

No Color
Documents
In File

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: A63-27871
Date Received: 2/16/1990
Receipt No: W009090
Received By: _____

Department of Water Resources
Regional Office

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MARY M DAVIS
Address: 5412 STAMM LN
NAMPA ID

208-466-3772

83687

2. Date of Priority: MAY 1, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	01W	18	SE	NE	SW		CANYON

5. Description of diverting works:
175'X6" WELL AND PUMP

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		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 2 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	01W	18	NE	SW		DOMEST	

11. Place of use in counties: CANYON

A63-27871

Page 1

Date: 12/23/92

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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

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

Identification No. 463-27871

Date Received _____

Receipt Number W009090

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

RECEIVED
FEB 16 1990

Department of Water Resources
Western Regional Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) MARY M. DAVIS Phone (208) 466-3772
Mailing Address 5412 Stamm Lane Nampa, Idaho Zip 83687

2. Date of Priority (Only one per claim) 5-1-75 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 3N Range 1W
Section 18, SE 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of _____

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 175 ft. deep - bench casing. Well is sometime older than 1945

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount .04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 2 households. Domestic

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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.

10. Place of use is: Township: 3N Range 1W
Section 18 NE 1/4 of SW 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

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.
() None or Nampa - Meridian Irrigation District

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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) Mary M. Davis Date 2-14-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____
that I have signed the foregoing
document in the space below as _____ Organization _____
of _____ Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Idaho)

County of Canyon)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 14 day of February 19 90

SEAL

Notary Public

Residing at

Nampa, Idaho

My Commission Expires

February 24, 1993

Last Name

Davis

Ident No.

Copies: White-State, Yellow-Claimant

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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.

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Davis, Mary M.CLAIM IDENT. NO. A63-27871DATE RECEIVED 2-16-90 RECEIPT # W009090 FEE PAID \$25⁰⁰ FEE REQ'D \$

	YES	NO	Required 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?	☒	☐	* Enter Canyon County
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
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 showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	☒	☐	*
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?	☒	☐	
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 right no. listed? N/A If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	☒	☐	*
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 description or name on the claim? N/A (If yes, attach a proof report & complete number change) 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.	☒	☐	
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct? Exempt	☒	☐	*

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AUG 02 1994

	YES	NO
23. Is this claim being rejected and returned to claimant?	☐	☒
24. Can this claim be data entered?	☒	☐
25. Was claim modified?	☒	☐
If yes, do modifications require notification to claimant? . . .	☐	☒

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: S.W. Keen Date 12-17-1992
Claim data entered by: _____ Date _____

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Another domestic claim is on the same receipt.

AJ5856NP

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

DATE: AUG-26-1999
PAGE: A-5

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 63-27871

NAME & ADDRESS: HIGH POINT PROPERTIES LC
PO BOX 920
NAMPA ID 83653

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 05/01/1975

POINT OF DIVERSION: T03N R01W S18 SENESW Within CANYON County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 2 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CANYON County
T03N R01W S18 NESW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 1R30502-000-0

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)
) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
Case No. 39576)
)
) Water Rights 63-27870 and 63-27871
_____)

IDWR has completed the following Administrative Proceeding:

<u>1</u>	Change of Address
<u>X</u>	Substitution of Party
<u>1</u>	I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

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

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 63-27870 and 63-27871

From (Claimant/Seller):

Name of Claimant: MARY M DAVIS
Address: 5412 STAMM LN
NAMPA ID 83687
Phone: (208) 466-3772

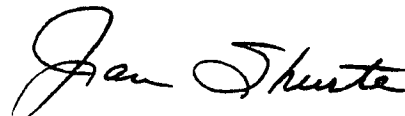
To (Claimant/Purchaser):

Name of Claimant: HIGH POINT PROPERTIES LC
Address: PO BOX 920
NAMPA ID 83653
Phone: (208) 465-1600

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 Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: August 27, 1999



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 27, 1999 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

MARY M DAVIS
5412 STAMM LN
NAMPA ID 83687
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

HIGH POINT PROPERTIES LC
PO BOX 920
NAMPA ID 83653
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Danise Buffington
Signature of person or attorney mailing the form

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

RECEIVED

JUN 01 1999

WATER RESOURCES
 WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

RECEIVED

AUG 24 1999

WATER RESOURCES
 WESTERN REGION

1. Water Right or Adjudication Claim No(s): 63-27870 & 63-27871

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Mary M. Davis

4. New Owner/Claimant(s) High Point Properties, L.C.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. Box 920

City, State and ZIP Code Nampa, ID 83653

New Telephone Number (208) 465-1600

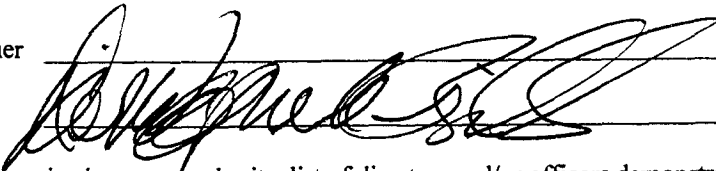
5. Date you acquired the property 4/30/98

6. **If you have acquired only a portion of the former owner's property**, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) 

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

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

RECEIVED
 AUG 11 1999
 BY _____

Phone 454-7431

CHARLES JOHNSON
CANYON COUNTY ASSESSOR
1115 ALBANY ST RM 343
CALDWELL ID 83605

THIS IS NOT A BILL
ASSESSMENT NOTICE

9R30502-000- -0

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
CALDWELL ID 83605-3542
PERMIT NO 4

CORRECTED COPY

CATEGORY DESCRIPTION
IRRIGATED PASTURE
HOMESITE RUR LANDS
WASTE
IMPR RUR HOMESITE
IMPROVEMENT ON LAND

Tax Code 144-00 N 06/04/99

LOTS/ACRES	MARKET VALUE
13.50	6,100
1.00	24,500
.50	
	121,700
	1,000

1999

Taxes are based on the
valuation listed on this statement

**FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE**

**JUNE 21, 1999
REGULAR ROLL**

PARCEL #

**Total Market Value:
No Homeowners**

153,300

E 1/2 E 1/2 NE 1/4 SW 1/4 &
E 1/2 W 1/2 E 1/2 NE 1/4 SW 1/4

SEC 18-3N-1W SW

9R03N01W184800

PROPERTY ADDRESS 5412 STAMM LN, NA

PRIOR YEAR

CURRENT YEAR

Mail To:

VALUE:

150,300

153,300

TAX:

See back for details.

RECEIVED
JUN 10 1999

2127.64

DO NOT PAY ESTIMATE

HIGH POINT PROPERTIES, L C
P O BOX 920
NAMPA ID 83653

P.V.

PN48155

DEED OF TRUST

THIS DEED OF TRUST, Made this **April 28, 1998** BETWEEN **HIGH POINT PROPERTIES, L.C.** herein called GRANTOR, whose address is **310 3RD ST. SO., NAMPA, ID 83651.**

PIONEER TITLE COMPANY OF CANYON COUNTY, an Idaho corporation, herein called TRUSTEE, whose address is 100-10th Avenue So., Nampa, Idaho 83651, and RANDY C. DAVIS, CONNIE WHITE and SUE MOWRY, herein called BENEFICIARY, whose address is 5420 STAMM LANE, NAMPA, ID 83687.

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of CANYON State of Idaho, described as follows, and containing not more than twenty acres:

The East Half of the East Half of the Northeast Quarter of the Southwest Quarter and East Half of the West Half of the East Half of the Northeast Quarter of the Southwest Quarter of Section 18, Township 3 North, Range 1 West, Boise Meridian, Canyon County, Idaho.

SHOULD THE PROPERTY DESCRIBED HEREIN BE SOLD OR CONVEYED BY THE MAKER HEREIN, THEIR HEIRS OR ASSIGNS, PRIOR TO THE MATURITY OF THE NOTE SECURED HEREBY, THEN THE ENTIRE SUM OF PRINCIPAL AND INTEREST SHALL BECOME IMMEDIATELY DUE AND PAYABLE. SELLER TO ALLOW BUYER TO TRANSFER PROPERTY TO DEVELOPMENT COMPANY WITHOUT BEING DUE AND PAYABLE ~~\$\$\$~~ *Red* *imc*

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of _____ final payment due **MAY 1, 2003** and to secure

payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as a continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay; at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed

er to require prompt payment
and presentation of this Deed

and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, an upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust, of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of an indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters of facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at eight per cent per annum; all other sums then secured hereby; and the remainder, if any, to the persons or persons legally entitled thereto.

7. This Deed applies to, insures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledges thereof. In this Deed whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

DATED: April 28, 1998

HIGH POINT PROPERTIES, L.C.

BY: 
DAVID A. BILLS ; MEMBER

STATE OF IDAHO
COUNTY OF CANYON

On this 29th day of April, 1998,
before me, a notary public, personally appeared DAVID A. BILLS
known to me to be the person(s) whose name(s) is/are subscribed
to the within instrument as MEMBER of HIGH POINT
PROPERTIES, L.C. and acknowledged to me that he/she/they
executed the same as such MEMBER.


Notary Public
Residing at Nampa, Idaho
My commission expires: 4/17/2003

STATE OF IDAHO

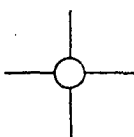
RECEIVED
AUG 11 1999

495

5412 Stamm Lane

4800

1320



4950

495



Stamm Lane

7A

1B

8A

6A
T1

St Lane

The sketch is made solely
for the purpose of assisting
in locating said premises
and the Company assumes no
liability for variations,
if any, in dimensions and
location ascertained by
actual survey.

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

RECEIVED
SEP 02 1999
WATER RESOURCES
WESTERN REGION



UNDELIVERABLE
AS ADDRESSED
FORWARDING
ORDER EXPIRED

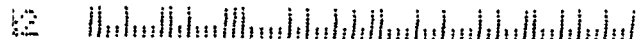
MARY M DAVIS
5412 STAMM LN
NAMPA ID 83687

DAVI412* 836872014 1N 06 08/30/99
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

★ ★ ★
127
9452 \$ 00.33⁰ PB8594393
1083 MAILED FROM BOISE ID 83705
AUG 27 99

63-27870
63-27871



AJ0749NP
No. 63-27871

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

DATE: 08/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HIGH POINT PROPERTIES LC PO BOX 920 NAMPA ID 83653 (208) 465-1600	05/01/1975	DOMESTIC	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	

D MARY M DAVIS
5412 STAMM LN
NAMPA ID 83687
(208) 466-3772

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T03N R01W S18 SENESW

CANYON County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE									
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	:	---	
03N	01W	18	:		:		:		:		:		:		:		:		:		:		:		

POU County: CANYON

Non-Irrigation Uses: 2 HOMES

Other Rights: NAMPA-MERIDIAN IRRIGATION DISTRICT

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-23358 63-27870 A63-27870 A63-27871

Other Water Rights Listing Overlapping Place(s) of Use:
A63-20787 A63-30181Z1

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 1R30502-000-0

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. 63-27871

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

DATE: 08/24/99
PAGE: 2

=====

Comments: Date: 08/24/1999 User-ID: DBUFFING Subject: NAME CHANGE - OWNERSHIP CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
OWNERSHIP CHANGE.

Audit: 08/24/99 DBUFFING



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 27, 1999

DIRK KEMPTHORNE
GOVERNOR

RE: Water Right No. 63-27870 & 63-27871

KARL J. DREHER
DIRECTOR

HIGH POINT PROPERTIES LC
PO BOX 920
NAMPA ID 83653

Dear Property Owners:

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. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

cc: Mary M Davis



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

August 10, 1999

HIGH POINT PROPERTIES LC
PO BOX 920
NAMPA ID 83653

RE: Notice of Change of Water Right Ownership Claim No. 63-27870 & 63-27871

Dear Property Owner:

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (enclosed), however, we are unable to complete this ownership change due to the fact there is no record of the property being transferred from the original owner, Mary M Davis, to yourselves. The information submitted indicates a property transfer between Randy C Davis, Connie White, Sue Mowry and yourselves.

If you could submit a copy of the Warranty Deed(s) for this property transfer, showing the chain of title from the original owner to yourselves, **or a tax notice in your name**, which includes a description of the property by ¼ ¼, Section, Township and Range, then we could complete the ownership change.

Thank you for your patience and cooperation. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region

DB:d

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 1999

DE WAYNE A BILLS
C/O HIGH POINT PROPERTIES LC
PO BOX 920
NAMPA ID 83653

RECEIVED

MAY 12 1999

WATER RESOURCES
WESTERN REGION

RE: Snake River Basin Adjudication (SRBA)
Water Rights #63-27870 and 63-27871

Dear Mr. Bills:

In response to your request of May 4, 1999, I have enclosed Adjudication Claim Profile Reports of the water rights referenced above. I have highlighted the Township (T), Section (S) and Range (R) for you as well as the parcel number.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

Enclosures:

Adjudication Profile Reports (2)

HIGH POINT PROPERTIES, L.C.

**P.O. Box 920
Nampa, Idaho 83653
(208) 465-1600**

RECEIVED

MAY 05 1999

**WATER RESOURCES
WESTERN REGION**

May 4, 1999

Ms. Sally Sherman
State of Idaho
Dept. of Water Resources
Adjudication Bureau
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

MAY - 6 1999

Department of Water Resources

RE: Snake River Basin Adjudication (SRBA)
Water Rights #63-27870 & 63-27871

Dear Ms. Sherman:

We received your letter dated April 15, 1999 you requested From 42-248/42-1409(6) be completed and returned to you to verify ownership of property. However, we own several different properties and need for you to identify the property you are referring to either by legal or physical address.

Your cooperation would be appreciated.

Yours Truly,

HIGH POINT PROPERTIES, L.C.



DeWayne A. Bills

DAB:cb



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

April 15, 1999

KARL J. DREHER
DIRECTOR

HIGH POINT PROPERTIES LC
C/O DEWEY BILLS
312 3RD STREET SO
Nampa ID 83651

RE: Snake River Basin Adjudication (SRBA)
Water Rights #63-27870 & 63-27871

Dear Water Right Holder:

We have been advised you may be the current owner of the property and water right shown above. Before we can modify our records to reflect your ownership of the property and water rights referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use.

Please send the completed form with warranty deed copy and map to our Boise Region office by May 7, 1999.

Idaho Department of Water Resources
Adjudication Bureau
2735 Airport Way
Boise, ID 83705-5082

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Form 42-248/42-1409(6)
cc: Former Owner

APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Department of Water Resources

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

DIRK KEMPTHORNE
GOVERNOR

April 5, 1999

KARL J. DREHER
DIRECTOR

MARY M DAVIS
C/O RANCY C DAVIS
545 FALL DR
Nampa ID 83686-7609

Re: Snake River Basin Adjudication (SRBA)

Water Rights #63-27870 & 63-27871

Change of Address*not changed - signature.*

Dear Claimant:

AS 4-15-99

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by April 19, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right(s) referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

CHANGE OF OWNERSHIP

LETTER SENT *4-15-99*SS:region */p*

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

*SOLD April 1998**To High Point Properties L.C.**C/o Dewey Bills**312 3rd Street So**Nampa, Idaho 83651*

return
to sender

fee due 50¢

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

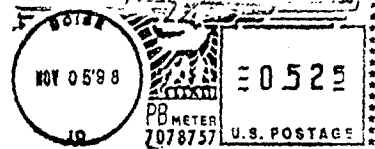
U.S. POSTAL SERVICE
PS FORM 3547

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

~~RETURN SERVICE REQUESTED~~

PRESORTED
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

+ 63-27871
63-21810
MARY M DAVIS
5412 STAMM LN
NAMPA ID 83687

DAVI412 636872007 1798 06 11/09/98
DAVIS, RANCY C
545 FALL DR
NAMPA ID 83686-7609
FORM 3547

63687XA642



AJ5809NP
No. R63-27871

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/14/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARY M DAVIS 5412 STAMM LN NAMPA ID 83687 (208) 466-3772	05/01/1975	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03N R01W S18

SENESEW

CANYON County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
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03N	01W	18	:																			:

POU County: CANYON

Non-Irrigation Uses: 2 HOMES

Other Rights: NAMPA-MERIDIAN IRRIGATION DISTRICT

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 1R30502-000-0

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 12/28/93 DUNN1 01/02/94 DUNN1 03/30/95 POST-STD 08/15/97 AJU3-DSH
09/10/97 CORR4

OLD (D) NUMBER -

STATE- ID ZIP- 83687

MICROFILMED
OCT 11 1998

WATER RIGHT NUMBER - A63-27871

PREFIX TRANSLATION: ADJUDICATION CLAIM

-COMMENTS-
NO COMMENTS FOUND

ADJUDICATION RIGHTS DATES AND FLAGS AREA

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 02/16/1990	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- W009090	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PCU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

1 R 30502-000-0

DATA ENTRY

ENTERED 1-2-94 RS

CHECKED 4-3-94

Verified By
Topo Map/Ortho-PC
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
DWR Records

VERIFIED
JUN 23 1993

PROOF
MAY 15 1993

CERTIFIED
NOV 24 1993
WATER EXAMINER

MICROFILMED
OCT 11 1996