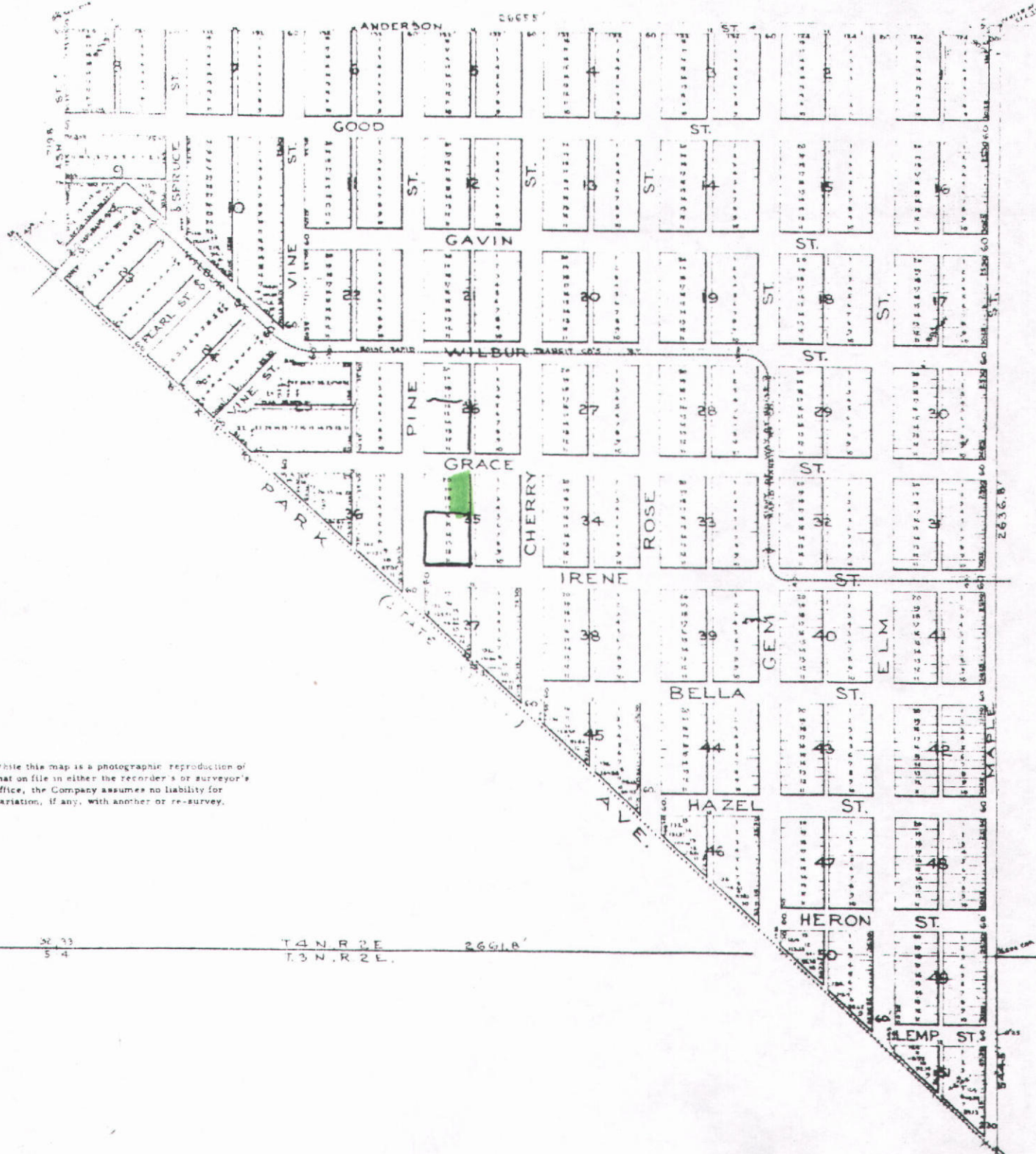


CRUZEN ADDITION

TO
BOISE, IDAHO.



CRUZEN ADDITION TO BOISE, IDAHO.



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

26.73
5.4

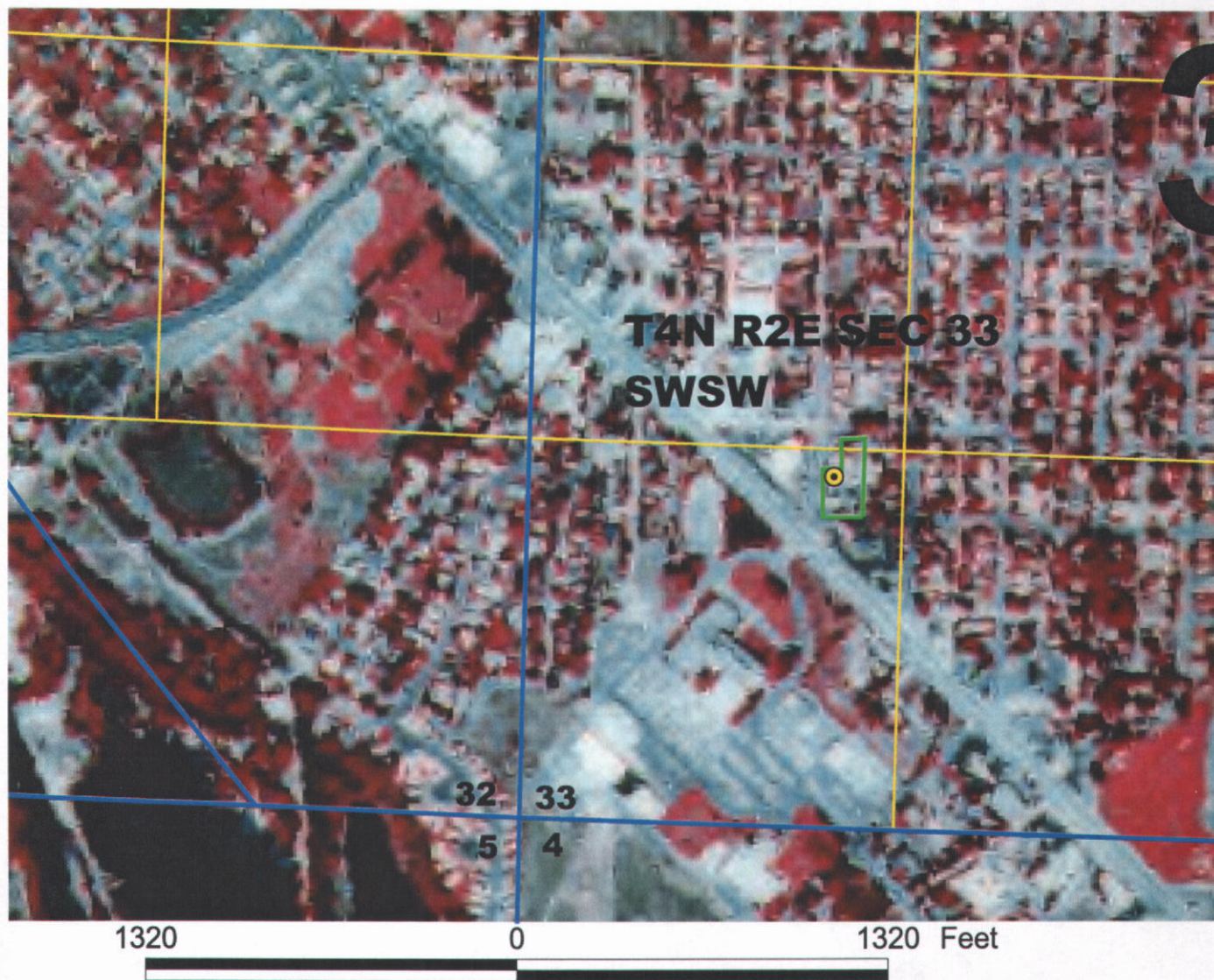
T4N R2E
T3N R2E.

26.51A



State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 33
Water Right(s) : 63-4512



-  Point of Diversion
-  Place Of Use
-  Quarter Quarter Lines
-  Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: October 2004

Idaho Department of Water Resources

Claim Number: 63-04512
Legal: T04N, R02E, S33
Reviewed By:

● Point of Diversion



Place of Use

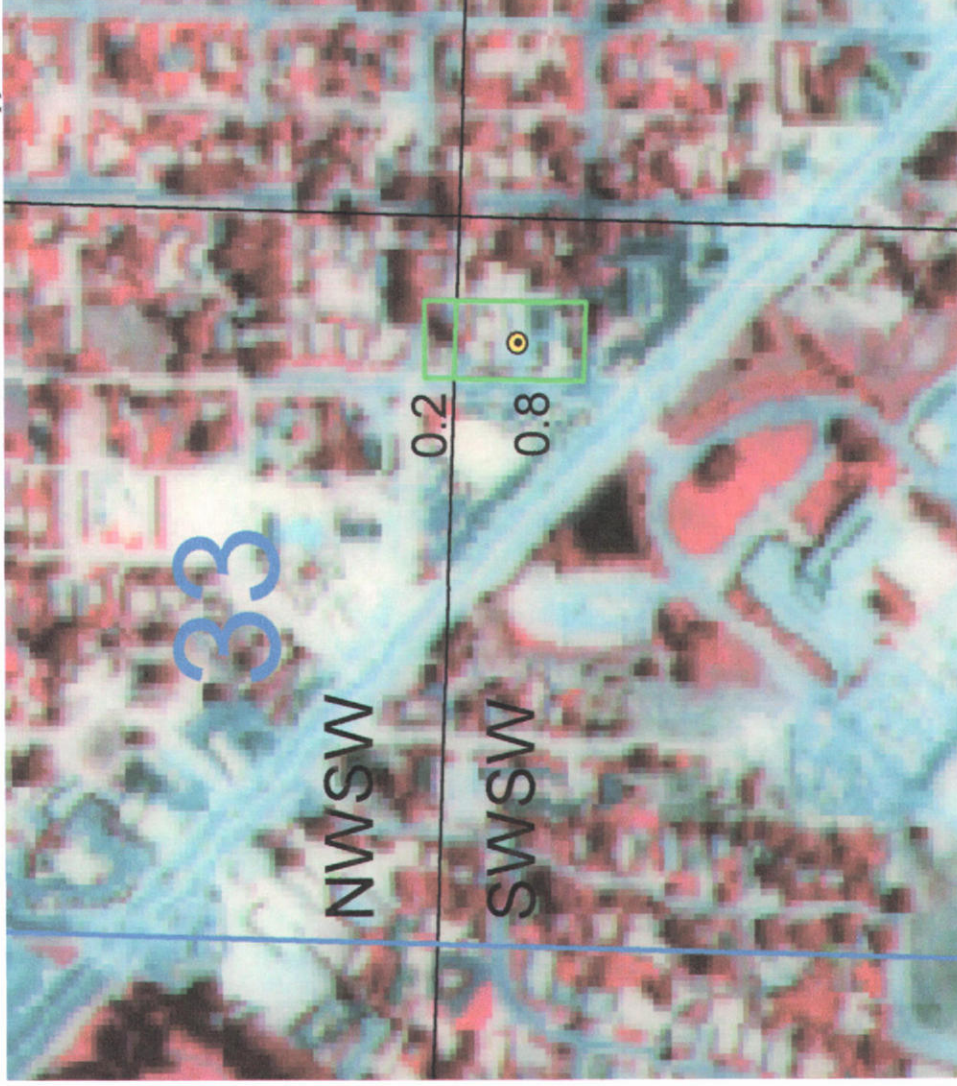


Section Lines



Quarter Quarter Lines

1987 Napp Photo



0 0.25 Miles



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04512

Date Received: 4/13/1989

Receipt No: C006318

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: O.K. LAND 208-342-5511
Address: 1802 N. 33RD STREET
BOISE, ID 83703

AND

Name: DAVIS C. TOOTHMAN 208-342-5511
Address: 1802 N. 33RD STREET
BOISE, ID 83703

2. Date of Priority: JUN 01, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	33	NE	SW	SW		ADA

5. Description of diverting works:

REHABILITATED IN 1965 50', 6" CASING, 1/2HP SUBMERS. PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	33	SW	SW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:
NONE

14. Remarks:
P/D LOT 14, P/U LOTS 11-20, BLK. 35, CRUZEN ADDN.
DIV. RATE=20 GPM.

15. Basis of Claim: STATUTORY CLAIM

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

A63-04512

Page

My Commission Expires
3

Date: 04/20/89

MICROFILMED
AUG 20 1997

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

APR 13 1989

Ident. Number: A63-04512

Date Received: 4-13-89

Receipt No: CDD6318

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: OK LAND CO. 208-342-5511
Address: 1802 N. 33RD STREET
BOISE, ID 83703

AND

Name: DAVIS C. TOOTHMAN 208-342-5511
Address: 1802 N. 33RD STREET
BOISE, ID 83703

2. Date of Priority: JUN 01, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	33	NE	SW	SW		ADA

5. Description of diverting works:

REHABILITATED IN 1965 50', 6" CASING, 1/2HP SUBMERS. PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A63-04512

Page 1

Date: 04/11/89

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	33	SW	SW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:
NONE

14. Remarks:
P/D LOT 14, P/U LOTS 11-20, BLK. 35, CRUZEN ADDN.
DIV. RATE=20 GPM.

15. Basis of Claim: STATUTORY CLAIM

(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.

Date: 4-11-89
Date:

4/11/89
Date

Timothy Aaron Burger
Notary Public

TIMOTHY A. BURGESS
 NOTARY
 PUBLIC
 STATE OF IDAHO
 A63804512

AUG 20 1992

1/23/1988

FBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME O.K. LandCLAIM IDENT. NO. A63-04512DATE RECEIVED 4-13-89CK # 392AMOUNT \$ 51.00

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ✓ 2006318 ✓ ✓ *
2. Is a priority date entered? ✓ *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ✓ *
3. (a) Is a source entered? ✓ *
- (b) Is a tributary to entered? (if required) N/A ✓ ✓ *
4. Is the legal description of the p.d. sufficient? ✓ *
5. Is there a description of the diverting works? ✓ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ✓ *
- Is the period of use included? ✓ *
- Is a quantity claimed for each use? ✓ *
7. Is a total quantity claimed entered? ✓ *
8. If required is a consumptive use entered? N/A ✓ *
- Is the consumptive use correct? 3.5 cfs N/A ✓ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓ *
10. Is (are) the place(s) of use and purpose(s) indicated? ✓ *
11. Is (are) the county(ies) entered? ✓ *
12. Is the ownership of p.u. checked? ✓ *
13. Are other water rights listed or "none" indicated? ✓ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓ *
15. Is the basis of the claim indicated? ✓ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ✓ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ✓ *
18. Has the claim been signed, sealed, and dated by a notary? ✓ *
19. Was this claim filed on time, or was an extension granted? ✓ *
20. Is the fee enclosed correct? Exempt ✓ *
21. If this claim is based on an existing water right, has the identification number been entered? N/A ✓ *
22. Should this claim be receipted and data entered? ✓ *

Claim checked by: RLTDate: 4-18-89

Claim must be returned to claimant:

(Yes) ✓ (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) ✓ (No)Receipt Prepared by: KYDate: 4-13-89Claim data entered by: _____Date: _____Checked by: _____Date: _____Sent to claimant by: _____Date: _____

Comments: # Data Enter as [O.K. Land] (checked w/ D. Sheffield)

MICROFILMED

AUG 20 1992

RECEIVED

OCT 06 2004

WATER RESOURCES
WESTERN REGION

Richard F. Orton Jr. and
Jane L. Orton
460 E. Linkershim
Meridian Idaho

September 30, 2004

Idaho Department of Water Resources
Attn. Vicky Music, Water Resource Agent
Adjudication Bureau
Western Region
2735 Airport Way
Boise, Idaho 83705 5082

RECEIVED

OCT 05 2004

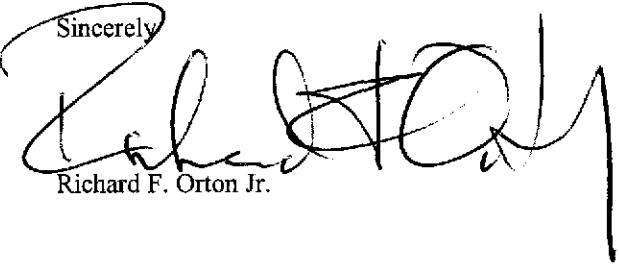
Department of Water Resources

Ms. Music

Re: Claim A63-4512, Ownership

Attached are the change of ownership documents you requested. Call if you have any questions.

Sincerely


Richard F. Orton Jr.

RECEIVED

OCT 06 2004

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

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4912	63-4512				

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

☒ The appropriate **FILING FEE**. See instructions for fee amounts. *waived*

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)

DAVID L. TESTA MAN
1808 N. 16th Boise ID 83702

4. New Owner/Claimant(s)

RICHARD T. ORTON JR and Jane C. Orton
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

400 E Limberlawn

City, State and ZIP Code

Meridian, Idaho 83422

New Telephone Number

208 888 3668

5. Date you acquired the property

Aug 7, 1985
Jan 3, 1991

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *Richard & Catherine*
(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 _____

Richard
Orton
Jr.

FEE 2 DEPUTY

99117539

photo copies

QUITCLAIM DEED

ADAMS COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 3⁰⁰ DEPUTY *Klaugh*

2000 FE 22 PM 2:13

100013212

ASSIGNMENT

For the total consideration of One Hundred Sixty Six Thousand Thirty Eight Dollars (\$166,038.00), Paul S. Kunz and Rhonda J. Kunz, husband and wife, hereby assign transfer and convey all of their right, title and interest in that certain partnership known as O. K. Lands Partnership, formed on or about July 1, 1985, to Michael D. Moore and Colette Moore, including all assets and obligations thereof. (No. 8535860)

Dated this 2nd day of July, 1999.

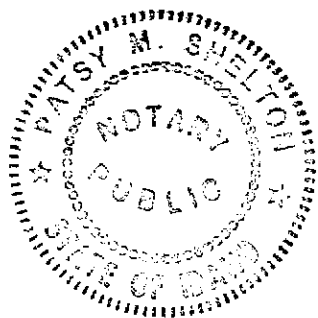
Paul S. Kunz
Paul S. Kunz

Rhonda J. Kunz
Rhonda J. Kunz

STATE OF IDAHO)
: ss.
COUNTY OF ADA)

On this 2nd day of July, 1999, before me, a Notary Public in and for said State, personally appeared PAUL S. KUNZ and RHONDA J. KUNZ, husband and wife, known or identified 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 first above written.



Patsy M. Shelton
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 1-26-2005

ASSIGNMENT

For the total consideration of \$166,038.00, consisting of the payment of \$78,604.46 and the cancellation of a promissory note with a current balance of \$87,433.54, Michael Dennis Moore and Colette Kay Moore hereby assign, transfer and convey all of their right, title and interest in that certain partnership known as the OK Lands Partnership to Richard F. Orton, Jr., including all assets and obligations thereof. (No. 8535860)

DATED this 17 day of ~~November~~ ^{December}, 1999.

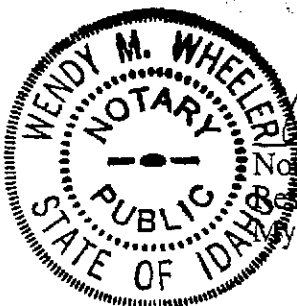
Michael D. Moore
Michael Dennis Moore

Colette Kay Moore
Colette Kay Moore

STATE OF IDAHO)
 : ss.
COUNTY OF ADA)

On this 17 day of December, 1999, before me, a Notary Public in and for said State, personally appeared MICHAEL DENNIS MOORE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Wendy M. Wheeler
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: JUNE 25, 2004

Richard Orton
ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

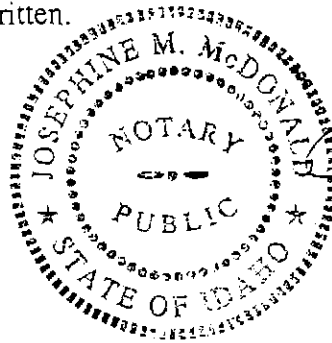
2000 FE 22 PM 2:13

RECORDED-REQUEST OF
FEE 6.00 DEPUTY K. Vaughn
100013213

STATE OF IDAHO)
 : ss.
COUNTY OF ADA)

On this 17 day of December, 1999, before me, a Notary Public in and for said State, personally appeared COLETTE KAY MOORE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Josephine M. McDonald
Notary Public for Idaho
Residing at: ~~Boise, Idaho~~ Nampa, Idaho
My Commission Expires: 1-25-2005

WARRANTY DEED

1803-17.32ed
Dane Idaho - 8/10/91

The Toothman Family Partnership, an Idaho General Partnership, consisting of Davis C. Toothman, Loreen L. Toothman, Richard D. Toothman, Robert D. Toothman, Susan M. Zwenke, and Elizabeth L. Toothman Barrash, through and by its authorized and designated agent, hereby conveys, grants and warrants to OK Land, a General Partnership, consisting of the communities of Richard F. Orton, Jr. and Jane L. Orton, husband and wife; and Paul S. Kunz and Rhonda J. Kunz, husband and wife, and as to the respective communities, as tenants in common, Grantees, of Boise, Idaho, for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the following described tracts of land in the County of Ada, State of Idaho:

PARCEL I:

The East 68.5 feet of the North 19.0 feet of Lot 18, and the East 68.5 feet of Lots 19 and 20 in Block 35 of CRUZEN ADDITION, according to the official plat thereof, filed in Book 3 of Plats at Page 115, Official Records of Ada County, Idaho.

PARCEL II:

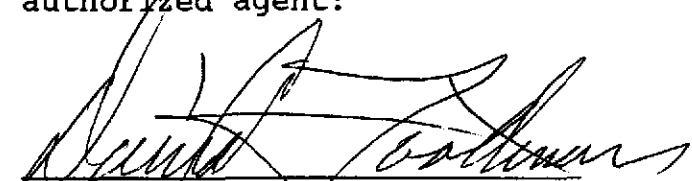
The East 68.5 feet of the South 6.0 feet of Lot 18, and the East 68.5 feet of Lot 17 in Block 35 of CRUZEN ADDITION, according to the official plat thereof, filed in Book 3 of Plats at Page 115, Official Records of Ada County, Idaho.

together with all and singular the tenement, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate right, title, interest in the property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances, together with all water and ditch rights thereon.

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 second party's heirs and assigns forever.

WITNESS the hand of said Grantors this 3 day of January, 1991.

Toothman Family Partnership by
Davis C. Toothman, its duly
authorized agent:

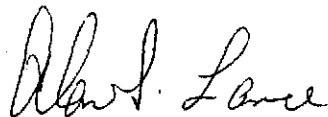

Davis C. Toothman

STATE OF IDAHO)
) ss.
County of Ada)

On the 3rd day of January, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Davis C. Toothman, authorized agent and general partner of the Toothman Family Partnership, an Idaho partnership, Grantors, the signer of the within instrument, who duly acknowledged to me the execution of the same and who has represented that he has the authority to act on behalf of said partnership.

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

9109447


Notary Public for Idaho
Residing at: Meridian
My Commission Expires:
Life time

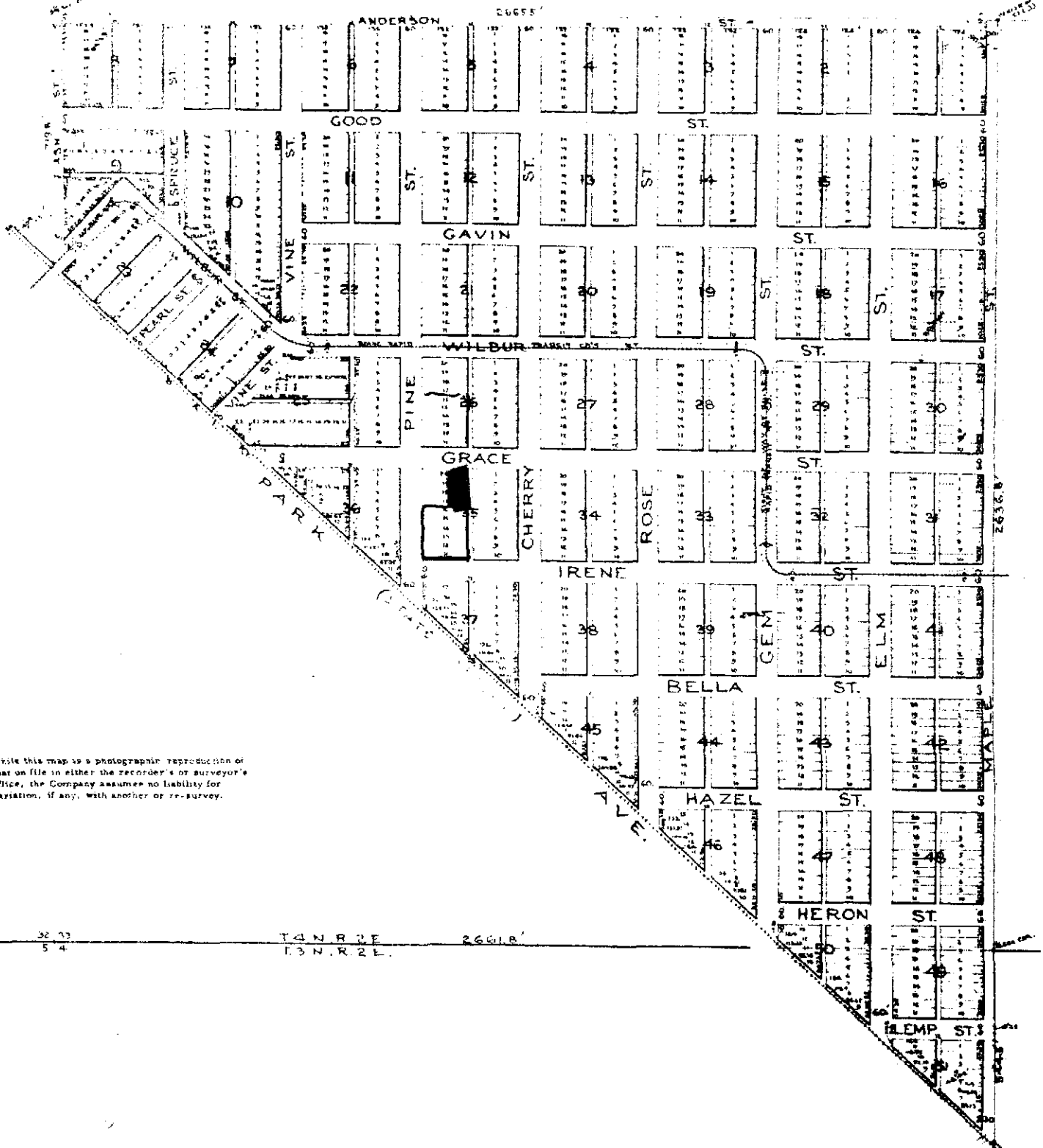
ADDED TO THE
FOR FIRST AMERICAN TITLE CO.

1991 JAN 4 PM 9 38



602

CRUZEN ADDITION TO BOISE, IDAHO.



WARRANTY DEED

For Value Received TEN DOLLARS and no/100 DOLLARS (\$10.00) and good and valuable other consideration

the TOOTHMAN FAMILY PARTNERSHIP
the grantor, do es hereby grant, bargain, sell and convey unto

RICHARD F. ORTON JR., AND PAUL KUNZ of O.K. Land, an
Idaho partnership *134 E. State St, Meridian 83642*

the grantee s, the following described premises, in Ada.....County Idaho, to wit:

Lots 11, 12, 13, 14, 15 and 16 of Block 35
Cruzen Addition to the City of Boise according
to the official plat thereof records of Ada
County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s, that they the owner s in fee simple of said premises; that they are free from all encumbrances

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

Dated: August 7, 1985

[Signature]
DAVIS C. TOOTHMAN, Managing Partner
TOOTHMAN FAMILY PARTNERSHIP

STATE OF IDAHO, COUNTY OF ADA

On this 7th day of August, 1985, before me, a notary public in and for said State, personally appeared, David C. Toothman, managing partner of TOOTHMAN FAMILY PARTNERSHIP that executed the within instrument and

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

on behalf of said partnership.

Residing at *Meridian*
Comm. Expires *Life Time*

Notary Public
Idaho



STATE OF IDAHO, COUNTY OF *Ada*

I hereby certify that this instrument was filed for record at the request of FIRST AMERICAN TITLE CO.

at 20 minutes past 3 o'clock m.,
this 17th day of Sept.
1985, in my office, and duly recorded in Book of Deeds at page

JOHN BASTIDA

Ex-Officio Recorder

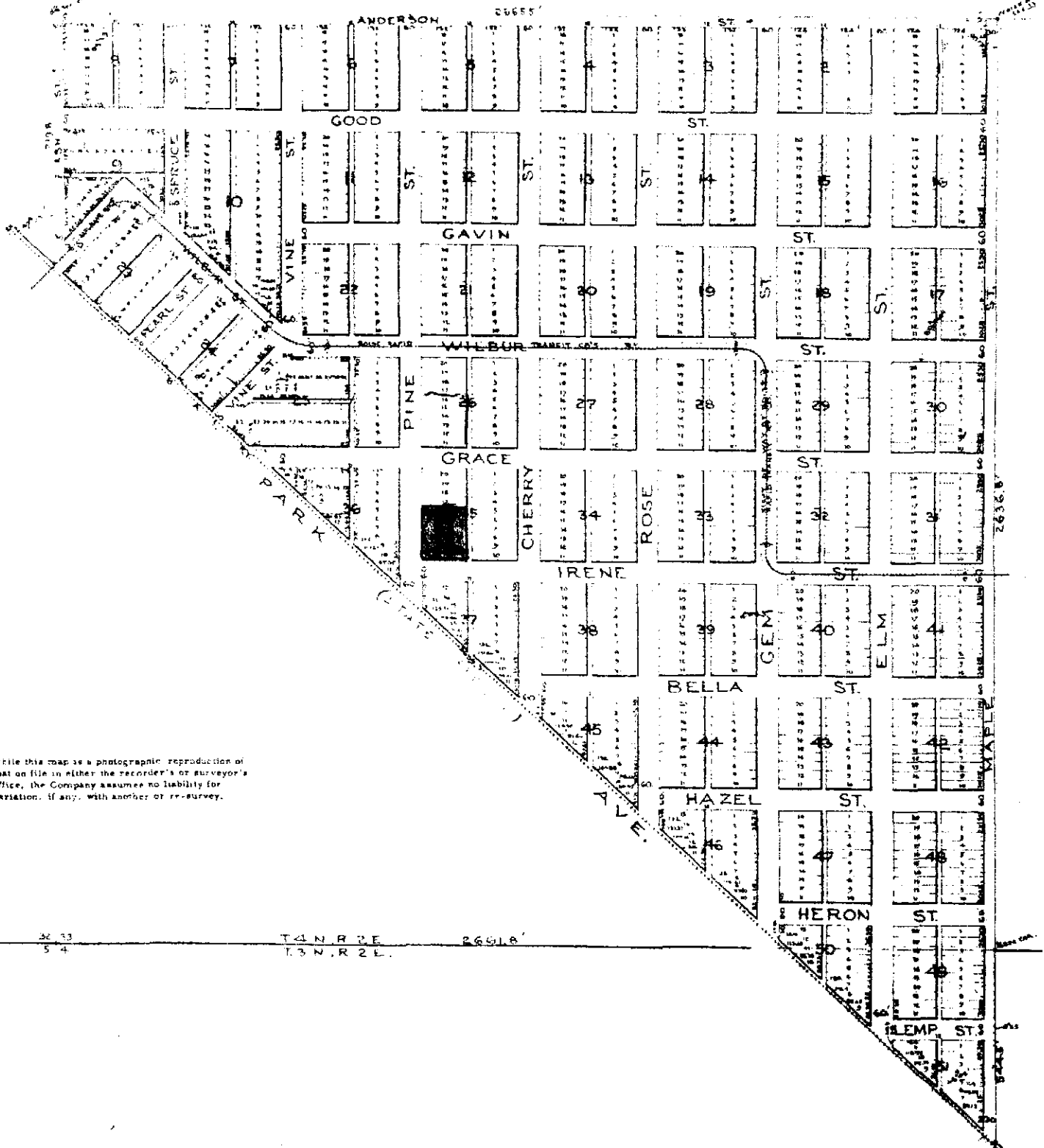
By *W. Kasparuk* Deputy.

Fees \$ *2.00*
Mail to:

INSTRUMENT NO

First American Title Company of Idaho

CRUZEN ADDITION TO BOISE, IDAHO.



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

36 33
5 4

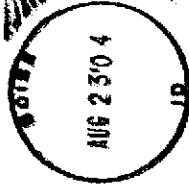
T4N R2E 26S1A
T3N R2E

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
C006318	51.00	63	4512		Claim

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

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



603-4512

RECEIVED

AUG 30 2004

WATER RESOURCES
WESTERN REGION

OK LAND
1802 N 33RD ST
BOISE, ID 83703

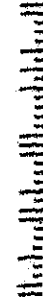
RE: EVIDENCE OF PRIORITY

NIXXE

2010 1 08 08/28/04

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
RETURN TO SENDER

83703+508255552



SCANNED

SEP 02 2004

05/31/2005

NOTICE OF ERROR
REPLY

RECEIVED

JUN 13 2005

WATER RESOURCES
WESTERN REGION

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

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

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

Water right number: 63-4512

JANE ORTON
460 E LINKERSHIM
MERIDIAN ID 83642
Telephone Number: (208)888-3668

RICHARD ORTON
460 E LINKERSHIM
MERIDIAN ID 83642
Telephone Number: (208)888-3668

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

The photographic map and point of diversion

*✓ changed
replied
VWR*

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

You show the point of diversion near the west boundary. It should be moved east to near the east boundary.

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

That is where the well is.

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

DATE: 6/9/05 SIGNATURE: Richard F. Orton Jr

Please print your name: Richard F. Orton Jr

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

10/06/2004

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

RIGHT NUMBER: 63-4512
NAME AND ADDRESS: JANE ORTON
460 E LINKERSHIM
MERIDIAN ID 83642

RICHARD ORTON
460 E LINKERSHIM
MERIDIAN ID 83642

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.020 CFS
PRIORITY DATE: 06/01/1940
POINT OF DIVERSION:

T04N R02E S33 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/01	0.020 CFS 2.25 AFY

PLACE OF USE: IRRIGATION Within ADA County

T04N R02E S33 SWSW 0.5

0.5 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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

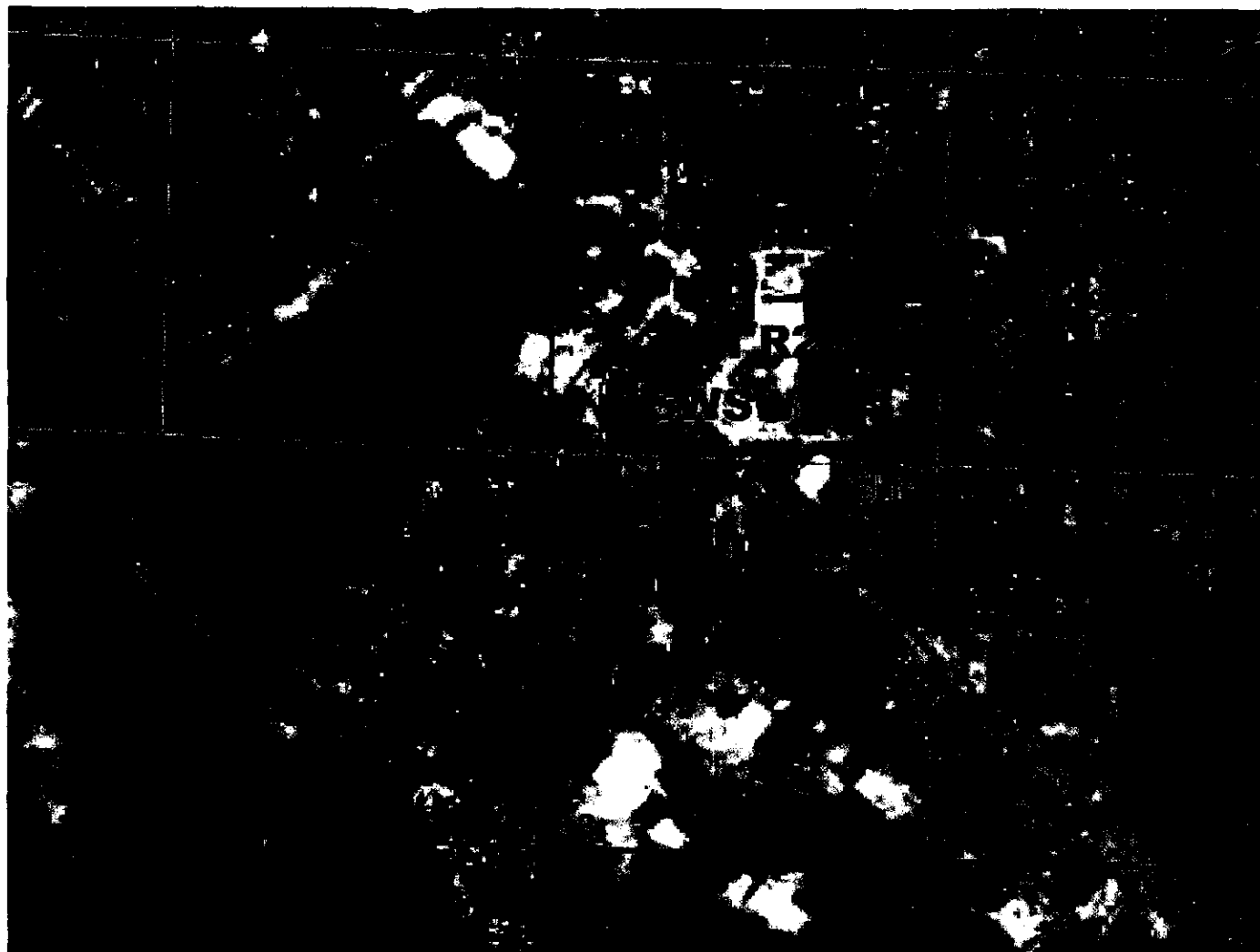
EXPLANATORY MATERIAL: Beneficial Use

PARCEL NOS. R1624003675, R1624003660, R1624003691, R1624003711
AND R1624003712.



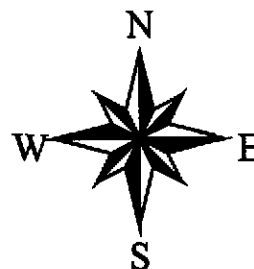
State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 33
Water Right(s) : 63-4512



1320 0 1320 Feet

TOTAL IRRIGATED ACRES < 0.5



- ⑨ Point of Diversion
- Place Of Use
- Quarter Quarter Lines
- Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: October 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4512 V1

WATER RIGHT NUMBER: 63-4512 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JANE ORTON 460 E LINKERSHIM MERIDIAN, ID 83642
Previous Owner	DAVIS C TOOTHMAN 1802 N 33RD ST BOISE, ID 83703 (208)342-5511
Current Owner	RICHARD ORTON 460 E LINKERSHIM MERIDIAN, ID 83642
Previous Owner	OK LAND 1802 N 33RD ST BOISE, ID 83703 (208)342-5511

Priority Date: 06/01/1940

Basis: Beneficial Use

Status: Active

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

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/01	0.020 CFS	2.25 AF
<u>Total Diversion:</u>		0.020 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 33, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	33											.5						.5

Total Acres: 0.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4512 V1

Remarks:

1. Explanatory PARCEL NOS. R1624003675, R1624003660, R1624003691, R1624003711 AND R1624003712.

Comments:Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/6/2004 2:58:41 PM	vmusic			Active
Priority Date	10/6/2004 3:07:56 PM	vmusic			Active
POD	10/6/2004 3:08:29 PM	vmusic			Active
Source	10/6/2004 3:45:27 PM	vmusic			Active
POU	10/6/2004 3:46:25 PM	vmusic			Active
Use	10/6/2004 3:49:09 PM	vmusic			Active
Season	10/6/2004 3:50:22 PM	vmusic			Active
Quantity	10/6/2004 3:52:51 PM	vmusic			Active
Summary			10/06/2004	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/6/2004 2:58:42 PM	vmusic	(No) 1. Do you want to schedule an appointment?
POD	10/6/2004 3:44:12 PM	vmusic	Comment for 1: DESKTOP REVIEW. Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4512 V1

POU	10/6/2004 3:46:26 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - NAPP PHOTOGRAPHY, DEEDS, ADA CO ASSESSOR PARCEL INFORMATION.
POU	10/6/2004 3:47:27 PM	vmusic	Edited shape boundary
Summary	10/6/2004 4:05:54 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Source	10/6/2004 3:45:28 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - CONVERSATION WITH CLAIMANT AND STATEMENT FROM PRIOR OWNER.
Quantity	10/6/2004 3:52:51 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - DE MINIMUS QUANTITY. Description for Question 10 - .5 ACRES X 4.5 = 2.25 AFA

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4512 V1

Priority Date	10/6/2004 3:07:57 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - STATEMENTS SUBMITTED BY CURRENT AND PREVIOUS OWNER.
POD	10/6/2004 3:08:29 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Use	10/6/2004 3:49:09 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - CONVERSATION WITH CLAIMANT.
Season	10/6/2004 3:50:22 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?



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

September 27, 2004

Mr. Richard Orton, Jr.
460 E Linkershim Dr.
Meridian, ID 83642

RE Change of ownership form for SRBA Claim no. 63-4512

Dear Mr. Orton,

Per our phone conversation today, enclosed is a change of ownership form for the SRBA claim referenced above. Please fill out the form, enclose the required documentation and return to me with the evidence of priority statement from Mr. Toothman. Call me if you have additional questions.

Sincerely,

Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosures: IDWR change of ownership form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 20, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

OK LAND
1802 N 33RD ST
BOISE, ID 83703

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-04512

Dear Claimant(s),

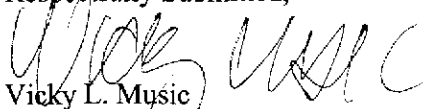
In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of your priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by **September 10, 2004**. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully Submitted,


Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim Report A63-04512

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way

Boise, Idaho 83705-5082

Handwritten:
012-2003
MAY 10 11
HAB FOR

PRESENTED
FIRST CLASS

RETURN SERVICE
REQUESTED

603-4512

RECEIVED

AUG 30 2004

WATER RESOURCES
WESTERN REGION

NIXIE

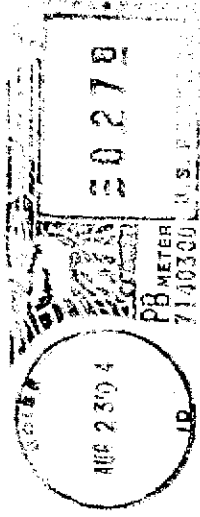
2016 1 06 06/26/04

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
RETURN TO SENDER

83703+38042515952

Handwritten barcode

Handwritten barcode





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 23, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICHARD ORTEN JR.
460 E LINKERSHIM DR
MERIDIAN, ID 83642

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4512

Dear Claimant(s),

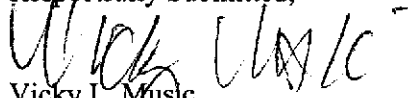
In the past, O.K LAND AND DAVIS TOOTHMAN submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. You may be the owner of this water right claim. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. O.K LAND AND DAVIS TOOTHMAN indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. This claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of this priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by October 12, 2004. Additionally, a field exam may be necessary and a field examiner may be contacting you in the next few weeks. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully Submitted,


Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim Report A63-4512

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

Desktop review/VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) - don't have
- ☐ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is completeClaim No(s) 63-4512

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Richard & Jane Orton
- ☐ No change Address
- ☒ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

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

Priority date, per claimant, is: 6-1-1940

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

no evidence in file. Claimant to submit statements.

Source: _____ Tributary to _____

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

POINT OF DIVERSION lot 14

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

see claims

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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

WATER USES

☒ No change

☐ Different Uses

Use *irrigation* From *3/1* To *11/15* Amount *.02* CFS *4.5* AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount *.02* CFS *4.5* AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

however, entire site is only 0.7 acres and most of it is covered by an office building & parking lot.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													SW						5

Overlap with other water rights: _____

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

Delivery System Narrative: SEE CLAIMS

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

v1e PARCEL #5: R 1624003675, R 1624003660, R 1624003661,
R 1624003711, R 1624003712

✓ C16 N11 Q not a determ of res. b/u

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED:

10-6-04

FIELD EXAMINER:

10-6-0
Wieg ~~Wieg~~

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4512

10/06/2004

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3153	Claim	04N	02E	33	SW	SW		IRRIGATION	6/6	STATE OF IDAHO
4512	Claim	04N	02E	33	SW	SW		IRRIGATION	1/1	OK LAND
8321	Claim	04N	02E	33	SW	SW		IRRIGATION	7/7	STATE OF IDAHO
20040	Claim	04N	02E	33	SW	SW		IRRIGATION	15.7/575.1	BOISE CITY CANAL CO
2772	Water Right	04N	02E	33	SW	SW		IRRIGATION	1/1	BERNICE FISCHER
3153	Water Right	04N	02E	33	SW	SW		IRRIGATION	6/6	STATE OF IDAHO
4512	Water Right	04N	02E	33	SW	SW		IRRIGATION	1/1	DAVIS C TOOTHMAN
8321	Water Right	04N	02E	33	SW	SW		IRRIGATION	7/7	STATE OF IDAHO
2576	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	04N	02E	33	SW	SW		MUNICIPAL		UNITED WATER IDAHO INC
15446	Water Right	04N	02E	33	SW	SW		DOMESTIC		MILDRED M ROUSE
15462	Water Right	04N	02E	33	SW	SW		DOMESTIC		HENRY D PRIDEMORE
16334	Water Right	04N	02E	33	SW	SW		DOMESTIC		KAREN SNYDER
19070	Water Right	04N	02E	33	SW	SW		DOMESTIC		MISTI L WILKERSON
23140	Water Right	04N	02E	33	SW	SW		DOMESTIC		SCOTT A YOUNG

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4512

10/06/2004

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-3153	Claim	04N	02E	33	SW	SW		GROUND WATER	STATE OF IDAHO
63-8321	Claim	04N	02E	33	SW	SW		GROUND WATER	STATE OF IDAHO
63-15462	Claim	04N	02E	33	SW	SW		GROUND WATER	HENRY D PRIDEMORE
63-4512	Claim	04N	02E	33	SW	SW		GROUND WATER	OK LAND
63-19070	Claim	04N	02E	33	SW	SW		GROUND WATER	DICK WILKERSON
63-16334	Claim	04N	02E	33	SW	SW	6	GROUND WATER	KAREN SNYDER
63-15446	Claim	04N	02E	33	SW	SW	6	GROUND WATER	MILDRED M ROUSE
63-23140	Claim	04N	02E	33	SW	SW	6	GROUND WATER	SCOTT A YOUNG
63-2772	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	BERNICE FISCHER
63-3153	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	STATE OF IDAHO
63-4512	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	DAVIS C TOOTHMAN
63-8321	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	STATE OF IDAHO
63-15462	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	HENRY D PRIDEMORE
63-16334	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	KAREN SNYDER
63-19070	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	MISTI L WILKERSON
63-15446	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	MILDRED M ROUSE
63-23140	Water Right	04N	02E	33	SW	SW	6	GROUND WATER	SCOTT A YOUNG

CONVERSATION MEMO

DATE: 9/27/04
TO: MEMO TO CLAIM FILE NO. 63-4512
CC: NA
From: Vicky L Music, WATER RESOURCE AGENT,
IDWR/ WESTERN REGION
RE: EVIDENCE OF PRIORITY

Mr. Orton called today. He received a letter I sent after the first letter was returned to me. I got his name for Ada Co. Assessors shape file. He has owned the property for a few years. He will get a statement for Mr. Toothman, the prior owner, regarding the history of the property the basis for the priority date.

Mr. Orton said that the original owner [prior to Mr. Toothman] built a dental office in the early 1940s. Mr. Toothman operated an engineering firm. The well is still being used for irrigation.

I told Mr. Orton I would send a change of ownership form for him to complete and he can return it with the statement from Mr. Toothman.

VLM

RECEIVED

SEP 30 2004

WATER RESOURCES
WESTERN REGION

Davis C. Toothman
1808 N. 16th
Boise, Idaho 83702

September 29, 2004

Idaho Department of Water Resources
Attn. Vicky Music, Water Resource Agent
Adjudication Bureau
Western Region
2735 Airport Way
Boise, Idaho 83705 5082

Ms. Music

Re: Claim A63-4512, Statement of Beneficial Use

Statement of Davis C. Toothman:

1. I am above the age of 18 years and have personal knowledge of the facts contained herein;
2. I purchased this property from William and Ruth Wheaton, both deceased, in about 1960.
3. Mr. Wheaton informed me that the well was drilled and placed into service in about 1940.
4. I subsequently transferred ownership of the property to Toothman Family Partnership.
5. The Toothman Family Partnership sold the property to Richard F. Orton Jr. and Paul Kunz dba OK Land in August of 1985.
6. During the period between 1960 and 1985 the well on the property was beneficially used on the property in question.

DATED this 29th day of September, 2004.

By: _____

Davis C. Toothman

RECEIVED

SEP 30 2004

WATER RESOURCES
WESTERN REGION

Richard F. Orton Jr. and
Jane L. Orton
460 E. Linkershim
Meridian Idaho

September 28, 2004

Idaho Department of Water Resources
Attn. Vicky Music, Water Recource Agent
Adjudication Bureau
Western Region
2735 Airport Way
Boise, Idaho 83705 5082

Ms. Music

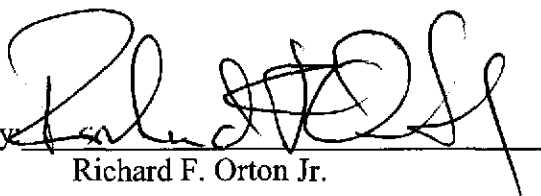
Re: Claim A63-4512, Statement of Current Owners

Statement of RICHARD F. ORTON JR.:

1. *I am above the age of 18 years and have personal knowledge of the facts contained herein;*
2. In 1985 Paul Kunz and I formed a partnership, OK Land for the purpose of buying and holding the commercial properties at 1802, 1804 and 1806 N. 33rd Boise, Idaho.
3. On August 1 1985 OK Land and the Toothman Family Partnership, Davis C. Toothman, Mng. Partner entered into an agreement to purchase the mentioned land.
4. That sale was completed on August 7, 1985, see Warranty Deed inst. No. 8549202 Ada County records.
5. In 1995 Paul Kunz (and his wife Rhonda J.) sold their interest in OK Land to Michael D. and Collette Moore, see inst. No. 95001054 Ada County records.
6. In 1999 my wife, Jane L. Orton and I purchased all the Moore's interest in OK Land, see inst. No. 100013212 Ada County Records.
7. In 1999 OK Land transferred all interest in the mentioned property to my wife, Jane L. Orton, and I, see inst. No. 99117539 Ada County records.

8. My wife, Jane L. Orton and myself currently own the land and improvements served by the well described in the Adjudication Claim Report 63-4512 attached to your September 23, 2004 correspondence.
9. I have personal knowledge of that well since April 1976 when I started working as an employee of Tudor Engineering Co. who occupied the buildings on the land in question.
10. The well has been beneficially used since 1976 on the property that my wife, Jane L. Orton, and I currently own in the NE1/4SW1/4SW1/4 Section 33, Twp 04N, Rge 02E, B.M. (also describe as Lots 11, 12, 13, 14, 15, 16, and the east 68.5 feet of Lots 17, 18, 19 and 20 in Block 35 of Cruzen Addition according to the official plat thereof, filed in Book 3 of Plats, Page 115, Official Records of Ada County, Idaho).
11. The total area of this holding is approximately 31,020 sq. ft.

DATED this ____ day of September, 2004.

By 
Richard F. Orton Jr.

Statement of Jane L. Orton:

1. I am above the age of 18 years and have personal knowledge of the facts contained herein;
2. In 1985 Paul Kunz and my husband Richard F. Orton Jr. formed a partnership, OK Land for the purpose of buying and holding the commercial properties at 1802, 1804 and 1806 N. 33rd Boise, Idaho.
3. On August 1 1985 OK Land and the Toothman Family Partnership, Davis C. Toothman, Mng. Partner entered into an agreement to purchase the mentioned land.

4. That sale was completed on August 7, 1985, see Warranty Deed inst. No. 8549202 Ada County records.
5. In 1995 Paul Kunz (and his wife Rhonda J.) sold their interest in OK Land to Michael D. and Collette Moore, see inst. No. 95001054 Ada County records.
6. In 1999 my husband, Richard F. Orton Jr., and I purchased all the Moore's interest in OK Land, see inst. No. 100013212 Ada County Records.
7. In 1999 OK Land transferred all interest in the mentioned property to my husband, Richard F. Orton Jr., and I, see inst. No. 99117539 Ada County records.
8. My husband, Richard F. Orton Jr., and myself currently own the land and improvements served by the well described in the Adjudication Claim Report 63-4512 attached to your September 23, 2004 correspondence.
9. I have personal knowledge of that well since about August 1985.
10. I believe the well has been beneficially used since about August 1985 on the property that my husband, Richard F. Orton Jr., and I currently own in the NE1/4SW1/4SW1/4 Section 33, Twp 04N, Rge 02E, B.M. (also describe as Lots 11, 12, 13, 14, 15, 16, and the east 68.5 feet of Lots 17, 18, 19 and 20 in Block 35 of Cruzen Addition according to the official plat thereof, filed in Book 3 of Plats, Page 115, Official Records of Ada County, Idaho).
11. The total area of this holding is approximately 31,020 sq. ft.

DATED this 29 day of September, 2004.

By: Jane L. Orton
Jane L. Orton

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4512

WATER RIGHT NUMBER: 63-4512

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OK LAND 1802 N 33RD ST BOISE, ID 83703 (208)342-5511
Current Owner	DAVIS C TOOTHMAN 1802 N 33RD ST BOISE, ID 83703 (208)342-5511

Richard Orton

Priority Date: 06/01/1940
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	<i>.03</i>

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SW1/4	Sec. 33, Twp 04N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA CountyT04N R02E S33 SWSW *1.0*

Total Acres: 1

*5 - entire office bld
gate is only 7 ac.*Conditions of Approval:Remarks:

- General P/D LOT 14, P/U LOTS 11-20, BLK. 35, CRUZEN ADDN.
DIV. RATE=20 GPM.

Comments:

**Land Records****Characteristics Detail**[Go Back to Property](#)

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Commercial**Land****Commercial Characteristics 1 for Parcel "R1624003675"**

Commercial Group Type:	OFFICE - LOW RISE
Year Built:	1965
Remodel Year:	1970
Occupancy Date:	No Date Available
Business Name:	TUDOR ENGINEERING
Number of Floors:	2
Number of Units:	0
Leasable Sq Ft:	4541
Ground Floor Sq Ft:	2107
Excess Land Sq Ft:	0
Used Land Acres:	0.11
Used Land Sq Ft:	4792
Excess Land Acres:	0.0
Total Land Sq Ft:	4541
Total Land Acres:	0.11
Method:	INCOME

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- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
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Commercial**Land****Land Characteristics 1 for Parcel "R1624003675"**

Residential Acres:	0.000
Commercial Acres:	0.110
Other Acres:	0.000
MLS Area:	100 - North Boise
Street:	Asphalt/Concrete
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	Y
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that 1. R. D. S. (name of claimant)

of 1802 N 33 - Boise, Id., claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water, tributary to _____

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>20 gpn</u>	Use	<u>Inv.</u>	Period of Use:	From	<u>April</u>	To	<u>November</u>
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/t)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 20 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) prior to 1940
A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

SW ¼ SW ¼, Sec. 33 Twp. 4N Rge. 2E B. M. County of Ada.
Additional points of diversion: Lot 14 Bk 35 Crown Ada + NW

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 3/4 hp. submersible
pump in a 6" cased well. + 50ft deep
with buried 1 1/2" distribution lines.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 1

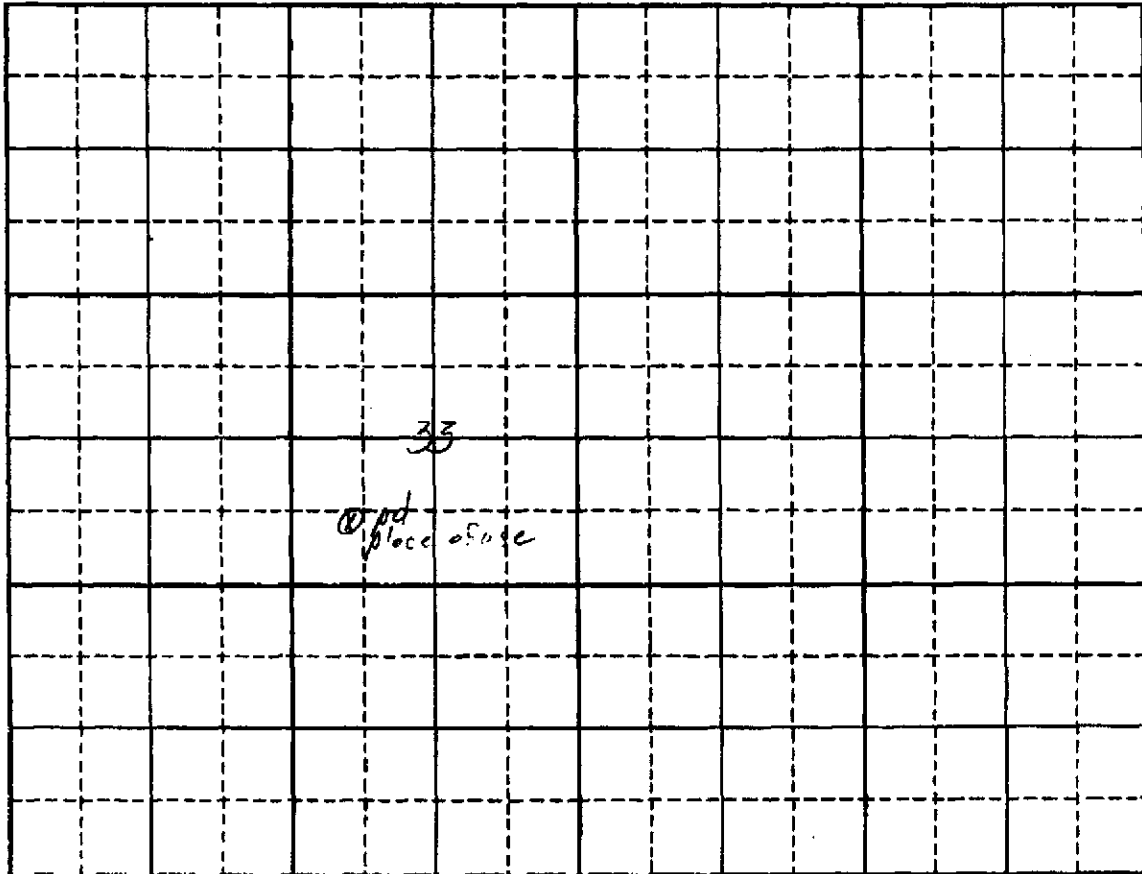
- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

IRRIGATION OF LAWN & SHRUBS - general maintenance and standby domestic use

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks

Lot 11-20 B1K 35 Cruzen Addition
to Boise City in Sec. 33 T4N
R 2E BM



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 1st day of June, 1977.

Richard R. Richards
Notary Public

Residing at Boise

My commission expires 4-9-78

For Department Use Only

Received by <u>LS</u>	Date <u>6/3/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>685</u>	Date <u>6-6-77</u>		claimant by:	
\$10.00 fee received by <u>LS</u>	Date <u>6/7/77</u>	# <u>9060</u>		
Approved for publication by <u>Delano Stateman</u>				
Published in <u>Boise Star</u>				
Dates <u>June 16 + 23</u>				

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

Return Service Requested

603-4512

① 1808 N. 16th X sent here
Boise 83702 6-12-02

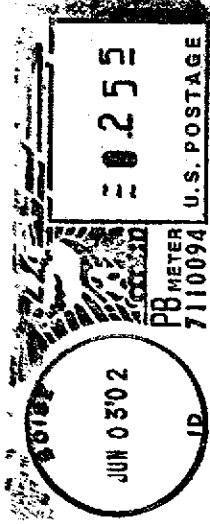
② New Centerville
Id. City 83631



UNDELIVERABLE AS ADDRESSED—
NO FORWARDING ORDER ON FILE

DAVIS C TOOTHMAN
1802 N 33RD ST
BOISE ID 83703

PRESORTED
FIRST CLASS



RECEIVED

JUN 11 2002

WATER RESOURCES
WESTERN REGION

0604261559#3703



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83703
Boise, Idaho 83720-0098

Return Service Requested

63-4512-

PRESORTED
FIRST CLASS



UNDELIVERABLE AS ADDRESSED -
NO FORWARDING ORDER ON FILE

RECEIVED

JUN 07 2002

WATER RESOURCES
WESTERN REGION

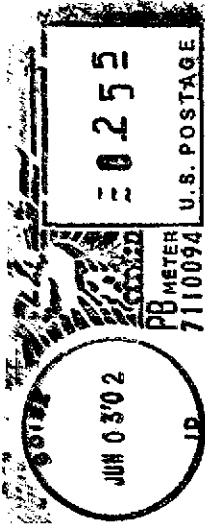
OK LAND
1802 N 33RD ST
BOISE ID 83703

OK LAND
1802 N 33RD ST
BOISE ID 83703

D. Ford

63-4512-453703

63-4512-453703



IDWR - WESTERN REGION

CONTRACTOR: Karen Waters

CLAIM/ID #: 63-04512 Date: 4-23-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	2E	33											1						1
GIS													.2	.8						1
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 1

Total GIS Acres: 1

Overlapping POU Claim #'s:

COMMENTS:

per county data and legals in remarks

Idaho Department of Water Resources

Claim Number: 63-04512
Legal: T04N, R02E, S33
Reviewed By:

⊙ Point of Diversion



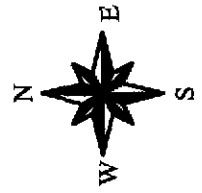
Place of Use



Section Lines



Quarter Quarter Lines



1987 Napp Photo



0 0.25 Miles

