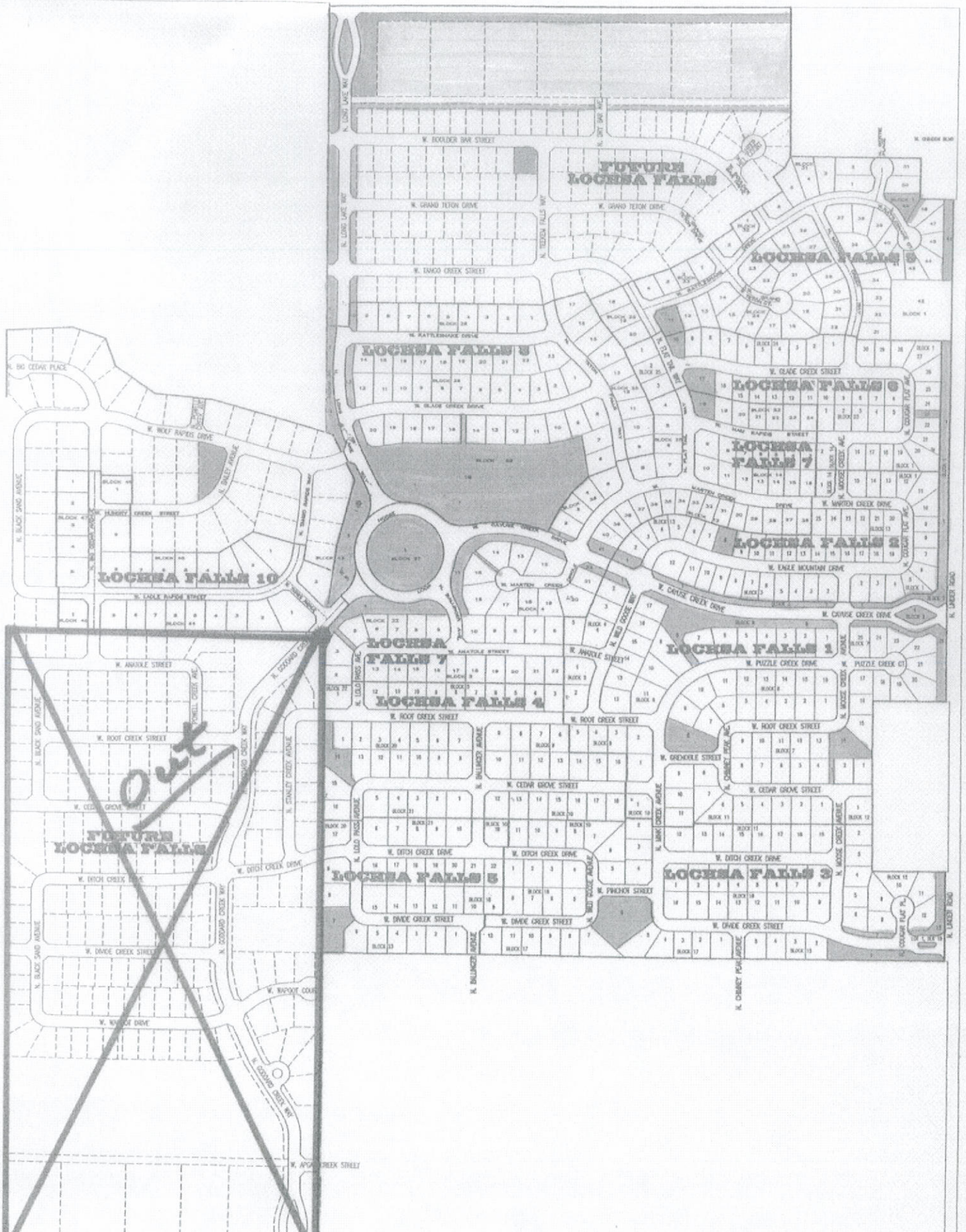




Idaho Department of Water Resources

**T04N, R01W,
S26**

Claim No: 63-2656B

Prepared By: Kimberly Brown

Date: May 25, 2005



Place of Use



Section Lines

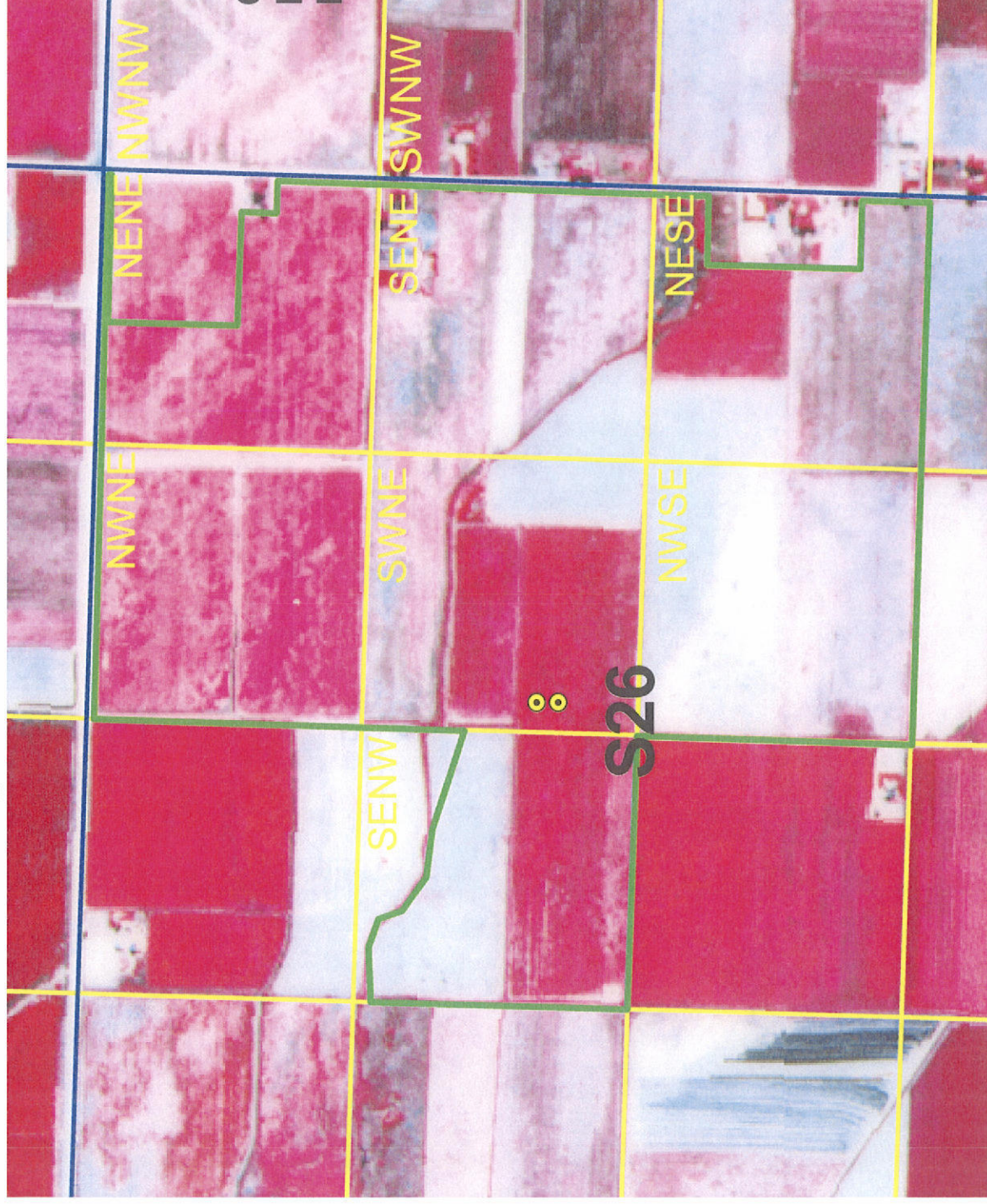
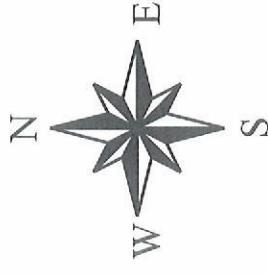


1/4 1/4



Point of Diversion

Acres Irrigated = 250

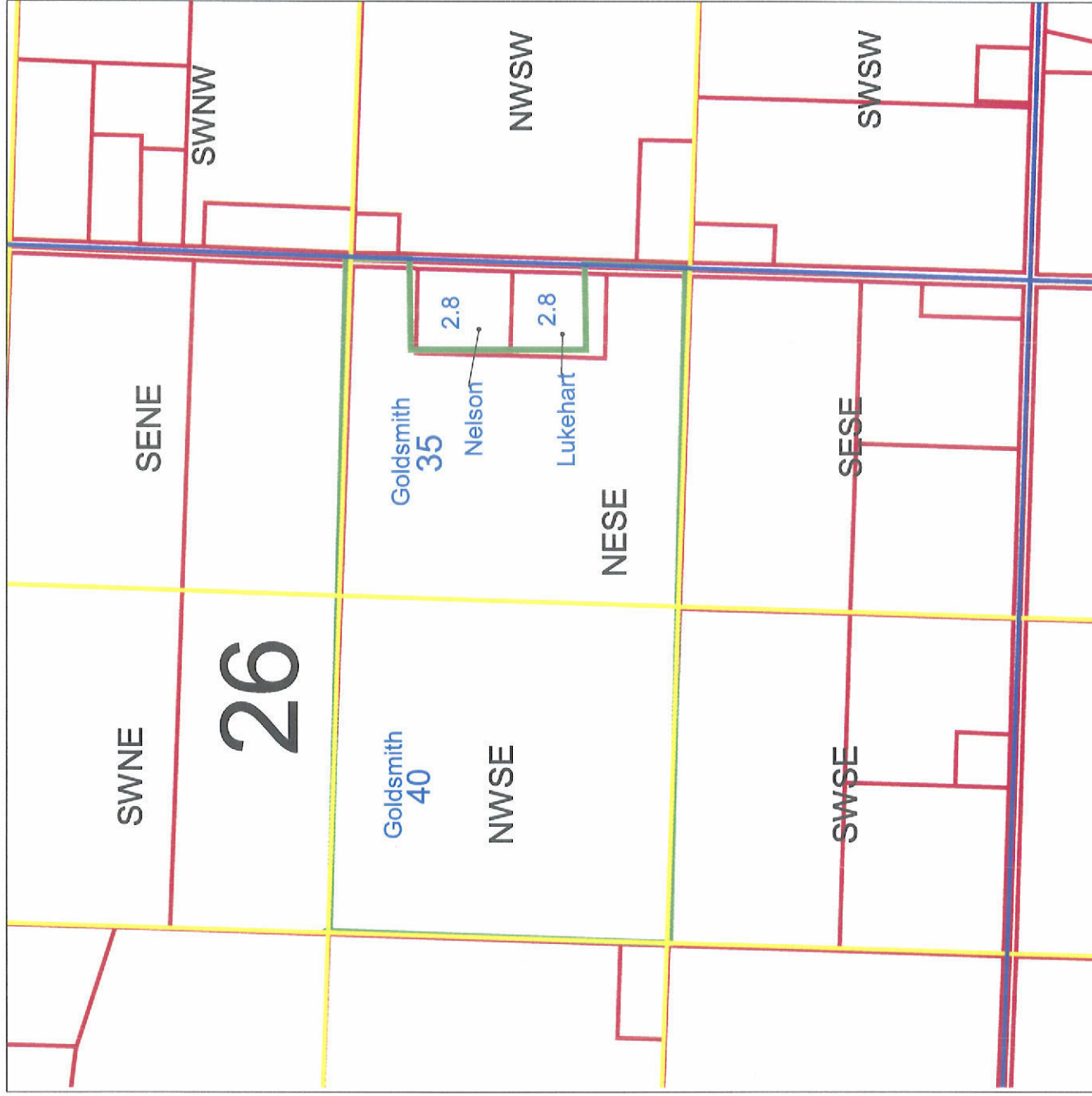
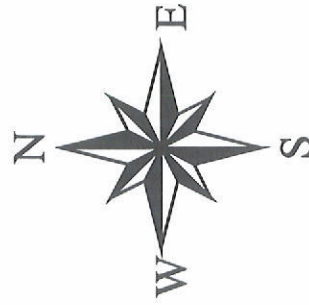


1987 NAPP

63-2656B

4N 1W

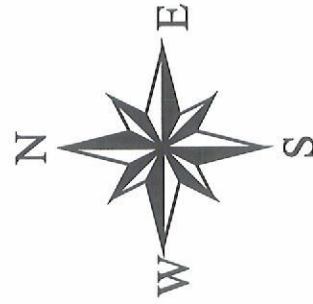
-  Metes & Bounds
-  Section Line
-  QQ Line
-  Tax Lot Data



4N 1W

Section Line

103



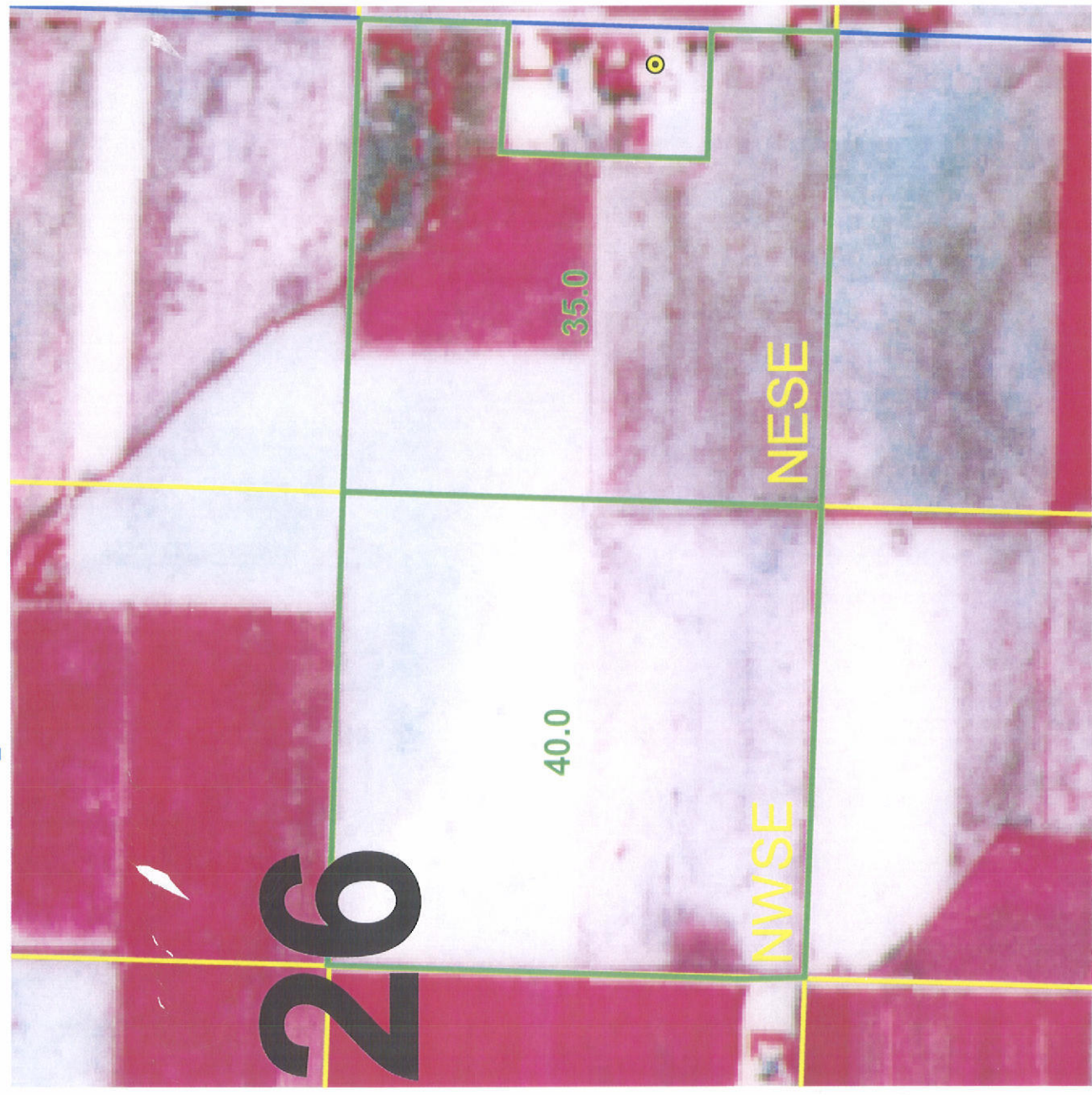
NWSE

NESE

Idaho Department of Water Resources

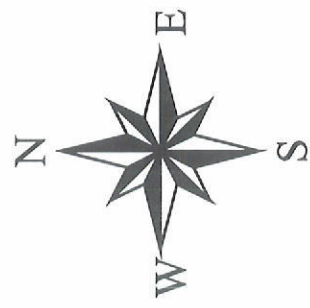
T04N, R01W,
S26

Claim No: 63-02656B
Prepared By: Kimberly Brown
Date: October 8, 2003



- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4

Acres Irrigated = 75.0



1987 NAPP

Idaho Department of Water Resources

S26

NWSE

NESE

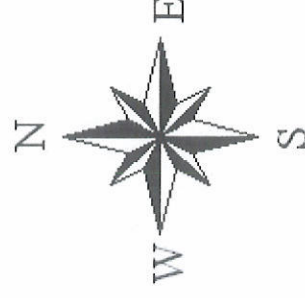
SWSE

SESE

T04N, R01W,
S26

Claim No: 63-02656B
Prepared By: Kimberly Brown
Date: September 9, 2004

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP

0 0.1 0.2 0.3 0.4 Miles

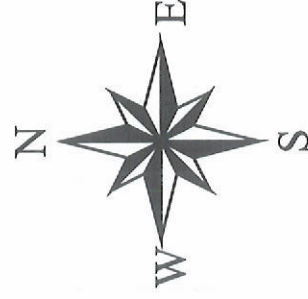
Idaho Department of Water Resources

T04N, R01W,
S26

Claim No: 63-02656B
Prepared By: Kimberly Brown
Date: October 9, 2003



- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP

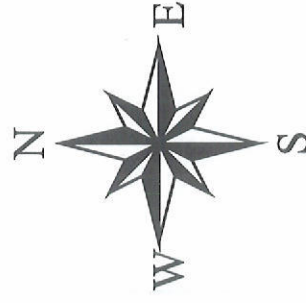
Idaho Department of Water Resources

T04N, R01W,
S26

Claim No: 63-02656B
Prepared By: Kimberly Brown
Date: October 9, 2003



- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP

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 63-2656B
Date Received: 6/15/1992
Receipt No: W014888
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOCHSA FALLS LLC Phone: (208)388-0189
4487 N DRESDEN PL STE 102
BOISE ID USA 83714

2. Date of Priority: 01/06/1947

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	26	SW NE	ADA	
04N	01W	26	SW NE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.44	193.5

7. Total Quantity Appropriated is:
0.44 C.F.S. and/or 193.5 A.F.A.

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	26	NE	NE	IRRIGATION	28
			NW	NE	IRRIGATION	38
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	39
			SE	NW	IRRIGATION	30
			NE	SE	IRRIGATION	35
			NW	SE	IRRIGATION	40
					Section Acres	250
					Total Acres	250

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:

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under Rights 63-2656B and 63-31861 shall not exceed 1.35 cfs, a total combined annual volume of 346.5 af for the irrigation of 77 acres.

The right holder shall cease irrigation of 32 acres previously authorized under this right, and consolidate use of water on the remaining 43 acres.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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

Right 63-31861 is also diverted through the point of diversion described above.

15. Basis of Claim: License

WATER RIGHT NO. 63-2656B
As Modified by Transfer No. 71109

In accordance with the approval of Transfer No. 71109, Water Right No. 63-2656B is now described as follows.

Right Holder: LOCHSA FALLS LLC
 4487 N DRESDEN PL STE 102
 BOISE ID 83714

Priority Date: January 06, 1947

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.44 CFS	193.5 AF
			0.44 CFS	193.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 26 Twp 04N	Rge 01W ADA County
GROUND WATER	SWNE	Sec. 26 Twp 04N	Rge 01W 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 26	28.0	38.0	40.0	39.0				30.0					35.0	40.0			250.0

Total Acres: 250

CONDITIONS OF APPROVAL

- The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

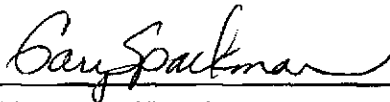
WATER RIGHT NO. 63-2656B
As Modified by Transfer No. 71109

CONDITIONS OF APPROVAL

6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. The total instantaneous diversion of water from all points of diversion under Rights 63-2656B and 63-31861 shall not exceed 1.35 cfs, a total combined annual volume of 346.5 af for the irrigation of 77 acres.
10. The right holder shall cease irrigation of 32 acres previously authorized under this right, and consolidate use of water on the remaining 43 acres.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
13. Use of this right is combined with water from Settlers Irrigation District.
14. Right 63-31861 is also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of November, 2004



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71109

This is to certify that: LOCHSA FALLS LLC
4487 N DRESDEN PL STE 102
BOISE ID 83714
(208)388-0189

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-11199	WR/License	02/01/1990	1.80 cfs	571.5 af	N/A	127.0	GROUND WATER
63-2656B	AJC/License	01/06/1947	0.44 cfs	N/A	N/A	75.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-11199	YES	YES	YES	NO	NO	NO
63-2656B	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-11199	63-31861	0.91 cfs	288.0 af	64.0	250.0	63-31860	0.89 cfs	283.5 af	N/A	63.0
63-2656B	63-2656B	0.44 cfs	193.5 af	43.0	250.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.35 cfs	346.5 af	77.0	250.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9th day of November, 2004



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-2656B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71109

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

MAR 08 2004

Name of Applicant
WESTERN REGION

Lochsa Falls, LLC

Phone 208-388-0189

Post Office address

4487 North Dresden Place, Suite 102, Boise, ID 83714

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
- ☐
- Add diversion point(s)
- ☒
- Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____Describe the reason for the proposed changes Applicant proposes reconfiguring place of use to allow irrigation of common areas and residential lots within the Lochsa Falls Subdivision. A new point of diversion is also proposed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-2656B</u>	<u>01/06/1947</u>	<u>0.44 cfs</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
<u>TBD (63-11199)</u>	<u>02/01/1990</u>	<u>0.42 cfs / 135 af</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
				to _____

2. Total amount of water being transferred 0.86 cubic feet per second and/or 135 acre-feet per annum.3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	26	4N	1W	Ada	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	26	28	38	40	39				30					35	40			250

Total Acres 43 ac w/in 250 ac PPU

PART 1**6. General Information:**

- a. Description of diversion system well with electric pump, cistern, booster pump, pipe to sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See attached agreement for 66-acre portion of 63-11199
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land is being developed for a residential subdivision and the place of use is being reconfigured.
- d. Remarks: Water will be used for up to 105 acres of supplemental irrigation of common areas, commercial properties, road right of way, and single-family residential lots in Lochsa Falls Subdivision. A 250-acre permissible place of use is proposed. The irrigated area of common areas, commercial properties, road right-of-way total approximately 43 acres. Irrigated area of single-family residential lots totals approximately 96 acres. An additional application for permit will be submitted for supplemental irrigation to increase the diversion rate and acres available for the single-family residential lot area. Settlers Irrigation District water will be used as the primary source of irrigation supply. A new well will be drilled in the SWSE of Section 26.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-2656 issued by the Idaho Department of Water Resources.
- c. Claim No. 63-2656B on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Quitclaim Deed

2. Source of water ground water tributary to NA

3. Date or priority 01/06/1947

4. Water is used for the following purposes:

amount 0.44 cfs for irrigation purposes from Mar. 15 to Nov. 15
(cfs/ac-ft)

amount 0.04 cfs for domestic purposes from Jan. 1 to Dec. 31
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

5. Total amount of water under right 0.44 cubic feet per second and/or _____ acre-feet per annum.

6. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	26	4N	1W	Ada	

7. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	26													35	40			75

Total Acres 75

9. Describe any other water rights used for the same purpose as described above Settlers Irrigation District

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

3. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-11199 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Quitclaim Deed

3. Source of water ground water tributary to NA4. Date or priority 02/01/1990

5. Water is used for the following purposes:

amount 1.80 / 571.5 for irrigation purposes from Mar. 15 to Nov. 15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.80 cubic feet per second and/or 571.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	26	4N	1W	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	23															38	15	53
4N	1W	26	38	36															74

Total Acres 1279. Describe any other water rights used for the same purpose as described above Settler Irrigation District

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount 0.42 / 135.0 for irrigation purposes from Mar. 15 to Nov. 15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount 0.49 / 153.0 for irrigation (to water bank) purposes from Mar. 15 to Nov. 15
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	26	4N	1W	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	26	28	2															30
4N	1W	26		34															34*

*acres to be placed in State Water Bank per attached application

Total Acres 64**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.89 / 283.5 for irrigation purposes from Mar. 15 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	26	4N	1W	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	23															38	15	53
4N	1W	26	10																10

Total Acres 63

PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	to _____
_____	_____	_____	to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

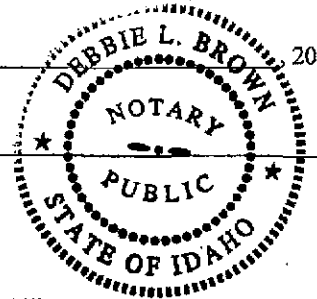
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Marty J. Schmidt
 (Signature of Applicant)

Subscribed and sworn to before me this 22nd day of August

Debbie L. Brown
 (Notary Public)



My commission expires 8/5/07

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments
 Received by KG Date 12/10/03 Protest filed by _____
 Prelim. Check by KG Fee 250.00
 Received by KG Date 12/10/03 W031173
 Published in _____ Copies of protest forwarded by _____
 Pub. Dates _____ Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received _____ by _____

Copy of transfer sent to lien holder _____

BOISE IDAHO 03/10/03 04:10 PM
 DEPUTY Jeanne McQuinn
 RECORDED - REQUEST OF
 WEAVER - MCCOLL
 AMOUNT \$2.00

183038545

QUITCLAIM DEED

FOR VALUE RECEIVED, Farwest L.L.C., an Idaho limited liability company, does hereby convey, release, remit and forever quitclaim unto Lochsa Falls, L.L.C., an Idaho limited liability company, whose current address is 4487 N. Dresden Pl., Ste. 102, Boise, Idaho 83714, that certain real property situate in Ada County, Idaho, and more particularly described on Exhibit "A" attached hereto, which is by this reference incorporated herein.

TO HAVE AND TO HOLD said premises unto the said Grantee's heirs and assigns forever.

DATED This 2nd day of March, 2003.

FARWEST, L.L.C.,

By: Developers Services, Inc.

By: Brian F. McColl
 Brian F. McColl, its President

STATE OF IDAHO.

County of Ada.

On this 17th day of March, 2003, before me, Ronni Johnson, a Notary Public in and for said State, personally appeared Brian F. McColl, known or identified to me (or proved to me on the oath of _____) to be the President of Developers Services, Inc., an Idaho corporation, one of the Members in the limited liability company of Farwest L.L.C., and the member or one of the members who subscribed said liability company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company, and that such limited liability company executed the same in said company name.



Ronni Johnson
 Notary Public for the State of Idaho
 Residing at Boise, Idaho
 Commission expires: 03/31/2004

EXHIBIT A

A parcel of land located in the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the northeast corner of the SE $\frac{1}{4}$ (east $\frac{1}{2}$ corner) of Section 26, T. 4N., R. 1W., B.M., the **REAL POINT OF BEGINNING** of this description;

Thence S $0^{\circ}25'24''$ W 250.00 feet along the east line of said SE $\frac{1}{4}$ to a point;

Thence N $89^{\circ}34'36''$ W 352.71 feet to a point;

Thence S $0^{\circ}25'24''$ W 700.60 feet to a point;

Thence S $89^{\circ}34'36''$ E 352.71 feet to a point on the east line of the SE $\frac{1}{4}$;

Thence S $0^{\circ}25'24''$ W 368.93 feet to the southeast corner of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$;

Thence N $89^{\circ}13'14''$ W 2,620.88 feet to the southwest corner of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$;

Thence N $0^{\circ}37'36''$ E 1,322.12 feet to the center $\frac{1}{4}$ corner of said Section 26;

Thence S $89^{\circ}08'53''$ E 2,618.19 feet to the **REAL POINT OF BEGINNING** of this description;

This parcel contains 73.705 acres more or less, and is subject to an existing easement for Under Road and any other easements of use or of record.

EXHIBIT A

A parcel of land located in the N $\frac{1}{4}$ of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the southeast corner of the NE $\frac{1}{4}$ (east $\frac{1}{4}$ corner) of Section 26, T. 4N., R. 1W., B.M.;

Thence N 0°55'28" E 816.74 feet along the east line of said NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING of this description;

Thence N 89°08'53" W 2616.39 feet to and point on the west line of said NE $\frac{1}{4}$;

Thence S 00°37'38" W 616.74 feet to the southeast corner of said NE $\frac{1}{4}$ (center $\frac{1}{4}$ corner);

Thence N 89°08'53" W 1307.47 feet to the southwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$;

Thence N 00°29'24" E 1232.40 feet along the west line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ to a point;

Thence N 87°02'18" E 268.60 feet to a point;

Thence S 71°48'42" E 140.90 feet to a point;

Thence S 20°11'42" E 121.60 feet to a point;

Thence S 54°51'42" E 196.60 feet to a point;

Thence S 83°30'42" E 232.70 feet to a point;

Thence S 73°36'18" E 489.75 feet to a point on the east line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$;

Thence N 00°37'38" E 487.83 feet to the northwest corner of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$;

Thence S 89°23'39" E 2823.07 feet to the northeast corner of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$;

Thence S 00°55'28" W 713.09 feet to the REAL POINT OF BEGINNING of this description;

This parcel contains 73.821 acres more or less, and is subject to an existing easement for Linder Road and any other easements of use or of record.

This description was compiled from Data of Record and is subject to change upon completion of a field survey.

EXHIBIT A

A parcel of land located in the NE $\frac{1}{4}$ of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the southeast corner of the NE $\frac{1}{4}$ (east $\frac{1}{4}$ corner) of Section 26, T. 4N., R. 1W., B.M., the REAL POINT OF BEGINNING of this description;

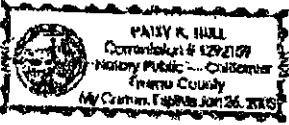
Thence N $89^{\circ}08'53''$ W 2618.19 feet to the southwest corner of the NE $\frac{1}{4}$ (center $\frac{1}{4}$ corner);

Thence N $00^{\circ}37'35''$ E 615.74 feet along the west line of said NE $\frac{1}{4}$ to a point;

Thence S $89^{\circ}08'53''$ E 2619.39 feet to a point on the east line of said NE $\frac{1}{4}$;

Thence S $0^{\circ}55'28''$ W 615.74 feet to the REAL POINT OF BEGINNING of this description;

This parcel contains 37.003 acres, more or less, and is subject to an existing easement for Ender Road and any other easements of use or of record.

ADA COUNTY RECORDER J. DAVID NAVARRO ROSE, IDAHO 2001 AP 12 PM 2:54 ALLIANCE TITLE & ESCROW CORP.	RECORDED - SERIES OF ALLIANCE TITLE 101034148
HEAD & APPROVED BY GRANTEE(S): _____ SPACE ABOVE THIS LINE FOR RECORDING DATA Order No.: 03080754	
QUITCLAIM DEED	
FOR VALUE RECEIVED LINDA BRANDT, WIFE OF ELMOY BRANDT GRANTOR(S) do(es) hereby CONVEY, RELEASE, REMISE and FOREVER QUIT CLAIM unto ELMOY BRANDT, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY GRANTEE(S) whose current mailing address is: the following described property located in Ada County, State of Idaho, more particularly described as follows, to wit: As set forth on the attached EXHIBIT "A", which by reference becomes a part hereof.	
together with their appurtenances. Dated: February 23, 2001 <i>Linda Brandt</i> Linda Brandt	
STATE OF <u>California</u> COUNTY OF <u>Fresno</u> On this <u>23</u> day of <u>February</u>, in the year of <u>2001</u>, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Brandt known or identified to me 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.	
	Signature: <i>Patsy R. Hull</i> Name: <u>Patsy R. Hull</u> Residing at: <u>2040 N. Fresno St.</u> My Commission Expires: <u>Jan 26, 2005</u>

DESCRIPTION FOR
BRANDT 66 ACRES
(PARCEL 3)

February 5, 2001

A parcel of land located in the North 1/4 of the NE 1/4 of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the northwest corner of the NE 1/4 (north 1/4 corner) of Section 26, T. 4N., R. 1W., B.M.; thence S 0°37'38" W 40.00 feet along the west line of said NE 1/4 to a point on the southerly right-of-way of U. S. Hwy 20-26, the REAL POINT OF BEGINNING of this description;

Thence continuing S 0°37'38" W 1277.57 feet to the southwest corner of the north 1/4 of the NE 1/4;

Thence S 89°23'39" E 2598.07 feet along the south line of the north 1/4 of the NE 1/4 to a point on the westerly right-of-way of Linder Road;

Thence N 0°55'26" E 426.97 feet along said right-of-way to a point;

Thence N 89°04'32" W 185.00 feet to a point;

Thence N 0°55'28" E 169.00 feet to a point;

Thence N 89°04'32" W 545.00 feet to a point;

Thence N 0°21'40" E 515.84 feet to a point on the southerly right-of-way of U. S. Hwy. 20-26;

Thence N 89°35'20" W 1898.60 feet along said southerly right-of-way to the REAL POINT OF BEGINNING of this description;

This parcel contains 66.026 acres, more or less, and is subject to any easements of use or of record.

Michael E. Marks, PLS - No. 409



064501 Brandt 66 acres des

WATER RIGHT TRANSFER AGREEMENT

This WATER RIGHT TRANSFER AGREEMENT is entered into effective this ____ day of October, 2003 between Leroy E. Brandt Family Limited Liability Partnership and Elroy Brandt ("Brandt") and Lochsa Falls, L.L.C. ("Goldsmith"). In consideration of the mutual covenants herein contained, the parties hereby agree as follows:

1. Goldsmith is purchasing approximately 66 acres of land with appurtenant water rights from Brandt. The 66 acres are located in the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 26, T4N, R1W.
2. Goldsmith will complete the purchase of the 66-acre Brandt property in April 2005.
3. Goldsmith will receive with the 66 acres a 64/127th portion of water right license 63-11199, for irrigation of 64 acres at a diversion rate of 0.91 cfs. The water right received by Goldsmith is appurtenant to 36 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26 and 28 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26.
4. Brandt will retain a 63/127th portion of license 63-11199, for irrigation of 63 acres at a diversion rate of 0.89 cfs. The water right retained by Brandt is appurtenant to 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, and 53 acres in the SE $\frac{1}{4}$ of Section 23.
5. Goldsmith desires to immediately submit a water right transfer that would include a 0.42 cfs portion of the Brandt water right for irrigation of 30 acres. The transfer would authorize use of the water on the 66 acre Brandt property and on properties to the south currently owned by Goldsmith. In combination, these lands are known as the Lochsa Falls project.
6. Goldsmith desires to ultimately utilize the remaining 0.49 cfs of water right from the 66 acres of land on lands outside of the Lochsa Falls project.
7. To achieve the results described by items 4, 5, and 6 (above), the water right eventually will be divided into three portions.
 - Portion A will consist of 0.42 cfs (30 acres) proposed for transfer and use by the Lochsa Falls project.
 - Portion B will consist of 0.49 cfs (34 acres) proposed for use by Goldsmith on lands to be determined at a future date.
 - Portion C will consist of the 0.89 cfs (63 acres) appurtenant to the lands outside of the 66 acres to be purchased by Goldsmith.

8. Brandt will consent to the transfer proposed by Goldsmith. Goldsmith will submit the application for transfer in 2003.
9. Brandt will retain full ownership of Portions A, B, and C until sale of the 66 acres to Goldsmith is completed. Upon closing of the sale, Goldsmith will own Portions A and B and Brandt will retain Portion C.
10. Brandt will have full use of all portions of water right 63-11199 until the sale is completed.
11. If Goldsmith does not complete the purchase of the 66 acres by May 2005, the parties agree to rescind the transfer of the 0.42 cfs portion of 63-11199, and to remove the 66 acres from the place use authorized for water right 63-2656B.

IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the effective day set forth above.

BRANDT:

LEROY E. BRANDT FAMILY LIMITED PARTNERSHIP

Leroy E. Brandt

LEROY E. BRANDT, Partner

Elroy Brandt

ELROY BRANDT

GOLDSMITH:

LOCHSA FALLS, L.L.C.

Marty Goldsmith

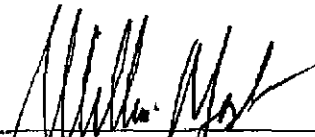
MARTY GOLDSMITH, Member

STATE OF IDAHO,)
 : ss.
 County of Ada Canyon)

On this 30th day of October, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Leroy E. Brandt, known or identified to me to be the partner of LEROY E. BRANDT FAMILY LIMITED PARTNERSHIP, and the person who subscribed said limited liability partnership name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability partnership, and that such limited liability partnership executed the same in said partnership name.

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

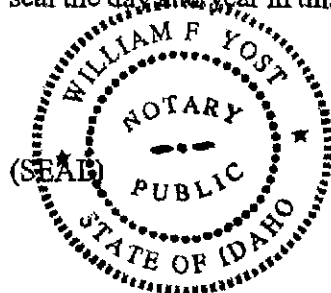


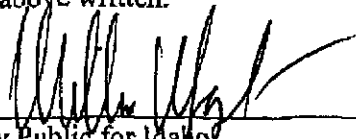

 Notary Public for Idaho
 Residing at Meridian, Idaho
 Commission expires: 10/09/09

STATE OF IDAHO,)
 : ss.
 County of Ada Canyon)

On this 30 day of October, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared ELROY BRANDT known or identified to me to be the person who subscribed said name to the foregoing instrument, and acknowledged to me that he executed the same.

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

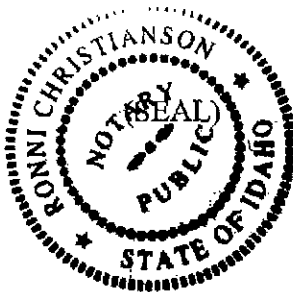



 Notary Public for Idaho
 Residing at Meridian, Idaho
 Commission expires: 10/09/09

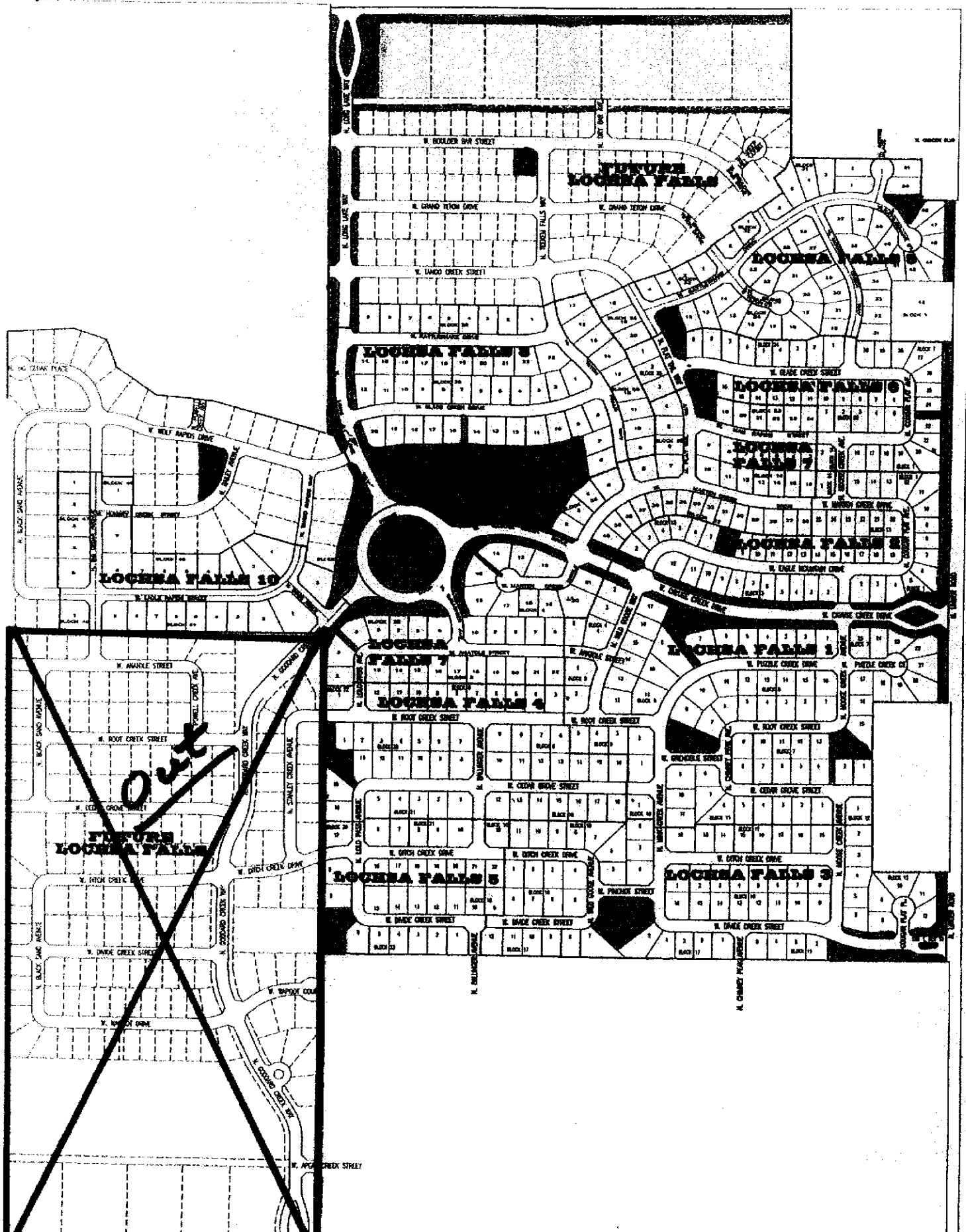
STATE OF IDAHO,)
 :SS
County of Ada.)

On this 30th day of October, 2003, before me, a Notary Public in and for said State, personally appeared Marty Goldsmith, known or identified to me to be a Member of the limited liability company of Lochsa Falls, L.L.C., and the Member or one of the Members who subscribed said liability company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company, and that such limited liability company executed the same in said company name.

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




Notary Public for Idaho
Residing at Drummond, Idaho
Commission expires: 10/30/04



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 63-2656B
Date Received: 6/15/1992
Receipt No: W014888
Received By:

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

1. Name of Claimant(s): MARTY GOLDSMITH
4550 W STATE ST
BOISE ID USA 83703

Phone: (208) 388-0189

2. Date of Priority: 01/06/1947

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	26	NE SE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.44	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.44 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	26	NE SE		IRRIGATION	35
			NW SE		IRRIGATION	40
					Section Acres	75
					Total Acres	75

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 8/9/2001

15. Basis of Claim: License

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

RECEIVED
JAN 24 2001
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
A 63-02656B					
~~63-16348~~					

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) Marie A Nelson 2552 S Elizabeth St #6
Salt Lake City UT 84106
4. New Owner/Claimant(s) Marty Goldsmith
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 4550 West State Street
- City, State and ZIP Code Boise Idaho 83703
- New Telephone Number (208) 388-0189
5. Date you acquired the property 1-03-01

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) Marty Addis
(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 <u>AG</u>	Date <u>1/24/01</u>	Fee <u>25.00</u>	N/a receipt voided
Received by <u>AG</u>	Date <u>1/24/01</u>	Receipt No. <u>60027311</u>	
Processed by _____	AJ Date _____	WR _____ Date _____	

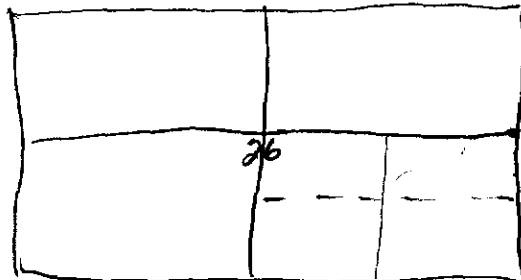
THIS FORM PLANNED COURTESY OF:	ADA COUNTY RECORDER J. DAVIS HAVARD PO BOX 1000 BOISE, IDAHO	RECORDED - REQUEST OF FEE \$6.00 DEPUTY <i>[Signature]</i> 101000652
ALLIANCE TITLE & ESCROW CORP.	2001 JAN 23 PM 4:12	ALLIANCE TITLE
MAP & APPROVED BY CLERKSHIP: _____ (7810)		
ORDER NO.: 00000010 LWP/TH WARRANTY DEED		
FOR VALUE RECEIVED: BRADLEY J. JANICK AND LOUANN JANICK, husband and wife		
GRANTOR(S), does(she) hereby GRANT, BARGAIN, SELL and CONVEY unto MARTY GOLDMITH, a single man		
GRANTOR(S), whose current address is: 4550 W. STATE STREET, BOISE, ID 83705 the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:		
As set forth on the attached EXHIBIT "A" , which by this reference becomes a part hereof.		
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(she) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.		
Dated: January 02, 2001		
X <i>[Signature: Bradley J. Janick]</i> X <i>[Signature: Louann Janick]</i>		
STATE OF IDAHO } COUNTY OF ADA }		
On this 2nd day of JANUARY , in the year of 2001 , before me, the undersigned, a Notary Public in and for said State, personally appeared BRADLEY J. JANICK AND LOUANN JANICK		
known or identified to me 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.		
Signature: <i>[Signature: Tamara L. Novak]</i> Name: TAMARA L. NOVAK Residing at: EAGLE, ID My Commission Expires: 11/29/03		

ORDER NO. 00090010 LWF/TH

EXHIBIT "A"

A parcel of land located in the North Half of the Southeast Quarter of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter (East Quarter corner) of Section 26, Township 4 North, Range 1 West, Boise Meridian, the REAL POINT OF BEGINNING of this description; thence
South 0 degrees 25'24" West 250.00 feet along the East line of said Southeast Quarter to a point; thence
North 89 degrees 34'36" West 352.71 feet to a point; thence
South 0 degrees 26'24" West 700.50 feet to a point; thence
South 89 degrees 34'24" East 352.71 feet to a point on the East line of the Southeast Quarter; thence
South 0 degrees 25'24" West 368.33 feet to the Southeast corner of the North Half of the Southeast Quarter; thence
North 89 degrees 13'14" West 2,620.88 feet to the Southwest corner of the North Half of the Southeast Quarter; thence
North 0 degrees 17'38" East 1,322.12 feet to the center Quarter corner of said Section 26; thence
South 89 degrees 08'53" East 2,616.19 feet to the REAL POINT OF BEGINNING of this description.



96032363



PIONEER TITLE COMPANY
OF ADA COUNTY

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

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

ADA CO. RECORDER
J. DAVIE NAVARRO
BOISE ID

PIONEER TITLE

'96 APR 19 AM 10 48

FEE 3.00 DEP 0.40
RECORDED AT THE REQUEST OF

2007000851

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED **MARIE A. NELSON, TRUSTEE OF "THE MARIE A. NELSON FAMILY TRUST"**
DATED MARCH 29, 1989.

GRANTOR(s) does (do) hereby GRANT, BARGAIN, SELL and CONVEY unto **BRADLEY J. JANICEK AND LOUANN JANICEK, HUSBAND AND WIFE**

M.A.N. GRANTEE(S), whose current address is: 5606 N. Ten Mile Road, Meridian, Idaho 83642

the following described real proper y in Ada County, State of Idaho, more particularly described as follows, to wit:

North one-half of the Southeast Quarter of Section 26, Township 4 North, Range 1 West, Boise-Meridian, Ada County, Idaho.

Less and excepting the following described parcels, to-wit:

(1) Commencing at the Quarter Corner common to Sections 25 and 26, Township 4 North, Range 1 West, Boise Meridian, thence South 00°00'00" East 620.3 feet along the Section Line to the Real Point of Beginning; thence, continuing South 00°00'00" East 330 feet along the Section Line; thence, leaving the Section Line South 90°00'00" West 352.71 feet; thence, North 00°00'00" East 330 feet; thence North 90°00'00" East 352.71 feet to the Real Point of Beginning.

(2) A part of the Northeast Quarter of the Southeast Quarter, Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Quarter Corner common to Sections 25 and 26, Township 4 North, Range 1 West, Boise Meridian; thence, South 00°00'00" East 250.00 feet along the Section Line to the Real Point of Beginning; thence, continuing South 00°00'00" East 370.50 feet along the Section Line; thence, leaving the Section Line South 90°00'00" West 352.71 feet; thence, North 00°00'00" East 370.50 feet; thence, North 90°00'00" East 352.71 feet to the Real Point of Beginning.

To include all surface and subsurface rights, minerals, mineral rights, including, but not limited to, oil, gas, coal, and other hydrocarbons, all water rights, ditch rights, irrigation rights, and well rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated:

Marie A. Nelson, Trustee

ACKNOWLEDGMENT - Fiduciary/Official

STATE OF IDAHO, County of Ada, ss.



On this 12th day of April, in the year of 1996, before me Penny R. Combs, a notary public

personally appeared Marie A. Nelson, Trustee known or identified to me to be the person whose name is subscribed to the within instrument as Trustee and acknowledged to me that she executed the same as such

Trustee of The Marie A. Nelson Family Trust Dated March 29, 1989.

Notary Public: Penny R. Combs

Residing at: Meridian, Idaho

My Commission Expires: 05/04/00

this is the current

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. A63-02656B

OWNER CODE NAME & ADDRESS
C MARIE A NELSON
2558 S ELIZABETH ST APT 6
SALT LAKE CITY UT 84106
(801) 485-2937

PRIORITY DATE 01/06/1947
WATER USE IRRIGATION DOMESTIC
USE PERIOD FROM 03-15 11-15 TO 01-01 12-31
DIVERSION RATE 0.440 CFS
DIVERSION VOLUME 0.040 CFS
TOTAL DIVERSION: 0.440 CFS

C CATHERINE L NELSON
5555 N LINDER RD
MERIDIAN ID 83642
(208) 888-5610

Water Source: GROUNDWATER
Tributary to: NESE
Stage: LICENSE
ADA County

Point(s) of Diversion: T04N R01W S26

place of use Legal Description for: IRRIGATION															
NE				NW				SW				SE			
		NENE		NNWE		NNWN		NENW		NWSW		NWSE		SESE	
		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac	
T	R S	: Lt Ac		: Lt Ac		: Lt Ac		: Lt Ac		: Lt Ac		: Lt Ac		: Lt Ac	
04N	01W 26	: :		: :		: :		: :		: :		: :		: :	
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02656B
Date Received: 6/15/1992
Receipt No: W014888
Received By: EW 6/15/92

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARIE A NELSON 801-485-2937
Address: 2558 S ELIZABETH ST APT 6
SALT LAKE CITY UT 84106

AND/OR

Name: CATHERINE L NELSON 208-888-5610
Address: 5555 N LINDER RD
MERIDIAN ID 83642

2. Date of Priority: JAN 6, 1947

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	26	NE	SE			ADA

5. Description of diverting works:
ARTESIAN WELL AND PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.440		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ONE HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	26	NE	SE		IRR	35.0
			NW	SE		IRR	40.0
Section Acres							75.0
Total Acres							75.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
SETTLER'S IRRIG. DIST.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 19986

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: 0

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): X Catherine A. Nelson Date: X June 15, 1992
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of June 19 92

Kathleen A. Walker
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 2-14-1993

State of Idaho License and Certificate of Water Right

Water License No. 19986

Amount 0.5 second foot

Water District No.

Priority January 6, 1947

THIS IS TO CERTIFY that FRANK C. HUDSON of Route 1, Meridian, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated January 6, 1947; that Permit No. 19986 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second foot, was issued thereunder on October 23, 1947, showing that said works were completed on the 15th day of October, 1947, and that on the 24th day of November, 1947,

FRANK C. HUDSON of Meridian, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an artesian well, a tributary of for the purpose of irrigation, domestic and stock water, under Use Permit No. 19986 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4464 on the 18th day of March, 1949.

The right hereby confirmed dates from January 6, 1947.

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 26, Tp. 4 N., R. 1 W., B. M. Ada County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.5 cubic feet per second.

Description and location of use:

Twp	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	1 W.	26	NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			Number of Acres Actually Irrigated		80

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

10th day of March, 1949

MARY R. KULP

State Reclamation Engineer

(SEAL)

63 2651
MICROFILMED

APR 1 1949

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

RIGHT NUMBER: 63-2656B

NAME AND ADDRESS: LOCHSA FALLS LLC
4487 N DRESDEN PL STE 102
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS
193.500 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-2656B and 63-31861 shall not exceed 1.35 cfs, a total combined annual volume of 346.5 af for the irrigation of 77 acres.

PRIORITY DATE: 01/06/1947

POINT OF DIVERSION:

T04N R01W S26 SWNE Within ADA County

T04N R01W S26 SWNE Within ADA County

Right 63-31861 is also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.440 CFS
193.50 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:

IRRIGATION Within ADA County

T04N R01W S26 NENE 28.0

T04N R01W S26 NWNE 38.0

T04N R01W S26 SWNE 40.0

T04N R01W S26 SENE 39.0

T04N R01W S26 SENW 30.0

T04N R01W S26 NESE 35.0

T04N R01W S26 NWSE 40.0

250 ACRES TOTAL

The right holder shall cease irrigation of 32 acres previously authorized under this right, and consolidate use of water on the remaining 43 acres.

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: License

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

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by Transfer 71109 within one (1) year of the date of the approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of groundwater under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Idaho Department of Water Resources

T04N, R01W,
S26

Claim No: 63-2656B

Prepared By: Kimberly Brown

Date: May 25, 2005



Place of Use



Section Lines

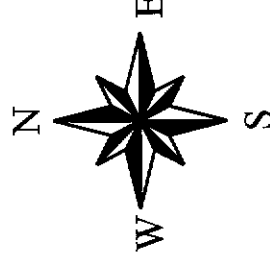


1/4 1/4



Point of Diversion

Acres Irrigated = 250



1987 NAPP



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2656B V1

WATER RIGHT NUMBER: 63-2656B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANK C HUDSON RT 1 MERIDIAN, ID 83642
Original Owner	CATHERINE L NELSON 5555 N LINDER RD MERIDIAN, ID 83642 (208)888-5610
Original Owner	MARIE A NELSON 2558 S ELIZABETH ST APT 6 SALT LAKE CITY, UT 84106 (801)485-2937
Current Owner	MARTY GOLDSMITH 4550 W STATE ST BOISE, ID 83703 (208)388-0189

Priority Date: 01/06/1947

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.440 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.440 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 26, Twp 04N, Rge 01W, 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	26																	35.0	40.0	75.0

Total Acres: 75

DOMESTIC same as IRRIGATIONConditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2656B V1

time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

2. W54 Use of this right is combined with water from Settlers Irrigation District.
3. X01 Domestic use is for 1 home.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. kbrown 10/9/2003 License Number
Comment: Water License #19986.

2. kbrown 10/9/2003 Parcel Number
Comment: Parcel #S0426427810.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2656A V1

WATER RIGHT NUMBER: 63-2656A V1

Owner Type Name and Address
 Current Owner SUSAN CALDWELL
 5375 N LINDER RD
 MERIDIAN, ID 83642
 (208)888-7997
 Current Owner DOUGLAS CALDWELL
 5375 N LINDER RD
 MERIDIAN, ID 83642
 (208)888-7997

Priority Date: 01/06/1947

Basis: License

Status: Active

Source

GROUND WATER

Beneficial Use

STOCKWATER

IRRIGATION

DOMESTIC

Location of Point(s) of Diversion

GROUND WATER

ADA County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SE	Totals
04N	01W	26	NE	NW	SE	

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01W	26	NE	NW	SW	SE	2.0

Total Acres: 2

DOMESTIC

Luke hart (South bottom)

11-12-03
~~Denise~~
 original = 80 ACRES

Lori H. suggests that Denise
 do a meets & bounds
 for Pioneer
 Title Co.

Warranty Deed
 (since it has
 an exception)

2656A 2 ACRES 2656B 75 ACRES

*Should be a C-split?

= 3 ACRES unaccounted
 for (belonging to
 North parcel = Catherine
 Nelson)

10-9-03

sent message
 to Danni Smith
 re: 2nd Round
 Notice for 3AC.

Totals

2.0

2.8 AC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2656A V1

WATER RIGHT NUMBER: 63-2656A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN CALDWELL 5375 N LINDER RD MERIDIAN, ID 83642 (208)888-7997
Current Owner	DOUGLAS CALDWELL 5375 N LINDER RD MERIDIAN, ID 83642 (208)888-7997

Luke hart (South bottom)

Priority Date: 01/06/1947

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/15 to 11/15	0.060 CFS	
DOMESTIC	01/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 26, Twp 04N, Rge 01W, B.M.
ADA County		

Place of Use

STOCKWATER

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 26													X				

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 26													2.0				2.0

Total Acres: 2
DOMESTIC

2.8 AC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2656A V1

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	26													X				

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. X01 Domestic use is for 1 home.
3. X02 Stockwater use is for 5 range cattle, goats, and chickens.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

10/09/2003

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

RIGHT NUMBER: 63-2656B

NAME AND ADDRESS: MARTY GOLDSMITH
4550 W STATE ST
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS

PRIORITY DATE: 01/06/1947

POINT OF DIVERSION:

T04N R01W S26 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.440 CFS
DOMESTIC	01/01 12/31	0.040 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S26 NESE 35.0

T04N R01W S26 NWSE 40.0

DOMESTIC same as IRRIGATION

75 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

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

Field Exam Date 10.8.03

(in office)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-2656B

Owner: Marty Goldsmith Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address 2002 Tax Lot information: 4487 N. Dresden Place,
Ste. 102
- ☐ NEW ADDRESS
- ☐ How long owned property? Boise, ID 83714

Accompanied by: N/A

PRIORITY DATE

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

Priority date, per claimant, is: _____

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

Source: _____ Tributary to _____

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

See attached B.O.R. Report of Engineer.

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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

WATER USES☒ No change☐ Different Uses

*Season of use is 3/1 to 11/15 per new IDWR standard.
See shoulder remark.*

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

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

Delivery System Narrative: See attached B.O.R. Report of Engineer.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS (OVER)

Domestic use is for 1 home.

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

Season of use is 3/1 to 11/15.

Parcel # 804 264 278 10.

Water Right license No. 19986.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 10.9.03 (in office)

FIELD EXAMINER: Kimberly Brown

$.5 \text{ cfs} \div 80 \text{ AC} =$
 $.00625$

~~XXXXXXXXXXXX~~

#888-15610

$(10.8.03)$
LMOM

Catherine Nelson - 2.788 acres

5555 N. Linder Rd.

4N 1W Sec. 26
NESE

0.0125
 $= 0.01$

Parcel # S0426417200 2 acres

63-2656B

formerly Catherine & Marie Nelson

Marty Goldsmith

4487 N. Dresden Pl. Sec. 102

73.163 acres

Dresden

75 acres

W.R.

claim
 0.46875
 $= 0.47$

Parcel # S0426427810

63-2656A

formerly Douglas & Susan Aldwell

Lukehart, Ben W.

- 2.788 acres

5375 N. Linder Rd.

W.R.
claim

0.01875
 $= 0.02$

Parcel # S0426417220

$.06 \text{ cfs}$

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8518 V1

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Brown, Kimberly

From: Brown, Kimberly
Sent: Thursday, October 09, 2003 2:29 PM
To: Smith, Danni
Subject: SECOND ROUND NOTICE

Dear Danni,

Jan suggested that I send you this information concerning Water Right Nos. 63-2656A & B. I'm not sure what specific information you need, but based on my investigation, there are 3 acres that are unaccounted for since the original license (#19986) is for 80 acres and the A portion claimed 2 acres and the B claimed 75 acres. According to 2002 Ada County Tax Lot information, the 3 unaccounted-for acres belong to:

Catherine Nelson
5555 N. Linder Rd.
Meridian, ID 83642

#(208) 888-5610

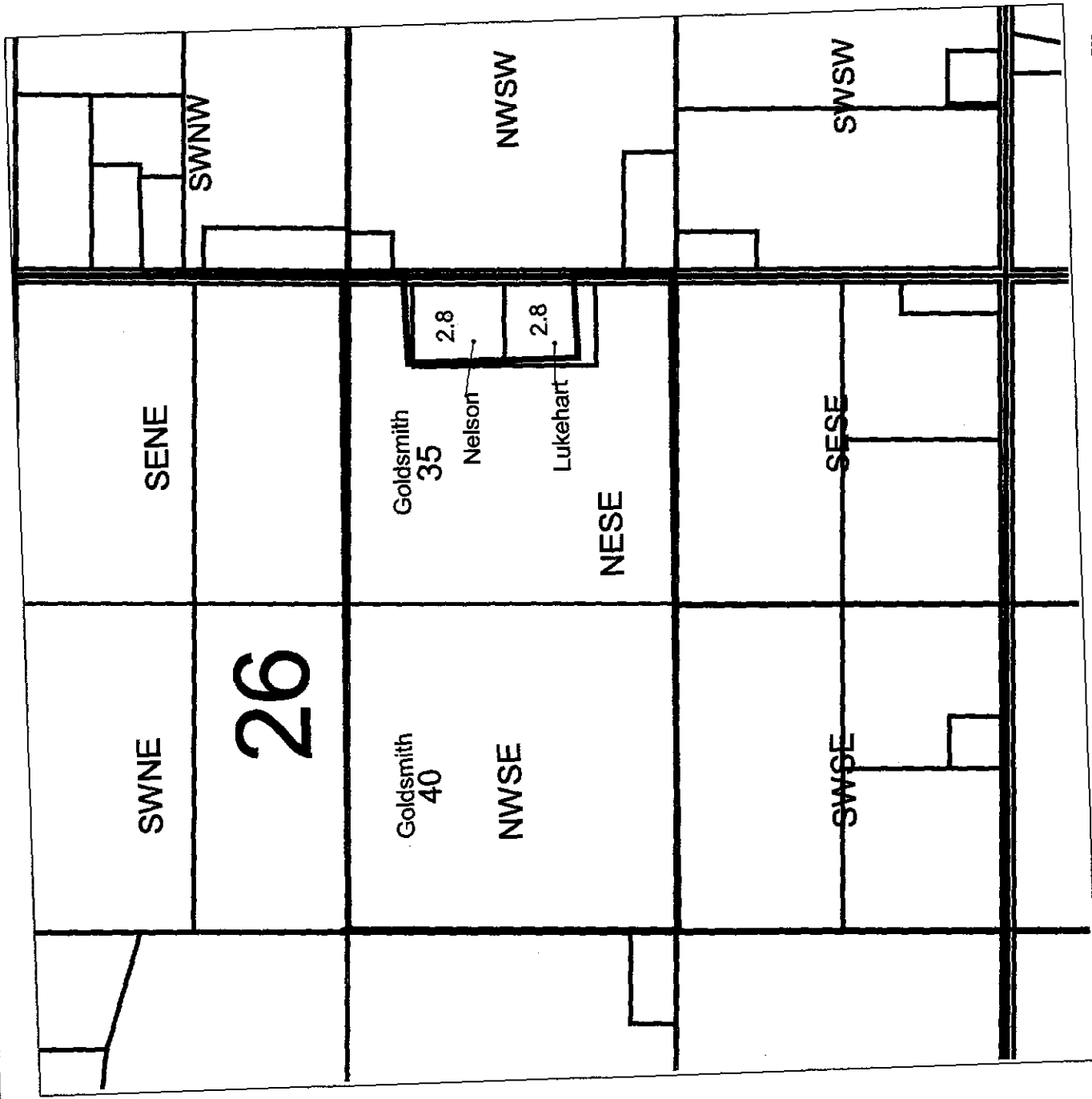
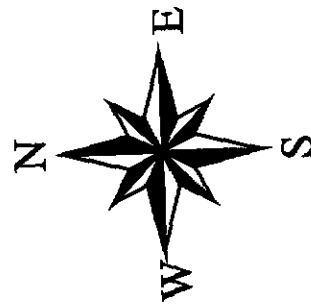
Please let me know if you require any additional information.

Kimberly Brown
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Phone: 208.334.2348

63-2656B

4N 1W

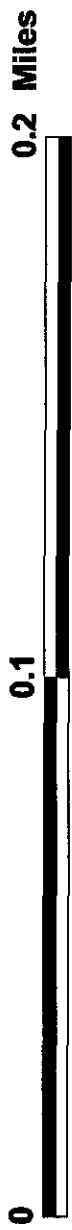
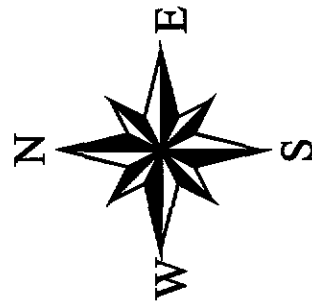
- ☐ Metes & Bounds
- ☐ Section Line
- ☐ QQ Line
- ☐ Tax Lot Data



63-2656B

4N 1W

- ☐ Metes & Bounds
- ☐ Section Line
- ☐ QQ Line
- ☐



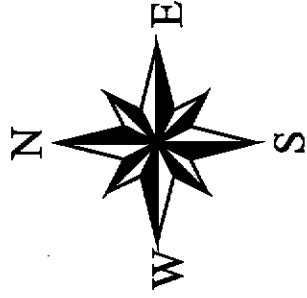
Idaho Department of Water Resources

**T04N, R01W,
S26**

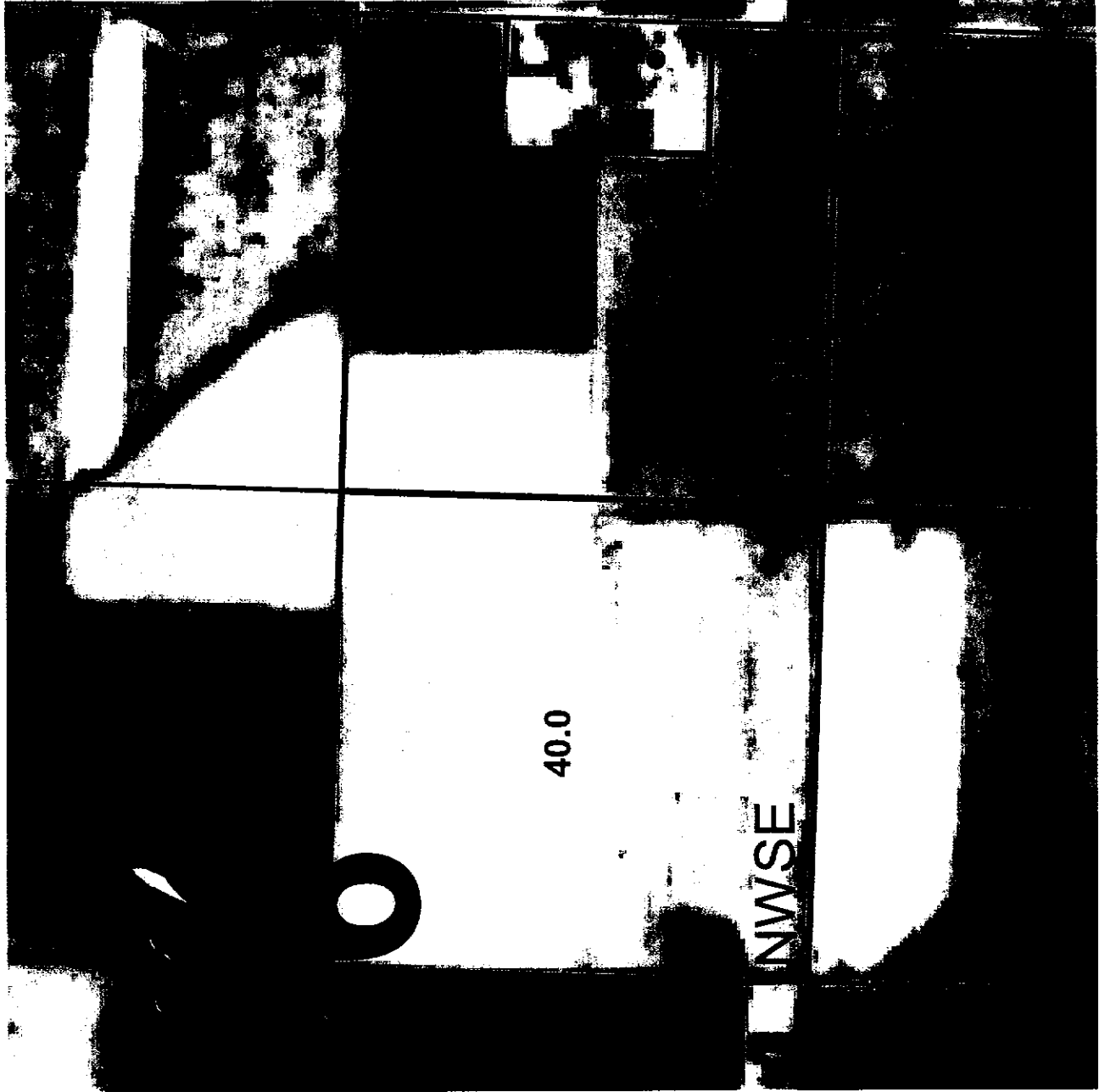
Claim No: 63-02656B
Prepared By: Kimberly Brown
Date: October 8, 2003

- Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ 1/4 1/4

Acres Irrigated = 75.0



1987 NAPP



Idaho Department of Water Resources

T04N, R01W,
S26

Claim No: 63-02656B
Prepared By: Kimberly Brown
Date: September 9, 2004

● Point of Diversion



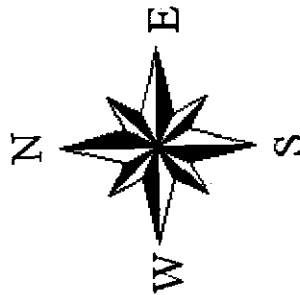
Place of Use



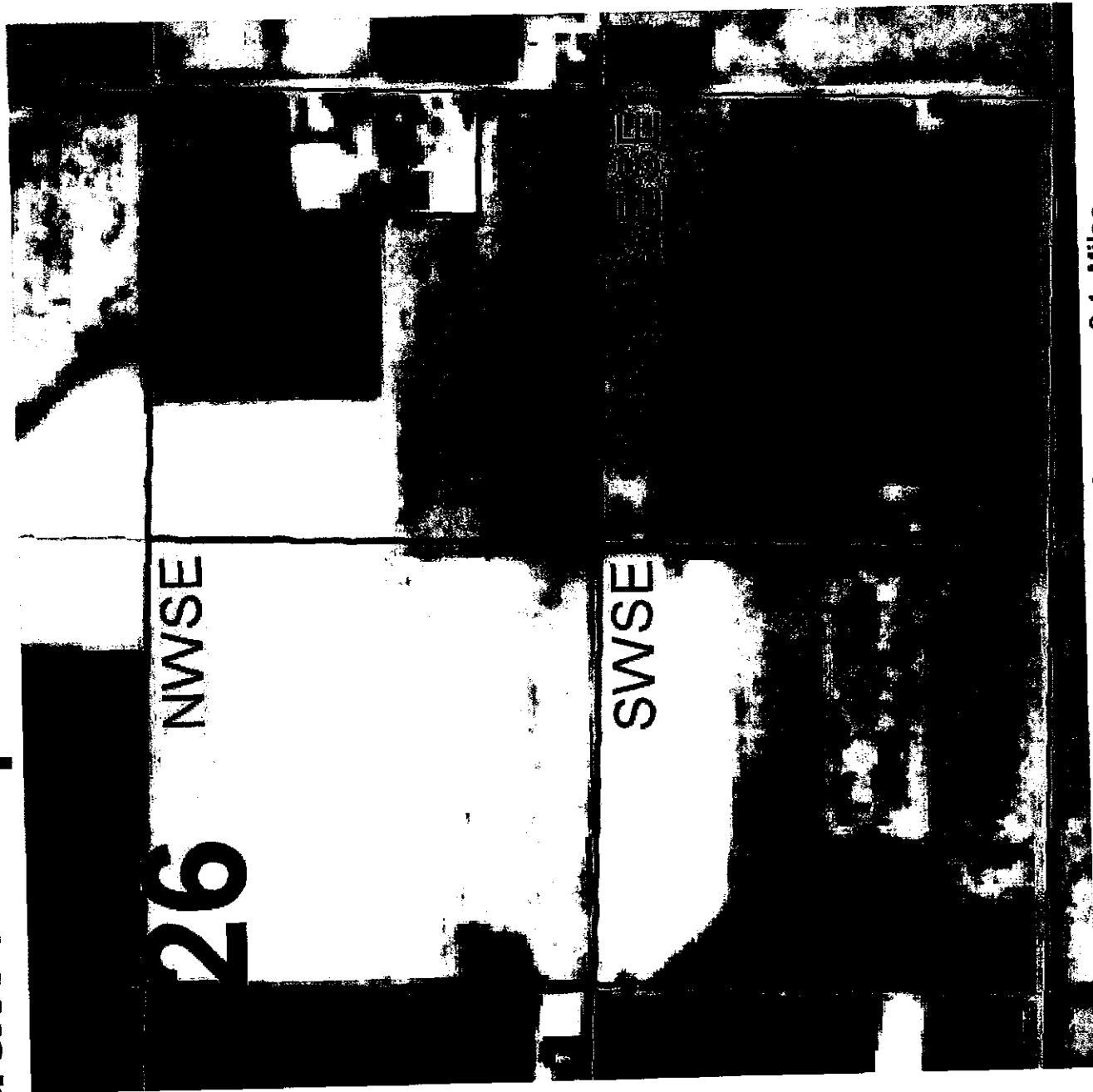
Section Lines



1/4 1/4



1987 NAPP

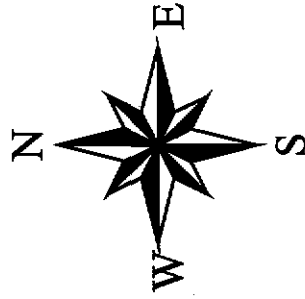


Idaho Department of Water Resources

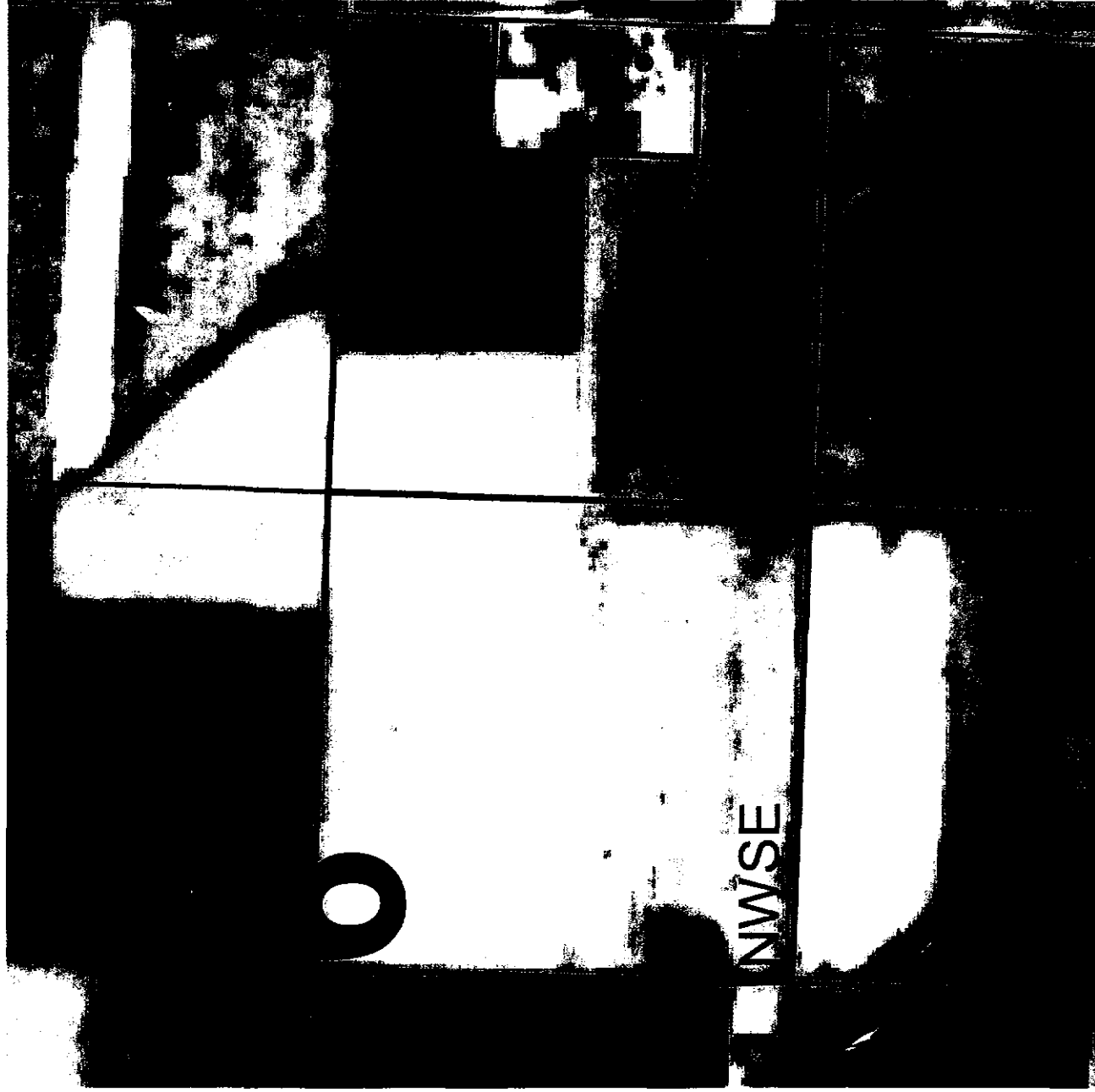
**T04N, R01W,
S26**

Claim No: 63-02656B
Prepared By: Kimberly Brown
Date: October 9, 2003

- Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ 1/4 1/4



1987 NAPP



0 0.1 0.2 0.3 0.4 Miles

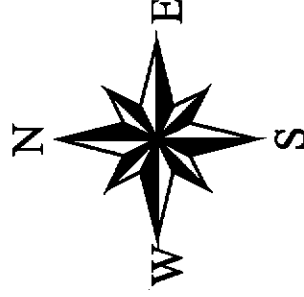


Idaho Department of Water Resources

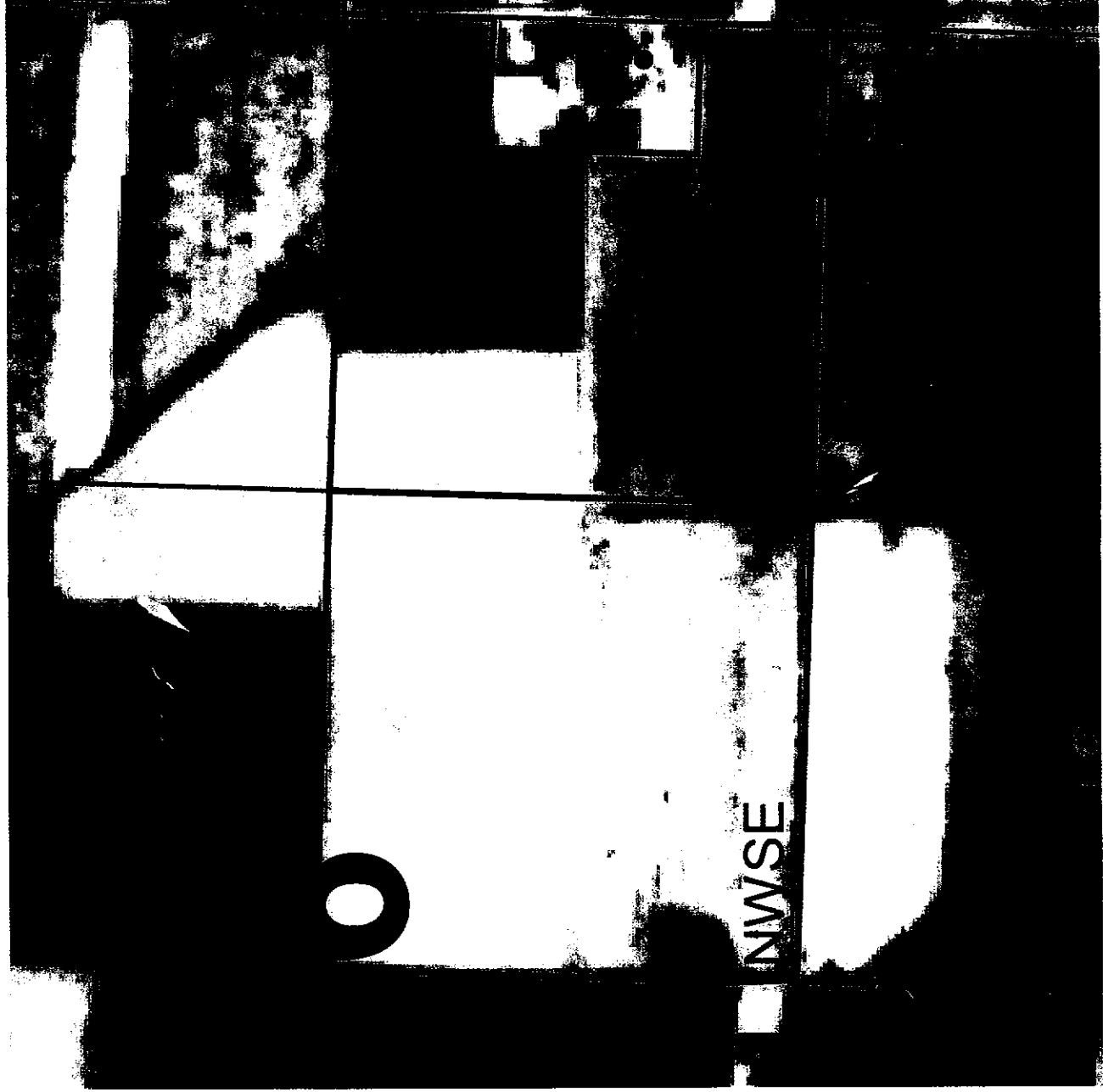
**T04N, R01W,
S26**

Claim No: 63-02656B
Prepared By: Kimberly Brown
Date: October 9, 2003

- Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ 1/4 1/4



1987 NAPP



0 0.1 0.2 0.3 0.4 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2656B

WATER RIGHT NUMBER: 63-2656B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANK C HUDSON ✓ RT 1 MERIDIAN, ID 83642
Original Owner	CATHERINE L NELSON 5555 N LINDER RD MERIDIAN, ID 83642 (208)888-5610
Original Owner	MARIE A NELSON 2558 S ELIZABETH ST APT 6 SALT LAKE CITY, UT 84106 (801)485-2937
Current Owner	MARTY GOLDSMITH ✓ 4550 W STATE ST BOISE, ID 83703 (208)388-0189

2002 Tax lot information:

Marty Goldsmith
4487 N. Dresden Pl., Ste. 102
Boise, ID 83714

Priority Date: 01/06/1947 ✓
Basis: License ✓
Status: Active

Source
GROUND WATER ✓

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/15 to 11/15 ✓	0.440 CFS	
DOMESTIC ✓	01/01 to 12/31 ✓	0.040 CFS	
<u>Total Diversion:</u>		0.440 CFS	

Location of Point(s) of Diversion

GROUND WATER
ADA County ✓

NE1/4SE1/4 ✓

Sec. 26, Twp 04N, Rge 01W, B.M. ✓

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	26													35.0	40.0			75.0
															✓	✓			

Total Acres: 75

DOMESTIC same as IRRIGATION

ADD X01 - Domestic use is for 1 home.

Conditions of Approval:

ADD W54 - Use combined with Settlers Irr. Dist.

Remarks:

ADD 304 - Seas. of use is 3/1 to 11/15.

3 acres are unaccounted for

Parcel # 30426427810.

Water license No. 19986

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2656B

1. Ownership changed by DB 8/9/2001

Comments:

Dates and Other Information:

Claim Received Date: 6/15/1992
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Permit No. 19986STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

ss.

Frank C. Hudson, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 19986, and that his postoffice address is Meridian, Et. #1State of Idaho

Second: That the name of the stream which said water is to be directed is

SubterraneanThird: That the point of diversion of said water is NE 1/4, SE 1/4, Sec. 26, T. 4 N. R. 1 W.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan. 10, 1948.Fifth: That the use for which said water is intended is Irrigation, domestic, stockSixth: That on the date above mentioned, the works constructed under said permit were ~~(or were not)~~ fully completed and consisted of the following:I. Kind of works: Six inch cased well 1000 feet deep, artesian
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam.....feet, length of dam at top.....feet, length of dam at bottom.....feet. Material used in construction.....

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir.....acre feet.

(c) Size of headgate: Width.....feet, height.....feet.

(d) Conduit ditch width at bottom 2' feet, width at water line 4'
(State whether ditch, flume or pipe)feet, depth of water 1 feet; diameter of pipe.....inches, average grade per mile is.....feet. Length of conduit is.....miles.

Seventh: That said works are capable of conducting to the place of intended use.....

X 1 second feet of water.Eighth: That water appropriated under said permit is available for 80 acres of land described as follows: NE 1/4, Sec. 26, Twp. 4 North, Range 1 West, Boise MeridianNinth: Remarks: That water is a supplemental supply and is used also for household and stock water.Frank C. Hudson
(Sign Here)Subscribed and sworn to before me this 15 day of October, 1947My commission expires 1-1-48

Notary Public.

1986

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 24 day of November, 1947
at Meridian, County of Ada, State of Idaho, before
Arthur Frazier, a Notary Public, proof will be submitted of the
application to beneficial use of 1.0 cubic feet per second of the waters of Subterranean Flow,
By Artesian Well, in accordance with the terms and conditions of Permit No. 19986
heretofore issued by the Department of Reclamation, of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Frank C. Hudson, Meridian Rt. 11, Idaho,

The use to which said water has been applied is Irrigation, Domestic & Stock Watering.

The amount applied to beneficial use is 1.0

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) N $\frac{1}{2}$ ME $\frac{1}{2}$ Section 28 Twp. 4.N. Rge 1.W.BM.

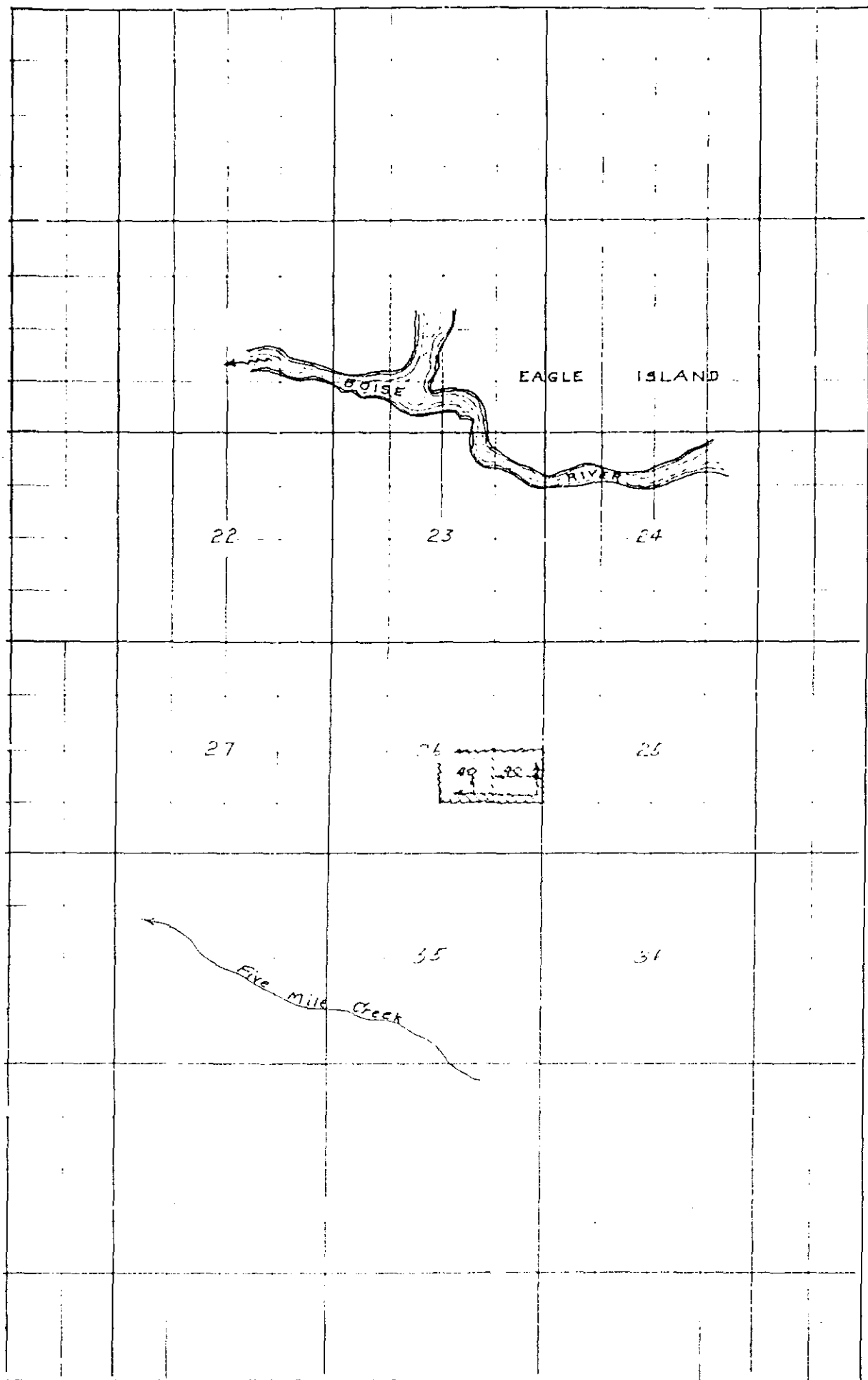
The name of the canal or ditch or other works by which said water is conducted to such place of
Private ditches.

to take water from such works is based upon Permit No. 19986

source of supply from which such water is diverted is Subterranean Flow,

The date of priority which said user is prepared to establish is January 1, 1947

MARK W. SMITH,
State Reclamation Engineer



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 1928

This proof is for Beneficial use

In Water District No.

1. Name of applicant: Frank C. Huisen, Route 1, Meridian, Idaho
2. Source of water supply: Artesian well (subterranean)
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26
T. 4 N. R. 1 E. County of Ada
4. Describe works as they exist, giving dimensions and capacities of same: An Artesian Well drilled 1000 ft feet deep 1.6 inch diameter. The casing is perforated 200 feet in the bottom section; Well discharges into lateral ditch at grade.
5. Water is used for: Irrigation, domestic and stock watering purposes
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 4 North, Range 1 West, E.M.

(Submit map on attached plat, showing location and details of above description)

B. What large stream would the water here appropriated finally reach? None

Remarks: This water is supplemental to other supply.

This examination was made on the

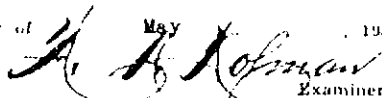
24th.

day of

May

1928

(Signed)


Examiner

19986

TOWNSHIP - 4 NORTH

RANGE - 1 WEST

25

25

P - POINT OF DIVERSION - FLOWING WELL

Permit Map No. 190805

As Approved

W. R. KULP

Commissioner of Water

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 10/07/03
Time: 15:46:06

Rec/No - W014888 AR/No -
From: - NELSON, CATHERINE

Receipt Type - CK Doc/No - 669
Remarks -

REFUNDED 50.00

Receipt Date: 06/15/1992

Type Of Payment
ADJUDICATION FEE
LATE FEE

Fund	FD	PCA	Obj	Subsid	Fee
337		41503	1155		50.00
337		41503	1155		~~50.00~~

(refunded)

Total Due -

~~100.00~~

50.00

WR/No WR Fee
A6302656B 50.00

WR/No

WR Fee

WR/No

WR Fee

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)



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 9, 2001

MARTY GOLDSMITH
4550 W STATE ST
BOISE ID 83703

Re: Notice of Claim to a Water Right No. 63-2656B

Dear Claimant(s):

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

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 21, 1992

Catherine L. Nelson
5555 N. Linder Rd.
Meridian, ID 83642

RE: Snake River Basin Adjudication (SRBA)
Ada County - Notice of Claim #A63-025656B

Dear Ms. Nelson:

Your Request for Extension of Time was granted, and the late fees you paid on the above-referenced claim will be refunded. The refund process has been initiated with the State Auditor's Office. You should receive your check in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:ref

MICROFILMED

JUL 25 1994

REFUND REQUEST

SUBMITTED TO AUDITOR

ON 7-21-92 RECEIVED

TO: S. Frazee to Log In
FOR: J. Carlson/D. Shaff/D. Allen
FROM: Kay Walker 7/9/92

JUL 10 1992

RE: Payor Catherine L. Nelson

Address 5555 N. Linder Rd.
Meridian, ID 83642

Department of Water Resources

Claimant if NOT Payor _____

Refund Amount \$ 50.00

Claim Location Western

Extension Filed? (Y) N NA

Copy Attached? (Y) N NA

Late Fees Paid? (Y) N NA

On Receipt # W014888

S.O. Verified Ext. by _____ on _____

Refund Generated By (X) Agent () Claimant

Refund Category late fee not req'd.

Date of Last Correspondence (copy attached) N/A

Claim No.	Use	Fees Paid	Correct # Fee	Rec't #
<u>A63-02656B</u>	<u>Irrig.</u>	<u>\$100.00</u>	<u>\$50.00</u>	<u>W014888 6-92</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Detailed Reason(s) for Refund Attached Y/N

Approved Extension of Time - No Late Fee Req'd.

Region Adj. Supervisor Approval [Signature]

John Carlson Approval _____

Don Shaff Approval [Signature]

Hold _____ To Fiscal 07-18-92

Not Refunded as of 7-8-92

Logged 07-13-92

Data Base Modified? Y/N (NA) By [Signature]

Date 07-08-92

MICROFILMED

05/01/91

JUL 25 1994

REFUND REQUEST

TO: S. Frazee to Log In
 FOR: J. Carlson/D. Shaff/D. Allen
 FROM: Kay Walker 7/9/92
 RE: Payor Catherine L. Nelson
 Address 5555 N. Linder Rd.
Meridian, ID 83642

Claimant if NOT Payor _____
 Refund Amount \$ 50.00 Claim Location Western
 Extension Filed? ☒ Y ☐ N NA Copy Attached? ☒ Y ☐ N NA
 Late Fees Paid? ☒ Y ☐ N NA On Receipt # W014888
 S.O. Verified Ext. by _____ on _____
 Refund Generated By ☒ Agent ☐ () Claimant
 Refund Category late fee not req'd.
 Date of Last Correspondence (copy attached) N/A

Claim No.	Use	Fees Paid	Correct Fee	Rec't #
<u>A63-02656B</u>	<u>Irrig.</u>	<u>\$100.00</u>	<u>\$50.00</u>	<u>W014888</u>

Detailed Reason(s) for Refund Attached Y/N _____
Approved Extension of Time - No Late Fee
Req'd.

Region Adj. Supervisor Approval _____ John Carlson Approval _____
 Don Shaff Approval _____ Hold _____ To Fiscal _____
 Not Refunded as of _____ Logged _____
 Data Base Modified? Y/N NA By _____ Date _____

05/01/91

MICROFILMED

AUG 18 1992

Date Received

June 15, 1992

Approved

**State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

JUN 15 1992

Department of Water Resources

Western Regional Office

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Name of Claimant Catherine L. Nelson (208) 988-5610
Phone Number
Mailing Address 5555 N. Linder Rd Meridian Id 83642
City State Zip
County(s) where place of use is located Ada Date claim originally due September 8, 1989
Identify water right(s) for which extension is requested A63-02656B

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

My mother Marie A. Nelson owns the 74.14 acreage - but is an out of state resident. I'm sure she didn't know the importance of registering the water right for the acreage. The house had been sold and when Mr. Anderson went bankrupt we purchased it in April 1991. I bought it from

Claimant requests an extension to June 15, 19 92

Signature Catherine L. Nelson Date of request June 15, 19 92

Title Owner

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to June 15, 19 92
Signed this 22 day of June, 19 92

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

AUG 18 1992

my mother in August 1991. I moved here
from Virginia and was unaware until 2
weeks ago that the water rights needed to
be registered.

MICROFILMED

AUG 18 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 4, 1992

RE: Water Right No. 63-02656

Catherine Nelson
5555 N. Linder Rd.
Meridian, ID 83642

Dear Ms. Nelson:

In a review of the legal descriptions located on the exhibits attached to your well agreement, I found a water right for the well which you share with the Caldwells. This water right covered the irrigation of 80 acres, stockwater and domestic uses. Enclosed is a water right proof reading report which describes the water right as it is recorded.

I also checked our Snake River Basin Adjudication data base for claims that should have been filed on this water right. I have found that the Caldwells have filed a claim for their portion of water from this well, but you have not filed a claim for the remainder of the right. You should file a claim for the portion of this right that belongs to you. I have enclosed a copy of the claim which was filed by the Caldwells, for your information.

It appears to me that you should file a claim for the remaining 78 acres of irrigation, if that land is still being irrigated. If you would like to come into our office we can assist you in filing your claim. I will be in and out of the office this summer, so you may want to call and schedule an appointment with me, or come in and see another adjudication agent. If the remainder of the licensed water right is not claimed in the adjudication process, that portion of the license may be forfeited.

I am returning your well agreement and attachments to you. Please bring these documents with you when you come in. If you have any questions in regard to this, please feel free to contact me.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

MICROFILMED

AUG 18 1992

*will be in
on Monday
at 12:30 to
file claim
63-02656B
KW
6/12/92*

RECEIVED
JUN - 4 1992

Department of Water Resources
Western Regional Office

June 3, 1992

Ms. Kay Walker
State of Idaho Water Resources
Western Division
2735 Airport Way
Boise, Idaho 83705

Dear Ms. Walker:

Per our telephone conversation, would you please research who has the water rights to the well located at 5555 and 5375 N. Linder Road. I have enclosed a copy of the current well agreement which contains a legal description of the well. - *Exhibit A*

63-02656
My father purchased the 80 acre farm containing the well in 1975. My mother inherited the farm in 1980 when he passed away. My mother sold the small farm house with 2.8 acres about 4 years ago and I am buying the large house with 3 acres from her. We still own the 75 acre farm. In addition to who owns the water rights to the well, could you please tell me if there have been any permits or licenses issued for it.

we repassed the house from Amidons.

Thank you very much for your help.

Sincerely,

Catherine Nelson
Catherine Nelson
5555 N. Linder Road
Meridian, Idaho 83642

Off. Tel.: 336-3202
Home Tel.: 888-5610

MICROFILMED

AUG 18 1992

MEMORANDUM

TO: Transfer File No. 71109

FROM: Lori Graves

DATE: 3/11/04

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes changing the place of use for right 63-2656B and a portion of right 63-11199 to allow supplemental ground water irrigation of non-domestic areas in Lochsa Falls Subdivision from two proposed wells. Supplemental ground water irrigation associated with the domestic lots is covered on accompanying application no. 63-31859.

The site is located southwest of Chinden Blvd and Linder Road.

Contact person for the applicant is Terry Scanlan.

Authority to File: Proof of ownership for the 250-acre proposed ppu is attached to the transfer application. Proof includes (1) a quitclaim deed to Lochsa Falls from Farwest for 184 acres within the proposed ppu, which includes all of right 63-2656B (attachment A), and (2) a warranty deed from the Leroy Brandt Family LLP to Marty Goldsmith for the other 66 acres of land within the proposed ppu associated with the portion of right 63-11199 (attachment B).

Ada County tax records show the 184 acres listed in attachment A are under the ownership of Marty Goldsmith, who is an active member of Lochsa Falls, LLC. However, the quitclaim deed for that property is from Farwest LLC to Lochsa Falls LLC. After researching the Secretary of State's website for business entities, Marty Goldsmith appears to be the director of Farwest Development Inc.

Water Right Validity: Right 63-2656B is presumed to be valid based on pending SRBA recommendation. Right 63-11199 is presumed to be valid. SRBA is not applicable to this right developed after 1987. Recent beneficial use was confirmed via dated item 2000 arc view photo.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No change in nature of use has been proposed.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.

Additional Information: The application was originally filed for 105 acres irrigation within a 250 acre ppu. This included some of the 96 acres of domestic lawn area proposed at one inch per acre on the original accompanying application for permit. 139 total acres irrigation were proposed within the ppu (96 acres of lawns and 43 acres of common area). The original transfer application also left 34 acres, listed on water right 63-11199 in the NWNE, without a home. The applicant purchased the acres because they were appurtenant to the ppu area, but did not include them in the ppu because the proposed irrigated lands were covered at one inch per acre via the 1.92 cfs listed on the application and .86 cfs proposed for transfer. As a result, applicant left the 34 acres listed on the unchanged portion (Brandt's retained acres) of water right 63-11199 in the NWNE. After consulting with Jeff Peppersack, applicants and their consultant amended the transfer and limited irrigation to 43 acres within the ppu to eliminate the groundwater overlap with the 96 acres of lawns proposed on the accompanying application for permit. A plat map (attachment C) was submitted to identify the 43 acres of non-domestic area. Also submitted was the attached water bank application for the 34 acres in the NWNE that applicants purchased from Brandt but are currently not needed for irrigation. The 34 water bank acres are identified on page 6 of the transfer for clarification purposes. The transfer was then amended again to list two proposed wells on Lochsa property rather than one proposed well on another's property, where Lochsa had an easement. The application for permit was also amended to list the p/d change and account for 686 lots with an irrigated area of 7000 square feet/lot rather than 700 lots at 6000 square feet/lot as originally filed. Now, 153 total acres irrigation are proposed within the ppu (110 acres of lawns and 43 acres common area).

After consulting with Pam Skaggs on 8/16/04, the 34 acres in the NWNE to be placed in the water bank are to be included on the transferred portion (63-31861) of water right 63-11199. The total amounts listed on right 63-31861 are designated as follows:

.42 cfs	135 afa	30 acres	= amount used for irrigation of common areas
<u>.49 cfs</u>	<u>153 afa</u>	<u>34 acres</u>	= amount submitted to the water bank
.91 cfs	288 afa	64 acres	= total amount listed on right

Rights 63-31861 and 63-2656B, when combined, are limited to 77 total acres, which includes 43 overlapping acres and 34 non-overlapping acres under right 63-31861 to be enrolled in the water bank. Upon approval of the attached water bank application, a condition will be included on right 63-31861 specifying the amounts of the right designated to the water bank.

Applicants were not found registered as a business entity with the Secretary of State. After notification, this issue was resolved and applicants now appear registered. Traci Irvin, Lochsa Falls LLC, submitted a letter to the file dated 3/1/04, which explained the error and confirmed the correction.

Discussion: The ground water is supplemental to Settlers Irrigation District. According to Terry Scanlan, the Settlers water will be delivered through a pressurized irrigation system. Supplemental ground water application no. 63-11941 filed by LJ Ranches in 1992 overlaps the N ½, S26. This right is subject to basin 63 processing hold. Internal domestic use is provided by United Water. No other rights are used.

Domestic use was originally listed on right 63-2656B. Applicants chose not to carry this use forward on the transfer.

9/9/04 update: The domestic use that applicants chose not to carry forward should never have been claimed or recommended under 63-2656B. The domestic use is actually appurtenant to the original home place represented by 63-2656A and is being recommended for decree as part of that claim (per SRBA agent Kimberly Brown).

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2656B V1

WATER RIGHT NUMBER: 63-2656B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANK C HUDSON RT 1 MERIDIAN, ID 83642
Original Owner	CATHERINE L NELSON 5555 N LINDER RD MERIDIAN, ID 83642 (208)888-5610
Original Owner	MARIE A NELSON 2558 S ELIZABETH ST APT 6 SALT LAKE CITY, UT 84106 (801)485-2937
Original Owner	MARTY GOLDSMITH 4550 W STATE ST BOISE, ID 83703 (208)388-0189
Current Owner	LOCHSA FALLS LLC 4487 N DRESDEN PL STE 102 BOISE, ID 83714 (208)388-0189

Priority Date: 01/06/1947

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.440 CFS	193.50 AF
	<u>Total Diversion:</u>	0.440 CFS	193.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 26, Twp 04N, Rge 01W, B.M.
ADA County		
GROUND WATER	SW1/4NE1/4	Sec. 26, Twp 04N, Rge 01W, 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	26	28.0	38.0	40.0	39.0				30.0					35.0	40.0			250.0

Total Acres: 250

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2656B V1

Water Supply Bank: