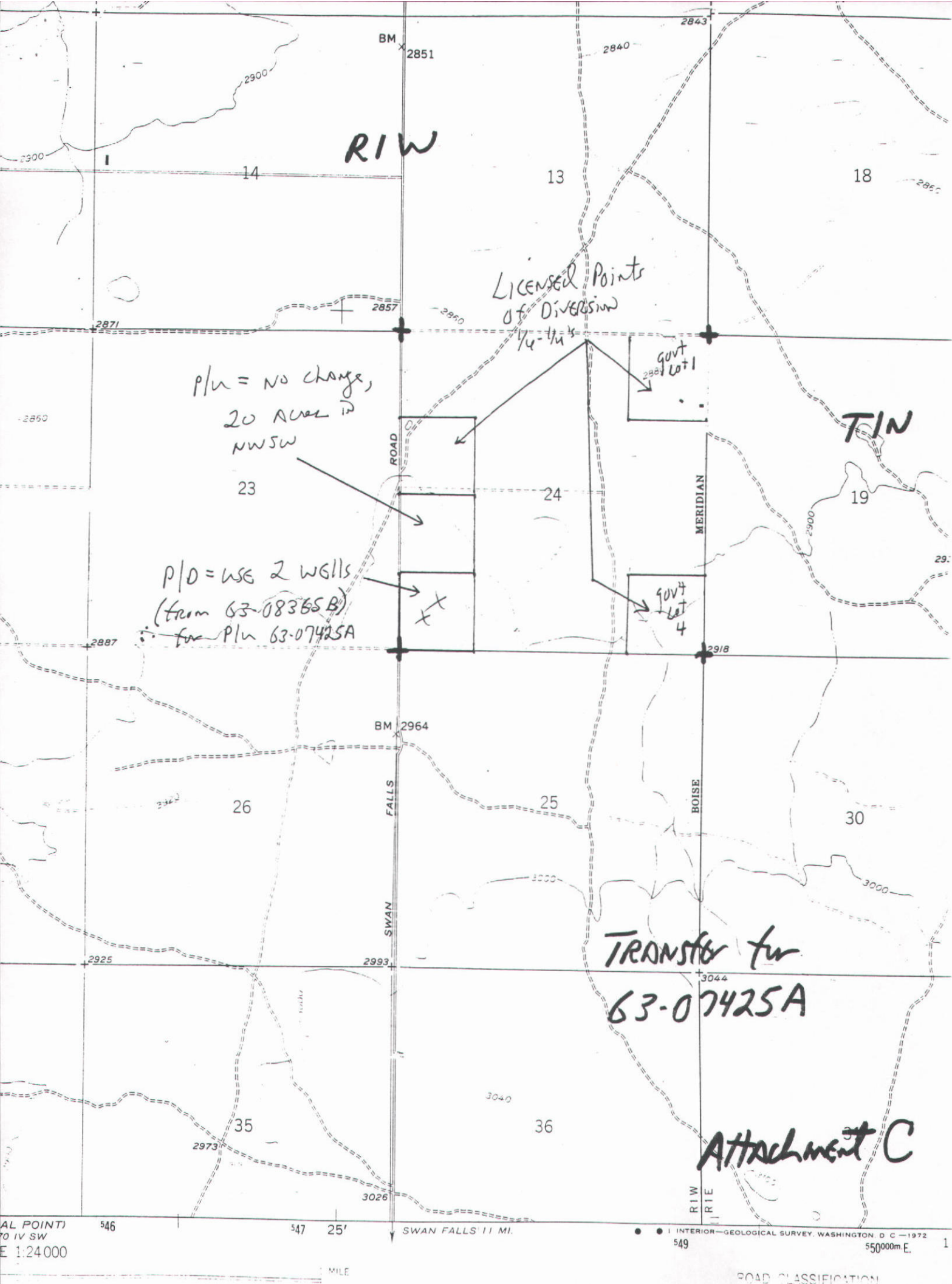


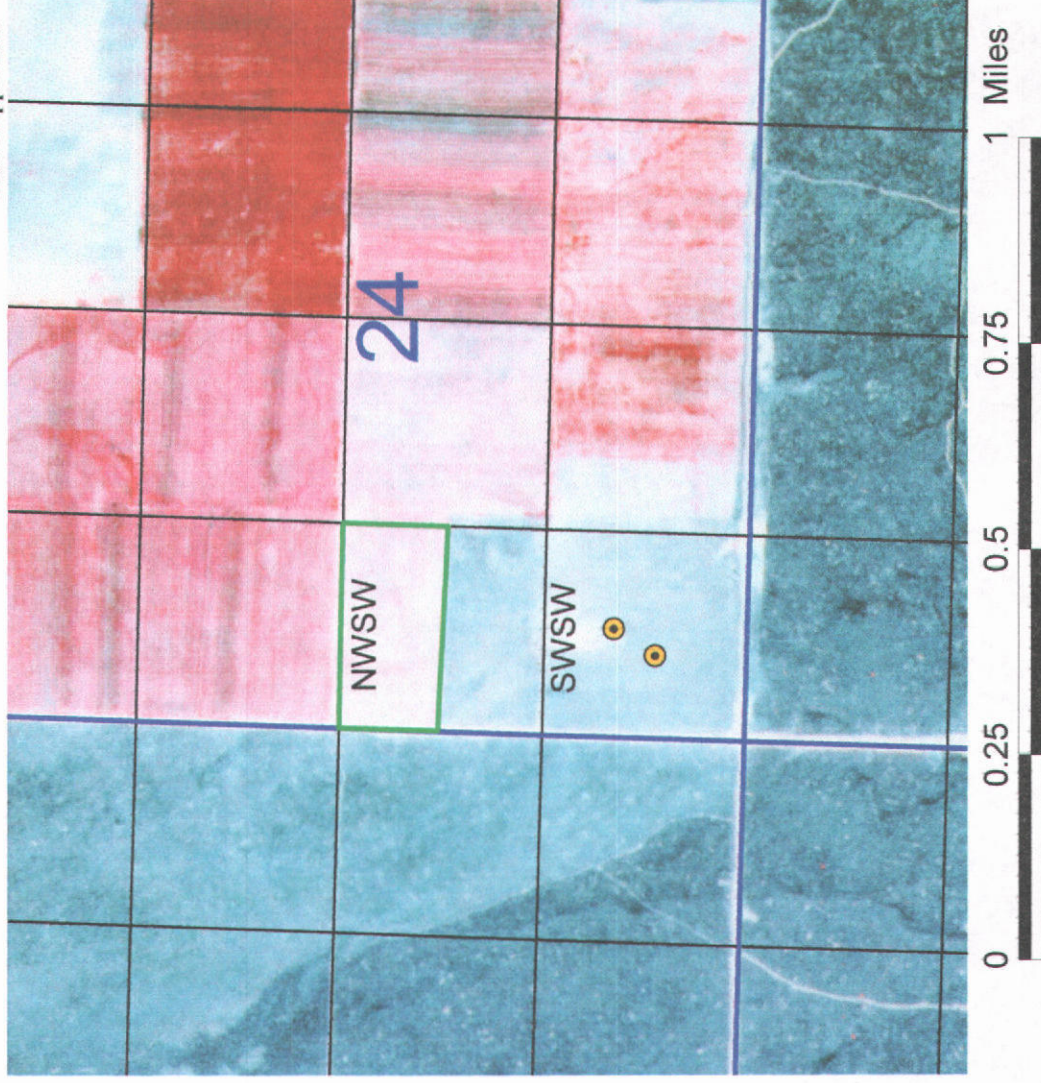


Idaho Department of Water Resources

Claim Number: 63-07425A
Legal: T01N, R01W, S24
Reviewed By:

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

1987 Napp Photo



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 63-7425A
Date Received: 11/30/1998
Receipt No: X777777
Received By:

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

1. Name of Claimant(s): DONALD E HEIDA
8902 S SWAN FALLS RD
KUNA ID USA 83634

Phone: (208) 922-5500

ALICE HEIDA
8902 S SWAN FALLS RD
KUNA ID USA 83634

Phone: (208) 922-5500

2. Date of Priority: 04/01/1972

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	01W	24	SW SW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	3/15	11/15	0.36	90

7. Total Quantity Appropriated is:
0.36 C.F.S. and/or 90 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
01N	01W	24	NW SW		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:

Ownership changed by DB 3/18/2002

THIS CLAIM IS A RESULT OF THE LICENSING AND SPLITTING OF PERMIT 63-07425, LICENSE ISSUED 9/27/1997. FEE PAID IN RECEIPT W014008. THIS CLAIM WAS AMENDED BY TRANSFER #5467 APPROVED 7/23/1999.

TWO POINTS OF DIVERSION ARE LOCATED IN THE SWSW, SEC 24, T01N, T01W.

15. Basis of Claim: License

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

RECEIVED
DEC 18 2000

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

WATER RESOURCES
WESTERN REGION

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
63-07425A			63-08365B		

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of Irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) John A. Ligtenberg and Wietske Ligtenberg
4. New Owner/Claimant(s) Donald E. Heida and Alice Heida
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 8902 South Swan Falls Rd.
- City, State and ZIP Code Kuna, ID 83634
- New Telephone Number (208) 922-5500
5. Date you acquired the property August 1, 2000

Form 42-249/42-1409(6) July, 2000

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
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) / Donald E. Heida
(include title if applicable) / Donald E. Heida
/ Alice Heida
Alice Heida

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 DB Date 12-20-00 Fee \$25 ea.
 Received by DB Date 12-20-00 Receipt No. W027236
 P. 11 A. 11 D. 11 W. 11 Date

1191832
PIONEER TITLE COMPANY RECORDER
OF ADA COUNTY J. DAVID NAVARRO
BOISE, IDAHO

2000 AU -1 PM 2:25

RECORDED - REQUEST OF

FEE 6- DEPUTY [Signature]

100060645

* Notary noted

PIONEER TITLE

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

8151 W. Rifleman Street / Boise, Idaho 83704
(208) 377-2700

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED JOHN A. LIGTENBERG and WIETSKE LIGTENBERG, husband and wife

GRANTOR(s) does (do) hereby GRANT, BARGAIN, SELL and CONVEY unto DONALD E. HEIDA and
ALICE M. HEIDA, husband and wife as Community Property

GRANTEE(S), whose current address is: 8902 South Swan Falls Rd., Kuna, ID 83634
the following described real property in Ada County, State of Idaho,
more particularly described as follows, to wit:

AS PER EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

Dated: July 21, 2000

[Signature]
John A. Ligtenberg

[Signature]
Wietske Ligtenberg

STATE OF Idaho, County of Ada, ss.

On this 26th day of July, in the year of 2000, before me

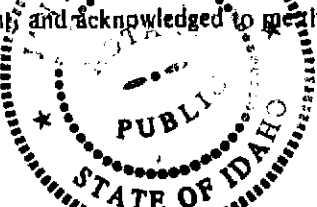
Jan R. Delaney, a Notary Public, personally appeared John A. Ligtenberg
and Wietske Ligtenberg

known or identified to me to be the person(s) whose name(s) were subscribed to the within
instrument, and acknowledged to me that they executed the same.

Notary Public: [Signature]

Residing at: Boise

My Commission Expires: 12/08/04



FILE NO.: P191832

EXHIBIT A

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 15 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO

AND THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

EXCEPT THEREFROM THE NORTH 15 FEET OF THE EAST 1,305.82 FEET OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST 1/4

AND EXCEPT RIGHT OF WAY FOR COUNTY ROAD ALONG THE WEST BOUNDARY AND SOUTH BOUNDARY THEREOF.

END OF LEGAL DESCRIPTION

SCHEDULE C

The land referred to in this Commitment is described as follows:

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 15 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO

AND THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

EXCEPT THEREFROM THE NORTH 15 FEET OF THE EAST 1,305.82 FEET OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST 1/4

AND EXCEPT RIGHT OF WAY FOR COUNTY ROAD ALONG THE WEST BOUNDARY AND SOUTH BOUNDARY THEREOF.

END OF LEGAL DESCRIPTION

Commitment To Insure

ALTA Commitment - 1970 Rev.



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

CONDITIONS AND STIPULATIONS

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure of the proposed Insured to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and made a part of this Commitment except as expressly modified herein.

4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A, to be valid when countersigned by a validating officer or other authorized signatory.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

By

President

Attest

Secretary

Authorized Signatory

ORT Form 2526

Escrow Copy

COMMITMENT FOR TITLE INSURANCE
PIONEER TITLE COMPANY OF ADA COUNTY (208) 373-3700
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SCHEDULE A

File No.
P191832

1. Effective Date:
June 1, 2000 at 7:30 A.M.

INLAND EMPIRE
12794 CENTRAL AVENUE
CHINO, CA 91710
ATTN: SUE ORTIZ
Ph: 909-591-9387 Fx: 909-902-1619

Copies to:

Escrow Inquiries should be directed to:

Title Inquiries should be directed to:
CHUCK SMITH
SR. TITLE OFFICER (208-373-3670)
8151 W. RIFLEMAN
BOISE, ID 83704
FAX: 208-373-3644

2. Policy or Policies to be issued:

(A) Owner's Standard Coverage

Amount	Premium
\$1,300,000.00	\$3,330.00

Proposed Insured: DON HEIDA AND ALICE HEIDA

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

4. Title to the fee simple estate or interest in said land is at the effective date hereof vested in:

JOHN A. LIGTENBERG AND WIETSKE LIGTENBERG, HUSBAND AND WIFE

5. The land referred to in this Commitment is described as follows:

SEE SCHEDULE C

6. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: A RIGHT OF WAY AND EASEMENT FOR THE ERECTION AND CONTINUED OPERATION, MAINTENANCE, REPAIR, ALTERATION, INSPECTION AND REPLACEMENT OF THE ELECTRICAL TRANSMISSION, DISTRIBUTION AND TELEPHONE LINES AND CIRCUITS OF THE GRANTEE, ATTACHED TO POLES OR OTHER SUPPORTS, TOGETHER WITH GUYS, CROSSARMS AND OTHER ATTACHMENTS AND INCIDENTAL EQUIPMENT THEREON AND APPURTENANCES, WITH THE RIGHT TO PERMIT THE ATTACHMENT OF THE WIRES AND FIXTURES OF OTHER COMPANIES OR PARTIES TOGETHER WITH ALL RIGHTS OF INGRESS AND EGRESS NECESSARY FOR THE FULL AND COMPLETE USE, OCCUPATION AND ENJOYMENT OF THE EASEMENT HEREBY GRANTED, AND ALL RIGHTS AND PRIVILEGES INCIDENT THERETO, INCLUDING THE RIGHT FROM TIME TO TIME TO CUT, TRIM AND REMOVE TREES, BRUSH, OVERHANGING BRANCHES AND OTHER OBSTRUCTIONS WHICH MAY INJURE OR INTERFERE WITH THE GRANTEE'S USE, OCCUPATION OR ENJOYMENT OF THIS EASEMENT AND THE OPERATION, MAINTENANCE AND REPAIR OF GRANTEE'S ELECTRICAL SYSTEM.
IN FAVOR OF: IDAHO POWER COMPANY, A CORPORATION
RECORDED: MARCH 15, 1974
INSTRUMENT NO.: 878013
AFFECTS: TOWNSHIP 1 NORTH, RANGE 1 NORTH, BOISE MERIDIAN, THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 24
7. RESERVATIONS CONTAINED IN DEED
DATED: MARCH 18, 1975
EXECUTED BY: DARLENE R. MONTIERTH
IN FAVOR OF: UNITED STATES OF AMERICA
RECORDED: DECEMBER 17, 1975
INSTRUMENT NO.: 7539716
AS FOLLOWS: A RIGHT-OF-WAY THEREON FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES. ACT OF AUGUST 30, 1890, 26 STAT. 391; 43 U.S.C. 945. ALL THE OIL AND GAS IN THE LANDS SO PATENTED, AND TO IT, OR PERSONS AUTHORIZED BY IT, THE RIGHTS TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME UPON COMPLIANCE WITH THE CONDITIONS AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914, 38 STAT. 509, AS SUPPLEMENTED; 30 U.S.C. 121-124.
AFFECTS: TOWNSHIP 1 NORTH, RANGE 1 WEST, SECTION 24, LOT 3, 4, THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER
8. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: A RIGHT OF WAY AND EASEMENT FOR THE ERECTION AND CONTINUED OPERATION, MAINTENANCE, REPAIR, ALTERATION, INSPECTION AND REPLACEMENT OF THE ELECTRICAL TRANSMISSION, DISTRIBUTION AND TELEPHONE LINES AND CIRCUITS OF THE GRANTEE, ATTACHED TO POLES OR OTHER SUPPORTS, TOGETHER WITH GUYS, CROSSARMS AND OTHER ATTACHMENTS AND INCIDENTAL EQUIPMENT THEREON AND APPURTENANCES, WITH THE RIGHT TO PERMIT THE ATTACHMENT OF THE WIRES AND FIXTURES OF OTHER COMPANIES OR PARTIES TOGETHER WITH ALL RIGHTS OF INGRESS AND EGRESS NECESSARY FOR THE FULL AND COMPLETE USE, OCCUPATION AND ENJOYMENT OF THE EASEMENT HEREBY GRANTED, AND ALL RIGHTS AND PRIVILEGES INCIDENT THERETO, INCLUDING THE RIGHT FROM TIME TO TIME TO CUT, TRIM AND REMOVE TREES, BRUSH, OVERHANGING BRANCHES AND OTHER OBSTRUCTIONS WHICH MAY INJURE OR INTERFERE WITH THE GRANTEE'S USE, OCCUPATION OR ENJOYMENT OF THIS EASEMENT AND THE OPERATION, MAINTENANCE AND REPAIR OF GRANTEE'S ELECTRICAL SYSTEM.
IN FAVOR OF: IDAHO POWER COMPANY, A CORPORATION
RECORDED: MARCH 20, 1978
INSTRUMENT NO.: 7813979
AFFECTS: A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24 TOWNSHIP 1 NORTH, RANGE 1 WEST

CONTINUED

9. OIL AND GAS LEASE CONTAINING NUMEROUS TERMS, CONDITIONS AND PROVISIONS.
 DATED: JANUARY 8, 1974
 LESSOR: H.R. MONTIERTH AND GOLDA MONTIERTH, HUSBAND AND WIFE AND
 STEPHEN E. BEUS AND BECKY ANN BEUS, HUSBAND AND WIFE
 LESSEE: GULF OIL CORPORATION, A PENNSYLVANIA CORPORATION
 RECORDED: AUGUST 13, 1974
 INSTRUMENT NO.: 895921
 TERM: 20 YEARS FROM AND AFTER THE DATE HEREOF AND SO LONG HEREAFTER AS
 THERE IS COMMERCIAL PRODUCTION OF STEAM, ELECTRICAL POWER OR ANY
 BY-PRODUCT FROM THE CONDENSATES OF STEAM, DERIVED OR PRODUCED FROM THE
 PROPERTY LEASED HEREUNDER AND FOR SO LONG, AS WELL, AS LESSEE IS
 PREVENTED FROM PRODUCING SAME, OR THE OBLIGATIONS OR LESSEE THEREUNDER
 ARE SUSPENDED FOR THE CAUSES AS SET FORTH IN SAID WRITTEN LEASE AND
 AGREEMENT.
 AFFECTS: SAID PREMISES AND OTHER LANDS
 LESSEES INTEREST ASSIGNED TO OCCIDENTAL GEOTHERMAL, INC., A CALIFORNIA
 CORPORATION BY INSTRUMENT RECORDED AUGUST 24, 1977 AS INSTRUMENT NO.
 7740307.

10. A MORTGAGE TO SECURE AN INDEBTEDNESS OF \$ 240,000.00, AND ANY OTHER
 AMOUNTS AS THEREIN PROVIDED, PAYABLE UNDER THE TERMS, CONDITIONS,
 PROVISIONS AND STIPULATIONS THEREOF.
 DATED: APRIL 25, 1996
 MORTGAGOR: JOHN A. LIGTENBERG AND WIETSKE LIGTENBERG, HUSBAND AND WIFE
 MORTGAGEE: FIRST INTERSTATE BANK OF IDAHO, N.A.
 RECORDED: MAY 12, 1995
 INSTRUMENT NO.: 95032288
 SAID MORTGAGE MODIFIED BY INSTRUMENT
 RECORDED: DECEMBER 28, 1995
 INSTRUMENT NO.: 95095393
AFFECTS THE SOUTH-HALF OF THE SOUTHWEST QUARTER

11. FINANCING STATEMENT FILED UNDER THE PROVISIONS OF THE UNIFORM COMMERCIAL
 CODE.
 DEBTOR: LIGTENBERG, JOHN A. AND LIGTENBERG, WIETSKE
 SECURED PARTY: FIRST INTERSTATE BANK OF IDAHO, N.A.
 RECORDED: MAY 19, 1995
 INSTRUMENT NO.: 95034107
AFFECTS THE SOUTH-HALF OF THE SOUTHWEST QUARTER
 SAID FINANCING STATEMENT AMENDED BY INSTRUMENT
 RECORDED: DECEMBER 6, 1996
 INSTRUMENT NO.: 96100211
 SAID FINANCING STATEMENT AMENDED BY INSTRUMENT
 RECORDED: MARCH 19, 1997
 INSTRUMENT NO.: 97021114

12. FINANCING STATEMENT FILED UNDER THE PROVISIONS OF THE UNIFORM COMMERCIAL
 CODE.
 DEBTOR: LIGTENER: JOHN A. AND LIGTENBERG: WIETSKE
 SECURED PARTY: FIRST INTERSTATE BANK OF IDAHO, N.A.
 RECORDED: AUGUST 16, 1995
 INSTRUMENT NO.: 95057710

13. A DEED OF TRUST TO SECURE AN INDEBTEDNESS OF \$168,000.00, AND ANY OTHER AMOUNTS AS THEREIN PROVIDED, PAYABLE UNDER THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS THEREOF, ALONG WITH AN ADJUSTABLE RATE RIDER AND A ASSIGNMENT TO TRUST DEED
GNAC
 DATED: AUGUST 23, 1995
 GRANTOR: JOHN A. LIGTENBERG AND WIETSKA LIGTENBERG, HUSBAND AND WIFE
 TRUSTEE: PIONEER TITLE COMPANY OF ADA COUNTY BENEFICIARY: FIRST INTERSTATE BANK OF IDAHO, N.A.
 RECORDED: SEPTEMBER 1, 1995
 INSTRUMENT NO.: 95063467
 THE BENEFICIAL INTEREST UNDER SAID DEED OF TRUST WAS ASSIGNED BY INSTRUMENT TO: FIRST INTERSTATE MORTGAGE COMPANY, A CALIFORNIA CORPORATION
 RECORDED: SEPTEMBER 1, 1995
 INSTRUMENT NO.: 95063468
 LOAN NO: 081944
 AFFECTS S1/2 OF NW OF SW

*01 J
1st Interstate*

14. A MORTGAGE TO SECURE AN INDEBTEDNESS OF \$ 650,000.00, AND ANY OTHER AMOUNTS AS THEREIN PROVIDED, PAYABLE UNDER THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS THEREOF.
 DATED: OCTOBER 22, 1996
 MORTGAGOR: JOHN A. LIGTENBERG AND WIETSKA LIGTENBERG, HUSBAND AND WIFE
 MORTGAGEE: WELLS FARGO BANK, NATIONAL ASSOCIATION
 RECORDED: NOVEMBER 12, 1996
 INSTRUMENT NO.: 96093621
 AFFECTS N1/2 OF NW OF SW AND S1/2 OF SW

*Wells Fargo
Mortgage*

15. SUBJECT TO THOSE ADDITIONAL ITEMS, IF ANY, WHICH MAY BE REQUIRED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FOLLOWING A REVIEW OF THIS REPORT.

END OF EXCEPTIONS

NOTE: ACCORDING TO THE INFORMATION SUPPLIED TO THE COMPANY, THE ADA COUNTY ASSESSOR'S OFFICE LISTS THE FOLLOWING AS THE COMMON ADDRESS FOR THE SUBJECT PROPERTY:
 8902 S. SWAN FALLS ROAD
 KUNA, IDAHO 83634

NOTE: GENERAL TAXES FOR THE YEAR 1999, WHICH WERE LIENS, ARE PAID.

PARCEL NO.	AMOUNT
208S2224325400	\$170.88

 NOTE: THE ABOVE AMOUNT OF TAXES DOES NOT REFLECT A HOME OWNERS EXEMPTION. ANY NEW BUYER MUST APPLY TO THE ADA COUNTY ASSESSOR'S OFFICE FOR SAID EXEMPTION.

NOTE: GENERAL TAXES FOR THE YEAR 1999, WHICH WERE LIENS, ARE PAID.

PARCEL NO.	AMOUNT
208S2224325605	\$6521.74

 NOTE: THE ABOVE AMOUNT OF TAXES REFLECT A HOME OWNERS EXEMPTION. ANY NEW BUYER MUST RE-APPLY TO THE ADA COUNTY ASSESSOR'S OFFICE FOR SAID EXEMPTION.

NOTE:
 THERE IS NO NOTICE OF RECORD AND THEREFORE NO SEARCH HAS BEEN MADE FOR ANY UNPAID ASSESSMENTS, CHARGES OR FEES FOR SEWER, WATER, GARBAGE, IRRIGATION AND OTHER POSSIBLE UTILITY SERVICES.

SCHEDULE B - SECTION 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
2. **General Exceptions:**
 - (A) Rights or claims of parties in possession not shown by the public records.
 - (B) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
 - (C) Easements, or claims or easements, not shown by the public records.
 - (D) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - (E) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims to title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
 - (F) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices to such proceedings, whether or not shown by the records of such agency or by the public records.

*PARAGRAPHS A,B,C,D,E AND F WILL NOT APPEAR AS PRINTED EXCEPTIONS ON EXTENDED COVERAGE POLICIES, EXCEPT AS TO SUCH PARTS THEREOF, WHICH MAY BE TYPED AS A SPECIAL EXCEPTION IN SCHEDULE B - SECTION 2.

C. Special Exceptions:

1. GENERAL TAXES FOR THE YEAR 2000, WHICH ARE LIENS, ARE NOT YET DUE AND PAYABLE. PARCEL NO.'S: S2224325400 AND S2224325605
2. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
FOR: POWER LINE EASEMENT
IN FAVOR OF: IDAHO POWER COMPANY
RECORDED: AUGUST 6, 1974
INSTRUMENT NO.: 895210
SAID EASEMENT CANNOT BE LOCATED FROM THE RECORD.
3. RESERVATIONS CONTAINED IN A PATENT
DATED: MARCH 18, 1975
EXECUTED BY: ACTING DIRECTOR OF BUREAU OF LAND MANAGEMENT
IN FAVOR OF: SHERYL D. MONTIERTH
RECORDED: DECEMBER 18, 1975
INSTRUMENT NO.: 7539894
AS FOLLOWS: A RIGHT OF WAY THEREON FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES. ACT OF AUGUST 30, 1890, 26 STAT. 391; 43 U.S.C. 945. ALL THE OIL AND GAS IN THE LANDS SO PATENTED, AND TO IT, OR PERSONS AUTHORIZED BY IT, THE RIGHTS TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME UPON COMPLIANCE WITH THE CONDITIONS AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914, 38 STAT. 509, AS SUPPLEMENTAL; 30 U.S.C. 121-124.
4. AS EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES, AS DISCLOSED IN INSTRUMENT OR BY ACTION HEREIN SET FORTH.
FOR: POWER LINE PURPOSES
IN FAVOR OF: IDAHO POWER COMPANY
DISCLOSED: BY PATENT
RECORDED: DECEMBER 18, 1975
INSTRUMENT NO.: 7539894
AFFECTS: NORTHWEST QUARTER, NORTH 1/2 SOUTHWEST QUARTER, SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE-MERIDIAN
5. RIGHTS OF WAY FOR DITCHES, TUNNELS AND TELEPHONE AND TRANSMISSION LINES CONSTRUCTED BY AUTHORITY OF THE UNITED STATES, AS GRANTED TO THE UNITED STATES UNDER THE PROVISIONS OF SECTION 58-604 IDAHO CODE 1947.

NOTE:

IF THE PROPOSED INSURED UNDER THE POLICY TO ISSUE HAS ANY QUESTIONS CONCERNING THE COVERAGE OR EXCLUSIONS FROM COVERAGE, THE COMPANY WILL BE PLEASED TO PROVIDE AN EXPLANATION.

NOTE:

PURSUANT TO THE STATE OF IDAHO INSURANCE REGULATIONS, A CANCELLATION FEE IS TO BE CHARGED ON ALL CANCELLED ORDERS. UNLESS OTHERWISE ADVISED, ORDERS WILL BE CONSIDERED CANCELLED SIX MONTHS AFTER THE EFFECTIVE DATED ON THE COMMITMENT. THE AMOUNT OF THE FEE ASSESS SHALL BE IN ACCORDANCE WITH OUR RATE FILING WITH THE IDAHO DEPARTMENT OF INSURANCE.

THIS IS NOT A SURVEY. THIS MAP IS
FOR INFORMATIONAL PURPOSES
ONLY. PIONEER TITLE COMPANY
MAKES NO REPRESENTATIONS AS
TO THE ACCURACY OF THE MAP
AND ASSUMES NO LIABILITY FOR IT.

RP

S. River Falls Road



FILE NO.: P191832

EXHIBIT A

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 15 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO

AND THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

EXCEPT THEREFROM THE NORTH 15 FEET OF THE EAST 1,305.82 FEET OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST 1/4

AND EXCEPT RIGHT OF WAY FOR COUNTY ROAD ALONG THE WEST BOUNDARY AND SOUTH BOUNDARY THEREOF.

END OF LEGAL DESCRIPTION

PIONEER TITLE COMPANY
of Ada County

三

S. SWAN FALLS ROAD

S. MERIDIAN ROAD

PIONEER TITLE COMPANY
of Ada County

THIS IS NOT A SURVEY. THIS
FOR INFORMATIONAL PURPOSES
ONLY. ANSWER THE COM-
MENTS. NO OTHER CONTACT.
TO THE FOCUS OF THE
AND ASSUME NO LIABILITY FOR

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: A63-07425A
Date Received: 11/30/1998
Receipt No: X777777
Received By: _____

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

1. Name: JOHN A LIGTENBERG 208-922-4072
Address: 8902 S SWAN FALLS RD
KUNA ID 83634
AND/OR
Name: WIETSKE LIGTENBERG 208-922-4072
Address: 8902 S SWAN FALLS RD
KUNA ID 83634

2. Date of Priority: APR 1, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	24	SW	SW			ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		90.00

7. Total Quantity Appropriated is:
0.360 C.F.S. (and/or) 90.00 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
01N	01W	24	NW	SW		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

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:

14. Remarks:

THIS CLAIM IS A RESULT OF THE LICENSING AND SPLITTING OF PERMIT 63-07425, LICENSE ISSUED 9/27/1997. FEE PAID IN RECEIPT W014008. THIS CLAIM WAS AMENDED BY TRANSFER #5467 APPROVED 7/23/1999. TWO POINTS OF DIVERSION ARE LOCATED IN THE SWSW, SEC 24, T01N, T01W.

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 _____ 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: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5467
WATER RIGHT NO. 63-07425A

RECEIVED

JUL 27 1999

WATER RESOURCES
WESTERN REGION

This is to certify that: **JOHN A LIGTENBERG**
8902 S SWAN FALLS RD
KUNA ID 83634

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	03/15 to 11/15	* 0.36 CFS	* 90.0 AF

SOURCE

GROUNDWATER

Priority: 04/01/1972

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 01N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 01W 24	NWSW 20			20

Total number of acres irrigated: 20

CONDITIONS OF APPROVAL AND REMARKS

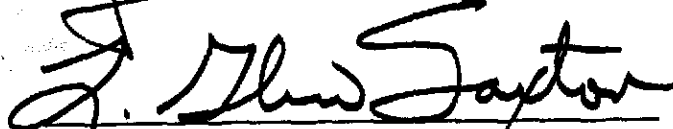
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

TRANSFER NO. 5467
WATER RIGHT NO. 63-07425A

CONDITIONS OF APPROVAL AND REMARKS

6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5467 shall not exceed 0.36 cfs, nor a total combined annual volume of 90.0 af.
8. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
9. Two points of diversion are located within SWSW, S24, T01N, R01W.

Dated this 23rd day of July, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 63-07425A

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5467

DATE: July 23, 1999

Transfer 5467 changes the points of diversion under Right 63-07425A. The applicant wants to supply water under this right from two existing wells on his property.

Recommended conditions include drilling permit requirements, multiple points of diversion/measuring devices, future measuring & reporting, irrigation overlap and standard transfer conditions.

Page 1 of 4

STATE OF IDAHO

Transfer No. 5467

RECEIVED

DEPARTMENT OF WATER RESOURCES

MAY 14 1999

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

WATER RESOURCES
WESTERN REGION
Name of Applicant John A. Lichtenberg (aka J's W Dairy) Phone 902-4072
Postal address 8902 S. Swan Falls Rd. City KUNA St ID Zip 83634

A. PURPOSE OF THE TRANSFER

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

2. Describe reason for the proposed changes: USE Applicant's wells on Applicant's
property instead of original wells on other owner's property.

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1. Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
<u>63-07425A</u>	<u>4-1-1972</u>	<u>.36 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total diversion rate/volume being transferred: .36 cfs and/or _____ ac-ft per annum

3. Source of water: groundwater, tributary to: _____ (or ☐ see Attachment _____)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
<u>1N</u>	<u>1W</u>	<u>24</u>	<u>-</u>	<u>SW</u>	<u>SW</u>	<u>-</u>	<u>ADA</u>	<u>2 existing wells</u>

5. Lands irrigated or place of use (or ☐ see Attachment _____): — NO change to P/u —

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>1N</u>	<u>1W</u>	<u>24</u>										<u>20</u>							<u>20</u>

☐ Permissible place of use, actual acreage irrigated not to exceed N/A acres per year.

Total acres 20

PART 1, CONTINUED

Transfer No. _____

6. General information:

a. Description of new diversion system (or ☐ see Attachment _____): USE 2 existing wells
Authorized in right 63-08365B - as new pld's for
Right 63-07425A.

b. Remarks (or ☐ see Attachment _____): _____

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? ☒ Yes ☐ No
If yes, please complete Part 2, item 6.

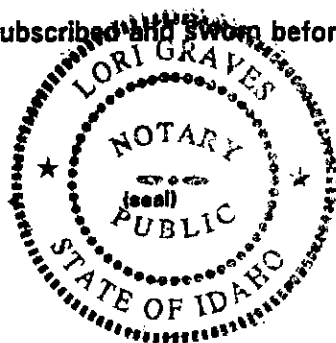
Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? ☐ Yes ☒ No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

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 right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

[Signature] owner.
(Signature and Title of Applicant)

Subscribed and sworn before me on this 14 day of May, 1999.



[Signature]
(Signature of Notary Public)

My commission expires: 6/18/2004

FOR DEPARTMENT USE ONLY

Transfer contains 4 pages and 45 attachments
Received by [Signature] Date 5/14/99 Fee \$100
Received by [Signature] Date 5/14/99 # W 25196

APPLICATION FOR TRANSFER OF WATER RIGHT ADDITIONAL DOCUMENTATION PART 2

ATTACHED (Required)

- ☒ 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks). = Attachment A + B

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- NONE 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- N/A 3. Written description of present system and changes required to accommodate the proposed transfer.
4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
- Attachment C a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- N/A b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
- N/A c) Include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
- N/A 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right. SEE conclusion in Attachment D re ownership issues.
- Attachment E 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
- N/A 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- N/A 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.
- SRBA claim = license, both in Transfer applicant's name per Attachments A & B.

- continued on reverse side -

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

N/A

- a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change
- b) pump power records
- c) water master records and/or comments if use is within a water district
- d) irrigation crop reports
- e) reports from other government agencies and/or qualified consultants
- f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred
- g) describe any defenses to forfeiture - CRP, extension of time, etc
- h) other....list other verification documentation for the water right below:

See Attachment D - Summary of IQR file info

Confirms validity of right, both for 1987

SRBA check and most recent 5 irrigation seasons.

N/A

10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.

}

11. Identify any other documentation that clarifies the transfer application:

WR5809NP
No. 63-07425A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/04/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A LIGTENBERG	04/01/1972	IRRIGATION	03/15 11/15	0.360 CFS	90.00 AFA
C	WIETSKE LIGTENBERG					
TOTAL DIVERSION:					0.360 CFS	90.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 9.020 CFS

Point(s) of Diversion: T01N R01W S24 Lot 01(NENE) SWNW Lot 04(SESE) ADA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	SUM
01N 01W 24	:				:				:				:				20.0
TOTAL ACRES																20.0	

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-07425B 63-07425C 63-07427A 63-08365A

Conditions of Approval:

- 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.

Remarks: GEN This right uses the same wells as the rights listed below and when combined with those rights shall not exceed a diversion rate of 9.02 cfs. The combined rights are: 63-03198, 63-07427A, 63-08365A, 63-07425B, and 63-07425C.

Dates: App. Received: 04/28/1971 Priority Date: 04/01/1972
Proof Due Date: 06/01/1977 Proof Made Date: 05/27/1977
Exam Made Date: 12/28/1994 Exam Sent to S.O.: 02/01/1995
Licensed Date: 09/22/1997

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 09/10/97 SKEEN 10/08/97 JJOHNSON

Attachment A

AJ5809NP
No. A63-07425A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/04/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A LIGTENBERG	04/01/1972	IRRIGATION	03-15 11-15	0.36 CFS	90.00 AFA
C	WIETSKE LIGTENBERG					
	8902 S SWAN FALLS RD			TOTAL DIVERSION:	0.36 CFS	90.00 AFA
	NAMPA ID 83652					
	(208) 922-4072					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01W S24 Lot01(NENE) SWNW Lot04(SESE) ADA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01N	01W	24	:		:		:		:		:		:		:		:		20.0
																		TOTAL ACRES	20.0

POU County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-03198 A63-07425B A63-07425C A63-07427A

Conditions of Approval:

- 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.

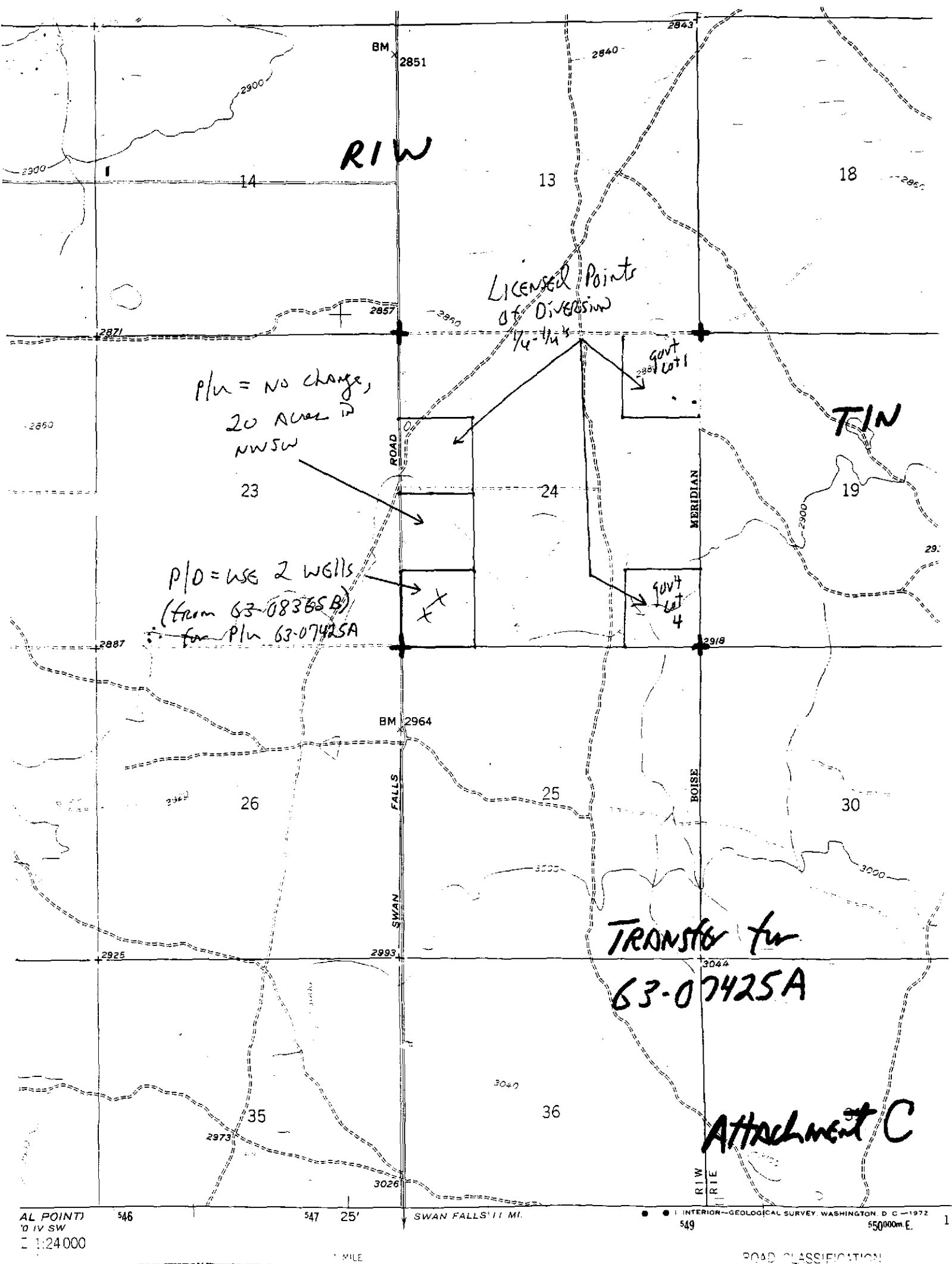
Remarks: GEN THIS CLAIM IS A RESULT OF THE LICENSING AND SPLITTING OF PERMIT
63-07425, LICENSE ISSUED 9/27/1997. FEE PAID IN RECEIPT W014008.
THIS RIGHT USES THE SAME WELLS AS THE RIGHTS LISTED BELOW AND
WHEN COMBINED WITH THOSE RIGHTS SHALL NOT EXCEED A DIVERSION RATE
OF 9.02 CFS. THE COMBINED RIGHTS ARE 63-03198, 63-07427A,
63-08365A, 63-07425B AND 63-07425C.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

SRBA claim matches license record.
-PL

Attachment B



LIGTENBERG TRANSFER APPLICATION

RIGHT NO. 63-07425A

BENEFICIAL USE IN NWSW, S.24, T1N, R1W

The following information was prepared for the applicant based on IDWR records.

5/4/99

DATE	INFORMATION
1971	63-07425 first filed
1976	63-08365 first filed
1977	Proof for 63-07425 filed
1981	Ortho photo shows 20 irrigated acres (63-07425)
1987	Napp photo shows 20 irrigated acres (63-07425)
1991	Proof for 63-08365 filed (late)
1994	Field exam conducted, 40 irrigated acres found
1995	License 63-08365B issued for 20 acres
1997	License 63-07425A issued for 20 other acres

Conclusion:

Each license covers 20 separate acres in tract. Forfeiture n/a in 1987 nor last five years for 63-07425A. Both licenses issued to Ligtenberg. SRBA claim A63-07425A also in name of Ligtenberg (claim matches license). Does not appear that ownership documents are needed for point of diversion change for 63-07425A.

ATTACHMENT

D



WELLS FARGO

KRAIG HILLS
Vice President
Relationship Manager

Inland Northwest Commercial Banking
877 West Main Street
Boise, ID 83702
(208) 389-4251
(800) 828-9685
Fax (208) 389-4171
(800) 955-8935

May 13, 1999

State of Idaho
Department of Water Resources

Dear Sir or Madam:

Wells Fargo Bank as lienholder of real estate owned by John Ligtenberg dba J & W Dairy agree to allow the transfer of water rights 63-07425A as described in this application of transfer attached as Exhibit A.

If you have any questions, please contact me at (208) 389-4251.

Sincerely,

Kraig Hills

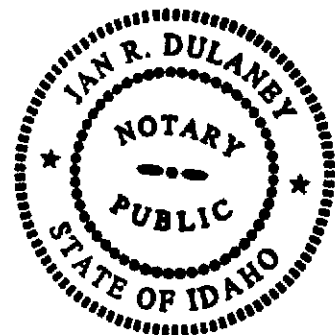
Kraig Hills
Vice President

*State of Idaho
County of Ada*

*On this 13th day of May 1999 Kraig Hills personally
appeared before me, a notary public, and signed the
above document.*

Attachment E

Printed on Recycled Paper



Jan R. Dulaney
Comm. Expires 12/08/04

1135433 En/114

RECEIVED

WARRANTY DEED

RECEIVED

JUN 2 1995

Department of Water Resources

MAY 30 1995

FOR VALUE RECEIVED HERBERT R. MONTIERTH, a married man as his
sole and separate property

the Grantor, does hereby grant, bargain, sell and convey unto JOHN A. LIGTENBERG and WIETSKE
LIGTENBERG, husband and wife

the Grantees, whose address is P.O. BOX 9250, NAMPA, ID 83652

the following described premises, to-wit:

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE
WEST 15 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION
24, TOWNSHIP 1 NORTH, RANGE 1 WEST, POISE MERIDIAN, ADA COUNTY,
IDAHO,

EXCEPT: RIGHT OF WAY FOR SWAN FALLS ROAD ALONG THE WEST BOUNDARY

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 Grantees, that he is the owner in fee simple of said
premises, that said premises are free from all encumbrances, except for general taxes and assessments for the year 1995 and
subsequent years, covenants, conditions, restrictions and easements of record, and that he will warrant and defend the same from
all lawful claims whatsoever.

DATED: January 19, 1995

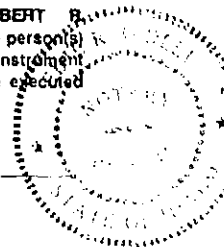
Herbert R. Montieth
HERBERT R. MONTIERTH

STATE OF IDAHO
COUNTY OF CANYON

On this 19 day of January, 1995, before me a
Notary Public, personally appeared HERBERT R.
MONTIERTH, known or identified to me to be the person(s)
(use name(s) if subscribed to the within instrument
and acknowledged to me that he/she/they have executed
the same.

Edie R. O'Dell
Notary Public

Residing at Nampa, Idaho
My commission expires: 4/17/97



PIONEER TITLE CO.

31

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

63-07425

7/94

RECEIVED

APR 19 1995

Department of Water Resources

For Office Use Only

\$25 Filing Fee

Permit # W018970

Date 4/18/95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

I, 13 MONTIERTH, hereby assign to John A. Montierth
of Box 9250 Knap, ID 83453 208 454 1147
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. N/A to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. 637425 to appropriate the public waters of the State of
Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.)

NO. 12 of 12 1/4 ac = SW 1/4 and 15' NE 1/4 of SE 1/4 S 24 T 1 N R 1 W
(2.0 acres)

Made this 12th day of Apr, 1995.

JR Montierth
Permit Holder

State of Idaho

County of Ada

On this 12th day of Apr, 1995, personally appeared before me the signer(s) of
the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Lori Graves

Notary Public residing at

Boise

My commission expires: 6/18/98

RETURNED 4/20/95

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: **A63-07425A**
Date Received: 11/30/1998
Receipt No: X777777
Received By: _____

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

1. Name: JOHN A LIGTENBERG 208-922-4072
Address: 8902 S SWAN FALLS RD
NAMPA ID 83652
AND/OR
Name: WIETSKE LIGTENBERG 208-922-4072
Address: 8902 S SWAN FALLS RD
NAMPA ID 83652

2. Date of Priority: APR 1, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	01W	24	NE	NE	NE	1	ADA
			SW	NW	NW		ADA
			SE	SE	SE	4	ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		90.00

7. Total Quantity Appropriated is:
0.360 C.F.S. (and/or) 90.00 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
01N	01W	24	NW	SW		IRR	20.0
Section Acres							20.0
Total Acres							20.0

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:

14. Remarks:

THIS CLAIM IS A RESULT OF THE LICENSING AND SPLITTING OF PERMIT 63-07425, LICENSE ISSUED 9/27/1997. FEE PAID IN RECEIPT W014008. THIS RIGHT USES THE SAME WELLS AS THE RIGHTS LISTED BELOW AND WHEN COMBINED WITH THOSE RIGHTS SHALL NOT EXCEED A DIVERSION RATE OF 9.02 CFS. THE COMBINED RIGHTS ARE 63-03198, 63-07427A, 63-08365A, 63-07425B AND 63-07425C.

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 _____ 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: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

Permit A63-07425 N/O Montierth (Permit)

Priority: 4-28-1971

DR: In - 4.80

Stk - .03

Don - .03

POB: IN, IW, S24, SWNW
SW SW

POU: IN, IW, S24, NENW - 40ac - NWNW - 40ac
SE NW - 40" SW NW - 40
NESW - 40 NWSW - 40
NWSW - 225.

(License) A63-07425 A. N/O John A & Wietke Lightenberg
Priority: 4-1-1972.

* DR: In - .36 cfs. QV: 90 AFA.

POB: IN, IW, S24, NENE (lt)

SWNW

SESE (lt)

POU: IN, IW, S24, NWSW - 20 ac.

* Limited to 9.02 cfs when combined with 63-0319
- 07427A, -08365A, 07425B, -07425C

License) 463-07425B N/O Pete & Jean M. De Groot

Priority: 4-1-1972

* DR: 2.78 cfs DV: 695.3

POB: 1N, 1W, S24, NENE, (LH)

SWNW

SESE (LH)

POU: 1N, 1W, S24, NENW - 37 ac NWNW - 40 ac

SWNW - 40

SENW - 37.5

* Limited to 9.02 cfs (see 463-07425A above)

463-07425C N/O Jack & Tillie Tuls

Priority: 4-1-1972

* DR: .69 cfs DV: 173.3 AF

POB: same as above

POU: 1N, 1W, S24, NESW - 38.5 ac.

* Limited to 9.02 cfs (see above)

Summary -

463-07425A

DR

DV

#Acres

.36 cfs

90 AF

20

-07425B

2.78

695.3

154.5

-07425C

.69

173.3

38.5

Totals

3.83

958.6

213

Amended Permit

3.83 cfs

958.5

213

63-07425

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	}	
NO. 63-07425 IN THE NAME	}	ORDER OF REINSTATEMENT
OF SHERYL D. MONTIERTH	}	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 63-07425 for the issuance of a license, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On June 17, 1971 the Department approved Application for Permit No. 63-07425 to appropriate the public waters of the State of Idaho with a proposed priority of April 28, 1971.
2. On April 17, 1986 the Department sent the permit holder a notice that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The fee was due on June 16, 1986.
3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.
4. The license examination fee was received on May 19, 1987, 337 days late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the fee was late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 63-07425 should be advanced 337 days.

ORDER

IT IS HEREBY ORDERED that the date of priority of Permit No. 63-07425 is advanced to April 1, 1972.

Dated this 3rd day of February, 1995.


L. GLEN SAXTON
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 63-07425

This is to certify, that SHERYL D MONTIERTH
RT 1 BOX 156
KUNA ID 83634

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 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: April 1, 1972

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	3.83 CFS	958.5 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 24, Township 01N, Range 01W
SWNW, Sec. 24, Township 01N, Range 01W
Lot 4(SESE), Sec. 24, Township 01N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 01W 24	NENW 37	NWNW 40	SWNW 40	
	SENW 37.5	NESW 38.5	NWSW 20	213

Total number of acres irrigated: 213

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. This right uses the same wells as the rights listed below and when combined with those rights shall not exceed a diversion rate of 9.02 cfs. The combined rights are: 63-03198, 63-07427A and 63-08365A.
3. This right is appurtenant to land designated as DLE No. I-3375.

Witness my hand this 22ND day of SEPTEMBER, 1972.

for the Chief, Water Allocation Bureau

CALCULATION OF NEW PRIORITY DATE
LATE EXAM FEES

PERMIT NO. 63-07425
 BY: P. Reid Chapman
 DATE: February 2, 1995

	DATE	NUMBER OF DAYS
A. Examination Fee Notice Sent	<u>April 17, 1984</u>	<u>107</u>
B. Date Fee Due (60 days)	<u>June 16, 1984</u>	<u>167</u>
C. Date Fee Received	<u>May 19, 1987</u>	<u>504</u>
D. Number of Days Late (C-B)		<u>337</u>
E. Original Priority Date	<u>April 22, 1971</u>	<u>118</u>
F. New Priority Date (D+E)	<u>April 1, 1976</u>	<u>3105 (1 yr) + 97 days</u>

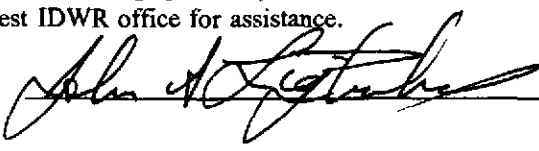
RECEIVED

SEP 17 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 63-07425A
Adjudication Claim No(s).: A63-07425 (part)
 2. The following REQUIRED information must be submitted with this form:
Not requiring info because right is licensed to Ligtenbergs already. Bary S 9/18/98
A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant Sheryl D. &/or Herb Montierth
2409 W. Kuna Cave Rd, Kuna, Id. 83634
 4. New Owner/Claimant(s) John A. & Wickske Ligtenberg
Name Connector (Check one): ☐ and ☐ or ☐ and ☐ or
New Mailing Address 8902 S. Swan Falls Rd.
City, State and ZIP Code Kuna, Id. 83634
New Telephone Number (208) 922-4072
 5. Date you acquired the property December, 1994
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
See Water Right license. License issued in 9/97 but AJ record not changed.
Number of acres you irrigate _____ Number and type of stock _____ *Bary S 9/17/98*
Diversion rate in CFS _____ Number of homes _____ Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) 
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
 8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-07425A

Priority: April 1, 1972 Maximum Diversion Rate: 0.36 CFS
Maximum Diversion Volume: 90.0 AF

This is to certify, that CHERYL D MONTIERTH
RT 1 BOX 156
KUNA ID 83634 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 28, 1971; and
has submitted Proof of Beneficial Use on May 27, 1977. An examination indicates
that the works have a diversion capacity of 9.020 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.36 CFS	90.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 24, Township 01N, Range 01W
SNNW, Sec. 24, Township 01N, Range 01W
Lot 4(SESE), Sec. 24, Township 01N, Range 01W
ADA County

<u>PLACE OF USE:</u> IRRIGATION	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN RGE SEC</u>				
01N 01W 24	NWSW 20			20

Total number of acres irrigated: 20

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. This right uses the same wells as the rights listed below and when combined with those rights shall not exceed a diversion rate of 9.02 cfs. The combined rights are: 63-03198, 63-07427A, 63-08365A, 63-07425B, and 63-07425C.

PAGE 2

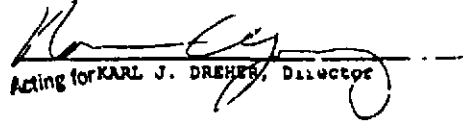
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-07425A

CONDITIONS OF APPROVAL AND REMARKS

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22ND
day of SEPTEMBER, 1977.


Acting for KARL J. DREHER, Director

RECEIVED

11/22/2005

NOV 30 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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: December 2, 2005

Water right number: 63-7425A

DONALD E HEIDA
8902 S SWAN FALLS RD
KUNA ID 83634
Telephone Number: (208)922-5500

ALICE HEIDA
8902 S SWAN FALLS RD
KUNA ID 83634
Telephone Number: (208)922-5500

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 11-28-2005 SIGNATURE: Don Heida

Please print your name: Don Heida

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

SCANNED

NOV 30 2005

✓ Done

IDAHO DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS: DONALD E HEIDA
8902 S SWAN FALLS RD
KUNA ID 83634

SOURCE: GROUND WATER

QUANTITY: 0.360 CFS
90.000 AFY

PRIORITY DATE: 04/01/1972

T01N R01W S24 SWSW Within ADA County
T01N R01W S24 SWSW Within ADA County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.360 CFS 90.00 AFY

PLACE OF USE: IRRIGATION Within ADA County

20 ACRES TOTAL

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.

Water Right 63-7425A

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-8365A

WATER RIGHT NUMBER: 63-8365A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE ESTATE OF GOLDA D MONTIERTH 825 HEARTLAND DRIVE NAMPA, ID 83686 (208)463-8163
Current Owner	HERBERT R MONTIERTH JR 825 HEARTLAND DR NAMPA, ID 83686 (208)463-8163
Original Owner	ALBERT R LARKIN , ID 83634
Original Owner	JOY N LARKIN 4035 GLENDALE ST BOISE, ID 83703 (208)336-0078

Priority Date: 03/20/1991

Basis: License

Status: Active

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.380 CFS	360.00 AF
	<u>Total Diversion:</u>	1.380 CFS	360.00 AF

Location of Point(s) of Diversion

GROUND WATER	L4 (SE1/4SE1/4)	Sec. 24, Twp 01N, Rge 01W, B.M.
ADA County		
GROUND WATER	SW1/4NW1/4	Sec. 24, Twp 01N, Rge 01W, B.M.
ADA County		
GROUND WATER	L1 (NE1/4NE1/4)	Sec. 24, Twp 01N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	24			2.0	1.0											39.0	38.0	80.0
						L 2												L 4	

Total Acres: 80

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7425A V1

WATER RIGHT NUMBER: 63-7425A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ADDIE C MUSSELL KUNA, ID 83634
Original Owner	SHERYL D MONTIERTH 2409 W KUNA CAVE RD KUNA, ID 83634 (208)922-4237
Original Owner	WIETSKE LIGTENBERG 8902 S SWAN FALLS RD KUNA, ID 83634 (208)922-4072
Original Owner	JOHN A LIGTENBERG 8902 S SWAN FALLS RD KUNA, ID 83634 (208)922-4072
Current Owner	DONALD E HEIDA 8902 S SWAN FALLS RD KUNA, ID 83634 (208)922-5500
Current Owner	ALICE HEIDA 8902 S SWAN FALLS RD KUNA, ID 83634 (208)922-5500

Priority Date: 04/01/1972

Basis:	License
--------	---------

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.360 CFS	90.00 AF
	Total Diversion:	0.360 CFS	90.00 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	SW1/4SW1/4	Sec. 24, Twp 01N, Rge 01W, B.M.
GROUND WATER ADA County	SW1/4SW1/4	Sec. 24, Twp 01N, Rge 01W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7425A V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 01W 24																	20.0
																	20.0

Total Acres: 20

Conditions of Approval:

1. 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.
2. S39 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 March 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.
3. Ownership changed by DB 3/18/2002
4. THIS CLAIM IS A RESULT OF THE LICENSING AND SPLITTING OF PERMIT 63-07425, LICENSE ISSUED 9/27/1997. FEE PAID IN RECEIPT W014008. THIS CLAIM WAS AMENDED BY TRANSFER #5467 APPROVED 7/23/1999.
TWO POINTS OF DIVERSION ARE LOCATED IN THE SWSW, SEC 24, T01N, T01W.
5. 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.

Remarks:Comments:Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	6/1/2005 2:00:16 PM	awarntje			Active
Priority Date	6/1/2005 2:01:35 PM	awarntje			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7425A V1

Use	6/1/2005 2:14:29 PM	awarntje	Active
POU	6/1/2005 2:33:41 PM	awarntje	Active
Source	6/1/2005 2:34:33 PM	awarntje	Active
POD	6/1/2005 3:03:17 PM	awarntje	Active
Season	6/1/2005 3:04:31 PM	awarntje	Active
Quantity	6/1/2005 3:05:04 PM	awarntje	Active
Summary		06/01/2005 awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	6/1/2005 2:23:09 PM	awarntje	Updated shape for Active POU
POD	6/1/2005 2:38:41 PM	awarntje	Updated shape
POD	6/1/2005 2:41:12 PM	awarntje	Updated shape
General	6/1/2005 2:01:36 PM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Use	6/1/2005 2:14:30 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	6/1/2005 2:33:41 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Contacts	6/1/2005 2:00:11 PM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7425A V1

Source	6/1/2005 2:34:33 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POD	6/1/2005 2:40:14 PM	awarntje	Updated shape
POD	6/1/2005 2:57:46 PM	awarntje	Updated shape
POD	6/1/2005 3:02:05 PM	awarntje	Updated shape
POD	6/1/2005 3:03:18 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Season	6/1/2005 3:04:31 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	6/1/2005 3:05:04 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7425A V1

Summary	6/1/2005 3:06:27 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 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?
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Water Supply Bank:

Idaho Department of Water Resources

Claim Number: 63-07425A
 Legal: T01N, R01W, S24
 Reviewed By:

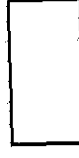
⊙ Point of Diversion



Place of Use

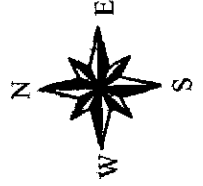
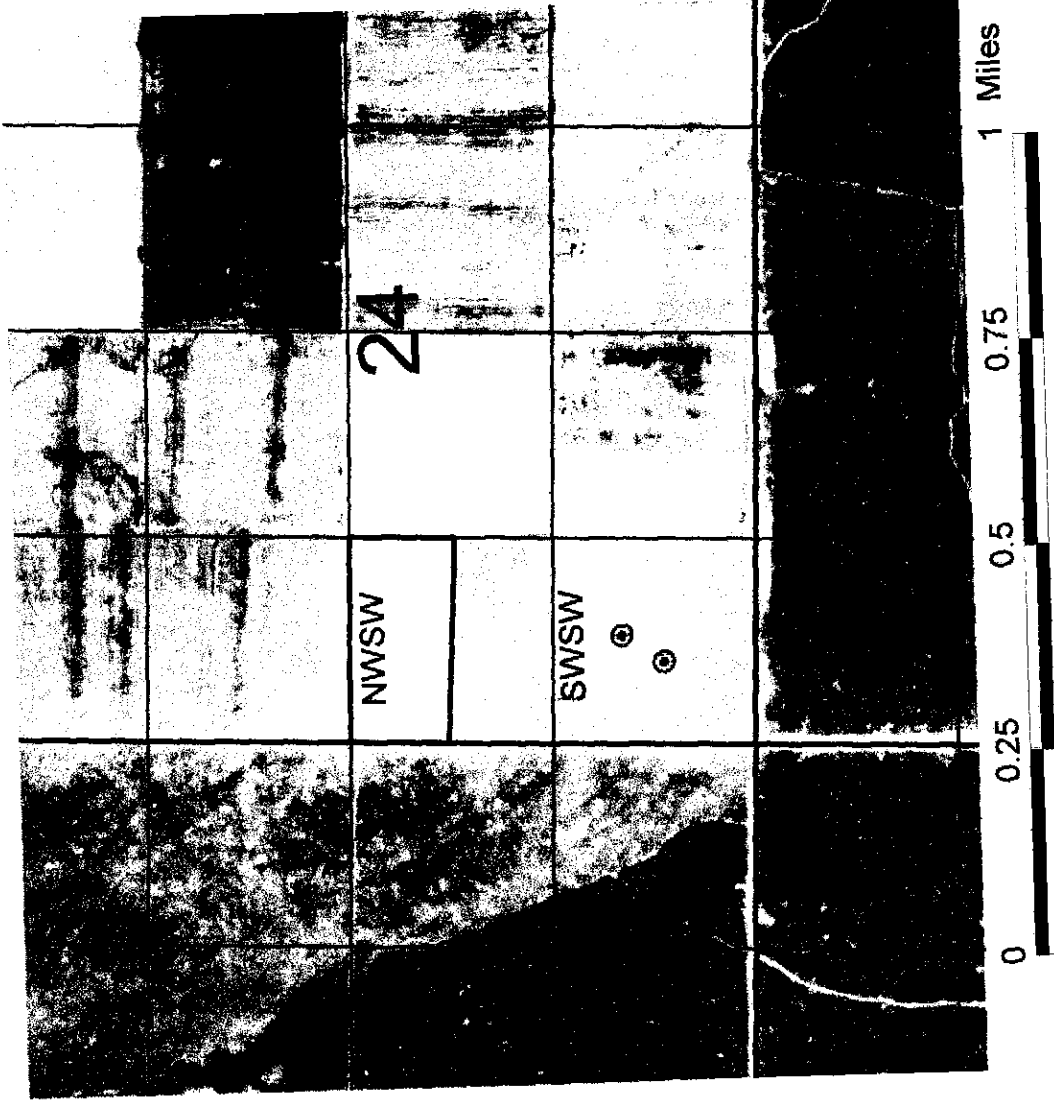


Section Lines



Quarter Quarter Lines

1987 Napp Photo



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-07425A

Date: 12-6-00

	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	1N	1W	24										20							20
GIS													20							20
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Total Claimed Acres: 20

Total GIS Acres: 20

Overlapping POU Claim #'s: _____

COMMENTS:

added 2nd POU to database. No county data available.
Per Transfer map & image interpretation.

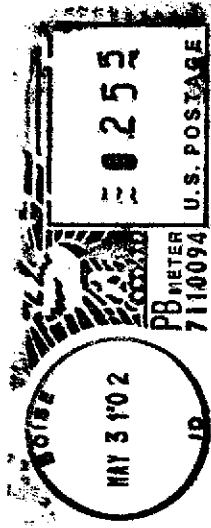
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

603-74256
7427A

Sent again 6.7.02

PRESORTED
FIRST CLASS



RECEIVED

JUN 06 2002

WATER RESOURCES
WESTERN REGION

JEAN DE GROOT
PETE M DE GROOT
8800 SWAN FALLS RD
KUNA ID 83634

DEGRASSO 636342010 1601 17 06/03/02
RETURN TO SENDER
DE GROOT JR
5755 WOODSIDE AVE
VISALIA CA 93281-5565
RETURN TO SENDER

0603050942634



RECEIVED

AUG 22 2003

Department of Water Resources

MEMORANDUM

TO: GLEN SAXTON

FROM: STEVE LESTER 

DATE: MAY 3, 1999

RE: LIGTENBERG, TRANSFER NO. 4619

Mr. Ligtenberg requests that his transfer be revisited as noted in the attached letter. He wants the same flexibility that is provided to other dairy operators in which transfers do not limit the number of animals via the conditions of approval.

Although no promises were made, I told him that he has a reasonable chance of getting that flexibility.

Note his new address. His letter can serve as a "change of address form" for this right. His only other water right is 63-07425A, for which a transfer is being prepared. That new transfer will include his new address. For SRBA purposes, right 63-08365B is n/a and claim A63-07425A already shows the new address.

Please let me know if you see any problems in granting his request.

March 3, 1999

RECEIVED

MAR 03 1999

Glen Saxton, Bureau Chief
Water Allocation Bureau, IDWR

WATER RESOURCES
WESTERN REGION

RE: Transfer No. 4619, Conditions of Approval

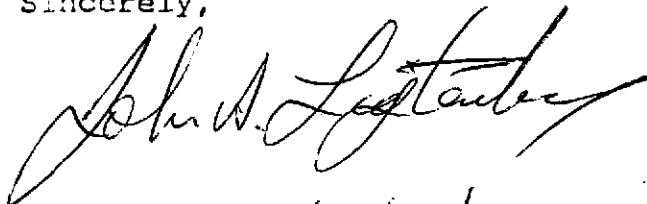
Dear Mr. Saxton:

I received this approved transfer for my dairy in early 1996. Condition #10 limits the water use to 500 milking and 100 dry cows. I understand that more recent approvals for dairies go through the same process and department analysis, but the number of animals is not listed in the conditions of approval.

I would like to have the same opportunity as other dairy operators to expand my operation by increased efficiency in the use of water. I am not seeking more water than allowed in my transfer, just the flexibility to better use the water to serve more animals. The economics of the dairy industry requires such expansion.

Please re-issue my transfer to give me the same chances that other dairy water users are now getting from your department. Thank you for your consideration of this important issue.

Sincerely,



(Please note
Current address)

John A Ligtenberg OBA J+W Dairy
8902 S Swan Falls Rd
Kuna, Id. 83634

DATE: 11/13/00
PAGE: 127

DIVERSION
VOLUME

90.00 AFA

90 00 ΔΕΔ

Stage: LICENSE

ADA County

SES

10	20.0
20	20.0

ing Place(s) of Use:

RR32 - 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.

OF PERMIT
T W014008.
1999.
4, T01N,

Objection Filed Date:

08/23/99 MSCHULTE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2002

DONALD E HEIDA
ALICE HEIDA
8902 S SWAN FALLS RD
KUNA ID 83634

Re: Notice of Claim to a Water Right No. 63-7425A

Dear Claimant(s):

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

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

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

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure



12794 Central Avenue
Chino, CA 91710
(909) 591-9387
FAX: (909) 902-1619

RECEIVED

DEC 18 2000

WATER RESOURCES
WESTERN REGION

IDWR WESTERN REGION
2735 Airport Way
Boise, ID 83705-5082

Date: December 11, 2000

Escrow No.: 20300-SO

Re: Dairy Facility Located at 8902 South Swan
Falls Rd., Kuna, ID 83634

Water Right Nos. 63-07425A & 63-08365B
Ligtenberg/Heida

Gentlemen:

In connection with the above referenced escrow, we enclose herewith the following items:

- State of Idaho Department of Water Resources Notice of Change in Water Right Own
- Check payable to your order in the amount of \$50.00 representing Change of Owner
- Copy of Commitment to Insure from Pioneer Title Company
- Copy of Warranty Deed, recorded 08/01/00, from Ligtenberg to Heida

Please change your records to show the new owners of the subect water rights as follows:

DONALD E. HEIDA and ALICE M. HEIDA
husband and wife as Community Property
8902 South Swan Falls Rd., Kuna, ID 83634

We appreciate having the opportunity of working with you. If there are any items you want furnished to you, please let us know so that we may provide them when we receive them. If you have any questions, please call us.

Sincerely,
INLAND EMPIRE ESCROW

Sue Ortiz
Certified Escrow Officer