

21

OWENS
5.9 ACRES

28

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



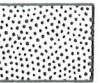
Private groundwater diversions



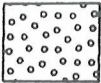
Combined small district and private Boise River diversions



Boise - Kuna Irrigation District (Boise River diversion)



Eagle Island Water Users (Boise River diversion)



Farmers Union Ditch Co. (Boise River diversion)



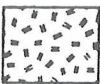
Little Pioneer Ditch Co. (Boise River diversion)



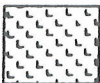
Nampa - Meridian Irrigation District (Boise River diversion)



New York Irrigation District (Boise River diversion)



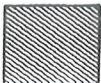
Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



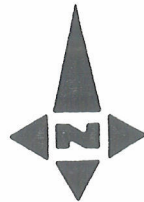
District surface water and supplemental private groundwater diversion

MICROFILMED
OCT 02 1996

EXHIBIT

B

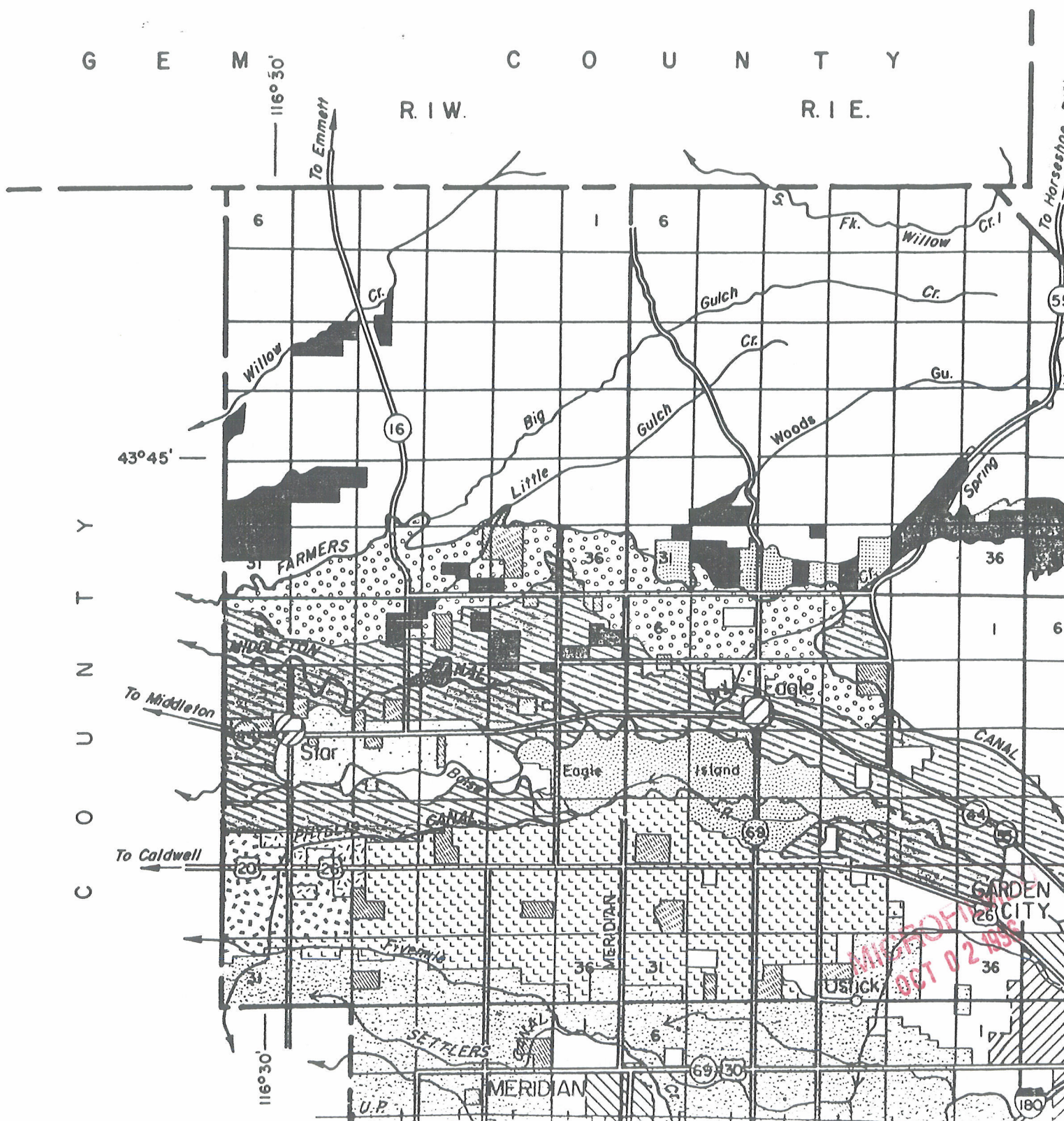
Shimberg No. 5119



G E M C O U N T Y

R. I. W.

R. I. E.



IDAHO DEPARTMENT OF WATER RESOURCES

**Water Right No.
63--231B**

*Prepared by:
Jan Shurte
Date: 5-15-05*

**4N 1W Sec 28
NWNW**

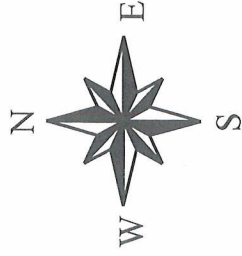
1987 Photography

 **Place of Use**

 **Section Lines**

 **1/41/4**

 **Pt of Diversion**



0 1320 Feet

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 63-231B
Date Received: 9/8/1989
Receipt No: W018420
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ERNEST PERRY Phone: (208)344-2330
3409 N 32ND ST
BOISE ID USA 83703

TERRY OWENS Phone: (208)870-0533
6175 W. CHINDEN
MERIDIAN ID USA 83642

THOMAS J MC COLLUM Phone: (208)394-2138
8 CHINOOK DR
SHOUP ID USA 83469

ALVIN E LUTZ Phone:
6280 N MC DERMOTT RD
MERIDIAN ID USA 83642

2. Date of Priority: 06/01/1891

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	02E	9	NW	NW		ADA	

5. Description of diverting works:

REINFORCED CONCRETE DIVERSION DAM IN RIVER TO EARTHEN CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.085	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	28	NW	NW	IRRIGATION	40
					Section Acres	40
					Total Acres	40

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

A POWER OF ATTORNEY (EXHIBIT A) PROVIDES WRITTEN AUTHORIZATION FOR THE CHAIRMAN OF SETTLERS IRR. DIST. TO FILE THIS CLAIM.
THIS WATER RIGHT IS EVIDENCED BY TRANSFER NO. 45 (EXHIBIT C).

15. Basis of Claim: Decreed

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

RECEIVED

JUL 11 2005

WATER RESOURCES
WESTERN REGION

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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
63-234B					
63-7823 - DONE					
63-231B					

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) DAWN WAGONER ?
4. New Owner/Claimant(s) Terry Owens
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 8731 SAN MARINO DR 6175 W CHINDEN
- City, State and ZIP Code MERIDIAN, ID 83642
- New Telephone Number (208) 870-0533
5. Date you acquired the property June 1st, 2005

STEWART TITLE COMPANY SHOULD HAVE SENT
COPY OF DEED. IF NOT CONTACT SALLY LYKE

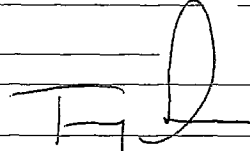
@ 387-6355

FAX # 387-4919

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)  6-20-05
(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 _____

WARRANTY DEED

For Value Received Dawn L. Starry Waggoner, an unmarried person

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

Terry Owens, an unmarried person

the grantee, whose current address is 6175 W Clinden Blvd., Meridian, ID 83642

the following described premises, to wit:

The North 434 feet of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 04 North, Range 01 West, Boise Meridian.

Except the West 648 feet thereof

Also except the North 40 feet of subject property located in Ada County, Idaho

Parcel Number: S0428221000

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 25th day of May, 2005.

Dawn L. Starry Waggoner
Dawn L. Starry Waggoner

STATE OF Montana)

) ss.

COUNTY OF Madison)

On this 25th day of May, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared Dawn L. Starry Waggoner known to me and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

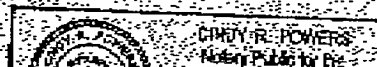
WITNESS MY HAND AND OFFICIAL SEAL.

Cindy R. Powers
Cindy R. Powers

Notary Public - 1118-10000

Residing at: Erwin's

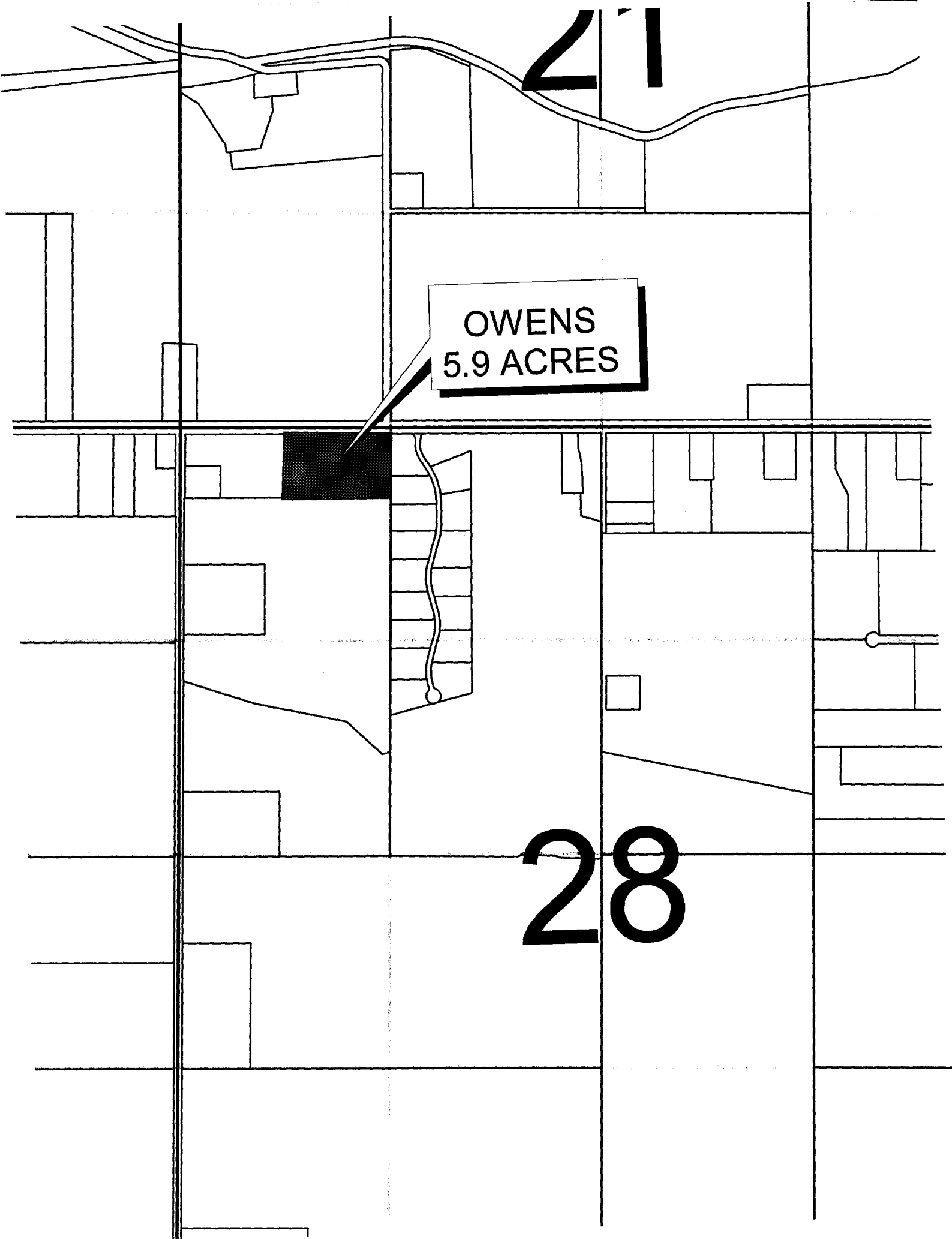
My commission expires 11-22-2006



21

OWENS
5.9 ACRES

28



RECEIVED

MAR 15 1995

WATER RESOURCES
WESTERN REGION

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: A63-00231B

Date Received: 9/ 8/1989

Receipt No: W018420

Received By: updated
3-17-95 kw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

- | | | |
|----------|------------------------------------|--------------|
| 1. Name: | TOM MC COLLUM | 208-286-7163 |
| Address: | 6100 N MC DERMOTT
MERIDIAN ID | 83642 |
| OR | | |
| Name: | ERNEST PERRY | 208-344-2330 |
| Address: | 3409 N 32ND ST
BOISE ID | 83703 |
| OR | | |
| Name: | ROBERT RUBLE | 208-286-7395 |
| Address: | 6175 W CHINDEN BLVD
MERIDIAN ID | 83642 |
| OR | | |
| Name: | ALVIN LUTZ | 208-286-7636 |
| Address: | 6280 N MC DERMOTT
MERIDIAN ID | 83642 |

2. Date of Priority: JUN 1, 1891

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	9	NW	NW			ADA

5. Description of diverting works:
REINFORCED CONCRETE DIVERSION DAM IN RIVER TO EARTHEN CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.085		

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

A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	28	NW	NW	IRR	40.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
63-00230, 63-00231, 63-05262, 63-03618, 63-03614

14. Remarks:
A POWER OF ATTORNEY (EXHIBIT A) PROVIDES WRITTEN AUTHORIZATION
FOR THE CHAIRMAN OF SETTLERS IRR. DIST. TO FILE THIS CLAIM.
THIS WATER RIGHT IS EVIDENCED BY TRANSFER NO. 45 (EXHIBIT C).

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/18/1906

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree 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: _____

MICROFILMED
OCT 02 1996

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Settlers' Irrigation District, that I have signed the foregoing
Organization
document in the space below as President of
Title
Settlers' Irrigation District and that the statements contained in the
Organization
foregoing document are true and correct.

Don Smith
Signature of Authorized Agent

President, Settlers' Irrigation District
Title and Organization

MARCH 13, 1995
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of MARCH 19 95

Malinda Anderson
Notary Public

Seal

Residing at Boise

My Commission Expires 1-14-99

MICROFILMED
OCT 02 1996

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

See Nos. A63-00230B & 00231B

Ident. Number: ~~A63-27516~~ KW
Date Received: 9/ 8/1989 3-20-95
Receipt No: C011305
Received By: DE-KW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOM MC COLLUM 208-286-7163
Address: 6100 N MC DERMOTT
MERIDIAN ID 83642
AND/OR
Name: ERNEST PERRY 208-344-2330
Address: 3409 N 32ND ST
BOISE ID 83703
AND/OR
Name: ROBERT RUBLE 208-286-7395
Address: 6175 W CHINDEN BLVD
MERIDIAN ID 83642
AND/OR
Name: ALVIN LUTZ 208-286-7636
Address: 6280 N MC DERMOTT
MERIDIAN ID 83642

2. Date of Priority: OCT 17, 1884

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02E	9	NW	NW			ADA

5. Description of diverting works:
CONCRETE DIVERSION DAM, CANAL AND DITCH SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		

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

A.F.A.

MICROFILMED
OCT 02 1996

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	28	NW	NW	IRR	40.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

63-05262, 63-03618, 63-03614, 63-00230, 63-00231

14. Remarks:

THIS RIGHT IS EVIDENCED BY TRANSFER NO. 45.

15. Basis of Claim: DECREED

Case Number:

Court : THIRD

Decree date: 1/19/1906

FARMERS CO-OP DITCH COMPANY

Decree Plaintiff

RIVERSIDE IRRIG. DIST.

vs Decree 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: _____

MICROFILMED
OCT 02 1996

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 02 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

45 / WR# 63-0231

CIVIL CASE NUMBER: 39576

**IP
O
T**

INDICATION OF WATER FROM WATER SYSTEM

Ident. Number

Date Received**Receipt Number**

9-08-89

0011305

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

Please type or print clearly

1. Name of Claimant (s) See Exhibit D Phone ()

Mailing Address _____ **Zip** _____

2. Date of Priority (Only one (1) per claim) October 17, 1884

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 3N Range 2E Section 9,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any:

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

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

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Reinforced concrete diversion dam
in river to earthen canal, to earthen lateral ditch system.

MICROFILMED
OCT 02 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 140 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1W	28						40											40

Total number of acres irrigated 40

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

12. Do you own the property listed above as place of use? Yes _____ No X
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.

Water Right Nos. 63-0230, 63-0231, 63-05262, 63-03618 and 63-03614 or None ()

14. Remarks:

A power of attorney (Exhibit A) provides written authorization for the Chairman of Settlers Irrigation District to file this claim.

This water right is evidenced by transfer no. 45 (Exhibit C).

MICROFILMED
OCT 02 1996

Last Name McCollum, etc. Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 63-0231
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

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

Signature of Authorized Agent Don Smith
Title and Organization Chairman / President Date 9/5/89

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

Subscribed and sworn (or affirmed) before me this 5th day of Sept 19 89

SEAL

Notary Public Zoe Ann M. Biscardi

Residing at Meridian, Id

My Commission Expires 8-1-93

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 _____

Last Name McCollum, etc. Ident. Number _____

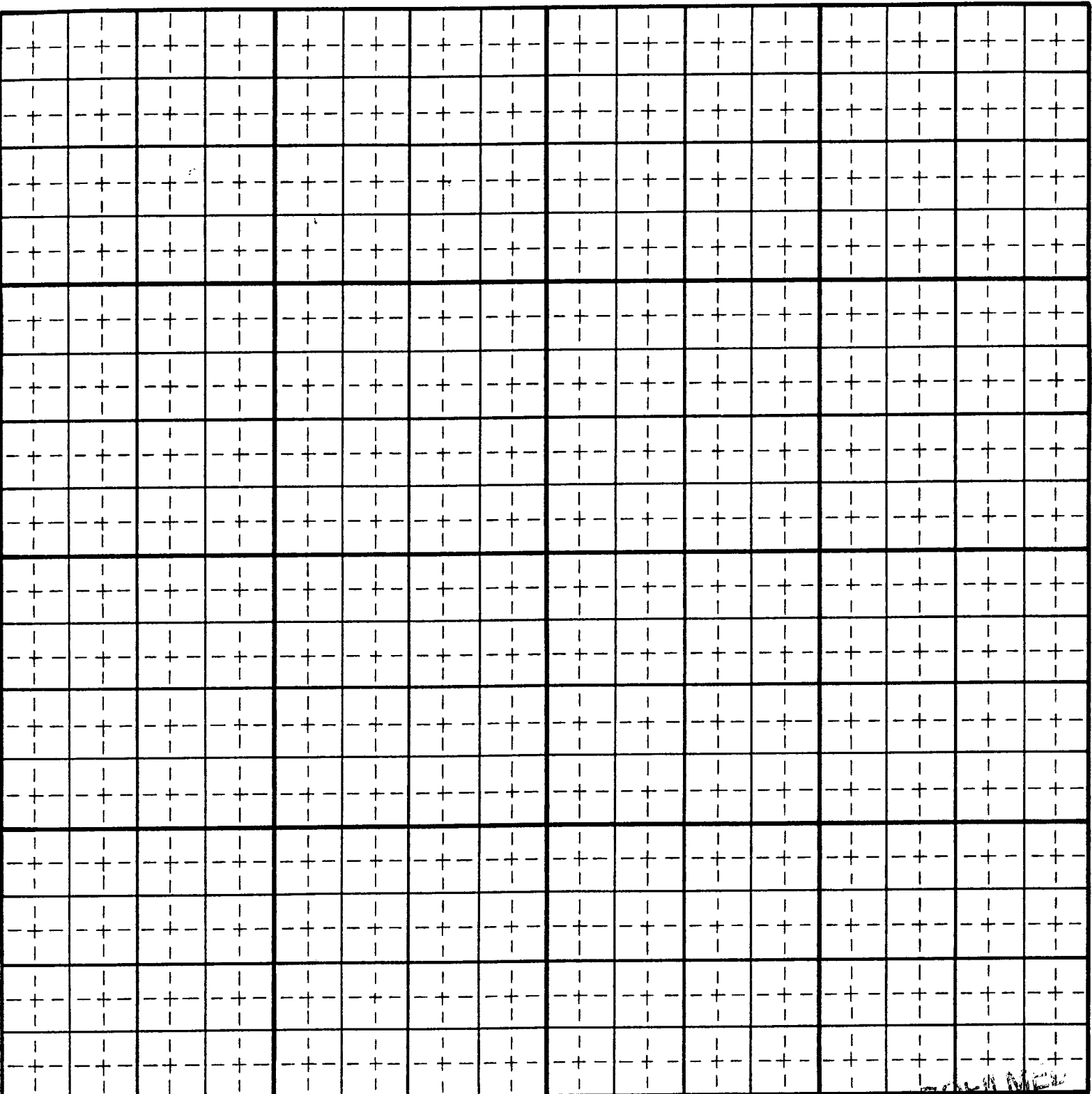
Copies White-State, Yellow-Claimant

MICROFILMED
OCT 02 1996

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE EXHIBIT B



MICROFILMED
OCT 02 1996

Last Name McCollum, etc. Ident No. _____

Copies: White-State, Yellow-Claimant

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

7-27-89
Date

Tom McCollum
Signature

Thomas J. McCollum
(Please print full name)

Date

Signature

(Please print full name)

MICROFILMED
OCT 02 1996
EXHIBIT A

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

8/8/89
Date

Ernest L. Perry
Signature

Ernest L. Perry
(Please print full name)

8-8-89.
Date

Geraldine Perry
signature

GERALDINE PERRY
(Please print full name)

MICROFILMED
OCT 02 1998
EXHIBIT A

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

8/9/89
Date

Robert H. Ruble
Signature
Robert H. Ruble
(Please print full name)

8/9/89
Date

Carolyn J. Ruble
Signature
Carolyn J. Ruble
(Please print full name)

MICROFILMED
OCT 02 1996

EXHIBIT A

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

Aug. 4, 1989
Date

Alvin E. Lutz
Signature

ALVIN E. LUTZ
(Please print full name)

Aug. 4, 1989
Date

Nancy A. Lutz
Signature

NANCY A. LUTZ
(Please print full name)

MICROFILMED
OCT 02 1986

EXHIBIT A

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



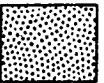
Private groundwater diversions



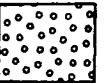
Combined small district and private Boise River diversions



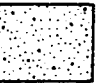
Boise - Kuna Irrigation District (Boise River diversion)



Eagle Island Water Users (Boise River diversion)



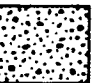
Farmers Union Ditch Co. (Boise River diversion)



Little Pioneer Ditch Co. (Boise River diversion)



Nampa - Meridian Irrigation District (Boise River diversion)



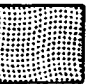
New York Irrigation District (Boise River diversion)



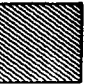
Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

MICROFILMED
OCT 02 1996

EXHIBIT

B

POOR ORIGINAL

-----Office of State Engineer-----

Certificate No. 43, authorizing transfer of Use of Water Right.

Permission is hereby granted J.E. Moore, of Meridian, Ada County, Idaho, to transfer the use of Ten (10) inches of the waters of Boise River from the lands upon which is is now used i.e., West Half of West Half of Southeast quarter (W2 of W2 of SW4) and East Half of East Half of Southwest quarter (E2 of E2 of SW4) Section 30, Township 4 North, Range 1 East of Boise Meridian, to the following described tract: to-wit: The Northwest quarter of the north-west quarter (NW4 NW4) of Section 28, Township 4 North, Range 1 West of Boise Meridian, said water to be diverted from said stream at the headgate of the Settlers' Canal in Section 9, Township 3 North, Range 2 East of Boise Meridian, and conducted to the above described land through the Settlers' Canal.

The water right appertenant to the above described lands was adjudged by Decree, dated January 18, 1906, of George H. Stewart, Judge of the Third Judicial District, of the State of Idaho, in and for Ada County, in the matter of Farmer's Co-operative Ditch Company, Plaintiff, vs. Riverside Irrigation District, Ltd., Defendant.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this fifth day of February, 1910.

Jas. Stephenson, Jr.

State Engineer

EXHIBIT C

MICROFILMED
OCT 02 1996

MICROFILMED

63-0231

EXHIBIT D

The claimants to this Notice of Claim to a Water Right (Water Right No. 63-0231/Water Right Transfer No. 45) are:

Names and Addresses

1. Tom McCollum
6100 North McDermott
Meridian, Idaho 83642
Telephone: (208) 286-7163
2. Ernest Perry
3409 North 32nd Street
Boise, Idaho 83703
Telephone: (208) 344-2330
3. Robert Ruble
6175 West Chinden Blvd.
Meridian, Idaho 83642
Telephone: (208) 286-7395
4. Alvin Lutz
6280 North McDermott
Meridian, Idaho 83642
Telephone: (208) 286-7636

MICROFILMED
OCT 02 1996

EXHIBIT D

The claims to this Notice of Claim to a Water Right (Water Right No. 63-0231/Water Right Transfer No. 45) are:

Names and Addresses

1. Tom McCollum
6100 North McDermott
Meridian, Idaho 83642
Telephone: (208) 286-7163
2. Ernest Perry
3409 North 32nd Street
Boise, Idaho 83703
Telephone: (208) 344-2330
3. Robert Ruble
6175 West Chinden Blvd.
Meridian, Idaho 83642
Telephone: (208) 286-7395
4. Alvin Lutz
6280 North McDermott
Meridian, Idaho 83642
Telephone: (208) 286-7636

MICROFILMED
OCT 02 1996

CLAIMANT'S NAME

Settlers-

McCollum, Perry, Ruble, Lutz

CLAIM IDENT. NO.

A63-27516

DATE RECEIVED

9-8-89

RECEIPT #

C011305

AMOUNT \$

90.

YES

NO

Requi
Inf

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

MICROFILMED
OCT 2 1995

23. Should this claim be data entered?

YES ☒ NO ☐

Claim reviewed by:

Say Walker

Date

11-18-92

Claim data entered by:

kw

Date

11-18-92

Claim is being returned to claimant:

___ (Yes) ☒ (No)

Claimant is being notified of modifications:

___ (Yes) ☒ (No)

Comments:

Existing right (Trans. #45) compared to
claim). Includes a portion of Rts. #63-00231
& 63-00231, equaling 0.20 cys. Need to
advance priority date to latest right
(i.e. 63-00231 → 6/1/1891)

11/29/2005

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

RIGHT NUMBER: 63-231B

NAME AND ADDRESS: TERRY OWENS
6175 W. CHINDEN
MERIDIAN ID 83642

THOMAS J MC COLLUM
8 CHINOOK DR
SHOUP ID 83469

ALVIN E LUTZ
6280 N MC DERMOTT RD
MERIDIAN ID 83642

ERNEST PERRY
3409 N 32ND ST
BOISE ID 83703

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.085 CFS

Use of this right with rights listed below is limited to a total combined diversion rate at the field headgate of .80 cfs. Combined Right Nos.: 63-230B, 63-4644, 63-7823 and 63-11185.

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.085 CFS

11/29/2005

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

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within ADA County
T04N R01W S28 NWNW 40.0

40 ACRES TOTAL

a Use of this right with the rights listed below is limited to the irrigation of
combined total of 40 acres in a single irrigation season. Combined Right
Nos.: 63-230B, 63-4644, 63-7823 and 63-1185.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SPLIT RIGHT: SEE RIGHT NOS. 63-32205 and 63-32206.

Use of this right is combined with water from Boise-Kuna Irrigation District.

This right is also designated as Right No. 122 in the Boise River Stewart Decree and Boise River Water Distribution Report.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 29, 2005

Terry Owens
6175 W. Chinden
Meridian, ID 83642

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Re: Notice of Claim to a Water Right No. 63-230B, 63-231B

Dear Claimant(s):

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure



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 26, 2005

Terry Owens
6175 W. Chinden
Meridian, ID 83642

RE: Notice of Change of Water Right Ownership No. 63-230B, 63-231B, 63-7823

Dear Mr. Owens:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was previously submitted to our office. However, After failed attempts to get a warranty deed from Stewart Title, we are returning it to you. If you can supply our office with a Warranty Deed then we will be able to complete this change, otherwise it will stay in the original owners name.

Please return the Change of ownership with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705

Feel free to contact this office if you have any further questions.

Sincerely,

Adjudication Section
Western Region
(208) 334-2190

LG: lg

Enclosures

NOTICE OF ERROR

REPLY

05/31/2005

RECEIVED

JUL 11 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-231B

ROBERT RUBLE
6175 W CHINDEN BLVD
MERIDIAN ID 83642
Telephone Number: (208)286-7395

THOMAS J MC COLLUM
6100 N MC DERMOTT
MERIDIAN ID 83642
Telephone Number: (208)286-7163

ALVIN E LUTZ
6280 N MC DERMOTT RD
MERIDIAN ID 83642

ERNEST PERRY
3409 N 32ND ST
BOISE ID 83703
Telephone Number: (208)344-2330

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

LISTED OWNER @ 6175 W. CHINDEN

2. Describe the changes you wish to make in the proposed recommendation:

CHANGE TO Terry Owens
6175 W. CHINDEN BLVD
MERIDIAN ID 83642
208-870-0533

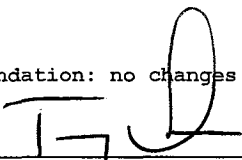
3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

7-4-2005

SIGNATURE:



Please print your name:

Terry Owens



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

September 16, 2005

RECEIVED

SEP 26 2005

WATER RESOURCES
WESTERN REGION

THOMAS J MC COLLUM
8 CHINOOK
SHOUP ID 83469

Re: Snake River Basin Adjudication (SRBA)
Water Right No(s). 63-230B, 63-231B
Change of Address

Dear Water Right Holder:

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 claim(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. 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 any of the properties connected with the water right(s) referenced above, please call this office to obtain a form to make this required change to the water right(s) records.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

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

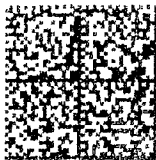
Thomas J. McCollum Just
Signature of water right claimant

1-208-394-2138
Telephone number

Thomas J. McCollum
8 Chinook Dr
Shoup Idaho 83469

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

FIRST CLASS



02 1A
0004389393
MAILED FROM 2

THOMAS J MC COLLUM
6100 N MC DERMOTT
MERIDIAN ID 83642

NOT DELIVERABLE
AS REQUESTED
UNABLE TO FORWARD

No Address Forward

8 Chinook
Shoup 83469

63-230B
63-231B

RECEIVED

JUN 10 2005

WATER RESOURCES
WESTERN REGION

ADDRESS SERVICE
REQUESTED

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

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.085 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S28 NWNW 40.0

40 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 40 acres in a single irrigation season. Combined Right Nos.: 63-230B, 63-4644, 63-7823 and 63-1185.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Boise-Kuna Irrigation District.

This right is also designated as Right No. 122 in the Boise River Stewart Decree and Boise River Water Distribution Report.

IDAHO DEPARTMENT OF WATER RESOURCES

**Water Right No.
63--231B**

***Prepared by:
Jan Shurte
Date: 5-15-05***

**4N 1W Sec 28
NWNW**

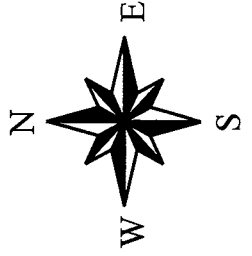
1987 Photography

 **Place of Use**

 **Section Lines**

1/41/4

© Pt of Diversion



Sec. 28, T4N, R1W

0 1320 Feet

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-231B

WATER RIGHT NUMBER: 63-231B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SETTLERS IRRIGATION DISTRICT PO BOX 7571 BOISE, ID 83707 (208)344-2471
Current Owner	ROBERT RUBLE 6175 W CHINDEN BLVD MERIDIAN, ID 83642 (208)286-7395
Current Owner	THOMAS J MC COLLUM 6100 N MC DERMOTT MERIDIAN, ID 83642 (208)286-7163
Original Owner	J E MOORE , ID
Current Owner	ALVIN E LUTZ 6280 N MC DERMOTT RD MERIDIAN, ID 83642
Current Owner	ERNEST PERRY 3409 N 32ND ST BOISE, ID 83703 (208)344-2330

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.085 CFS

Total Diversion:

0.085 CFS

Location of Point(s) of Diversion

BOISE RIVER

NW1/4NW1/4

ADA County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01W	28	NE	NW	SW	SE	40.0

Total Acres: 40

Needs:#155 - STEPDOWN *Quar. REMARK*

#545 - 504 Period of Use

#122nd B.R. decree

Overlap w/ G.W. rth.

63-4644, 7823 & 11185

Also overlap w/ 63-230B

for settlers for a total of

.20cfs - not a problem.

Cond w/ all not to exceed

.80cfs at field headgate

- 50 acres. Also from

63-7823 appears some

Boise River

Using H2O used

in this area.

Needs W45 6th cond.

Sec. 9, Twp 03N, Rge 02E, B.M.

you changed per
transfer #45 to this
location. Copy in file.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-231B

Conditions of Approval:Remarks:

1. General A POWER OF ATTORNEY (EXHIBIT A) PROVIDES WRITTEN AUTHORIZATION FOR THE CHAIRMAN OF SETTLERS IRR. DIST. TO FILE THIS CLAIM.
THIS WATER RIGHT IS EVIDENCED BY TRANSFER NO. 45 (EXHIBIT C).

Comments:Dates and Other Information:

Claim Received Date: 9/8/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

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

Verification Log:

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

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-230B

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acrees/Total	Name
63-230B	Claim	04N	01W	28	NW	NW		IRRIGATION	40/40	ERNEST PERRY
63-231B	Claim	04N	01W	28	NW	NW		IRRIGATION	40/40	ROBERT RUBLE
63-4644	Claim	04N	01W	28	NW	NW		IRRIGATION	30/35	WATERFIELD DEVELOPMENT CO LLC
63-7823	Claim	04N	01W	28	NW	NW		IRRIGATION	6/6	DAWN L STARRY WAGGONER
63-11185	Claim	04N	01W	28	NW	NW		IRRIGATION	31/410	SETTLERS IRRIGATION DISTRICT
63-230B	Water Right	04N	01W	28	NW	NW		IRRIGATION		J E MOORE
63-231B	Water Right	04N	01W	28	NW	NW		IRRIGATION		J E MOORE
63-4644	Water Right	04N	01W	28	NW	NW		IRRIGATION	30/35	THOMAS J MC COLLUM
63-5395	Water Right	04N	01W	28	NW	NW		IRRIGATION	6/6	ALVIN E LUTZ
63-7823	Water Right	04N	01W	28	NW	NW		IRRIGATION	6/6	VIRGIL C CALDWELL
63-11185	Water Right	04N	01W	28	NW	NW		IRRIGATION	31/410	SETTLERS IRRIGATION DISTRICT
63-3614B	Claim	04N	01W	28	NW	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
63-3618B	Claim	04N	01W	28	NW	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
63-5262B	Claim	04N	01W	28	NW	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT

See GW rights in 63-230B

LXXVIII.

That the defendant the SETTLERS' CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river at the head of the Government Hay Reservation, in Sec. 9, T. 3 N. R. 2 E. B.M., for use on the lands lying under its canal system, in the following amounts from the following dates;

63 0230 *Trans. .30* *Trch. 40* *T-34, 35, 50, 477, 483*

4953 inches, from Oct. 17, 1884. and hereby designated as Right No. 92.

63 0231 *T-45, 50, 34*

3672 inches, from June 1, 1891; and hereby designated as Right No. 122.

And be adjudged to pay \$603.75 costs in addition to the costs incurred by it.

LXXIX.

That the defendants WILLIAM C. YOUNG, LIZZIE YOUNG and ESTELLA YOUNG be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE 1/4 of SW 1/4 of Sec. 10, T. 4 N. R. 3 W. B.M., through what is known as the Young ditch, for use upon lands lying under said ditch in sections 15 and 21, T. 4 N. R. 3 W. B.M., in the following amount from the following date;

63 0232

200 inches, from Jan. 23, 1887. and hereby designated as Right No. 95.

And be adjudged to pay \$14.00 costs in addition to the costs incurred by them.

LXXX.

That the defendant the AMERICAN DITCH ASSOCIATION, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE corner of SW 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63 0233

Trans. 2.0 P.D. *Trans. 1475"* *200"*
2390 inches, from Oct. 1, 1887. and hereby designated as Right No. 96.

And be adjudged to pay \$167.30 costs in addition to the costs incurred by it.

T- 62 P.D. 3
36 P.D. 36-A
47 P.D. 48
48 P.D. 148
111 P.D. 166
790 P.D. 172
38 P.D. 224
P.D. 171

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-231B

WATER RIGHT NUMBER: 63-231B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J E MOORE
Original Owner	, ID SETTLERS IRRIGATION DISTRICT PO BOX 7571 BOISE, ID 83707 (208)344-2471

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /		0.085 CFS	
	<u>Total Diversion:</u>		0.085 CFS	

Location of Point(s) of Diversion

BOISE RIVER	Sec. 9, Twp 03N, Rge 02E, B.M.
ADA 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	
04N	01W	28						X											

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

Receipt Details for ID W018420

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/8/1994 11:47:31 AM	12/8/1994	Western	\$294.00	Check
Payer		SETTLER'S IRRIGATION DIST		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
10088			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$294.00	ADJUDICATION CLAIM FEE	41503	337	0	0	1155

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	230	E	\$34.00	Claim
63	230	D	\$50.00	Claim
63	169	C	\$60.00	Claim
63	231	C	\$50.00	Claim
63	231	B	\$50.00	Claim
63	3614	B	\$50.00	Claim

[Print Report](#)

MEMORANDUM

June 22, 1995

TO: SRBA Claims Submitted by Settler's Irrigation District

FROM: KAY WALKER *Kay*

RE: Correspondence prior to June 22, 1995

See File A63-00230F for all correspondence concerning
Settler's claims and claims they submitted for private individuals.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 20, 1995

RE: Notice of Claims to Water Rights Submitted by Settlers Irrigation District

Scott L. Campbell
ELAM & BURKE
P.O. Box 1539
Boise, ID 83701

Dear Mr. Campbell:

We have received the amended claim forms for Rights Nos. A63-00231, A63-00161AC and A63-22227 and our computer records have been updated accordingly.

We are also in receipt of Claims A63-00230B and A63-00231B which were submitted to replace A63-27516; and A63-00231C and A63-00230C which were to replace A63-22192. Since the two additional claims arrived without a filing fee I have used \$100.00 of the fee submitted under Receipt W018420 for these claims so I could update our records. Also, I am once again requesting a copy of "Exhibit D" that was attached to the claim (previously number A63-22192) for Jessie Allen, Earl Holbert, Fred Wilhelm and/or Esther Strain.

I still need to have the original forms of Claims A63-00161Q (Trans. No. 737), A63-00161J (Trans. No. 712), A63-00170A (Trans. No. 736) and A63-00169A (Trans. No. 871) returned to me. Troy and I went over the place of use to be assigned to each of these claims on January 6, 1995, but he did not have the original claim forms in his possession.

I am also awaiting submittal of the claims you were to re-submit for the storage water under Right Nos. 63-03614, 63-03618, and 63-05262. As stated above, I have assigned monies from Receipt No. W018420 to Claims A63-00231C and A63-00231B so Settler's only has an unused balance of \$50.00.

If you have any questions in regard to this letter please feel free to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

cc: Settlers Irrigation District

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OCT 02 1996

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

SCOTT L. CAMPBELL

RECEIVED

MAR 15 1995

WATER RESOURCES
WESTERN REGION

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

March 14, 1995

Ms. Kay Walker
Senior Water Resource Agent
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

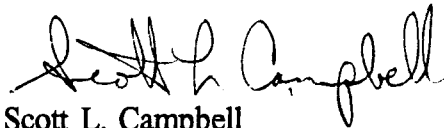
Re: Notice of SRBA Claims to Water Rights

Dear Ms. Walker:

Enclosed please find executed Notices of Claim which were prepared by you on behalf of Settlers' Irrigation District. Please do not hesitate to contact me if you have any questions.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:ma
Enclosures

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OCT 02 1996

COMMUNICATION DOCUMENTATION

IDWR Agent: Kay Walker

Date: January 6, 1995

Contact Person: Vicki and Troy at Settlers Irrigation District Office

Nature of Contact: Vicki called and asked if we could meet to discuss my correspondence of 12/22/1994; I went to their office so they could access their records if necessary.

Substance of Communication:

1. We went over the place of use descriptions that need to be added to Claims referencing Transfer Nos. 712, 871, 736, and 737 as discussed under paragraph 2 of my letter. Settler's did not have possession of the original claim forms so we could not insert the information on the forms; Scott Campbell has the original claims so we will have to add the place of use descriptions when the claim forms are brought in. Troy gave me the legal descriptions to be inserted. We did not check the descriptions to see if additional fees will be required.

2. We discussed the amended claim forms that I had sent to Scott with my correspondence (see paragraphs 3 and 4). We went over the reasons for amending the claims so that they knew why the claims were being amended.

3. We discussed the splitting of Claims A63-22192 and A63-27516. I again explained that the priority of the combined claims would require a loss in priority for portions of the combined claims and the splitting would resolve any loss of priority. We also discussed the matter of an additional \$100. fee to submit the "split" claims (see paragraph 5 of 12/22/94 correspondence).

4. Regarding paragraph 6 of my letter: We determined that it was up to Scott to decide if Claim A63-22192 had been underclaimed. I told them how I had printed the claims from our water rights data base and that it appeared that they had only claimed 1/2 of the water that this claim was based on (i.e. Transfer No. 50). They did not know why only 0.20 cfs had been claimed.

5. We discussed paragraph 7 and that Scott had told me these claims would be re-submitted. Again, Scott has the original forms returned in 3/29/94 correspondence. They also inferred that Settler's had decided to go ahead and file these claims even though the Bureau of Reclamation has filed on the same rights.

6. Vicki and Troy said that Scott was checking into getting a map of the district's boundaries pursuant to paragraph 8.

Vicki and Troy said that I could contact them with any other questions that they could help me with, even though they know I have to go through Scott since he is shown as their representative on the claims. I told them they could contact me, too, if they had any questions, since the Judge had lifted the gag order and we could now communicate with claimants.

I also told them I would run a listing of all the claims once we had them in the data base.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 22, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Notice of SRBA Claims to Water Rights Submitted by Settlers
Irrigation District

Scott L. Campbell
ELAM & BURKE
P.O. Box 1539
Boise, ID 83701

Dear Mr. Campbell:

I am a little confused as to which claims I am supposed to contact you about and which I am to contact Settler's about so I am going to include all the information, regarding my letter of March 29, 1994, in this correspondence. I hope this is not an inconvenience to you. I will try to keep this letter in the same format as the March 29th letter in order to respond to what has been done so far in regard to the claims and the information I had requested.

It is my understanding that Vicki and Troy are still in possession of the original claims for Rights A63-00161Q (Trans. No. 737), A63-00161J (Trans. No. 712), A63-00170A (Trans. No. 736) and A63-00169A (Trans. No. 871). I still need to have the place of use information attached to each of these claims and the original claims returned to me for data entry. Also, these claims may need additional filing fees if the acres they cover are not included on a claim that has been paid for.

Pursuant to my visit with Vicki and Troy, at Settler's office on August 19, 1994, I have prepared and enclosed amended claims for Rights A63-00161AC (Trans. No. 829) and A63-22227 (Trans. No. 940). I had made notes on these claims that the place of use needed to be modified, so this is what the amended claims are to accomplish.

Enclosed you will find an "amended" version of Claim A63-00231, as per our visit on November 29th. The amended form adds 200 acres to the place of use, as was done to Claim A63-00230F in March of 1992. The 200 acres are located within Twp. 3N, Rge. 1E, Sec. 5 and Twp. 3N, Rge. 1W, Sec. 5. The addition of these lands is the only change I have made to this claim.

Also enclosed are claims A63-00230C and A63-00231C which were combined under No. A63-22192 (Trans. No. 50) when originally submitted. Claims A63-00230B and A63-00231B, which were combined under number A63-27516 (Trans. No. 45), are also enclosed.

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one \$50.00 fee was submitted for each of the combined claims we will require an additional \$100.00 for submittal of the "separated" claim forms. The fees submitted for Claims A63-22192 and A63-27516 will be applied to the submittal of two of the "separated" claim forms.

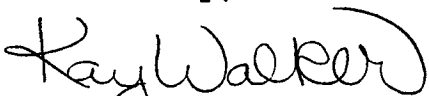
Please note that the amount of water claimed under No. A63-22192 (0.20 cfs) does not match the amounts shown on A63-00230C and A63-00231C. Transfer No. 50 described an amount of 20" of water which would equal 0.40 cfs, which is what the combined amounts of A63-00230C and A63-00231C will be if submitted as prepared. I am not sure why the entire 20" of water was not claimed when A63-22192 was submitted so I have left the amount of water as shown in the water rights data base. If this is not correct, please change the forms to show the amount of water Settlers wants to claim. Also, I have misplaced my copy of "Exhibit D" that was attached to Claim A63-22192. If you have another copy could you please send me one?

In my March 29th correspondence, I returned the claims Settlers had submitted on Rights 63-03614, 63-03618 and 63-05262. These claims were submitted for storage water within federal facilities and I had returned them because the rights had already been claimed by the U.S. Dept. of Interior, Bureau of Reclamation. During your visit on November 29th, you stated that these claims would be pursued. I need to have the original claim forms back to proceed with them. Filing fees for these claims have been submitted under Receipt W018420 (part of the \$294.00 that I had requested).

I am also enclosing a copy of Page 18 of the Adjudications Rules and Regulations which says a map showing the boundaries of the irrigation district must be submitted with their claims. It is my understanding that Settlers were not intending to submit a map, which would be very useful in reviewing their claims. Hopefully this copy of the rules and regulations will persuade them.

Please have Settlers sign the amended and "separated" claim forms in the presence of a notary public and return them to me, along with the other claims mentioned above. Once I have received the signed forms I can update our records. If you find that changes need to be made to any of these forms, please make the changes prior to Settlers signing the forms and I will incorporate those corrections when I update our records. If you have any questions in regard to this letter please feel free to contact me.

Sincerely,



KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

cc: Settlers Irrigation District

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 29, 1994

RE: Notice of SRBA Claims to Water Rights Submitted by Settlers
Irrigation District

Scott L. Campbell
ELAM & BURKE
P.O. Box 1539
Boise, ID 83701

Dear Mr. Campbell:

We have completed our initial review of the claims submitted by Settlers Irrigation District. During this review of the claims, we encountered several problems which must be clarified &/or addressed before we can process the information.

The claims submitted on Rights A63-00161Q, A63-00161J, A63-00170A and A63-00169A refer to Water Right Transfers Nos. 737, 712, 736 and 871 respectively. We cannot data enter these claims until we receive further information in regard to the place of use for these rights, so we are returning the original claims to you with this letter. Although the transfers attached to the claims identify legal descriptions of the place of use, they are not specific enough. We must have the number of irrigated acres in each 40-acre tract identified on the claims. To aid you and your clients in completing this, I have attached an ortho-photo quad to each of these claims which I have marked the place of use identified on the transfer for your convenience. Please mark the number of acres in each 40-acre tract on the ortho-photo quads and return the claims and quads to me.

I found that Claim Nos. A63-00161AN, A63-00161A, A63-00161AC, A63-00161BA, A63-00161T, A63-00198A and A63-22227 have been data entered with information contained on the transfer attachments. In reviewing these claims I believe that we need to confirm that the place of use has been accurately described. Copies of these claims and corresponding ortho-photo quads with the place of use marked are enclosed for your review. If you find that the legal descriptions are not correct, amended claims will need to be submitted.

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Enclosed for your files are the yellow copies of Notice of Claims to Water Right Nos. A63-00230 (amended by Settler's Irrigation District on March 18, 1992 to include 200 additional acres; and then renumbered to A63-00230F pursuant to our water right records), and A63-00231. Also enclosed are data entered copies of these claims. I am wondering if Claim A63-00231 should also be amended to include the 200 acres added to A63-00230F. If so, please advise me and I will prepare an amended claim for your convenience.

In reviewing Claims A63-00230F and A63-00231, along with other claims submitted on the original rights, I have found that the claims are in excess of the original decreed amount. Right 63-00230 was decreed for 99.06 cfs and was then split into parts by transfers of portions of the right. Right 63-00231 was decreed for 73.44 cfs and was then split into parts. The claims will be scrutinized when we conduct our field review to avoid showing an expansion of the decreed amounts.

We have received a claim, which we numbered A63-22192 (evidenced by Transfer No. 50), which is a combination of Rights 63-00230C (priority of 10/17/1884) and 63-00231C (priority of 6/1/1891), and a claim which we numbered A63-27516 (evidenced by Transfer No. 45) which is a combination of Rights 63-00230B and 63-00231B. Be advised that since these rights have been combined on one claim form the priority date may be advanced to the priority of the latter of the two rights (6/1/1891).

Enclosed are Claim Nos. A63-03614, A63-03618, and A63-05262 which are for storage of water within federal facilities. The original water rights are in the name of the U.S. Dept. of Interior, Bureau of Reclamation. Claims for these rights have been submitted by the Bureau of Reclamation, resulting in duplicate filings. As you can see, these claims are not included in the breakdown of the fees previously submitted and will require filing fees if pursued.

I did not locate a SRBA claim on Right 63-00287 (old number 85-A) which is for 36" of water to be delivered through Settlers Canal. I have included a listing of the current water right record for your information. A claim should be submitted if Settlers delivers this 36" of water through their system.

Enclosed is a breakdown of the fees submitted under Receipt No. C011305 as shown in our records. Please note that we have not received the correct filing fees for Settler's claims. I have found that some of the claims submitted are for irrigation of lands that are not included under the land list on Claim A63-00230F. Based on review of the claims that I could complete an overlap review on, the filing fees due are \$294.00. There are several claims (as discussed in paragraph 2) that I could not determine if the lands were previously paid for or not. I have also enclosed a summary to show where the additional fees are required.

It would be very helpful for our review of these claims if Settlers would submit a map showing all of the lands currently receiving water.

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from their system. We have found using ortho-photo quads for platting this information is helpful.

Please complete the above items, **initial and date any changes or additions** to the claim forms, and return them, with the requested fee, to our office. We will begin our field review of Basin 63 at the end of this summer and these claims need to be in our computer system by then. If you need help in completing the items identified or have any questions concerning this letter, please feel free to contact me. I would be happy to meet with you and/or board members from Settlers, if you would like to call and set up an appointment.

Sincerely,



KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:kw
Enclosures

cc: Settlers Irrigation District

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OCT 02 1996