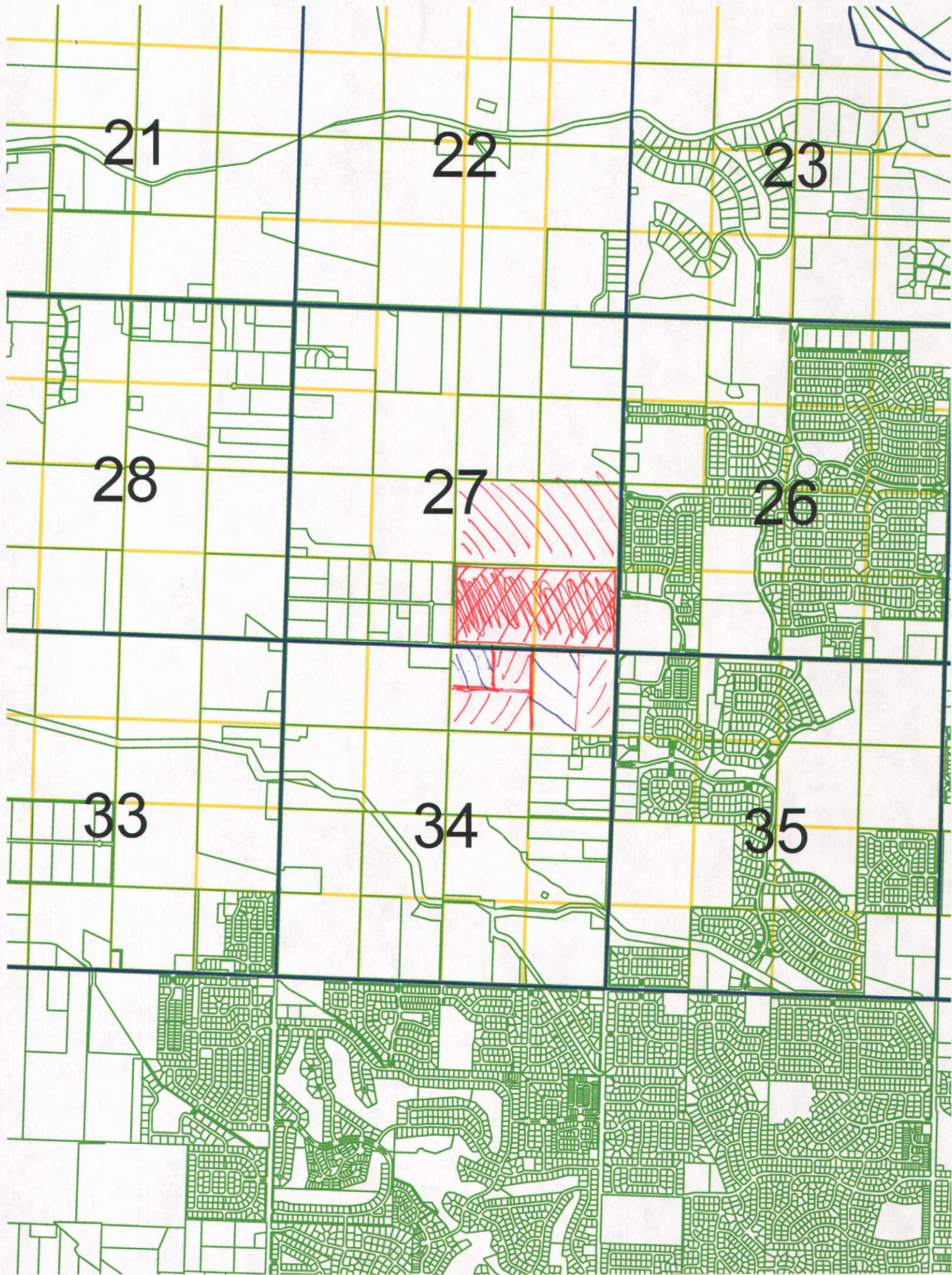




21

22

23

28

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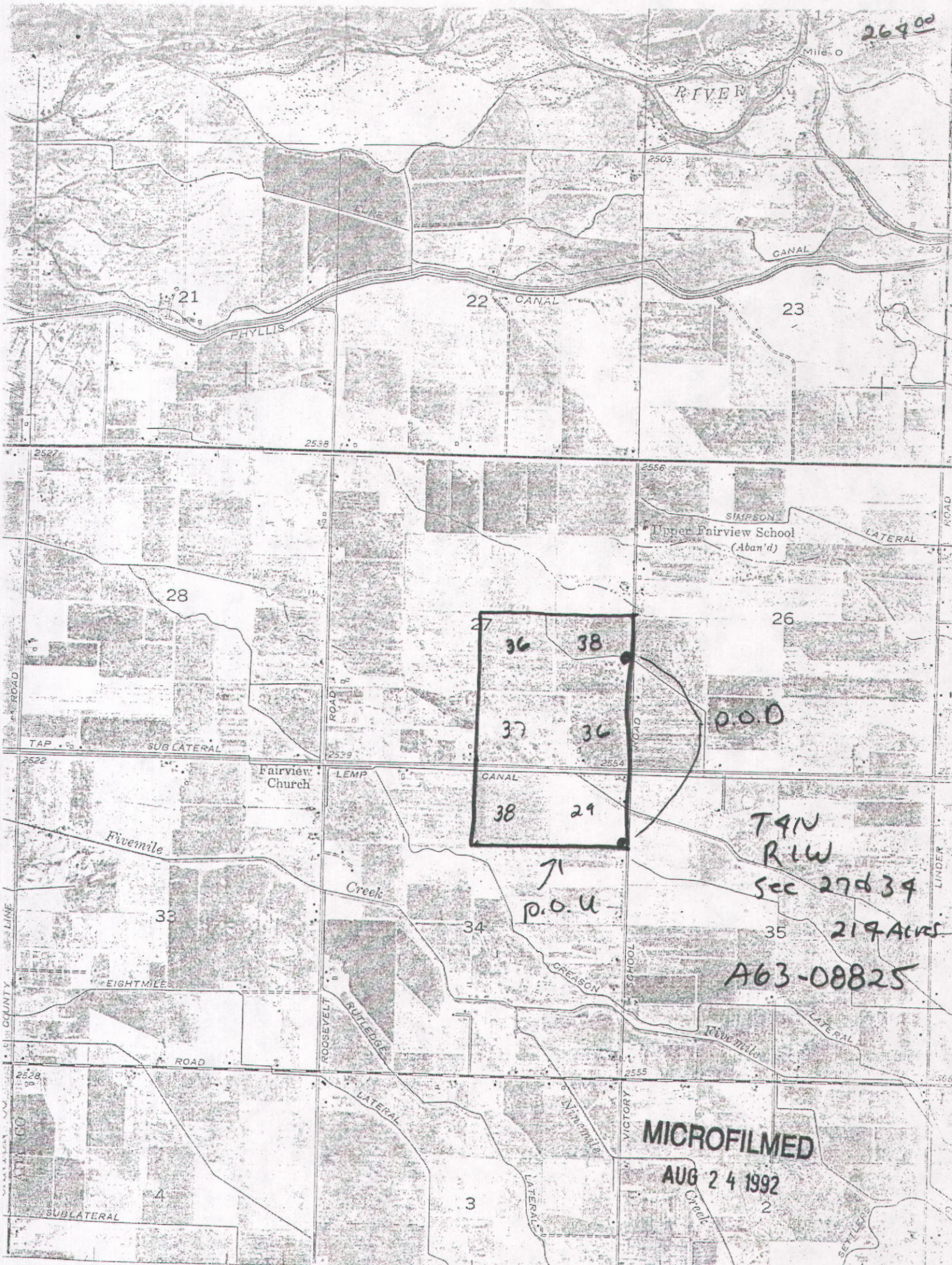
26

33

34

35

26400



p.o.d

71
p.o.u

T4N
R1W
Sec 27d34
219 Acres

A63-08825

MICROFILMED

AUG 24 1992



Idaho Department of Water Resources

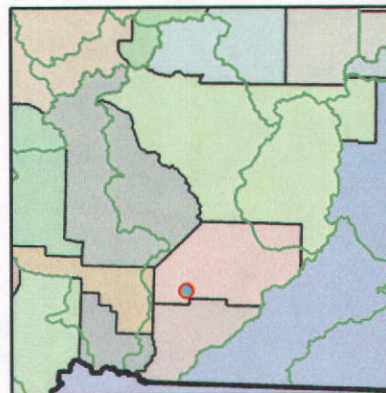
SRBA Recommendation:

63-32317

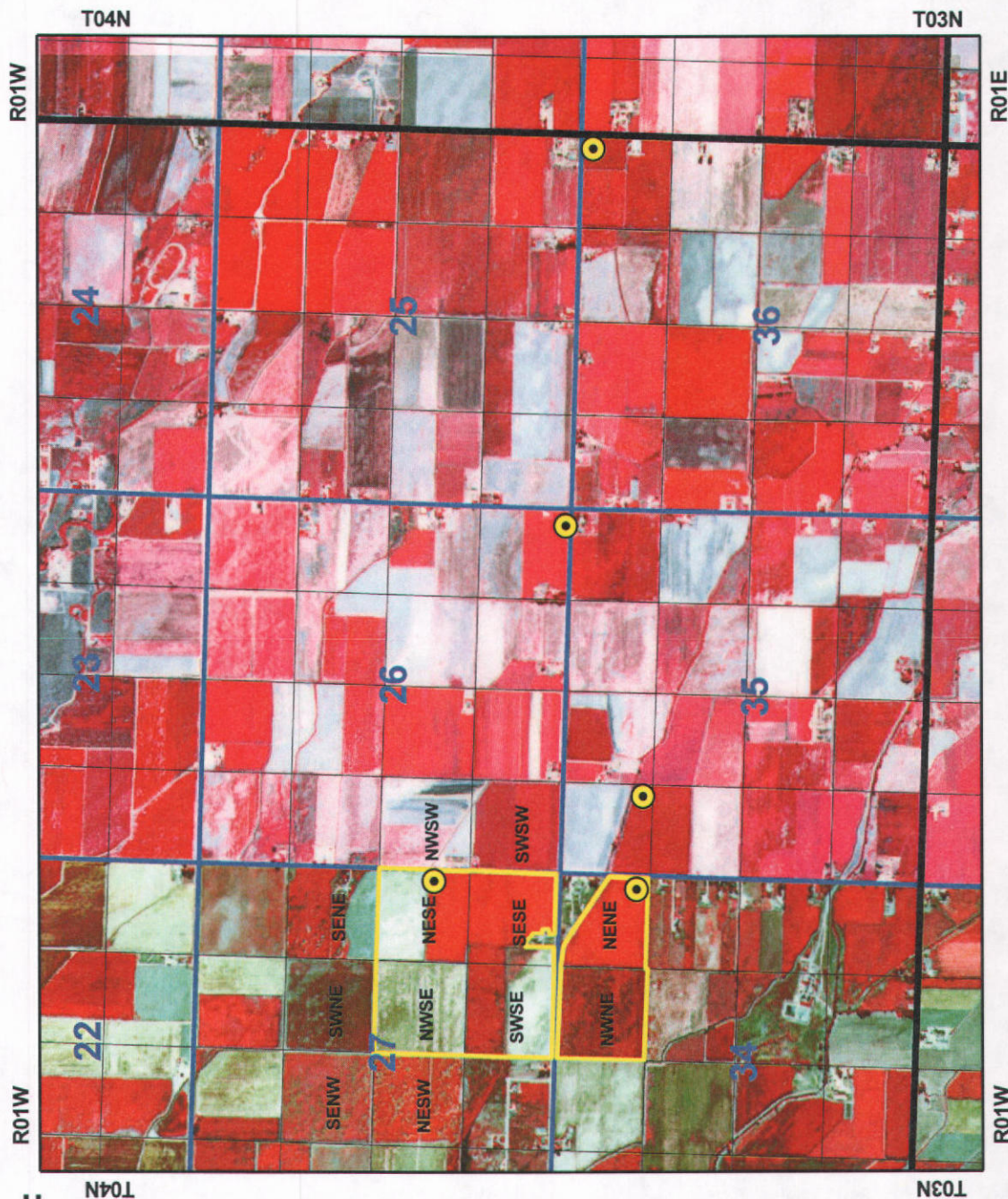
(Irrigation)

Legend

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



Ada County
IDWR Basin 63



0 1 2 Miles

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

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 63-32317
Date Received: 8/1/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHIRLEY G BEWS Phone:
5204 SORRENTO CIRCLE
BOISE ID USA 83704

ED L BEWS Phone: (208)867-1200
5204 SORRENTO CIR
BOISE ID USA 83704

2. Date of Priority: 05/06/1977

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	27	NE SE	ADA	
04N	01W	35	NW NW	ADA	
04N	01W	36	NE NE	ADA	
04N	01W	26	SE SE	ADA	
04N	01W	34	NE NE	ADA	

5. Description of diverting works:

WELLS, PUMPS & CONCRETE DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.37	474.8

7. Total Quantity Appropriated is:
1.37 C.F.S. and/or 474.8 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	27	NE	SE	IRRIGATION	38
			NW	SE	IRRIGATION	36
			SW	SE	IRRIGATION	37
			SE	SE	IRRIGATION	36
Section Acres						147
04N	01W	34	NE	NE	IRRIGATION	29
			NW	NE	IRRIGATION	38
Section Acres						67
Total Acres						214

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:

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

LTD. PARTNERSHIP ESTABLISHED IN 1980.

CLAIM AMENDED PER TRANSFER NO. 4137 APPROVED 6/17/1993.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF MEMORANDUM DECISION AND ORDER DATED 6/17/1993.

THE CLAIMANT SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

THE WELL LOCATED IN THE NWNW, S35, T04N, R01W, SHALL BE EITHER SHALLOWER THAN 100' OR CASED AND SEALED TO A MINIMUM DEPTH OF 200'. THE MOTOR INSTALLED FOR DIVERSION FROM THIS WELL SHALL BE LIMITED TO A 15 HORSEPOWER RATING.

DIVERSION UNDER THIS RIGHT IS ALLOWED FROM ALL 5 WELLS.

THIS RIGHT IS SUBJECT TO ALL PRIOR WATER RIGHTS.

THE RIGHT HOLDER IS NOT AUTHORIZED TO INCREASE THE HORSEPOWER ON THE EXISTING WELLS OVER THAT ALREADY INSTALLED AND OPERATING DURING THE 1992 IRRIGATION SEASON.

PRIOR TO DIVERSION OF WATER IN 1993, A MEASURING DEVICE OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE INSTALLED AND MAINTAINED IN CONJUNCTION WITH EACH WELL THAT DIVERTS WATER UNDER THIS TRANSFER. IN ADDITION, THE RIGHT HOLDER SHALL PROVIDE TO THE DEPT. A PLAN LIMITING DIVERSIONS TO NO MORE THAN 0.02 CFS PER ACRE FOR IRRIGATION PURPOSES ON IRRIGATED LAND FROM ALL SOURCES. THIS PLAN MUST BE APPROVED BEFORE PUMPAGE UNDER THIS TRANSFER IS AUTHORIZED.

THE CLAIMANT IS RESPONSIBLE TO ENSURE THAT WATER PUMPED UNDER THIS TRANSFER DOES NOT CAUSE THE WATER LEVEL IN ANY IRRIGATION WELL TO EXCEED THE REASONABLE PUMPING LEVEL, UNLESS THE HOLDER OF THE PRIOR WATER RIGHT RECEIVES REASONABLE COMPENSATION OR MITIGATION FOR THE REDUCED WATER LEVEL CAUSED DIRECTLY OR INDIRECTLY BY THE WITHDRAWAL OF WATER UNDER THIS TRANSFER.

THE CLAIMANT IS RESPONSIBLE TO ENSURE THAT WATER PUMPED UNDER THIS TRANSFER DOES NOT DIRECTLY, AS DETERMINED BY THE DIRECTOR, CAUSE THE WATER LEVEL IN ANY DOMESTIC WELL DRILLED PRIOR TO MARCH 29, 1978, TO BE LOWERED SO AS TO REQUIRE MODIFICATION TO THE WELL OR PUMPING SYSTEM OR TO CAUSE THE WATER LEVEL IN ANY OTHER WELL HAVING A PRIOR RIGHT TO EXCEED A REASONABLE PUMPING LEVEL, UNLESS THE APPLICANT PROVIDES REASONABLE COMPENSATION OR MITIGATION, AS DETERMINED BY THE DIRECTOR, TO THE PRIOR WATER RIGHT HOLDER FOR THE REDUCED WATER LEVELS.

WATER DIVERTED UNDER THIS TRANSFER IS TO BE USED FOR SUPPLEMENTAL PURPOSES ONLY, IN CONNECTION WITH THE PRIMARY SURFACE WATER RIGHTS FROM THE BOISE RIVER. THE SURFACE WATER RIGHTS DEDICATED TO THIS LAND MUST BE UTILIZED TO THEIR FULL EXTENT DURING ANY YEAR THAT THESE SUPPLEMENTAL GROUND WATER RIGHTS ARE UTILIZED.

APPROVAL OF THIS WATER RIGHT TRANSFER DOES NOT GRANT ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER.

THE PROTESTS OF PARTIES WHO DID NOT ATTEND THE HEARING ARE SET ASIDE AND THOSE PROTESTANTS ARE BOUND BY THIS DECISION TO THE SAME EXTENT AS THOSE THAT DID ATTEND THE HEARING.

THE APPLICANT SHALL COMPLETE THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN 1 YEAR OF THE DATE OF FINAL APPROVAL.

RIGHT NO. A63-08825 IS LIMITED TO THE IRRIGATION OF 105.5 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A

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

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 63-8825 .

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: A63-08825
Date Received: 8/ 1/1989
Receipt No: W003953
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JAMES FAMILY LTD. PARTNERSHIP 208-888-2020
Address: 4675 N. TEN MILE RD.
MERIDIAN ID 83642
AND/OR
Name: LARRY JAMES 208-888-4230
Address: 4785 N TEN MILE RD
MERIDIAN ID 83642

2. Date of Priority: MAY 6, 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	SE		ADA
		27		NE	SE		ADA
		34		NE	NE		ADA
		35		NW	NW		ADA
		36		NE	NE		ADA

5. Description of diverting works:
WELLS, PUMPS & CONCRETE DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.780		963.00

7. Total Quantity Appropriated is:
2.780 C.F.S. (and/or) 963.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	26	NW	SW		IRR	20.0
			SW	SW		IRR	37.0
			SW	SE		IRR	37.0
			SE	SE		IRR	15.0
						Section Acres	109.0
		27	NE	SE		IRR	38.0
			NW	SE		IRR	36.0
			SW	SE		IRR	37.0
			SE	SE		IRR	36.0
						Section Acres	147.0
		28	SE	SE		IRR	35.0
						Section Acres	35.0
		34	NE	NE		IRR	29.0
			NW	NE		IRR	38.0
						Section Acres	67.0
		35	NW	NW		IRR	37.0
			SW	NW		IRR	39.0
						Section Acres	76.0
						Total Acres	434.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

SETTLERS AND NAMPA MERIDIAN IRRIGATION DISTRICT

14. Remarks:

LTD. PARTNERSHIP ESTABLISHED IN 1980.

✓ CLAIM AMENDED PER TRANSFER NO. 4137 APPROVED 6/17/1993.

✓ SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF MEMORANDUM DECISION AND ORDER DATED 6/17/1993.

✓ THE CLAIMANT SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

THE WELL LOCATED IN THE NWNW, S35, T04N, R01W, SHALL BE EITHER SHALLOWER THAN 100' OR CASED AND SEALED TO A MINIMUM DEPTH OF 200'. THE MOTOR INSTALLED FOR DIVERSION FROM THIS WELL SHALL BE

MICROFILMED

14. Remarks: Continued

LIMITED TO A 15 HORSEPOWER RATING.

DIVERSION UNDER THIS RIGHT IS ALLOWED FROM ALL 5 WELLS.

THIS RIGHT IS SUBJECT TO ALL PRIOR WATER RIGHTS.

THE RIGHT HOLDER IS NOT AUTHORIZED TO INCREASE THE HORSEPOWER ON THE EXISTING WELLS OVER THAT ALREADY INSTALLED AND OPERATING DURING THE 1992 IRRIGATION SEASON.

PRIOR TO DIVERSION OF WATER IN 1993, A MEASURING DEVICE OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE INSTALLED AND MAINTAINED IN CONJUNCTION WITH EACH WELL THAT DIVERTS WATER UNDER THIS TRANSFER. IN ADDITION, THE RIGHT HOLDER SHALL PROVIDE TO THE DEPT. A PLAN LIMITING DIVERSIONS TO NO MORE THAN 0.02 CFS PER ACRE FOR IRRIGATION PURPOSES ON IRRIGATED LAND FROM ALL SOURCES. THIS PLAN MUST BE APPROVED BEFORE PUMPAGE UNDER THIS TRANSFER IS AUTHORIZED.

THE CLAIMANT IS RESPONSIBLE TO ENSURE THAT WATER PUMPED UNDER THIS TRANSFER DOES NOT CAUSE THE WATER LEVEL IN ANY IRRIGATION WELL TO EXCEED THE REASONABLE PUMPING LEVEL, UNLESS THE HOLDER OF THE PRIOR WATER RIGHT RECEIVES REASONABLE COMPENSATION OR MITIGATION FOR THE REDUCED WATER LEVEL CAUSED DIRECTLY OR INDIRECTLY BY THE WITHDRAWAL OF WATER UNDER THIS TRANSFER.

THE CLAIMANT IS RESPONSIBLE TO ENSURE THAT WATER PUMPED UNDER THIS TRANSFER DOES NOT DIRECTLY, AS DETERMINED BY THE DIRECTOR, CAUSE THE WATER LEVEL IN ANY DOMESTIC WELL DRILLED PRIOR TO MARCH 29, 1978, TO BE LOWERED SO AS TO REQUIRE MODIFICATION TO THE WELL OR PUMPING SYSTEM OR TO CAUSE THE WATER LEVEL IN ANY OTHER WELL HAVING A PRIOR RIGHT TO EXCEED A REASONABLE PUMPING LEVEL, UNLESS THE APPLICANT PROVIDES REASONABLE COMPENSATION OR MITIGATION, AS DETERMINED BY THE DIRECTOR, TO THE PRIOR WATER RIGHT HOLDER FOR THE REDUCED WATER LEVELS.

WATER DIVERTED UNDER THIS TRANSFER IS TO BE USED FOR SUPPLEMENTAL PURPOSES ONLY, IN CONNECTION WITH THE PRIMARY SURFACE WATER RIGHTS FROM THE BOISE RIVER. THE SURFACE WATER RIGHTS DEDICATED TO THIS LAND MUST BE UTILIZED TO THEIR FULL EXTENT DURING ANY YEAR THAT THESE SUPPLEMENTAL GROUND WATER RIGHTS ARE UTILIZED.

APPROVAL OF THIS WATER RIGHT TRANSFER DOES NOT GRANT ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER.

THE PROTESTS OF PARTIES WHO DID NOT ATTEND THE HEARING ARE SET ASIDE AND THOSE PROTESTANTS ARE BOUND BY THIS DECISION TO THE SAME EXTENT AS THOSE THAT DID ATTEND THE HEARING.

THE APPLICANT SHALL COMPLETE THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN 1 YEAR OF THE DATE OF FINAL APPROVAL.

✓ RIGHT NO. A63-08825 IS LIMITED TO THE IRRIGATION OF 214 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

✓ RIGHT NO. 63-10713 IS LIMITED TO THE IRRIGATION OF 185 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

✓ RIGHT NO. 63-10872 IS LIMITED TO THE IRRIGATION OF 35 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION

MICROFILMED

14. Remarks: Continued
SEASON.

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A63-08825
Date Received: 8/01/1989
Receipt No: W003953
Received By: ER

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES FAMILY LTD. PARTNERSHIP 208-888-2020
Address: 4675 N. TEN MILE RD.
MERIDIAN, ID 83642

2. Date of Priority: MAY 06, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01W	27	NE	SE			ADA
		34	NE	NE			ADA

5. Description of diverting works:
200' DRILLED WELL W/SUBMERSED PUMP TO CONCRETE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.780		963.00

7. Total Quantity Appropriated is:
2.780 C.F.S. (and/or) 963.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	01W	27	NE	SE		IRR	38.0
			NW	SE		IRR	36.0

A63-08825

Page 1

Date: 08/01/89

MICROFILMED
AUG 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	27	SW	SE		IRR	37.0
			SE	SE		IRR	36.0
						Section Acres	147.0
		34	NE	NE		IRR	29.0
			NW	NE		IRR	38.0
						Section Acres	67.0
						Total Acres	214.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

SETTLERS AND NAMPA MERIDIAN IRRIGATION DISTRICT

14. Remarks:

LTD. PARTNERSHIP ESTABLISHED IN 1980.

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): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am Partner of
James Family Partnership, that I have signed the foregoing
document in the space below as partner of
James Family Partnership and that the statements contained in the
foregoing document are true and correct.

James Family
Organization

James Family
Organization

James Family
Signature of Authorized Agent.
Partner of Partnership
Title and Organization
Aug 1, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 01 day
of August 19 89

Elda Houch
Notary Public

Seal

Residing at _____

A63-08825

Page

My Commission Expires
Date: 08/01/89

MICROFILMED

AUG 24 1989

Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994

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

RECEIVED
NOV 14 2005
 WATER RESOURCES
 WESTERN REGION

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
63-8825	63-8825	X			
63-10713	License	X			
63-10872	License	X			

**New owner has acquired 49.3% (214 of 434 acres) of rights described by the above licenses, claims, and Transfer No 4137.

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) LARRY JAMES / JAMES FAMILY LTD PARTNERSHIP
4785 N TEN MILE RD, MERIDIAN, ID 83642
4. New Owner/Claimant(s) E. L. BEWS and SHIRLEY G. BEWS
 Name Connector (Check one): [X] and, [] or, [] and/or
- New Mailing Address 5204 SORRENTO CIRCLE
- City, State and ZIP Code BOISE, ID 83704
- New Telephone Number (208) 867-1200
5. Date you acquired the property Apr 1999, Dec 1999, Jan 2000

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>63-8825</u>		
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	<u>1.37 cfs / 474.8 afa</u>	<u>105.5 acres</u>
Total	<u>1.37 cfs / 474.8 afa</u>	

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>63-10713</u>		
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	<u>1.82 cfs / 410.5 afa</u>	<u>91.2 acres</u>
Total	<u>1.82 cfs / 410.5 afa</u>	

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>63-10872</u>		
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	<u>0.15 cfs / 74.6 afa</u>	<u>17.3 acres</u>
Total	<u>0.15 cfs / 74.6 afa</u>	

7. Signature of New Owner(s) or Claimant(s) X Ed Burr
(include title if applicable) X Shirley J. Burr

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 DB Date 11-14-05 Fee \$100- EA
 Receipted by DB Date 11-14-05 Receipt No. W033596
 Processed by AD AJ Date 5-25-06 WR _____ Date _____



A Pioneer Company

PIONEER TITLE COMPANY

OF ADA COUNTY

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

WARRANTY DEED

P186958

For Value Received

THE JAMES FAMILY LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

E.L. BEWS and SHIRLEY G. BEWS, HUSBAND AND WIFE

hereinafter referred to as Grantee, whose current address is

5204 SORRENTO CIRCLE, BOISE, ID 83704

the following described premises, to-wit:

See Attached Exhibit A

THIS DEED IS BEING RE-RECORDED TO CORRECT
A TYPING ERROR IN THE LEGAL DESCRIPTION
SHOWN AS EXHIBIT A HERETO.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

Dated: January 6, 2000.

THE JAMES FAMILY LIMITED PARTNERSHIP

BY: Jimmie N. James
JIMMIE N. JAMES, PARTNER

ADA COUNTY RECORDER
J. DAVID NAVARRO
2000 JAN -7 PM 4:18

BY: Laverne G. James
LAVERNE G. JAMES, PARTNER

ADA COUNTY RECORDER
J. DAVID NAVARRO
2000 APR 17 PM 4:02

BY: Larry D. James
LARRY D. JAMES, PARTNER

2002 APR 17 PM 4:02

~~PIONEER TITLE~~
~~RECORDED-REQUEST OF~~
~~FEE~~ 100001805

RECORDED-REQUEST OF
102044818
Re-Recorded

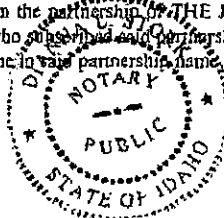
PIONEER TITLE

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On This 7TH day of January, in the year 2000, before me, a Notary Public in and for said State, personally appeared JIMMIE N. JAMES, LAVERNE G. JAMES AND LARRY D. JAMES, known or identified to me to be one of the partners in the partnership of THE JAMES FAMILY LIMITED PARTNERSHIP, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in the partnership name.



[Signature]
Notary Public of Idaho
Residing at MERIDIAN, IDAHO
Commission expires: JANUARY 23, 2002

6

File Number: P286958 SV 3159277

SCHEDULE C

PARCEL A

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH,
RANGE 1 WEST OF BOISE MERIDIAN IN ADA COUNTY, IDAHO.

EXCEPT ANY PORTION LYING WITHIN TEN MILE ROAD RIGHT-OF-WAY.

PARCEL B

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
AND THE
NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER;
AND THE
SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
ALL IN SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF BOISE MERIDIAN IN ADA
COUNTY, IDAHO.

EXCEPT ANY PORTION THEREOF LYING WITHIN TEN MILE ROAD RIGHT-OF-WAY.

END OF LEGAL DESCRIPTION

63-8825 SPLIT ANALYSIS

snk 11/8/2005

ACRES	% OF RT	CFS	ACRE-FT	OWNERSHIP
105.5	49%	1.37	474.8	Bews
108.5	51%	1.41	488.2	Remainder
214.0	100%	2.78	963.0	TOTAL

WATER RIGHT ELEMENTS

CFS	2.78
ACRES	214.0
ACRE-FEET	963
CFS/ACRE	0.0130
AF/ACRE	4.50

63-10713 SPLIT ANALYSIS

ACRES	% OF RT	CFS	ACRE-FT	OWNERSHIP
91.2	49%	1.82	410.5	Bews
93.8	51%	1.88	422.0	Remainder
185.0	100%	3.70	832.5	TOTAL

WATER RIGHT ELEMENTS

CFS	3.70
ACRES	185.0
ACRE-FEET	832.5
CFS/ACRE	0.0200
AF/ACRE	4.50

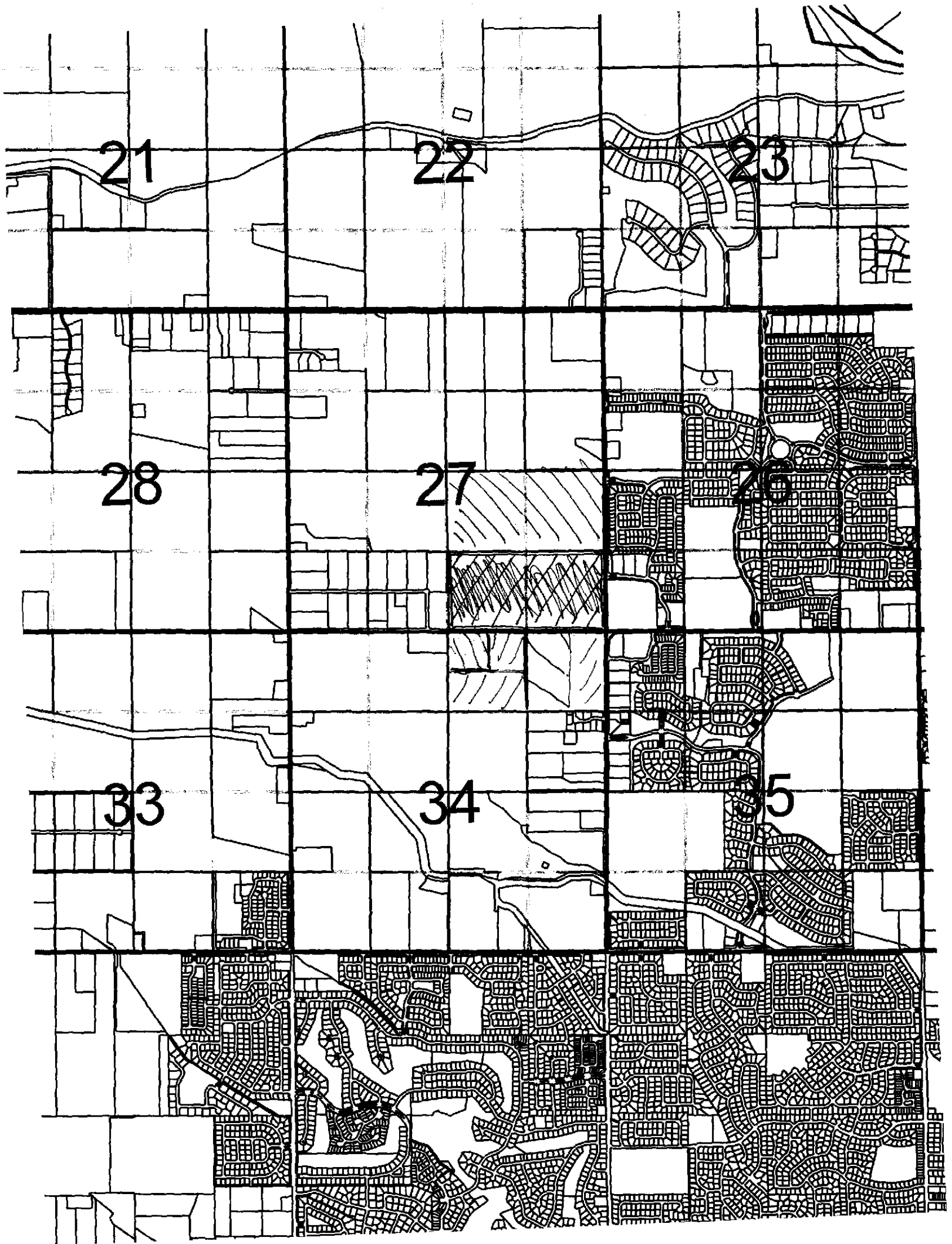
63-10872 SPLIT ANALYSIS

ACRES	% OF RT	CFS	ACRE-FT	OWNERSHIP
17.3	49%	0.15	74.6	Bews
17.7	51%	0.16	76.7	Remainder
35.0	100%	0.31	151.3	TOTAL

WATER RIGHT ELEMENTS

CFS	0.31
ACRES	35.0
ACRE-FEET	151.3
CFS/ACRE	0.0089
AF/ACRE	4.32







A Pioneer Company

PIONEER TITLE COMPANY
 OF ADA COUNTY

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

READ AND APPROVED BY *[Signature]*
WARRANTY DEED

(INDIVIDUAL)

 PAID BY AN ACCOMMODATOR PURSUANT TO AN IRC §1031 EXCHANGE,
 FOR VALUE RECEIVED / THE JAMES FAMILY LIMITED PARTNERSHIP, AN IDAHO LIMITED
 PARTNERSHIP

 Grantor s , do hereby grant, bargain, sell and convey unto E. L. BEWS AND SHIRLEY G. BEWS,
 HUSBAND AND WIFE

 the Grantee s , whose current address is: 5204 SORRENTO CIRCLE, BOISE, ID 83704
 the following described real property in ADA County, State of Idaho, more particularly described as
 follows, to-wit:

 THE SOUTH ONE HALF OF THE SOUTH EAST ONE QUARTER OF SECTION 27, TOWNSHIP 4
 NORTH, RANGE 1 WEST, ADA COUNTY, IDAHO.

 ADA COUNTY RECORDER
 - LUCY HAVARRO
 BOISE, IDAHO

1999 APR 16 PM 4:29

RECORDED - REQUEST OF

FEE 6.00 DEPUTY *[Signature]*

99037530

PIONEER TITLE

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s 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: April 09, 1999

THE JAMES FAMILY LIMITED PARTNERSHIP

La Verne G. James
 LA VERNE G. JAMES, PARTNER

Jimmie N. James
 JIMMIE N. JAMES, PARTNER

Larry D. James
 LARRY D. JAMES, PARTNER

STATE OF _____ County of _____, ss.

On this _____ day of _____, in the year of _____, before me _____,

a notary public, personally appeared _____,

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

Notary Public: _____

Residing at: _____

My Commission Expires: _____



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

P 186760 DS

WARRANTY DEED

READ AND APPROVED *[Signature]*

For Value Received

THE JAMES FAMILY LIMITED PARTNERSHIP, An Idaho Limited Partnership

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

E.L. BEWS and SHIRLEY G. BEWS, Husband and Wife

hereinafter referred to as Grantee, whose current address is

5204 SORRENTO CIRCLE, BOISE, ID 83704

the following described premises, to-wit:

THE WEST 1/2 OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE
NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION
34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 DE 16 PM 4:40

RECORDED - REQUEST OF PIONEER TITLE
FEE 3.00 DEPUTY *[Signature]*

99119661

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

Dated: December 15, 1999.

THE JAMES FAMILY LIMITED PARTNERSHIP

BY: *[Signature]*
JIMMIE N. JAMES, PARTNERBY: *[Signature]*
LA VERNE G. JAMES, PARTNERBY: *[Signature]*
LARRY D. JAMES, PARTNER

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 15th day of DECEMBER, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared JIMMIE N. JAMES, LA VERNE G. JAMES, LARRY D. JAMES, known or identified to me to be the PARTNERS of, an Idaho limited partnership, which such corporation is known or identified to me to be the general partner in the Idaho limited partnership of THE JAMES FAMILY LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP, and acknowledged to me that said corporation executed the same as general partner of said limited partnership and in said limited partnership's name. 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 of Idaho: *[Signature]*
Residing at: Meridian, ID
My Commission Expires: 1/23/02



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

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[[Get a certificate of existence for PRIMELAND DEVELOPMENT COMPANY, L.L.P.](#)]

PRIMELAND DEVELOPMENT COMPANY, L.L.P.

660 FRANKLIN STE 110
MERIDIAN, ID 83642

Type of Business: LIMITED LIABILITY PARTNERSHIP (LLP)

Status: EXISTING, ANREPT SENT 01 Sep 2004

State of Origin: IDAHO

Date of 10 Jul 2000

Origination/Authorization:

Current Registered Agent: FRANK VARRIALE
660 E FRANKLIN STE 110
MERIDIAN, ID 83642

File Number: J654

Date of Last Annual Report: 05 Oct 2004

Amendments:

Amendment filed 10 Jul 2000 APPL. FOR REGISTR.
(LLP)

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Report for year 2002 ANNUAL REPORT

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Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4137
WATER RIGHT NO(S). 63-08825/63-10713/63-10872

RECEIVED

FEB 18 1994

WATER RESOURCES
WESTERN REGION

This is to certify that: LARRY JAMES
JAMES FAMILY LTD PARTNERSHIP
4785 N TEN MILE RD
MERIDIAN ID 83642

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-08825 :			
IRRIGATION	03/15 to 11/15	2.78 CFS	963.0 AF
Priority: 05/06/1977			
Right No. 63-10713 :			
IRRIGATION	03/15 to 11/15	3.70 CFS	832.5 AF
Priority: 10/04/1988			
Right No. 63-10872 :			
IRRIGATION	03/15 to 11/15	0.31 CFS	151.3 AF
Priority: 08/01/1989			

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 26, Township 04N, Range 01W
NESE , Sec. 27, Township 04N, Range 01W
NENE , Sec. 34, Township 04N, Range 01W
NWNW , Sec. 35, Township 04N, Range 01W
NENE , Sec. 36, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	26	NWSW 20	SWSW 37	SWSE 37	
			SESE 15			109
		27	NESE 38 ✓	NWSE 36 ✓	SWSE 37 ✓	
			SESE 36 ✓			147
		28	SESE 35			35
		34	NENE 29 ✓	NWNE 38 ✓		67
		35	NWNW 37	SWNW 39		76

Total number of acres irrigated: 434

REPRODUCTION PROHIBITED

OCT 08 1996

JUL 08 1993

TRANSFER NO. 4137
WATER RIGHT NO(S). 63-08825/63-10713/63-10872

CONDITIONS/REMARKS:

- ✓1. Conditions per Memorandum Decision and Order dated 06-17-93.
- ✓2. Right No. 63-08825 is limited to the irrigation of 214 acres in the place of use described above in a single irrigation season.
- ✓3. Right No. 63-10713 is limited to the irrigation of 185 acres in the place of use described above in a single irrigation season.
- ✓4. Right No. 63-10872 is limited to the irrigation of 35 acres in the place of use described above in a single irrigation season.

Dated this 17th day of June, 1993.

A. Glen Saxton

Chief, Water Alloc. Bureau

MICROFILMED
MAY 1993
OCT 08 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)
TRANSFER OF WATER RIGHTS NOS.	)
63-8825, 63-10713 AND 63-10872	)
LARRY JAMES AND/OR JAMES FAMILY	)
LIMITED PARTNERSHIP	)
Applicant,	)
EVERETT L. AUSMAN, et al	)
Protestants.	)

FINAL MEMORANDUM DECISION AND ORDER
DENYING IN PART AND APPROVING IN PART
APPLICATION FOR TRANSFER

On May 13, 1993, the Department of Water Resources (department issued a Proposed Memorandum Decision and Order in connection with the above captioned matter. On May 27, 1993, protestant Catherine L. Nelson filed exceptions to the decision.

The department has reviewed the exceptions and responds to each as follows:

A) ATTACHMENT A of the decision has been changed to show that Catherine L. Nelson is an intervening protestant. The department allowed protestant Nelson to fully participate in the February 25, 1993 hearing conducted by the department.

B) The department has not included the water right principle of forfeiture in its decision, since the protestants did not allege forfeiture and the issue is not critical to the decision of the department. The primary objection of the protestants to the application for transfer was alleged injury to their water rights.

C) The more adequate supply of surface water in the Boise River drainage during 1993 means that irrigators will rely less on

MICROFILMED
OCT 08 1996

wells which are used to provide a supplemental supply of water.

After reviewing the exceptions which have been filed and based upon his understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On November 13, 1992, Larry James submitted an application for transfer to the Department of Water Resources to add points of diversion to licensed water rights nos. 63-8825, 63-10713 and 63-10872 (application). The points of diversion are referenced herein as follows:

<u>Well No.</u>	<u>Location</u>	<u>Status</u>
1	NESE, Sec. 27, Twp. 4N, Rge. 1W, B.M.	Existing
2	NENE, Sec. 34, Twp. 4N, Rge. 1W, B.M.	Existing
3	SESE, Sec. 26, Twp. 4N, Rge. 1W, B.M.	Existing
4	NENE, Sec. 36, Twp. 4N, Rge. 1W, B.M.	Existing
5	NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M.	Proposed
6	NESW, Sec. 25, Twp. 4N, Rge. 1W, B.M.	Proposed

Under the existing licenses, water right no. 63-8825 utilizes well nos. 1 and 2; water right no. 63-10713 utilizes well no. 3; and water right no. 63-10872 utilizes well no. 1. The application for transfer (application) proposes to add wells nos. 3, 4, 5 and 6 to water right no. 63-8825; to add wells nos. 4, 5 and 6 to water right no. 63-10713; and to add wells nos. 2, 3, 4, 5 and 6 to water right no. 63-10872. The combined rate of flow under these water rights is 6.79 cubic feet per second (cfs), for the irrigation of 434 acres.

2. Notice of the application was published in the Idaho Statesman on December 3 and 10, 1992. The deadline established for protests was December 21, 1992.

3. Protests against approval of the application were received from the persons in the "Original Protestants" list on Attachment A, incorporated herein by reference.

protestant, testified that his domestic well collapsed in 1990 and had to be replaced.

13. Many of the currently used wells in the vicinity of the proposed diversions provide water for single family domestic uses. Some of the wells have been drilled and used prior to March 29, 1978.

14. Relative to public interest, the protestants objected to economic costs related to increased pumping depths and well deepening. The applicant predicts economic gains for itself via more assured water supplies.

CONCLUSIONS OF LAW

1. Idaho Code, Sec. 42-222 states in part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code...

2. Consideration of the local public interest criterion of Idaho Code, Sec. 42-203A(5) is defined by Water Appropriation Rule 5,1,5. to include:

... the effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains; the effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use; and compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

3. Idaho Code, Sec. 42-226, states in part as follows:

The traditional policy of the State of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through

appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of the underground water resources.

4. Domestic wells drilled prior to [March 29,] 1978 are exempt from the provisions of Idaho Code, Sec. 42-226. Parker v. Wallentine, 103 Idaho 506,510 (1982).

5. A junior water right holder is responsible to compensate or to mitigate adverse impacts to owners of senior domestic wells drilled and used prior to March 29, 1978, if the junior water right holder's use directly causes such a domestic well to become unusable or require modification of the well or pumping system in order to obtain the domestic water.

6. Use of water under the application will not be enlarged if the use of water under the transfer is properly conditioned by the department.

7. Use of water under terms of the application will not injure other water rights if the transfer is accomplished in compliance with the conditions of approval shown below.

8. Approval of the application is not against the local public interest.

9. The maximum rate of diversion for irrigation purposes in Idaho is 0.02 cfs per acre unless justification for a larger rate has been provided to the satisfaction of the department.

10. New wells which do not withdraw water from the layer 100' to 200' below land surface will minimize interference with existing water rights.

11. The department should partially approve the application with certain conditions and limitations.

ANALYSIS

The protestants in this matter expressed a number of concerns relative to the addition of two new proposed wells, and relative to

operation of the irrigation system from ground water.

Regarding the addition of new wells, the applicant demonstrated that additional water will not be pumped if well no. 5 is allowed because it will share in producing the diversion capacity already licensed for well no. 3. Both of these wells are located on lands irrigated by the applicant. On the other hand, the applicant failed to provide a convincing need for well no. 6, in part due to its proposed location outside of the area which is irrigated under the water right licenses, and in part providing the potential for increased diversion under the rights. Thus, approval of the addition of well no. 6 should be denied.

Regarding the operation of the irrigation system, one concern expressed by the protestants is the potential for excessive diversions for irrigation of lands served by the wells, when combined with surface water flows provided from the Boise River. Diversions from the wells identified herein should be measured by the water right holder to ensure that excessive flows are not diverted, and to provide that surface water supplies are used to the maximum extent to minimize impact on the ground water aquifers. In addition, the applicant should be required to ensure that no more than 0.02 cfs per acre is applied to the irrigated land at any time from all available water sources.

Concerns about the aquifer are two-fold. One aspect is related to the amount of water available for appropriation. In this regard, information in the file and records of the Department demonstrates that there is ample water in the aquifer to provide for the uses identified in these water rights, while providing for other water rights in the basin. The other aspect is related to the impact of diversions under these water rights on artesian pressures and water levels within the aquifer. Parker v. Wallentine allows domestic users with rights prior to March 29, 1978 to seek mitigation or compensation from any groundwater user determined to adversely affect the domestic uses.

The concern expressed by the protestants about unapproved use of a surface water canal system by the applicant for delivery of

diverted ground water is a private matter between the applicant and the owner/operator of the canal and need not be considered by the Department since approval of the transfer does not grant a right-of-way.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer of Licensed Water Rights Nos. 63-8825, 63-10713 and 63-10872 is DENIED IN PART AND APPROVED IN PART as described below:

~~A.~~ The construction and use of well no. 6, proposed to be located within the NESW, Sec. 25, Twp. 4N, Rge. 1W, B.M. is DENIED.

B. The addition of well no. 5, located within the NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M. is APPROVED, subject to the following conditions and limitations:

etp ~~1.~~ The applicant shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

etp ~~2.~~ Well no. 5 ^{NWNW, S. 35} shall be either shallower than 100 feet, or cased and sealed to a minimum depth of 200 feet. The motor installed for diversion from this well shall be limited to a 15 horsepower rating.

omit ~~3.~~ Diversion under water rights nos. 63-8825 and 63-10872 is allowed from wells nos. 1 through 5. Diversion under water right no. 63-10713 is allowed from wells nos. 3 through 5.

~~4.~~ ~~These water rights are subject to all prior water rights.~~ *omit*

etp ~~5.~~ These rights, when combined with all other rights, shall provide no more than .02 cfs per acre nor more than 4.5 af per acre for the lands above.

etp ~~6.~~ The right holder is not authorized to increase the horsepower on the existing wells over that already installed and operating during the 1992 irrigation season.

etp 7. Prior to diversion of water in 1993, a measuring device of a type acceptable to the Department shall be installed and maintained in conjunction with each well that diverts water under these water rights. In addition, the water right holder shall

provide to the Department a plan limiting diversions to no more than 0.02 cfs per acre for irrigation purposes on irrigated land from all sources. This plan must be approved before pumpage under this transfer is authorized.

8. The applicant is responsible to ensure that water pumped under this transfer does not cause the water level in any irrigation well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under this transfer.

9. The applicant is responsible to ensure that water pumped under this transfer does not directly, as determined by the Director, cause the water level in any domestic well drilled prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the applicant provides reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

10. Water diverted under these water rights is to be used for supplemental purposes only, in connection with the primary surface water rights from the Boise River. The surface water rights dedicated to this land must be utilized to their full extent during any year that these supplemental ground water rights are utilized.

11. Approval of this water right transfer does not grant any right-of-way or easement across the land of another.

12. The protests of parties who did not attend the hearing are set aside and those protestants are bound by this decision to the same extent as those that did attend the hearing.

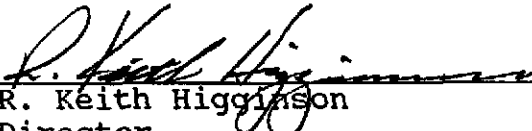
13. The applicant shall complete the change authorized by this transfer within one (1) year of the date of final approval.

14. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the transfer approval should not be rescinded.

15. Approval of this transfer does not preclude the

opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 17TH day of JUNE, 1993.



R. Keith Higginson
Director

ATTACHMENT A

Application For Transfer Nos.
63-8825, 63-10713 and 63-10872
in the Names of Larry James &/or
James Family Limited Partnership

ORIGINAL PROTESTANTS

Dave Bayloss
Jack Bruck*
Dave Cooper
Edith Cooper
Tony & Desiree Degiorgio
Mike &/or Gladys Degraaff
John A. Dudgeon*
Herbert Endicott*
Fran N. Fisher*
Rocky Hammons
Charles H. Howarth
Philip & David Ingersoll
J. R. Kellogg*
Fulgencio Legarreta
Grace Litz
Jack J. Myers*
Chuck Nichols
Merrill &/or Alice Saleen*
Wilford T. &/or Eve Sindon
Tom Smith*
Carla J. Starkey
Doug Stewart*
James C. Ward
Warren Watson*
Dwaine Wolf*
Fay M. White*
Lester &/or Betty Vogel*
Martin Yurke*

INTERVENING PROTESTANTS

Everett L. Ausman
Dan &/or Donna Battazzo
Ted &/or Lusann Cutler
John &/or Nancy Ebbinghaus*
Martha Gibbons
Dellene Grasmick
Frank Greer
Richard F. Hudson
Cynthia Lee
Jose R. Legarreta
Jean Llewellyn
Jan Mack
John &/or Hester G. Stickney
John Teegarden
Conrad &/or Barbara Wright
Catherine L. Nelson*

* Denotes attendance at hearing

MICROFILMED
OCT 08 1996

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 17th day of June, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Memorandum Decision and Order to the following:

Larry James
James Family Partnership
4785 N Ten Mile Rd
Meridian, ID 83642

Merrill & Alice Saleen
1250 W Ustick Rd
Meridian, ID 83642

Jack Bruck
1295 W McMillan Rd
Meridian, ID 83642

Lester & Betty Vogel
3610 N Linder Rd
Meridian, ID 83642

Fran N Fisher
4450 N Linder
Meridian, ID 83642

Dwaine Wolf
4895 N Meridian Rd
Meridian, ID 83642

J R Kellog
1385 W Ustick Rd
Meridian, ID 83642

John A Dudgeon
4895 N Linder
Meridian, ID 83642

Herbert Endicott
1450 W Ustick
Meridian, ID 83642

Fay M White
4015 N Meridian Rd
Meridian, ID 83642

Doug Stewart
5960 N Linder Rd
Meridian, ID 83642

Tom Smith
4650 N Linder Rd
Meridian, ID 83642

Jack J Myers
4010 N Meridian Rd
Meridian, ID 83642

Warren Watson
1680 W Ustick Rd
Meridian, ID 83642

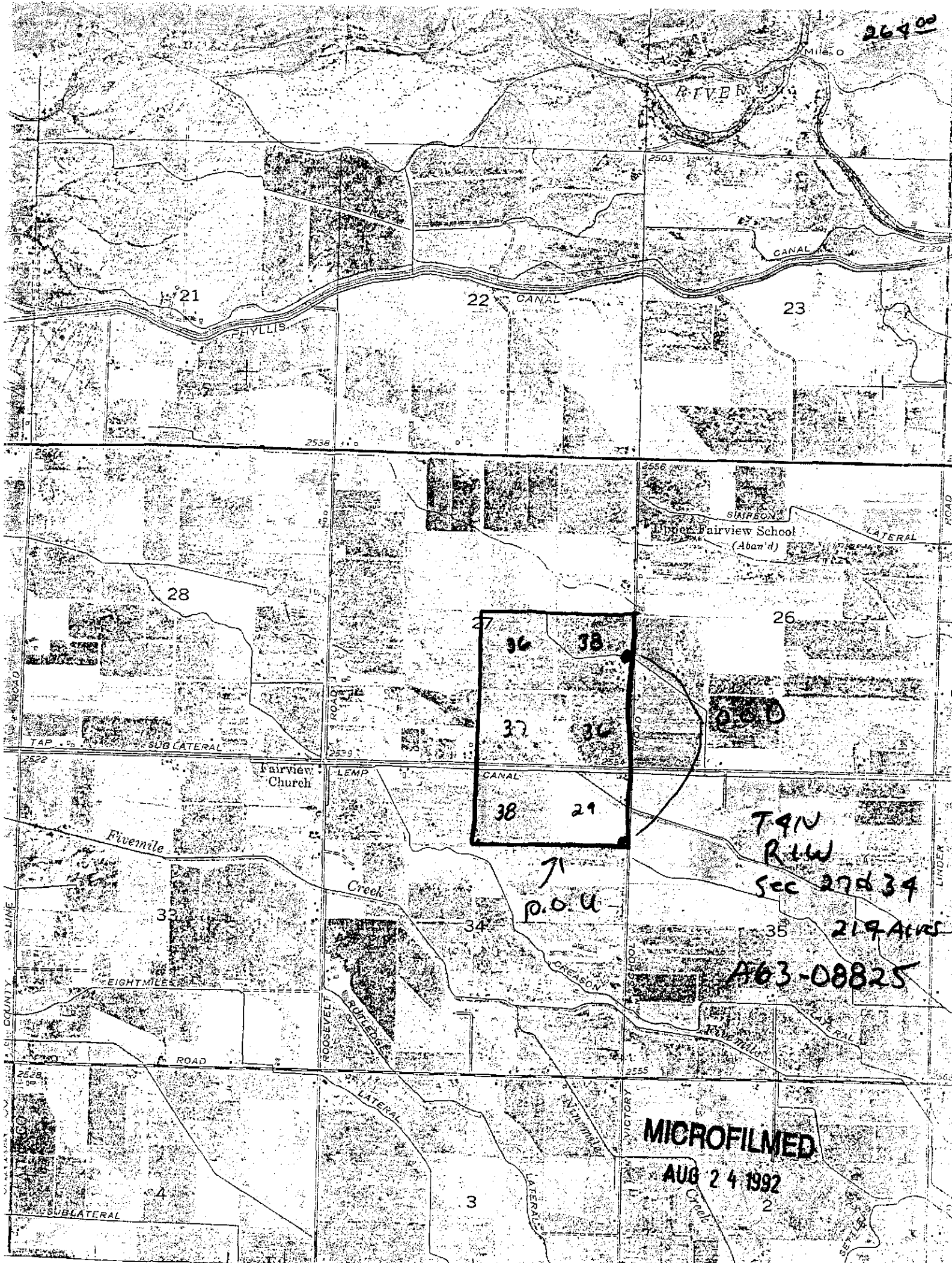
Martin Yurke
3485 N Linder Rd
Meridian, ID 83642

John & Nancy Ebbinghaus
1437 W McMillan Rd
Meridian, ID 83642

Catherine Nelson
5555 N Linder Rd
Meridian, ID 83642


Karen L. Gustafson
Secretary/Records Manager

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OCT 08 1996





Idaho Department of Water Resources

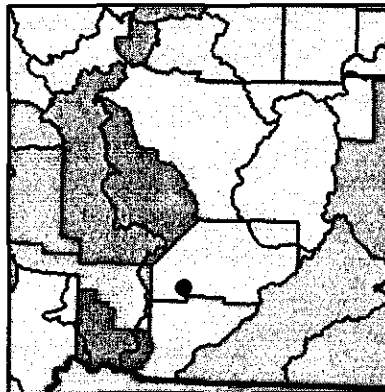
SRBA Recommendation:

63-32317

(Irrigation)

Legend

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



Ada County
IDWR Basin 63

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



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

RIGHT NUMBER: 63-32317

NAME AND ADDRESS: ED L BEWS
5204 SORRENTO CIR
BOISE ID 83704

SHIRLEY G BEWS
5204 SORRENTO CIRCLE
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.370 CFS
474.800 AFY

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 below.

PRIORITY DATE: 05/06/1977

POINT OF DIVERSION:

✓ T04N R01W S26 SESE Within ADA County
✓ T04N R01W S27 NESE Within ADA County
✓ T04N R01W S34 NENE Within ADA County
✓ T04N R01W S35 NWNW Within ADA County
T04N R01W S36 NENE 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	1.370 CFS 474.80 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 S27	NESE	38.00	T04N R01W S27	NWSE	36.00
T04N R01W S27	SWSE	37.00	T04N R01W S27	SESE	36.00
T04N R01W S34	NENE	29.00	T04N R01W S34	NWNE	38.00

214 ACRES TOTAL

This right is limited to the irrigation of 105.5 acres within the place of use described above in a single irrigation season.

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

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not cause the water level in any irrigation well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under Transfer No. 4137.

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

Failure of the right holder to comply with the conditions of Transfer No. 4137 is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder is not authorized to increase the horsepower on the existing wells over that already installed and operating during the 1992 irrigation season.

Prior to diversion of water in 1993, a measuring device of a type acceptable to the Department shall be installed and maintained in conjunction with each well that diverts water under these water rights. In addition, the water right holder shall provide to the Department a plan limiting diversions to no more than 0.02 cfs per acre for irrigation purposes on irrigated land from all sources. This plan must be approved before pumpage under Transfer No. 4137 is authorized.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not directly, as determined by the Director, cause the water level in any domestic well drilled prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the applicant provides reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

Water diverted under these water rights is to be used for supplemental purposes only, in connection with the primary surface water rights from the Boise River. The surface water rights dedicated to this land must be utilized to their full extent during any year that these supplemental ground water rights are utilized.

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

Well no. 5, located within the NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M. shall be either shallower than 100 feet, or cased and sealed to a minimum depth of 200 feet. The motor installed for diversion from this well shall be limited to a 15 horsepower rating.

This right is a split from former right 63-8825 .

Approval of Transfer No. 4137 does not grant any right-of-way or easement across the land of another.

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: 63-8825 (Split)
	)	63-32316, 63-32317,
	)	63-32318, 63-32319
Case No. 39576	)	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 |
- ☐ 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	☐	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:

James Family Ltd Partnership	☐	overnight mail
4675 N Ten Mile Rd	☒	regular mail
Meridian ID 83642	☐	hand-delivered
	☐	facsimile

Larry D James	☐	overnight mail
4785 N Ten Mile Rd	☒	regular mail
Meridian ID 83642	☐	hand-delivered
	☐	facsimile

Ed L Bews
Shirley G Bews
5204 Sorrento Circle
Boise ID 83704

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

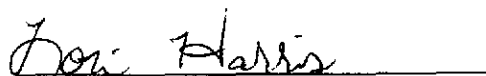
Bews Family Limited Partnership
5204 Sorrento Circle
Boise ID 83704

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

Primeland Development
Frank Varriale
660 E Franklin Ste 110
Meridian ID 83642

☐ 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

June 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ED L BEWS
SHIRLEY G BEWS
5204 SORRENTO CIRCLE
BOISE ID 83704

Re: Original Notice of Claim to a Water Right No. 63-8825
Renumbered to Notice of Claim to a Water Right No. 63-32317

Dear Mr. & Mrs. Bews:

We have received and processed a Change of Ownership for a portion of the 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: James Family Partnership, Scott King-SPF Water Engineering



SPF Water Engineering, LLC
water resource consultants

December 21, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

DEC 21 2005

WATER RESOURCES
WESTERN REGION

Via hand delivery

Subject: Ownership change and split of 63-8825, 63-10713, & 63-10872

On behalf of my client, enclosed is an ownership change notice for the above three referenced rights. We had earlier submitted ownership change notices for other portions of these rights. This change is concerning property located at T04N R01W Section 28 SESE, to which 35 acres of the "James" rights are appurtenant.

Please let me know if you have any questions or require any additional information.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

File: 451.0030

cc: Engineering Solutions / Becky McKay

**SPF**Water Engineering, LLC
water resource consultants*Kimberly*

November 9, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

NOV 14 2005

WATER RESOURCES
WESTERN REGION*Subject: Ownership change and split of 63-8825, 63-10713, & 63-10872*

On behalf of my client, enclosed are ownership change notices for the above three referenced rights. These documents refer to about 80% of these rights. EL and Shirley Bews own 49% of the rights in their name. Primeland Development Company owns 31% of the rights, and Mr. & Mrs. Bews are authorized to sign as partners in the company. The enclosed map describes the respective parcels. Also enclosed is a check for \$200 which should cover the required fees.

It is my understanding that Bews also owns T04N R01W Section 28 SESE, to which another 35 acres of the James rights are appurtenant. However, I do not have appropriate documentation of their ownership at this time. When it becomes available, I will forward to your office. Then, Bews will show ownership of 57% of the rights.

Please let me know if you have any questions or require any additional information.

Sincerely,

*Scott King*Scott N. King, P.E.
Senior Project Engineer

File: 451.0030