

Idaho Department of Water Resources

63-31791

T03N R02E S1



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter



IDWR

Prepared by: Sandy Egbert

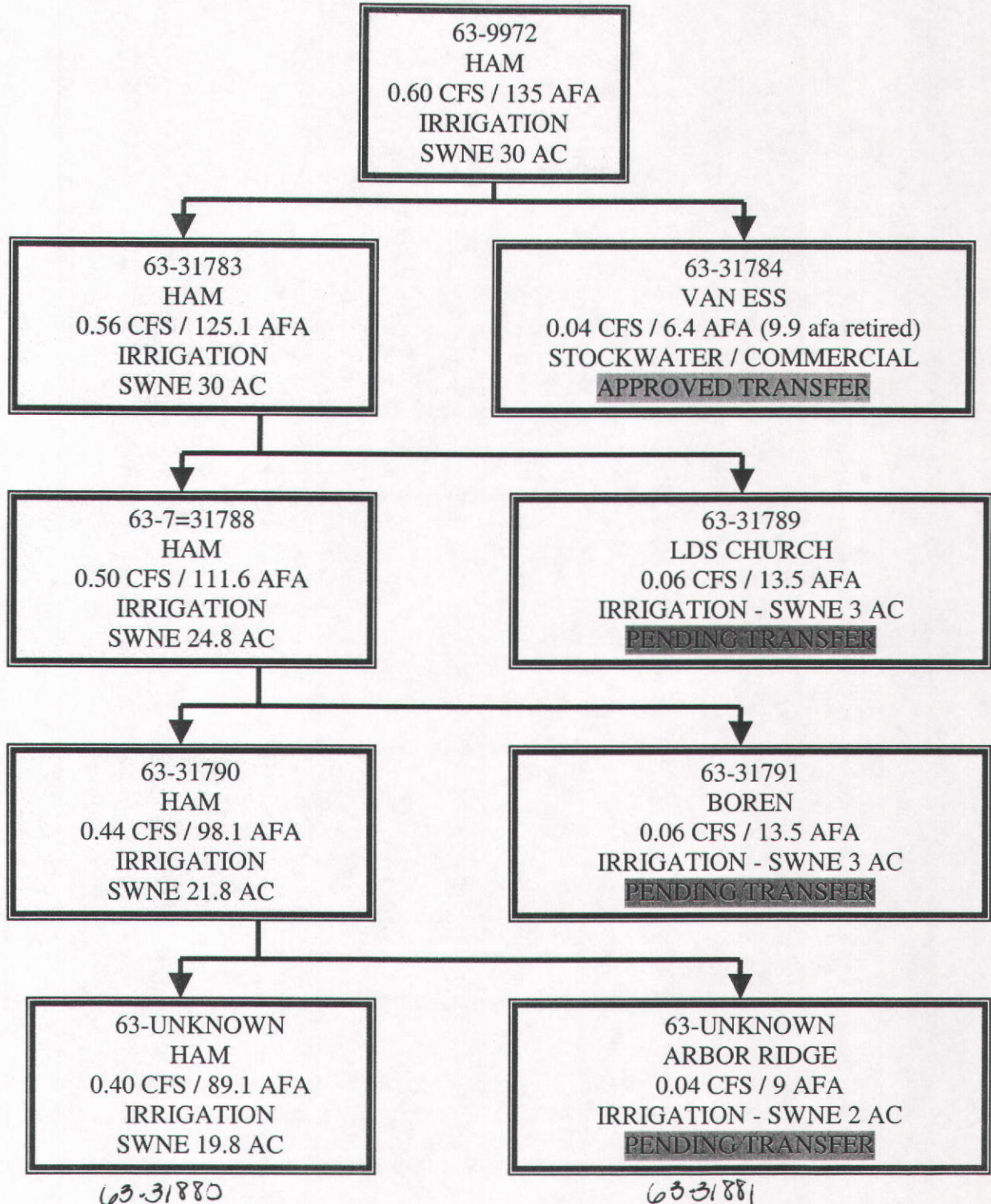
Date: 5-10-05

1987 NAPP Photography

600 0 600 1200 1800 2400 Feet

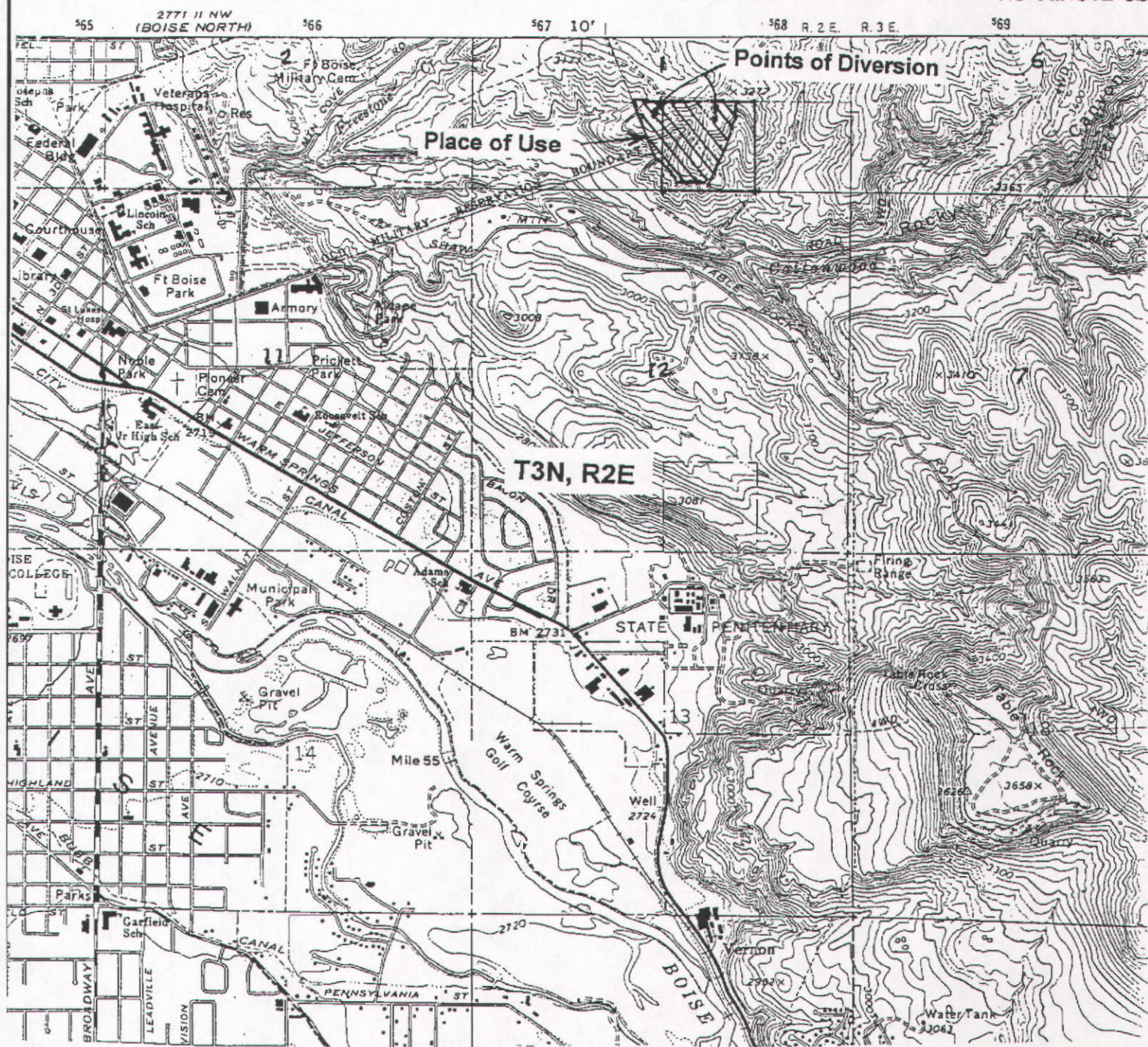


HAM SPLIT TREE
63-9972



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

BOISE SOUT.
IDAHO
7.5 MINUTE SE

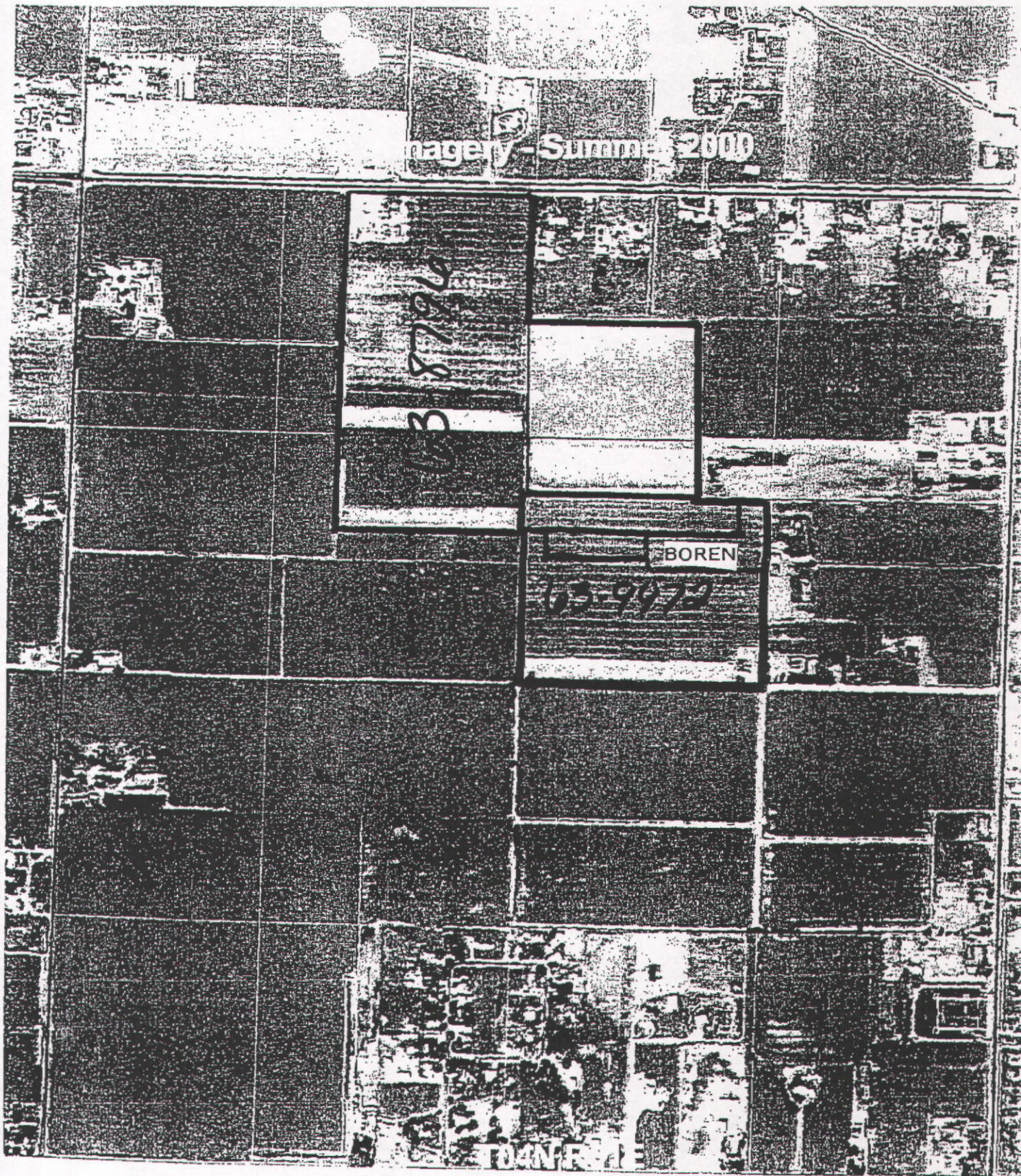


Exhibit B
A8

B
4.4

C568
D
P.D. 2702
568

A63-09972
P.U.
30A6.

COMPLY
STATE

A
230
C-234

A
10.6
C92

C90

C201
A
30
B
58

C
1.3

B
4.6

D
1.0

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 63-31791
Date Received: 8/3/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOAN BOREN Phone: (208)343-5999
1050 N BRIAR LANE
BOISE ID USA 83712

MICHAEL BOREN Phone: (208)343-5999
1050 N BRIAR LN
BOISE ID USA 83712

2. Date of Priority: 12/09/1983

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02E	1	SE SW	ADA	
03N	02E	1	SW SE	ADA	

5. Description of diverting works:

well, pump, sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.06	13.5

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 13.5 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
03N	02E	1	SE	SW	IRRIGATION	1
			SW	SE	IRRIGATION	2
					Section Acres	3
					Total Acres	3

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:

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

The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.

Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) 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.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under Right 63-31791 shall not exceed .06 cfs nor a combined annual volume of 13.5 af.

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.

15. Basis of Claim: Permit

05/10/2005

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

RIGHT NUMBER: 63-31791

NAME AND ADDRESS: JOAN BOREN
1050 N BRIAR LANE
BOISE ID 83712

MICHAEL BOREN
1050 N BRIAR LN
BOISE ID 83712

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
13.500 AFY

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 12/09/1983

POINT OF DIVERSION:

T03N R02E S1 SESW Within ADA County

T03N R02E S1 SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.060 CFS 13.50 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

T03N R02E S01	SESW	1.0	T03N R02E S01	SWSE	2.0
---------------	------	-----	---------------	------	-----

3 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
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Failure of the right holder to comply with the conditions of Transfer 70901 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31788.

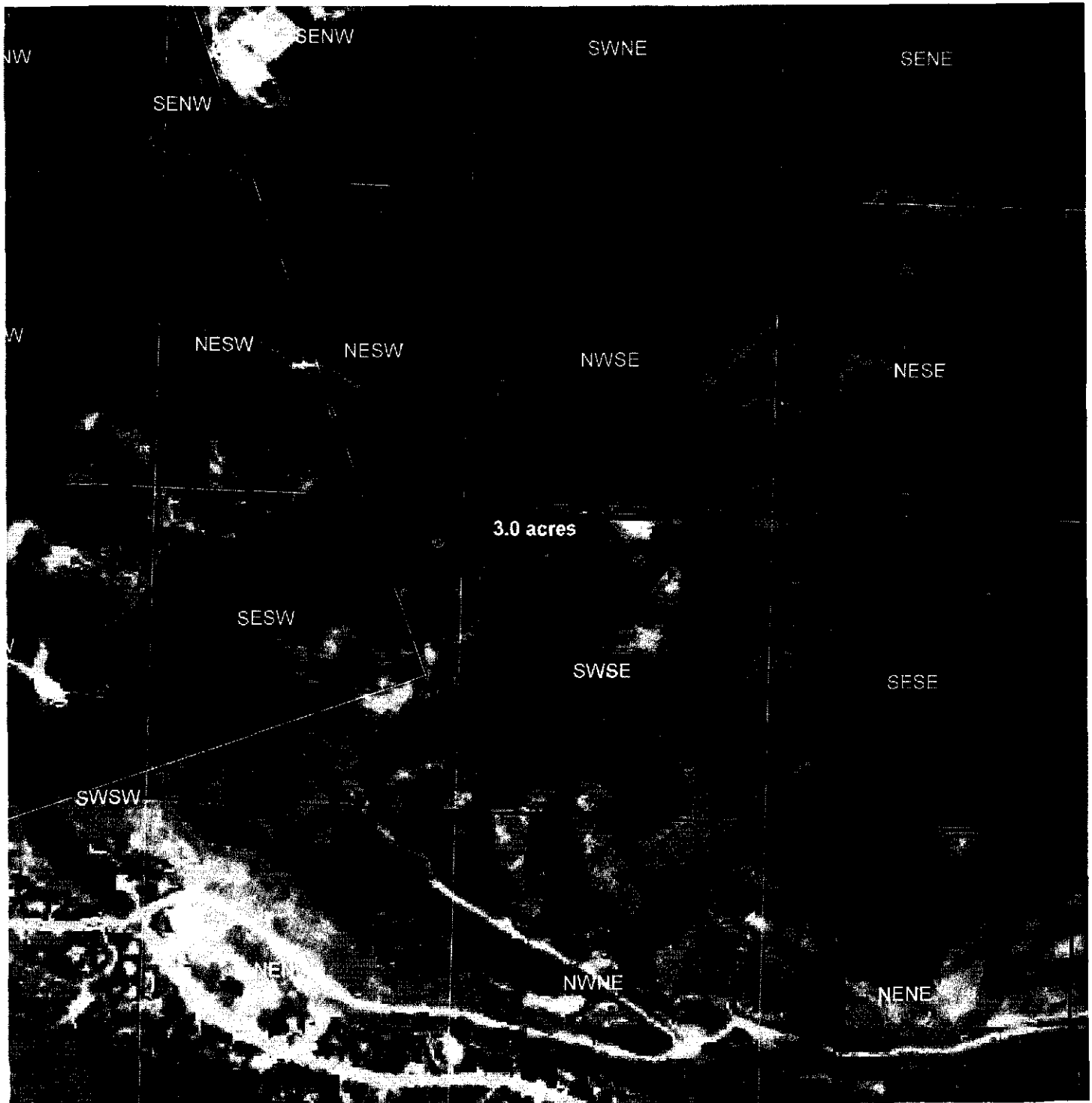
The right holder shall accomplish the change authorized by Transfer 70901 within one (1) year of the date of the approval.

Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

Idaho Department of Water Resources

63-31791

T03N R02E S1



- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 5-10-05
1987 NAPP Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31791 V1

WATER RIGHT NUMBER: 63-31791 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANK N HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Current Owner	JOAN BOREN 1050 N BRIAR LANE BOISE, ID 83712 (208)343-5999
Original Owner	WYOMA HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Current Owner	MICHAEL BOREN 1050 N BRIAR LN BOISE, ID 83712 (208)343-5999

Priority Date: 12/09/1983

Basis: License

Status: Active

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

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.060 CFS	13.50 AF
	<u>Total Diversion:</u>	0.060 CFS	13.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 1,	Twp 03N,	Rge 02E, B.M.
ADA County				
GROUND WATER	SW1/4SE1/4	Sec. 1,	Twp 03N,	Rge 02E, 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	
03N	02E	1												1.0			2.0		3.0

Total Acres: 3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31791 V1

Conditions of Approval:

1. S39 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.
2. R32 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
3. T08 Failure of the right holder to comply with the conditions of Transfer 70901 is cause for the Director to rescind approval of the transfer.
4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 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.
6. 058 The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31788.
9. T07 The right holder shall accomplish the change authorized by Transfer 70901 within one (1) year of the date of the approval.
10. 073 Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

Remarks:Comments: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: 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 Recommendation Report 63-31791 V1

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>
Summary			11/04/2003	lharris	Active
Priority Date	5/10/2005 7:49:44 AM	segbert			Active
POD	5/10/2005 7:52:27 AM	segbert			Active
Source	5/10/2005 8:04:46 AM	segbert			Active
POU	5/10/2005 8:05:06 AM	segbert			Active
Use	5/10/2005 8:06:31 AM	segbert			Active
Season	5/10/2005 8:06:55 AM	segbert			Active
Quantity	5/10/2005 8:08:26 AM	segbert			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	5/10/2005 7:49:45 AM	segbert	(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?
POU	5/10/2005 8:05:06 AM	segbert	(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?
Quantity	5/10/2005 8:08:27 AM	segbert	(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 - transfer 70901

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31791 V1

POD	5/10/2005 7:52:28 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	5/10/2005 8:03:38 AM	segbert	Updated shape
POD	5/10/2005 8:04:06 AM	segbert	Updated shape
Source	5/10/2005 8:04:46 AM	segbert	(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	5/10/2005 8:05:26 AM	segbert	Updated shape for Active POU
Season	5/10/2005 8:06:56 AM	segbert	(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? (No) 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) 18. Is a Period of Use remark and/or condition required?
Use	5/10/2005 8:06:31 AM	segbert	(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?
Summary	11/4/2003 8:15:27 AM	lharris	(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?

Water Supply Bank:

Approved
Transfer
(Ham)

WATER RIGHT NO. 63-31791

As Modified by Transfer No. 70901

In accordance with the approval of Transfer No. 70901, Water Right No. 63-31791 is now described as follows.

Right Holder: MICHAEL BOREN And
JOAN BOREN
1050 N BRIAR LANE
BOISE ID 83712

Priority Date: December 09, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.06 CFS	13.5 AF
			0.06 CFS	13.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 1	Twp 03N	Rge 02E	ADA County
GROUND WATER	SWSE	Sec. 1	Twp 03N	Rge 02E	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	
03N	02E	1												1.0				2.0	3.0

Total Acres: 3

CONDITIONS OF APPROVAL

- EXP 1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- EXP 2. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
- EXP 3. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
- * 4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- EXP 5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

the

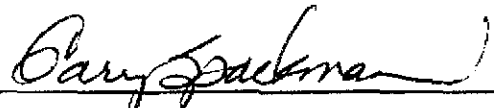
WATER RIGHT NO. 63-31791
As Modified by Transfer No. 70901

CONDITIONS OF APPROVAL

- EXP 6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. The total instantaneous diversion of water from all points of diversion under Right 63-31791 shall not exceed .06 cfs nor a combined annual volume of 13.5 af.
- 504 10. 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 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 14th day of April, 2004


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70901

This is to certify that: MICHAEL BOREN And
JOAN BOREN
1050 N BRIAR LANE
BOISE ID 83712
(208)343-5999

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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31791	AJC/Permit	12/09/1983	0.06 cfs	13.5 af	N/A	3.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>PQU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31791	NO	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31791	63-31791	0.06 cfs	13.5 af	N/A	3.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.06 cfs	13.5 af	N/A	3.0		N/A	N/A	N/A	N/A

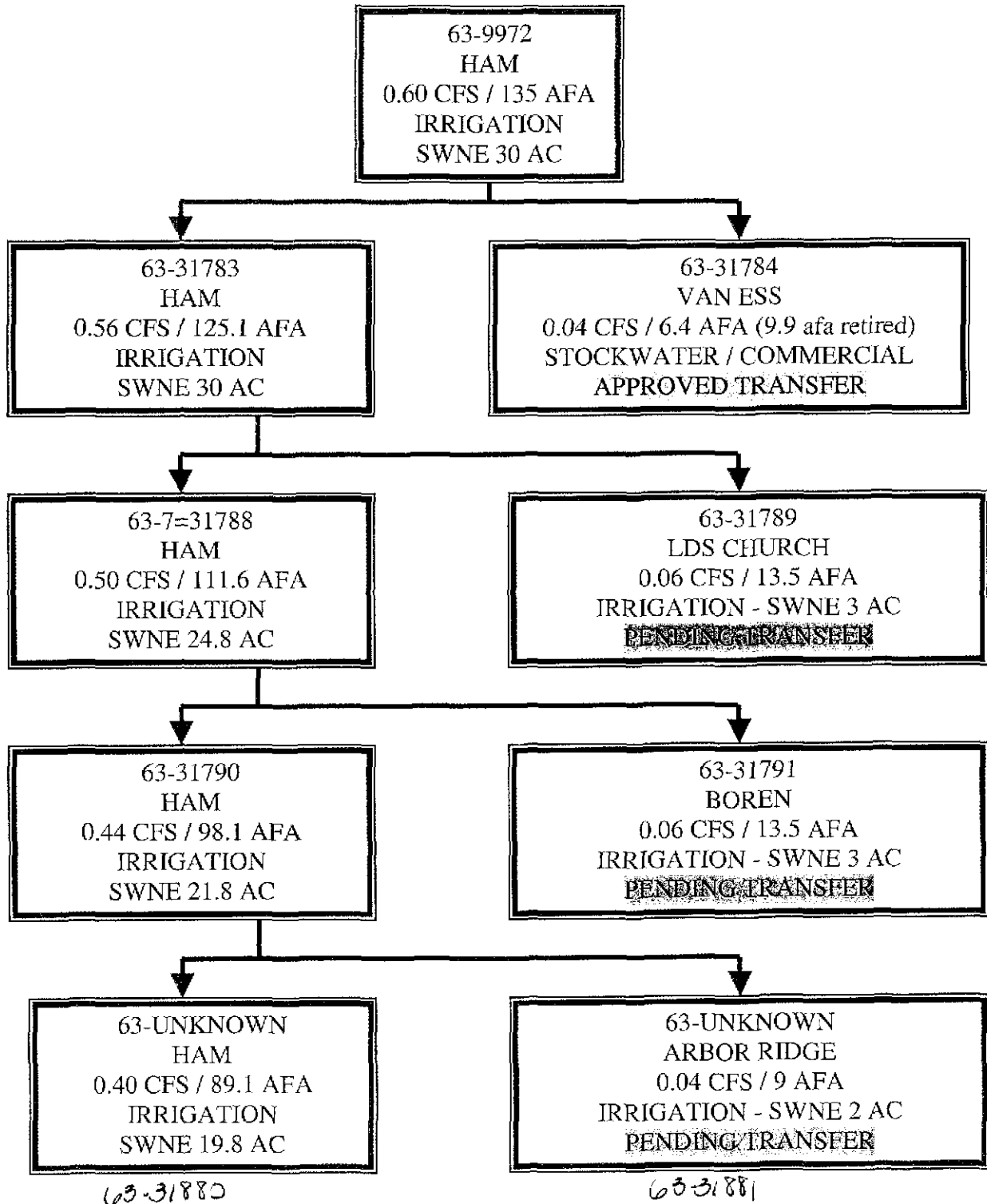
Detailed Water Right Description(s) attached

Dated this 14th day of April, 2004



Chief, Water Allocation Bureau

HAM SPLIT TREE
63-9972



Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70901

RECEIVED

OCT 06 2003

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

NAME Michael Boren and Joan Boren PHONE 208-343-5999

Post Office address 1050 North Briar Lane, Boise, ID 83712

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 Applicant has purchased a 3-acre portion of water right 63-9972 and proposes moving the water right to applicant's land for irrigation of 3 acres

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-31791				
TBD	12/9/1983	0.06 / 13.5	irrigation	Mar. 15 to Nov. 15
				to
				to

2. Total amount of water being transferred 0.06 cubic feet per second and/or 13.5 acre-feet per annum.

3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres **3**

PART 1

6. General Information:

- a. Description of diversion system Two wells with electric pumps, pipe to sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X 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. See attached Water Right Purchase and Sale Agreement
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land has been sold without groundwater rights.

Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-9972 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 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 Purchase and Sale Agreement

3. Source of water ground water tributary to NA

4. Date or priority 12/9/1983

5. Water is used for the following purposes:

amount 0.60 / 135.0 for irrigation purposes from Mar. 15 to Nov. 15
(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 0.60 cubic feet per second and/or 135.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			30														30

Total Acres 30

9. Describe any other water rights used for the same purpose as described above none

PART 2

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 _____**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 0.06 / 13.5 for irrigation purposes from Mar. 15 to Nov. 15
 (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
		NW	NE	31	4N	1E	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			3														3

Total Acres 3**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.54 / 121.5 for irrigation purposes from Mar. 15 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

3. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	

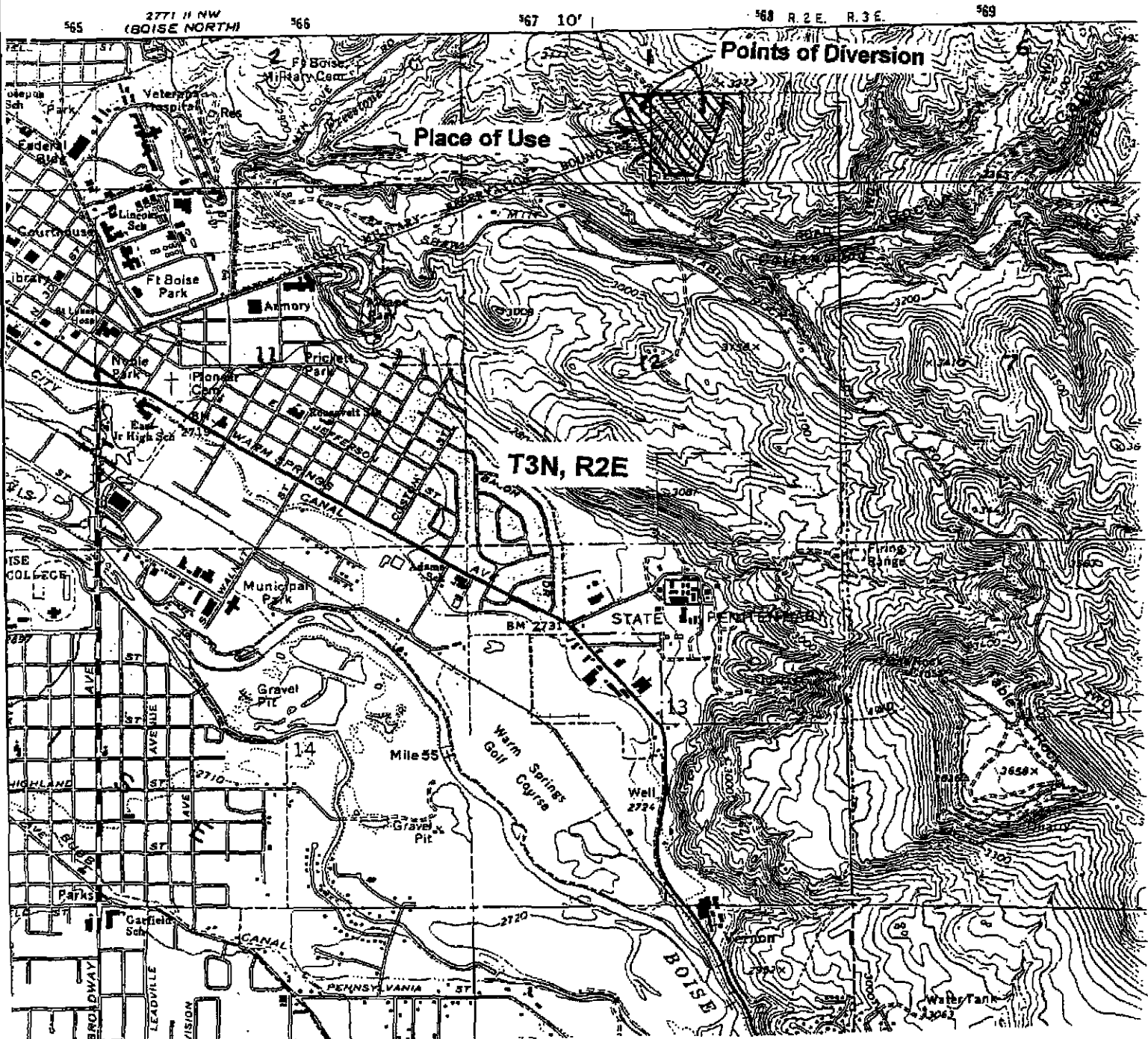
4. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			27														27

Total Acres 27

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

BOISE SOUTH
IDAHO
7.5 MINUTE SECTION

PART 3

B. CHANGES IN NATURE OF USE

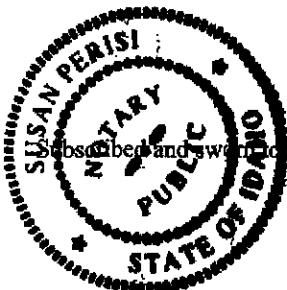
1.

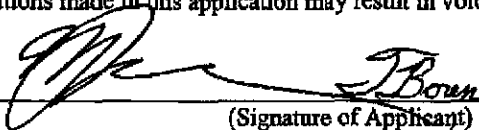
<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

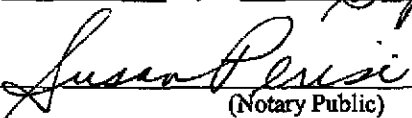
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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





 (Signature of Applicant)

Subscribed and sworn to before me this 30th day of September, 20 03


 (Notary Public)

My commission expires 10/22/05

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by Kh Date 10/6/03 Protest filed by _____

Prelim. Check by lg Fee 100⁰⁰ _____

Received by Kh Date 10/6/03 W030985

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Existing
P/u

WATER RIGHT PURCHASE AND SALE AGREEMENT

THIS WATER RIGHT PURCHASE AND SALE AGREEMENT ("Agreement") is entered into effective this 10th day of Sept., 2003 by and between Renata L. Ham, d/b/a StonecreekTurf, a sole proprietorship (the "Seller"), whose address is 5125 Morninggale Dr., Boise, ID 83713, and Michael and Joan Boren (the "Buyer"), whose address is 1050 North Briar Lane, Boise, ID 83712. In consideration of the sums to be paid by Buyer to Seller, and the mutual covenants herein contained, the parties hereby agree as follows:

RECITALS

1. Seller owns a water right to divert ground water for irrigation purposes within the Boise River Basin (administrative Basin 63), which water right is represented by license number 63-9972 in the records of the Idaho Department of Water Resources ("Department"), and which water right authorizes diversion of ground water for irrigation uses on certain lands in Ada County during the irrigation season at a rate of 0.02 cubic feet per second ("cfs") per irrigated acre and a total annual diversion volume of 4.5 acre-feet per acre per year, such lands being located in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, section 31, T4N, R1E, Boise Meridian in Ada County (the "Property"). A copy of the water right license is attached as Exhibit A to this Agreement. The Property is more particularly described on Exhibit B.
2. Seller desires to sell the approximately 10 percent (3/30) portion of water right no. 63-9972 that is appurtenant to 3 acres in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ within the Property (this portion of licensed water right no. 63-9972 hereinafter referred to as the "Water Right").
3. Buyer desires to purchase the Water Right and transfer its point of diversion and place of use to Buyer's property in Ada County, or, in the alternative, use the Water Right as mitigation for a new ground water permit in which the retirement of the Water Right will serve a mitigation or similar purpose.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions set forth below, Seller agrees to sell the Water Right to Buyer, and Buyer agrees to purchase it.

4. Purchase Price. The Purchase Price for the Water Right is [REDACTED] dollars [REDACTED], payable as follows:

a. Non-refundable Earnest Money payment. Upon execution of this Agreement by Seller and Buyer, Buyer shall pay Seller [REDACTED] Dollars [REDACTED] as a non-refundable earnest money payment ("Earnest Money"). As more particularly described below, the Earnest Money shall be applied toward the Purchase Price at Closing, but shall be retained by Seller and not refunded to Buyer if, for any reason other than Seller's refusal to close, the purchase and sale does not close.

b. Balance of purchase price. [REDACTED], being the Purchase Price less the Earnest Money, shall be due and payable to Seller at Closing.

5. Buyer responsible for water right transfer. Within thirty days after this Agreement is signed, Buyer shall file, with the Idaho Department of Water Resources ("Department"), either an application to change or transfer the Water Right to Buyer's place of use, proposed nature or time of use, and point of diversion or, in the alternative, an application for a new ground water permit in which the retirement of the Water Right will serve a mitigation or similar purpose (collectively, "Transfer"), and thereafter shall diligently pursue the Transfer at Buyer's sole cost. Upon filing the Transfer, Buyer shall provide a copy of the Transfer to Seller. Upon Seller's receipt of a copy of the Transfer, the Water Right no longer will be diverted from the well on Seller's property or placed to beneficial use by Seller unless Buyer agrees in writing that it can be so used on an interim basis during the pendency of the Transfer.

6. Seller to cooperate with Buyer's Transfer efforts. Seller shall cooperate with the Buyer in pursuit of the Transfer and, at Buyer's request, Seller shall provide Buyer with any information Seller has concerning the Water Right that Buyer may reasonably request in pursuit of the Transfer; provided, that if responding to such request will require Seller to incur attorney or consultant fees or costs, the following conditions shall apply:

a. Seller shall provide Buyer a written estimate of such fees and costs and shall not be obligated to provide a response until Seller receives from Buyer a written approval of such fees and costs and a commitment from Buyer to pay them directly or reimburse Seller for Seller's payment of them. Once Seller has received such approval, Seller shall provide the response to the extent of the fees and costs covered in the approval.

b. Seller shall forward to Buyer all bills for such fees and costs within thirty days after Seller receives invoices for such expenses from a consultant or attorney, and shall inform Buyer whether Seller has paid these invoices or, in the alternative, is forwarding them to Buyer for payment.

c. Within thirty days after Buyer receives them, Buyer shall either pay such invoices directly or reimburse Seller for Seller's payment of them.

7. Closing. Closing shall occur no later than the earlier of: a) ten days after the final, unappealable approval of the Transfer ("Transfer approval"), or b) the one-year anniversary date of this Agreement. At the Closing:

a. Seller shall deliver to Buyer: i) an executed and acknowledged Water Right Grant Deed and Assignment ("Deed") in the form of the specimen attached to this Agreement as Exhibit C; ii) all documentation, including appropriate deeds, leases, and assignments, confirming Seller's ownership of the Water Right and its entitlement to convey it to Buyer; iii) an executed and acknowledged Notice of Change of Ownership confirming Buyer's ownership of the Water Right and the assignment of the appropriate portion of the Snake River Basin Adjudication Claim for the Water Right; and iv) such other documents as Buyer may reasonably request within thirty days prior to Closing to confirm Buyer's ownership of the Water Right or its transferability. Seller shall make best efforts to provide all documents referenced in item ii of this paragraph within 10 days after the date of this Agreement.

b. Buyer shall deliver to Seller the balance of the Purchase Price by means of a cashier's check or other means of payment acceptable to Seller. Buyer shall have responsibility for recording or filing the Deed and Notice of Change of Ownership and other documents with the county recorder, the Department, the SRBA Court, or any other entities Buyer deems appropriate.

8. Failure to close; Buyer's and Seller's elections. If the Transfer approval does not occur on or before the anniversary of this Agreement, Buyer at its option may either proceed to closing within 20 days after such anniversary deadline or terminate this Agreement by written notice and forfeit its Earnest Money. If Buyer fails to close the transaction within such 20 days after the anniversary deadline or otherwise breaches this Agreement, in addition to any other remedies Seller might have, Seller at its option may terminate this Agreement and retain the Earnest Money. If this Agreement is terminated by whatever means, Buyer, at its cost, shall forthwith withdraw and cancel the Transfer and take any steps necessary to ensure that the Department cancels, reverses or otherwise nullifies the Transfer application process and any Transfer approval, and such obligations shall survive the termination.

9. Representations and Warranties.

a. Seller hereby represents and warrants that:

- i. The Water Right has been beneficially used as the sole water source to irrigate the Property;
- ii. The Property no longer will be irrigated by the Water Right after the date of this Agreement, subject to the provision for interim use in paragraph 5, above;
- iii. Seller is the owner of the Water Right and has not conveyed, mortgaged, or pledged the Water Right to any other person or entity;
- iv. Seller has not engaged or dealt with any broker or finder in connection with the sale of the Water Right;
- v. Seller has the legal power, right and authority to enter into this Agreement and to perform Seller's obligations hereunder;
- vi. A claim for the Water Right has been filed in the Snake River Basin Adjudication, but Seller makes no representation or warranty regarding the outcome of that proceeding as it might affect the Water Right;
- vii. The Water Right has been placed to continual beneficial use on the Property, and Seller has no knowledge of any continuous five-year period of nonuse of the Water Right; and
- viii. Seller makes no other guarantees or warranties as to the Water Right, its yield upon transfer, or its transferability. Buyer understands and agrees that the purchase price set forth above will remain the same regardless of the amount of water Buyer ultimately is allowed to divert and place to beneficial use under the Transfer; that the amount of water could be less than the face value of the Water Right; and that, should it approve the Transfer, the Department may impose conditions on the use of the Water Right.

b. Buyer hereby represents and warrants that:

- i. Buyer has the legal power, right and authority to enter into this Agreement and to perform Buyer's obligations hereunder; and
- ii. Buyer has not engaged any broker or finder in connection with the purchase of the Water Right.

10. Remedies on Default. If either party breaches this Agreement, the non-breaching party shall be entitled to all remedies available at law or in equity.

11. Notices:

Seller: Renata L. Ham
5125 Morninggale Drive
Boise, ID 83713

Buyer: Michael and Joan Boren
1050 North Briar Lane
Boise, Idaho 83712

12. General Provisions.

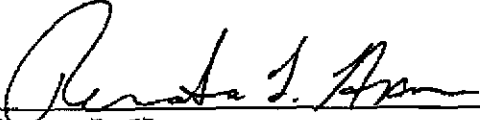
- a. This Agreement contains the entire agreement between the parties related to the purchase and sale of the Water Right, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.
- b. No modification, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing and signed by both parties.
- c. If either party commences litigation for the judicial interpretation, enforcement or rescission of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.
- d. Time is of the essence to this Agreement. In particular, the requirement that Closing must occur within 12 months of the date of this Agreement is a central and material term, and either party's failure to close within that time period, subject to the provisions of paragraph 8, above, shall be a breach of this Agreement.
- e. All obligations referred to herein that reasonably are to be performed, or may be performed, after Closing, and all

representations and warranties contained herein, shall survive the Closing and delivery of Seller's Water Right Grant Deed and Assignment.

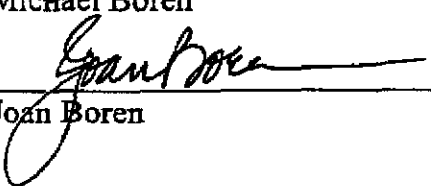
- f. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by the parties hereto and their respective heirs, representatives, successors and assigns.
- g. All notices to be given to the parties shall be in writing, delivered in hand, or by U.S. Mail, postage pre-paid directed to such parties address as stated above unless such party shall have directed in writing that notice be sent to a different address.
- h. This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the date set forth above.

SELLER:


Renata L. Ham
Stonecreek Turf

BUYER:


Michael Boren

Joan Boren

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09972

Priority: December 9, 1983

Maximum Diversion Rate:

0.60 CFS

Maximum Diversion Volume: 1

135.0 AF

This is to certify, that FRANK N. HAM
WYOMA HAM

4415 N. LOCUST GROVE
MERIDIAN, ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 21, 1983; and has submitted Proof of Beneficial Use on January 17, 1989. An examination indicates that the works have a diversion capacity of 2.490 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.60 CFS	135.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE, Sec. 31, Township 04N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01E	31	SWNE	30		30

Total number of acres irrigated: 30

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

EXHIBIT A

MICROFILMED

SEP 18 1990

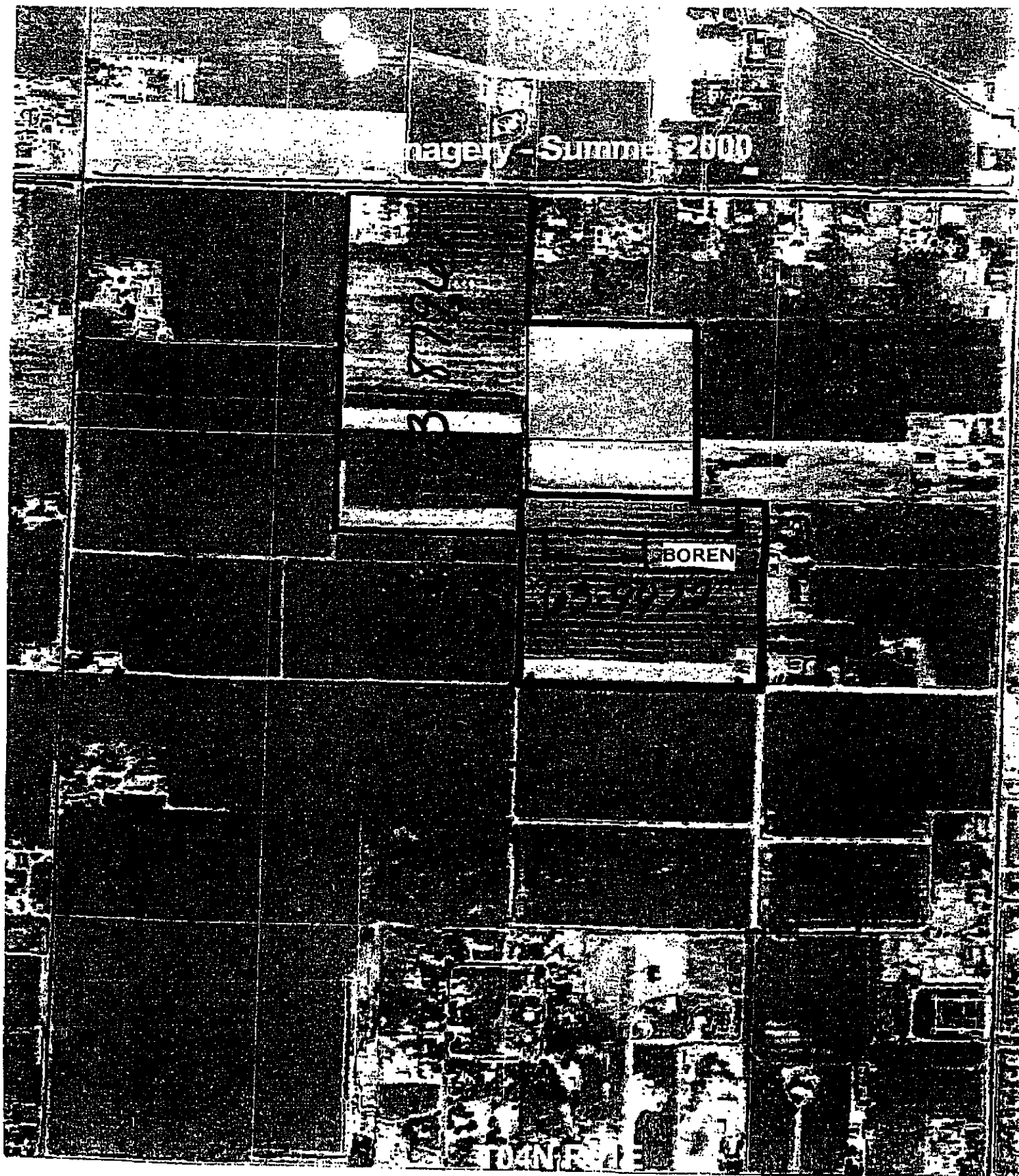


Exhibit B
A8

GIVENS PURSLEY LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Jeffrey C. Fereday

WATER RIGHT GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Grantor Renata Ham of Meridian, Idaho, on her own behalf and on behalf of Stonecreek Turf, a sole proprietorship, hereby grants, bargains, sells, and conveys unto Grantee, Michael & Joan Boren, whose address is 1050 North Briar Lane, Boise, Idaho 83712, all of Grantor's right, title, and interest in and to the following portions of licensed irrigation ground water right no. 63-9972:

The approximately 10 percent (3/30) portion of water right no. 63-9972 that is appurtenant to a total of 3 acres in: the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, section 31, T4N, R1E, Boise Meridian, in Ada County:

This portion of ground water right no. 63-9972 is referred to herein as the "Water Right."

Grantor hereby further assigns to Grantee all of Grantor's right, title, and interest in and to the above-described portion of the license for ground water right no. 63-9972 issued by the Idaho Department of Water Resources, a copy of which is attached hereto as Exhibit A, together with a like portion of Grantor's right, title, and interest in and to any claim for the Water Right filed in the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576. The Water Right conveyed by this Deed is subject to all conditions and limitations specified on such license or that may be imposed by the SRBA Court.

Grantor hereby covenants to Grantee that Grantor has ceased to divert and use the Water Right on the above-described acres or otherwise. Grantor makes no other guarantees or warranties as to the Water Right, its transferability, or its yield upon transfer, change, or exchange.

[End of Text]

EXHIBIT C

TO HAVE AND TO HOLD the Water Right unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has caused her name to be subscribed to this Grant Deed effective the ___ day _____ of 2003.

GRANTOR:

RENATA HAM and
STONECREEK TURF, a sole proprietorship

Renata L. Ham

STATE OF IDAHO)
) ss.
County of Ada _____)

On this ____ day of _____, 2003, before me, a Notary Public in and for the State of Idaho, personally appeared Renata Ham, known or identified to me to be the person who executed the above Grant Deed, and acknowledged to me that she executed the same on her own behalf and on behalf of Stonecreek Turf, a sole proprietorship.

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

Notary Public for Idaho
Residing at: _____
My commission expires: _____

AFFIDAVIT OF RENATA HAM

(Water Right Nos.

63-10566, 63-9972, 63-8796)

Originally received 3-28-03 with Town Ranch LP transfer application for 63-8796. Affidavit is a thick spiral-bound notebook. Duplicate copies of the affidavit continue to be received with subsequent filings related to the above right(s). To avoid unneeded duplication in IDWR files, this cover page has been substituted for the copy of the affidavit received with this new filing.

SEE WR FILE 63-8796 FOR THE COMPLETE AFFIDAVIT.

THIS COPY IS FOR FILE #

63-31791

INITIALS:

Ly

DATE:

11/5/03

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**READ & APPROVED BY GRANTEE(S): *JAB*

{6900}

ADVISOR RECORDER
J. DAVID NAVARRO
HOUSE ID

ALLIANCE TITLE

'97 SEP 3 PM 4 38

FEE *900* *Shelley*RECORDING REQUEST ON
SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 97069446 SL/GW

WARRANTY DEED

FOR VALUE RECEIVED PATRICIA FRASER WILSON, formerly known as PATRICIA FRASER LLOYD and PETER K. WILSON, wife and husband, as to an undivided 1/6 interest; AND ***

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto Joan A. Boren, Trustee of THE JOAN A. BOREN TRUST, U/A dated May 5, 1987

GRANTEE(S), whose current address is: P.O. BOX 1612, McCALL, ID 83638
the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

***PATRICIA FRASER WILSON, formerly known as PATRICIA FRASER LLOYD, as Trustee of THE TESTAMENTARY TRUST, created by the Last Will and Testament of ROBERT E. LLOYD, deceased, as to an undivided 1/6 interest

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: August 26, 1997

Patricia Fraser Wilson
PATRICIA FRASER WILSON

Peter K. Wilson
PETER K. WILSON

Patricia Fraser Wilson as Trustee
PATRICIA FRASER WILSON, TRUSTEE

STATE OF IDAHO
COUNTY OF ADA

On this *29th* day of *August*, in the year of *1997*, before me, the undersigned, a Notary Public in and for said State personally appeared *PATRICIA FRASER WILSON* and *PETER K. WILSON*

ATTACHMENT B1

ORDER NO. 97069446 SL/GW

STATE OF IDAHO, County of ADA, ss.

On this 29th day of AUGUST in the year of 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared PATRICIA FRASER WILSON known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, as Trustee of THE TESTAMENTARY TRUST, created by the Last Will and Testament of ROBERT E. LLOYD, deceased, and acknowledged to me that he/she/they executed the same as Trustee.

Signature:

Name:

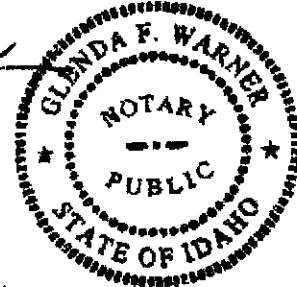
Residing At:

My Commission expires:

Glenda F. Warner
GLENDA F. WARNER

BOISE, IDAHO

5/1/2003



ORDER NO. 97069446 SL/GW

EXHIBIT "A"

A parcel of land in Lot 8, Section 1, Township 3 North, Range 2 East, Boise Meridian, and the Southwest Quarter, Southeast Quarter of Section 1, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, described as follows:

BEGINNING at the most Easterly corner of Fort Boise Military Reservation, a Dimension Stone Monument marked "U.S."; thence
South 48 degrees 26' East 399.62 feet to a "T" iron post;
thence
South 25 degrees 31' East 242.60 feet to a "T" iron post;
thence
North 89 degrees 08' East 303.80 feet to a "T" iron post;
thence
North 49 degrees 27' East 121.65 feet to a "T" iron post;
thence
North 17 degrees 16' East 683.25 feet to a steel pin; thence
North 26 degrees 44' East 253.05 feet to a steel pin; thence
North 4 degrees 33' West 217.20 feet to a steel pin at the
North fence line of the Southwest Quarter, Southeast
Quarter of Section 1; thence following said fence
line
North 89 degrees 10' West between the Southwest Quarter,
Southeast Quarter and Northwest Quarter, Southeast
Quarter of Section 1 and between Lot 8 and Lot 7 of
Section 1, a distance of 1,359.18 feet to the
common corner of Lot 7 and Lot 8, being the intersection
with Fort Boise Easterly line; thence following the
fence line on the Easterly boundary of Fort Boise
Military Reservation
South 20 degrees 00' East 760.10 feet to the POINT OF BEGINNING.

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID**ALLIANCE TITLE**

'97 SEP 3 PM 4 38

FEE 900 REC'D Navarro
RECORDED AT THE REQUEST OF
SPACE ABOVE THIS LINE FOR RECORDING DATAREAD & APPROVED BY GRANTEE(S): NA

(6900)

Order No.: 97069446 SL/GW

WARRANTY DEED

FOR VALUE RECEIVED ROBERT E. BROWN and LUCILLE F. BROWN, husband and wife, as to an undivided 1/3 interest; DAVID S. WEICK and NANCY WEICK, husband and wife, as to an undivided 1/3 interest; GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto Joan A. Boren, Trustee of THE JOAN A. BOREN TRUST, U/A dated May 5, 1987

GRANTEE(S), whose current address is: P.O. BOX 1612, McCALL, ID 83638
the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

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: August 29, 1997

Robert E. Brown
ROBERT E. BROWN

Lucille F. Brown
LUCILLE F. BROWN

David S. Weick
DAVID S. WEICK

Nancy Weick
NANCY WEICK

BY: George E. Weick
GEORGE E. WEICK, ATTORNEY IN FACT
STATE OF IDAHO
COUNTY OF ADA

BY: George E. Weick
GEORGE E. WEICK, ATTORNEY IN FACT
STATE OF IDAHO
COUNTY OF ADA

ORDER NO. 97069446 SL/GW.

STATE OF IDAHO, County of ADA, ss.

On this 29TH day of AUGUST in the year of 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE E. WEICK known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, as the attorney in fact of DAVID S. WEICK AND NANCY WEICK and acknowledged to me that he/she/they subscribed the name(s) of DAVID S. WEICK AND NANCY WEICK thereto as principal, and his/her own name as attorney in fact.

Signature: Glenda F. Warner

Name: GLENDA F. WARNER

Residing At: BOISE, IDAHO

My Commission expires: 5/1/2003

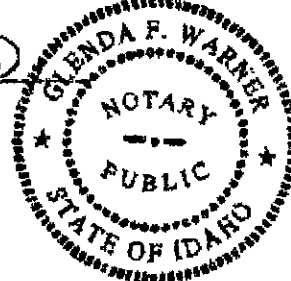


EXHIBIT "A"

A parcel of land in Lot 8, Section 1, Township 3 North, Range 2 East, Boise Meridian, and the Southwest Quarter, Southeast Quarter of Section 1, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, described as follows:

BEGINNING at the most Easterly corner of Fort Boise Military Reservation, a Dimension Stone Monument marked "U.S."; thence
South 48 degrees 26' East 399.62 feet to a "T" iron post;
thence
South 25 degrees 31' East 242.60 feet to a "T" iron post;
thence
North 89 degrees 08' East 303.80 feet to a "T" iron post;
thence
North 49 degrees 27' East 121.65 feet to a "T" iron post;
thence
North 17 degrees 15' East 689.25 feet to a steel pin; thence
North 26 degrees 44' East 253.05 feet to a steel pin; thence
North 4 degrees 33' West 217.20 feet to a steel pin at the
North fence line of the Southwest Quarter, Southeast
Quarter of Section 1; thence following said fence
line
North 89 degrees 10' West between the Southwest Quarter,
Southeast Quarter and Northwest Quarter, Southeast
Quarter of Section 1 and between Lot 8 and Lot 7 of
Section 1, a distance of 1,359.18 feet to the
common corner of Lot 7 and Lot 8, being the intersection
with Fort Boise Easterly line; thence following the
fence line on the Easterly boundary of Fort Boise
Military Reservation
South 20 degrees 00' East 760.10 feet to the POINT OF BEGINNING.

JAN 29 '99 10:39AM PIONEER TITLE COMPANY

P.2/3

A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-5700

P-175667-1F

WARRANTY DEED
(INDIVIDUAL)

FOR VALUE RECEIVED ROBERT MORRIS AND ARLENE MORRIS, HUSBAND AND WIFE

Grantor s do hereby grant, bargain, sell and convey unto MICHAEL BOREN AND JOAN BOREN, HUSBAND AND WIFE

the Grantee s, whose current address is: 1843 SENDER LANE, BOYNE, IDAHO 83712
the following described real property in ADA County, State of Idaho, more particularly described as follows, to-wit:
LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" WHICH IS MADE A PART HEREOF BY REFERENCE

TAX PARCEL NO. S-1012120640

IDAHO COUNTY RECORDER
DAVID KAVARRO
CLERK

1999 JAN 11 PM 6:08

RECORDED-REQUEST OF

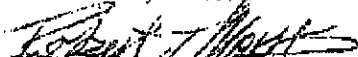
FEE 12.00 DEPUTY J. Kitchum

99002972

PIONEER TITLE

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, the Grantor s 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, asserted 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. (includes 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, January 08, 1999


 ROBERT MORRIS


 ARLENE MORRIS

STATE OF IDAHO County of ADA ss.

On this 11-24 day of JANUARY, in the year of 1999, before me THE UNDERSIGNED

personally appeared ROBERT MORRIS and ARLENE MORRIS, a notary public, for known or identified to me to be the persons who subscribed to the within instrument, and acknowledged to me that they executed the same.

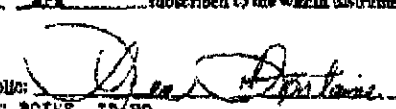

 My Commission Expires: 6/15/2000
 Notary Public: 
 My Commission Expires: 6/15/2000

EXHIBIT A

A PARCEL OF LAND IN GOVERNMENT LOT 8, SECTION 1, TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, AND THE SOUTHWEST 1/4 SOUTHEAST 1/4 SECTION 1, TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST EASTERLY CORNER OF FORT BOISE MILITARY RESERVATION, A DIMENSION STONE MONUMENT MARKED "U.S."; THENCE SOUTH 48 DEGREES 28' EAST, 399.62 FEET TO A "T" IRON POST, THENCE SOUTH 25 DEGREES 31' EAST, 242.80 FEE TO A "T" IRON POST;
~~THENCE NORTH 89 DEGREES 08' EAST, 303.60 FEET TO A "T" IRON POST;~~
THENCE NORTH 49 DEGREES 27' EAST, 121.65 FEET TO A "T" IRON POST;
THENCE NORTH 17 DEGREES 16' EAST, 683.25 FEET TO A STEEL PIN;
THENCE NORTH 26 DEGREES 44' EAST, 253.05 FEET TO A STEEL PIN;
THENCE NORTH 4 DEGREES 33' WEST, 217.20 FEET TO A STEEL PIN AT THE NORTH FENCE LINE OF THE SOUTHWEST 1/2 SOUTHEAST 1/4 SECTION 1;
THENCE FOLLOWING SAID FENCE LINE NORTH 89 DEGREES 10' WEST BETWEEN THE SOUTHWEST 1/4 AND NORTHWEST 1/4 SOUTHEAST 1/4 SECTION 1 AND BETWEEN LOT 8 AND 7 SECTION 1, A DISTANCE OF 1359.18 FEET TO THE COMMON CORNER OF LOT 7 AND LOT 8, BEING THE INTERSECTION WITH FORT BOISE EASTERLY LINE;
THENCE FOLLOWING THE FENCE LINE ON THE EASTERLY BOUNDARY OF FORT BOISE MILITARY RESERVATION SOUTH 20 DEGREES 00' EAST, 760.10 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31788

WATER RIGHT NUMBER: 63-31788

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANK N HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Current Owner	WYOMA HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263

Priority Date: 12/09/1983

Basis: Permit

Status: Parent

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

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.500 CFS	111.60 AF
	<u>Total Diversion:</u>	0.500 CFS	111.60 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 31, Twp 04N, 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	
04N	01E	31				24.8													24.8

Total Acres: 24.8

Conditions of Approval:Remarks:

1. General SPLIT RIGHT: SEE RIGHT NOS. 63-31790 AND 63-31791.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31783.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31783

WATER RIGHT NUMBER: 63-31783

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WYOMA HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Current Owner	FRANK N HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263

Priority Date: 12/09/1983

Basis: License

Status: PARENT

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

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.560 CFS	125.10 AF
	<u>Total Diversion:</u>	0.560 CFS	125.10 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 31, Twp 04N, 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	
04N	01E	31				27.8													27.8

Total Acres: 27.8

Conditions of Approval:Remarks:

1. General SPLIT RIGHT: SEE RIGHT NOS. 63-31788 AND 63-31789.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-9972.

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: A63-09972
Date Received: 8/03/1989
Receipt No: C008822
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK N. HAM 208-888-4263
Address: 4415 N. LOCUST GROVE
MERIDIAN, ID 83642

OR
Name: WYOMA HAM 208-888-4263
Address: 4415 N. LOCUST GROVE
MERIDIAN, ID 83642

2. Date of Priority: JAN 21, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	31	SE	NW	NE		ADA

5. Description of diverting works:
WELL, PUMP & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	31	SW	NE		IRR	30.0
Section Acres							30.0
Total Acres							30.0

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:
SETTLERS CANAL WTR.

14. Remarks:

15. Basis of Claim: PERMIT

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

Signature of Claimant(s): Nkyoma Nam Date: Aug 3, 1989
Date: _____

State of Idaho)
County of AOA) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of August 19 89

Donat E. Lull
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

10/1
A
200

B
44

B
200

10/1
B
44

10/1
B
44
P.D. 10/1
200

A63-09972
P.U.
30A6

10/1
B
44

10/1
B
44

10/1
B
44

10/1
B
44

10/1
B
44

10/1
B
44

10/1
B
44
A
10/1
C92

10/1
B
44
C90
A
10/1
C90

10/1
B
44
C90
A
10/1
C90

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09972

Priority: December 9, 1983

Maximum Diversion Rate: 0.60 CFS
Maximum Diversion Volume:¹ 135.0 AF

This is to certify, that FRANK N. HAM
WYOMA HAM

4415 N. LOCUST GROVE
MERIDIAN, ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 21, 1983; and has submitted Proof of Beneficial Use on January 17, 1989. An examination indicates that the works have a diversion capacity of 2.490 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.60 CFS	135.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 31, Township 04N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01E	31	SWNE	30		30

Total number of acres irrigated: 30

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

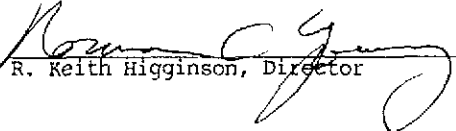
SEP 18 1990

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09972

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 28th
day of August, 1990.

Attest:


R. Keith Higginson, Director

MICROFILMED

SEP 18 1990

MAY 10 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-9972

1. Owner: Frank N. and/or Wyoming Ham Phone No. 833-4263
Current Address: 4415 N. Locust Grove, Meridian, ID 83642
2. Accompanied by: Cecil A. Thomas P.E. EXAM. DATE: Mar 7, 1988
Address: 3775 N. Locust Grove Phone No. 882-2027
- Relationship to Permit Holder: Professional Engineer
3. Source: Groundwater tributary to Boise River

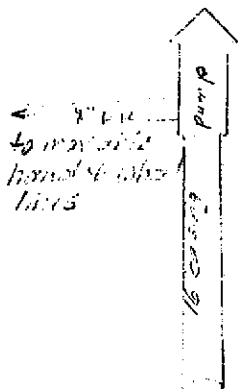
B. OVERLAP REVIEW

- OVERLAP REVIEW
1. Other water rights with same place of use: Sothlers Irrigation District ☐ Copies Attached
2. Other water rights with same point of diversion: 63-8796 63-8410 ☒ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

Pump or 10" casing discharging water into 8" 6" or 5" line
 and discharging to provide flow to the
 well. This permit. Field of
 subject permit 63-9772 and of permits
 63-8410 and 63-8796 are confor-
 minous and can be served with
 handline and wheel-line movable sprinkler
 pipes from the well No. 4NIE31abd1.



MICROFILMED

SEP 18 1990

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
1" port for insertion		Grain Land	Flowmeter	(new)	1" for 8" line	May 1, 1998

2. Measurements:

Not measured previously by State of Idaho
Department of Water Resources personnel under
a special loan. No opportunity to measure this data.
New pump installed since measurement of Dept. of Water Resources.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

- Measured Method: Made 30 ft from the pump in a straight run of pipe. Rotor on Grain Land meter inserted 1 inch into 8" pipe which is at mean velocity in a straight section of an 8 inch pipe. Interior diameter of pipe measured to be 7 5/8" or 0.635', R = 0.318 ft. Area = 0.318'.
- Alternate Method for Checking Purposes: (0.461 inch per foot) Area of 8" pipe for which meter is calibrated = 0.341'. Meter measured a near steady flow of 1,230 gpm from 5:15 pm to 5:30 pm. Multiplied by area ratio = 1,120 gpm.

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) : Flow rate: _____ cfs (4) = 125 inches

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

- Volume Calculations for Irrigation: The portion of the diversion used on this farm will be the nominal water requirement on soil which is estimated 14.0 acre feet per acre or 120 acre feet or 120/5 or 24 days, assuming pump discharge of 2.49 cfs as measured at the pump.
 $V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$
- Volume Calculations for Other Uses

SEP 18 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Frank N. &/or Wyoma Ham Phone 888-4263

Post office address 4415 N. Locust Grove Meridian, ID 83642

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31 Township 4N

Range 1E B.M. Ada County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .60 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .60 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well with pump and into sprinkler
system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ S.M.

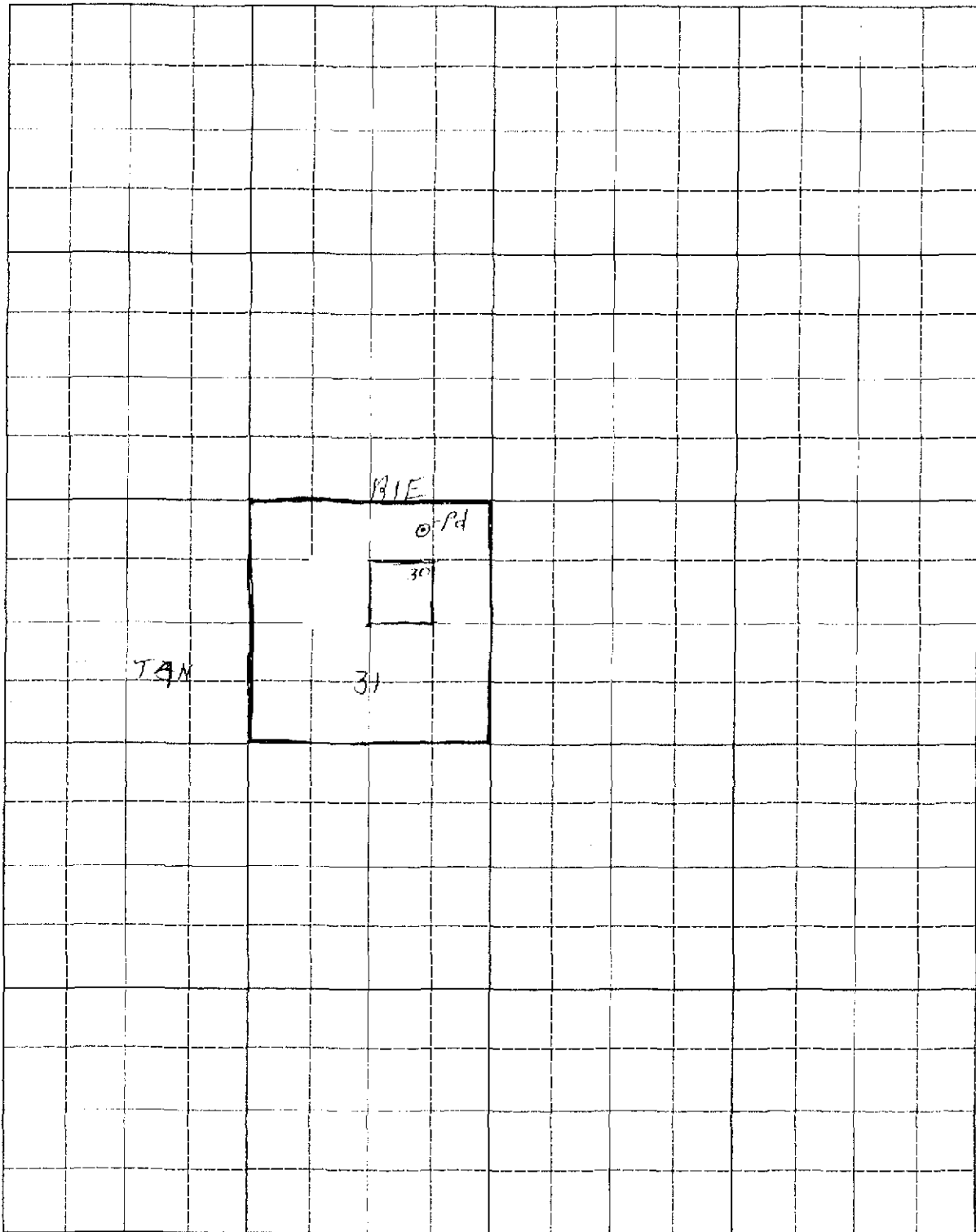
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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



Scale: 2 inches equal 1 mile.

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

Samuel A. Ham
(Applicant)