



Idaho Department of Water Resources

SRBA Recommendation:

63-32264
(Irrigation)

R01W



T04N

Legend

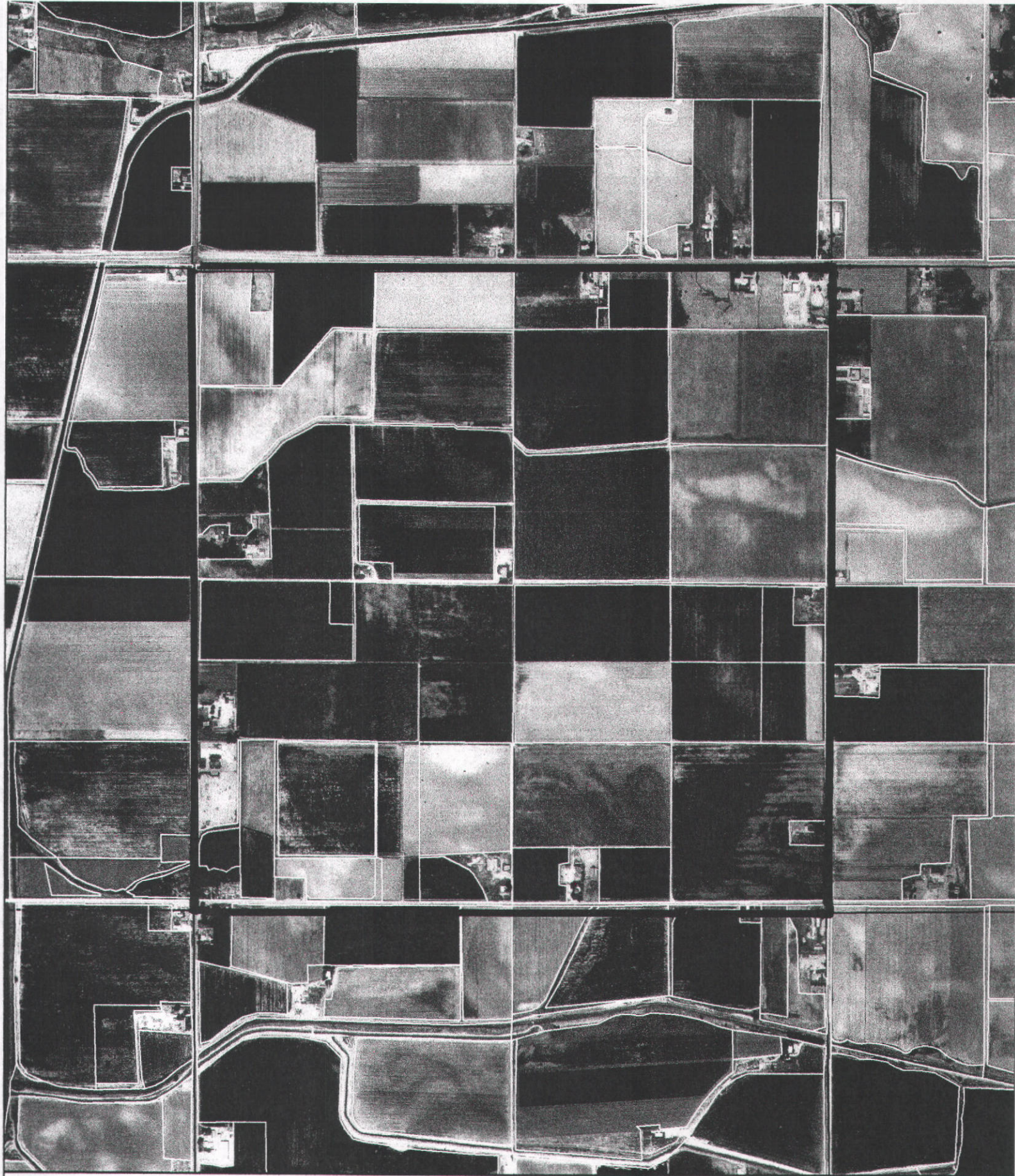
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

0 0.1 0.2 Miles

Prepared by K. Walker
On Wednesday, February 28, 2007
1987/88 Aerial Photography



Section 29, Township 4N, Range 1W

Clu_a_id001.shp
Plss_a_16001_utm11.shp

Map Printed: Oct 21, 2005

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 63-32264
Date Received: 8/4/1999
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GEORGE G MARBURGER III Phone: (208)286-0328
7350 W LEDGERWOOD LN
MERIDIAN ID USA 83642

TIONA M MARBURGER Phone: (208)286-0328
7350 W LEDGERWOOD LN
MERIDIAN ID USA 83642

2. Date of Priority: 03/22/1971

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	29	NE SW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.12	50.4

7. Total Quantity Appropriated is:
0.12 C.F.S. and/or 50.4 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
04N	01W	29	NE	SW	IRRIGATION	11.5
Section Acres						11.5
Total Acres						11.5

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 right is a split from former right 63-8605 .

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

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.

PROPERTY IS ALSO KNOWN AS LOT 4, BLK. 1, SUNSHINE ESTATES SUBDIVISION.

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.

15. Basis of Claim: License

RECEIVED
NOV 14 2005
WATER RESOURCES
WESTERN REGION

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-8605 V 1		X			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Neal H. and Sharon K. Russell
C/o Stephen A. Bradbury, Williams Bradbury, Attorneys at Law,
1015 W. Hays Street
Boise, Idaho 83702
4. New Owner/Claimant(s) Tiona M. Marburger and George G. Marburger, III
Name Connector (Check one): [x] and, [] or, [] and/or
New Mailing Address 7350 W. Ledgerwood Lane
City, State and ZIP Code Meridian, Idaho 83642
New Telephone Number (208) 286-0328
5. Date you acquired the property May 12, 2004

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: 63-8605 V 1

Water Use	Diversion Rate or Volume	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Irrigation	<u>0.120 CFS</u>	<u>11.80 Acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>0.120 CFS or 11.80 Acres</u>	

See attached letter describing rationale for split to the Marburgers.

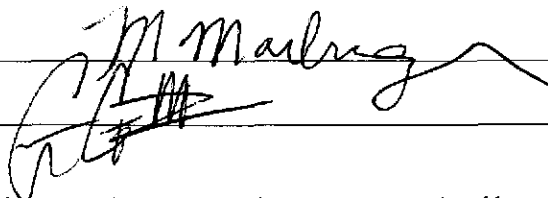
DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)



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

For Office Use Only

Received by _____	Date _____	Fee <u>N/A</u>
Receipted by _____	Date _____	Receipt No. _____
Processed by <u>JAD</u> AJ	Date <u>3-7-06</u>	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you



RECORDING MAIL TO:

Tiona M. Marburger and George G. Marburger, III
7350 West Ledgerwood Lane
Meridian, ID 83642

ADA COUNTY RECORDER J. DAVID MARRARO
BOISE IDAHO 05/17/04 04:46 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
First American
AMOUNT 3.00



104060961

WARRANTY DEED

File No.: 4101-373015 (NR) - WO

Date: May 12, 2004

For Value Received, Eric N. Howard and Sara Russell Howard, husband and wife, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto Tiona M. Marburger and George G. Marburger, III, wife and husband, hereinafter referred to as Grantee, whose current address is 7350 West Ledgerwood Lane, Meridian, ID 83642, the following described premises, situated in Ada County, Idaho, to wit:

LOT 4 BLOCK 1, SUNSHINE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF
RECORDED IN BOOK 78 OF PLATS AT PAGES 8328 AND 8329, AS INSTRUMENT NO.
99090302, RECORDED ON THE 9TH DAY OF SEPTEMBER 1999, RECORDS OF ADA COUNTY,
IDAHO.

APN: R8223500400

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

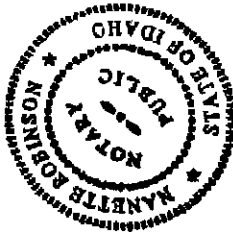
Eric N. Howard

Sara Russell Howard

STATE OF Idaho)
SS.
COUNTY OF Ada)

On this 13 day of May, 2004, before me, a Notary Public in and for said State, personally appeared Eric N. Howard and Sara Russell Howard, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



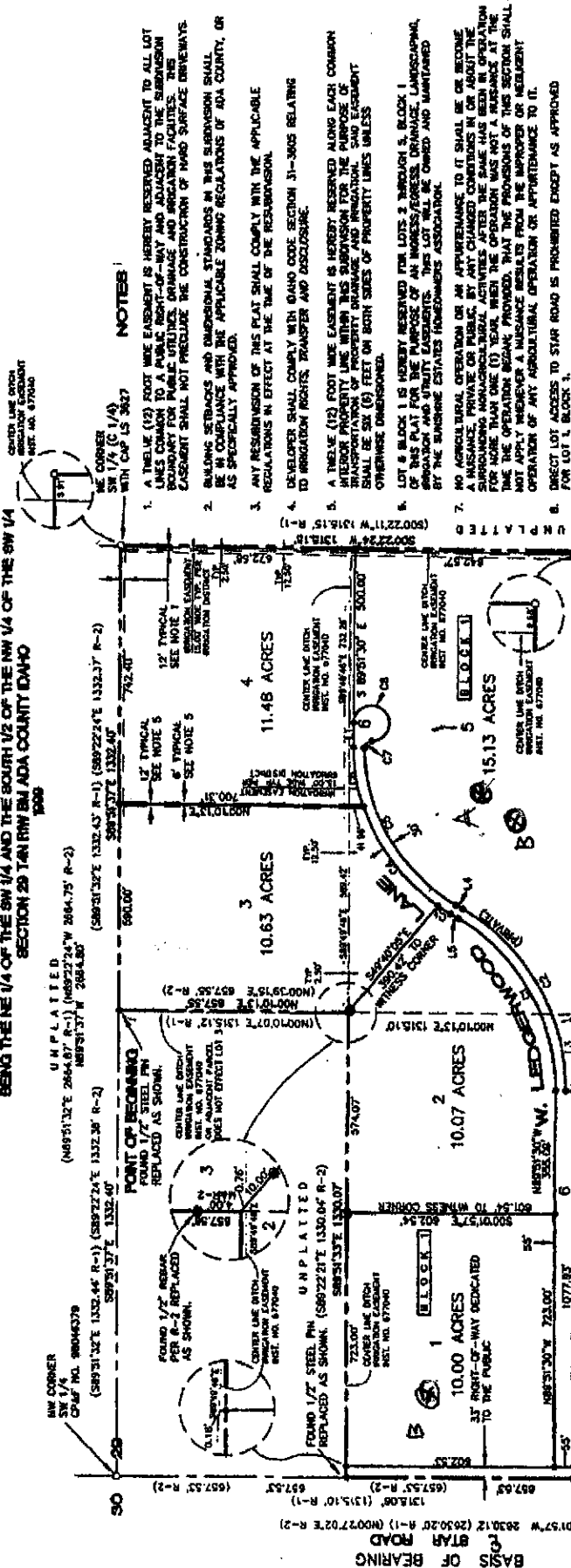
Notary Public for the State of Idaho
Residing at: Nampa, ID
My Commission Expires: 4/26/2007

First American Title Company of Idaho

3678 PG 8328

PLOT DATE: 09/03/99 6:54 am

PLAN SHOWING
SUNSHINE ESTATES SUBDIVISION
BEING THE NE 1/4 OF THE SW 1/4 AND THE SOUTH 1/2 OF THE NW 1/4 OF THE SW 1/4
SECTION 28 T4N R1W BLU ADA COUNTY IDAHO



BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY WAS TAKEN FROM BETWEEN FOUND MONUMENTS ALONG THE WEST LINE OF SECTION 28 BEING THE CENTER LINE OF STAR ROAD AS N 00°15'57" W PER R-1.



SCALE IN FEET

NEAL AND SHARON RUSSELL

PREPARED BY

ROYLANCE AND ASSOCIATES P.A.

Engineers - Surveyors - Landplanners

391 W State Street Suite E

Coeur d'Alene, Idaho 83816

(208) 939-2824

FAX (208) 939-2855

RESTRICTIVE COVENANTS

RESTRICTIVE COVENANTS ARE IN EFFECT FOR THIS SUBDIVISION.

LINE TABLE

LINE	LENGTH	BEARING
1	67.50'	S 89°51'30" E
2	25.00'	S 07°00'30" W
3	714.82'	N 89°51'30" W
4	23.97'	S 29°28'55" W
5	23.97'	N 29°28'55" E

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	500.00'	543.20'	307.85'	565.00'	N 59°17'43" E	60°14'59"
C2	500.00'	624.98'	345.41'	595.77'	N 59°17'43" E	60°14'59"
C3	500.00'	43.67'	21.85'	43.68'	N 31°41'01" E	0°34'13"
C4	500.00'	343.24'	188.52'	354.86'	N 59°17'43" E	60°14'59"
C5	500.00'	547.20'	322.30'	572.30'	N 59°17'43" E	60°14'59"
C6	500.00'	174.76'	88.50'	174.76'	N 59°17'43" E	60°14'59"
C7	500.00'	31.83'	20.42'	31.83'	S 44°38'38" E	18°18'55"
C8	51.00'	245.04'	50.59'	245.04'	N 49°32'32" E	27°07'44"

LEGEND

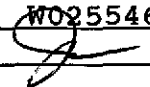
- FOUND 5/8" STEEL PIN
- FOUND 1/2" STEEL PIN
- SET 5/8" STEEL PIN WITH CAP PLS 8793
- SET 5/8" STEEL PIN WITH CAP PLS 8793 (WITNESS CORNER)
- R-1 RECORD DATA FOR RECORDS OF SURVEY NO. 4344
- R-2 RECORD DATA FOR UNRECORDED RECORDS OF SURVEY BY PLS
- DATED JANUARY 26, 1999
- MEASURED AND RECORDED

A = Point of diversion for irrigation
B = domestic wells

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: **A63-08605**
Date Received: 8/ 4/1999
Receipt No: W025546
Received By: 

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: NEAL H RUSSELL
Address: 3065 S WHITEPOST WAY
EAGLE ID

208-323-0777

83616

AND/OR

Name: SHARON K RUSSELL
Address: 3065 S WHITEPOST WAY
EAGLE ID

208-323-0777

83616

2. Date of Priority: MAR 22, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	29	NE	SW			ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.600		254.00

7. Total Quantity Appropriated is:
0.600 C.F.S. (and/or) 254.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	29	NE	SW		IRR	34.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	29	NW	SW		IRR	24.0
Section Acres							58.0
Total Acres							58.0

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:

14. Remarks:

15. Basis of Claim: LICENSE

RECEIVED

AUG 04 1999

WATER RESOURCES
WESTERN REGION

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: A63-08605

Date Received: 7/13/1999

Receipt No: W025546

Received By: RJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEAL H RUSSELL 208-323-0777
Address: 3065 S WHITEPOST WAY
EAGLE ID 83616

AND/OR

Name: SHARON K RUSSELL 208-323-0777
Address: 3065 S WHITEPOST WAY
EAGLE ID 83616

2. Date of Priority: MAR 22, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	29	NE	SW			ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.600		254.00

7. Total Quantity Appropriated is:
0.600 C.F.S. (and/or) 254.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	29	NE	SW		IRR	34.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	29	NW SW		IRR	24.0
Section Acres						58.0
Total Acres						58.0

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:

14. Remarks:

15. Basis of Claim: LICENSE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

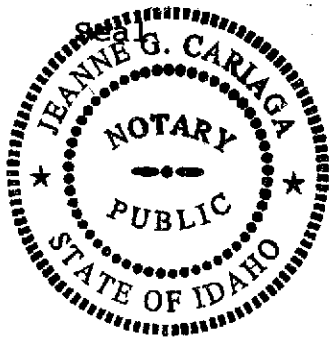
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  Date: 8/3/99

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of August 19 99 Jeanne G. Caraga
Notary Public



Residing at BOISE, ID
My Commission Expires 8/23/2003

RECEIVED MAR 2 7 1999

RECEIVED MAR 2 4 1999

RECEIVED

MAR 3 1 1999

WATER RESOURCES
WESTERN REGION

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

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 or Adjudication Claim No(s): 63-08605

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** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Rick M. and Debra D. Davis
5280 N. Star Road, Meridian, ID 83642

4. New Owner/Claimant(s) Neal H. and Sharon K. Russell
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 3065 S. Whitepost Way
 City, State and ZIP Code Eagle, ID 83616
 New Telephone Number (208) 323-0777

5. Date you acquired the property January 5, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 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.

7. Signature of New Owner or Claimant(s) Sharon K. Russell

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



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

Jean
939-2855

P-174844 CP/PP

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED RICK M. DAVIS AND DEBRA D. DAVIS, HUSBAND AND WIFE

Grantor s , do hereby grant, bargain, sell and convey unto NEAL H. RUSSELL AND SHARON K. RUSSELL, HUSBAND AND WIFE

the Grantee s , whose current address is: 1065 S. WHITEPOST WAY, EAGLE, ID 83616
the following described real property in ADA County, State of Idaho, more particularly described as follows, to-wit:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, RECORDS OF ADA COUNTY, IDAHO.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 JA -6 PM 4:32

RECORDED-REQUEST OF

FEE 3.00 DEPUTY J. Kitchin

99001654

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, 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, (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.

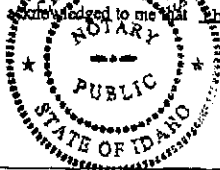
Dated: January 05, 1999

RICK M. DAVIS

DEBRA D. DAVIS

STATE OF IDAHO County of ADA ss.

On this 4th day of January, in the year of 1999, before me
CINDY PHILLIPS, a notary public, personally appeared RICK M. DAVIS AND DEBRA D. DAVIS
known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: Cindy Phillips
Residing at: BOISE, ID
My Commission Expires: 5/6/99

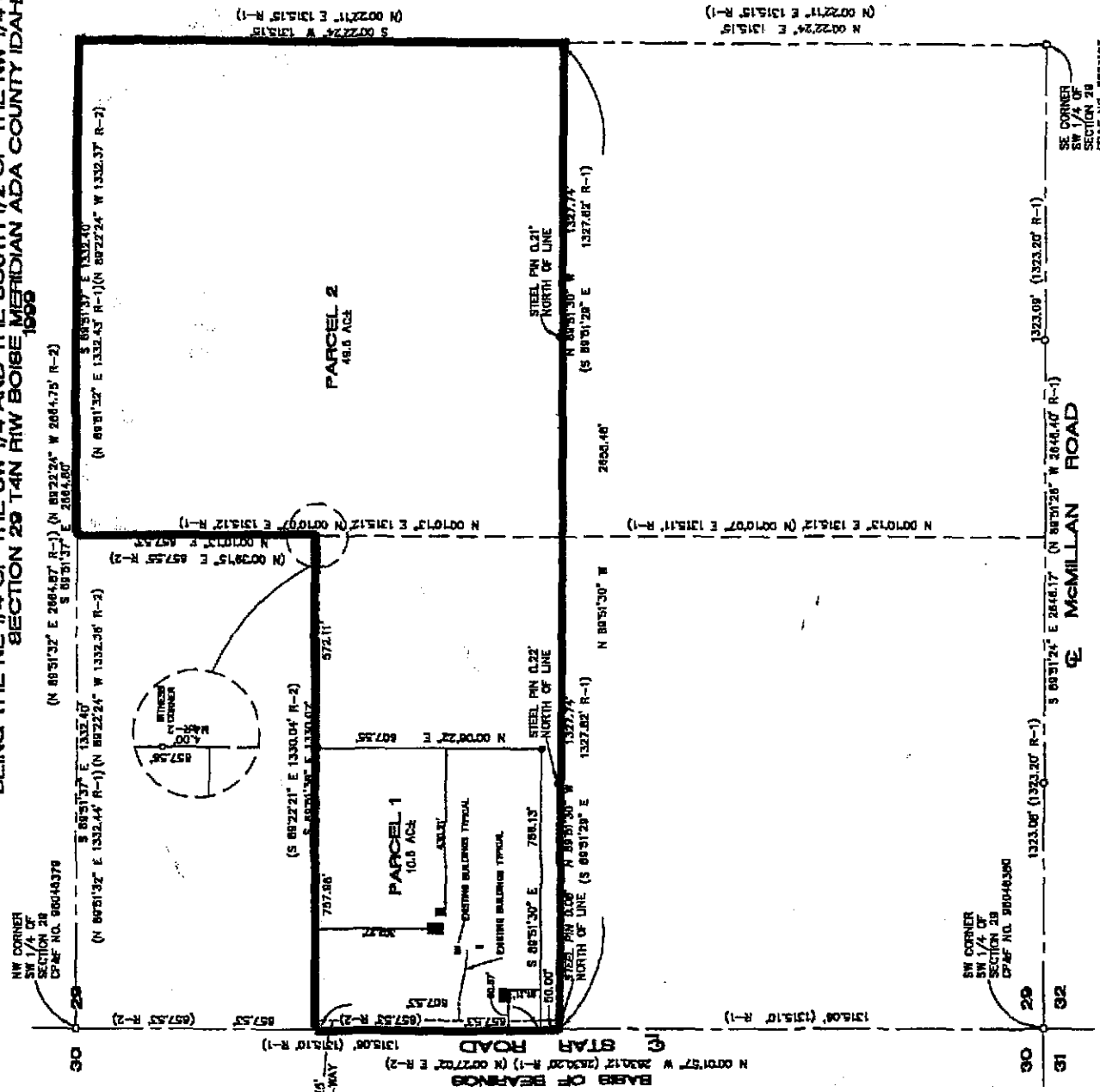
1976

RECORD OF SURVEY ONE TIME DIVISION

No. _____

for **NEAL RUSSELL**

BEING THE NE 1/4 OF THE SW 1/4 AND THE SOUTH 1/2 OF THE NW 1/4 OF THE SW 1/4
SECTION 28 T4N R1W BOISE MERIDIAN ADA COUNTY IDAHO
1999



LEGEND

- FOUND 5/8" STEEL PIN
- FOUND 1/2" STEEL PIN
- SET 5/8" STEEL PIN WITH CAP PLAS 8793
- RECORD DATA PER RECORD OF SURVEY NO. 4384
- RECORD DATA PER UN-RECORDED RECORD OF SURVEY BY PLJ

RECORDER'S CERTIFICATE

STATE OF IDAHO
COUNTY OF ADA
INSTRUMENT NUMBER _____
I HEREBY CERTIFY THAT THIS MAP WAS FILED AT THE REQUEST OF
NEAL RUSSELL AT _____ MINUTES PAST _____ O'CLOCK P.M. THIS
DAY OF JANUARY 1999 IN MY OFFICE AND WAS DULY RECORDED.

REPUTY

EX-17700 RECORDED
FEE: \$4.00

CERTIFICATE OF SURVEY

I, MICHAEL R. ENGBERTSON, OF THE COUNTY OF IDAHO, AM A REGISTERED
PROFESSIONAL LAND SURVEYOR. I HAVE EXAMINED THE ORIGINAL SURVEY
MAP AND THE FIELD NOTES AND HAVE FOUND THAT THE MAP IS A TRUE AND
CORRECT REPRESENTATION OF THE SURVEY. I HAVE ALSO FOUND THAT THE
GROUND UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE
REPRESENTATION OF SAID SURVEY.



MICHAEL R. ENGBERTSON

DATE

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS TAKEN FROM BETWEEN FOUND
MONUMENTS ALONG THE WEST LINE OF SECTION 28 BEING THE CENTER LINE
OF STAR ROAD AS N 00°00'00" W PER R-1.

PREPARED BY

ROYLANCE AND ASSOCIATES PA
Engineers - Surveyors - Landplanners
351 W State Street Suite E
Eagle, Idaho 83618
(208) 939-2824
FAX (208) 939-2855



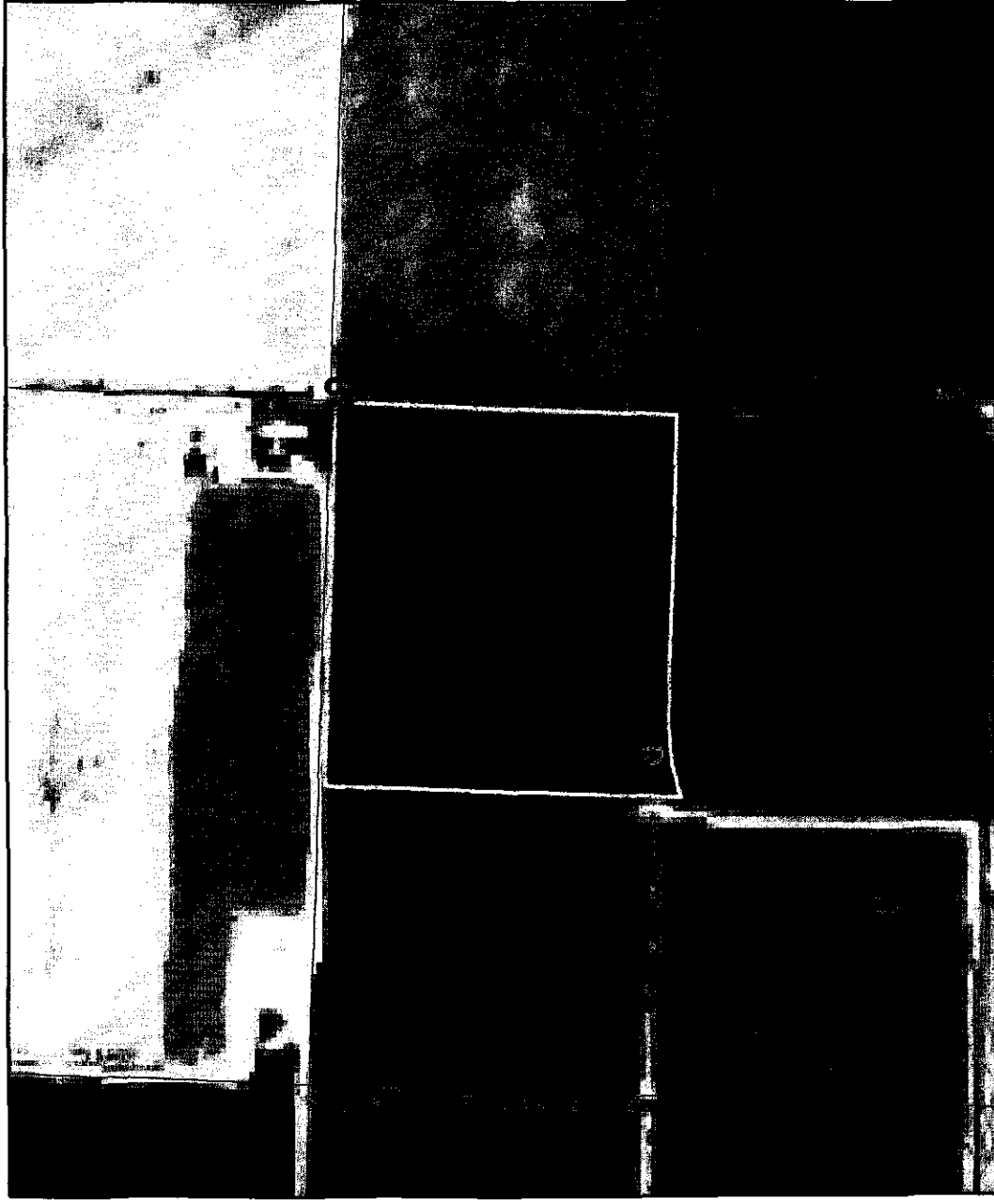
Idaho Department of Water Resources

SRBA Recommendation:

63-32264

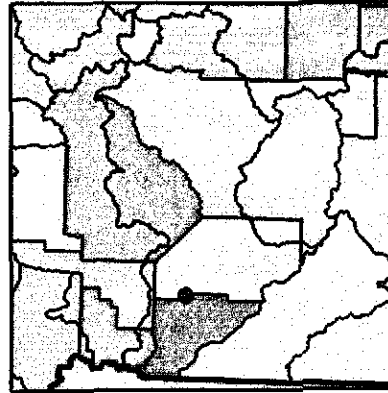
(Irrigation)

R01W



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63



Prepared by K. Walker
On Wednesday, February 28, 2007
1987/88 Aerial Photography

03/07/2006

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

RIGHT NUMBER: 63-32264

NAME AND ADDRESS: TIONA M MARBURGER
7350 W LEDGERWOOD LN
MERIDIAN ID 83642

GEORGE G MARBURGER III
7350 W LEDGERWOOD LN
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
50.400 AFY

PRIORITY DATE: 03/22/1971

POINT OF DIVERSION:

T04N R01W S29 NESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.120 CFS 50.40 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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

T04N R01W S29 NESW 11.50

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

PROPERTY IS ALSO KNOWN AS LOT 4, BLK. 1, SUNSHINE ESTATES
SUBDIVISION.

This right is a split from former right 63-8605 .

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

In Re SRBA

Case No. 39576

Water Rights: 63-8605 (Split)

63-32263, 63-32264

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party-Split

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 10, 2006


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 10, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Carl D Rey	☐	overnight mail
Janine M Rey	☒	regular mail
7351 W Ledgerwood Ln	☐	hand-delivered
Meridian ID 83642	☐	facsimile

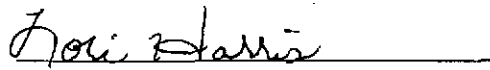
Tiona M Marburger	☐	overnight mail
George G Marburger III	☒	regular mail
7350 W Ledgerwood Ln	☐	hand-delivered
Meridian ID 83642	☐	facsimile

Neal H Russell
Sharon K Russell
c/o Stephen A Bradbury
1015 W Hays St
Boise ID 83702

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

Judy L Geier
Evans Keane LLP
PO Box 959
Boise ID 83701-0959

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


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 10, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TIONA M MARBURGER
GEORGE G MARBURGER III
7350 W LEDGERWOOD LN
MERIDIAN ID 83642

Re: Original Notice of Claim to a Water Right No. 63-8605
Renumbered to Notice of Claim to a Water Right No. 63-32264

Dear Claimant:

We have received and processed a Change of Ownership for a portion of your Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new claim number when corresponding with our office.

Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH: lh
Enclosures

cc: Judy Geier
Neal & Sharon Russell



**EVANS
KEANE LLP**
Attorneys at Law

Boise Office
1405 West Main Street
P.O. Box 959
Boise, Idaho 83701-0959

Phone: 208-384-1800
Fax: 208-345-3514
firm@evanskeane.com
www.evanskeane.com



Member, Meritas
With Independent Firms in
Principal Cities
Worldwide

Judy L. Geier
jgeier@evanskeane.com

November 11, 2005

Mr. Shelley Keen
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Water Rights No. 63-8605 V 1
Our File # 916-20

RECEIVED

NOV 14 2005

WATER RESOURCES
WESTERN REGION

4K 1W
Russell

Dear Mr. Keen:

Enclosed you should find two Notices of Change in Water Right Ownership presented by Mr. Carl and Mrs. Jeanine Rey and Mr. George and Mrs. Tiona Marburger regarding ownership to Water Rights No. 63-8605 V 1. As per your requirements, I have included an aerial photo obtained by the USDA Farm Services Bureau of the section encompassing the Reys and Marburgers property. However, since the photo is nondescript, I am also including a plat map that identifies the point of diversion for the water.

Additionally, the Reys and Marburgers have submitted a joint letter requesting allocation of the waters rights according to the nearest 1/10th of an acre.

If you have any questions regarding this submittal or need additional information, please feel free to contact me. Thank you for all of your assistance on this submittal.

Very truly yours,

EVANS KEANE LLP

Judy L. Geier

JLG/bp

Enclosures: Notices of Change in Water Right Ownership

Cc with enclosures: to Client and the Marburgers

October 31, 2005

Mr. Shelley Keen
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Water Rights No. 63-8605 V 1

Dear Mr. Keen,

This letter is submitted jointly by Carl D. and Janine M. Rey (the "Reys") and Tiona M. Marburger and George G. Marburger III. (the "Marburgers") as an accompaniment to the two Notices of Change in Water Right Ownership to the water rights identified as No. 63-8605 V 1, requesting reallocation of the water rights currently licensed to Neal H. and Sharon K. Russell (the "Russells"). The purpose of this letter is also to petition IDWR to allocate the waters proportionate to the acreage of land by calculating to the nearest one-tenth ("1/10th") of an acre.

As noted, the Russells currently hold the license to the water rights identified as No. 63-8605 V 1. In the past two years, the Russells have transferred their interest in the land to which the water rights are appurtenant to two separate owners. The Marburgers purchased Lot 4, Block 1 of the Sunshine Estates Subdivision in May of 2004. The Reys purchased Lots 1, 2, 3, and 5, Block 1 of the Sunshine Estates Subdivision in May 2005.

Pursuant to IDWR's administrative policies, water rights on lots comprised of less than ten ("10") acres are allocated to the nearest one-tenth ("1/10th") of an acre. However, water rights on lots comprised of ten ("10") acres or more are typically rounded to the nearest one acre of water. Thus, a lot comprised of 9.52 acres would be allocated 9.5 acres of water rights. Whereas a lot comprised of 12.33 acres of land would typically receive a water right of 13 acres under this policy. In our case, where all of our respective lots are comprised of ten ("10") acres or more, rounding to the nearest one acre would create a shortfall in the water allocation.

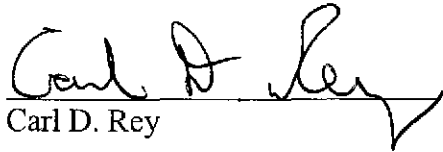
← 11.8 A

Currently, the owner of the subject water rights have authority to divert a total of 58 acres of water. These rights must now be distributed between the current property owners, who are the Reys and the Marburgers. If the water is allocated by rounding to the nearest acre, a shortfall will exist as sixty ("60") acres of water rights will be needed to accommodate the five lots in the Subdivision that are comprised of more than ten ("10") acres. This shortfall is avoided, if the water is allocated by rounding to the nearest one-tenth ("1/10th") of an acre. By rounding to the nearest one-tenth of an acre, the Marburgers should receive rights to 11.8 acres of water rights and the Reys should receive rights to 46.2 acres of waters.

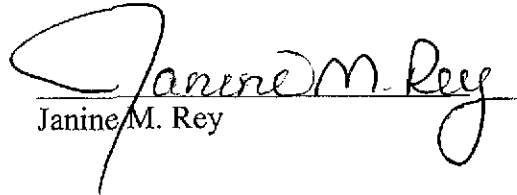
Shelley Keen
October 31, 2005
Page 2 of 2

We request that the IDWR allocate the water rights currently held in the name of the Russells for the subject property by rounding to the nearest one-tenth ("1/10th") as reflected in the Notices of Change of Ownership that accompany this letter. If you have any questions or need further information, we have provided addresses and phone numbers where we may be reached.

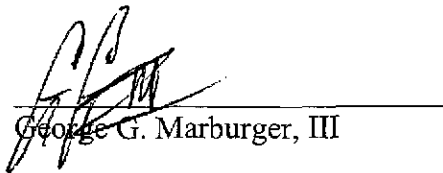
Respectfully,



Carl D. Rey



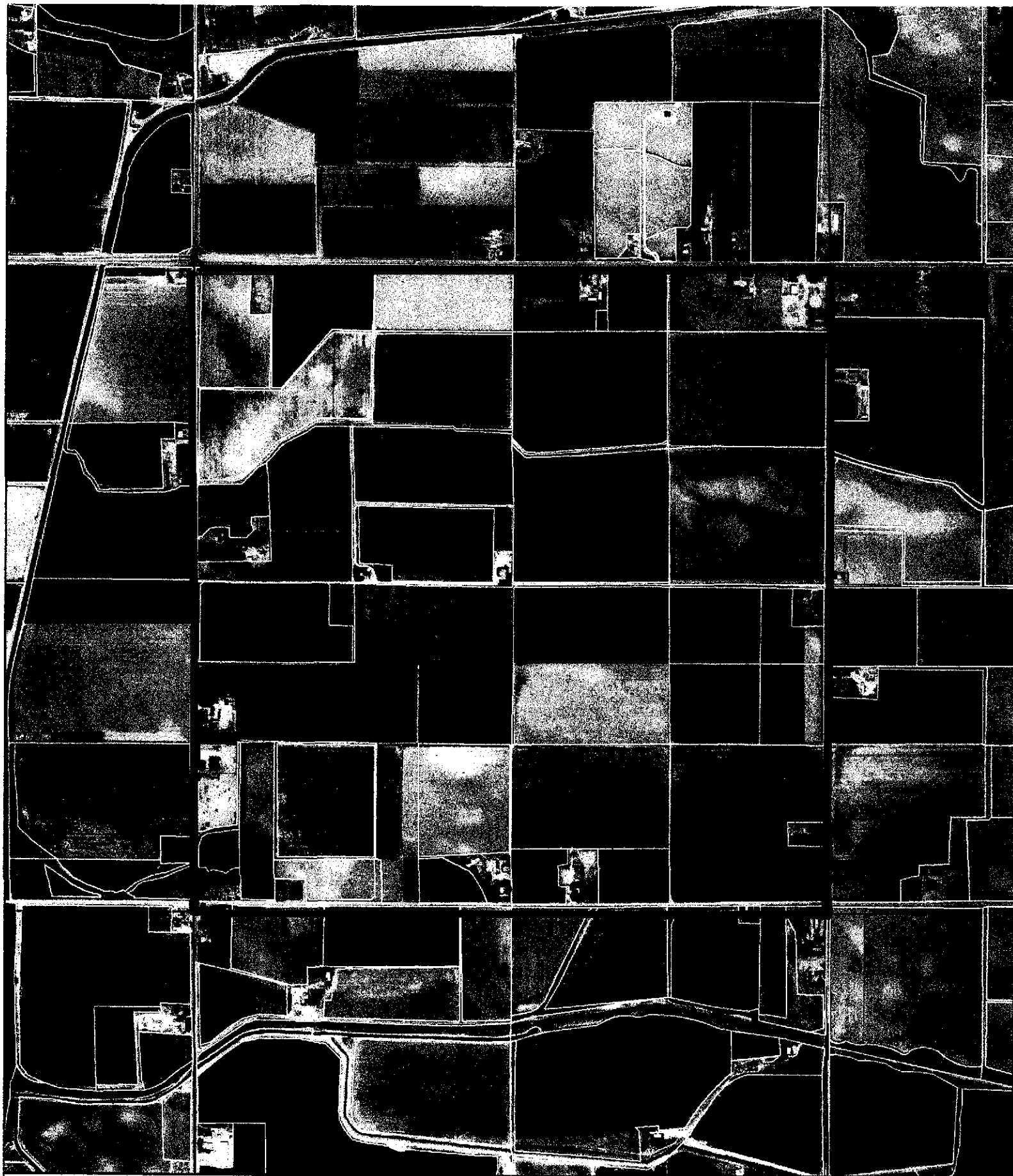
Janine M. Rey



George G. Marburger, III



Tiona M. Marburger



Section 29, Township 4N, Range 1W

Clu_a_id001.shp
Pss_a_16001_utm11.shp

Map Printed: Oct 21, 2005