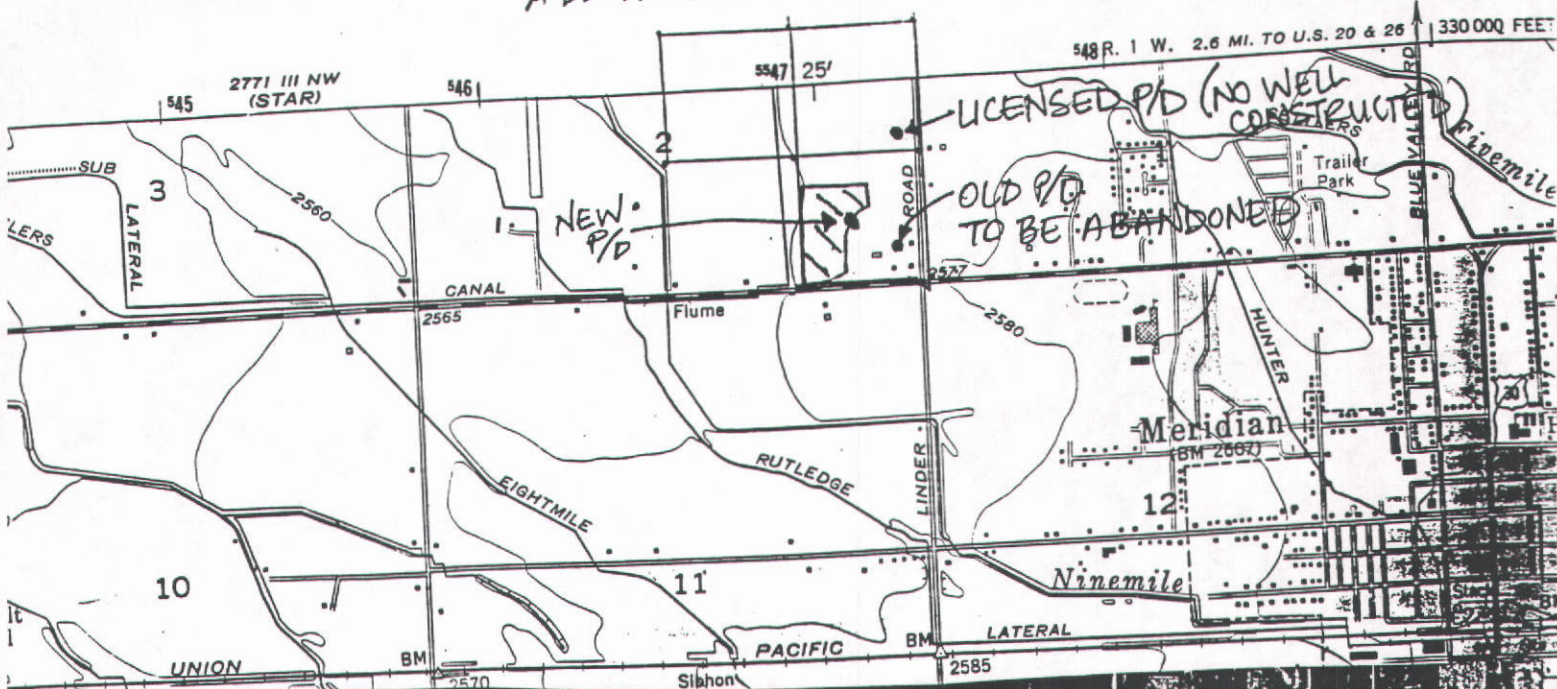
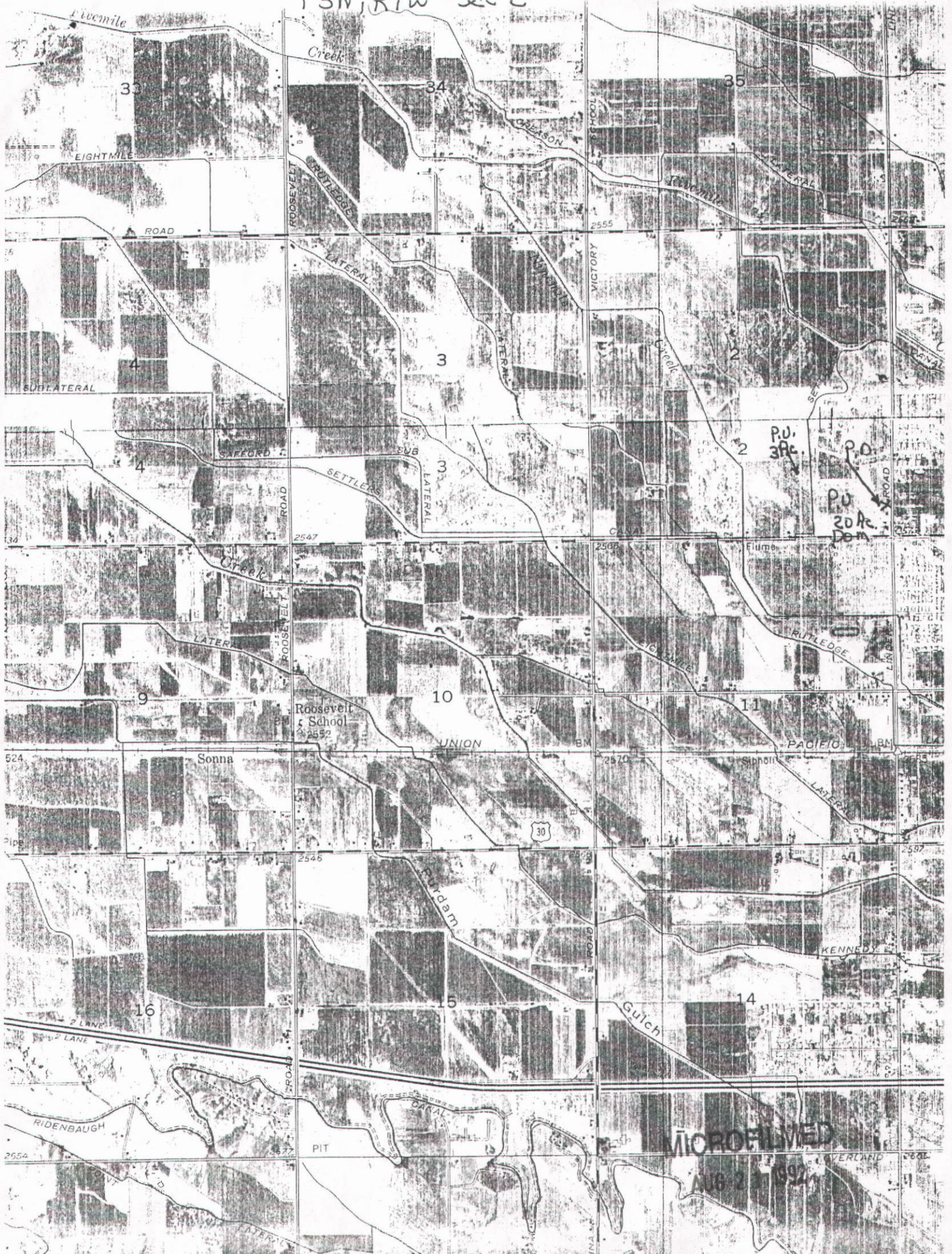




The area outlined in green is what was licensed originally for irrigation from the well. (123 acres)
The area in red is what has been claimed by Nyborg's. (23 acres).
This map is dated 1981 so new changes not shown.



Idaho Department of Water Resources

S2
T03N, R01W,

Claim No: 63-7273B

Prepared By: Kimberly Brown

Date: October 20, 2005



Place of Use



Section Lines



1/4 1/4



Point of Diversion

Acres Irrigated = 20.0



300 0 300 600 Feet

1987 NAPP



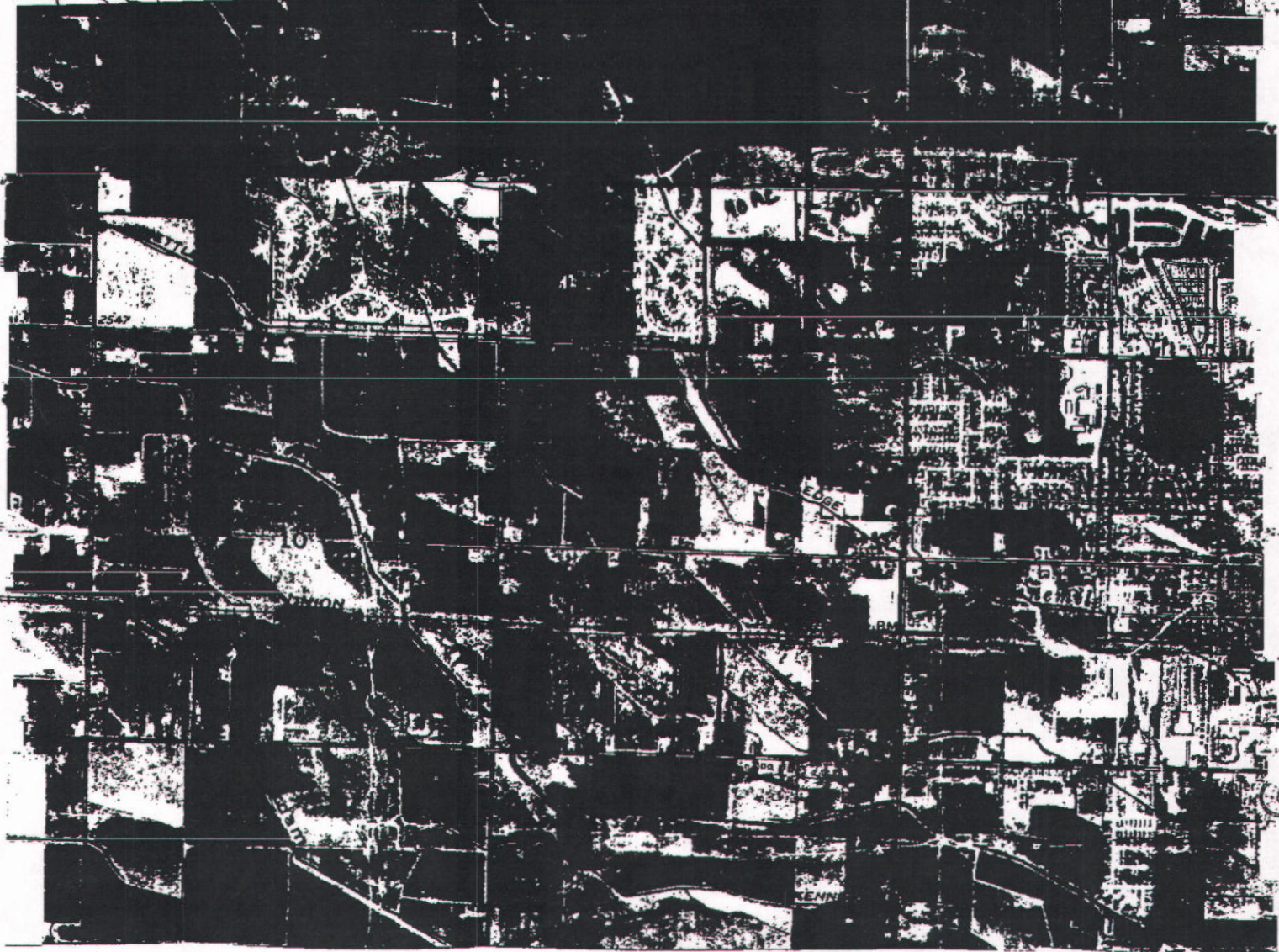
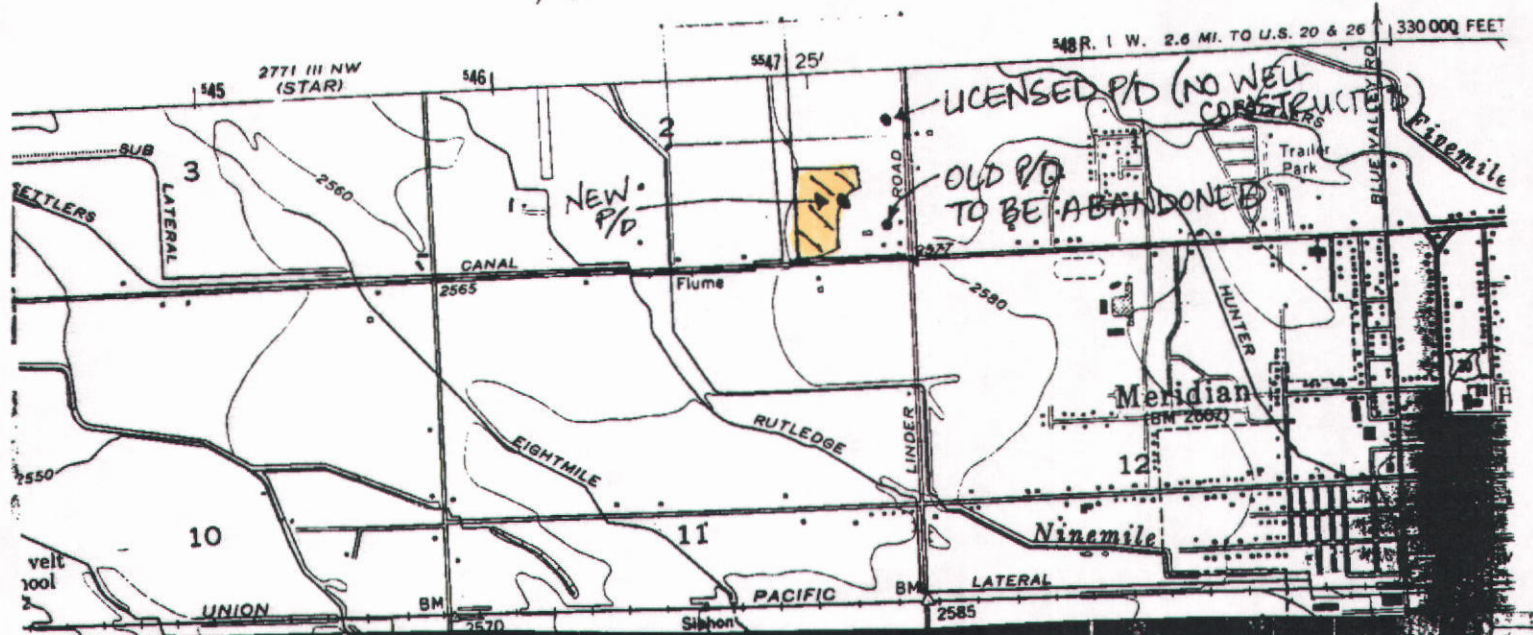


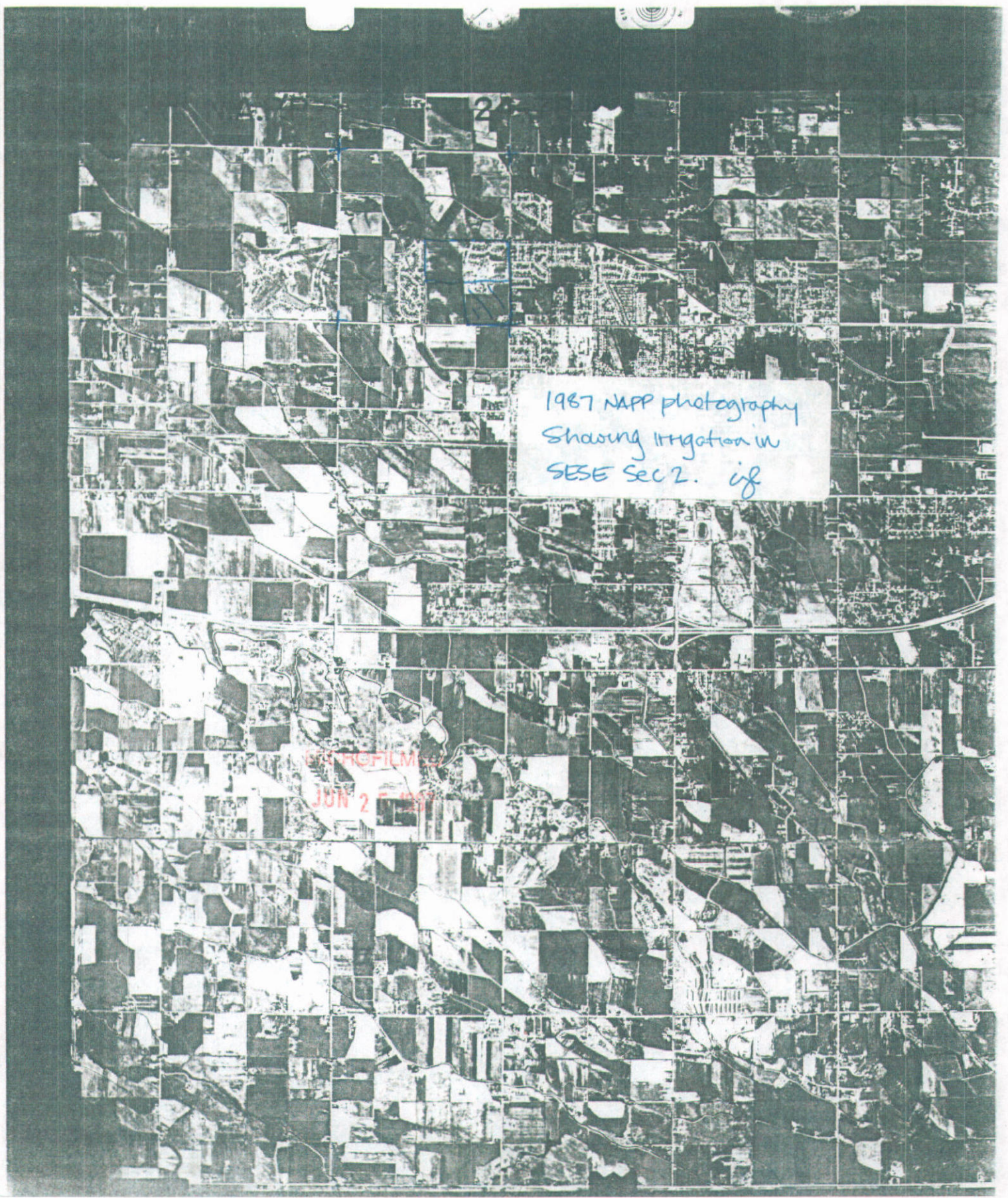
pg 601

ADDITIONAL MAPS AVAILABLE:

MERIDIAN

7.5 MINUTE SE





1987 NAPP photography
Showing Irrigation in
SESE Sec 2. *ijf*

EXHOFILMED
JUN 25 1987

SWSE

SESE

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 63-7273B
Date Received: 8/31/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES HUARTE Phone: (208) 884-1145
1287 N SANTA ROSA
MERIDIAN ID USA 83642

2. Date of Priority: 10/17/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01W	2	SE SE SE	ADA	

5. Description of diverting works:

80 ft. well, 12 inch casing, 7.5 hp submersible pump, pipe to ditch.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/15	0.19	74.2

7. Total Quantity Appropriated is:
0.19 C.F.S. and/or 74.2 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
03N	01W	2	SE	SE	IRRIGATION	20
Section Acres						20
Total Acres						20

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-7273.

The right holder shall accomplish the change authorized by Transfer 4902 within one (1) year of the date of the approval.

Place of use is also known as Valeri Place Subdivision.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

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

15. Basis of Claim: License

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 63-7273
Date Received: 8/31/1989
Receipt No: C010762
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES HUARTE Phone: (208)884-1145
1287 N SANTA ROSA
MERIDIAN ID USA 83642

2. Date of Priority: 10/17/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01W	2	SE SE SE	ADA	

5. Description of diverting works:

WELL, 80' DEPTH, 12" CASING, W/7.5HP SUBMERSIBLE PUMP, PIPE TO DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/15	0.19	74.2

7. Total Quantity Appropriated is:
0.19 C.F.S. and/or 74.2 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
03N	01W	2	SE SE	IRRIGATION	20
Section Acres					20

Total Acres 20

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT AS CLAIMED HERE REPRESENTS A CHANGE FROM THE USES AS LICENSED. THE PURPOSE OF THE WELL WAS ORIGINALLY FOR RELIEF FROM WATER FLOODING THE BASEMENTS WHICH CAME WITH THE IRRIGATION SEAS- ON. THE RIGHT WAS LITTLE USED FOR THE IRRIGATION PURPOSES AS IT WAS LICENSED AND THE WELL IS USUALLY PUMPED FOR 24-HOURS TWICE A MONTH TO PREVENT FLOODING FOR 2 TO 3 HOMES. CONSEQUENTLY THE RIGHT IS BEING CLAIMED FOR DOMESTIC PURPOSES FOR 0.70 CFS AND FOR 0.46 CFS FOR IRRIGATION PURPOSES WITH A TOTAL OF 1.16 CFS DIVERSION RATE AS ORIGINALLY LICENSED. PROPERTY ALSO KNOWN AS VALERI PLACE SUBDIVISION. LAND HAS BEEN DEVELOPED. INTERNAL WATER NOW SUPPLIED BY CITY OF MERIDIAN. AS FAR AS APPLICANT KNOWS, THE BALANCE OF WATER RIGHT IS NOT BEING USED. CLAIM AMENDED PER TRANSFER 4902 APPROVED 5/20/97. FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS, SEE COPY OF TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: License

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: A63-07273
Date Received: 8/31/1989
Receipt No: C010762
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN NYBORG 208-888-9692
Address: 1660 W. CHERRY LN.
MERIDIAN, ID 83642
OR
Name: TERRY G. NYBORG 208-888-3055
Address: 1655 LINDER
MERIDIAN, ID 83642

2. Date of Priority: OCT 17, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	01W	2	SE	SE	SE		ADA

5. Description of diverting works:
WELL, 80' DEPTH, 12" CASING, W/7.5HP SUBMERSIBLE PUMP, PIPE TO DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		
DOMESTIC	01/01	12/31	0.700		

7. Total Quantity Appropriated is:
1.160 C.F.S. (and/or) 453.00 A.F.A.

8. Total consumptive use is 80.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR DRAINAGE PURPOSES TO ELIMINATE WATER IN BASEMENTS.

A63-07273

Page 1

Date: 08/31/89

MICROFILMED
AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01W	2	SW	SE	IRR	3.0
			SE	SE	IRR	20.0
			SE	SE	DOMEST	
					Section Acres	23.0
					Total Acres	23.0

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:

DOMESTIC WELL FOR IN-HOUSE USE & NAMPA-MERID. IRR. RIGHTS.

14. Remarks:

THIS RIGHT AS CLAIMED HERE REPRESENTS A CHANGE FROM THE USES AS LICENSED. THE PURPOSE OF THE WELL WAS ORIGINALLY FOR RELIEF FROM WATER FLOODING THE BASEMENTS WHICH CAME WITH THE IRRIGATION SEASON. THE RIGHT WAS LITTLE USED FOR THE IRRIGATION PURPOSES AS IT WAS LICENSED AND THE WELL IS USUALLY PUMPED FOR 24-HOURS TWICE A MONTH TO PREVENT FLOODING FOR 2 TO 3 HOMES. CONSEQUENTLY THE RIGHT IS BEING CLAIMED FOR DOMESTIC PURPOSES FOR 0.70 CFS AND FOR 0.46 CFS FOR IRRIGATION PURPOSES WITH A TOTAL OF 1.16 CFS DIVERSION RATE AS ORIGINALLY LICENSED.

15. Basis of Claim: LICENSE

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: 2

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): *Alana Myler* Date: 8/31/1989
Date: _____

State of Idaho)
County of HOA) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of August 19 89

Donna E. Luthy
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

63-7273

Claim should reflect transfer

name - change

USE - ^{SESE} access only from 4/1-10/15, 19cfS 74.2AFA

Place of use aka. Valeri Place Subdivision

Remarks: Land has been developed. Internal water now supplied by City of Meriden. As far as applicant knows, the balance of water right is not be used.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4902
WATER RIGHT NO. 63-07273B

RECEIVED

JUN 12 1997

WATER RESOURCES
WESTERN REGION

This is to certify that: JAMES HUARTE
1287 N SANTA ROSA
MERIDIAN ID 83642

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/15	0.19 CFS	74.2 AF

SOURCE

GROUNDWATER

Priority: 10/17/1969

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 2, Township 03N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	01W	2	SESE	20		20
Total number of acres irrigated:						20

CONDITIONS OF APPROVAL AND REMARKS

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

TRANSFER NO. 4902
WATER RIGHT NO. 63-07273B

CONDITIONS OF APPROVAL AND REMARKS

6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Place of use is also known as Valeri Place Subdivision.

Dated this 20th day of May, 1997.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 63-07273
FROM: PAM SKAGGS²⁸/STATE OFFICE
SUBJECT: TRANSFER NO. 4902
DATE: March 31, 1997



=====

Transfer No. 4902 changes the point of diversion under a portion of Right No. 63-07273, splitting the right into parts A and B. Irrigation within the transferred portion was confirmed by region review.

The right was licensed with an irregular irrigation season, 04-01 to 10-15 or 197 days, that limits the diversion volume available under this right. The current standard season is 03-15 to 11-15 or 245 days which would expand the diversion volume. The transfer is limited to the licensed irrigation season and the maximum annual diversion volume of 74.2 af. ✓

Recommended conditions include measuring device, future annual reporting, irrigation overlap, supplemental groundwater, right-of-way and standard transfer conditions. ✓

Page 1 of 7

 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

 Transfer No. 4902

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

 Name of applicant James Huante Phone (208) 884-1145
 Post Office address 1287 N. Santa Rosa, Meridian, ID 83642 939-6000

PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Correction of License

2. Describe the reason for the proposed changes Well is currently located on property owned by another party. Said party is willing to have existing point of diversion vacated + point of diversion relocated to property owned by Valeri Place HOA (Linder Falls Sub)

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-072738</u>	<u>10/17/69</u>	<u>189</u>	<u>Irrigation</u>	<u>April 1 to Oct 15</u>
				to
				to
				to

 Total amount of water being transferred 189 cubic feet per second and/or 90 acre-feet per annum.

 Source of water ground water tributary to

Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>2</u>	<u>3N</u>	<u>10W</u>	<u>ADA</u>	

Lands irrigated or place of use:

wp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
																		20	

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

See attached

1. Right evidenced by:

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

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

☐ Tax Notice☐ Warranty Deed☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

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

ND

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED "Part B"

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

1. amount 189 cfs for IRP purposes from 4/1 to 10/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

INITIAL 2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	2	3N	1W	Ada	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	1W	2																20	20

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

Total acres _____

1. amount 971 for IRP purposes from 4/1 to 10/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	2	3N	1W	Ada	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	1W	2													40	40	3	20	103

MICROFILMED
JUN 25 1997Total acres 103

* SEE ATTACHMENT D of Applicant's approval of split into

COPY OF
ORIGINAL
LICENSE
FILED IN
1976

5 of 7

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 63-7273 Priority Oct. 17, 1969 Amount 1.16 cfs

THIS IS TO CERTIFY, that GLEN NYBORG
of Meridian, Idaho, has complied with the terms and conditions of Permit
No. 63-7273 Issued pursuant to Application for Permit dated October 17, 1969,
and has submitted proof to the Department of Water Resources on October 29, 1974,
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 1.16 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
<u>Irrigation</u>	from <u>April 1</u>	to <u>Oct. 15</u>	at <u>1.16</u> cfs and	<u>453</u> acre feet or	<u>4.5</u> 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 1.16 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
453 acre feet per year, said waters to be diverted within the NE 1/4 Sec. 2,
Twp. 3 N, Rge. 1 W, B. M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3 N	1 W	2													40	40	3	40	123

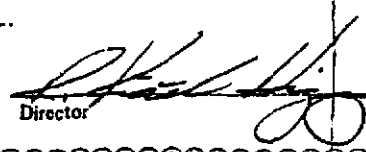
Total number of acres irrigated 123

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

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 27 day of
November, 19 76.


Director

009 cfs/ac

MICROFILMED

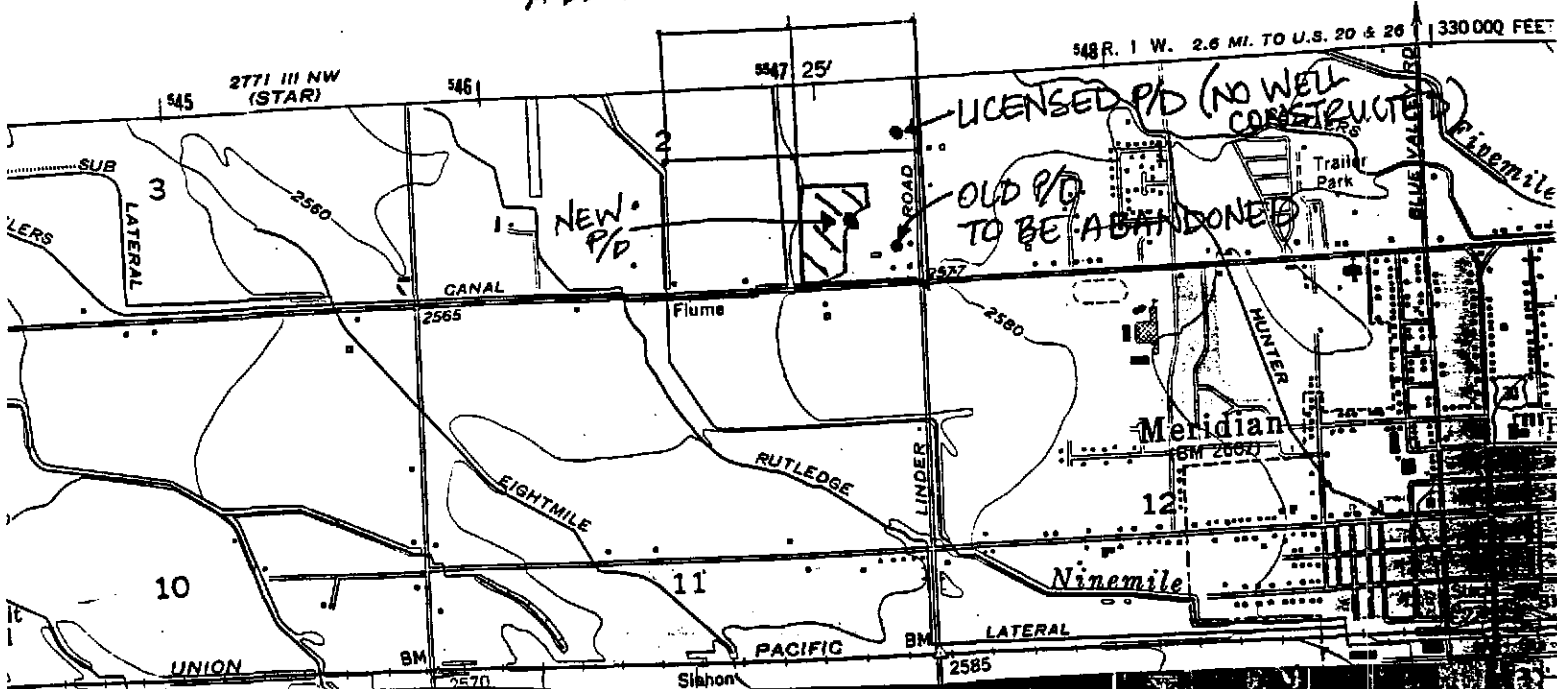
AUG 21 1992

p96 of 7

MERIDIAN

ADDITIONAL MAP DETAIL:

7.5 MINUTE SE



The area outlined in green is what was licensed originally for irrigation from the well. (123 acres)
The area in red is what has been claimed by Nyboig's. (23 acres).
This map is dated 1981 so new changes not shown.

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

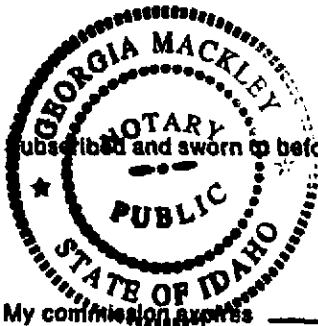
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

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

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

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



X James A. Short
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of August, 19 96.

Georgia Mackley
(Notary Public)

My commission expires

6/20/2000**FOR DEPARTMENT USE ONLY**Transfer contains 7 pages and 3 attachmentsReceived by gl Date 8/30/96 Protest filed by _____Prelim. check by gl Fee 100 _____Receipted by gl W021428 Date 8/30/96 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

PHASE I

LOT 1 IN BLOCK 1

LOTS 1, 2, 4, 5, 6, 8, 10, 11, 12, 15, 17, 18, 19, 20, 21, 24, AND 25 IN BLOCK 2, LOTS 1, 2 AND 7 IN BLOCK 3, AND LOT 1 IN BLOCK 4 OF VALERI PLACE SUBDIVISION NO. 1, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 83 OF PLATS AT PAGE 6307 AND 6308 AND AMENDED BY AFFIDAVIT RECORDED AUGUST 8, 1994 UNDER INSTRUMENT NO. 94073282 WHICH WAS A RE-RECORDING OF NO. 94072517 RECORDS OF ADA COUNTY, IDAHO.

Handwritten notes:
 Most all lots sold to individuals except for common lots (F1, B1, K1, F2, B2, K2, F3, B3, K3) retained from Smith's estate.
 These plus well lot to be deeded to HOT upon completion.
 Then file change in ownership.

Handwritten:
 HARLEY
 AUG 13 2007

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO. 63-07273
TRANSFER NO. 4902

Notice is hereby given that James Huarte of 1287 N Santa Rosa, Meridian, ID 83642, acting on behalf of Valeri Place Homeowners, has applied to the Department of Water Resources to correct and add a point of diversion under the following described water ground water license pursuant to section 42-222 of Idaho Code.

WATER RIGHT AS RECORDED

Right No.	63-07273
Date of Priority	10/17/69
Amount	1.6 cfs
Use	Irrigation
Point of Div	NESE Sec 2, T03N R01W, Ada County
Place of Use	123 acres in SE Sec 2, T03N R01W

Claimed in Snake River Adjudication as 23 acres in S $\frac{1}{2}$ SE S02, and showing a point of diversion in SESESE S02, T03N R01W.

TO BE CHANGED AS FOLLOWS:

Right No.	63-07273B
Amount	0.189 cfs
Point of Div	SESE Sec 2, T03N R01W, Ada County
Place of Use	20 acres in SESE Sec 2, T03N R01W

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before October 7, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on September 19 and 29, 1996

RECORDED

JUN 25 1997

TRANSFER REVIEW SHEET
(02-97)

Transfer # 4902

Date Reviewed 03-28-97 28

Right(s) 63-07273

WRD Print Split Summary WRD Run POU Comparison Report

B: Change P/D C: Add P/D D: Change P/U E: Change Nature of Use
F: Change Period of Use G: Other H: Change P/D & Add P/D
I: Change P/D & P/U J: Add P/D & Change P/U

Proof of Ownership NA - P/D change only - Chain of HPA authorization provided

Transfer ✓ All of Right ✓ Portion of Right

Resulting Split(s) A+B

A) 10.3 Acres	.97 cfs	379.0 acf	} 197 Day Season VDR < VPR
B) 20 Acres	.19 cfs	-90 acf 74.2 acf	
<u>123</u>	<u>1.16</u>	<u>453.2</u>	

Check Transfer Against Recorded Right

Season/Vol. D/4.5

(1) ✓ Priority (2) ✓ Use (3) Season (4) ✓ Rate (5) Volume
.0095 cfs/acre

(6) ✓ Source (7) P/D (8) P/U (9) NA Proof/Owner (10) ✓ Map

(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion
MD retain season + vol.

(3) Non-Standard season. volume limited to 197 day season 4-1 to 10-15
(5) Volume limited to 197 day season - .19 x 197 x 1.1835 (74.2 acf) < VPR
(7) Change P/D
(8) Split P/U

Supplemental G/L - Nampa Meridian IRR District

Expedited Drilling Permit 63-96-11-0445-200 Approved 10-27-96

Transfer Remarks Valeri Place Subdivision

Conditions R01, 028, B32, 045, 079, T04, T07, T08, T09

Database/Processing Notes Standard ✓ Non-Standard

I Files A+B - Clear original

WR Reports File Handwritten
File Deleted 5-2-97

Transfer Memo Complete ✓
Database Updated 05-21-97



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: N/A

LEGAL DESCRIPTION OF PROPERTY: Township 03N Range 01W
Section 2, SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite ADA COUNTY, ID
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A63-07273
- * ☐ Name and Address of Former Owner/Claimant(s)(Seller): Glenn Nyborg
1660 W Cherry LN
Meridian, ID 83642
- * ☐ New Owner/Claimant (Purchaser): James Huarte
- * ☐ New Mailing Address: 70 Georgia Mackley
1287 N. Santa Rosa
Meridian, ID
- * ☐ New Telephone Number: (208) 884-1145
- * ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
.189 - 20 ACRES - SEE TRANSFER APPLICATION
- * ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- * ☐ Signature of New Owner/Claimant(s) James Huarte Date 8/16/96
- * ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

DEED IN LIEU OF FORECLOSURE

For value received, KASTLE FALLS SUBDIVISION LIMITED PARTNERSHIP, also known as Kastle Falls Limited Partnership, an Idaho limited partnership, the "Grantor," hereby grants and conveys unto JAMES HUARTE, the "Grantee," whose complete mailing address for purposes of this Deed is c/o John F. Kurtz, Jr., Hawley Troxell Ennis & Hawley, P.O. Box 1617, Boise, Idaho 83701, the following described real property of the Grantor located in Ada County, Idaho, to wit:

Described on EXHIBIT A attached hereto and made a part hereof.

Together with all improvements and fixtures thereon and all easements, rights of ways, rights and privileges belonging to, or with, leading to, connected with or usually had or enjoyed in connection with the said premises or any part thereof, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof

hereinafter referred to as the "Subject Property."

TO HAVE AND TO HOLD, unto the said Grantee, his heirs, devisees, personal representatives, successors and assigns, forever.

This Deed is given pursuant to that certain Stipulation and Consent to the Entry of Judgment and Deed in Lieu of Foreclosure By and Between Defendant/Counterclaimant/Cross-Claimant James Huarte and Defendant/Cross-Defendant Kastle Falls Subdivision Limited Partnership in lieu of completion of a

00000000

RECORDED

JUL 31 1995

80:50:10

Hawley Troxell

JUL 31 1995

FEE \$18.00
RECORDED AT THE REQUEST OF

MICROFILMED

OCT 07 1996

STATE OF IDAHO

County of Ada

) ss.
)

On this 2nd day of July, 1995, before me,
Stephen C. Brown, a Notary Public in and for said
State, personally appeared JACK GIBSON, known or identified to me
to be the President of J. Gibson & Associates, Inc., an Idaho
corporation, the General Partner of KASTLE FALLS SUBDIVISION
LIMITED PARTNERSHIP, also known as Kastle Falls Limited
Partnership, an Idaho limited partnership, and the person who
subscribed said partnership name to the foregoing instrument as
President of said corporate general partner, and acknowledged to
me that he thereby executed the same in the name of said limited
partnership.

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

Stephen C. Brown
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 1-19-2000

MICROFILMED
001 07 1990

PHASE ILOT 1 IN BLOCK 1

LOTS 1, 2, 4, 5, 6, 8, 10, 11, 12, 15, 17, 18, 19, 20, 21, 24, AND 25 IN BLOCK 2, LOTS 1, 2 AND 7 IN BLOCK 3, AND LOT 1 IN BLOCK 4 OF VALERI PLACE SUBDIVISION NO. 1, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 63 OF PLATS AT PAGE 6307 AND 6308 AND AMENDED BY AFFIDAVIT RECORDED AUGUST 8, 1994 UNDER INSTRUMENT NO. 94073282 WHICH WAS A RE-RECORDING OF NO. 94072517 RECORDS OF ADA COUNTY, IDAHO.

EXHIBIT 1 MICROFILMED
PAGE 1 OF 2 OCT 7 1996

PHASE II

X=0
Y=0

PARCEL A

A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTION 1, 12 AND 11, AND THE SAID SECTION 2;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 850.09 FEET ALONG THE SOUTHERLY BOUNDARY OF THE SAID SOUTHEAST QUARTER OF SECTION 2, WHICH IS ALSO THE CENTERLINE OF WEST CHERRY LANE, TO A POINT;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE SAID WEST CHERRY LANE, ALSO SAID POINT BEING THE REAL POINT OF BEGINNING;

THENCE CONTINUING NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 362.29 FEET TO A POINT;

THENCE NORTH 16 DEGREES 07'36" EAST FOR A DISTANCE OF 68.17 FEET TO A POINT;

THENCE NORTH 45 06'20" EAST FOR A DISTANCE OF 23.01 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 33'46" EAST FOR A DISTANCE OF 87.92 FEET TO A POINT;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 49.00 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 33'46" EAST FOR A DISTANCE OF 175.00 FEET TO A POINT;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 129.00 FEET TO A POINT;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 32.35 FEET TO A POINT;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 110.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF GLENFIELD MANOR NO. 6, A SUBDIVISION, AS FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, IN BOOK 58 OF PLATS AT PAGES 5627 AND 5628;

THENCE SOUTH 89 DEGREES 33'46" EAST FOR A DISTANCE OF 557.68 FEET ALONG THE SAID SOUTHERLY BOUNDARY OF GLENFIELD MANOR NO. 6 AND THE SOUTHERLY BOUNDARY OF GLENFIELD MANOR NO. 7, A SUBDIVISION, AS FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, IN BOOK 59 OF PLATS AT PAGES 5743 AND 5744 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NORTH LINDER ROAD;

THENCE SOUTH 0 DEGREE 16'08" WEST FOR A DISTANCE OF 446.20 FEET ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF NORTH LINDER ROAD TO A POINT;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 223.69 FEET TO A POINT;

THENCE SOUTH 0 DEGREE 26'14" WEST FOR A DISTANCE OF 281.09 FEET TO A POINT ON THE SAID NORTHERLY RIGHT OF WAY LINE OF WEST CHERRY LANE;

THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF WEST CHERRY LANE THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 14.30 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 17'28" WEST FOR A DISTANCE OF 249.97 FEET TO A POINT;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 223.45 FEET TO THE POINT OF BEGINNING.

PARCEL B

A PARCEL OF LAND LYING IN T 1 WEST, BOISE-MERIDIAN, ADA COMMENCING AT THE SECTION NORTH, RANGE 1 WEST, BOISE THENCE NORTH 0 DEGREE 16' 2. SAID LINE ALSO BEING THE 1 FEET;

THENCE NORTH 89 DEGREES 3 BEGINNING;

THENCE SOUTH 0 DEGREE 16' DESCRIBED IN WARRANTY DEE DISTANCE OF 67.88 FEET;

THENCE NORTH 89 DEGREES 3

THENCE NORTH 0 DEGREE 26'1

THENCE SOUTH 89 DEGREES 3;

BEGINNING, CONTAINING 6.706 SQUARE FEET, MORE OR LESS.

Phase II owned
by Smiths
per CJH -

EXHIBIT IV
PAGE 2 OF 2

PHASE II

X=0
Y=0

PARCEL A

A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTION 1, 12 AND 11, AND THE SAID SECTION 2;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 850.09 FEET ALONG THE SOUTHERLY BOUNDARY OF THE SAID SOUTHEAST QUARTER OF SECTION 2, WHICH IS ALSO THE CENTERLINE OF WEST CHERRY LANE, TO A POINT;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE SAID WEST CHERRY LANE, ALSO SAID POINT BEING THE REAL POINT OF BEGINNING;

THENCE CONTINUING NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 362.29 FEET TO A POINT;

THENCE NORTH 16 DEGREES 07'36" EAST FOR A DISTANCE OF 68.17 FEET TO A POINT;

THENCE NORTH 45 06'20" EAST FOR A DISTANCE OF 23.01 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 33'46" EAST FOR A DISTANCE OF 87.92 FEET TO A POINT;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 49.00 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 33'46" EAST FOR A DISTANCE OF 175.00 FEET TO A POINT;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 129.00 FEET TO A POINT;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 32.35 FEET TO A POINT;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 110.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF GLENFIELD MANOR NO. 6, A SUBDIVISION, AS FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, IN BOOK 58 OF PLATS AT PAGES 5627 AND 5628;

THENCE SOUTH 89 DEGREES 33'46" EAST FOR A DISTANCE OF 557.68 FEET ALONG THE SAID SOUTHERLY BOUNDARY OF GLENFIELD MANOR NO. 6 AND THE SOUTHERLY BOUNDARY OF GLENFIELD MANOR NO. 7, A SUBDIVISION, AS FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, IN BOOK 59 OF PLATS AT PAGES 5743 AND 5744 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NORTH LINDER ROAD;

THENCE SOUTH 0 DEGREE 16'08" WEST FOR A DISTANCE OF 446.20 FEET ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF NORTH LINDER ROAD TO A POINT;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 220.89 FEET TO A POINT;

THENCE SOUTH 0 DEGREE 26'14" WEST FOR A DISTANCE OF 281.09 FEET TO A POINT ON THE SAID NORTHERLY RIGHT OF WAY LINE OF WEST CHERRY LANE;

THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF WEST CHERRY LANE THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 14.30 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 17'28" WEST FOR A DISTANCE OF 249.97 FEET TO A POINT;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 336.45 FEET TO THE POINT OF BEGINNING.

PARCEL B

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE-MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 1, 2, 11 AND 12 OF TOWNSHIP 3

NORTH, RANGE 1 WEST, BOISE-MERIDIAN, MARKED BY A BRASS CAP MONUMENT;

THENCE NORTH 0 DEGREE 16'08" EAST ALONG THE SECTION LINE COMMON TO SAID SECTIONS 1 AND 2, SAID LINE ALSO BEING THE CENTERLINE OF NORTH LINDER ROAD, FOR A DISTANCE OF 311.09 FEET;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 150.00 FEET TO THE REAL POINT OF BEGINNING;

THENCE SOUTH 0 DEGREE 16'08" WEST ALONG THE WESTERLY PROPERTY LINE OF THAT PARCEL DESCRIBED IN WARRANTY DEED INSTRUMENT NO. 7501301 OF ADA COUNTY RECORDED FOR A DISTANCE OF 67.88 FEET;

THENCE NORTH 89 DEGREES 33'46" WEST FOR A DISTANCE OF 98.89 FEET;

THENCE NORTH 0 DEGREE 26'14" EAST FOR A DISTANCE OF 67.88 FEET;

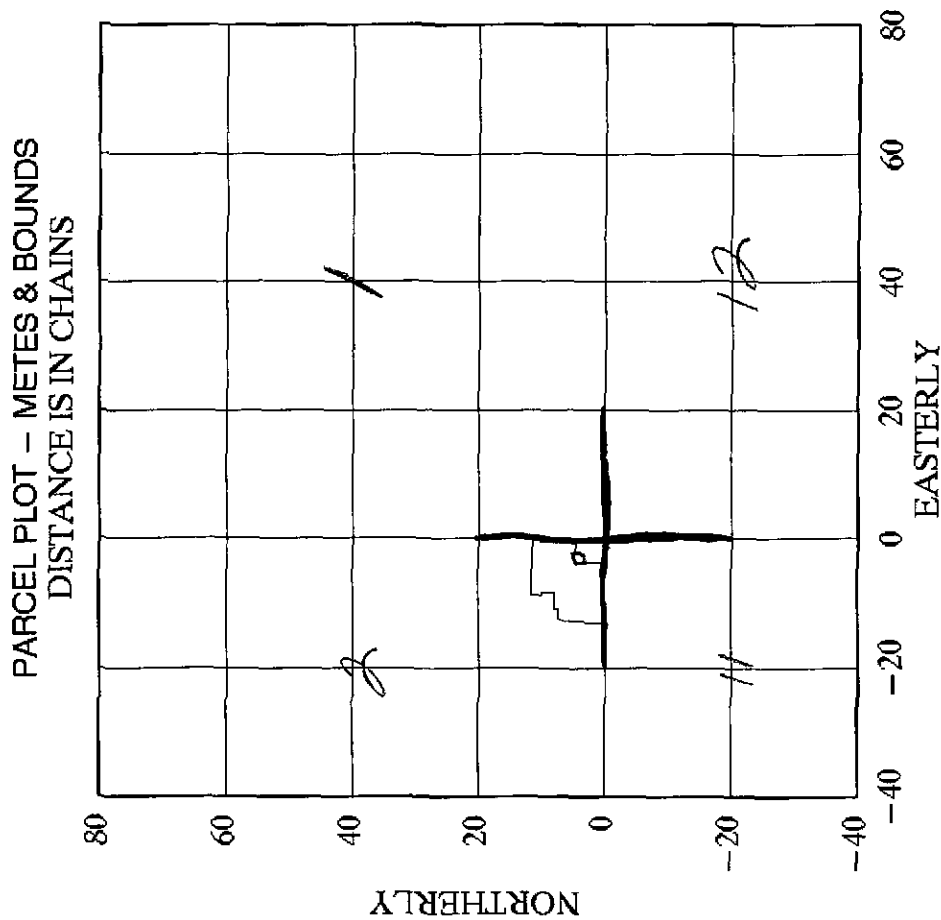
THENCE SOUTH 89 DEGREES 33'46" EAST FOR A DISTANCE OF 98.89 FEET TO THE REAL POINT OF BEGINNING, CONTAINING 6.706 SQUARE FEET, MORE OR LESS.

MICROFILMED

OCT 07 1996

EXHIBIT A
PAGE 2 OF 2

MICROFILMED
OCT 07 1996



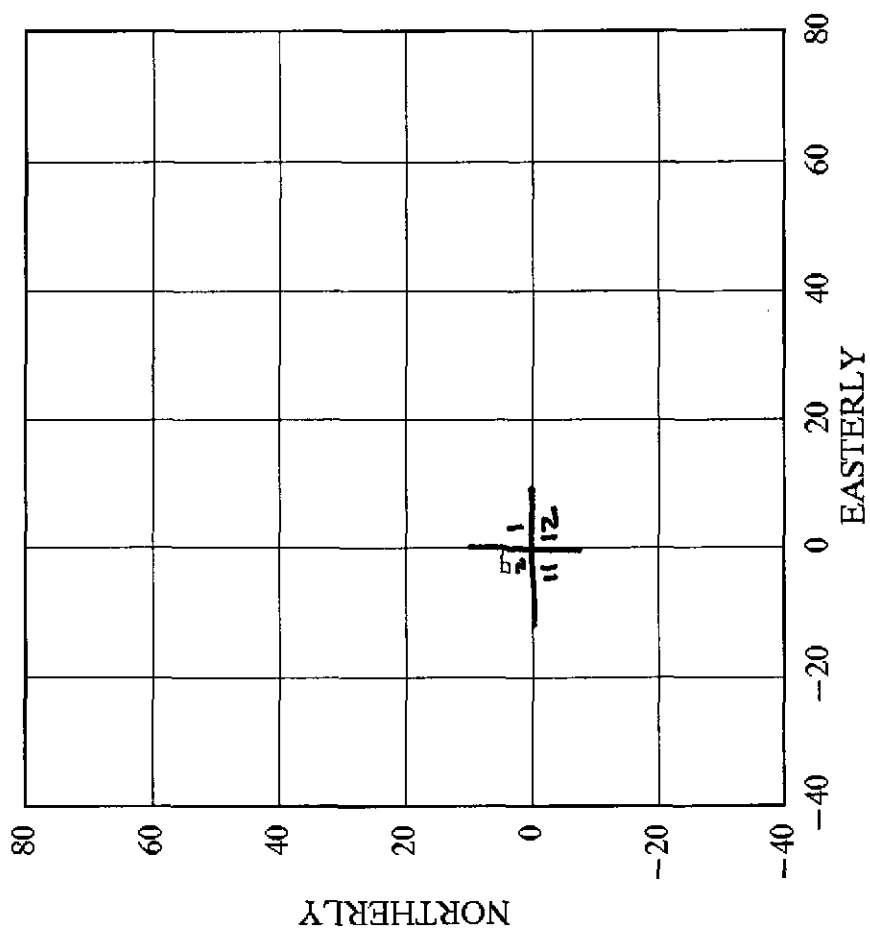
#1

3N 1W 2

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
		DEGREES	MINUTES	SECONDS		
0.00	0.00					
-12.88	0.10	89.00	33.00	46.00	NW	850.09
-12.88	0.48	0.00	26.00	14.00	NE	25.00
-12.83	5.97	0.00	26.00	14.00	NE	362.29
-12.55	6.96	16.00	7.00	36.00	NE	68.17
-12.30	7.20	45.00	6.00	20.00	NE	23.01
-10.97	7.19	89.00	33.00	46.00	SE	87.92
-10.96	7.94	0.00	26.00	14.00	NE	49.00
-8.31	7.92	89.00	33.00	46.00	SE	175.00
-8.30	9.87	0.00	26.00	14.00	NE	129.00
-8.79	9.87	89.00	33.00	46.00	NW	32.35
-8.77	11.54	0.00	26.00	14.00	NE	110.00
-0.32	11.48	89.00	33.00	46.00	SE	557.68
-0.36	4.72	0.00	16.00	8.00	SW	446.20
-3.75	4.74	89.00	33.00	46.00	NW	223.69
-3.78	0.48	0.00	26.00	14.00	SW	281.09
-4.00	0.48	89.00	33.00	46.00	NW	14.30
-7.78	0.44	89.00	17.00	28.00	SW	249.97
-12.88	0.48	89.00	33.00	46.00	NW	336.45

MICROFILMED
OCT 07 1996

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



#2

MICROFILMED
OCT 07 1996

#2

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
		DEGREES	MINUTES	SECONDS		
0.00	0.00					
0.02	4.71	0.00	16.00	8.00	NE	311.09
-2.25	4.73	89.00	33.00	46.00	NW	150.00
-2.26	3.70	0.00	16.00	8.00	SW	67.88
-3.75	3.71	89.00	33.00	46.00	NW	98.89
-3.75	4.74	0.00	26.00	14.00	NE	67.88
-2.25	4.73	89.00	33.00	46.00	SE	98.89

MICROFILMED
OCT 07 1996

SD-0604-2 Township: 03N		Range: 01W		Section: 2		Tract: SESE		Lot:	
S	L	STATE		O	S	Max # Records		73	
E	O	Water		W	T	Priority		Use	
L	Tract T	Right No.	Name	N	AC	G	Date	Code	Desc
-----		-----	-----	-----	-----	-----	-----	-----	-----
		A63-02388	AMERICA, ACTING THROUG	C		L	08/18/1924	01	IRR
			HAUGRUD, JACK OR G GAR	A					
			BOR	K					
			US DEPT OF INTERIOR	K					
SESE		A63-07273	NYBORG, GLEN	C	20	L	10/17/1969	01	IRR
			NYBORG, TERRY G	C				43	DOMEST
SESE		A63-07273	NYBORG, GLEN	C		L	10/17/1969	01	IRR
			NYBORG, TERRY G	C				43	DOMEST
SESE		A63-18354	NYBORG, GLENN	C		J	10/17/1969	43	DOMEST
			NYBORG, TERRY G	C					
SESE		A63-30181Z1	LARGE CLAIM	C		D	06/01/1864	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED
OCT 07 1998

SD-0604-2 Township: 03N Range: 01W Section: 2 Tract: SESE Lot:										
S	L	STATE	O	S	Max #	Records	11			
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
			63-02388	US DEPT OF INTERIOR	C		L	08/18/1924	01	IRR
	SESE		63-07273	NYBORG, GLEN	C	40	L	10/17/1969	01	IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

MICROFILMED
OCT 07 1996

INTER-DEPARTMENT MEMO — 1

FROM

Jan Skute

DATE

6-27-1996

TO

Claim file # A63-07273

SUBJECT

Point of Diversion

Originally, this right's pt. of diversion was located in the NESE, T. 2. However, it appears on the map (small w/struts) that it is closer to the SESE corner of the section bounded by Cherry Ln. & Kinder Rd. Claimed P.D. is the SESE. This needs to be verified & time of SRBA verification. Note: well log also shows NESE. See attached copies of exam & well log.

Total V recommended 453.0

Recommended Amendment

453.0

P.D.

Place of Use

Other

None

MEASUREMENT CALCULATION:

31 gage height on 2' dip well = 1.16 gpd

Total V = 1.16 gpd x 198 AP x 1.97 day season = 453.0

SYSTEM DESCRIPTION:

1" well 20' deep w/ 15HP GE motor (clad)
1" 5/8" CD203 50000 / 20/15 w/ 3/4" Bently pump
2" discharge

REMARKS:

5/9/96 separating a line of water Mrs. Nelson
pump - well was supervised to ensure the well was
water is completely out to ensure the well
water is not only well

Examiner's Signature

James Ballou

Date

13 June 95

Checked by

Yes

Date

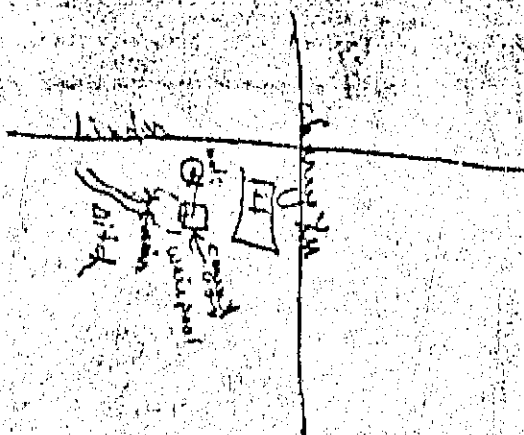
10-29-95

Approved by

Date

Ref - 1W

Diagram of System



Drainage Well

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Alvin J. Hays

Address Idaho

Owner's Permit No.

NATURE OF WORK (check): Replacement well ☐

New well, ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒

Dug ☐ Other ☐ (explain)

CASING SCHEDULE: Threaded ☐ Welded ☒

12 "Diam. from 12 ft. to 12 ft.

"Diam. from 12 ft. to 12 ft.

"Diam. from 12 ft. to 12 ft.

"Diam. from 12 ft. to 12 ft.

Thickness of casing: 12 Material:

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type of

perforator used: Drill

Size of perforations: 1/2 " by 1/2 "

perforations from 12 ft. to 12 ft.

perforations from 12 ft. to 12 ft.

perforations from 12 ft. to 12 ft.

perforations from 12 ft. to 12 ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name

Type Model No.

Diam. Slot size Set from 12 ft. to 12 ft.

Diam. Slot size Set from 12 ft. to 12 ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☒ size of gravel 1/2 Gravel

placed from 12 ft. to 12 ft. Surface seal

provided? Yes ☐ No ☒ To what depth?

12 ft. Material used in seal:

Did any strata contain unusable water? Yes ☐

No. ☒ Type of water:

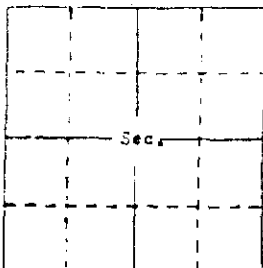
Depth of strata 12 ft. Method of sealing

strata off:

Surface casing used? Yes ☒ No ☐

Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Idaho
Sec. 12 T. 12 N/S R. 12 E/W

Use other side for additional remarks

Size of drilled hole: 12 in. Total
depth of well: 50 ft. Standing water
level below ground: 12 ft. Temp.
Fahr. 12 Test delivery: 12 gpm
or 12 cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test:

Length of time of test: 12 hrs. 12 Min.

Drawdown: 12 ft. Artesian pressure: 12 ft.

above land surface Give flow 12 cfs

or 12 gpm. Shutoff pressure:

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☒

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET

12 12 12 12

12 12 12 12

12 12 12 12

12 12 12 12

12 12 12 12

12 12 12 12

12 12 12 12

12 12 12 12

12 12 12 12

12 12 12 12

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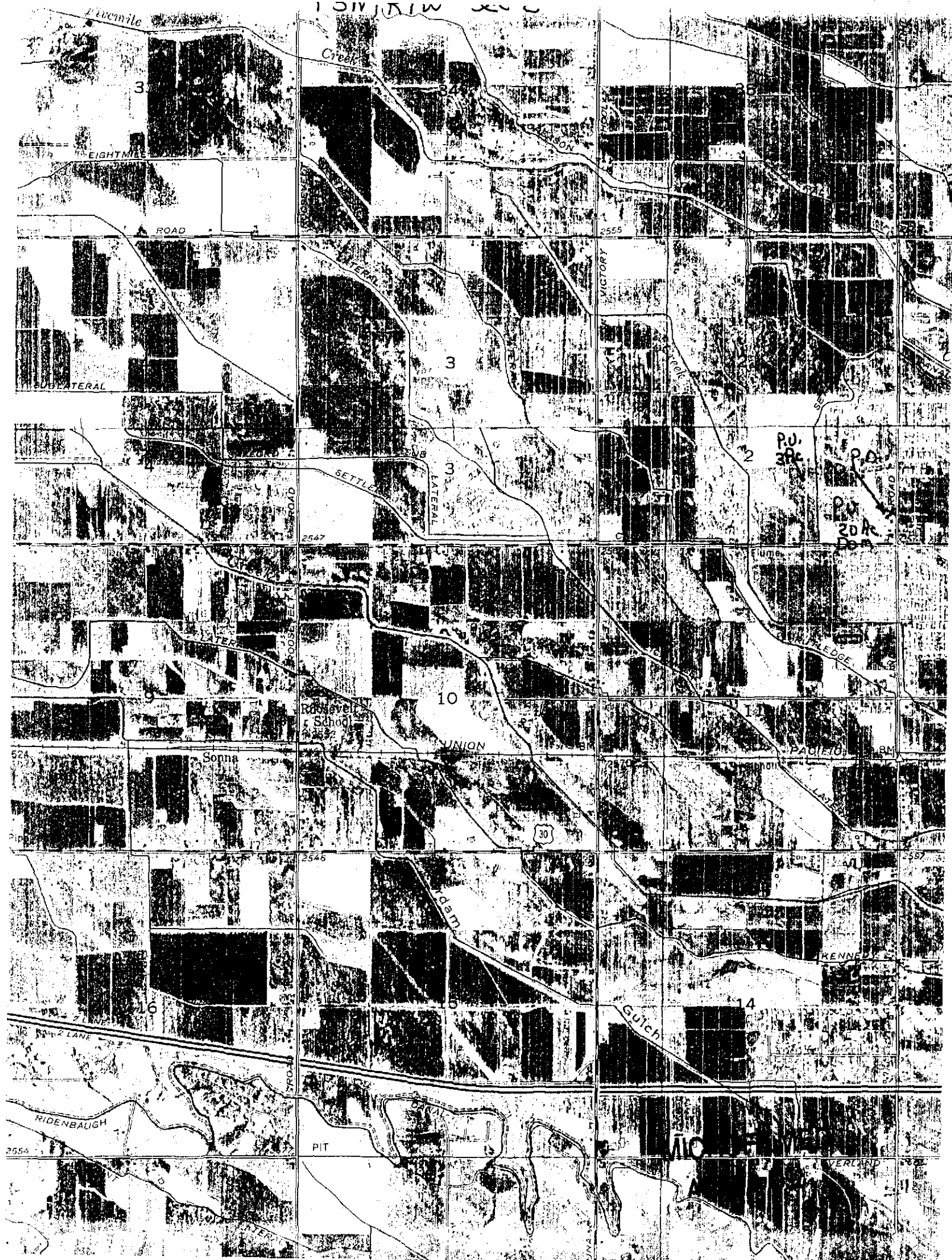
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POOR ORIGINAL

USGS

MICROFILMED
JUL 17 1956



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7273 Priority Oct. 17, 1969 Amount 1.16 cfs

THIS IS TO CERTIFY, that GLEN NYBORG
of Meridian, Idaho, has complied with the terms and conditions of Permit
No. 63-7273 issued pursuant to Application for Permit dated October 17, 1969,
and has submitted proof to the Department of Water Resources on October 29, 1974,
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 1.16 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
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 15</u>	at <u>1.16</u> cfs and	<u>453</u> acre feet or
	from _____ to _____	at _____ cfs and	<u>4.5</u> af per acre
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 1.16 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
453 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2

Twp. 3 N, Rge. 1 W, B. M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3 N	1 W	2													40	40	3	40	123

Total number of acres irrigated 123

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

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 27 day of
November, 19 76

Director

MICROFILMED

AUG 21 1992

10/20/2005

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

RIGHT NUMBER: 63-7273B

NAME AND ADDRESS: JAMES HUARTE
1287 N SANTA ROSA
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.190 CFS
74.200 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 10/17/1969

POINT OF DIVERSION:

T03N R01W S2 SESESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.190 CFS

74.20 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 15 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

T03N R01W S02 SESE 20.0

20 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

Property is also known as Glennfield Manor Subdivision.

Place of use is also known as Valeri Place Subdivision.

Place of use is also known as Cherry Crossing Subdivision.

The right holder shall accomplish the change authorized by Transfer 4902 within one (1) year of the date of the approval.

The right holder shall use the full allotment of appurtenant surface water rights *in conjunction with groundwater diverted* under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

This right is a split from former right 63-7273.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Idaho Department of Water Resources

T03N, R01W,
S2

Claim No: 63-7273B
Prepared By: Kimberly Brown
Date: October 20, 2005



Place of Use

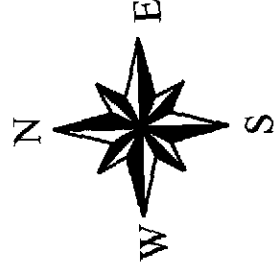


Section Lines

1/4 1/4

⊙ Point of Diversion

Acres Irrigated = 20.0



1987 NAPP



300 0 300 600 Feet



Transfer No. 4902 - 1997

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7273B

WATER RIGHT NUMBER: 63-7273B ✓

Owner Type

~~Current~~ Owner

Name and Address

JAMES HUARTE
1287 N SANTA ROSA
MERIDIAN, ID 83642
(208)884-1145

Priority Date: 10/17/1969 ✓

Basis: License ✓

Status: Active

Source

GROUND WATER ✓

Tributary

Beneficial Use

IRRIGATION ✓

From To
04/01 to 10/15 ✓

Diversion Rate

0.190 CFS ✓

Annual Volume

74.20 AF ✓

Total Diversion:

0.190 CFS ✓

74.20 AF ✓

Location of Point(s) of Diversion

GROUND WATER ✓

ADA County ✓

SE1/4SE1/4SE1/4 ✓

Sec. 2, Twp 03N, Rge 01W, B.M. ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 03N	01W	2	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	20.0
																			20.0

ADD 332 - Season of use is 3/1 to 11/15.

Conditions of Approval:

1. P21 This right is a split from former right 63-7273.
2. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
5. T07 The right holder shall accomplish the change authorized by Transfer 4902 within one (1) year of the date of the approval.
6. Place of use is also known as Valeri Place Subdivision.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

ADD W - Use is combined with Tampa-Meridian
ADD 501 - Place of use is also known as Valeri Place Subd.
(+) Place of use also known as Glennfield Manor Subd.
(+) Cherry Crossing Subd.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7273B

8. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
9. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
10. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Remarks:

Comments: Transfer No. 4902 - Transfer No. 4902 changes the point of diversion under a portion of Right No. 63-7273, splitting the right into parts A & B.

Water Supply Bank:

(in office review)

**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 \$143.00 paid for 63-7273
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-7273BOwner: James Huarte Phone No. (208) 884-1145Current Address: 1287 N. Santa Rosa, Meridian 83642

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Valeri Place Homeowners Assoc.
- ☐ No change Address
- ☒ NEW ADDRESS Cplus, Glennfield Manor Home Owners Assoc)
- ☐ How long owned property? _____

Accompanied by: N/A**PRIORITY DATE**

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

Priority date, per claimant, is: 10/17/1969

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

Source: _____ Tributary to _____

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

POINT OF DIVERSION

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

8ESE

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

80 ft. well, 12" casing, 7.5 submersible pump, pipe to ditch

OVERLAP REVIEW

Other water rights with the same point of diversion: #63-7273A

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

63-7273A & B share the same well.

WATER USES

- ☐ No change
☐ Different Uses

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

CFS FACTOR = 0.009430894

20 AC
x CFS FACTOR
= 0.1886
= 0.19
cfs

Use Irrigation From _____ To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
☒ Changes found, the new total is, Amount _____ CFS 74.2 AFA _____
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

(License)
AF FACTOR = ~~3.682726829~~ 3.71 Transfer

20 AC
x AF FACTOR
= 73.658
= 73.7 AFA
= 74.2 AFA

NON-IRRIGATION USES:

- ☒ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☒ No Change
☐ Changes shown below:

Place of use has been subdivided and is also known as Valeri Place, Glenfield Manor, & Cherry Crossing Subdivisions.

There is nothing in the file that clearly depicts the shape I created is based on some conjecture.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ 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: 10.20.05 (in office review)

FIELD EXAMINER: Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-7273B

10/20/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-7273	Claim	03N	01W	2	SE	SE		GROUND WATER	JAMES HUARTE
63-7273A	Claim	03N	01W	2	SE	SE		GROUND WATER	GLEN NYBORG
63-7273B	Claim	03N	01W	2	SE	SE		GROUND WATER	JAMES HUARTE
63-18354	Claim	03N	01W	2	SE	SE		GROUND WATER	<i>operate Down. well</i> GLENN NYBORG
63-7273B	Water Right	03N	01W	2	SE	SE		GROUND WATER	JAMES HUARTE
63-18354	Water Right	03N	01W	2	SE	SE		GROUND WATER	GLENN NYBORG

#63-7273A & B share the same well

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-7273B

10/20/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
'273B	Claim	03N	01W	2	SE	SE		IRRIGATION	20/	JAMES HUARTE
'273A	Water Right	03N	01W	2	SE	SE		IRRIGATION	20/103	GLEN NYBORG
'273B	Water Right	03N	01W	2	SE	SE		IRRIGATION	20/20	JAMES HUARTE

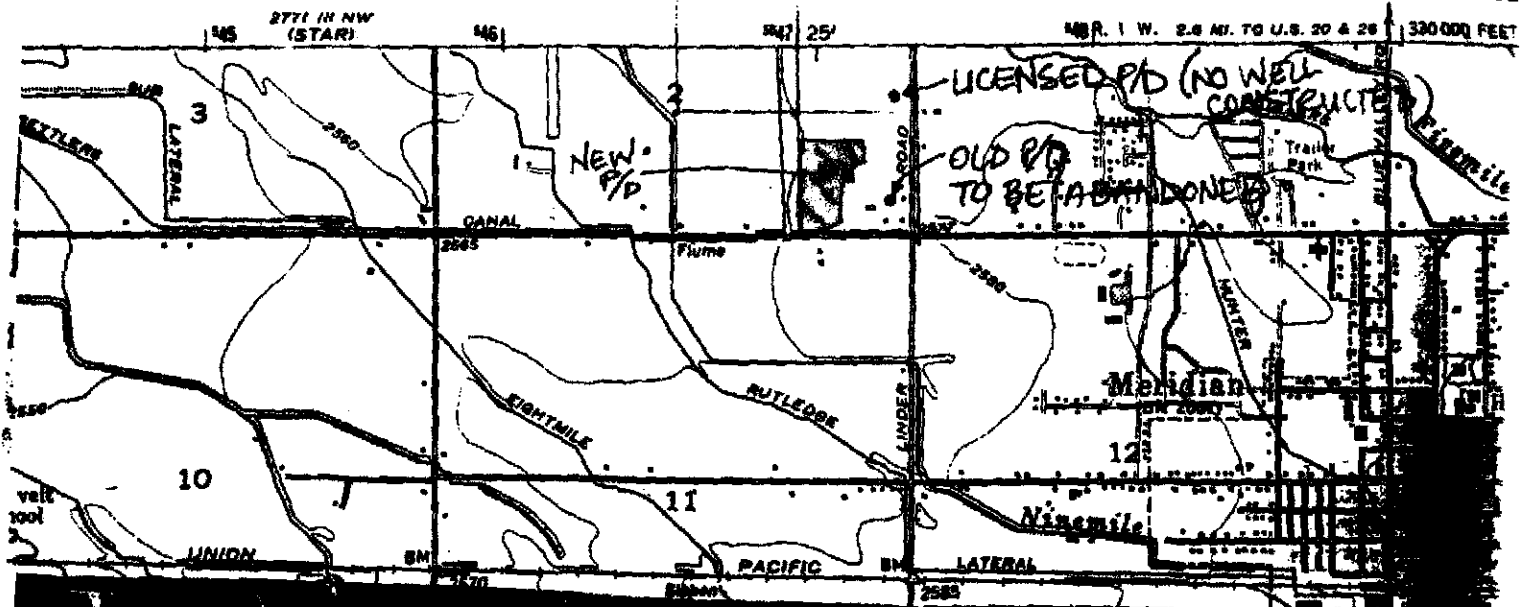
- A & B share same well,
but not same acres.
- no overlap

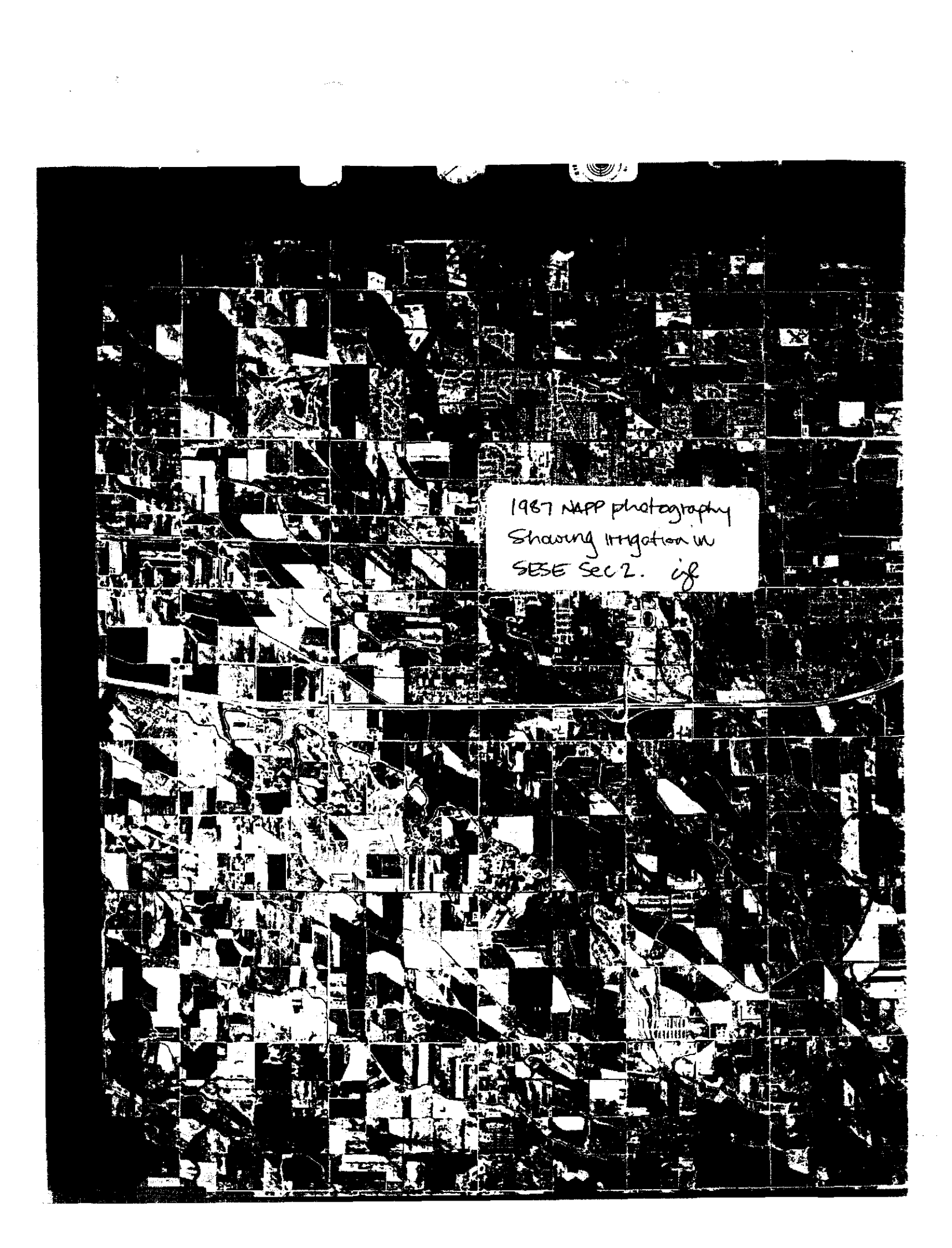
pg 60

ADDITIONAL MAP DETAIL:

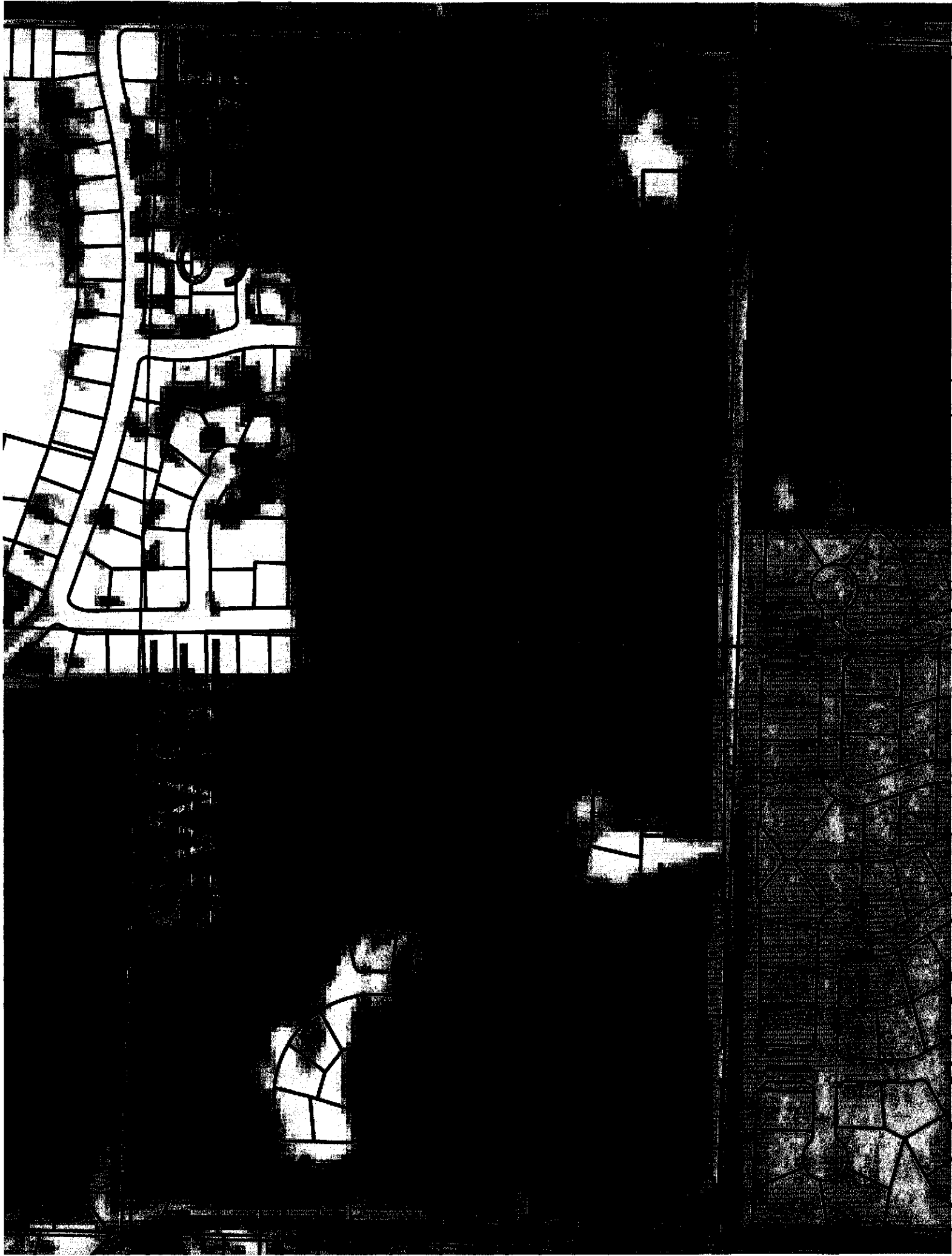
MERIDIAN

7.5 MINUTE SE



The image is a high-contrast, black and white aerial photograph mosaic. It consists of numerous small, rectangular photographic tiles arranged in a grid-like pattern, showing various agricultural fields, roads, and possibly some buildings. The overall effect is a textured, patchwork view of the landscape. In the center-right of the image, there is a white rectangular label with handwritten text in black ink. The text reads: "1987 NAPP photography", "Showing irrigation in", and "SESE Sec 2. if".

1987 NAPP photography
Showing irrigation in
SESE Sec 2. if



1987 NAPP - 11 2003 Tax lot information overlaid -

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 11/03/03
Time: 09:23:10

Rec/No - C010762 AR/No -
From: - NYBORG, GLENN

Receipt Type - CK Doc/No - 546
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 08/31/1989

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	9337		410162	6490		168.00

Total Due - 168.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6307273	143.00	A6318354	25.00		

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 63-96-W-0445 ¹⁰⁰
Other IDWR No. 63-7273-A63-7273 ₋₂₀₀

2. OWNER: *previous deed to W-115-200*
Name Linderfalls Homeowners Ass.
Address 1287 Santa Rosa
City Meridian State Id Zip 83642

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 3 North ☒ or South ☐
 Rge. 1 East ☐ or West ☒
 Sec. 2 n/w 1/4 s/e 1/4 s/e 1/4
 Gov't Lot _____ County Ada
 Lat: : : Long: : :

Address of Well Site

Cherry Lane & Linder City Meridian
(Give at least name of road + Distance to Road or Landmark)

Lt. 7 Blk. 3 Sub. Name Linder, Falls Sub

4. USE:

☐ Domestic	☐ Municipal	☐ Monitor	☒ Irrigation
☐ Thermal	☐ Injection	☐ Other _____	

5. TYPE OF WORK check all that apply (Replacement etc.)

☐ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	20	5 sacks	poured

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
10"	245	285	.250	steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe 4" Length of Tailpipe 0

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☒ Screens Screen Type Johnson stainless steel

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
285	295	20		10	tele	--	--
						--	--
						--	--
						--	--

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

Depth flow encountered 245 ft. Describe access port or control devices: well seal w/ gauge & valve

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
180+	60'	295'	10 hrs.

Water Temp. 59° Bottom hole temp. cold

Water Quality test or comments: _____

Depth first Water Encountered 10'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Winter

[illegible]

Completed Depth 295 (Measurable)
Date Started 4/28/97 Completed 5/17/97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name **Beaverhead Drilling Inc.** Firm No. **580**

Firm Official Kirk Kervin Date 2/20/97

Supervisor or Operator _____ Date _____

(Sign once if Farm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MEMORANDUM

September 27, 1996

TO: Transfer 4902, 63-07273
FROM: Cindy Hodges
RE: Reviewer Analysis

Purpose of Transfer

Transfer was filed to establish a changed point of diversion and/or to correct an apparent P/D licensing error. Both the permit and license show NESE Section 2 as the point of diversion. The licensing error did not become an issue until applicants approached us to obtain a replacement drilling permit.

Valeri Place subdivision (aka Linder Falls) has been partly developed using the original Nyborg well, located in SESE S02, as a P/D for lawn irrigation. Applicant insists that the well has always been in SESE. Recently, the parcel of land on which the well is located was sold, and Valeri Place will soon have no more access to the well. The Homeowners Association wished to simply relocate the well within that same QQ, but a replacement drilling permit cannot be issued in SESE because the licensed P/D is in NESE.

Expedited Drilling Authorization

Neither the application for permit map nor the B/U exam map are clear as to the true location of the well (see attached sketches from file). Because the new owners of the old well site were agreeable to the abandonment of the old well, this office issued a replacement drilling permit upon the filing of this transfer. The depth of the new well was limited to the depth of original well. A request for expedited approval was also obtained; a copy of both forms is included in the transfer file.

Ownership

A secondary effect of the transfer is to split the right and show new ownership. SRBA claim A63-07273 filed by Nyborg showed only part of the original acres and did not represent a split, only that the balance of the right was no longer in use. However, Nyborg may no longer have owned the whole parcel at the time of filing. At this point, I don't believe we are in a position to reduce the acres shown on the license. The unclaimed portion is better addressed during standard SRBA verification. *

MICROFILMED
JUN 25 1997

Chain of title as represented by the documents submitted and my visits with Georgia Mackley, Mr. Huarte's representative, indicate that a part of SE $\frac{1}{4}$ Section 2 was purchased by James Huarte, who then sold to Kastle Falls Subdivision Limited Partnership. Kastle Falls defaulted and Huarte foreclosed. The parcel identified as Phase II (containing the old well site) in the Deed in Lieu of Foreclosure has now been sold to a third party. Phase I is Valeri Place Subdivision. All the home lots have been sold and Mr. Huarte's possession is presently limited to the common area and the proposed new well lot. Therefore, the Deed does not really afford Mr. Huarte the authority to finalize the transfer, but it was the desire of the homeowners that he do so, because he sold the original well site.

HOA To assign the proper authority, the President of Valeri Place Homeowners has provided a signed statement of authorization. At the completion of the transfer process, all property retained by Mr. Huarte will be deeded to the HOA. A separate change in ownership will also need to be filed. *Attach. "A"*

Forfeiture/Expansion/Overlapping Rights

1987 NAPP photography indicates irrigation within SESE S02. According to applicant's representative, land under Phase I was continuously irrigated until the time of development. Beneficial use examination indicates that surface water was also used.

Valeri Place was developed on approximately 20 acres of land. Under the license, irrigation rate of flow is .009 cfs/ac, or .189 for a 20-acre share. Actual irrigated area after development will be somewhat less than 20 acres. The available rate of flow should be able to be concentrated, up to 0.02 cfs/acre on the reduced acres. *?*

20 AC
 $\frac{.02 \text{ cfs/ac}}{.40 \text{ cfs}}$

was not followed through on Transfer # 4092

MICROFILMED
 JUN 25 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4902
WATER RIGHT NO. 63-07273B

This is to certify that: **JAMES HUARTE**
1287 N SANTA ROSA
MERIDIAN ID 83642

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/15	0.19 CFS	74.2 AF

SOURCE

GROUNDWATER

Priority: 10/17/1969

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 2, Township 03N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	01W	2	SESE	20		20
Total number of acres irrigated:						20

CONDITIONS OF APPROVAL AND REMARKS

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

RECORDED
JUN 25 1969

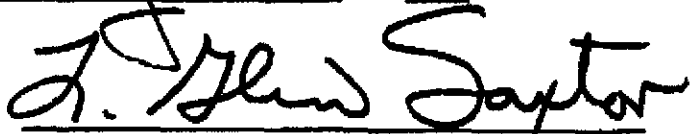
TRANSFER NO. 4902
WATER RIGHT NO. 63-07273B

CONDITIONS OF APPROVAL AND REMARKS

6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Place of use is also known as Valeri Place Subdivision.

Dated this 20th day of May, 1997.


Chief, Water Alloc. Bureau

MIORC
JUN 2 1997

RECEIVED

SEP 18 1996

WATER RESOURCES
WESTERN REGION

September 11, 1996

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Application of James Huarte for Valeri Place Subdivision (Also known as
Linder Falls)

To Whom It May Concern:

Please be advised that the homeowner's association for Valeri Place Subdivision hereby authorizes James Huarte to act on our behalf in any and all water right issues with State of Idaho, Department of Water Resources. This authorization will terminate when the irrigation well is relocated or on January 1, 1997, whichever is soonest.

If you have any questions, please call me at 338-5000 or at 884-0200.

Sincerely,

VALERI PLACE HOMEOWNERS ASSC.



Sharon Litzebauer
President

:gm

CC: Valeri Place HOA Board of Directors

Attachment A
part 1 of 2
RECORDED
JUN 25 1997