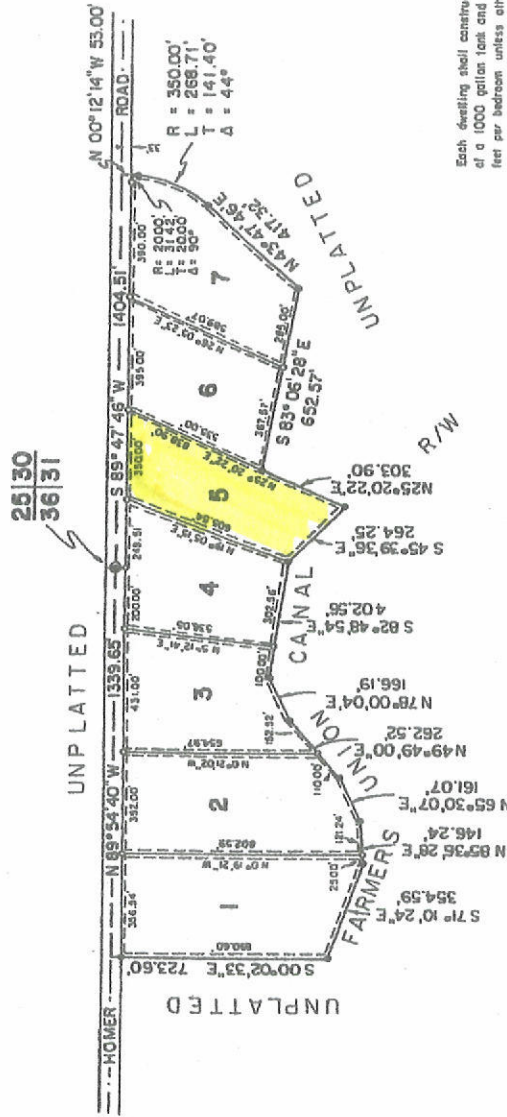


HEATHER HAVEN ESTATES BLOCK 3

A PORTION OF THE NE 1/4 OF SEC. 36, T.5N., R.1W. B.M.
AND THE NW 1/4 OF SEC. 31, T.5N., R.1E. B.M.
ADA COUNTY, IDAHO
1973



LEGEND

- POINT OF BEGINNING
- 5/8" x 30" Steel Pin
- 1/2" x 24" Steel Pin
- 2 LOT NUMBER
- 10' UTILITY EASEMENT

Each dwelling shall construct a septic system consisting of a 1000 gallon tank and a drain field of 300 square feet per bedroom unless otherwise approved by the Department of Health.

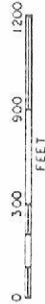
ALLRED & DUNN ENGINEERS
11530 Wildrose Court
Boise, Idaho

This plat is included solely for the purpose of assessing and locating said premises and the Company assumes no liability for variations, if any, in dimensions and locating ascertained by actual survey.

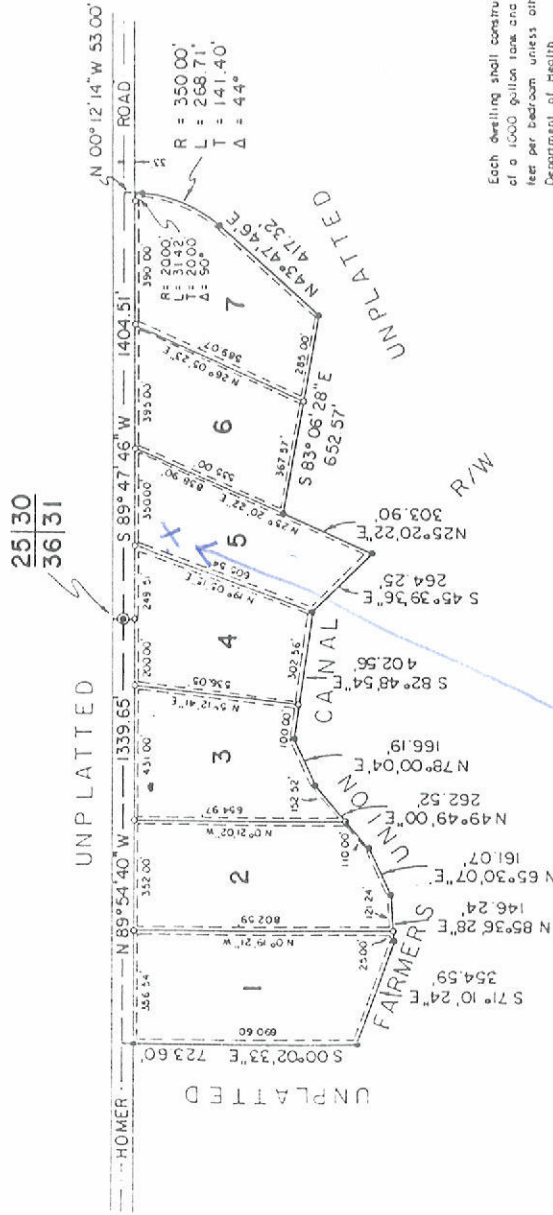


HEATHER HAVEN ESTATES BLOCK 3

A PORTION OF THE NE $\frac{1}{4}$ OF SEC. 36, T.5N., R.1W. B.M.
AND THE NW $\frac{1}{4}$ OF SEC. 31, T.5N., R.1E. B.M.
ADA COUNTY, IDAHO
1973



This plan is a photographic reproduction of that on file with the State of Idaho or surveyor's office. The company assumes no liability for variation, if any, with another or re-survey.



LEGEND

- POINT OF BEGINNING
- 5/8" x 30" Steel Pin
- 1/2" x 24" Steel Pin
- 2 LOT NUMBER
- ===== 10' UTILITY EASEMENT

DOMESTIC WELL IS APPROXIMATELY 100 FEET SOUTH OF
THE NORTH PROPERTY BOUNDARY AND 106 FEET EAST
OF THE WESTERN
PROPERTY BOUNDARY.

ALLRED & DUNN ENGINEERS
11530 Wildrose Court
Boise, Idaho

Idaho Department of Water Resources

T05N, R01E,
S31

Claim No: 63-31111
Prepared By: Kimberly Brown
Date: January 7, 2004



Place of Use



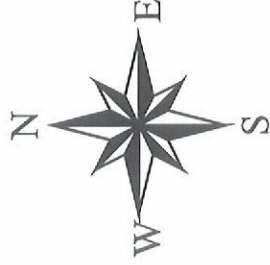
Section Lines



1/4 1/4



Point of Diversion



1987 NAPP

Idaho Department of Water Resources

T05N, R01E,
S31

Claim No: 63-31111
Prepared By: Kimberly Brown
Date: January 7, 2004



Place of Use



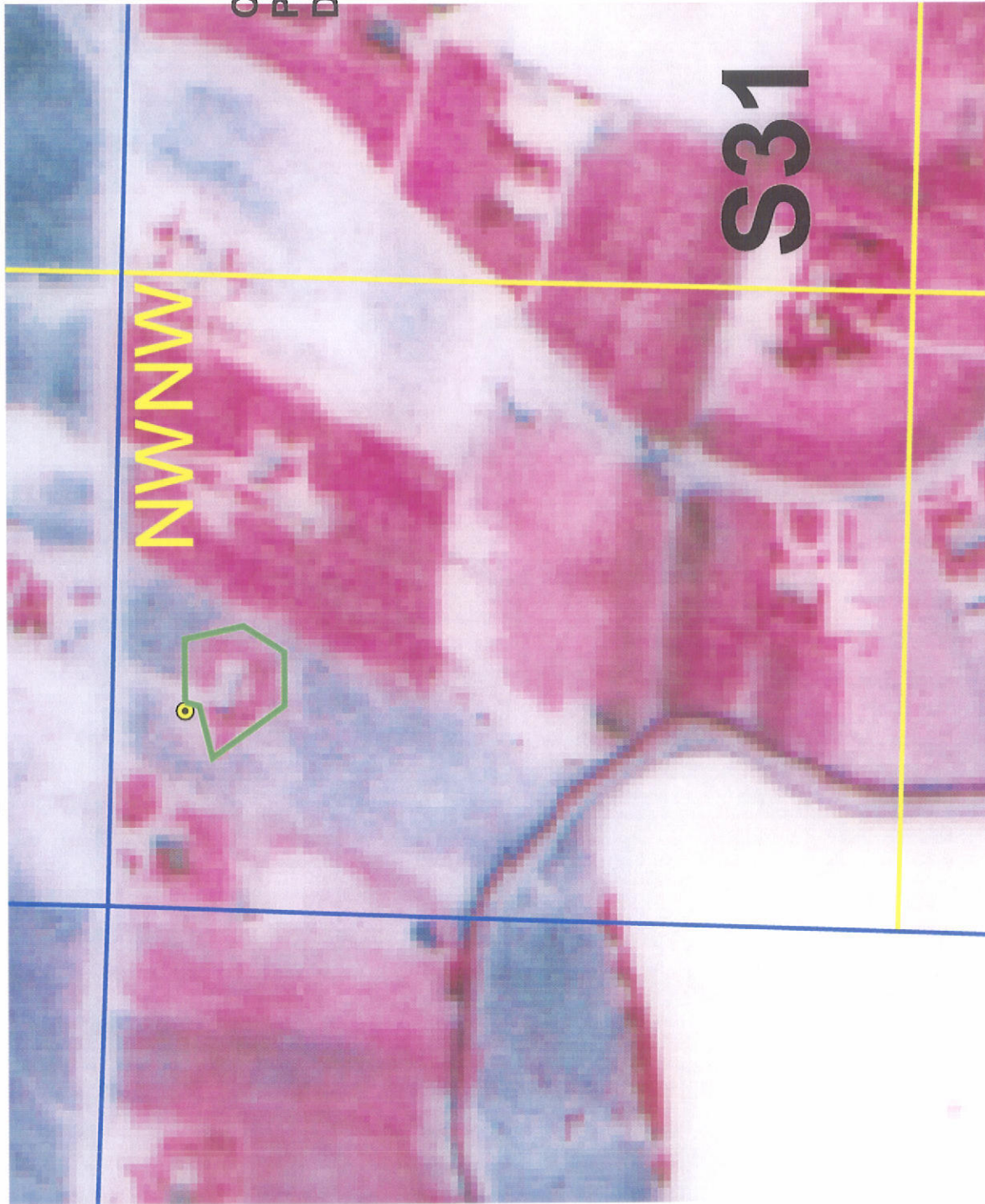
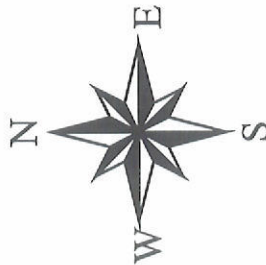
Section Lines



1/4 1/4



Point of Diversion



1987 NAPP

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31111
Date Received: 12/5/2000
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARY K MINGUS
3125 W HOMER RD
EAGLE ID USA 83616

Phone: (208) 939-0712

HEATHER L MINGUS
3125 W HOMER RD
EAGLE ID USA 83616

Phone: (208) 939-0712

2. Date of Priority: 12/31/1981

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	31	NW NW	ADA	

5. Description of diverting works:

The well is steel-encased, and approximately 200 feet in depth. The well was drilled in 1981, with a subsequent filter screen replacement.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1

Number of other uses: shop, pool and lawn

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	31	NW	NW	DOMESTIC	

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:

The well for this claimed right is presumed to have been drilled in 1981, at the time the house was built. There is no well-drillers report or drilling permit since those documents were not required until 1987.

Ownership changed by DB 2/26/2004

Note: Attorney names removed (Scott Campbell & Angela Schaer) because they were associated with the former owner (Whiting). DB 2/26/2004

15. Basis of Claim: Beneficial Use

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

RECEIVED

FEB 17 2004

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
<u>63-31111</u>	_____	___	_____	_____	___
<u>63-09103C</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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) LEE J. + SYLVIE-ANNE B WHITING
3125 W. HOMER RD EAGLE ID 83616
4. New Owner/Claimant(s) GARY K. MINGOS HEATHER L. MINGOS
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address 3125 W. HOMER RD
- City, State and ZIP Code EAGLE ID 83616
- New Telephone Number (208) 939-0712
5. Date you acquired the property 1/16/04

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) Deborah L. Mungin
(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>DB</u>	Date <u>2-17-04</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/16/04 04:45 PM
DEPUTY Kathy Ingraham
RECORDED-REQUEST OF
Stewart Title Company
AMOUNT 3.00

1

104005735

ST-03027616-LF/MA
380175 260C-535-8

CORPORATION DEED

FOR VALUE RECEIVED, BYME, Inc., d/b/a RE/MAX International Relocation Services, Inc. a corporation duly organized and existing under the laws of the State of Colorado grantor, does hereby Grant, Bargain, Sell and Convey unto GARY F. MINGUS AND HEATHER L. MINGUS, HUSBAND AND WIFE

grantee whose current address is 3125 W. HOMER ROAD, EAGLE, IDAHO 83616

the following described real estate, to-wit:

LOT 5 IN BLOCK 3 OF HEATHER HAVEN ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 32 OF PLATS AT PAGE 1947, RECORDS OF ADA COUNTY, IDAHO. ** THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT GRANTEE'S NAME.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that they are free from all incumbrances

and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its _____ this
5th day of January, 2004.

BYME, Inc., d/b/a RE/MAX International Relocation Services, Inc.

By Nan Jespersen

Printed Name: Nan Jespersen

Title: Vice President



STATE OF COLORADO, COUNTY OF ARAPAHOE

On this 5th day of JANUARY, 2004, before me, a Notary Public in and for said State, personally appeared NAN JESPERSEN known to me to be the Vice-President of the corporation that executed this instrument or the

ST-03047616-LF/MA

FRS File No.: 380175

Customer File No.: 260C-535-8

WARRANTY DEED

For Value Received

Lee J. Whiting and Sylvie-Anne B. Whiting, husband and wife

The grantor , do hereby grant, bargain, sell and convey unto
BYME, Inc., d/b/a RE/MAX International Relocation Services, Inc.

the grantee , whose current address is 8390 East Crescent Parkway, Suite 500, Greenwood Village, CO
80111

the following described premises, in Ada County, Idaho, to-wit:

LOT 5 IN BLOCK 3 OF HEATHER HAVEN ESTATES, ACCORDING TO THE OFFICIAL PLAT
THEREOF, FILED IN BOOK 32 OF PLATS AT PAGE 1947, RECORDS OF ADA COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,
heirs and assigns forever. And the said Grantor do hereby covenant to and with
the said Grantee , that he the owner in fee simple of said premises; that they are free from all
incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

11/2/04

Lee J. Whiting

Sylvie-Anne B. Whiting

STATE OF COLORADO, COUNTY OF ITKRI-NHUT

On this 5th day of JANUARY, 2004, before me, a Notary Public in and for said State, personally appeared NAN TESPERSON known to me to be the Vice-President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

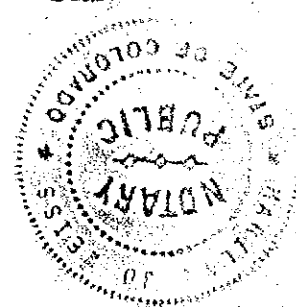
Marilyn Jo Weiss
Notary Public

Printed Name: MARILYN JO WEISS

Residing at: _____

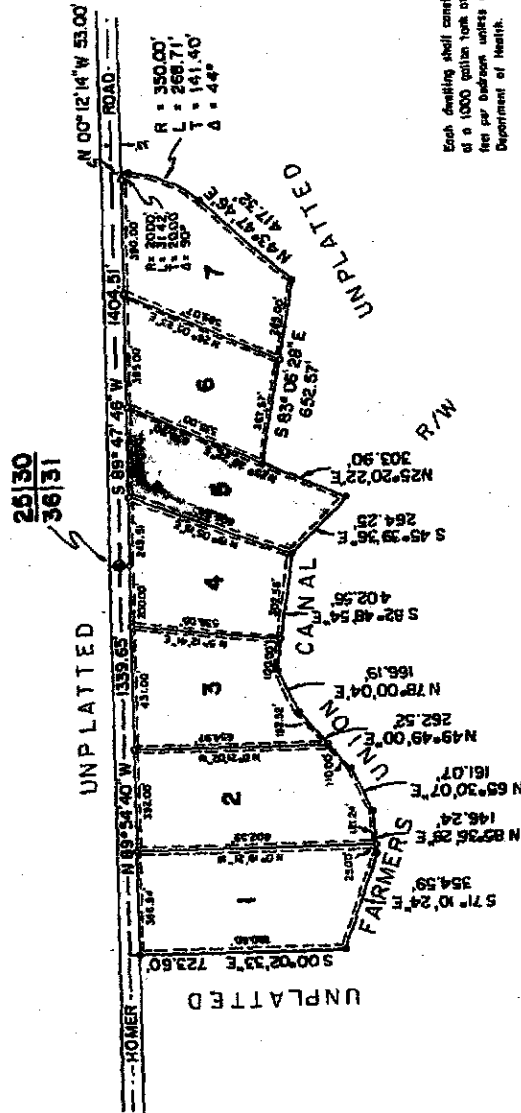
Commission Expires: 2/3/2007

Seal



HEATHER HAVEN ESTATES BLOCK 3

A PORTION OF THE NE $\frac{1}{4}$ OF SEC. 36, T.5N., R.1W. B.M.
AND THE NW $\frac{1}{4}$ OF SEC. 31, T.5N., R.1E. B.M.
ADA COUNTY, IDAHO
1973



LEGEND

- POINT OF BEGINNING
- 5/8" x 30" Steel Pin
- 1/2" x 24" Steel Pin
- 2 LOT NUMBER
- 10' UTILITY EASEMENT

This plat is included solely for the purpose of assisting and locating said premises and the Company assumes no liability for variations, if any, in dimensions and locating ascertained by actual survey.



Each dwelling shall construct a septic system consisting of a 1000 gallon tank and a drain field of 300 square feet or outdoor unless otherwise approved by the Department of Health.

ALLRED & DUNN ENGINEERS
11530 Wildrose Court
Boise, Idaho

Shape also created *df*

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31111

Date Received: 8/7/00

Receipt No:

Received By:

R 12/06/00

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SYLVIE-ANNE B WHITING Phone: (208)939-3565
LEE J WHITING Phone: (208)939-3565
3125 W HOMER
EAGLE ID USA 83616

2. Date of Priority: 12/31/1981

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
05N	01E	31	NW NW	ADA

5. Description of diverting works:

The well is steel-encased, and approximately 200 feet in depth. The well was drilled in 1981, with a subsequent filter screen replacement.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1
Number of other uses: shop, pool and lawn

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	01E	31	NW NW	DOMESTIC	

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:

The well for this claimed right is presumed to have been drilled in 1981, at the time the house was built. There is no well-drillers report or drilling permit since those documents were not required until 1987.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31111

Date Received 12-5-00 J. Barron

Receipt Number C051365 \$25.00

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW (208) 343-5454

Send all correspondence to:
Scott L. Campbell or Angela D. Schaer
Elam & Burke, P.A.
PO Box 1539
Boise, ID 83701

Please type or print clearly

1. Name of Claimant (s) Lee J. and Sylvie-Anne B. Whiting Phone (208) 939-3565

Mailing Address 3125 W. Homer, Eagle, Idaho Zip 83616

2. Date of Priority (Only one (1) per claim) December 31, 1981

3. Source of water supply (a) Groundwater

which is tributary to (b)

4. a. Location of existing point of diversion is: Township 5N Range 1E Section 31

1/4 of NW 1/4 of NW 1/4, Govt. Lot, 5 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. The well is steel-encased, and approximately 200 feet in depth. The well was drilled in 1981, with a subsequent filter screen replacement.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount .04 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .04 (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.) Domestic use for one house, shop, pool, and lawn

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	
5N	1E	31					D												

Total number of acres irrigated

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

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

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

14. Remarks:

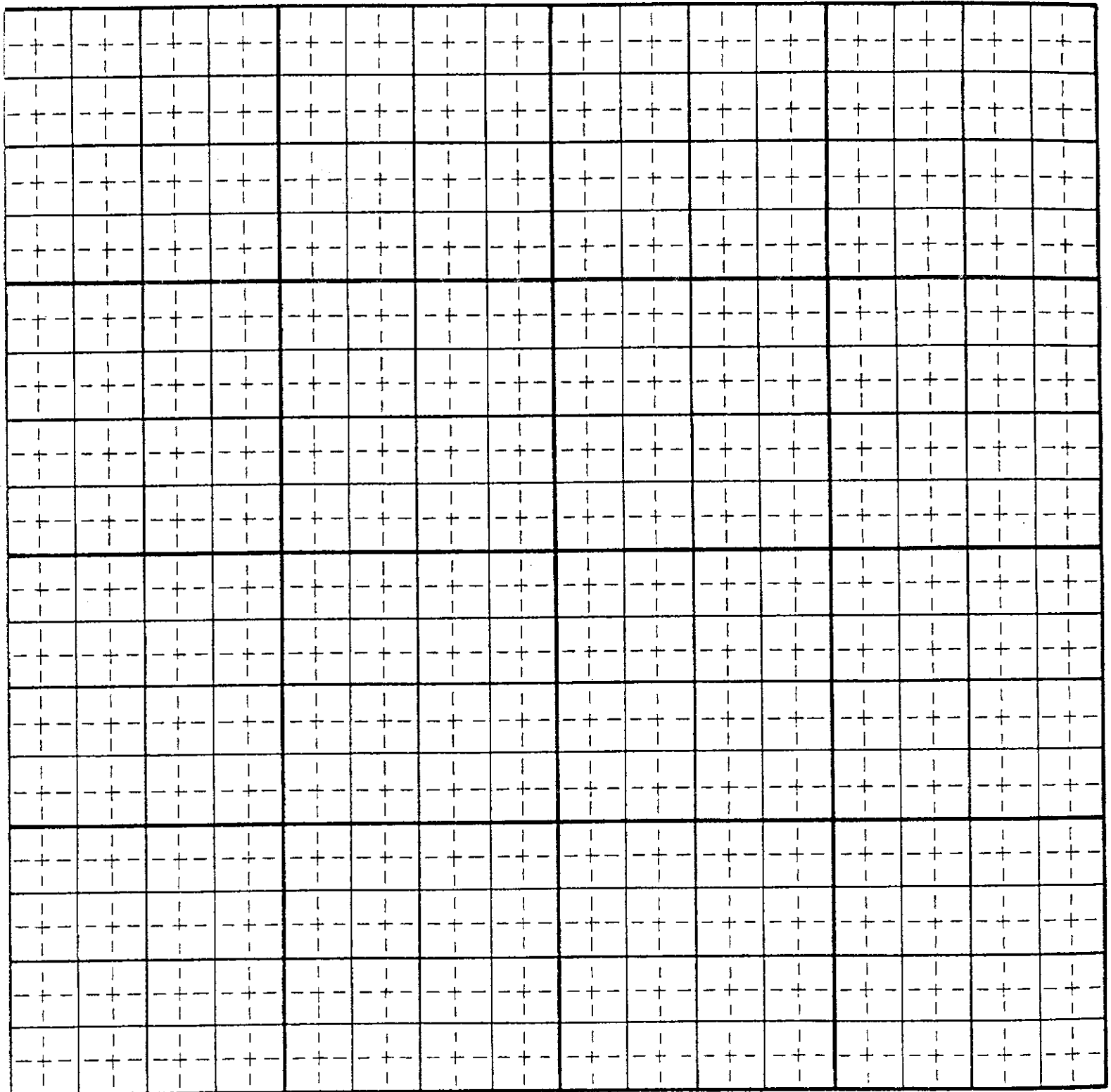
The well for this claimed right is presumed to have been drilled in 1981, at the time the house was built. There is no well-driller's report or drilling permit since those documents were not required until 1987.

Last Name Whiting Ident No.

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

Scale: 2 inches equals 1 mile

See Attachment A



Last Name Whiting Ident No. 1000

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

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 1

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

Signature of Claimant (s) [Signature] Date 7/13/2000
[Signature] Date 7/13/2000

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 _____ Title _____ of _____ Organization _____

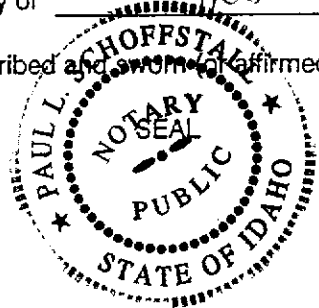
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn to (affirmed) before me this 13th day of July, 19 2000



Notary Public PAUL SCHOFFSTALL - Paul

Residing at Boise, ID 83706

My Commission Expires 9/1/2002

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Angela D. Schaer, Elam & Burke 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 Angela D. Schaer

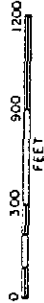
Address PO Box 1539, Boise, ID 83701

Date August 7, 2000

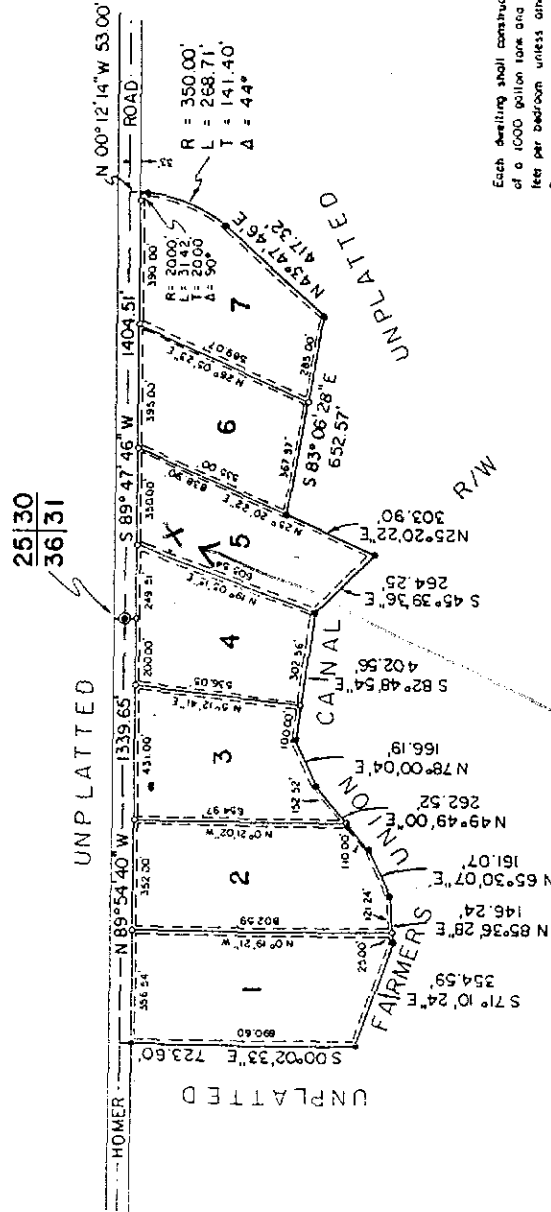
Last Name Whiting Ident. Number _____

HEATHER HAVEN ESTATES BLOCK 3

A PORTION OF THE NE $\frac{1}{4}$ OF SEC. 36, T.5N., R.1W. B.M.
AND THE NW $\frac{1}{4}$ OF SEC. 31, T.5N., R.1E. B.M.
ADA COUNTY, IDAHO
1973



This map is a photographic reproduction of that on file in the office of the surveyor's office. The company assumes no liability for variation, if any, with another or re-survey.



Each dwelling shall construct a septic system consisting of a 1000 gallon tank and a drain field of 500 square feet per bedroom unless otherwise approved by the Department of Health.

LEGEND

- POINT OF BEGINNING
- 5/8" x 30" Steel Pin
- 1/2" x 24" Steel Pin
- 2 LOT NUMBER
- == 10' UTILITY EASEMENT

DOMESTIC WELL IS APPROXIMATELY 100 FEET SOUTH OF THE NORTH PROPERTY BOUNDARY AND 100 FEET EAST OF THE WESTERN PROPERTY BOUNDARY.

ALLRED & DUNN ENGINEERS
11530 Wildrose Court
Boise, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

December 7, 2000

KARL J. DREHER
DIRECTOR

Scott L. Campbell
Angela D. Schaer
Elam & Burke, P.A.
P.O. Box 1539
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #63-31111
Your Clients Lee J. and Sylvie-Anne Whiting

Dear Mr. Campbell and Ms. Schaer:

The Notice of Claim to a Water Right for your clients, Lee J. and Sylvie-Anne Whiting, was received from the SRBA Court recently. We have enclosed a data-entered copy of their claim and your receipt #C051365 for the fees paid.

The Notice of Claim will be investigated and reported to the Court in a future Director's Report for Basin 63 currently projected in 2002. Late claims are collected in supplemental director's reports when all the existing claims in an IDWR basin have been reported. In the case of Basin 63, most of the small domestic and/or stockwater claims only have been reported. Reports for the remaining claims in Basin 63 follow investigating the claims starting next year.

Please contact me at 208/327-7932 if you have any questions.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DS:ss:region

Enclosures:

Receipt #C051365

Data-entered Copy of Claim

RECEIVED
DEC 05 2000
Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 21 2000	
By _____	Clerk
Deputy Clerk	

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

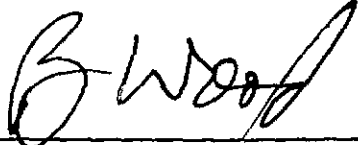
Subcase No. 63-31111

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On Aug 9, 2000, a Motion to File Late Notice of Claim was filed by
Lee Whiting. All procedural requirements under *Administrative
Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED 11-21-00


BARRY WOOD
Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO
FILE LATE NOTICE OF CLAIM

200 AUG -9 AM 10:13

TWIN FALLS CO., IDAHO
FILED

**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

Subcase 63-31111

(Insert water right number)

Case 39576

STANDARD FORM 4**MOTION TO FILE:**☒ **LATE NOTICE OF CLAIM**☐ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Lee and Sylvie Anne Whiting

My name is Scott L. Campbell and Angela D. Schaer

My address is Elam & Burke, P.A., P.O. Box 1539, Boise, ID 83701

My phone number is (208) 343-5454

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

The Whitings did not acquire the property until approximately mid-1999,
and subsequently discovered that no notice of claim had been filed
for this right.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

The Whitings are attaching a notice of claim which includes a well
description and map. There is no well driller's report or permit because
those documents were not required until 1987.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 25.00.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on November 21, 2000, at 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)State of IdahoCounty of Ada

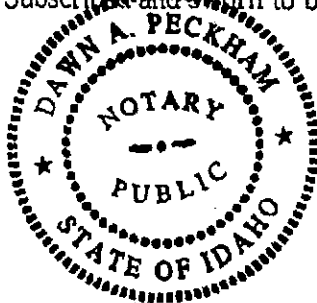
Angela D. Schaer, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Angela D. Schaer
Attorney signing in representative capacity

Subscribed and sworn to before me on

August 7, 2000
(Insert Date)

Dawn A. Peckham
Notary Public for Said State
Residing at: Bose Idaho
My Commission expires: 7/17/06

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on August 7, 1990, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Angela R. Schaefer
Signature of person or attorney mailing the form

Claim No(s). 63-3111

Claim No(s). 63-3111

[illegible]

85/02/2005
RECEIVED

NOTICE OF ERROR
REPLY

JUN 15 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-31111

HEATHER L MINGUS
3125 W HOMER RD
EAGLE ID 83616
Telephone Number: (208)939-0712

GARY K MINGUS
3125 W HOMER RD
EAGLE ID 83616
Telephone Number: (208)939-0712

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

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

DATE: 6/9/05 SIGNATURE: Gary K. Mingus
Please print your name: GARY K. Mingus

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

06/02/2005

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

RIGHT NUMBER: 63-31111

NAME AND ADDRESS: HEATHER L MINGUS
3125 W HOMER RD
EAGLE ID 83616

GARY K MINGUS
3125 W HOMER RD
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: 12/31/1981

POINT OF DIVERSION:

T05N R01E S31 NWNW Lot 1 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home, shop, and pool.		

PLACE OF USE: DOMESTIC Within ADA County

T05N R01E S31 Lot 1 NWNW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 5, BLK 3, HEATHER HAVEN ESTATES.

02/26/2004

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

RIGHT NUMBER: 63-31111

NAME AND ADDRESS: HEATHER L MINGUS
3125 W HOMER RD
EAGLE ID 83616

GARY K MINGUS
3125 W HOMER RD
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: 12/31/1981

POINT OF DIVERSION:

T05N R01E S31 NWNW Lot 1 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home, shop, and pool.		

PLACE OF USE: DOMESTIC Within ADA County

T05N R01E S31 Lot 1 NWNW

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

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

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 5, BLK 3, HEATHER HAVEN ESTATES.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 26, 2004

GARY K MINGUS
HEATHER L MINGUS
3125 W HOMER RD
EAGLE ID 83616

Re: Notice of Claim to a Water Right No. 63-31111 & 63-9103C

Dear Claimant(s):

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

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

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

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

Idaho Department of Water Resources



**T05N, R01E,
S31**

Claim No: 63-31111

Prepared By: Kimberly Brown

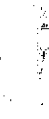
Date: January 7, 2004



Place of Use

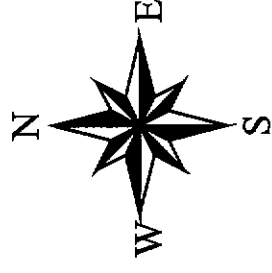


Section Lines



1/4 1/4

● Point of Diversion



1987 NAPP

Idaho Department of Water Resources

T05N, R01E,
S31

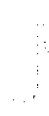
Claim No: 63-31111
Prepared By: Kimberly Brown
Date: January 7, 2004



Place of Use



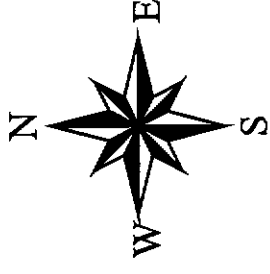
Section Lines



1/4 1/4



Point of Diversion



1987 NAPP

01/09/2004

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

RIGHT NUMBER: 63-31111

NAME AND ADDRESS: SYLVIE-ANNE B WHITING
3125 W HOMER
EAGLE ID 83616

LEE J WHITING
3125 W HOMER
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: 12/31/1981

POINT OF DIVERSION:

T05N R01E S31 NWNW Lot 1 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home, shop, and pool.

PLACE OF USE: DOMESTIC Within ADA County

T05N R01E S31 Lot 1 NWNW

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

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

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 5, BLK 3, HEATHER HAVEN ESTATES.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31111 V1

WATER RIGHT NUMBER: 63-31111 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMBELL ELAM & BURKE PA 702 W IDAHO 10TH FLOOR PO BOX 1539 BOISE, ID 83701 (208)343-5454
Attorney	ELAM & BURKE PA ATTN: ANGELA D SCHAER 702 W IDAHO 10TH FLOOR PO BOX 1539 BOISE, ID 83701 (208)343-5454
Current Owner	SYLVIE-ANNE B WHITING 3125 W HOMER EAGLE, ID 83616 (208)939-3565
Current Owner	LEE J WHITING 3125 W HOMER EAGLE, ID 83616

Priority Date: 12/31/1981

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>
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	L1 (NW1/4NW1/4)	Sec. 31, Twp 05N, Rge 01E, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	31						X											
								L 1											

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31111 V1

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. X01 Domestic use is for 1 home, shop, and pool.

Remarks:

1. Explanatory PROPERTY IS ALSO KNOWN AS LOT 5, BLK 3, HEATHER HAVEN ESTATES.

Comments:

1. kbrown 1/9/2004 Parcel Number

Comment: Parcel No: R3533200100.

2. kbrown 1/9/2004 Drilling Report or Permit

Comment: The well for this claimed right is presumed to have been drilled in 1981, at the time the house was built. There is no well drillers report or drilling permit since those documents were not required until 1987.

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:

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31111

WATER RIGHT NUMBER: 63-31111 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMBELL ✓ ELAM & BURKE PA 702 W IDAHO 10TH FLOOR PO BOX 1539 BOISE, ID 83701 (208)343-5454
Attorney	ELAM & BURKE PA ✓ ATTN: ANGELA D SCHAER 702 W IDAHO 10TH FLOOR PO BOX 1539 BOISE, ID 83701 (208)343-5454
Current Owner	SYLVIE-ANNE B WHITING ✓ 3125 W HOMER EAGLE, ID 83616 (208)939-3565
Current Owner	LEE J WHITING ✓ 3125 W HOMER EAGLE, ID 83616

Priority Date: 12/31/1981 ✓

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>
DOMESTIC ✓	01/01 to 12/31 ✓	0.040 CFS ✓	ADD N11 & N13
	<u>Total Diversion:</u>	0.040 CFS ✓	

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

NW1/4NW1/4 ✓

Govt. Lot 1

Sec. 31, Twp 05N, Rge 01E, B.M. ✓

Place of Use

DOMESTIC

4.713 AC

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 05N	01E	31						✓							
								X							

L1

Conditions of Approval:

ADD J01 - Place of use also known as lot 5,
Blk. 3, Heather Haven Estates.

ADD X01 - Domestic use is for 1 home, shop, & pool.
Parcel # R3533200100.

OVER

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31111Remarks:ADD COMMENT -

1.

The well for this claimed right is presumed to have been drilled in 1981, at the time the house was built. There is no well-drillers report or drilling permit since those documents were not required until 1987.

Comments:Dates and Other Information:

Claim Received Date: 12/5/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
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

ADD N11 - Not a determination of historical
beneficial use.

ADD N13 - Shall not exceed 13,000 gal
per day.

Combined Use Limits:

* no electronic back file available

Field Exam Date 1.7.04

(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 (C051365)
- ☐ Well logs (if needed) there is no well driller's report - presumed to be drilled in 1981.
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information Gov't. lot 1
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant Doesn't require Evidence of Priority - Domestic claim for 0.04 cfs

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) 63-3111

Owner: Sylvia-Anne & Lee Whiting Phone No. (208) 939-3565

Current Address: 3125 W. Homer Eagle 83616

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☒ How long owned property? 1999

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: 12/31/1981

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

Source: Tributary to

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

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: Government lot 1
- ☐ 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
	1								

Description of diverting works

Steel-encased ~ approximately 200'**OVERLAP REVIEW**Other water rights with the same point of diversion: None

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

63-9103C has a different well.**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 N11 & N13☐ 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:**None☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

Government lot 1

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	
								1											

Overlap with other water rights: 63-9103C

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

No, there are two different wells.

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:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

(*) This is not a late claim. The Court merely accepted the late claim notice from Attorney Scott Campbell.

Domestic use is for 1 home, shop, and pool.

Place of use is also known as Lot 5, Blk 3, Heather Haven Estates Block 3.

Parcel # R35332 00100.

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

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

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 1.7.04 (in office)

FIELD EXAMINER: Kimberly Brown