

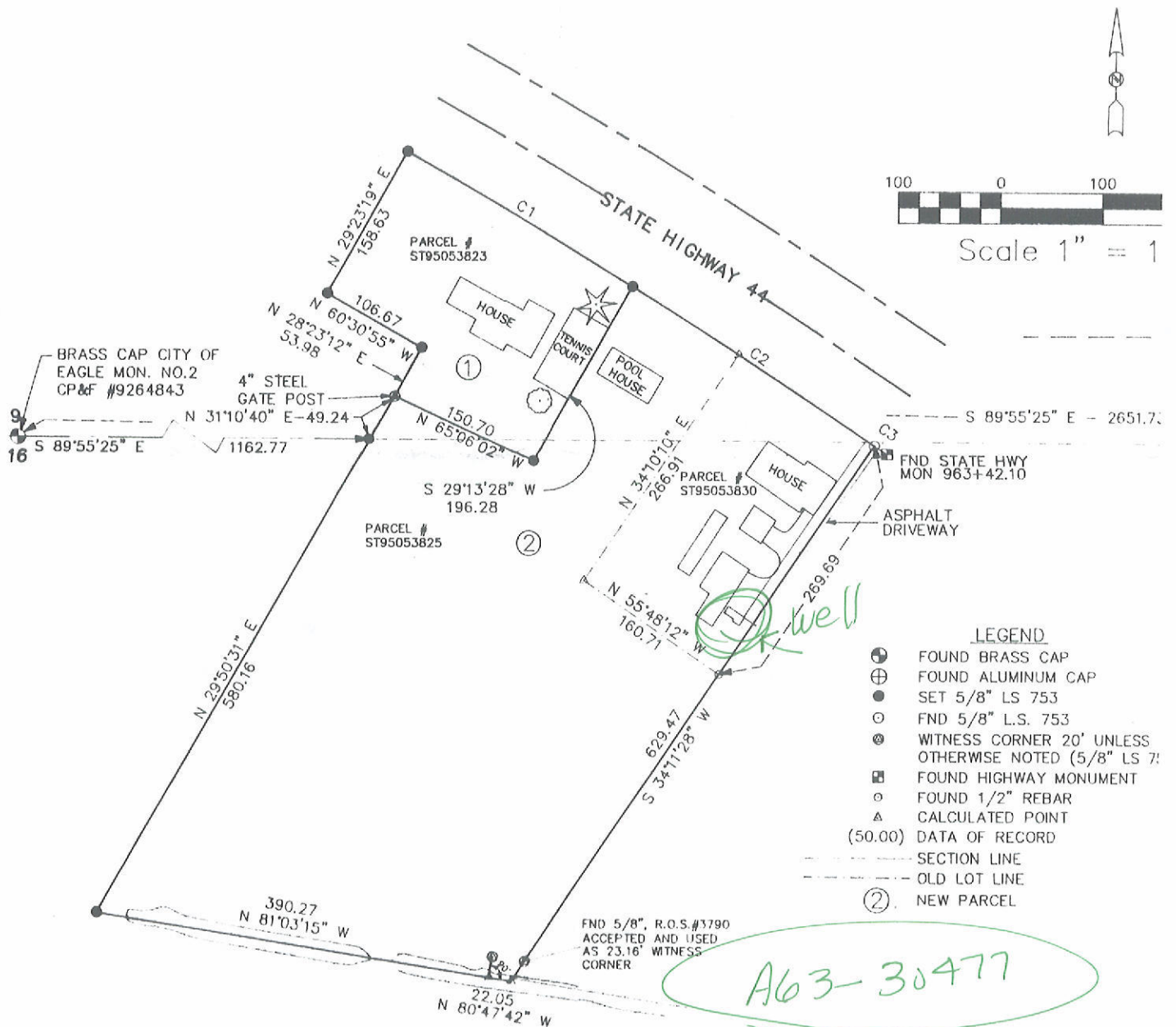
RECORD OF SURVEY

MERRILL PROPERTY LOT LINE ADJUSTMENT

LOCATED IN THE SE 1/4 SECTION 9 AND THE NE 1/4 SECTION 16

T. 4N., R. 1E., B.M. ADA COUNTY, IDAHO

1997



NO.	DELTA	CHORD BEAR	TANGENT	RADIUS	ARC	CHORD
C1	02°15'03"	S 59°33'45" E	128.69	6551.05	257.35	257.33
C2	02°29'45"	S 57°11'21" E	142.70	6551.05	285.35	285.33
C3	00°07'53"	S 55°52'35" E	7.51	6551.05	15.03	15.03

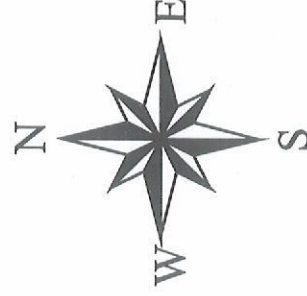
Idaho Department of Water Resources



**T04N, R01E,
S9 & S16**

Claim No: 63-30477
Prepared By: Kimberly Brown
Date: September 24, 2004

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP



Land Records

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Property Details for Parcel S0516110269

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- [Old interactive map](#)

General Information

Property Acres: 0.273
Zone Code: MU
Primary Code Area: 05-40 Tax Districts
Group Type: SECT
Subdivision: 4N 1E 16
Section: 4N1E16

Property Description

PAR #0269 NEAR NW COR OF
 NE4 NE4
 SEC 16 4N 1E
 R/S 4887 IN FLOOD DIST

Property Address

1275 E STATE ST
 EAGLE, ID 83616


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Assessor Links

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- [Appraisal](#)
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- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	420-COM IMPROVEMENT	0.000	\$192,500	INCOME
Primary	210-COM LOT OR TRACT	0.273	\$65,400	MARKET

Total Assessed Value: \$257,900

Parcel Valuation History

Assessed value for year 2004 \$257,900
Assessed value for year 2003 \$253,500
Assessed value for year 2002 \$220,600
Assessed value for year 2001 \$168,100

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Property Characteristics

Commercial
 Land

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RECEIVED

JAN 21 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

JAN 15 1997

Department of Water Resources

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: A63-30477

Date Received: 1/15/1998

Receipt No: 011185

Received By: [Signature]

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

1. Name: NANCY C MERRILL 208-939-6127
Address: 1275 E STATE
EAGLE ID 83616

AND/OR

Name: GALAN R MERRILL 208-939-6127
Address: 1275 E STATE
EAGLE ID 83616

2. Date of Priority: DEC 31, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	16	NE	NE			ADA

5. Description of diverting works:
127' X 6" WELL WITH PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	04/01	10/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 LAWN ONLY

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	16	NE NE		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:

A63-05206, A63-10115 AND A63-05170

14. Remarks:

PARCEL NO. ST95053830

15. Basis of Claim: BENEFICIAL USE

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): Nancy C. Merriell Date: Jan 15, 1998

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of January 19 98
L. Sherman
Notary Public

Seal

Residing at Boise ID
My Commission Expires 11-14-1998

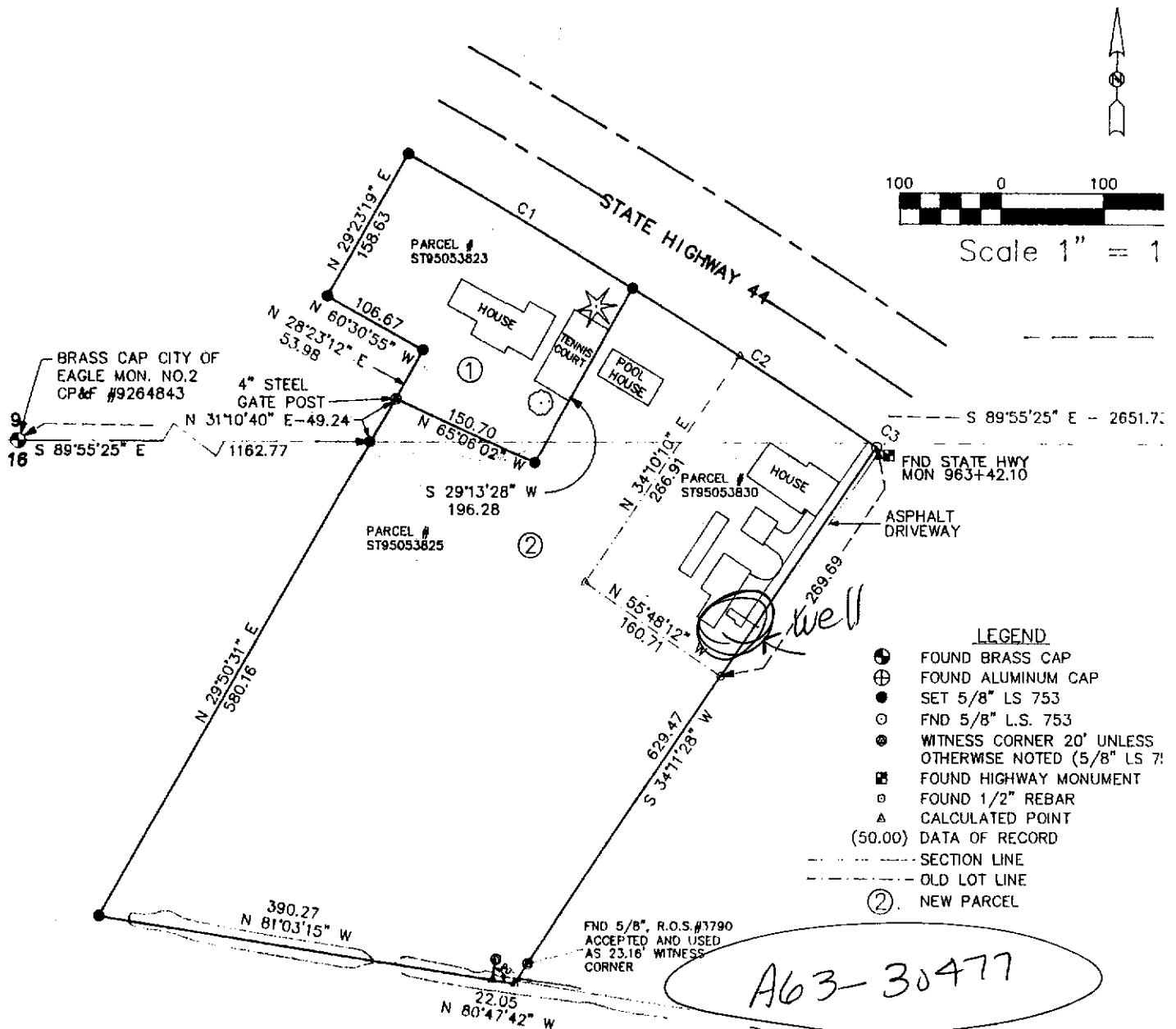
RECORD OF SURVEY

MERRILL PROPERTY LOT LINE ADJUSTMENT

LOCATED IN THE SE 1/4 SECTION 9 AND THE NE 1/4 SECTION 16

T. 4N., R. 1E., B.M. ADA COUNTY, IDAHO

1997



NO.	DELTA	CHORD BEAR	TANGENT	RADIUS	ARC	CHORD
C1	02°15'03"	S 59°33'45" E	128.69	6551.05	257.35	257.33
C2	02°28'45"	S 57°11'21" E	142.70	6551.05	285.35	285.33
C3	00°07'53"	S 55°52'35" E	7.51	6551.05	15.03	15.03

N. 1/16 COR. 11
FOUND 2" ALUM
CP&F #961006E

09/24/2004

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

RIGHT NUMBER: 63-30477

NAME AND ADDRESS: NANCY C MERRILL
1275 E STATE ST
EAGLE ID 83616

GALAN R MERRILL
1275 E STATE ST
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1950

POINT OF DIVERSION:

T04N R01E S16 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

4/01 10/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within ADA County

T04N R01E S09 SESE

T04N R01E S16 NENE

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

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

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

EXPLANATORY MATERIAL: Beneficial Use

PARCEL NOS: S0516110269 & S0509449507.

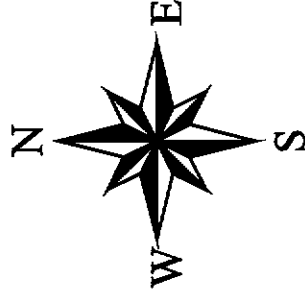
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

**T04N, R01E,
S9 & S16**

Claim No: 63-30477
Prepared By: Kimberly Brown
Date: September 24, 2004

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-30477

WATER RIGHT NUMBER: 63-30477

Owner Type Name and Address

Current Owner

NANCY C MERRILL

~~1275 E STATE ST~~

EAGLE, ID 83616

~~(208) 939-6127~~

Current Owner

GALAN R MERRILL

~~1275 E STATE ST~~

EAGLE, ID 83616

~~(208) 939-6127~~

Priority Date: 12/31/1950

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

DOMESTIC

From To

4/01 to 10/31

Diversion Rate

0.040 CFS

Annual VolumeTotal Diversion:

0.040 CFS

Location of Point(s) of Diversion

GROUND WATER

NE1/4NE1/4

Sec. 16, Twp 04N, Rge 01E, B.M.

ADA County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X																

+ 04N01E 9

X

ADD X01- Domestic use is for 1 home.

Conditions of Approval:Remarks:

1. General

PARCEL NO. ST95053830

ADD 11 - historical beneficial use

Comments:

ADD N13 - not to exceed 13,000 gal/day

Dates and Other Information:

ADD C0 - POA Accomplished Transfer

- Property is also known as A Child's Life Day Care.

Parcel No: 50516110269 & 50509449507.

Merrill's Residence-

1246 S. Watermark Place

#573-0771

1246 S. Watermark Place

#(208) 573-0771

Current Owner:

Gothberg Investments, LLC

1275 E. State St.

Eagle, 83616

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-30477

Dates and Other Information:

Claim Received Date: 1/15/1998

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

Field Exam Date 9-24-04

(in office)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 25.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☐ Evidence of Priority - if none, talk with claimant N/A

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) AG 3 - 30477

Owner: Nancy & Galen Merrill Phone No. (208) 939-6127

Current Address: 1275 E. State, Eagle 83616

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Gothberg Investments, L.L.C.
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: N/A

PRIORITY DATE

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

Priority date, per claimant, is: 12/31/1950

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

(Evidence of priority is not required for D & S claims.)
42-111

Source: Tributary to

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

127' X 6" well with pump**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-5206, -18308, -18348, -18352

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

No, all have separate PO's.**WATER USES**☒ No change☐ Different Uses

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

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

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

TOTAL VOLUME - Groundwater onlyADD N13 Condition☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**Domestic use is for 1 home.☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☒ Changes shown below:POU ACCOMPLISHED TRANSFER/ADDITION of PARCEL NO: S0509449507 -

Parcel No: S0509449507 is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9. According to the #14 Remark on the original Notice of Claim (Parcel No. S05053830) and the ^{attached} Record of Survey map, the claimed parcel of land also includes this 0.067² acre of land.

(+) According to Ada County Assessor Land Records, the house located on PARCEL No: S0516110269 was built in 1957; so it is an accomplished transfer. (enclosed)

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	9																X (D)	

Overlap with other water rights: 63-5206, -11046, -18308, -18348, -18352
New Dry Creek Ditch Co, Drainage Dist #2.

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

No, all are separate P.O.U.s.

Delivery System Narrative: Unknown

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

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Domestic use is for 1 home.

The quantity decreed is not a determination of historical beneficial use.

The quantity decreed shall not exceed 13,000 gal/day.

POU Accomplished Transfer

Property is currently also known as ~~A~~ Child's Life Day Care.

Parcel Nos: S0516110269 * S 0509449507.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 8.24.04

(in office)

FIELD EXAMINER: Kimberly Brown

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-30477

09/24/2004

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source		Name
63-5206	Claim	04N	01E	16	NE	NE		GROUND WATER	1952	GALAN R MERRILL
63-18308	Claim	04N	01E	16	NE	NE		GROUND WATER	1964	BARBARA A WILDER
63-18348	Claim	04N	01E	16	NE	NE		GROUND WATER	1953	DOLORES R CREED
63-18352	Claim	04N	01E	16	NE	NE		GROUND WATER	1959	HAROLD W DUNCAN
~~63-30477~~	~~Claim~~	~~04N~~	~~01E~~	~~16~~	~~NE~~	~~NE~~		~~GROUND WATER~~		~~NANCY C MERRILL~~
63-5206	Water Right	04N	01E	16	NE	NE		GROUND WATER		MERRILLS EGG FARM INC
63-11046	Water Right	04N	01E	16	NE	NE		GROUND WATER		LES CULLEN
63-18308	Water Right	04N	01E	16	NE	NE		GROUND WATER		RALPH A WILDER
63-18348	Water Right	04N	01E	16	NE	NE		GROUND WATER		DOLORES R CREED
63-18352	Water Right	04N	01E	16	NE	NE		GROUND WATER		AURIE V DUNCAN

No overlap - different PODs.

overlap review -

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-30477**

09/24/2004

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
125K	Claim	04N	01E	16	NE	NE		IRRIGATION	3/	NEW DRY CREEK DITCH CO
126G	Claim	04N	01E	16	NE	NE		IRRIGATION	3/	NEW DRY CREEK DITCH CO
161L	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
-205	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
-206	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
258B	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
-263	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
-286	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
288B	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
2406	Claim	04N	01E	16	NE	NE		IRRIGATION	38/29248	DRAINAGE DIST NO 2
5206	Claim	04N	01E	16	NE	NE		IRRIGATION	1952 1/1	GALAN R MERRILL
17468	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
18785	Claim	04N	01E	16	NE	NE		IRRIGATION	37/726	NEW UNION DITCH CO LTD
28977	Claim	04N	01E	16	NE	NE		IRRIGATION	3/2964	NEW DRY CREEK DITCH CO
31778	Claim	04N	01E	16	NE	NE		IRRIGATION	3/14	NEW DRY CREEK DITCH CO
31806	Claim	04N	01E	16	NE	NE		IRRIGATION	3/	NEW DRY CREEK DITCH CO
2406	Water Right	04N	01E	16	NE	NE		IRRIGATION	38/29248	DRAINAGE DIST NO 2
5206	Water Right	04N	01E	16	NE	NE		IRRIGATION	1952 1/1	MERRILLS EGG FARM INC
11046	Water Right	04N	01E	16	NE	NE		COMMERCIAL	1989	LES CULLEN
~~30477~~	~~Claim~~	~~04N~~	~~01E~~	~~16~~	~~NE~~	~~NE~~		~~DOMESTIC~~		~~NANCY C MERRILL~~
18308	Water Right	04N	01E	16	NE	NE		DOMESTIC	1964	RALPH A WILDER
18348	Water Right	04N	01E	16	NE	NE		DOMESTIC	1953	DOLORES R CREED
18352	Water Right	04N	01E	16	NE	NE		DOMESTIC	1959	AURIE V DUNCAN

No overlap - all different POUs.



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General Information

Property Acres: 0.273
Zone Code: MU
Primary Code Area: 05-40 Tax Districts
Group Type: SECT
Subdivision: 4N 1E 16
Section: 4N1E16

Property Description

PAR #0269 NEAR NW COR OF
 NE4 NE4
 SEC 16 4N 1E
 R/S 4887 IN FLOOD DIST

Property Address

1275 E STATE ST
 EAGLE, ID 83616


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- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	420-COM IMPROVEMENT	0.000	\$192,500	INCOME
Primary	210-COM LOT OR TRACT	0.273	\$65,400	MARKET

Total Assessed Value: \$257,900

Parcel Valuation History

Assessed value for year 2004 \$257,900
Assessed value for year 2003 \$253,500
Assessed value for year 2002 \$220,600
Assessed value for year 2001 \$168,100

Ada County Links

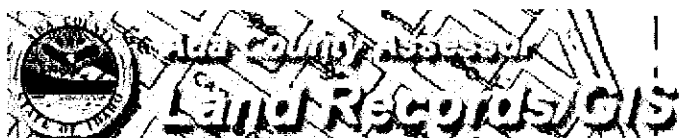
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Property Characteristics

Commercial
 Land

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Commercial**Land****Commercial Characteristics 1 for Parcel "S0516110269"**

Commercial Group Type:	DAYCARE/PRE-SCHOOL
Year Built:	1957
Remodel Year:	0
Occupancy Date:	No Date Available
Business Name:	A Child's Life Day Care
Number of Floors:	2
Number of Units:	0
Leasable Sq Ft:	3237
Ground Floor Sq Ft:	2331
Excess Land Sq Ft:	0
Used Land Acres:	0.34
Used Land Sq Ft:	14810
Excess Land Acres:	0.0
Total Land Sq Ft:	3237
Total Land Acres:	0.34
Method:	INCOME

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General Information

Property Acres: 0.067
Zone Code: MU
Primary Code Area: 05-1 Tax Districts
Group Type: SECT
Subdivision: 4N 1E 09
Section: 4N1E09

No Image
Available

Property Description

PAR #9507 NEAR SW COR OF
 SE4 SE4
 SEC 09 N 1E
 R/S 4887 OUT OF FLOOD DIST

Property Address

1275 E STATE ST
 EAGLE, ID 83616

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Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	210-COM LOT OR TRACT	0.067	\$16,100	MARKET

Total Assessed Value: \$16,100

Parcel Valuation History

Assessed value for year 2004 \$16,100
Assessed value for year 2003 \$16,100
Assessed value for year 2002 \$14,600
Assessed value for year 2001 \$14,600

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Land**Land Characteristics 1 for Parcel "S0509449507"**

Residential Acres:	0.000
Commercial Acres:	0.067
Other Acres:	0.000
MLS Area:	900 - Eagle
Street:	Not Available
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	N
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 30, 2004

RE: Snake River Adjudication Water Right No. A63-05206 & A63-30477

Dear Mr. and Mrs. Merrill,

Since a map depicting the place of use and the point of diversion, or well, was not included with the 63-05206 original Notice of Claim, I am requesting that you use the enclosed 1987 aerial photograph to draw 1) the domestic home and well associated with claim 63-05206 and 2) the second domestic home and well associated with claim 63-30477.

In addition, it is also necessary to submit evidence of priority for claim 63-5206 by February 27, 2004. I am assuming that you have the personal knowledge of when the well was first put to use in 1952 for domestic and irrigation purposes. If this assumption is correct, please fill out the enclosed Affidavit based on your knowledge and this will suffice for the evidence of your claimed priority date.

Please send the evidence of priority and the 1987 aerial photo depicting the two domestic households and wells to:

**IDWR Western Region
ATTN: Kimberly L. Brown
2735 Airport Way
Boise, ID 83705-5082**

If you have any questions, please call me at 334-2190.

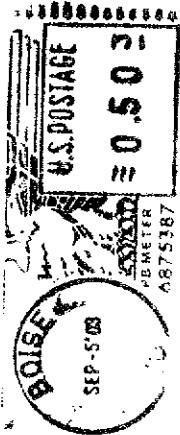
Sincerely,

Kimberly L. Brown
Water Resource Agent
Western Region

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

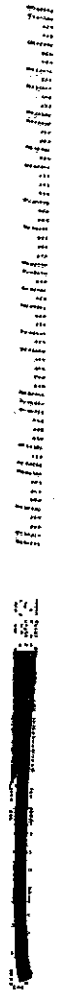
AG3-5206 # UN-30477

GALAN & NANCY MERRILL
1275 E STATE
EAGLE, ID 83616



RECEIVED
SEP 15 2003
WATER RESOURCES
WESTERN REGION

RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE



9.15.03 2002 Tax lot information:

Gothberg Investments
1275 E. State St.
Eagle, ID 83616