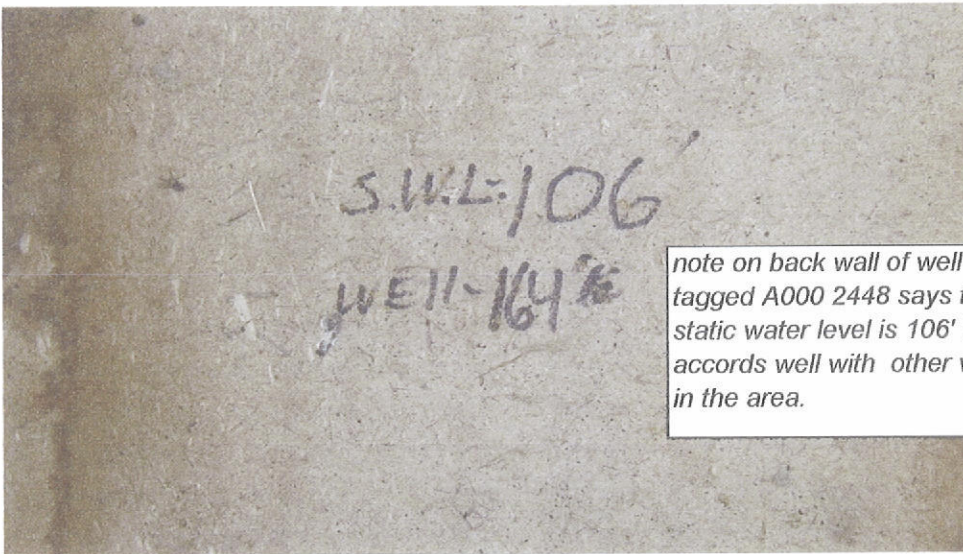


Digital Photos

Date photographed

2/10/2004



note on back wall of well
tagged A000 2448 says the
static water level is 106' This
accords well with other wells
in the area.



Original well in claim
tagged A0002449

63-30415	location of point (s) of diversion:		
Steven A Vanderwerf		A0002448	A0002449
460 N Locust Grove	USR	0308270	0308148
Kuna ID 83634		0268552	0268518

Steven A Vanderwerf
Date: 2/18/2004

Theoretical Rate of Flow:
Claim no. 63-30415

Groundwater Measurement

.75 hp pump

Theoretical Rate of Flow: $Q = ((8.8) * (HP) * (EFF))/TDH$

Where,

Q = flow in CFS

HP= Total Brake HP of pump including booster

EFF= pump efficiency (assume 70%)

TDH= Total dynamic Head = (Lift)+(PSI * 2.31)

Lift= Depth to water in feet (45 +15+.4)

PSI = discharge pressure near the pump.

Variables		Calculated	% of of rated
Plate	Peak KWH	HP	
0.75	0.56	0.7504	100%
70%			
		175.300	
106			
30			

Theoretical Q =

0.03 CFS
12 GPM

Data Sources:

Lift From:

measurement

X owner

area estimate

X well logs

PSI from:

measurement

owner

X estimate

owner gage

Notes on Pump

Motor make etc. tag

Pump make etc. tag

Total for the two pumps are about .07 cfs. Flow for this claim needs to be reduced.

Historic Well
CS 3-9-04

Theoretical Rate of Flow:

Steven A Vanderwerf
 Date: 2/18/2004

Claim no. 63-30415

Groundwater Measurement**1 hp pump**

Theoretical Rate of Flow: $Q = ((8.8) * (HP) * (EFF))/TDH$

Where,

Q = flow in CFS

HP= Total Brake HP of pump including booster

EFF= pump efficiency (assume 70%)

TDH= Total dynamic Head = (Lift)+(PSI * 2.31)

Lift= Depth to water in feet (45 +15+.4)

PSI = discharge pressure near the pump.

Variables		Calculated	% of of rated
Plate	Peak KWH	HP	
1	0.75	1.005	101%
70%			
		175.300	
106			
30			

Theoretical Q =

0.04 CFS
16 GPM

Data Sources:**Lift From:**

measurement

X owner

area estimate

X well logs

PSI from:

measurement

owner

X estimate

owner gage

Notes on Pump

Motor make etc. tag

Pump make etc. tag

A note on the back wall of the pumphouse indicates that the static level is 106'. This fits with other information from the area. (See well driller reports for sec 20.)



POU location Map 2000 Photography 63-030415

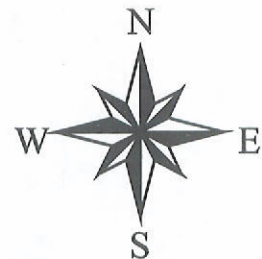


1320 0 1320 Feet



-  Point of Diversion (?)
-  Claimed POU
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

Total claimed Acres: Stockwater



Prepared by: C. Saxton
Date: January 2004

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

RETURN SERVICE REQUESTED

63-30415

RECEIVED
NOV 19 2001
WATER RESOURCES
WESTERN REGION



NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

NOV 19 2001

STEVEN A VANDERWERFF

460 N LOCUST GROVE

KUNA, ID 83634

Vickie A

1440 Good Day
Circle

Kuna 83634

Sent again 11-20-01





Franklin Electric

Bluffton, Indiana 46714

MADE IN USA

SUBMERSIBLE MOTOR CONTROL

MODEL 28040849 10HP VOLTS 230 HZ 60

RPM 3450 PH 3 AMP 8.0 SE MIN AMP 9.6

KW 7.5 SE 4 KVA CODE L DATE 892

AUTOMATIC THERMAL MOTOR PROTECTION IN MOTOR CONT. DUTY

U.S. PAT. NOS. 3,061,384 3,159,762 3,404,763 3,777,194 3,849,704
OTHERS PENDING CANADA PAT. NOS. 696,917 843,383

IMPORTANT: USE ONLY WITH SAME RATINGS FRANKLIN MOTOR
ACCEPTABLE FOR OUTDOOR USE

**SOLID STATE
SWITCH CONTROL**

3. 20. 2000

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: **A63-30415**
Date Received: 12/ 3/1996
Receipt No: W021776
Received By: TTT

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: STEVEN A VANDERWERFF
Address: 460 N LOCUST GROVE
KUNA ID

208-922-4594

83634

OR

Name: VICKIE A VANDERWERFF
Address: 460 N LOCUST GROVE
KUNA ID

208-922-4594

83634

2. Date of Priority: JAN 1, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01E	20		NW	SW		ADA

5. Description of diverting works:

WELL PIPED TO CORRALS, DAIRY BARN AND SINGLE WIDE MOBILE HOME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.520		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

DAIRY COWS, DRY COWS, HEIFERS AND YOUNG STOCK - APPROX. 700 TOTAL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	20	NW	SW		STOCK	

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 DAIRY HAS BEEN IN OPERATION FOR MANY YEARS. PEOPLE IN THE AREA ESTIMATE THIS WELL WAS DRILLED IN THE MID 1950'S. WHEN RESEARCHING THE WELL RECORDS, WE FOUND THIS WELL HAD NEVER BEEN FILED ON WITH THE DEPT. OF WATER RESOURCES. WE HAVE OWNED THE DAIRY FOR APPROX. 5 YEARS.

15. Basis of Claim: BENEFICIAL USE

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 A63-30415
Date Received 12/03/1996
Receipt Number W021776

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Steven A or Vickie A Vanderwerf Phone (208) 922-4594Mailing Address 460 N. Locust Grove, Kuna, Id Zip 836342. Date of Priority (Only one (1) per claim) mid 1950's 19553. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 2 N Range 1 E Section 20,NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of ADA

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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 piped to Cereals, Dairy
Bar and single wide mobile home.

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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1-1 to 12-31 amount ~~100~~ .52 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Dairy Cows, dry cows, heifers and young stock Approx. 700 animals total

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>ZN</u>	<u>1</u>	<u>20</u>									<u>S</u>								

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes X 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. _____ or None ()

14. Remarks: This dairy has been in operation for many years. People in the area estimate this well was drilled in the mid 1950's. When researching the well records, we found this well had never been filed on with the Dept. of Water Resources. We have owned the dairy for approx. 5 years.

Last Name VanderWerff Ident No. _____

Copies: White -State, Yellow-Claimant

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.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number
Court Case Number Decree Date
Plaintiff vs Defendant

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

Signature of Claimant (s) Steve VanderWerff Date 12/3/96
Date

For Organizations: I do solemnly swear or affirm that I am Title
of Organization that I have signed the foregoing
document in the space below as of
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization Date

State of Idaho/or Id)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 03 day of December 19 96

SEAL

Notary Public Susan McCoy

Residing at Boise

My Commission Expires 6-14-2002

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature

Address

Date

Last Name VanderWerff Ident. Number

Copies White-State, Yellow-Claimant

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

RIGHT NUMBER: 63-30415

NAME AND ADDRESS: WADE NEWKIRK
460 N LOCUST GROVE RD
KUNA ID 83634

LINDA NEWKIRK
460 N LOCUST GROVE RD
KUNA ID 83634

~~VICKIE A VANDER WERFF~~
~~STEVEN A VANDER WERFF~~
~~2441C-S POWERLINE~~
~~MBLBA ID 83641~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
5.800 AFY

PRIORITY DATE: 01/01/1955

POINT OF DIVERSION:

T02N R01E S20 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS 5.80 AFY

PLACE OF USE: STOCKWATER in ADA County

T02N R01E S20 NWSW

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 - Beneficial Use

Parcel No: S1420311100

Stockwater use is for 200 cattle.

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: 63-30415

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

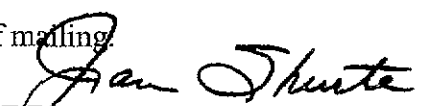
☐ Other

☐ 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: November 29, 2006


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 29, 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
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

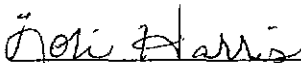
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Wade Newkirk
Linda Newkirk
460 N Locust Grove Rd.
Kuna ID 83634

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ 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

November 29, 2006

WADE NEWKIRK
LINDA NEWKIRK
460 N LOCUST GROVE RD
KUNA ID 83634

Re: Water Right No. 63-30415

Dear Mr. & Mrs. Newkirk:

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". The signature is written in dark ink and is positioned above the printed name and title.

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:l
Enclosures

375-6323 *Wicki*

RECEIVED
NOV 21 2006

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

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

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
63-30415					

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)

Steven A. Vander Werff
Rickie A. Vander Werff

4. New Owner/Claimant(s)

Wade & Linda Newkirk

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

New Mailing Address

460 N Locust Grove Rd.
Kuna Id. 83634

City, State and ZIP Code

New Telephone Number

208-922-1321

5. Date you acquired the property

12-02-1996

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 Igagnon Date 11-21-06 Fee 0
 Received by [Signature] Date 11-29-06 Receipt No. _____
 Processed by [Signature] AJ Date 11-29-06 WR _____ Date _____

7

MALHEUR FEDERAL CREDIT UNION

Mortgagor(s):
WADE L. NEWKIRK
LINDA S. NEWKIRK
460 N. LOCUST GROVE ROAD
KUNA, IDAHO 83634

Mortgagee(s):
Malheur Federal Credit Union
c/o Pacific Intermountain Mortgage Co.
2420 Main St.
Baker City, OR 97814

5000632106

REAL ESTATE MORTGAGE

****Husband and Wife**

THIS MORTGAGE is made and entered into by WADE L. NEWKIRK and LINDA S. NEWKIRK, at Kuna, Idaho, herein called mortgagor, and Malheur Federal Credit Union, C/O Pacific Intermountain Mortgage Company, 2420 Main Street, Baker City, Oregon 97814, herein called mortgagee.

Mortgagors in consideration of EIGHT HUNDRED AND FIFTY TWO THOUSAND DOLLARS (\$852,000.00) paid to mortgagor does hereby grant, bargain, sell and convey unto Malheur Federal Credit Union, mortgagee and mortgagee's successors and assigns, that real property situated in Ada County, State of Idaho, described on Exhibit "A", and the water rights described in Exhibit "B", attached hereto and by this reference made a part hereof, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining and which may hereafter thereto belong or appertain, and the rents, issues and profits therefrom, and any and all fixtures upon the premises at the time of the execution of the mortgage or at any time during the term of this mortgage.

TO HAVE AND TO HOLD the premises with the appurtenances unto mortgagee and mortgagee's personal representative, successors and assigns forever.

This mortgage is intended to secure the payment of a promissory note dated August 17, 2006, in the principal amount of \$852,000.00 with the due date of the final installment being April 1, 2026.

The mortgagor warrants that the proceeds of the loan represented by the Note and this mortgage are (line out whichever is not applicable):

- (a) ~~primarily for mortgagor's personal, family or household purposes, or~~
- (b) for an organization or (even if mortgagor is a natural person) for business or commercial purposes.

This mortgage is further conditional upon the faithful observance by the mortgagor of the following Articles of covenants hereby expressly entered into by the mortgagor, to-wit:

ARTICLE I

MORTGAGOR FURTHER AGREES THAT THE LOAN SECURED BY THIS INSTRUMENT WILL BE IN DEFAULT SHOULD ANY LOAN PROCEEDS BE USED FOR A PURPOSE THAT WILL CONTRIBUTE TO EXCESSIVE EROSION OF HIGHLY ERODIBLE LAND OR TO THE CONVERSION OF WETLAND TO PRODUCE OR TO MAKE POSSIBLE THE PRODUCTION OF AN AGRICULTURAL COMMODITY, SUBJECT TO 7 CFR PART 1940, SUBPART G, EXHIBIT M.

ARTICLE II

HAZARDOUS SUBSTANCES: Notwithstanding any provision in the Mortgages or any other Loan Document, the provisions of this Article shall not be secured by the Mortgages and shall survive termination of this Mortgage, repayment of the Loan, and foreclosure of the Mortgages or similar proceedings.

(1) **Definition of Hazardous Substance:** For purposes of this Agreement, a "Hazardous Substance" is defined to mean any substance, material or waste, including asbestos and petroleum (including crude oil or any fraction thereof), which is or becomes designated, classified or regulated as "toxic", "hazardous", a "pollutant" or similar designation under any federal, state or local law, regulation or ordinance.

(2) Indemnity regarding Hazardous Substances: Mortgagor agrees to indemnify, defend with counsel acceptable to Lender, and hold Lender, its parent and affiliated companies, and their respective officers, directors, employees and agents, harmless from and against all actual or threatened liabilities, claims, actions, damages (including foreseeable fees) and losses directly or indirectly arising out of or resulting from the presence of any Hazardous Substance in or around any part of the Properties or in the soil or groundwater under the Properties, including (a) any expenses incurred in connection with any reasonably necessary investigation of site conditions or any clean-up, remedial, removal or restoration work, and (b) any resulting damages or injuries to the person or property of any third parties or to any natural resources. In addition, Mortgagor shall similarly indemnify, defend and hold harmless any persons purchasing the Properties through a foreclosure sale or following a foreclosure sale, and any persons purchasing the Loan or any portion of or interest in it.

(3) Representation and Warranty: Before signing this Agreement, Mortgagor researched and inquired into the previous, current and contemplated uses and ownership of the Properties. Based on that due diligence, Mortgagor represents and warrants that, to the best of his knowledge, no Hazardous Substance has been or will be disposed of, released onto or otherwise exists in, on, or under the Properties, except as Mortgagor has disclosed to Lender in writing.

(4) Compliance with Law; Notices: Mortgagor has complied, and shall comply and cause all occupants of the Properties to comply, with all laws, regulations and ordinances governing or applicable to Hazardous Substances as well as the recommendations of any qualified environmental engineer or other expert. Mortgagor shall promptly notify Lender if he/she/they know(s) or suspects there may be any Hazardous Substance in or around the Properties, or in the soil or groundwater under the Properties, or if any action or investigation by any governmental agency or third party pertaining to Hazardous Substances is pending or threatened.

(5) Site Visits: Mortgagor shall allow Lender access to the Properties at any reasonable time for the purposes of performing an appraisal, inspecting the Properties, taking soil or groundwater samples, and conducting tests, among other things, to investigate for the presence of Hazardous Substances, as defined in Article V. Such appraisals, inspections and audits shall be at the Lender's expense except if Lender performs such appraisals, inspections or audits after the occurrence of an Event of a Default as in hereinafter defined. Lender is under no duty to visit or observe the Properties. Any site visit, observation or examination by Lender shall be solely for the purpose of protecting Lender's security and preserving Lender's rights under the Loan Documents. Lender owes no duty of care to protect Mortgagor or any other party against, or to inform Mortgagor or any other party of, any adverse condition affecting the Properties, including any defects in the design or construction of any improvements on the Properties or the presence of any Hazardous Substances on the Properties.

ARTICLE III

(1) Mortgagor is lawfully seized of the premises and now has a valid and unencumbered fee simple title thereto, except easements and rights of way of record and mortgagor will warrant and defend said title against the claims and demands of all persons.

(2) Mortgagor will pay the promissory note(s) and all installments of interest thereon promptly as the same become due, according to the tenor of the note(s). The final due date for payment of principal and interest of the promissory note is April 1, 2026.

(3) So long as this mortgage remains in force, mortgagor will pay all taxes, assessments, and other charges of every nature levied or assessed upon or against the premises when due and payable, according to law, and before the same becomes delinquent, and will also pay all taxes levied or assessed on this mortgage or the debt thereby secured, and will promptly pay and satisfy any mechanics' liens or other encumbrances that, by operation of law or otherwise, become a lien upon the mortgaged premises superior to the lien of this mortgage.

(4) Mortgagor will keep the improvements (including but not limited to the dwelling, other outbuildings, fences, attached irrigation equipment) erected on the premises in good order and repair and will

not commit or suffer any waste of the premises. At the request of the mortgagee, the mortgagor shall join with the mortgagee in executing one or more financing statements pursuant to the Uniform Commercial Code, in form satisfactory to the mortgagee and will pay for filing the same in the proper public office(s), as well as the cost of any lien search made by filing officers or searching agencies as may be deemed desirable by the mortgagee. Mortgagor will not make any changes in or alterations to the improvements on the mortgaged premises which will materially decrease the value of the same.

(5) This mortgage covers all water rights and ditch rights and mortgagor agrees that mortgagor will put to beneficial use all waters and maintain said water rights and not allow any water rights to be abandoned.

(6) Mortgagor agrees that mortgagee or its agents, successors or assigns and their agents may at all reasonable times inspect the property to ascertain whether the covenants and agreements contained herein are being performed. Said inspections will be on at least an annual basis.

(7) So long as this mortgage shall remain in force, mortgagor will keep the buildings now erected, or any which may hereafter be erected on the premises, insured against loss or damage by fire, with extended coverage, to the extent of the contributory value on the primary dwelling and the remaining outbuildings in some company or companies acceptable to the mortgagee and for the benefit of both parties hereto as their interests may appear, and will deliver all the policies and renewals thereof to the mortgagee.

(8) WARNING: Unless mortgagor provides mortgagee with evidence of insurance coverage as required by the contract or loan agreement between them, mortgagee may purchase insurance at mortgagor's expense to protect mortgagee's interest. This insurance may, but need not, also protect mortgagor's interest. If the collateral becomes damaged, the coverage purchased by mortgagee may not pay any claim made by or against mortgagor. Mortgagor may later cancel the coverage by providing evidence that mortgagor has obtained property coverage elsewhere. Mortgagor is responsible for the cost of any insurance coverage purchased by mortgagee, which cost may be added to mortgagor's contract or loan balance. If it is so added, the interest rate on the underlying contract or loan will apply to it. The effective date of coverage may be the date mortgagor's prior coverage lapsed or the date mortgagor failed to provide proof of coverage. The coverage mortgagee purchases may be considerably more expensive than insurance mortgagor might otherwise obtain alone and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.

NOW THEREFORE, if the mortgagor shall pay the promissory note(s) and shall fully satisfy and comply with the covenants hereinbefore set forth, then this conveyance shall be void, but otherwise it shall remain in full force and virtue as a mortgage to secure the payment of the promissory note(s) in accordance with the terms thereof and the performance of the covenants and agreements herein contained. Any failure to make any of the payments provided for in the note(s) or this mortgage when the same shall become due or payable, or to perform any agreement herein contained, shall give to the mortgagee the option to declare the whole amount due on the note(s), or unpaid thereon or on this mortgage, at once due and payable, and this mortgage by reason thereof may be foreclosed at any time thereafter. If the mortgagor shall fail to pay any taxes or other charges or any lien or insurance premium as herein provided to be done, the mortgagee shall have the option to pay the same. Any payment so made shall be added to and become a part of the debt secured by this mortgage, and draw interest at the same rate as the note(s) without waiver, however, of any right arising from breach of any of the covenants herein. Time is of the essence with respect to all sums due hereunder, and the promissory note(s).

In case a suit or action is brought to foreclose this mortgage, the court may, upon motion of the holder of the mortgage, without respect to the condition of the property, appoint a receiver to collect the rents and profits arising out of the premises and direct the receiver to apply such rents and profits to the payment and satisfaction of the amount due under this mortgage, first deducting all proper charges and expenses of the receivership, including a reasonable charge for attorney fees.

In the event any suit or action to foreclose this mortgage is commenced, the losing party therein agrees to pay the attorney fees, costs and disbursements of the prevailing party, including statutory costs and disbursements and costs of title report(s) and /or title search. If any appeal is taken from any judgment or decree entered pursuant to such suit or action, the losing party on appeal therein promises to pay the attorney

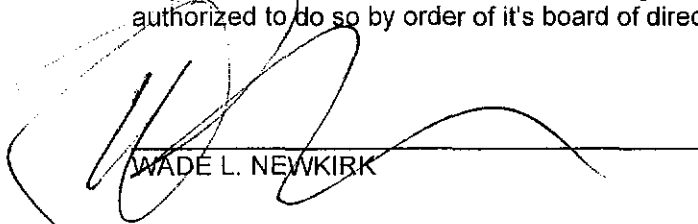
fees, costs and disbursements, including all statutory costs and disbursements, of the prevailing party. To the extent permitted by law, all such sums shall be and are secured by the lien of this mortgage and shall be included in the judgment or decree of foreclosure.

Each and all of the covenants and agreements herein contained shall apply to, inure to the benefit of, and bind the personal representatives, successor and/or assigns of the mortgagor and of the mortgagee respectively.

In construing this mortgage and related note(s), it is understood that the mortgagor or mortgagee may be more than one person. If the context so requires, the singular shall be taken to mean and include the plural. Generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

All covenants and provisions of this mortgage shall bind the successors and assigns of mortgagor and shall inure to the benefit of successors and assigns of mortgagee, provided however mortgagor understands that a sale or other transfer of the mortgaged premises or any part thereof, without prior written consent of mortgagee, shall constitute a default of this mortgage.

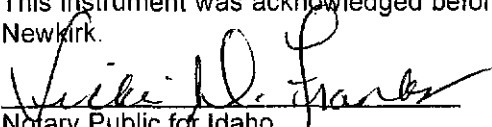
IN WITNESS WHEREOF, the mortgagor has executed this instrument. If the mortgagor is a corporation, it has caused it's name to be signed and it's seal, if any, affixed by an officer or other person duly authorized to do so by order of it's board of directors.


WADE L. NEWKIRK


LINDA S. NEWKIRK

STATE OF IDAHO
County of Ada

This instrument was acknowledged before me on August 17th, 2006, by Wade L. Newkirk and Linda S. Newkirk.


Notary Public for Idaho
My commission expires 3-9-07

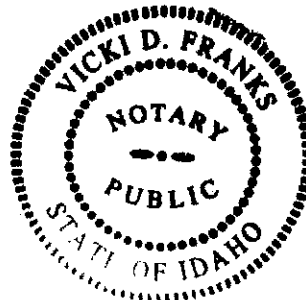


EXHIBIT A

Parcel I - additional security

This parcel consists of a portion of the Southwest Quarter of Section 20, Township 2 North, Range 1 East of the Boise Meridian, Ada County, Idaho, and is more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter, a found brass cap monument; thence
South 89°56'10" East along the North boundary of said Southwest Quarter a distance of 1517.41 feet to the TRUE POINT OF BEGINNING, a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627; thence continuing
South 89°56'10" East along said North boundary a distance of 600.00 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627; thence
South 0°05'09" East a distance of 725.91 feet; thence
North 89°56'10" West parallel with said North boundary a distance of 600.00 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627; thence
North 0°05'09" West a distance of 725.91 feet to the TRUE POINT OF BEGINNING.

Parcel II - additional security

This parcel consists of a portion of the Southwest Quarter and of the Northwest Quarter Southeast Quarter of Section 20, Township 2 North, Range 1 East of the Boise Meridian, Ada County, Idaho, and is more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter, a found brass cap monument; thence
South 89°56'10" East along the North boundary of said Southwest Quarter a distance of 2117.41 feet to the TRUE POINT OF BEGINNING, a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627; thence continuing
South 89°56'10" East along said North boundary a distance of 526.12 feet to the Northeast corner of said Southwest Quarter, a found ½ inch diameter rebar; thence
South 89°58'49" East along the North boundary of said Northwest Quarter Southeast Quarter a distance of 18.88 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627 replacing a found bent ½ inch diameter rebar marking the Northwest corner of Parcel "B" as described in the deed filed as Instrument No. 9249358, Records of Ada County; thence
South 0°05'09" East along the West boundary of said Parcel "B" a distance of 799.20 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627; thence
North 89°58'35" West a distance of 544.99 feet; thence
North 0°05'09" West a distance of 799.57 feet to the TRUE POINT OF BEGINNING.

Parcel III - primary security

This parcel consists of a portion of the Southwest Quarter and of the Southeast Quarter of Section 20, Township 2 North, Range 1 East, of the Boise Meridian, Ada County, Idaho, and is more particularly described as follows:

BEGINNING at the Northwest corner of said Southwest Quarter, a found brass cap monument; thence
South 89°56'10" East along the North boundary of said Southwest Quarter a distance of 1517.41 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627; thence

South 0°05'09" East a distance of 725.91 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627; thence

South 89°56'10" East parallel with said North boundary a distance of 600.00 feet; thence

South 0°05'09" East a distance of 73.66 feet; thence

South 89°58'35" East a distance of 544.99 feet to a point on the West boundary of Parcel "B" as described in the deed filed as Instrument No. 9249358, records of Ada County, a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627; thence

South 0°05'09" East along said West boundary of Parcel "B" a distance of 740.13 feet to a point in the centerline of the Kuna Canal witnessed by a 5/8 x 30 inch rebar set with a plastic cap stamped L.S. 3627 bearing

North 0°05'09" West a distance of 30.00 feet; thence traversing said centerline as follows:

North 58°10'16" West a distance of 288.71 feet;

North 53°46'04" West a distance of 453.64 feet;

North 74°19'31" West a distance of 464.60 feet;

North 64°08'00" West a distance of 181.76 feet;

North 84°19'01" West a distance of 439.49 feet;

South 74°54'42" West a distance of 839.94 feet;

South 86°11'03" West a distance of 194.61 feet to a point on the West boundary of said Southwest Quarter, a mag nail set in the paved bridge surface; thence

North 0°00'24" West along said West boundary a distance of 1105.15 feet to the POINT OF BEGINNING.

EXHIBIT "B"

WATER RIGHTS

All water, water rights, ditches and ditch rights, any permits, licenses, certificates or shares of stock evidencing any such water or ditch rights, and any such rights acquired in the future, which entitle Mortgagee to use water for any purpose upon the Real Property. The above includes, but is not limited to, the following:

Water Rights recorded with the Idaho Department of Water Resources: # 63-30415

21 acres water rights accessed in the New York Canal District



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 21, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Alliance Title and Escrow
7941 W. Rifleman St.
Boise, ID 83709

RE: Water Right No. 63-30415 Wade and Linda Newkirk

Dear Claimant(s):

This office has received your Notice of Change of Water Right Ownership recently submitted. We also received check number 23041 in the amount of \$25; however, we are returning it to you, as the ownership change fee is not required for this particular water right claim. This claim has not yet been decreed by the SRBA Court. The ownership change is being processed and a copy will be mailed to you upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190

Sincerely,

Liberty Gagnon

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region

LG: lg

Enclosures

ALLIANCE
TITLE & ESCROW CORP.
TRUST ACCOUNT

7941 W. RIFLEMAN ST. • (208) 378-1666
BOISE, IDAHO 83709

WELLS FARGO BANK, N.A.
11-24/1210 (8)

23041

23041

8/18/2006

PAY TO THE ORDER OF IDWR Western Region

25.00

\$

TWENTY FIVE AND NO/100 DOLLARS

DOLLARS

IDWR Western Region
2735 Airport Way

Boise, ID 83705-5082

Reference: Water

5000632106VF

ALLIANCE TITLE & ESCROW CORP.
TRUST ACCOUNT

V. Gagnon
Nina M. Wiese

MP

MP

TWO SIGNATURES REQUIRED
VOID AFTER 90 DAYS

⑈000023041⑈ ⑆121000248⑆ 4121075667⑈

THIS CHECK HAS A COLORED PATTERN ON WHITE STOCK

03/09/2004

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

RIGHT NUMBER: 63-30415

NAME AND ADDRESS: VICKIE A VANDER WERFF
2441C S POWERLINE
MELBA ID 83641

STEVEN A VANDER WERFF
2441C S POWERLINE
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
5.800 AFY

PRIORITY DATE: 01/01/1955

POINT OF DIVERSION:

T02N R01E S20 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.030 CFS
5.80 AFY

PLACE OF USE: STOCKWATER Within ADA County

T02N R01E S20 NWSW

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: Beneficial Use

Parcel No: S1420311100

Stockwater use is for 200 cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30415 V1

WATER RIGHT NUMBER: 63-30415 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICKIE A VANDER WERFF 2441C S POWERLINE MELBA, ID 83641 (208)495-1616
Current Owner	STEVEN A VANDER WERFF 2441C S POWERLINE MELBA, ID 83641 (208)495-1616

Priority Date: 01/01/1955

Basis: Beneficial Use

Status: Active

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

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.030 CFS	5.80 AF
	<u>Total Diversion:</u>	0.030 CFS	5.80 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 20, Twp 02N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

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	20																	
												X							

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. X02 Stockwater use is for 200 cattle.

Remarks:

1. Explanatory Parcel No: S1420311100

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-30415 V1

Comments:

1. csaxton 3/9/2004 Recommendation

Comment: Per Darwins Field exam, recommend only 1 POD and 200 head of cattle as existed in 1987

2. csaxton 3/9/2004 Diversion Volume

Comment: Recommended diversion volume is based partially on Darwin Vander Stets caculations and an addition of volume calculation for the 60 additional head of cows that Darwin did not include. Commercial use volume was not recommended as the claimant did not claim commercial use. The additional volume of 2.16 AFA could be added if the claimant chose to amend his/her claim to reflect the commercial use portion of their water right.

3. csaxton 3/9/2004 Diversion Rate

Comment: The diversion rate is based on what is understood to be the original well. To increase diversion rate and show two wells, the claim needs to be amended.

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: OR

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	3/9/2004 2:10:21 PM	csaxton			Active
Priority Date	3/9/2004 2:12:25 PM	csaxton			Active
POD	3/9/2004 2:17:02 PM	csaxton			Active
Source	3/9/2004 2:48:24 PM	csaxton			Active
POU	3/9/2004 2:49:42 PM	csaxton			Active
Use	3/9/2004 2:50:58 PM	csaxton			Active
Season	3/9/2004 2:51:55 PM	csaxton			Active
Quantity	3/9/2004 2:53:05 PM	csaxton			Active
Summary			03/09/2004	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30415 V1

Contacts	3/9/2004 2:10:20 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam Conducted by Darwin Vander Stelt on 2/10/04.
Priority Date	3/9/2004 2:12:25 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from John Belveal.
Source	3/9/2004 2:48:24 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam Conducted by Darwin Vander Stelt on 2/10/04.
POU	3/9/2004 2:49:42 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam Conducted by Darwin Vander Stelt on 2/10/04.
POU	3/9/2004 2:49:56 PM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30415 V1

Quantity	3/9/2004 2:53:05 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Field Exam Conducted by Darwin Vander Stelt on2/10/04. Description for Question 10 - Field Exam Conducted by Darwin Vander Stelt on2/10/04.
POD	3/9/2004 2:17:49 PM	csaxton	Edited point location
POD	3/9/2004 2:17:01 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (No) 7. Can the change be verified as an accomplished transfer? (No) 8. Was a transfer filed? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - A second well was added at or prior to 1993 however there is no evidence that it was put in place prior to 1987. Description for Question 8 - Field Exam Conducted by Darwin Vander Stelt on2/10/04.
Use	3/9/2004 2:50:58 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam Conducted by Darwin Vander Stelt on2/10/04.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30415 V1

Season	3/9/2004 2:51:54 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR standard for Stockwater - year round
Summary	3/9/2004 3:43:21 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (No) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-30415

WATER RIGHT NUMBER: 63-30415

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICKIE A VANDER WERFF 2441C S POWERLINE MELBA, ID 83641 (208)495-1616
Current Owner	STEVEN A VANDER WERFF 2441C S POWERLINE MELBA, ID 83641 (208)495-1616

*should Be
Wade + Linda Newkirk
C/O sent + Returned, But for
Wrong Parcel. Sent Back.*

Priority Date: 01/01/1955 ✓
Basis: Beneficial Use
Status: Active ✓

Source Tributary
GROUND WATER ✓

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER ✓	1/01 to 12/31 ✓	~~0.520 CFS~~ <i>0.03</i> Total Diversion: ~~0.520 CFS~~ <i>0.03</i>	~~5.8~~ <i>5.8</i>

Location of Point(s) of Diversion
GROUND WATER ✓
ADA County ✓

NW 1/4 SW 1/4 ✓
Sec. 20, ✓ Twp 02N, Rge 01E, B.M. ✓

Place of Use
STOCKWATER ✓

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	20											X ✓						

Conditions of Approval:

*C18
Stock = 200 Head
Parcel = 51420311100*

Remarks:

1. General

THIS DAIRY HAS BEEN IN OPERATION FOR MANY YEARS. PEOPLE IN THE AREA ESTIMATE THIS WELL WAS DRILLED IN THE MID 1950'S. WHEN RESEARCHING THE WELL RECORDS, WE FOUND THIS WELL HAD NEVER BEEN FILED ON WITH THE DEPT. OF WATER RESOURCES. WE HAVE OWNED THE DAIRY FOR APPROX. 5 YEARS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-30415

Comments:

Dates and Other Information:

Claim Received Date: 12/3/1996

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

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:

Memo

To: Craig
From: Darwin Vander Stelt

RE: 63-30415

Steven A Vanderwerf
460 N Locust Grove
Kuna ID 83634

Documents prepared:

no. pages	Item
2	Pictures
1	Drawing(s)
1	Adjudication Field Report
1	Map showing POD & POU
1	Affidavit(s)

There are two wells on this farm, and the second and later well is the one photographed by Intrepid. The earlier well which was the first well on the farm and formerly was the sole source of domestic and stockwater was insufficient to meet the daiy's needs although it is still sed and is connected to the system. The second well was added prior to 1993 When Steve Vander Werf purchased the property. I was not able to find a well record on the internet, which suggests the 2nd well was dug prior to 1987. Steve subsequently sold the property in 1996 to Wade Newkirk who still owns it. I gave Ms Newkirk a change of ownership form and helped her fill it out.

The system capacity is nowhere near what Steve claimed, and never has been. It is off by a factor of perhaps 10. Measurement estimates are included. The dairy is now leased out to Curtiss Yett, who told me he has 400 cows on the property. This would be the largest number of cattle to have ever been on the property. I went to visit the person who owned the property in 1987, and used all his data. He signed an affidavit verifying the numbers of cattle, pump sizes, dates etc. Consumption estimates for 200 head of cattle are included. The current Lessee has 400.

Pertinent info:

Adjudication claim # 63-30415

Name:

Steven A Vanderwerf
460 N Locust Grove
Kuna ID 83634

New Owner

Wade L. Newkirk
460 N. Locust Grove
Kuna ID 83634

Well Tag(s)	A0002448	A0002449
POD Coordinates:	0308270	0308148
USR	0268552	0268518

Date Visited: 2/10/2004

Date Office write-up: 2/16/2004

Affidavit

Identification Number A63-30415

Name: John BELVEAL

Address: 13011 S 5 mile

City Kana State Idaho Zip 83634

Phone: 362 9106

I owned the property from 1969 (date) to 1995 (date).

Verification of the Priority Date:

When was first well drilled? Size pump? 3/4 1955

When was second well drilled? Size pump? 1 horse 1970

Verification of other uses:

How many cattle were on the farm in 1987? 200

How many dwellings were on the farm in 1987? 3

Was there another commercial use on the farm in 1987? 100 Day

meal cot B 100 day

To my knowledge, the facts presented above are true.

John Belveal

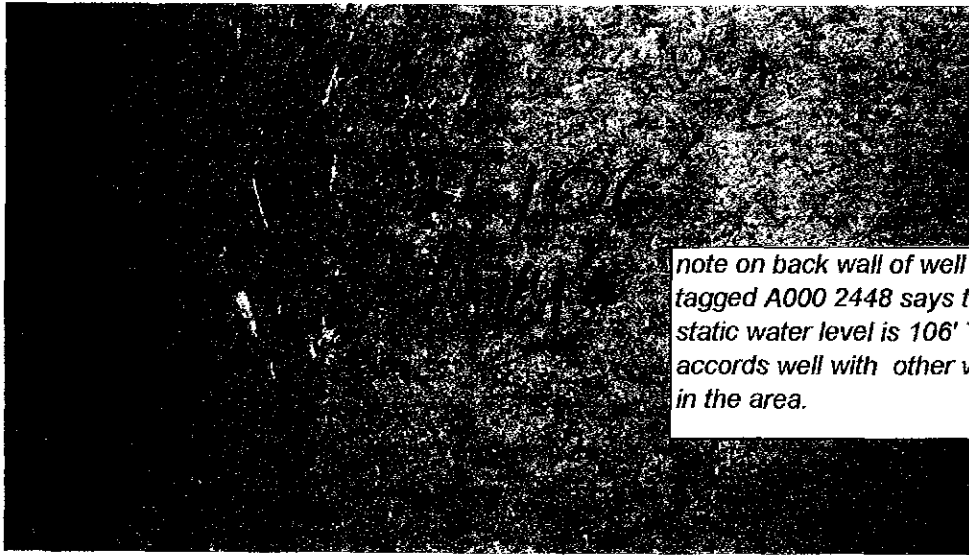
(date) 2-13-04

(date) _____

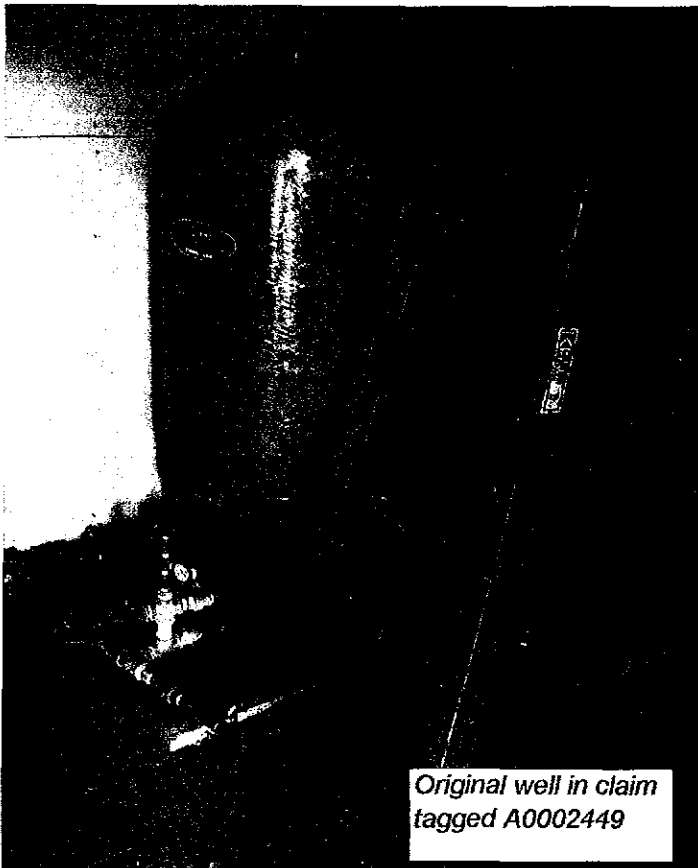
Digital Photos

Date photographed

2/10/2004



note on back wall of well
tagged A000 2448 says the
static water level is 106' This
accords well with other wells
in the area.



Original well in claim
tagged A0002449

63-30415	location of point (s) of diversion:		
Steven A Vanderwerf		A0002448	A0002449
460 N Locust Grove	USR	0308270	0308148
Kuna ID 83634		0268552	0268518

Theoretical Rate of Flow:
Claim no. 63-30415

Steven A Vanderwerf
Date: 2/18/2004

Groundwater Measurement

.75 hp pump

Theoretical Rate of Flow: $Q = ((8.8) * (HP) * (EFF))/TDH$

Where,

Q = flow in CFS

HP= Total Brake HP of pump including booster

EFF= pump efficiency (assume 70%)

TDH= Total dynamic Head = (Lift)+(PSI * 2.31)

Lift= Depth to water in feet (45 +15+.4)

PSI = discharge pressure near the pump.

Variables		Calculated	% of of rated
Plate	Peak KWH	HP	
0.75	0.56	0.7504	100%
70%			
		175.300	
106			
30			

Theoretical Q =

0.03	CFS
12	GPM

Data Sources:

Lift From:

measurement

X owner

area estimate

X well logs

PSI from:

measurement

owner

X estimate

owner gage

Notes on Pump

Motor make etc. tag

Pump make etc. tag

Total for the two pumps are about .07 cfs. Flow for this claim needs to be reduced.

Historic Well
CS 3-9-04

Theoretical Rate of Flow:

Steven A Vanderwerf

Claim no. 63-30415

Date: 2/18/2004

Groundwater Measurement**1 hp pump****Theoretical Rate of Flow:** $Q = ((8.8) * (HP) * (EFF))/TDH$

Where,

Q = flow in CFS

HP= Total Brake HP of pump including booster

EFF= pump efficiency (assume 70%)

TDH= Total dynamic Head = (Lift)+(PSI * 2.31)

Lift= Depth to water in feet (45 +15+.4)

PSI = discharge pressure near the pump.

Variables		Calculated	% of of rated
Plate	Peak KWH	HP	
1	0.75	1.005	101%
70%			
		175.300	
106			
30			

Theoretical Q =

0.04	CFS
16	GPM

Data Sources:**Lift From:**

measurement

X owner

area estimate

X well logs

PSI from:

measurement

owner

X estimate

owner gage

Notes on Pump

Motor make etc. tag

Pump make etc. tag

A note on the back wall of the pumphouse indicates that the static level is 106'. This fits with other information from the area. (See well driller reports for sec 20.)

Daily Fresh Water Requirement For Dairy Facility Worksheet

For: **Steven Vanderwerf adjudication claim**

Quantity used per 1987 as per Belveal affidavit

Drinking Water Estimates (see Table 1 & 2):

				Cow Size Adjustment	Use/day	Total Gal/Day	Total Gals/Yr.	Acre-feet/ (AF/a)
	Number	Use/day	100%					
Milking Cows	120	35	35.0		4200	4200		
Dry Cows	20	12	12.0		240	240		
Total Cows	140				0	4440	1,620,600	4.97
Heifers:	Age	% of Herd	Number	Use/day		Total		
	16-24 mo.	0.38	20	10	0.0	0.0		
	13-15 mo.	0.12	10	8	0.0	0.0		
	9-12 mo.	0.17	9	6	0.0	0.0		
	5-8 mo	0.17	8	5	0.0	0.0		
	3-4 mo	0.08	7	4	0.0	0.0		
	0-2 mo	0.08	6	2.5	0.0	0.0		
Total Heifers			60			0.0		

*Added into Darwins
Volume as it appears*

0.00
0.0
~~4.97~~
5.77

Total Herd Drinking Water

Wash Pen Estimate: Not applicable

GPM discharge/nozzle	0
Number of Nozzles	150
Minutes run/day:	120
groups	12
mins/group	5
x/day	2
days per year	365

Total Wash Pen Water Used:

0 - 0.00

Milk House and Parlor Estimate (see Table 4)

Item	Gals/Op	x's/day	Gals/day
Bulk Tank	125	0.5	62.5
Pipeline	125	2	250
Backflush	0		0
Cleanup	750	2	1500
Cow Prep	0.5	2	120
Plate Cooler(ignore if recycled)			
Total Milk House and Parlor Water Used:			1932.5

705,363 2.16

Total Gals/Day

6373

Total Fresh Water Diverted Annually (af/a consumptive use)

7.1

Idaho Department of Water Resources

Listing of Driller Reports

Contact	Use	TWP	RNG	SEC	Tract	Gov. Lot	Well Address	Sub	Bl	L	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	CSG. DIA.	Const. Date
HOOD, WARREN, DON YOUNG CONSTRUCTION	Domestic-Single Residence	02N	01E	20	SWSW		SOUTH LOCUST				0	0	0			
Related Documents																
ROBERTSON, DARRELL	Irrigation	02N	01E	20	SWNW		3701 E DEERFLAT				750	92	175	19	16	1/28/19
HAYDEN, KEITH	Domestic-Single Residence	02N	01E	20	NENE						30	120	205	193		6/4/14/19
ZOELLICK, BRUCY, ZOELLICK, LYNEVE, HOSFORD, STEVE	Domestic-Single Residence	02N	01E	20	SESE		FLYING HORSE DR				45	125	256	138		6/11/26/19
Related Documents																
NAGEL, HENRY J, NAGEL, PATRICIA M	Domestic-Single Residence	02N	01E	20	NWNE		4051 E DEER FLAT RD				20	103	140	138		6/3/11/19
Related Documents																
NAGEL, HENRY J, NAGEL, PATRICIA M	Injection	02N	01E	20	NWNE		4051 E DEER FLAT RD				0	Above Ground Level	50	18		6/3/11/19
Related Documents																
							1/2 MI E OF									

ABBOTT, PAUL	Domestic-Single Residence	02N	01E	20	NE	LOCUST GROVE ON DEER FLAT RD	001003	20	117	211	210	6/5/15/15
Related Documents												
PALMER, PAT	Domestic-Single Residence	02N	01E	20	NE	4153 E DEER FLAT	002	40	118	213	212	6/5/24/15
Related Documents												
PALMER, PAT	Domestic-Single Residence	02N	01E	20	NWNE	4155 E DEER FLAT	40	120	224	220	6/11/10/15	
PAT PALMER CONSTRUCTION	Domestic-Single Residence	02N	01E	20	NWNE	4459 E DEER FLAT						
Related Documents												
FOREST HILLS DEVELOPMENT	Domestic-Single Residence	02N	01E	20	SESE	EAGLE & KUNA	40	130	219	219	219	6/8/1/199
Related Documents												
PAT PALMER CONSTRUCTION	Domestic-Single Residence	02N	01E	20	NWNE	4161 E DEERFLAT	006	50	70	221	210	6/7/26/15
Related Documents												
MILLER, LYLE	Domestic-Single Residence Domestic-Single Residence	02N	01E	20	NWNE	MASON CREEK ACRES	200	120	275	250	6/6/25/20	
Related Documents												



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 6, 2004

WADE & LINDA NEWKIRK
460 N LOCUST GROVE
KUNA ID 83634

RE: Notice of Change of Water Right Ownership Claim No. 63-30415

Dear Property Owners:

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (copy enclosed), however, we are unable to complete this ownership change at this time. The warranty deed and metes-and-bound description submitted indicates property in the SE $\frac{1}{4}$ of Section 20, Township 2 North, Range 1 East. The above referenced water right is for property with a Place of Use being in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the same Section, Township and Range.

If you have any additional information concerning this water right, which includes a description of the property by $\frac{1}{4}$ Section, Township and Range, then we may be able to complete the ownership change.

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

Sincerely,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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

RECEIVED

FEB 19 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
63-30415					

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)

Steve Vander Werff

4. New Owner/Claimant(s)

Wade & Linda Newkirk

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

New Mailing Address

460 N. Locust Grove

City, State and ZIP Code

Kuna, Id. 83634

New Telephone Number

(208) 922-1321

5. Date you acquired the property

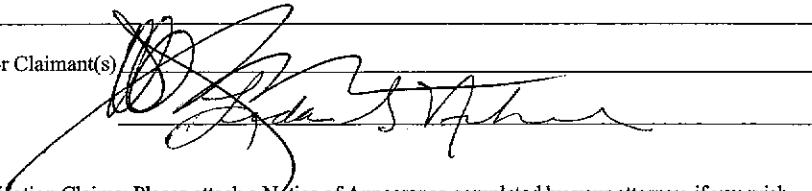
1996

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 <u>AB</u>	Date <u>2-19-04</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____



PIONEER TITLE COMPANY
OF ADA COUNTY

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

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

RECEIVED

FEB 19 2004

WATER RESOURCES
WESTERN REGION

SPACE ABOVE FOR RECORDING DATA

QUITCLAIM DEED

FOR VALUE RECEIVED WADE L. NEWKIRK and LINDA S. NEWKIRK, Husband and Wife

do hereby convey, release, remise and forever quitclaim

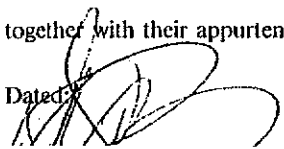
unto STEVEN A. VANDER WERFF and VICKIE A. VANDER WERFF, Husband and Wife

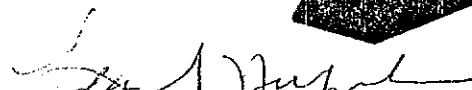
whose address is:

the following described premises, to wit:

SEE LEGAL DESCRIPTION, EXHIBIT "A", ATTACHED HERETO AND MADE A
PART HEREOF.

together with their appurtenances.

Dated: 



QUITCLAIM DEED

FOR VALUE RECEIVED WADE L. NEWKIRK and LINDA S. NEWKIRK, Husband and Wife

do hereby convey, release, remise and forever quitclaim

unto STEVEN A. VANDER WERFF and VICKIE A. VANDER WERFF, Husband and Wife

whose address is:

the following described premises, to wit:

SEE LEGAL DESCRIPTION, EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

together with their appurtenances.

Dated:

WADE L. NEWKIRK

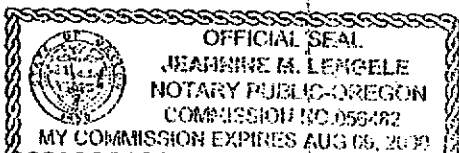
LINDA S. NEWKIRK

STATE OF OREGON

County of Washington, ss.

On this 5th day of December, in the year of 1996, before me the undersigned, a notary public,

personally appeared, WADE L. NEWKIRK and LINDA S. NEWKIRK, 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.



Notary Public:

Residing at:

My Commission Expires:

Jeanne M. Lengele
Residing at: [Signature]
My Commission Expires: Aug 9, 2000

EXHIBIT A

THAT PORTION OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO, AND LYING NORTH OF THE KUNA LATERAL CANAL. ALSO A STRIP OF LAND 30 FEET WIDE LYING ALONG THE EAST SIDE OF THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 20, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO, AND LYING SOUTH OF THE BOISE-KUNA CANAL. SAID 30 FOOT STRIP EXTENDING FROM SAID BOISE-KUNA CANAL SOUTH TO SOUTH LINE OF SAID SECTION.

EXCEPT THEREFROM:

A PARCEL OF LAND LOCATED IN THE THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, LYING NORTH OF THE BOISE-KUNA CANAL AND INCLUDING A 30 FEET WIDE STRIP OF LAND LYING ALONG THE EAST SIDE OF THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 20, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, SAID 30 FEET WIDE STRIP LYING SOUTH FROM THE BOISE-KUNA CANAL AND EXTENDING TO THE SOUTH SECTION LINE OF SAID SECTION 20. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SAID SECTION 20, MARKED BY A BRASS CAP MONUMENT; THENCE ALONG THE SOUTH SECTION LINE OF SAID SECTION 20;

SOUTH 89 58'44" WEST, A DISTANCE OF 1,323.88 FEET TO 1/2 INCH REBAR, THE EAST SIXTEENTH CORNER AND THE REAL POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTH SECTION LINE OF SAID SECTION 20;

SOUTH 89 58'44" WEST, A DISTANCE OF 30.00 FEET TO A 1/2 INCH REBAR; THENCE NORTH 00 06'02" WEST, PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, A DISTANCE OF 226.08 FEET TO A POINT AT THE CENTERLINE OF THE BOISE-KUNA CANAL; THENCE ALONG THE CENTERLINE OF BOISE-KUNA CANAL

NORTH 56 23'30" WEST, A DISTANCE OF 58.61 FEET TO A POINT; THENCE CONTINUING ALONG SAID CANAL CENTERLINE NORTH 46 51'23" WEST, A DISTANCE OF 154.79 FEET TO A POINT; THENCE ALONG SAID CANAL CENTERLINE

NORTH 54 24'00" WEST, A DISTANCE OF 87.30 FEET TO A POINT; THENCE ALONG THE BOISE-KUNA CANAL CENTERLINE

NORTH 62 49'58" WEST, A DISTANCE OF 283.63 FEET TO A POINT; THENCE ALONG THE CANAL CENTERLINE

NORTH 54 26'33" WEST, A DISTANCE OF 169.51 FEET TO A POINT; THENCE NORTH 69 44'10" WEST, ALONG THE CENTERLINE OF THE BOISE-KUNA CANAL, A DISTANCE OF 142.10 FEET TO A POINT; THENCE CONTINUING ALONG SAID CANAL CENTERLINE NORTH 49 53'10" WEST, A DISTANCE OF 533.93 FEET TO A POINT; THENCE

NORTH 58 10'16" WEST, A DISTANCE OF 132.10 FEET TO A POINT AT THE CENTERLINE OF THE BOISE-KUNA CANAL AND ON THE WEST BOUNDARY LINE OF SAID PARCEL "B" SAID POINT LYING

→ SOUTH 00 05'09" EAST, A DISTANCE OF 30.00 FEET FROM A 1/2 INCH REBAR WITNESS CORNER; THENCE

NORTH 00 05'09" WEST, A DISTANCE OF 1,539.70 FEET TO A 1/2 INCH REBAR ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 20 AND BEING THE NORTHWEST CORNER OF PARCEL "B"; THENCE ALONG SAID NORTH LINE OF SAID SOUTHEAST QUARTER

CONTINUED

FILE NUMBER: P153168
P153158 LEGAL CONTINUED

SOUTH 89 56'41" EAST, A DISTANCE OF 1,304.92 FEET TO A 1/2 INCH REBAR, THE
NORTHEAST CORNER OF PARCEL "B"; THENCE
SOUTH 00 06'02" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST
QUARTER OF SECTION 20, A DISTANCE OF 2,644.60 FEET TO A 1/2 INCH REBAR, THE
REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

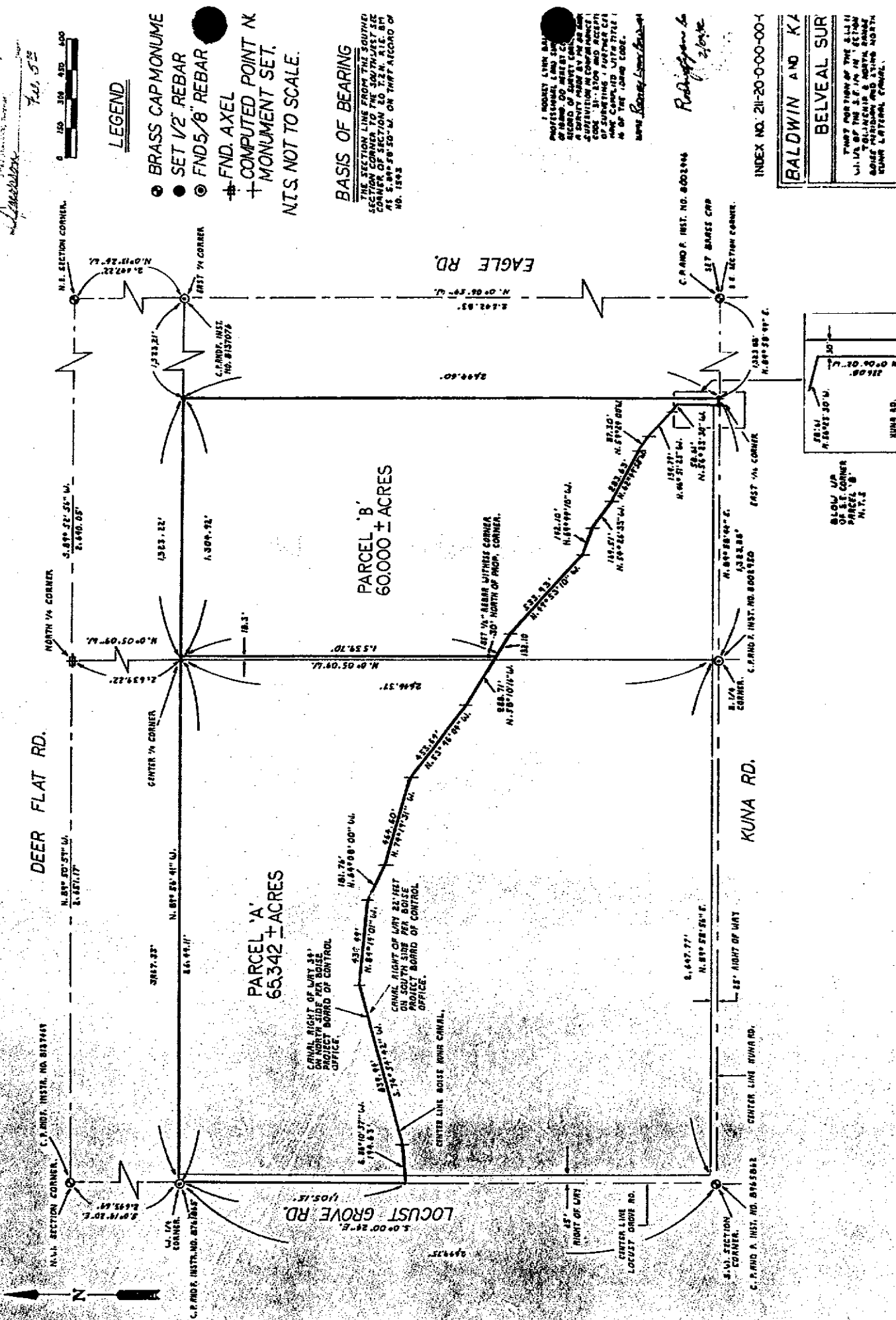
RECORD OF SURVEY NO. 2065

Inst. # 9206332

6 Nov 9 ... Baldwin & Kazian ... Feb. 4 Aug. 92

W. Jackson

257



7-16-03: Possible NCO

Ada County Tax lot data shows owner as:

Wade L. Newkirk
Linda S. Newkirk
460 W Locust Grove
Kuna Id 83634-1308 922-1321

- need to send NCO

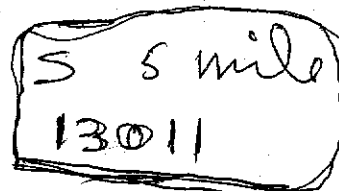
: Need Priority Evidence

: How many stock: Dairy and Non-dairy

A0002448 Currently milking 400 cows
on premises

0308270
0268552

50 Trees 15.1 EFC



A0002449

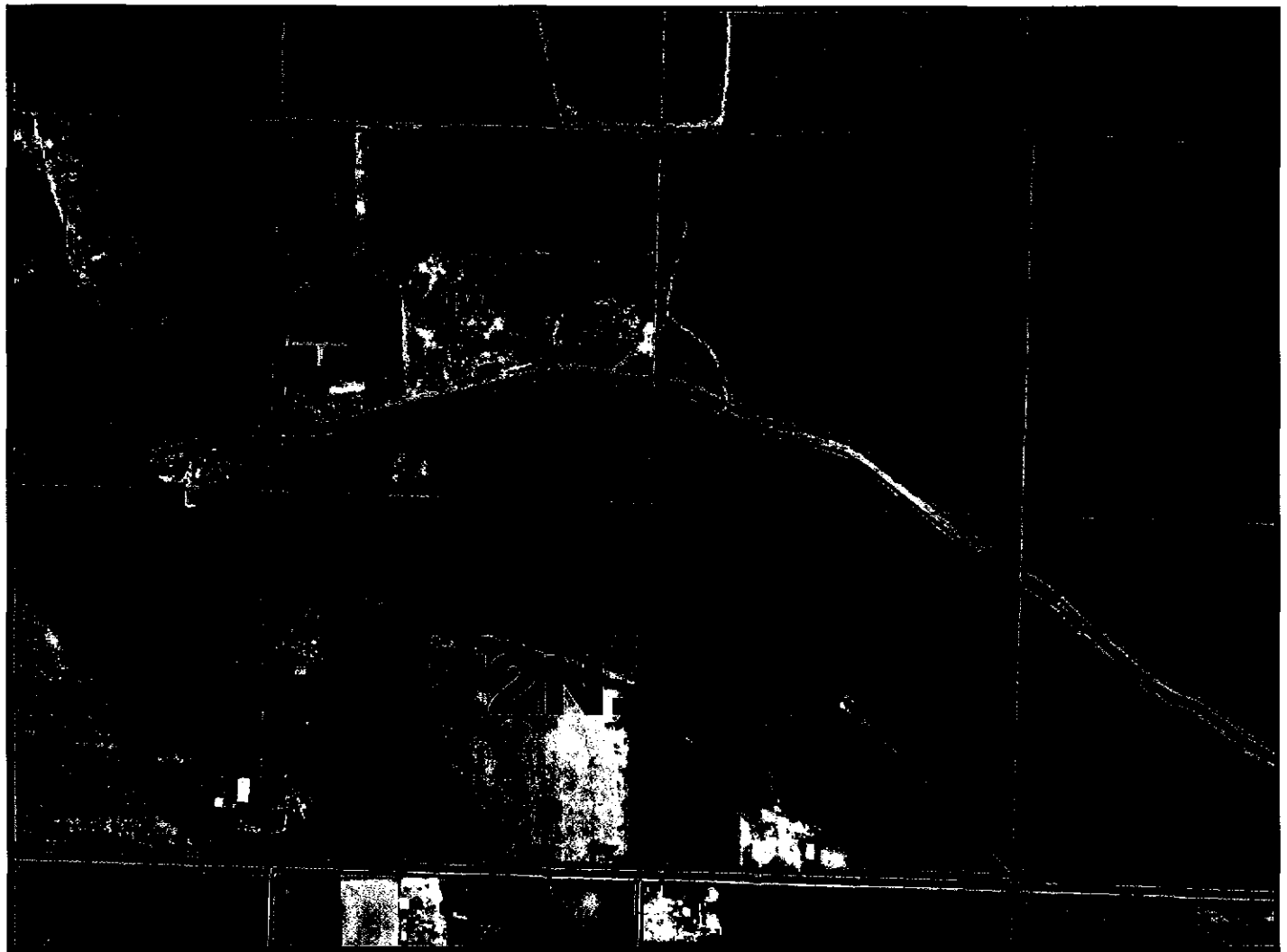
0308146
0268513

Former Owner John
Belknap
get affidavits 362-9106

2/12 - Curtis Yett - Lessee Phoned Pump Installer
→ reported A0002448 has 3 hp Pump now
A0002449 has 1 1/2 hp now.



POU location Map 2000 Photography 63-030415



1320 0 1320 Feet



⊙ Point of Diversion (?)

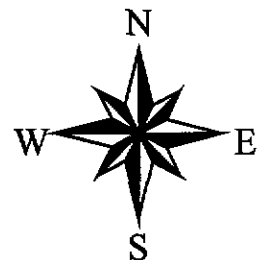
▭ Claimed POU

▭ Ada County Tax Lot Data

▭ Quarter Quarter Lines

▭ Section Lines

Total claimed Acres: Stockwater



Prepared by: C. Saxton
Date: January 2004

63-30415

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

Return Service Requested

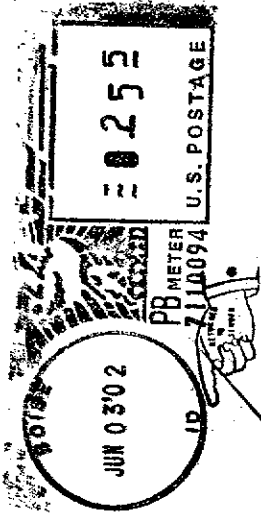
RECEIVED
JUN 11 2002
WESTERN REGION

PRESORTED
FIRST CLASS

2441 S. Powderline Rd.
Melba 83641

RECEIVED
JUN 10 2002
DEPARTMENT OF WATER RESOURCES

VICKIE A VANDERWERFF
STEVEN A VANDERWERFF
460 N LOCUST GROVE
KUNA ID 83634



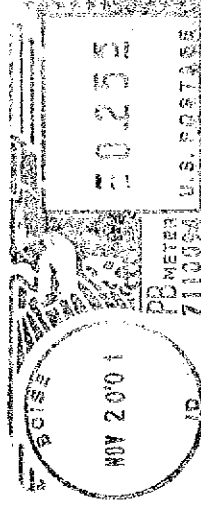
- ☒ Not Deliverable As Addressed
- ☐ Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed ☐ Refused
- ☐ Attempted - Not Known
- ☐ No Such Street ☐ No Inset
- ☐ Vacant ☐ Illegible
- ☐ No Mail Receipts
- ☐ Box Closed - No Order
- ☐ Returned For Better Address
- ☐ Postage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

Sent again 6-14-02

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

RETURN SERVICE REQUESTED

PRESTORER
FIRST CLASS



63-30415

RECEIVED

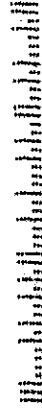
NOV 30 2001

WATER RESOURCES
WESTERN REGION

STEVEN A VANDERWERFF
VICKIE A VANDERWERFF
1440 GOOD DAY CR

VAND440 836342018 1301 08 11/27/01
RETURN TO SENDER
VANDERWERFF
2441C S POWERLINE RD
MELBA ID 83641-5031
RETURN TO SENDER

AUME 836342018/8022



Sent again 12/3/01

AJ5856NP

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

DATE: AUG-21-1997

PAGE: A-605

RIGHT NUMBER: 63-30415

NAME & ADDRESS: STEVEN A VANDERWERFF
VICKIE A VANDERWERFF
460 N LOCUST GROVE
KUNA ID 83634

SOURCE: GROUNDWATER

QUANTITY: 0.52 CFS

PRIORITY DATE: 01/01/1955

POINT OF DIVERSION: T02N R01E S20 NWSW

Within ADA County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
STOCKWATER DAIRY COWS, DRY COWS, H

PERIOD OF USE
01-01 12-31

QUANTITY
0.52 CFS

PLACE OF USE: STOCKWATER Within ADA County
T02N R01E S20 NWSW

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

THIS DAIRY HAS BEEN IN OPERATION FOR MANY YEARS. PEOPLE IN THE
AREA ESTIMATE THIS WELL WAS DRILLED IN THE MID 1950'S. WHEN
RESEARCHING THE WELL RECORDS, WE FOUND THIS WELL HAD NEVER BEEN
FILED ON WITH THE DEPT. OF WATER RESOURCES. WE HAVE OWNED THE
DAIRY FOR APPROX. 5 YEARS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE



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

November 9, 2001

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

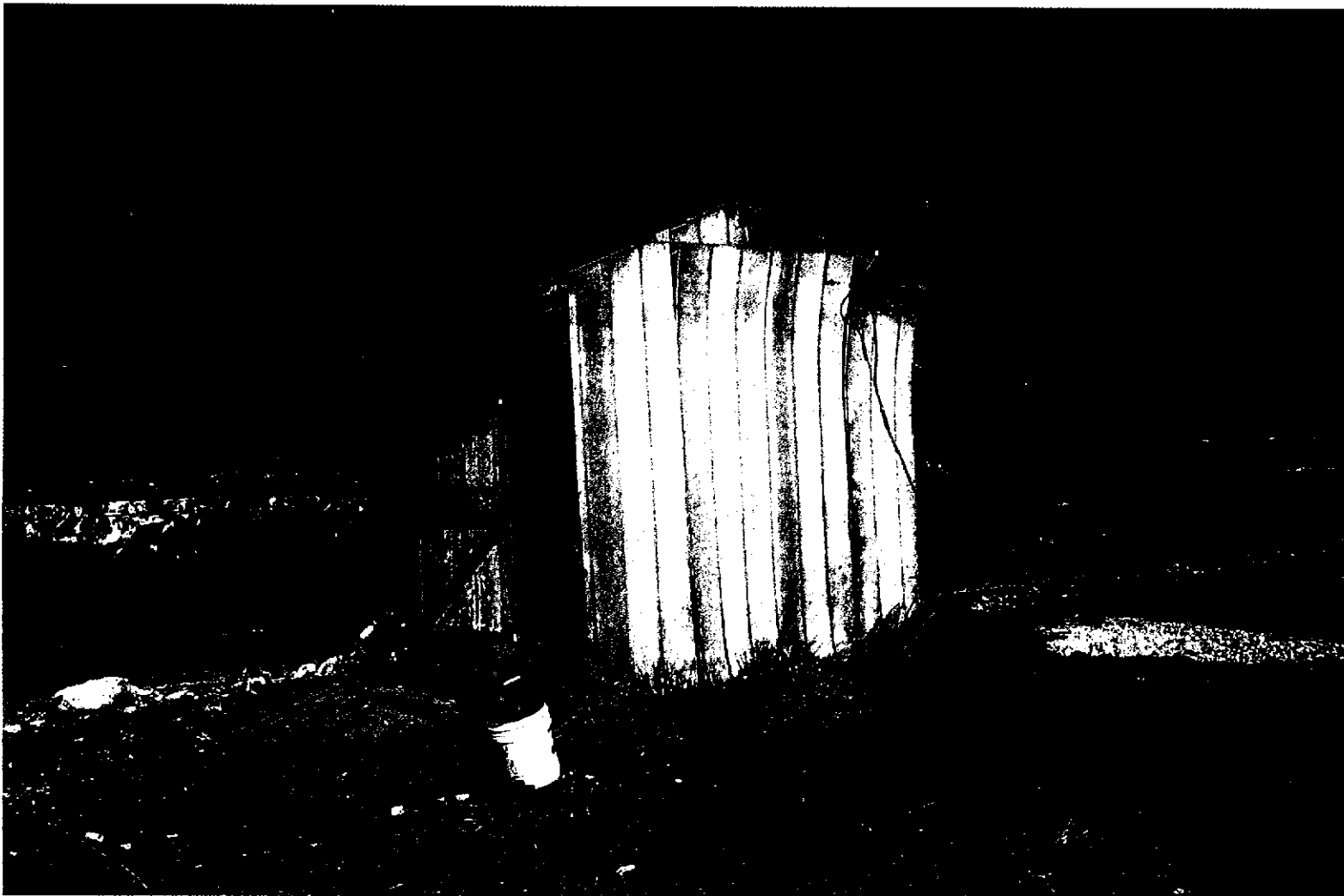
The purpose of this letter is to advise you that Intrepid might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office





1904 年 12 月 1 日

SUBMERSIBLE

MODEL 3000 1000P VOLTS 220 HZ 60
9.64

REF ID: A66000

MOTOR PROTECTION IN MOTOR CONT. DUTY
 237-894 284-704

REF ID: A67843

IMPORTANT: USE ONLY WITH THE RAYCHEM FRANKLIN MOTOR
ACCEPTABLE FOR OUTDOOR USE



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63

Diversion Description

WELL PIPED TO CORRALS, DAIRY BARN, AND SINGLE WIDE MOBILE HOME.

Assumptions

Pressure head and elevation head.

RIGHT ID 63 30415
POD ID 215944
Quad Mora 1
Claim Type Large
Easting 308273
Northing 268560
GPSID A0009277

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

a Photos\215944a.JPG

Photos

a Photos\215944b.JPG

Invoice #

2000-055-01

EPE (ft)

18

Date (M/D/Y)

11/12/01

Time

12.54

Flow Rate (CFS)

0.03

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

☒

HP 1

Pressure Head (psi) 30

Elevation Head (ft) 150

Motor Mfg Franklin

Motor Serial #

Pump Type Submersible

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Service, Inc.



RIGHT ID

63 30415