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HOWELL'S  
PARCEL

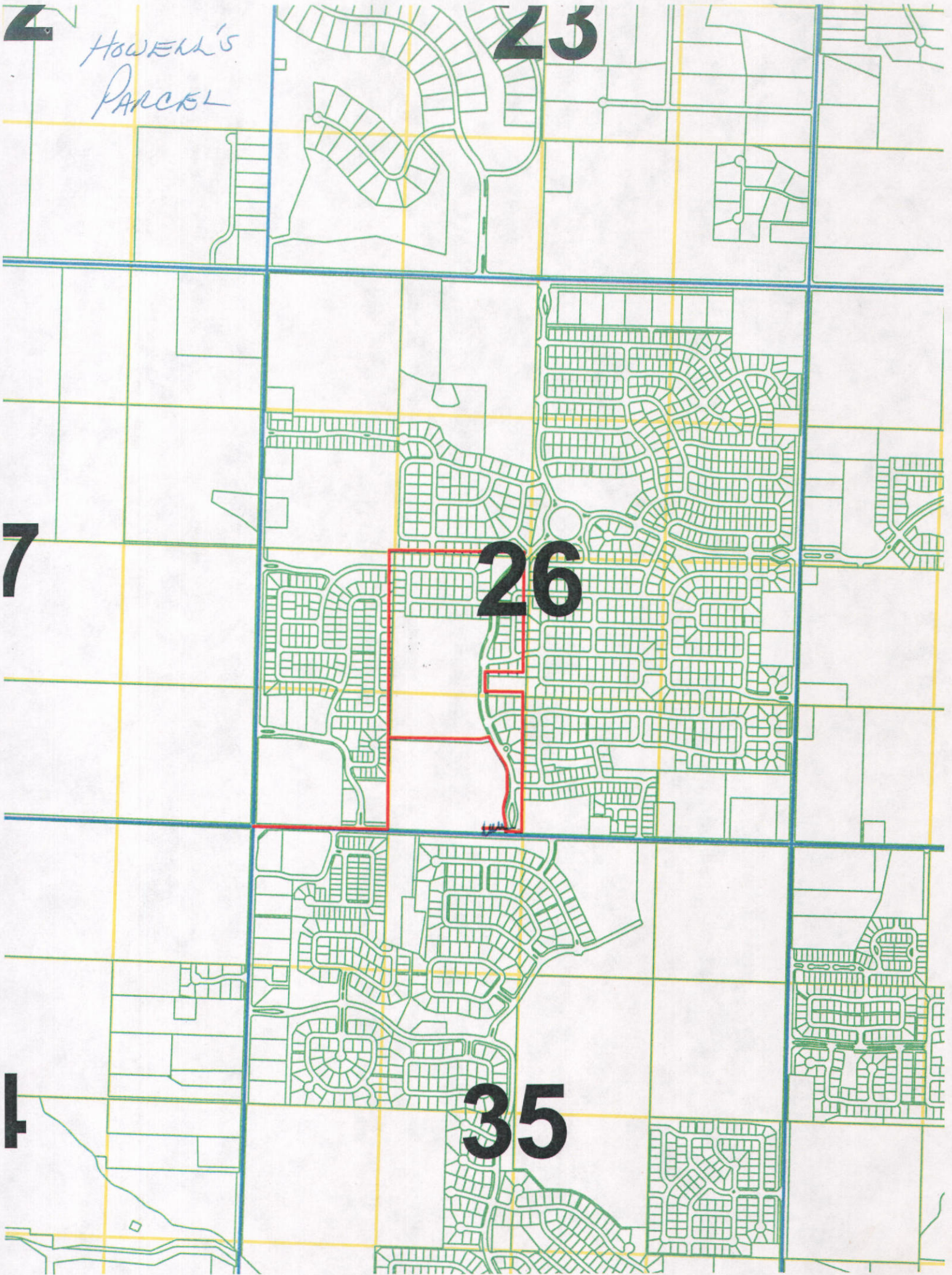
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FUNKER PARCEL

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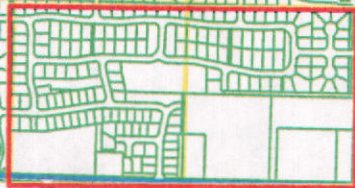
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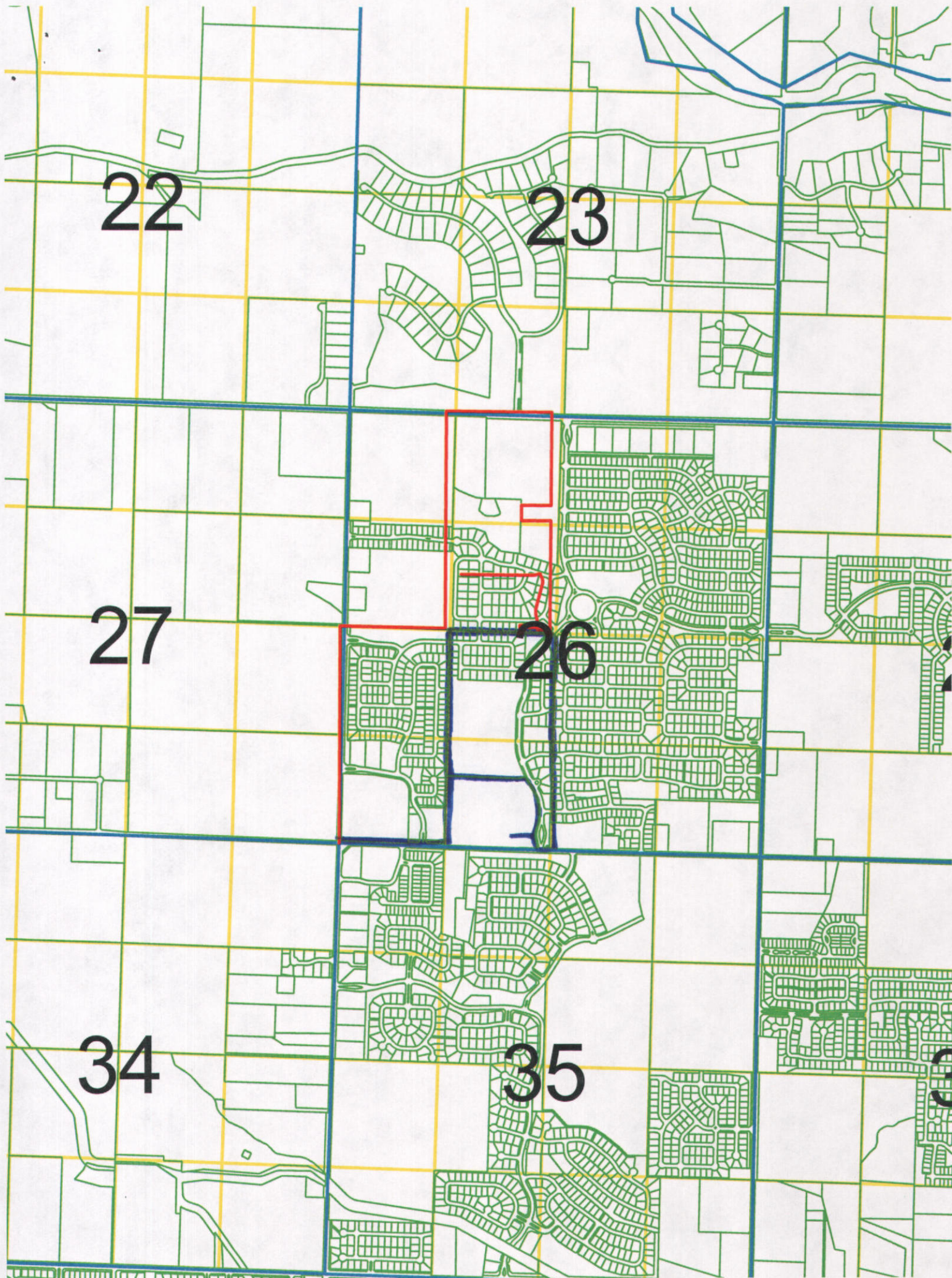
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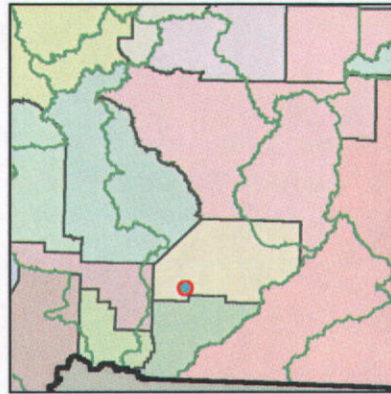
# Idaho Department of Water Resources

SRBA Recommendation:

**63-32304**  
(Irrigation)

## Legend

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



Ada County  
IDWR Basin 63

Prepared by K. Walker  
On Monday, April 16, 2007  
1987/88 Aerial Photography



0 0.2 0.4 Miles

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 63-32304  
Date Received: 9/6/1989  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SETTLERS IRRIGATION DISTRICT Phone: (208)344-2471  
PO BOX 7571  
BOISE ID USA 83707

2. Date of Priority: 03/02/1977

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   | 26      | SE 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 | 03/15 | 11/15 | 0.54   | 120.78     |

7. Total Quantity Appropriated is:

0.54 C.F.S. and/or 120.78 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   | 26      | NE         | SW  | IRRIGATION | 26.84 |
| Section Acres |       |         |            |     |            | 26.84 |
| Total Acres   |       |         |            |     |            | 26.84 |

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:

ADDRESS CHANGE BY CLAIMANT LETTER 3/12/99 SS.

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 irrigation of the lands above.

This right is a split from former right 63-8518 .

15. Basis of Claim: License

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-32304  
Date Received: 9/6/1989  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KEVIN A HOWELL CONSTRUCTION INC Phone: (208)890-0850  
4822 N ROSEPOINT WAY STE C  
BOISE ID USA 83713

2. Date of Priority: 03/02/1977

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   | 26      | SE 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 | 03/15 | 11/15 | 0.54   | 120.78     |

7. Total Quantity Appropriated is:  
0.54 C.F.S. and/or 120.78 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   | 26      | NE         | SW  | IRRIGATION | 26.84 |
| Section Acres |       |         |            |     |            | 26.84 |
| Total Acres   |       |         |            |     |            | 26.84 |

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:

ADDRESS CHANGE BY CLAIMANT LETTER 3/12/99 SS.

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 irrigation of the lands above.

This right is a split from former right 63-8518 .

15. Basis of Claim: License

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-08518  
Date Received: 9/06/1989  
Receipt No: W005513  
Received By: JW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DANIEL G. GIBSON, JR. 208-375-1553  
Address: 4500 GUMWOOD  
MERIDIAN, ID 83642

2. Date of Priority: MAR 02, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N      | 01W   | 26      | SE     | 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 | 03/15 | 11/15 | 1.460  |      | 328.50 |

7. Total Quantity Appropriated is:  
1.460 C.F.S. (and/or) 328.50 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   | 26      | NE     | SW  |     | IRR | 37.0  |
|               |       |         | SE     | SW  |     | IRR | 36.0  |
| Section Acres |       |         |        |     |     |     | 73.0  |

10. Place of Use: Continued

Total Acres 73.0

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 ☒ 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): x Daniel L. Edson jr Date: 9/6/1989  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 6 day

of 10th September 19 89

Feri Harris  
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94

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: A63-08518  
Date Received: 9/ 6/1989  
Receipt No: W005513  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: DANIEL G GIBSON JR 208-453-2649  
Address: 19500 HIGHWAY 20-26  
CALDWELL ID 83605-8770

2. Date of Priority: MAR 2, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N      | 01W   | 26      |        | SE     | 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 | 03/15 | 11/15 | 1.460 |      | 328.50 |

7. Total Quantity Appropriated is:  
1.460 C.F.S. (and/or) 328.50 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   | 26      | NE     | SW  |     | IRR | 37.0  |
|          |       |         | SE     | SW  |     | IRR | 36.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 73.0  |
|          |       |         |            |     | Total Acres   | 73.0  |

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:

ADDRESS CHANGE BY CLAIMANT LETTER 3/12/99 SS.

15. Basis of Claim: LICENSE

RECEIVED  
APR 12 2006  
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<br>Right No(s). | Adjudication<br>Claim No(s). | Split                    | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split                    |
|-----------------------|------------------------------|--------------------------|-----------------------|------------------------------|--------------------------|
| 63-8518               | 63-08518                     | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |

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**.  
SEE ATTACHMENT A
- 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  
SEE ATTACHMENT B  
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) KEVIN A. HOWELL CONSTRUCTION, INC.  
4822 N. Rosepoint Way, Suite C, Boise, Idaho, 83713
4. New Owner/Claimant(s) Settlers Irrigation District  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
PO Box 7571  
New Mailing Address Boise, Idaho 83707  
City, State and ZIP Code  
New Telephone Number (208) 344-2471  
Date you acquired the property December 14, 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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) Tom & Davis  
(include title if applicable) Tom Davis, President, Settlers Irrigation District

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 N/A  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by AJ Date 5-31-06 WR \_\_\_\_\_ Date \_\_\_\_\_

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Moffatt, Thomas, Barrett, Rock &  
Fields, Chartered  
101 S. Capitol Boulevard, 10th Floor  
Post Office Box 829  
Boise, Idaho 83701-0829

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 12/23/04 11:38 AM  
DEPUTY Joanne Hooper  
RECORDED - REQUEST OF  
MOFFITT THOMAS

AMOUNT 21.00

7



(Space Above For Recorder's Use)

**DEED FOR WATER RIGHT NUMBER 63-08518**

FOR VALUE RECEIVED, KEVIN A. HOWELL CONSTRUCTION, INC., an Idaho corporation ("Grantor"), whose address is 4822 N. Rosepoint Way, Suite C, Boise, Idaho, 83713, does hereby grant, bargain, sell, and convey to Settlers Irrigation District ("Grantee"), an irrigation district organized under the laws of the State of Idaho, whose address is P.O. Box 7571, Boise, Idaho 83707, all of Grantor's right, title, and interest in and to that certain water right identified as 63-08518, as more particularly described herein and as represented in the Addendum to the Construction, Operation, and Maintenance Agreement for Kelly Creek Subdivision, executed contemporaneously herewith.

Grantor hereby grants, bargains, sells, and conveys to Grantee all of Grantor's right, title, and interest in water right number 63-08518. Water right number 63-08518 is appurtenant to that certain real property situated in Ada County, Idaho, more particularly described in Exhibit A, attached hereto and made a part hereof by this reference, and the diversion point of which is a well situated on said real property. Such water right is subject to an Application for Transfer of a Water Right which has been or shall be submitted by Grantor to the Idaho Department of Water Resources. If granted, it is anticipated that the place of use element of water right 63-08518 will be altered to include not only the real property described in Exhibit

**DEED FOR WATER RIGHT NO. 63-08518**

BOI\_MT2:557776.3



**EXHIBIT A**



Engineers Surveyors Planners

Project: 11970  
Date: March 31, 2004

HOWELL PARCEL  
PARCEL DESCRIPTION

That portion of the Southwest 1/4 of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Meridian, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of Section 26, marked by a 1/2" pin, from which the West 1/4 corner of Section 26 bears North 00°21'16" East, 2,644.38 feet, marked by an aluminum cap; thence along the Southerly boundary of the Southwest 1/4 of Section 26, South 88°58'47" East, 1,301.38 feet; thence along the Westerly boundary of the East 1/2 of the Southwest 1/4 of Section 26, North 00°29'12" East, 872.31 feet to the POINT OF BEGINNING;

thence continuing along said boundary North 00°29'12" East, 1,776.03 feet to a point on the Northerly boundary of the Southwest 1/4 of Section 26;

thence along said boundary South 89°09'23" East, 1,307.45 feet to the center 1/4 corner of Section 26, marked by a 5/8" iron pin;

thence along the Easterly boundary of the Southwest 1/4 of Section 26, South 00°37'07" West, 1,136.13 feet;

thence North 89°09'33" West, 365.90 feet;

thence South 00°37'07" West, 185.90 feet;

thence South 89°09'33" East, 365.90 feet to a point on the Easterly boundary of the Southwest 1/4 of Section 26;

thence along said boundary South 00°37'07" West, 1,330.30 feet to the South 1/4 corner of Section 26, marked by a 5/8" iron pin;

thence along the Southerly boundary of the Southwest 1/4 of Section 26, North 88°58'47" West, 156.00 feet;

thence North 00°37'07" East, 25.00 feet;

thence North 88°58'47" West, 220.00 feet;

thence North 00°37'07" East, 5.00 feet;

thence South 88°58'47" East, 220.00 feet;

thence North 00°37'07" East, 48.34 feet;

thence North 14°22'53" West, 58.02 feet;

thence along a curve to the right 131.95 feet, having a radius of 252.00 feet, a tangent of 67.52 feet, a delta of 30°00'00", and a long chord which bears North 00°37'07" East, 130.44 feet;

thence North 15°37'07" East, 96.54 feet;

EXHIBIT A



Engineers Surveyors Planners

Howell Parcel  
March 31, 2004  
Page 2

thence along a curve to the left 7.85 feet, having a radius of 30.00 feet, a tangent of 3.95 feet, a delta of  $15^{\circ}00'00''$ , and a long chord which bears North  $08^{\circ}07'07''$  East, 7.83 feet;

thence North  $00^{\circ}37'07''$  East, 196.49 feet;

thence along a curve to the left 89.27 feet, having a radius of 155.00 feet, a tangent of 45.91 feet, a delta of  $33^{\circ}00'00''$ , and a long chord which bears North  $15^{\circ}52'53''$  West, 88.04 feet;

thence North  $32^{\circ}22'53''$  West, 220.13 feet;

thence along a curve to the right 48.17 feet, having a radius of 345.00 feet, a tangent of 24.12 feet, a delta of  $08^{\circ}00'00''$ , and a long chord which bears North  $28^{\circ}22'53''$  West, 48.13 feet;

thence North  $24^{\circ}22'53''$  West, 25.46 feet;

thence South  $77^{\circ}41'03''$  West, 88.08 feet;

thence North  $89^{\circ}09'23''$  West, 893.53 feet to the POINT OF BEGINNING.

Containing 55.29 acres, more or less.

END OF DESCRIPTION

Prepared by:  
J-U-B ENGINEERS, Inc.  
Ronald M. Hodge, P.L.S.

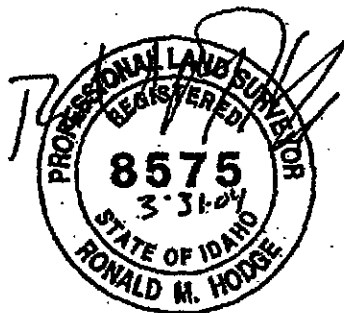


**EXHIBIT B**



Engineers Surveyors Planners

Project: 11913  
Date: April 21, 2003

FULFER  
PARCEL DESCRIPTION

The South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

COMMENCING at a found 5/8" iron pin (no cap), marking the Southeast corner of Section 26, the POINT OF BEGINNING;

thence along the Southerly boundary of Section 26, North  $89^{\circ}28'38''$  West, 2,625.53 feet to a found 5/8" iron pin with plastic cap stamped "HUBBLE PLS 4998", marking the South  $\frac{1}{4}$  corner of said section;

thence along the Westerly boundary of the Southeast  $\frac{1}{4}$  of Section 26, North  $00^{\circ}37'07''$  East, 1,330.30 feet to a found 5/8" iron pin (no cap), marking the Center-South  $\frac{1}{16}^{\text{th}}$  corner of said section;

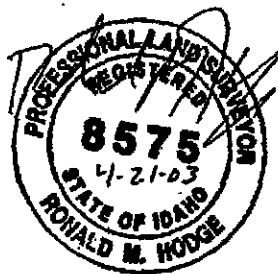
thence along the Northerly boundary of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 26, South  $89^{\circ}13'39''$  East, 2,620.84 feet to a found 5/8" iron pin with plastic cap stamped "HUBBLE PLS 4998", marking the South  $\frac{1}{16}^{\text{th}}$  corner of said section;

thence along the Easterly boundary of Section 26, South  $00^{\circ}24'54''$  West, 1,318.88 feet to the POINT OF BEGINNING.

Said parcel contains 79.77 acres (3,474,619.61 square feet), more or less.

END OF DESCRIPTION

Prepared by:  
J-U-B ENGINEERS, Inc.  
Ronald M. Hodge, P.L.S.



**4**

HOWELL'S  
PARCEL

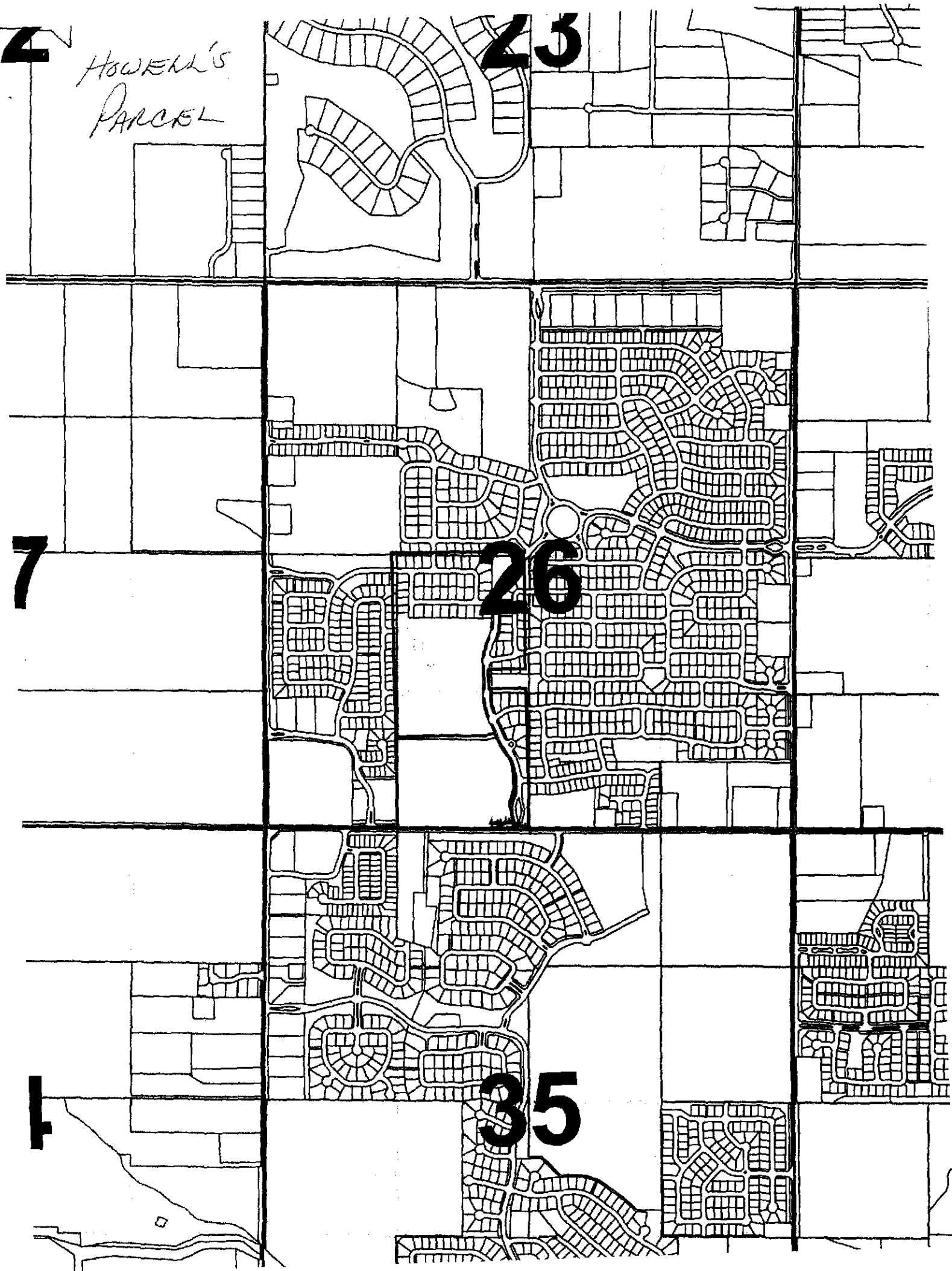
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**35**





Engineers Surveyors Planners

Project: 11970  
Date: March 31, 2004

HOWELL PARCEL  
PARCEL DESCRIPTION

That portion of the Southwest 1/4 of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Meridian, Idaho, being more particularly described as follows:

N 1385927.66 E 2303742.24

Commencing at the Southwest corner of Section 26, marked by a 1/2" pin, from which the West 1/4 corner of Section 26 bears North 00°21'16" East, 2,644.38 feet, marked by an aluminum cap; thence along the Southerly boundary of the Southwest 1/4 of Section 26, South 88°58'47" East, 1,301.38 feet; thence along the Westerly boundary of the East 1/2 of the Southwest 1/4 of Section 26, North 00°29'12" East, 872.31 feet to the POINT OF BEGINNING;

thence continuing along said boundary North 00°29'12" East, 1,776.03 feet to a point on the Northerly boundary of the Southwest 1/4 of Section 26;

thence along said boundary South 89°09'23" East, 1,307.45 feet to the center 1/4 corner of Section 26, marked by a 5/8" iron pin;

thence along the Easterly boundary of the Southwest 1/4 of Section 26, South 00°37'07" West, 1,136.13 feet;

thence North 89°09'33" West, 365.90 feet;

thence South 00°37'07" West, 185.90 feet;

thence South 89°09'33" East, 365.90 feet to a point on the Easterly boundary of the Southwest 1/4 of Section 26;

thence along said boundary South 00°37'07" West, 1,330.30 feet to the South 1/4 corner of Section 26, marked by a 5/8" iron pin;

thence along the Southerly boundary of the Southwest 1/4 of Section 26, North 88°58'47" West, 156.00 feet;

thence North 00°37'07" East, 25.00 feet;

thence North 88°58'47" West, 220.00 feet;

thence North 00°37'07" East, 5.00 feet;

thence South 88°58'47" East, 220.00 feet;

thence North 00°37'07" East, 48.34 feet;

thence North 14°22'53" West, 58.02 feet;

thence along a curve to the right 131.95 feet, having a radius of 252.00 feet, a tangent of 67.52 feet, a delta of 30°00'00", and a long chord which bears North 00°37'07" East, 130.44 feet;

thence North 15°37'07" East, 96.54 feet;

EXHIBIT A



Engineers Surveyors Planners

Howell Parcel  
March 31, 2004  
Page 2

thence along a curve to the left 7.85 feet, having a radius of 30.00 feet, a tangent of 3.95 feet, a delta of  $15^{\circ}00'00''$ , and a long chord which bears North  $08^{\circ}07'07''$  East, 7.83 feet;

thence North  $00^{\circ}37'07''$  East, 196.49 feet;

thence along a curve to the left 89.27 feet, having a radius of 155.00 feet, a tangent of 45.91 feet, a delta of  $33^{\circ}00'00''$ , and a long chord which bears North  $15^{\circ}52'53''$  West, 88.04 feet;

thence North  $32^{\circ}22'53''$  West, 220.13 feet;

thence along a curve to the right 48.17 feet, having a radius of 345.00 feet, a tangent of 24.12 feet, a delta of  $08^{\circ}00'00''$ , and a long chord which bears North  $28^{\circ}22'53''$  West, 48.13 feet;

thence North  $24^{\circ}22'53''$  West, 25.46 feet;

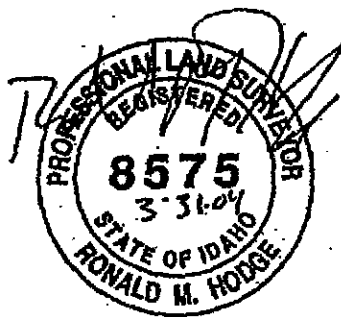
thence South  $77^{\circ}41'03''$  West, 88.08 feet;

thence North  $89^{\circ}09'23''$  West, 893.53 feet to the POINT OF BEGINNING.

Containing 55.29 acres, more or less.

END OF DESCRIPTION

Prepared by:  
J-U-B ENGINEERS, Inc.  
Ronald M. Hodge, P.L.S.



FUNKER PARCEL

23

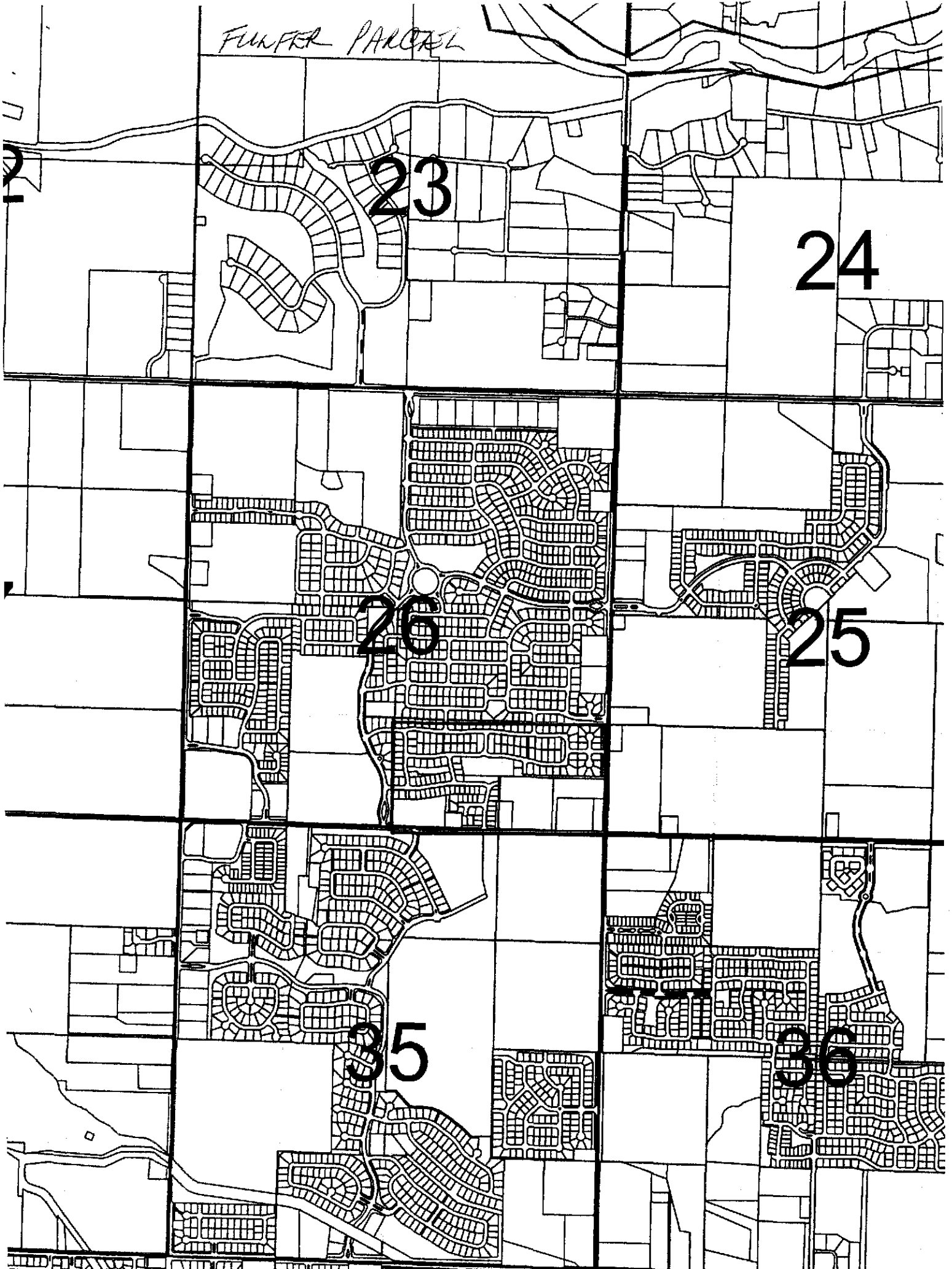
24

26

25

35

36





Engineers Surveyors Planners

Project: 11913  
Date: April 21, 2003

FULFER  
PARCEL DESCRIPTION

The South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

COMMENCING at a found  $\frac{5}{8}$ " iron pin (no cap), marking the Southeast corner of Section 26, the POINT OF BEGINNING;

thence along the Southerly boundary of Section 26, North  $89^{\circ}28'38''$  West, 2,625.53 feet to a found  $\frac{5}{8}$ " iron pin with plastic cap stamped "HUBBLE PLS 4998", marking the South  $\frac{1}{4}$  corner of said section;

thence along the Westerly boundary of the Southeast  $\frac{1}{4}$  of Section 26, North  $00^{\circ}37'07''$  East, 1,330.30 feet to a found  $\frac{5}{8}$ " iron pin (no cap), marking the Center-South  $\frac{1}{16}^{\text{th}}$  corner of said section;

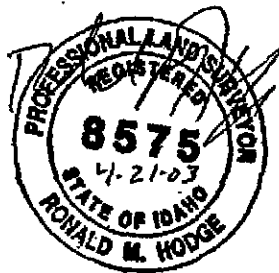
thence along the Northerly boundary of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 26, South  $89^{\circ}13'39''$  East, 2,620.84 feet to a found  $\frac{5}{8}$ " iron pin with plastic cap stamped "HUBBLE PLS 4998", marking the South  $\frac{1}{16}^{\text{th}}$  corner of said section;

thence along the Easterly boundary of Section 26, South  $00^{\circ}24'54''$  West, 1,318.88 feet to the POINT OF BEGINNING.

Said parcel contains 79.77 acres (3,474,619.61 square feet), more or less.

END OF DESCRIPTION

Prepared by:  
J-U-B ENGINEERS, Inc.  
Ronald M. Hodge, P.L.S.



Should questions arise during the processing of this application please contact:  
David Shaw - ERO Resources Corp. (208) 373-7983

**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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-8518               |                              | Y     |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) Daniel G. Gibson, Jr.  
19500 Highway 20-26, Caldwell, ID 83605-8770
4. New Owner/Claimant(s) Kevin A. Howell Construction, Inc.  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 4822 N. Rosepoint Way, Suite C
- City, State and ZIP Code Boise, ID 83713
- New Telephone Number (208) 890-0850
5. Date you acquired the property April 28, 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 <u>63-8518</u>               |                                                                            |                                                               |
| Water Use                                                                 | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                | <u>0.02 cfs/acre &amp; 4.5 af/acre</u>                                     | <u>26.84 acres</u>                                            |
| Stock                                                                     | _____                                                                      | _____                                                         |
| Domestic                                                                  | _____                                                                      | _____                                                         |
| Other _____                                                               | _____                                                                      | _____                                                         |
| <b>Total</b>                                                              | <b><u>0.537 cfs &amp; 120.78 ac-ft</u></b>                                 |                                                               |

| 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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                | _____                                                                      | _____                                                         |
| Stock                                                                     | _____                                                                      | _____                                                         |
| Domestic                                                                  | _____                                                                      | _____                                                         |
| Other _____                                                               | _____                                                                      | _____                                                         |
| <b>Total</b>                                                              | _____                                                                      | _____                                                         |

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

Keom Thach Construction, I  
by J. C. Howell  
President

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 N/A  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by J. C. Howell AJ Date 5-12-00 WR \_\_\_\_\_ Date \_\_\_\_\_

90

AC324726 J9

ADA COUNTY RECORDER J. DAVID ARRO  
BOISE IDAHO 04/28/04 04:44 PM  
DEPUTY Bonnie Chabillon  
RECORDED - REQUEST OF  
Title One  
AMOUNT 12.00

**GRANT DEED**

**GRANTOR:** Daniel G. Gibson and Carolyn A. Gibson, husband and wife, (hereinafter "Gibson" or "Grantor").  
**Address:** 19500 Highway 20/26, Caldwell, Idaho 83607.

**GRANTEE:** Kevin A. Howell Construction, Inc. an Idaho corporation, (hereinafter "Howell" or "Grantee").  
**Address:** 4822 N. Rosepoint Way, Suite C, Boise, Idaho 83713.

For good and valuable consideration the receipt of which is hereby acknowledged Grantor hereby CONVEYS, GRANTS and transfers unto the Grantee that real property located in Ada County, State of Idaho, legally described on Exhibit A, attached hereto, together with all ditch and ditch rights, and all appurtenances except as limited herein.

**Surface Water Rights Conveyed:** All Settlers Irrigation District water rights appurtenant to the property described in Exhibit A attached hereto are conveyed herein to Grantee.

**Ground Water Rights Partially Conveyed:** Conveyed and transferred herewith are 26.84 acres of the 73 acres of ground water rights at a diversion rate of .02 cfs described in Grantor's ground water right #63-8518. Grantor reserves and does not convey herewith the remaining 46.16 acres of the 73 acres of ground water rights described in ground water right #63-8518.

**Subject to the following Restrictive Covenant running with the land described on Exhibit A:** "Grantor, (including Grantor's successors or assigns) may develop the Grantor's remaining 22.52 acres of property which is adjacent to and south and west of the property described in Exhibit A as a mix of uses at the sole discretion of Grantor. These uses of the Grantor adjacent property may be any use approved by the City of Meridian, including, but not limited to multi-family housing (apartments), offices, mini-storage units, any and all commercial uses, and/or a combination of uses. Grantee and Grantee's successors and assigns acquire the property described in Exhibit A with the full understanding and knowledge of the foregoing and acknowledge and agree not to object to any use or development of the adjacent Grantor property as contemplated by the Development Agreement with the City of Meridian dated the 24th day of January, 2003, recorded as Ada County Instrument No. 103012598 or as may be otherwise approved by the City of Meridian or other governmental entity having jurisdiction over the Grantor's adjacent property. This Restrictive Covenant shall run with the land described on Exhibit A and shall bind the Grantee and Grantee's heirs, assigns and successors."

Subject also to: 2004 property taxes, city and county assessments, and irrigation assessments; ditch, road, canal, utility easements, and other rights and matters of record or otherwise existing on the premises; all easements of record and those authorized by law; Rights of Way for Irrigation Canals and Laterals; Rights of Way for W. McMillan Road; Reservations in Patents.

To have and to hold the said premises, unto the Grantee, and Grantees heirs, successors and assigns forever.

IN WITNESS WHEREOF, the parties set their hands the day and year below written.

  
Daniel G. Gibson

Date signed: 4-28-04

  
Carolyn A. Gibson

Date signed: 4-28-04

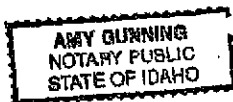
STATE OF IDAHO, )

)ss.

COUNTY OF ADA, )

On this 28 day of April, 2004, before me, the undersigned a Notary Public in and for said State, personally appeared Daniel G. Gibson and Carolyn A. Gibson, (husband and wife,) known or identified to me (on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that 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.



  
AMY GUNNING  
ESCROW OFFICER  
RESIDING: EAGLE, ID  
COMMISSION EXPIRES: 6/19/06  
Residing: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

AMY GUNNING  
ESCROW  
RESIDING: \_\_\_\_\_  
COMMISSION EXPIRES: 6/19/06

Project: 11970  
Date: March 31, 2004

HOWELL PARCEL  
PARCEL DESCRIPTION

That portion of the Southwest 1/4 of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Meridian, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of Section 26, marked by a 1/2" pin, from which the West 1/4 corner of Section 26 bears North 00°21'16" East, 2,644.38 feet, marked by an aluminum cap; thence along the Southerly boundary of the Southwest 1/4 of Section 26, South 88°58'47" East, 1,301.38 feet; thence along the Westerly boundary of the East 1/2 of the Southwest 1/4 of Section 26, North 00°29'12" East, 872.31 feet to the POINT OF BEGINNING;

thence continuing along said boundary North 00°29'12" East, 1,776.03 feet to a point on the Northerly boundary of the Southwest 1/4 of Section 26;

thence along said boundary South 89°09'23" East, 1,307.45 feet to the center 1/4 corner of Section 26, marked by a 5/8" iron pin;

thence along the Easterly boundary of the Southwest 1/4 of Section 26, South 00°37'07" West, 1,136.13 feet;

thence North 89°09'33" West, 365.90 feet;

thence South 00°37'07" West, 185.90 feet;

thence South 89°09'33" East, 365.90 feet to a point on the Easterly boundary of the Southwest 1/4 of Section 26;

thence along said boundary South 00°37'07" West, 1,330.30 feet to the South 1/4 corner of Section 26, marked by a 5/8" iron pin;

thence along the Southerly boundary of the Southwest 1/4 of Section 26, North 88°58'47" West, 156.00 feet;

thence North 00°37'07" East, 25.00 feet;

thence North 88°58'47" West, 220.00 feet;

thence North 00°37'07" East, 5.00 feet;

thence South 88°58'47" East, 220.00 feet;

thence North 00°37'07" East, 48.34 feet;

thence North 14°22'53" West, 58.02 feet;

thence along a curve to the right 131.95 feet, having a radius of 252.00 feet, a tangent of 67.52 feet, a delta of 30°00'00", and a long chord which bears North 00°37'07" East, 130.44 feet;

thence North 15°37'07" East, 96.54 feet;

Exhibit 1.1.1

Howell Parcel  
March 31, 2004  
Page 2

thence along a curve to the left 7.85 feet, having a radius of 30.00 feet, a tangent of 3.95 feet, a delta of  $15^{\circ}00'00''$ , and a long chord which bears North  $08^{\circ}07'07''$  East, 7.83 feet;

thence North  $00^{\circ}37'07''$  East, 196.49 feet;

thence along a curve to the left 89.27 feet, having a radius of 155.00 feet, a tangent of 45.91 feet, a delta of  $33^{\circ}00'00''$ , and a long chord which bears North  $15^{\circ}52'53''$  West, 88.04 feet;

thence North  $32^{\circ}22'53''$  West, 220.13 feet;

thence along a curve to the right 48.17 feet, having a radius of 345.00 feet, a tangent of 24.12 feet, a delta of  $08^{\circ}00'00''$ , and a long chord which bears North  $28^{\circ}22'53''$  West, 48.13 feet;

thence North  $24^{\circ}22'53''$  West, 25.46 feet;

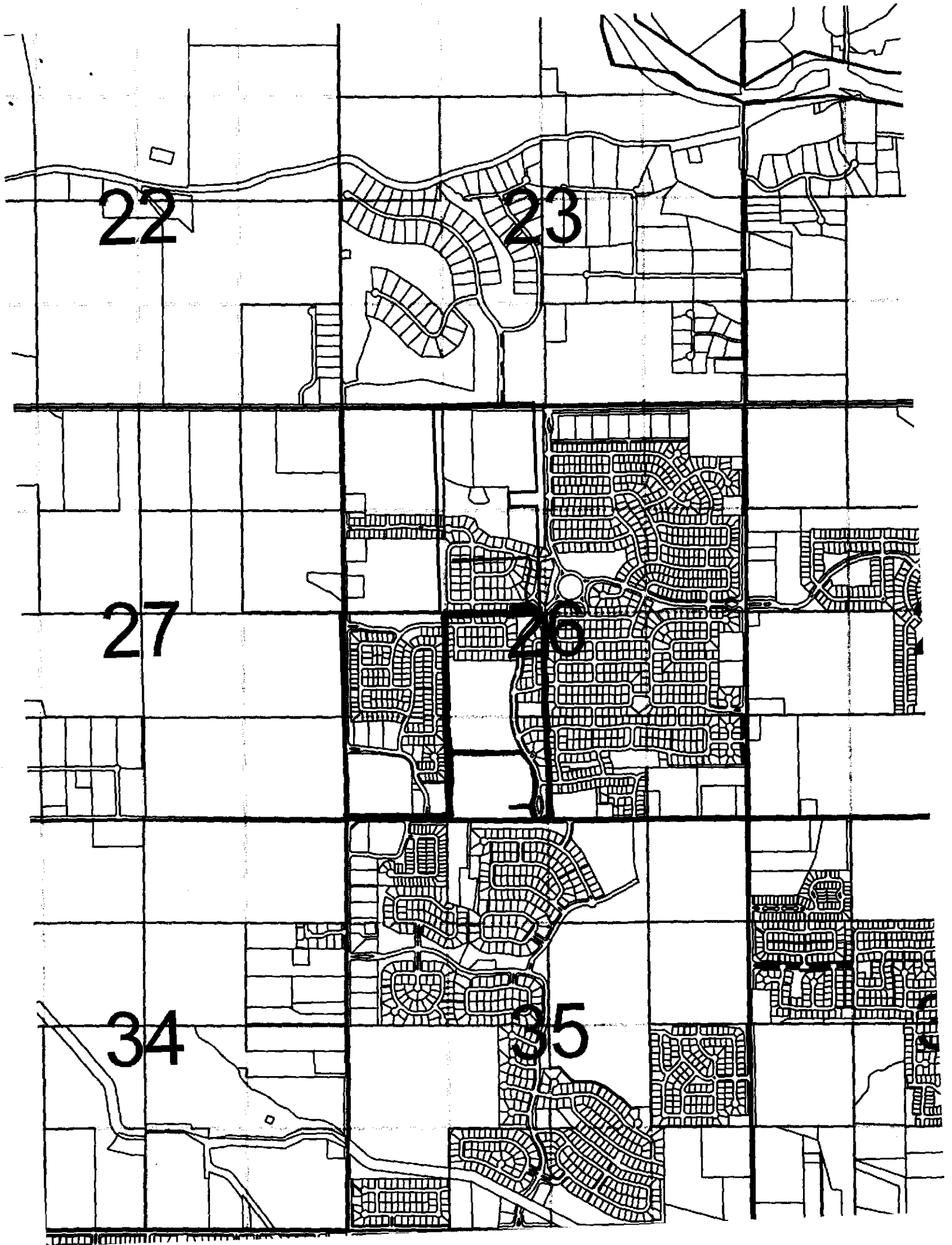
thence South  $77^{\circ}41'03''$  West, 88.08 feet;

thence North  $89^{\circ}09'23''$  West, 893.93 feet to the POINT OF BEGINNING.

Containing 55.29 acres, more or less.

END OF DESCRIPTION

Prepared by:  
J-U-B ENGINEERS, Inc.  
Ronald M. Hodge, P.L.S.





ERO Resources Corp.  
3314 Grace Street  
Boise, ID 83703-5836  
(208) 373-7983  
Fax: 373-7985  
Denver • Boise • Durango  
www.eroresources.com  
eroboise@eroresources.com

RECEIVED  
FEB 13 2006  
WATER RESOURCES  
WESTERN REGION

February 13, 2006

Western Region Adjudication Staff  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Hand Delivered

Re: Notice of Change in Water Right Ownership for 63-8518

Gentlemen:

Enclosed is a signed Notice of Change in Water Right Ownership for 63-8518 along with a deed transferring ownership of a portion of this water right to Kevin A. Howell Construction, Inc. Please keep me advised of the progress in completing the change of ownership for this water right.

Let me know if I can provide you with any additional information.

Yours truly,

David B. Shaw

Enc.

cc: Kevin Howell Construction, Inc.  
Jim Kiser



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098  
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

MAR 12 1999

Department of Water Resources

DIRK KEMPTHORNE  
GOVERNOR

February 26, 1999

KARL J. DREHER  
DIRECTOR

DANIEL G GIBSON JR  
CAROLYN A GIBSON  
19500 HIGHWAY 20-26  
CALDWELL ID 83605-8770

Re: Snake River Basin Adjudication (SRBA)  
Adjudication Claims #A63-08518, 63-18899 & 63-28314 63-08683  
Change of Address

Dear Claimants:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by March 12, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

*Sally*

Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

*Daniel Gibson Jr*  
Claimant Signature

453-2649 H  
375-7412 W  
Telephone No.

63-08683

return  
to sender

fee due 50¢

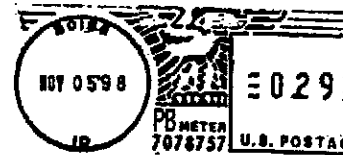
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

U.S. POSTAL SERVICE  
PS FORM 3547

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

ADDRESS SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

+63-18899

+A63-08518

63-28314  
DANIEL G GIBSON, JR  
CAROLYN A GIBSON  
4500 GUMWOOD DR  
MERIDIAN ID 83642

GIBSON JR 636422001 1698 08 11/07/98  
FORM 3547

GIBSON JR  
19800 HIGHWAY 20/26  
CALDWELL ID 83605-8770

83642-5648 12



return  
to sender

fee due 50¢

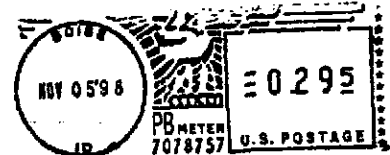
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

U.S. POSTAL SERVICE  
PS FORM 3547

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

ADDRESS SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

~~only 63-18899~~

+63-28314, A63-08518  
63-18899  
DANIEL G GIBSON JR  
4500 GUMWOOD  
MERIDIAN ID 83642

GIBSON JR 636422001 1698 08 11/07/98  
FORM 3547

GIBSON JR  
19800 HIGHWAY 20/26  
CALDWELL ID 83605-8770





# Idaho Department of Water Resources

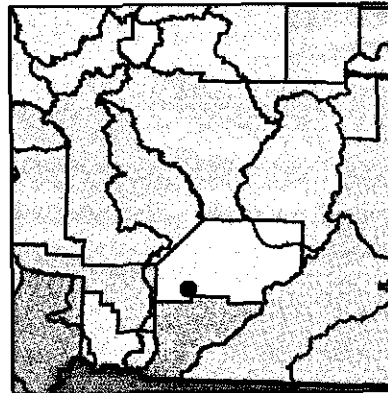
SRBA Recommendation:

**63-32304**

(Irrigation)

## Legend

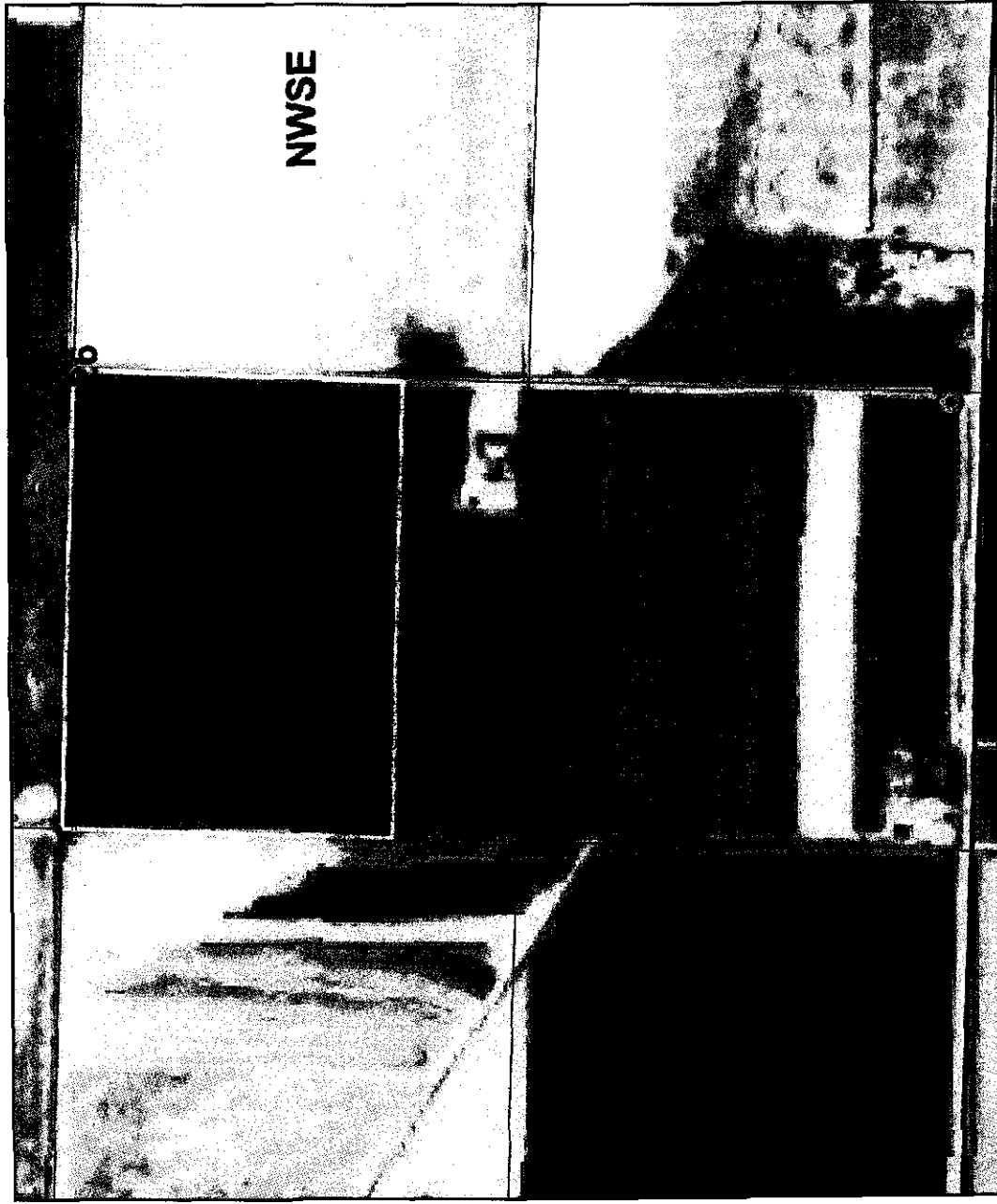
- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County  
IDWR Basin 63

Prepared by K. Walker  
On Monday, April 16, 2007  
1987/88 Aerial Photography

R01W



T04N

0.4 Miles

0.2

0

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

RIGHT NUMBER: 63-32304

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT  
PO BOX 7571  
BOISE ID 83707

~~KEVIN A HOWELL CONSTRUCTION INC~~  
~~4822 N ROSEPOINT WAY STE C~~  
~~BOISE ID 83712~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.540 CFS  
120.780 AFY

PRIORITY DATE: 03/02/1977

POINT OF DIVERSION:

T04N R01W S26 SESW 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          | 0.540 CFS<br>120.78 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 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 S26 NESW 26.84

26.84 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

Use of this right is combined with water from Settlers Irrigation District.

This right is a split from former right 63-8518 .

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: 63-32304

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

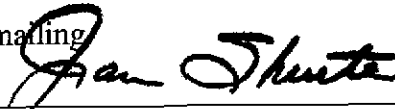
☐ Other

☐ 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: June 2, 2006

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on June 2, 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    | <input type="checkbox"/> overnight mail          |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 2707                  | <input type="checkbox"/> hand-delivered          |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/> facsimile               |

### 2. Copies to:

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Clive Strong                    | <input type="checkbox"/> overnight mail          |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 44449                  | <input type="checkbox"/> hand-delivered          |
| Boise, ID 83711-4449            | <input type="checkbox"/> facsimile               |

|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| United States Dept of Justice      | <input type="checkbox"/> overnight mail          |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> regular mail |
| 550 West Fort Street MSC 033       | <input type="checkbox"/> hand-delivered          |
| Boise ID 83724                     | <input type="checkbox"/> facsimile               |

### 3. Copies to all parties to the subcase:

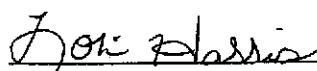
|                              |                                                  |
|------------------------------|--------------------------------------------------|
| Settlers Irrigation District | <input type="checkbox"/> overnight mail          |
| PO Box 7571                  | <input checked="" type="checkbox"/> regular mail |
| Boise ID 83707               | <input type="checkbox"/> hand-delivered          |
|                              | <input type="checkbox"/> facsimile               |

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Kevin A Howell Construction Inc | <input type="checkbox"/> overnight mail          |
| 4822 N Rosepoint Way Ste C      | <input checked="" type="checkbox"/> regular mail |
| Boise ID 83713                  | <input type="checkbox"/> hand-delivered          |
|                                 | <input type="checkbox"/> facsimile               |

Scott L Campbell  
Moffatt Thomas Barrett Rock & Fields  
PO Box 829  
Boise ID 83701-0829

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

☐ 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

**JAMES E. RISCH**  
Governor

**KARL J. DREHER**  
Director

June 2, 2006

SETTLERS IRRIGATION DISTRICT  
PO BOX 7571  
BOISE ID 83707

Re: Water Right No. 63-32304

Dear Sir or Madam:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. 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 the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris  
Technical Records Specialist  
Adjudication Section  
Western Region Office

LH:l  
Enclosures

cc: Kevin Howell Construction; Scott Campbell

# Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
John S. Simko  
John C. Ward  
D. James Manning  
Gary T. Dance  
Larry C. Hunter  
Randall A. Peterman  
Mark S. Prusynski  
Stephen R. Thomas  
Glenna M. Christensen  
Gerald T. Husch  
Scott L. Campbell  
Robert B. Burns

Michael E. Thomas  
Patricia M. Olsson  
Bradley J. Williams  
Lee Radford  
Michael O. Roe  
David S. Jensen  
James L. Martin  
C. Clayton Gill  
David P. Gardner  
John O. Fitzgerald, II  
Julian E. Gabiola  
Angela Schaefer Kaufmann  
Michael W. McGreaham  
Paul D. McFarlane  
Kimberly D. Evans Ross  
Jon A. Stenquist

Tyler J. Henderson  
Jason G. Murray  
Mark C. Peterson  
Andrew J. Waldera  
Tyler J. Anderson  
Dylan B. Lawrence  
Joel A. Flake, Jr.  
Russell G. Mercalf  
Benjamin C. Ritchie  
  
Robert E. Bakes, *of counsel*  
Morgan W. Richards, *of counsel*  
  
*Willis C. Moffatt, 1907-1980*  
*Kirk R. Helvie, 1956-2003*

RECEIVED  
APR 12 2006

WATER RESOURCES  
WESTERN REGION

April 7, 2006

Boise  
Idaho Falls  
Pocatello  
Twin Falls

US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829

208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.com

Western Region Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705

**Re: Settlers Irrigation District/Change in Water Right Ownership for Water Right  
Nos. 63-8518, 63-8825, and 63-10713**  
MTBR&F File No. 18955.27

Dear Sir or Madam:

Enclosed please find an original change of water right ownership form for each of the above-referenced water rights, along with the requisite documents establishing ownership of the water rights. Please file the originals and return the receive-stamped copies in the enclosed, self addressed stamped envelope. *vs*

Please note that we are not tendering a filing fee because these water rights are pending in the Snake River Basin Adjudication. Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Scott L. Campbell

SLC/tmh  
Enclosures

cc: Board of Directors (w/encls.)

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

RIGHT NUMBER: 63-32304

NAME AND ADDRESS: KEVIN A HOWELL CONSTRUCTION INC  
4822 N ROSEPOINT WAY STE C  
BOISE ID 83713

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.540 CFS  
120.780 AFY

PRIORITY DATE: 03/02/1977

POINT OF DIVERSION:

T04N R01W S26 SESW 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          | 0.540 CFS<br>120.78 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 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 S26          NESW      26.84

26.84 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

Use of this right is combined with water from Settlers Irrigation District.

This right is a split from former right 63-8518 .

**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     | ) | Water Rights: 63-8518 (Split) |
|                | ) | 63-32303, 63-32304            |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED</b>    |
|                | ) | <b>ADMINISTRATIVE</b>         |
| _____          | ) | <b>PROCEEDING</b>             |

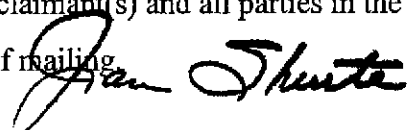
IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ 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: May 19, 2006

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on May 19, 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    | <input type="checkbox"/> overnight mail          |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 2707                  | <input type="checkbox"/> hand-delivered          |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/> facsimile               |

### 2. Copies to:

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Clive Strong                    | <input type="checkbox"/> overnight mail          |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 44449                  | <input type="checkbox"/> hand-delivered          |
| Boise, ID 83711-4449            | <input type="checkbox"/> facsimile               |

|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| United States Dept of Justice      | <input type="checkbox"/> overnight mail          |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> regular mail |
| 550 West Fort Street MSC 033       | <input type="checkbox"/> hand-delivered          |
| Boise ID 83724                     | <input type="checkbox"/> facsimile               |

### 3. Copies to all parties to the subcase:

|                        |                                                  |
|------------------------|--------------------------------------------------|
| Daniel G. Gibson Jr    | <input type="checkbox"/> overnight mail          |
| 19500 Hwy 20-26        | <input checked="" type="checkbox"/> regular mail |
| Caldwell ID 83605-8770 | <input type="checkbox"/> hand-delivered          |
|                        | <input type="checkbox"/> facsimile               |

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Kevin A Howell Construction Inc | <input type="checkbox"/> overnight mail          |
| 4822 N Rosepoint Way Ste C      | <input checked="" type="checkbox"/> regular mail |
| Boise ID 83713                  | <input type="checkbox"/> hand-delivered          |
|                                 | <input type="checkbox"/> 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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 19, 2006

KEVIN A HOWELL CONSTRUCTION INC  
4822 N ROSEPOINT WAY STE C  
BOISE ID 83713

Re: Original Notice of Claim to a Water Right No. A63-8518

Renumbered to Notice of Claim to a Water Right No. A63-32304

Dear Mr. Howell:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership 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 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 claim 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 SRBA Court as notification of this change.

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

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris  
Technical Records Specialist 1  
Adjudication Section  
Western Region Office

LH:1  
Enclosures

cc: David Shaw - ERO Resources