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DEPARTMENT OF
WATER RESOURCES

April 23, 2006

Lori Graves, Sr. Water Resource Agent
Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705-50821

RE: Notice of Claim No: 63-5277
Water Right 63-19256

Dear Lori:

Attached is the information necessary to show the change of ownership for the claim and right shown above. I have enclosed the following:

- 1) Notice of Change in Water Right Ownership
- 2) Personal Representative's Deed that reflects the transfer of ownership of such property from the estate of Marie Odiaga to myself, Benita R. Murgoitio. Marie purchased the property from the Williams in 1998.
- 3) FSA Aerial Photo, showing location of irrigation well and domestic well.
- 4) Affidavit from Tom Johnston regarding wells and use.

If you need additional information, please contact my sister, Carol Ann Murgoitio, at 208-941-2436. Carol handles my affairs in relationship to this property and she has authority to act on my behalf.

Thank you so much for all your help!



Benita R. Murgoitio

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-19256	63-5277				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Larry and Marianne Williams
914 Houston Rd. N
4. New Owner/Claimant(s) Benita
Margaitio
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2611 S. Groom Way
 City, State and ZIP Code Meridian, ID 83642
 New Telephone Number () 208-362-2385
5. Date you acquired the property March 19, 2004

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	_____	_____

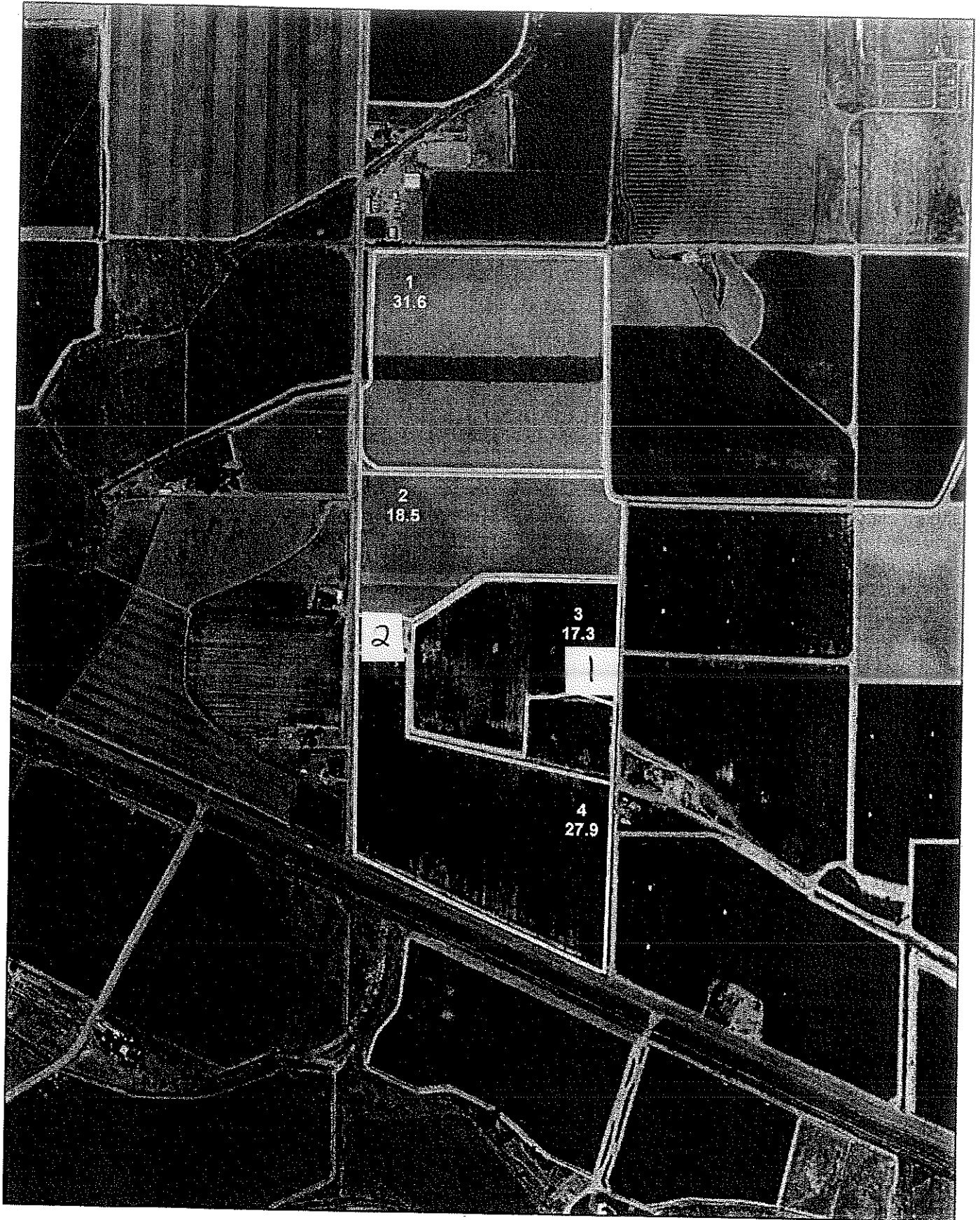
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Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____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

7. Signature of New Owner(s) or Claimant(s) *Regina Murphy*
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

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



Well Locations

Canyon County, ID

1. Irrigation Well
2. Domestic Well





IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
Claim No. 63-5277)
Water Right 63-19256)
State of Idaho)
County of Canyon)

AFFIDAVIT

I, Tom Johnston

deposes and says: this claim reflects a drainage well drilled around June 1,
1940. It is located approximately 1/4 mile North of Highway 20/26 and
1/4 mile East of Lon Davis Road in Canyon County. As a 4th generation
farmer and adjacent landowner, I have personal knowledge and observed the
use of this well for water on the property where it is located.
The water has been used for irrigation purposes.
There is also a domestic well located at 25529 Don Lane, Parma, on this
farm of approximately 108 acres.


(Signature)

Tom Johnston
22410 Ten Davis Road
Parma, ID 83660
(208-722-6224)

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Claim No. 63-5277)
Water Right 63-19256)
State of Idaho)
County of Canyon)

AFFIDAVIT

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(Signature)

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22410 Ten Davis Road
Parma, ID 83660
(208-722-6224)



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 10, 2006

BENITA MURGOITIO
6833 AMITY RD
BOISE ID 83709

**RE: NOTICE OF CLAIM NO: 63-5277
WATER RIGHT 63-19256**

Dear Mrs. Murgoitioi:

We are currently preparing the Notice of Claim for the Director's Report in the Snake River Basin Adjudication for claim 63-5277. Enclosed is a computer printout of the claim for your reference and also accompanying domestic water right 63-19256. Our research indicates there may have been a change in the ownership for the claim and right. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the records listed above:

**LARRY AND MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the records will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

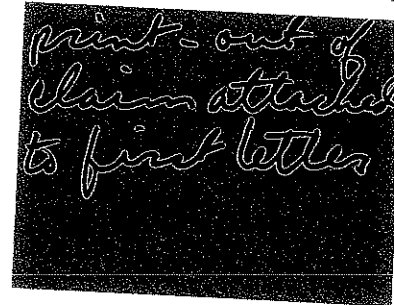
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 10, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LARRY AND MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706



RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-5277

Dear Mr. and Mrs. Williams,

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right 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 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."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence 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 if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your well/pump and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion system as possible such as pump make and model, horsepower, well depth, static water level,

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water lift (in feet), operating pressure, sprinkler system details, etc. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by May 1, 2006. 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.

Respectfully,



Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-5277
Aerial Photo

Cc: BENITA R MURGOITIO
6833 AMITY RD
BOISE ID 83709

Water Right Report 63-19256

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARIANNE WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Current Owner	LARRY WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to	12/31	0.040 CFS	
STOCKWATER	1/01 to	12/31	0.030 CFS	
		<u>Total Diversion:</u>	0.040 CFS	

GROUND WATER NW1/4SE1/4NW1/4 Sec. 29, Twp 05N, Rge 04W, B.M.
CANYON County

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-19256

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. STOCKWATER, 100 RANGE CATTLE PARCEL NO. 2R 38507 PROPERTY ALSO KNOWN AS 25592 DON LANE, PARMA.

Remarks:Comments:

1. AJU10-DS 6/22/2000 AJU10 CONDITION UPDATE

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

Dates and Other Information:

Licensed Date:
Decreed Date: 2/21/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5277

WATER RIGHT NUMBER: 63-5277

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Current Owner	MARIANNE WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367

Priority Date: 03/15/1943

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.200 CFS	
	<u>Total Diversion:</u>	2.200 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NW1/4	Sec. 29, Twp 05N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05N	04W	29					40.0					40.0			30.0					110.0

Total Acres: 110

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5277

Claim Received Date: 10/19/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

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:

Water Supply Bank: