will list information about the $\frac{1}{4}$ $\frac{1}{4}$ location in a section. You can narrow your search after seeing the initial results. Many well logs have been scanned and are available on the Internet.

Forms, Rules and Statutes can be found under "Top Picks."

Whatever you are searching for, try a broad search first and narrow the search as needed. If you cannot find any information or have trouble interpreting the information, contact the IDWR staff person on duty each day. This person is called the "office day" person and is available to provide general assistance. Call the office day person at 208-334-2190 between the hours of 8 and 5 Monday through Friday.

Your cooperation in using the Internet is appreciated. Your help in asking for the "office day" person for general help instead of a particular IDWR staff member helps us improve our efficiency and provide better, more cost effective service to the public. Thank you.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 16, 2004

JANICEK PROPERTIES LLC
1284 S GOSLING WAY
EAGLE ID 83616

Re: Notice of Claim to a Water Right No. 63-27475

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington". The signature is written in dark ink and is positioned above the typed name and title.

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

WILLIAM R. SNYDER & ASSOCIATES, P.A.
ATTORNEYS AND COUNSELORS

KRISTIN E. BJORKMAN
MARK D. PERISON*
WILLIAM R. SNYDER

*Admitted in Idaho
and California

520 WEST FRANKLIN STREET, UPPER LEVEL
BOISE, IDAHO 83702

(208) 336-9080 – TELEPHONE
(208) 343-4539 – FACSIMILE

MAILING ADDRESS:
POST OFFICE BOX 2338
BOISE, IDAHO 83701-2338

www.wrslegal.com

April 15, 2004

Kimberly Brown
Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

APR 16 2004

WATER RESOURCES
WESTERN REGION

Re: Water Right #A63-27475

Dear Ms. Brown:

This letter will confirm our discussions on April 14, 2004. My understanding is that some evidence is needed to show vested title in Janicek Properties, LLC in order for the water right to be placed in the name of Janicek Properties, LLC.

I am enclosing copies of the (1) Grant Deed by Grantors Bradley J. Janicek and LouAnn Janicek to Grantee Janicek Properties, LLC, (2) Commitment for Title Insurance where title is vested in Richard Davis, as his separate estate, (3) Agreement for Purchase/Sale of Real Property between Richard G. Davis and E. Joanne Davis and Bradley J. Janicek and LouAnn Janicek, and (4) Deed of Distribution by Personal Representative, wherein the Grantor, George B. Davis as Personal Representative of the Estate of Doris N. Davis distributed the Property to Grantee George B. Davis. This information should aid you in placing the water right in the name of Janicek Properties, LLC.

Further, it is my understanding that if the information provided in this packet does not suffice as complete evidence of either (1) the claimed water right priority date by Mr. Janicek or (2) the current ownership of the Property, that someone from your department will contact me. I also understand that there is no deadline for turning in the information regarding the priority date of the water right or current ownership of the Property. However, if you request additional information, I will obtain the information and send it to you as soon as possible after your request.

Please ensure that these are placed in the appropriate file to support the Janicek water right claim.

Thank you for your courtesy and assistance in this matter.

Sincerely,



Kristin E. Bjorkman

KEB
encl:

4-13-04

Kimberly —

Brad Janicek will be back
Weds at noon to talk more
w/ you.

His attorney will have the
evidence of priority to
you tomorrow also. The
extension deadline dates were
1-day different. The 2
weeks would have been up today
or tomorrow - depending on
which letter she used....
I told her tomorrow would
be fine.

FAXED
11:26 AM
LF 06-26-96

AGREEMENT FOR PURCHASE/SALE OF REAL PROPERTY

THIS AGREEMENT is made and entered into this 25th day of March, 1996, and is by and between Richard G. Davis and E. Joanne Davis, husband and wife, hereinafter referred to as "Seller", and Brad J. Janicek and LouAnn Janicek, husband and wife, hereinafter referred to as "Buyer".

WITNESSETH:

In consideration of the earnest money paid by buyer to Seller, and the mutual benefits to be received by each party, the parties agree as follows:

1. Description of property: Seller agrees to sell all of his right, title, and interest in and to that certain parcel of real property described below to Buyer, and Buyer agrees to purchase said real property from Seller. That property is legally known as:

SE 1/2 NE 1/4, Section 15, 3N, 1W of the Boise Meridian, Ada County, Idaho;

Which shall include all outbuildings, residences, ditches and ditch rights, water rights, subsurface rights, all appurtenances and attachments, which are all jointly hereinafter referred to as "the premises".

2. Purchase price: Buyer agrees to pay to Seller the total sum of Two hundred ninety-five thousand two-hundred fifty dollars (\$295,250.00), to be paid as follows:

(a) The cash down payment of two hundred seventy thousand dollars (\$270,000) (which includes the three thousand dollars (\$3,000.00) earnest money paid by Buyer to Seller at the execution of this Agreement); and

(b) The sum of Twenty five thousand two hundred fifty dollars (\$25,250.00) payable by a mortgage note to Seller secured by a second mortgage on the premises. Said note shall bear interest at the rate of 7% per annum, and shall be amortized over a period of five years, and shall be payable in equal annual installments of principal and accrued interest. The maker shall have the unrestricted right of prepayment.

3. Buyer's contingencies. Buyer's agreement to purchase the premises from Seller is contingent upon the following events:

(a) That Buyer shall obtain acceptable financing to complete the purchase.

(b) Seller shall be able to deliver good and merchantable title to the premises and that title is free and clear of all liens and encumbrances other than 1996 accruing property taxes.

4. Closing: The parties shall make good faith efforts to close this sale on or before July 1, 1996. The closing agent shall be Pioneer Title company, and the parties agree to divide the closing costs as follows:

(a) Seller alone shall pay the cost of a policy of title insurance, insuring good title to Buyer, for the total amount of the purchase price.

(b) Buyer alone shall pay all points, fees, or costs required by lender as Buyer's cost incurred in Buyer's obtaining financing, except the cost of any environmental survey required, which shall be split.

(c) All other costs, including, but not limited to, recording fees and fees of the closing agent, shall be borne equally between Seller and Buyer.

5. Taxes, assessments, and insurance: The closing agent shall pro-rate the real property taxes and pertinent assessments for water for 1996, according to 1995 assessments, to and through the date of closing. All real property taxes and assessments owing, including any penalties and interest, through the year ending 1995 shall be paid by Seller, and may be deducted by the closing agent from Seller's net proceeds. It is understood that Buyer will obtain their own policy of hazard insurance and assume all risk of loss from the date of closing forward. Closing agent shall make all other adjustments commonly made by closing agents.

6. Condition and possession: The sale of this property is "as is" and is without warranty except as to title and environment quality. Seller warrants that there are no charges or costs against the property arising from public services such as sewer, water, electrical, or otherwise, or if such charges exist that Seller will pay them through the closing agent through the date of Buyer's possession.

Seller agrees that Buyer shall have possession of the premises at the date of closing.

7. Earnest money: As consideration for this Agreement, Buyer hereby delivers to Seller the sum of three thousand dollars (\$3,000.00) earnest money. In the event that Buyer fails to close and consummate the sale according to the terms of this Agreement, then fifteen hundred (\$1500.00) of the total earnest money shall be retained by Seller, not as a forfeiture but to defray the costs and expenses Seller has incurred and the balance returned to the Buyer. In the event of a failed contingency or a failure by Seller to otherwise perform, then Seller shall return all earnest money to Buyer upon demand.

8. Title and title insurance: At closing Seller shall execute and deliver to Buyer a warranty deed conveying good and merchantable title to Buyer, which shall be subject only to a first mortgage in favor of Buyer's lender, and 1996 taxes and Seller's second mortgage. Seller shall purchase for Buyer an owners' policy of title insurance, which policy shall insure good and merchantable title as required by this Agreement.

9. Default or breach: In the event either party to this Agreement shall breach any covenant or warranty or shall be in default of a obligation to the other, that party shall pay, in addition to damages or other loss occasioned by said breach or default, reasonable attorney fees to the non-defaulting party.

10. Entire agreement: This document shall contain the entire agreement of the parties. All conversations, oral representations, or statements shall have no further force and effect. Any modification or change to this Agreement shall be valid only if it is memorialized in writing and signed by both parties hereto. This Agreement shall not be recorded, and shall survive the closing documents only as to those matters not addressed in any closing document.

Seller further understands that the attorney who has drawn this Agreement has acted as the attorney for Buyer alone, and in the event Seller has any questions concerning the meaning of any of the terms of this Agreement, he is advised to retain independent counsel. The execution of this Agreement by Seller indicates his understanding and acceptance of all terms and conditions.

IN WITNESS WHEREOF the parties hereto have executed this Agreement this day and year first above written.

Seller:


Richard G. Davis

Buyer:


Brad J. Janicek

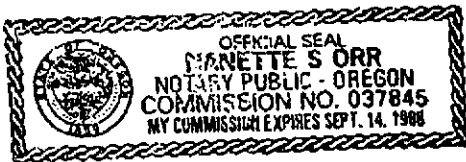

E. Joanne Davis


LouAnn Janicek

STATE OF OREGON)
) ss.
County of Jackson)

On this 3rd day of ^{April}~~March~~, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard G. Davis, known to me to be the person who executed the within and foregoing 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 first above written.



Nanette S. Orr
Notary Public for Oregon
Residing at: 4000 S Pacific Hwy Medford 97501
My Comm. Exp.: Sept. 14, 1998

STATE OF OREGON)
) ss.
County of Jackson)

On this 3rd day of ^{April}~~March~~, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared E. Joanne Davis, known to me to be the person who executed the within and foregoing instrument and acknowledged to me that she executed the same.

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



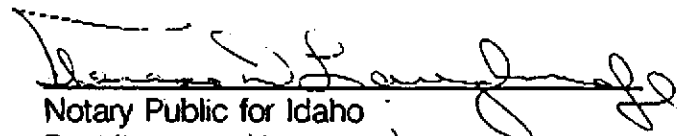
Nanette S. Orr
Notary Public for Oregon
Residing at: 4000 S Pacific Hwy Medford OR 9
My Comm. Exp.: September 14, 1998

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th day of March, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Brad J. Janicek, known to me to be the person who executed the within and foregoing 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 first above written.

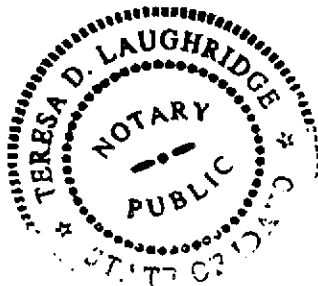


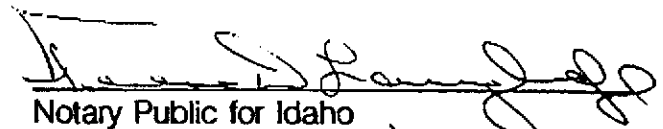

Notary Public for Idaho
Residing at: Meridian
My Comm. Exp.: 8-17-2000

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th day of March, 1996, before me, the undersigned a Notary Public in and for said State, personally appeared LouAnn Janicek, known to me to be the person who executed the within and foregoing instrument and acknowledged to me that she executed the same.

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




Notary Public for Idaho
Residing at: Meridian
My Comm. Exp.: 8-17-2000

COMMITMENT FOR TITLE INSURANCE
PIONEER TITLE COMPANY OF ADA COUNTY (208)373-3700
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SCHEDULE A

RECEIVED

APR 16 2004

WATER RESOURCES
WESTERN REGION

File Number: P149250

1. Effective Date: JUNE 7, 1996 as of 7:30 A.M.

PIONEER TITLE COMPANY
8151 W. RIFLEMAN
ATTN: KATHY COONTZ (373-3619)

WEST ONE BANK
607 E. CLEVELAND BLVD; CALDWELL
ATTN: JOHN DEROIN (455-3624/(F)454-1587)

PIONEER 1031 COMPANY
8151 W. RIFLEMAN
ATTN: ROB ONNEN

TITLE INQUIRIES SHOULD BE DIRECTED TO:
JOHN POOLE
SR. TITLE OFFICER (PHONE 373-3660)
8151 W. RIFLEMAN
BOISE, ID 83704

2. Policy or Policies to be issued:

A. ☒ ALTA Owner's Policy, (4-6-90) ☒ Standard Coverage ☐ Extended coverage

Amount \$295,000.00
Premium \$1140.00

Proposed Insured: BRADLEY J. JANICEK AND LOU ANN JANICEK

B. ☒ ALTA Loan Policy, (4-6-90) ☐ Standard Coverage ☒ Extended coverage

Amount \$163,000.00
Premium \$263.20

END 8.1 \$10.00
END 100/116 \$25.00

Proposed Insured: WEST ONE BANK, IDAHO

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

4. Title to the fee simple estate or interest in said land is at the effective date hereof vested in:

RICHARD DAVIS, AS HIS SEPARATE ESTATE

5. The land referred to in this Commitment is described as follows:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH,
RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I

File Number: P149250

REQUIREMENTS

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to wit:

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

File Number: P149250

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

B. General Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claims of easements, not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

*PARAGRAPHS 1,2,3,4,5 AND 6 WILL NOT APPEAR AS PRINTED EXCEPTIONS ON EXTENDED COVERAGE POLICIES, EXCEPT AS TO SUCH PARTS THEREOF, WHICH MAY BE TYPED AS A SPECIAL EXCEPTION IN SCHEDULE B-SECTION 2.

C. Special Exceptions:

1. GENERAL TAXES FOR THE YEAR 1996, WHICH ARE LIENS, ARE NOT YET DUE AND PAYABLE.
2. ANY, RIGHT OR INTEREST IN ANY MINERAL, MINERAL RIGHTS, OR RELATED MATTERS, INCLUDING BUT NOT LIMITED TO OIL, GAS, COAL, AND OTHER HYDROCARBONS.

CONTINUED

3. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: POWER LINE EASEMENT
IN FAVOR OF: IDAHO POWER COMPANY
RECORDED: DECEMBER 23, 1974
INSTRUMENT NO.: 909785
AFFECTS: BEGINNING AT THE EAST QUARTER CORNER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN; THENCE
WEST ALONG NORTH SIDE OF HALF SECTION LINE A DISTANCE 500 FEET; THENCE
NORTH 30 FEET; THENCE
EAST TO COUNTY ROAD PROPERTY LINE
4. RIGHTS OR CLAIMS TO RIGHTS OF WAY FOR DITCHES, CANALS, LATERALS OR SLOUGHS AS THE SAME MAY EXIST ON, OVER OR ACROSS SAID PREMISES.
5. RIGHTS OF THE PUBLIC TO PORTIONS OF SAID PREMISES, IF ANY, WHICH MAY LIE WITHIN THE RIGHT OF WAY FOR TEN MILE RD.
AS DISCLOSED BY VARIOUS INSTRUMENTS OF RECORD.
6. UNRECORDED LEASEHOLDS, IF ANY, RIGHTS OF PARTIES IN POSSESSION OTHER THAN THE VESTEES HEREIN, RIGHTS OF SECURED PARTIES UNDER FINANCING STATEMENTS AS TO PERSONAL PROPERTY LOCATED ON THE PREMISES HEREIN AND THE RIGHTS OF TENANTS TO REMOVE TRADE FIXTURES.
7. JUDGMENT FOR THE AMOUNT HEREIN STATED AND OTHER AMOUNTS DUE.
CREDITOR: ACTION COLLECTION SERVICE, INC., AN IDAHO CORPORATION
DEBTOR: RICHARD C. DAVIS
AMOUNT: \$394.76
CASE NO.: CVOC9504606M
RECORDED: OCTOBER 6, 1995
INSTRUMENT NO.: 95073430
ATTORNEY FOR CREDITOR: PETER D. SHEARER
THE LIEN OF SAID JUDGMENT DEPENDS UPON THE IDENTITY OF THE JUDGMENT DEBTOR WITH: RICHARD DAVIS
N/A
8. IF THE PERSON MENTIONED IN SCHEDULE A, PARAGRAPH 4, IS PRESENTLY MARRIED, THE SPOUSE MUST EXECUTE ANY CONVEYANCE OR ENCUMBRANCE OF THE SUBJECT PROPERTY PURSUANT TO REQUIREMENTS OF CHAPTER 10, TITLE 55, IDAHO CODE, RELATING TO HOMESTEADS
OR WE MUST BE FURNISHED SATISFACTORY PROOF THAT:
A. THE SUBJECT PROPERTY IS NOT VESTEE'S OR THEIR SPOUSE'S PRINCIPAL RESIDENCE OR
B. PROOF THAT THE VESTED OWNER IS NOT MARRIED
9. POSSIBLE MATTERS RELATING TO GENERAL EXCEPTIONS PARAGRAPHS 1 THRU 6, HEREIN IN CONNECTION WITH ANY EXTENDED COVERAGE POLICY SHOWN IN SCHEDULE A TO BE ISSUED. ADVERSE MATTERS IF ANY, WILL BE SHOWN IN A SUPPLEMENTAL REPORT TO THIS COMMITMENT, OR ON AN UPDATED COMMITMENT, AND WILL BE SHOWN AS SPECIAL EXCEPTIONS IN ANY POLICY TO BE ISSUED UNLESS CLEARED TO THE SATISFACTION OF THE COMPANY.

END OF EXCEPTIONS

CONTINUED

NOTE: IT APPEARS THAT THE LEGAL DESCRIPTION OF THE PROPERTY DESCRIBES MORE THAN 20 ACRES. IF A DEED OF TRUST IS ANTICIPATED TO BE USED TO SECURE THE FORTHCOMING DEBT, WE RECOMMEND THAT YOU CONSULT WITH YOUR ATTORNEY AND IN PARTICULAR, WITH REFERENCE TO SECTION 45-1502 OF THE IDAHO CODE WHICH PROVIDES IN PART THAT A DEED OF TRUST MAY BE USED TO SECURE A DEBT IN REAL PROPERTY "NOT EXCEEDING TWENTY (20) ACRES."

NOTE: FOR REFERENCE PURPOSES ONLY.
THE ADDRESS OF THE PROPERTY IS:
625 TEN MILE RD.
MERIDIAN, ID 83642

NOTE: GENERAL TAXES FOR THE YEAR 1995, WHICH WERE LIENS, IN THE ORIGINAL SUM OF \$1693.92, ARE PAID. PARCEL NO. 242S1215131760

NOTE: THE ABOVE AMOUNT OF TAXES DOES NOT REFLECT A HOME OWNERS EXEMPTION. ANY NEW BUYER MUST APPLY TO THE COUNTY ASSESSOR'S OFFICE FOR SAID EXEMPTION.

NOTE: THERE IS NO NOTICE OF RECORD AND THEREFORE NO SEARCH HAS BEEN MADE FOR ANY UNPAID ASSESSMENTS, CHARGES OR FEES FOR SEWER, WATER, GARBAGE, IRRIGATION AND OTHER POSSIBLE UTILITY SERVICES.

NOTE: IF THE PROPOSED INSURED UNDER THE POLICY TO ISSUE HAS ANY QUESTIONS CONCERNING THE COVERAGE OR EXCLUSIONS FROM COVERAGE, THE COMPANY WILL BE PLEASED TO PROVIDE AN EXPLANATION.

NOTE: PURSUANT TO THE STATE OF IDAHO INSURANCE REGULATIONS, A CANCELLATION FEE IS TO BE CHARGED ON ALL CANCELLED ORDERS. UNLESS OTHERWISE ADVISED, ORDERS WILL BE CONSIDERED CANCELLED SIX MONTHS AFTER THE EFFECTIVE DATE ON THE COMMITMENT. THE AMOUNT OF THE FEE ASSESSED SHALL BE IN ACCORDANCE WITH OUR RATE FILING WITH THE IDAHO DEPARTMENT OF INSURANCE.

COPY

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

Janicek Properties
RECORDED - REQUEST OF

GRANT DEED

6 - 1000063
DEPUTY

2001 SP 28 AM 10:55

101100063

FOR VALUE RECEIVED, BRADLEY J. JANICEK and LOUANN JANICEK, as Grantor, do hereby grant, bargain, sell and convey unto JANICEK PROPERTIES, L.L.C., an Idaho limited liability company, as Grantee, whose current address 1284 S. Gosling Way, Eagle, Idaho, 83616, the following described premises in Ada County, Idaho, to-wit:

SE 1/2 NE 1/4, Section 15, 3N, 1W of the Boise Meridian,
Ada County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances, unto the said Grantee, and said Grantee's heirs and assigns, forever. This Grant is subject to all encumbrances made or suffered by the Grantor, 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 This 28 day of September, 2001.

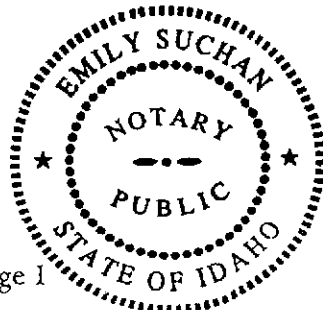
Bradley J. Janicek
Bradley J. Janicek

LouAnn Janicek
LouAnn Janicek

STATE OF IDAHO)
 : ss.
County of Ada)

On this 28 day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Bradley J. Janicek, known to me to be the person whose name is subscribed to the within and foregoing 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 first above written.

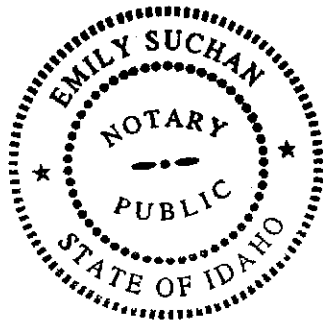


Emily Suchan
Notary Public for Idaho
Residing at Meridian, ID
My comm. exp.: 08/26/06

STATE OF IDAHO)
 : ss.
County of Ada)

On this 28 day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared LouAnn Janicek, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same.

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



Emily Suchan
Notary Public for Idaho
Residing at Meridian, ID
My comm. exp.: 08/25/06

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, Made by George B. Davis, as Personal Representative of the Estate of Doris N. Davis, deceased, Grantor, to George B. Davis, Grantee, whose address is 3440 Davis Drive, Meridian, ID 83642.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Case Number 3P-13221, in the District Court of the Fourth Judicial District for the State of Idaho in Ada County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the real property hereinafter described;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee all of the decedent's right, title and interest in and to the following described real property in Ada County, Idaho:

Lots 1 to 11 inclusive, and Lot 12 except the West 10 feet thereof, Block 3, Williams Addition to Meridian, Ada County, Idaho.

ALSO

Lots 28, 29 and 30, Block 1, Meridian Bowers Addition, Ada County, Idaho.

ALSO

The South Half of the Northeast Quarter of Section 15, Township 3 North, Range 1 West, B.M., Ada County, Idaho.

ALSO

An irregular tract in the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section Fifteen (15), Township Three (3) North of Range One (1) West, Boise Meridian, described as follows:

From the quarter section corner between Sections Fifteen (15) and Twenty-two (22), Township Three (3) North of Range One (1) West, B.M., East along the section line 1655.6 feet; thence North 27°55' East 292.6 feet, to the real place of beginning; thence North 27°39' East 195 feet to an iron pin; thence South 60°16' East 150.1 feet to an iron pin; thence South 74°27' West 206 feet to an iron pin; thence North

55' 31" West 126.5 feet to the real place of beginning,
and subject to road and ditch right of way.

ALSO

Lot 2, Block 1, George Davis Subdivision, Ada County,
Idaho;

together with all and singular the tenements,
hereditaments and appurtenances thereunto belonging or
in anywise appertaining;

subject to all easements and rights of way of record or
appearing on the land.

DATED this 21st day of December, 1990.

George B. Davis
George B. Davis
Personal Representative of the Estate
of Doris N. Davis

STATE OF IDAHO)
) ss.
County of Ada)

On this 11th day of January, 1991, before me, the
undersigned, a Notary Public in and for said State, personally
appeared George B. Davis, known to me to be the person whose name
is subscribed to the within instrument as the Personal
Representative of the Estate of Doris N. Davis, and acknowledged
to me that he executed the same as such Personal Representative.

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

9101776

Cheryl L. Brewer
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: 9/27/1992

COSHO, HUMPHREY,
GREENER & WELSH

9101776

BY R. Wade
600

WILLIAM R. SNYDER & ASSOCIATES, P.A.

ATTORNEYS AND COUNSELORS

MARK D. PERISON*
WILLIAM R. SNYDER

* Admitted in Idaho
and California

520 WEST FRANKLIN STREET, UPPER LEVEL
BOISE, IDAHO 83702

(208) 336-9080 - TELEPHONE
(208) 343-4539 - FACSIMILE

MAILING ADDRESS
POST OFFICE BOX 2338
BOISE, IDAHO 83701-2338

www.wrslegal.com

RECEIVED

April 13, 2004

APR 14 2004

**WATER RESOURCES
WESTERN REGION**

VIA HAND DELIVERY

Kimberly Brown
Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right #A63-27475

Dear Ms. Brown:

I am enclosing the original statements of (1) Brad Janicek, (2) Ronald D. Parks, and (3) Jerry Taylor, each of which is to support Water Right #A63-27475, as regards S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 15, T3N, R1W of the Boise Meridian, Ada County, Idaho. Please ensure that these are placed in the appropriate file to support the Janicek water right claim.

Thank you for your courtesy and assistance in this matter.

Sincerely,



Kristin E. Bjorkman

KEB/es
encl:

WATER RIGHT #A63-27475

RECEIVED

APR 14 2004

WATER RESOURCES
WESTERN REGION

1. My name is Jerry Taylor. I am 61 years of age and I have knowledge of the historical source of water upon the property I know as the "Davis Farm," which is more particularly described S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 15, 3N, 1W of the Boise Meridian, Ada County, Idaho.

2. My father, Clyde Taylor, leased and farmed property adjacent to the Davis Farm from approximately 1947 through 1999. He is now deceased.

3. As a young boy, I fished and played in and around the drain ditch on the Davis Farm and observed that water was being pumped from that drain ditch and used for irrigation purposes on the crops growing on the Davis Farm.

4. I made these observations as far back as 1951 and have observed the continued use of the source of irrigation water from the drain ditch on the Davis Farm to crops growing on the Davis Farm.

Jerry Taylor 4-8-04
Jerry Taylor

RECEIVED

APR 14 2004

WATER RESOURCES
WESTERN REGION

WATER RIGHT # A63-27475

1. My name is Ronald D. Parks. I am 58 years of age and have knowledge of the historical source of water upon the property I know as the "Davis Farm," which is more particularly described as S ½ NE ¼, Section 15, 3N, 1W of the Boise Meridian, Ada County, Idaho.

2. My father, Robert C. Parks, leased and farmed the Davis Farm from the owner, George Davis, from about 1956 to 1960. My father is now deceased.

3. During this period of time, I observed my father lift water out of the drain ditch on the Davis Farm and use the water to irrigate crops that my father grew on the Davis Farm.

4. I made these observations as far back as 1956.

Dated this 8 day of April, 2004.



Ronald D. Parks

WATER RIGHT # A63-27475

RECEIVED

APR 14 2004

WATER RESOURCES
WESTERN REGION

1. My name is Brad J. Janicek and I reside at 4325 W. Chinden, Meridian, Idaho 83642. I make this statement to aid the Department of Water Resources to determine the extent of a water right and the priority date of that water right as identified in this statement and more particularly in Paragraph 2, which is know as #A63-27475.

2. Janicek Properties, LLC, an Idaho limited liability company, is the vested owner of a parcel of real property described as S ½ NE ¼, Section 15, 3N, R 1W, Boise Meridian, Ada County, Idaho, (The "Property"). I am an owner and member of Janicek Properties, LLC. The Property has appurtenant water rights as described in this statement. The Property is sometimes referred to as the "Davis Farm" because it was owned for many years by the George Davis family.

3. I purchased the Property (with LouAnn Janicek) on July 3, 1996 and thereafter we transferred it to Janicek Properties, LLC on September 28, 2001.

4. As an owner of the Property from July 3, 1996 to the date of this statement, I have used water collected in a drain ditch on the Property, by pumping water out of the drain ditch and applying it to crops growing on the Property from March 15 to November 15 of each year. The source of that water is and has been Purdam Gulch Creek.

5. When I first purchased the Property, I was advised that the water right described in Paragraph 4 was appurtenant to the Property.

6. Prior to my purchase of the Property, I leased the Property from the George Davis family from 1976 to July 2, 1996. During that time I made the same beneficial use of the water as I described in Paragraph 4 above.

7. While I leased the Property from the Davis family, I was advised by George Davis that the Davis family had made the same beneficial use of the water right that I described in Paragraph 4 above since the Davis family's ownership, which I believe to be from 1943 forward.

8. I have also contacted other persons with knowledge of the beneficial use of this water right as described by Paragraph 4 above and obtained their statements, which should supplement my statement.

Dated this 14th day of April, 2004.


Brad Janicek

WILLIAM R. SNYDER & ASSOC.

A Professional Association

520 West Franklin Street

Post Office Box 2338

Boise, Idaho 83701-2338

(208) 336-9080

FACSIMILE COVER SHEET - FOR IMMEDIATE DELIVERY

TO: Kimberly Brown, Idaho Department of Water Resources
Destination Fax Number: (208) 334-2348

FROM: Kristin E. Bjorkman
Sender's Fax Number: (208) 343-4539

RE: Water Right #A63-27475 (Brad Janicek)

DATE: March 29, 2004 (12:07PM).

This transmittal consists of this cover sheet plus 1 page.

Hard copy will not be sent.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE AT THE FOLLOWING NUMBER: (208) 336-9080.

THE PAGES COMPRISING THIS FACSIMILE TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION FROM WILLIAM R. SNYDER & ASSOCIATES. THIS INFORMATION IS INTENDED SOLELY FOR USE BY THE INDIVIDUAL ENTITY NAMED AS THE RECIPIENT HEREOF. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THE CONTENTS OF THIS TRANSMISSION IS

WILLIAM R. SNYDER & ASSOCIATES, P.A.
ATTORNEYS AND COUNSELORS

WILLIAM R. SNYDER
MARK D. PERISON*

520 WEST FRANKLIN STREET, UPPER LEVEL

BOISE, IDAHO 83702
(208) 336-9080

MAILING ADDRESS

POST OFFICE BOX 2338
BOISE, IDAHO 83701-2338

*ADMITTED IN IDAHO
AND CALIFORNIA

FACSIMILE
(208) 343-4539
www.wrslegal.com

March 29, 2004

VIA FACSIMILE: 336-3558

Kimberly Brown
Idaho Department of Water Resources
(208) 334-2190
(208) 334-2348

Re: Water Right #A63-27475 (Brad Janicek)

Dear Ms. Brown:

This letter will confirm a 14-day extension from the original due date of March 31, 2004 on the evidence of priority regarding water right #A63-27475. Thank you.

Sincerely yours,



Kristin E. Bjorkman



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2004

JANICEK PROPERTIES LLC
1284 S. GOSLING WAY
EAGLE, ID 83616

RE: Snake River Basin Adjudication Water Right Number A63-27475

Dear Property Owner(s):

We have been advised you may be the new owner of the property with the water right referenced above. Enclosed is a profile report for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions attached to the form and return it to this office with all of the required information.

If you have any questions regarding this letter, please feel free to me at 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Brown".

Kimberly Brown
Adjudication Section
Department of Water Resources
Western Region

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JANICEK PROPERTIES LLC
1284 S. GOSLING WAY
EAGLE, ID 83616

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-27475

Dear Claimant(s),

In the past, George B. Davis submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. Mr. Davis indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

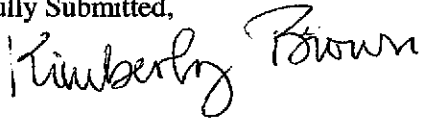
Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of your priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by **March 30, 2004**. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. Therefore, either Mr. Burke Scholer or Mr. Gene Gibson will be contacting you within the next few weeks to schedule a field exam.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kimberly Brown".

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-27475

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN
February 10, 2004

GEORGE B DAVIS
3340 DAVIS LANE
MERIDIAN ID 83642

Re: SRBA Claim A63-27475

Dear Claimant(s):

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 63 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding information on the priority date for the above SRBA claim. In order to make a positive recommendation of this water right, each element of the water right must be proven.

The Department plans to issue its Preliminary Recommendations on this water right later this year. If the Department does not receive all the necessary evidence for this claim, it will have no option but to recommend to the SRBA Court that this water right be disallowed, meaning that the water right will not be valid.

Please contact Kimberly Brown at the Western Regional Office for the Idaho Department of Water Resources at (208) 334-2190. If she does not hear from you by March 12, 2004, then your water right will be recommended as disallowed.

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer".

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

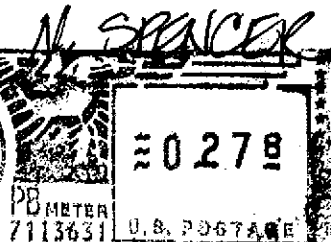
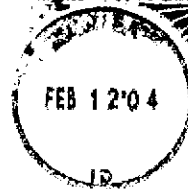
NBS/pm

cc: Kimberly Brown

OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
700 W. JEFFERSON STREET, RM. 210
P.O. BOX 83720
BOISE, IDAHO 83720-0010

RETURN SLIP
REQUESTED

PRESORTED
FIRST CLASS



RECEIVED

MAR 01 2004

WATER RESOURCES
WESTERN REGION

GEORGE B DAVIS
3340 DAVIS LANE
MERIDIAN ID 83642

RECEIVED

FEB 18 2004

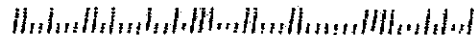
Department of Water Resources

NSN

3N 1W

A63-27475

LAAGTMS 83720/0010





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 26, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GEORGE B. DAVIS
3440 DAVIS LANE
MERIDIAN, ID 83642

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-27475

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of your priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by **September 23, 2003**. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

In addition, since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. Please contact the Western Region office as soon as possible to set up a field exam

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kimberly L. Brown".

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-27475

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

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 63-27475
Date Received: 6/18/1992
Receipt No: W014921
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JANICEK PROPERTIES LLC
1284 S GOSLING WAY
EAGLE ID USA 83616

Phone: (208) 880-0328

2. Date of Priority: 06/20/1943

3. Source: PURDAM GULCH CREEK Trib. to: MASON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	01W	15	SE	SE	NE	ADA	

5. Description of diverting works:

PUMP INDITCH TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.6	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03N	01W	15	SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
						Section Acres	80
						Total Acres	80

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 4/16/2004

15. Basis of Claim: Beneficial Use

RECEIVED

APR 15 2004

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

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, 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
	63-27475				

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) are 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)

George B Davis
 3440 Davis Lane, Meridian, ID 83642

4. New Owner/Claimant(s)

Janicek Properties, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

1284 S Gosling Way

City, State and ZIP Code

Eagle, ID 83616

New Telephone Number

(208) 880-0328

5. Date you acquired the property

July 3, 1996

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) Brad Janicek
(include title if applicable) Leah Janicek

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 KB Date 4-15-04 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

FAXED
11:26 AM
LF 06-26-96

AGREEMENT FOR PURCHASE/SALE OF REAL PROPERTY

THIS AGREEMENT is made and entered into this 25th day of March, 1996, and is by and between Richard G. Davis and E. Joanne Davis, husband and wife, hereinafter referred to as "Seller", and Brad J. Janicek and LouAnn Janicek, husband and wife, hereinafter referred to as "Buyer".

WITNESSETH:

In consideration of the earnest money paid by buyer to Seller, and the mutual benefits to be received by each party, the parties agree as follows:

1. Description of property: Seller agrees to sell all of his right, title, and interest in and to that certain parcel of real property described below to Buyer, and Buyer agrees to purchase said real property from Seller. That property is legally known as:

SE 1/2 NE 1/4, Section 15, 3N, 1W of the Boise Meridian, Ada County, Idaho;

Which shall include all outbuildings, residences, ditches and ditch rights, water rights, subsurface rights, all appurtenances and attachments, which are all jointly hereinafter referred to as "the premises".

2. Purchase price: Buyer agrees to pay to Seller the total sum of Two hundred ninety-five thousand two-hundred fifty dollars (\$295,250.00), to be paid as follows:

(a) The cash down payment of two hundred seventy thousand dollars (\$270,000) (which includes the three thousand dollars (\$3,000.00) earnest money paid by Buyer to Seller at the execution of this Agreement); and

(b) The sum of Twenty five thousand two hundred fifty dollars (\$25,250.00) payable by a mortgage note to Seller secured by a second mortgage on the premises. Said note shall bear interest at the rate of 7% per annum, and shall be amortized over a period of five years, and shall be payable in equal annual installments of principal and accrued interest. The maker shall have the unrestricted right of prepayment.

3. Buyer's contingencies. Buyer's agreement to purchase the premises from Seller is contingent upon the following events:

(a) That Buyer shall obtain acceptable financing to complete the purchase.

(b) Seller shall be able to deliver good and merchantable title to the premises and that title is free and clear of all liens and encumbrances other than 1996 accruing property taxes.

4. Closing: The parties shall make good faith efforts to close this sale on or before July 1, 1996. The closing agent shall be Pioneer Title company, and the parties agree to divide the closing costs as follows:

(a) Seller alone shall pay the cost of a policy of title insurance, insuring good title to Buyer, for the total amount of the purchase price.

(b) Buyer alone shall pay all points, fees, or costs required by lender as Buyer's cost incurred in Buyer's obtaining financing, except the cost of any environmental survey required, which shall be split.

(c) All other costs, including, but not limited to, recording fees and fees of the closing agent, shall be borne equally between Seller and Buyer.

5. Taxes, assessments, and insurance: The closing agent shall pro-rate the real property taxes and pertinent assessments for water for 1996, according to 1995 assessments, to and through the date of closing. All real property taxes and assessments owing, including any penalties and interest, through the year ending 1995 shall be paid by Seller, and may be deducted by the closing agent from Seller's net proceeds. It is understood that Buyer will obtain their own policy of hazard insurance and assume all risk of loss from the date of closing forward. Closing agent shall make all other adjustments commonly made by closing agents.

6. Condition and possession: The sale of this property is "as is" and is without warranty except as to title and environment quality. Seller warrants that there are no charges or costs against the property arising from public services such as sewer, water, electrical, or otherwise, or if such charges exist that Seller will pay them through the closing agent through the date of Buyer's possession.

Seller agrees that Buyer shall have possession of the premises at the date of closing.

7. Earnest money: As consideration for this Agreement, Buyer hereby delivers to Seller the sum of three thousand dollars (\$3,000.00) earnest money. In the event that Buyer fails to close and consummate the sale according to the terms of this Agreement, then fifteen hundred (\$1500.00) of the total earnest money shall be retained by Seller, not as a forfeiture but to defray the costs and expenses Seller has incurred and the balance returned to the Buyer. In the event of a failed contingency or a failure by Seller to otherwise perform, then Seller shall return all earnest money to Buyer upon demand.

8. Title and title insurance: At closing Seller shall execute and deliver to Buyer a warranty deed conveying good and merchantable title to Buyer, which shall be subject only to a first mortgage in favor of Buyer's lender, and 1996 taxes and Seller's second mortgage. Seller shall purchase for Buyer an owners' policy of title insurance, which policy shall insure good and merchantable title as required by this Agreement.

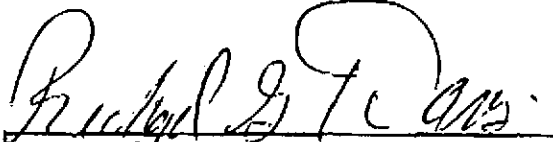
9. Default or breach: In the event either party to this Agreement shall breach any covenant or warranty or shall be in default of a obligation to the other, that party shall pay, in addition to damages or other loss occasioned by said breach or default, reasonable attorney fees to the non-defaulting party.

10. Entire agreement: This document shall contain the entire agreement of the parties. All conversations, oral representations, or statements shall have no further force and effect. Any modification or change to this Agreement shall be valid only if it is memorialized in writing and signed by both parties hereto. This Agreement shall not be recorded, and shall survive the closing documents only as to those matters not addressed in any closing document.

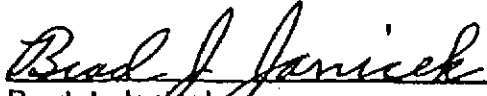
Seller further understands that the attorney who has drawn this Agreement has acted as the attorney for Buyer alone, and in the event Seller has any questions concerning the meaning of any of the terms of this Agreement, he is advised to retain independent counsel. The execution of this Agreement by Seller indicates his understanding and acceptance of all terms and conditions.

IN WITNESS WHEREOF the parties hereto have executed this Agreement this day and year first above written.

Seller:


Richard G. Davis

Buyer:


Brad J. Janicek


E. Joanne Davis


LouAnn Janicek

STATE OF OREGON)
) ss.
County of Jackson)

On this 3rd day of ^{April}~~March~~, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard G. Davis, known to me to be the person who executed the within and foregoing 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 first above written.



Nanette Orr

Notary Public for Oregon

Residing at: 4000 S Pacific Hwy Medford 97501

My Comm. Exp.: Sept. 14, 1998

STATE OF OREGON)
) ss.
County of Jackson)

On this 3rd day of ^{April}~~March~~, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared E. Joanne Davis, known to me to be the person who executed the within and foregoing instrument and acknowledged to me that she executed the same.

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



Nanette Orr

Notary Public for Oregon

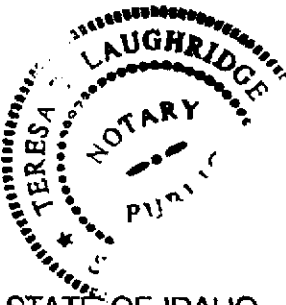
Residing at: 4000 S Pacific Hwy Medford OR

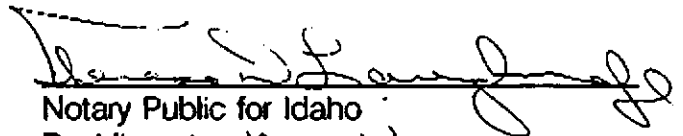
My Comm. Exp.: September 14, 1998

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th day of March, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Brad J. Janicek, known to me to be the person who executed the within and foregoing 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 first above written.

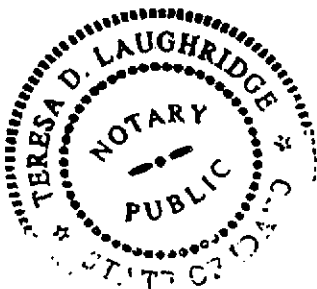


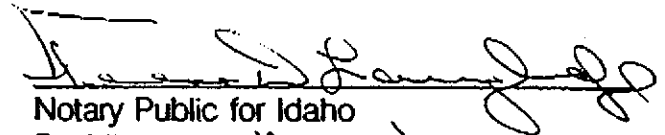

Notary Public for Idaho
Residing at: Meridian
My Comm. Exp.: 8-17-2000

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th day of March, 1996, before me, the undersigned a Notary Public in and for said State, personally appeared LouAnn Janicek, known to me to be the person who executed the within and foregoing instrument and acknowledged to me that she executed the same.

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




Notary Public for Idaho
Residing at: Meridian
My Comm. Exp.: 8-17-2000

COPY

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

GRANT DEED

DEPUTY

2001 SP 28 AM 10:55

101100063

FOR VALUE RECEIVED, BRADLEY J. JANICEK and LOUANN JANICEK, as Grantor, do hereby grant, bargain, sell and convey unto JANICEK PROPERTIES, L.L.C., an Idaho limited liability company, as Grantee, whose current address 1284 S. Gosling Way, Eagle, Idaho, 83616, the following described premises in Ada County, Idaho, to-wit:

SE 1/2 NE 1/4, Section 15, 3N, 1W of the Boise Meridian,
Ada County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances, unto the said Grantee, and said Grantee's heirs and assigns, forever. This Grant is subject to all encumbrances made or suffered by the Grantor, 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 This 28 day of September, 2001.

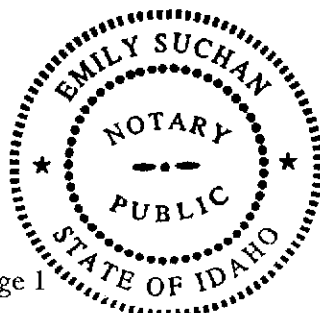
Bradley J. Janicek
Bradley J. Janicek

LouAnn Janicek
LouAnn Janicek

STATE OF IDAHO)
 : ss.
County of Ada)

On this 28 day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Bradley J. Janicek, known to me to be the person whose name is subscribed to the within and foregoing 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 first above written.

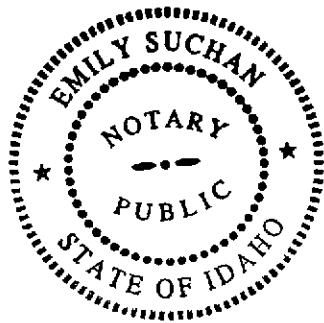


Emily Suchan
Notary Public for Idaho
Residing at Meridian, ID
My comm. exp.: 08/26/06

STATE OF IDAHO)
 : ss.
County of Ada)

On this 28 day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared LouAnn Janicek, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same.

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



Emily Suchan
Notary Public for Idaho
Residing at Meridian, ID
My comm. exp.: 08/25/06

COMMITMENT FOR TITLE INSURANCE
PIONEER TITLE COMPANY OF ADA COUNTY (208)373-3700
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SCHEDULE A

File Number: P149250

1. Effective Date: JUNE 7, 1996 as of 7:30 A.M.

PIONEER TITLE COMPANY
8151 W. RIFLEMAN
ATTN: KATHY COONTZ (373-3619)

WEST ONE BANK
607 E. CLEVELAND BLVD; CALDWELL
ATTN: JOHN DEROIN (455-3624/(F)454-1587)

PIONEER 1031 COMPANY
8151 W. RIFLEMAN
ATTN: ROB ONNEN

TITLE INQUIRIES SHOULD BE DIRECTED TO:
JOHN POOLE
SR. TITLE OFFICER (PHONE 373-3660)
8151 W. RIFLEMAN
BOISE, ID 83704

2. Policy or Policies to be issued:

A. ☒ ALTA Owner's Policy, (4-6-90) ☒ Standard Coverage ☐ Extended coverage
Amount \$295,000.00
Premium \$1140.00

Proposed Insured: BRADLEY J. JANICEK AND LOU ANN JANICEK

B. ☒ ALTA Loan Policy, (4-6-90) ☐ Standard Coverage ☒ Extended coverage
Amount \$163,000.00
Premium \$263.20

END 8.1 \$10.00
END 100/116 \$25.00

Proposed Insured: WEST ONE BANK, IDAHO

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

4. Title to the fee simple estate or interest in said land is at the effective date hereof vested in:

RICHARD DAVIS, AS HIS SEPARATE ESTATE

5. The land referred to in this Commitment is described as follows:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH,
RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I

File Number: P149250

REQUIREMENTS

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to wit:

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

File Number: P149250

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

B. General Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claims of easements, not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

*PARAGRAPHS 1,2,3,4,5 AND 6 WILL NOT APPEAR AS PRINTED EXCEPTIONS ON EXTENDED COVERAGE POLICIES, EXCEPT AS TO SUCH PARTS THEREOF, WHICH MAY BE TYPED AS A SPECIAL EXCEPTION IN SCHEDULE B-SECTION 2.

C. Special Exceptions:

1. GENERAL TAXES FOR THE YEAR 1996, WHICH ARE LIENS, ARE NOT YET DUE AND PAYABLE.
2. ANY, RIGHT OR INTEREST IN ANY MINERAL, MINERAL RIGHTS, OR RELATED MATTERS, INCLUDING BUT NOT LIMITED TO OIL, GAS, COAL, AND OTHER HYDROCARBONS.

CONTINUED

3. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: POWER LINE EASEMENT
IN FAVOR OF: IDAHO POWER COMPANY
RECORDED: DECEMBER 23, 1974
INSTRUMENT NO.: 909785
AFFECTS: BEGINNING AT THE EAST QUARTER CORNER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN; THENCE
WEST ALONG NORTH SIDE OF HALF SECTION LINE A DISTANCE 500 FEET; THENCE
NORTH 30 FEET; THENCE
EAST TO COUNTY ROAD PROPERTY LINE
4. RIGHTS OR CLAIMS TO RIGHTS OF WAY FOR DITCHES, CANALS, LATERALS OR SLOUGHS AS THE SAME MAY EXIST ON, OVER OR ACROSS SAID PREMISES.
5. RIGHTS OF THE PUBLIC TO PORTIONS OF SAID PREMISES, IF ANY, WHICH MAY LIE WITHIN THE RIGHT OF WAY FOR TEN MILE RD.
AS DISCLOSED BY VARIOUS INSTRUMENTS OF RECORD.
6. UNRECORDED LEASEHOLDS, IF ANY, RIGHTS OF PARTIES IN POSSESSION OTHER THAN THE VESTEE'S HEREIN, RIGHTS OF SECURED PARTIES UNDER FINANCING STATEMENTS AS TO PERSONAL PROPERTY LOCATED ON THE PREMISES HEREIN AND THE RIGHTS OF TENANTS TO REMOVE TRADE FIXTURES.
7. JUDGMENT FOR THE AMOUNT HEREIN STATED AND OTHER AMOUNTS DUE.
CREDITOR: ACTION COLLECTION SERVICE, INC., AN IDAHO CORPORATION
DEBTOR: RICHARD C. DAVIS
AMOUNT: \$394.76
CASE NO.: CVOC9504606M
RECORDED: OCTOBER 6, 1995
INSTRUMENT NO.: 95073430
ATTORNEY FOR CREDITOR: PETER D. SHEARER
THE LIEN OF SAID JUDGMENT DEPENDS UPON THE IDENTITY OF THE JUDGMENT DEBTOR WITH: RICHARD DAVIS
N/A
8. IF THE PERSON MENTIONED IN SCHEDULE A, PARAGRAPH 4, IS PRESENTLY MARRIED, THE SPOUSE MUST EXECUTE ANY CONVEYANCE OR ENCUMBRANCE OF THE SUBJECT PROPERTY PURSUANT TO REQUIREMENTS OF CHAPTER 10, TITLE 55, IDAHO CODE, RELATING TO HOMESTEADS
OR WE MUST BE FURNISHED SATISFACTORY PROOF THAT:
A. THE SUBJECT PROPERTY IS NOT VESTEE'S OR THEIR SPOUSE'S PRINCIPAL RESIDENCE
OR
B. PROOF THAT THE VESTED OWNER IS NOT MARRIED
9. POSSIBLE MATTERS RELATING TO GENERAL EXCEPTIONS PARAGRAPHS 1 THRU 6, HEREIN IN CONNECTION WITH ANY EXTENDED COVERAGE POLICY SHOWN IN SCHEDULE A TO BE ISSUED. ADVERSE MATTERS IF ANY, WILL BE SHOWN IN A SUPPLEMENTAL REPORT TO THIS COMMITMENT, OR ON AN UPDATED COMMITMENT, AND WILL BE SHOWN AS SPECIAL EXCEPTIONS IN ANY POLICY TO BE ISSUED UNLESS CLEARED TO THE SATISFACTION OF THE COMPANY.

END OF EXCEPTIONS

CONTINUED

NOTE: GENERAL TAXES FOR THE YEAR 1995, WHICH WERE LIENS, IN THE ORIGINAL SUM OF \$1693.92, ARE PAID. PARCEL NO. 242S1215131760

NOTE: THERE IS NO NOTICE OF RECORD AND THEREFORE NO SEARCH HAS BEEN MADE FOR ANY UNPAID ASSESSMENTS, CHARGES OR FEES FOR SEWER, WATER, GARBAGE, IRRIGATION AND OTHER POSSIBLE UTILITY SERVICES.

NOTE: PURSUANT TO THE STATE OF IDAHO INSURANCE REGULATIONS, A CANCELLATION FEE IS TO BE CHARGED ON ALL CANCELLED ORDERS. UNLESS OTHERWISE ADVISED, ORDERS WILL BE CONSIDERED CANCELLED SIX MONTHS AFTER THE EFFECTIVE DATE ON THE COMMITMENT. THE AMOUNT OF THE FEE ASSESSED SHALL BE IN ACCORDANCE WITH OUR RATE FILING WITH THE IDAHO DEPARTMENT OF INSURANCE.

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: A63-27475
Date Received: 6/18/1992
Receipt No: W014921
Received By: Dr. J. H.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE B DAVIS
Address: 3440 DAVIS LANE
MERIDIAN ID

83642

2. Date of Priority: JUN 20, 1943

3. Source: PURDAM GULCH

Trib. to: MASON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01W	15	SE	SE	NE		ADA

5. Description of diverting works:
PUMP INDITCH TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01W	15	SW	NE		IRR	40.0
			SE	NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NAMPA-MERIDIAN IRRIGATION DISTRICT

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: _____

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State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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

A63-27475

Date Received

6-18-92

Receipt Number

W014921

RECEIVED
JUN 18 1992

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) GEORGE B. DAVIS Phone (208)Mailing Address 3440 Davis Lane Meridian Zip 836422. Date of Priority (Only one (1) per claim) 6-20-19433. Source of water supply (a) PURDAM GULCH
which is tributary to (b) MASON CREEK4. a. Location of existing point of diversion is: Township 3N Range 1W Section 15,
SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of ADA

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pump in ditch to gravity irrigation

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRR purposes from 03/15 to 11/15 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	1W	15			40	40													80

Total number of acres irrigated 80

11. In which county (ies) are lands listed above as place of use located? ADA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Nampa-Mendocino I.D. or None ()

14. Remarks:

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) [Signature] Date 6/1/94

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day of June, 19 92

SEAL

Notary Public [Signature]

Residing at [Signature]

My Commission Expires 4-29-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

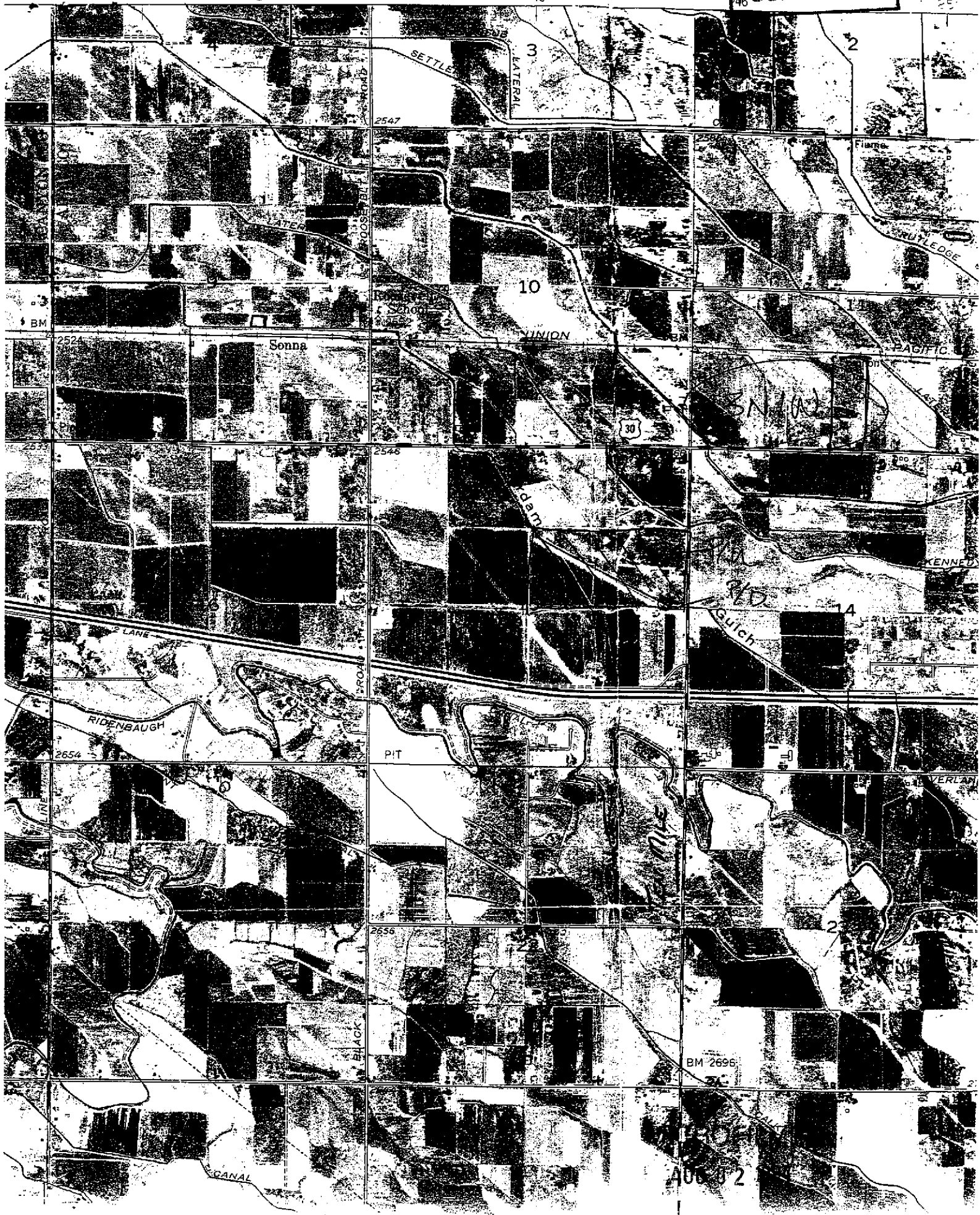
Date _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME DAVIS, GEORGE B.

CLAIM IDENT. NO. _____

DATE RECEIVED 6/13/92 RECEIPT # 10014921 AMOUNT \$ 90.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? ☒			
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒			
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	N/A ☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	N/A ☐	☒	
Is the consumptive use correct?	N/A ☐	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4	N/A ☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights)	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	N/A ☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)	N/A ☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	N/A ☒	☐	
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	N/A ☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time, or was an extension granted?	☒	☐	*

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See remarks

23. Should this claim be data entered?

YES

NO

Claim reviewed by: Cyt Date 6/22/92

Claim data entered by: Jed Date 11-4-92

Claim is being returned to claimant: ___(Yes)___(No)

Claimant is being notified of modifications: ___(Yes)___(No)

Comments: Other claims filed in timely manner - No late fee
* A63-18292, Domestic filed 8/30/89 receipt 12005
W005287