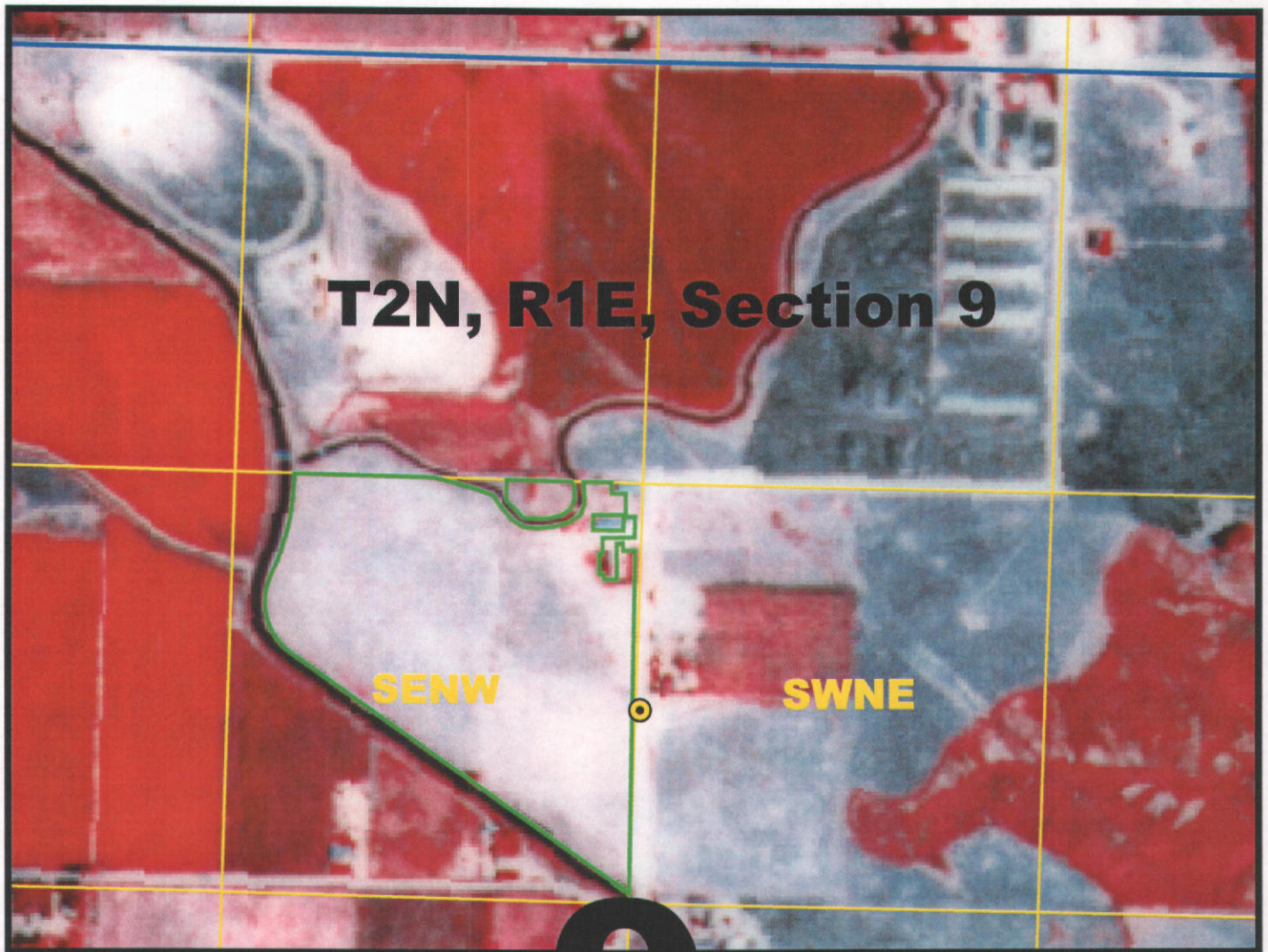




STATE OF IDAHO

Department of Water Resources
Western Region

Water Right(s): 63-31462



1320

0

1320 Feet

Total Irrigated Acres: 24.0

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



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: June 2004

RIGHT	NAME	ACRES	CFS	FACTOR	AFA	FACTOR	SPLITS
63-9655	LEWIS	46.4	0.928	0.02	208.8	4.5	NONE
63-31461	Lewis	19.2	0.384	0.02	86.4	4.5	LEWIS 1ST SPLIT
63-31462	Welebir	27.8	0.556	0.02	125.1	4.5	
63-31469	Lewis	9.7	0.194	0.02	43.7	4.5	LEWIS 2ND SPLIT
63-31470	Bohlman	9.5	0.190	0.02	42.8	4.5	
63-31471	Lewis	5.45	0.109	0.02	24.5	4.5	LEWIS 3RD SPLIT
63-31472	Archuleta	4.25	0.085	0.02	19.1	4.5	
63-31590	Lewis	1.2	0.024	0.02	5.4	4.5	LEWIS 4TH SPLIT
63-31591	Greenwell	4.25	0.085	0.02	19.1	4.5	

NOTES
 The CFS on License
 used round up to 0.93 cfs
 HOWEVER, all prorating
 should reflect 0.02/acre
 just as the 208.8 AFA
 Lic. was prorated at
 4.5 per acre =
 46.4 X 4.5 = 208.8 afa

ATTN: REVIEWER
 PLEASE CHECK THESE
 PRORATED SPLITS
 PRIOR TO ECVR
 RDH 11/4/02

Parcel 1
from Ada Tax lot

Parcel 2
from Ada tax lot

Parcel #1
17.29 acres

Parcel # 2
10.5 acres

SENW

SWNE

9

Parcels based on warranty deeds in file 63-9655 property sold to Welebir
deedplotter uses for legals.

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 63-31462
Date Received: 9/7/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STEPHANIE WELEBIR Phone: (208)888-3140
8475 STEWART RD
MERIDIAN ID USA 83642

TIMOTHY WELEBIR Phone: (208)888-3140
8475 STEWART RD
MERIDIAN ID USA 83642

2. Date of Priority: 12/29/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	9	SE NW	ADA	

5. Description of diverting works:

Existing private well - well, pump and sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.48	108

7. Total Quantity Appropriated is:
0.48 C.F.S. and/or 108 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	9	SE	NW	IRRIGATION	24
Section Acres						24
Total Acres						24

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

15. Basis of Claim: License

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 63-31462
Date Received: 9/7/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TIMOTHY WELEBIR
8475 STEWART RD
MERIDIAN ID USA 83642

Phone: (208)888-3140

STEPHANIE WELEBIR
8475 STEWART RD
MERIDIAN ID USA 83642

Phone: (208)888-3140

*New York
Irrigation*

2. Date of Priority: 12/29/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	9	SE NW	ADA	

5. Description of diverting works:

WELL, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.55	123.4

7. Total Quantity Appropriated is:

0.55 C.F.S. and/or 123.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	9	SE	NW	IRRIGATION	27.8
					Section Acres	27.8
					Total Acres	27.8

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-9655. DB 4/9/2002

Note: Lewis probably does not own any more property in the SENW. Rather they probably licensed for more than was actually there. Tax lot info shows Welebir with 24.4 acres. I included all area now taken up with roads. All property located to the East of the ditch.

15. Basis of Claim: License

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

RECEIVED

JUN 07 2000

WATER RESOURCES
WESTERN REGION

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

1. Water Right No(s): A63-09655
 " "
 Adjudication Claim No(s): _____

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s).
 (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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 EDWARD LEWIS + PATRICIA
3700 E HUBBARD RD, MERIDIAN

4. New Owner/Claimant(s) Timothy and/or Stephanie Welebir
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 8475 Stewart Rd
 City, State and ZIP Code Meridian, ID, 83642
 New Telephone Number 208 888-3140

5. Date you acquired the property Nov 1995

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>29</u>	Number and type of stock <u>—</u>
Diversion rate in CFS <u>.58</u>	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) 

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

4/20/2

$$.93 \text{ cfs} = 0.01978 \text{ cfs}$$

$$208.80 = 4.44 \text{ AFA}$$

63-9655 47 acres

63-31461

Lewis

Welebirz

SWNE

18.0

0

SENE

1.2

27.8

19.227.8.38 cfs
84.6 AFA.55 cfs
123.4 AFA

* Note Lewis probably does not own any more property in the SENE. Rather they probably licensed for more than was actually there. Tax lot info shows Welebirz w/ 24.4 acres. I included all area now taken up w/ road. All property located to the East of the ditch.

Lewis

Bohlman

SENE

1.2

0

SWNE

8.5

9.5

9.79.5

.19 cfs 42.7 AFA

.19 cfs 41.9 AFA

Lewis

Archuleta

SENE

1.2

0

SWNE

4.25

SWNE 4.25

5.45

4.25

.113 cfs

.077 cfs 17.4 AFA

25.3 AFA

* Remaining acres in SENE are Gary Grenwell's (son-in-law) no ownership change filed. Licence 63-9686 covers same acres and should probably be disallowed in the SRBA.

Title File No.: B95-34693

WARRANTY DEED

FOR VALUE RECEIVED

Timothy A. Welebir and Stephanie A. Welebir, husband and wife

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto: Timothy A. Welebir and Stephanie A. Welebir, as Co-Trustees for the Timothy A. Welebir and Stephanie A. Welebir living Trust (Continued)

GRANTEES(s), whose current address is: 8475 Stewart Road, Meridian, Idaho 83642 the following described real property in Ada County, State of Idaho, more particularly described as follows, to wit:

A portion of the Southeast Quarter of the Northwest Quarter of Section 9, Township 2 North, Range 1 East in Ada County, Idaho, more particularly described on the attached Exhibit "A", which by this reference becomes a part thereof, and which is comprised of 1 page.

SUBJECT TO that certain Deed of Trust dated January 28, 1994 in favor of FIRST SECURITY BANK, and recorded February 2, 1994, as Instrument No. 94009837, records of Ada County, Idaho, which Deed of Trust the Grantees herein assume and agree to pay according to its terms and conditions.

Re: recording to attach schedule A

Timothy Welebir
ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

3/19/98
RECORDED-REQUEST OF

FEE *3.00* DEPUTY *[Signature]*

1998 MR 19 PM 1:16

98025016

Re-record

ADA CO. RECORDER

J. DAVID NAVARRO

BOISE ID

T.A. & S.A. Welebir

'98 FEB/10 PM 3:39

FEE *3.00* DEP *[Signature]*
RECORDED AT THE REQUEST OF

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

Dated: February 3, 1998

Timothy A. Welebir
Timothy A. Welebir

Stephanie A. Welebir
Stephanie A. Welebir

STATE OF Idaho, County of Ada, ss.

On this *03* day of February in the year of 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Timothy A. Welebir and Stephanie A. Welebir.

known or identified to me to be the persons whose names are subscribed to this instrument, and acknowledged to me that they executed the same.

Signature: *Martha Ruth Baker*

Name: MARTHA RUTH BAKER

Residing at: Boise, Idaho

My commission expires: 01-02-2002

Transnation Title & Escrow, Inc.

COPY

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

PARCEL II

A parcel of land located in the Southeast quarter Northwest quarter of Section 9, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at the center quarter corner of said Section 9, marked by 5/8 inch iron pin; thence

North 00°25'17" East, 176.52 feet along the center section line of said Section 9 to a point marked by a 5/8 inch iron pin, being the POINT OF BEGINNING; thence

North 89°34'43" West, 116.56 feet along a new line through said Southeast quarter Northwest quarter to a new corner marked by 5/8 inch iron pin; thence

North 56°26'00" West, 361.70 feet along said new line to a new corner marked by a 5/8 inch iron pin; thence

North 00°25'17" East, 960.79 feet along said new line to a new corner in the Northerly line of the Southeast quarter Northwest quarter of said Section 9, marked by a 3/8 inch iron pin; thence

South 89°58'51" East, 419.41 feet along the Northerly line of Southeast quarter Northwest quarter to the center North 1/16 corner of said Section 9, being marked by a 5/8 inch iron pin; thence

South 00°25'17" West, 1161.50 feet along the center section line of said Section 9 to the POINT OF BEGINNING.



Transnation

ESCROW NO.: B95-34693-TC

RE: Staggs/Welebir

DATE: February 3, 1998

TO: TRANSNATION TITLE & ESCROW, INC.

I hand you herewith

A warranty Deed to be recorded

which you are authorized to use in connection with your above numbered escrow when you are in a position to

Record a warranty deed into our Trust per the attached trust agreement information.

You are hereby authorized and directed to deliver funds and/or documents as follows:

forward the new warranty deed to the undersigned at 8475 Stewart Road, Meridian, Idaho 83642

If you are unable to comply with these instructions within 20 days after the above date, said money and/or instruments shall thereafter be returned to me on my written demand, but in the absence of such demand you will proceed to comply with these instructions as soon as possible thereafter.

In the event that any controversy should arise between the parties hereto or with any third person, you shall not be required to determine the same or to take any action in the premises, but you may await settlement of any such controversy by joint instructions of the parties or by appropriate legal proceedings. In the event that you should become a party to any such legal proceedings, we jointly and severally agree to pay and to hold you harmless from and against any and all costs, charges, damages, attorneys' fees or other expense which you in good faith may incur.

Receipt of money and/or instruments hereinabove mentioned is hereby acknowledged.

TRANSNATION TITLE & ESCROW, INC.

[Signature]
Tara Clifford

Title File No.: B95-34693

WARRANTY DEED

FOR VALUE RECEIVED

DOUGLAS L. STAGG and BETH A. STAGG, husband and wife

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto: TIMOTHY A. WELEBIR and STEPHANIE A. WELEBIR, husband and wife

GRANTEES(s), whose current address is: 8475 Stewart Road, Meridian, Idaho 83642
the following described real property in Ada County, State of Idaho,
more particularly described as follows, to wit:

A portion of the Southeast Quarter of the Northwest Quarter of Section 9,
Township 2 North, Range 1 East in Ada County, Idaho, more particularly
described on the attached Exhibit "A", which by this reference becomes a part
thereof, and which is comprised of 1 page.

SUBJECT TO that certain Deed of Trust dated January 28, 1994 in favor of FIRST
SECURITY BANK, and recorded February 2, 1994, as Instrument No. 94009837,
records of Ada County, Idaho, which Deed of Trust the Grantees herein assume
and agree to pay according to its terms and conditions.

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

Dated: November 2, 1995

Douglas L. Stagg

Beth A. Stagg

STATE OF Idaho, County of Ada, ss.

On this 2nd day of November in the year of
1998, before me, the undersigned, a Notary Public in and
for said State, personally appeared
Beth A. Stagg

known or identified to me to be the person whose name
is subscribed to the within instrument, and acknowledged
to me that she executed the same.

Signature: _____

Name: Tara M. Clifford

Residing at: Meridian, Idaho

My commission expires: 06/10/98

Transnation Title & Escrow, Inc.

Title File No.: B95-34693a

WARRANTY DEED

FOR VALUE RECEIVED

DOUGLAS L. STAGG and BETH A. STAGG, husband and wife

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto: TIMOTHY A. WELEBIR and STEPHANIE A. WELEBIR, as Co-Trustees for the TIMOTHY A. WELEBIR and STEPHANIE A. WELEBIR Living Trust

GRANTEES(s), whose current address is: 8475 Stewart Road, Meridian, Idaho 83642
the following described real property in Ada County, State of Idaho,
more particularly described as follows, to wit:

A portion of the Southeast Quarter of the Northeast Quarter of Section 9,
Township 2 North, Range 1 East in Ada County, Idaho, more particularly
described on the attached Exhibit "A", which by this reference becomes a part
thereof, and which is comprised of 1 page.

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

Dated: November 2, 1995

Douglas L. Stagg

Beth A. Stagg

STATE OF Idaho, County of Ada, ss.

On this 2nd day of November in the year of 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared
Beth A. Stagg

known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Signature: _____

Name: Tara M. Clifford

Residing at: Meridian, Idaho

My commission expires: 06/10/98

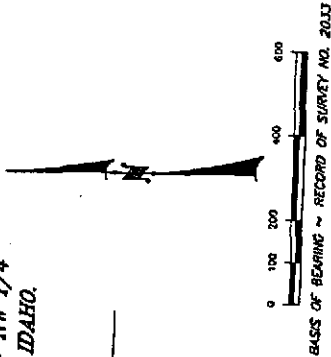
Transnation Title & Escrow, Inc.

RECORD OF SURVEY NO. 2732

A SURVEY FOR DOUG & BETH STAGG LOCATED IN THE SE 1/4 NW 1/4 SECTION 9, TOWNSHIP 2 N., RANGE 1 E., B.M. ADA COUNTY, IDAHO.

LEGEND

- FOUND 5/8" IRON PIN W/ PLASTIC CAP
- SET 5/8" IRON PIN W/ PLASTIC CAP
- FOUND 1/2" IRON PIN
- (100.00) RECORD DATA PER ROS 2033
- FOUND BRASS CAP MONUMENT
- SET BRASS CAP MONUMENT
- SET ALUMINUM CAP MONUMENT
- ANGLE POINT - NOTHING SET
- EXIST. CHAIN LINK FENCE
- EXIST. BARRIER FENCE
- EXIST. POWER POLE
- DIMENSIONS REFER TO MAP OF SECTION 9, T.2N., R.1E., B.M. ON FILE WITH THE BUREAU OF RECLAMATION, BOOK 13, PAGE 9.
- DIMENSIONS REFER TO RIGHT OF WAY
- ASSERTION OF THE BUREAU OF RECLAMATION STATED IN LETTER #424, DATED 12/2/91.



LINE DATA

LINE	BEARING	DISTANCE	AREA
1	N 89°50'33" E	1308.935'	1308.935'
2	N 89°51'01" E	2613.97'	2613.97'
3	N 89°50'33" E	1308.935'	1308.935'
4	N 89°51'01" E	2613.97'	2613.97'
5	N 89°50'33" E	1308.935'	1308.935'
6	N 89°51'01" E	2613.97'	2613.97'
7	N 89°50'33" E	1308.935'	1308.935'
8	N 89°51'01" E	2613.97'	2613.97'
9	N 89°50'33" E	1308.935'	1308.935'
10	N 89°51'01" E	2613.97'	2613.97'

(1-2 THRU 8-10 = FIELD LOCATIONS OF DATA INTERVAL)

CURVE DATA

CURVE	BEARING	DISTANCE	AREA
1	N 89°50'33" E	1308.935'	1308.935'
2	N 89°51'01" E	2613.97'	2613.97'
3	N 89°50'33" E	1308.935'	1308.935'
4	N 89°51'01" E	2613.97'	2613.97'
5	N 89°50'33" E	1308.935'	1308.935'
6	N 89°51'01" E	2613.97'	2613.97'
7	N 89°50'33" E	1308.935'	1308.935'
8	N 89°51'01" E	2613.97'	2613.97'
9	N 89°50'33" E	1308.935'	1308.935'
10	N 89°51'01" E	2613.97'	2613.97'

STATE OF IDAHO }
COUNTY OF ADA }

RECORDERS CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF JOHN S. AUSTIN
AT PAGE 5 OF BOOK 13, RANGE 1 E., T.2N., R.1E., B.M. ON FILE WITH THE BUREAU OF RECLAMATION, BOOK 13, PAGE 9.
BY J. DAVID MARRAS, ADA COUNTY RECORDER
INSTRUMENT NO. 94003199

CERTIFICATE OF SURVEYOR

I, JOHN S. AUSTIN DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO AND THAT THIS REPRESENTS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION ON 11/19/93 THRU 1/8/94 AND COMPLIES WITH THE STANDARDS OF SURVEYING, I FURTHER CERTIFY THAT I HAVE COMPLIED WITH TITLE 55, CHAPTER 16, IDAHO CODE.



JOHN S. AUSTIN
IDAHO NO. 5081

TOOTHMAN-ORTON ENGINEERING COMPANY
1802 N. 33RD STREET
BOISE, IDAHO 83703
(208) 342-5311

SURVEY INDEX NO. 211-09-04-02

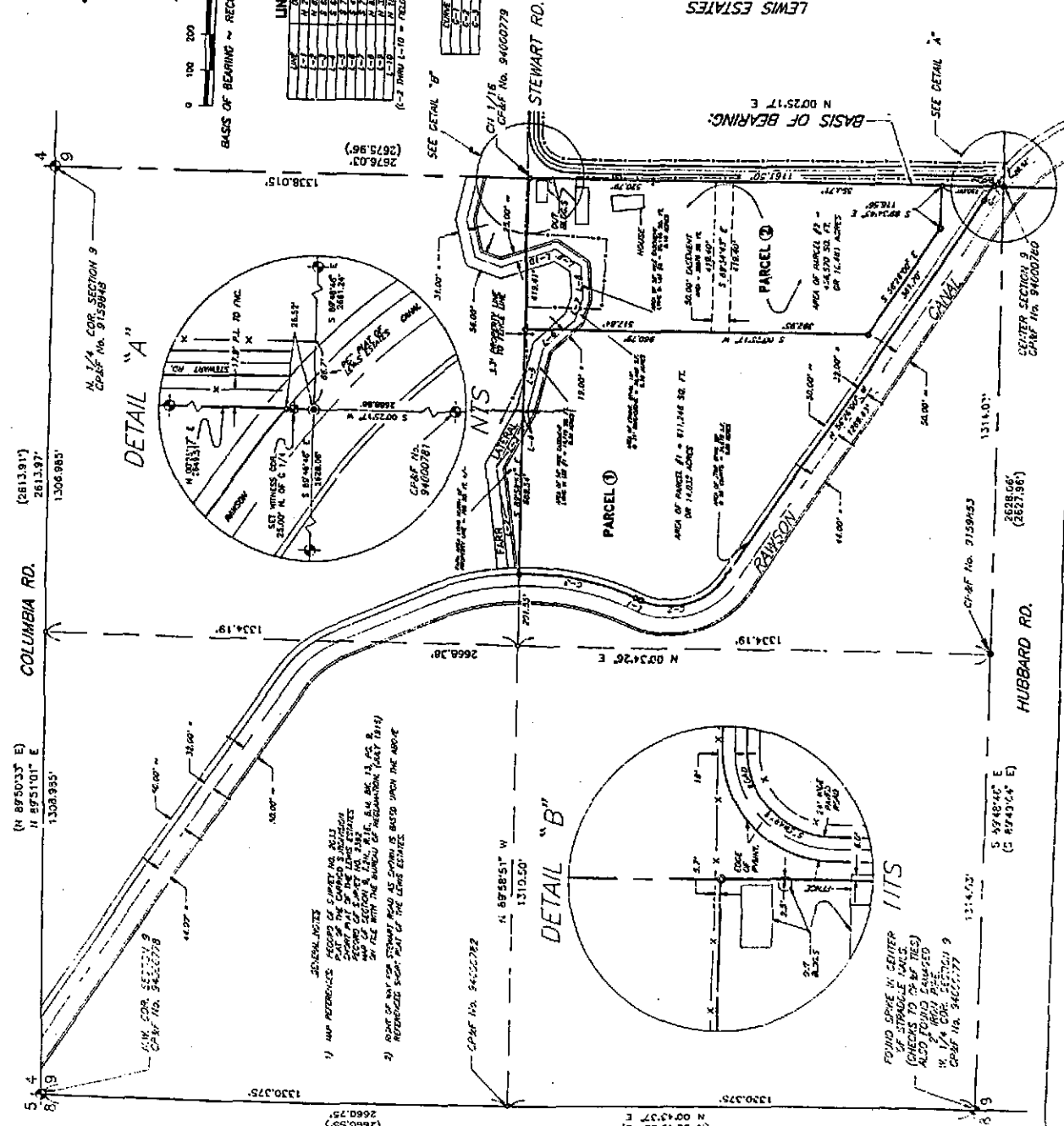


EXHIBIT "A"

A parcel of land located in the Southeast quarter Northwest quarter of Section 9, Township 2 North, Range 1 East of the Boise Meridian, Ada County, Idaho, described as follows:

Commencing at the center quarter corner of said Section 9, marked by 5/8 inch iron pin; thence

North 00°25'17" East, 26.52 feet along the center section line of said Section 9 to a point marked by a 5/8 inch iron pin, being the POINT OF BEGINNING; thence

- (1) along a line parallel with and 32.00 feet Northeasterly of the centerline of the Rawson Canal, along a curve to the left having a radius of 604.96 feet, an arc length of 47.51 feet, a central angle of 4°30'00", a chord bearing North 54°11'00" West, and a chord distance of 47.50 feet, to a point of tangency marked by a 5/8 inch iron pin; thence
- (2) North 56°26'00" West, 1269.43 feet along said parallel line to a point of curvature marked by a 5/8 inch iron pin; thence
- (3) Northwesterly, along said parallel line, along a curve to the right having a radius of 197.18 feet, an arc length of 275.32 feet, a central angle of 80°00'00", a chord bearing of North 16°26'00" West, and a chord distance of 253.49 feet to a point of tangency marked by a 5/8 inch iron pin; thence
- (4) North 23°34'00" East, 16.70 feet along said parallel line to a point of curvature marked by 5/8 inch iron pin; thence
- (5) Northeasterly, along said parallel line, along a curve to the left having a radius of 748.20 feet, an arc length of 332.33 feet, a central angle of 25°26'57", a chord bearing of North 10°50'31" East, and a chord distance of 329.60 feet, to a point in the Northerly line of the Southeast quarter Northwest quarter of said Section 9 marked by a 5/8 inch iron pin; thence
- (6) South 89°58'51" East, 689.54 feet along the Northerly line of the Southeast quarter Northwest quarter of said Section 9 to a new corner marked by a 5/8 inch iron pin; thence
- (7) South 00°25'17" West, 960.79 feet along a new line through said Southeast quarter Northwest quarter to a new corner marked by a 5/8 inch iron pin; thence
- (8) South 56°26'00" East, 361.70 feet along said new line to a new corner marked by a 5/8 inch iron pin; thence
- (9) South 89°34'43" East, 116.56 feet along said new line to a new corner in the center section line of said Section 9 marked by a 5/8 inch iron pin; thence
- (10) South 00°25'17" West, 150.00 feet along the center section line of said Section 9 to the POINT OF BEGINNING.

TOGETHER WITH:

An easement for ingress and egress and public utilities over and across the following described tract:

Commencing at the center quarter corner of said Section 9; thence
North 00°25'17" East, 767.23 feet along the center section line of said Section 9 to the POINT OF BEGINNING; thence
North 89°34'43" West 419.40 feet; thence
North 00°25'17" East 50.00 feet; thence
South 89°34'43" East, 419.40 feet to a point in the center section line of said Section 9; thence
South 00°25'17" West, 50.00 feet along the center section line of said Section 9 to the POINT OF BEGINNING.

SPLIT CLAIM

Page 1

04/09/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9655

WATER RIGHT NUMBER: 63-9655

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PATRICIA A LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Original Owner	EDWARD W LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Original Owner	TIMOTHY WELEBIR 8475 STEWART RD MERIDIAN, ID 83642 (208)888-3140
Original Owner	STEPHANIE WELEBIR 8475 STEWART RD MERIDIAN, ID 83642 (208)888-3140

Priority Date: 12/29/1980

Basis: License

Status: Parent

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.930 CFS	
	<u>Total Diversion:</u>	0.930 CFS	208.80 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 9,	Twp 02N,	Rgc 01E, B.M.	ADA County
--------------	------------	---------	----------	---------------	------------

Place of Use

IRRIGATION Within ADA County

T02N R01E S09	SWNE	18.0	T02N R01E S09	SENE	29.0
Total Acres: 47					

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-9655

Remarks:

1. General OWNERSHIP CHANGED BY DB 6/8/2000.
2. General When ownership change was done in 2000, entire right should NOT have gone to Welebir. Only a portion.
This claim has since been split. See nos. 63-31461 for the Lewis portion and 63-31462 for the Welebir portion. DB 4/9/2002

Comments:Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre: 208.8
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: AND

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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

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: A63-09655
Date Received: 9/ 7/1989
Receipt No: C011085
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: TIMOTHY WELEBIR 208-888-3140
Address: 8475 STEWART RD
MERIDIAN ID 83642
AND/OR
Name: STEPHANIE WELEBIR 208-888-3140
Address: 8475 STEWART RD
MERIDIAN ID 83642

2. Date of Priority: DEC 29, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01E	9	SE	NW			ADA

5. Description of diverting works:
WELL, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.930		

7. Total Quantity Appropriated is:
0.930 C.F.S. (and/or) 208.80 A.F.A.

8. Total consumptive use is 164.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	9	SW	NE		IRR	18.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	9	SE NW		IRR	29.0
Section Acres						47.0
Total Acres						47.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGED BY DB 6/8/2000.

15. Basis of Claim: LICENSE

10/12/2005

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

RIGHT NUMBER: 63-31462

NAME AND ADDRESS: TIMOTHY WELEBIR
8475 STEWART RD
MERIDIAN ID 83642

STEPHANIE WELEBIR
8475 STEWART RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.480 CFS
108.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/29/1980

POINT OF DIVERSION:

T02N R01E S9 SENW Within ADA County

← REVIEW UPDATED SDR J
10-18-05

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.480 CFS 108.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S09 SENW 24.0

24 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

The right holder shall accomplish the change authorized by Transfer 71563 within one year of the date of the approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-31462
As Modified by Transfer No. 71563

In accordance with the approval of Transfer No. 71563, Water Right No. 63-31462 is now described as follows.

Right Holder: TIMOTHY WELEBIR And/Or
 STEPHANIE WELEBIR
 8475 STEWART RD
 MERIDIAN ID 83642

Priority Date: December 29, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	0.48 CFS	108.0 AF
		0.48 CFS	108.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENW Sec. 9 Twp 02N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 01E 9								24.0									24.0

Total Acres: 24

CONDITIONS OF APPROVAL

- EXP1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- EXP2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- EXP 4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- EXP 5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 63-31462
As Modified by Transfer No. 71563

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 30th day of September, 2005


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71563

This is to certify that: TIMOTHY WELEBIR And/Or
STEPHANIE WELEBIR
8475 STEWART RD
MERIDIAN ID 83642
(208)888-3140

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-31462	AJC/License	12/29/1980	0.48 cfs	108 af	N/A	24.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-31462	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-31462	63-31462	0.48 cfs	108 af	N/A	24.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.48 cfs	108 af	N/A	24.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of September, 20 05



Chief, Water Allocation Bureau

(Internet)

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71563

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Timothy and/or Stephanie Welebir Phone 208-888-3140
Post Office address 8475 Stewart Rd., Meridian, ID 83642

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes We wish to use our well, to irrigate our property rather than the well located across the road on our neighbors property.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 63-31462 Priority 12-29-80 Amount (cfs/ac-ft) .48/108 Nature of Use IRR Period of Use 3-15 to 11-15
2. Total amount of water being transferred .48 cubic feet per second and/or 108 acre-feet per annum.
3. Source of water ground water tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	9	2N	1E	Ada	existing private well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	1E	9								24									24

Total acres 24

PART 1

6. General Information:

a. Description of diversion system well pump + sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

A portion of this right is in the water bank. 3 acres are currently being irrigated that surround our house.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right) *See attached*

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:☐ Tax Notice☐ Warranty Deed☐ Other _____**3. Source of water** _____ **tributary to** _____**4. Date or priority** _____**5. Water is used for the following purpose:**

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ **cubic feet per second and/or** _____ **acre-feet per annum.****7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

- 9. Describe any other water rights used for the same purpose as described above** *Currently using surface water rights to irrigate acres in water bank,*

36 of 6

Page 1

06/02/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31462 V1

WATER RIGHT NUMBER: 63-31462 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PATRICIA A LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Original Owner	EDWARD W LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Current Owner	TIMOTHY WELEBIR 8475 STEWART RD MERIDIAN, ID 83642 (208)888-3140
Current Owner	STEPHANIE WELEBIR 8475 STEWART RD MERIDIAN, ID 83642 (208)888-3140

Priority Date: 12/29/1980

Basis: License

Status: Active

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.480 CFS	108.00 AF
	<u>Total Diversion:</u>	0.480 CFS	108.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4 Sec. 9, Twp 02N, Rge 01E, B.M.
ADA County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	9								24.0									24.0

Total Acres: 24

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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31462 V1

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. csaxton 6/1/2004 POD
Comment: Licensed POD was listed as SWNE of section 9. For some reason, through the split process of 63-09655 the POD was described incorrectly as the SENW of section 9. Recommend as licensed
2. csaxton 6/1/2004 Water Bank
Comment: Claimant put WR 63-03146 in the water bank to stay forfeiture.
3. csaxton 6/1/2004 Diversion Rate
Comment: This right was licensed for 0.01978 cfs per acre and 47 acres. SRBA review found less acreage than originally licensed. Diversion rate was recommend for 0.02 cfs per acre and there is still extra diversion rate not recommended after distribution of original licensed (63-07655) diversion rate.

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:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe Placed portion in water bank for protection.**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

See attached map

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

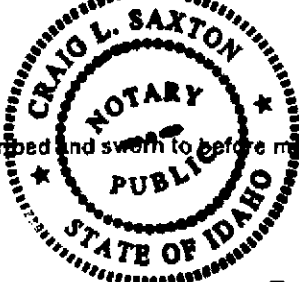
PART 3**B. CHANGES IN NATURE OF USE**

1.

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
<u>N/A</u>			_____ to _____
			_____ to _____
2. Quantity and quality of return flows and location of discharge:
N/A
3. Describe effects on other water uses resulting from the proposed change:
N/A

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

26th

day of May

2004

Stephanie A. Wolke
(Signature of Applicant)

Craig L. Saxton
(Notary Public)

My commission expires

8-14-07

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by CS Date 5-26-04

Protest filed by _____

Prelim. check by CS

Fee

\$250.00 W/31257

Received by CS

Date

5-26-04

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____

Date _____

Watermaster recommendation requested on _____

Recommended for

☐ approval

☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____

05/31/2005

NOTICE OF ERROR
REPLY

RECEIVED

JUL 13 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: 63-31462

TIMOTHY WELEBIR
8475 STEWART RD
MERIDIAN ID 83642
Telephone Number: (208)888-3140

STEPHANIE WELEBIR
8475 STEWART RD
MERIDIAN ID 83642
Telephone Number: (208)888-3140

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: 7-8-05 SIGNATURE: Stephanie A. Welebin
Please print your name: Stephanie Welebin

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



STATE OF IDAHO

Department of Water Resources
Western Region

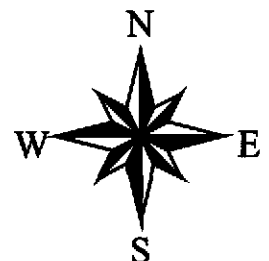
Water Right(s): 63-31462



1320 0 1320 Feet

Total Irrigated Acres: 24.0

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



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: June 2004

06/01/2004

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

RIGHT NUMBER: 63-31462

NAME AND ADDRESS: TIMOTHY WELEBIR
8475 STEWART RD
MERIDIAN ID 83642

STEPHANIE WELEBIR
8475 STEWART RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.480 CFS
108.000 AFY

PRIORITY DATE: 12/29/1980

POINT OF DIVERSION:

T02N R01E S9 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.480 CFS
108.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE
NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S09 SENW 24.0

24 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31462 V1

WATER RIGHT NUMBER: 63-31462 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PATRICIA A LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Original Owner	EDWARD W LEWIS 3700 E HUBBARD RD MERIDIAN, ID 83642 (208)888-2090
Current Owner	TIMOTHY WELEBIR 8475 STEWART RD MERIDIAN, ID 83642 (208)888-3140
Current Owner	STEPHANIE WELEBIR 8475 STEWART RD MERIDIAN, ID 83642 (208)888-3140

Priority Date: 12/29/1980

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.480 CFS	108.00 AF
	<u>Total Diversion:</u>	0.480 CFS	108.00 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4NE1/4

Sec. 9, Twp 02N, Rge 01E, B.M.

ADA County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	01E	9	NE	NW	SW	SE	24.0

Total Acres: 24

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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31462 V1

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. csaxton 6/1/2004 POD
Comment: Licensed POD was listed as SWNE of section 9. For some reason, through the split process of 63-09655 the POD was described incorrectly as the SENW of section 9. Recommend as licensed
2. csaxton 6/1/2004 Water Bank
Comment: Claimant put WR 63-03146 in the water bank to stay forfeiture.
3. csaxton 6/1/2004 Diversion Rate
Comment: This right was licensed for 0.01978 cfs per acre and 47 acres. SRBA review found less acreage than originally licensed. Diversion rate was recommend for 0.02 cfs per acre and there is still extra diversion rate not recommended after distribution of original licensed (63-07655) diversion rate.

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	6/1/2004 12:02:26 PM	csaxton			Active
Priority Date	6/1/2004 12:03:30 PM	csaxton			Active
POD	6/1/2004 12:03:51 PM	csaxton			Active
Source	6/1/2004 12:07:36 PM	csaxton			Active
POU	6/1/2004 12:07:54 PM	csaxton			Active
Use	6/1/2004 12:09:54 PM	csaxton			Active
Season	6/1/2004 12:10:58 PM	csaxton			Active
Quantity	6/1/2004 12:15:33 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31462 V1

Summary

06/01/2004

csaxton

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	6/1/2004 12:05:20 PM	csaxton	Edited point location
Source	6/1/2004 12:07:36 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	6/1/2004 12:07:54 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	6/1/2004 12:09:07 PM	csaxton	Edited shape boundary
Season	6/1/2004 12:10:58 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Summary	6/1/2004 12:17:47 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31462 V1

Contacts	6/1/2004 12:02:27 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
Priority Date	6/1/2004 12:03:30 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	6/1/2004 12:03:51 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Use	6/1/2004 12:09:54 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	6/1/2004 12:09:25 PM	csaxton	Edited PLS
Quantity	6/1/2004 12:15:33 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - This right was licensed for 0.01978 cfs per acre and 47 acres. SRBA review found less acreage than originally licensed. Diversion rate was recommend for 0.02 cfs per acre and there is still extra diversion rate not recommended after distribution of original licensed (63-07655) diversion rate.

**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
- ☐ Well logs (if needed) *N/A*
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ 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 completeClaim No(s) 63-31462Owner: Wetebir Phone No. _____

Current Address: _____

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

Accompanied by: In House Review**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: _____

(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: _____
- ☒ If different, when did POD change? Changed 9 yrs ago - Transfer f. 7ad.
Rec POD as licensed which is
Diff than what was claimed.

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
			SW	NE	9	2N	1E		

Description of diverting works

OVERLAP REVIEWOther water rights with the same point of diversion: Also uses New York Irr Water.

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

WATER USES

- ☒ No change
☐ Different Uses

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

Add 504**TOTAL VOLUME – Groundwater only**

- ☐ Incomplete on claim, the total is, Amount 0.48 CFS 108 AFA
☒ Changes found, the new total is, Amount 0.48 CFS 108 AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
☒ Changes shown below:

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	
2N	1E	7								24									24

Overlap with other water rights: N/A

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

Delivery System Narrative: They now use domestic well for
2 ac of irr. Transfer has been filed. Remaining
water is in waterbank

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
<u>From Licensing Map.</u>					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

N/A

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: 6-1-04

FIELD EXAMINER: *Wally J. Spahr*

Craig L. Saxton

Split history for Decreed Right 63-09655

Water Right	Claimed	Recommended
63-09655 Lewis	63-09655 Lewis	63-31590 Maul
0.93 cfs	0.93	left over 0.090
47 acres	47	4.9
208.8 vol	208.8	left over 20.0
		63-31591 Greenwell
		0.08
		4.25
		18.9
		Ron did this one
		63-31472 Archuleta
		0.085
		4.25
		19.1
		4.5
		63-31470 Bohlman
		0.19
		9.5
		42.8
		4.5
		63-031462 Welebir
		0.480
		24
		108.0
		4.5

* Diver Rate Per acre = 0.0198
 * Diver Vol Per Acre = 4.443

Sum of claimed CFS =	0.962
Sum of claimed Acreage =	50.8
Sum of claimed Volume =	224

Sum CFS=	0.929
Sum Acre=	46.9
Sum Volume=	208.8

Un-accounted for CFS=	-0.032
Un-accounted for Acreage=	-3.8
Un-accounted for Volume=	-15.2

Un-accounted for CFS=	0.001
Un-accounted for Acre=	0.1
Un-accounted for Vol=	0.0

Recommended splits at 1" per acre and 4.5 Afa per acre to preserve licensed diversion Rate and Volume.

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
C011085	25.00	63	20064		Claim
C011085	25.00	63	20065		Claim
C011085	97.00	63	9655		Claim

[illegible]

ATTN: REVIEWER
PLEASE CHECK THESE
PRORATED SPLITS
PRIOR TO ECVR
RDH 11/4/02

Parcel 2
from Ada tax lot

Parcel 1
from Ada Tax lot

Parcel #1
17.29 acres

Parcel # 2
10.5 acres



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

April 10, 2002

TIMOTHY WELEBIR
STEPHANIE WELEBIR
8475 STEWART RD
MERIDIAN ID 83642

Re: Original Notice of Claim to a Water Right No. 63-9655

Renumbered Notice of Claim to a Water Right No. 63-31462

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosure

Bock, Susan

From: Peppersack, Jeff
Sent: Tuesday, April 02, 2002 5:33 PM
To: Bock, Susan
Subject: RE: double license

Sue,
The right is currently limited (although incorrectly) to 0.02 cfs per acre and 4.5 afa in combination with other rights. Any attempt to use more would violate the conditions of the water right. Any attempt to transfer or utilize elsewhere (water bank) without the companion right would constitute an enlargement of the right. There are no further conditions (or corrections) necessary at this time, but documentation of this discussion may help with the upcoming claim investigation and for review if an application is received. SRBA investigation may find that one of the rights should be disallowed based on no beneficial use; or, the right holder may choose to relinquish one of the rights in favor of the other. I am hesitant to make any changes until SRBA review has been completed to verify actual use and necessary action.

I plan to add a copy of this message to the water right files, you may want to do the same for the claims.

Jeff

-----Original Message-----

From: Bock, Susan
Sent: Tuesday, April 02, 2002 4:29 PM
To: Peppersack, Jeff
Subject: double license

Hi, Jeff.

By means of office day, I got involved with an odd one.

63-9655 was licensed for 47 acres at .02 per acre, G.W. with a 1980 priority date, in the name of Lewis.

63-9686 was licensed for 4 acres at .03 per acre, G.W. priority date 1981, name of Greenwell.

Greenwell is the son-in-law of Lewis. He did not realize that the 63-9655 covered his 4 acre track and thus filed for and received license 63-9686. The Lewis parcel has been subdivided and changes of ownership have been coming in. The neighbors are concerned that Mr. Greenwell will try to divert too much water from the well, try to transfer the 4 acres, or put it in the water bank,. Mr. Greenwell has been using the well covered in 63-9655, but would like to know if he can hang on to the 63-9686 right as a back up.

Does either right need to be conditioned so that if he were to try to transfer it would send up a red flag?

Any thoughts would be appreciated as the neighbors will be waiting for my reply.

Thanks, Sue Bock