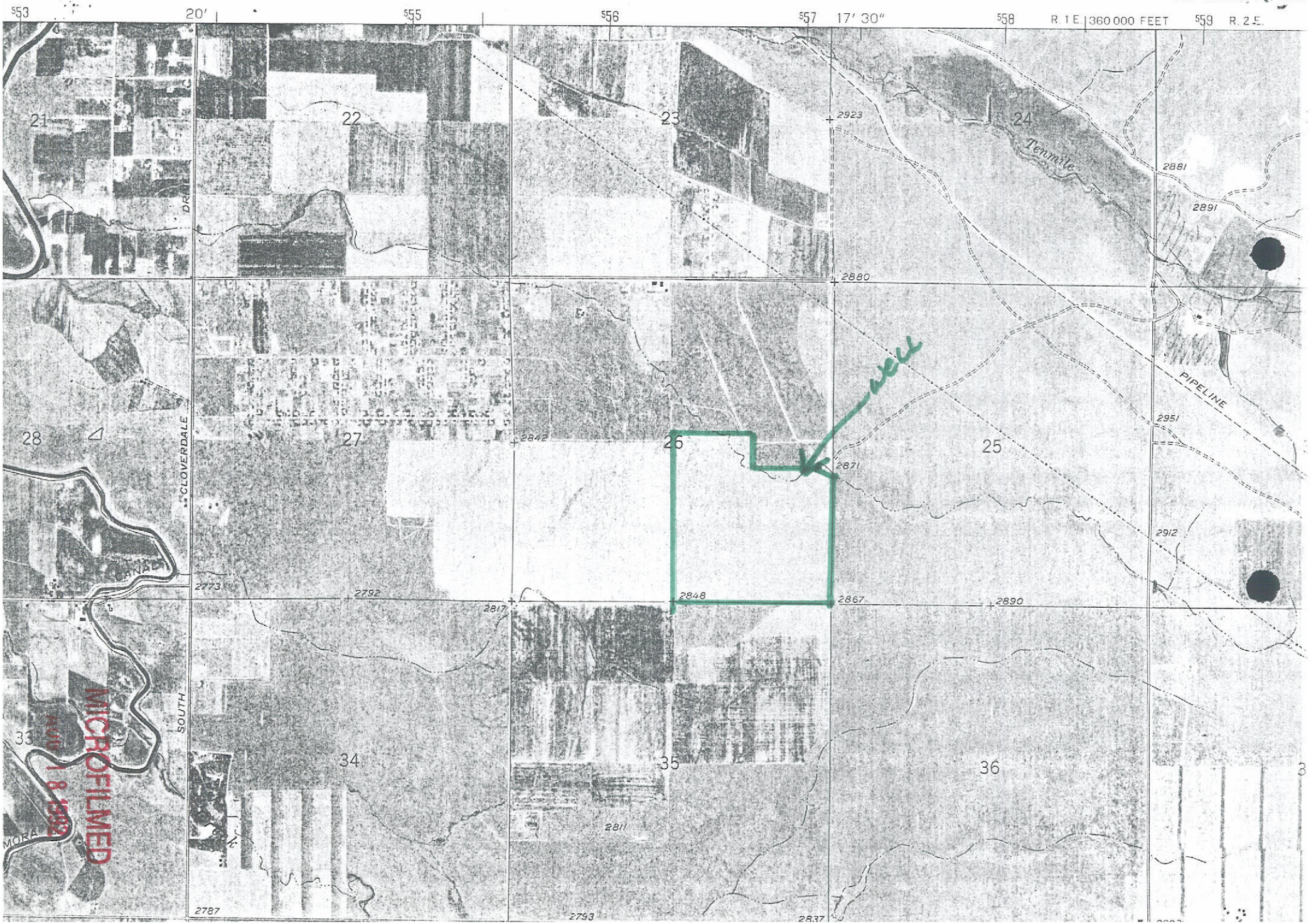
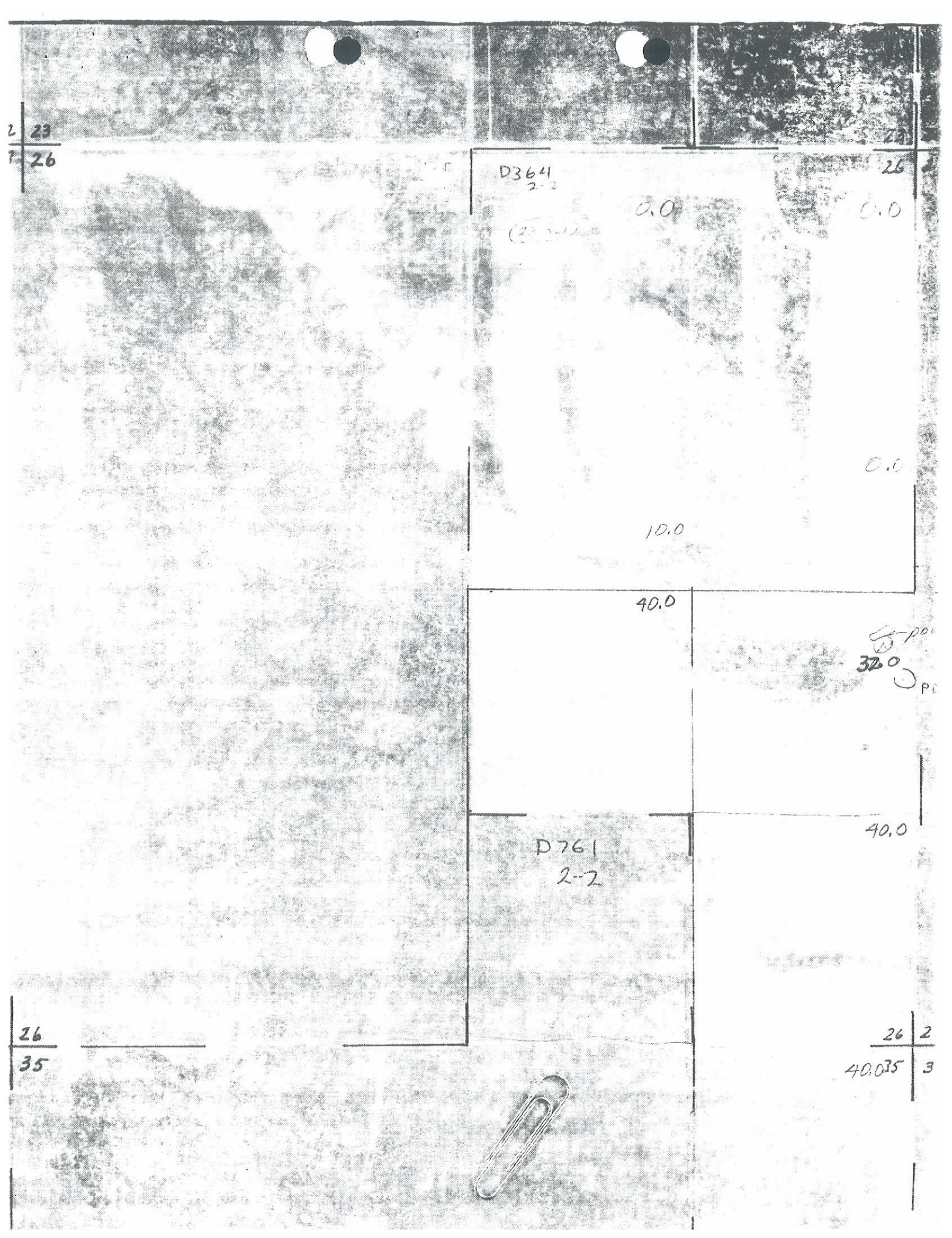

MORA
7.5-MINUTE SE
553
20'
555
556
557 17' 30"
558
R. 1 E.
360 000 FEET
559
R. 2 E.
21
22
23
24
2923
Tenmile
2881
2891
2880
28
27
26
25
well
PIPELINE
2951
2842
2871
CLOVERDALE
CANAL
2912
2773
2792
2817
2848
2867
2890
33
34
35
36
SOUTH
MORA
2811
2787
2793
2837
MICROFILMED
AUG 1 8 1992


23
26
D3641
2-2
26
0.0
0.0
0.0
10.0
40.0
320
40.0
D761
2-2
26
35
26
40.035

D364

A-1E

D761

2-2

(238D)

(360D)

26

35

26

40.0 35 3

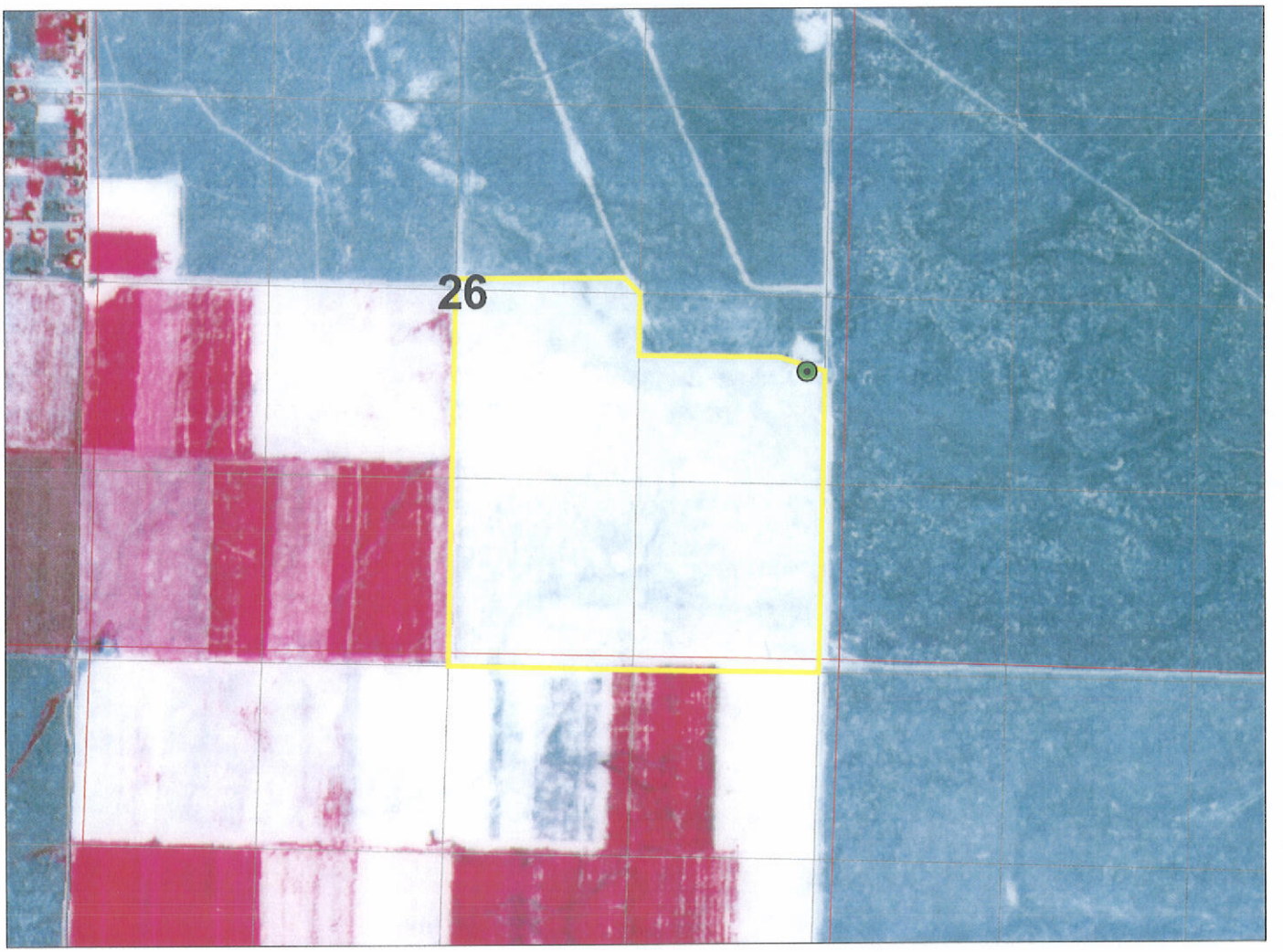
4 35

2

35 3

Idaho Department of Water Resources

Place of Use Layout
63-3221



0 0.25 0.5 Miles

N
W E
S

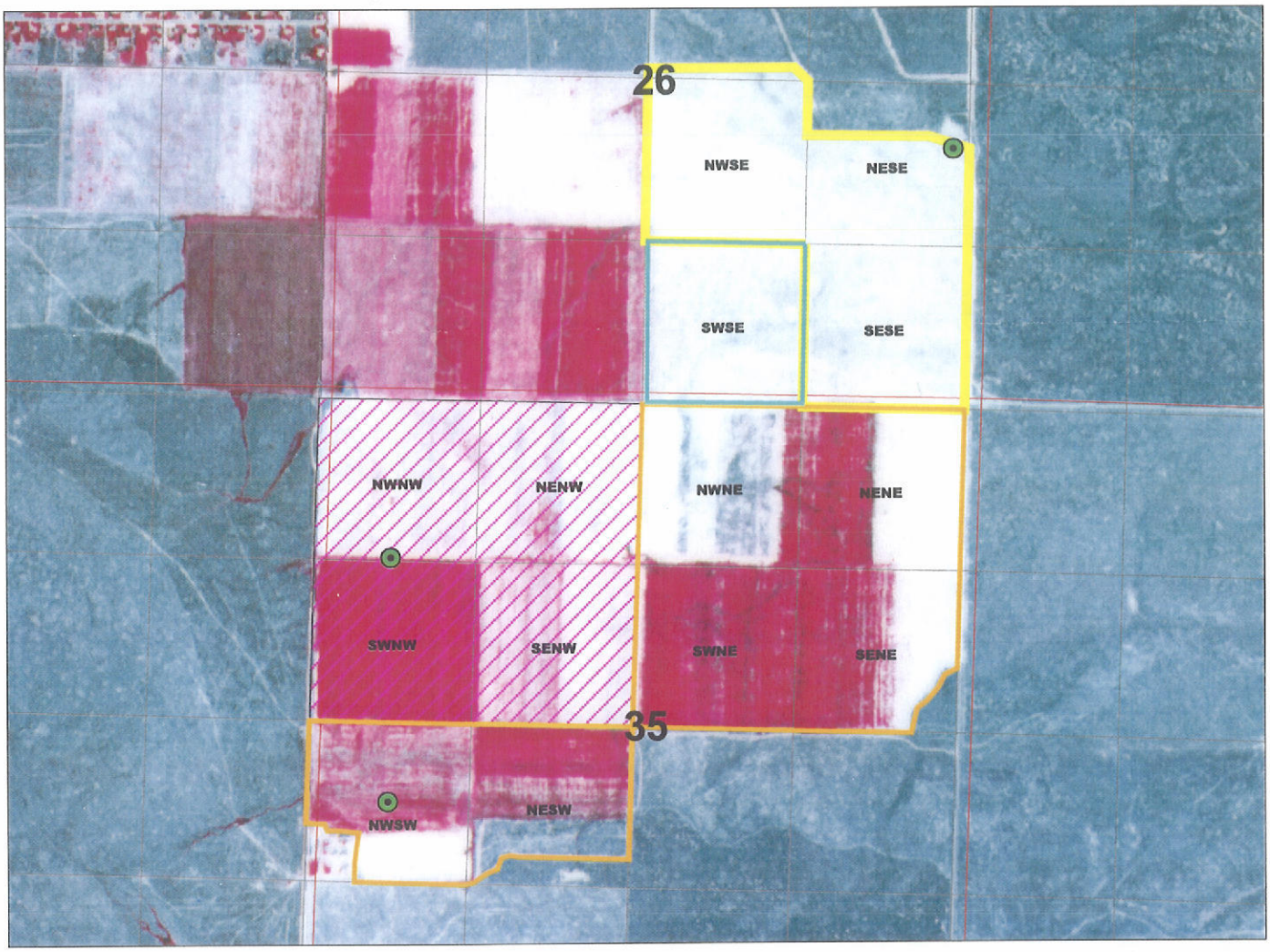
Township 2N Range 1E Section 26

- Point of Diversion
- Place of Use
- PLSS Township
- PLSS Section Lines
- PLSS quarter-quarter lines

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: May 23, 2003

Idaho Department of Water Resources

PRELIMINARY Place of Use Layout
63-3221, 63-7325A, 63-7325B, 63-3564



N
W E
S

0 0.25 0.5 0.75 1 Miles

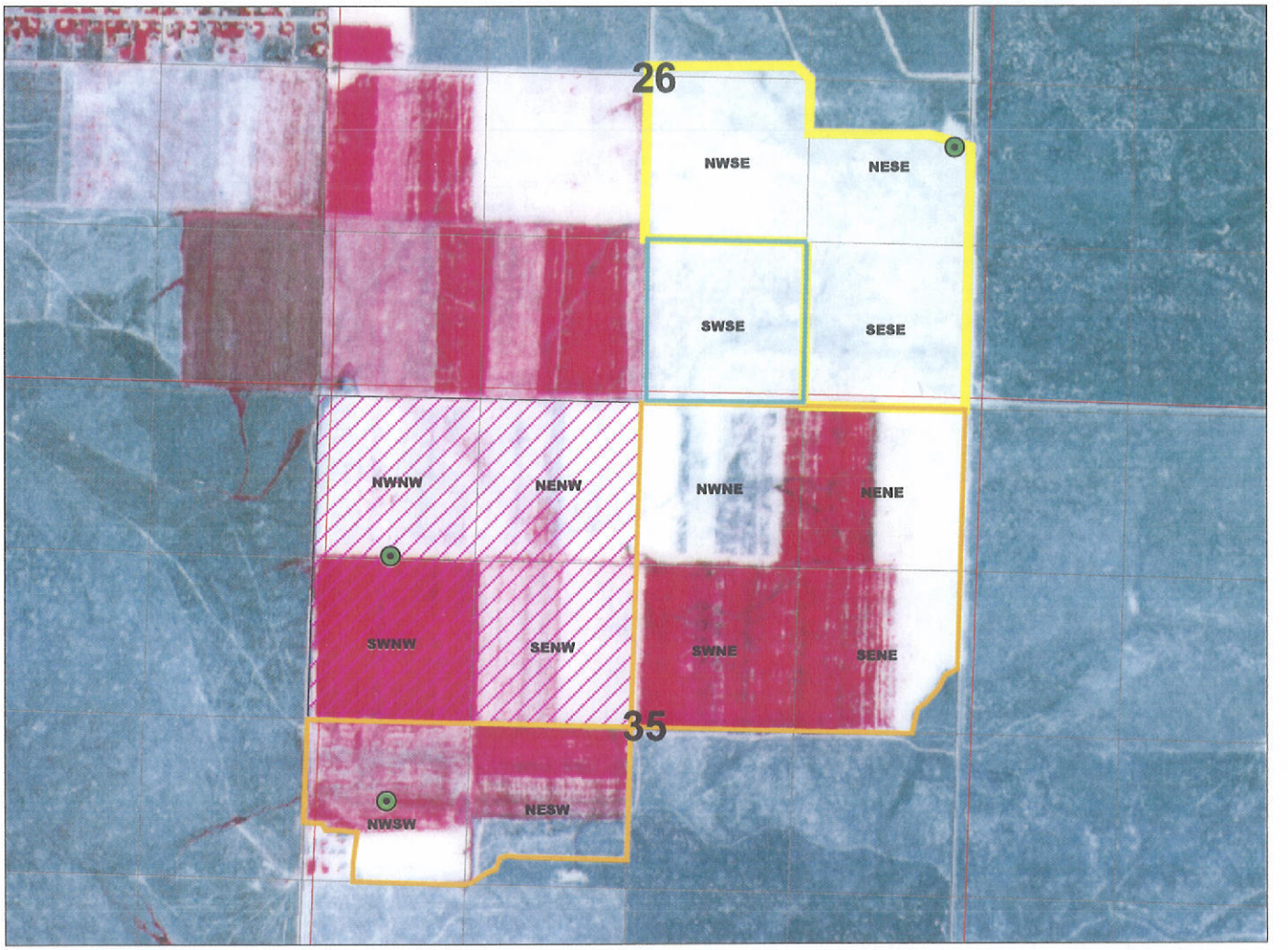
Township 2N Range 1E Sections 26 & 35

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: January 3, 2003

- Point of Diversion
- 63-03221 Oraco et al
- 63-07325A / Oraco et al
- 63-07325B / Blaser
- 63-03564 / Blaser
- PLSS Township Boundaries
- PLSS Section Lines
- PLSS Quarter-quarter lines

Idaho Department of Water Resources

PRELIMINARY Place of Use Layout
63-3221, 63-7325A, 63-7325B, 63-3564



N
W E
S

0 0.25 0.5 0.75 1 Miles

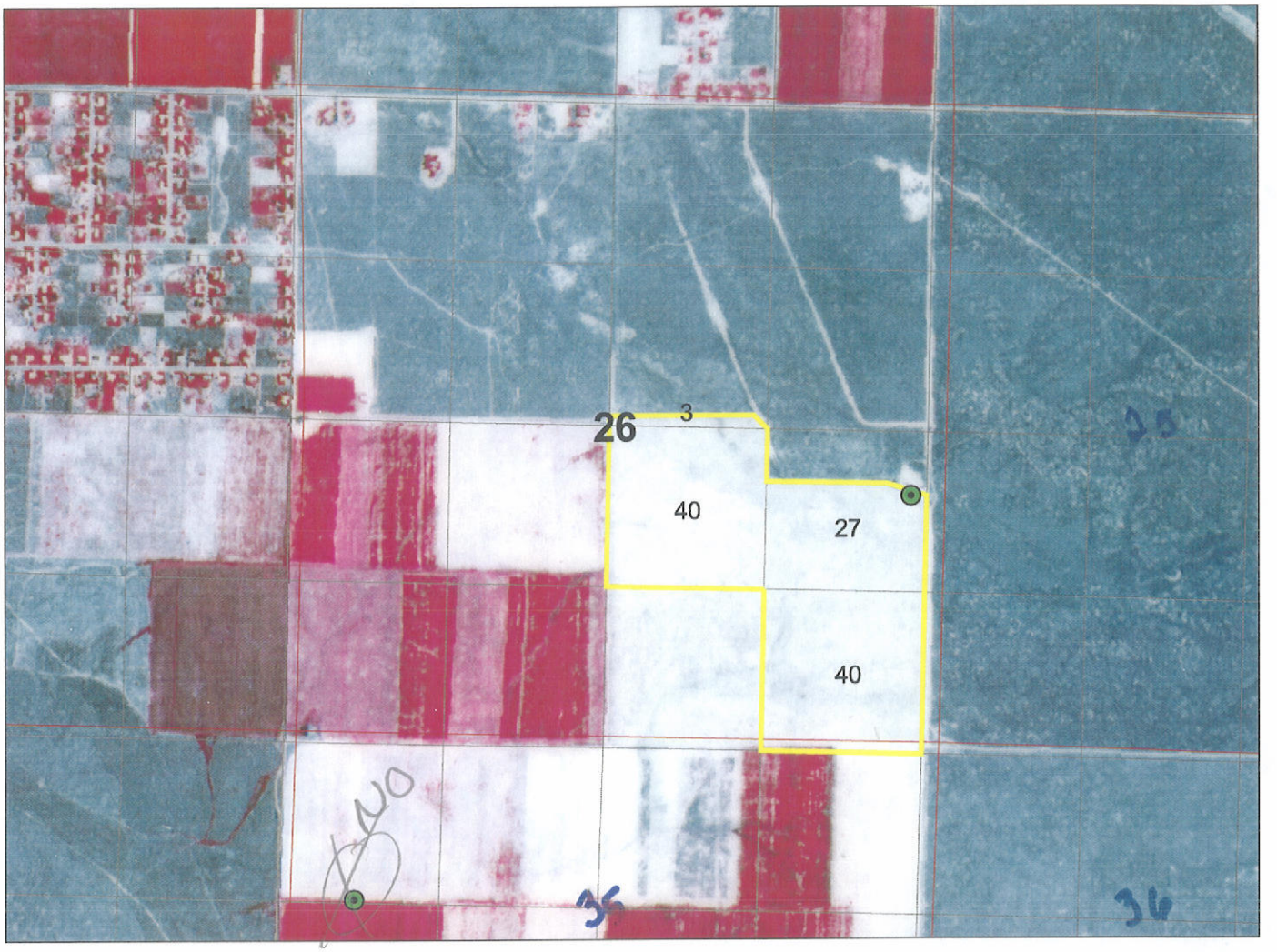
Township 2N Range 1E Sections 26 & 35

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: January 3, 2003

- Point of Diversion
- 63-03221 Oraco et al
- 63-07325A / Oraco et al
- 63-07325B / Blaser
- 63-03564 / Blaser
- PLSS Township Boundaries
- PLSS Section Lines
- PLSS Quarter-quarter lines

Idaho Department of Water Resources

PRELIMINARY Place of Use Layout
63-3221



0 0.25 0.5 Miles

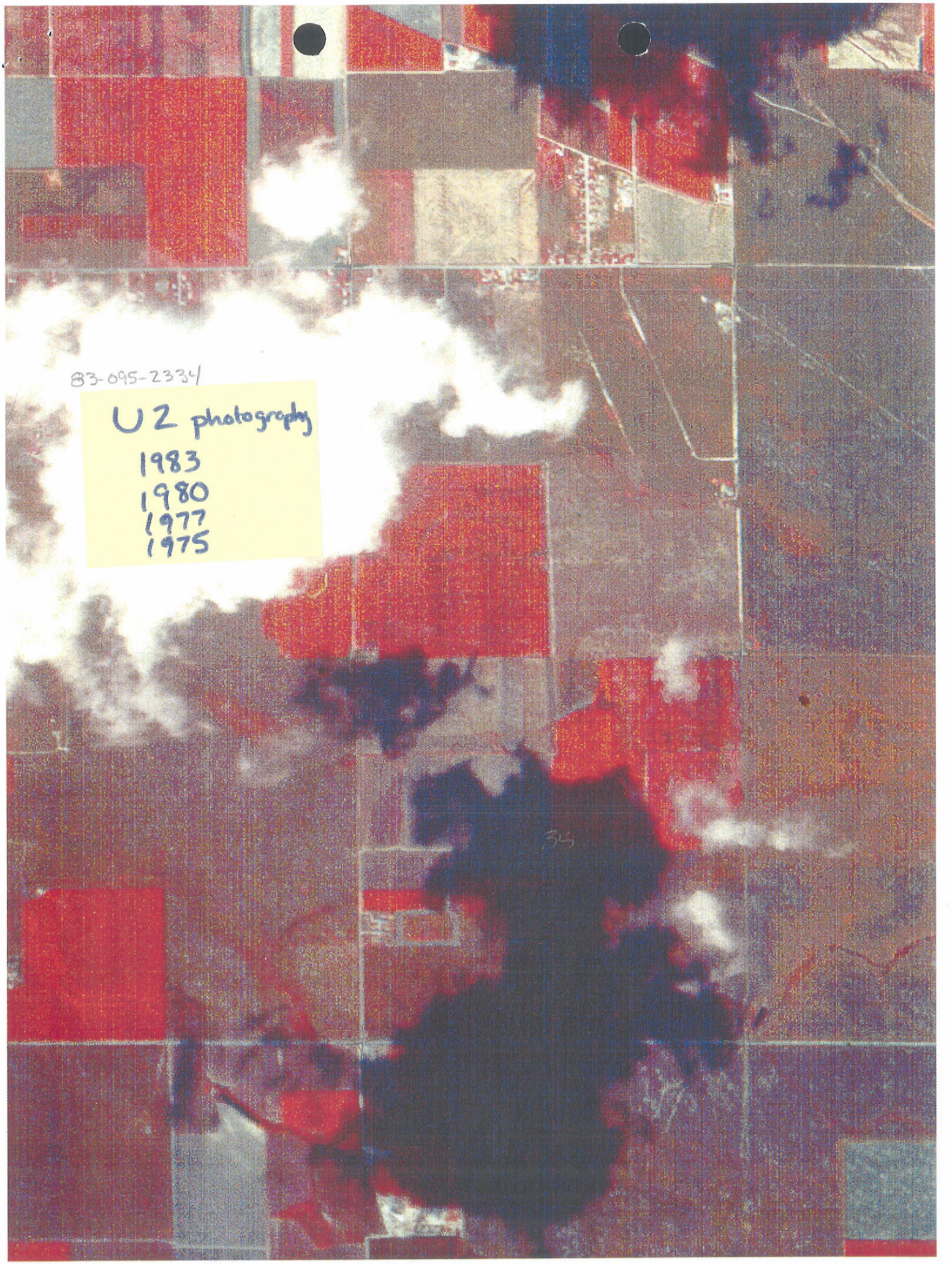
Township 2N Range 1E Section 26

N
W E
S

Number of irrigated acres found in each quarter-quarter indicated.

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: December 16, 2002

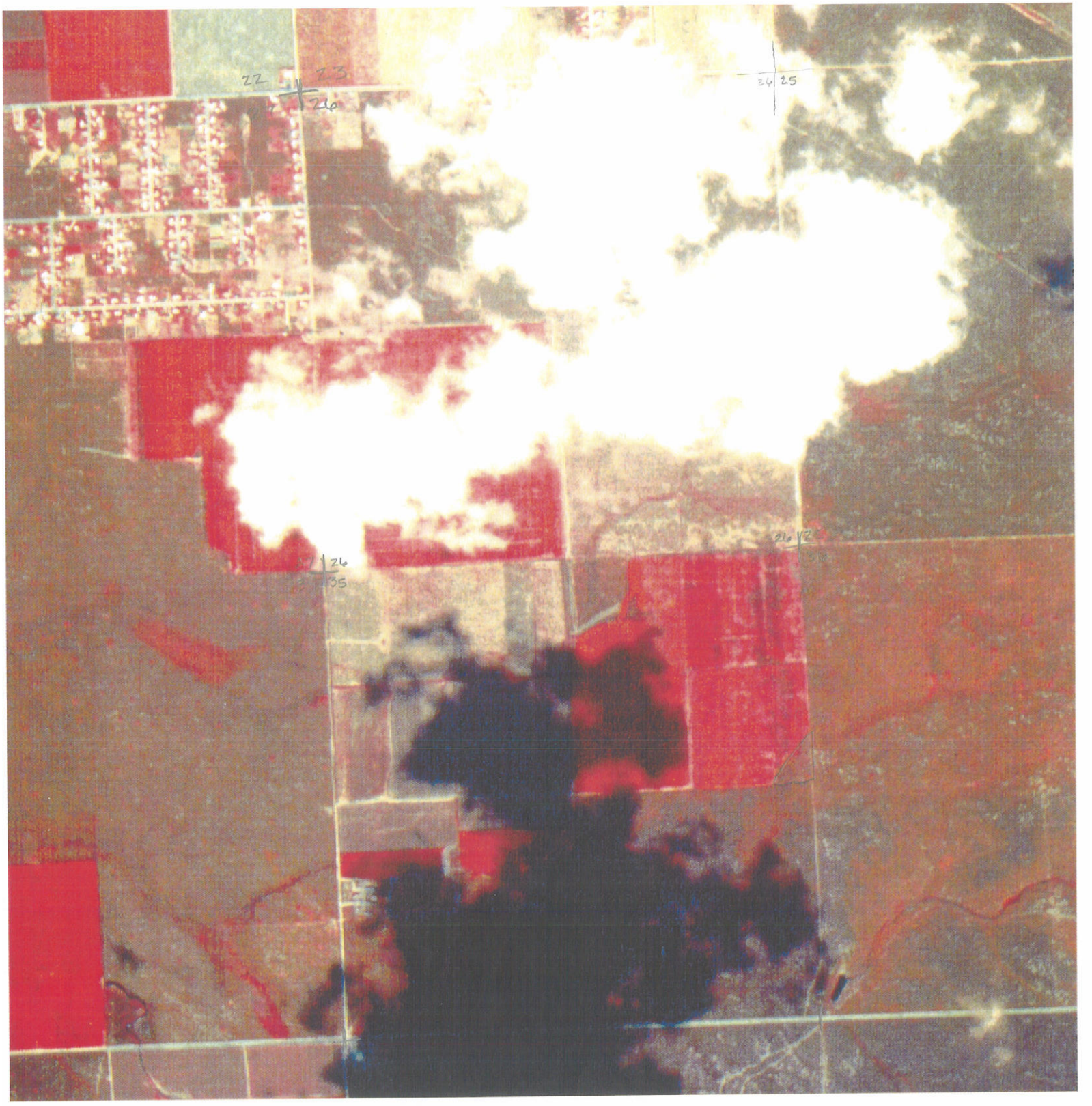
- Point of Diversion
- Place of Use
- PLSS Township
- PLSS Section Lines
- PLSS quarter-quarter lines


83-095-2334
U2 photography
1983
1980
1977
1975

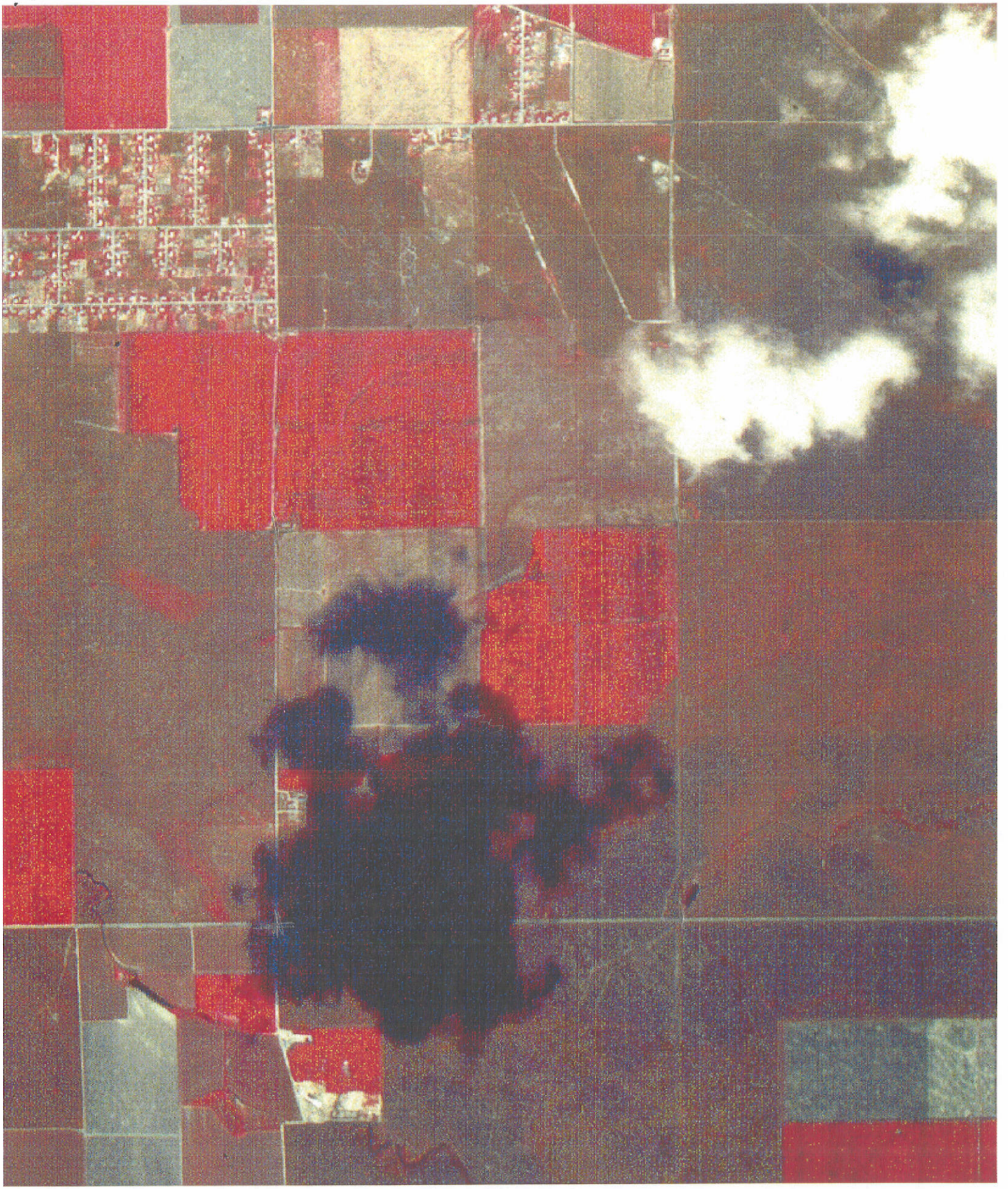
UZ Imagery 83-095 id #2335

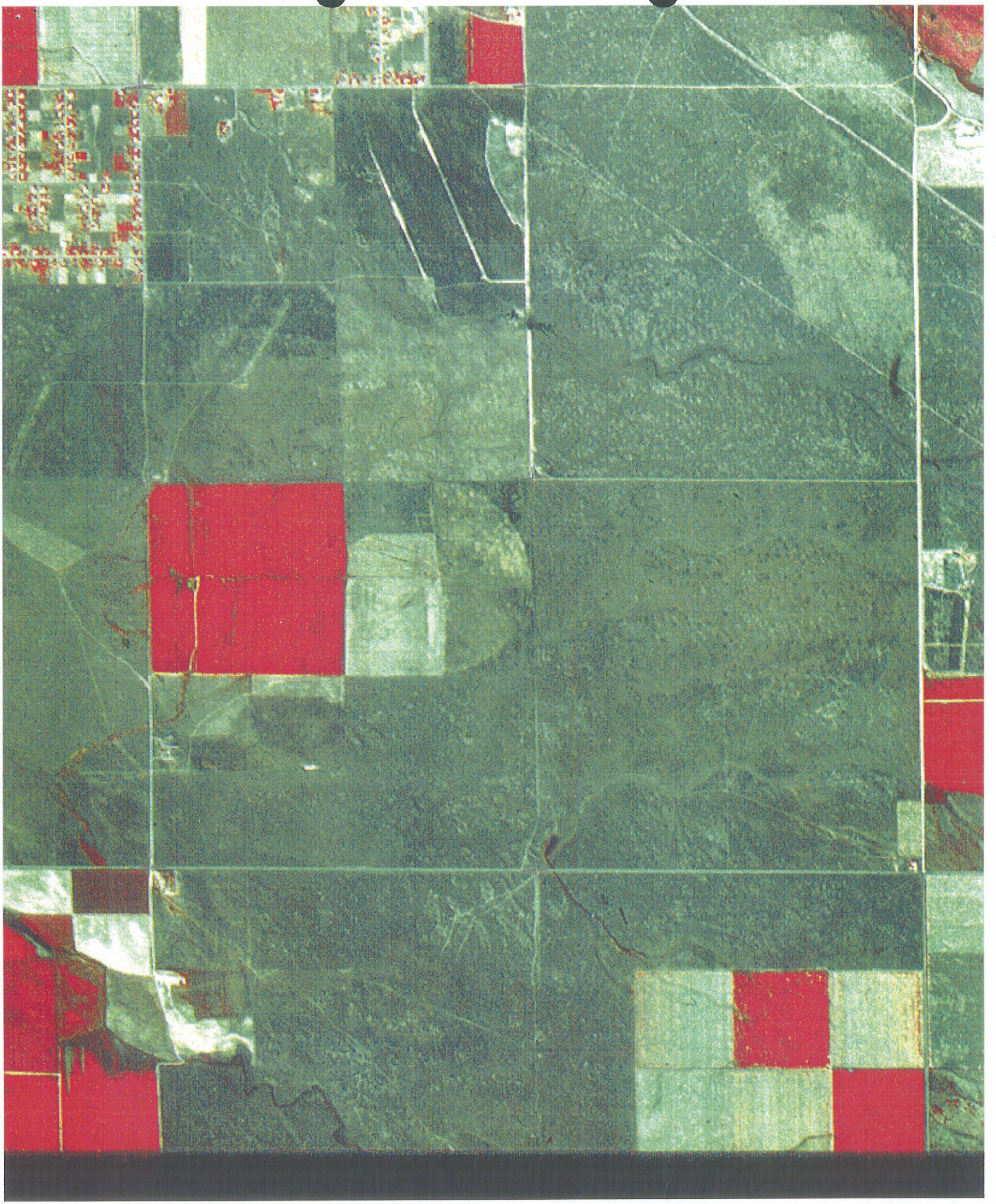
1983 63-3221 et al

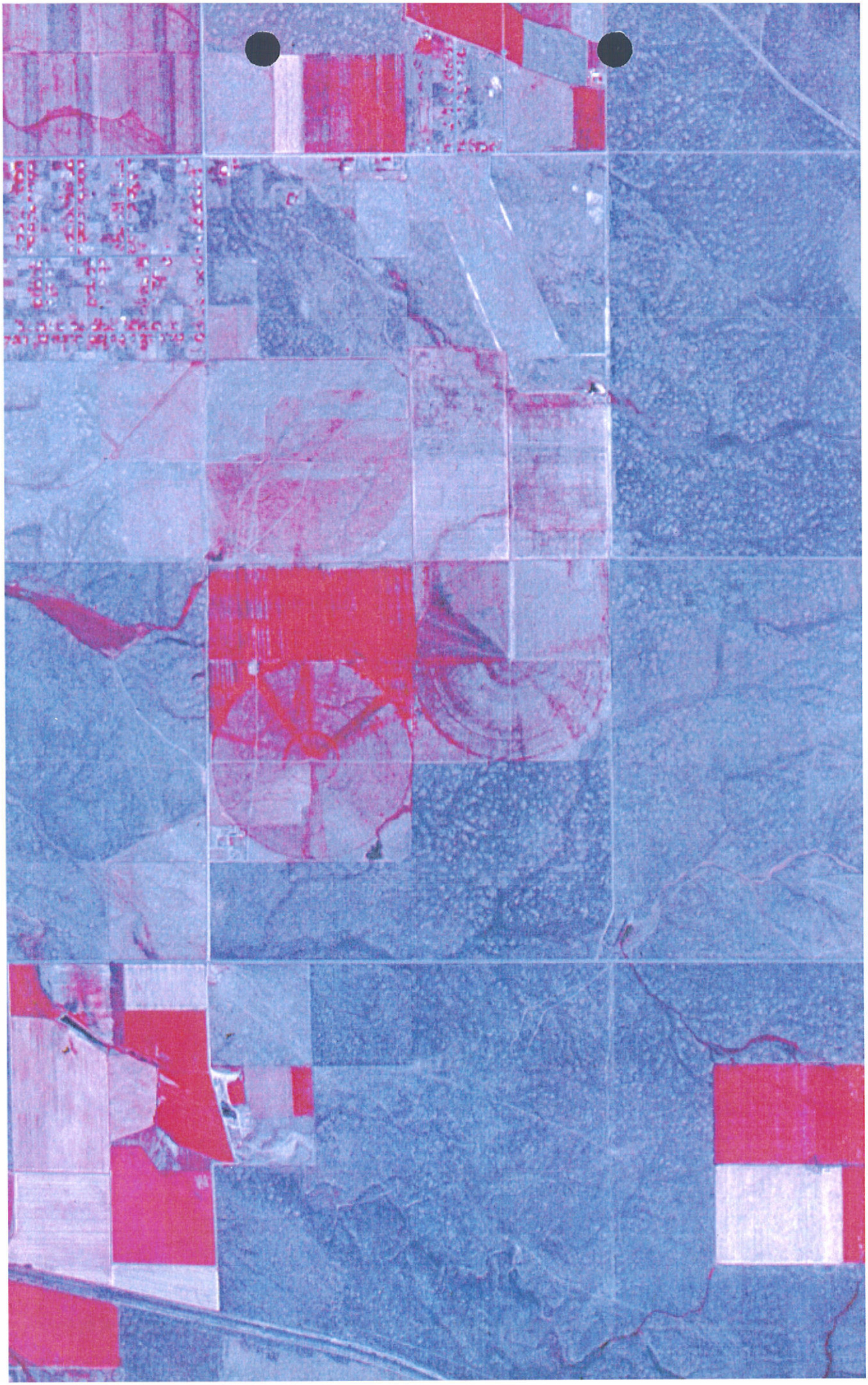
T02N R01E



83-095-2336

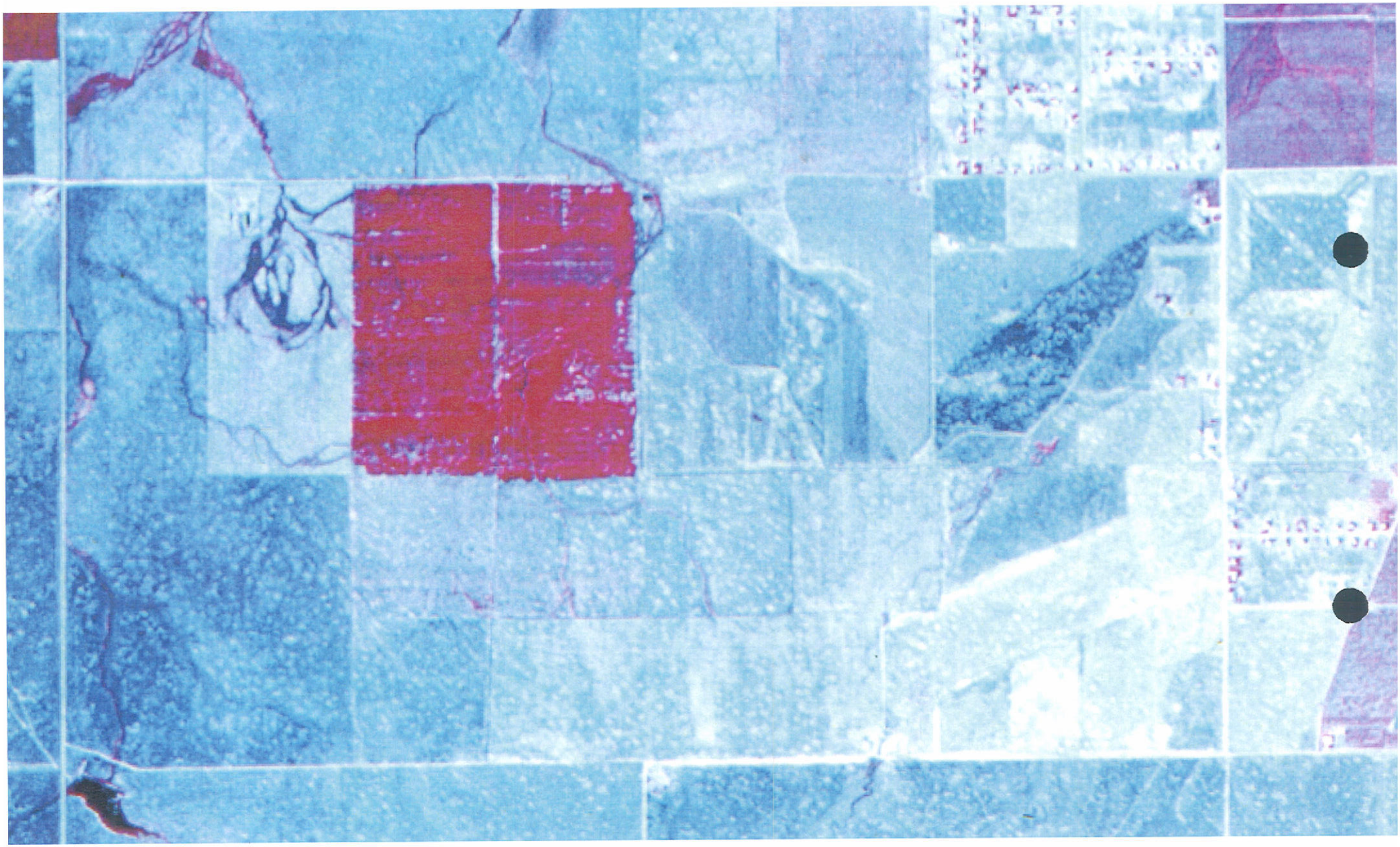


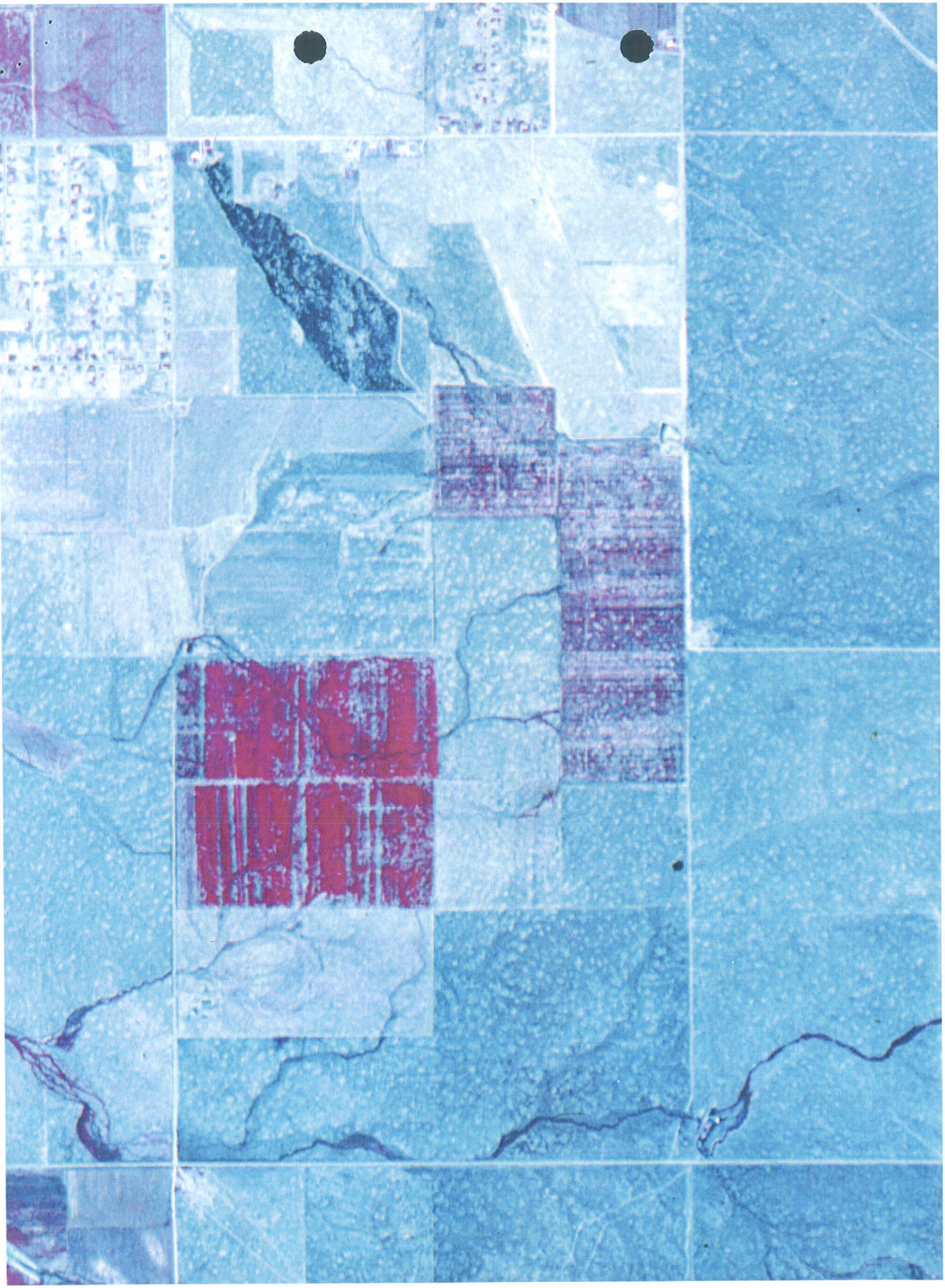

UZ Imagery
1980 - 152 - 3484
N 01 E
3-3221 et al



77-
138-
2871

75-169-6969

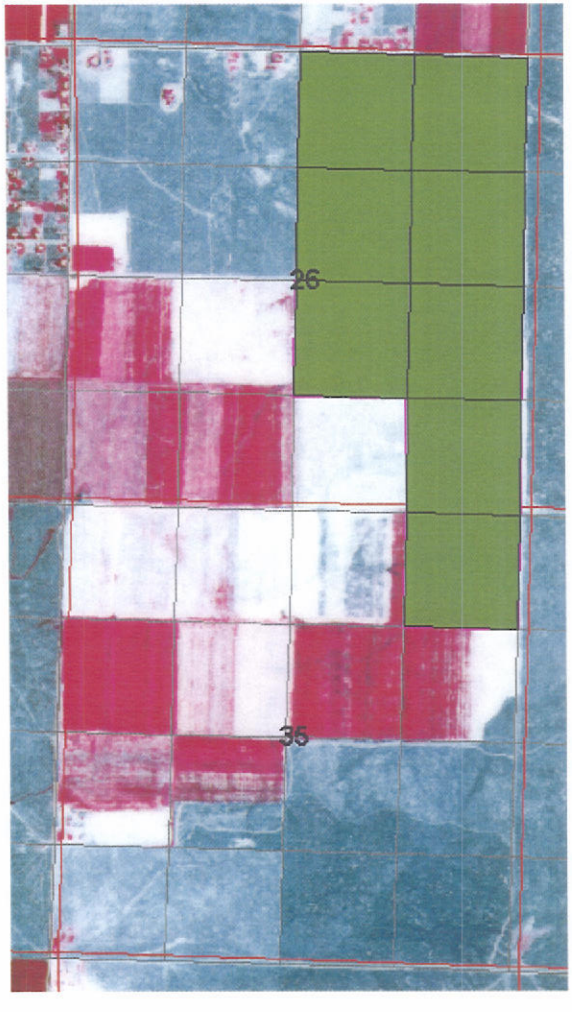




15-131-01224

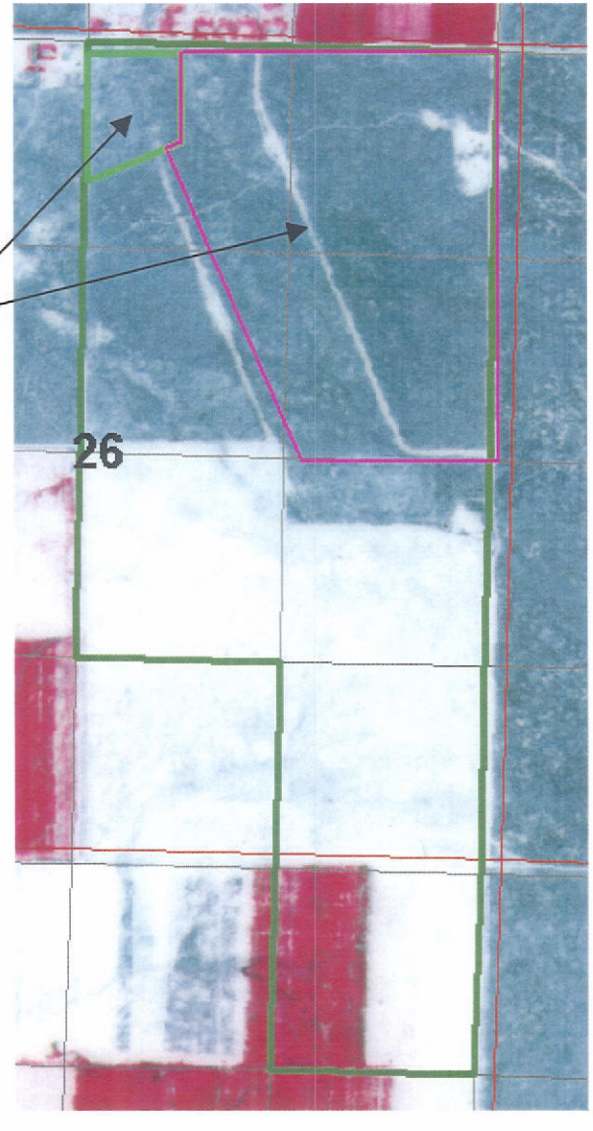
63-3221

- Nov 3, 1970, Fred Howard Wolske receives 320 acre DLE.
- Nov 12, 1970, Fred & Phyllis Wolske warranty deed 320 acres to Gary Owen Wolske & Terri Anne Wolske (Theron Roberts notarizes warranty deed).
- Mar 2, 1971, Gary & Terri Wolske warranty deed 320 acres to Theron Roberts "together with all water and water rights appurtenant to the land."



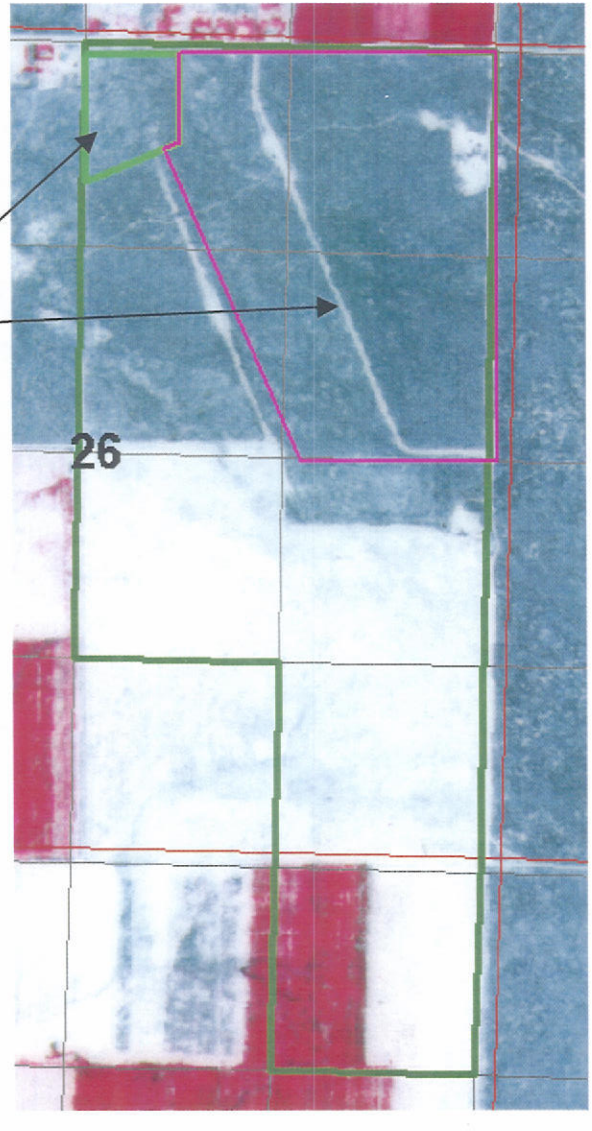
63-3221

- Feb 5, 1974, Theron & Judith Roberts quitclaim to Gary & Terri Wolske 320 acres except:
  - 108.8 acre "Homan" parcel in NE quarter of 26.
  - Easement to 9.9 acre parcel in NWNE of 26 for sewer plant.
  - Undivided 1/3 interest in pump, well, well casing and parts and water rights…permit 63-3221.



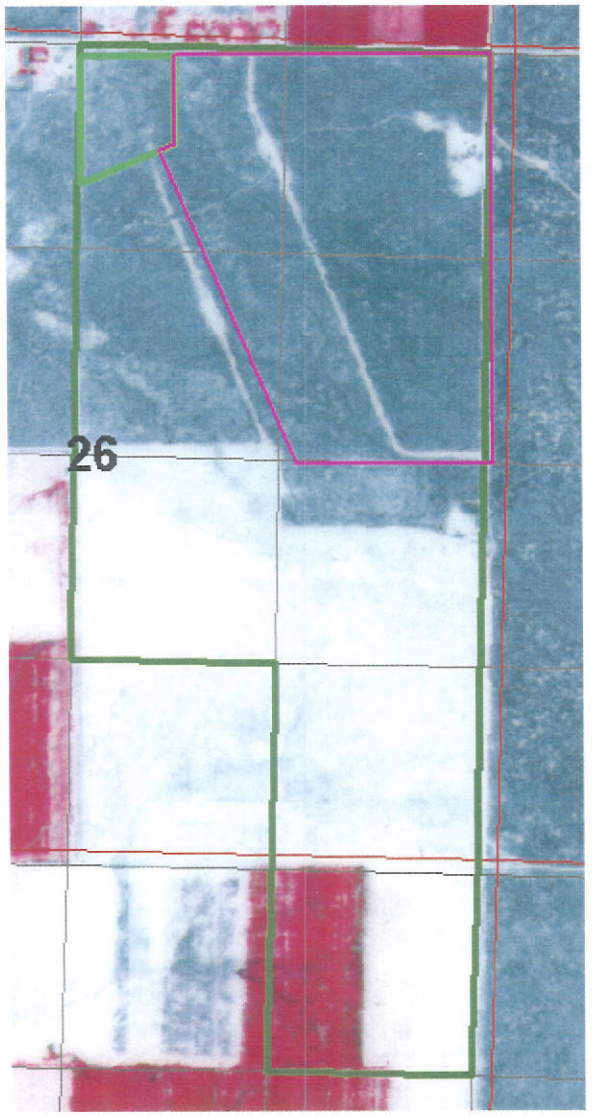
63-3221

- Feb 2, 1978, Idaho First National Bank, personal representative for Estate of Theron Roberts, deeds the 108 acre "Homan" parcel in NE of 26, and 9.94 acre easement, and 1/3 interest in well, pump, permit to:
  - 33.31% to Judith Roberts
  - 22.23% to Marcia Ann Blom
  - 44.46% to IFNB, trustee for Daniel T. Roberts and Holly Marie Roberts.



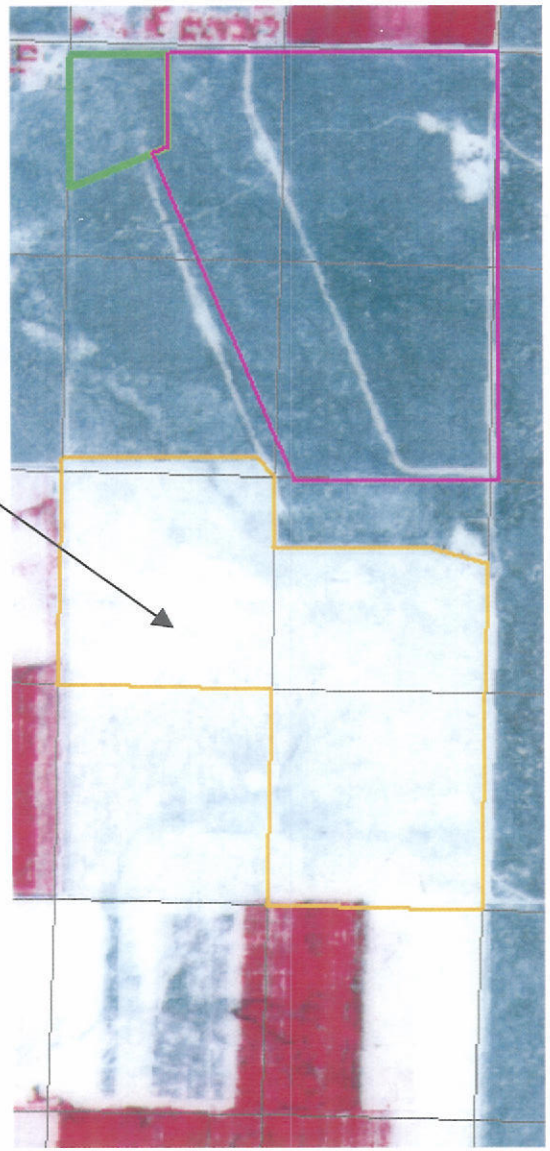
63-3221

- Dec 24, 1986, IFNB trustee of Theron Roberts Trust deeds to Daniel T. Roberts undivided 22.23% interest in the parcel, easement, well, permit.
- Jan 16, 1989, IFNB trustee of Theron Roberts Trust deeds to Holly M. Roberts undivided 22.23% interest in the parcel, easement, well, permit.



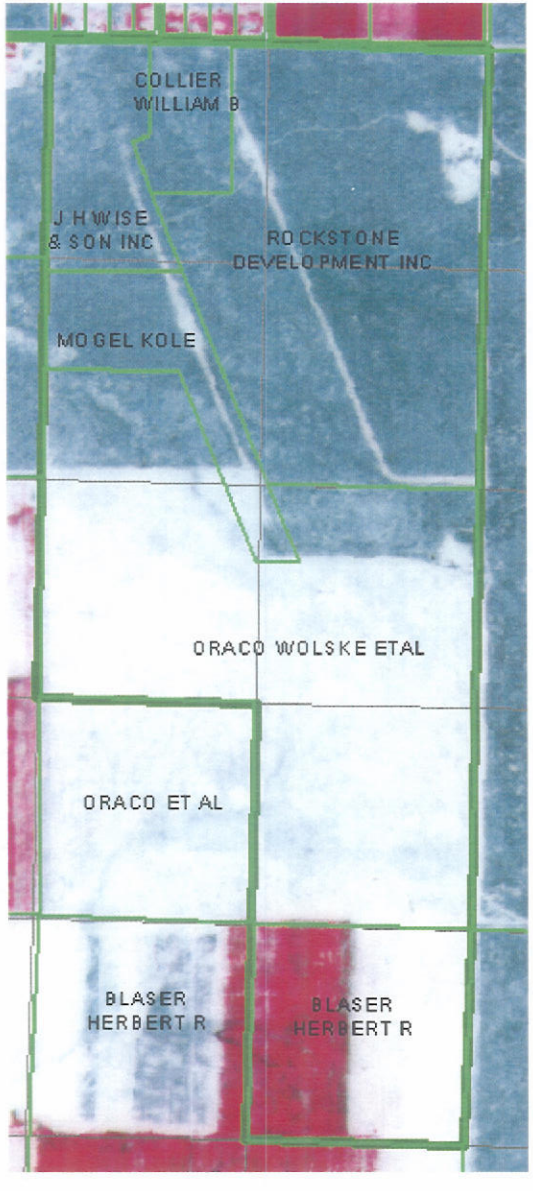
63-3221

- Preliminary recommended shape does not include any of the 108.8 acre "Homan" parcel, nor the easement, nor the 40 acres in Section 35 NENE (which are owned by Blaser and claimed in 63-7325B).
- Total of 111 recommended acres; right is currently licensed for 162 acres, and is claimed as licensed.



63-3221

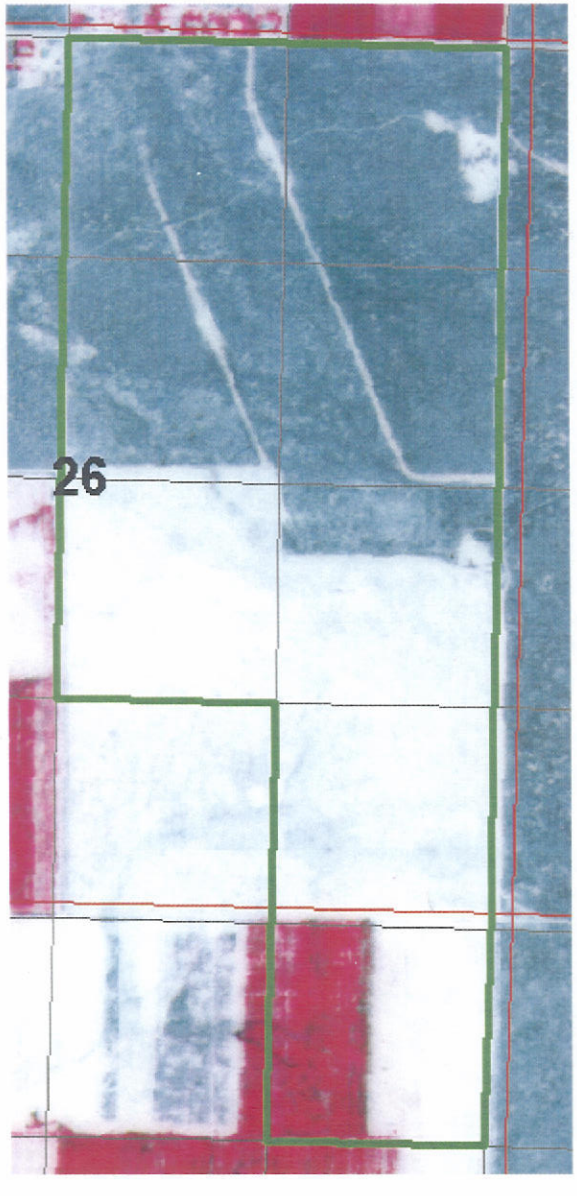
- Ada County ownership records per taxlot shapefile
  - Blaser owns 40 acre tract in Section 35 NENE (claimed in 63-7325B by Blaser, and in 63-3221 by Oraco et al),
  - Oraco, Wolske, et al owns land where 63-3221 will be recommended (except for a small portion owned by Mogel Kole).
  - SWSE of 26 is owned by Oraco et al and claimed in 63-7325A.



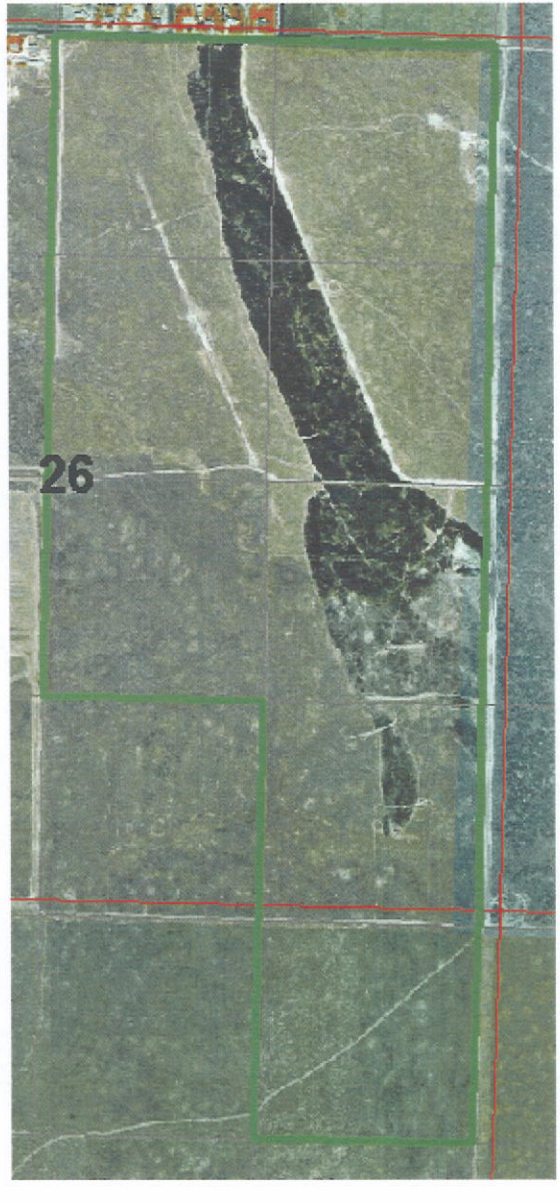
63-3221

Recent images of the property

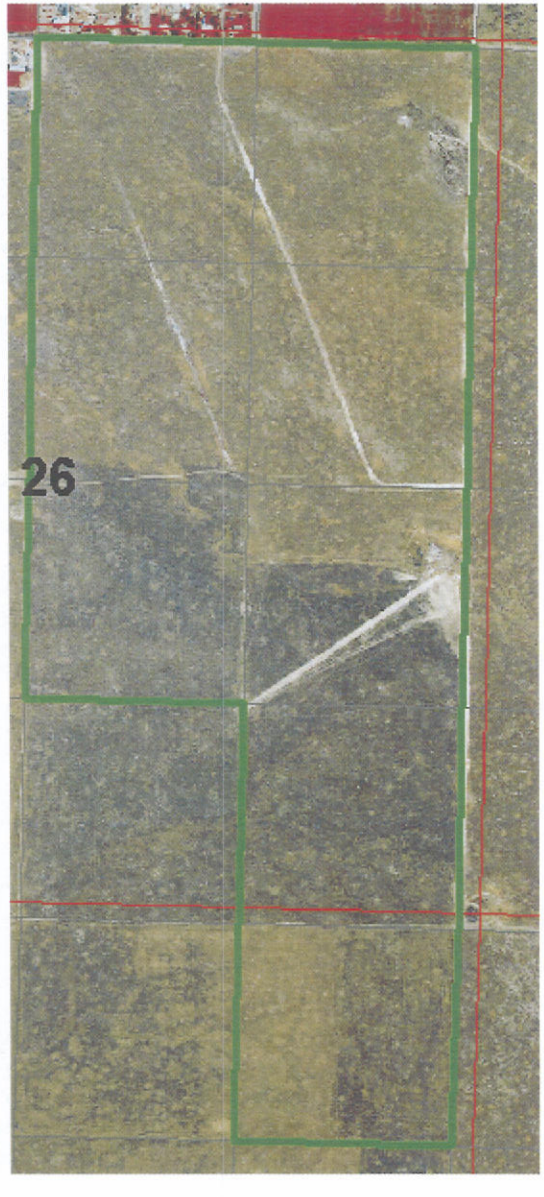
1987



1994



2000



Docs shared w/ IDWR 7/26/02

Permit 63-3221 – 1/30/1961

Constructed well – 1969

Irrigated 180 acres – 1970

11/3/1970 – U.S. Patent to Fred Woltke

11/12/1970 – Fred Woltke to Gary Woltke "w/Appurtenances"

3/2/1971 – Gary Woltke to Theron Roberts "Together w/ all WRs appurtenant to land"

2/5/1974 – Theron Roberts to Gary Woltke – Except
- Homan Parcel
- undivided 1/3 interest in WR.

Theron Roberts Chain of Title

11/4/1976
License 63-3221
issued to
Fred Woltke

Woltke Chain of Title

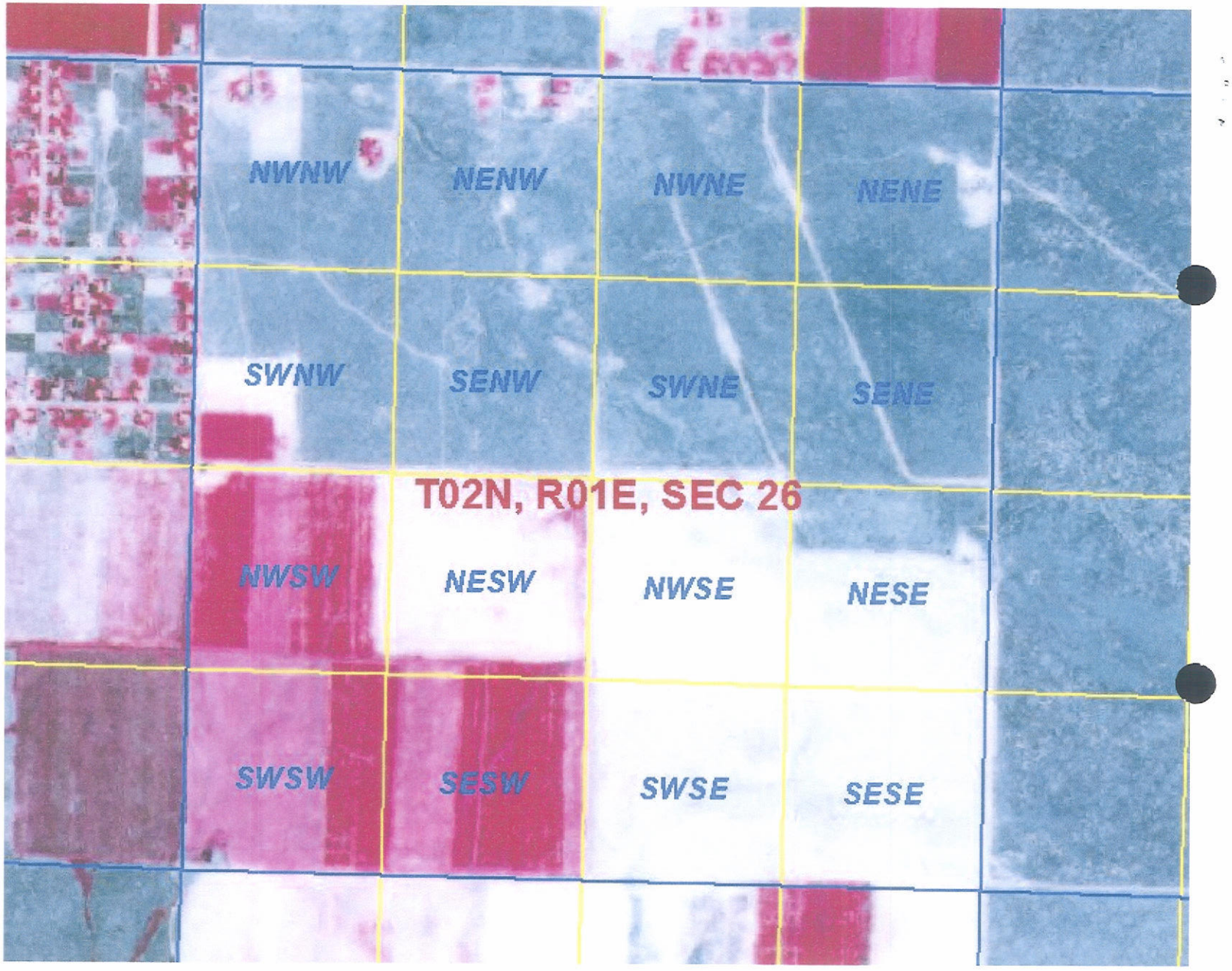
Homan

Anderson, et al

Idaho Department of Water Resources

T02N, R01E S26

63-3221
Prepared for:
Matt Howard
Date: Nov 9, 01



SECTION LINES

1/4 1/4

N
W E
S

1987 NAPP

0 0.25 0.5 0.75 1 1.25 Mile

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 63-3221
Date Received:
Receipt No: S008870
Received By:

RECEIVED
Jan 17 [illegible] 2003
Department of Water Resources
Adjudication Bureau

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

1. Name of Claimant(s)

ANDERSON ENTERPRISES Phone: (208)678-4433
RT 2 BOX 2431
BURLEY ID USA 83318

ORACO A PARTNERSHIP Phone: (208)678-9019
735 N OVERLAND
BURLEY ID USA 83318

LOUISE MICHELLE SMITH Phone: (208)678-8864
C/O CLIFF SMITH
OAKLEY ID USA 83346

VANNESS ANDERSON Phone: (208)678-3027
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID USA 83318

VERDA ANDERSON Phone: (208)678-3027
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID USA 83318

SONI PEDERSON Phone: (208)678-8864
C/O CLIFF SMITH
OAKLEY ID USA 83346

CARMEN GARRARD Phone: (208)678-8864
C/O CLIFF SMITH
OAKLEY ID USA 83346

CLIFFORD TODD SMITH Phone: (208)678-8864
C/O CLIFF SMITH
OAKLEY ID USA 83346

MICHAEL S HOMAN Phone: (208) 429-1900
2229 W STATE ST SUITE B
BOISE ID USA 83702

2. Date of Priority: 01/19/1961

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	26	NE SE	ADA	

5. Description of diverting works:

WELL, PUMP & PIPELINE FOR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	2.94	729

7. Total Quantity Appropriated is:
2.94 C.F.S. and/or 729 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
02N	01E	26	SW NE		IRRIGATION	10
			NE SE		IRRIGATION	32
			NW SE		IRRIGATION	40
			SW SE		IRRIGATION	40
			SE SE		IRRIGATION	40
					Total Acres	162

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:

CLAIM NO. A63-7325A.

14. Remarks:

15. Basis of Claim: License

Water Right Number:29333

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Michael L. Homan Date: 1-14-03

_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

_____
Title and Organization

_____
Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 14th of January 2003

Brandy Davis
Notary Public

Residing at Boise, Idaho

My commission Expires 8/7/08

BRANDY DAVIS NOTARY PUBLIC STATE OF IDAHO

RECEIVED
AUG 15 1989
Department of Water Resources
Southern Region Office

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

RECEIVED
AUG 17 1989
Department of Water Resources
Western Regional Office

Ident. Number: A63-03221
Date Received: ~~7/07/1989~~ 8-15-89
Receipt No: S008870 scc
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: ORACO, A PARTNERSHIP 208-678-9019
Address: 735 N. OVERLAND
BURLEY, ID 83318
OR
Name: VERDA ANDERSON 208-678-3027
Address: C/O OSTEROUT & POPE
S. OVERLAND AVE.
BURLEY, ID 83318
OR
Name: VANESS ANDERSON 208-678-3027
Address: C/O OSTEROUT & POPE
S. OVERLAND AVE.
BURLEY, ID
OR
Name: ANDERSON ENTERPRISES
Address: ROUTE 2, BOX 2431
BURLEY, ID
OR
Name: CARMEN GARRARD
Address: C/O CLIFF SMITH
OAKLEY, ID
OR
Name: CLIFFORD TODD SMITH
Address: C/O CLIFF SMITH
OAKLEY, ID
OR
Name: SONI PEDERSON
Address: C/O CLIFF SMITH
OAKLEY, ID
OR
Name: LOUISE MICHELLE SMITH 208-678-8864
Address: C/O CLIFF SMITH
OAKLEY, ID 83346

change 3#

Inadvertant
Note on claim
by John Anderson
1/8/2003
SNK

2. Date of Priority: JAN 19, 1961

MICROFILMED
AUG 18 1992

RECEIVED
AUG 15 1989
Department of Water Resources
Southern Region Office

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

RECEIVED
AUG 17 1989
Department of Water Resources
Western Regional Office

Ident. Number: A63-03221
Date Received: ~~7/07/1989~~ 8-15-89
Receipt No: S008870 sec
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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BURLEY, ID 83318

OR

Name: VANESS ANDERSON 208-678-3027
Address: C/O OSTEROUT & POPE
S. OVERLAND AVE.
BURLEY, ID 83318

OR

Name: ANDERSON ENTERPRISES 208-678-4433
Address: ROUTE 2, BOX 2431
BURLEY, ID 83318

OR

Name: CARMEN GARRARD 208-678-8864
Address: C/O CLIFF SMITH
OAKLEY, ID 83346

OR

Name: CLIFFORD TODD SMITH 208-678-8864
Address: C/O CLIFF SMITH
OAKLEY, ID 83346

OR

Name: SONI PEDERSON 208-678-8864
Address: C/O CLIFF SMITH
OAKLEY, ID 83346

OR

Name: LOUISE MICHELLE SMITH 208-678-8864
Address: C/O CLIFF SMITH
OAKLEY, ID 83346

2. Date of Priority: JAN 19, 1961

MICROFILMED
AUG 18 1992

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
02N	01E	26	NE SE		ADA

5. Description of diverting works:
WELL, PUMP & PIPELINE FOR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.940		729.00

7. Total Quantity Appropriated is:
2.940 C.F.S. (and/or) 729.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	26	SW NE		IRR	10.0
			NE SE		IRR	32.0
			NW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		122.0
		35	NE NE		IRR	40.0
				Section Acres		40.0
				Total Acres		162.0

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:
CLAIM NO. A63-07325A.

14. Remarks:

15. Basis of Claim: LICENSE

MICROFILMED
AUG 1 8 1992

Water Right Number: 29333

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Trustee of Anderson Enterprises, that I have signed the foregoing
Title Organization
document in the space below as Trustee of Anderson Enterprises and that the statements contained in the
Title Organization
foregoing document are true and correct.

R Gene Anderson
Signature of Authorized Agent

Trustee Anderson Enterprise
Title and Organization

7/7/89
Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 7th day of July 19 89

Jan Thuente
Notary Public

Seal

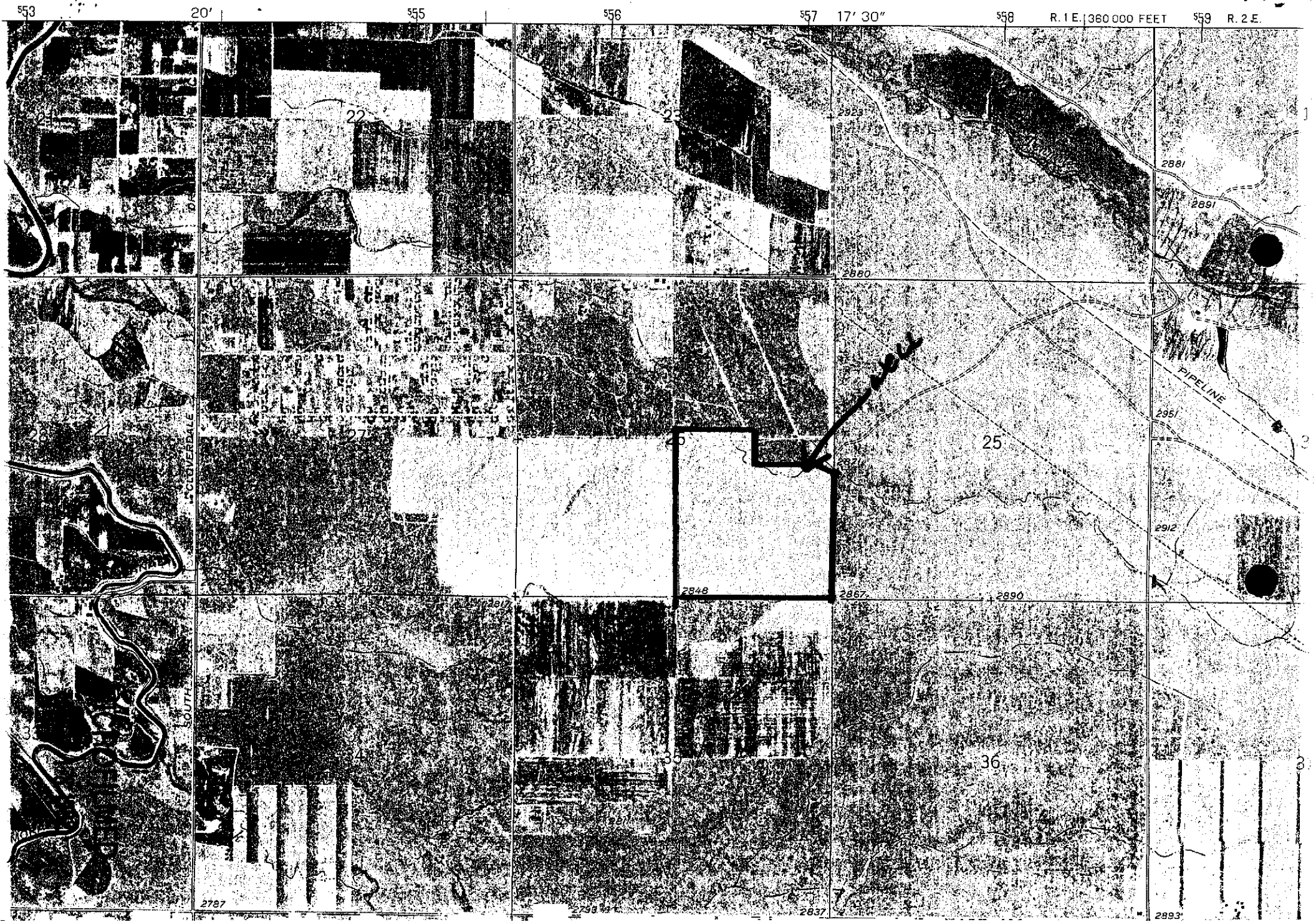
Residing at Meridian ID

My Commission Expires 9-14-94

MICROFILMED
AUG 18 1992

MORA

7.5-MINUTE SE



State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29333/63-3221 Priority Jan. 19, 1961 Amount 2.94 cfs

THIS IS TO CERTIFY, that FRED H. WOLSKE

of Kuna, Idaho, has complied with the terms and conditions of Permit No. 29333/63-3221 issued pursuant to Application for Permit dated January 19, 1961, and has submitted proof to the Department of Water Resources on April 7, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.94 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to Oct. 31	at 2.94 cfs and	729 acre feet or 4.5 af per acre
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 2.94 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 729 acre feet per year, said waters to be diverted within the NE¼SE¼ of Sec. 26, Twp. 2 N, Rge. 1 E, B.M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 N	1 E	26			10										32	40		40	122
		35	40																40

Total number of acres irrigated 162

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of November, 19 76.

Director

63-3221

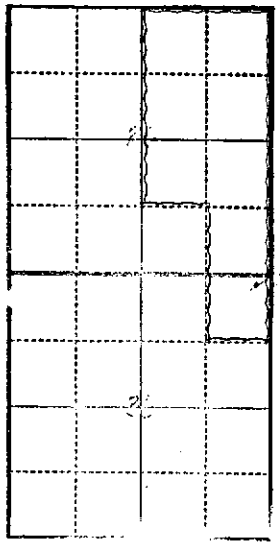
APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37331
Permit No. G- 29333
District No.

1. Name of Applicant: Fred H. Wolske

   Postoffice address: Rt. #2, Kuna County: Ada State: Idaho



2. Quantity of water claimed: 320 miners inches

   (a) Rate of withdrawal in cubic feet per second 6.4 or Idaho Miners' inches or gallons per minute

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean flow from a well

4. Location of point of diversion or well is in the NE ¼ of the NE ¼ of Section 35

   Twp. 2 N , Rge. 1 E , B.M., County of Ada

5. Water is to be used for: Irrigation and domestic

6. If for municipal, industrial or recreational purposes, give:

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B. M.

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B. M.

7. Kind of works: Turbine type pump, electric motor and ditches

8. Estimated cost of works: $10,000.00

9. (a) Is reservoir to be used? A small pond to be used as reserve. Not to exceed a 6 ft. dam

   (b) Capacity of reservoir: 75 ft. wide, 40 ft. long and 6 ft. deep

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

   I. (a) Date and place of incorporation:

   (b) Amount of capital stock: $ (c) Amount paid in: $

   (d) Names and addresses of directors:

   II. The financial resources of the applicant are (a) Cash on hand: $

   (b) Treasury stock: (c) Bonds to be issued:

   (d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

   (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

   (b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This filing is being made in connection with a Desert Land Entry filed with the Bureau of Land Management, Boise, Idaho

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Fred H. Wolske *Applicant.*

By .... *Agent.*

Date of first receipt at Department of Reclamation: 3:00 P.M. January 19, 1961

Returned to applicant for correction: DESERT ENTRY - Idaho Ser. No. ....

Corrected application received: Allowed: ....

Approval of State Reclamation Engineer

The number of this permit is G— 29333

Recorded in Book 103 Page 29333 Approved January 30, 1961

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ to be filed on or before

Work to begin on or before and to continue deligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 30, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before January 30, 1966

s/ GEO. N. CARTER

Witness my hand this 30th day of January, 1961

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th day of January, 1961

Countersigned: STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
2 N	1 E	26	40	40	40	40									40	40		40	280
		35	40																40

Total No. of acres to be irrigated 320

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. G-29333, in the name of FRED HOWARD WOLSKE, requires proofs of completion of works and beneficial use to be made on or before January 30, 1966; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry Idaho Serial #011553; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until January 22, 1963;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-29333 to January 22, 1968, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditons of Permit No. G-29333.

Signed at Boise, Idaho, this 5th day of November, 1965

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

LICENSE ISSUED FOR 294 SEC. FT.

Rec'd $2.50

RECEIVED

OCT 14 1970

Department of Water Administration

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR AMENDMENT

Permit No. 63-3221

Comes now Fred H. ~~Walske~~ Waiske of (address)

Route #2, Kuna, Idaho, and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-3221, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE ¼ SE ¼, Sec. 26, T. 2 N, R. 1 E, B.M. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

		mo. - day	mo. - day	
For	purposes	from	to	(both dates incl.)
For	purposes	from	to	(both dates incl.)
For	purposes	from	to	(both dates incl.)
For	purposes	from	to	(both dates incl.)

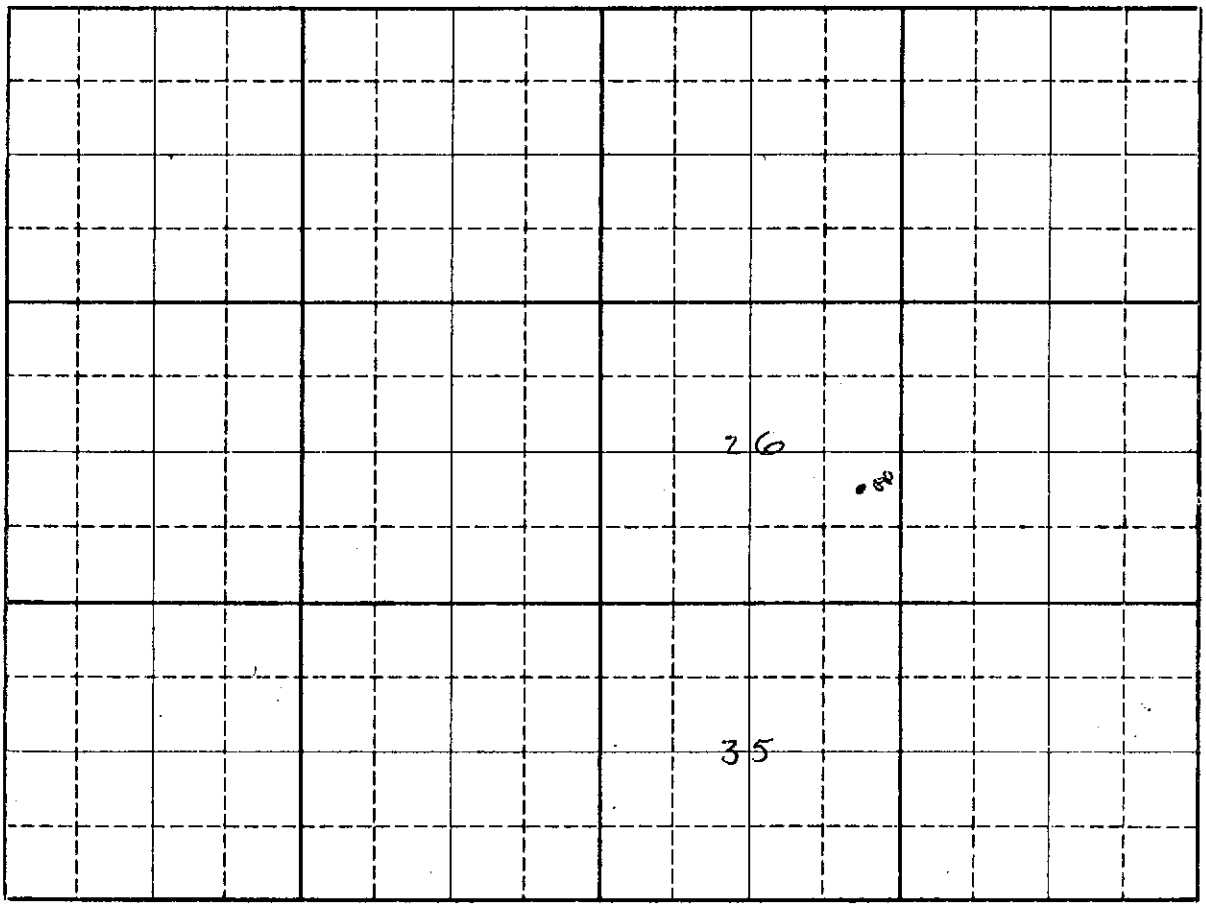
3. Place of use or land to be irrigated:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated

63-3221
29333

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise Idaho, this 14th day of October, 1970

Fred W. Wolahl
(signature)

ACTION OF STATE RECLAMATION ENGINEER

BDF 10-16-70 AM

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby APPROVE the above application for amendment for permit no. G-29333/63-3221.

Witness my hand this 21st day of October, 1970.

R. Keith Higginson
State Reclamation Engineer

DEP[illegible]ENT OF WATER ADMINISTR[illegible]ON

FIELD REPORT

Permit No. 63-3221

Examination for b/u

1. Name of permit holder Fred Howard Wolske

Post office address Route 2, Kuna, ID Phone _____

Person to contact _____ Phone _____

2. Source of water supply: Groundwater [X] Surface water [ ] _____ (name spring, stream, etc.)

Tributary to _____

3. Water will be used for the following purposes:

Amount 6.40 c.f.s. for Irrigation & Domestic (Domestic amount not listed)
_____ AF/Annum (nature of use)

Period of Use: from March 15 to Nov. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 6.40 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 2N N/S, Range 1E E/W, B.M., Section 26, Subdivision NE ¼ SE ¼ Ada County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼ _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼ _____ County

Other Points of Diversions: _____

Description of diverting works: pump 5 X 12" bowls, 10" column, 200 hp motor, 16" casing, 320' deep.

Measuring device required: yes [ ] no [X]

6. Lands to be irrigated or place of use. Lands listed on the proof affidavit differs.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	1E	26	~~40~~ 0	~~40~~ 0	~~40~~ 10	~~40~~ 0									~~40~~ 32.0	40		40	~~280~~ 172
		35	40																40

TOTAL ACREAGE 162

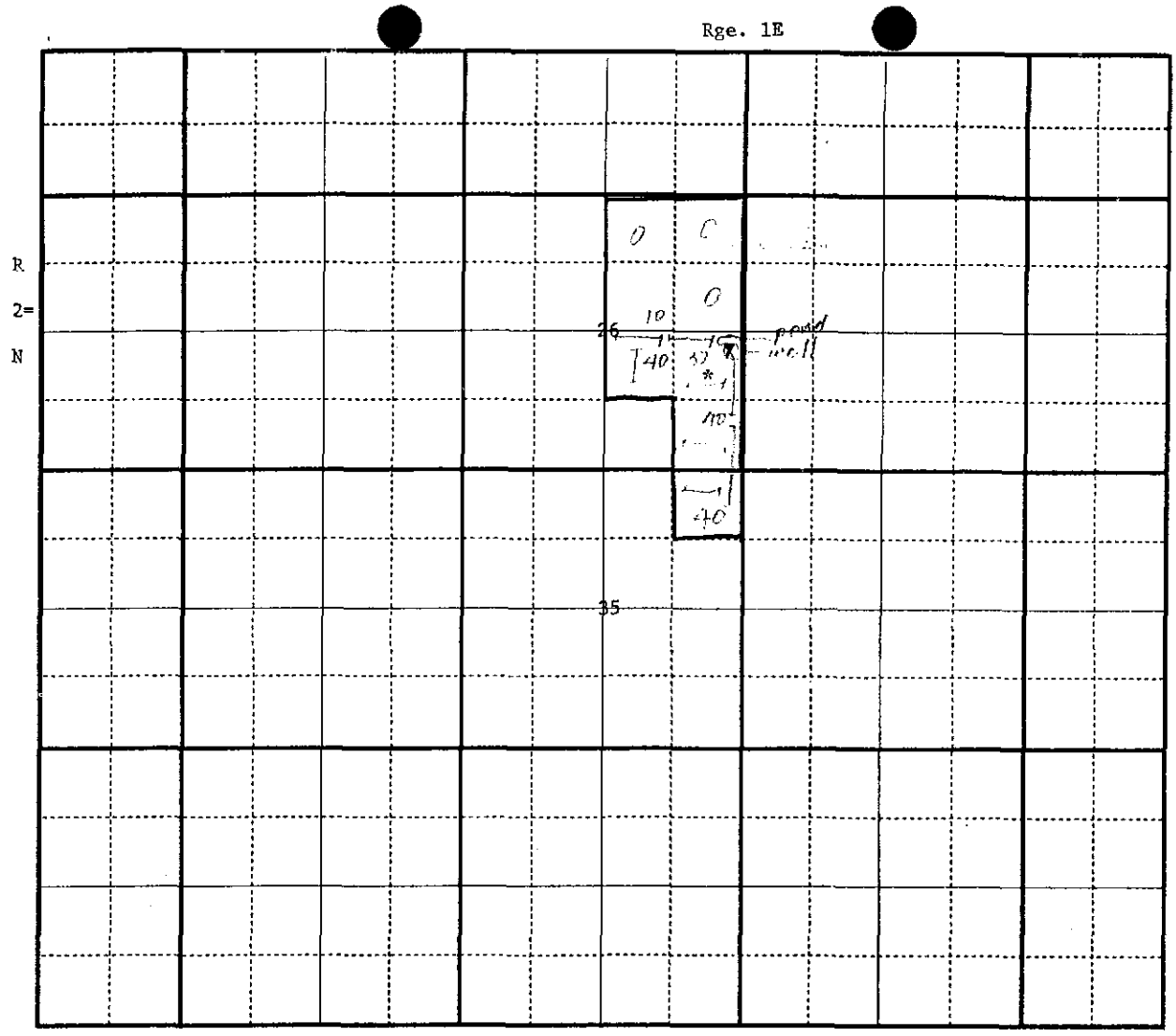


Diagram of System

DATE OF EXAM 7/13/76

ACREAGE
Found 162
Recommended 162

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q= 2.94 c.f.s. V= 729 AF/Ann. from 3/15 to 11/15
Domestic Q= ____ c.f.s. V= ____ AF/Ann. from ____ to ____
Livestock Q= ____ c.f.s. V= ____ AF/Ann. from ____ to ____

Is water co-mingled? yes ____ no X

Name source: ____
twp. ____ N/S, Rge ____ E/W, B.M., Sec. ____, Sub. ____ ¼ ____ ¼ ____ County

Exchange? yes ____ no X

Name source exchanged with: ____
twp. ____ N/S, Rge ____ E/W, B.M., Sec. ____, Sub. ____ ¼ ____ ¼ ____ County

Point of injection:
twp. ____ N/S, Rge ____ E/W, B.M., Sec. ____, Sub. ____ ¼ ____ ¼ ____ County

Point of exchange:
twp. ____ N/S, Rge ____ E/W, B.M., Sec. ____, Sub. ____ ¼ ____ ¼ ____ County

Total Q measured 2.94 c.f.s. Method of measurement Dept. of Water Resource Sparling meter

Total Q recommended 2.94 cfs Meter No. ____ Type Sparling McCrometer 6-in-12-174 Condition operational

Total V recommended 729 AF/Ann

Recommended Amendments:

P.D. ____
Place of Use ____
Other ____
None ____

MEASUREMENT CALCULATION:
Measured with Dept. Sparling meter (McCrometer #6-in-12-174) well pumping at 1320 gpm = 2.94 c.f.s.

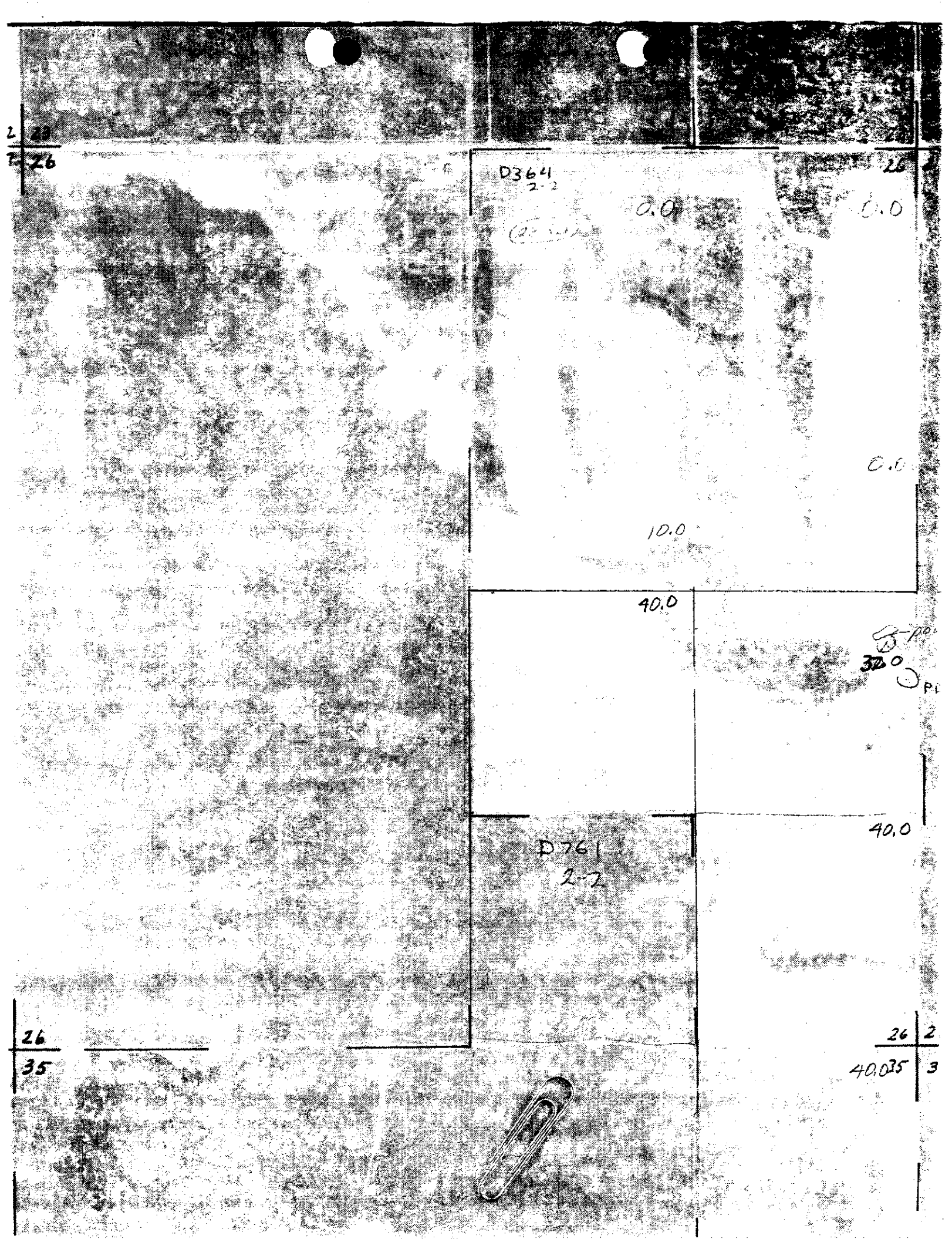
SYSTEM DESCRIPTION:
Westinghouse Motor 100 HP Serial # 2403 on Layne [illegible] pump # 2416-2 in 10" well with 10" column pipe. Pump discharges from pond with US Motor 100 HP Serial # 1257497 on Peerless pump Serial # 142022 into 10" main line

REMARKS:
No Domestic

Examiner's Signature C. F. [illegible] Date 7/13/76

Checked by [illegible] Date 7/14-76

Approved by ____ Date ____


D3641
2-2
0.0
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10.0
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D761
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26
35
26
40.035

D364

A-1E

2330

D761

26

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26

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4 35

35

2

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	R1E	26		X	X										X	X		X	
2N	R1E	35	X																

Total number of acres irrigated 240 acres

10. Remarks: 60 acres of the 80 that is not in the top square are to have another well added to them for a housing project as there will only be 240 off this well.

The above information is a true statement of the extent to which the above numbered permit has been developed.

April 3, 1975
(Date)

Fred K. Wolak
(Signature)

State of IDAHO)
) ss.
County of ADA)

On this 3rd day of April, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ruby C. Fredrick
Notary Public residing at Boise, Idaho

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004389393
$ 00.83⁰
DEC 15 2005
MAILED FROM ZIP CODE 83701

RECEIVED
DEC 22 2005
WATER RESOURCES
WESTERN REGION

RECEIVED
DEC 21 2005
DEPARTMENT OF
WATER RESOURCES

RETURNED TO SENDER
NO SUCH ADDRESS

ANDERSON ENTERPRISES
RT 2 BOX 2431
BURLEY ID 83318

63-3221
63-7325A

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 16, 2005

ORACO PARTNERSHIP
2058 OVERLAND
BURLEY ID 83318-2440

Re: Snake River Basin Adjudication (SRBA)
Water Right No(s). 63-3221, 63-7325A
Change of Address

Dear Water Right Holder:

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

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

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

If there has been a change in ownership of any of the properties connected with the water right(s) referenced above, please call this office to obtain a form to make this required change to the water right(s) records.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

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

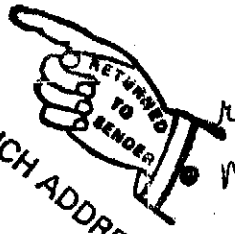
_____ _____
Signature of water right claimant Telephone number

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

FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
$ 00.83⁰
02 1A
0004389393 JUN 06 2005
MAILED FROM ZIP CODE 83702

No address Found



return to sender
no name at this address

ORACO A PARTNERSHIP
735 N OVERLAND
BURLEY ID 83318

NO SUCH ADDRESS

63-3221

RECEIVED
JUN 10 2005
WATER RESOURCES
WESTERN REGION

2058 Overland
Burley 83318-2440

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

0004388395
MAILED FROM ZIP

ANDERSON ENTERPRISES
RT 2 BOX 2431
BURLEY ID 83318

RETURNED TO SENDER
NO SUCH ADDRESS

63-3221
No ADDRESS FOUND

RECEIVED
JUN 09 2005
WATER RESOURCES
WESTERN REGION

ADDRESS SERVICE

[illegible]
WESTERN
2735 AIRPORT WAY
BOISE IDAHO 83705

FIRST-CL
02 1A
0004389393
MAILED FROM ZIP CO

ANDERSON ENTERPRISES
RT 2 BOX 2431
BURLEY ID 83318

RETURNED TO SENDER
NO SUCH ADDRESS

63-3221
No Address
found

RECEIVED
JUN 09 2005
WATER RESOURCES
WESTERN REGION

ADDRESS SERVICE
REQUESTED

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

- [ ] Not Deliverable As Addressed
- [ ] Unable To Forward
- [ ] Insufficient Address
- [ ] Moved, Left No Address
- [ ] Unclaimed [ ] Refused
- [x] Attempted - Not Known
- [ ] No Such Street [ ] Number
- [ ] Vacant [ ] Illegible
- [ ] No Mail Receptacle
- [ ] Box Closed - No Order
- [ ] Returned For Better Address
- [ ] Postage Due _____

FIRST CLASS

UNITED STATES POSTAGE
PITNEY BO
02 1A $ 00
0004389393 JUN 01
MAILED FROM ZIP CODE

SONI PADERSON
C/O CLIFF SMITH
OAKLEY ID 83346

63-3221

RECEIVED
JUN 08 2005
WATER RESOURCES
WESTERN REGION

No Address found

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

RETURNED TO SENDER

- ☑ Not Deliverable As Addressed
  Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed ☐ Refused
- ☑ Attempted - Not Known
- ☐ No Such Street ☐ Number
- ☐ Vacant ☐ Illegible
- ☐ No Mail Receptacle
- ☐ Box Closed - No Order
- ☐ Returned For Better Address
- ☐ Postage Due _____

FIRST CLASS

UNITED STATES POSTAGE
PITNEY
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MAILED FROM ZIP COD

No address found

63-3221

CARMEN GARRARD
C/O CLIFF SMITH
OAKLEY ID 83346

RECEIVED
JUN 0 8 2005
WATER RESOURCES
WESTERN REGION

ADDRESS SERVICE

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

☐ Not Deliverable As Addressed
Unable To Forward
☐ Insufficient Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
Attempted - Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed No Order
☐ Returned For Better Address
☐ Postage Due _____

FIRST CLASS

UNITED STATES POSTAGE
PITNEY
02 1A $ 0
0004389393 JUN
MAILED FROM ZIP COD

No Address Found

63-3381

SONI PADERSON
C/O CLIFF SMITH
OAKLEY ID 833[illegible]

RECEIVED
JUN 08 2005
WATER RESOURCES
WESTERN REGION

ADDRESS SERVICE
REQUESTED

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



Not Deliverable As Addressed
Unable To Forward
☐ Insufficient Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed - No Order
☐ Returned For Better Address
☐ Postage Due

FIRST CLASS



UNITED STATES POSTAGE
02 1A $
0004389393 JI
MAILED FROM ZIP C

No address found

CLIFFORD TODD SMITH

LOUISE MICHELLE SMITH
C/O CLIFF SMITH
OAKLEY ID 83346

63-3221

RECEIVED
JUN 08 2005
WATER RESOURCES
WESTERN REGION

ADDRESS SERVICE
REQUESTED

RECEIVED
JUN 28 2005
WATER RESOURCES
WESTERN REGION

John M. Marshall (ISB #5628)
Givens Pursley LLP.
601 W. Bannock
P.O. Box 2720
Boise, ID 83701
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
S:\CLIENTS\7333\1\Notice of Appearance.DOC

Attorneys for East Hills Development LLC

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

In Re: SRBA	Subcase Nos. 63-3221
Case No. 39576	**NOTICE OF APPEARANCE**

John M. Marshall of the law firm Givens Pursley LLP hereby files this Notice of Appearance for claimant Michael S. Homan in the above captioned proceedings.

DATED this 27th day of June 2005.

John M. Marshall

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 2005, I caused to be served a true and correct copy of the foregoing document to the persons listed below the method indicated:

Jan Shurte
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

___ Hand Delivery
___ Facsimile
___ Overnight Courier
_X_ U.S. Mail

___ Hand Delivery
___ Facsimile
___ Overnight Courier
___ U.S. Mail

___ Hand Delivery
___ Facsimile
___ Overnight Courier
___ U.S. Mail

Trina M. Wiese

Trina M. Wiese

RECEIVED
JUN 28 2005
WATER RESOURCES
WESTERN REGION

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JOHN M. MARSHALL
DIRECT DIAL: (208) 388-1270
EMAIL: johnmarshall@givenspursley.com

Gary G. Allen
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

June 27, 2005

Jan Shurte
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Notice of Appearance
GP File No. 7333-1

Dear Jan:

As we discussed today, I am submitting a Notice of Appearance for Subcase 63-3221 on behalf of Michael S. Homan.

If you have any questions please to not hesitate to contact me at (208) 388-1270.

Sincerely,

John M. Marshall

JMM/tmw
Enclosure

S:\CLIENTS\7333\1\JMM to JShurte enc Notice of Appearance.DOC

09/24/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3221

NAME AND ADDRESS:

ORACO A PARTNERSHIP
735 N OVERLAND
BURLEY ID 83318

LOUISE MICHELLE SMITH
C/O CLIFF SMITH
OAKLEY ID 83346

VANNESS ANDERSON
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID 83318

VERDA ANDERSON
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID 83318

SONI PEDERSON
C/O CLIFF SMITH
OAKLEY ID 83346

CARMEN GARRARD
C/O CLIFF SMITH
OAKLEY ID 83346

CLIFFORD TODD SMITH
C/O CLIFF SMITH
OAKLEY ID 83346

MICHAEL S HOMAN
2229 W STATE ST STE B
BOISE ID 83702

ANDERSON ENTERPRISES
RT 2 BOX 2431
BURLEY ID 83318

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.940 CFS
675.000 AFY

PRIORITY DATE: 01/19/1961

POINT OF DIVERSION:

T02N R01E S26 NENESE Within ADA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.940 CFS 675.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S26	SWNE	3.0	T02N R01E S26	NESE	27.0
T02N R01E S26	NWSE	40.0	T02N R01E S26	SWSE	40.0
T02N R01E S26	SESE	40.0			

150 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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

Place of Use Layout
63-3221



0 0.25 0.5 Miles

N
W E
S

Township 2N Range 1E Section 26

- Point of Diversion
- Place of Use
- PLSS Township
- PLSS Section Lines
- PLSS quarter-quarter lines

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: May 23, 2003

MEMO TO FILE

To: 63-3221, 63-7325A
From: Scott King
Date: May 23, 2003

Subject: Recommendations

Accomplished Transfer

63-3221 & 63-7325A are claimed by a number of individuals and organizations. Michael Homan has demonstrated that he is 1/3 owner in water right 63-3221, although he is not owner of any lands to which this right is appurtenant. Based on his submittal of ownership change, the claim was affectively amended to include him as co-owner of this right. Matt Howard was added as attorney of record for Michael Homan

63-3221 as licensed was appurtenant to NENE Sec 35 and other lands, while 63-7325 was appurtenant to SWSE Sec 26 and other lands (including the NENE Sec 35 – both licenses were appurtenant to this tract). Documents indicate that prior to 1987, ownership of these two 40 acre tracts switched, causing an accomplished transfer where 40 acres of 63-3221 moved part from NENE Sec 35 to SWSE Sec 26. It would appear that 63-7325 moved as well, from Sec 26 to Sec 35, but NENE Sec 35 was already previously licensed under 63-7325.

Disallow 63-7325A

Therefore, in SWSE Sec 26, 63-3221 is recommended and provides a full supply of water. Claim 63-7325A is recommended for disallowal because it provides nothing additional to this tract.

Acres for 63-3221

63-3221 was originally licensed for 162 acres based on a January 1961 application, a protracted development period including both extension of time and permit reinstatement, and 1976 licensing exam and license. The copy of an aerial photo included in the license file does not clearly depict the 162 irrigated acres. In question are two tracts where my findings are less than licensed amounts. This includes NESE and SWNE Sec 26 where I find 27 and 3 acres respectively, but where 32 and 10 acres were licensed, for a total of 12 acres in dispute.

Review of imagery from 1987 (base layer), 1981 (OQ), 1983, 1980, 1977, & 1975 (U2) all appear to have irrigated farm boundaries similar to 1987 photography. In addition, recent images from 1994 and 2000 indicate that the property was not irrigated. Our most recent 2002 satellite imagery indicates a ¼ mile pivot is now being used to irrigate about 130 acres. Due to this information, a total of 150 acres is recommended.

King, Scott

From: King, Scott
Sent: Friday, May 23, 2003 3:05 PM
To: Matt Howard (E-mail)
Subject: preliminary recommendation for 63-3221

Matt,

Thanks for your telephone call this morning regarding the 63-3221 right. It provided good impetus to revisit this recommendation. Reflecting the information gained since my last look at this right, there have been a few changes in the preliminary recommendation. Attached is revised preliminary recommendation and POU map.

The recommendation for 63-3221 has been adjusted to reflect the accomplished transfer in place of use from NENE Sec 35 to SWSE Sec 26.

Claim 63-7325A is now recommended to be disallowed as 63-3221 provides adequate water supply for the claimed place of use.

Please contact me if you have any further questions or concerns.

Sincerely,
Scott


63-03221
liminary Recommen


63-03221v2.jpg

Scott N. King, P.E.
Engineer, Technical I
Idaho Department of Water Resources
Water Management Division, Adjudication Bureau
1301 N. Orchard St.
Boise, Idaho 83705
phone (208) 327-7897
fax (208) 327-5400
email sking@idwr.state.id.us
http://www.idwr.state.id.us/

Note to file: 63-3221 & 63-7325A
January 9, 2003
Scott King

I received documents from Jed Manwaring supporting accomplished transfer of:

63-3221 change place of use of 40 acres from NENE Section 35 to SWSE Section 26.

63-7325A change in point of diversion from well used for license 63-7325A to point of diversion used for license 63-3221, and included in same claim.

Docs Scanned to mail

RECEIVED
JAN - 8 2003
Department of Water Resources

EVANS KEANE LLP

Attorneys at Law

Boise Office

Member, Meritas
With Independent Firms in
Principal Cities Worldwide

1405 W. Main St.
P.O. Box 959
Boise, Idaho 83701-0959

Telephone: (208) 384-1800
Facsimile: (208) 345-3514
E-mail: firm@evanskeane.com
Website: http://www.evanskeane.com

Jed W. Manwaring
jmanwaring@evanskeane.com

January 7, 2003

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau
Department of Water Resources
1301 North Orchard Street
P. O. Box 83720
Boise, ID 83720

Re: Anderson Water Rights
Our File No. 1049-5

Dear Mr. King:

Enclosed for your review are copies of the Warranty Deed dated March 16, 1983 from Albert Anderson and Sons Company to Edward A. Johnson; Warranty Deed dated March 18, 1983 Edward A. Johnson and Janice M. Johnson to Herbert R. Blaser and F. Linnae Blaser; and Warranty Deed dated March 18, 1983 from Edward A. Johnson and Janice M. Johnson to Albert Anderson and Sons Company.

If you have any further questions, please advise.

Very truly yours,

EVANS KEANE LLP

Jed W. Manwaring

JWM:mg
Encl.

106095 KE

X2

8317783

645 588

WARRANTY DEED

THIS INDENTURE, made this 16th day of March, 1983, between ALBERT ANDERSON AND SONS COMPANY, an Idaho Corporation, of Box 789, Burley, County of Cassia,, State of Idaho, 83318, hereinafter called the "Grantor" and EDWARD A. JOHNSON, of 5330 Farrow Street, Boise, County of Ada, State of Idaho, 83704, hereinafter called the "Grantee".

W I T N E S S E T H:

The Grantor for and in consideration of the sum of Ten Dollars ($10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged has granted, bargained and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee all of the following described real estate situated in the County of Ada, State of Idaho, to-wit:

The Northeast Quarter Northeast Quarter (NE¼NE¼) Section 35, Township 2 North, Range 1 East Boise Meridian.

SUBJECT TO: 1983 and subsequent years taxes, levies and assessments, liens, levies and assessments of the Boise-Kuna Irrigation District, and the rights, powers and easements of said district as by law provided.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in

PARSONS, SMITH, STONE & FLETCHER LAWYERS

PLAINTIFF'S EXHIBIT 5

equity of the Grantor.

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and the heirs and assigns of Grantee forever; and the Grantor and the Grantor's successors and assigns, shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee against the Grantor and the Grantor's successors and assigns, and against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, ALBERT ANDERSON AND SONS COMPANY has caused these presents to be signed by WILLIAM A. ANDERSON and GORDON H. ANDERSON, its President and Secretary at Burley, Idaho, pursuant to corporate resolution, and its corporate seal to be hereunto affixed the day and year first above written.

ALBERT ANDERSON AND SONS COMPANY

BY _____
Title: President

ATTEST:

_____
Title: Secretary

STATE OF IDAHO)
) ss
County of Cassia)

On this 16th day of March, 1983, before me, the

PARSONS, SMITH, STONE & FLETCHER LAWYERS BURLEY, IDAHO

201—WARRANTY DEED

Printed and for sale by Hynes-York Company, Boise, Idaho

645 591 Y3

(Optional)

Recorded	☐	Platted	☐	Key Punched	☐	To Treasurer	☐
Microfilmed	☐	Deed Card	☐	Master File	☐		☐
Indexed	☐	Compared	☐	Abstracted	☐		

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

8317784

EDWARD A. JOHNSON and JANICE M. JOHNSON, Husband and Wife — GRANTOR(S)

of Boise County of Ada State of Idaho

hereby CONVEYS, GRANTS and WARRANTS TO

HERBERT R. BLASER and F. LINNEA BLASER, husband and wife — GRANTEE(S)

of County of ADA State of Idaho

for the sum of TEN AND NO/100---------- Dollars ($ 10.00)

the following described tract(s) of land in Ada County, State of Idaho:

The N½ and the N½ of the SW¼ of Section 35, T. 2 N., R. 1 E., Boise Meridian, Ada County Idaho.

STATE OF IDAHO, COUNTY OF ADA, ss.

I, J. David Navarro, Recorder for Ada County, do hereby certify that the Annexed is a full, true and correct copy of Inst. No. 8317784 as it appears on record in Book ____ of ____ at Page ____, Records of Ada County, State of Idaho.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal this 18th day of June 2002

J. DAVID NAVARRO, Recorder

By L. Buchan Deputy

STATE OF IDAHO, COUNTY OF ADA ss

Filed for record at the request of SAFECO TITLE

00 Min past 3 o'clock P.M. this 15 day of April 19 83

JOHN BASTIDA, Recorder

By Edward Fuller Deputy

Fee 6.00

Grantees' Address

2104 North Cole Road, Boise, Idaho 83704

House No. Street

WITNESS the hand of said Grantors this ____ day of ____ A.D. 19

EDWARD A. JOHNSON

JANICE M. JOHNSON

(NOTARY SEAL)

State of Idaho } ss. On the 18TH day of MARCH A.D. 1983

County of ADA }

personally appeared before me EDWARD A. JOHNSON and JANICE M. JOHNSON

the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

Karma S. Ellis (NOTARY PUBLIC)

Residing at: MIDDLETON My Commission expires: LIFE

MAIL DEED TO:

MAIL TAX NOTICE TO:

Name

Address

City & State Zip

PLAINTIFF EXHIBIT 6

PENGAD-Bayonne, N. J.

103—WARRANTY DEED

Printed and for sale by Ayres-Tuck Company, Boise, Idaho

(Optional)

Recorded	☐	Platted	☐	Key Punched	☐	To Treasurer	☐
Microfilmed	☐	Deed Card	☐	Master File	☐		☐
Indexed	☐	Compared	☐	Abstracted	☐		

DO NOT WRITE ABOVE THIS LINE

WARRANTY DEED 8317785

EDWARD A. JOHNSON and JANICE M. JOHNSON, husband and wife GRANTOR(S)
of Boise County of Ada State of Idaho
hereby CONVEYS, GRANTS and WARRANTS TO
ALBERT ANDERSON AND SONS COMPANY, an Idaho corporation
of BURLEY County of CASSIA GRANTEE(S)
for the sum of TEN DOLLARS AND NO/100---------- Dollars ($ 10.00) State of Idaho
the following described tract(s) of land in Ada County, State of Idaho:

SW¼ of the SE¼ of Section 25, T 2 N, R 1 E, Boise Meridian, Ada County, Idaho.

EXHIBIT II

STATE OF IDAHO, COUNTY OF ADA ss.
Filed for record at the request of SAFECO TITLE
9:00 A.M. MAR 15 1983
JOHN BAILEY, Recorder
By Esther Taylor Deputy

Fee $6.00

GRANTEES ADDRESS
P. O. Box 789, Burley, Idaho
House No. Street

WITNESS the hand of said Grantors this day of A.D. 19

EDWARD A. JOHNSON

JANICE M. JOHNSON

(NOTARY SEAL)

State of Idaho
County of ADA } ss. On the 18TH day of MARCH A.D. 1983

personally appeared before me EDWARD A. JOHNSON and JANICE M. JOHNSON

the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

Notarial Ellis
NOTARY PUBLIC

Residing at: MIDDLETON My Commission expires: LIFE

MAIL DEED TO:

MAIL TAX NOTICE TO:
Name
Address
City & State Zip

conversation memorandum

January 9, 2003, 1:30 pm

S.King
Courtesy call to Gary Price regarding 63-3221
Ph. (208) 879-9000

During John Anderson's visit 1/8, John requested that I call Gary Price, the Anderson Enterprises' Accountant. Message to return my call left at 1:30 pm. Contact with receptionist indicated a knowledge of this issue.

Gary called back 1:40 pm.

John Anderson had given Gary all papers from yesterday. I explained I would be sending amended claim for all. Gary represents Anderson Enterprises and Oraco. Oraco holds about 35% of project, and Anderson Enterprises about 8%. I also expressed that the warrantee deeds supplied by Jed Manwaring should suffice for accomplished transfer for both 63-3221 POU and 63-7325A POD.

He has address for:

Cliff Smith
932 S River Dr
Heyburn ID __

Clifford Todd, Carmen, Soni, and Louise are Cliff's children.

conversation memorandum

January 8, 2003, 12:00 – 1:30 pm

S.King
Visit to my office by John Anderson regarding 63-3221

John Anderson made an office visit to discuss the issues with this claim. I began with power point presentation (63-3221.ppt) and gave him a copy of this document. We stepped through the deed issues using this reference. I also supplied a copy of all materials submitted by Matt Howard. We discussed the accomplished transfer in relation to POD for 63-7325A, and for changing claimed POU in 63-3221, and he also took a copy of letter and attachments (deeds) from Jed Manwaring dated 1/7/03 documenting the Blaser/Johnson/Anderson exchange. I explained that if we receive an amended claim for 63-3221 including the SWSE26 in place of the NENE35, then we can likely recommend 63-3221 in SWSE26, but that claim A63-7325A will then be recommended to be disallowed as 63-3221 would provide a full supply of water at an earlier priority date. It is their choice in how this tract is claimed. Quick review of the information from Manwaring appears to support the accomplished transfer regardless if 63-3221 and/or 63-7325A is claimed for SWSE26.

I provided an amended claim for them to review and sign with changes as necessary (especially for ownership and addresses). We also discussed the need to have all signatures, or documents authorizing the signer to sign for other parties.

conversation memorandum

January 7, 2003, 3:00 pm

S.King
I Called Gorden Anderson regarding 63-3221
(208) 241-0518

I called Gorden to update him on my recent conversations with other parties, and to offer a potential amendment to claim A63-3221. I advised him that I had been in recent discussions with Jeb Manwaring (attorney for Gorden and others), Herbert Blaser, and Matt Howard. I explained that Blaser and confirmed the nature of the transaction on the 40 acre NENE 35 with SWSE 26. Gorden commented that the transaction was intended to be an exchange of land and appurtenant water rights. I asked if he wanted to amend claim 63-3221 to exclude the 40 acres in 35, and include the 40 acres in 26, and he was interested in this change. I explained that they claimed 63-7325A on the 40 acres in 26, and that claim is acceptable to recommend, but that the diversion rate is less than 1" per acre (0.0127cfs/acre).

If the Homan claim to 1/3 is substantiated, then Anderson stands to have 2/3 of a larger right, or can have 2/3 of a smaller right plus 40 acres at 0.0127 cfs/acre and junior priority data.

I will draft an amended claim and submit to Gorden for review.

conversation memorandum

January 7, 2003, 2:00 pm

S.King
Call from Jed Manwaring, attorney for Anderson, regarding 63-3221 and my 12/18/02 letter.

Jed is working for Anderson, received a copy of my 12/18/02 letter from Gorden Anderson. They are currently working on a quiting title issue.

We discussed the issue. I explained my notes on title history, and thus the letter, and the issue with the NENE35 portion. He requested a copy of the documents in the file pertaining to title history.

JED MANWARING
PO BOX 959
BOISE ID 83701

conversation memorandum

January 7, 2003, 10:00 am

S.King
Call from Matt Howard re: 63-3221

Matt called in response to my preliminary recommendations of 63-3221 and 63-7325B, and in particular, the relationship of these claims to NENE sec 35 where claims overlapped and where I had recommended 63-7325B only for this tract.

Matt reviewed that Permit 63-3221 was approved in 1/30/61 to Wolske, and Permit 63-7325 on 5/25/1970 to Johnson. Both listed the NENE Sec 35. At that time, this land was owned by the federal government. Wolske received his patent to this land several months after Johnson's permit (63-7325) was issued.

License for 63-3221 was issued 11/4/1976.
License for 63-7325 issued 10/31/1980.

Wolske held the deed and wr license and transferred to Blaser.

Matt states there are two ways the department cannot recommend a claim, partial forfeiture and abandonment. The first cannot be applicable because the ground was always irrigated, and PF applies only where the land is not irrigated. The second cannot apply because the department does not have clear and convincing evidence that the right was abandoned. Therefore, Matt sees that we have two options: recommend both rights on the same 40 acres (albeit there are problems with this choice), or make a ruling about which license should apply and rule that the other was a mistake.

If we recommend 63-3221 without including NENE Sec 35, Matt will object.
If Blaser is recommend a portion of 63-3221, then Homan will claim 1/3 interest in it.

11:00 am
I called Matt back to let him know that I'd had a conversation with Herbert Blaser, and that Mr. Blaser is aware of issues with the NENE 35. I told Matt that per Blaser, there was a recent court case involving Anderson and (Wolske or Oraco), and that Manweiller was the attorney for Anderson. The case involved a quitclaim deed that was not recorded earlier, but that was recently filed by Wolske or Wolske's heir.

3:15 pm
After speaking with Gorden Anderson regarding amending claim to 63-3221, including 40 acres in SESW Sec 26, I contacted Matt to see if there were objections. In principle, he could see no objections and thought that this should be a good solution for his client in particular, and also for the other parties.

conversation memorandum

January 7, 2003, 10:30 am

S.King
Herbert Blaser returned by call to his office.
Rights: 63-7325B, 63-3564

I advised Dr. Blaser that I was working on his claims, and that I wanted to field exam the stock water well for 63-7325B. There is a tenant, but I can knock on the door and let the tenant know that I've spoke with Blaser, and then I can exam the well. Locate by 1st driveway is to trailer (knock and let know of my presence), 2nd drive back to a fuel tank, power pole. To the north is concrete pad with another fuel take. On the other side of the pad is the well, likely buried under straw to protect it and the pressure tanks. I advised Blaser that I would GPS and inspect the well location but that there should not be a need to field examine the complete farm as I was basing my recommendation on the license.

We discussed that two claims overlap on the NENE of section 35. He was aware of issues with the property to the north, and a recent court case between Anderson and (Oraco or Wolske?). The attorney for Anderson was Manweiller (Jud or Jeb), and he thought Judge Wood presided over the case. The case involved one of Wolske successors who had obtained a quitclaim deed from Wolske's attorney that was not recorded, but that was recently recorded. He thought that this deed might be applicable to Michael Homan's 1/3 interest in the right.

I explained that 63-3221 included the NENE of section 35, that at this time I didn't intend recommending the claim on that parcel, but that Homan will likely object to such a recommendation, with issues of abandonment or partial forfeiture at play in our recommendation and their objection.

Blaser informed me that Wolske died in 1997. Also, that Blaser obtained the land in 1983.

It seemed that Mr. Blaser was fairly aware of the issues at hand, and did not see a need for us to meet right now. I explained that he will receive a preliminary recommendation, likely in August or September 2003, and that the director's report will be issued later in 2003.

end.

Also, Blasers

conversation memorandum

January 3, 2003, 3:00 pm

S.King
Call from Gorden Anderson regarding 63-3221

Mr. Anderson called regarding my letter dated December 18, 2002. I explained that the 40 acre tract at 02n01e32 nene that is claimed by both A63-03221 and A63-07325B appears to be owned by Mr. Blaser, and is claimed by Blaser under A63-07325B. Therefore, I plan to recommend this to Blaser. Ownership is based on Ada County tax lot database. If he (Anderson) has other information showing that they own this property, and not Blaser, I could likely recommend it to them under 63-3221.

I also explained that the '1/3 undivided interest in water right' dated back to a 1974 quitclaim deed to Gary & Terri Wolske where Theron & Judith Roberts retained the '1/3 interest' and other items. Anderson explained that he recalls something about this issue, thought that the issue was previously addressed, and will investigate it further.

I further explained that another letter was mailed to him today regarding 63-7325A, and that I needed evidence supporting their ownership of the claimed parcel prior to November 19, 1987 to recommend the change of POD as an accomplished transfer. This should be a simple matter requiring only ownership deed as evidence.

We agreed that perhaps the best thing to do was for Anderson to review available documents, and then we should meet to discuss the issue so that I can answer any questions that may remain.

He provided a new address for Oraco, being 2058 Overland Rd. He was aware that Cliff Smith had moved and no longer resided in Oakley, and had moved to Burley. However, he didn't have the new address at hand, and would find it and forward it to me.

—
Mr. Anderson called back soon after with Mr. Smiths's address:
Cliff Smith
357 W 600 S
Heyburn ID 83336

Send color map of recommended rights to Anderson at:
500 Pebble Ln
Pocatello ID 83204
(208) 241-0518

We discussed further the 2nd paragraph of my Dec 18 letter re: recommending NENE quarter of 35 to Blaser under 63-7325B. This tract was exchanged to Blaser for SWSE 26 where Oraco, et al have claimed 63-7325A. Anderson agreed that Oraco, et al does not own NENE35, which is the cause of my not recommending 63-3221 for that tract.
end.

file copy

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

January 9, 2003

Anderson Enterprises
961 S 50 W
Burley ID 83318

Oraco A Partnership
2058 Overland
Burley ID 83318

Vanness Anderson
Verda Anderson
C/O Osterout & Pope
S Overland Ave
Burley ID 83318

Louise Michelle Smith
Soni Pederson
Carmen Garrard
Clifford Todd Smith
C/O Cliff Smith
1103 S River Dr
Heyburn ID 83336

Michael S. Homan
2229 W State St Ste B
Boise ID 83702

RE: Snake River Basin Adjudication (SRBA)
Claim A63-03221

Dear Claimants:

I am in the process of reviewing your claim to a water right in the Snake River Basin Adjudication and preparing a recommendation to the adjudication court regarding this claim. Recent conversations with Gorden and John Anderson regarding this claim have indicated an interest in filing an amendment that will better represent the beneficial use of the right. Specifically, this includes changing the place of use by including the 40-acre tract at T02N R01E SEC26 ~~NESE~~ S½S½SE, and excluding the 40-acre SEC35 NENE portion. The Anderson's represent that this is pursuant to an earlier property exchange of these two parcels, and I've received copies of deeds supporting this accomplished transfer in place of use as occurring in 1983.

error → Sent 5-03

Enclosed with this letter is an AMENDED Notice of Claim to a Water Right that describes this change. Please review this document. Also included for comparison is a copy of your original claim. If any other changes are warranted, such as new address, please make the changes on the amended claim form. Edit the form as needed. Please return the signed, amended claims. As there are multiple owners of this claim, please return signatures from all claimants. Also, Anderson Enterprises and Oraco please include legal documents supporting that the signer is an authorized agent of the organization.

As it appears that many addresses on the claim are incorrect, I've included a change of address letter and return envelope with most of these letters. Changes in ownership require legal evidence of such change; I can send to you forms and instructions for changing ownership, or refer to the internet link http://www.idwr.state.id.us/water/srba/change.htm.

Pursuant to the Department receiving Change of Ownership notification for claim A63-3221, including supporting documents indicating ownership of an undivided one-third interest in water right 63-3221, Michael S. Homan has been included as a current owner of this claim.

If you have any questions about this matter, I can be reached by mail at the above address, by email at sking@idwr.state.id.us, by phone at (208) 327-7897, or by the Department's toll free number 1-800-451-4129.

Sincerely,

Scott N King

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

enclosures: Amended Notice of Claim to a Water Right, copy of original claim, and change of ownership forms

cc: Matt Howard

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 63-3221
Date Received:
Receipt No: S008870
Received By:

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

1. Name of Claimant(s)

ANDERSON ENTERPRISES Phone: (208)678-4433
RT 2 BOX 2431
BURLEY ID USA 83318

ORACO A PARTNERSHIP Phone: (208)678-9019
735 N OVERLAND
BURLEY ID USA 83318

LOUISE MICHELLE SMITH Phone: (208)678-8864
C/O CLIFF SMITH
OAKLEY ID USA 83346

VANNESS ANDERSON Phone: (208)678-3027
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID USA 83318

VERDA ANDERSON Phone: (208)678-3027
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID USA 83318

SONI PEDERSON Phone: (208)678-8864
C/O CLIFF SMITH
OAKLEY ID USA 83346

CARMEN GARRARD Phone: (208)678-8864
C/O CLIFF SMITH
OAKLEY ID USA 83346

CLIFFORD TODD SMITH Phone: (208)678-8864
C/O CLIFF SMITH
OAKLEY ID USA 83346

MICHAEL S HOMAN Phone: (208) 429-1900
2229 W STATE ST SUITE B
BOISE ID USA 83702

2. Date of Priority: 01/19/1961

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	26	NE SE	ADA	

5. Description of diverting works:

WELL, PUMP & PIPELINE FOR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	2.94	729

7. Total Quantity Appropriated is:
2.94 C.F.S. and/or 729 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
02N	01E	26	SW NE	IRRIGATION	10
			NE SE	IRRIGATION	32
			NW SE	IRRIGATION	40
			SW SE	IRRIGATION	40
			SE SE	IRRIGATION	40
				Total Acres	162

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:

CLAIM NO. A63-7325A.

14. Remarks:

15. Basis of Claim: License

Water Right Number:29333

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

_____
Title and Organization

_____
Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

January 7, 2003

Jed Manwaring
PO Box 959
Boise, ID 83701

RE: SRBA Claim A63-3221

Dear Mr. Manwaring:

Thank you for calling regarding this claim. Enclosed with this letter please find a copy of the documents submitted to me by Matt Howard regarding title to the water right.

If you have any questions about this matter, please let me know. I can be reached by mail at the above address or by phone at (208) 327-7897.

Sincerely,

Scott King

Scott King

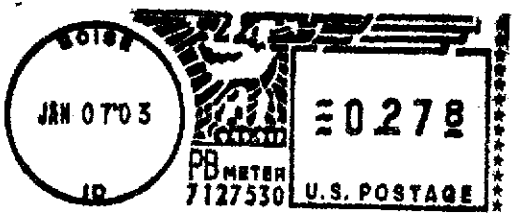
Enclosure

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

Return Service Requested

RECEIVED
JAN 15 2003
Department of Water Resources

PRESORTED
FIRST CLASS



ANDE500 T832042004 1A02 05 01/13/03
RETURN TO SENDER
ANDERSON SR
TEMPORARILY AWAY
RETURN TO SENDER

K##GTM5-8####

File 63-3221

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

January 6, 2003

GORDEN ANDERSON
500 PEBBLE LN
POCATELLO ID 83204

This is the address Gorden provided for this letter, but letter returned to sender - SNK

RE: Snake River Basin Adjudication (SRBA)
Preliminary Recommendation Layout for Several Claims

Dear Mr. Anderson:

Included please find a color map that may help you better interpret my preliminary recommendations for several claims, including 63-03221 and 63-07325A, which are both claimed by Oraco et al, and also recommendations for Blaser's 63-07325B and 63-0364.

This map is sent to you at the address you provided. However, I have not changed the address of any claimants listed for these rights. If you intended to have an address changed, please complete a change form. I can send one to you, or go to the internet address http://www.idwr.state.id.us/water/srba/change.htm and look for the downloadable forms link on the right.

If you have any questions about this matter, I can be reached by mail at the above address, by email at sking@idwr.state.id.us, by phone at (208) 327-7897, or by the Department's toll free number 1-800-451-4129.

Sincerely,

Scott N. King

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

enclosure: DRAFT PRELIMINARY Place of Use Layout for several claims

Idaho Department of Water Resources

PRELIMINARY Place of Use Layout
63-3221, 63-7325A, 63-7325B, 63-3564



N
W E
S

0 0.25 0.5 0.75 1 Miles

Township 2N Range 1E Sections 26 & 35

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: January 3, 2003

- Point of Diversion
- 63-03221 Oraco et al
- 63-07325A / Oraco et al
- 63-07325B / Blaser
- 63-03564 / Blaser
- PLSS Township Boundaries
- PLSS Section Lines
- PLSS Quarter-quarter lines

file copy

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

January 6, 2003

GORDEN ANDERSON
500 PEBBLE LN
POCATELLO ID 83204

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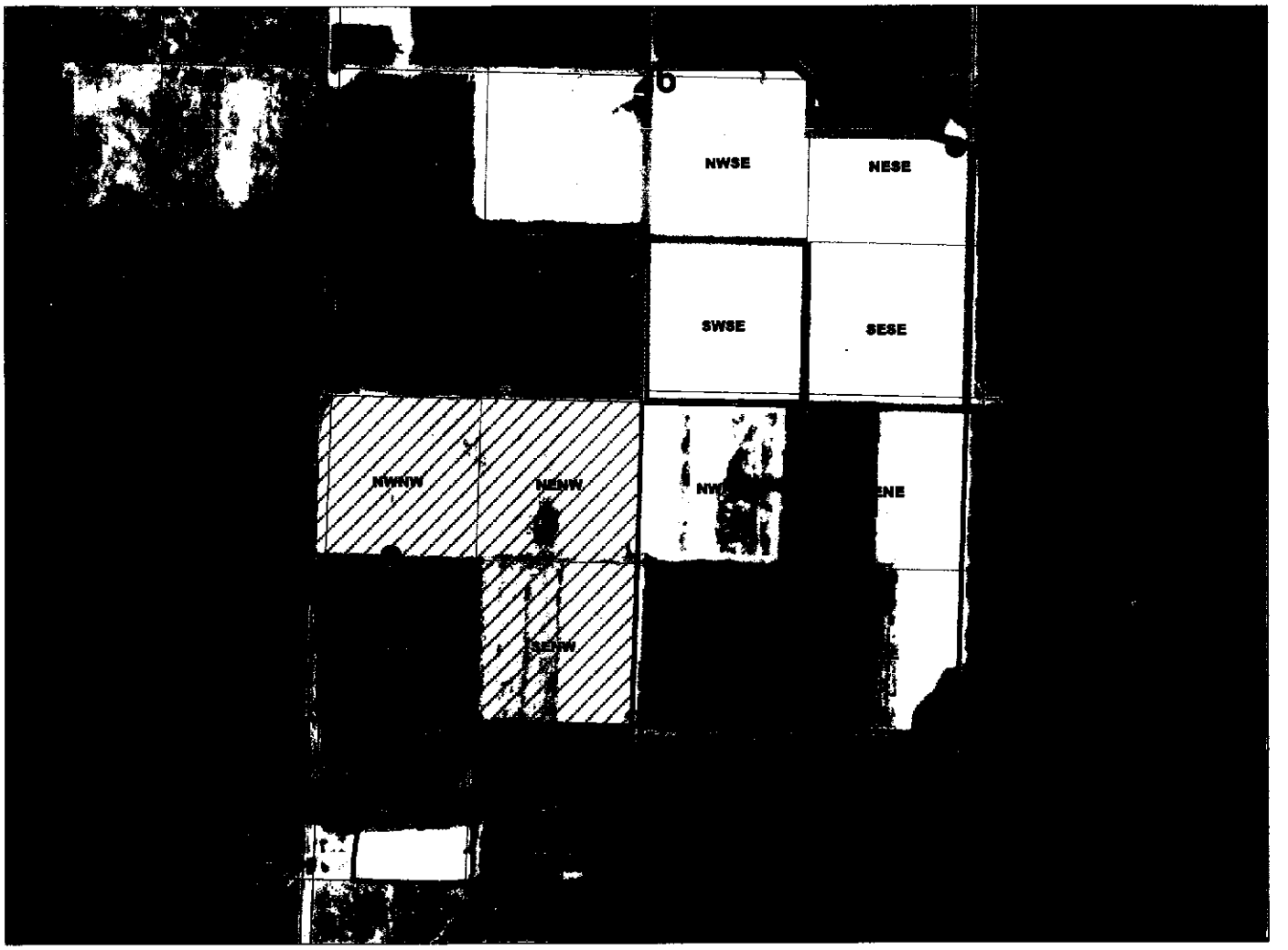
Scott N. King

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

enclosure: DRAFT PRELIMINARY Place of Use Layout for several claims

Idaho Department of Water Resources

PRELIMINARY Place of Use Layout
63-3221, 63-7325A, 63-7325B, 63-3564



N
W E
S

0 0.25 0.5 0.75 1 Miles

Township 2N Range 1E Sections 26 & 35

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: January 3, 2003

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- 63-03221 Oraco et al
- 63-07325A / Oraco et al
- 63-07325B / Blaser
- 63-03564 / Blaser
- PLSS Township Boundaries
- PLSS Section Lines
- PLSS Quarter-quarter lines

PERSONNEL PLUS

YOUR TOTAL STAFFING SOLUTION

BRENDA BAILEY

Branch Manager

~~P.O. Box 66~~
735 Overland Avenue
Burley, ID 83318
(208) 678-4040
(208) 678-5655 Fax

bbailey@personnel.com

514 5th St.
Rupert, ID 83350
(208) 434-4040
Fax (208) 434-4041
Cell (208) 431-4040

this letter was opened by mistake as it was sent to our address. Please correct your records.

thanks

Brenda Bailey

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

file copy

January 6, 2003

Returned incorrect address

ORACO A PARTNERSHIP
2058 OVERLAND
BURLEY ID 83318

RE: Snake River Basin Adjudication (SRBA)
Claim A63-03221 Preliminary Recommendations
Change of address forms

Dear Claimants:

Included please find a letter dated December 18, 2002 that I attempted to send to you at an Oakley address, but was returned by the post office. Gorden Anderson provided this new address. Please read the enclosed letter, and also please complete and return the enclosed change of address form for both of your claimed rights A63-3221 and A63-7325A.

If you have any questions about this matter, I can be reached by mail at the above address, by email at sking@idwr.state.id.us, by phone at (208) 327-7897, or by the Department's toll free number 1-800-451-4129.

Sincerely,

Scott N King

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

enclosures: December 18, 2002 letter
Change of address form

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

file copy

January 6, 2003

LOUISE MICHELLE SMITH
SONI PEDERSON
CARMEN GARRARD
CLIFFORD TODD SMITH
C/O CLIFF SMITH
357 W 600 S
HEYBURN ID 83336

RE: Snake River Basin Adjudication (SRBA)
Claim A63-03221 Preliminary Recommendations
Change of address forms

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Sincerely,

Scott N King

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

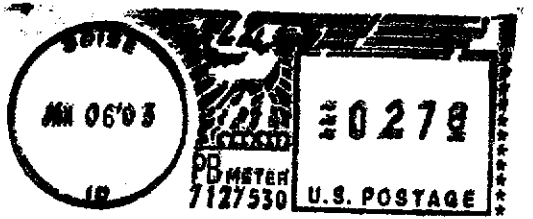
enclosures: December 18, 2002 letter
Change of address form

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

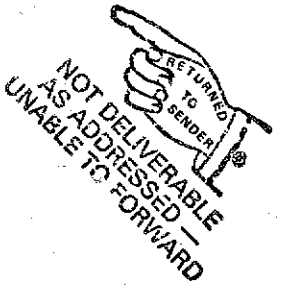
Return Service Requested

RECEIVED
JAN - 8 2003
Department of Water Resources

PRESORTED
FIRST CLASS



96 I So 50 W



State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2003

ANDERSON ENTERPRISES
RT 2 BOX 2431
BURLEY ID 83318

RE: Snake River Basin Adjudication (SRBA)
Claim A63-07325A

Dear Claimant:

I am in the process of reviewing the above referenced claim to a water right in the Snake River Basin Adjudication and preparing a recommendation to the adjudication court regarding this claim. This claim lists a point of diversion located at T02N R01E 26 NESE, which appears to be the same point of diversion used for 63-03221. The 39 acres of irrigated land are located in the SWSE quarter-quarter of the same section. However, this land used to be irrigated by a point of diversion located at T02N R01E Sec 35 NWNW as is evidenced by license 63-7325.

Idaho Code §42-1524 authorizes recognition of an accomplished transfer in point of diversion provided the change occurred prior to November 19, 1987, the date of commencement of the SRBA. Most likely the simplest evidence to support this accomplished transfer is documentation of your ownership of this parcel, such as a deed of ownership. Please submit evidence documenting that you owned this parcel prior to November 19, 1987.

If you have any questions about this matter, I can be reached by mail at the above address, by email at sking@idwr.state.id.us, by phone at (208) 327-7897, or by the Department's toll free number 1-800-451-4129.

Sincerely,

Scott N King

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

cc: Vanness Anderson
Verda Anderson

12/16/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3221

NAME AND ADDRESS: ANDERSON ENTERPRISES
RT 2 BOX 2431
BURLEY ID 83318

ORACO A PARTNERSHIP
735 N OVERLAND
BURLEY ID 83318

LOUISE MICHELLE SMITH
C/O CLIFF SMITH
OAKLEY ID 83346

VANNESS ANDERSON
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID 83318

VERDA ANDERSON
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID 83318

SONI PEDERSON
C/O CLIFF SMITH
OAKLEY ID 83346

CARMEN GARRARD
C/O CLIFF SMITH
OAKLEY ID 83346

CLIFFORD TODD SMITH
C/O CLIFF SMITH
OAKLEY ID 83346

MICHAEL S HOMAN
2229 W STATE ST STE B
BOISE ID 83702

2058 Overland

Gorden Anderson
Called 1/4
Provided New addresses

New address for Cliff Smith

Add Explanatory remark that 63-7325A also diverted from some POD

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.200 CFS
495.000 AFY

PRIORITY DATE: 01/19/1961

POINT OF DIVERSION:

T02N R01E S26 NENESE Within ADA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.200 CFS 495.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S26	SWNE	3.0	T02N R01E S26	NESE	27.0
T02N R01E S26	NWSE	40.0	T02N R01E S26	SESE	40.0

110 ACRES TOTAL

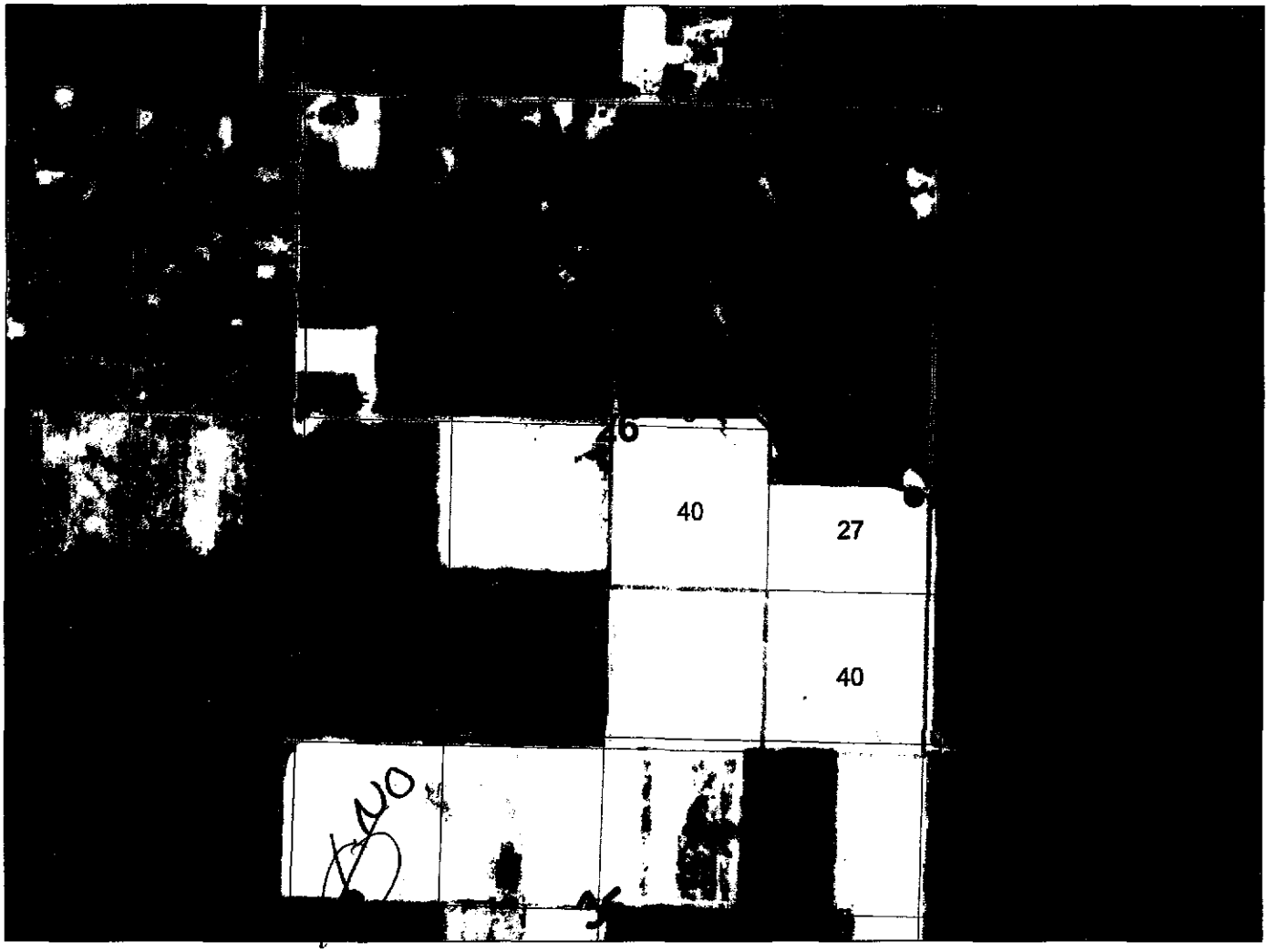
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Department of Water Resources

PRELIMINARY Place of Use Layout
63-3221



0 0.25 0.5 Miles

Township 2N Range 1E Section 26

Number of irrigated acres found in each quarter-quarter indicated.

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: December 16, 2002

N
W E
S

- Point of Diversion
- Place of Use
- PLSS Township
- PLSS Section Lines
- PLSS quarter-quarter lines

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

December 18, 2002

Returned - No longer at this address

ORACO A PARTNERSHIP
735 N OVERLAND
BURLEY ID 83318

RE: Snake River Basin Adjudication (SRBA)
Claim A63-03221

Dear Claimant:

I am in the process of reviewing your claim to a water right in the Snake River Basin Adjudication and preparing a recommendation to the adjudication court regarding this claim. The department has received a request to have another party added as "current owner" of this claim. Matt J. Howard, Attorney at Law, makes the request on behalf of his client Michael S. Homan. Mr. Howard has submitted evidence that his client is rightful owner of "an undivided one third interest" in water right 63-3221. Based on this information, I intend to include Michael S. Homan in the list of current owners of this claim.

Regarding the claimed place of use, it appears that the 40 tract in T02N R01E Sec 35 NENE that has been claimed as an irrigated place of use for A63-03221 is not owned by you or the other claimants of this right. Rather, this tract is owned by Herbert Blaser and also claimed by him under A63-07325B. I intend to recommend this tract to Blaser in A63-7325B, and not in A63-03221, thereby reducing the total number of recommended acres for A63-03221.

A total of 162 acres were irrigated based on the 1976 licensing field examination. The recommendation should be reduced by 40 acres based on the preceding paragraph. Aerial imagery from 1987 indicates 110 acres of irrigated land in Section 26, SWNE, NESE, NWSE, and SESE quarter-quarters, 12 acres fewer than in 1976. At this point, I intend to recommend a total of 110 acres for A63-03221. If you can show additional irrigated acres between 8/15/1984 and 8/15/1989 (filing date of this claim), please let me know. Included with this letter are a preliminary recommendation and a place of use presentation for this claim.

If you have any questions about this matter, I can be reached by mail at the above address, by email at sking@idwr.state.id.us, by phone at (208) 327-7897, or by the Department's toll free number 1-800-451-4129.

Sincerely,

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

enclosures: preliminary recommendation and place of use presentation

cc: Anderson Enterprises
Louise Michelle Smith
Vanness Anderson
Verda Anderson
Soni Pederson
Carmen Garrard
Clifford Todd Smith
Michael Homan
Matt Howard

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

December 18, 2002

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RT 2 BOX 2431
BURLEY ID 83318

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Claim A63-03221

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Scott King

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

enclosures: preliminary recommendation and place of use presentation

cc: Oraco A Partnership
Louise Michelle Smith
Vanness Anderson
Verda Anderson
Soni Pederson
Carmen Garrard
Clifford Todd Smith
Michael Homan
Matt Howard

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

December 18, 2002

LOUISE MICHELLE SMITH
SONI PEDERSON
CARMEN GARRARD
CLIFFORD TODD SMITH
C/O CLIFF SMITH
OAKLEY ID 83346

Returned
Not deliverable as addressed.
Could not find Cliff Smith in Oakley.

RE: Snake River Basin Adjudication (SRBA)
Claim A63-03221

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A total of 162 acres were irrigated based on the 1976 licensing field examination. The recommendation should be reduced by 40 acres based on the preceding paragraph. Aerial imagery from 1987 indicates 110 acres of irrigated land in Section 26, SWNE, NESE, NWSE, and SESE quarter-quarters, 12 acres fewer than in 1976. At this point, I intend to recommend a total of 110 acres for A63-03221. If you can show additional irrigated acres between 8/15/1984 and 8/15/1989 (filing date of this claim), please let me know. Included with this letter are a preliminary recommendation and a place of use presentation for this claim.

If you have any questions about this matter, I can be reached by mail at the above address, by email at sking@idwr.state.id.us, by phone at (208) 327-7897, or by the Department's toll free number 1-800-451-4129.

Sincerely,

Scott King

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

enclosures: preliminary recommendation and place of use presentation

cc: Anderson Enterprises
Oraco A Partnership
Vanness Anderson
Verda Anderson
Michael Homan
Matt Howard

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 18, 2002

VANNESS ANDERSON
VERDA ANDERSON
C/O OSTEROUT & POPE
S OVERLAND AVE
BURLEY ID 83318

RE: Snake River Basin Adjudication (SRBA)
Claim A63-03221

Dear Claimants:

I am in the process of reviewing your claim to a water right in the Snake River Basin Adjudication and preparing a recommendation to the adjudication court regarding this claim. The department has received a request to have another party added as "current owner" of this claim. Matt J. Howard, Attorney at Law, makes the request on behalf of his client Michael S. Homan. Mr. Howard has submitted evidence that his client is rightful owner of "an undivided one third interest" in water right 63-3221. Based on this information, I intend to include Michael S. Homan in the list of current owners of this claim.

Regarding the claimed place of use, it appears that the 40 tract in T02N R01E Sec 35 NENE that has been claimed as an irrigated place of use for A63-03221 is not owned by you or the other claimants of this right. Rather, this tract is owned by Herbert Blaser and also claimed by him under A63-07325B. I intend to recommend this tract to Blaser in A63-7325B, and not in A63-03221, thereby reducing the total number of recommended acres for A63-03221.

A total of 162 acres were irrigated based on the 1976 licensing field examination. The recommendation should be reduced by 40 acres based on the preceding paragraph. Aerial imagery from 1987 indicates 110 acres of irrigated land in Section 26, SWNE, NESE, NWSE, and SESE quarter-quarters, 12 acres fewer than in 1976. At this point, I intend to recommend a total of 110 acres for A63-03221. If you can show additional irrigated acres between 8/15/1984 and 8/15/1989 (filing date of this claim), please let me know. Included with this letter are a preliminary recommendation and a place of use presentation for this claim.

If you have any questions about this matter, I can be reached by mail at the above address, by email at sking@idwr.state.id.us, by phone at (208) 327-7897, or by the Department's toll free number 1-800-451-4129.

Sincerely,

Scott N. King, P.E.
Engineer, Technical I
Adjudication Bureau

enclosures: preliminary recommendation and place of use presentation

cc: Anderson Enterprises
Oraco A Partnership
Louise Michelle Smith
Soni Pederson
Carmen Garrard
Clifford Todd Smith
Michael Homan
Matt Howard

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

Return Service Requested

RETURNED TO SENDER
☐ MOVED, LEFT NO ADDRESS
☐ NOT DELIVERABLE AS ADDRESSED
☐ UNABLE TO FORWARD
☐ NO SUCH NUMBER - NOT KNOWN
☐ REFUSED
☐ NUMBER ____
☐ EXPIRED

PRESORTED FIRST CLASS
83708 AFC
01 JUN 2002 PM
MAY 31'02
ID
PB METER 7110094
0255
U.S. POSTAGE

RECEIVED
JUN - 4 2002
Department of Water Resources

CLIFFORD TODD SMITH

LOUISE MICHELLE SMITH
C/O CLIFF SMITH
OAKLEY ID 83346

63-3221
7325A

932 S. River Dr.
Heyburn 83336

Sent again 6.10.02

[redacted]

RECEIVED
OCT 10 2002
Department of Water Resources

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

Return Service Requested

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JUN - 4 2002
Department of Water Resources

RETURNED TO SENDER

- ☐ MOVED, LEFT NO ADDRESS
- ☐ NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD
- ☑ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET - NUMBER
- ☐ DO NOT REMAIL IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEPTACLE
- ☐ BOX CLOSED NO ORDER

PRESORTED FIRST CLASS
83708 AFC
PM
01 JUN 2002
BOISE
MAY 31 '02
ID
PB METER 7110094
0.25
U.S. POSTAGE

63-3221
7325A

SONI PEDERSON
C/O CLIFF SMITH
OAKLEY ID 83346

[redacted]

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

Return Service Requested

RECEIVED
JUN - 4 2002
Department of Water Resources

RETURNED TO SENDER

- ☐ MOVED, LEFT NO ADDRESS
- ☐ NOT DELIVERABLE AS ADDRESSED
  UNABLE TO FORWARD
- ☑ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET - NUMBER ____
- ☐ DO NOT REMAIL IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEPTACLE
- ☐ BOX CLOSED NO ORDER

CARMEN GARRARD
C/O CLIFF SMITH
OAKLEY ID 83346

PRESORTED FIRST CLASS
83708 AK SCF
PM
01 JUN 2002
BOISE
MAY 31 '02
ID
PB METER 7110094
U.S. POSTAGE
0.255

63-3221
1325A

D-fund

[redacted]

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

Return Service Requested

63-3221
7325A

PRESORTED
FIRST CLASS

BOISE ID JUN 03'02 — PB METER 7110094 — $ 00.25 — U.S. POSTAGE

RECEIVED
JUN 07 2002
WATER R...
WESTERN REGION

RECEIVED
JUN
RECEIVED Department of Water Resources
JUN - 6 2002
Department of Water Resources

Found

RETURNED TO SENDER
NOT DELIVERABLE AS ADDRESSED — UNABLE TO FORWARD

ORACO A PARTNERSHIP
735 N OVERLAND
BURLEY ID 83318

UDA

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-03221

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE
PRIORITY*	N					
PT. OF DIV.	N					
SOURCE	N					
PL. OF USE	N					
DIV. AMOUNT CFS/AF	N					
CONSUMPTIVE USE						
NATURE OF USE	N					
PERIOD OF USE	N					
BASIS OF CLAIM	N					
REMARKS	N					

"R" RECORD

DATA ENTRY COMPLETED BY _____ DATE _____

FINAL RECOMMENDATION BY _____ DATE _____

N/A *IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN SUBMITTED - YES ____ NO ____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE CLAIMANT CONTACT CHECKLIST AND ATTACH.

VERIFICATION CODES
TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS: Claimed as licensed-

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/23/95 00:05:04
Page 1

Water Right Number - 63-03221 ✓ Prefix Translation: WATER RIGHT Old (D) Number - 29333

Last Name	First Name	Address
*** C - CURRENT OWNER *** WOLSKE	FRED H.	1 - RT. 2 2 - 3 - City- KUNA State- ID Zip- 83634 Phone -

Priority Date	Region	Stage	Status
01/19/1961 ✓	14 WESTERN	L - LICENSE ✓	

Source	Tributary
GROUNDWATER ✓	

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
02N ✓	01E ✓	26 ✓	NE SE ✓			(1) ADA ✓			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION ✓	04/01 ✓	10/31 ✓	2.940 ✓	729.00 ✓

Total Div. Rate	Total Div. Volume	Total Div. Capacity
2.940 ✓	729.00 ✓	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N ✓	01E ✓	26 ✓	SW NE ✓		10.0 ✓	01	IRRIGATION ✓	(1) ADA
02N	01E	26	NE SE ✓		32.0 ✓	01	IRRIGATION	(1) ADA
02N	01E	26	NW SE ✓		40.0 ✓	01	IRRIGATION	(1) ADA
02N	01E	26	SE SE ✓		40.0 ✓	01	IRRIGATION	(1) ADA
02N	01E	35 ✓	NE NE ✓		40.0 ✓	01	IRRIGATION	(1) ADA
			Total Acres:		162.0 ✓			

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers found.

Water right number - 63-03221 Prefix Translation: WATER RIGHT

+ - Conditions of Approval - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

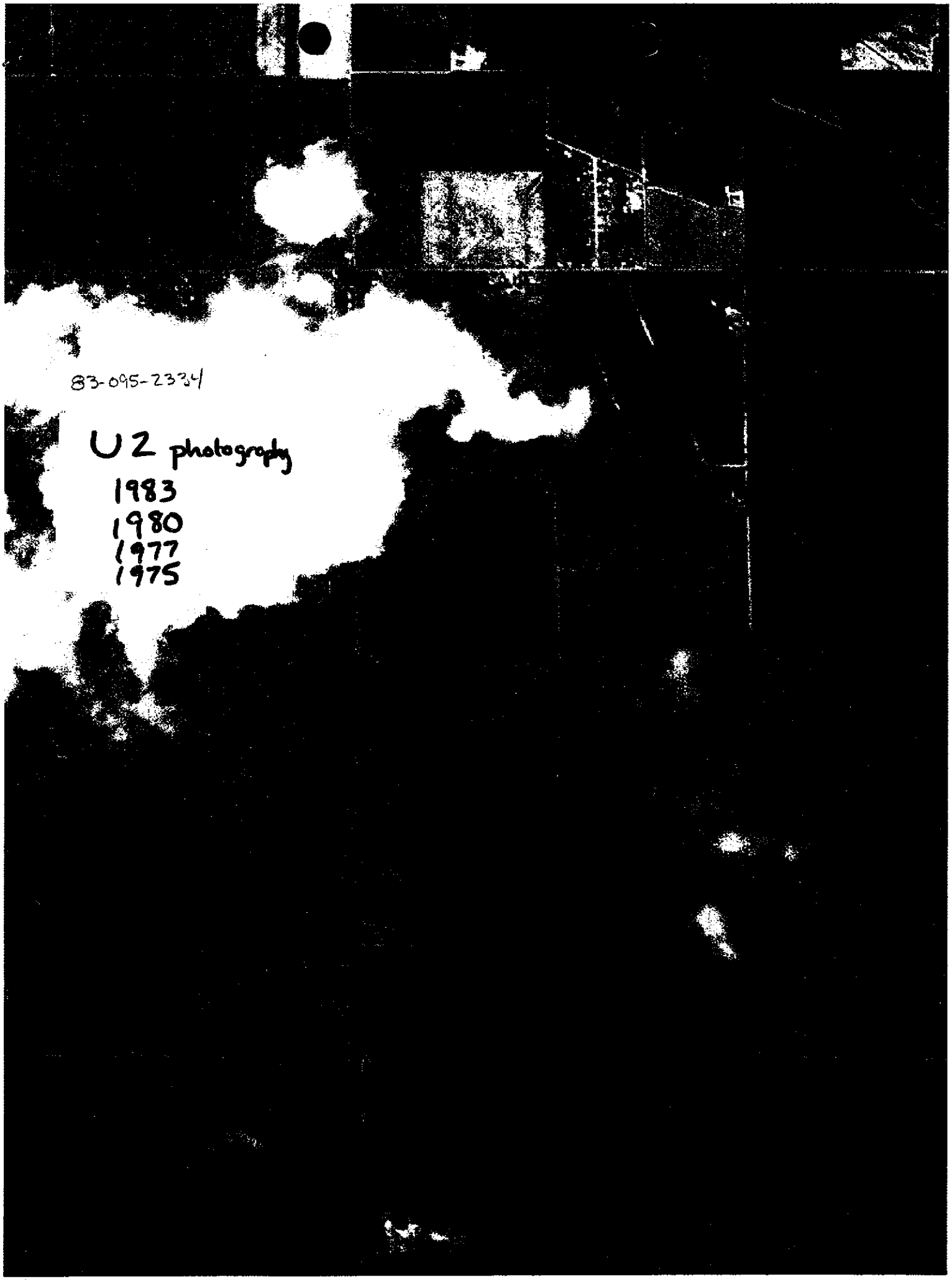
00/00/0000

+ -Comments- +
No Comments Found

+ - - Audit Fields - 05/06/85 05/01/88

+ - Water Rights Dates and Flags Area - +

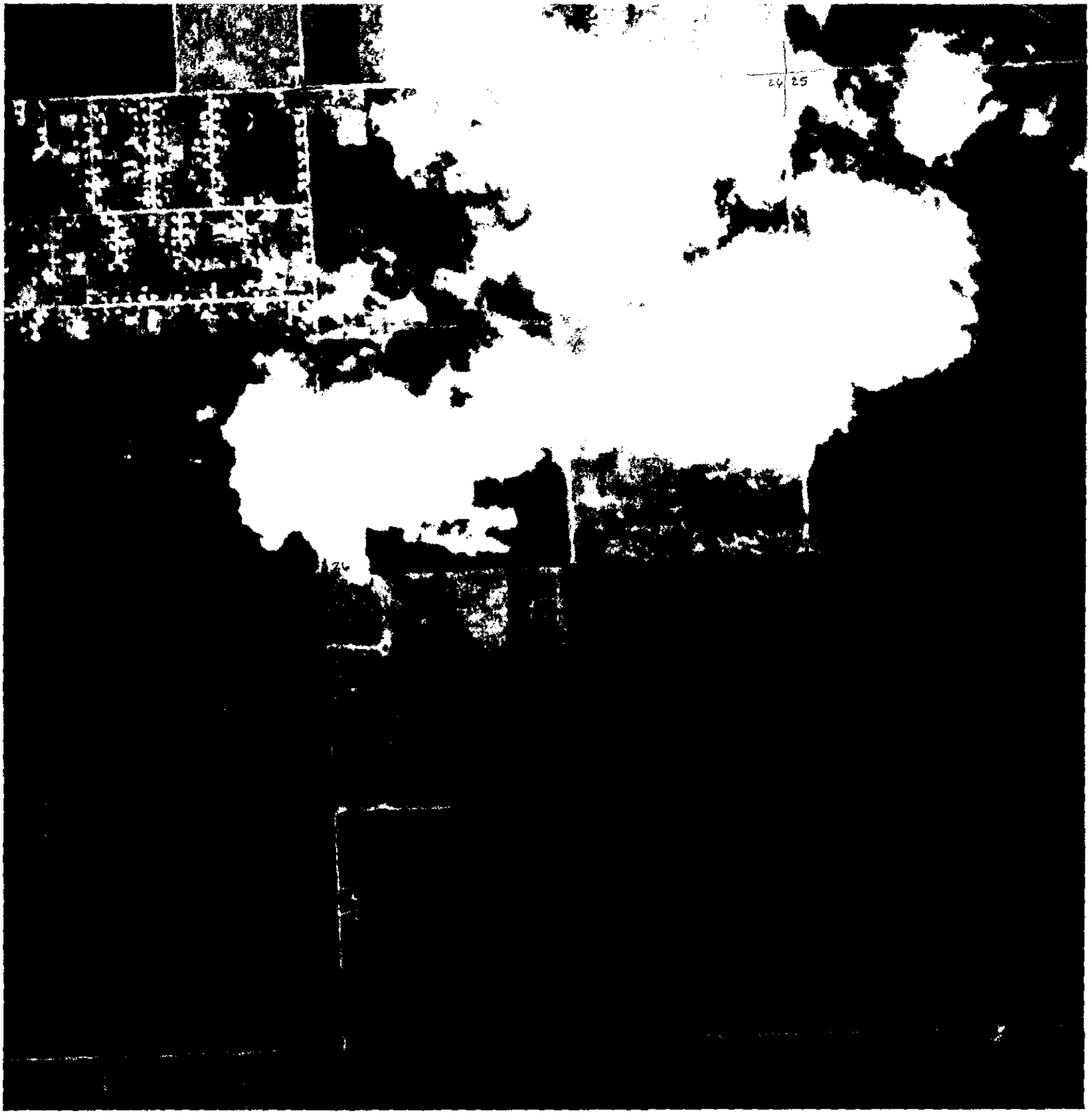
Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 05/06/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 08/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				


83-095-2334
U2 photography
1983
1980
1977
1975

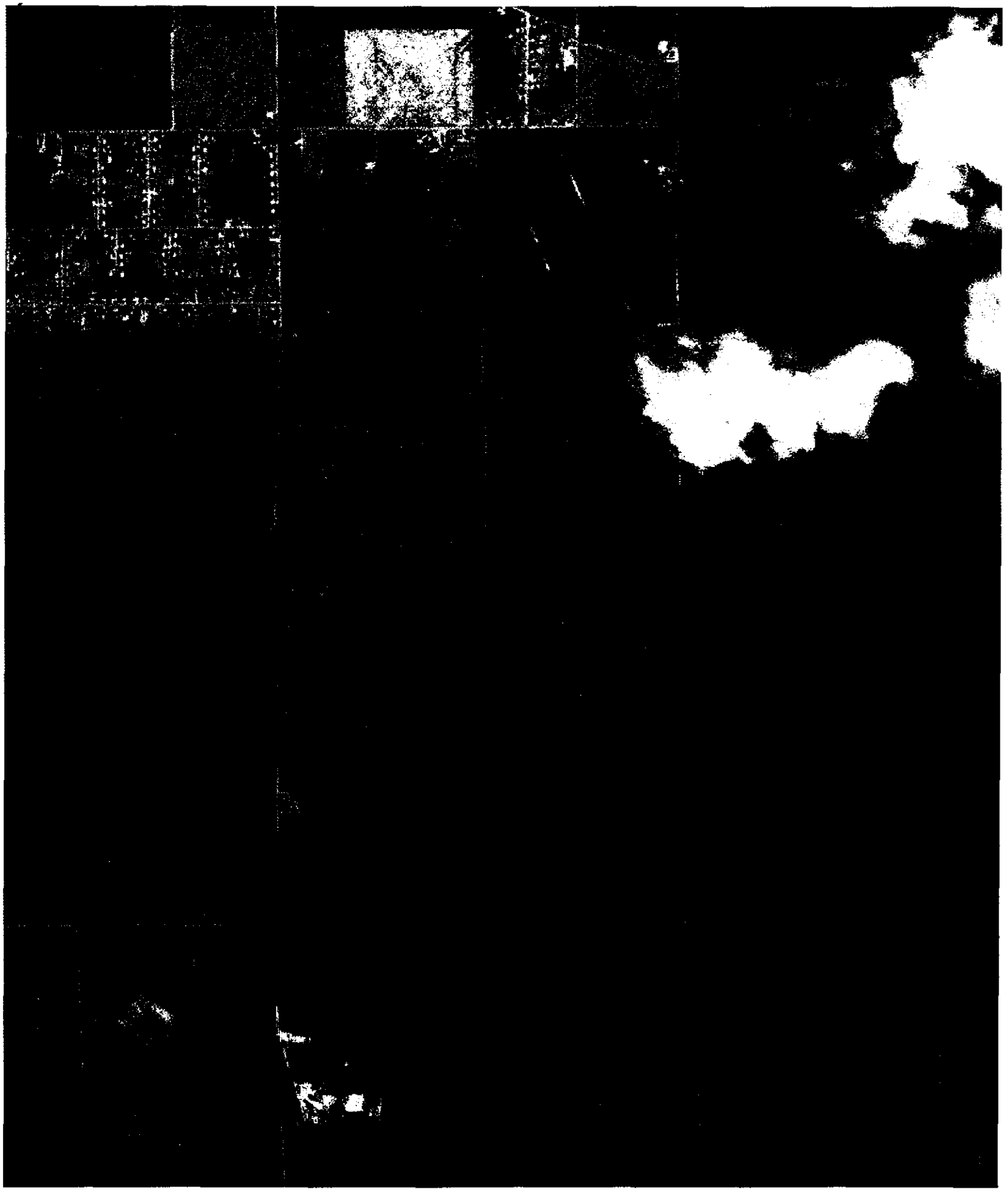
UZ Imagery 83-095 id # 2335

1983 63-3221 et al

TOZN ROIE



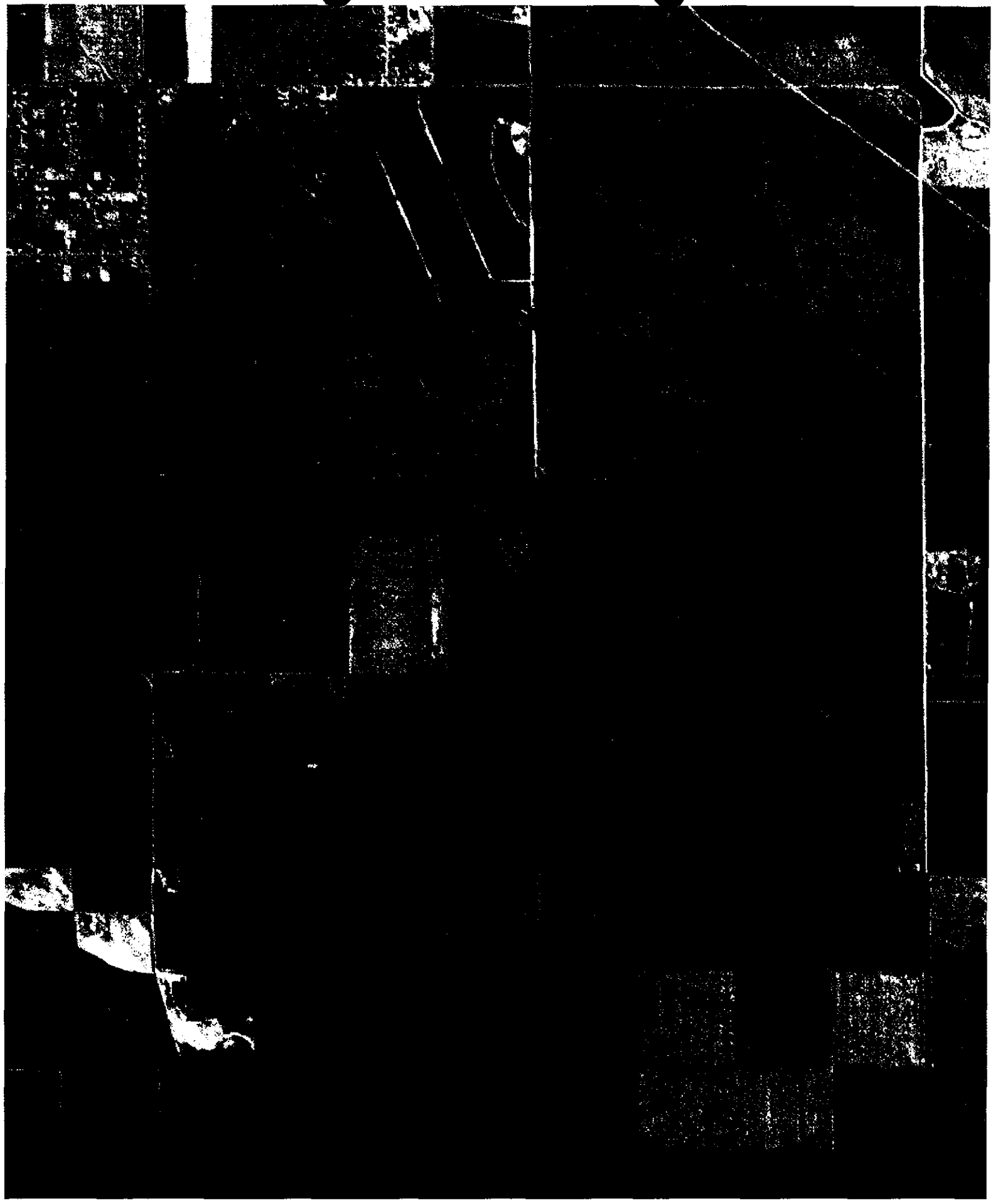
83-095-2336

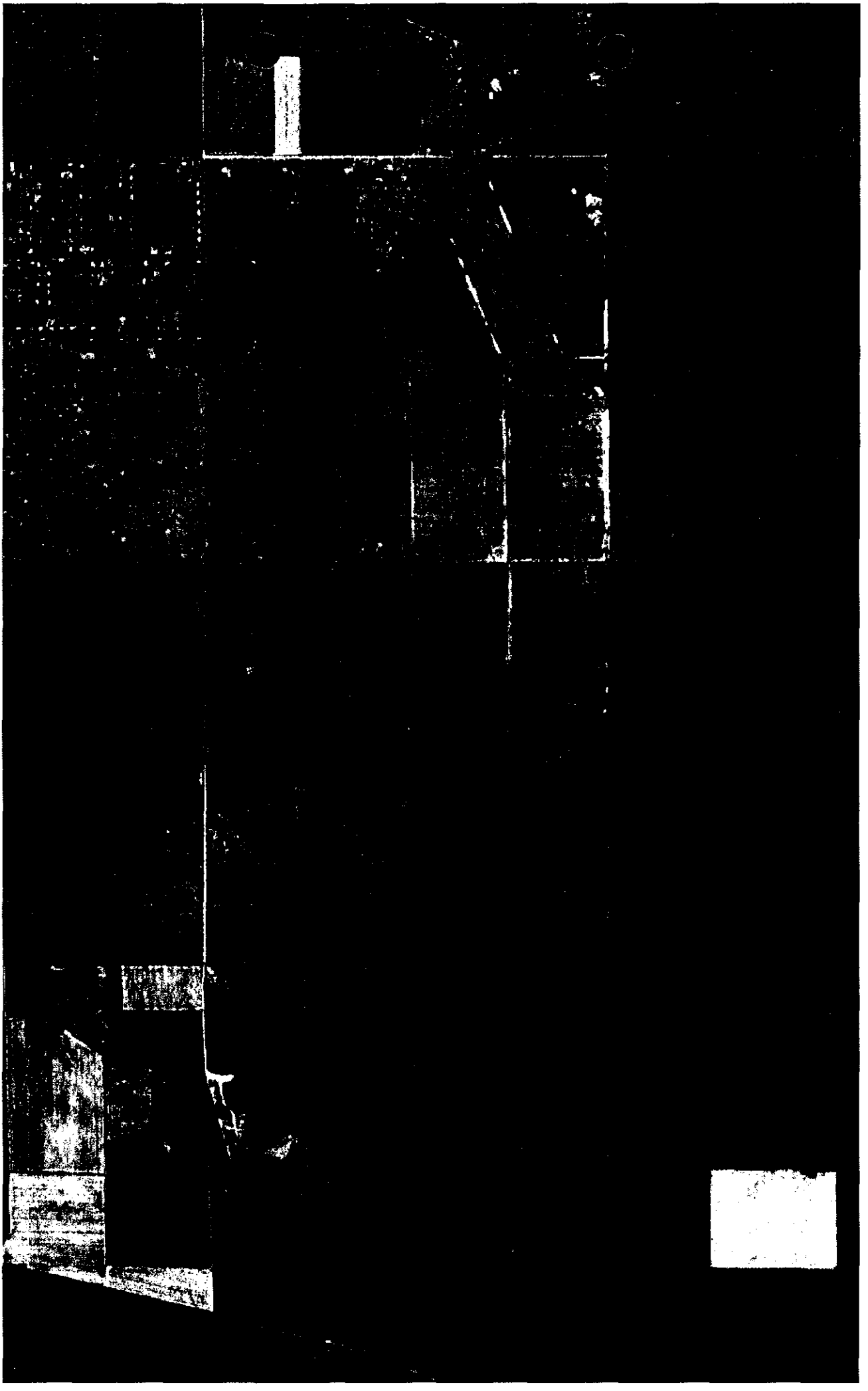


UZ Imagery 1980 - 152 - 3484

N 01 E

3-3271 et al



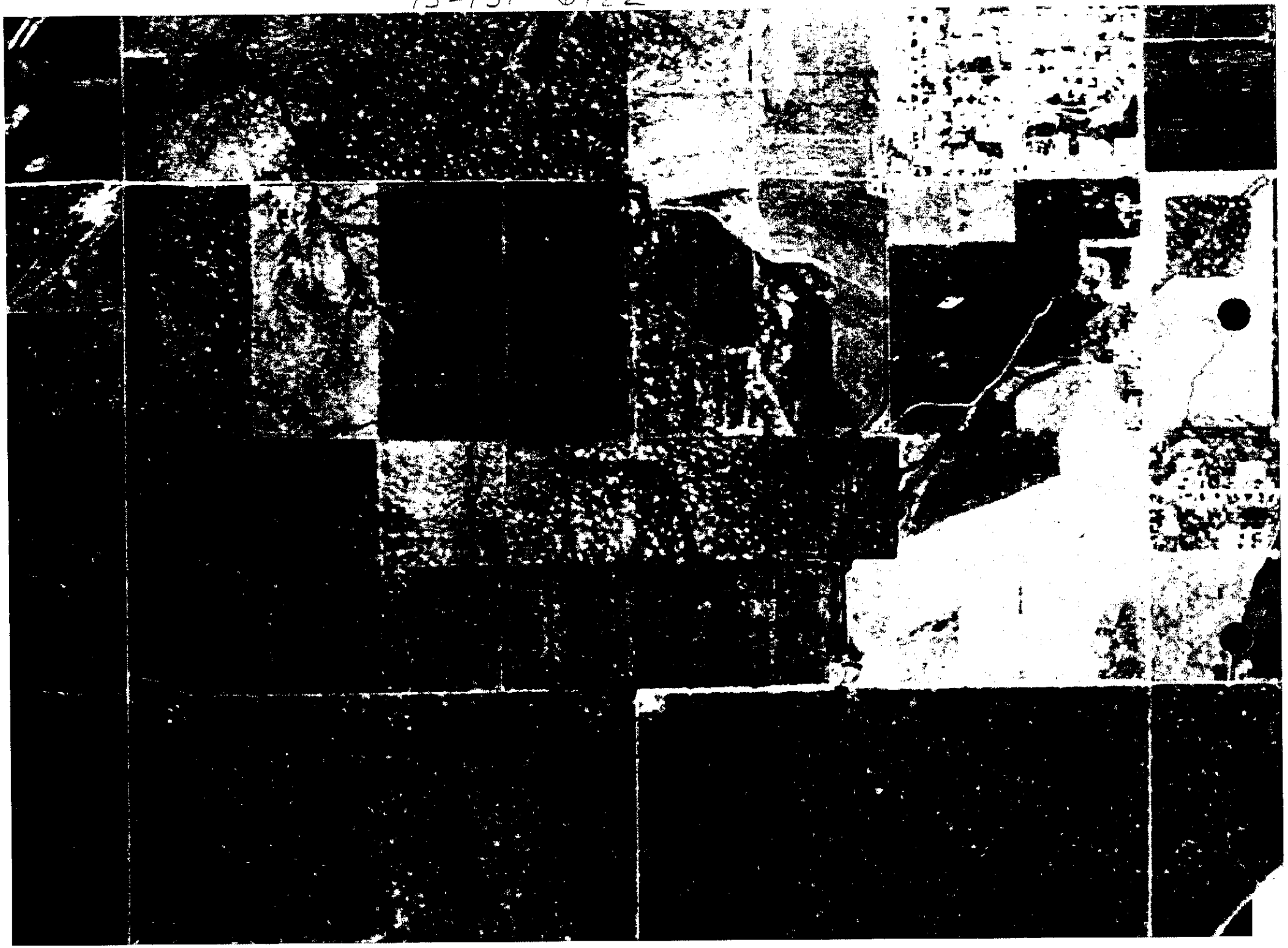


77-
138-
2871

75-169-6969

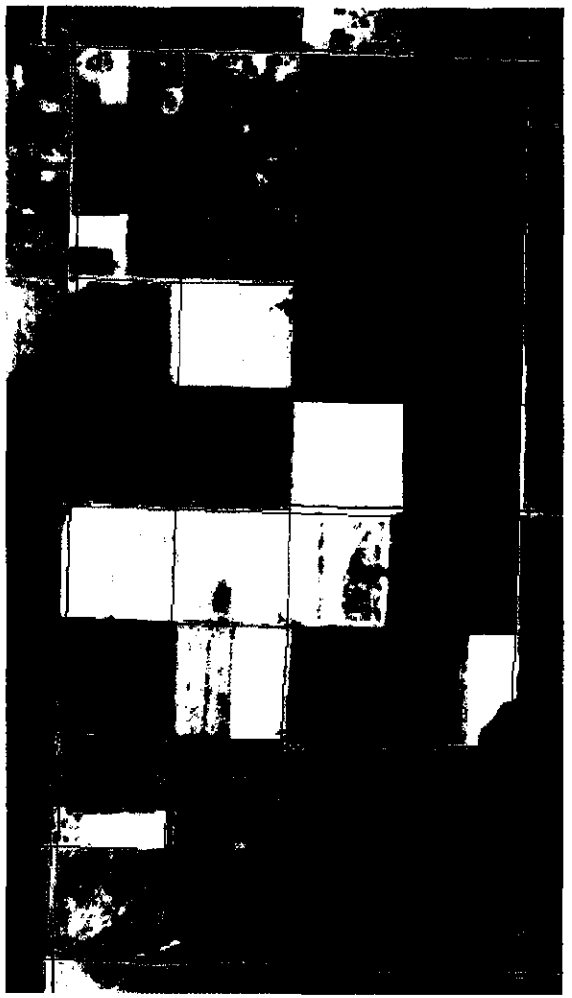


75-131-6122



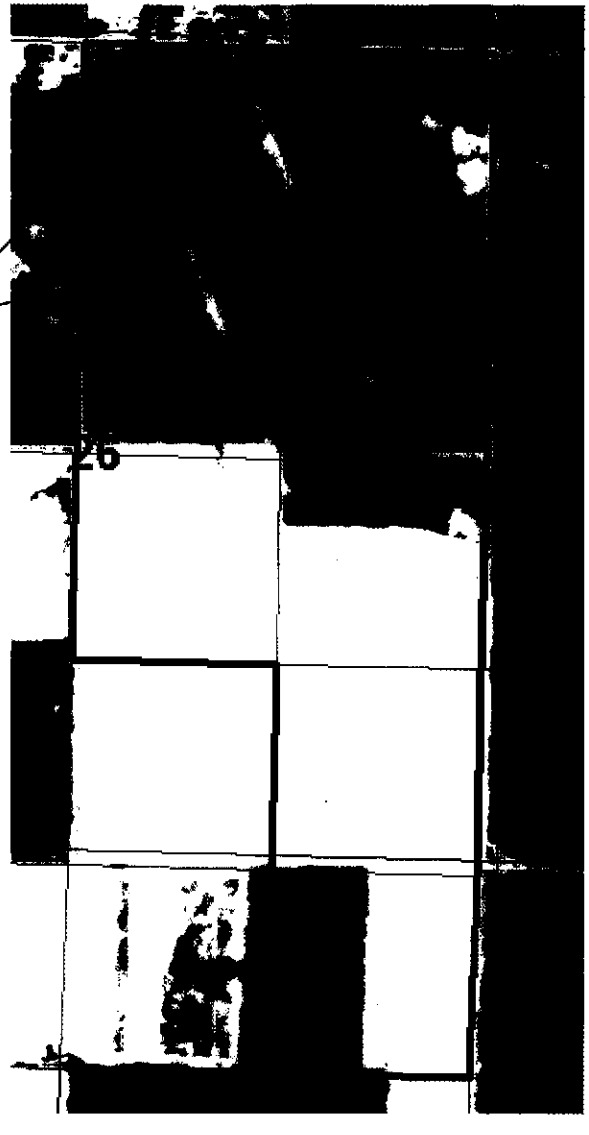
63-3221

- Nov 3, 1970, Fred Howard Wolske receives 320 acre DLE.
- Nov 12, 1970, Fred & Phyllis Wolske warranty deed 320 acres to Gary Owen Wolske & Terri Anne Wolske (Theron Roberts notarizes warranty deed).
- Mar 2, 1971, Gary & Terri Wolske warranty deed 320 acres to Theron Roberts "together with all water and water rights appurtenant to the land."



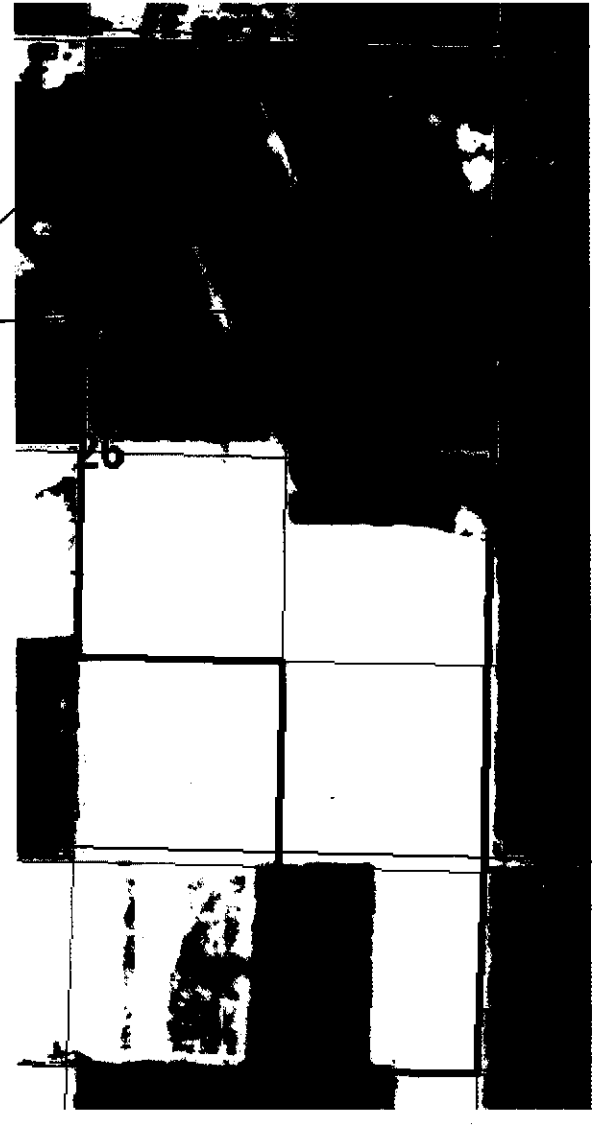
63-3221

- Feb 5, 1974, Theron & Judith Roberts quitclaim to Gary & Terri Wolske 320 acres except:
  - 108.8 acre "Homan" parcel in NE quarter of 26.
  - Easement to 9.9 acre parcel in NWNE of 26 for sewer plant.
  - Undivided 1/3 interest in pump, well, well casing and parts and water rights…permit 63-3221.



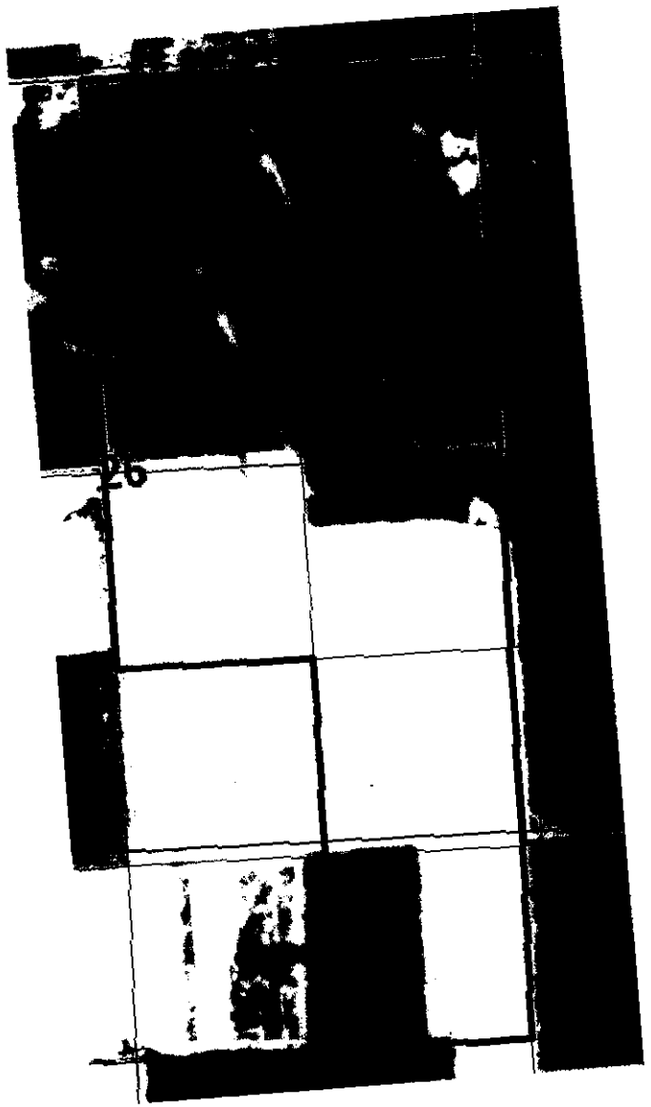
63-3221

- Feb 2, 1978, Idaho First National Bank, personal representative for Estate of Theron Roberts, deeds the 108 acre "Homan" parcel in NE of 26, and 9.94 acre easement, and 1/3 interest in well, pump, permit to:
  - 33.31% to Judith Roberts
  - 22.23% to Marcia Ann Blom
  - 44.46% to IFNB, trustee for Daniel T. Roberts and Holly Marie Roberts.



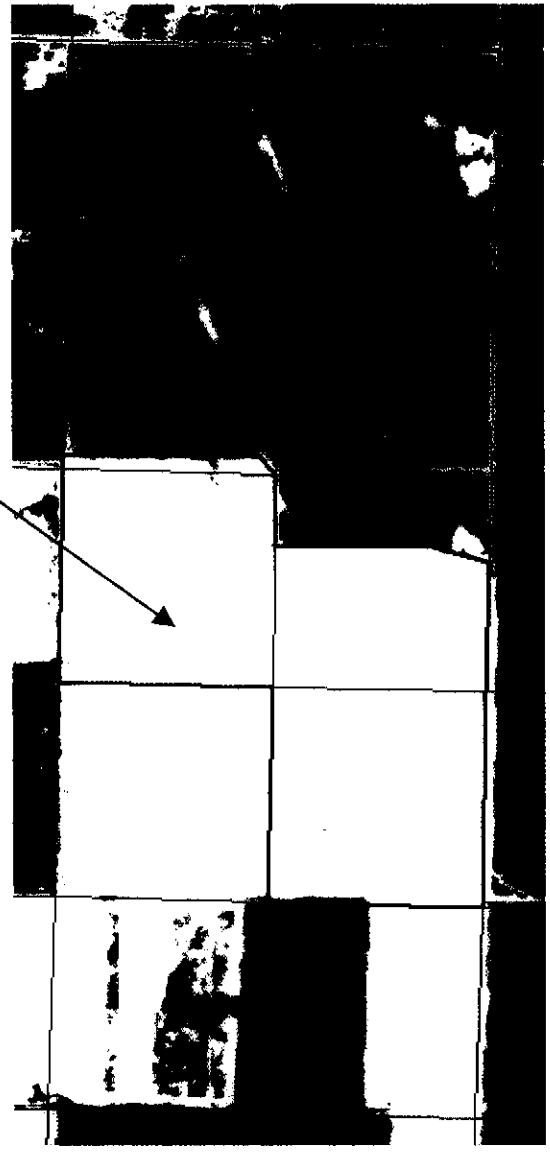
63-3221

- Dec 24, 1986, IFNB trustee of Theron Roberts Trust deeds to Daniel T. Roberts undivided 22.23% interest in the parcel, easement, well, permit.
- Jan 16, 1989, IFNB trustee of Theron Roberts Trust deeds to Holly M. Roberts undivided 22.23% interest in the parcel, easement, well, permit.



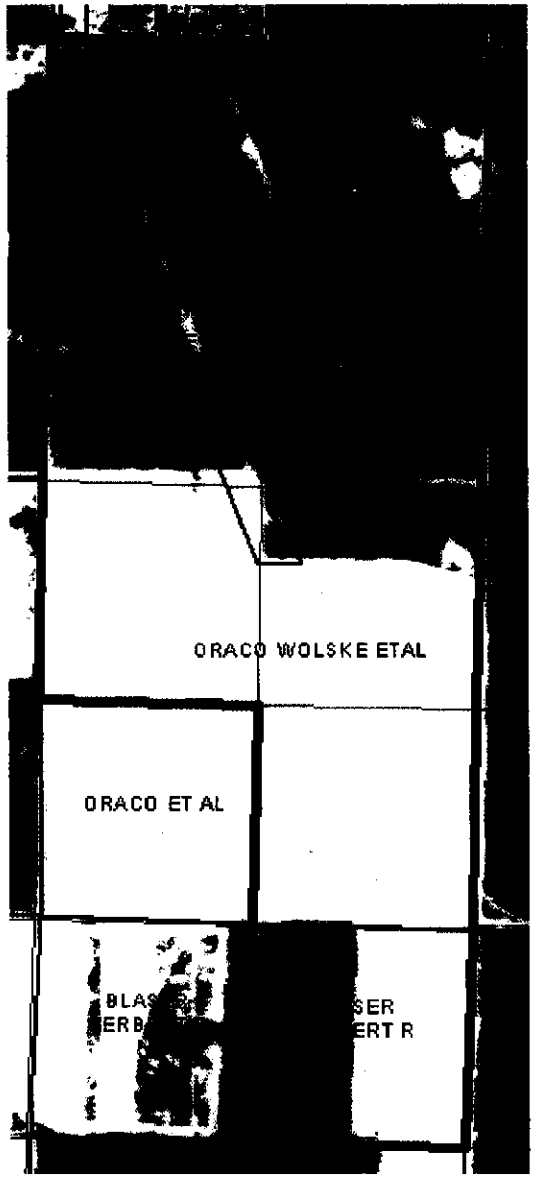
63-3221

- Preliminary recommended shape does not include any of the 108.8 acre "Homan" parcel, nor the easement, nor the 40 acres in Section 35 NENE (which are owned by Blaser and claimed in 63-7325B).
- Total of 111 recommended acres; right is currently licensed for 162 acres, and is claimed as licensed.



63-3221

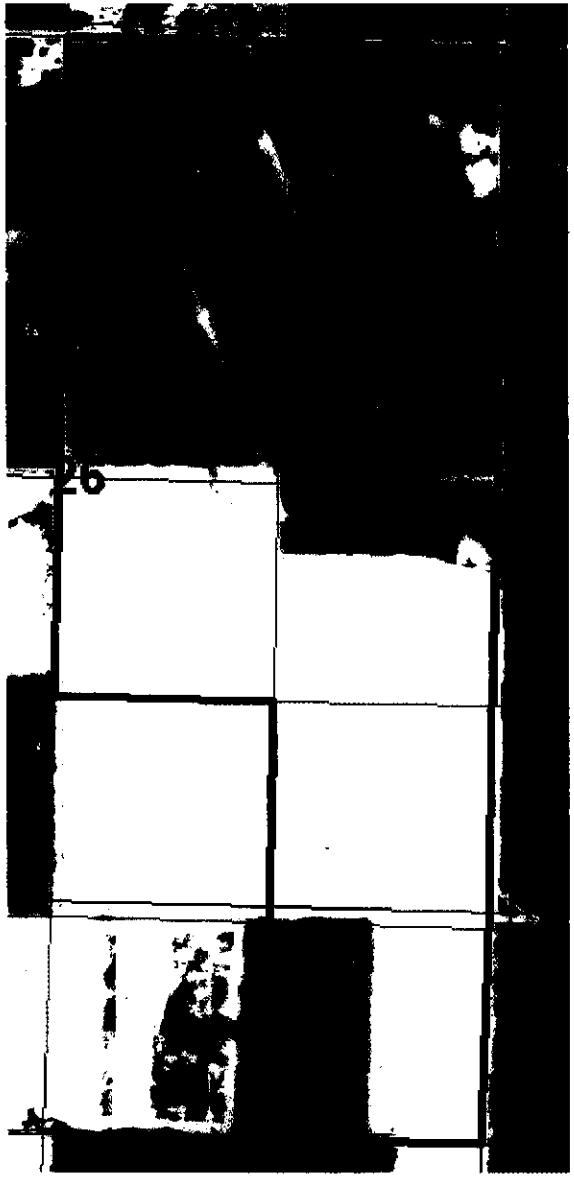
- Ada County ownership records per taxlot shapefile
  - Blaser owns 40 acre tract in Section 35 NENE (claimed in 63-7325B by Blaser, and in 63-3221 by Oraco et al),
  - Oraco, Wolske, et al owns land where 63-3221 will be recommended (except for a small portion owned by Mogel Kole).
  - SWSE of 26 is owned by Oraco et al and claimed in 63-7325A.



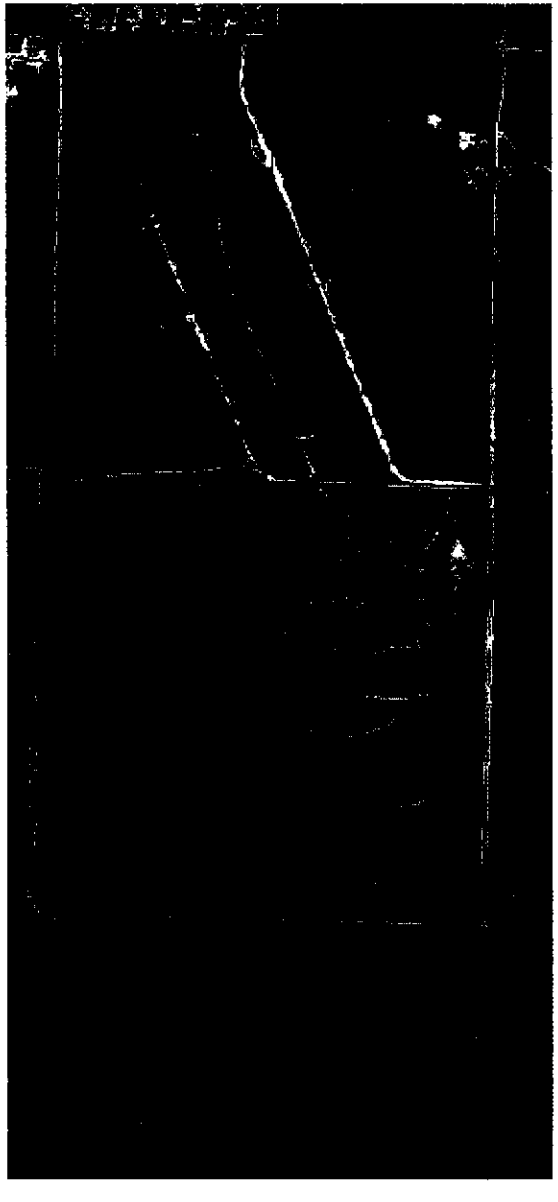
63-3221

Recent images of the property

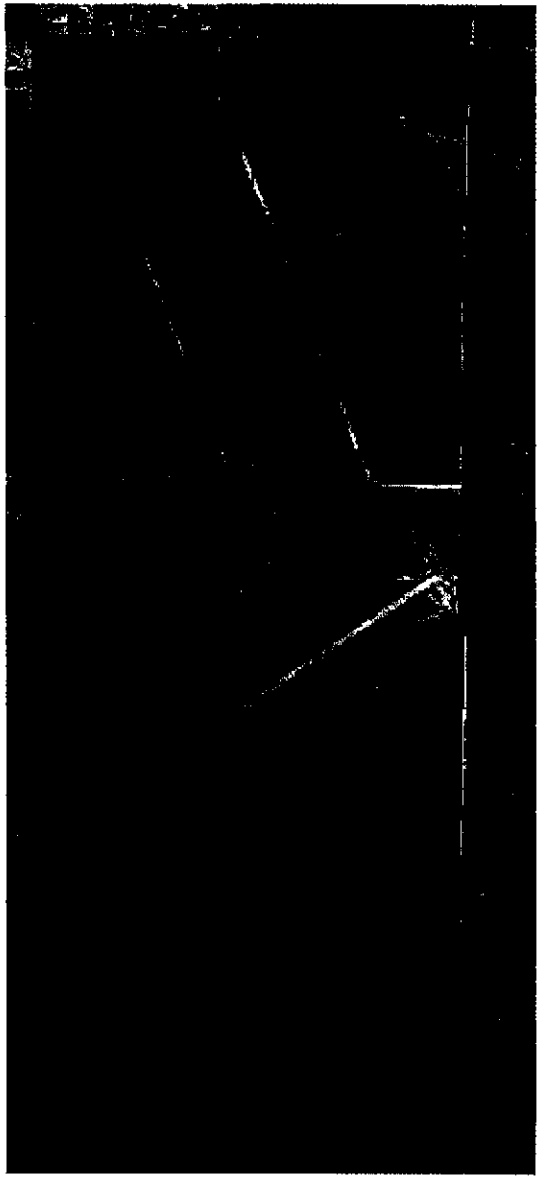
1987



1994



2000



63-3221 12/13/2002 SNK

Review of WR file - left side

1961 Jan 19 Application for Permit
Approved Jan 30, 1961

1965 Nov 5 Extension of time to 22 Jan 1968

1968 Mar 1 Extension of time to 22 Jan 1969

1969 Jan 22 Proof not submitted, Permit lapsed w/o notice by dept

1970 Oct 14 Proof Submitted/received, 320 acres, 6.4 cfs

1970 Oct 14 Application for Amendment - change POD location

1970 Oct 29 Permit reinstated w/o loss of Priority

1972 May 22 IDWR field exam, water not beneficially used

1972 Aug 31 IDWR notified permit holder permit subject to cancellation for failure to submit adequate Proof

unk Permit holder appeared at office to show cause

1972 Oct 24 Dept inadvertently cancelled permit.

1972 Nov 8 (and 17, May 1974) affidavits for 180 acres

1974 May 24 Permit reinstated w/o loss of priority, and extension of time to place water to BU to June 1, 1975

1976 Nov 4 Licensed, 2.94 cfs 162 acres

Analysis of Materials from Matt Howard

11/14/2002
S. King

p 1/3

63-3221

July 8, 2002 Homan acquires "undivided" 1/3 interest in WR ownership from
Judith Roberts
Marcia Ann Blom
Daniel Robert
Holly Marie Simon

Nov 3, 1970 Fred Howard Wolske receives 320 acre DLE 6 is 1

Nov 12, 1970 4:55 pm Gary Owen Wolske & Terri Anne Wolske receive land (320 ac) WARRANTY DEED from Fred Howard Wolske and Phyllis E. Wolske
(Theron E Roberts Notarizes Warranty Deed)

MAR 2, 1971 Theron E Roberts receives 320 acres from Gary & Terri Wolske WARRANTY DEED

Feb 5, 1974 Quitclaim Deed
Theron & Judith Roberts quitclaim ~~deed~~ to Gary & Terri Wolske
All 320 except for
108.8 acres in NE 0626
Easement for 99 acres in NWNE 26
1/3 of Water Permit
– (Fred owned Permit at this time – how could Roberts keep 1/3)

Febble, 1974 Quitclaim Deed
Gary & Terri Wolske Quitclaim to Fred & Phyllis Wolske
All 320 except for above described ...

Feb 2, 1978 Deed

Idaho First National Bank, Personal Rep for Estate of Theron E Roberts

deed the

33.31% Judith Roberts

22.23% Marcia Ann Blom

44.46% Idaho First Nat'l Bank, NA trustee for Daniel T Roberts and Holly Marie Roberts

100%

- 108.8 acres in NE of 26 (why does it describe land in N½ of SE when this parcel is in SE?)
- 9.94 acre easement
- Undivided interest in pump well, right

Dec 24, 1986 Deed

IFNB trustee of Theron E Roberts Trust to Daniel T. Roberts

Undivided 22.23% interest in items above

Q? How came Therons Trust deed something already deeded to IFNB trustee for Roberts & Roberts?

Jan 16, 1989 Holly M Roberts deeded 22.23% interest in items similar to 12/24/86 above

MAY 9, 2001 Warranty Deed to Michael Homan From

33.31 %	Vivian Roberts
22.23	Marcia Ann Blom
22.23	Daniel Roberts
22.23	Holly Marie Simon (acquired as Holly Marie Roberts)
100 %	

108.8 acre parcel

~~July 8, 2002~~ Quitclaim Deed to Michael S. Homan

	Judith Vivian Roberts	7/8/2002
22.23	Marcia Ann Blom	4/22/02
	Daniel T Roberts	2/4/2002
	Holly Marie Simon	3/18/02

Property (108.8 acres) and 1/3 interest in well & rights.

63-3221

S. King
11/14/02

NZ photo available

1983	83-095	2335	
1980	80-152	3484	No evidence of irrigation.
1977	77-138	2871	Worse than 75. Less mowing
1975	75-169	6969	~~Worse than~~
1975	75-131	6123	either
	75-131	6122	either

Some of lands in Thomas Fort tilled, but no irrig.

Skins 11/20/02

Other Issues

SEC 35 NE NE

- Oraco et al claim 63-3221 on 40 acres now owned by Blaser (see 35 NENE)
- ~~Blaser~~ Edward Johnson developed part of 63-7325 on land that was likely owned by ~~the~~ Wolske / Roberts (see 35 NENE).
- Blaser claims 63-7325B on this tract; and per Tax Lot records also owns it.
- I'm inclined to recommend 63-7325B on this tract, and not 63-3221.
- Blaser did not claim any portion of 63-3221.

Scott

RECEIVED
JUL 29 2002
Department of Water Resources

MATT J. HOWARD
ATTORNEY AT LAW

P. O. BOX 190012
BOISE, IDAHO 83719
TELEPHONE (208) 333-0622
FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

July 29, 2002

Hand-Delivered
DNF
David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83704

RE: Change of Ownership Form / Notice of Appearance – 63-3221

Dear Dave:

Enclosed is a Notice of Change in Water Right Ownership executed by my client, Michael Homan, for water right and SRBA claim no. 63-3221. As the enclosed chain of title documents reflect, Mr. Homan is the successor in interest to Theron Robert's "undivided one-third interest" in water right 63-3221. The current claimants of 63-3221 hold, at most, an undivided two-thirds interest in the water right. Under Idaho law, the various interest holders are tenants in common with respect to the water right.

By filing this ownership change notice, Mr. Homan is not asking IDWR to partition, move, or otherwise transfer the water right. Rather, as an undivided one-third interest holder in the water right, Mr. Homan properly seeks to have his name added under the heading of "current owner" to the SRBA claim and subsequent director's report for 63-3221.

I recognize this water right claim raises unique issues for your Department. To help facilitate your investigation of this water right, I am enclosing a short chronology of relevant events relating to the water right and chain of title documents. This chronology was prepared based upon the enclosed chain of title documents and the license file 63-3221. Also, enclosed is a list of citations to relevant Idaho Supreme Court cases and a 1986 district court decision factually analogous in relevant respects to this matter.

There also is the issue involving the overlap with water right 63-7325. I understand that you will investigate this issue as part of your investigation of 63-3221. I also understand that you expect to have a preliminary director's report for 63-3221 completed by this Fall.

Please consider this letter as my notice of appearance on behalf of Mr. Homan. If you require additional information or have questions, please feel free to contact me.

Very truly yours,

Matt J. Howard

Enclosures
Cc: Client

Form 42-248/42-1409(6) July, 2000

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3221	A63-3221	[ ]			[ ]
		[ ]			[ ]
		[ ]			[ ]
		[ ]			[ ]
		[ ]			[ ]

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): Judith Roberts, Marcia Ann Blom, Daniel Robert, and Holly Marie Simon

4. New Owner/Claimant(s): Michael S. Homan
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 2229 W. State St., Ste. B

   City, State and ZIP Code: Boise, Idaho 83702

   New Telephone Number: (208-429-1900

5. Date you acquired the property: July 8, 2002

Form 42-248/42-1409(6) July, 2000

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 n/a - "undivided" one-third interest in water right

See attached deeds.

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) Michael S. Homan
(include title if applicable)

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

For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____AJ Date _____ WR _____ Date _____

755995 - 79 825

STATE OF IDAHO, COUNTY OF [illegible]
Filed for record at the request of Gary Owen Wolske
55 Min. past 1 o'clock P.M. this 12 day of Nov 19 70
CLARENCE A. PLANTING, Recorder
$1.00 By [illegible] Deputy
Rec 2 Kuna 83134

Form 1860-8
(January 1965)
(formerly 4-1040)

Idaho 011553

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS

Fred Howard Wolske

is entitled to a Land Patent pursuant to the Desert Land Act of March 3, 1877, as amended and supplemented; 43 U.S.C. 321, et. seq., for the following described lands:

Boise Meridian, Idaho

T. 2 N., R. 1 E.
Sec. 26, NE¼, N½SE¼, SE¼SE¼
Sec. 35, NE¼NE¼

Containing 320 acres;

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, his successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945;

2. All the oil and gas in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509, as supplemented; 30 U.S.C. 121-124; and

3. A road right-of-way over and across a 25 foot strip measured parallel and adjacent to north boundary of the N½NE¼ Sec. 26, for access and use of the people of the United States generally, in accordance with the Consent to Reservation dated December 20, 1962, filed in case record Idaho 011553.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho
the THIRD day of NOVEMBER in the year of our Lord one thousand nine hundred and SEVENTY and of the Independence of the United States the one hundred and NINETY-FIFTH.

(SEAL)

By Curtis B. Taylor
Acting Manager, Idaho Land Office

Patent Number 11-71-0052

16—75841-1
800-748

755996

WARRANTY DEED

79 826

For Value Received FRED HOWARD WOLSKE and PHYLLIS E. WOLSKE, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

GARY OWEN WOLSKE and TERRI ANNE WOLSKE, husband and wife,

the grantees, the following described premises, to-wit: Ada County Idaho, to wit:

Northeast quarter, the North half of the Southeast quarter; the Southeast quarter of the Southeast quarter of Section 26, township 2 North, Range 1 East, Boise Meridian, and the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 1 East, Boise Meridian, containing 320 acres.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 12, 1970

Fred H. Wolske
FRED HOWARD WOLSKE

Phyllis E. Wolske
PHYLLIS E. WOLSKE

STATE OF IDAHO, COUNTY OF ADA

On this 12th day of November 1970, before me, a notary public in and for said State, personally appeared

FRED HOWARD WOLSKE and PHYLLIS E. WOLSKE, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public

Residing at BOISE, Idaho

Comm. Expires 1-17-73

STATE OF IDAHO, COUNTY OF Ada

I hereby certify that this instrument was filed for record at the request of Gary Owen Wolske

at 55 minutes past 4 o'clock P m., this 12th day of November, in 70, in my office, and duly recorded in Book of Deeds at page

CLARENCE A. PLANTING
Ex-Officio Recorder

By Lucy Warner Deputy.

Fees $ 1.00

Mail to: Rte 2 Kuna

INSTRUMENT No. 755996

JENSEN-GRAVES CO.

8363

764670 86 0791

WARRANTY DEED

For Value Received GARY OWEN WOLSKE and TERRI ANNE WOLSKE, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto

THERON E. ROBERTS

the grantee , the following described premises, to-wit: Ada County Idaho, to wit:

The Northeast quarter, the North half of the Southeast quarter; the Southeast quarter of the Southeast quarter of Section 26, township 2 North, Range 1 East, Boise Meridian, and the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 1 East, Boise Meridian, containing 320 acres.

together with all water and water rights appurtenant to said land.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee , that he be the owner in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: MARCH 3, 1971

Gary O. Wolske
GARY OWEN WOLSKE

Terri Anne Wolske
TERRI ANNE WOLSKE

STATE OF TEXAS COUNTY OF BEXAR

On this 2nd day of MARCH, 19 71 before me, a notary public in and for said State, personally appeared

GARY OWEN WOLSKE

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Alicia D. Rivera
Notary Public, Texas.

Residing at San Antonio
Comm. Expires 1 OF OCTOBER 1971

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at minutes past o'clock m., this day of 19 , in my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder

By Deputy.

Fees $

Mail to:

INSTRUMENT No.

JENSEN-GREVES CO.

874583

171 1732

QUITCLAIM DEED

THIS INDENTURE, Made this 5th day of February, in the year of our Lord one thousand nine hundred and seventy-four between THERON E. ROBERTS and JUDITH V. ROBERTS, husband and wife, P. O. Box 1346, Boise, Idaho, the parties of the first part, and GARY OWEN WOLSKE and TERRI ANNE WOLSKE, husband and wife, Route 2, Kuna, Idaho, the parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of Ten and No/100 Dollars, and other valuable considerations, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns all that certain lot, piece or parcel of land, situate, lying and being in the County of Ada, State of Idaho, bounded and particularly described as follows, to-wit:

The East Half of Section 26 and the Northeast Quarter of the Northeast Quarter of Section 35, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, EXCEPT for the following described parcels, to-wit:

1. The Southwest Quarter of the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho; and

2. Beginning at a brass cap, the N E corner of Section 26, T-2-N, R-1-E, B.M. Ada County, Idaho, and the real point of beginning; thence S. 00° 09' 07" E. 2664.30 feet along the section line which is the centerline of Maple Grove Road to a point the one-quarter corner; thence S. 89° 51' 07" W. 1266.05 feet along the one-quarter line to a point; thence N. 23° 06' 57" W. 2222.56 feet to a point; thence N. 66° 53' 03" E. 103.98 feet to a point; thence N. 00° 09' 07" W. 578.58 feet to a point on the section line; thence N. 89° 56' 28" E. 2032.84 feet along the section line which is the centerline of Kuna Road to a point, the real point of beginning, Ada County, State of Idaho, containing 100.0 acres more or less, and

EXCEPT for an easement over, above and upon the following described property situate in Ada County, State of Idaho, to-wit:

Commencing at a brass cap, the NE corner of Section 26, Township 2 N., Range 1 East, B.M., Ada County, Idaho; thence S. 89° 56' 28" W. 2647.84 feet to the true place of beginning; thence S. 00° 09' 07" E. 836.72 feet to a point; thence N. 66° 53' 03" E. 658.98 feet to a point; thence N. 00° 09' 07" W. 573.58 feet to a point on the section line; thence S. 89° 56' 28" W. 615 feet to the true place of beginning, containing 9.94 acres more or less,

which easement is for the purpose of constructing, operating and maintaining a sewer plant and facilities and which easement is for the further purpose of entry and ingress from said ground on foot or with vehicles for any and all purposes in connection with the construction, operation and maintenance of said sewer facilities and is for the purpose of permanently using all or any portion of said tract fully and without reservation for the construction, maintenance and operation of sewer and related facilities, and

EXCEPT for an undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing in the Northeast Quarter of the Southwest Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, and which water is filed on with the State of Idaho under Idaho State Reclamation Permit No. 63-3221, together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southwest Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian to transport water from the existing well to property hereinabove excepted in Exception No. 2. above and to lands described in the preceding reservation and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

STATE OF IDAHO)
: ss.
County of Ada)

On this 12th day of February, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared THERON E. ROBERTS and JUDITH V. ROBERTS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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 State of Idaho
Residing at Boise, Idaho

STATE OF IDAHO, COUNTY OF ADA, ss.
Filed for record at the request of Carr Cowen Welske
20 min. past 2 P.M. this 12 day of Feb 19 74
By

$3.00 Returned

QUITCLAIM DEED

THIS INDENTURE, Made this 6th day of February, in the year of our Lord one thousand nine hundred and seventy-four between GARY OWEN WOLSKE and TERRI ANNE WOLSKE, husband and wife, Route 2, Kuna, Idaho, the parties of the first part, and FRED H. WOLSKE and PHYLLIS E. WOLSKE, husband and wife, Route 2, Kuna, Idaho, parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of Ten and No/100 Dollars, and other valuable considerations, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns all that certain lot, piece or parcel of land, situate, lying and being in the County of Ada, State of Idaho, bounded and particularly described as follows, to-wit:

The East Half of Section 26 and the Northeast Quarter of the Northeast Quarter of Section 35, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, EXCEPT for the following described parcels, to-wit:

1. The Southwest Quarter of the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho; and

2. Beginning at a brass cap, the N E corner of Section 26, T-2-N, R-1-E, B.M. Ada County, Idaho, and the real point of beginning; thence S. 00° 09' 07" E. 2664.30 feet along the section line which is the centerline of Maple Grove Road to a point the one-quarter corner; thence S. 89° 51' 07" W. 1266.05 feet along the one-quarter line to a point; thence N. 23° 06' 57" W. 2222.56 feet to a point; thence N. 66° 53' 03" E. 108.98 feet to a point; thence N. 00° 09' 07" W. 578.58 feet to a point on the section line; thence N. 89° 56' 28" E. 2032.84 feet along the section line which is the centerline of Kuna Road to a point, the real point of beginning, Ada County, State of Idaho, containing 103.8 acres more or less, and

EXCEPT for an easement over, above and upon the following described property situate in Ada County, State of Idaho, to-wit:

Commencing at a brass cap, the NE corner of Section 26, Township 2 N., Range 1 East, B.M., Ada County, Idaho; thence S. 89° 56' 28" W. 2647.84 feet to the true place of beginning; thence S. 00° 09' 07" E. 836.72 feet to a point; thence N. 66° 53' 03" E. 658.98 feet to a point; thence N. 00° 09' 07" W. 578.58 feet to a point on the section line; thence S. 89° 56' 28" W. 615 feet to the true place of beginning, containing 9.94 acres more or less,

which easement is for the purpose of constructing, operating and maintaining a sewer plant and facilities and which easement is for the further purpose of entry and ingress from said ground on foot or with vehicles for any and all purposes in connection with the construction, operation and maintenance of said sewer facilities and is for the purpose of permanently using all or any portion of said tract fully and without reservation for the construction, maintenance and operation of sewer and related facilities, and

EXCEPT for an undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing in the Northeast Quarter of the Southwest Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, and which water is filed on with the State of Idaho under Idaho State Reclamation Permit No. 63-3221, together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southwest Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian to transport water from the existing well to property hereinabove excepted in Exception No. 2. above and to lands described in the preceding reservation and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

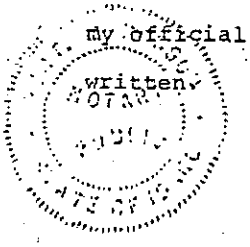
TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

STATE OF IDAHO)
: ss.
County of Ada)

On this 14 day of ~~February~~ April, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY OWEN WOLSKE and TERRI ANNE WOLSKE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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 State of Idaho
Residing at Boise, Idaho

STATE OF IDAHO, COUNTY OF ADA, ss. CAPITAL TITLE CO.
Filed for record at the request of
4:00 min. past 12 o'clock P. M. this 4th day of April, A.D. 19 74
EXECUTIVE SECRETARY, Recorder
By K Edwards Deputy
43

780766

780766

364 375

DEED

THIS INDENTURE Made the 2 day of ~~November~~ February, ~~1977~~ 1979, between

THE IDAHO FIRST NATIONAL BANK, N.A., as Personal Representative of the Estate of Theron E. Roberts, deceased, the party of the first part, and JUDITH VIVIAN ROBERTS, the party of the second part,

WITNESSETH, That the said party of the first part, for value received, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, and to her heirs and assigns, an undivided 38.31 percent interest in and to that certain real property situate in Ada County, State of Idaho, more particularly described as follows, to-wit:

That portion of the Northeast Quarter (NE¼) and the North Half of the Southeast Quarter (N½SE¼) of Section 26, Township 2 North, Range 1 E. B.M., Ada County, Idaho, more particularly described as follows: BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E. B.M., Ada County, Idaho, and the REAL POINT OF BEGINNING: THENCE South 00°09'07" East 2664.30 feet along the section line which is the centerline of Maple Grove Road to a point, the one-quarter corner; THENCE South 89°51'07" West 1266.05 feet along the one-quarter line to a point; THENCE North 23°06'57" West 2222.56 feet to a point; THENCE North 66°53'03" East 108.98 feet to a point; THENCE NORTH 00°09'07" West 578.58 feet to a point on the section line: THENCE North 89°56'28" East 2032.84 feet along the section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho, containing 108.8 acres, more or less; and

An EASEMENT over, above and upon the following described property in the Northeast Quarter (NE¼) of Section 26, Township 2 North, Range 1 E. B.M., as follows, to-wit: COMMENCING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E. B.M., Ada County, Idaho; THENCE South 89°56'28" West 2647.84 feet to the TRUE PLACE OF BEGINNING: THENCE South 00°09'07" East 836.72 feet to a point; THENCE North 66°53'03" East 658.98 feet to a point; THENCE North 00°09'07" West 578.58 feet to a point on the section line; THENCE South 89°56'28" West 615 feet to the TRUE PLACE OF BEGINNING: Containing 9.94 acres, more or less; and

An undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing on the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 E. B.M., and which water is filed on with the State of Idaho under Idaho State Reclamation Permit No. 63-3221,

together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 E. B.M. to transport water from the existing well to the property hereinabove described and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the said party of the second part and to her heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

THE IDAHO FIRST NATIONAL BANK, N.A.
as Personal Representative of the Estate of
Theron E. Roberts, deceased,

By Bradley M Bengson
Bradley M. Bengson, Trust Officer

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 2nd day of ~~November~~ February, in the year ~~1977~~ 1978, before me, a Notary Public in and for said state, personally appeared BRADLEY M. BENGSON, known to me to be the Trust Officer of the National Banking Association that executed the foregoing instrument and the person who executed said instrument on behalf of said National Banking Association, and acknowledged to me that said National Banking Association executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year first hereinabove written.

Margaret S. Bennett
Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO, COUNTY OF ADA, ss.
Filed for record at the request of Idaho First Nat'l Bank
10 min. past 2 o'clock P. M. this 13 day of Feb 19 78
CLARENCE A. PU[illegible] Recorder
By Lorraine Edwards Deputy
2.00

Bk 792 Page 83707

7807667 364 · 377

DEED

THIS INDENTURE, Made the 2 day of ~~November~~ February, ~~1977~~ 1979 between THE IDAHO FIRST NATIONAL BANK, N.A., as Personal Representative of the Estate of Theron E. Roberts, deceased, the party of the first part, and MARCIA ANN BLOM, the party of the second part,

WITNESSETH, That the said party of the first part, for value received, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, and to her heirs and assigns, an undivided 22.23 percent interest in and to that certain real property situate in Ada County, State of Idaho, more particularly described as follows, to-wit:

That portion of the Northeast Quarter (NE¼) and the North Half of the Southeast Quarter (N½SE¼) of Section 26, Township 2 North, Range 1 E. B.M., Ada County, Idaho, more particularly described as follows: BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E. B.M., Ada County, Idaho, and the REAL POINT OF BEGINNING: THENCE South 00°09'07" East 2664.30 feet along the section line which is the centerline of Maple Grove Road to a point, the one-quarter corner; THENCE South 89°51'07" West 1266.05 feet along the one-quarter line to a point; THENCE North 23°06'57" West 2222.56 feet to a point; THENCE North 66°53'03" East 108.98 feet to a point; THENCE NORTH 00°09'07" West 578.58 feet to a point on the section line; THENCE North 89°56'28" East 2032.84 feet along the section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho, containing 108.8 acres, more or less; and

An EASEMENT over, above and upon the following described property in the Northeast Quarter (NE¼) of Section 26, Township 2 North, Range 1 E. B.M., as follows, to-wit: COMMENCING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E. B.M., Ada County, Idaho; THENCE South 89°56'28" West 2647.84 feet to the TRUE PLACE OF BEGINNING: THENCE South 00°09'07" East 836.72 feet to a point; THENCE North 66°53'03" East 658.98 feet to a point; THENCE North 00°09'07" West 578.58 feet to a point on the section line; THENCE South 89°56'28" West 615 feet to the TRUE PLACE OF BEGINNING: Containing 9.94 acres, more or less; and

An undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing in the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 E. B.M., and which water is filed on with the State of Idaho under Idaho State Reclamation Permit No. 63-3221,

together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 E. B. M. to transport water from the existing well to the property hereinabove described and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the said party of the second part and to her heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

THE IDAHO FIRST NATIONAL BANK, N.A., as Personal Representative of the Estate of Theron E. Roberts, deceased,

By Bradley M Bengson
Bradley M. Bengson, Trust Officer

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 2nd day of ~~November~~ February, in the year ~~1977~~ 1978, before me, a Notary Public in and for said state, personally appeared BRADLEY M. BENGSON, known to me to be the Trust Officer of the National Banking Association that executed the foregoing instrument and the person who executed said instrument on behalf of said National Banking Association, and acknowledged to me that said National Banking Association executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year first hereinabove written.

Margarette B. Bonnell
Notary Public for Idaho
Residing at Boise, Idaho.

STATE OF IDAHO, COUNTY OF ADA, ss.
Filed for record at the request of Idaho First Nat'l Bank
10 Min. past 2 o'clock P. M. this 13 day of Feb 1978
CLARENCE A. PUMPHREY, Recorder
By Josephine Edwards Deputy
Fee
Box 7928 - Boise 83707

7807668

364 379

DEED

THIS INDENTURE, Made the 2 day of ~~November~~ January, ~~1977~~ 1978, between THE IDAHO FIRST NATIONAL BANK, N.A., as Personal Representative of the Estate of Theron E. Roberts, deceased, the party of the first part, and THE IDAHO FIRST NATIONAL BANK, N.A. as trustee for Daniel T. Roberts and Holly Marie Roberts, the party of the second part,

WITNESSETH, That the said party of the first part, for value received, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, and to its heirs and assigns, an undivided 44.46 percent interest in and to that certain real property situate in Ada County, State of Idaho, more particularly described as follows, to-wit:

That portion of the Northeast Quarter (NE¼) and the North Half of the Southeast Quarter (N½SE¼) of Section 26, Township 2 North, Range 1 E. B. M., Ada County, Idaho, more particularly described as follows: BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E. B. M., Ada County, Idaho, and the REAL POINT OF BEGINNING: THENCE South 00°09'07" East 2664.30 feet along the section line which is the centerline of Maple Grove Road to a point, the one-quarter corner; THENCE South 89°51'07" West 1266.05 feet along the one-quarter line to a point; THENCE North 23°06'57" West 2222.56 feet to a point; THENCE North 66°53'03" East 108.98 feet to a point; THENCE NORTH 00°09'07" West 578.58 feet to a point on the section line; THENCE North 89°56'28" East 2032.84 feet along the section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho, containing 108.8 acres, more or less; and

An EASEMENT over, above and upon the following described property in the Northeast Quarter (NE¼) of Section 26, Township 2 North, Range 1 E. B. M., as follows, to-wit: COMMENCING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E. B. M., Ada County, Idaho; THENCE South 89°56'28" West 2647.84 feet to the TRUE PLACE OF BEGINNING: THENCE South 00°09'07" East 836.72 feet to a point; THENCE North 66°53'03" East 658.98 feet to a point; THENCE North 00°09'07" West 578.58 feet to a point on the section line; THENCE South 89°56'28" West 615 feet to the TRUE PLACE OF BEGINNING: Containing 9.94 acres, more or less; and

An undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing on the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 E. B. M., and which water is filed on with the State of Idaho, under Idaho State Reclamation Permit No. 63-3221,

together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 E. B.M. to transport water from the existing well to the property hereinabove described and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the said party of the second part and to its heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

THE IDAHO FIRST NATIONAL BANK, N.A.
as Personal Representative of the Estate of
Theron E. Roberts, deceased,

By Bradley M Bengson
Bradley M. Bengson, Trust Officer

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 2 day of ~~November~~ February, 1978, in the year ~~1977~~, before me, a Notary Public in and for said State, personally appeared BRADLEY M. BENGSON, known to me to be the Trust Officer of the National Banking Association that executed the foregoing instrument and the person who executed said instrument on behalf of said National Banking Association, and acknowledged to me that said National Banking Association executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year first hereinabove written.

Margaret R Connell
Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO, COUNTY OF ADA, ss.
Filed for record at the request of Idaho First Nat'l Bank
10 min. past 8 o'clock A M. this 3 day of Feb 1978
CLARENCE A. FLEMING, Recorder
By Lorraine Edwards Deputy
Fee

Box 7928 - Boise, Id. 83707

9300001368

8678106

D E E D

THIS INDENTURE, made the 24th day of December, 1986, between THE IDAHO FIRST NATIONAL BANK, N.A., as Trustee of the Theron E. Roberts Trust, the Party of the First Part, for DANIEL T. ROBERTS, the Party of the Second Party, whose address is 2713 Wymer Street
Boise, ID 83705.

WITNESSETH, that said Party of the First Part, for value received, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the Party of the Second Part, and to his heirs and assigns, an undivided 22.23 percent interest in and to that certain real property situate in Ada County, State of Idaho, more particularly described as follows, to-wit:

That portion of the Northeast Quarter (NE¼) and the North Half of the Southeast Quarter (N½SE¼) of Section 26, Township 2 North, Range 1 E.B.M., Ada County, Idaho, more particularly described as follows: BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E.B.M., Ada County, Idaho, and the REAL POINT OF BEGINNING: THENCE South 00°09'07" East 2664.30 feet along the section line which is the centerline of Maple Grove Road to a point, the one-quarter corner; THENCE South 89°51'07" West 1266.05 feet along the one-quarter line to a point; THENCE North 23°06'57" West 2222.56 feet to a point; THENCE North 66°53'03" East 108.98 feet to a point; THENCE NORTH 00°09'07" West 578.58 feet to a point on the section line; THENCE North 89°56'28" East 2032.84 feet along the section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho, containing 108.8 acres, more or less; and

An EASEMENT over, above and upon the following described property in the Northeast Quarter (NE¼) of Section 26, Township 2 North, Range 1 E.B.M., as follows, to-wit: COMMENCING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E.B.M., Ada County, Idaho; THENCE South 89°56'28" West 2647.84 feet to the TRUE PLACE OF BEGINNING; THENCE South 00°09'07" East 836.72 feet to a point; THENCE North 66°53'03" East

658.98 feet to a point; THENCE North 00°09'07" West 578.58 feet to a point on the section line; THENCE South 89°56'28" West 615 feet to the TRUE PLACE OF BEGINNING: Containing 9.94 acres, more or less; and

An undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing on the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section 26, Township 2 North, Range 1 E.B.M., and which water is filed on with the State of Idaho, under Idaho State Reclamation Permit No. 63-3221, together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section 26, Township 2 North, Range 1 E.B.M. to transport water from the existing well to the property hereinabove described and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said Party of the Second Part and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set its hand and seal the day and year first above written.

THE IDAHO FIRST NATIONAL BANK, N.A.,
Trustee of the Theron E. Roberts Trust

By _____
Trust Officer

STATE OF IDAHO)
) ss:
County of Ada)

On this 24th day of January, in the year 1986, before me, Karen Thomas, notary public, personally appeared Calvin T. Kibler, known or identified to me to be the Trust Officer of the National Banking Association that executed the instrument or the person

who executed the instrument on behalf of said National Banking Association, and acknowledged to me that such National Banking Association 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 Boise
My Commission Expires 7-28-87

Ada County, Idaho, ss
Request of
Idaho First
TIME 10:40 AM
DATE 12-30-86
JOHN BASTIDA
RECORDER
By Saxland
Deputy
6.00

1100000532

8902440

D E E D

THIS INDENTURE, made the 16th day of January, 1989, between THE IDAHO FIRST NATIONAL BANK, N.A., as Trustee of the Theron E. Roberts Trust, the Party of the First Part, and HOLLY M. ROBERTS, the Party of the Second Part, whose address is 5010 Risser, Madison, Wisconsin 53705;

WITNESSETH, That the said Party of the First Part, for value received, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the Party of the Second Part, and to her heirs and assigns, an undivided 22.23 percent interest in and to that certain real property situate in Ada County, State of Idaho, more particularly described as follows, to-wit:

That portion of the Northeast Quarter (NE 1/4) and the North Half of the Southeast Quarter (N 1/2 SE 1/4) of Section 26, Township 2 North, Range 1 E.B.M., Ada County, Idaho, more particularly described as follows: BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E.B.M., Ada County, Idaho, and the REAL POINT OF BEGINNING: THENCE South 00°09'07" East 2664.30 feet along the section line which is the centerline of Maple Grove Road to a point, the one-quarter corner; THENCE South 89°51'07" West 1266.03 feet along the one-quarter line to a point; THENCE North 23°06'57" West 2222.56 feet to a point; THENCE North 66°53'03" East 108.98 feet to a point; THENCE North 00°09'07" West 578.58 feet to a point on the section line; THENCE North 89°56'28" East 2032.84 feet along the section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho, containing 108.8 acres, more or less; and

An EASEMENT over, above and upon the following described property in the Northeast Quarter (NE 1/4) of Section 26, Township 2 North, Range 1 E.B.M., as follows, to-wit: COMMENCING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 E.B.M., Ada County, Idaho; THENCE South 89°56'28" West 2647.84 feet to the TRUE PLACE OF BEGINNING; THENCE South 00°09'07" East 836.72 feet to a point; THENCE North 66°53'03" East 658.98 feet to a point; THENCE North 00°09'07" West 578.58 feet to a point on the section line; THENCE South 89°56'28" West 615 feet to the TRUE PLACE OF BEGINNING: Containing 9.94 acres, more or less; and

An undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing on the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 26, Township 2 North, Range 1 E.B.M., and which water is filed on with the State of Idaho, under Idaho State Reclamation Permit No. 63-3221, together with an easement for the purpose of installing and laying pipelines undergound and otherwise across the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 26, Township 2 North, Range 1 E.B.M. to transport water from the existing well to the property hereinabove described and for further purpose of maintaining said well and water pipes and other facitiles for the purpose of transporting said water.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said Party of the Second Part and to her heirs and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set its hand and seal the day and year first above written.

THE IDAHO FIRST NATIONAL BANK, N.A.,
Trustee of the Theron E. Roberts Trust

By Karen Thomas

1100000534

STATE OF IDAHO)
) ss:
County of Ada)

On this 16 day of January, in the year 1989, before me, Rosalie Dickerson, notary public, personally appeared Karen Thomas, known or identified to me to be the Asst. Vice President - Trust, of the National Banking Association that executed the instrument or the person who executed the instrument on behalf of said National Banking Association, and acknowledged to me that such National Banking Association 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.

Rosalie Dickerson
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 1-27-93

Ada County, Idaho
Request of First Security Bank
TIME 8:55 A.M.
DATE 1-18-89
JOHN BASTIDA
RECORDER
By C. A. Yates
Deputy
9.00

RECORDED - REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
THIS FORM FURNISHED COURTESY OF: BOISE, IDAHO

FEE 9.00 DEPUTY Mason (6)

2001 MY 22 PM 2:58

101049077

ALLIANCE TITLE & ESCROW CORP.

ALLIANCE TITLE

READ & APPROVED BY GRANTEE(S): MSH

SPACE ABOVE THIS LINE FOR RECORDING DATA

{1050} AH

Order No.: 00089647 JG/PB

WARRANTY DEED

FOR VALUE RECEIVED JUDITH VIVIAN ROBERTS, AN UNMARRIED PERSON AS TO AN UNDIVIDED 33.31 PERCENT; MARCIA ANN BLOM, A MARRIED PERSON AS HER SOLE AND SEPARATE PROPERTY AS TO AN UNDIVIDED 22.23 PERCENT; DANIEL T. ROBERTS, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AS TO AN UNDIVIDED 22.23 PERCENT AND HOLLY MARIE SIMON, AN UNMARRIED PERSON AS TO AN UNDIVIDED 22.23 PERCENT (WHO ACQUIRED TITLE AS HOLLY MARIE ROBERTS)
GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto MICHAEL S. HOMAN, AN UNMARRIED PERSON

GRANTEE(S), whose current address is: 2229 W. STATE, #B, BOISE, ID 83702

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(do) 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: May 09, 2001

JUDITH VIVIAN ROBERTS

Marcia Ann Blom, by Pearl Simon, her attorney in fact
MARCIA ANN BLOM, BY PEARL SIMON, HER ATTORNEY IN FACT

Daniel T. Roberts, by Pearl Simon, his attorney in fact
DANIEL T. ROBERTS, BY PEARL SIMON, HIS ATTORNEY IN FACT

Holly Marie Simon, by Pearl Simon, her attorney in fact
HOLLY MARIE SIMON, BY PEARL SIMON, HER ATTORNEY IN FACT

EXHIBIT "A"

That portion of the Northeast Quarter and the North Half of the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and the REAL POINT OF BEGINNING; thence
South 00 degrees 09'07" East 2664.30 feet along the Section line which is the centerline of Maple Grove Road to a point, the One-Quarter corner; thence
South 89 degrees 51'07" West 1266.05 feet along the One-Quarter line to a point; thence
North 23 degrees 06'57" West 2222.56 feet to a point; thence
North 66 degrees 53'03" East 108.98 feet to a point; thence
North 00 degrees 09'07" West 578.58 feet to a point on the section line; thence
North 89 degrees 56'28" East 2032.84 feet along the Section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho.

Michael S. Homan

MICHAEL S. HOMAN

RECORDED-REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

FEE 9.00 DEPUTY

THIS FORM FURNISHED COURTESY OF:

2001 MY 22 PM 2:58

101049078

ALLIANCE TITLE & ESCROW CORP.

ALLIANCE TITLE

All

READ & APPROVED BY GRANTEE(S): _____ _____

SPACE ABOVE THIS LINE FOR RECORDING DATA

(1050)

Order No.: 00089647 JG/PB

WARRANTY DEED

FOR VALUE RECEIVED JUDITH VIVIAN ROBERTS, AN UNMARRIED PERSON AS TO AN UNDIVIDED 33.31 PERCENT; MARCIA ANN BLOM, A MARRIED PERSON AS HER SOLE AND SEPARATE PROPERTY AS TO AN UNDIVIDED 22.23 PERCENT; DANIEL T. ROBERTS, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AS TO AN UNDIVIDED 22.23 PERCENT AND HOLLY MARIE SIMON, AN UNMARRIED PERSON AS TO AN UNDIVIDED 22.23 PERCENT (WHO ACQUIRED TITLE AS HOLLY MARIE ROBERTS)

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto MICHAEL S. HOMAN, AN UNMARRIED PERSON

GRANTEE(S), whose current address is: 2229 W. STATE, #B, BOISE, ID 83702

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(do) 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 warrrant and defend the same from all lawful claims whatsoever.

Dated: May 09, 2001

X Judith Vivian Roberts

JUDITH VIVIAN ROBERTS

EXHIBIT "A"

That portion of the Northeast Quarter and the North Half of the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and the REAL POINT OF BEGINNING; thence
South 00 degrees 09'07" East 2664.30 feet along the Section line which is the centerline of Maple Grove Road to a point, the One-Quarter corner; thence
South 89 degrees 51'07" West 1266.05 feet along the One-Quarter line to a point; thence
North 23 degrees 06'57" West 2222.56 feet to a point; thence
North 66 degrees 53'03" East 108.98 feet to a point; thence
North 00 degrees 09'07" West 578.58 feet to a point on the section line; thence
North 89 degrees 56'28" East 2032.84 feet along the Section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho.

Michael S. Homan

MICHAEL S. HOMAN

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JL 12 PM 4:35

RECORDED - REQUEST OF
FEE 6 DEPUTY
102078692
TRANSNATION

8145
(Space above line for recording)

QUITCLAIM DEED

FOR One Dollar ($1.00) and other good and valuable consideration, JUDITH VIVIAN ROBERTS, an unmarried person, Grantor, does hereby convey, release, remise and forever quitclaim unto MICHAEL S. HOMAN, Grantee, whose current address is 2229 W. State St., #B, Boise ID 83702, the following described real property in Ada County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHBIT "A" which by this reference becomes a part hereof.

TOGETHER with appurtenances.

IN WITNESS WHEREOF, Grantor has hereunto set her hand and seal the day, month, and year first below written.

Judith Vivian Roberts July 8th 2002
JUDITH VIVAN ROBERTS Date

STATE of California)
) ss.
County of Santa Barbara)

On this 8th day of ~~December, 2001,~~ July, 2002 before me, the undersigned, a Notary Public in and for the State, personally appeared the Grantor known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

Jane M. Reisman
Notary Public for California
Residing at Santa Barbara
My commission expires: April 3, 2004

JANE M. REISMAN
COMM. # 1255935
NOTARY PUBLIC-CALIFORNIA
SANTA BARBARA COUNTY
COMM. EXP. APRIL 3, 2004

EXHIBIT A

That portion of the Northeast Quarter and the North Half of the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and the REAL POINT OF BEGINNING; thence

South 00 degrees 09' 07" East 2664.30 feet along the Section line which is the centerline of Maple Grove Road to a point, the One-Quarter corner; thence

South 89 degrees 51' 07" West 1266.05 feet along the One-Quarter line to a point; thence

North 23 degrees 06' 57" West 2222.56 feet to a point; thence

North 66 degrees 53' 03" East 108.98 feet to a point; thence

North 00 degrees 09' 07" West 578.58 feet to a point on the section line; thence

North 89 degrees 56' 28" East 2032.84 feet along the Section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho; AND

An undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing on the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 East, B. M., and which water is filed on with the State of Idaho under Idaho State Reclamation Permit No. 63-3221, together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 East, B. M., to transport water from the existing well to the property hereinabove described and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

RECORDED - REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

FEE 6.00 DEPUTY

2002 JN 24 PM 4:18

102070964

TRANSNATION

8034
(Space above line for recording)

QUITCLAIM DEED

FOR One Dollar ($1.00) and other good and valuable consideration, MARCIA ANN BLOM, a married person as to her sole and separate property, Grantor, does hereby convey, release, remise and forever quitclaim unto MICHAEL S. HOMAN, Grantee, whose current address is 2229 W. State St., #B, Boise ID 83702, her 22.23 PERCENT interest in 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.

TOGETHER with appurtenances.

IN WITNESS WHEREOF, Grantor has hereunto set her hand and seal the day, month, and year first below written.

Marcia Ann Blom 4-22-02
MARCIA ANN BLOM Date

STATE of Colorado)
) ss.
County of Mesa)

On this 22 day of April, 2002, before me, the undersigned, a Notary Public in and for the State, personally appeared the Grantor known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

Debra J Duncan
Notary Public for State of Colora. do
Residing at 2924 Ten Mile St Grand Jct
My commission expires: 7-30-04

EXHIBIT A

That portion of the Northeast Quarter and the North Half of the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and the REAL POINT OF BEGINNING; thence

South 00 degrees 09' 07" East 2664.30 feet along the Section line which is the centerline of Maple Grove Road to a point; the One-Quarter corner; thence

South 89 degrees 51' 07" West 1266.05 feet along the One-Quarter line to a point; thence

North 23 degrees 06' 57" West 2222.56 feet to a point; thence

North 66 degrees 53' 03" East 108.98 feet to a point; thence

North 00 degrees 09' 07" West 578.58 feet to a point on the section line; thence

North 89 degrees 56' 28" East 2032.84 feet along the Section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho; AND

An undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing on the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 East, B. M., and which water is filed on with the State of Idaho under Idaho State Reclamation Permit No. 63-3221, together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 East, B. M., to transport water from the existing well to the property hereinabove described and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

RECORDED - REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

FEE 6.00 DEPUTY K Vaughn

2002 JN 24 PM 4:18

102070965

TRANSNATION

8034
(Space above line for recording)

QUITCLAIM DEED

FOR One Dollar ($1.00) and other good and valuable consideration, DANIEL T. ROBERTS, a married person, Grantor, does hereby convey, release, remise and forever quitclaim unto MICHAEL S. HOMAN, Grantee, whose current address is 2229 W. State St., #B, Boise ID 83702, 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.

TOGETHER with appurtenances.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day, month, and year first below written.

Daniel T Roberts
DANIEL T. ROBERTS

2/04/2002
Date

STATE of California)
) ss.
County of Santa Clara)

On this 4 day of ~~December~~ February, 2002 before me, the undersigned, a Notary Public in and for the State, personally appeared the Grantor known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

CINDA L. MEISTER
Commission # 1270727
Notary Public - California
Santa Clara County
My Comm. Expires Aug 11, 2004

Cinda L Meister
Notary Public for Santa Clara County CA.
Residing at Morgan Hill, CA
My commission expires: Aug 11, 2004

EXHIBIT A

That portion of the Northeast Quarter and the North Half of the Southeast Quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a brass cap, the Northeast corner of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and the REAL POINT OF BEGINNING; thence

South 00 degrees 09' 07" East 2664.30 feet along the Section line which is the centerline of Maple Grove Road to a point, the One-Quarter corner; thence

South 89 degrees 51' 07" West 1266.05 feet along the One-Quarter line to a point; thence

North 23 degrees 06' 57" West 2222.56 feet to a point; thence

North 66 degrees 53' 03" East 108.98 feet to a point; thence

North 00 degrees 09' 07" West 578.58 feet to a point on the section line; thence

North 89 degrees 56' 28" East 2032.84 feet along the Section line which is the centerline of Kuna Road to a point, the REAL POINT OF BEGINNING, Ada County, Idaho; AND

An undivided one-third interest in the pump, well, well casing and parts and water rights filed on with the State of Idaho in connection with said well which well is now located and existing on the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 East, B. M., and which water is filed on with the State of Idaho under Idaho State Reclamation Permit No. 63-3221, together with an easement for the purpose of installing and laying pipelines underground and otherwise across the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 26, Township 2 North, Range 1 East, B. M., to transport water from the existing well to the property hereinabove described and for the further purpose of maintaining said well and water pipes and other facilities for the purpose of transporting said water.

RECORDED - REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

FEE 6.00 DEPUTY

2002 JN 24 PM 4:18

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(Space above line for recording)

QUITCLAIM DEED

FOR One Dollar ($1.00) and other good and valuable consideration, HOLLY MARIE SIMON, an unmarried person, (who acquired title as HOLLY MARIE ROBERTS) Grantor, does hereby convey, release, remise and forever quitclaim unto MICHAEL S. HOMAN, Grantee, whose current address is 2229 W. State St., #B, Boise ID 83702, 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.

TOGETHER with appurtenances.

IN WITNESS WHEREOF, Grantor has hereunto set her hand and seal the day, month, and year first below written.

Holly Marie Simon

HOLLY MARIE SIMON

3.18.02
Date

STATE of Wisconsin)
) ss.
County of Dane)

On this 18th day of ~~December, 2001,~~ March, 2002 before me, the undersigned, a Notary Public in and for the State, personally appeared the Grantor known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

NICHOLE L. HANSON
NOTARY PUBLIC
STATE OF WISCONSIN

Nichole L Hanson
Notary Public for UW Credit Union
Residing at Madison, WI 53711
My commission expires: 3/19/06

EXHIBIT A

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Memorandum Opinion, *Glaser Land & Livestock, Inc. v. Skeem,* Case No. 37669 (Dist. Ct. 5th Jud. District – Idaho) (Apr. 9, 1986) (attached).

Paddock v. Clark, 22 Idaho 498 (1912);

Speer v. Stephenson, 16 Idaho 707 (1909);

Big Wood Canal Company, 45 Idaho 380 (1927);

Hidden Springs Trout Ranch, Inc. v. Allred, 102 Idaho 623 (1981);

Basinger v. Taylor, 30 Idaho 289 (1917);

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Department of Water Resources

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Hepworth, Nungester and Felton

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

GLASER LAND & LIVESTOCK, INC., a Nevada corporation, Plaintiff, vs. DANIEL C. SKEEM and DARLENE SKEEM, husband and wife; and WAYNE B. SKEEM, ARLENE SKEEM, and DANIEL C. SKEEM dba S & S LIMITED PARTNERSHIP, and ZIONS LEASING CORPORATION, a Utah corporation, Defendants.	Case No. 37669 MEMORANDUM OPINION GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Glaser Land & Livestock, Inc. has moved this court for summary judgment against Zions Leasing Company. Zions survives as the only remaining defendant inasmuch as default judgments and a decree quieting title in the plaintiff has been granted against all other defendants.

Glaser's motion for summary judgment is one for the right to foreclose on approximately 158 acres of land. Said property is the subject of an installment land sale contract, including amendments, entered into between plaintiff and defendants Daniel and Darlene Skeem. The

Skeems have defaulted on the contract. Plaintiff wants to to foreclose on the underlying real property, as well as water permits, a power sale agreement, a FERC exception, as well as equipment and improvements.

Zions contend they are able to compel plaintiff to sell them that property, within the 158 acres, in which they claim they had a "secured interest." Said interest arises by virtue of having financed the construction and operation of a hydroelectric plant.

DISCUSSION OF LEGAL ISSUES

Basic contract principles must be considered by the court in determining the merits of both parties' contentions.

There is no doubt the underlying land sale contract is enforceable. The contract between Glaser and Skeems was complete and definite in all its material terms and, therefore, is enforceable. Wood v. Simonsen, 108 Idaho 699, 701 P.2d 317 (Ct. App. 1985). A land sale contract whereunder prospective vendors agree to sell the land in question and prospective purchasers obligated themselves to pay by a down payment and an agreement to pay the remaining balance, together with interest, in annual installments meets the requirement for "mutuality of obligation." McCandless v. Schick, 85 Idaho 509, 380 P.2d 893 (1963). In order to ascertain the intent of the parties to a contract, the contract as a whole must be construed. Wing v. Martin,

107 Idaho 267, 688 P.2d 1172 (1984). Whether a contract is ambiguous is a question of law. Wood v. Simonsen, supra, at 701. The Glaser-Skeem contract is not ambiguous. The interpretation and legal effect of an unambiguous contract are questions of law to be resolved by the court. Luzar v. Western Sur. Co., 107 Idaho 693, 692 P.2d 337 (1984).

In order to be able to compel performance under a contract, one must be in "privity." Privity refers to those who exchange contractual promissory words or those to whom promissory words are directed. Wing v. Martin, supra at 272. Zions is not a party to the contract entered into between Glaser and Skeem. Zions is not in privity with the vendor and, therefore, cannot sue to enforce performance pursuant to the terms of the underlying contract.

A party must look to the person with whom he is in a direct contractual relationship for relief, in the event his expectations under the contract are not met. Id.

Therefore, Glaser cannot compel Zions performance to be substituted for Skeems. Nor can Zions compel Glaser to perform under the terms of the contract. Zions cannot compel Glaser to sell Zions that portion of the total 158-acre parcel in which Zions claims an interest.

Further, Zions cannot be construed as a third-party beneficiary to the Glaser-Skeem contract. Obviously, the land sale contract was not entered into to directly benefit Zions. I.C. Sec. 29-102.

Absent fraud or overreaching, a court cannot modify express terms of an agreement lawfully entered into by two competent persons. Knoke v. Charlebois, 107 Idaho 427, 690 P.2d 392 (Ct. App. 1984).

The court is without jurisdiction to make a contract between Glaser and Zions. Minidoka County For Use and Benefit of Detweiler Bros., Inc. v. Krieger, 88 Idaho 395, 399 P.2d 962 (1964).

While a party to a contract may agree to accept the performance different in form from that recited in the contract, there is not evidence to support a finding by this court that the Glasers agreed to accept Zions' performance of the land sale contract.

Glaser's only remedy is against the defaulting buyers. Glasers cannot insist Zions pay the full balance due and owing under the contract, nor can Zions, not a party or a third-party beneficiary of the contract, insist on Glaser's performance under the partial release provisions of the contract.

In concluding the discussion as to the land itself, there is no doubt Glasers validly asked this court to treat the installment land sale contract as a mortgage and allow the vendors to foreclose.[1]

---

[1]By asking the court to treat this contract as a
(Footnote Continued)

Given that the Glasers can proceed to foreclose on the real property, the next question for this court concerns Zions' asserted rights, via assignment by Skeems, in the water rights, a power contract and a FERC permit exemption.

A. Water Rights.

The Skeems applied for and obtained water permits no. 47-7700, 47-7702 and 47-7705.

The Skeems have until various dates in 1987 to submit proof of application of the water to a beneficial use to the Department of Water Resources. There is evidence to support a finding by this court that the water has, in fact, been put to beneficial use.

In regard to water permit 47-7700, Skeems had until on or before February 1, 1987, to submit proof of application of beneficial use. Water permit 47-7702, Skeems had until on or before May 1, 1987, to submit proof. Water permit 47-7705, Skeems had until on or before May 1, 1987, to submit proof. This "outside" time frame does not preclude the Skeems from submitting proof earlier. Nor does it preclude the Department of Water Resources itself from being requested by Glaser to make such a finding.

These water rights are not adjudicated, licensed or unadjudicated "constitutional" rights. Nor is this mere

---

(Footnote Continued)
mortgage, the Skeems obviously have a statutory right to redeem. I.C. Sec. 11-402.

initiation of the statutory process by the filing of an application for an appropriation permit. See Matter of Hidden Springs Trout Ranch, Inc. v. Allred, 102 Idaho 623, 636 P.2d 745 (1981). Skeems have already procured water appropriation permits. The defendants cite Big Wood Canal Co. v. Chapman, 45 Idaho 380, 263 P. 45 (1921), as precedent for characterizing Skeems' permits as inchoate rights and, therefore, not real property. However, Big Wood Canal Co. also stands for the proposition that substantial compliance with the statutory conditions in regard to proof of application to beneficial use will suffice.

"The purpose and object for requiring proof of completion of works is to ascertain whether or not they conform to the terms of the application and permit, and are capable of diverting the amount of water intended. Substantial conformity with such application and permit is all that is required." Big Wood Canal Co. v. Chapman, supra at 394-395.

It appears from the record that Skeem has diverted and put the water to beneficial use. This court finds Skeem has substantially complied with the statutory mandates and, therefore, the water rights must be considered as having vested in the Skeems. Case law indicates that this court has jurisdiction to make such a finding by considering the entire record. See Glendale Ranches, Inc. v. Schaub, 94 Idaho 585, 494 P.2d 1029 (1972). By virtue of the rights

having vested, the rights are appurtenant to the property to which the water has been beneficially applied. Clearly, water rights are within the definition of real property. I.C. Sec. 55-101 and cases cited under "Ditches and Water Rights".

Therefore, Glaser can proceed to foreclose upon the water permits.

B. The FERC Exemption and the Idaho Power Contract.

The FERC exemption is federal authorization to operate the "Mud Creek Project." The "project" involves some parcels of land not subject to, nor which can ever be subject to Glaser's foreclosure action. The exemption is appurtenant to the entire three parcels of land on which the project is located.

An essential element of a license or a license coupled with an interest is the right to use land in the possession of another. Shultz v. Atkins, 97 Idaho 770, 554 P.2d (1976). The FERC exemption is analogous to a license. The court agrees with Zions that the exemption should be characterized as a general intangible. Glaser cannot foreclose on the FERC exemption.

The Idaho Power contract is an agreement to sell power produced from the Mud Creek Project. The rights under the contract have been validly assigned to Zions. Contract

rights are also general intangibles and, therefore, Glaser cannot foreclose on the power sales contract.

C. Other Improvements, Etc.

The record is insufficient as to other improvements, related equipment, structures, etc. for this court to make a determination of whether any of the aforementioned are subject to foreclosure. Therefore, summary judgment is denied, pending augmentation of the record so as to put enough evidence before this court with which to make a competent decision.

EMINENT DOMAIN

The question of whether Zions can succeed with an action for eminent domain is not before this court. However, the court notes that it agrees with Zions' position that Zions does not have to have an ownership interest in the water rights, which supply the source of energy for the Mud Creek Project, prior to being able to go forward with an action for eminent domain. Bassett v. Swenson, 51 Idaho 256, 5 P.2d 722 (1931).

Therefore, summary judgment will be granted to plaintiff as to the underlying real property and the water permits.

Summary judgment is denied as to the FERC exemption and the Idaho Power contract.

Summary judgment is denied as to the related equipment, improvements, etc. pending augmentation of the record.

Counsel for plaintiff is asked to prepare an order of partial summary judgment.

DATED this 9th day of April, 1986.

Daniel B. Meehl
DANIEL B. MEEHL
District Judge

CERTIFICATE OF MAILING

The undersigned certifies that on the 9 day of April, 1986, she caused to be mailed a copy of the foregoing memorandum opinion to:

Holland & Hart, Langroise, Sullivan
Attorneys at Law
P. O. Box 2527
Boise, Idaho 83701

Hepworth, Nungester & Felton
Attorneys at Law
P. O. Box 589
Buhl, Idaho 83316

Sandra Jackson

1/19/61	Fred Wolske	• Filed Application for water right no. 63-3221 • POD – T2N R1E § 35 NENE • POU – (Same as patent lands below) • Permit was issued to Wolske in connection with Desert Land Entry		
1969	Finished construction of well. (see proof of bene use dated 1975)			
1970	• *Tim Boyle Affidavit* (dated 10/27/72) – states that Oil company provided fuel for pumping water for crops in the NESE, SESE § 26, and NENE § 35 containing 180 acres during 1970. • *Kevin Wolske Affidavit* (dated 10/27/72) – states that he is the son of Fred, and that he and his brother, Gary Wolske, irrigated the NESE, SESE § 26, and NENE § 35 containing 180 acres during 1970, and they harvested 66 tons of grain and 60 acres of sugar beets. • *Agreement* dated 5/1/1970, between Fred Wolske and Nichols for Nichols to farm 60 acres of Wolske's land during 1970.			
10/16/70	Fred Wolske	• Filed Proof of Beneficial Use for 6.4 cfs for 320 acres -- states that "all 320 acres can and will be irrigated by a sprinkler system"		
11/3/70	United States	Patent	T2N R1E § 26 NE¼ , N½SE¼ , SESE, § 35 NENE	Fred Wolske
11/12/70	Fred Wolske	Warranty Deed	Same as above (No mention of water rights)	Gary and Terri Wolske
3/2/71	Gary & Terri Wolske	Warranty Deed	Same as above "*together with all water rights appurtenant* to the land."	Theron Roberts
5/22/72	IDWR Field Exam • "No beneficial use this year. Probably none last year." • "Recommend this permit be cancelled. No water. No bene use. System was installed at one time but has not been used recently." • "I was unable to determine who actually owns this land at this time as a number of legal actions are pending against the applicant."			
10/24/72	IDWR cancelled permit no. 63-3221 (but see subsequent 5/74 order).			
2/5/74	Theron & Judith Roberts	Quitclaim Deed	§ 26 – East ½ and § 35 NENE *except* – the Homan Parcel *except* – for an undivided 1/3rd interest in the pump, well, well casing, . . . and water rights . . . well located . . . in the NESW of Section 26 T2N R1E, . . . which was is filed on . . . under . . . Permit No. 63-3221. Except for easement	Gary & Terri Wolske

2/6/74	Gary & Terri Wolske	Quitclaim Deed	Same as above quitclaim deed from Roberts	Fred & Phyllis Wolske
5/22/74	IDWR Order • Whereas, on 5/22/72 – Dept field exam found no bene use • Whereas on 10/24/72 – Dept "inadvertently cancelled permit 63-3221" • Whereas on 11/8/72 and 5/17/74, permit holder submitted affidavits from disinterested parties indicating that water had been used for the irrigation of 180 acres of land • Therefore, ordered that Permit 63-3221 is reinstated without a loss of priority.			
4/3/75	Fred Wolske	Filed Proof of Beneficial Use • 6.4 cfs; 240 acres		
7/13/76	IDWR Field Exam • 162 acres; 2.94 cfs / 729AF			
11/4/76	Fred Wolske	• License No. 63-3221 issued to Fred Wolske • POD - § 26 NESE • POU - § 26 SWNE (10), NESE (32), NWSE (40), SESE (40) § 35 NENE (40) • Total acres: 162 • Quantity: 2.94 cfs / 729 afa		
2/2/78	Roberts Estate	Deed	33.21% interest in • Homan parcel • 1/3rd interest in 63-3221.	Judith Vivian Roberts
2/2/78	Roberts Estate	Deed	22.23% interest in: • Homan parcel • 1/3rd interest in 63-3221	Marcia Ann Blom
2/2/78	Roberts Estate	Deed	44.46% interest in: • Homan parcel • 1/3rd interest in 63-3221	Idaho First National Bank as Trustee for Daniel T. Roberts and Holly Marie Roberts
12/24/86	Idaho First National Bank, as Trustee of Theon Roberts Trust	Deed	22.23% interest in: • Homan parcel • 1/3rd interest in 63-3221	Daniel T. Roberts
1/16/89	Idaho First National Bank, as Trustee of Theon Roberts Trust	Deed	22.23% interest in: • Homan parcel • 1/3rd interest in 63-3221	Holly M. Roberts
2002	Judith Roberts, Marcia Blom, Dan Roberts, Holly Roberts	Quitclaim Deed	Entire interest in: • Homan parcel • 1/3rd interest in 63-3221	Mike Homan

Docs shared w/ ID and R 7/26/02

Permit 63-3221 - 1/30/1961
Constructed well - 1969
Irrigated 180 acres - 1970

11/3/1970 - U.S. Patent to Fred Woldie

11/12/1970 - Fred Woldie to Gary Woldie "w/Appurtenances"

3/2/1971 - Gary Woldie to Theron Roberts "Together w/ all WRs appurtenant to land"

2/5/1974 - Theron Roberts to Gary Woldie - Except
- Homan parcel
- undivided 1/3 interest in WR.

Theron Roberts Chain of Title

Woldie Chain of Title

11/4/1976
License 63-3221
issued to
Fred Woldie

Homan

Anderson, et al

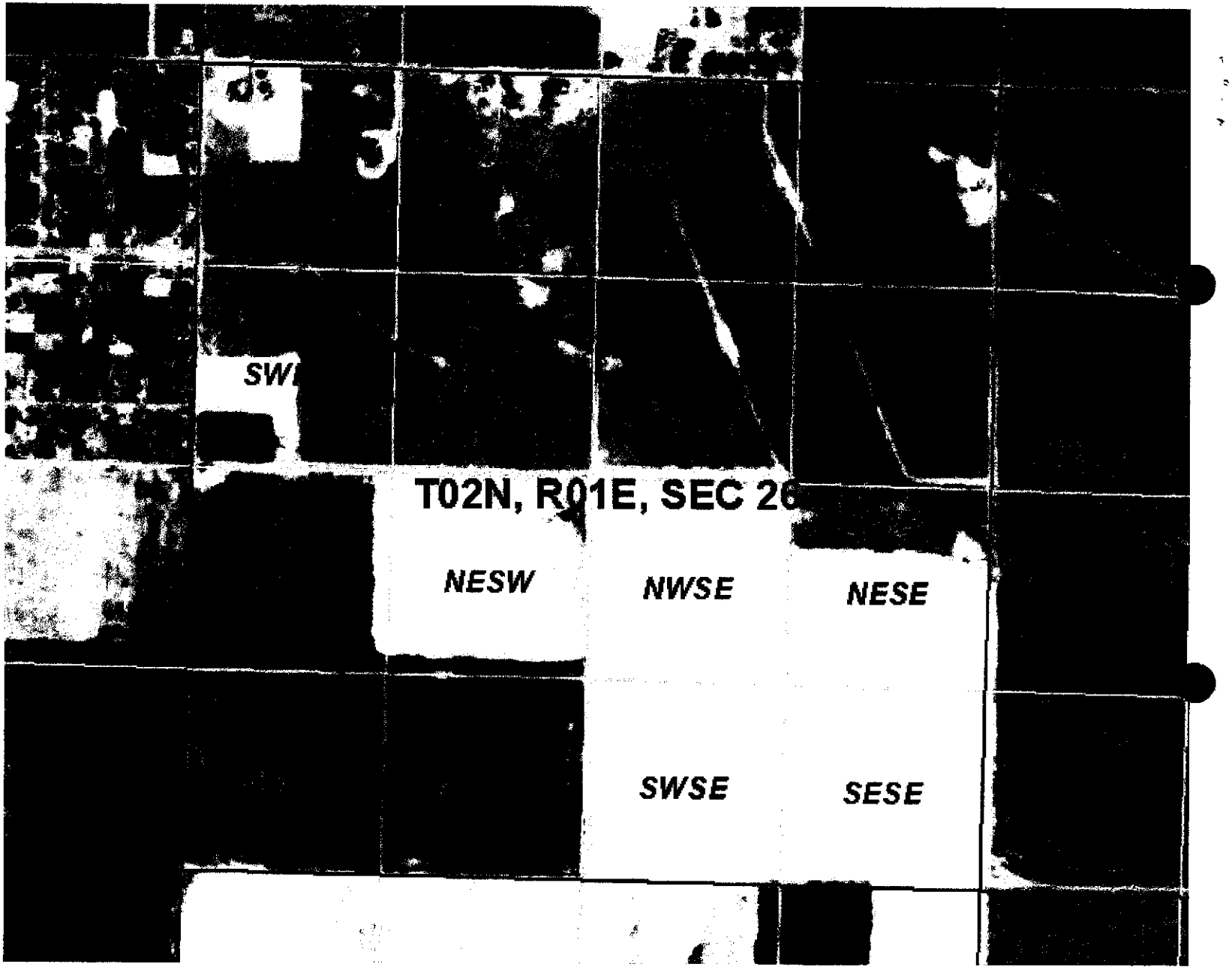
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Idaho Department of Water Resources

T02N, R01E
S26

63-3221
Prepared for:
Matt Howard
Date: Nov 9, 01



SECTION LINES

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