

ATLANTA TOWNSITE SUBDIVISION NO. 3

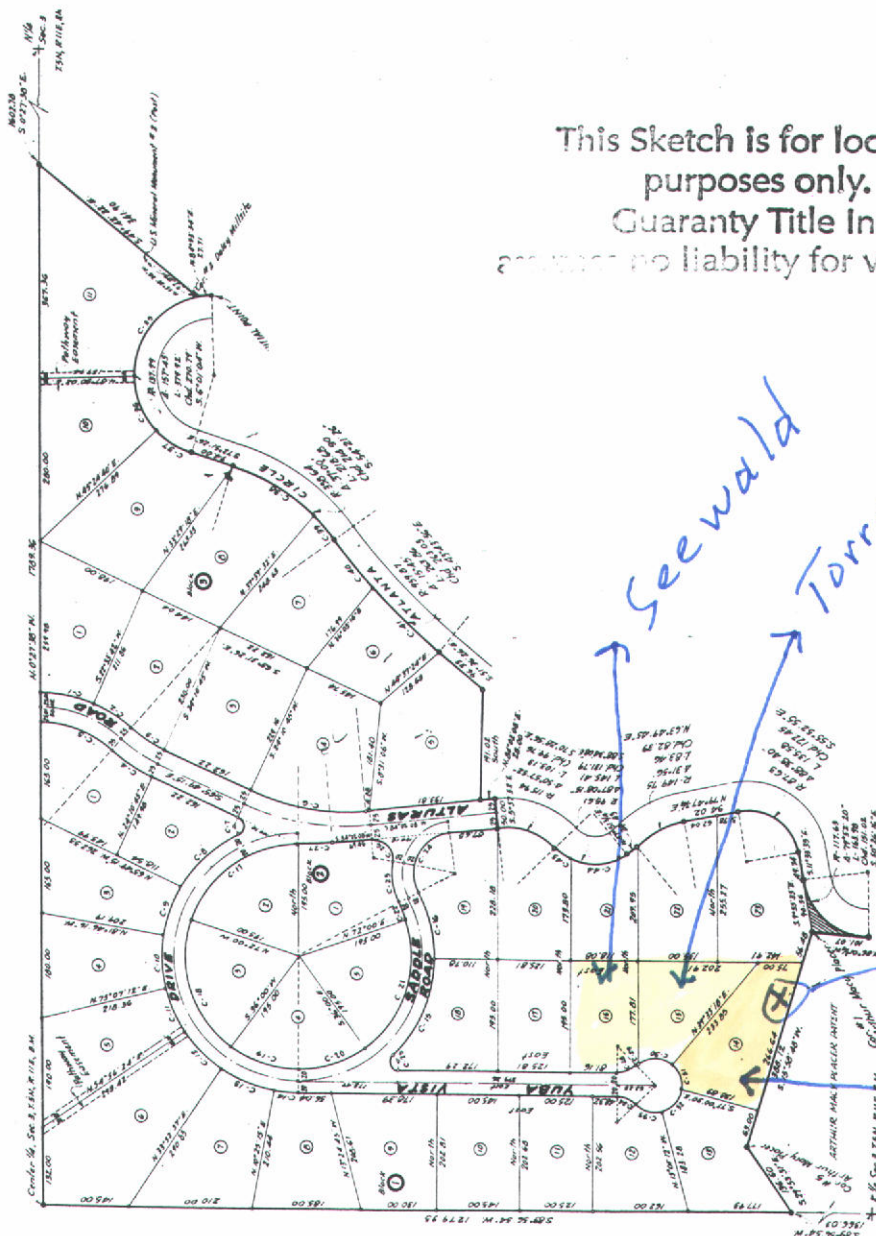
*Situate in Section 3, T.5N., R.11E., B.M.
Elmore County, Idaho*

Chronic & Associates - Consulting Engineers - Boise, Idaho

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



This Sketch is for location
purposes only.
Guaranty Title Inc.
assumes no liability for variations.



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: A63-10087
Date Received: 12/ 5/1989
Receipt No: W006885
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DON J HOGGE
Address: RT 1 BOX 1455
NAMPA ID

83651

Name: SHIRLEY F HOGGE
Address: RT 1 BOX 1455
NAMPA ID

83651

2. Date of Priority: JUN 21, 1983

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	11E	3	SE	NE			ELMORE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		3.00

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

3.00 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
05N	11E	3	SW	NE	1	DOMEST	

A63-10087

Page 1

Date: 02/05/92

MICROFILMED

JUL 26 1994

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Domestic use is for 5 homes.

15. Basis of Claim: LICENSE

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 63-10087Date Received 12-5-89Receipt Number W0006885

RECEIVED

DEC 05 1989

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) DON & R SHIRLEY F. HOGGE Phone (208) 466-4982Mailing Address 12732 Memory Lane Nampa, IDA. Zip 836862. Date of Priority (Only one (1) per claim) June 21, 19833. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township SENE Range 5N Section 11E Section 3_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of ELMORE

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. _____

MICROFILMED

JUL 26 1994

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (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.) (4) APPLICANTS CARL HOGGE, RON SEEWALD, BILL DORAMUS

10. Description of place of use:

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

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes ☒ 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. _____ or None ()

14. Remarks: AKA SUGAR HILL

MICROFILMED

JUL 26 1994

Last Name Hogge Ident No. 62-10087

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit ☒

Decree _____

If applicable provide IDWR Water Right Number 63-10087

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) Shirley Z Hogg Date 12/4/89

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 Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 4 day of December 19 89

SEAL

Notary Public John K. Noyes

Residing at 15470 Homedale Rd
Caldwells, Idaho 83405

My Commission Expires Sept 21, 1994

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 _____

MICROFILMED

JUL 26 1994

Last Name Hogg Ident. Number 63-10087

Copies White-State, Yellow-Claimant

10/29/2002

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

RIGHT NUMBER: 63-10087

NAME AND ADDRESS: JAMES M KIRAMIDJIAN
3724 NORFOLK WAY
BOISE ID 83706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
3.000 AFY

PRIORITY DATE: 06/21/1983

POINT OF DIVERSION:

T05N R11E S3 SENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.040 CFS

3.00 AFY

PLACE OF USE: DOMESTIC Within ELMORE County

T05N R11E S03 Lot 1 SWNE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: License

DOMESTIC USE IS FOR 5 HOMES.

WELL LOCATED ON LOT 14, BLOCK 1, ATLANTA TOWNSITE SUB NO. 3

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	)	SUBCASE NO. 63-10087
	)	
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

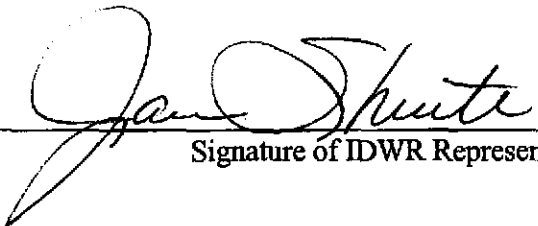
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: October 30, 2002

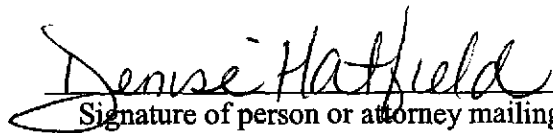


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 30, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:
Don J Hogge
Shirley F Hogge
Rt 1 Box 1455
Nampa ID 83651
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
James M Kiramidjian
3724 Norfolk Way
Boise ID 83706
4. One Copy to:
Each party in the subcase or attorney of record:
N/A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

RECEIVED

OCT 10 2002

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.

OK To change
CS

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
63-10087					

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) Don & Shirley Hoggie
RT 1 Box 1455 Nampa, Id. 83651
4. New Owner/Claimant(s) James M. Karamidjian
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3724 Norfolk Way
- City, State and ZIP Code Boise, Idaho 83706
- New Telephone Number (208) 336-0536
5. Date you acquired the property Sept. 22nd 1999

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) James M. Hummel 10/10/02
(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 DN Date 10-10-02 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



A Pioneer Company

PIONEER TITLE COMPANY

OF ADA COUNTY

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

P184011 KC

WARRANTY DEED

For Value Received

Don J. Hogge, Trustee and Shirley F. Hogge, as Co-Trustees of the Don J. and Shirley F. Hogge Trust under Trust Agreement dated February 25, 1991 and their substitutes and successors as Trustee thereunder.

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

James M. Kirandjian, a single person

hereinafter referred to as Grantee, whose current address is

3724 NORFOLK WAY, BOISE, ID 8370683601

the following described premises, to-wit:

Lot 14, Block 1, Atlanta Townsite Subdivision No. 3, according to the resubdivision of a portion of Atlanta Townsite Subdivision No. 2 and 3, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho. Except all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto, whether expressed or implied.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: ..

Don J. Hogge, Trustee
Don J. Hogge, Trustee

Shirley F. Hogge, Trustee
Shirley F. Hogge, Trustee

318059

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time 3:54 P.M.

Date September 22, 1999

GAIL L. BEST, Recorder

STATE OF IDAHO)
)
) ss.
COUNTY OF ADA)

By [Signature]
Fee \$3.00 Deputy

On This 15th day of September, in the year 1999, before me, a Notary Public in and for said State, personally appeared Don J. Hogge and Shirley F. Hogge, known to me to be the same persons who executed the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

AFTER RECORDING RETURN TO:

ACTION MORTGAGE COMPANY
4619 EMERALD ST., STE B
BOISE, ID 83706

ELMORE COUNTY, IDAHO
Request of

GUARANTY TITLE, INC.

Time 3:55 P.M.
Date September 22, 1999
GAIL L. BEST, Recorder

318060

By [Signature] Deputy
Fee \$27.00

P184011 KC

[Space Above This Line For Recording Data]

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on September 15, 1999
The grantor is JAMES M KIRAMIDJIAN A SINGLE PERSON

GUARANTY TITLE, INC.

("Borrower"). The trustee is

ACTION MORTGAGE COMPANY

("Trustee"). The beneficiary is

which is organized and existing under the laws of THE STATE OF WASHINGTON, and whose address is
NORTH 111 WALL, SPOKANE, WA 99201

("Lender"). Borrower owes Lender the principal sum of

FIFTY EIGHT THOUSAND FOUR HUNDRED AND 00/100

Dollars (U.S. \$ 58,400.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on October 1, 2029 . This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in ELMORE County, Idaho:

SEE ATTACHED EXHIBIT "A"

which has the address of YUBA VISTA DR

ATLANTA

[Street]

[City]

Idaho

83601

("Property Address");

[Zip Code]

IDAHO -- Single Family -- Fannie Mae/Freddie Mac Uniform Instrument

Loan Number:

Form 3013 9/90

GREATLAND

ITEM 1873LI (9511)

(Page 1 of 6 pages)

To Order Call: 1-800-530-8393 818-781-1131

DOTRST

EXHIBIT "A"

Lot 14, Block 1, Atlanta Townsite Subdivision No. 3, according to the resubdivision of a portion of Atlanta Townsite Subdivision No. 2 and 3, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho. Except all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto, whether expressed or implied.

WELL USERS AGREEMENT

This agreement made and entered into this 17 day of Sept, 1999, by and between _____, hereinafter referred to as undersigned users and mortgagees

WITNESSETH;

WHEREAS, the users each purchased that certain parcel of real estate described as the (see attached sheet A).

WHEREAS, The users has agreed in consideration to locate a domestic water source and transmit the said water across users property and

Said well is located on Lot 14, block 1, Atlanta townsite # 3, Atlanta, Idaho, property of James M. Kiramidjian.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed as follows:

1. The users do hereby grant and convey an easement to each of the undersigned users and mortgagees over, across, under, and through the above described property for purposes of ingress, egress, and access the certain drilled water well located upon the described property so that the said well and the water pipeline, running along said easement way, may be maintained by the users.
2. The users do each to the other covenant and agree to bear the costs of maintenance, repair and operation, equally and for purposes of management do hereby agree to appoint this senior property owner or user as manager, whose duty it shall be to bill, collect and receipt the users on an equal monthly basis for the costs of operation, repair and maintenance of the water system.
3. Duty to share in the costs of maintenance, operation and repair of the system shall arise at such time as a user either is supplied any water from the system or occupies a home located on the described property whether he uses water or not.
4. That no person, firm or corporation owning lands outside the tracts herein described shall be entitled to use water from said water system located on the property described in paragraph one.
5. That this agreement, when recorded, shall be notice to all the world of the rights and obligations of the persons, firms or corporations acquiring title or interest in the land described in the above paragraphs hereof and all such persons, firms and corporations shall be bound by the terms of this agreement.
6. In the event that any landowner or tenant of any landowner, shall fail to pay his prorata share of the cost of upkeep and maintenance of said water system heretofore a referred to and located in the land described in paragraph one of this agreement, any other user or user as above provided for, may file an affidavit of cost thereof, after ten days written notice of the nonpaying user, and the prorata cost thereof shall be a lien on the land of the nonpaying user, forecloseable in the manner provided for in labor lien in the state of Idaho, in the office of the county auditor of Elmore County, Idaho, but no liability or lien shall attach until the filing of such affidavit of cost, as herein provided. In addition to the usual cost of foreclosure and defaulting party shall pay the cost of a title search for suit purposes and a reasonable attorney's fee.

7. This agreement shall inure to the benefit of and be binding upon the devisees, successors, and assigns of the parties to this agreement.
8. Each of the parties hereto does hereby agree to execute all and any instruments necessary to carry out the intent of this agreement.

IN WITNESS WHEREOF we have placed our hands and seals on this day of September 16, 1999

USERS

James M. Kennedy

Dated Sept 17, 1999

Susan E. Jones

Dated Sept. 20, 1999

Susan E. Jones (Power of Attorney for Kenneth W. Terry)

Dated 9-20-99

Dated 9-20-99

[Signature]

Dated 9-20-99

Shelley G. Scowald

Dated 9-20-99

ATLANTA TOWNSITE SUBDIVISION NO. 3

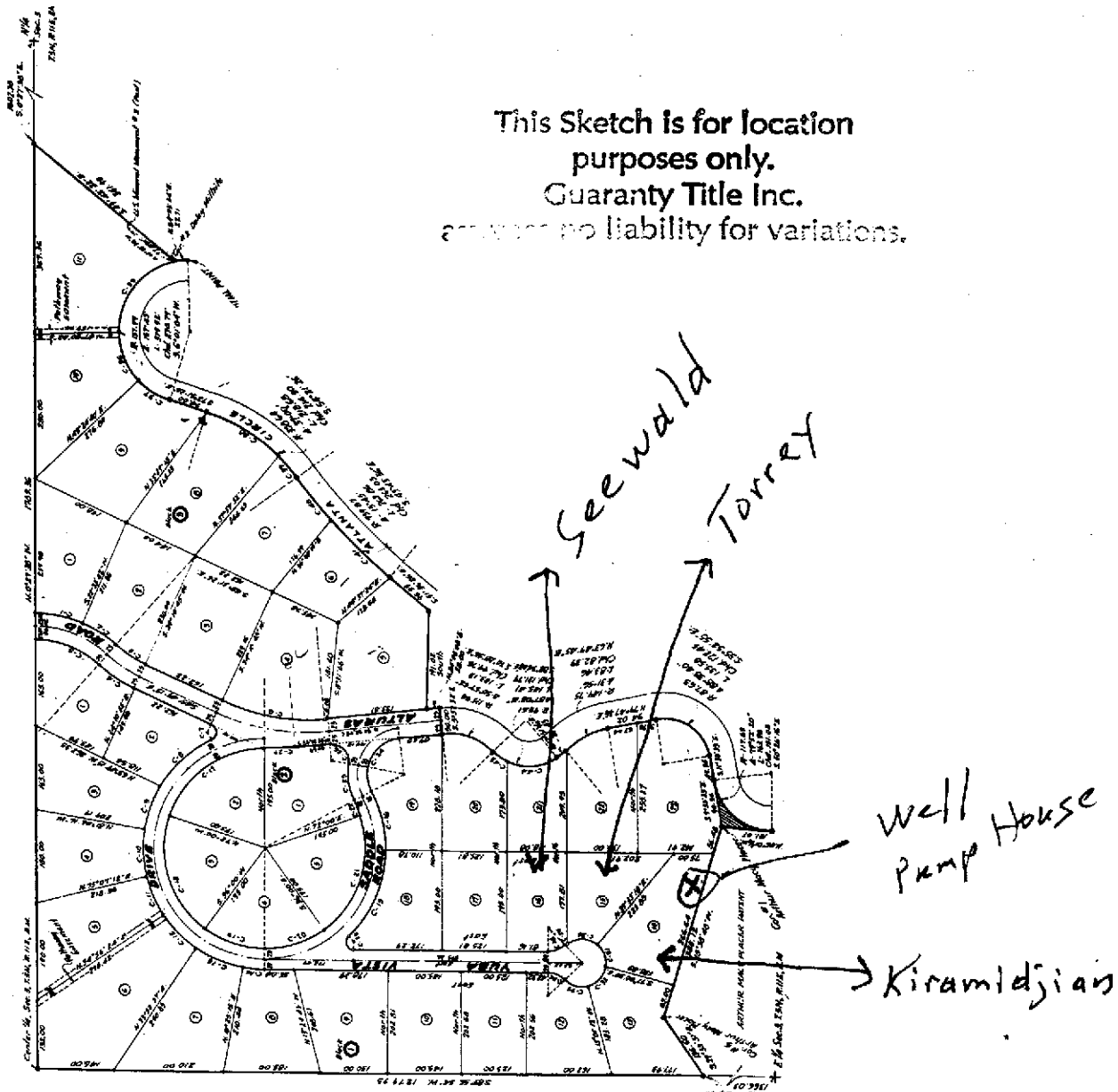
*Situate in Section 3, T.5N., R.11E., B.M.
Elmore County, Idaho*

Chronic & Associates-Consulting Engineers-Boise, Idaho

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



This Sketch is for location
purposes only.
Guaranty Title Inc.
assumes no liability for variations.



SRBA

SUBCASE SUMMARY REPORT 63-10087

[Return to SRBA Home Page](#)

SRBA
10-29-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 63-10087 FILE#: 00000
CLAIMANT: HOGGE, SHIRLEY F
RT 1 BOX 1455

NAMPA ID 83651
STATUS: UNOBJECTED TO W/R SPECIAL MASTER:
WATER SOURCE: GROUND WATER,

**** PARTIES INVOLVED ****

SHIRLEY F HOGGE	C PRO SE
DON J HOGGE	C PRO SE

**** ROA ENTRIES ****

[Return to SRBA Home Page](#)

NCAP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

WR0723NP
(00-26)

Water Right Number - 63-10087 Prefix Translation: WATER RIGHT Old (D) Number -

*** C - CURRENT OWNER ***
HOGGE Last Name + First Name + Address +

 DON J. 1 - RT. 1 BOX 1455
 2 -
 3 - State- ID Zip- 83651
 City- NAMPA
 Phone -
 1 - RT. 1 BOX 1455
 2 -
 3 - State- ID Zip- 83651
 City- NAMPA
 Phone -

HOGGE Priority Date - 06/21/1983 Region - 14 WESTERN Stage - L - LICENSE Status -

 Source - GROUNDWATER Tributary -

 Point of Diversion -

Tw	Rng	Sec	Tract	Lot	Rflg	County	Stream Index (Blank if no Index Code)
05N	11E	3	SE NE			(39) ELMORE	

 Description Period From Period To Water Use Diversion Rate Diversion Volume

 43 - DOMESTIC 01/01 - 12/31 0.040 3.00

 Total Div. Rate - 0.040 Total Div. Volume - 3.00 Total Div. Capacity - 0.060 Total Consumptive Use - 0.060 KW Usage -

 Tw Rng Sec Tract Lot Acres Code Description County

 05N 11E 3 SW NE 1 43 DOMESTIC (39) ELMORE

 Diversion Means -

 Non-Irrigation Use -

 Other Rights for Same Use -

 Remarks - Domestic use is for 5 homes.

 Old Water Right Numbers - No Old Water Right Numbers found.

 Conditions of Approval - No Conditions of Approval found.

tion: WATER RIGHT
+ + + - - Decree Defendant - - - +

+ + + + + Decree Defendant - - - +

- - -Comments- - -
No Comments Found

Water Rights Dates and Flags Area

Water Rights Dates and Flags Area	Field Exam Made	Protested Date	Hearing Date	Verified Date	Receipt Number	Appl Received	Microfilm Roll No
1984	- 09/25/1984	- 00/00/0000	- 00/00/0000	- 07/08/1984	- 06/21/1984	-	-
1983	-	-	-	-	-	-	-
1900	-	-	-	-	-	-	-
0000	-	-	-	-	-	-	-
0000	-	-	-	-	-	-	-
1987	-	-	-	-	-	-	-
0000	-	-	-	-	-	-	-

Field Exam Made	- 09/25/1986
Protected Date	- 00/00/0000
Hearing Date	- 00/00/0000
Verified Date	- 07/08/1987
Receipt Number	-
Appl Received	- 06/21/1983
Microfilm Roll No	-

JUL 26 1994



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

October 30, 2002

JAMES M KIRAMIDJIAN
3724 NORFOLK WAY
BOISE ID 83706

RE: Water Right No. 63-10087

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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 water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

cc: Don J and Shirley F Hogge

MEMORANDUM

Date: October 24, 2002

To: Jan Shurte

From: Craig Saxton

Subject: C/O for 63-10087

I received a Change of Ownership for 63-10087. This is a licensed right for 5 homes.

The deeds show conveyance from the Directors report owner to the "New Owner" James Kiramidjian. There are some gray areas.

What it looks like is the original owner filed the water right for 5 homes. However, the original owner only owned 1 of the 5 homes serviced by the well. There is a well agreement so it looks like the other 4 users didn't care that the water right was in only one owners name. The person listed on the water right is the person that owns the lot in which the well is located.

In conversation with Denise, we know that now only three homes are serviced by the well. The other two originally licensed under this right are on city water.

Neither Licensing Field exam notes nor AJ file define parcel numbers or subdivision lots that the domestic use was licensed to. However, the section defined on the plat seem to fit with the legal description shown on the license. No 40 acre plot is defined on the warrenty deed.

So:

Conveyance from owners – good

Legal description – good with up to a Section of accuracy

Can we change the name on the water right to just one owner when there are actually 3 owners? We licensed it that way.

My thoughts:

Change it. Notify all users of the change and wait for someone to complain

Your thoughts?

*I AGREE - ESPECIALLY SINCE IT WAS LICENSED RECENTLY
THIS WAY & IS NOW RECOMMENDED TO THE SRBA
COURT THIS WAY. FAIRLY*

02/26/2002

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

RIGHT NUMBER: 63-10087
NAME AND ADDRESS: SHIRLEY F HOGGE
RT 1 BOX 1455
NAMPA ID 83651

DON J HOGGE
RT 1 BOX 1455
NAMPA ID 83651

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.04 CFS
 3.0 AFY
PRIORITY DATE: 06/21/1983
POINT OF DIVERSION:

T05N R11E S3 SENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 3.00 AFY

PLACE OF USE: DOMESTIC Within ELMORE County
T05N R11E S03 Lot 1 SWNE

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: License
DOMESTIC USE IS FOR 5 HOMES.

02/24/2002

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

RIGHT NUMBER: 63-10087
NAME AND ADDRESS: SHIRLEY F HOGGE
RT 1 BOX 1455
NAMPA ID 83651

DON J HOGGE
RT 1 BOX 1455
NAMPA ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
3.00 AFY

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

PRIORITY DATE: 06/21/1983

POINT OF DIVERSION:

T05N R11E S3 SENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 3.00 AFY

PLACE OF USE: DOMESTIC Within ELMORE County
T05N R11E S03 Lot 1 SWNE

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
DOMESTIC USE IS FOR 5 HOMES.

delete

*W006885
PAID \$54*

OK

AJ5809NP
No. A63-10087

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 86

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON J HOGGE	06/21/1983	DOMESTIC	01-01 12-31	0.040 CFS	3.00 AFA
C	SHIRLEY F HOGGE				0.040 CFS	3.00 AFA
	RT 1 BOX 1455					
	NANPA ID 83651					

TOTAL DIVERSION:

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T05W R11E S03

SENE

ELMORE COUNTY

Place of use Legal Description for: DOMESTIC

ME

T R S : Lt Ac Lt Ac Lt Ac Lt Ac
 35N 11E 3 : 01-D

01-D

05N 11E 3 =

POU County: ELMORE

Remarks: GEN Domestic use is for 5 homes.

Dates: **Exam Made Date:**

Verified Date:

Objection Filed Date:

Misc:

Field Inspection Flag:

**Field Inspection I
Presumption Flag:**

$$\frac{1}{32} = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2}$$

Chris

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way

Boise, Idaho 83705-5082



NO SUCH ADDRESS

RETURN SERVICE REQUESTED

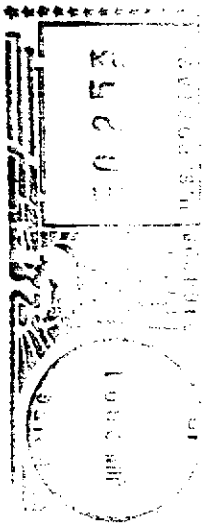
NSN

Shirley F
DON J HOGGE
RT 1 BOX 1455
Nampa, ID 83651

63-10087

12732 Memory Ln (or)
Nampa 83656

Atlanta, Id 83601
864-2123



RECEIVED

JUL 05 2001

WATER RESOURCES
WESTERN REGION

83705-5082-86



44

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10087

AMENDED 1992

Priority: June 21, 1983

Maximum Diversion Rate:

Maximum Diversion Volume:

Department of Water Resources

Waters 0.04 CFS

3.0 AF

This is to certify, that DON J. HOGGE
SHIRLEY F. HOGGE

RT. 1 BOX 1455

NAMPA ID 83651

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 21, 1983; and has submitted Proof of Beneficial Use on July 10, 1984. An examination indicates that the works have a diversion capacity of .060 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 3, Township 05N, Range 11E
ELMORE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05N 11E 3 Lot 1(SWNE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 5 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28TH day of DECEMBER, 19 92.

Acting for R. Keith Higginson, Director

MICROFILMED

JUL 26 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

February 7, 1992

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Mr. & Mrs. Don J. Hogge
Rt. 1, Box 1455
Nampa, ID 83651

RE: Snake River Basin Adjudication (SRBA)
Elmore County - Notice of Claim #A63-10087

Dear Mr. & Mrs. Hogge:

We are forwarding to you a data-entered copy of the claim you filed in the Snake River Basin Adjudication. We have also enclosed your receipt #W006885 for the filing fees.

We have interpreted the data from this claim in the process of data entry in a manner which we feel more accurately reflects the true status of this water right. The items that were modified are highlighted. Please review the enclosed claim to assure that these modifications are in agreement with this water right.

If you believe our data is incorrect, and you wish to make any changes to this Notice of Claim, initial the changes before signing the form, have your signature notarized, and return it to this office within 30 days. If you believe the modifications are correct, you may retain this copy of your claim for your records.

Please feel free to contact this office if you have any questions.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:sf:west

Enclosures:

Notice of Claim to a Water Right

MICROFILMED

AUG 24 1992

3/26/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Dogg, Shirley

CLAIM IDENT. NO.

63-10087

DATE RECEIVED

12-5-89

CK #

9206AMOUNT \$ 54.00

Required

1. Is the name and address complete with zip code?

YES

NO

Info?

2. Is a priority date entered?

YES

NO

Info?

Is the priority date acceptable in view of mandatory filing dates?

YES

NO

Info?

See Adjudication Memos #1 and #4 to determine if a Permit is required.

3. (a) Is a source entered?

YES

NO

Info?

(b) Is a tributary to entered? (if required)

N/A

YES

NO

Info?

4. Is the legal description of the p.d. sufficient?

YES

NO

Info?

5. Is there a description of the diverting works?

YES

NO

Info?

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.

YES

NO

Info?

Is the period of use included?

YES

NO

Info?

Is a quantity claimed for each use?

YES

NO

Info?

7. Is a total quantity claimed entered?

YES

NO

Info?

8. If required is a consumptive use entered?

N/A

YES

NO

Info?

Is the consumptive use correct?

N/A

YES

NO

Info?

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

YES

NO

Info?

10. Is (are) the place(s) of use and purpose(s) indicated?

YES

NO

Info?

11. Is (are) the county(ies) entered?

YES

NO

Info?

12. Is the ownership of p.u. checked?

YES

NO

Info?

13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights)

YES

NO

Info?

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

YES

NO

Info?

15. Is the basis of the claim indicated?

YES

NO

Info?

16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim.)

N/A

YES

NO

Info?

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. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right

N/A

YES

NO

Info?

18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

YES

NO

Info?

19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

YES

NO

Info?

20. Has the claim been signed, sealed, and dated by a notary?

YES

NO

Info?

21. Was this claim filed on time, or was an extension granted?

YES

NO

Info?

22. Is the fee enclosed correct?

Exempt

YES

NO

Info?

MICROFILMED

AUG 24 1992

23. Should this claim be receipted and data entered?

YES

NO

☒

☒

Claim checked by: LH

Date: _____

Claim must be returned to claimant: _____

(Yes) ☒ (No)

Claimant must be notified of modifications: _____

☒ (Yes) (No)

Receipt Prepared by: LH

Date: 12-7-89

Claim data entered by: _____

Date: _____

Checked by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Comments: Modify letter for diversion works and place
of use. Proxy report attached.