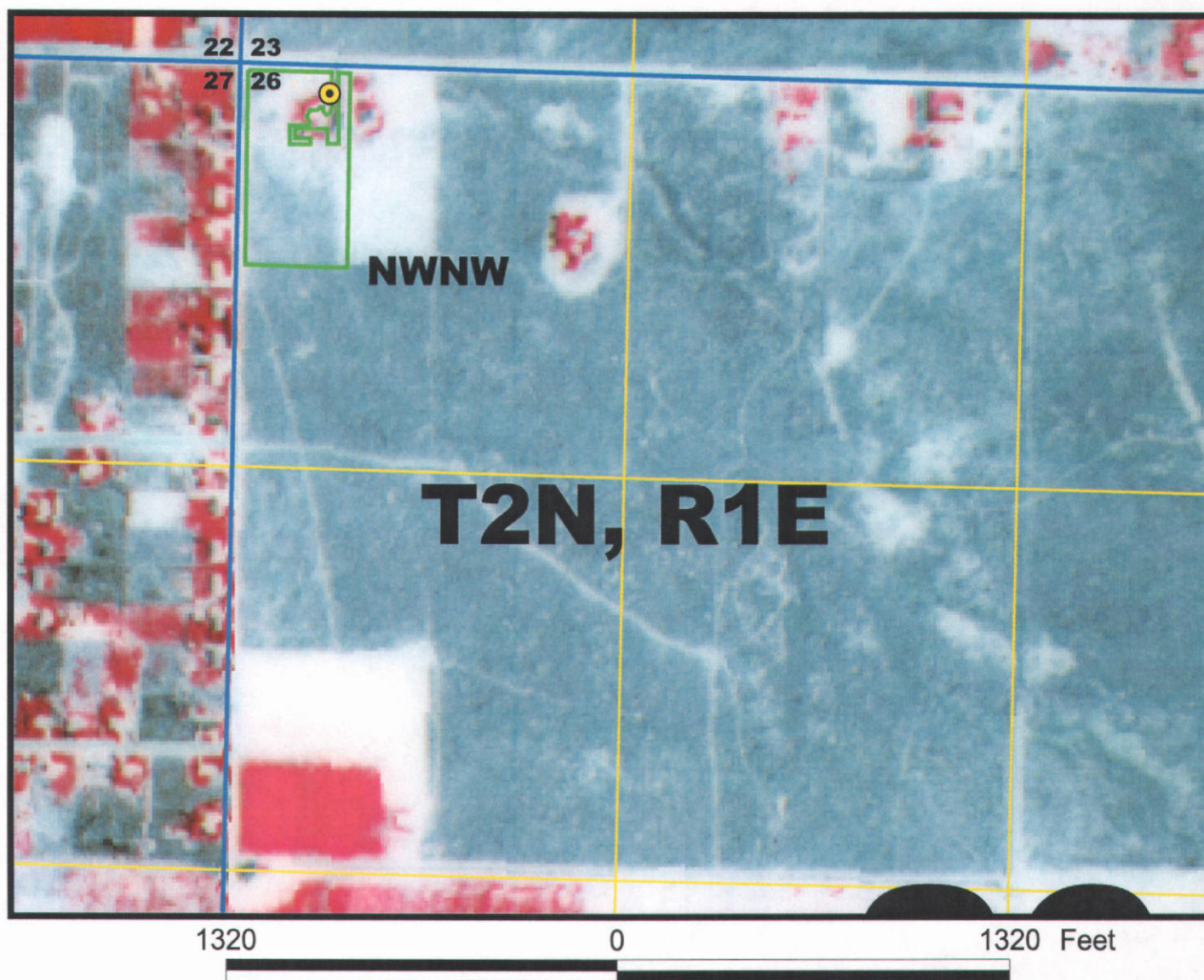




STATE OF IDAHO

Department of Water Resources
Western Region

Water Right(s): 63-08198



Total Irrigated Acres: 4.5

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



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: December 2003

63-8198

c 10509 W. KUNA Rd.

Parcel # S1426222010

PREVIOUSLY LOUX,
NOW PAPE

← Kuna Road →

WELL #10509
PAPE
MARGINAL
FIELD PATTERN

WELL #10505
FARMER
CLEAR
FIELD
PATTERN

ENLOE

↑ This is
POA

63-08198

Could Need U2

Give licensed acreage
of 4.5 ac

- look at ortho-photoquad
- send NCO

FARMER'S NEW Appl. for
"PRE-87 development"

c 10505 W. Kuna Rd.

Parcel # S1426222025

YE T02N R01E S26 NWNW
1987 AERIAL PHOTO

↑ N ↓

Blue = Section line
Green = county parcel
line

- SL 8/12/03
updated 8/19/03

63-8198

c 10509 W. KUNA Rd.

Parcel # S1426222010

PREVIOUSLY LOUX,
NOW PAPE

← KUNA ROAD →

WELL #10509
PAPE
MARGINAL
FIELD PATTERN

WELL #10505
FARMER
CLEAR
FIELD PATTERN

ENLOE

FISHE

FARMER'S NEW Appl. for
"PRE-87 development"

c 10505 W. KUNA Rd.

Parcel # S1426222025

BASYS

T02N R01E S26 NWNW
1987 AERIAL PHOTO

↑
N
↓

Blue = Section line
Green = County parcel
line

- SL 8/12/03
updated 8/19/03

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 63-8198
Date Received: 10/29/1999
Receipt No: C046998
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TRACY PAPE
10509 KUNA RD
KUNA ID USA 83634

Phone: (208) 362-6676

BRUCE PAPE
10509 KUNA RD
KUNA ID USA 83634

Phone: (208) 362-6676

2. Date of Priority: 08/28/1975

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL, 5 HP ELECTRIC SUBMERSIBLE PUMP, 252', 7" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.09	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
02N	01E	26	NW	NW	DOMESTIC	
			NW	NW	IRRIGATION	5
					Section Acres	5
					Total Acres	5

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 2/6/2004

AMENDED CLAIM - ADDED 5 ACRES ORIGINALLY LICENSED.

15. Basis of Claim: License

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

RECEIVED**JAN 16 2004****WATER RESOURCES
WESTERN REGION**

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>63-08198</u>				

RECEIVED**FEB 06 2004****WATER RESOURCES
WESTERN REGION**

deed ↑

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. No Fee
- 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) _____

4. New Owner/Claimant(s) Bruce and Tracy Tape

Name Connector (Check one): ☐ and, ☒ or, ☐ and/orNew Mailing Address 10509 KUNA RDCity, State and ZIP Code KUNA ID 83634New Telephone Number 208 362 6676

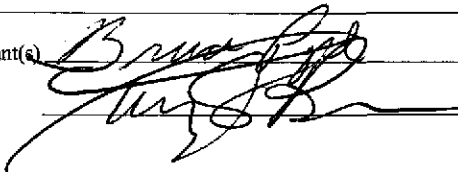
5. Date you acquired the property 22 Aug 30 1999

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)
(include title if applicable)



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

For Office Use Only

Received by _____ Date 1-16-04 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

RECEIVED

FEB 06 2004

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

P-183651 CB/S9

For Value Received

HARVEY W. LOUX and LEONA H. LOUX, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

BRUCE E. PAPE and TRACY S. PAPE, husband and wife

hereinafter referred to as Grantee, whose current address is

10509 W. KUNA RD, KUNA, ID 83634

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION WHICH BY THIS REFERENCED IS INCORPORATED HEREIN.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 SP 16 PM 3:57

RECORDED - REQUEST OF

FEE 6.00 DEPUTY *[Signature]*

99092299

PIONEER TITLE

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 15, 1999.

Harvey W. Loux
HARVEY W. LOUX

Leona H. Loux
LEONA H. LOUX

STATE OF IDAHO

COUNTY OF ADA

On This 15th day of September, in the year 1999, before me, a Notary Public in and for said State, personally appeared HARVEY W. LOUX AND LEONA H. LOUX, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Commission Expires: 07-21-2003

Camille A. Baldwin

Notary Public of Idaho
Residing at MIDDLETON, ID
Commission expires: 7-21-2003

RECEIVED

FEB 06 2004

WATER RESOURCES
WESTERN REGION

WASHINGTON MUTUAL BANK FSB
WASHINGTON MUTUAL C/O DATAPLEX
19031 - 33RD AVE W
LYNNWOOD, WA 98036
ATTN: MAILSTOP: 116DPWA



(IDAHO USE ONLY)

MANUFACTURED HOME
DEED OF TRUST

0023758824

THIS DEED OF TRUST is between: BRUCE E. PAPE AND TRACY S. PAPE, HUSBAND AND WIFE

whose address is: 10509 KUNA RD KUNA, ID 83634

("Grantor"); PIONEER TITLE CO a IDAHO corporation, the
address of which is 8151 WEST RIFLEMAN BOISE, ID 83704

and its successors in trust and assigns ("Trustee"); and
Washington Mutual Bank, fsb, a federal association, which is organized and existing under the laws of the United States of America, and whose address is One Utah Center, 201 South Main Street, Suite 180, Salt Lake City, Utah 84111 ("Beneficiary") and its successors or assigns.

1. **Granting Clause.** Grantor hereby grants, bargains, sells and conveys to Trustee and its successors in trust and assignees, in Trust, with power of sale, the real property in ADA County, Idaho, described below, and all interest in it Grantor ever gets:

SEE ATTACHED SCHEDULE C:

Tax Parcel Number:

together with: all income, rents and profits from it; all plumbing, lighting, air conditioning and built-in appliances, and other fixtures, at any time installed on or in or used in connection with such real property; and the manufactured home referred to below and all its other attachments and accessories.

All of the property described in this Section 1 is called the "Property". To the extent any of the Property is personal property, Grantor grants Beneficiary, as secured party, a security interest in all such property, and this Deed of Trust shall constitute a security agreement between Grantor and Beneficiary.

SCHEDULE C

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

A TRACT OF LAND GENERALLY DESCRIBED AS THE NORTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A T-BAR MARKING THE NORTHWEST CORNER OF SAID SECTION 26, WHICH IS THE REAL POINT OF BEGINNING; THENCE NORTH 89 DEGREES 56'28" EAST, ALONG THE NORTH SECTION LINE OF SAID SECTION 26, 661.959 FEET TO A 5/8" PIN; THENCE SOUTH 00 DEGREE 52'38" EAST, A DISTANCE OF 667.942 FEET TO A 5/8 " PIN; THENCE SOUTH 89 DEGREES 55'08" WEST, A DISTANCE OF 661.331 FEET TO THE WEST SECTION LINE OF SAID SECTION 26; THENCE NORTH 00 DEGREE 55'51" WEST ALONG THE WEST SECTION LINE OF SAID SECTION 26, A DISTANCE OF 668.207 FEET TO THE REAL POINT OF BEGINNING.

EXCEPT A TRACT OF LAND GENERALLY DESCRIBED AS THE EASTERLY PORTION OF THE WEST HALF OF WEST HALF OF NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 22, 23, 26 AND 27; THENCE NORTH 89 DEGREES 56'28" EAST ALONG THE NORTH SECTION LINE OF SAID SECTION 26 A DISTANCE OF 343.48 FEET TO A 5/8" IRON PIN WHICH IS THE REAL POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 56'28" EAST ALONG SAID SECTION LINE A DISTANCE OF 318.48 FEET TO A 5/8" IRON PIN; THENCE SOUTH 00 DEGREE 52'38" E. A DISTANCE OF 667.942 FEET TO A 5/8" IRON PIN; THENCE SOUTH 89 DEGREES 55'08" WEST A DISTANCE OF 318.17 FEET TO A 5/8" IRON PIN; THENCE NORTH 00 DEGREE 54'14" WEST A DISTANCE OF 668.07 FEET TO THE REAL POINT OF BEGINNING. AND EXCEPT ANY PORTION LYING WITHIN THE RIGHT OF WAY OF SOUTH FIVE MILE ROAD AND KUNA ROAD.

END OF LEGAL DESCRIPTION

The Property includes a 1974 26X60 manufactured home, Manufacturer GREAT LAKES, Model TL, Serial Number 550D7GC60X26A33/4S1 (the "Manufactured Home"). The manufactured home is and shall remain installed on a foundation system as a fixture or improvement to the real estate consisting of the property and shall be permanently affixed to the real estate and not severed or removed therefrom without the prior written consent of the Beneficiary. As used herein "State" shall refer to Idaho.

2. Security. This Deed of Trust is given to secure performance of each promise of Grantor contained herein and in a security agreement of the same date from Grantor to Beneficiary (the "Security Agreement") and the payment of

NINETY NINE THOUSAND NINE HUNDRED AND 00/100 Dollars (\$99,900.00) (called the "Loan") with interest as provided in the promissory note which evidences the Loan (the "Note"), and any renewals, modifications or extensions thereof. It also secures payment of certain fees and costs of Beneficiary as provided in Section 10, and repayment of money advanced by Beneficiary under Section 6 or otherwise to protect the Property or Beneficiary's interest in the Property. All amounts due under the Note are called the "Debt".

☐ If this box is checked, the Note secured by this Deed of Trust provides for a variable rate of interest.

3. Representations of Grantor. Grantor warrants and represents that:

(a) Grantor is the owner or contract purchaser of the Property, which is unencumbered except by easements, reservations, and restrictions of record not inconsistent with the intended use of the Property, and any existing real estate contract, mortgage or deed of trust given in good faith and for value, the existence of which has been previously disclosed in writing to Beneficiary; and

(b) The Property is not used for any agricultural or farming purposes.

4. Promises of Grantor. Grantor promises:

(a) To keep the Property in good repair; not to move, alter or demolish the manufactured home or any of the other improvements on the Property without Beneficiary's prior written consent; and not to sell or transfer the Property or any interest in the Property in violation of the provisions of Section 5.

(b) To allow representatives of Beneficiary to inspect the Property at any reasonable hour, and to comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property;

(c) To pay on time all lawful taxes and assessments on the Property;

(d) To perform on time all terms, covenants and conditions of any prior real estate contract, mortgage or deed of trust on the Property or any part of it and pay all amounts due and owing thereunder in a timely manner;

(e) To see to it that this Deed of Trust remains a valid lien on the Property superior to all liens except those described in Section 3(a), and to keep the Property free of all encumbrances which may impair Beneficiary's security. It is agreed that if anyone asserts the priority of any encumbrance other than those described in Section 3(a) over this Deed of Trust in any pleading filed in any action, the assertion alone shall be deemed to impair the lien of this Deed of Trust for purposes of this Section 4(e); and

(f) To keep the mobile home and other improvements on the Property insured by a company satisfactory to Beneficiary against fire and extended coverage perils, and against such other risks as Beneficiary may reasonably require, in an amount equal to the full insurable value, and to deliver evidence of such insurance coverage to Beneficiary. Beneficiary shall be named as the first loss payee on all such policies pursuant to a standard lender's loss payable clause. The amount collected under any insurance policy may be applied upon any indebtedness hereby secured in the same manner as payments under the Note or, at Beneficiary's sole option, released to Grantor. In the event of under the Note or, at Beneficiary's sole option, released to Grantor. In the event of foreclosure or sale of the Property pursuant to the Trustee's power of sale, all rights of the Grantor in insurance policies then in force shall pass to the purchaser at the Sheriff's or Trustee's sale.

5. Sale or Transfer of Property. The Loan is personal to Grantor, and the entire Debt shall become immediately due and payable in full upon any sale or other transfer of the Property or any interest therein by Grantor. Grantor agrees not to physically remove the manufactured home from the Real Property without the prior written consent of Beneficiary. In the event Grantor breaches his obligation under the preceding sentence, Grantor agrees that Grantor will immediately so notify Beneficiary in writing, that Beneficiary's security interest in the Property and in the manufactured home shall continue without interruption, that Beneficiary shall thereupon hold and may exercise all of the rights of a secured party under the State Uniform Commercial Code with respect to the manufactured home and that Grantor shall register the manufactured home as required by applicable law and shall identify Beneficiary as the legal owner of the manufactured home in such registration. Beneficiary shall also have all other rights provided by applicable law. Nothing in this Section shall preclude Beneficiary from declaring a default and exercising its remedies under this Deed of Trust or any other document in connection with any physical removal of the manufactured home from the Real Property without the prior written consent of Beneficiary. Grantor agrees to sign all financing statements and other documents that Beneficiary may request from time to time to perfect, protect, and continue Beneficiary's security interest in the Property including, without limitation, the manufactured home. Grantor irrevocably appoints Beneficiary as Grantor's attorney-in-fact to execute, file and record any financing statements or similar documents in Grantor's name and to execute all documents necessary to transfer title if there is a default. Grantor agrees to advise Beneficiary immediately in writing of any change in Grantor's name, address or employment.

6. Curing of Defaults. If Grantor fails to comply with any of the covenants in Section 4, including all the terms of any prior real estate contract, mortgage, or deed of trust, Beneficiary may take any action required to comply with any such covenants without waiving any other right or remedy it may have for Grantor's failure to comply. Repayment to Beneficiary of all the money spent by Beneficiary on behalf of Grantor shall be secured by this Deed of Trust. The amount spent shall bear interest at the Default Rate specified in the Note and be repayable by Grantor on demand. Although Beneficiary may take action under this paragraph, Beneficiary is not obligated to do so.

7. Remedies for Default.

(a) Prompt performance under this Deed of Trust is essential. If Grantor doesn't pay any installment of the Loan on time, or if there is a breach of any of the promises contained in this Deed of Trust, the Security Agreement, or any other document securing the Loan, Grantor will be in default and the Debt and any other money whose repayment is secured by this Deed of Trust shall immediately become due and payable in full, at the option of Beneficiary, subject only to the notice requirements of Section 8 below. If Grantor is in default and Beneficiary exercises its right to demand repayment in full, the total amount owed by Grantor on the day repayment in full is demanded, including unpaid interest, shall bear interest at the Default Rate specified in the Note from the day repayment in full is demanded until repaid in full. Beneficiary may then or thereafter deliver to Trustee a written declaration of default and demand for sale and Trustee shall thereupon record a written notice of default and of election to cause to be sold the Property. Beneficiary shall provide to Trustee the Note, this Deed of Trust, other documentation evidencing the Debt and all other documentation requested by Trustee. After the lapse of such period of time as may then be required by law, and after having given such notices as may then be required by law, Trustee shall sell the Property at the time and place stated in the notice of sale, either in whole or in separate parcels, and in such

and in such order as Trustee may choose, at public auction to the highest bidder for cash in the lawful money of the United States, which shall be payable at the time of sale. Anything in the preceding sentence to the contrary notwithstanding, Beneficiary may apply the Debt towards any bid at any such sale. Trustee may postpone any such sale by public announcement at the time fixed for sale, in accordance with applicable law then in effect. Any person, including Grantor, Trustee or Beneficiary, may purchase at any such sale. Trustor shall apply the proceeds of the sale as follows: (i) to the expenses of the sale, including a reasonable trustee's fee and attorney's fee; (ii) to the obligations secured by this Deed of Trust; and (iii) the surplus, if any, to the person or persons legally entitled thereto.

(b) Trustee shall deliver to the purchaser at the sale its deed, without warranty, which shall convey to the purchaser the interest in the Property which Grantor had or the interest in the Property which Grantor had the power to convey at the time of execution of this Deed of Trust and any interest which Grantor subsequently acquired. Trustee's deed shall recite the facts showing that the sale was conducted in compliance with all the requirements of law and of this Deed of Trust. This recital shall be prima facie evidence of such compliance and conclusive evidence of such compliance in favor of bona fide purchasers and encumbrancers for value.

(c) The power of sale conferred by this Deed of Trust is not an exclusive remedy. Beneficiary may cause this Deed of Trust to be judicially foreclosed, sue on the Note or take any other action available at law or in equity. In connection with any of the Property which is personal property, Beneficiary shall further be entitled to exercise the rights of a secured party under the State Uniform Commercial Code. During the pendency of any foreclosure or other realization proceedings, Beneficiary shall also have the right to collect the income, rents, and profits of the Property and apply the amounts so collected toward payment of the Debt in the manner provided in the Note, and shall have the right to secure the appointment of a receiver for the Property, its income, rents and profits.

(d) By accepting payment of any sum secured by this Deed of Trust after its due date, Beneficiary does not waive its right to require prompt payment when due of all other sums so secured or to declare a default for failure to so pay.

8. Notice and Opportunity to Cure Defaults. Except in the case of abandonment or other extreme circumstances, Beneficiary shall, at least thirty (30) days prior to declaring the entire Debt immediately due and payable in full and/or exercising any of the other remedies for default specified in Section 7, send to Grantor, by certified mail, a notice of default specifying the nature of the default and in the case of a payment default, the sum of the payments in default and any applicable late charges. Grantor will have thirty (30) days from the postmarked date of such default notice to cure the default and during such thirty (30) day period, Beneficiary shall not, in the absence of extreme circumstances, declare the entire Debt immediately due and payable in full and/or pursue any of the other remedies for default specified in Section 7.

The above notwithstanding, Grantor shall be entitled to only two (2) such default notices in any twelve (12) month period, and if subsequent defaults occur within that twelve (12) month period, Beneficiary may exercise its remedies for default immediately and without notice to Grantor.

9. Condemnation; Eminent Domain. In the event any portion of the Property is taken or damaged in an eminent domain proceeding, the entire amount of the award, or such portion as may be necessary to fully satisfy the Debt and all other obligations secured by this Deed of Trust, shall be paid to Beneficiary to be applied thereto in the same manner as payments under the Note.

10. Fees and Costs. Grantor shall pay Beneficiary's and Trustee's reasonable cost of searching records, other reasonable expenses as allowed by law, and reasonable attorney's fees in any lawsuit or other proceeding to foreclose this Deed of Trust; in any lawsuit or proceeding which Beneficiary or Trustee prosecutes or defends to protect the lien of this Deed of Trust or to otherwise protect its security; and in any other action taken by Beneficiary to collect the Debt, including any disposition of the Property under the State Uniform Commercial Code.

11. Reconveyance. Trustee shall reconvey the Property to the person entitled thereto, on written request of Beneficiary, following satisfaction of the Debt and other obligations secured hereby and written request for reconveyance by Beneficiary or the person entitled thereto. Beneficiary and Trustee shall be entitled to charge Grantor a reconveyance fee together with fees for the recording of the reconveyance documents.

12. Trustee; Successor Trustee. In the event of the death, incapacity, disability or resignation of Trustee, Beneficiary shall appoint in writing a successor Trustee, and upon the recording of such appointment in the records of the county in which this Deed of Trust is recorded, the successor Trustee shall be vested with all powers of the original Trustee. Trustee is not obligated to notify any party hereto of a pending sale under any other deed of trust or of any action or proceeding in which Grantor, Trustee or Beneficiary shall be a party unless such action or proceeding is brought by the Trustee.

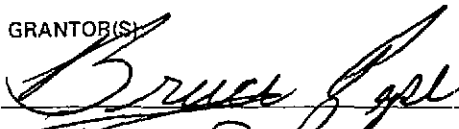
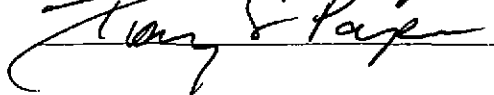
13. Miscellaneous. This Deed of Trust shall benefit and obligate the parties, their heirs, devisees, legatees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the Note secured by this Deed of Trust, whether or not that person is named as Beneficiary herein. The words used in this Deed of Trust referring to one person shall be read to refer to more than one person if two or more have signed this Deed of Trust or become responsible for doing the things this Deed of Trust requires. This Deed of Trust shall be governed by and construed in accordance with federal law and, to the extent federal law does not apply, the laws of the State. If any provision of this Deed of Trust is determined to be invalid under law, that fact shall not invalidate any other provision of this Deed of Trust, but the Deed of Trust shall be construed as if not containing the particular provision or provisions held to be invalid, and all remaining rights and obligations of the parties shall be construed and enforced as though the invalid provision did not exist. Beneficiary may collect a fee in the maximum amount allowed by law, for furnishing any beneficiary statement, payoff demand statement or similar statement.

By signing below, Grantor accepts and agrees to the provisions of this Deed of Trust and of any rider(s) executed concurrently therewith by Grantor:

Dated at GARDEN CITY, IDAHO this 15TH day of SEPTEMBER,

1999

GRANTOR(S)

STATE OF _____ }
COUNTY OF _____ } ss.

On this _____ day of _____, _____, before me, _____,
a Notary Public in and for said State, personally appeared _____
_____, known or identified to me to be the person whose name
is subscribed to the foregoing instrument, and acknowledged to me that _____ he executed the same.

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

Notary Public for _____

Residing at _____

My commission expires _____

REQUEST FOR FULL RECONVEYANCE

Do not record. To be used only when Note has been paid.

To: TRUSTEE

The undersigned is the legal owner and holder of the Note and all other indebtedness secured by the within Deed of Trust. Said Note, together with all other indebtedness secured by this Deed of Trust, has been fully paid and satisfied; and you are hereby requested and directed, on payment to you of any sums owing to you under the terms of this Deed of Trust, to cancel the Note above mentioned, and all other evidences of indebtedness secured by this Deed of Trust, together with the Deed of Trust, and to convey, without warranty, to the parties designated by the terms of this Deed of Trust, all the estate now held by you thereunder.

Dated _____

Mail reconveyance to _____

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: A63-08198

Date Received: 8/14/1989

Receipt No: C009485 C046998

Received By: *[Signature]* 10/29/99

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LEONA H LOUX 208-362-5636
Address: 11074 W SENECA
BOISE ID 83709
AND/OR
Name: HARVEY W LOUX 208-362-5636
Address: 11074 W SENECA
BOISE ID 83709

2. Date of Priority: AUG 28, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL, 5 HP ELECTRIC SUBMERSIBLE PUMP, 252', 7" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	03/15	11/15	0.090		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	26	NW	NW		DOMEST	
			NW	NW		IRR	5.0
						Section Acres	5.0
						Total Acres	5.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
AMENDED CLAIM - ADDED 5 ACRES 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): Harvey W. Long Date: 9-8-99

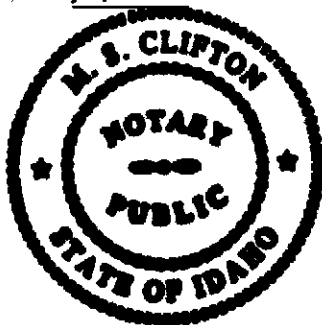
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of SEPTEMBER 1999

M. S. Clifton
Notary Public

Seal



Residing at Boise, ID

My Commission Expires 1-8-2008

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: A63-08198
Date Received: 8/14/1989
Receipt No: C009485
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARVEY W. LOUX 208-362-5636
Address: 10509 KUNA RD.
KUNA, ID 83634

AND/OR

Name: LEONA H. LOUX 208-362-5636
Address: 10509 KUNA RD.
KUNA, ID 83634

2. Date of Priority: AUG 28, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, 5 HP ELECTRIC SUBMERSIBLE PUMP, 252', 7" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.130		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	26	NW NW		DOMEST	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

I DO NOT WISH TO CLAIM THE 4.5 ACRES I AM LICENSED FOR, I AM ONLY CLAIMING DOMESTIC USE

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)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AL3-08198Date Received 8/14/89Receipt Number C009485NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

RECEIVED

AUG 14 1989

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) HARVEY W AND/OR HELEN H. LOUX Phone () 362-5636Mailing Address 10509 Kuna Rd Kuna, Idaho Zip 836342. Date of Priority (Only one per claim) August 28, 1975 Month/Day/Year3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 2N Range 1E, B.M.Section 26 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____, B.M.,County of Ada

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well - 5 HP Electric Pump 252 FT 7" casing
(Sub M)

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 to 12-31 amount 0.13 (cfs)

(Both dates are inclusive)

For Stock purposes from 1-1 to 12-31 amount 0.02 high7. Total quantity claimed 0.13 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 house

MICROFILMED

AUG 24 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

UNRECORDED

SEP 15 2004

10. Place of use is: Township: 2 N Range 1 E

Section 26 NW 1/4 of NW 1/4, Govt. Lot _____, B.M.,

County of Ada for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Ada.

12. Do you own the property listed above as place of use? Yes ☒ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. None ☒

14. Remarks: I do not wish to claim the 4.5 acres I am paid for I am only claiming Domestic use.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 63-8198

16. Signature (s) [Signature]

Number of Attachments 0

By signing I/We acknowledge reading the notice on the back of this claim form.
I/We wish to receive for a small annual fee monthly copies of the docket sheet.
YES _____ NO ☒

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Barney W. Loney Date 8-8-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8th day of August 1989

SEAL

Notary Public [Signature]

Residing at Heion Harrington, Notary Public

My Commission Expires Residing at Boise, Idaho

My Commission Expires December 1, 1994

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
AUG 24 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Loux

CLAIM IDENT. NO. 463-08198

DATE RECEIVED

8/14/89

CK #

C009485

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by:

Rat

Date:

12-28-89

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Rat

Date:

1/7/90

Comments:

MICROFILMED

AUG 24 1992

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 63-8198 Priority August 28, 1975 Amount 0.13 cfs

THIS IS TO CERTIFY, that Harvey W. and Leona H. Loux
of Kuna, Idaho, has complied with the terms and conditions of Permit
No. 63-8198 Issued pursuant to Application for Permit dated August 28, 1975,
and has submitted proof to the Department of Water Resources on September 2, 1976,
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 0.13 cfs of water from a groundwater 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>	<u>from March 15 to November 15</u>	<u>at 0.09</u> cfs and	<u>20.3</u> acre feet
<u>Domestic</u>	<u>from January 1 to December 31</u>	<u>at 0.04</u> cfs and	<u>1.2</u> acre feet
	<u>from _____ to _____</u>	<u>at _____</u> cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.13 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
21.5 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, Twp. 2N,
Rge. 1E, B. M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	1E	26					45	X											4.5

Total number of acres irrigated 4.5

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 23 day of

February, 19 78.

Stephen R. Ruel
Director

DATE OF EXAM

8/2/77

ACREAGE

Found

4.5

Recommended

4.5

Irrigation Requirement

4.5

Ac Ft/Ac

USE

Irrigation Q = .09 cfs

V = 20.5

AF/Ann. from

Mar. 15

to Nov. 15

Domestic Q = .04 cfs

V = 1.2

AF/Ann. from

Jan. 1

to Dec. 31

Livestock Q = cfs

V =

AF/Ann. from

to

Is water co-mingled? yes no ☒

Name source:

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Exchange? yes no ☒

Name source exchanged with:

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Point of injection:

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Point of exchange:

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Total Q measured

0.13 cfs

Method of measurement

estimate

Total Q recommended

0.13 cfs

Meter No.

Type

Condition

Total V recommended

21.7 AF/year

Recommended Amendments:

P.D.

Place of Use

Other

None ☒

MEASUREMENT CALCULATION:

Estimate $Q = 0.13$ cfs

$V = 4.5 \text{ AF/Year} \times 4.5 \text{ Acre} + 1.2 \text{ AF/Year} = 21.7 \text{ AF/Year}$
(Irrigation) + (Domestic)

SYSTEM DESCRIPTION:

8 inch cased well pumped with a Jacuzzi submersible pump into irrigation and house hold system that is pressurized with 150 gallon pressure tank. System serves pasture, lawn, garden and house.

REMARKS:

Examiner's Signature

William H. Mac Allister III

Date

8/30/77

Checked by

WHA

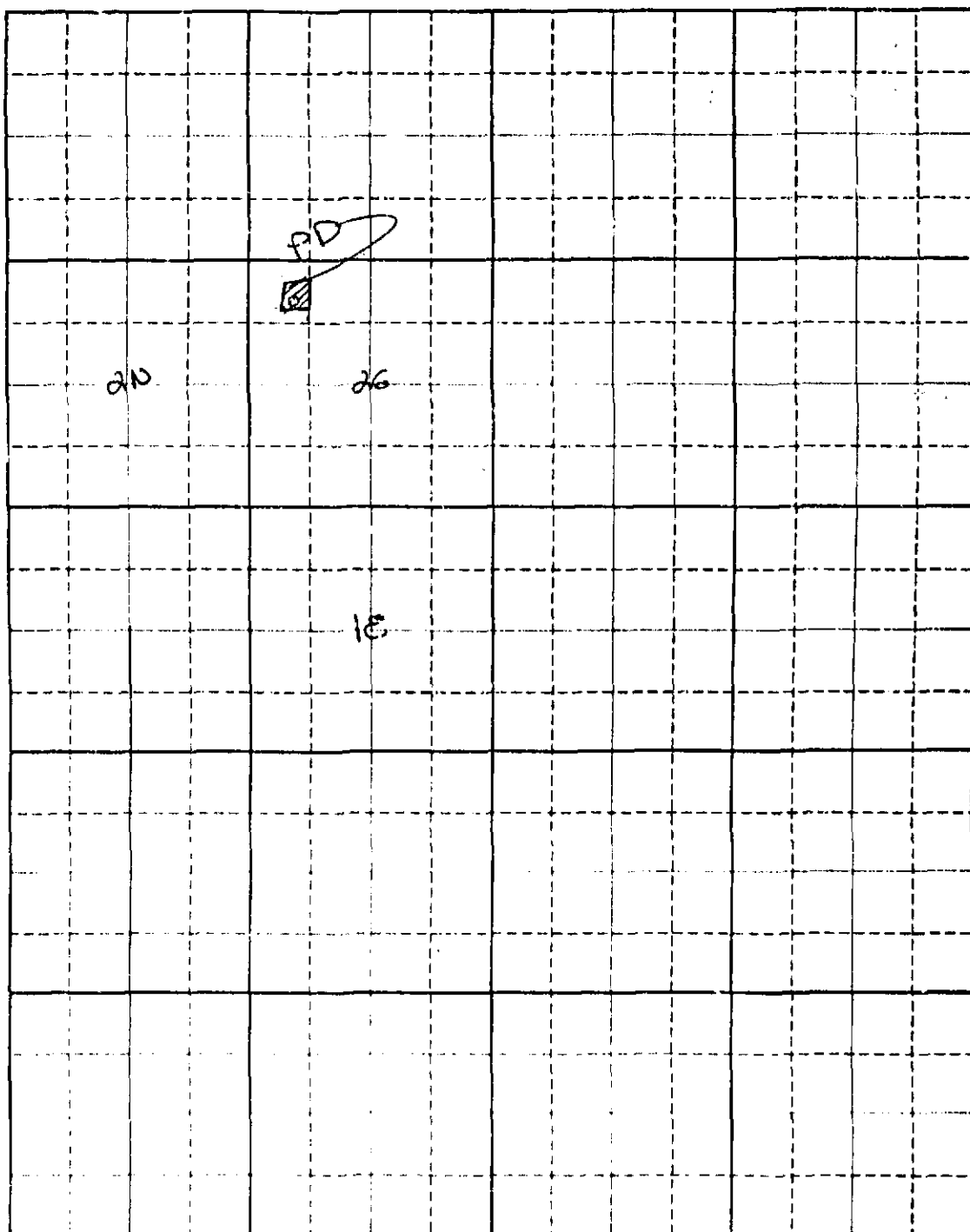
Date

9-1-77

Approved by

Date

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Harvey W. Lutz
(Applicant)

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

RIGHT NUMBER: 63-8198

NAME AND ADDRESS: DONALD OLSON
567 W OAKHAMPTON
EAGLE ID 83616

SARAH OLSON
567 W OAKHAMPTON
EAGLE ID 83616

BRUCE-PAPE
TRACY-PAPE
10509 KUNA RD
KUNA ID 83624

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS
21.500 AFY

PRIORITY DATE: 08/28/1975

POINT OF DIVERSION:

T02N R01E S26 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.090 CFS 20.30 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 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 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.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S26 NWNW 4.50

DOMESTIC same as IRRIGATION

4.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PARCEL NO. RP S1426222010

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

In Re SRBA

Case No. 39576

Water Rights: 63-8198

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐

Address change

XX

Substitution of Party

☐

IC § 42-222 transfer

☐

Point of diversion

☐

Place of use

☐

Period of use

☐

Nature of use

☐

Split of water right

☐

Change in ownership

☐

Other

☐

IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 9, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 9, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Donald Olson	☐ overnight mail
Sarah Olson	☒ regular mail
567 W Oakhampton	☐ hand-delivered
Eagle ID 83616	☐ facsimile

Bruce Pape	☐ overnight mail
Tracy Pape	☒ regular mail
10509 Kuna Rd	☐ hand-delivered
Kuna ID 83634	☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 9, 2006

DONALD OLSON
SARAH OLSON
567 W OAKHAMPTON
EAGLE ID 83616

Re: Water Right No. 63-8198

Dear Mr. & Mrs. Olson:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: Bruce & Tracy Pape

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

RECEIVED

MAY 30 2005

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-8198	63-8198	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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

☒ The appropriate **FILING FEE**. See instructions for fee amounts. *none*

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)

Bruce & Tracy Pape

4. New Owner/Claimant(s)

DONALD AND SARAH OLSON

Name Connector (Check one: ☐ and, ☐ or, ☒ and/or

New Mailing Address

567 W OAKHAMPTON

City, State and ZIP Code

EAGLE, ID 83616

New Telephone Number

208 938-5236

5. Date you acquired the property

11/14/2005

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)
(include title if applicable)

X Donald O. Olson

X Sarah A. Olson

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

For Office Use Only

Received by _____	Date _____	Fee <u>N/A</u>
Received by _____	Date _____	Receipt No. _____
Processed by <u>JAL</u> AJ	Date <u>6-7-00</u>	WR _____ Date _____

262704
SW/PP



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 11/18/05 02:25 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Pioneer

AMOUNT 6.00 2



105173238

WARRANTY DEED

For Value Received Bruce E. Pape and Tracy S. Pape, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
Donald D. Olson and Sarah A. Olson, husband and wife
hereinafter referred to as Grantee, whose current address is 567 W. Oakhampton, Eagle, ID 83616
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

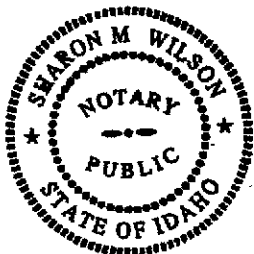
Dated: November 14, 2005

Bruce E. Pape

Tracy S. Pape

STATE OF Idaho. County of Ada, ss.

On this 14th day of November, in the year of 2005, before me Sharon M. Wilson, notary public personally appeared Bruce E. Pape and Tracy S. Pape known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Sharon M. Wilson
Notary Public of Idaho
Residing at Boise, Idaho
Commission expires: May 10, 2006

Commission expires: 05-10-06
Residing in Boise, Idaho

EXHIBIT A

A tract of land generally described as the North half of the West half of the Northwest quarter of the Northwest quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Beginning at a t-bar marking the Northwest corner of said Section 26, which is the REAL POINT OF BEGINNING;

Thence North 89°56'28" East, along the North section line of said Section 26, 661.959 feet to a 5/8 inch pin;

Thence South 00°52'38" East, a distance of 667.942 feet to a 5/8 inch pin;

Thence South 89°55'08" West, a distance of 661.331 feet to the West section line of said Section 26;

Thence North 00°53'51" West along the West section line of said Section 26, a distance of 668.207 feet to the REAL POINT OF BEGINNING.

EXCEPT a tract of land generally described as the Easterly portion of the West half of the West half of the Northwest quarter of the Northwest quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at the section corner common to Sections 22, 23, 26 and 27;

Thence North 89°56'28" East along the North section line of said Section 26 a distance of 343.48 feet to a 5/8 inch iron pin which is the REAL POINT OF BEGINNING;

Thence continuing North 89°56'28" East along said section line a distance of 318.48 feet to a 5/8 inch iron pin;

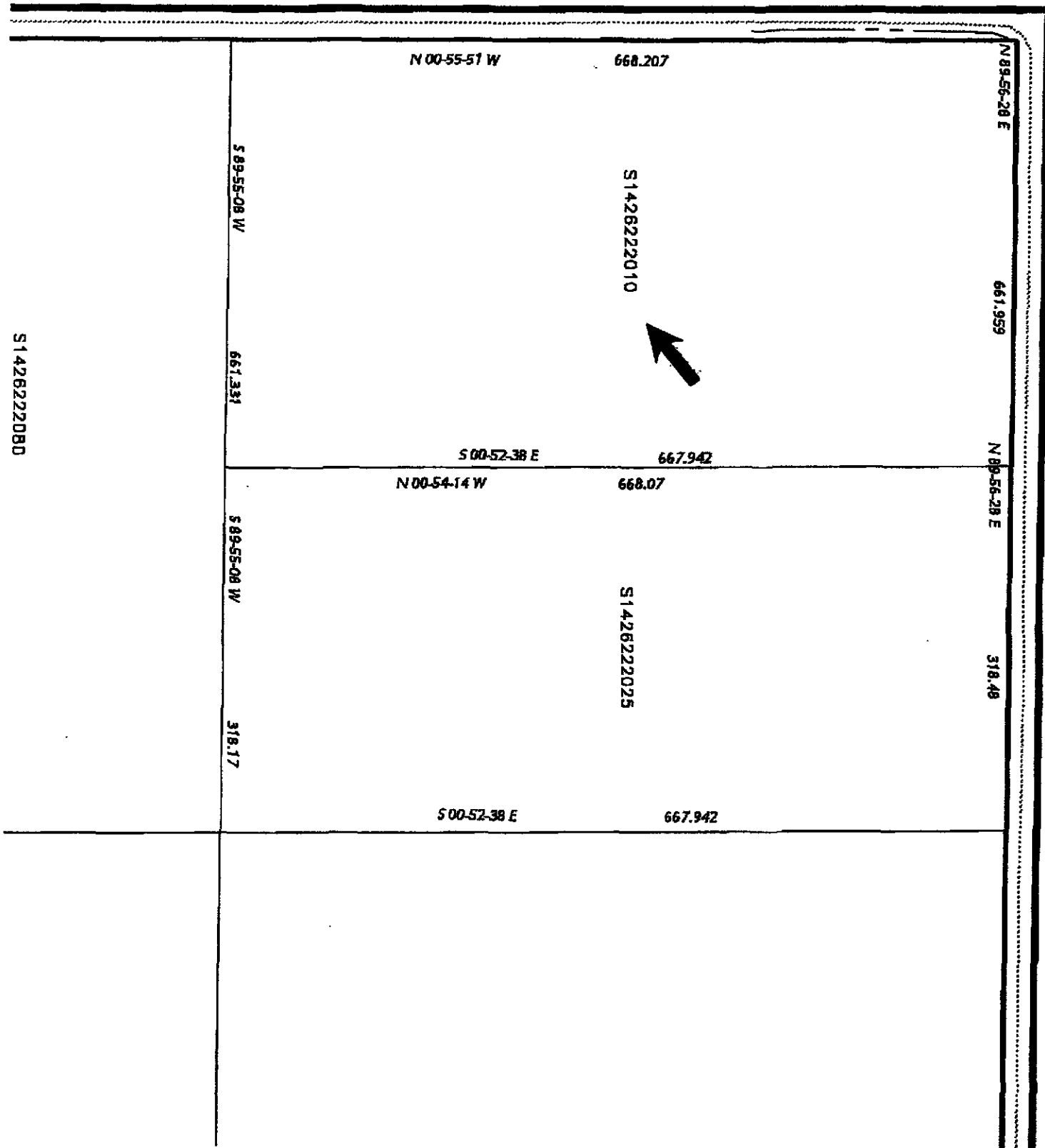
Thence South 00°52'38" East a distance of 667.942 feet to a 5/8 inch iron pin;

Thence South 89°55'08" West a distance of 318.17 feet to a 5/8 inch iron pin;

Thence North 00°54'14" West a distance of 668.07 feet to the REAL POINT OF BEGINNING.

AND EXCEPT any portion lying within the right of way of South Five Mile Road and Kuna Road.

"This document is furnished as an accommodation strictly for the purposes of generally locating the land. It does not represent a survey of the land or imply any representations as to the size, area, or any other facts related to the land shown hereon."





STATE OF IDAHO

Department of Water Resources
Western Region

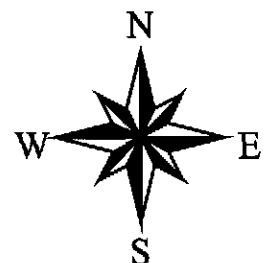
Water Right(s): 63-08198



1320 0 1320 Feet

Total Irrigated Acres: 4.5

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



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: December 2003

02/06/2004

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

RIGHT NUMBER: 63-8198

NAME AND ADDRESS: TRACY PAPE
10509 KUNA RD
KUNA ID 83634

BRUCE PAPE
10509 KUNA RD
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS
21.500 AFY

PRIORITY DATE: 08/28/1975

POINT OF DIVERSION:

T02N R01E S26 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.090 CFS 20.30 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 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 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.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S26 NWNW 4.5

DOMESTIC same as IRRIGATION

4.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

PARCEL NO. RP S1426222010



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

February 9, 2004

BRUCE PAPE
TRACY PAPE
10509 KUNA RD
KUNA ID 83634

Re: Notice of Claim to a Water Right No. 63-8198

Dear Claimant(s):

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

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

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,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure



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

January 28, 2004

BRUCE PAPE
TRACY PAPE
10509 KUNA RD
KUNA ID 83634

RE: Notice of Change of Water Right Ownership No. 63-8198

Dear Claimants:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was recently submitted to our office. However, we cannot continue to process the ownership change without sufficient **proof of ownership**. This proof can be a copy of a Warranty Deed(s), Contract of Sale, Title Policy or other legal documentation indicating your ownership of the property; which includes the **legal description of the property by 1/4 1/4, Section, Township and Range**.

Please submit a copy of the proof of ownership, and we will be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region
(208) 334-2190

DB: db

Enclosures

12/26/2003

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

RIGHT NUMBER: 63-8198
NAME AND ADDRESS: LEONA H LOUX
10509 KUNA RD
KUNA ID 83634

HARVEY W LOUX
10509 KUNA RD
KUNA ID 83634

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.130 CFS
21.500 AFY
PRIORITY DATE: 08/28/1975
POINT OF DIVERSION:

T02N R01E S26 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.090 CFS 20.30 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 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 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.

PLACE OF USE: IRRIGATION Within ADA County
T02N R01E S26 NWNW 4.5
DOMESTIC same as IRRIGATION

4.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License
PARCEL NO. RP S1426222010

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8198 V1

WATER RIGHT NUMBER: 63-8198 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEONA H LOUX 10509 KUNA RD KUNA, ID 83634 (208)362-5636
Current Owner	HARVEY W LOUX 10509 KUNA RD KUNA, ID 83634 (208)362-5636

Priority Date: 08/28/1975

Basis: License

Status: Active

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

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.090 CFS	20.30 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
<u>Total Diversion:</u>		0.130 CFS	21.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 26, Twp 02N, Rge 01E, 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	
02N	01E	26						4.5											4.5

Total Acres: 4.5

DOMESTIC same as IRRIGATIONConditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Explanatory PARCEL NO. RP S1426222010

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8198 V1

2. Purpose of Use 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.

Comments:

1. CORR1 2/18/1997 COPIED FROM REMARKS

Comment: I DO NOT WISH TO CLAIM THE 4.5 ACRES I AM LICENSED FOR, I AM ONLY CLAIMING DOMESTIC USE

2. csaxton 12/26/2003 Recommendation

Comment: Recommended as licensed - see Steve Lester Memo on 8/19/03.

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: NONE RECEIVED

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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/26/2003 9:14:33 AM	csaxton			Active
Contacts	12/26/2003 9:15:54 AM	csaxton			Active
Priority Date	12/26/2003 9:16:25 AM	csaxton			Active
POD	12/26/2003 9:16:54 AM	csaxton			Active
Source	12/26/2003 9:20:07 AM	csaxton			Active
POU	12/26/2003 9:20:34 AM	csaxton			Active
Use	12/26/2003 9:30:12 AM	csaxton			Active
Season	12/26/2003 9:31:53 AM	csaxton			Active
Quantity	12/26/2003 9:34:12 AM	csaxton			Active
Summary			12/26/2003	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8198 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/26/2003 9:18:33 AM	csaxton	Edited point location
Source	12/26/2003 9:20:09 AM	csaxton	(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?
POU	12/26/2003 9:20:36 AM	csaxton	(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? (No) 14. Is a POU remark and/or condition required?
POU	12/26/2003 9:21:14 AM	csaxton	Edited shape boundary
Use	12/26/2003 9:30:15 AM	csaxton	(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?
Season	12/26/2003 9:31:55 AM	csaxton	(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? (No) 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	12/26/2003 9:34:14 AM	csaxton	(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? Description for Question 10 - As licensed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8198 V1

Contacts	12/26/2003 9:15:57 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: In house review.
Priority Date	12/26/2003 9:16:28 AM	csaxton	(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?
POD	12/26/2003 9:16:56 AM	csaxton	(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?
Contacts	12/26/2003 9:14:36 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: In house review.
Summary	12/26/2003 10:10:48 AM	csaxton	(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?

12-23-03 : Per Steve Lester's Memo: NCO - Send to:

Bruce E Pape
Tracy S Pape
10509 W Kuna Rd
Kuna ID 83634

1-13-04 : Tracy Pape came into the office about c/o and
we discussed it. she will be mailing in the c/o
with all documentation shortly.

42-381 50 SHEETS 5 SQUARE
42-382 100 SHEETS 5 SQUARE
42-383 200 SHEETS 5 SQUARE
42-384 400 SHEETS 5 SQUARE
42-385 800 SHEETS 5 SQUARE
42-386 1600 SHEETS 5 SQUARE
42-387 3200 SHEETS 5 SQUARE
42-388 6400 SHEETS 5 SQUARE
42-389 12800 SHEETS 5 SQUARE
42-390 25600 SHEETS 5 SQUARE
42-391 51200 SHEETS 5 SQUARE
42-392 102400 SHEETS 5 SQUARE
42-393 204800 SHEETS 5 SQUARE
42-394 409600 SHEETS 5 SQUARE
42-395 819200 SHEETS 5 SQUARE
42-396 1638400 SHEETS 5 SQUARE
42-397 3276800 SHEETS 5 SQUARE
42-398 6553600 SHEETS 5 SQUARE
42-399 13107200 SHEETS 5 SQUARE
42-400 26214400 SHEETS 5 SQUARE
42-401 52428800 SHEETS 5 SQUARE
42-402 104857600 SHEETS 5 SQUARE
42-403 209715200 SHEETS 5 SQUARE
42-404 419430400 SHEETS 5 SQUARE
42-405 838860800 SHEETS 5 SQUARE
42-406 1677721600 SHEETS 5 SQUARE
42-407 3355443200 SHEETS 5 SQUARE
42-408 6710886400 SHEETS 5 SQUARE
42-409 13421772800 SHEETS 5 SQUARE
42-410 26843545600 SHEETS 5 SQUARE
42-411 53687091200 SHEETS 5 SQUARE
42-412 107374182400 SHEETS 5 SQUARE
42-413 214748364800 SHEETS 5 SQUARE
42-414 429496729600 SHEETS 5 SQUARE
42-415 858993459200 SHEETS 5 SQUARE
42-416 1717986918400 SHEETS 5 SQUARE
42-417 3435973836800 SHEETS 5 SQUARE
42-418 6871947673600 SHEETS 5 SQUARE
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42-420 27487790694400 SHEETS 5 SQUARE
42-421 54975581388800 SHEETS 5 SQUARE
42-422 109951162777600 SHEETS 5 SQUARE
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42-424 439804651110400 SHEETS 5 SQUARE
42-425 879609302220800 SHEETS 5 SQUARE
42-426 1759218604441600 SHEETS 5 SQUARE
42-427 3518437208883200 SHEETS 5 SQUARE
42-428 7036874417766400 SHEETS 5 SQUARE
42-429 14073748835532800 SHEETS 5 SQUARE
42-430 28147497671065600 SHEETS 5 SQUARE
42-431 56294995342131200 SHEETS 5 SQUARE
42-432 112589990684262400 SHEETS 5 SQUARE
42-433 225179981368524800 SHEETS 5 SQUARE
42-434 450359962737049600 SHEETS 5 SQUARE
42-435 900719925474099200 SHEETS 5 SQUARE
42-436 1801439850948198400 SHEETS 5 SQUARE
42-437 3602879701896396800 SHEETS 5 SQUARE
42-438 7205759403792793600 SHEETS 5 SQUARE
42-439 14411518807585587200 SHEETS 5 SQUARE
42-440 28823037615171174400 SHEETS 5 SQUARE
42-441 57646075230342348800 SHEETS 5 SQUARE
42-442 115292150460684697600 SHEETS 5 SQUARE
42-443 230584300921369395200 SHEETS 5 SQUARE
42-444 461168601842738790400 SHEETS 5 SQUARE
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42-617 5521397077432451029947

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8198

WATER RIGHT NUMBER: 63-8198

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARVEY W LOUX 11074 W SENECA BOISE, ID 83709 (208)362-5636
Current Owner	LEONA H LOUX 11074 W SENECA BOISE, ID 83709 (208)362-5636

NO ; NCO-Sent

Priority Date: 08/28/1975 *ok*Basis: License *ok*Status: Active *ok*

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

GROUND WATER *ok*

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 <i>✓</i> to 12/31 <i>✓</i>	0.040 CFS <i>✓</i>	1.2 AF
IRRIGATION	3/15 <i>✓</i> to 11/15 <i>✓</i>	0.090 CFS <i>✓</i>	20.3 AF
	<i>364</i> Total Diversion:	0.130 CFS <i>✓</i>	21.5 AF

Location of Point(s) of DiversionGROUND WATER
ADA County

✓ *✓*
NW1/4NW1/4

✓ *✓* *✓*
Sec. 26, Twp 02N, Rge 01E, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW <i>✓</i>				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	26						X											

IRRIGATION

Twp	Rge	Sec	NE				NW <i>✓</i>				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	26						<i>5.0</i> 4.5											5.0

Total Acres: 5

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-8198

Remarks:

1. General AMENDED CLAIM - ADDED 5 ACRES ORIGINALLY LICENSED.

Comments:

C 18
Parcel #: 51426222010

Dates and Other Information:

Claim Received Date: 10/29/1999
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:



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

December 23, 2003

BRUCE E PAPE
TRACY S PAPE
10509 W KUNA RD
KUNA ID 83634

RE: CHANGE IN OWNERSHIP FOR SNAKE RIVER BASIN ADJUDICATION
(SRBA) 63-08198

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in ADA County. According to our records, the property to which I am referring to was most recently owned by Harvey and Leona Loux. The legal description is as follows:

T02N R01E S26 NW1/4 NW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 63 part 2. We recommend that if, in fact, you now own the property in question, and do use the water for the purposes claimed, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call this office at 334-2190.

Respectfully submitted,

Craig L. Saxton
SR Water Resource Agent
Enclosure(s)

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: August 19, 2003

RE: Ownership and P/U for SRBA Claim 63-8198

Loux established license 63-8198 in T2N R1E S26 NWNW. The license covered a well for a home and irrigation of 4.5 acres. Current IDWR records show this is the only irrigation filing in the tract. The land is outside of any surface water irrigation delivery service area.

Loux filed a SRBA claim on the right in 1989 but only claimed the domestic use for a home apparently at 10509 Kuna Road. Irrigation use was deliberately not claimed by Loux. An IDWR contractor handled the resulting domestic claim. The contractor determined the parcel number for the home based on the file information available to IDWR and the assessor's office. Parcel no. S1426222010 was added to the claim record.

The claim was recommended for a single home at 10509 Kuna Road owned by Loux. The claimant objected to the IDWR recommendation in 1999, apparently having second thoughts about deleting the irrigation use. Loux amended the claim in 1999 to restore irrigation to the record and to allow the filing to be considered during the Basin 63 Part II report. The above parcel number remained associated with the claim. Somewhere along the line Loux sold the property to Pape, the current owner. Pape has not filed an ownership change with IDWR.

Tom Farmer at 10505 Kuna Road owns the parcel immediately to the east of the Pape parcel. Farmer visited the office to discuss water used on his land. He has used his well for his home and about 5 acres of irrigation. He thought 63-8198 covered his irrigation use. Farmer is selling his property. The possible buyer needs to know if irrigation is legally associated with the Farmer parcel.

Today I met with Farmer, the buyer and Loux. Loux told me 63-8198 serves the property currently owned by Pape but does not cover any of Farmer's land. Loux stated the Farmer well was drilled by Russell Cowe for Canning around 1974. I cannot locate a well log for the Canning/Farmer well. Farmer does not have a water right to irrigate his property. Farmer should file an application for permit for a pre-November 1987 use that can be recognized under the present "Basin 63 moratorium." This assumes no protests or other complicating factors are found in processing an application for permit.

The attached photo portrays this tale. The information is offered to support SRBA claim 63-8198 and an application for permit to be filed by Farmer and then assigned to the buyer if the sale occurs.

One can reasonably conclude 63-8198 covers the site previously owned by Loux and now owned by Pape. I was told Pape is selling his property. **IDWR should send an ownership change form to Pape to help update ownership of the claim.**

IDWR should process an application for permit to be filed by Farmer without delay to assist him and the buyer as they continue the real estate transaction.

63-8198

c 10509 W. Kuna Rd.

Parcel # S1426222010

PREVIOUSLY LUX,
NOW PAPE

PAPE

FARMER

CLEAR
field
pattern

↑ ^{this is} POA

63-08198

Could Need V2

Give licensed acreage

of 4.5 ac

- look at ortho-photoquad

- send NCO

FARMER'S NEW Appl. for
"PRE-87 development"

c 10505 W. Kuna Rd.

Parcel # S1426222025

63-8198

c 10509 W. Kuna Rd.
Parcel # S1426222010

PREVIOUSLY LOUX,
NOW PAPE

well

PAPE

10505

FARMER

clear
field
pathway

FARMER'S NEW Appl. for
"PRE-87 development"

c 10505 W. Kuna Rd.
Parcel # S1426222025

SRBA

SUBCASE SUMMARY REPORT 63-08198

[Return to SRBA Home Page](#)

SRBA
08-14-2003

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 63-08198 FILE#: 00817
CLAIMANT: LOUX, LEONA H
10509 KUNA RD

KUNA ID 83634
STATUS: SUBCASE WITHDRAWN SPECIAL MASTER: BURDICK, HON. ROGER S.
WATER SOURCE: GROUNDWATER
ISSUES: QUANTITY OF WATER USED
PURPOSE OF USE DESCRIPTION
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.

**** PARTIES INVOLVED ****

NO ACTIVE PARTIES TO THE SUBCASE

**** ROA ENTRIES ****

09-13-1999	MOTION TO FILE AMENDED NOTICE OF CLAIM CHG QUANTITY, PURPOSES OF USE, POU	MG	10-28-1999
09-13-1999	OBJ 1 F/B LOUX, HARVEY	RB	09-13-1999 0001
09-16-1999	ORDER SETTING HEARING	HS	10-28-1999 0130
	MOTION TO FILE AMENDED NOTICE OF CLAIM FILED BY LOUX		
10-28-1999	HEARING HELD - MOTION TO AMEND CLAIM	HH	10-28-1999 0130
10-28-1999	MINUTES - MOTION TO AMEND CLAIM - GRANTED		
11-03-1999	ORDER GRANTING MOTION TO AMEND CLAIM AND AND RECOMMENDATION TO WITHDRAW DIRECTOR'S REPORT		11-03-1999
	ASSIGNED MASTER WAS: 701 BILYEU, BRIGETTE		
11-10-1999	NOTICE OF WITHDRAWAL OF DIRECTOR'S REPORT		
12-28-1999	ORDER APPROVING WITHDRAWAL OF DIRECTOR'S REPORT (CLAIM WILL BE REPORTED LATER WITH IRRIGATION & OTHER CLAIMS)		

[Return to SRBA Home Page](#)

*claim amended 10/99 to restore irrigation
use that was previously omitted
-JC*

DATE: 09/06/98
PAGE: 1

Audit: 09/06/98 CWALKER

DATE: 08/28/98
PAGE: 11

DIVERSION RATE DIVERSION VOLUME

Stage: LICENSE

ADA County

:	NESE	NWSE	SWSE	SESE
:	Lt	AC	Lt	AC
:	---	---	---	---
:				

Other Rights: NONE

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Audit: 02/18/97 CORR1

02/18/97 CORR1

WATER RIGHT NUMBER - A63-08198

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - - - - ADDRESS - - - - +

+ - - - - FIRST NAME - - - - +

*** C - CURRENT OWNER ***
LOUX

HARVEY W.

1 - 10509 KUNA RD.
2 -
3 -

STATE- ID ZIP- 83634
LOUX

CITY- KUNA
PHONE - 208-362-5636
1 - 10509 KUNA RD.
2 -
3 -

STATE- ID ZIP- 83634

CITY- KUNA
PHONE - 208-362-5636

+ - - - - PRIORITY DATE - - - - +
08/28/1975

+ - - - - REGION - - - - +
14 WESTERN

+ - - - - STAGE - - - - +
L - LICENSE

+ - - - - STATUS - - - - +

+ - - - - SOURCE - - - - +
GROUNDWATER

+ - - - - TRIBUTARY - - - - +

+ - - - - POINT OF DIVERSION - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY

STREAM INDEX (BLANK IF NO INDEX CODE)

02N 01E 26 NW NW (1) ADA

+ - - - - WATER USE - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC 01/01 12/31 0.130

+ - - - - TOTAL DIV. RATE - + - - - TOTAL DIV. VOLUME - + - - - TOTAL DIV. CAPACITY - + - - - TOTAL CONSUMPTIVE USE - + - - - KW USAGE - + - - -

0.130

+ - - - - PLACE OF USE - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

02N 01E 26 NW NW 43 DOMESTIC (1) ADA

+ - - - - DIVERSION MEANS - WELL, 5 HP ELECTRIC SUBMERSIBLE PUMP, 252', 7" CASING

+ - - - - NON-IRRIGATION USE - D/I HOME

+ - - - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - +
I DO NOT WISH TO CLAIM THE 4.5 ACRES I AM LICENSED FOR, I AM ONLY CLAIMING DOMESTIC USE

+ - - - - OLD WATER RIGHT NUMBERS - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

WATER RIGHT NUMBER - A63-08198 PREFIX TRANSLATION: ADJUDICATION CLAIM

CONCATIONS OF APPROVAL -----+

+ - DECREE DATE - +
00/00/0000

+-----+
- - - - - COMMENTS - - - - -
NO COMMENTS FOUND

[illegible]

CIVIL CASE NUMBER	-	39576
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	

PROOF
JUN 14 1991

CERTIFIED

AUG 21 1991

WATER EXAMINER

AUG 07 1991

ENTERED

CHECKED