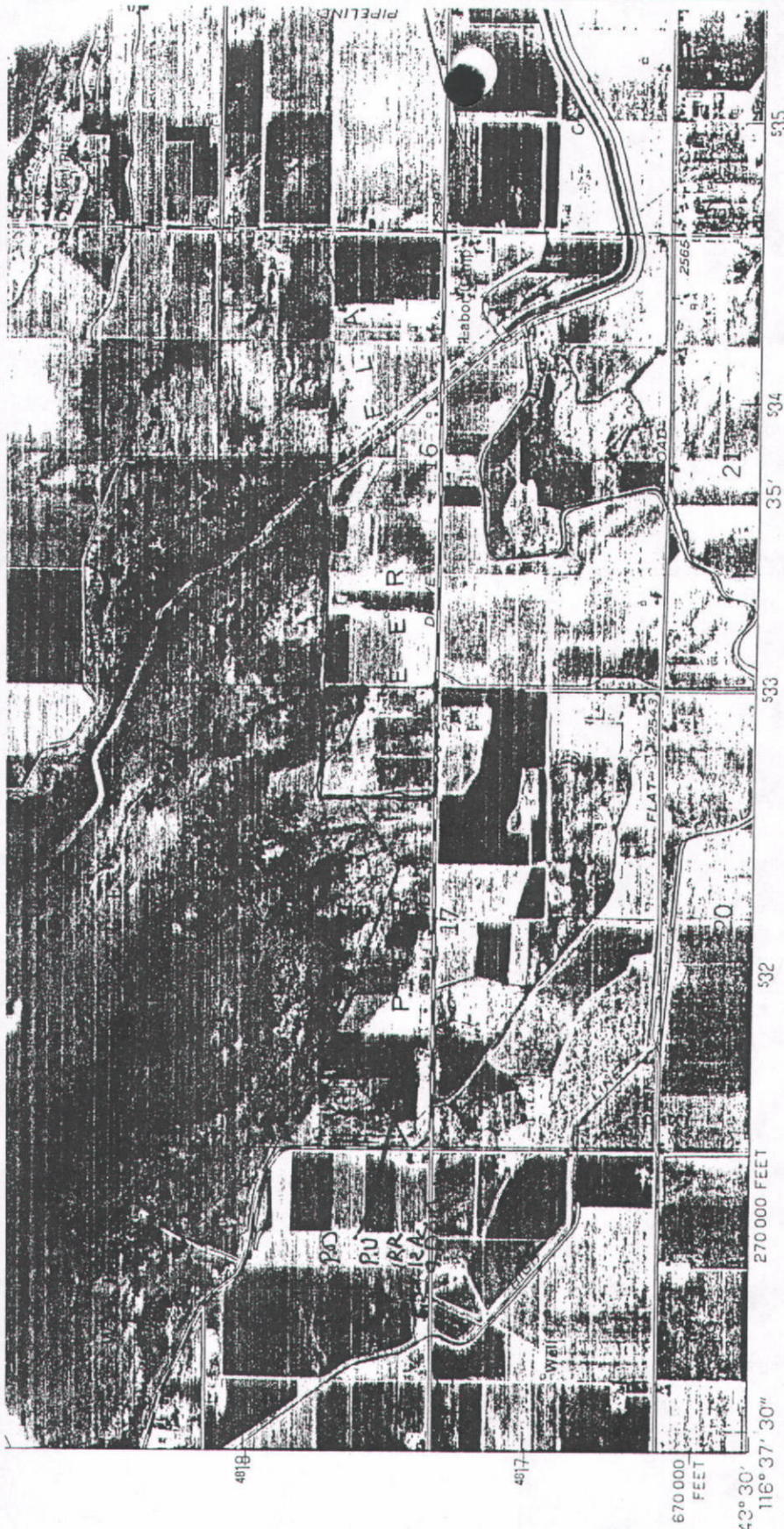




Produced by the Geological Survey

Orthophotograph prepared from 1:80,000-scale aerial photographs taken July 8, 1981

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (Transverse Mercator)
1000-meter Universal Transverse Mercator grid, zone 11
1927 North American Datum

To place on the predicted North American Datum 1983 move the projection lines 16 meters north and 78 meters east as shown by dashed corner ticks

Photomagey rectified by optical scanning
Where double or mismatched image occur use the mean of image position for map point

Land lines from Nampa, Idaho

1:24,000-scale topographic map dated 1971

There may be discrepancies between positions on land lines and photomagey

This map has been prepared by the Idaho Department of Water Resources, pursuant to Idaho Code §42-1410 to assist claimants in filing notices of claims and objections in the Snake River Basin Adjudication. No warranty, either express or implied, is made and the legal responsibility is assumed by IDWR, its employees, its agents, contractors, and representative firms particularly Bonneville Blueprint Supply Co. Inc. or its employees, for the accuracy, completeness, or usefulness of any information set forth on this map.

THIS MAP COMPLIES WITH NATIONAL
FOR SALE BY U.S. GEOLOGICAL SURVEY

Copies Of These Maps
At Bonneville Blueprint

MICROFILMED

AUG 18 1992



Idaho Department of Water Resources

63-2733B

T02N R02W S17



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

Total irrigated
acres = 8



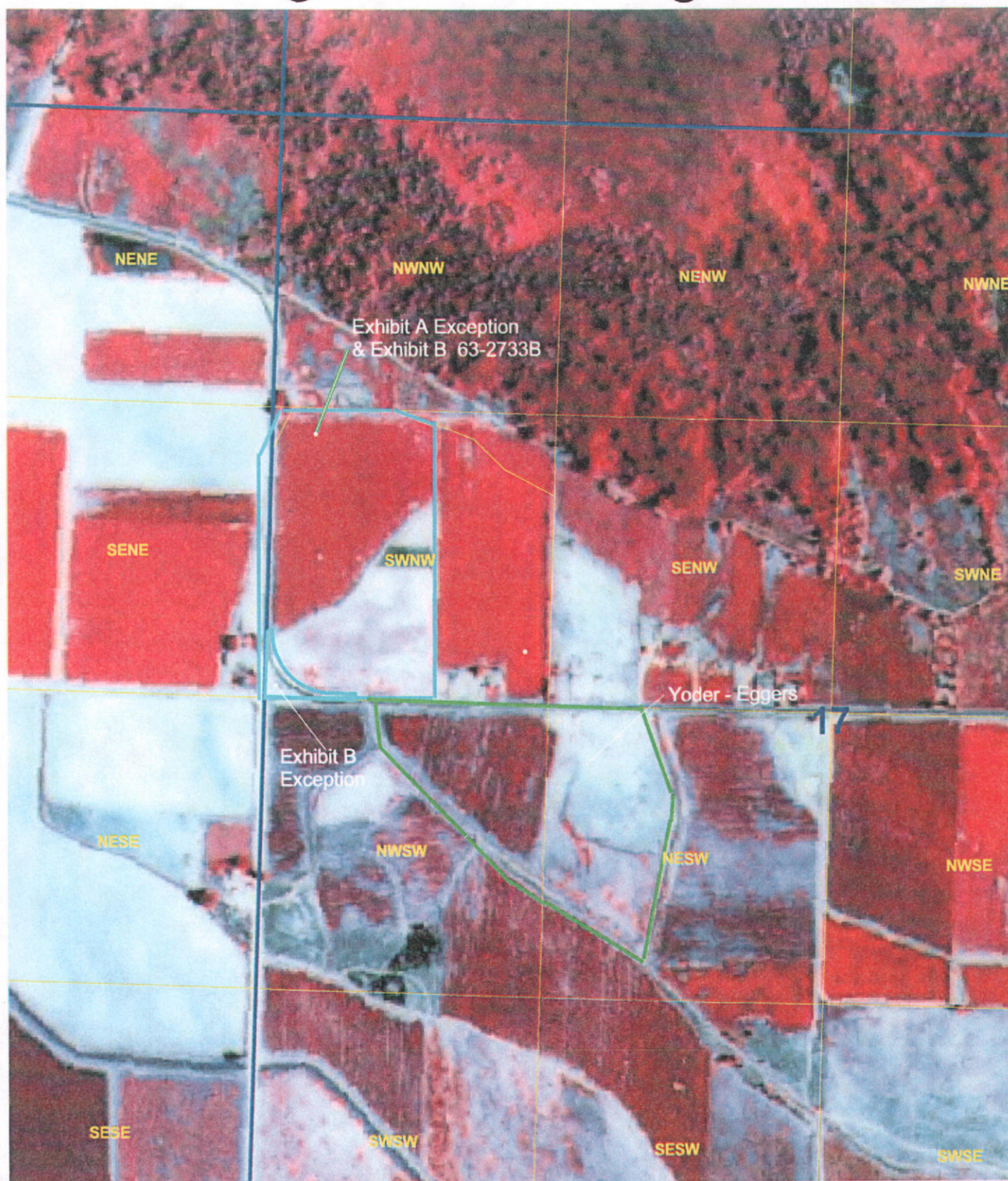
600 0 600 1200 Feet

IDWR

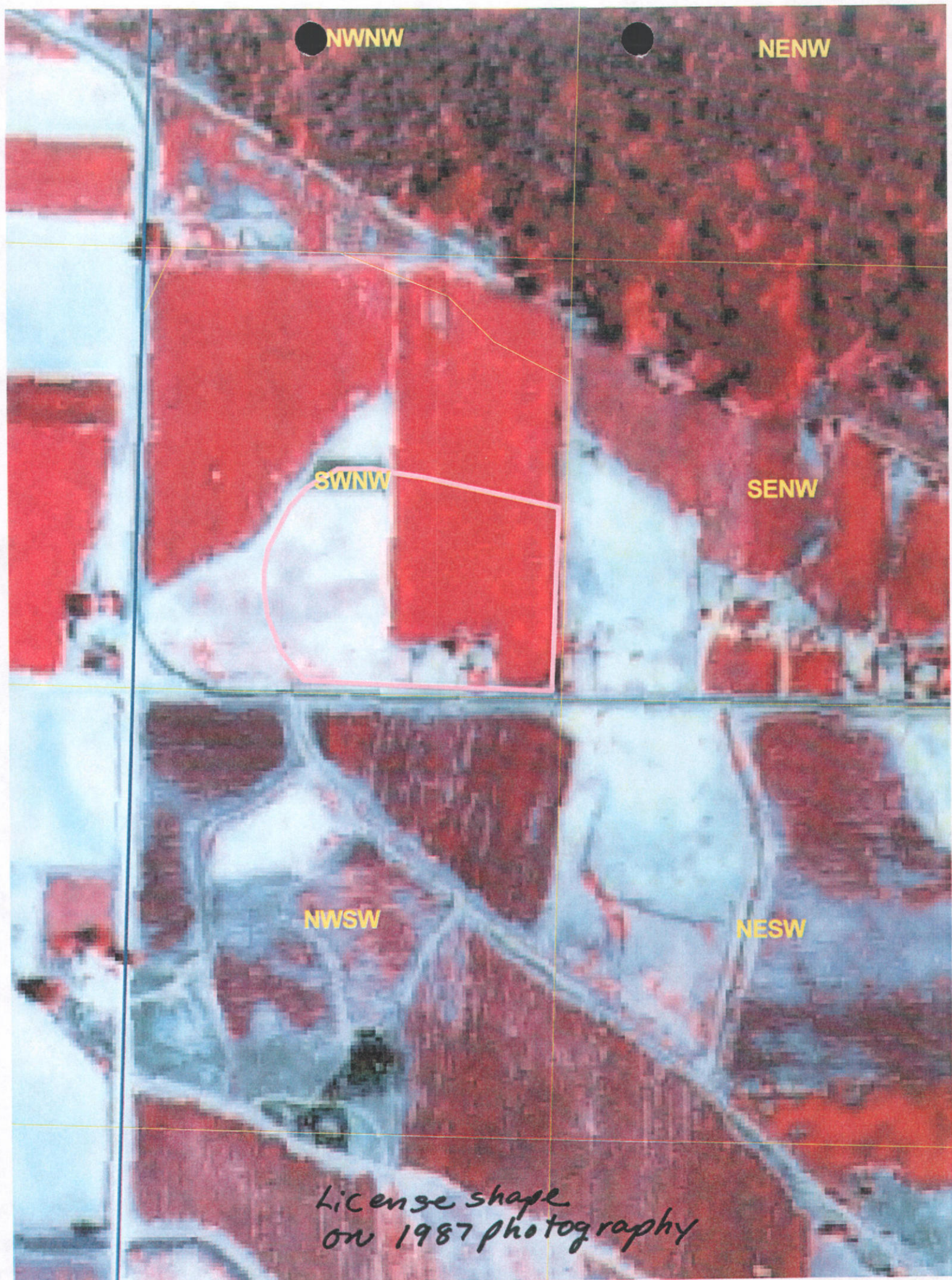
Prepared by: Sandy Egbert

Date: July 25, 2006

1987 NAAP Photography



Metes and Bounds on:
 Yoder and Eggers agreement - 63-2733C
 Assignment of Well and Water Rights - Ford & Millard
 Ferguson property & exception (exhibit B)
 Exhibit A exception. The property is Gov.
 lot 2 minus Exhibit A exception. (Ford and
 Millard)



License shape
on 1987 photography

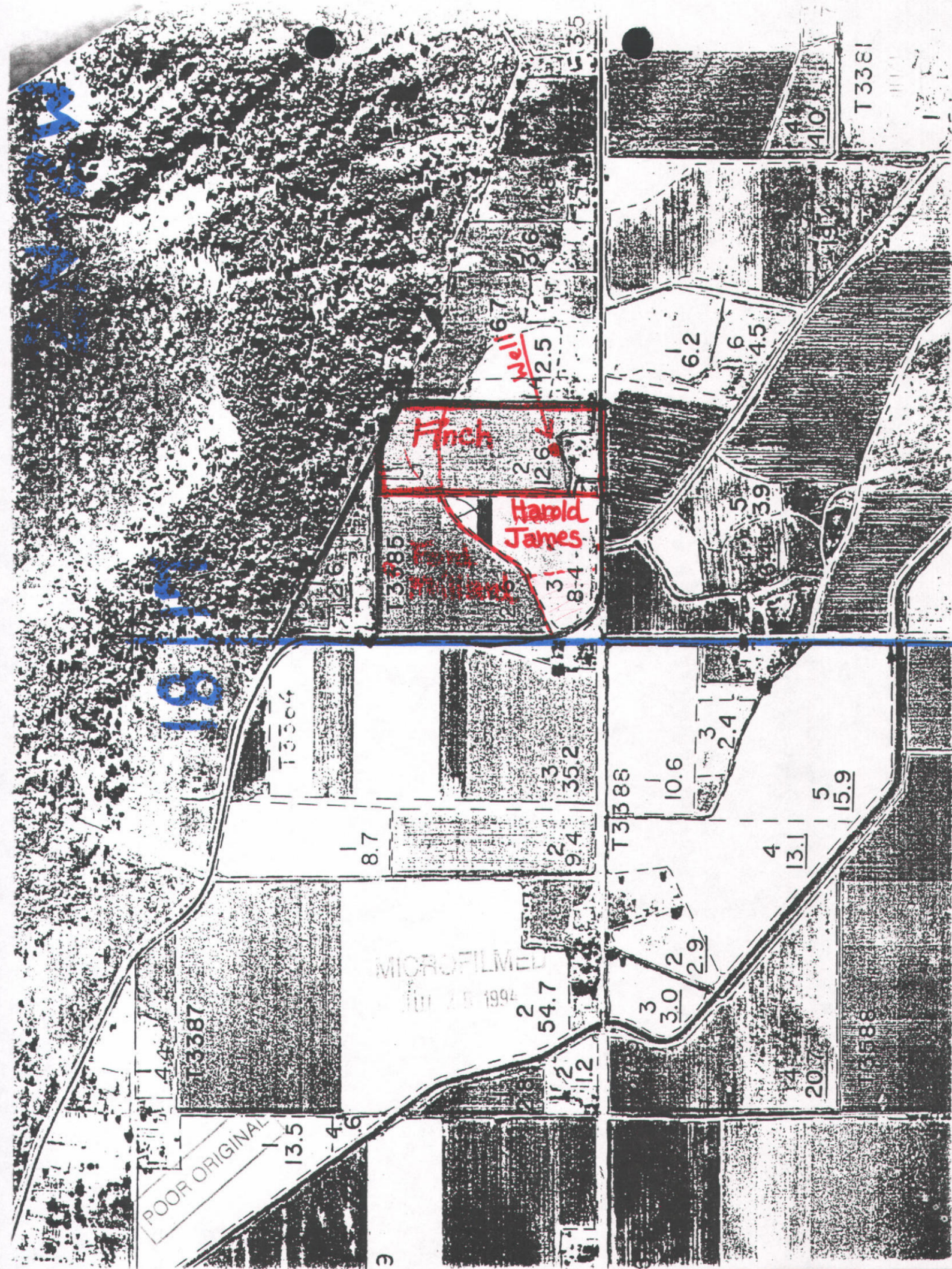


SWNW

NWSW

Licensed Shape - per
field exam map &
made exactly 12 acres

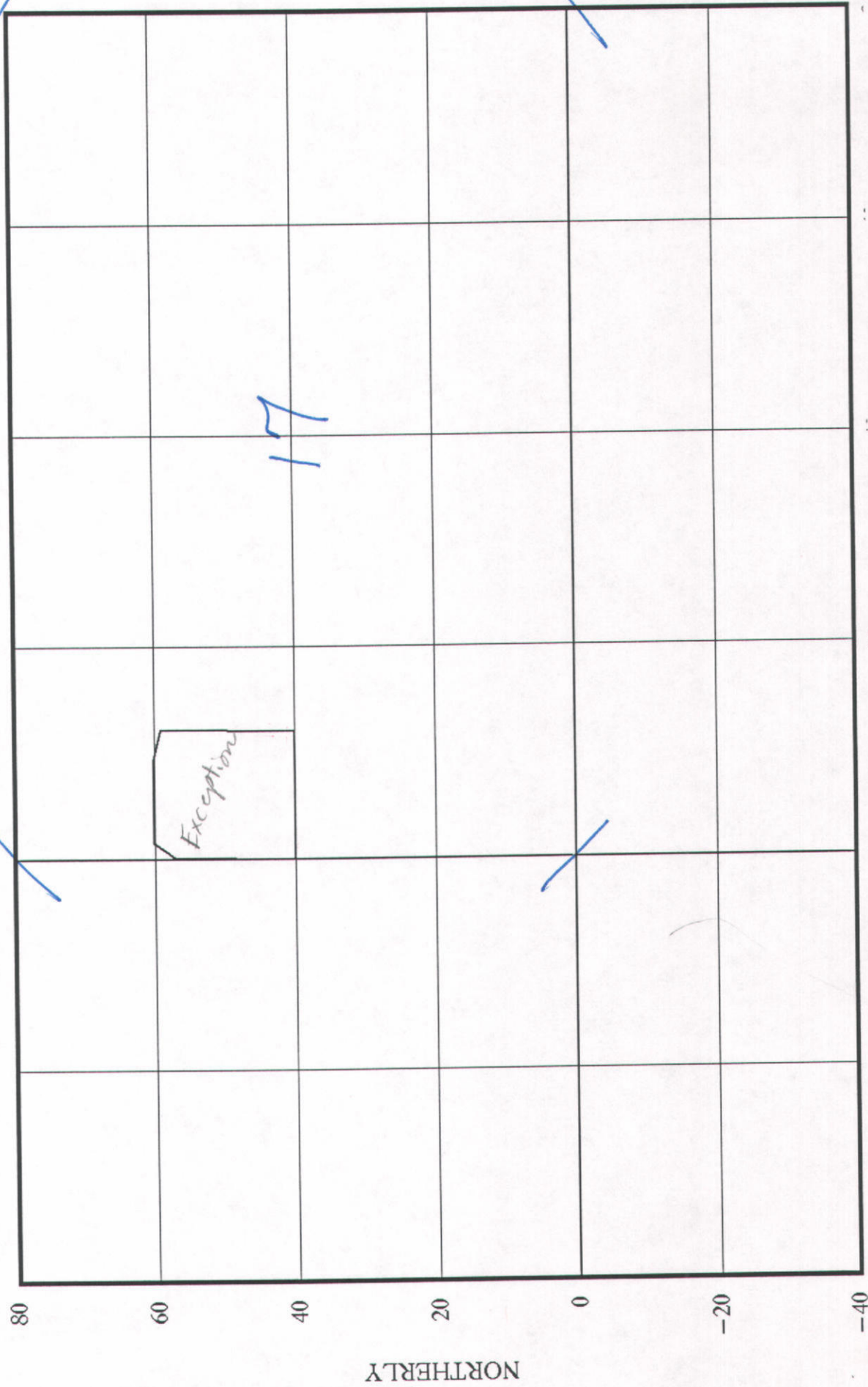
1939 photography



Ford & Miller → Finch
per "Assignment of Well & Water Rights"
Exhibit A 12/7/93

PARCEL PLOT - METES & BOUNDS

DISTANCE IS IN CHAINS



POOR ORIGINAL

MICROFILMED
JUL 25 1994

FINAL

T 3301



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 63-2733B
Date Received: 2/22/1990
Receipt No: C014871
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTHSIDE INC. Phone:
420 SHERRY ROAD
NAMPA ID USA 83686

2. Date of Priority: 11/03/1948

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	02W	17	SE SW NW	CANYON	

5. Description of diverting works:

WELL, W/3/3HP & 10HP PUMP DOMESTIC AND GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.24	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.24 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
02N	02W	17	SW	NW	DOMESTIC	
			SW	NW	IRRIGATION	12
					Section Acres	12
					Total Acres	12

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:

THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUISONS.

| MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS OWNERSHIP CHANGED BY KW ON 6/12/1991.

| NOTE: THE WELL & WATER RIGHT COVERED BY THIS CLAIM HAVE BEEN SOLD - PER THE ASSIGNMENT OF WELL & WATER RIGHTS AGREEMENT IN THE FILE - TO MARTIN L & MARGARET H FINCH - DATED 12-7-1993. WILL NEED TO CHECK OWNERSHIPS CONSIDERING THE A & C SPLITS ALSO.

CHANGE IN OWNERSHIP LG 4-21-2006

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: **A63-02733B**
Date Received: 2/22/1990
Receipt No: C014871
Received By: _____

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

1. Name: MARTIN L. FINCH 208-465-5758
Address: 10766 LAKE SHORE DR.
NAMPA ID 83686
AND/OR
Name: MARGARET H. FINCH 208-465-5758
Address: 10766 LAKE SHORE DR.
NAMPA ID 83686

2. Date of Priority: NOV 3, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	17	SE	SW	NW		CANYON

5. Description of diverting works:
WELL, W/3/3HP & 10HP PUMP DOMESTIC AND GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME, LAWN & GARDEN

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	17	SW	NW		IRR	12.0
			SW	NW		DOMEST	
Section Acres							12.0
Total Acres							12.0

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:

NAMPA & MERIDIAN IRRIGATION DISTRICT

14. Remarks:

THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUISONS.

MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS OWNERSHIP CHANGED BY KW ON 6/12/1991.

NOTE: THE WELL & WATER RIGHT COVERED BY THIS CLAIM HAVE BEEN SOLD - PER THE ASSIGNMENT OF WELL & WATER RIGHTS AGREEMENT IN THE FILE - TO MARTIN L & MARGARET H FINCH - DATED 12-7-1993. WILL NEED TO CHECK OWNERSHIPS CONSIDERING THE A & C SPLITS ALSO.

15. Basis of Claim: LICENSE

Water Right Number: 20740

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

MICROFILMED

JUL 25 1994

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JUL 25 1994

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: A63-02733B
Date Received: 2/22/1990
Receipt No: C014871
Received By: DE-KW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARTIN L. FINCH 208-465-5758
Address: 10766 LAKE SHORE DR.
NAMPA, ID 83686

AND/OR

Name: MARGARET H. FINCH 208-465-5758
Address: 10766 LAKE SHORE DR.
NAMPA, ID 83686

2. Date of Priority: NOV 3, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	17	SE	SW	NW		CANYON

5. Description of diverting works:
WELL, W/3/3HP & 10HP PUMP DOMESTIC AND GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME, LAWN & GARDEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	17	SW	NW		IRR	12.0
			SW	NW		DOMEST	

Section Acres 12.0

Total Acres 12.0

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:

NAMPA & MERIDIAN IRRIGATION DISTRICT

14. Remarks:

THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUISONS.

MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS OWNERSHIP CHANGED BY KW ON 6/12/1991.

15. Basis of Claim: LICENSE

Water Right Number: 20740

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02733B
Date Received: 2/22/1990
Receipt No: C014871
Received By: ADP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHILLIP FERGUSON 208-467-2247
Address: 10766 LAKE SHORE DR
NAMPA, ID 83686

OR
Name: ROBBIN FERGUSON 208-467-2247
Address: 10766 LAKE SHORE DR
NAMPA, ID 83686

2. Date of Priority: NOV 03, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	17	SE	SW	NW		CANYON

5. Description of diverting works:
WELL, W/3/3HP & 10HP PUMP DOMESTIC AND GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME, LAWN & GARDEN

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	02W	17	SW	NW	IRR	12.0
			SW	NW	DOMEST	

Section Acres 12.0

Total Acres 12.0

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:

NAMPA & MERIDIAN IRRIGATION DISTRICT

14. Remarks:

THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUISONS.

MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS

15. Basis of Claim: LICENSE

Water Right Number: 20740

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals:

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

Signature of Claimant(s): Philip O. Ferguson Date: 2-22-90

Date: _____

State of Idaho)
County of Blaine) ss.

Subscribed and sworn (or affirmed) before me this 22nd day
of Feb. 1990
Shirley E. Smith
Notary Public

Seal

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

Complicated
land-ownership
issues
See memos

RECEIVED
MAR 24 2006
WATER RESOURCES
WESTERN REGION
DEPARTMENT OF
WATER RESOURCES

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not 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
63-2733		B			

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 diversion 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 claims(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) Martin and Margaret Finch (subsequently Marlon Hug)
10766 Lakeshore Drive, Nampa, Idaho 83686
4. New Owner/Claimant(s) Southside, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 420 Sherry Road
- City, State and ZIP Code Nampa, Idaho, 83686
- New Telephone Number (208) 573-5511
5. Date you acquired the property January 25, 2005

*Mets
found*

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) amount 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 the 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) Paul W. Wozniak
(include title if applicable) President, Southside Inc.

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 lg Date 9-23-06 Fee 0
 Receipted by lg N/A Date N/A Receipt No. N/A
 Processed by lg AJ Date 4-24-06 WR _____ Date _____

①
P183093
CC4583

INSTRUMENT NO. 200504826

WARRANTY DEED

FOR VALUE RECEIVED Marlon W. Hug, a single man

the Grantor, does hereby grant, bargain, sell and convey unto Southside, Inc., an Idaho corporation

the Grantee, whose address is 420 Sherry Road, Nampa, ID 83686

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2004 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

DATED: January 25, 2005

Marlon W. Hug
Marlon W. Hug

STATE OF IDAHO

COUNTY OF CANYON

On this 28th day of January in the year 2005, before me, a Notary Public, personally appeared Marlon W. Hug 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.

Camille Pedorian
Notary Public
Residing at Melba
My commission expires 3/10/09

2005 JUN 28 PM 4 45
RECORDED
C NOEL HALES
CANYON CNTY RECORDER
BY *Due*

200504826



PIONEER TITLE COMPANY
OF CANYON COUNTY
"CANYON OFFICE"

REQUEST PIONEER-NAMPA
TYPE *100* FEE *6-*

TEL. (208) 465-6635
FAX. (208) 465-6556

PN83093

Lot 2 In Section 17, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 north, Range 2 West of the Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

N 1371010.99 E 2288796.56

BEGINNING at the West Quarter corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence

South 89° 59' East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point; thence

North 0° 11' East and being 3 feet East of the East edge of a concrete ditch a distance of 1,261.8 feet to a point on the Northeasterly lot line of Government Lot 2; thence

North 70° 30' West along the Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2; thence

South 89° 56' West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point; thence

South 24° 36' West along Northeasterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17; thence

South 0° 10' West along the centerline of Lake Shore Drive a distance of 1,123.32 feet to POINT OF BEGINNING.

MH

GIVENS PURSLEY LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JOHN M. MARSHALL
Direct Dial: 208-388-1270
E-Mail: johnmarshall@givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Melissa A. Finocchio*
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle

Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Mellillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Bradley V. Sneed
H. Barton Thomas, LL.M.

J. Will Varin
Conley E. Ward
Robert B. White

Kenneth L. Pursley
RETIRED

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

*Licensed in California

RECEIVED

MAR 23 2006

DEPARTMENT OF
WATER RESOURCES

March 22, 2006

Ms. Kari Lynn Townsend
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Southside, Inc.
GP File No. 7456-2

Dear Ms. Townsend:

Enclosed please find a Notice of Change in Water Right for Water Right No. 63-2733. Please record this change in the records of the Idaho Department of Water Resources so that the water right may be adjudicated correctly. Because the right is pending in the SRBA, no fee is required. If you have any questions regarding the enclosed, please call me.

Sincerely,



John M. Marshall

JMM:amm

Enclosure

cc: Southside, Inc.

S:\CLIENTS\7456\JMM to IDWR with Notice of Change of Water Right.DOC

RECEIVED

MAR 24 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

JUN 12 1991

Department of Water Resources
Western Regional Office

CHANGE IN OWNERSHIP

This form is used for purposes of notifying IDWR of a change in ownership of an Adjudication Claim.

[] Water Right Number(s): A63-02733 B

[] Name and Address of
Former Claimant(s):

Phillip Ferguson
Robbin Ferguson
10766 Lake Shore Dr., Nampa

[] New Claimant(s):

Martin L. Finch &/or
Margaret H. Finch

[] New Mailing Address:

10766 Lake Shore Dr.
Nampa, ID 83686

[] New Telephone Number: (208) 465-5758

[] Does the change in ownership result in a spitting of the water right(s) claimed? Yes ☒ No

If yes, then describe the portion of the water right that is now claimed by the new owner(s):

☒ Attach proof of ownership:

Describe proof attached:

Deed of Trust

(Proof of ownership must describe either the property conveyed or include the claim number.)

(Proof of ownership is not required if this form is signed by the former claimant.)

☒ Signature of New Claimant(s):

Martin L. Finch

Date

June 12, 1991

Revised 01/91

(Over Please)

CHANGE IN OWNERSHIP

[] Signature of Former Claimant(s): _____

Date: _____

[Signature of former claimant(s) is not required if proof
of ownership is attached.]

For IDWR use only:

Initial Review and Data-Entry: Date _____ By _____
Further Action Needed / Taken: Date _____ By _____
Final Review and Data-Entry: Date _____ By _____

Claim Numbers of Split, if any: _____

After form has been completed, please return to the nearest
IDWR office below:

Western Regional Office
2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

Eastern Regional Office
150 Shoup Suite # 15
Idaho Falls, Idaho 83402
(208) 525-7161

Southern Regional Office
222 Shoshone Street East
Twin Falls, Id 83301
(208) 734-3578

Northern Regional Office
1910 Northwest Blvd. Suite 210
Coeur D'Alene Idaho 83814
(208) 765-4639

IDWR State Office
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720
(208) 327-7906

RECEIVED

Inst 9109240

DEED OF TRUST

JUN 12 1991

Department of Water Resources
Western Regional Office
in the year of 1991

THIS DEED OF TRUST, Made this 14th day of May
BETWEEN MARTIN L. FINCH AND MARGARET H. FINCH, BOTH UNMARRIED
INDIVIDUALS,
herein called GRANTOR,
whose address is:
STEWART TITLE OF IDAHO, Inc., an Idaho corporation, herein called TRUSTEE, and PHILLIP Q.
FERGISON AND ROBBIN R. FERGISON, HUSBAND & WIFE,
herein called BENEFICIARY,

whose address is:
WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN
TRUST, WITH POWER OF SALE, that property in the County of CANYON State of Idaho,
described as follows, either located within an incorporated city or village at the date hereof, or containing not more
than twenty acres:

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

THIS IS A PURCHASE MONEY DEED OF TRUST AND IS GIVEN TO SECURE A
PORTION OF THE PURCHASE PRICE OF THE HEREIN DESCRIBED PROPERTY,
AND IS SUBJECT AND SUBORDINATE TO A ~~DEED OF TRUST~~ RECORDED
August 20, 1976, AS INSTRUMENT NO. 781625 Mortgage

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and confer-
red upon Beneficiary to collect and apply such rents, issues and profits, for the purpose of securing payment of the indebtedness evidenced by
a promissory note, of even date herewith, executed by Grantor in the sum of TWENTY-FIVE THOUSAND & 00/100
***** Dollars, (\$ 25,000.00)

final payment due December 15, 1991, and to secure payment of all such further sums as may hereafter be
loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any pur-
pose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such
sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the
Beneficiary, and provided, further that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until
paid for all such advances together with interest thereon.

To protect the security of this Deed of Trust, Grantor agrees:
By the execution of this Deed of Trust and the Note hereby secured that provisions 1 to 6 inclusive of Part A and provisions 1 to 9 inclusive of
Part B of the Master Form Deed of Trust which was recorded December 8, 1972, as Instrument No. 829115, Ada County; June 25, 1979, as Instru-
ment No. 627244, Bannock County; June 22, 1979 as Instrument No. 567295, Bonneville County; May 9, 1979, as Instrument No. 861513, Canyon
County; June 7, 1979, as Instrument No. 129201, Gem County; June 25, 1979, as Instrument No. 810084, Kootenai County; June 22, 1979, as In-
strument No. 101053, Valley County; Idaho Mortgage Records shall be and they are hereby incorporated and made an integral part hereof for all
purposes as though set forth herein at length, a copy of which provisions has been furnished to Grantor and Beneficiary.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address
hereinbefore set forth.

Martin L. Finch
MARTIN L. FINCH
Margaret H. Finch
MARGARET H. FINCH

STATE OF IDAHO County of CANYON ss.
On this 15 day of May
In the year of 1991, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Martin L. & Margaret H. Finch
known or identified to me to be the person, S whose name S
subscribed to the within instrument, and acknowledged to me that they
executed the same.

STATE OF IDAHO, COUNTY OF
I hereby Certify that this instrument was filed for record at the re-
quest of
at minutes past o'clock m.,
this day of
19 in my office, and duly recorded in Book
of Mortgages at page

Donna R. Bixler
Donna R. Bixler
(Type or Print)
Residing atampa, Idaho
My commission expires: 3/4/97

Ex-Officio Recorder
By Deputy.
Fees \$
Mail to:

STEWART TITLE OF IDAHO, Inc.



INSTRUMENT NO.

EXHIBIT "A"

LOT 2 IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 2 WEST,
BOISE MERIDIAN, CANYON COUNTY, IDAHO,

EXCEPTING ANY PORTION INCLUDED WITHIN THE BOUNDARIES OF
DEER FLAT RESERVOIR.

ALSO EXCEPTING THEREFROM:

A TRACT OF LAND IN THE WESTERLY PART OF GOVERNMENT LOT 2
IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE
MERIDIAN, CANYON COUNTY, IDAHO, AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 17,
TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN, THE TRUE POINT
OF BEGINNING; THENCE
SOUTH 89 DEGREES 59' EAST ALONG CENTERLINE OF LAKE SHORE
DRIVE, ALSO BEING THE SOUTH BOUNDARY LINE OF GOVERNMENT
LOT 2, A DISTANCE OF 794.2 FEET TO A POINT; THENCE
NORTH 0 DEGREES 11' EAST AND BEING 3 FEET EAST OF THE EAST EDGE OF A
CONCRETE DITCH A DISTANCE OF 1261.8 FEET TO A POINT ON
THE NORTHEASTERLY LOT LINE OF GOVERNMENT LOT 2; THENCE
NORTH 70 DEGREES 30' WEST ALONG NORTHEASTERLY LOT LINE 198.34
FEET TO A POINT ON THE NORTH BOUNDARY LINE OF
GOVERNMENT LOT 2; THENCE
SOUTH 89 DEGREES 56' WEST ALONG NORTH BOUNDARY LINE OF
GOVERNMENT LOT 2 A DISTANCE OF 514.8 FEET TO A
POINT; THENCE
SOUTH 24 DEGREES 36' WEST ALONG NORTHWESTERLY LOT LINE
OF GOVERNMENT LOT 2 A DISTANCE OF 223.08 FEET TO
CENTERLINE OF LAKE SHORE DRIVE ALSO WEST SECTION LINE
OF SAID SECTION 17; THENCE
SOUTH 0 DEGREES 10' WEST ALONG THE CENTERLINE OF LAKE SHORE
DRIVE A DISTANCE OF 1123.32 FEET TO POINT OF BEGINNING.

M. H. J.
M. H. J.

REQUEST
TYPE *M. H. J.*
STEWART - NAWIPA

RED J KERR
CANYON CNTY RECORDER
BY *C. H. J.*

91 MAY 15 PM 3 44

RECORDED

9109240

EXHIBIT "A"

Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at the W 1/4 corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING;

Thence South 89° 59' East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence North 0° 11' East and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2;

Thence North 70° 30' West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2;

Thence South 89° 56' West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

Thence South 24° 36' West along Northwesterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

Thence South 0° 10' West along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

*Met
+
found*

MICROFILMED

AUG 18 1992

EXHIBIT "B"

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

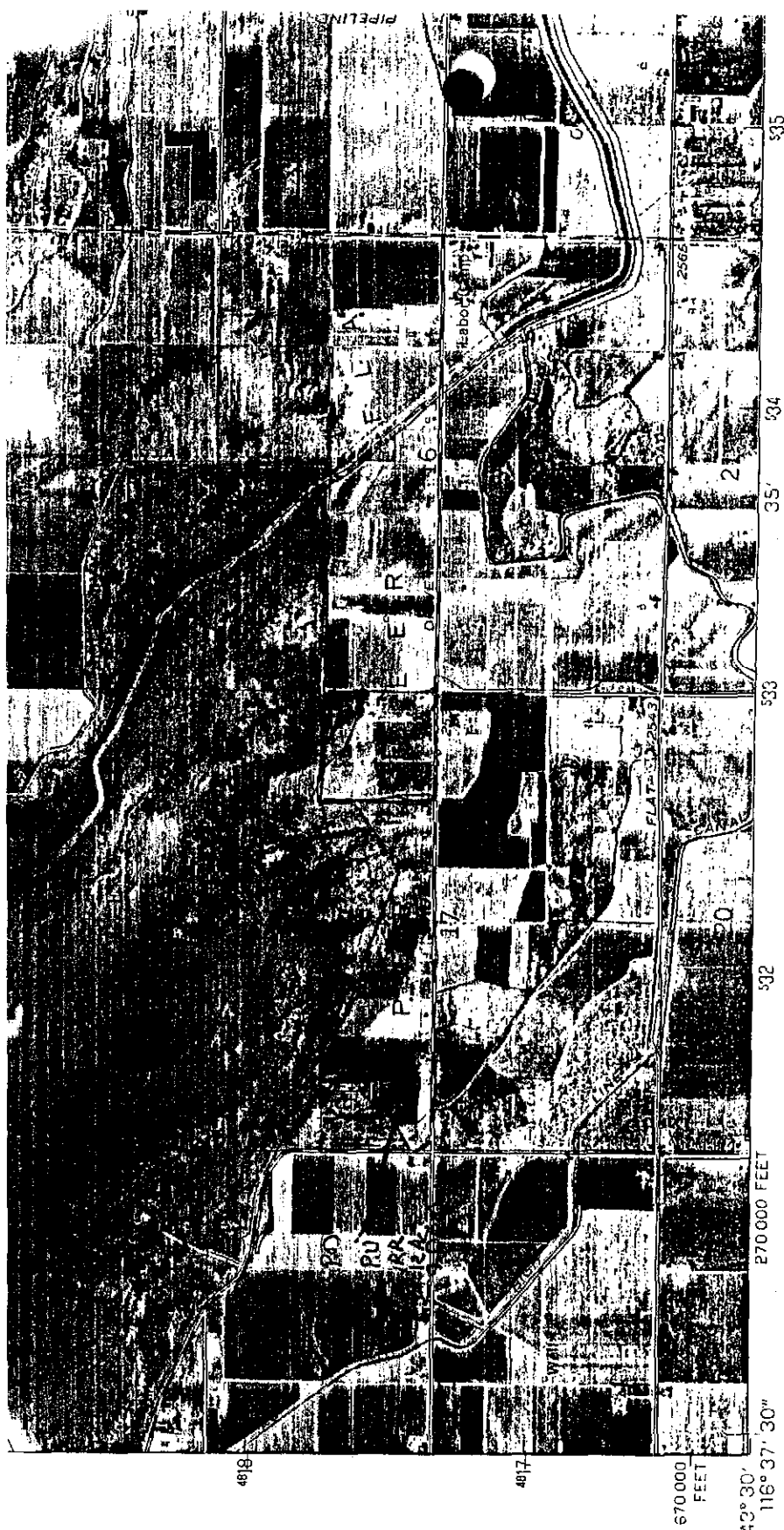
BEGINNING at the West quarter corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING; thence South $89^{\circ} 59'$ East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point; thence North $0^{\circ} 11'$ East and being 3 feet East of the East edge of the concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2; thence North $70^{\circ} 30'$ West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2; thence South $89^{\circ} 56'$ West along North boundary line of Government Lot a distance of 514.8 feet to a point; thence South $24^{\circ} 36'$ West along Northwestern Lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17; thence South $0^{\circ} 10'$ West along the centerline of Lake Shore Drive a distance of 1123.32 feet to POINT OF BEGINNING.

EXCEPTING THEREFROM the following parcel in the Southwest corner, being all of that part Southwesterly of a line 25 feet distant Northeasterly from and parallel with the following described centerline of Lake Shore Drive Highway:

Beginning at Highway Station 535+91.3 which station is a point on a 19° curve to the left and being North $0^{\circ} 10'$ West a distance of 303.6 feet from the West Quarter corner of Section 17; thence Southeasterly 475.7 feet along a 19° curve to the left having a central angle of $90^{\circ} 23'$ left to Highway Station 540+67.0, said point being 303.6 feet East of the West Quarter of Section 17.

MICROFILMED

AUG 18 1992



Produced by the Geological Survey

THIS MAP COMPLIES WITH NATIONAL
FOR SALE BY U. S. GEOLOGICAL SURVEY

MICROFILMED

COPY

RECEIVED

JUN 19 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

Case No. 39576

A. Subcase 63-2733B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Southside, Inc.

Address: 420 Sherry Road

Nampa, ID 83686

Daytime Phone: 208-388-1200

Name & Address of Attorney, if any:

John M. Marshall

601 W. Bannock

Boise, ID 83702

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

Name: Southside, Inc.

Address: 420 Sherry Road

Nampa, ID 83686

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: _____
3. ☒ **Quantity**
Should be: 0.24 and 54 AFA for irrigation
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 12 acres

11. 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 OBJECTION(S):** IDWR improperly split
4 acres off of this right through a change of ownership that created right 63-31123

F. VERIFICATION (Must be Completed)

Sate of Idaho)
) ss.
County of Ada)

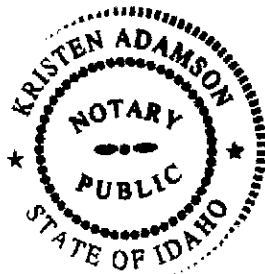
John M. Marshall, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 responding 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

Kristen Adamson
Notary Public for Idaho
Residing at: Middleton, ID
My Commission Expires: 6-15-2013



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 June 18, 2007, I mailed the original and copies of this response, 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:

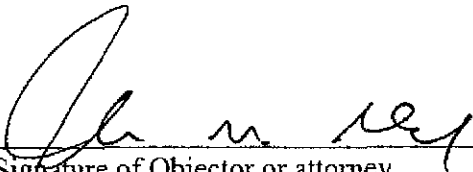
Name: Southside, Inc.
Address: 420 Sherry Road
Nampa, ID 83686

3. Copies to:

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

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

09/29/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-2733B

SOUTHSIDE INC
420 SHERRY
NAMPA ID 83686
Telephone Number: (208)573-5511

RECEIVED

NOV 15 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity & place of use.

2. Describe the changes you wish to make in the proposed recommendation:

Quantity - 24 CFS
54 AFW

3. Give a brief explanation as to why you disagree with these portions:

Place of use - Irrigation - 12 Acres

Does not Account for entire Area irrigated.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/8/06 SIGNATURE: Dave Washburn

Please print your name: DAVE WASHBURN

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

Received to late
for Directors
Report

07/25/2006

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

RIGHT NUMBER: 63-2733B

NAME AND ADDRESS: SOUTHSIDE INC
420 SHERRY
Nampa ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.160 CFS
36.000 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 11/03/1948

POINT OF DIVERSION:

T02N R02W S17 SESWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.160 CFS 36.00 AFY

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within CANYON County

T02N R02W S17 SWNW 8.00

DOMESTIC Within CANYON County

T02N R02W S17 SWNW

8 ACRES TOTAL

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

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

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

63-2733B

T02N R02W S17



⊙ Point of Diversion

▭ Place of Use

▭ Sections

▭ Quarter Quarter

Total irrigated
acres = 8



600 0 600 1200 Feet



IDWR

Prepared by: Sandy Egbert

Date: July 25, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2733B V1

WATER RIGHT NUMBER: 63-2733B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PHILLIP FERGUSON 10766 LAKE SHORE DR NAMPA, ID 83686 (208)467-2247
Original Owner	MARTIN L FINCH 10766 LAKE SHORE DR NAMPA, ID 83686 (208)465-5758
Original Owner	ROBBIN FERGUSON 10766 LAKE SHORE DR NAMPA, ID 83686 (208)467-2247
Original Owner	MARGARET H FINCH 10766 LAKE SHORE DR NAMPA, ID 83686 (208)465-5758
Current Owner	SOUTHSIDE INC 420 SHERRY NAMPA, ID 83686 (208)573-5511

Priority Date: 11/03/1948

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/01 to 11/15	0.160 CFS	36.00 AF
	<u>Total Diversion:</u>	0.160 CFS	36.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NW1/4	Sec. 17, Twp 02N, Rge 02W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	02W	17	NE	NW	SW	SE	
				X			

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2733B V1

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
02N 02W 17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	8.0

Total Acres: 8

Conditions of Approval:

1. X01 Domestic use is for 1 home.
2. 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.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
4. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

Remarks:Comments:

1. Igagnon 4/24/2006 CHANGE IN OWNERSHIP

Comment: THE DATA IN THE NAME FIELD HAS BEEN CHANGED TO SHOW THAT THIS RIGHT HAS AN OWNERSHIP CHANGE.

2. segbert 7/25/2006 Reduction in acres

Comment: See memo in file for complicated explanation of reduction in acres and rate

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			03/28/2006	Igagnon	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2733B V1

Priority Date	3/29/2006 2:31:39 PM	segbert	Active
POD	3/29/2006 2:32:03 PM	segbert	Active
Source	3/29/2006 2:32:36 PM	segbert	Active
POU	3/29/2006 2:32:50 PM	segbert	Active
Use	3/29/2006 2:34:04 PM	segbert	Active
Season	3/29/2006 2:34:41 PM	segbert	Active
Quantity	3/29/2006 2:35:35 PM	segbert	Active
Summary	03/29/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/29/2006 2:32:22 PM	segbert	Updated shape
POU	3/29/2006 2:33:16 PM	segbert	Updated shape for Active POU
Summary	3/29/2006 2:40:50 PM	segbert	(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?
General	3/29/2006 2:31:41 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/29/2006 2:32:05 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2733B V1

Source	3/29/2006 2:32:38 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/29/2006 2:32:51 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	3/29/2006 2:34:06 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	3/29/2006 2:34:43 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/29/2006 2:35:37 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - 4.5 x acres
Summary	3/28/2006 10:43:31 AM	lgagnon	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2733B V1

POU	7/25/2006 1:52:59 PM	segbert	Updated shape for Active POU
POU	3/29/2006 2:33:48 PM	segbert	Updated shape for Active POU

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2733B

WATER RIGHT NUMBER: 63-2733B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBBIN FERGUSON 10766 LAKE SHORE DR NAMPA, ID 83686 (208)467-2247
Current Owner	MARGARET H FINCH 10766 LAKE SHORE DR NAMPA, ID 83686 (208)465-5758
Current Owner	MARTIN L FINCH 10766 LAKE SHORE DR NAMPA, ID 83686 (208)465-5758
Original Owner	PHILLIP FERGUSON 10766 LAKE SHORE DR NAMPA, ID 83686 (208)467-2247

Priority Date: 11/03/1948 ✓
 Basis: License ✓
 Status: Active ✓

Source
 GROUND WATER ✓

Tributary

*see memo in file
 to explain reduction
 in acres & rate.*

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
IRRIGATION	~~3-15~~ to 11/15	~~0.240~~ CFS	
	3-1	<u>Total Diversion:</u> ~~0.240~~ CFS	
		.16	

36 4.5 x acres

Location of Point(s) of Diversion

GROUND WATER
 CANYON County

SE1/4SW1/4NW1/4

Sec. 17, Twp 02N, Rge 02W, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	02W	17	NE	NW	SW	SE	
					X		

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	

*1 home N codes
 shares in Nampa Marshland have been sold - see
 memo in file*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2733B

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 02W 17							12.0										12.0

Total Acres: 12

Conditions of Approval:

- THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUSONS.
 | MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS OWNERSHIP CHANGED BY KW ON 6/12/1991.
 | NOTE: THE WELL & WATER RIGHT COVERED BY THIS CLAIM HAVE BEEN SOLD - PER THE ASSIGNMENT OF WELL & WATER RIGHTS AGREEMENT IN THE FILE - TO MARTIN L & MARGARET H FINCH - DATED 12-7-1993. WILL NEED TO CHECK OWNERSHIPS CONSIDERING THE A & C SPLITS ALSO.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 2/22/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits: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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

Timeline of events for License 63-2733 and Memo to file
From: Sandy Egbert, Jan Shurte
Date: 7-25-06

8-10-50 License issued in Fred Eggers and Jay Yoder's name

2-5-90 Millard and Ford file a claim (63-2733A) for 7 acres in the SWNW. The claim was withdrawn in March of 1995. The license map covers the 7 acres according to the map with the claim. They are also part of the acres that are claimed by Ashworth (63-31123). The question is, did Ford and Millard own those 7 acres? A map in the file submitted by Ford and Millard shows that they did not own the property Ashworth is now claiming a water right on. The property Ford and Millard owned is not covered by the license map – Ashworth property is.

2-22-90 Ferguson files claim for 12 acres in SWNW. Exhibit A is the same metes and bounds as Exhibit A of the Assignment of Well and Water Rights of Ford and Millard. Exhibit B covers the exclusion of Exhibit A so Ferguson seems to own the most of Lot 2.

6-12-91 Martin Finch files a Change of Ownership. Ferguson was old owner. He bought Lot 2 minus the Exhibit A Exception so basically he bought the East half of Lot 2 although on the change of ownership form he said this was NOT a split. Should have been a split based on Ferguson's original claim submitted with Exhibit A & B. Finch only purchased Exhibit A. Exhibit B should have been split off.

12-7-93 Ford and Millard Assignment of Well and Water Rights - to Martin Finch half interest in Ford and Millard's well. The metes and bounds are Lot 2 minus the Exhibit A Exception so it seems to be the east half of lot 2. The metes and bounds describe the property where the well is located which means the well is located on property Finch bought. Problem: Who owned the 4 acres now claimed by Ashworth between 1990 and 1993. This would be between the time Ferguson's filed on both Exhibit A & B on the original claim and the time the water was deeded to Finch for 12 acres. The 4 acres, if owned by someone other than Ford, and was not owned by Finch, should not have been involved in the water deed in 1993.

SUMMARY:

Recommend 4 acres to Ashworth under claim No. 63-31123 and 8 acres to Southside under 63-2733B based on above documentation and lack of chain of title for the 4 acres to Ashworth originally claimed under Exhibit B.

No transfers were ever filed to document any changes in place of use.

NOTE: The 1 acre to the north of Ashworth (now owned by Kern) was owned by Ford at the time the water was deeded to Finch. Finch bought 7 acres from Ferguson and 1 acre

has been proven to be deeded to Finch in 1993 (see Water Deed) so water right 63-2733B has been recommended for 8 acres.

It appears Harold James owned the property Ashworth now owns in at least 1994, not Ford.



Metes and Bounds on:

Yoder and Eggers agreement - 63-2733C

Assignment of Well and Water Rights - Ford & Millard

Ferguson property & exception (exhibit B)

Exhibit A exception. The property is Gov.

lot 2 minus Exhibit A exception. (Ford and Millard)

NWNW

NENW

SWNW

SENW

NWSW

NESW

430
2987 photo

SWNNA

NWSW

Water Right Report 63-2733

WATER RIGHT NUMBER: 63-2733

Current Owner JAY YODER

Current Owner: FRED EGGERS
RT 1
MERIDIAN, ID

Priority Date: 11/03/1948

Basis:	License
--------	---------

Status: Active

Source	Tributary
--------	-----------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/	/		
IRRIGATION	/	/	0.640 CFS	B = .24
				C = .40
		<u>Total Diversion:</u>	0.640 CFS	<u>.64</u>

Location of Point(s) of Diversion

GROUND WATER

SW1/4NW1/4

Sec. 17, Twp 02N, Rge 02W, 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	
02N	02W	17							12.0			10.0	10.0						32.0

Total Acres: 32

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. SEE FILE FOR P/U.

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2733B

03/28/2006

1

Water Right #	Type	Twp	Rgs	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~63-2733B~~	Claim	02N	02W	17	SW	NW		IRRIGATION	12/12	MARGARET H FINCH
63-31123	Claim	02N	02W	17	SW	NW		IRRIGATION	4/4	KIM F ASHWORTH
~~63-2733B~~	Water Right	02N	02W	17	SW	NW		IRRIGATION	12/32	JAY YODER
~~63-2733B~~	Claim	02N	02W	17	SW	NW		DOMESTIC		MARGARET H FINCH
63-31123	Claim	02N	02W	17	SW	NW		DOMESTIC		KIM F ASHWORTH

Receipt Details for ID C014871

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/22/1990 11:52:20 AM	2/22/1990	State	\$62.00	Check
Payer		FERGUISON, PHILLIP/ROBBIN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3258			
Card Expiration Date	Credit Card Transaction #		

Comment ADJ. FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$62.00	ADJ. FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2733	B	\$62.00	Claim

[Print Report](#)

MEMORANDUM

DATE: October 28, 1994

TO: FILE A63-02733B

FROM: KAY WALKER *KW*

RE: OWNERSHIP OF WATER RIGHT A63-02733

Mr. Finch came into the office this morning in response to my letter of October 25, 1994. He completed the questions on my letter and we went over the map and what property belonged to him. Attached is the map that we platted out ownership on while he was in the office. We also discussed the other claims on this license and that a realtor, Vito Losito, had contacted me for clarification of water rights on property that Mr. Ford was attempting to sell, or had sold. I told him that Mr. Losito's call is what prompted the duplicate claims filing questionnaire. He said that Mr. Losito had also contacted him for clarification of the water rights out there.

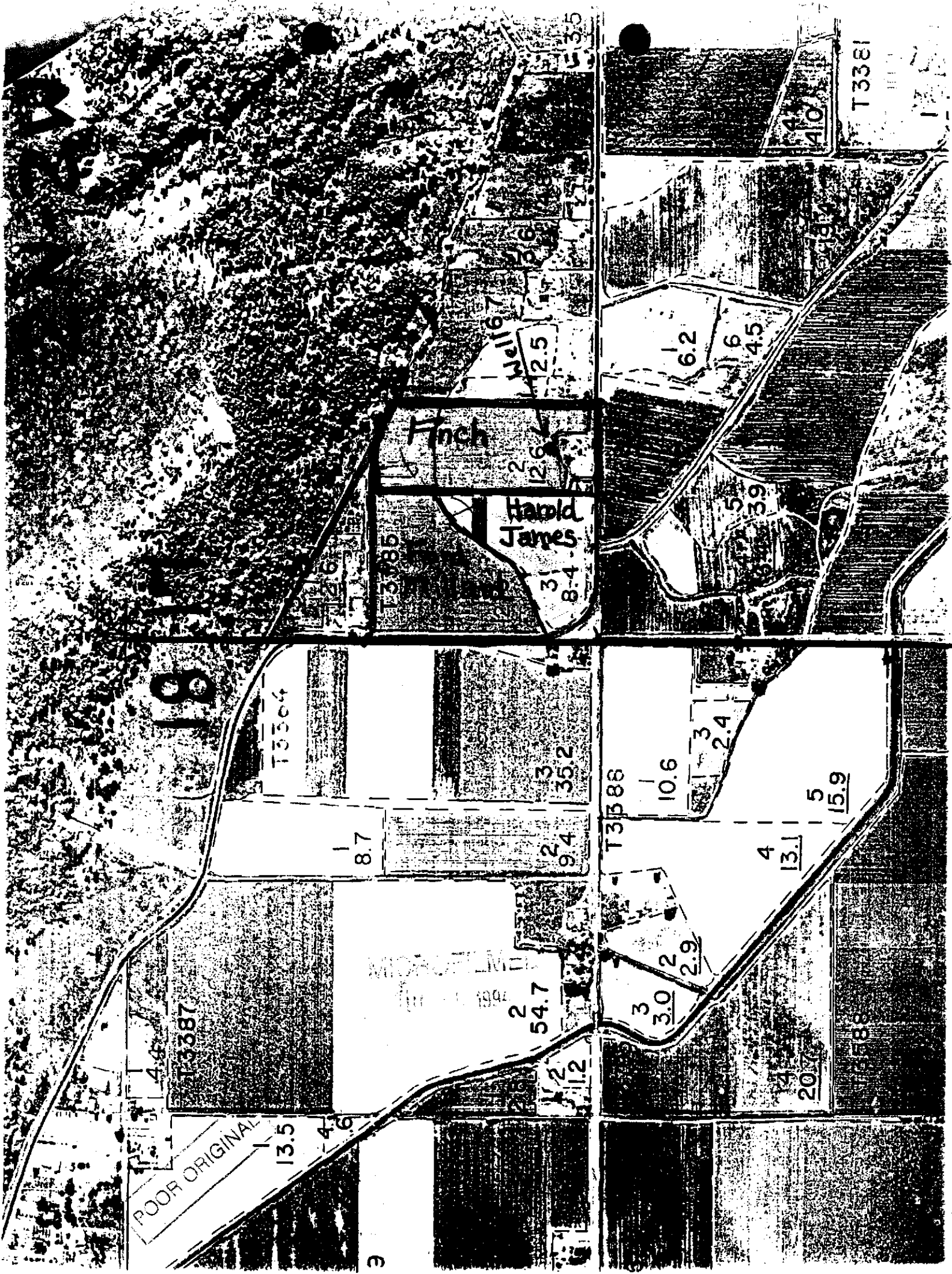
As the "Assignment of Well and Water Rights" shows, Mr. Finch bought all of Ford & Millard's interest in the well. He received 1/2 interest when he bought the property from the Ferguson's and then bought the other 1/2 interest from Ford & Millard in December of 1993. Therefore, Ford & Millard have no ownership of water or rights from this well.

63-2733C

He also indicated that the Crookham's have sold their property which lies below Lake Shore Drive. The new owners have drilled a new well to irrigate their land, according to Mr. Finch.

Mr. Finch indicated that he had sold his shares in the Nampa-Meridian Irrigation District. He said there were about 6.5 shares on 2 acres now owned by Harold James who is from California. The 2 acres are located in the SW corner of the James property, leaving 5 acres without water.

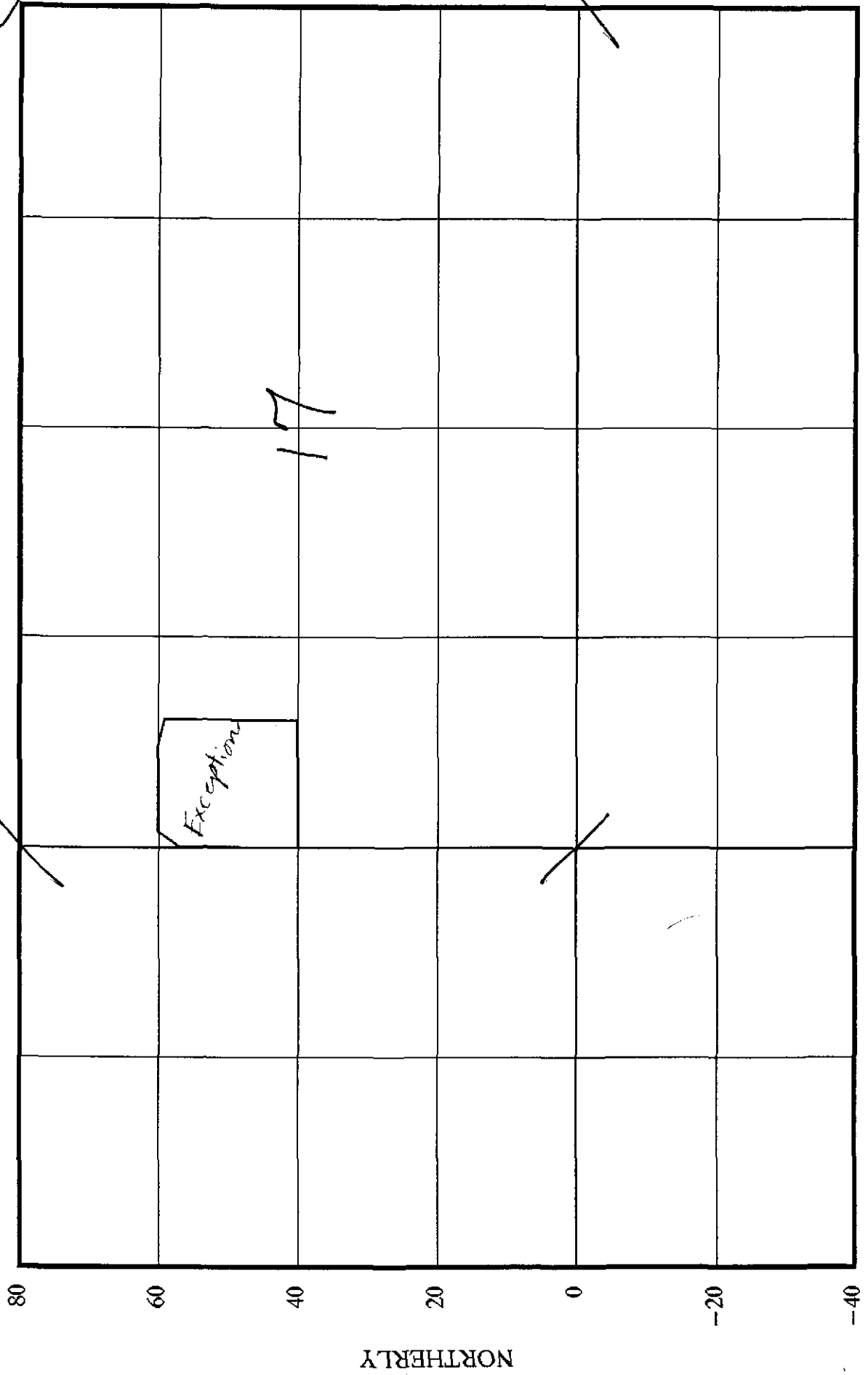
Mr. Finch requested that I let him know when I receive responses from the other parties to whom I had sent the duplicate claims filing questionnaire. I told him I would.



Ford & Miller → Finch
per "Assignment of Well & Water Rights"
Exhibit A 12/7/93

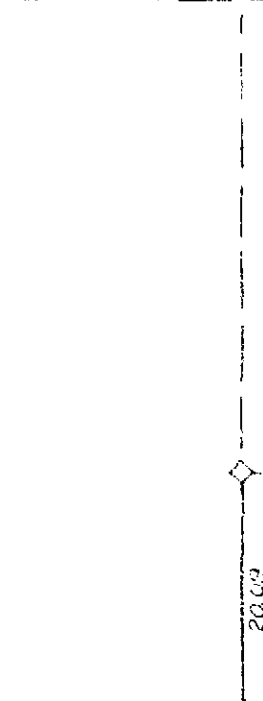
PARCEL PLOT - METES & BOUNDS

DISTANCE IS IN CHAINS

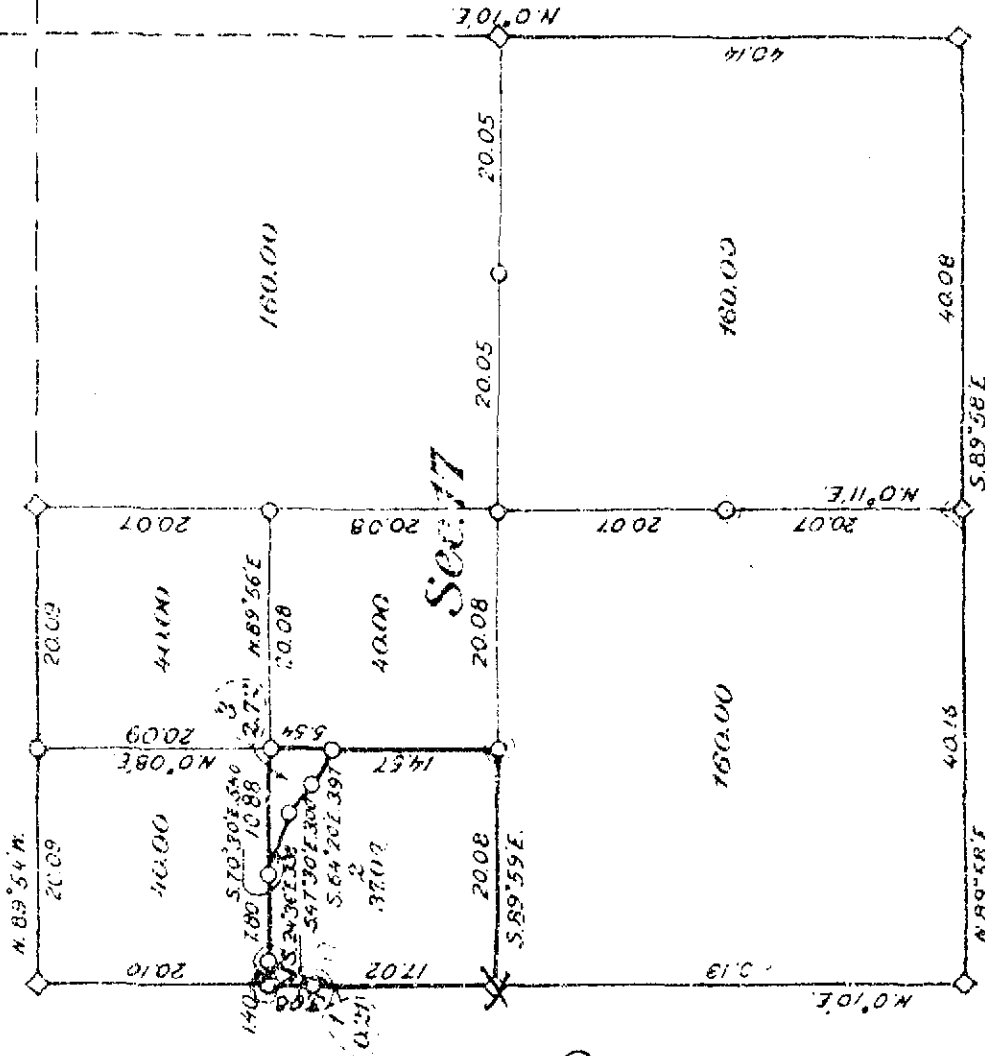
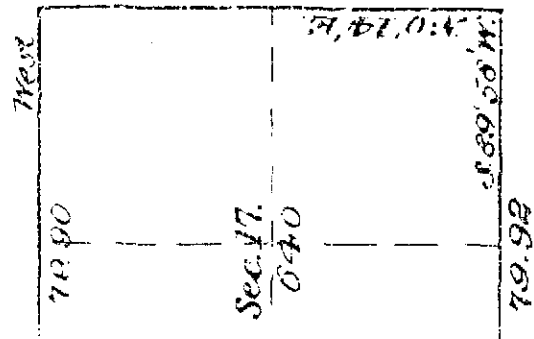


METES AND BOUNDS TABLE

X-COR	Y-COR	ANGLE		BEARING	DIST (FT)	CUM ACRES
		DEGREES	MINUTES	SECONDS		
0.00	40.00					-0.00
12.03	40.00	89.00	59.00	0.00 SE	794.20	23.06
12.09	59.11	0.00	11.00	0.00 NE	1261.80	24.13
9.26	60.12	70.00	30.00	0.00 NW	198.34	24.13
1.46	60.11	89.00	56.00	0.00 SW	514.80	23.90
0.05	57.04	24.00	36.00	0.00 SW	223.08	23.84
0.01	40.02	0.00	10.00	0.00 SW	1123.32	23.84

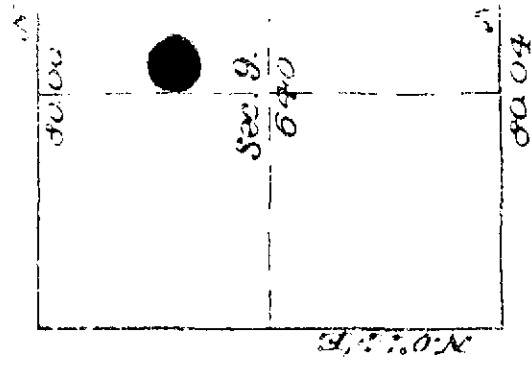


ED FROM PLAY APPROVED MARCH 25, 1892


$$\begin{matrix} x=0 \\ y=40 \end{matrix}$$

729

COPIED FROM PLAY APPROX



PROGRAM OF THE SURVEY OF SECTIONS 5, 6, 9 AND
IDAHO, EXECUTED UNDER AUTHORITY OF DEPART-
OCTOBER 24, 1906. IS CORRECT AND ACCORDING
OF ON FILE IN THIS OFFICE, WHICH HAVE BEEN

THE ACCOMPANYING DIAGRAM OF THE SURVEY
17 IN T 2 N., R 2 W., B. M., IDAHO, IS CONFORMABLE
OF ON FILE IN THIS OFFICE WHICH HAVE BEEN EXA

ASSIGNMENT OF WELL AND WATER RIGHTS

KNOW ALL PERSONS BY THESE PRESENTS:

IN CONSIDERATION of payment of the sum of \$4,000.00 the receipt of which is hereby acknowledged, DAVID P. FORD, a single man, and JOSEPH H. MILLARD and ARLENE MILLARD, husband and wife, whose address is 10850 Lake Shore Drive, Nampa, Canyon County, Idaho 83686, hereinafter referred to as "Assignors", do hereby sell, transfer, assign and convey to MARTIN L. FINCH and MARGARET H. FINCH, husband and wife, whose address is 10766 Lake Shore Drive, Nampa, Canyon County, Idaho 83686, hereinafter referred to as "assignees", the following property and rights:

An UNDIVIDED ONE-HALF INTEREST in and to that certain well situated upon the real property more particularly described upon Exhibit "A" attached hereto and by this reference incorporated herein, together with all pumps, pipes, and accessories of every nature whatsoever used in connection with the operation of said well:

TOGETHER WITH all of Assignors' water rights with respect to the water from said well.

Assignors represent and warrant that they have the full and unencumbered right to sell, transfer, assign, and convey the above described property and rights; that they have the good and marketable title thereto; and that the property and rights conveyed hereby are free from all liens, security interests, or other charges or encumbrances thereon of every nature whatsoever. Assignors further covenant that they will execute and deliver to Assignees, upon request, such other and further documents of title and instruments of conveyance as shall be reasonably required to vest in Assignees good and marketable title to said property and rights.

MICROFILMED

JUL 25 1994

EXHIBIT "A"

Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at the West quarter corner of said Section 17, Township 2, North, Range 2 West, Boise, Meridian, the TRUE POINT OF BEGINNING;

Thence South $89^{\circ}59'$ East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence North $0^{\circ}11'$ East and being 3 feet East of the East a concrete ditch a distance of 1261.8 feet to a point Northeasterly lot line of Government Lot 2;

*Meters
&
founds*

Thence North $70^{\circ}30'$ West along Northeasterly lot line 198. to a point of the North boundary line of Government Lot 2;

Thence South $89^{\circ}56'$ West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

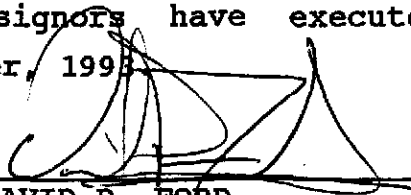
Thence South $24^{\circ}36'$ West along Northwesternly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

Thence South $0^{\circ}10'$ West along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

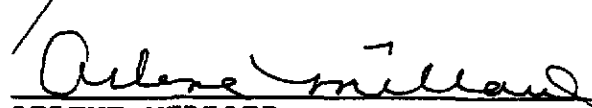
MICROFILMED

JUL 25 1994

IN WITNESS WHEREOF, Assignors have executed this instrument on the 7th day of December, 1993.


DAVID P. FORD

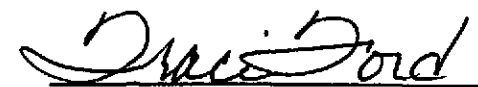

JOSEPH H. MILLARD


ARLENE MILLARD

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 7th day of December, 1993, before me, , a Notary Public in and for said State, personally appeared DAVID P. FORD, JOSEPH H. MILLARD AND ARLENE MILLARD, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


Notary Public for Idaho
Residing at Nampa, Idaho
My Commission Expires: 6/23/98

MICROFILMED

JUL 25 1994

Jay Yoder and Myrtle Yoder,
husband and wife
to
Fred Eggers and Florence
Eggers, husband and wife

AGREEMENT
Dated April 30, 1948
Recorded July 3, 1948, 9:26 A.M.
Book 17 Bonds & Agree., page 31
Instrument No. 339765

WITNESSETH: THAT WHEREAS, the parties of the first part are the owners of the following described real property situated in Canyon County, State of Idaho, to-wit:

Lot 2 of Section 17, Twp. 2 N., R. 2 W of the B.M., according to the Government survey thereof;

AND WHEREAS, the parties hereto have constructed a well upon the said lands to obtain water for irrigation and other purposes, and have furnished for the said well a pump, motor and pumping equipment, the cost and expense of all of which has been paid equally by the respective parties hereto, which said well is the most Nrly well of two wells located in the SErly corner of the above described tract of land;

NOW THEREFORE, it is mutually understood and agreed that each of said parties hereto shall own an equal undivided $\frac{1}{2}$ interest in and to said well, motor and pumping equipment and pump, and each of said parties shall be entitled to the use of $\frac{1}{2}$ of the water from the said well for irrigating, or other purposes, upon their and each of their respective lands, to-wit, the above described lands of the first parties, and the following described lands of the second parties:

Beginning at a point 507 feet E of the $W\frac{1}{4}$ corner of Section 17, Twp. 2 N., R. 2 W.B.M. in Canyon County, Idaho, and running thence S $10^{\circ} 16'$ E 180 feet; thence S $44^{\circ} 02'$ E 294 feet; thence S. $53^{\circ} 03'$ E 400 feet; thence S $44^{\circ} 27'$ E 195 feet; thence S $56^{\circ} 36'$ E 200 feet; thence S $58^{\circ} 40'$ E 536 feet; thence N $11^{\circ} 21'$ E 645 feet; thence N $4^{\circ} 11'$ E 126 feet; thence N $19^{\circ} 30'$ W 424 feet; thence W. 1314 feet to point of beginning, containing 22.92 acres, more or less, including road and ditch rights of way;

provided, however, that each of the parties hereto shall be and hereby agree to become obligated to pay the equal $\frac{1}{2}$ of all cost and expense of the maintenance, repairs and operation of the said well, pump, motor and pumping equipment, and each of said parties hereby agree to pay such $\frac{1}{2}$ thereof as the same becomes due and payable.

It is further understood and agreed that the said parties of the second part shall have the right to construct and maintain, at their own expense, a ditch or other means for the conveying of their $\frac{1}{2}$ of said water from said well, from the point where well is

MICROFILMED

JUL 25 1994

located over and across the lands of the first parties and to the said lands of the second parties.

It is further understood and agreed that the right to the use of $\frac{1}{2}$ of the water from the said well shall be a right appurtenant to and running with the land of said parties of the second part above described, and that the said parties of the second part shall have and are hereby granted an easement upon the said lands of the first parties, or that portion thereof that is necessary or requisite for the convenient use of said well, pump, motor and pumping equipment and the said ditch or other structure constructed and used by the parties of the second part for conveying their $\frac{1}{2}$ of said water from the said well on to their said lands, and that each of the said parties hereto shall at all times have the right of ingress and egress from and to the said well, and the right of inspection thereof and of the equipment aforesaid.

It is further mutually understood and agreed that, if either of the said parties shall fail at any time to pay their $\frac{1}{2}$ of the expense of maintenance, repairs and/or operation of said well and well equipment, promptly when, if and as the same becomes due and payable, such failure shall, at the option of the other party, give such other party the right to declare a forfeiture of any and all right of the party so failing to perform his agreement to any further use of the $\frac{1}{2}$ of said water from said well, or any part thereof, and/or of the use of said pump, motor, and/or pumping equipment and a written notice of such forfeiture shall be sufficient to terminate the right to further use of the same until such time as all amounts due and owing in the premises shall have been fully paid.

It is mutually understood and agreed and the parties hereto expressly agree that the said well, pump, motor and well equipment shall at all times be kept and maintained in good working condition so as to deliver and furnish the parties with the largest possible supply of water for the purposes intended as aforesaid.

It is further understood and agreed that the provisions of this agreement shall be and remain in full force and effect unless and until this agreement be nullified, or altered or modified by an agreement in writing executed by the parties in the same manner as this agreement is executed.

It is mutually agreed that this agreement shall be binding upon the heirs, executors, administrators and assigns of the respective parties hereto.

Jay Yoder

Myrtle Yoder

Parties of the First Part

Fred Eggers,

Florence Eggers,

Parties of the Second Part

Acknowledged State of Idaho, County of Canyon, on May 20, 1948, by Jay Yoder and Myrtle Yoder, husband and wife, and Fred Eggers and Florence Eggers, husband and wife, before Geo. H. van de Steeg, Notary Public in and for the State of Idaho. (SEAL)

MICROFILMED

JUL 25 1994

AJ5809NP
No. A63-02733B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTIN L FINCH	11/03/1948	IRRIGATION	03-15 11-15	0.240 CFS	
C	MARGARET H FINCH		DOMESTIC	01-01 12-31	0.040 CFS	
	10766 LAKE SHORE DR					
	NAMPA ID 83686					
	(208) 465-5758					
				TOTAL DIVERSION:	0.240 CFS	42.00 AFA
				CONSUMPTIVE USE:		

Water Source: GROUNDWATER
Tributary to: SESWNW
Point(s) of Diversion: T02N R02W S17
Stage: LICENSE
CANYON County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02N	02W	17	:	:	:	:	:	:	:	:	12.0
										TOTAL ACRES	12.0

Place of use Legal Description for: DOMESTIC

		NE		NW		SW		SE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02N	02W	17	:	:	:	:	:	:	:	:	12.0
										TOTAL ACRES	12.0

POU County: CANYON

Non-Irrigation Uses: DOMESTIC 1 HOME, LAWN & GARDEN

Other Rights: NAMPA & MERIDIAN IRRIGATION DISTRICT

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-02733C

Other Water Rights Listing Overlapping Place(s) of Use:
A63-02733 A63-02733A A63-3018120 R63-02733A

Remarks: GEN THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED
FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUSONS.
MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS
OWNERSHIP CHANGED BY KW ON 6/12/1991.

NOTE: THE WELL & WATER RIGHT COVERED BY THIS CLAIM HAVE BEEN
SOLD - PER THE ASSIGNMENT OF WELL & WATER RIGHTS AGREEMENT IN THE
FILE - TO MARTIN L & MARGARET H FINCH - DATED 12-7-1993. WILL
NEED TO CHECK OWNERSHIPS CONSIDERING THE A & C SPLITS ALSO.

AJ5809NP
No. A63-02733B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 19

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	02/22/90 HAUMANN	06/12/91 WALKER	05/16/94 SHURTE
			03/30/95 POST-STD

=====

Water Right Number - 63-02733

Prefix Translation: WATER RIGHT

Old (D) Number - 20740

Last Name	First Name	Address
-----------	------------	---------

*** C - CURRENT OWNER ***
EGGERS

FRED

1 - RT. 1

2

3

City- MERIDIAN

Phone -

State- ID Zip- 83642

YODER

JAY

-xij-

Phor

State- Zip-

+ - -	Priority Date	- - +	+ - -	Region	- - +	+ - -	Stage	- - +	+ - -	Status
	11/03/1948			14 WESTERN			L - LICENSE			

Source

Tributary

GROUNDWATER

[illegible]

02N	02W	17	SW NW	(27)	CANYON
-----	-----	----	-------	------	--------

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume

01 - IRRIGATION
43 - DOMESTIC

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

Town	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
------	-----	-----	-------	-----	-------	--------------	-------------	--------

02N	02W	17	SW NW	12.0	01	IRRIGATION	CANYON	(27)
02N	02W	17	NE SW	10.0	01	IRRIGATION	CANYON	(27)
02N	02W	17	NW SW	10.0	01	IRRIGATION	CANYON	(27)

Total Acres: 32.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

.....Remarks.....+

SEE FILE FOR P/U.

WRS808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

NO RECORD WAS FOUND FOR 6302733B

State of Idaho

License and Certificate of Water Right

Water License No. 20740

Amount 0.64 second foot

Water District No. _____

Priority November 3, 1948

THIS IS TO CERTIFY that FRED ROGERS and JAY YODER of Meridian andampa, respectively, made application for a permit to appropriate the public waters of the State of Idaho, dated November 3, 1948; that Permit No. 20740 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.7 second foot, was issued thereunder on December 16, 1948, showing that said works were completed on the 18th day of December, 1948; and that on the 15th day of January, 1949.

FRED ROGERS and JAY YODER

of Meridian andampa, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of subterranean flow from a well exhibitory, for the purpose of irrigation and domestic use, under Use Permit No. 20740 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4616, on the 10th day of August, 1950;

The right hereby confirmed dates from November 3, 1948;

The Point of Diversion is located in the SW 1/4 NW 1/4 Sec. 17, Twp. 2 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.64 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	2 W.	17	SW 1/4 NE 1/4	12	12
			NE 1/4 SW 1/4	20	20
			Number of Acres Actually Irrigated -	-	32

The right to the use of the water aforesaid 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 10th day of August, 1950.

(SEAL)

MARSH R. KULP

State Reclamation Engineer

63 2700

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

Permit No. 20740This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Frank Rogers, Rt. 1, Meridian and Jay Yoder, Rt. 4, Nampa, Idaho
2. Source of water supply: Subterranean flow from well
3. Location of point of diversion: Is in the Southeast corner of SW 1/4 of Section 17
T. 2 N., R. 2 E., B.M. Canyon (83 paces to line of forty on the East.)
4. Describe works as they exist, giving dimensions and capacities of same: Well 8 inches in diameter, 100 ft. deep, cased 12 ft. down to solid rock. The pump is Deming rotary. Pipe extends 60 ft. down into well. The pipe is 6". The pump operates at 1750 R.P.M. The pump number is T21017, operated by a 5 H.P. electric motor. Motor make is U.S. Motor, 3 phases, 220 volts, 60 cycle. The well has a draw down of 6 inches when being pumped. Discharge pipe is 6 inches. Pump has a concrete base on top of the well. Discharge pipe empties into a concrete sump by which it flows by gravity through the pipe and ditch system.

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 1/4 and NE 1/4 Section 17, Township 2 North, Range 2 East, B.M.

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

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

Remarks: A check of the amount of water being pumped, using the Bureau of Reclamation method, showed 40 inches of water. Mr. Yoder stated that at times he pumped between 45 and 50 inches of water.

Has four inch aluminum pipe with 3/8 inch pet cock operating under eight pounds pressure. It is a good system.

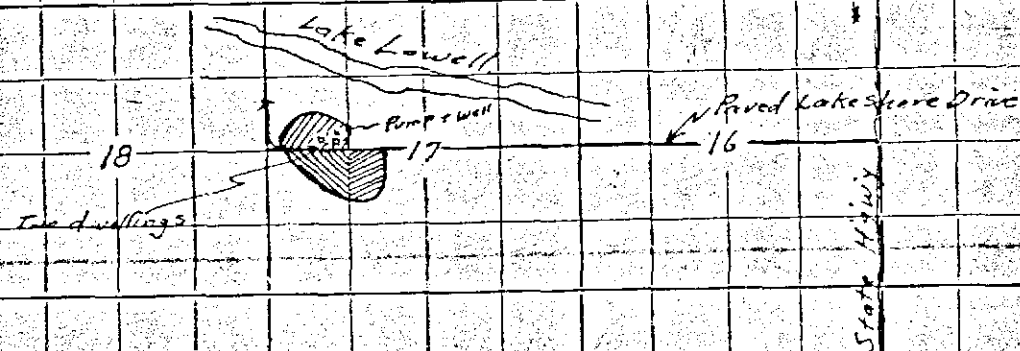
Water Temperature = 17° Centigrade

This examination was made on the 17th day of May, 1950

(Signed) E. H. Humphrey Examiner

20740

Twp. 2 N. - R. 2 W.



This lies above
gravity water

{ Approx. 120 or more in SW $\frac{1}{4}$ NW $\frac{1}{4}$ S. 17
Approx. 120 in NE $\frac{1}{4}$ SW $\frac{1}{4}$ S. 17
Approx. 80 in NW $\frac{1}{4}$ SW $\frac{1}{4}$ S. 17

There are 3 wells in this region each on a
separate knoll.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 24, 2006

Southside Inc.
420 Sherry Rd
Nampa ID 83686

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Notice of Claim to a Water Right No. 63-2733B

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 12, 1995

Martin L. Finch
10766 Lake Shore Dr.
Nampa, ID 83686

Dear Mr. Finch:

Pursuant to our telephone conversation this morning, enclosed is a copy of the letter that I had sent to Joe Millard and Dave Ford. As I told you on the phone, we have not received a response from them regarding this matter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kay'.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 30, 1994

RE: Notice of Claims to Water Right No. 63-02733

Martin L. Finch
10766 Lake Shore Dr.
Nampa, ID 83686

Dear Mr. Finch:

I thought I would write a quick note to update you on what has happened in response to my letters of October 28, 1994.

The folks that bought the Crookham place have submitted a warranty deed which shows they own some of the land that the Crookham's claimed (excluding the 12 acres that you own, of course). I have just sent a letter out to them to request submittal of a change of ownership form and that they amend the claim to exclude your 12 acres.

I have not had any contact from Mr. Millard or Mr. Ford in regard to the claim they have on record, under No. A63-02733A. If I hear from them I will let you know.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kay', with a long horizontal flourish extending to the right.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k

State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1994

RE: Notice of Claim to a Water Right No. A63-02733B

Martin L. &/or Margaret H. Finch
10766 Lake Shore Dr.
Nampa, ID 83686

Dear Claimants:

Processing of your Notice of Claim, as referenced above, has revealed duplicate filings for this water right. This appears to be an inadvertent error that we would like to clarify at this time. A copy of your claim is enclosed for your information. The following information will allow us to correct this error. Please complete the questions below and return this letter to our office.

1. Please mark the appropriate item regarding the described property and water right. Are you the:
- Current Owner ✓
- Previous Owner
- Other If "Other", please explain:

2. If you are the previous owner, please give the name of the new owner (as far as you know): _____

3. Do you believe that you own a portion of this water right?
Yes ☒ No ☐

If yes, please enclose proof of ownership. NOTE: Proof of ownership must describe either the property conveyed (as in a sales contract or deed) or include the claim number, if no legal description is listed.

I have enclosed a copy of an ASCS photo that shows the property in question. Please highlight which property belongs to you and return it with this letter.

If you are the previous owner, and did not withhold the water rights in the sale, the new owner should be filing this claim. If you filed in error, you may want to withdraw your claim to correct this duplicate filing.

10/28/94
Martin Lurch

I apologize for any inconvenience, however, in order to protect your water right, the Notice of Claim must be accurate. If you would return this letter by November 25, 1994, we will proceed with the necessary corrections. Please do not hesitate to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures