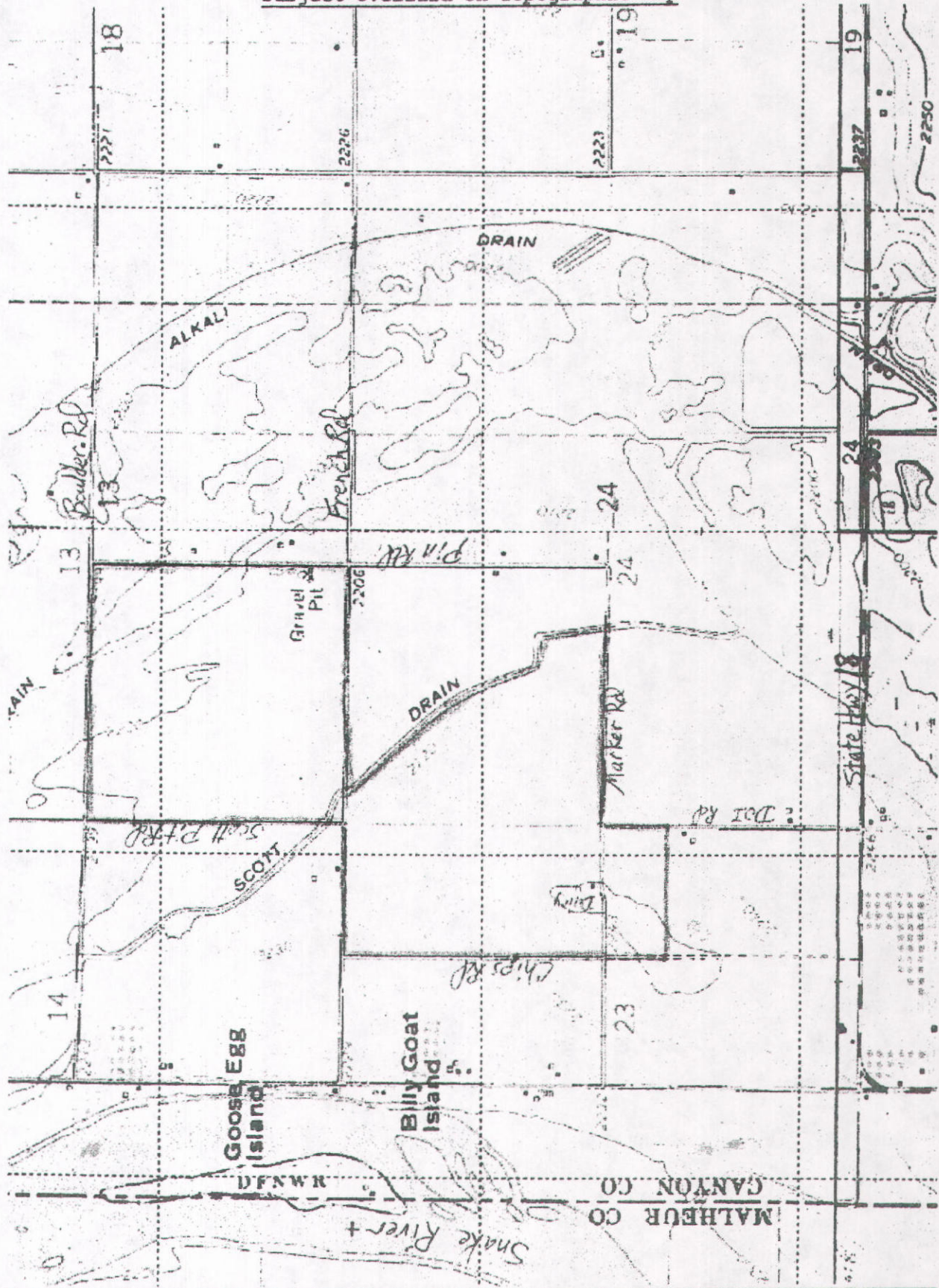
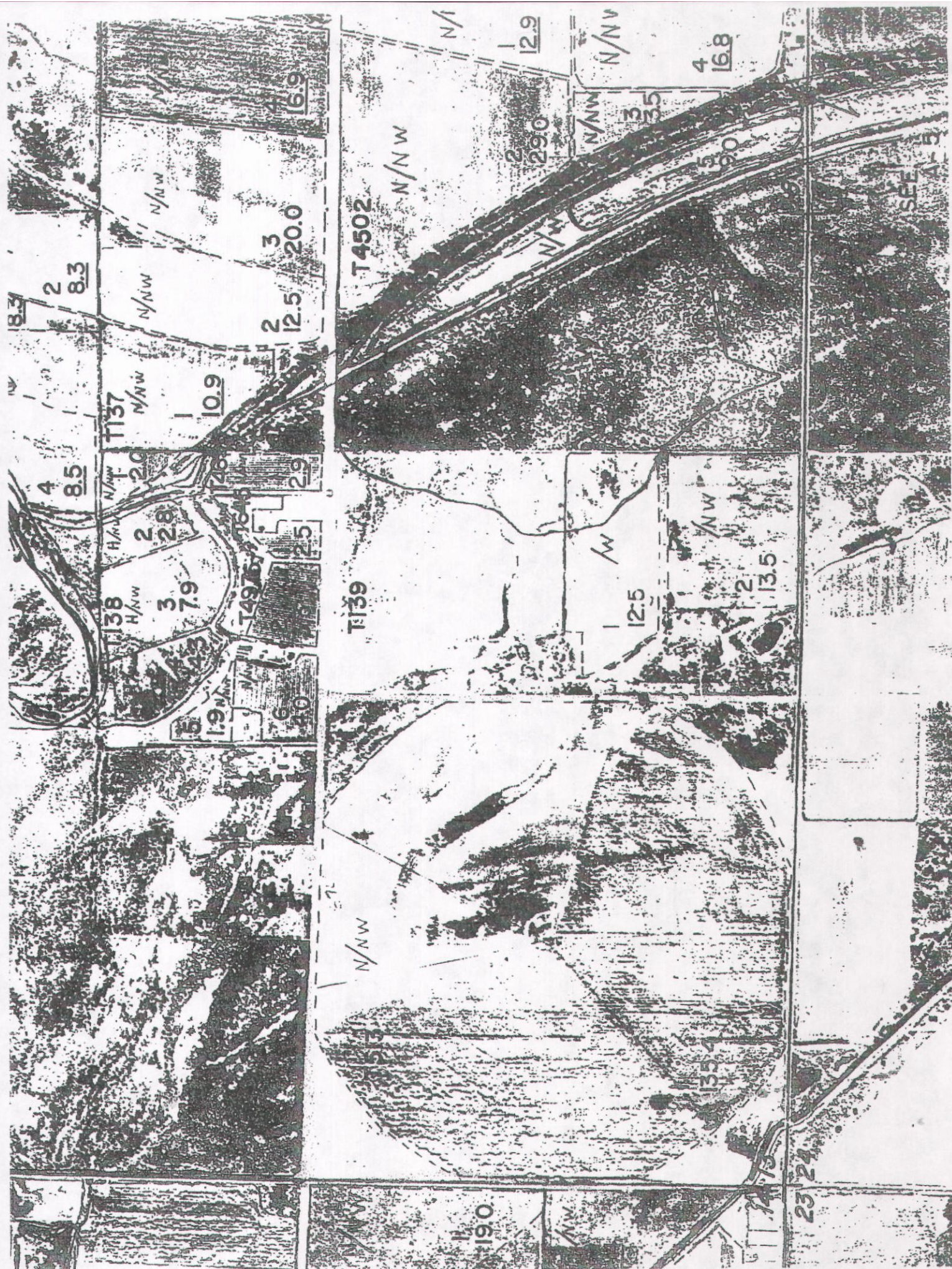


Subject Overlaid on Topographic Map





T5

POOR ORIGINAL

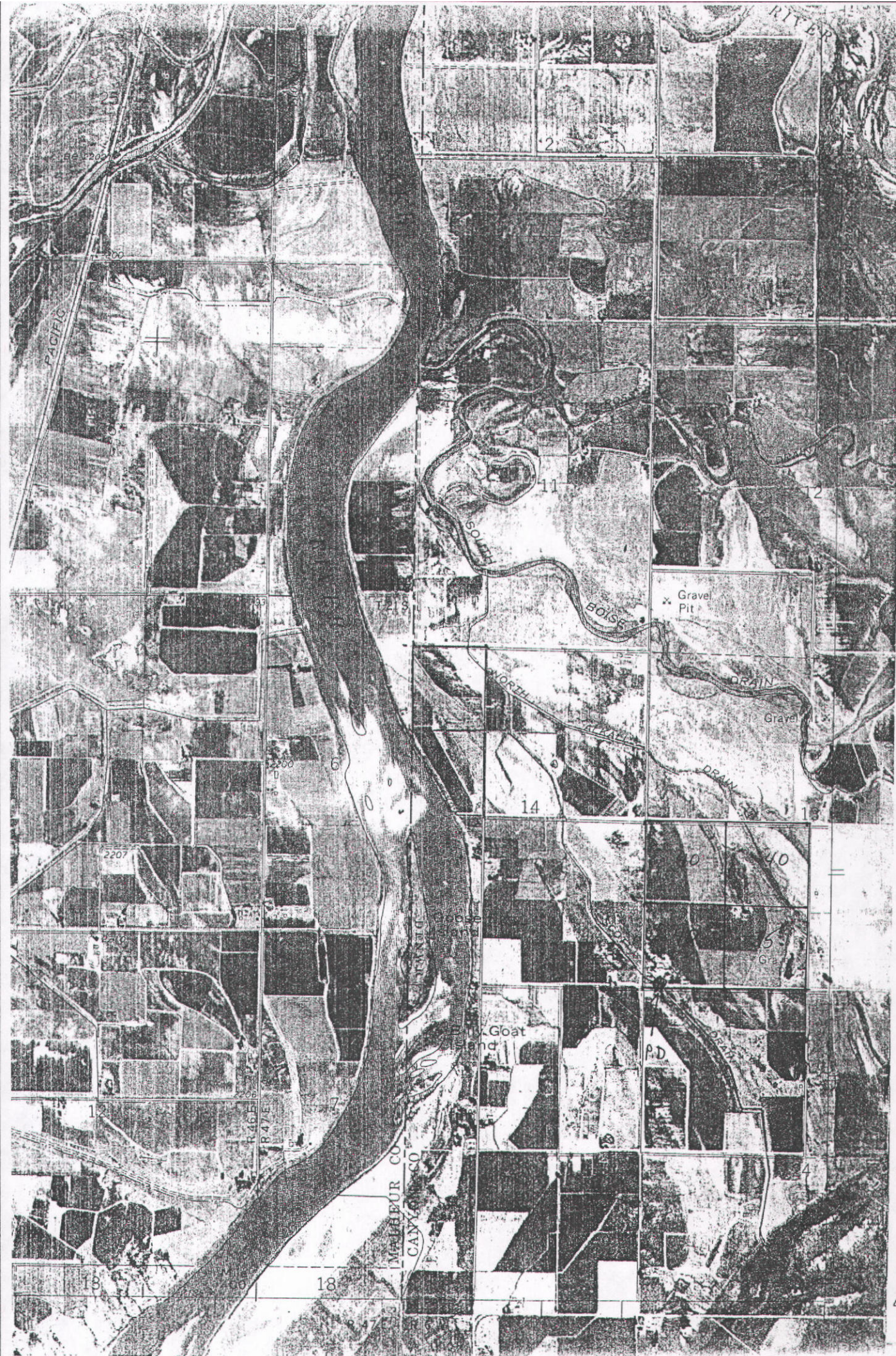
770 000 FEET
(IDAHO)

T5N
R6W

48 45000m.N.

MICROFILMED
43 5 2 707
26301

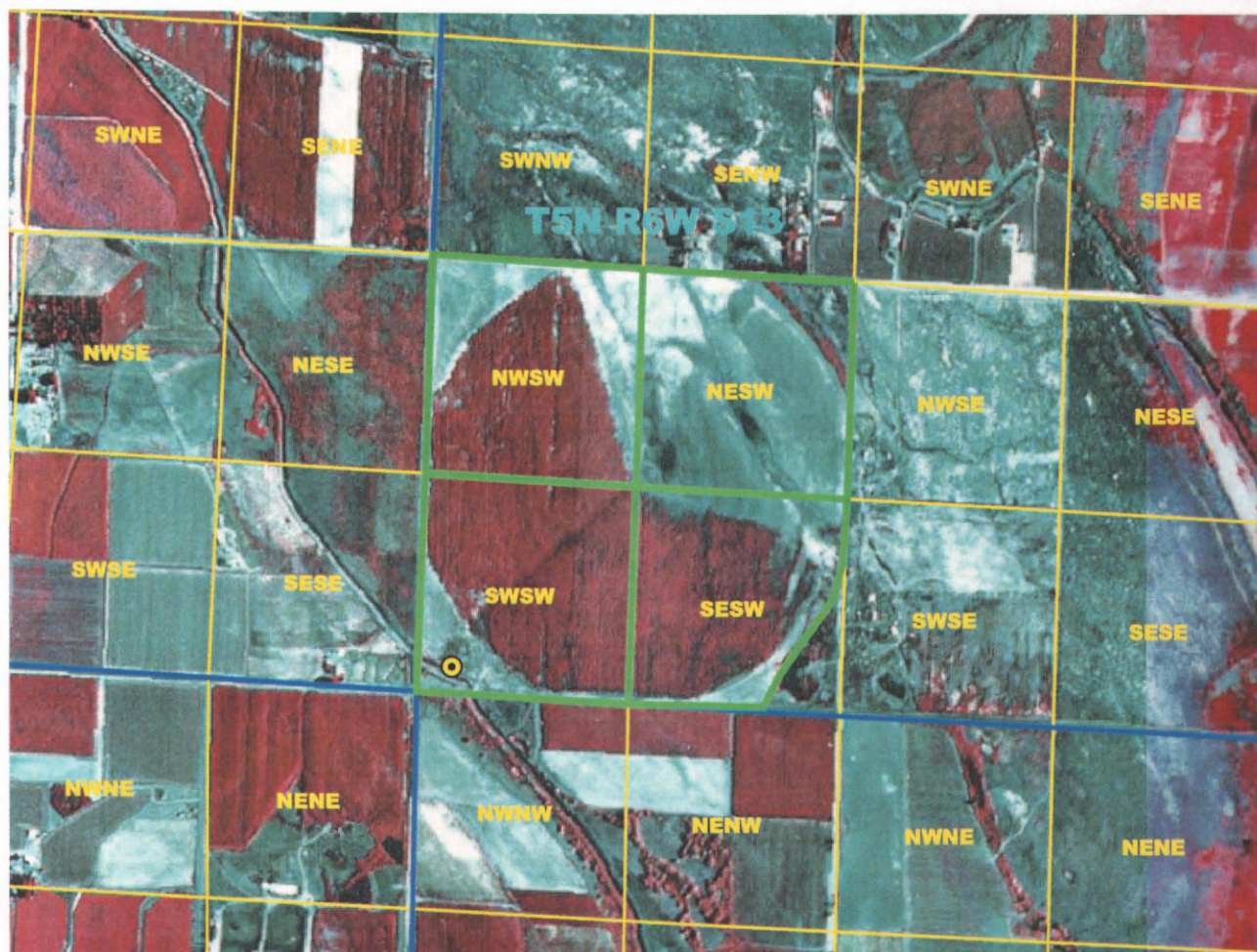
43 45'





State of Idaho
Idaho Department of Water Resources
Western Region

T5N R6W SECTION(S) 13
WATER RIGHT(S) : 63-2630D



0.5 0 0.5 1 Miles

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

Total Irrigated Acres = 155 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: September 2006

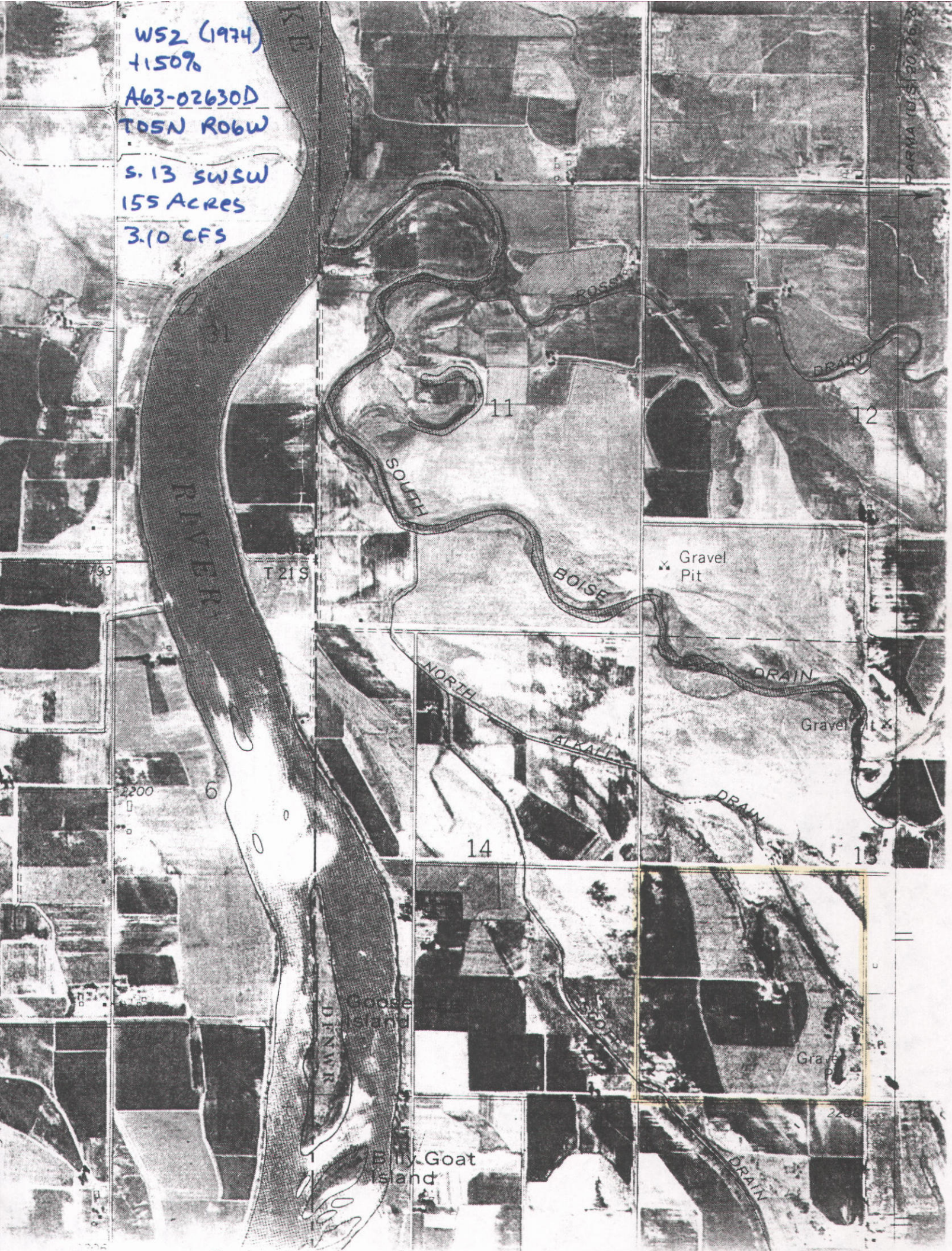


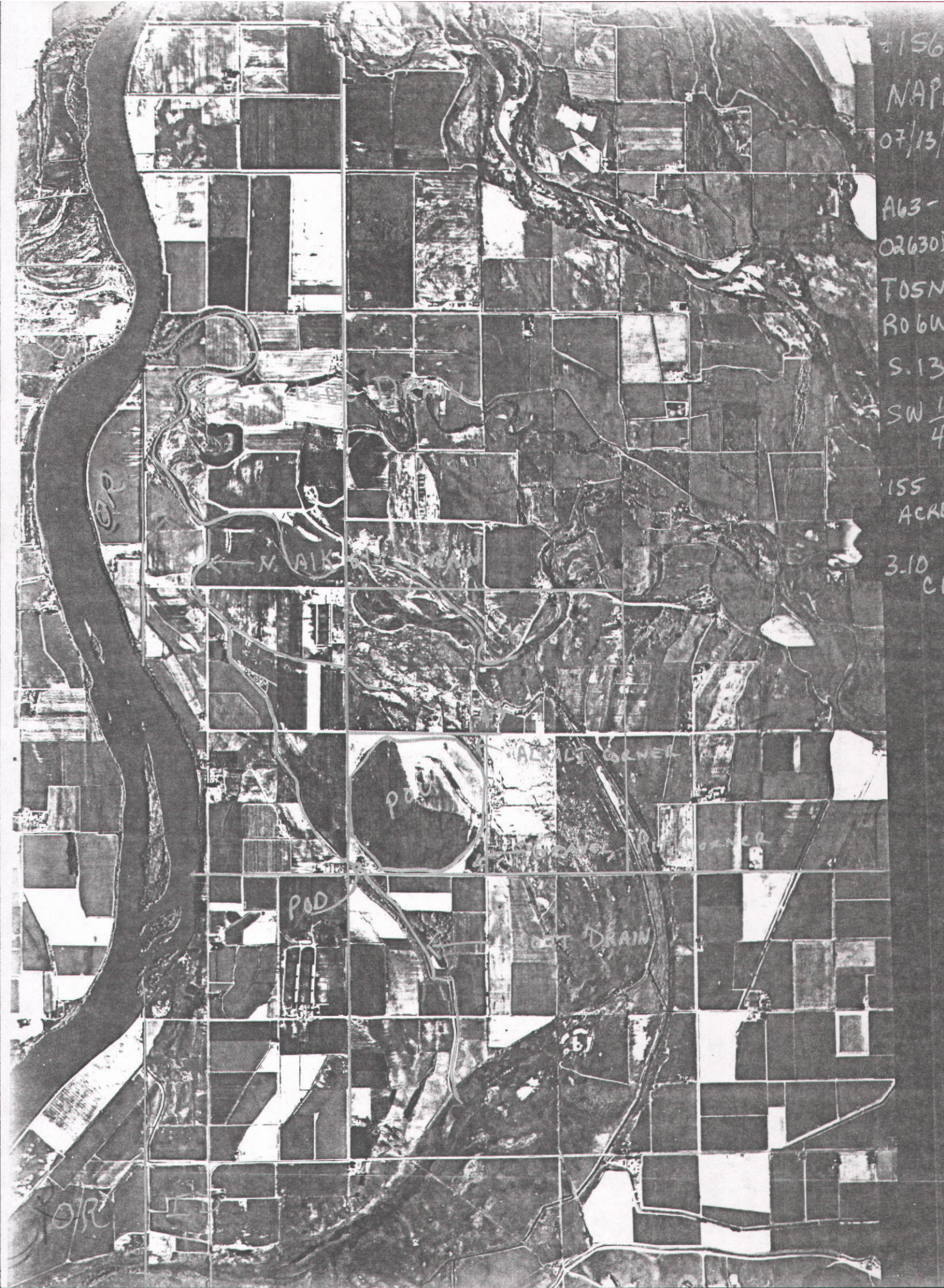
WS2 (1974)
+150%

A63-02630D
T05N R06W

S. 13 SWSW
155 Acres

3.10 CFS





+156

NAP

07/13/

A63-

02630

T05M

R06W

S.13

SW 1/4

4

155

ACK

3.10

C



PHOTOGRAPHER AND DATE OF PHOTOS MINIUCCI 07/14/1995

FILE NO. A63-02630D T05N R06W S.13 SW SW



- ① Point of diversion
is SW corner
of SW SW S.13.
SCOTT DRAIN is
in the background.



- ② SW SW SW corner
of S.13, NOT under
irrigation. Center
pivot does not have
the corners irrigated.
Looking west toward
MARDISCA property.

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 63-2630D
Date Received: 4/13/1990
Receipt No: C016266
Received By:

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

1. Name of Claimant(s)

DE HOOG PROPERTIES INC. Phone:
31156 MARKER ROAD
PARMA ID USA 83660

2. Date of Priority: 02/21/1946

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	06W	13	SW SW SW	CANYON	

5. Description of diverting works:

PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	3.1	

7. Total Quantity Appropriated is:
3.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	06W	13	NW SW	IRRIGATION	40
			SW SW	IRRIGATION	40
			SE SW	IRRIGATION	35
			NE SW	IRRIGATION	40

Section Acres 155
Total Acres 155

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Use of water under this water right will be regulated by the watermaster of
State Water District No. &DISTRICT.

CHANGE IN OWNERSHIP LG 11-15-2006

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: A63-02630D
Date Received: 4/13/1990
Receipt No: C016266
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DOWNS DAIRY LIMITED PARTNERSHIP
Address: 31156 MARKER RD.
PARMA ID 83660

208-722-6570

2. Date of Priority: FEB 21, 1946

3. Source: UNNAMED STREAM

Trib. to: BOISE RIVER

4. Point of Diversion:

Department of Water Resources
Western Regional Office

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	06W	13	SW	SW	SW		CANYON

5. Description of diverting works:
PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.100		

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

A.F.A.

8. Total consumptive use is 542.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	06W	13	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	35.0

A63-02630D

Page 1

Date: 12/15/92

MICROFILMED

JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	155.0
					Total Acres	155.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 19769

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: A63-02630D
Date Received: 4/13/1990
Receipt No: CD16266
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOWNS DAIRY LIMITED PARTNERSHIP 208-722-6570
Address: 31156 MARKER RD.
PARMA, ID 83660

2. Date of Priority: FEB 21, 1946

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	06W	13	SW	SW	SW		CANYON

5. Description of diverting works:
PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.100		

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

8. Total consumptive use is 542.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	06W	13	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	35.0

Section Acres 155.0

A63-02630D

Page 1

Date: 04/13/90

MICROFILMED

JUL 25 1994

10. Place of Use: Continued

Total Acres 155.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 19769

(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.

For Organizations:

statements contained in the

Sally Douns
Signature of Authorized Agent

General Partner of Douns Day
Title and Organization

4-13-90
Date

Subscribed and sworn (or affirmed) before me this 13th day
of April 19 90 Caroline Fulscher
Notary Public

Residing at Eagle, Id.
My Commission Expires 3-21-94

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

RECEIVED

AUG 29 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
63-2630D - AJ					

RECEIVED

from W.A.

OCT 6 2005

Department of Water Resources

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 Downs

4. New Owner/Claimant(s)

Est De Hoog Properties LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

31156 Marker Rd

City, State and ZIP Code

Parma ID 83660

New Telephone Number

208 722 7348

5. Date you acquired the property

6/16/1997

RECEIVED

OCT 07 2005

WATER RESOURCES
WESTERN REGION

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Amie De Noog
manager / member

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 Aggner Date 8-29-05 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by Aggner AJ Date 11-15-06 WR _____ Date _____

SITE DESCRIPTION

Location and Area

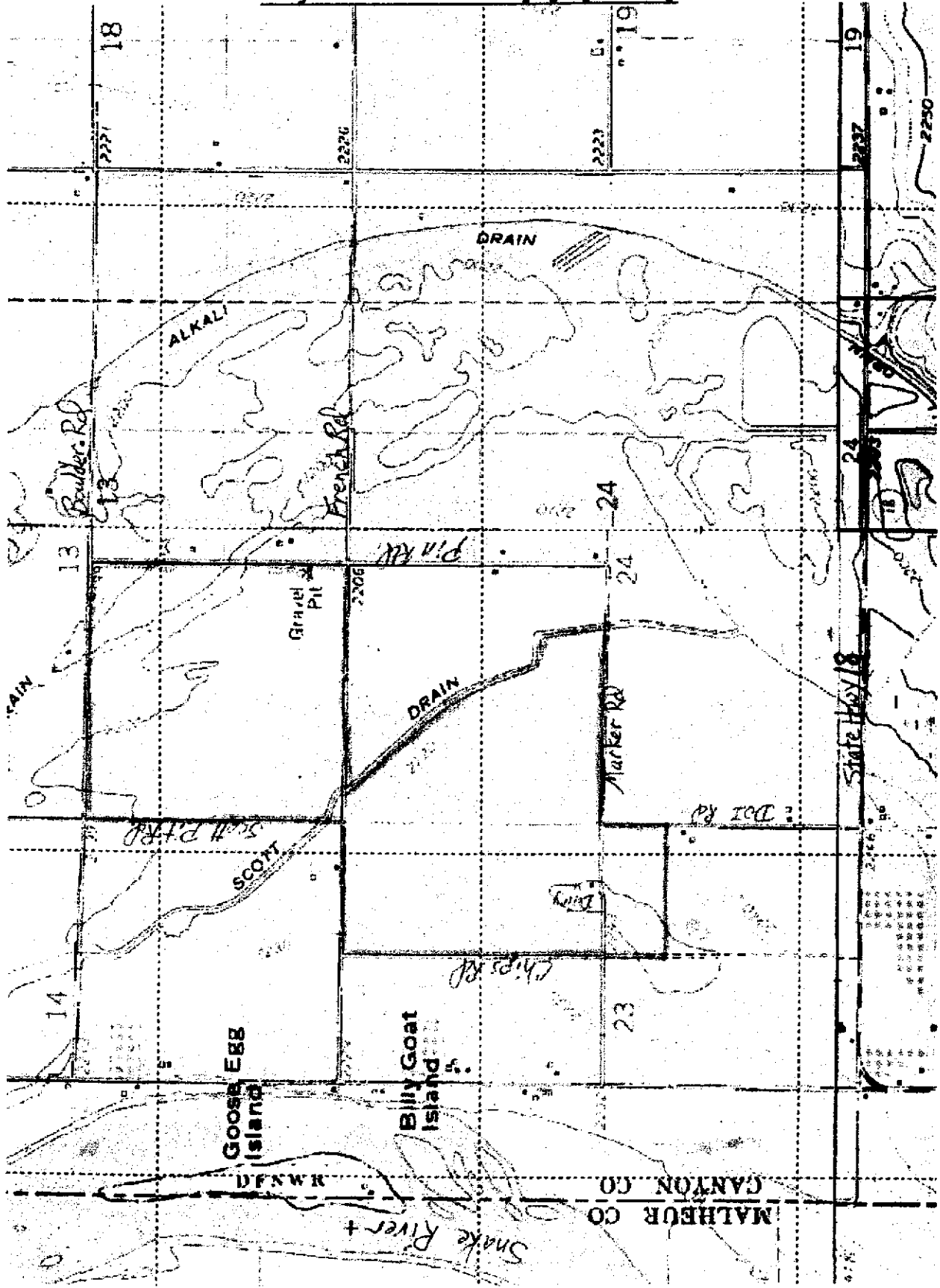
The appraiser was acquired the legal description from Canyon County public records, see legal description in Addenda. The subject is the SW ¼ of Section 13 (160.0 acres), the E ½ NE ¼ and the N ½ NE ¼ SE ¼ of Section 23 (100.0 acres), and the portion of the NW ¼ of Section 24 lying westerly of the Scott Drain (80.78 acres), all in Township 5 North, Range 6 West, Boise Meridian. The subject is irregular in shape. Acreage estimates are from Canyon County Assessor's records. Total acreage for subject is 340.78 ± acres.

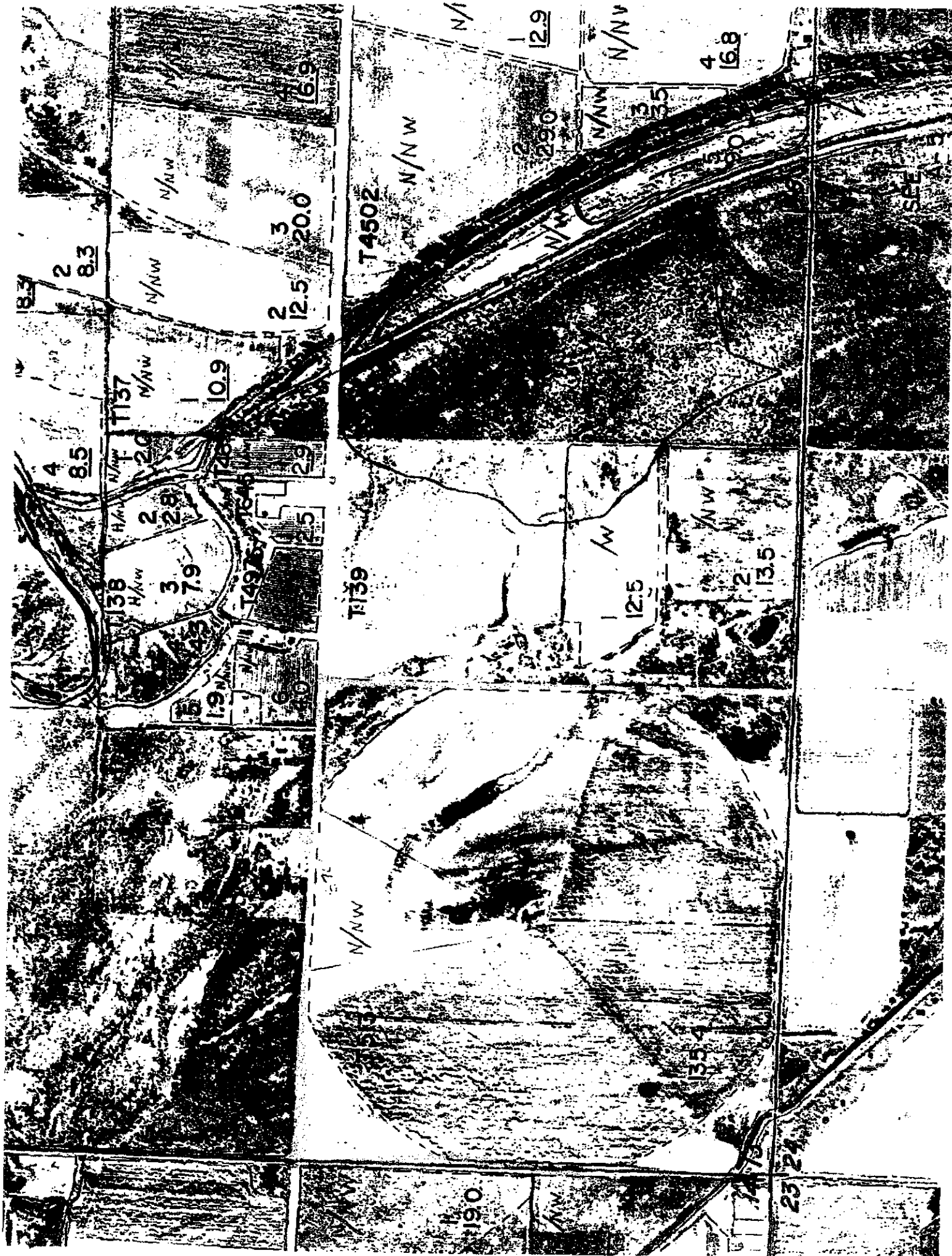
The subject is overlaid on the Roswell Park Fruit Tract subdivision, which was never developed in the area. This subdivision is grandfathered, pre-existing area zoning regulations (see zoning below).

Topography and Drainage

Elevation on the subject is approximately 2,200 to 2,243 feet above sea level. The subject has a slight hill in the southwest portion, which is the high point. The low points are along the northern border. Most of the subject has gentle slopes (see plat map overlaid on Topographical map). The North Alkali Drain crosses the northeasterly portion of Section 13. The Scott Drain runs from southeast to northwesterly across the subject and intersects the North Alkali Drain. The area predominately drains northwesterly-westerly toward the Snake River.

Subject Overlaid on Topographic Map





PN 43390

Recording Requested By,
And when recorded return to:
WELLS FARGO BANK,
NATIONAL ASSOCIATION
201 3rd Street, 8th Floor
San Francisco, CA 94103
Attention: Loan Documentation #02101

REQUEST - PIONEER - MARIA
TYPE: MORTGAGE RE: 413-00

CANYON COUNTY RECORDER
BY: [Signature]

97 JUL 18 AM 11 35

RECORDED

9722029

DEED OF TRUST AND ASSIGNMENT OF RENTS AND LEASES

THIS DEED OF TRUST AND ASSIGNMENT (this "Deed of Trust") is executed as of June 16, 1997, by GEERTJE N. DE HOOG, a single woman ("Grantor"), to WELLS FARGO BANK (ARIZONA), NATIONAL ASSOCIATION ("Trustee"), for the benefit of WELLS FARGO BANK, NATIONAL ASSOCIATION ("Beneficiary").

ARTICLE I. GRANT IN TRUST

1.01 Grant. For the purposes and upon the terms and conditions in this Deed of Trust, Grantor irrevocably grants, conveys and assigns to Trustee, in trust for the benefit of Beneficiary, with power of sale and right of entry and possession, Grantor's interest in: (a) all real property located in West Canyon County, Idaho, and described on Exhibit A attached hereto and which real property is within a city or village or is 20 acres or less in size; (b) all easements, rights-of-way and rights used in connection with or as a means of access to any portion of said real property; (c) all tenements, hereditaments and appurtenances thereof and thereto; (d) all right, title and interest of Grantor, now owned or hereafter acquired, in and to any land lying within the right-of-way of any street, open or proposed, adjoining said real property, and any and all sidewalks, alleys and strips and gores of land adjacent to or used in connection with said real property; (e) all buildings, improvements and landscaping now or hereafter erected or located on said real property; (f) all development rights, governmental or quasi-governmental licenses, permits or approvals, zoning rights and other similar rights or interests which relate to the development, use or operation of, or that benefit or are appurtenant to, said real property; (g) all mineral rights, oil and gas rights, air rights, water or water rights, including without limitation, all wells, canals, ditches and reservoirs of any nature and all rights thereto, appurtenant to or associated with said real property, whether decreed or undeclared, tributary or non-tributary, surface or underground, appropriated or unappropriated, and all shares of stock in any water, canal, ditch or reservoir company, and all well permits, water service contracts, drainage rights and other evidences of any such rights; and (h) all interest or estate which Grantor now has or may hereafter acquire in said real property and all additions and accretions thereto, and all awards or payments made for the taking of all or any portion of said real property by eminent domain or any proceeding or purchase in lieu thereof, or any damage to any portion of said real property (collectively, the "Subject Property"). The listing of specific rights or property shall not be interpreted as a limitation of general terms.

1.02 Address. The address of the Subject Property (if known) is: 31155 Marker Road, Parma, ID 83660. Neither the failure to designate an address nor any inaccuracy in the address designated shall affect the validity or priority of the lien of this Deed of Trust on the Subject Property as described on Exhibit A. In the event of any conflict between the provisions of Exhibit A and said address, Exhibit A shall control.

ARTICLE II. OBLIGATIONS SECURED

2.01 Obligations Secured. Grantor makes this grant and assignment for the purpose of securing the following obligations (each, a "Secured Obligation" and collectively, the "Secured Obligations"):

(a) payment to Beneficiary of all sums at any time owing and performance of all other obligations arising under or in connection with that certain promissory note ("Note") dated as of June 16, 1997, in the maximum principal amount of \$918,000.00, with interest as provided therein, executed by GEERTJE N. DE HOOG and payable to Beneficiary or its order on or before August 6, 2004, together with the payment and performance of any other indebtedness or obligations incurred in connection with the credit accommodation evidenced by the Note, whether or not specifically referenced therein; and

(b) payment and performance of all obligations of Grantor under this Deed of Trust, together with all advances, payments or other expenditures made by Beneficiary or Trustee as or for the payment or performance of any such obligations of Grantor; and

(c) payment and performance of all obligations, if any, and the contracts under which they arise, which any rider attached to and recorded with this Deed of Trust recites are secured hereby; and

(d) payment and performance of all future advances and other obligations that the then record owner of the Subject Property may agree to pay and/or perform (whether as principal, surety or guarantor) for the benefit of Beneficiary, when any such advance or other obligation is evidenced by a writing which recites that it is secured by this Deed of Trust; and

(e) all modifications, extensions and renewals of any of the Secured Obligations (including without limitation, (i) modifications, extensions or renewals at a different rate of interest, or (ii) deferrals or accelerations of the required principal payment dates or interest payment dates or both, in whole or in part), however evidenced, whether or not any such modification, extension or renewal is evidenced by a new or additional promissory note or notes.

2.02 Obligations. The term "obligations" is used herein in its most comprehensive sense and includes any and all advances, debts, obligations and liabilities heretofore, now or hereafter made, incurred or created, whether voluntary or involuntary and however arising, whether due or not due, absolute or contingent, liquidated or unliquidated, determined or undetermined, joint or several, including without limitation, all principal, interest, charges, including prepayment charges and late charges, and loan fees at any time accruing or assessed on any Secured Obligation.

2.03 Incorporation. All terms of the Secured Obligations are incorporated herein by this reference. All persons who may have or acquire an interest in the Subject Property are hereby deemed to have notice of the terms of the Secured Obligations and to have notice, if provided therein, that: (a) the Note or any other Secured Obligation may permit borrowing, repayment and reborrowing; and (b) the rate of interest on one or more of the Secured Obligations may vary from time to time.

ARTICLE III. ASSIGNMENT OF RENTS

3.01 Assignment. For the purposes and upon the terms and conditions set forth herein, Grantor irrevocably assigns to Beneficiary all of Grantor's right, title and interest in, to and under all leases, licenses, rental agreements and other agreements of any kind relating to the use or occupancy of any of the Subject Property, whether existing as of the date hereof or at any time hereafter entered into, together with all guarantees of and security for any tenant's or lessee's performance thereunder, and all amendments, extensions, renewals and modifications thereto (each, a "Lease" and collectively, the "Leases"), together with any and all other rents, issues and profits of the Subject Property (collectively, "Rents"). This Assignment shall not impose upon Beneficiary any duty to produce Rents from the Subject Property, nor cause Beneficiary to be: (a) a "mortgagee in possession" for any purpose; (b) responsible for performing any of the obligations of the lessor or landlord under any Lease; or (c) responsible for any waste committed by any person or entity at any time in possession of the Subject Property or any part thereof, or for

any dangerous or defective condition of the Subject Property, or for any negligence in the management, upkeep, repair or control of the Subject Property. This is an absolute assignment, not an assignment for security only, and Beneficiary's right to Rents is not contingent upon and may be exercised without possession of the Subject Property. Grantor agrees to execute and deliver to Beneficiary, within five (5) days of Beneficiary's written request, such additional documents as Beneficiary or Trustee may reasonably request to further evidence the assignment to Beneficiary of any and all Leases and Rents.

3.02 Protection of Security. To protect the security of this Assignment, Grantor agrees:

(a) At Grantor's sole cost and expense: (i) to perform each obligation to be performed by the lessor or landlord under each Lease and to enforce or secure the performance of each obligation to be performed by the lessee or tenant under each Lease; (ii) not to modify any Lease in any material respect, nor accept surrender under or terminate the term of any Lease; (iii) not to anticipate the Rents under any Lease; and (iv) not to waive or release any lessee or tenant of or from any Lease obligations. Grantor assigns to Beneficiary all of Grantor's right and power to modify the terms of any Lease, to accept a surrender under or terminate the term of or anticipate the Rents under any Lease, and to waive or release any lessee or tenant of or from any Lease obligations, and any attempt on the part of Grantor to exercise any such rights or powers without Beneficiary's prior written consent shall be a breach of the terms hereof.

(b) At Grantor's sole cost and expense, to defend any action in any manner connected with any Lease or the obligations thereunder, and to pay all costs of Beneficiary or Trustee, including reasonable attorneys' fees, in any such action in which Beneficiary or Trustee may appear.

(c) That, should Grantor fail to do any act required to be done by Grantor under a Lease, then Beneficiary or Trustee, but without obligation to do so and without notice to Grantor and without releasing Grantor from any obligation hereunder, may make or do the same in such manner and to such extent as Beneficiary or Trustee deems necessary to protect the security hereof, and, in exercising such powers, Beneficiary or Trustee may employ attorneys and other agents, and Grantor shall pay necessary costs and reasonable attorneys' fees incurred by Beneficiary or Trustee, or their agents, in the exercise of the powers granted herein. Grantor shall give prompt notice to Beneficiary of any default by any lessee or tenant under any Lease, and of any notice of default on the part of Grantor under any Lease received from a lessee or tenant thereunder, together with an accurate and complete copy thereof.

(d) To pay to Beneficiary immediately upon demand all sums expended under the authority hereof, including reasonable attorneys' fees, together with interest thereon at the highest rate per annum payable under any Secured Obligation, and the same, at Beneficiary's option, may be added to any Secured Obligation and shall be secured hereby.

3.03 License. Beneficiary confers upon Grantor a license ("License") to collect and retain the Rents as, but not before, they come due and payable, until the occurrence of any Default. Upon the occurrence of any Default, the License shall be automatically revoked, and Beneficiary or Trustee may, at Beneficiary's option and without notice, either in person or by agent, with or without bringing any action, or by a receiver to be appointed by a court: (a) enter, take possession of, manage and operate the Subject Property or any part thereof; (b) make, cancel, enforce or modify any Lease; (c) obtain and evict tenants, fix or modify Rents, and do any acts which Beneficiary or Trustee deems proper to protect the security hereof; and (d) either with or without taking possession of the Subject Property, in its own name, sue for or otherwise collect and receive all Rents, including those past due and unpaid, and apply the same in accordance with the provisions of this Deed of Trust. The entering and taking possession of the Subject Property, the collection of Rents and the application thereof as aforesaid, shall not cure or waive any Default, nor waive, modify or affect any notice of default hereunder, nor invalidate any act done pursuant to any such notice. The License shall not grant to Beneficiary or Trustee the right to possession, except as provided in this Deed of Trust.

ARTICLE IV. RIGHTS AND DUTIES OF THE PARTIES

4.01 Title. Grantor warrants that, except as disclosed to Beneficiary prior to the date hereof in a writing which

erroneous under the substantive law of the state of Idaho; and (H) the parties shall have in addition to the grounds referred to in the Federal Arbitration Act (or vacating, modifying or correcting an award the right to judicial review of (A) whether the findings of fact rendered by the arbitrators are supported by substantial evidence, and (B) whether the conclusions of law are erroneous under the substantive law of the state of Idaho. Judgment confirming an award in such a proceeding may be entered only if a court determines the award is supported by substantial evidence and not based on legal error under the substantive law of the state of Idaho.

(I) **Real Property.** Notwithstanding anything herein to the contrary, no Dispute shall be submitted to arbitration unless: (i) Beneficiary specifically elects in writing to proceed with the arbitration; or (ii) all parties to the arbitration waive any rights or benefits that might accrue to them by virtue of the single action rule statute of Idaho, thereby agreeing that all Secured Obligations, and all mortgages, liens and security interests securing any of the Secured Obligations, shall remain fully valid and enforceable.

(J) **Miscellaneous.** To the maximum extent practicable, the AAA, the arbitrators and the parties shall take all action required to conclude any arbitration proceeding within 180 days of the filing of the Dispute with the AAA. No arbitrator or other party to an arbitration proceeding may disclose the existence, content or results thereof, except for disclosures of information by a party required in the ordinary course of its business, by applicable law or regulation, or to the extent necessary to exercise any judicial review rights set forth herein. If more than one agreement for arbitration by or between the parties potentially applies to a Dispute, the arbitration provision most directly related to the Documents or the subject matter of the Dispute shall control. This arbitration provision shall survive termination, amendment or expiration of any of the Documents or any relationship between the parties.

IN WITNESS WHEREOF, Grantor has executed this Deed of Trust as of the date first set forth above.

Grantor(s)

Address(es):

Geertje N. de Hoog
GEERTJE N. DE HOOGE

STATE OF WASHINGTON)

(OBTAIN NOTARY ACKNOWLEDGMENTS)

) ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that GEERTJE N. DEHOOGE is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: June 27, 1997.



Lori Holt
NOTARY PUBLIC in and for the State of
Washington, residing at Lynden.
My appointment expires: 3/16/98

200467778

RECORDED

2004 DEC 10 PM 2 11

G NOEL HALEY

CANYON COUNTY RECORDER

RECEIVED
BY *[Signature]*
TYPE *[Signature]*
FEE *[Signature]*

WHEN RECORDED, RETURN TO:
McAnaney & Associates
1101 W. River Street, Suite 100
Boise, Idaho 83702

QUITCLAIM DEED

GRANTOR, Geertje DeHoog does hereby REMISE, RELEASE and forever QUITCLAIM, unto DeHoog Properties, LLC, an Idaho limited liability company, whose current address is 31156 Marker Road, Parma, Idaho 83660, as GRANTEE, and to Grantee's successors and assigns, all of Grantor's right, title and interest in and to the real property situated in Canyon County, Idaho, more particularly described as follows:

See attached Exhibit A

Commonly known as: 31156 Marker Road, Parma, Idaho 83660

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument this 19th day of November, 2004.

[Signature]
Geertje DeHoog

QUITCLAIM DEED - 1

[M:\Clients\DeHoog\DeHoog - 37429\37429.0002 - Formation of LLC\DeHoog Properties, LLC\QCD.DOC]

NOTARY

STATE OF WA)
: ss.
County of Whatcom

On this 19th day of November, 2004, before me, the undersigned, a Notary Public, personally appeared Geertje DeHoog, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Kaye VanDe Hove
Notary Public for Idaho WASHINGTON
Residing at: Linden-Whatcom
My commission expires: 1-20-08

QUITCLAIM DEED - 2

[McClintock DeHoog Dairies - 37429037429.0002 - Formation of LLC DeHoog Properties, LLC QCD.DCC]

EXHIBIT A

PARCEL I:

Blocks 11 and 12 in ROSWELL PARK FRUIT TRACT, according to the Plat filed in Book 3 of Plats, Page 58, recorded in Canyon County, Idaho.

PARCEL II:

Blocks 18 and 19, and Tracts 1, 2, 3, and 4, Block 24 in ROSWELL PARK FRUIT TRACT, according to the Plat filed in Book 3 of Plats, Page 58, recorded in Canyon County, Idaho.

EXCEPTING THEREFROM the following described portion of Block 18.

BEGINNING at the Northeast corner of said Block 18 the REAL POINT OF BEGINNING; thence

South 0° 05' East a distance of 1100.71 feet along the East boundary of Block 18 to a point at the center of the drain ditch; thence

North 33° 08'30" West a distance of 345.02 feet along the center of the drain ditch to a point; thence

North 43° 28'30" West a distance of 1139.85 feet along the center of the drain ditch to a point on the North boundary of Block 18; thence

South 89° 04' East a distance of 671.45 feet along the North boundary of Block 18 to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described portion of Block 12.

Tracts 14 and 16 and parts of Tracts 11, 12, 13 and 15, all in Block 19 of Roswell Park Fruit Tract, Canyon County, Idaho, according to the plat filed in Book 3 of Plats, Page 58, records of said County, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 04' East 25 feet; thence

North 89° 39' East 25 feet, to the Southwest corner of said Tract 16, the INITIAL POINT; thence continue.

North 80° 39' East 633.5 feet (shown of record as 634.1 feet) along the South line of said Tract 16 to the Southeast corner thereof; thence

North 0° 04' East 45 feet along the East line of said Tract 16, to the Southwest corner of said Tract 15; thence

North 80° 39' East 168.8 feet along the South line of said Tract 15; thence

North 0° 04' East 781.2 feet; thence

South 80° 39' West 800 feet, to a point in the West line of said Tract 12; thence

South 0° 04' West 826.2 feet along the West lines of Tracts 12, 14, 15 to the INITIAL POINT.

PARCEL III:

Tracts 14 and 16 and parts of Tracts 11, 12, 13 and 15, all in Block 19 of Roswell Park Fruit Tract, Canyon County, Idaho, according to the plat filed in Book 3 of Plats, Page 58, records of said County, more particularly described as follows:

EXHIBIT A CONT

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 5 North, Range 8 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 04' East 25 feet; thence

North 89° 39' East 25 feet, to the Southwest corner of said Tract 18, the INITIAL POINT; thence continue

North 89° 39' East 633.5 feet (shown of record as 634.1 feet) along the South line of said Tract 18 to the Southeast corner thereof; thence

North 0° 04' East 45 feet along the East line of said Tract 18, to the Southwest corner of said Tract 15; thence

North 89° 39' East 168.5 feet, along the South line of said Tract 15; thence

North 0° 04' East 761.2 feet; thence

South 89° 39' West 800 feet, to a point in the West line of said Tract 12; thence

South 0° 04' West 628.2 feet along the West lines of Tracts 12, 14, 16 to the INITIAL POINT.

BEGINNING at the Southwest corner of Block 17 of the ROSWELL PARK FRUIT TRACT in the Northwest Quarter of Section 24, Township 5 North, Range 8 West of Boise Meridian, Canyon County, Idaho the REAL POINT OF BEGINNING; thence

North 89° 39' West a distance of 1,422.76 feet along the West boundary of Block 17 to a point at the center of the drain ditch; thence

South 33° 06' 30" East a distance of 88.47 feet along the center of the drain ditch to a point; thence

South 18° 08' 30" East a distance of 717.81 feet along the center of the drain ditch to a point; thence

South 88° 04' 20" East a distance of 318.93 feet along the center of the drain ditch to a point; thence

South 8° 44' 20" East a distance of 830.21 feet along the center of the drain ditch to a point on the South boundary of Block 17; thence

North 89° 14' West a distance of 682.53 feet along the South boundary of Block 17 to the REAL POINT OF BEGINNING.

QUIT CLAIM DEED - 4

[M:\Clem\DeHoog\Deeds - 37429\37429.0002 - Formation of LLC DeHoog Properties, LLC\QCN.DOC]



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

December 8, 2005

De Hoog Properties LLC
31156 Marker Rd
Parma, ID 83660

RE: Notice of Change of Water Right Ownership No. 63-2630D

Dear Claimant(s):

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was previously submitted to our office. However, the Deed of Trust and quitclaim deed submitted is not sufficient proof of ownership. We require a **Warranty Deed** showing a transfer of ownership from Larry Downs to DeHoog Properties LLC to process any changes in ownership.

Please return the Change of ownership with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed (if one exists), will remain in the original owner's name.

Feel free to contact this office if you have any further questions.

Sincerely,

Adjudication Section
Western Region
(208) 334-2190

LG: lg

Enclosures

PN 43390

9742766

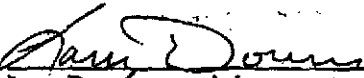
Recording requested by and
When recorded return to:
Jane Rakay Nelson
Lane Powell Spears Lubersky LLP
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101-2338

CORRECTION WARRANTY DEED

For value received Downs Dairy Limited Partnership an Idaho limited partnership, Larry Downs and Betty Downs, husband and wife, and Wilma J Daniels, a married woman as to her sole and separate property (collectively "Grantors"), do hereby GRANT, BARGAIN SELL and CONVEY unto Geertje DeHoog, Grantee, whose current address is 31156 Marker Rd. Parma, ID 83660, that real property located in Canyon County, State of Idaho, which is legally described on Exhibit A attached hereto and incorporated herein by reference. This conveyance is made to correct the legal description contained in that certain Warranty Deed executed by Grantor in favor of Grantee dated July 2, 1997 and recorded July 3, 1997 in the records of the Canyon County Auditor under Canyon County Recording No. 9721579.

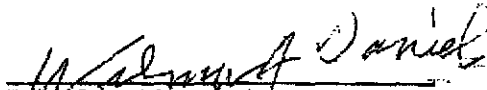
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that Grantors are the owners in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those encumbrances set forth on Exhibit B, attached hereto and incorporated herein by this reference, and those encumbrances made, suffered or done by the Grantee, and subject to general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-15-97, 1997.


Larry Downs, a married man


Betty Downs, a married woman

DOWN'S DAIRY LIMITED PARTNERSHIP,
an Idaho limited partnership


Wilma J. Daniels, a married woman as to her
sole and separate property

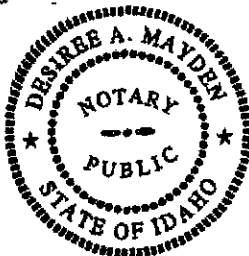
By 
Its _____

STATE OF IDAHO)

COUNTY OF CANYON)

On this 15th day of December, 1997 before me, the undersigned, a Notary Public in and for said State, personally appeared Larry Downs, a married man, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

DATED: 12-15-97



Desiree A. Mayden
Print Name: Desiree A. Mayden
NOTARY PUBLIC for the State of Idaho,
residing at

Nampa, ID

My appointment expires:

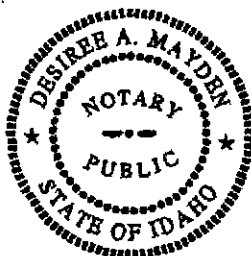
3-9-2000

STATE OF IDAHO)

COUNTY OF CANYON)

On this 15th day of December, 1997 before me, the undersigned, a Notary Public in and for said State, personally appeared Betty Downs, a married woman, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

DATED: 12-15-97



Desiree A. Mayden
Print Name: Desiree A. Mayden
NOTARY PUBLIC for the State of Idaho,
residing at

Nampa, ID

My appointment expires:

3-9-2000

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

On this 15th day of December, 1997 before me, the undersigned, a Notary Public in and for said State, personally appeared Wilma J. Daniels, a married woman acting as to her sole and separate property, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

DATED: 12-15-97



[Signature]
Print Name: Jon Brougner
NOTARY PUBLIC for the State of Idaho,
residing at Nampa

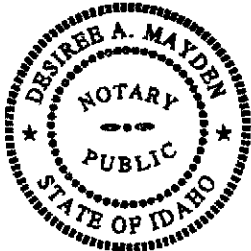
My appointment expires:

5-18-01

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

On this 15th day of December, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Larry Downs, a general partner of Downs Dairy Limited Partnership, an Idaho limited partnership, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of said partnership.

DATED: 12-15-97



[Signature]
Print Name: Desiree A. Mayden
NOTARY PUBLIC for the State of Idaho,
residing at Nampa, ID

My appointment expires:

3-9-2000

EXHIBIT "A"

PARCEL I:

Blocks 11 and 12 in ROSWELL PARK FRUIT TRACT, according to the Plat filed in Book 3 of Plats, Page 56, recorded in Canyon County, Idaho.

PARCEL II:

Blocks 18 and 19, and Tracts 1, 2, 3, and 4, Block 24 in ROSWELL PARK FRUIT TRACT, according to the Plat filed in Book 3 of Plats, Page 56, recorded in Canyon County, Idaho.

EXCEPTING THEREFROM the following described portion of Block 18.

BEGINNING at the Northeast corner of said Block 18 the **REAL POINT OF BEGINNING**; thence

South 0° 06' East a distance of 1100.71 feet along the East boundary of Block 18 to a point at the center of the drain ditch; thence

North 33° 06' 30" West a distance of 345.62 feet along the center of the drain ditch to a point; thence

North 43° 28' 30" West a distance of 1139.86 feet along the center of the drain ditch to a point on the North boundary of Block 18; thence

South 89° 04' East a distance of 971.45 feet along the North boundary of Block 18 to the **REAL POINT OF BEGINNING**.

ALSO EXCEPTING THEREFROM the following described portion of Block 19.

Tracts 14 and 16 and parts of Tracts 11, 12, 13 and 15, all in Block 19 of Roswell Park Fruit Tract, Canyon County, Idaho, according to the plat filed in Book 3 of Plats, Page 56, records of said County, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 04' East 25 feet; thence

North 89° 39' East 25 feet, to the Southwest corner of said Tract 16, the **INITIAL POINT**; thence continue

North 89° 39' East 633.5 feet (shown of record as 634.1 feet) along the South line of said Tract 16 to the Southeast corner thereof; thence

North 0° 04' East 45 feet along the East line of said Tract 16, to the Southwest corner of said Tract 15; thence

North 89° 39' East 166.5 feet, along the South line of said Tract 15; thence

North 0° 04' East 781.2 feet; thence

South 89° 39' West 800 feet, to a point in the West line of said Tract 12; thence

South 0° 04' West 826.2 feet along the West lines of Tracts 12, 14, 16 to the **INITIAL POINT**.

PARCEL III:

Tracts 14 and 16 and parts of Tracts 11, 12, 13 and 15, all in Block 19 of Roswell Park Fruit Tract, Canyon County, Idaho, according to the plat filed in Book 3 of Plats, Page 56, records of said County, more particularly described as follows:

SCHEDULE B SECTION I

Commitment

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 04' East 25 feet; thence

North 89° 39' East 25 feet, to the Southwest corner of said Tract 16, the INITIAL POINT; thence continue

North 89° 39' East 633.5 feet (shown of record as 634.1 feet) along the South line of said Tract 16 to the Southeast corner thereof; thence

North 0° 04' East 45 feet along the East line of said Tract 16, to the Southwest corner of said Tract 15; thence

North 89° 39' East 166.5 feet, along the South line of said Tract 15; thence

North 0° 04' East 781.2 feet; thence

South 89° 39' West 800 feet, to a point in the West line of said Tract 12; thence

South 0° 04' West 826.2 feet along the West lines of Tracts 12, 14, 16 to the INITIAL POINT.

SCHEDULE B SECTION I
Commitment

PN43390

EXHIBIT "A"

BEGINNING at the Southwest corner of Block 17 of the ROSWELL PARK FRUIT TRACT in the Northwest Quarter of Section 24, Township 5 North, Range 6 West of Boise Meridian, Canyon County, Idaho the **REAL POINT OF BEGINNING**; thence

North 00° 06' West a distance of 1,422.78 feet along the West boundary of Block 17 to a point at the center of the drain ditch; thence

South 33° 06'30" East a distance of 86.47 feet along the center of the drain ditch to a point; thence

South 18° 08'30" East a distance of 717.81 feet along the center of the drain ditch to a point; thence

South 89° 04'20" East a distance of 310.93 feet along the center of the drain ditch to a point; thence

South 8° 44'20" East a distance of 680.21 feet along the center of the drain ditch to a point on the South boundary of Block 17; thence

North 89° 14' West a distance of 682.53 feet along the South boundary of Block 17 to the **REAL POINT OF BEGINNING**.

EXHIBIT B

Permitted Encumbrances

1. General taxes for the year 1997 which are a lien, payable on or before December 20 of said year and not delinquent until after said date.

2. Reservations in Warranty Deed dated February 20, 1918 by Roswell Park Fruit Company, Ltd., a corporation, to Mary B. Kirkpatrick, recorded February 8, 1919 as Document No. 93362, records of Canyon County, Idaho, reserving the right of way across the above described land for the laterals and pipe lines constructed or to be constructed and used as part of the lateral system to be constructed by 1st party or its successors. First party and its successors also reserve the right to enter upon said land for purpose of operating, maintaining and repairing said lateral system.

3. An Easement for the purpose shown below and rights incidental thereto as set forth in a document

Granted to: A.A. Steel
Purpose: Pumping plant, pipeline and ingress and egress
Recorded: November 7, 1949 as Instrument No. 355472
Affects: Tract 2 of Block 18

4. Assessments of Riverside Irrigation District, and the rights and powers of said district as by law provided.

5. Assessments of Roswell Park Lateral Company.

RECORDED
97 DEC 16 AM 11 46
NED J KERR
CANYON CNTY RECORDER
RY *John A. [unclear]*
PIONEER — NAMPA
REQUESTED
TYPE *Sub* FEE *21.00*

97 DEC 16 PM 11 46

RECORDED

9742766



MICROFILMED

JUL 25 1984

48 4500m.N.

R6W

T5N

770 000 FEET
(IDAHO)

POOR ORIGINAL

TS

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Downs Dairy limited Partnership ²⁰⁸ 722-6570
Name of Claimant Phone Number

31156 Marker Rd Parma ID 83660
Mailing Address City State Zip

CANYON March 22nd
County(s) where place of use is located Date claim originally due

A63-026300 A63-22023 A63-22024
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

In February I contacted my attorney to review necessary
action on this matter. He told me to phone here and
request certain forms and information. I was in Washington
D.C. when the information came (on business) upon
my return I contacted water resources and scheduled

Claimant requests an extension to 4/13/90, 19 this approximately

O Terry Downe 4/13, 19 90
Signature Date of request

Limited Partner
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to April 13, 19 90

Signed this 19 day of May, 19 90

DAVID B. SHAW
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

MICROFILMED

JUL 25 1994

RECEIVED
JUN 13 2007
DEPARTMENT OF
WATER RESOURCES

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) A. Subcase 63-2630D
(Insert water right number)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: De Hoog Properties Inc.
Address: 31156 Marker Road
Parma, ID 83660

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

Albert D. BARRETT, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

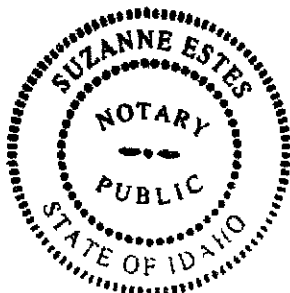
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007



Suzanne Estes
Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

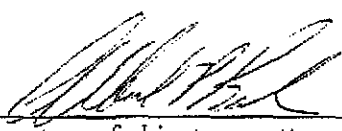
Name: De Hoog Properties Inc.
Address: 31156 Marker Road
Parma, ID 83660

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-2630D

NAME AND ADDRESS: DE HOOG PROPERTIES INC.
31156 MARKER ROAD
PARMA ID 83660

SOURCE: SCOTT DRAIN

TRIBUTARY: NORTH ALKALI DRAIN

QUANTITY: 3.100 CFS

PRIORITY DATE: 02/21/1946

POINT OF

DIVERSION: T05N R06W S13 SWSWSW Within CANYON County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.100 CFS

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13	NESW	40.00	T05N R06W S13	NWSW	40.00
T05N R06W S13	SWSW	40.00	T05N R06W S13	SESW	35.00

155 ACRES TOTAL

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

This right when combined with all other rights shall provide no more than .02 cfs per acre.

11/15/2006

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

RIGHT NUMBER: 63-2630D

NAME AND ADDRESS: DE HOOG PROPERTIES INC.
31156 MARKER ROAD
PARMA ID 83660

SOURCE: SCOTT DRAIN

TRIBUTARY: NORTH ALKALI DRAIN

QUANTITY: 3.100 CFS

PRIORITY DATE: 02/21/1946

POINT OF DIVERSION:

T05N R06W S13 SWSWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.100 CFS

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13	NESW	40.00	T05N R06W S13	NWSW	40.00
T05N R06W S13	SWSW	40.00	T05N R06W S13	SESW	35.00

155 ACRES TOTAL

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

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

This right when combined with all other rights shall provide no more than .02 cfs per acre.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 15, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

De Hoog Properties
31156 Marker Rd
Parma, ID 83660

Notice of Claim to a Water Right No. 63-2630D

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

09/28/2006

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

RIGHT NUMBER: 63-2630D
NAME AND ADDRESS: DOWNS DAIRY LTD PARTNERSHIP
31156 MARKER RD
PARMA ID 83660
SOURCE: SCOTT DRAIN TRIBUTARY: NORTH ALKALI DRAIN
QUANTITY: 3.100 CFS
PRIORITY DATE: 02/21/1946
POINT OF DIVERSION:

T05N R06W S13 SWSWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.100 CFS

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R06W S13	NESW	40.00	T05N R06W S13	NWSW	40.00
T05N R06W S13	SWSW	40.00	T05N R06W S13	SESW	35.00

155 ACRES TOTAL

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within

State

Water District No. 63.

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.

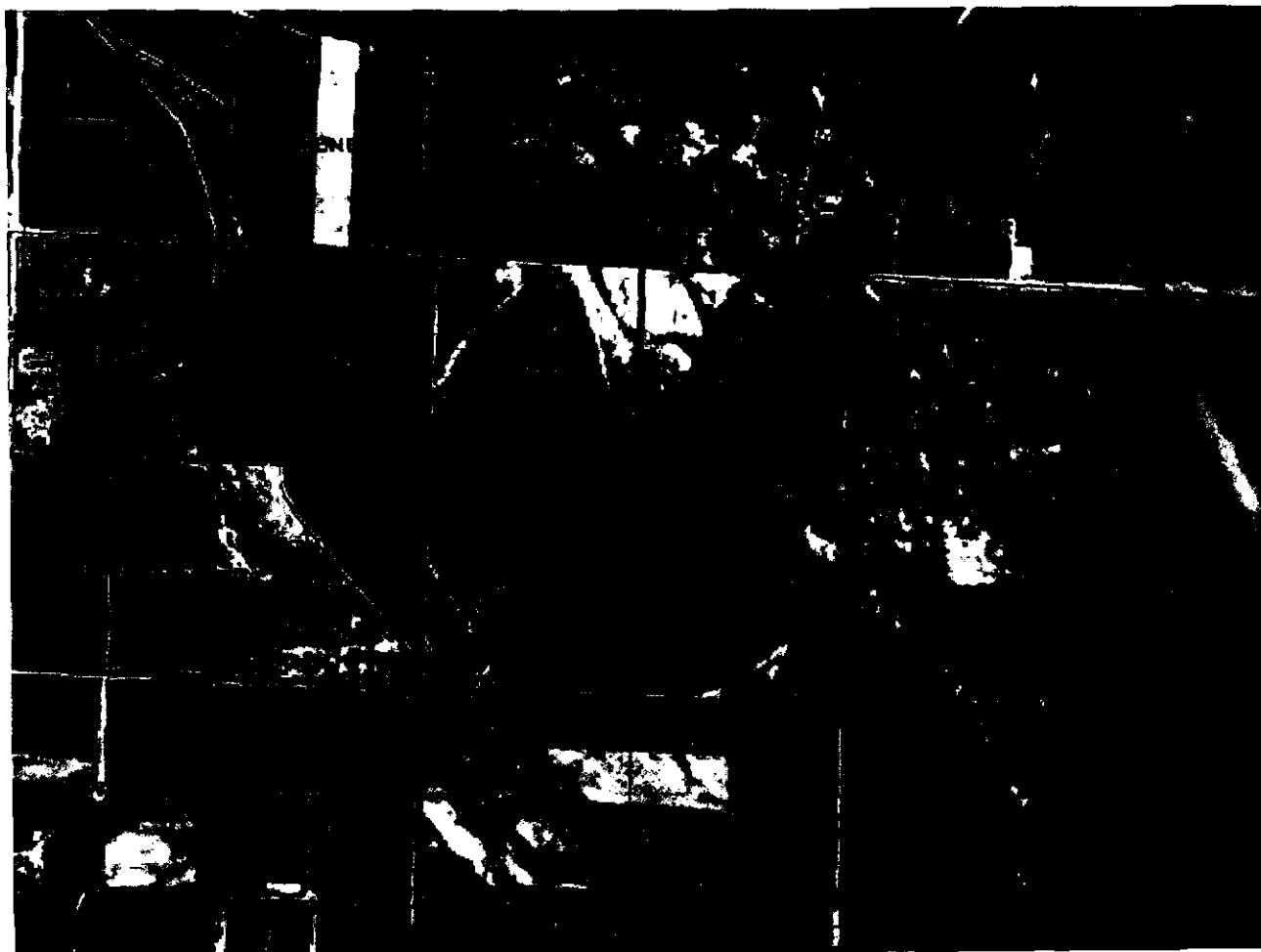
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than .02 cfs per acre.



**State of Idaho
Idaho Department of Water Resources
Western Region**

**T5N R6W SECTION(S) 13
WATER RIGHT(S) : 63-2630D**



Total Irrigated Acres = 155 acre(s)

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

**GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: September 2006**



MEMORANDUM

TO: ADJUDICATION FILES 63-2630D

FROM: DANIEL A. NELSON

DATE: 9/28/06

SUBJECT: CLAIM REVIEW

This claim is based on a license that was split by transfer number 2629. The claimant filed their adjudication claim on their portion of the original license exactly as it was determined after transfer number 2629. In 1995, Maria Minicucci performed a field exam on this claim, which was the standard practice for recommending adjudication claims at that time. Ms. Minicucci found that full amount of diversion rate and acres irrigated for this portion of the license was not being used at the time of the field exam. However, current practices require that we recommend this claim as determined by the transfer on the original license. Therefore, the acre amounts and diversion rates will reflect that portion of the original license allocated to this right through transfer number 2629.

The source was originally called an unnamed drain tributary to the Boise River. However, these drains have since been named, so the source will be recommended as the Scott Drain tributary to the Alkalai Drain. This can be done, since it simply clarifying the sources due to the newer mapping capabilities.

These lands also appear to fall within the borders of the Riverside Irrigation District. There is no mention of the claimant having any shares or rights to water from Riverside, so I will not include any condition stating that Riverside water is used on this property. I am going to recommend a condition that when this right is used with all other rights is limited to 0.02 cfs per acre to ensure that over irrigation does not occur. I will also carry forward the condition that this right is regulated by the watermaster for water district 63.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2630D V1

WATER RIGHT NUMBER: 63-2630D V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LARRY R DOWNS RT 3 BOX 3139 PARMA, ID 83660
Current Owner	DOWNS DAIRY LTD PARTNERSHIP 31156 MARKER RD PARMA, ID 83660 (208)722-6570

Priority Date: 02/21/1946

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SCOTT DRAIN	NORTH ALKALI DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.100 CFS	
	<u>Total Diversion:</u>	3.100 CFS	

Location of Point(s) of Diversion

SCOTT DRAIN	SW1/4SW1/4SW1/4	Sec. 13, Twp 05N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	13									40.0	40.0	40.0	35.0					155.0

Total Acres: 155

Conditions of Approval:

1. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. S38 The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2630D V1

4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. MMINICUC 8/1/1995 SOURCE

Comment: SOURCE IS SCOTT DRAIN, TRIB. TO N. ALKALI DRAIN. NAMES AS PER USGS QUAD (W52, 1974). ACRES RECOMMENDED ACRES BASED ON 1987 ASCS MAP. SYSTEM HAS CHANGED FROM DITCHES (FLOOD IRR) AT TIME OF LICENSING TO CENTER PIVOT (CORNERS ARE NOT NOR EVER HAVE BEEN IRRIGATED, AS PER CLAIMANT S SON).

2. dnelson 9/28/2006 Claim Review

Comment: This claim is based on a license that was split by transfer number 2629. The claimant filed their adjudication claim on their portion of the original license exactly as it was determined after transfer number 2629. In 1995, Maria Minicucci performed a field exam on this claim, which was the standard practice for recommending adjudication claims at that time. Ms. Minicucci found that full amount of diversion rate and acres irrigated for this portion of the license was not being used at the time of the field exam. However, current practices require that we recommend this claim as determined by the transfer on the original license. Therefore, the acre amounts and diversion rates will reflect that portion of the original license allocated to this right through transfer number 2629.

The source was originally called an unnamed drain tributary to the Boise River. However, these drains have since been named, so the source will be recommended as the Scott Drain tributary to the Alkalai Drain. This can be done, since it simply clarifying the sources due to the newer mapping capabilities.

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Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/28/2006 11:30:31 AM	dnelson			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2630D V1

Priority Date	9/28/2006 11:36:16 AM	dnelson	Active
POD	9/28/2006 11:37:19 AM	dnelson	Active
Source	9/28/2006 11:37:50 AM	dnelson	Active
POU	9/28/2006 11:39:12 AM	dnelson	Active
Season	9/28/2006 11:41:45 AM	dnelson	Active
Quantity	9/28/2006 11:42:18 AM	dnelson	Active
Summary	09/28/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/28/2006 11:30:32 AM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Recommending as licensed and split in transfer.
POD	9/28/2006 11:36:55 AM	dnelson	Updated shape
POD	9/28/2006 11:37:20 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	9/28/2006 11:39:03 AM	dnelson	Updated shape for Active POU
General	9/28/2006 11:36:16 AM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	9/28/2006 11:37:50 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/28/2006 11:39:12 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2630D V1

Season	9/28/2006 11:41:45 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	9/28/2006 11:42:18 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	9/28/2006 11:43:53 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2630D

WATER RIGHT NUMBER: 63-2630D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LARRY R DOWNS RT 3 BOX 3139 PARMA, ID 83660
Current Owner	DOWNS DAIRY LTD PARTNERSHIP 31156 MARKER RD PARMA, ID 83660 (208)722-6570

Priority Date: 02/21/1946 — OK
 Basis: License — OK
 Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM — SCOTT DRAIN	BOISE RIVER ALKALAI DRAIN

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	11/15 10/31	3.100 CFS	SURFACE water NO volume required
4/11	71	Total Diversion:	3.100 CFS	

Location of Point(s) of Diversion 3-1 TO 11-15
 UNNAMED STREAM SW1/4SW1/4SW1/4 Sec. 13, Twp 05N, Rge 06W, B.M.
 CANYON County

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	13									40.0	40.0	40.0	35.0					155.0

Total Acres: 155

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

Remarks:Comments:Dates and Other Information:

EXPLAN
 USE
 E60
 S38

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2630D

Claim Received Date: 4/13/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2630D

WATER RIGHT NUMBER: 63-2630D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY R DOWNS RT 3 BOX 3139 PARMA, ID 83660

Priority Date: 02/21/1946

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 10/31	3.100 CFS	
	<u>Total Diversion:</u>		3.100 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SW1/4	Sec. 13, Twp 05N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	13									40.0	40.0	40.0	35.0					155.0

Total Acres: 155

Conditions of Approval:

1. TRANS. 2629.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2630D

Licensed Date: 1/18/1983

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2630

WATER RIGHT NUMBER: 63-2630

Owner Type Name and Address

Priority Date:

Basis:

Status: See Remarks

SourceTributaryBeneficial UseFrom ToDiversion RateAnnual VolumeTotal Diversion:Location of Point(s) of DiversionPlace of UseConditions of Approval:

1. SPLIT INTO 63-2630A & 63-2630B.

Remarks:Comments:Dates and Other Information:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-2630

Water Supply Bank:

Audit: 08/01/95 MMINICUC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:36:01
07/10/95

PAGE: 16

QUICKLOOK INFORMATION

16

CLAIM NUMBER: A63-026300

NR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N	RM 02/24/1995	RM 07/14/1995	N		RM 08/01/1995	RM 08/01/1995	
POINT OF DIV	N			N				
SOURCE	Y			Y				
PLACE OF USE	N			Y				
DIV. AMOUNT CFS/VOLUME	N			Y				
CONSUMPTIVE USE	-			Y				
PURPOSES OF USE	N			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS								

BARCODE UPDATED
WHOM/DATE

RM 08/01/1995

CLAIM NUMBER: A63-026300

POU County: CANYON

Other Rights: NONE

Conditions of Approval:

- Use of water under this water right will be regulated by the
- watermaster of State Water District No. 63.

Dates: Exam Made Date: 07/14/995 Verified Date: 07/01/1985

Misc: Water District Number: 63 Field Inspection Flag: Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:36:01
07/10/95

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A63-026300

LAST: DOWNS
ADDRESS: RT 3 BOX 3139
CITY: PARMA
PHONE NUMBER: 208-000-0000
OWNER CODE: D
FIRST: LARRY R
STATE: ID ZIP: 83660

LAST: DOWNS DAIRY LIMITED PARTNERSHIP
ADDRESS: 31156 MARKER RD
CITY: PARMA
PHONE NUMBER: 208-722-6570
OWNER CODE: C
FIRST:
STATE: ID ZIP: 83660

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Terry Downs (son)
DATE OF FIELD EXAM: 07/14/1995
ACCOMPANIED BY: Terry Downs
RELATIONSHIP TO CLAIMANT: son
PHONE NUMBER: (208) 722-6146 → office
TIME: 10:00 AM (X) P()
PHONE NUMBER: (208) 722-6570

DIRECTIONS TO PROPERTY / NOTES:

located out to ?
201 Grove St in Parma. X from First Security
Terry 722-6570. Son & Ranch mgr Friday 14 July. Call first
before leaving (C)

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☐ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ~~yes~~ ☒ no If yes: ☐ copy of claims & water rights incl?
- Type of Overlap? ☐ Add acres or uses to existing system
- ☐ Increase rate of flow or volume
- ☒ Other: Riverside Irr
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ☒ yes ☐ no If yes: ☐ copy of claims & water rights incl?
- Type of Overlap? ☐ Increase rate of flow or volume
- ☐ Add P/D's
- ☐ Increase number of acres within tracts
- ☒ Different source for same acres - Riverside Irr
- ☐ Other: _____
- ☒ Appointment Letter Sent? 02/24/1995 TTT (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached see CVR PAGE 1

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☐ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? ☐ Yes ☐ No
- Exam completed date data entered on claim TTT 08/01/1995 (initial & date)
- Claim Verification Report completed TTT 08/01/1995 (initial & date)
- Was CVR spot-checked by Supervisor? ☐ Yes ☐ No _____ (initial & date)
- R claim file created TTT 08/01/1995 (initial & date)
- Recommendations entered on R claim file TTT 08/01/1995 (initial & date)

A. AJ CLAIM: # A63-026300	PRIORITY DATE: 02-21-1946	STAGE: L
B. WR RECORD: # 63-026300	PRIORITY DATE: 02-21-1946	STAGE: L
C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?		Y(☒) N(☐)
D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?		Y(☐) N(☒)
E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)		Y(☐) N(☒)
F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?		
PROOF OF BENEFICIAL USE SUBMITTED		N/A(☒) Y(☐) N(☐)
FIELD EXAM COMPLETED		N/A(☒) Y(☐) N(☐)
FIELD EXAM SENT TO STATE OFFICE		N/A(☒) Y(☐) N(☐)
LICENSE ISSUED		N/A(☒) Y(☐) N(☐)
* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.		
G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?		N/A(☒) Y(☐) N(☐)
* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.		
H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?		Y(☒) N(☐)

NOTES: 02/31/1995: Claimed as licensed. No evidence of non use, except reduction in no. of acres when pivot was installed. 127

RECOMMENDED PRIORITY DATE:

02-21-1946

REVIEWED BY: *[Signature]*

DATE: 02/31/1995

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	1/4	1/4	1/4	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-026300	05N	06W	13	SW	SW	SW	SW	SW	SW		CANYON		
OTHER AJ CLAIMS WITH SAME AJ POD													
A PREFIX													
R PREFIX													
NONE													
WR RECORDS IN SAME 40 ACRE TRACT													
NONE													

SOURCE: UNNAMED STREAM

TRIB: BOISE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	1/4	1/4	1/4	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-026300	05N	06W	13	SW	SW	SW	SW	SW	SW		CANYON		
OTHER WR RECORDS WITH SAME WR POD													
A PREFIX													
R PREFIX													
NONE													
AJ CLAIMS IN SAME 40 ACRE TRACT													
NONE													

SOURCE: UNNAMED STREAM

TRIB: BOISE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(X) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(X)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(X) N(X)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(X) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 01/07/1954)

AJ FIELD EXAM (DATE OF FIELD EXAM 04/14/95 NAME OF EXAMINER JYINICUCCI) Y(X) N()

OTHER (DESCRIBE IN NOTES BELOW)

to SWSW of S-13. Approved 1982. MN

08/01/1995: Field exam confirmed source as Scott Deakin. No

Change in source - issue issued incorrectly on unnamed stream. ~~err~~

Trib. N. A. Kali Dandi, as per VSGS OR. 777

[illegible]

SOURCE: UNNAMED STREAM
TRIB: BOISE RIVER
NORTH ALKALI DRAIN
SCOTT DRAIN

REVIEWED BY: THH DATE: 07/31/1995

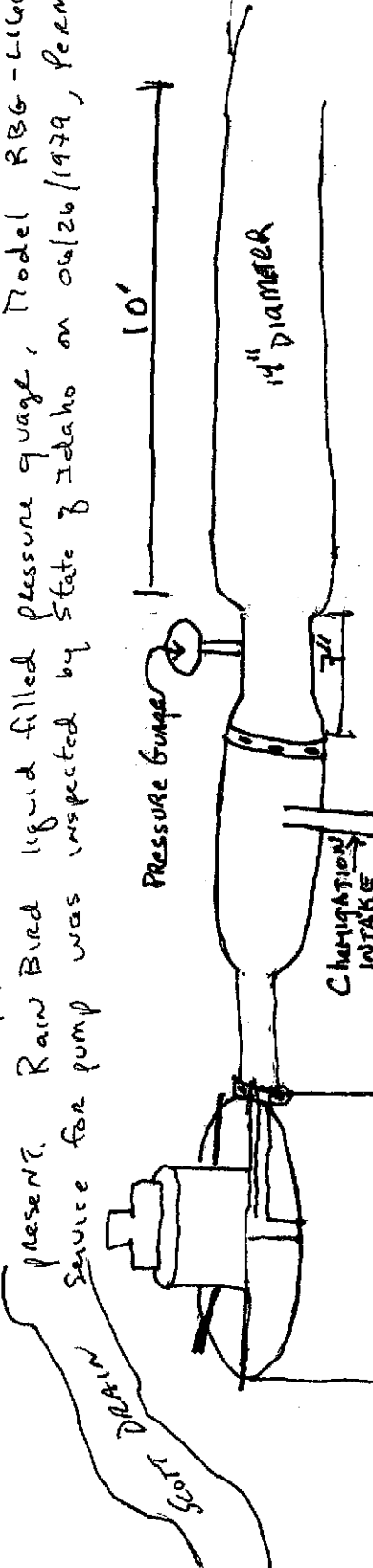
SYSTEM DESCRIPTION: DESCRIBED BELOW (X), SEE LICENSE FILE (), OR SEE ATTACHMENT (X)

50 H.P. Motor, Model SK6252KM502A, Serial No. KNJ1019432, 3 phase, Type K. Four ft culvert placed on end for stilling well.

piped to 14" pipe which goes underground to center pivot. Chertigation

[illegible]

~~Large~~ Large (14") pipe
roots on ground
before burying
to pivot



A. ROOT WATER RIGHT NUMBERS: A63-026300

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
05N	06W	13	NE	SW		OWNS DAIRY LIMITED PARTNERSHIP	63-026300 / 40.0	63-026300 / 40.0	41.0	34	34
			NE	SW		RIVERSIDE IRRIGATION DISTRICT	63-02279 / 13.0				
05N	06W	13	NW	SW		OWNS DAIRY LIMITED PARTNERSHIP	63-026300 / 40.0	63-026300 / 40.0	40.0	34	40.0
			NW	SW		RIVERSIDE IRRIGATION DISTRICT	63-02279 / 34.0				
05N	06W	13	SW	SW		OWNS DAIRY LIMITED PARTNERSHIP	63-026300 / 40.0	63-026300 / 40.0	42.0	34	34
			SW	SW		RIVERSIDE IRRIGATION DISTRICT	63-02279 / 33.0				
05N	06W	13	SE	SW		OWNS DAIRY LIMITED PARTNERSHIP	63-026300 / 35.0	63-026300 / 35.0	39.0	34	34
			SE	SW		RIVERSIDE IRRIGATION DISTRICT	63-02279 / 26.0				

ADDITIONAL POU FOUND

TOTAL ACRES A63-026300 155.00 162.00 136

POU COUNTY: CANYON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y() N(X)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

Y() N(X)

E. IS THE CLAIMED POJ THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(~~X~~) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POJ, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POJ BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A() Y() N(~~X~~)

G. SHOULD THE CLAIMED POJ BE VERIFIED BY FIELD EXAM? Y(~~X~~) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y(~~X~~) N()

CHECK DOCUMENTS USED TO VERIFY POU: (X) ORTHOPHOTOQUAD, IDMR NO. WSZ; () TOPOGRAPHIC QUAD, IDMR NO. _____;

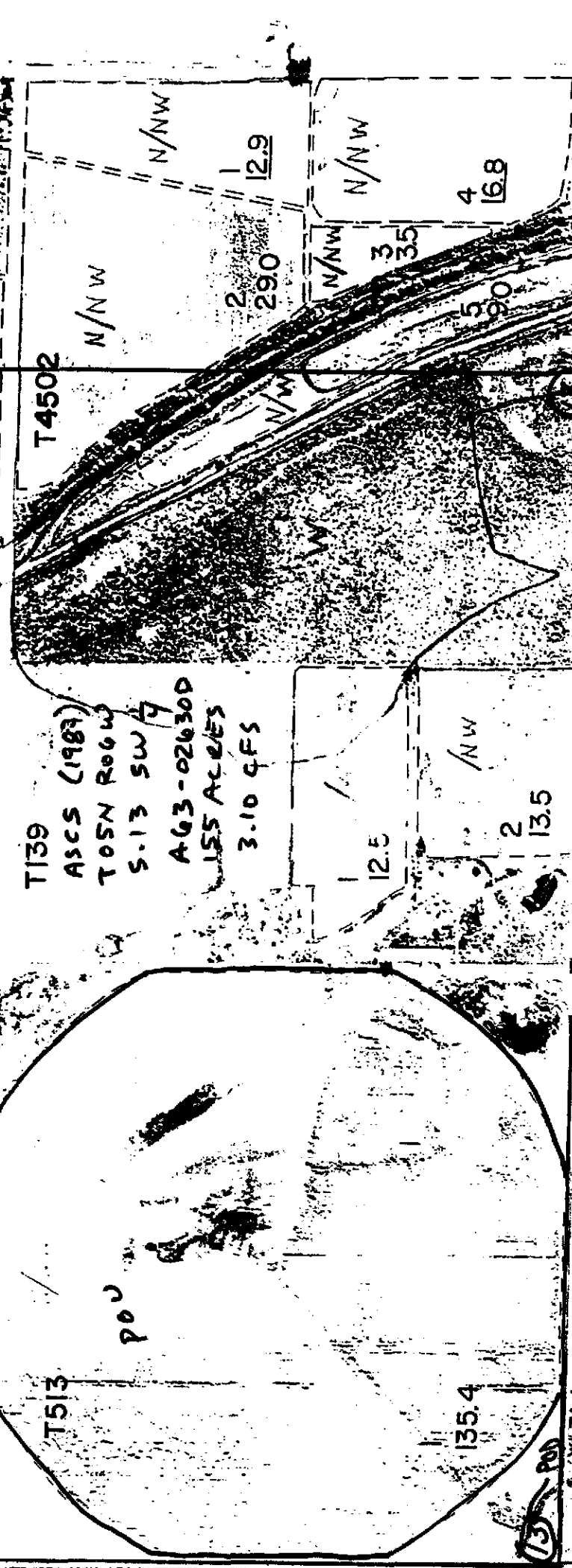
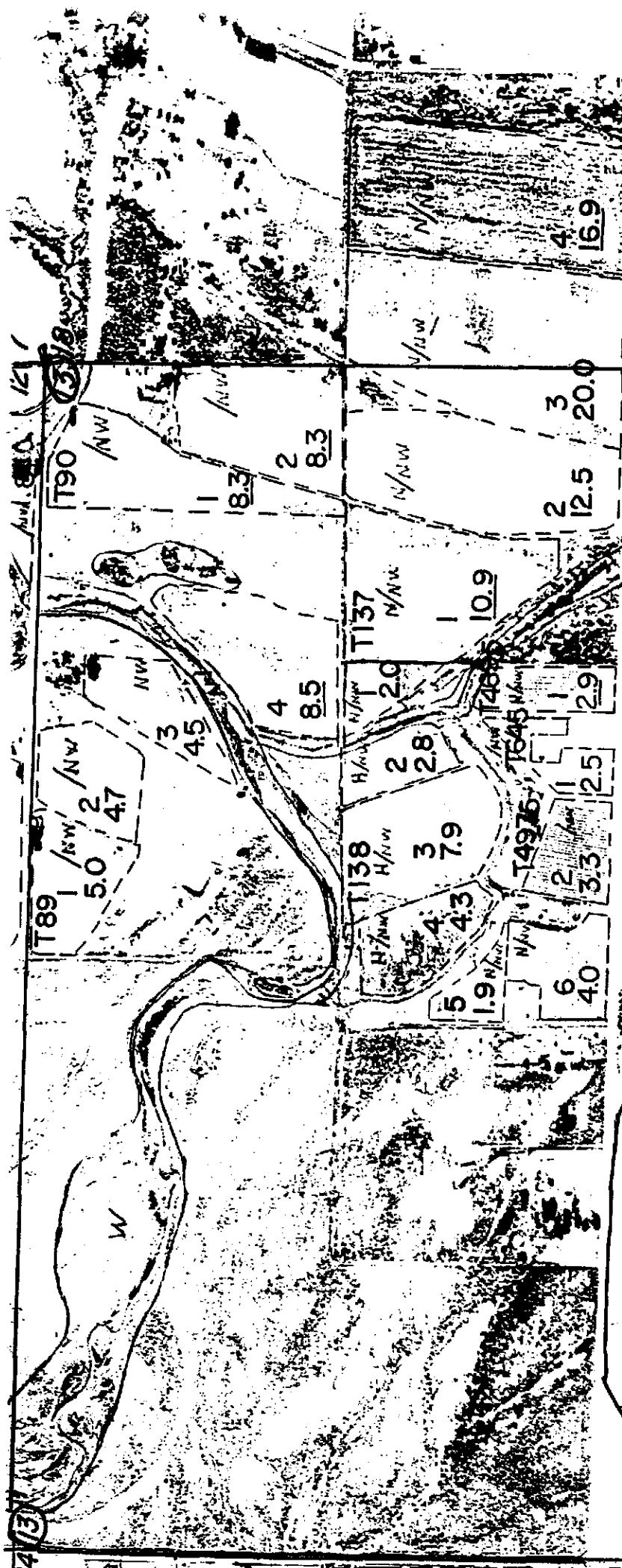
() NAPP, IDMR NO. WSZSE; (X) ASCS PHOTO; () OTHER _____

NOTES: 07/14/1995: Some acres in Federal set-aside program. 35-40 acres.
Corners are not in. May put one corner in next year.
Advised to contact IDMR before putting in the corner. Corners
have not been irrigated since pivot was put in, approx. 20
years ago. As per conv. w/ Terry Downs. 1177
07/31/1995: NAPP seems to show NESW as unirrigated. Field
exam to verify acres. When license was issued ditches and flood
irrigation, now irrigated w/ pivot sprinklers. Corners are not
in and have not been irrigated since pivot was installed. NE
corner is alkali - impossible to grow crops (as per Terry Downs).
SE corner is gravel pit & SW corner is diversion works
& access road. Discussed partial forfeiture w/ Terry Downs
and indicated that ASCS acreage determination would probably be
used for recommendation. 1177

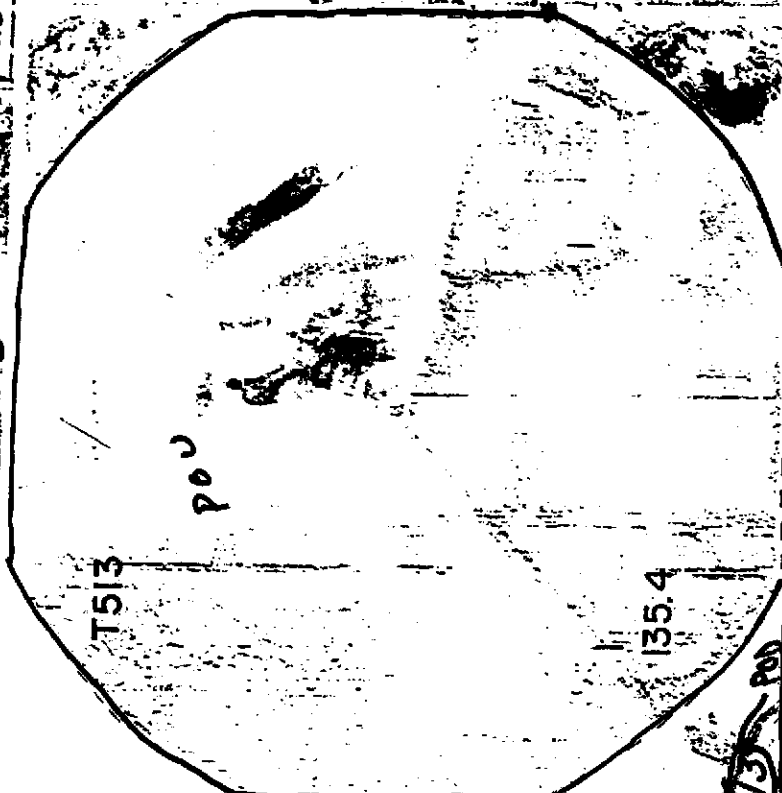
RECOMMENDATIONS:

TOTAL ACRES: 135 W/A()

REVIEWED BY: [Signature] DATE: 07/31/1995

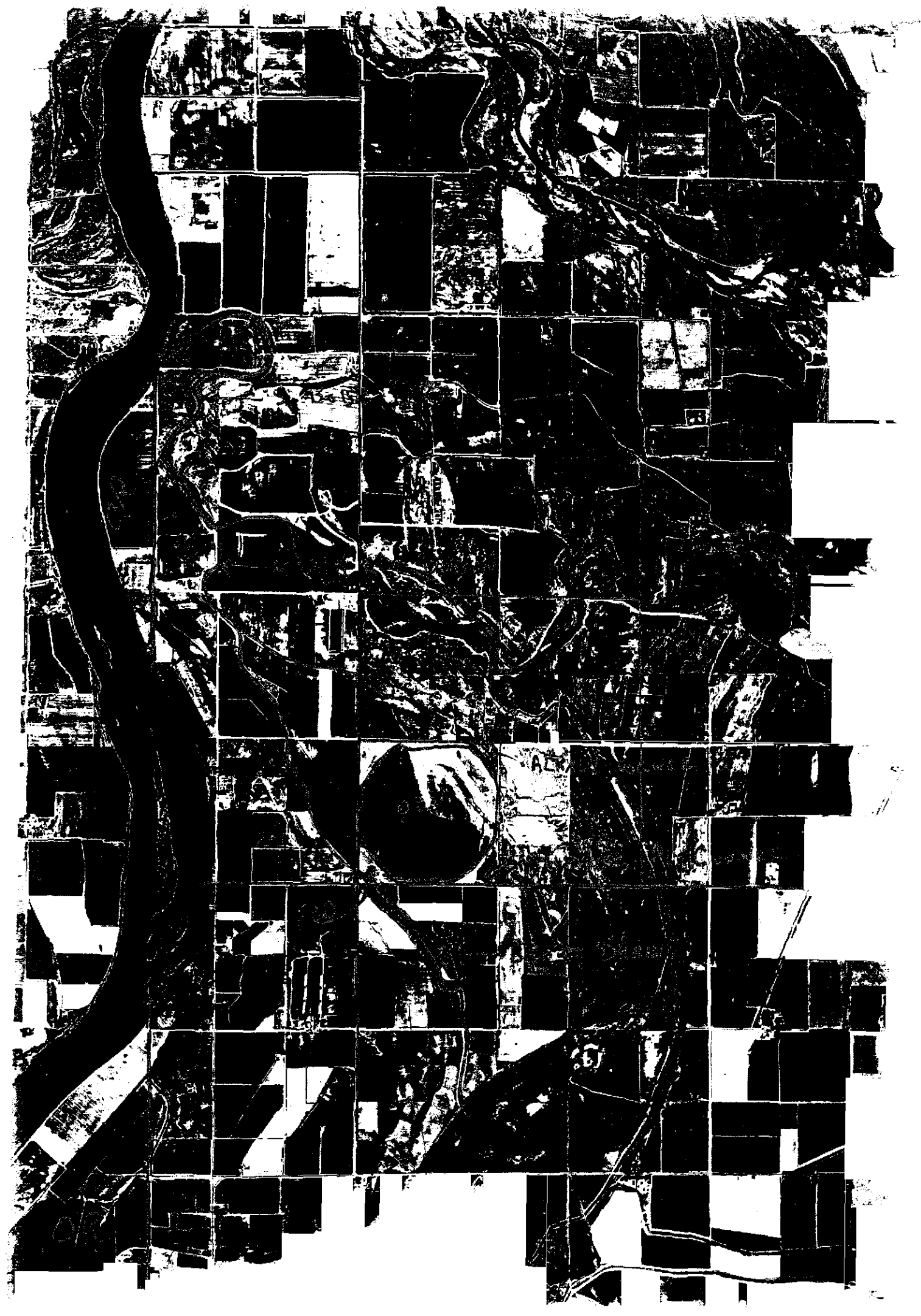


T139
 ASCS (1989)
 TOSN ROGW
 5.13 SW 1/4
 A63-02630D
 155 ACRES
 3.10 QFS



WS2 (1974)
41507
A63-02630D
T05N R06W
S. 13 SWSW
155 Acres
3.10 EFS





PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-026300 IRRIGATION	FROM 03-15 TO 11-15	3.100 CFS	
TOTAL DIVERSION RATE/VOLUME		3.100 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-026300 IRRIGATION	FROM 04-01 TO 10-31	3.100 CFS	
TOTAL DIVERSION RATE/VOLUME		3.100 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(X) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N(X)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(X) N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(X) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(X) Y() N(X)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(X) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N(X)

NOTES: 07/31/1995: License originally issued @ .02 cfs/acre. Transfer
no. 2629 caused that rate of diversion through to this portion of
the water right. 111

AJ CLAIM TOTAL DIVERSION RATE: 3.100 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.100 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(X) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(X) N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(X)

E. FLOW MEASUREMENT

MEASUREMENT METHOD Theoretical - see below, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 136 x 0.02 CFS/ACRE = 2.72 CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(X)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 136 x DIVERSION VOL. AF/A FOR AREA 4.5 =

TOTAL DIVERSION VOLUME 6.12 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 542.5 AF/A

ACRES 136 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 476 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

From IDWR Field Examination: handbook

$$Q = \frac{(8.8)(4.8)(LFE)}{6 + (2.31 \times 95.4)}$$

$$= \frac{(8.8)(50)(70)}{6 + (2.31 \times 45)}$$

$$= \frac{308}{109.95}$$

$$= 2.80$$

STATIC WATER MEASURED @ 5.5' 45psi is an estimation

NOTES:

WR RECORD CONDITIONS/REMARKS:
R04 - Use of water under this water right will be regulated by the
- Watermaster of State Water District No. 63.
TRANS. 2629.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE
	FROM	TO	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	03-15	11-15	3.100			542.5
<u>162</u>	<u>03-15</u>	<u>11-15</u>	<u>2.72</u>	<u>612</u>	<u>476</u>	<u>476</u>
TOTAL FOR THIS RIGHT			3.100	<u>612</u>	542.5	<u>476</u>

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: THH DATE: 07/31/1995

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
(X)
()

OWNERSHIP FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-02630

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 4.080

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
- A63 - 02630B	WITHDRAWN	.78		63-02630D	3.100
- A63 - 02630D		3.10		63-02630	
-				63-02630A	
-				63-02630B	0.780
-				63-02630C	0.200

TOTAL CFS

3.88

Difference of .20 cfs (63-02630C)

4.080

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N
FIELD EXAMINER Y(X) N()

NOTES:

07/31/1995: 63-02630 split into A & B. 63-02630A split into C + D.
A63-02630B (STEEC) has been withdrawn. License 63-02630 was originally licensed in 2 parts - Part A for 3.3 cfs + Part B for .78 cfs. (4.08 TOTAL)
A was split into C + D by XFER# 2629, which also moved PDP for Part D.
THAT A63-02630D was filed for the correct amt (3.10 cfs) & 63-02630C has not been filed on in the SR&A. 177

2630A X C
2630B D

07/10/1995 - Not Filed in SR&A. 177

AUTHENTICATION:

SIGNATURE:

[Handwritten Signature]

DATE:

07/31/1995

NAME OF FIELD EXAMINER:

MARIA PINICUCCI

TITLE:

SR WATER AGENT

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT		COPY INCLUDED IN FILE?	
TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION		
☒ ORTHOPHOTOQUAD	DATE OF PHOTO 1974 IDWR ID NO. W52	Y(☒)	N(☐)
☐ TOPOGRAPHIC	DATE FIELD CHECKED	Y(☐)	N(☐)
☒ NAPP	DATE OF PHOTO 07/13/1987 IDWR ID NO. W5255	Y(☒)	N(☐)
☒ ASCS AERIAL PHOTO	DATE OF PHOTO 1987 Flight	Y(☒)	N(☐)
☐ ASCS COLOR SLIDE	DATE OF PHOTO	Y(☐)	N(☐)
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO	Y(☐)	N(☐)
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY	Y(☐)	N(☐)
☐ SCS SOIL SURVEY MAP	DATE ISSUED	Y(☐)	N(☐)
☐ SUBDIVISION PLAT MAP	DATE OF MAP	Y(☐)	N(☐)
☐ OTHER	DATE	Y(☐)	N(☐)
☐ OTHER	DATE	Y(☐)	N(☐)
☐ OTHER	DATE	Y(☐)	N(☐)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)		NO. OF PAGES	NOTES
☒ LICENSING FIELD EXAM	DATE OF FIELD EXAM 01/07/1954	2	
☒ WATER RIGHT LICENSE	DATE LICENSE SIGNED 02/14/1969	1	Portion of license.
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN 07/14/1995	1	Source is Scott Dean
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☒ OTHER IDWR ORDER	DATE 02/13/1969	1	Explains 2 parts of license
☐ OTHER	DATE		



PHOTOGRAPHER AND DATE OF PHOTOS MMIWCCL 07/14/1995

FILE NO. A63-02630D T05N R06W S.13 SW SW



SCOTT DRAIN

- ① Point of diversion
is SW corner
of SWSW S.13.
Scott Drain is
in the background.



- ② SWSWSW corner
of S.13, NOT under
irrigation. Center
pivot does not have
the corners irrigated.
Looking west toward
Marbaca property.

FIELD EXAM PHOTO INDEX SUMMARY

Date: 07/14/1995

Roll No.: 1

Photographer: T. J. Minicucci

PHOTO NO.	SUBJECT
1	
2	
3	
4	
5	
6	
7	
18	A63-02904A New POD (XFER 1991)
19	POD
20	POD Looking S toward Horstica (From POD)
21	POD Looking east toward Down's Pivot
22	Bubbler TANK TO 12" gated pipe
23	Sprinkler line risers
24	SW CORNER of Down's A63-02630D v/POD
25	A63-02630D POD
26	
17	
18	
19	
20	
21	
22	
23	
24	

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 19769 }
IN THE NAME OF ALVIN A. STEEL }

ORDER

WHEREAS, Application for Permit No. 19769 was received by the Department of Reclamation on February 21, 1946, and permit was issued for the diversion of 4.5 cubic feet per second of water from an unnamed stream tributary to Boise River for irrigation of 228 acres, and;

WHEREAS, Proof of Application of the Water to Beneficial Use was to be made on or before February 23, 1954, and was made in fact on January 4, 1954, and;

WHEREAS, an assignment for 40/228 interest was made to John Steel by the executrix of the deceased permit holder on December 23, 1953, and;

WHEREAS, a field examination made January 7, 1954, showed a measured rate of diversion of 4.08 cubic feet per second of water or 204 miners inches of water, and;

WHEREAS, on January 8, 1954, the Department of Reclamation notified the permit holders that two licenses would be issued, one to the assignee for his portion, 39 inches or 0.78 cubic feet per second of water, and one to the estate of the permit holder for the remainder or 165 inches or 3.30 cubic feet per second of water, and;

WHEREAS, on September 14, 1954, a license was issued in error to the estate of the permit holder for 1.65 cubic feet per second of water rather than 3.3 cubic feet per second of water as intended, and;

WHEREAS, the permit holder has petitioned the Department of Reclamation to issue a corrected license, the original having been lost or destroyed, and;

IT IS THEREFORE HEREBY ORDERED, that licensed permit 19769 be recalled and reissued in the amount of 3.3 cubic feet per second of water and that the date of priority established by this permit remain February 21, 1946.

Dated this 15th day of February, 1969.

DRS:kh

R. KEITH HIGGSON
State Reclamation Engineer

DATE: 07/10/95
PAGE: 1

DIVERSION RATE DIVERSION VOLUME

3-100 CFS

✓ 3-100 CFS

Stage: LICENSE

CANYON County

SWSE	SWSE	SESE
AC	Lt	Lt
---	---	---

R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 63.

Priority Date: 02/21/1946
Proof Made Date:
Exam Sent to S.O.:

Field Exam Fee:

State of Idaho

CORRECTED

WATER LICENSE

Water License No. 19769/63-2630 Partial 1946 Amount 3.3 c.f.s.

THIS IS TO CERTIFY, that ALVIN A. SITT
of Parma, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated February 21, 1946, that Permit 19769/63-2630 was issued pursuant
to said application; that the proposed works were completed on or about 1946
with a storage or carrying capacity of 1.09 c.f.s., said works consisting of
pump, motor, and ditch, and that on January 4, 1954
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 660
acre feet per season, with a maximum rate of diversion of 3.3 cubic feet per second of the waters
of unnamed stream, tributary of Bolse River
for the purpose of irrigation from April 1 to October 31
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is
located in NW 1/4, NW 14, Sec. 24, T. 5 N, R. 6 W, 8.M., and
other additional points: _____, in the County of
Canyon, and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 660 acre feet per year.

Description and location of place of use

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N	6 W	13									40	40	40	35					155
		11			10														10

Total number of acres irrigated 165

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14th day of February, 19 69

R. K. H. H. H.
State Reclamation Engineer

63-2630 63-2630

19769

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 19769

This proof is for Beneficial use

In Water District No.

1. Name of applicant: Estate of Alvin A. Steel, C/o John Steel, Route 3, Parma, Idaho
2. Source of water supply: Un-named stream
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24
Twp. 5 N. Range 6 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Pump House 6'x8'x16' high, V type roof. Building painted red. House is tall to permit pulling the pump in the winter time. House has concrete base and there is a concrete base for the pump and motor. Motor is 15 horsepower. U. S. Motor 220 Volts, 40.2 amperes, 3 phase 60 cycle, 12,000 r.p.m. Serial No. 537335. Pump is a Peerless Turbine No. 39738, Single stage, 12 inch bowl, 8 foot column, 12 inches in diameter, enlarges to 14 inches in diameter, contd. on bottom of page.
5. Water is used for: Irrigation and domestic purposes
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ Section 13;S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14;SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14;

Twp. 5 North, Range 6 West, E. M.

See the map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: This water is being pumped from a constructed dam ditch. This examination was made on the 7th day of January, 1954.

(No. 4 Cont.) Total lift is 16 feet. Switch control is in a Square panel, Type K 13. Meter is mounted on the north side of the pump house, 240 volt, D.E., 300133015. There is approximately 400 feet of buried concrete pipe from the pump house to the main outlet. Ditches are all very large with ample capacity, 4 to 6' in bottom, 2' to 3' deep. Partly diked ditches

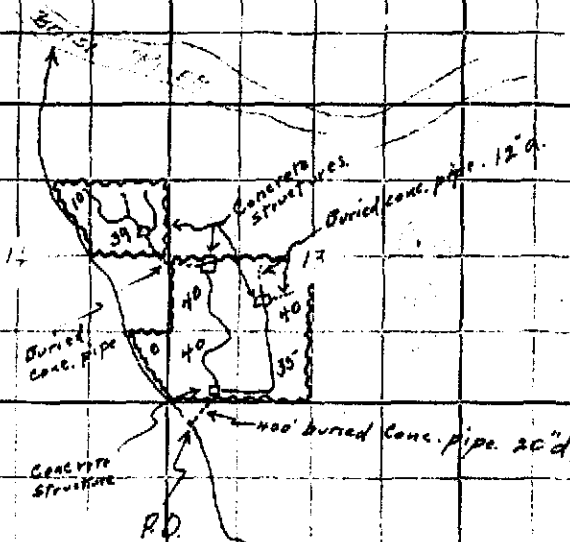
This examination was made on the 7th day of January, 1954

(Signed) E. H. Humphrey

Examiner.

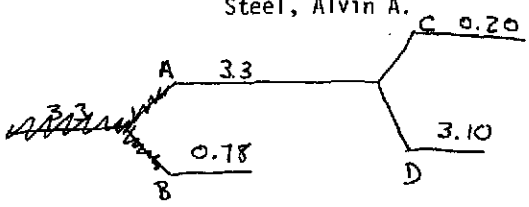
19769

R-6 W.

T.
5
A.Constructed
Source & Drain ditch6 Subdivisions
204 acres area

204" = Q

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Steel, Alvin A.		3.3	63-2630A
2 Licenses Issued	Steel, Alvin A.		0.78	63-2630B
	Downs, Larry R.		3.10	63-2630D
	Steel, Alvin A.		0.20	63-2630C



11

E

S

N

A

RECEIVED

R

T

DELIVERED
ISSUED

STEEL, ALVIN A.

2.3

63-2630 A

STEEL, ALVIN A.

0.78

63-2630 B

STEEL, ALVIN A.

3.10

63-2630 C

STEEL, ALVIN A.

1.25

63-2630 D

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 19769

This proof is for Beneficial use In Water District No.

1. Name of applicant Estate of Alvin A. Steel, C/o John Steel, Route 3, Parma, Idaho
2. Source of water supply: Un-named stream
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24
T. 5 N. R. 6 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Pump House 6'x8'x16' high, v type roof. Building painted red. House is tall to permit pulling the pump in the winter time. House has concrete base and there is a concrete base for the pump and motor. Motor is 15 horsepower, U. S. Motor 220 Volts, 40.2 amperes, 3 phase 60 cycle, 12,000 r.p.m. Serial No. 537335. Pump is a Peerless Turbine No. 39738, Single stage, 12 inch bowl, 8 foot column, 12 inches in diameter, enlarges to 14 inches in diameter, contd. on bottom of page.
5. Water is used for: Irrigation and domestic purposes
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ Section 13;
S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14;
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14;
Twp. 5 North, Range 6 West, B. M.
See the map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: This water is being pumped from a constructed dam ditch. This examination was made on the 7th day of January, 1954.

(No. 4 Cont.) Total lift is 16 feet. Switch control is in a Square D panel, Type K 13. Meter is mounted on the north side of the pump house, 240 volt, G.E., 300333015. There is approximately 400 feet of buried concrete pipe from the pump house to the main outlet. Ditches are all very large with ample capacity, 4' to 6' W. on bottom.

2 1/2' to 3' deep. Partly diked ditches.

2-13-69 IRRIGATION REQUIREMENT = 4.5 AC-Ft / ACRE / SEASON DR22

This examination was made on the 7th day of January, 1954.

(Signed) E. H. Humphrey Examiner.

19769

Estate of Alvin A. Steel
Rt. 3, Parma, Idaho

Permit No. 19769

Examination for Beneficial Use

County Canyon

24-64-64

G = 4.5 c.s.

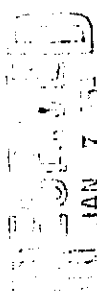
S = Homestead claim

P.L. = H.M.M. Co. 22 754-5-5-44

Use =

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

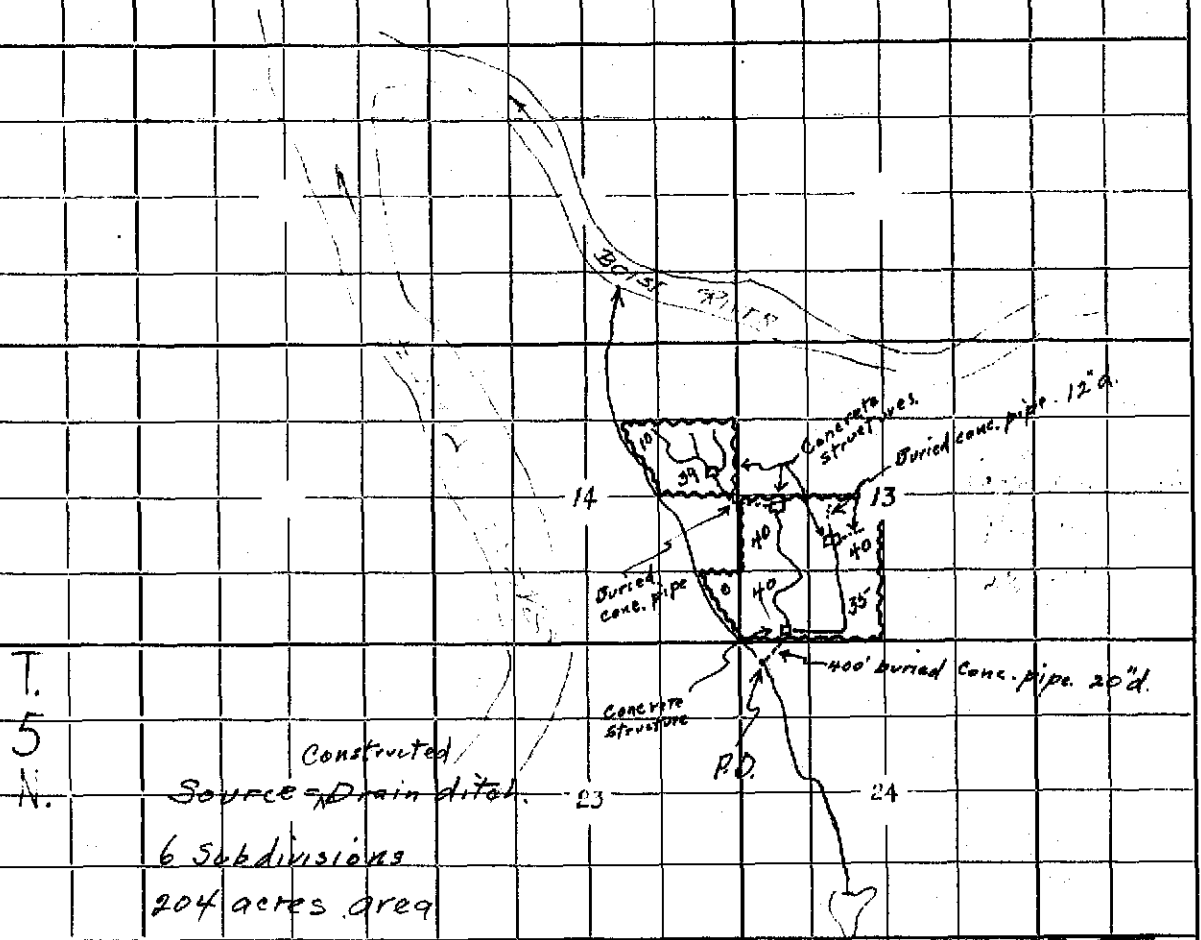


Department of Reclamation

Accepted = Jan 12, 1934
Filed = Feb. 23, 1934

1576 U.S. mola.
577 5-3-38 301 77 402 40
1200 cypm 3ph. 6007
107 67.1
39938 3000
5742 44
R2.5 panel 8125 1934
1200 12"
16' 12" 8' 12" 12" 14"
del pipe = concrete in 20"
concrete base
Pump 11' 11" 6' 12" 11"
painted red
11' 11" 6' 12" 11"
painted red

R-6 W.



T.
5
N.

Constructed
Source & Drain ditch
6 subdivisions
204 acres area

204" = Q

VOL = MAX VOL SHALL NOT EXCEED 660 AC-FT / SEASON
FOR THE 16 AC PORTION OF PERMIT

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

14769

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19769

REPORT ON PROOF OF Beneficial Use

Estate of ALVIN A. STEEL, C/o John Steel, Rt. 3, Parma, Idaho

John Steel 37" - 78 cfs
E state 165 - 330 cfs

more

SEE 111. analysis of John

110/228

204 acres

G. 110'



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 24, 1995

[DOWNS DAIRY LTD]
PARTNERSHIP
31156 MARKER RD
PARMA ID 83660

[]

RE: Claim(s) to a Water Right filed in the Snake River Basin Adjudication

Claim Nos. A63-02630D

Dear Claimants:

The Department of Water Resources will be conducting claim verification field exams in your area beginning in March. An examination is needed to verify your water use in order to complete our report for the court's decree.

The field exams are conducted to gather information about your water right. This information may include the source of water, type of usage, amount of water used, number of acres irrigated, and the legal description of the point of diversion and/or place of use.

Please contact this office by March 10, 1995, in order to make an appointment at a time which is convenient for you. Although it is not mandatory that you accompnay IDWR's examiner, it is helpful if someone familiar with the water delivery system is present during the exam. This will help insure that your water right is deccribed accurately for the report to the court.

To make an appointment, or if you have any questions or concerns about the field exam, please contact me at your earliest convenience.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

Type	WR #	Owner	Source	THS	NENE	NWNE	SWNE	SENE	NENW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE
Right	63 2278	THE RIVERSIDE IRRIGATION DIST LTD,	INDIAN CREEK	05N06W13	31		19					13	34	33	26		4	31
Rec	63 2630D	DOWN'S DAIRY LTD PARTNERSHIP,	SCOTT DRAIN	05N06W13								34	34	34	34			
Claim	63 2630D	DOWN'S DAIRY LTD PARTNERSHIP,	UNNAMED STREAM	05N06W13								40	40	40	40		36	
Right	63 2630D	LARRY R DOWNS,	UNNAMED STREAM	05N06W13								40	40	40	40		35	
Rec	63 2212	UNITED STATES OF AMERICA ACTING THROUGH,	PIPE GULCH DRAIN CREEK	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 226	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 227	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 2279	THE RIVERSIDE IRRIGATION DIST LTD,	INDIAN CREEK	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 228	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 229	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 2374	THE RIVERSIDE IRRIGATION DIST LTD,	INDIAN CREEK	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 2389	THE RIVERSIDE IRRIGATION DIST LTD,	ARENA LAKE DRAIN	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 299	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 300	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 4007	THE RIVERSIDE IRRIGATION DIST LTD,	MEADOWS GULCH DRAIN	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 4008	THE RIVERSIDE IRRIGATION DIST LTD,	MAMMEN GULCH CREEK	05N06W13	X	X	X	X				X	X	X	X	X		
Rec	63 4010	THE RIVERSIDE IRRIGATION DIST LTD,	WEST END DRAIN	05N06W13	X	X	X	X				X	X	X	X	X		
Right	63 12196	DONALD E GEE, FAE G GEE,	ALKALI DRAIN	05N06W13				23										
Rec	63 21454	KAREN MOSER, MATTHEW MOSER,	ALKALI DRAIN	05N06W13			21			1.6								
Claim	63 21454	KAREN MOSER, MATTHEW MOSER,	NORTH ALKALI DRAIN	05N06W13			27											
Claim	63 226	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13				40										
Claim	63 227	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13				40										
Claim	63 2279	THE RIVERSIDE IRRIGATION DIST LTD,	INDIAN CREEK	05N06W13				40										
Claim	63 228	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13				40										
Claim	63 229	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13				40										
Claim	63 2165	IVAN G MARTIN, MURIEL G MARTIN,	WASTE WATER	05N06W13				40										40
Rec	63 23165	IVAN G MARTIN, MURIEL G MARTIN,	WASTE WATER	05N06W13														40
Claim	63 2374	THE RIVERSIDE IRRIGATION DIST LTD,	INDIAN CREEK	05N06W13				40										3
Claim	63 2374	THE RIVERSIDE IRRIGATION DIST LTD,	ARENA LAKE DRAIN	05N06W13				40										28
Right	63 2708	JAMES A MILLER,	UNNAMED DRAIN	05N06W13		26												
Claim	63 2708	JAMES A MILLER, LOIS A MILLER,	UNNAMED DRAIN	05N06W13		26												
Rec	63 2708	JAMES A MILLER, LOIS A MILLER,	UNNAMED DRAIN	05N06W13		25												
Claim	63 299	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13				40										
Claim	63 300	THE RIVERSIDE IRRIGATION DIST LTD,	BOISE RIVER	05N06W13				40										
Claim	63 32442	MURIEL G MARTIN,	GROUND WATER	05N06W13														
Rec	63 32442	MURIEL G MARTIN,	GROUND WATER	05N06W13														
Rec	63 3477	EVA JO MILLER, RAY A MILLER,	UNNAMED DRAIN	05N06W13	20												3	28
Right	63 3477	RAY A MILLER,	UNNAMED DRAIN	05N06W13	20												3	28
Claim	63 3477	RAY A MILLER, EVA JO MILLER,	UNNAMED DRAIN	05N06W13	20													
Claim	63 4007	THE RIVERSIDE IRRIGATION DIST LTD,	MEADOWS GULCH DRAIN	05N06W13														
Claim	63 4008	THE RIVERSIDE IRRIGATION DIST LTD,	MAMMEN GULCH CREEK	05N06W13				40										
Claim	63 4010	THE RIVERSIDE IRRIGATION DIST LTD,	MAMMEN GULCH CREEK	05N06W13				40										
Right	63 4233	ED G SCHULTZ, JOHN D LANTZ,	WEST END DRAIN	05N06W13				40										
Rec	63 4233A	CURTIS B LEWMAN, ZILLIAH L LEWMAN,	UNNAMED DITCH	05N06W13			40				B							
Claim	63 4233A	CURTIS B LEWMAN, ZILLIAH L LEWMAN,	ALKALI DRAIN	05N06W13			2.7											
Rec	63 4233B	SCOTT A COGGINS, JENNIFER G COGGINS,	NORTH ALKALI DRAIN	05N06W13							3							
Claim	63 4233B	SCOTT A COGGINS, JENNIFER G COGGINS,	ALKALI DRAIN	05N06W13							4.7							
Rec	63 4233C	DAVID H KISER, ANITA M KISER,	SOUTH BOISE DRAIN	05N06W13							8							
Claim	63 4233C	DAVID H KISER, ANITA M KISER,	ALKALI DRAIN	05N06W13			4.8											
Claim	63 4233C	DAVID H KISER, ANITA M KISER,	UNNAMED DRAIN	05N06W13			7											

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

