

63-3001B

FOSS

65 ACRES

1.30 CFS

227.5 AFA

$$1.30 \div 65 = .02 \times 13.44 = .27 \text{ CFS}$$

$$.02 \times 51.56 = 1.03 \text{ CFS}$$

$$227.5 \div 65 = 3.5 \times 13.44 = 47.04 \text{ AFA}$$

$$3.5 \times 51.56 = 180.46 \text{ AFA}$$



63-32165

FOSS

51.56 ACRES

1.03 CFS

180.46 AFA

63-32166

MERGES

13.44 ACRES

.27 CFS

47.04 AFA

8

17

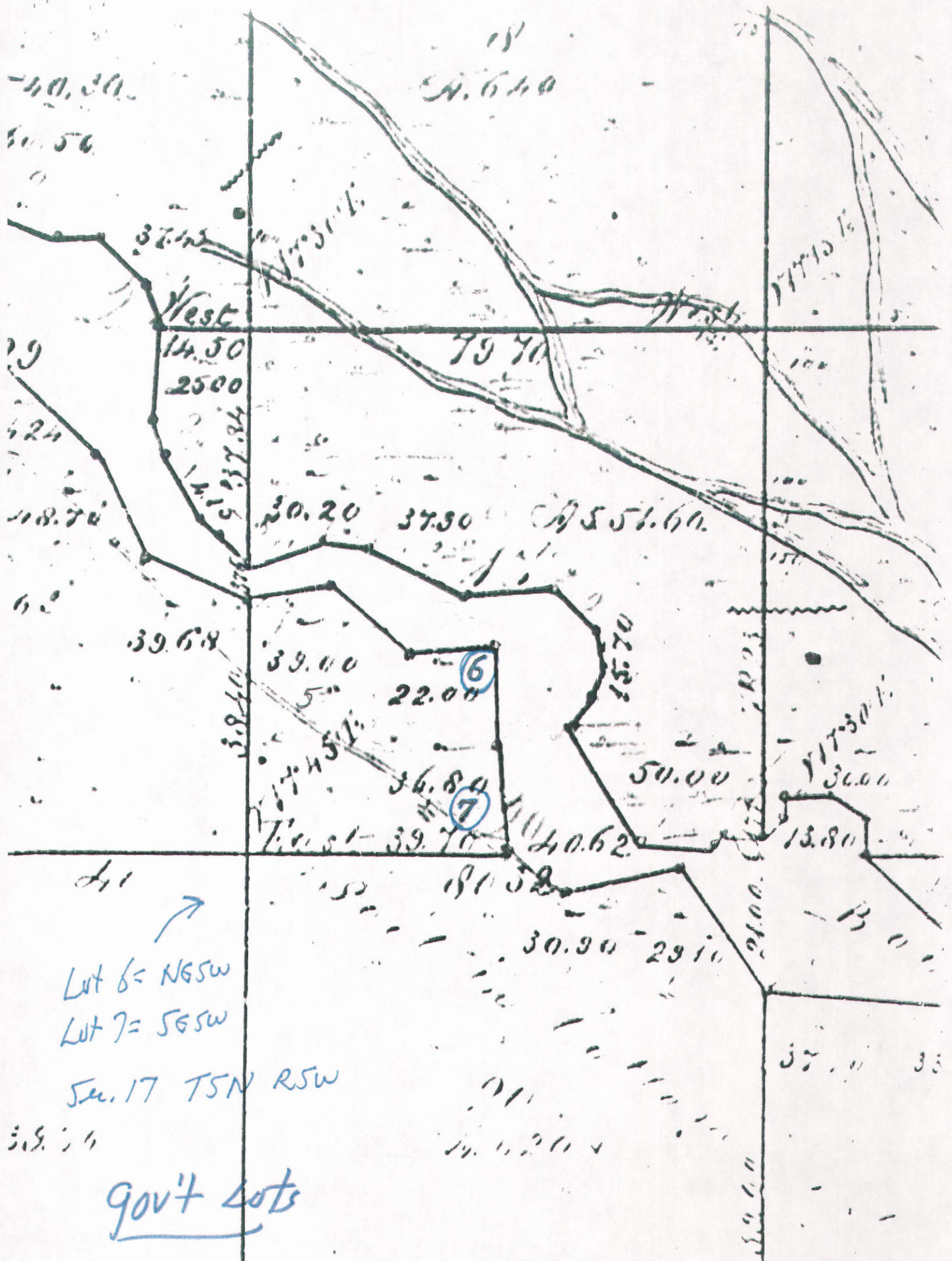
3

11.44

9.22

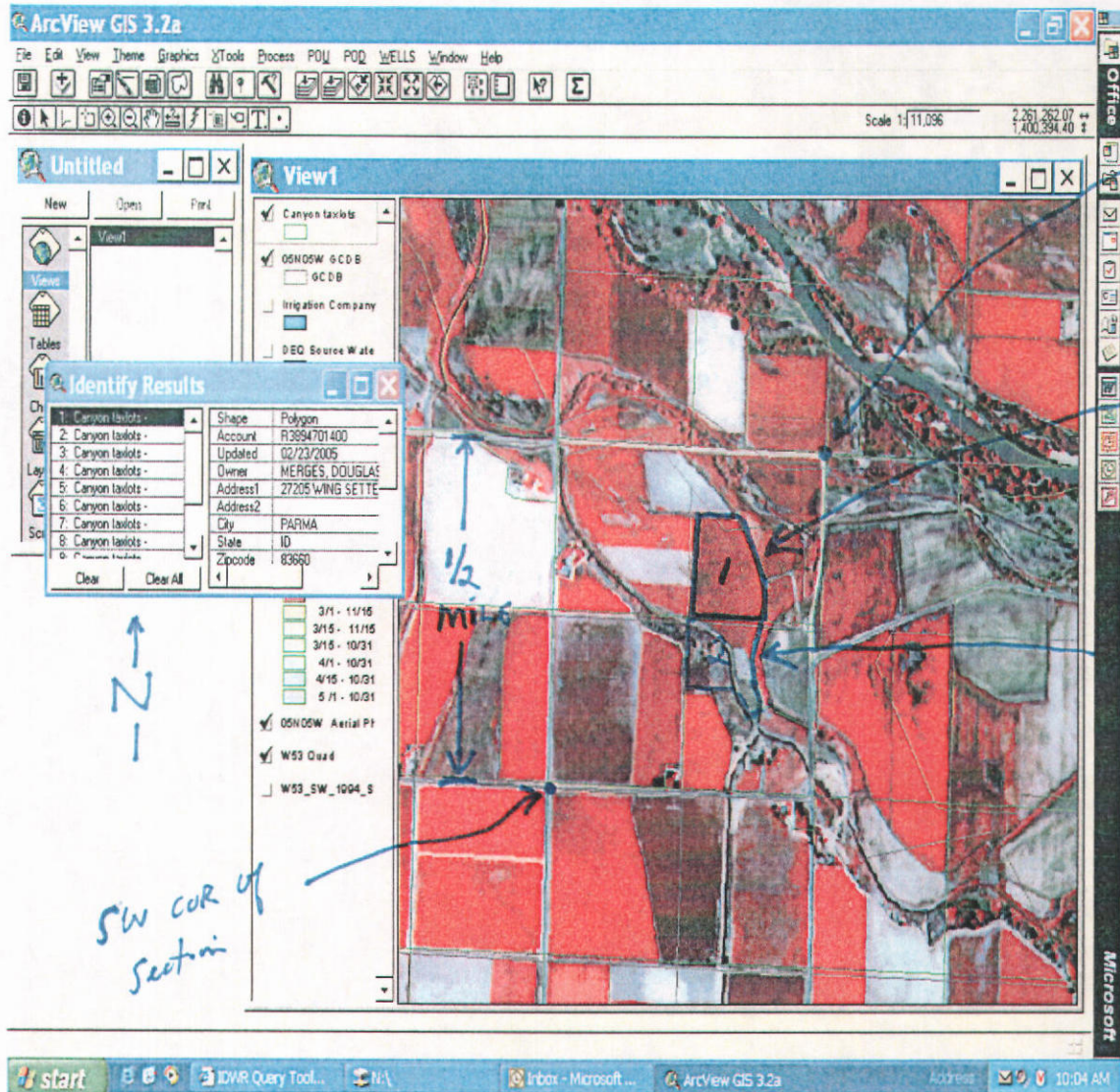
only
2 acres
irri.

20



MERGES

T5N R5W. Sec. 17



↓ TOTAL = 20.66 AC. E 1/2 SW 1/4 90x Lots 6 & 7

- ① 11.44 AC. TX 99046 R3894701400
- ② 9.22 AC. TX 99046 R389480100 (across into range
SWSW but actually SE5W)

Merges total land

Idaho Department of Water Resources

Claim Number: 63-03001B

Legal: T05N, R05W, S17

Reviewed By:

● Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

DRAFT

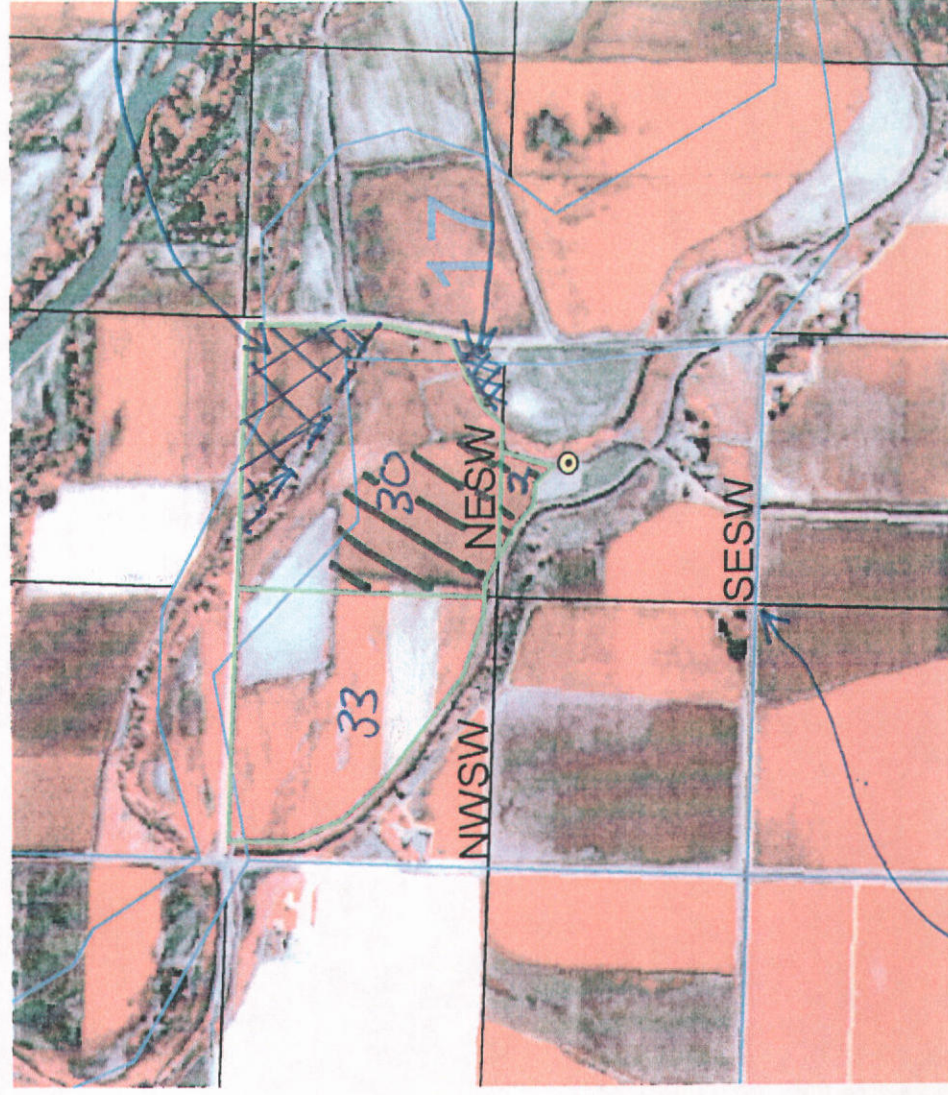


/// = 13.44 ac. e merges

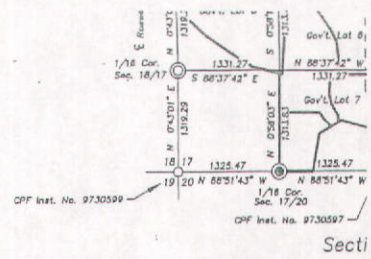
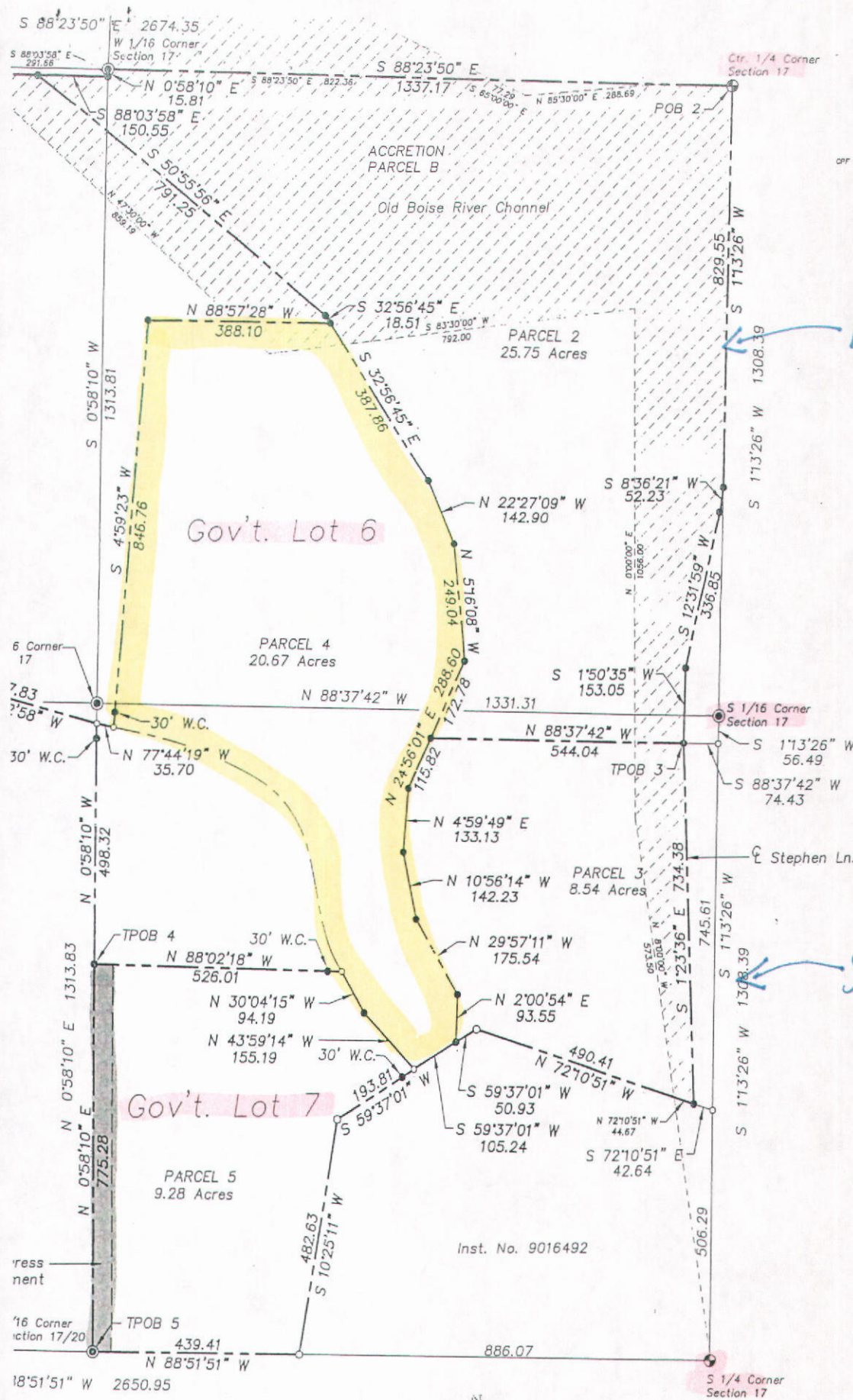
63-03001B split by 63-3001B

STARR RECOMMENDATION
NOT RECORDED yet
- 9/29/05

1987 Napp Photo



Which 6 acres in SESW q. lot 7 were preserved
in WR 63-3001?
Claim 63-3001B lots 2 acres here



I, Greg L. Skinner
Land Surveyor, license
has been made from
my direct supervision,
of said survey, and t.
Perpetuation Act, Ida.

554-17-
554-17-
554-17-
INDEX NO. 554-17-
SURVEY FOR:
Drawn by W.F.J.
Date: NOV. 28, 199.
Book:
Job No. AU1197

THIS MAP IS ATTACHED SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING THE
LAND AND THE COMPANY ASSUMES NO
LIABILITY FOR VARIATIONS IF ANY

Idaho Department of Water Resources

Claim Number: 63-03001B

Legal: T05N, R05W, S17

Reviewed By:

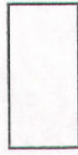
● Point of Diversion



Place of Use

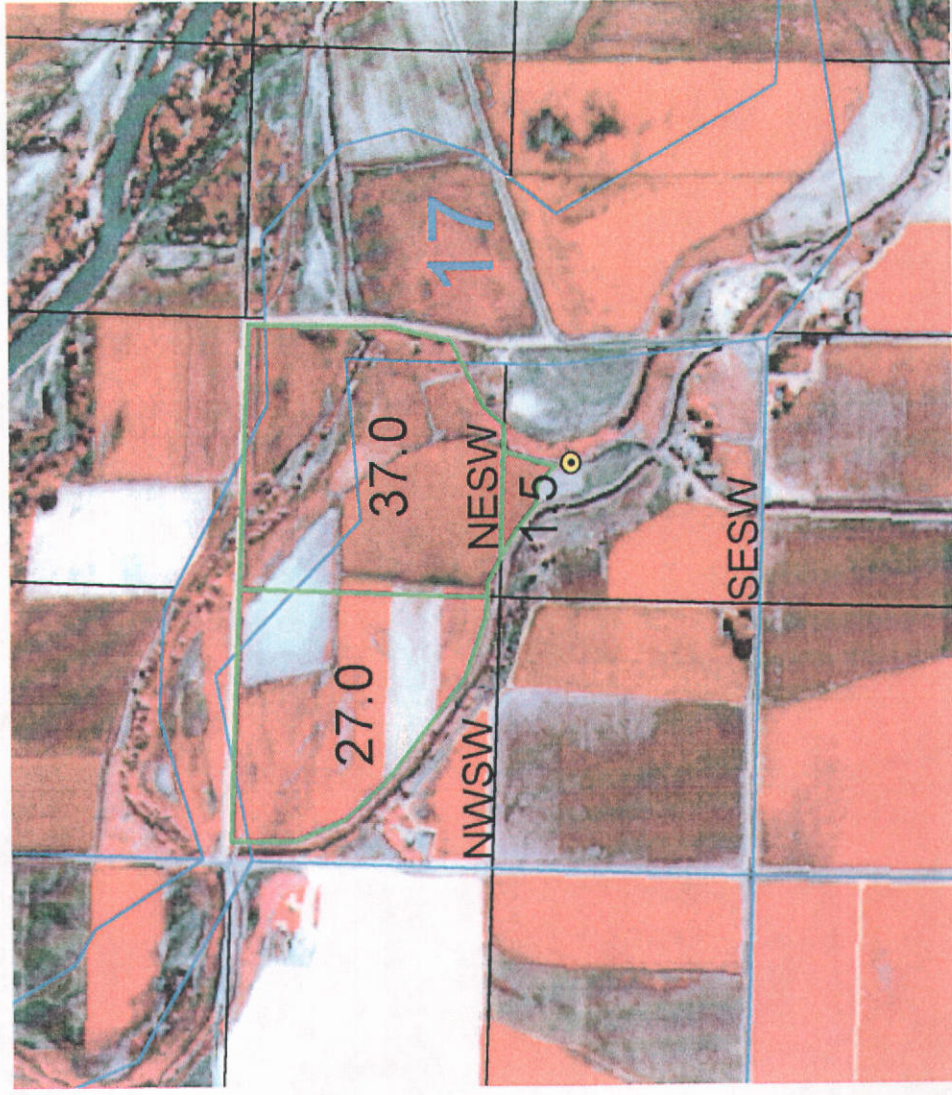


Section Lines



Quarter Quarter Lines

1987 Napp Photo

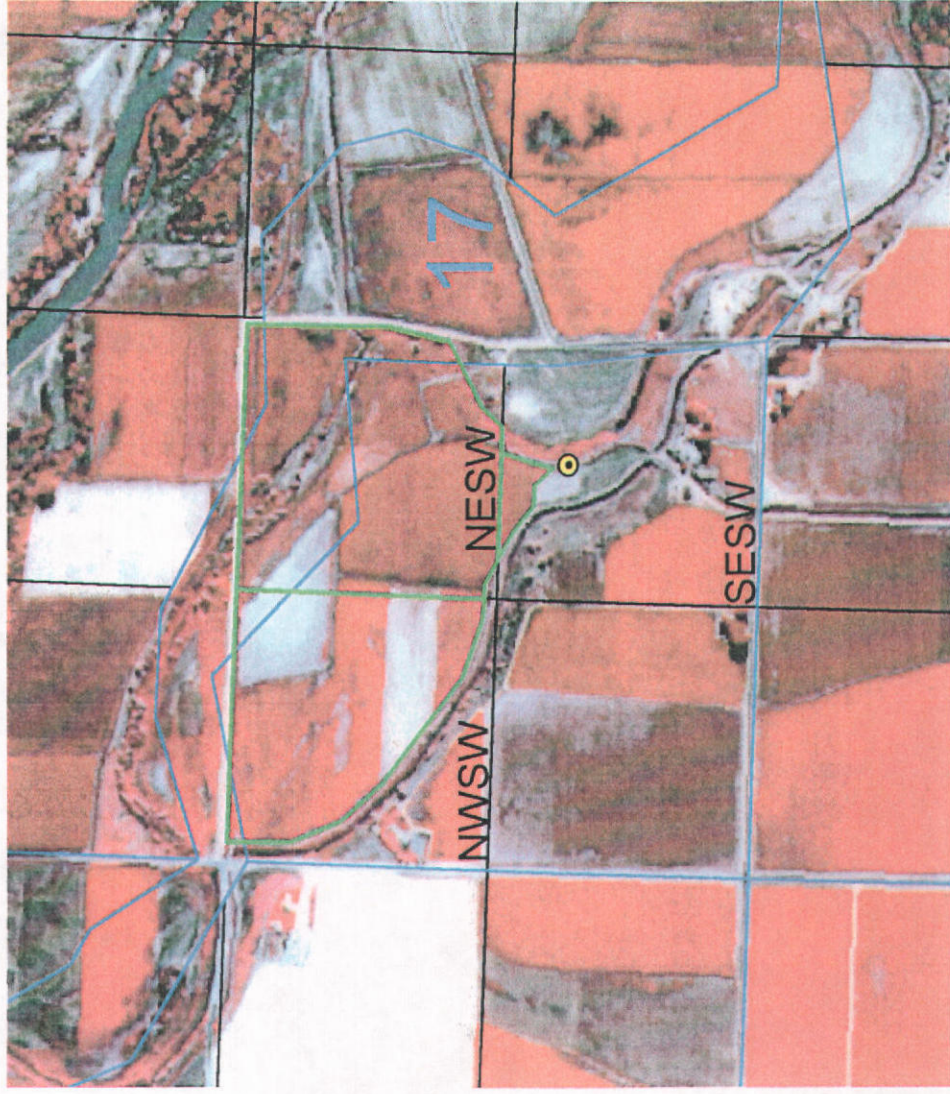


0 0.25 0.5 0.75 Miles

Idaho Department of Water Resources

Claim Number: 63-03001B
Legal: T05N, R05W, S17
Reviewed By:

1987 Napp Photo



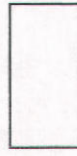
● Point of Diversion



Place of Use



Section Lines



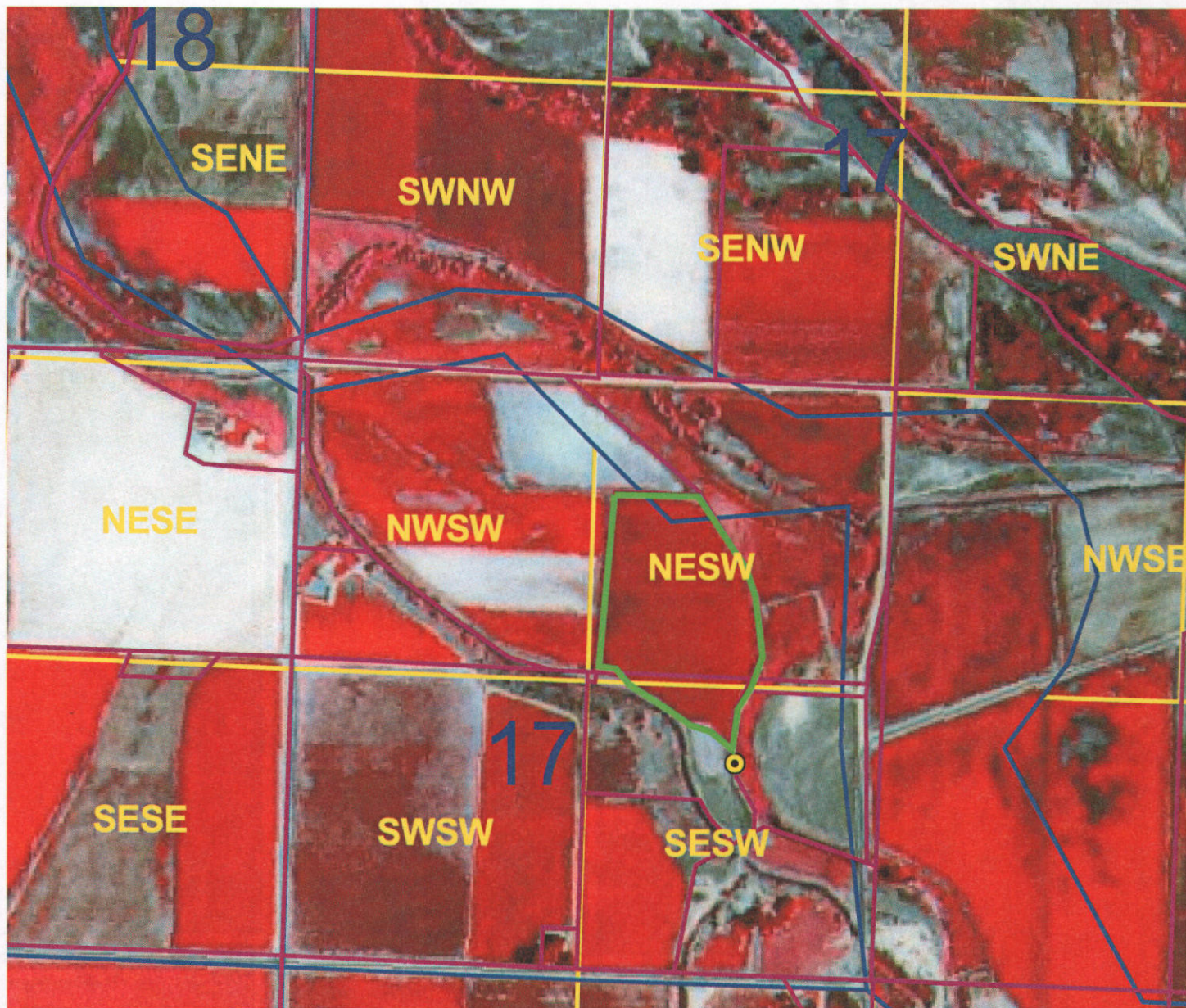
Quarter Quarter Lines





State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 17
Water Right: 63-32166



1320 0 1320 Feet

TOTAL IRRIGATED ACRES = 13.4



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

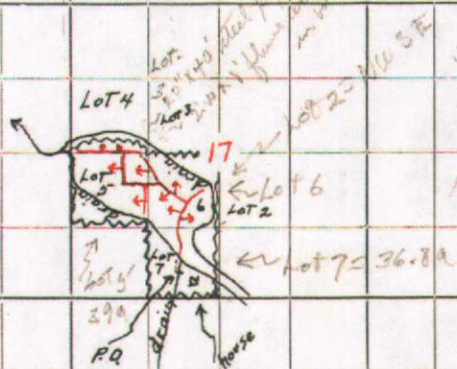
GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006

160 x 18 miles

T.
5
N.

Handy H. Gordon
2 mi. west of station

R-5W



35.9 = Lot 4
17.0 = " 6
8.0 = " 7
12.0 = " 2 & 3

Lot 7 = 36.8A

Area irrigated = Lot 5 = 33

" 6 = 30

" 7 = 6

" 4 = $\frac{9}{78}$ acres.

Q = 1.4 cfs.

NAME OF APPLICANT

M. W. CARLYLE

FORM No. 0



Permit Map No. 25107
As Approved
AUG 21 1954
MARK R. KULP
State Reclamation Engineer

SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

25107

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 63-32166
Date Received: 9/2/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LORI ANN MERGES Phone: (208)722-7440
27205 WING SETTER LN
PARMA ID USA 83660

DOUGLAS M. MERGES Phone: (208)722-7440
27205 WING SETTER LN
PARMA ID USA 83660

2. Date of Priority: 08/04/1954

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	17	SE SW 7	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.27	

7. Total Quantity Appropriated is:
0.27 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	05W	17	SE	SW	7	IRRIGATION	2
			NE	SW	6	IRRIGATION	11.44
						Section Acres	13.44
						Total Acres	13.44

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 IS A SPLIT WATER RIGHT. WATER QUANTITY HAS BEEN PRO-RATED AND AMOUNTS TO 0.0179 CFS PER ACRE. L.W.-11/27/90

This right is a split from former right 63-3001B.

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: A63-03001B
Date Received: 8/29/1990
Receipt No: W012668
Received By: hW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ART FOSS 208-722-7908
Address: 28749 HEXON RD.
PARMA, ID 83660
OR
Name: JANE FOSS 208-722-7908
Address: 28749 HEXON RD.
PARMA, ID 83660

2. Date of Priority: AUG 04, 1954

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	17	SE	SW		7	CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.300		

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

8. Total consumptive use is 227.5 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK FROM 1/1 TO 12/31

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	17	NE	SW	6	IRR 30.0
			NW	SW	5	IRR 33.0
			SE	SW	7	IRR 2.0
Section Acres						65.0
Total Acres						65.0

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:
SEE REMARKS

14. Remarks:
THIS IS A SPLIT WATER RIGHT. WATER QUANTITY HAS BEEN PRO-RATED
AND AMOUNTS TO 0.0179 CFS PER ACRE. L.W.-11/27/90

15. Basis of Claim: LICENSE

Water Right Number: 25107

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 _____

63-3001B

FOSS

65 ACRES

1.30 CFS

227.5 AFA

$$1.30 \div 65 = .02 \times 13.44 = .27 \text{ CFS}$$

$$.02 \times 51.56 = 1.03 \text{ CFS}$$

$$227.5 \div 65 = 3.5 \times 13.44 = 47.04 \text{ AFA}$$

$$3.5 \times 51.56 = 180.46 \text{ AFA}$$



63-32165

FOSS

51.56 ACRES

1.03 CFS

180.46 AFA

63-32166

MERGES

13.44 ACRES

.27 CFS

47.04 AFA

8

17

11.44

9.22

only
2 acres
irri.

20

RECEIVED

AUG 30 2005

WATER RESOURCES
WESTERN REGION

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-3001B	YES			

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) JANE & ART FORB
28749 HEXON RD. PARMA, ID. 83660
4. New Owner/Claimant(s) DOUGLAS M. AND LORI ANN MERGES
 Name Connector (Check one): ☒ and, ☐ or, ☒ and/or
- New Mailing Address 27205 WING SETTER LN.
- City, State and ZIP Code PARMA, ID. 83660
- New Telephone Number (208) 722-7440
5. Date you acquired the property 1/11/1999

9704904

PC28574

WARRANTY DEED

FOR VALUE RECEIVED Whiskey Bottom Limited Partnership

the Grantor, does hereby grant, bargain, sell and convey unto Douglas M. Merges and Lori Ann Merges, husband and wife

the Grantees, whose address is 3016 Westview Lane, 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 two (2) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, 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 1999 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: February 2, 1999

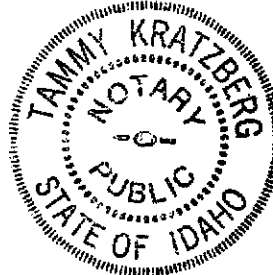

Whiskey Bottom Limited Partnership

STATE OF IDAHO

COUNTY OF CANYON

On this 2nd day of February in the year 1999, before me, a Notary Public, personally appeared Charles H. Lobdell known or identified to me to be the general partner in the partnership of Whiskey Bottom Limited Partnership and the general partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.


Notary Public
Residing at Caldwell
My commission expires 2/3/04



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

Exhibit "A"

A portion of Government Lots 6 and 7 and of the original Boise River Channel as shown on the 1868 G.L.O. Survey for Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the West 1/16 corner on the South line of said Section 17 as it presently exists; thence

North 0° 58' 10" East along the West boundary of said Government Lot 7 a distance of 775.28 feet to the TRUE POINT OF BEGINNING; thence continuing

North 0° 58' 10" East along said West boundary a distance of 498.32 feet to a point in the centerline of the Ross East End drain; thence

South 77° 44' 19" East along said centerline a distance of 35.70 feet; thence leaving said centerline bearing

North 4° 59' 23" East a distance of 846.76 feet; thence

South 88° 57' 28" East a distance of 388.10 feet to a point in the centerline of an existing ditch; thence traversing said centerline as follows:

South 32° 56' 45" East a distance of 387.86 feet; thence

South 22° 27' 09" East a distance of 142.90 feet; thence

South 5° 16' 08" East a distance of 249.04 feet; thence

South 24° 56' 01" West a distance of 288.60 feet; thence

South 4° 59' 49" West a distance of 133.13 feet; thence

South 10° 56' 14" East a distance of 142.23 feet; thence

South 29° 57' 11" East a distance of 175.54 feet; thence

South 2° 00' 54" West a distance of 93.55 feet to a point on the Northerly boundary of the parcel described as the exception in the Warranty Deed filed as Instrument No. 9016492, records Canyon County, Idaho; thence

South 59° 37' 01" West along said boundary a distance of 105.24 feet to a point in the centerline of said Ross East End drain; thence traversing said centerline as follows:

North 43° 59' 14" West a distance of 155.19 feet; thence

North 30° 04' 15" West a distance of 94.19 feet; thence leaving said centerline and bearing

North 88° 02' 18" West a distance of 526.01 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH use of an ingress-egress and utility easement, this easement lies in Government Lot of Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

(continued)

[Handwritten signatures and initials]

COMMENCING at the Southwest corner of said Government Lot 7; thence
South 88° 51' 51" East along the South boundary of said
Government Lot 7 a distance of 372.42 feet to the TRUE POINT OF
BEGINNING; thence

North 27° 12' 45" East a distance of 125.00 feet; thence
North 10° 25' 11" East a distance of 322.71 feet; thence
North 36° 19' 01" West a distance of 390.57 feet; thence
North 25° 50' 11" West a distance of 34.98 feet; thence
South 88° 02' 18" East a distance of 33.91 feet; thence
South 25° 50' 11" East a distance of 15.67 feet; thence
South 36° 19' 01" East a distance of 401.39 feet; thence
South 10° 25' 11" West a distance of 340.29 feet; thence
South 27° 12' 45" West a distance of 114.74 feet to a point on
said South boundary; thence
North 88° 51' 51" West along said South boundary a distance of
33.40 feet to the TRUE POINT OF BEGINNING.

Handwritten signatures and initials

9904904

RECORDED

39 FEB 8 PM 4 40

GROEL HALE
CANTON CITY RECORDER
BY *[Signature]*

RECORDED
PIONEER - CALDWELL
TYPE *[Signature]* *[Signature]*

DATE 8/28/05

" B
" C

EMPLOYEE *YL*

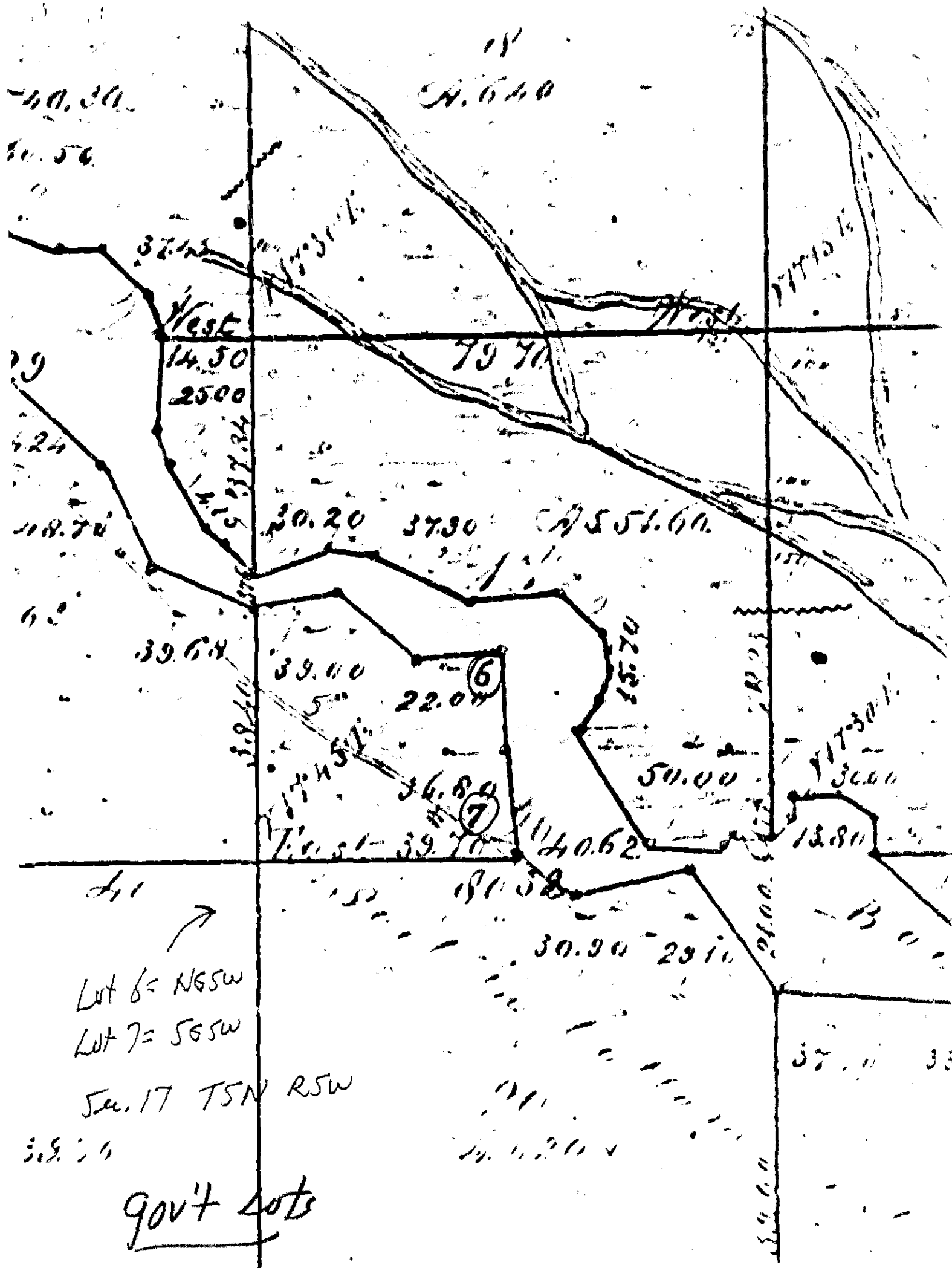
Licenses 63.3001 1.40 AS 78 Acres

CF5

if .0179 c/s/ac per	.07	1.16	.16	1.39
c/kim d'base *				

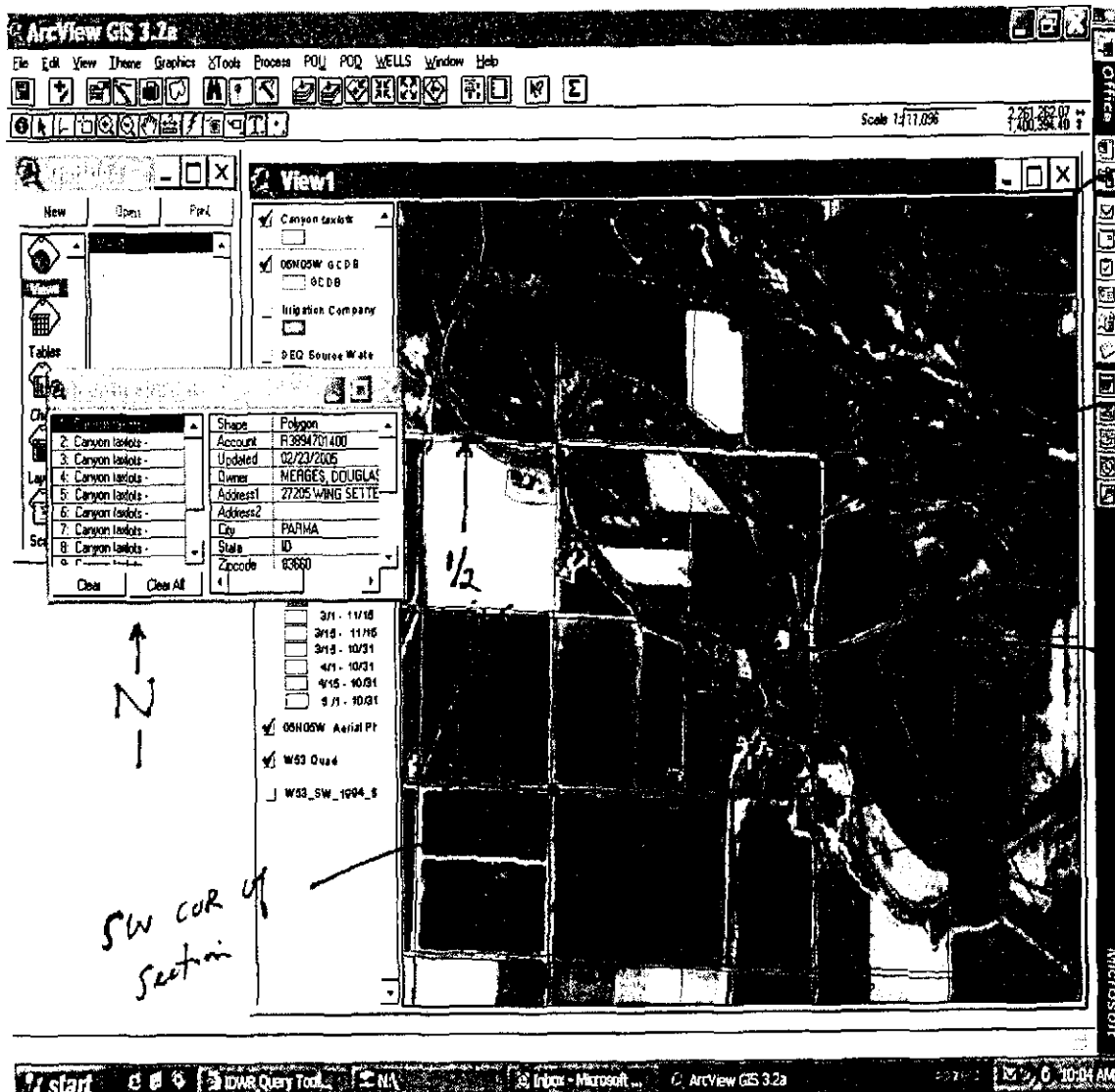
CORRECT

* SEE condition #1 in class e preferred shares



MERGES

T5N R5W. Sec. 17



↓ TOTAL = 20.66 AC. 5 1/2 SW 1/4 9000 LOTS 6 & 7

① 11.44 AC. TX 99046 R3894701400

② 9.22 AC. TX 99046 R389480100 (acres into rows SW5W but actually SE5W)

MERGES total land

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-03001B

Legal: T05N, R05W, S17

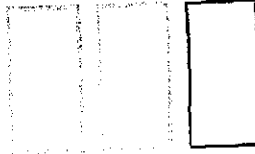
Reviewed By:

● Point of Diversion

Place of Use

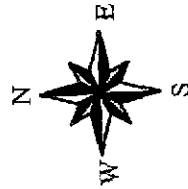
Section Lines

Quarter Quarter Lines

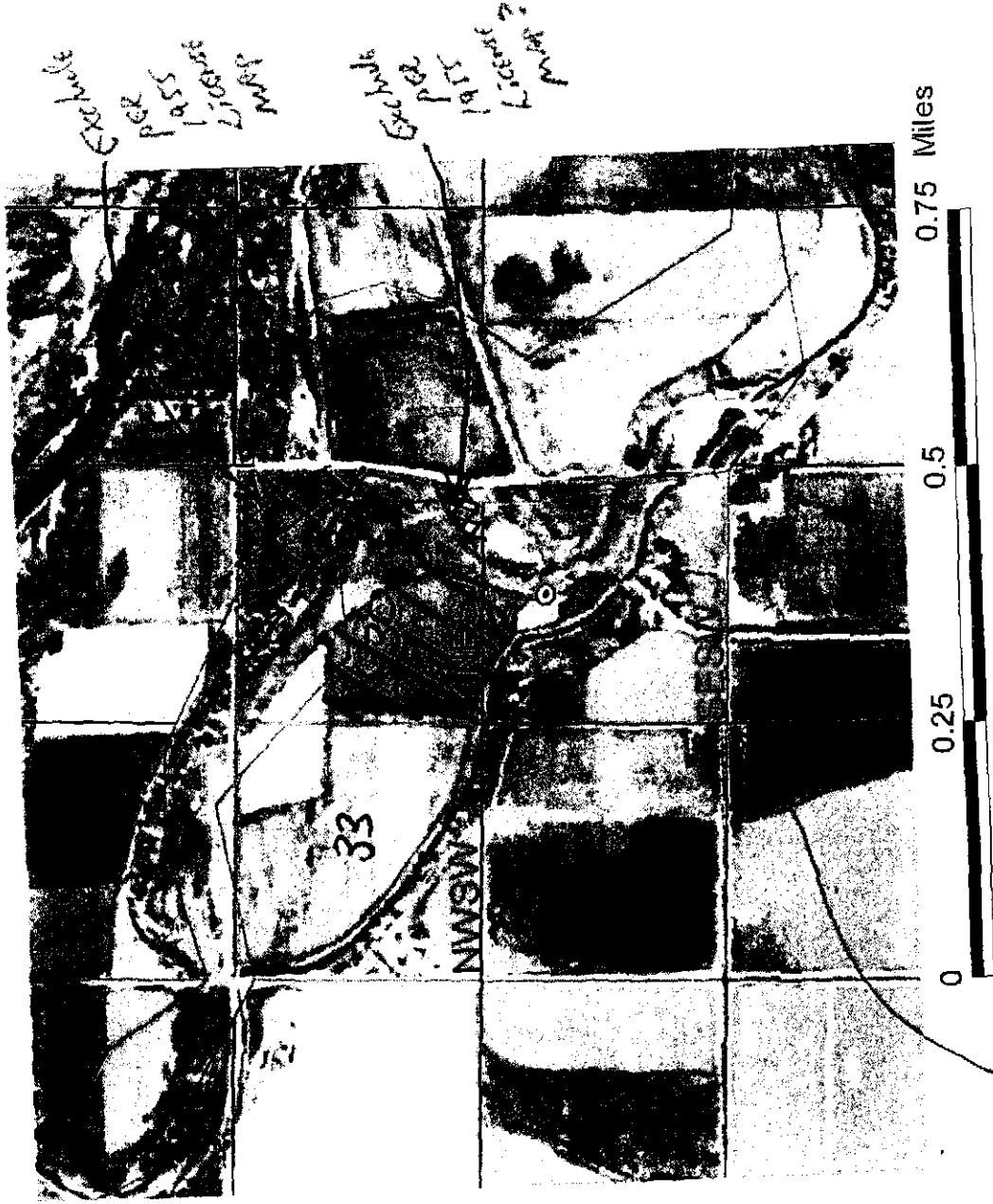


*SPBA Recommendations
not prepared yet
for the project*

DRAFT



/// = 13.94 ac. e merges



*which 6 acres in SE1/4 of lot 7 were proposed
is with 63-3001?
Claim 63-3001B lots 2 acres here*

Merge split of 63-3001B

PIONEER TITLE COMPANY

Caldwell Office
P. O. Box 610 • 423 S. Kimball
Caldwell, Idaho 83605-0610

PHONE: (208) 459-1651

FAX: (208) 459-6635 (TITLE)
(208) 455-1138 (ESCROW)

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A.
- The Requirements in Schedule B-1.
- The Exceptions in Schedule B-2.
- The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Arneson* SECRETARY

BY

COUNTERSIGNED



The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

TABLE OF CONTENTS

	Page
AGREEMENT TO ISSUE POLICY	1
SCHEDULE A	
1. Commitment Date	2
2. Policies to be Issued, Amounts and Proposed Insureds	2
3. Interest in the Land and Owner	2
4. Description of the Land	2
SCHEDULE B-1 — Requirements	3
SCHEDULE B-2 — Exceptions	4
CONDITIONS	other side of 1

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, please contact the issuing office.

SCHEDULE A

Commitment No.: PC 28574

Effective Date: January 11, 1999 as of 7:30 a.m.

Prepared by: John R. Farmer

TO: PIONEER TITLE COMPANY
Escrow Department
Attn: Tammy Kratzberg

Proposed Insured:

DOUGLAS M. MERGES and LORI ANN MERGES

Policy or Policies to be issued:		Amount	Premium
Owner's coverage	(x) Standard	\$66,000.00	\$436.00
Form 1402.92 (10-17-92)	() Extended		
Purchaser's coverage	() Standard		
Form 1402.92 (10-17-92)			
Mortgagee's coverage	() Standard		
Form 1056.92 (10-17-92)	() Extended		
Endorsements			
Easement coverage			

Fee simple interest in the land described in this Commitment is owned,
at the Commitment Date by:

WHISKEY BOTTOM LIMITED PARTNERSHIP

The land referred to in this Commitment is described as follows:

See attached Exhibit "A"

PC 28574

Exhibit "A"

A portion of Government Lots 6 and 7 and of the original Boise River Channel as shown on the 1868 G.L.O. Survey for Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the West 1/16 corner on the South line of said Section 17 as it presently exists; thence

North 0° 58' 10" East along the West boundary of said Government Lot 7 a distance of 775.28 feet to the TRUE POINT OF BEGINNING; thence continuing

North 0° 58' 10" East along said West boundary a distance of 498.32 feet to a point in the centerline of the Ross East End drain; thence

South 77° 44' 19" East along said centerline a distance of 35.70 feet; thence leaving said centerline bearing

North 4° 59' 23" East a distance of 846.76 feet; thence

South 88° 57' 28" East a distance of 388.10 feet to a point in the centerline of an existing ditch; thence traversing said centerline as follows:

South 32° 56' 45" East a distance of 387.86 feet; thence

South 22° 27' 09" East a distance of 142.90 feet; thence

South 5° 16' 08" East a distance of 249.04 feet; thence

South 24° 56' 01" West a distance of 288.60 feet; thence

South 4° 59' 49" West a distance of 133.13 feet; thence

South 10° 56' 14" East a distance of 142.23 feet; thence

South 29° 57' 11" East a distance of 175.54 feet; thence

South 2° 00' 54" West a distance of 93.55 feet to a point on the Northerly boundary of the parcel described as the exception in the Warranty Deed filed as Instrument No. 9016492, records Canyon County, Idaho; thence

South 59° 37' 01" West along said boundary a distance of 105.24 feet to a point in the centerline of said Ross East End drain; thence traversing said centerline as follows:

North 43° 59' 14" West a distance of 155.19 feet; thence

North 30° 04' 15" West a distance of 94.19 feet; thence leaving said centerline and bearing

North 88° 02' 18" West a distance of 526.01 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH use of a 40-foot-wide of the ingress-egress and utility easement described as the West 40 feet South 775.28 feet of Government Lot 7 of Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

SCHEDULE B - Section 1

REQUIREMENTS

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the Mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the Policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the Mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.

SCHEDULE B - Exceptions

Commitment No.: PC 28574

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company.

(Only an Extended Coverage Policy may eliminate Exceptions 1 through 6, provided they are taken care of to our satisfaction.)

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 1999, which are a lien, payable on or before December 20 of said year and not delinquent until after said date.
8. Liens and assessments of the Riverside Irrigation District, and the rights and powers of said district as by law provided. Paid current.
9. Rights of way for irrigation and drainage ditches and canals and roads.
10. Right of way for drain ditches conveyed in Quitclaim Deed recorded October 28, 1918 as Instrument No. 90882, records of Canyon County, Idaho.
11. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded January 15, 1937 as Instrument No. 223429, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.

(continued)

12. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded April 10, 1975 as Instrument No. 748438, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
13. Any claim arising from the difference in the mean high water line of the Boise River and the meander line as shown by the government survey.
14. A portion of this property appears to have been acquired by accretion or avulsion in the changes of the mean high water line of the Boise River. This Report is issued and accepted upon the assumption that title to the alluvion follows that of the abutting property and liability thereon is excepted.
15. Any loss or liability due to the change of the Old Boise River Channel and the New Boise River Channel we take exception to.
16. Easement for Maintenance and Access or irrigation ditches referred to in Warranty Deed recorded September 6, 1990 as Instrument No. 9016492, records of Canyon County, Idaho.
17. Disclaimer of Interest No. 148 by State of Idaho to Whiskey Bottom Limited Partnership by Charles H. Lobdell and Joanne W. Lobdell, general partnership recorded March 18, 1998 as Instrument No. 9809666, records of Canyon County, Idaho. (See copy attached.)

NOTE: PURSUANT TO THE STATE OF IDAHO INSURANCE REGULATIONS, A CANCELLATION FEE IS TO BE CHARGED ON ALL CANCELLED ORDERS. UNLESS OTHERWISE ADVISED, ORDERS WILL BE CONSIDERED CANCELLED SIX MONTHS AFTER THE EFFECTIVE DATE ON THE COMMITMENT. THE AMOUNT OF THE FEE ASSESSED SHALL BE IN ACCORDANCE WITH OUR RATE FILING WITH THE IDAHO DEPARTMENT OF INSURANCE.

The following page is a copy of the Canyon County Treasurer's records and is for your information only and not within the insuring provision of the Commitment or Policy.

MODE:F ACTION: 1998 TAX INQUIRY as of 01/21/99 10:37 TRQK701
8R38948010 0 05N05W176602

051-00 * * CHECK FOR DELINQUENCIES * *

WHISKEY BOTTOM LIMITED PTNRSHIP

Original Tax 83.64

2205 W MACE RD

EAGLE ID 83616

Total Due 83.64

17-5N-5W SW

LT 7 LS TX 3, 98027 IN SW

41.82	41.82
-------	-------

STEPHEN LN, PA

Outstanding Tax .00

FCV / QTY 5,500 / 27.77

Information on this screen is subject to change without notice

Alt-Z FOR HELP| VT100 | FDX | 9600 N81 | LOG CLOSED | PRT OFF | ANY_PORT

REAL PROPERTY INQUIRY

01 9R38948-010- -0 051-00	SCH137	01	5,600	9.00
WHISKEY BOTTOM LIMITED PTNRSHP		05	500	15.02
		19		3.75
2205 W MACE RD				
EAGLE	ID 83616			
17-5N-5W SW		TOTAL	6,100	27.77
LT 7 LS TX 3, 98027 IN SW				
STEPHEN LN, PA		SURVEY	INST 9726982	
SEE R38947		DRAIN	DR VALUE	APPR MKB
		CLASS BF	REAP 99	MAN 93
		PARCEL	9R05N05W176602	H/O N C/B N
		PRIOR ACCOUNT	8R38948-010- -0	
			02 MH on Property	NO
			03 Traits Inquiry	

MODE:F ACTION: 1998 TAX INQUIRY as of 01/21/99 10:36 TRQK701
8R38947000 0 05N05W175000

142-00 * * CHECK FOR DELINQUENCIES * *
WHISKEY BOTTOM LIMITED PTRNSHP
Original Tax 455.52

2205 W MACE RD
EAGLE ID 83616 Total Due 455.52

17-5N-5W SW
LT 5 NE OF DRAIN DITCH & LT 6 LS
TX 98027

227.76	227.76
--------	--------

BOULDER RD, PA Outstanding Tax .00

FCV / QTY 29,200 / 67.53

Information on this screen is subject to change without notice

Alt-Z FOR HELP| VT100 | FDX | 9600 N81 | LOG CLOSED | PRT OFF | ANY_PORT

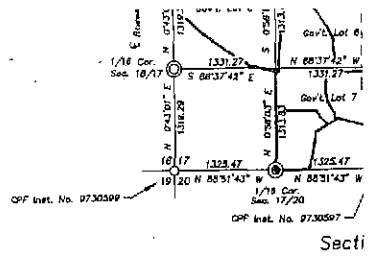
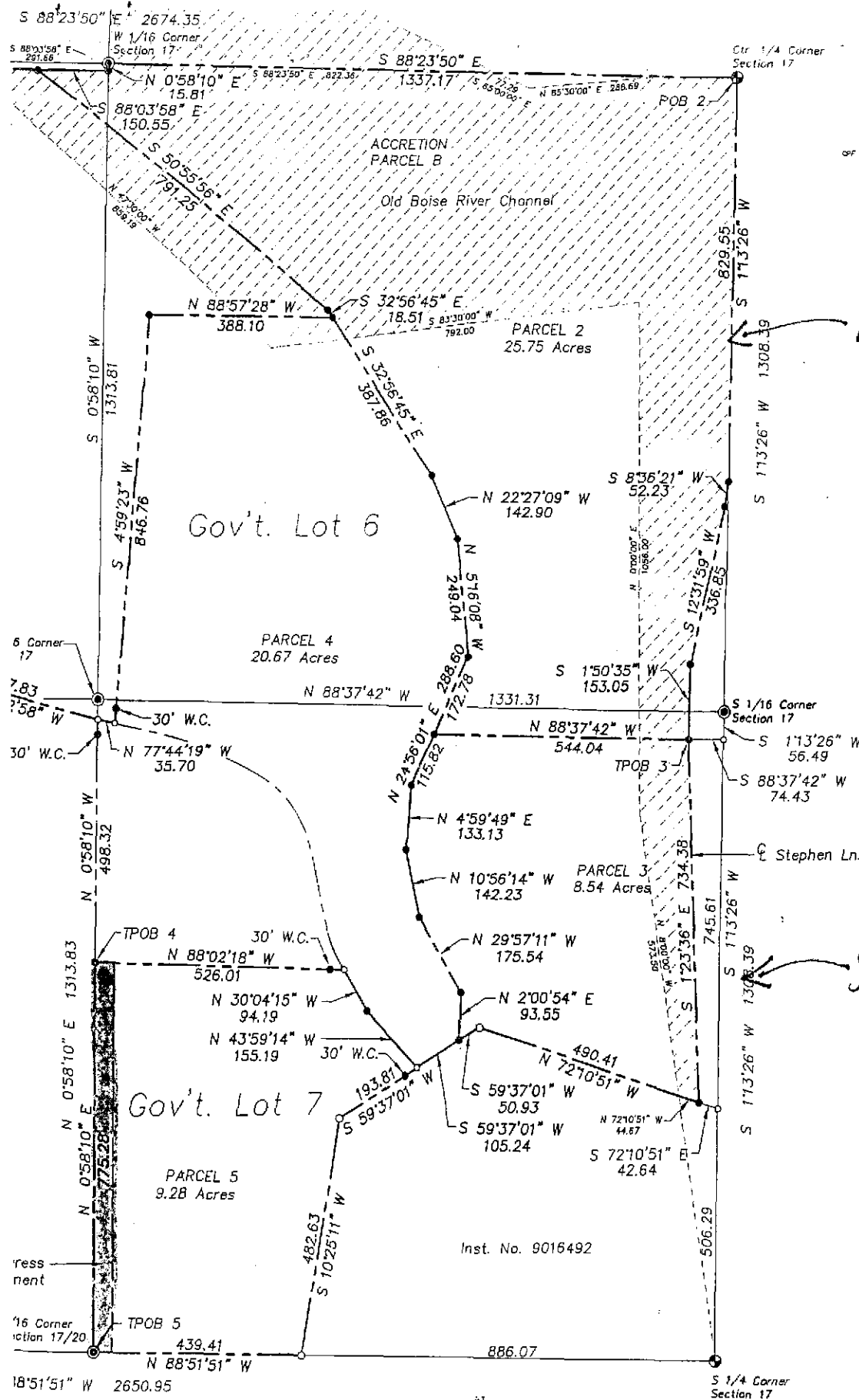
PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT

TQOK101

REAL PROPERTY INQUIRY

01 9R38947-000- -0 142-00 G SCH137	01	25,900	37.23
WHISKEY BOTTOM LIMITED PTRNSHP	02	7,600	23.30
	05	100	3.00
	19		4.00
2205 W MACE RD EAGLE ID 83616			
17-5N-5W SW LT 5 NE OF DRAIN DITCH & LT 6 LS TX 98027	TOTAL	33,600	67.53
BOULDER RD, PA SEE R38948-010	SURVEY 9800443	INST 9726982	
	DRAIN DR VALUE	APPR BWL	
	CLASS REAP 99	MAN UNIT 0	
	PARCEL 9R05N05W175000	H/O N C/B N	
	PRIOR ACCOUNT 8R38947-000- -0		
		02 MH on Property NO	
		03 Traits Inquiry	

```
Alt-Z FOR HELP| VT100      | FDX | 9600 N81 | LOG CLOSED | PRT OFF | ANY_PORT
```



I, Greg L. Skinner,
Land Surveyor, license
has been made from
my direct supervision,
of said survey, and t.
Perpetuation Act, Ida.

554-17-
554-17-
554-17-
INDEX NO. 554-17-
SURVEY FOR:
Drawn by W.F.J.
Date: NOV. 28, 199.
Book:
Job No. AU1197

THIS MAP IS ATTACHED SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING THE
LAND AND THE COMPANY ASSUMES NO
LIABILITY FOR VARIATIONS IF ANY

PC 24445
INSTRUMENT NO. 9809666

STATE OF IDAHO

Disclaimer of Interest No. 148

THE STATE OF IDAHO, Department of Lands, 954 W. Jefferson Street, P.O. Box 83720, Boise, Idaho 83720-0050, acting by and through the STATE BOARD OF LAND COMMISSIONERS, does hereby release and disclaim to **WHISKEY BOTTOM LIMITED PARTNERSHIP**, by **Charles H. Lobdell and Joanne W. Lobdell, General Partners**, of 2205 Mace Road, Eagle, Idaho 83616, their successors in interest, and assigns, all interests to the following described parcel of accretion land situated in and/or adjacent to portions of Government Lots 3, 5, 6 and 7, of Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

PARCEL 1

This parcel is a portion of the Boise River Channel as shown on the 1868 G.L.O. Survey Plat for said Section 17, and is more particularly described as follows:

Commencing at the west ¼ corner of said Section 17, as monumented by a brass cap monument, said corner being the REAL POINT OF BEGINNING; thence South 0°43'01" West, 8.09 feet along the west boundary of said Section 17 to a point in the centerline of Boulder Road; thence South 88°03'58" East, 407.65 feet along said centerline to a point on the southerly boundary of said 1868 Boise River Channel; thence South 77°15'00" West, 382.34 feet along said southerly boundary to a point in the centerline of the Ross East End Drain; thence North 1°44'29" East, 23.00 feet along said centerline; thence North 45°57'48" West, 49.67 feet continuing along said centerline to a point on the west boundary of said Section 17; thence North 0°43'01" East, 40.62 feet along said west boundary returning to the real point of beginning, containing 0.46 of an acre, more or less.

PARCEL 2

This parcel is a portion of the Boise River Channel as shown on the 1868 G.L.O. Survey Plat for said Section 17, and is more particularly described as follows:

Commencing at the center one-quarter (¼) corner of said Section 17, monumented by a brass cap monument, said corner being the REAL POINT OF BEGINNING; thence South 1°13'26" West, 829.55 feet along the north - south mid-section line of said Section 17 to a point in the centerline of Stephen Lane; thence traversing said centerline as follows: South 8°36'21" West, 52.23 feet; thence South 12°31'59" West, 336.85 feet; thence South 1°50'35" West, 153.05 feet; thence South 1°23'36" East, 734.38 feet; thence leaving said centerline and bearing North 72°10'51" West, 44.67 feet to a point on the southerly and westerly boundary for said 1868 Boise River Channel as defined by the meander line from said 1868 Survey; thence traversing said meander line as follows: North 8°00'00" West, 573.50 feet; thence North 0°00'00" East a distance of 1,056.00 feet; thence South 83°30'00" West, 792.00 feet; thence North 47°30'00" West, 859.19 feet to a point in the centerline of Boulder Road; thence South 88°03'58" East, 291.65 feet along said centerline to a point on the northerly extension of the west boundary of Government Lot 6 as shown on said 1868 Survey; thence North 0°58'10" East, 15.81 feet along said extension to a point on the southerly extension of the west boundary

of Government Lot 3 of said 1868 Survey; thence North 0°59'07" East, 357.51 feet along said extension to a point on the northerly boundary for said 1868 Boise River Channel; thence traversing said northerly boundary as follows: South 65°00'00" East, 977.53 feet; thence North 85°30'00" East, 825.00 feet; South 49°30'00" East, 90.71 feet to a point on the east - west mid-section line for said Section 17; thence North 88°24'18" West, 447.04 feet along said mid-section line returning to the real point of beginning, containing 24.12 acres, more or less.

The total area contained in this Disclaimer of Interest being 24.58 acres, more or less.

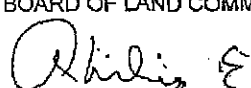
SUBJECT TO all existing easements and road rights-of-way of record or appearing on the above described parcel of land.

This disclaimer of interest was approved by the State Board of Land Commissioners on February 10, 1998.

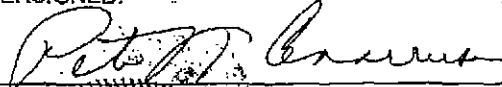
By this document, the state is disclaiming all title and interest to the previous channel of the Boise River as described above which is now dry riverbed.

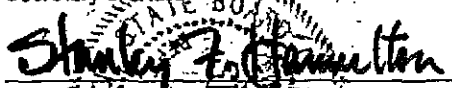
EXECUTED this 2nd day of March, 1998.

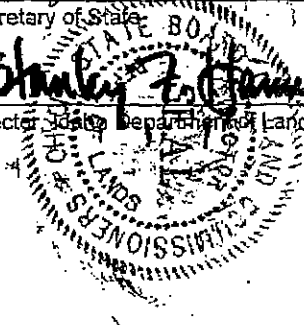
STATE BOARD OF LAND COMMISSIONERS


Governor of the State of Idaho and President of the
State Board of Land Commissioners

COUNTERSIGNED:


Secretary of State


Director, State Department of Lands



STATE OF IDAHO)
) (ss.
County of Ada)

On this 2nd day of March, 1998, before me, a Notary Public in and for said State, personally appeared PHILIP E. BATT, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners; PETE T. CENARRUSA, known to me to be the Secretary of State of the State of Idaho; and STANLEY F. HAMILTON, known to me to be the Director of the Department of Lands of the State of Idaho, that executed the said instrument and acknowledged to me that such State of Idaho and State Board of Land Commissioners executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

Susan Moore
NOTARY PUBLIC for Idaho
Residing at: Bonneville, UT
My Commission Expires: 8-8-2001

c:\mary\cdisclaim\dis.148

RECORDED
98 APR 18 AM 8 55
NED J KERR
CANYON CNTY RECORDER
BY [Signature]
REQUEST PIONEER - CALDWELL
TYPE WMA FEB 9-00

9809666

November 27, 1990

Wanda Groot
Atkeson Realty
PO Box 33
Parma, ID 83660

SUBJECT: Woodrow Harrold Water Right
A63-03001

Dear Ms. Groot:

Enclosed are three copies of the above Notice of Claim to a Water Right. These copies show the way this has been split between the Harrolds and the Foss's.

Note that when I split these rights I also had to split the amount of water. I did this on the basis that the total amount of water licensed was 1.4 cubic foot per second (cfs) for 78 acres. By pro-rating this amount the amount of cfs per acre came out to 0.0179 cfs per acre, of which I rounded up to 0.02 cfs. I also left the non-irrigation uses as is (item 9) which allows for livestock on a year around basis. I deleted the description of diversion works (item 5) for all but Mr. W. Harrold's claim as I was not sure if all parties were using the same type of system.

Please be sure to contact me if you have any questions regarding the water right as split.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

MICROFILMED

AUG 18 1992

RECEIVED

OCT 09 1990

CHANGE IN OWNERSHIP

Department of Water Resources Page 1
Western Regional Office

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

☒ Water Right Number(s): A63-03001

☐ Name and Address of Former Claimant(s): Woodrow J. Harrold

28594 French Road

Parma, Idaho 83660

☒ New Claimant(s): Art or Jane Foss

28749 Hexon Road

☒ New Mailing Address: 28749 Hexon Road

Parma, Idaho 83660

New Telephone Number: (208) 722-7908

☒ Does the change in ownership result in a splitting of the water right claimed? xx yes no
If yes, then describe the portion of the water right that is now claimed by the new owner:

On the attached description of the property -Total consumption use

is Seventy Eight, (78) Acre feet Per Annum.

THE NEW OWNER TOTAL CONSUMPTION USE IS-SEVENTY FOUR, (74), Acre Ft. per Annum.

☐ Attach proof of ownership
Describe proof attached: See attached description
(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): Art Foss

Date: 10/1/90

MICROFILMED

AUG 18 1992

attachment

Parma, Idaho 83660
10/3/90

This is on Water Right # A63-03001

Name: Woodrow J. Harrold

Two, (2) acre feet per annum for the following description of property:

Lot 4, and that part of Lot 1, all in Section 17, T5N., R5W of Boise Meridian, lying South of the Main Channel of the Boise River. Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto.

MICROFILMED

AUG 18 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 26, 1990

Wanda Groot
Atkeson Realty
PO Box 33
Parma, ID 83660

Dear Mrs. Groot:

Enclosed is the information you requested. If I can be of further assistance, feel free to contact me.

Sincerely,

Linda A. Werner

Linda A. Werner
Sr. Water Resource Agent
Adjudication

Enclosure

RECEIVED
OCT 09 1990

Department of Water Resources
Western Regional Office

Dear Linda;

Thanks for helping me try and help these new claimants, they will have 74 acre feet for Foss and 2 acre feet for D. Harrold. Woodrow J. Harrold will keep 2 acre feet for his pasture. From what I gather Woodrow J. Harrold filed on the entire amount of land in his family, however there is no shortage. If this does not clear it up, if you could let me know and I will try some more. Dave Harrold is Woodrow J. Harrold's nephew and has only 10 acres that he can irrigate from the original 78 acre feet. I am sending the description from the Title Insurance. I will include Dave Harrold's description with his.

I understand the fee W. J. Harrold paid takes care of this, is this correct? *Thank you very much,*
Wanda

MICROFILMED

AUG 18 1992

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-0300-A Date: 2-3-0

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	54	30	17									30	33		2					65
GIS												37	26.2		1.5					65.4
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 65

Overlapping POU Claim #'s:

Total GIS Acres: 65

COMMENTS:

Per claim & survey data

Idaho Department of Water Resources

Claim Number: 63-03001B
Legal: T05N, R05W, S17
Reviewed By:

⊙ Point of Diversion



Place of Use

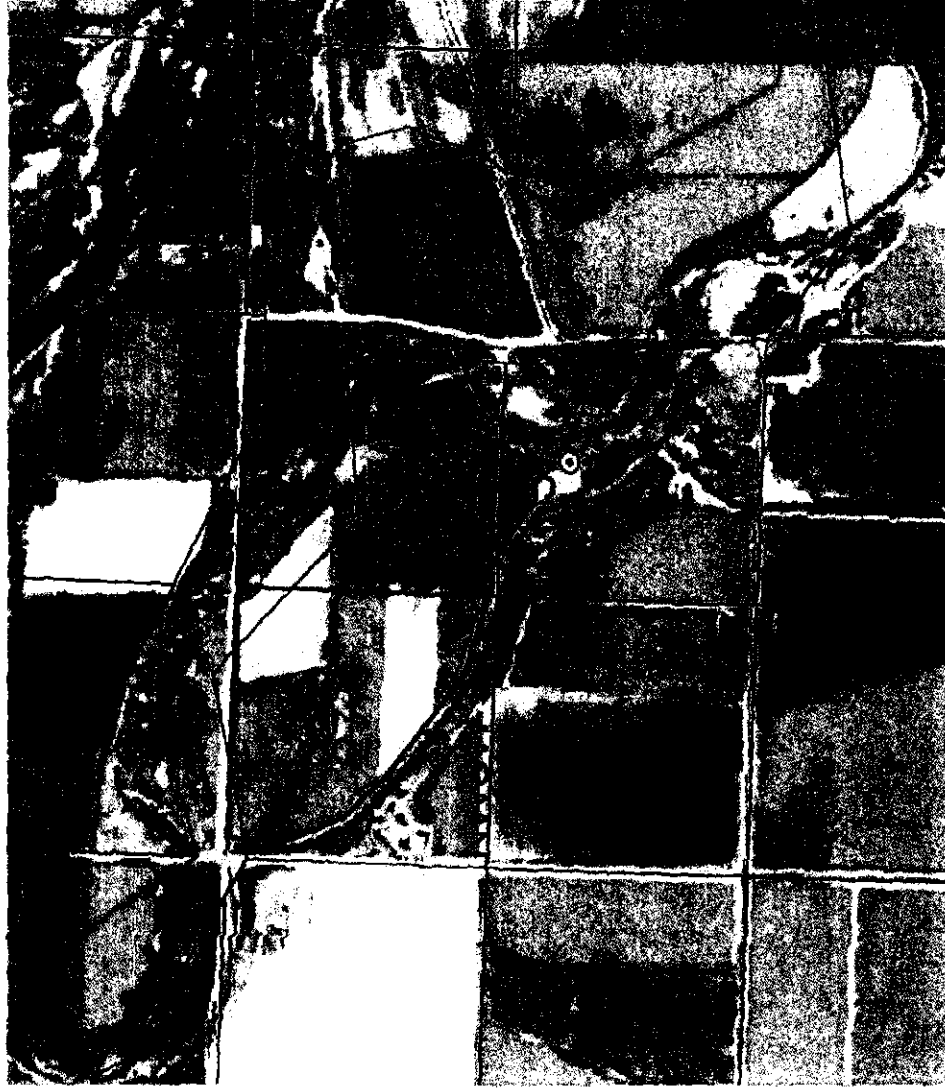


Section Lines

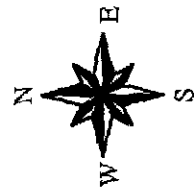


Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 0.75 Miles



Idaho Department of Water Resources

Claim Number: 63-03001B
Legal: T05N, R05W, S17
Reviewed By:

⊙ Point of Diversion



Place of Use



Section Lines

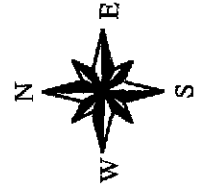


Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 0.75 Miles



Receipt Details for ID W012668

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/29/1990 12:54:47 PM	8/29/1990	Western	\$178.00	Check
Payer		HARROLD, WOODROW J.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2141			
Card Expiration Date	Credit Card Transaction #		

Comment LATE FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$128.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490
\$50.00	LATE 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	3001		\$128.00	Claim
63	3001	A	\$50.00	Claim

Print Report

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) A. Subcase 63-32166
(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: Doug and Lori Merges
Address: 27205 Wing Setter Ln
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. BAKER, 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)

Albert D. Baker

(Attorney signing in representative capacity)

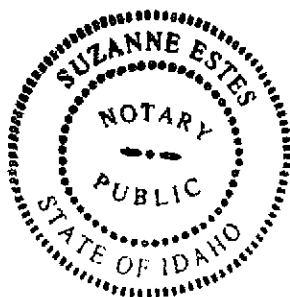
Subscribed and sworn to before me on: June 18, 2007

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:

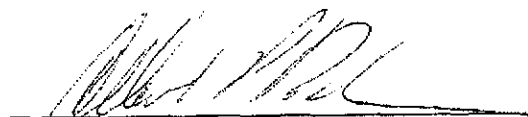
Name: Doug and Lori Merges
Address: 27205 Wing Setter Ln
Parma, ID 83660

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: 63-32166
NAME AND ADDRESS: LORI ANN MERGES
27205 WING SETTER LN
PARMA ID 83660

DOUG MERGES
27205 WING SETTER LN
PARMA ID 83660

SOURCE: UNNAMED DRAIN TRIBUTARY: ROSS EAST END DRAIN
QUANTITY: 0.270 CFS

Right Nos. 63-32165 and 63-32166 are limited to a total combined diversion rate of 1.4 cfs.

PRIORITY DATE: 08/04/1954

POINT OF
DIVERSION: T05N R05W S17 SESW Lot 7 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.270 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S17 Lot 6 NESW	11.40	T05N R05W S17 Lot 7 SESW	2.00
13.4 ACRES TOTAL			

Right Nos. 63-32165 and 63-32166 are limited to the irrigation of a combined total of 78 acres in a single irrigation season.

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

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 63-32165 is also diverted through point of diversion described above.

This right is a split from former right 63-3001B.

09/23/2006

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

RIGHT NUMBER: 63-32166

NAME AND ADDRESS: LORI ANN MERGES
27205 WING SETTER LN
PARMA ID 83660

DOUGLAS M MERGES
27205 WINGSETTER LN
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: ROSS EAST END DRAIN

QUANTITY: 0.270 CFS

Right Nos. 63-32165 and 63-32166 are limited to a total combined diversion rate of 1.4 cfs.

PRIORITY DATE: 08/04/1954

POINT OF DIVERSION:

T05N R05W S17 SESW Lot 7 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.270 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S17 Lot 6 NESW 11.40 T05N R05W S17 Lot 7 SESW 2.00

13.4 ACRES TOTAL

Right Nos. 63-32165 and 63-32166 are limited to the irrigation of a combined total of 78 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 63-32165 is also diverted through point of diversion described above.

This right is a split from former right 63-3001B.



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 17
Water Right: 63-32166



1320 0 1320 Feet

TOTAL IRRIGATED ACRES = 13.4



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32166 V1

WATER RIGHT NUMBER: 63-32166 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WOODROW J HARROLD
	PARMA, ID 83660
Original Owner	ART FOSS 28749 HEXON RD PARMA, ID 83660 (208)722-7908
Current Owner	LORI ANN MERGES 27205 WING SETTER LN PARMA, ID 83660 (208)722-7440
Original Owner	M W CARLYLE
	, ID
Current Owner	DOUGLAS M MERGES 27205 WINGSETTER LN PARMA, ID 83660 (208)722-2440
Original Owner	JANE FOSS 29570 HEXON RD PARMA, ID 83660 (208)722-7908

Priority Date: 08/04/1954

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	ROSS EAST END DRAIN

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.270 CFS	
	<u>Total Diversion:</u>	0.270 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	L7 (SE1/4SW1/4)	Sec. 17, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T05N R05W S17 Lot 6 NESW 11.4 T05N R05W S17 Lot 7 SESW 2.0

Total Acres: 13.4

Conditions of Approval:

1. F05 Right No. 63-32165 is also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32166 V1

2. E51 Right Nos. 63-32165 and 63-32166 are limited to a total combined diversion rate of 1.4 cfs.
3. 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.
4. E55 Right Nos. 63-32165 and 63-32166 are limited to the irrigation of a combined total of 78 acres in a single irrigation season.
5. This right is a split from former right 63-3001B.

Remarks:Comments:

1. vmusic 9/23/2006 PARENT

Comment: 63-3001B SPLIT INTO 63-32165 AND 63- 32166

2. vmusic 9/23/2006 SURFACE RTS

Comment: UNKNOWN. LOT MENTIONED IN CLAIM OR LICENSE FILE. MUCH OF LICENSED POU NOT IN A IRRIGATION DISTRICT OR CANAL CO SERVICE AREA

3. vmusic 9/23/2006 RECOMMENDATION

Comment: RECOMMENDED PER SPLIT

4. vmusic 9/23/2006 SOURCE

Comment: SOURCE CLARIFIED BY DAN NELSON TO BE TRIB TO ROSS EAST END DRAIN.

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>
Summary			05/15/2006	scurtis	Active
Contacts	9/23/2006 3:21:46 PM	vmusic			Active
Priority Date	9/23/2006 3:22:01 PM	vmusic			Active
POD	9/23/2006 3:22:41 PM	vmusic			Active
Source	9/23/2006 3:22:54 PM	vmusic			Active
POU	9/23/2006 3:24:24 PM	vmusic			Active
Use	9/23/2006 3:25:58 PM	vmusic			Active
Season	9/23/2006 3:26:17 PM	vmusic			Active
Quantity	9/23/2006 3:26:40 PM	vmusic			Active
Summary			09/23/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	9/23/2006 3:25:05 PM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32166 V1

Summary	9/23/2006 3:30:02 PM	vmusic	(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? (Yes) 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? (Yes) 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?
POD	9/23/2006 3:24:03 PM	vmusic	Updated shape
POU	9/23/2006 3:25:44 PM	vmusic	Updated shape for Active POU
Contacts	9/23/2006 3:21:47 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
General	9/23/2006 3:22:02 PM	vmusic	(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	9/23/2006 3:22:41 PM	vmusic	(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? (Yes) 10. Is a POD remark and/or condition required?
Source	9/23/2006 3:22:54 PM	vmusic	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32166 V1

POU	9/23/2006 3:24:25 PM	vmusic	(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? (Yes) 14. Is a POU remark and/or condition required?
Use	9/23/2006 3:25:59 PM	vmusic	(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	9/23/2006 3:26:18 PM	vmusic	(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	9/23/2006 3:26:40 PM	vmusic	(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? (Yes) 12. Is a Quantity remark or condition required?
Summary	5/15/2006 2:53:23 PM	scurtis	(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?

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 2, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Douglas and Lori Ann Merges
27205 Wing Setter Ln
Parma, ID 83660

Re: Original Notice of Claim to a Water Right No. 63-3001B

Renumbered Notice of Claim to a Water Right No. 63-32166

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner 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, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32166

WATER RIGHT NUMBER: 63-32166

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WOODROW J HARROLD
	PARMA, ID 83660
Original Owner	ART FOSS 28749 HEXON RD PARMA, ID 83660 (208)722-7908
Current Owner	LORI ANN MERGES 27205 WING SETTER LN PARMA, ID 83660 (208)722-7440
Original Owner	M W CARLYLE
	, ID
Current Owner	DOUGLAS M MERGES 27205 WINGSETTER LN PARMA, ID 83660 (208)722-2440
Original Owner	JANE FOSS 29570 HEXON RD PARMA, ID 83660 (208)722-7908

Priority Date: 08/04/1954 ✓

Basis: License ✓

Status: Active

Source

UNNAMED DRAIN

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From To
03/15 to 11/15Diversion Rate

0.270 CFS ✓

Annual VolumeTotal Diversion:

0.270 CFS

Location of Point(s) of Diversion

UNNAMED DRAIN

L7 (SE1/4SW1/4)

Sec. 17, Twp 05N, Rge 05W, B.M.

CANYON County

Place of UseIRRIGATION Within CANYON County

T05N R05W S17 Lot 6 NESW 11.4

T05N R05W S17 Lot 7 SESW 2.0

Total Acres: 13.44

Conditions of Approval:

app split from 63-3001 B
 FOS ✓ 63-32165 also diverted water.
 ESI " 132166 - limited to 1.4 cfs.
 ESI " " " 10 acres.

recommended per
 SP/H

3/11 no should have

end
 Ross E. drain

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32166

1. THIS IS A SPLIT WATER RIGHT. WATER QUANTITY HAS BEEN PRO-RATED AND AMOUNTS TO 0.0179 CFS PER ACRE. L.W.-11/27/90
2. This right is a split from former right 63-3001B.

Remarks:

Comments:

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32166

09/23/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-3001	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	
63-3001A	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	WOODROW J HARROLD
63-3001B	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	JANE FOSS
63-3001C	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	DAVE HARROLD
63-32165	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	CLASSEN & CO LLC
63-32166	Claim	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	LORI ANN MERGES
63-28129	Claim	05N	05W	17	SE	SW	7	GROUND WATER	WOODROW J HARROLD
63-3001	Water Right	05N	05W	17	SE	SW	7	UNNAMED DRAIN BOISE RIVER	WOODROW J HARROLD
63-28129	Water Right	05N	05W	17	SE	SW	7	GROUND WATER	WOODROW J HARROLD

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32166

09/23/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
172B	Claim	05N	05W	17	NE	SW		IRRIGATION	8/632	HAAS DITCH CO
202B	Claim	05N	05W	17	NE	SW		IRRIGATION	8/632	HAAS DITCH CO
-291	Claim	05N	05W	17	NE	SW		IRRIGATION	24/930	ISLAND HIGHLINE DITCH CO
-292	Claim	05N	05W	17	NE	SW		IRRIGATION		ISLAND HIGHLINE DITCH CO
-293	Claim	05N	05W	17	NE	SW		IRRIGATION	0/930	ISLAND HIGHLINE DITCH CO
-291	Water Right	05N	05W	17	NE	SW		IRRIGATION		ISLAND HIGHLINE DITCH CO
-292	Water Right	05N	05W	17	NE	SW		IRRIGATION		ISLAND HIGHLINE DITCH CO
-293	Water Right	05N	05W	17	NE	SW		IRRIGATION		ISLAND HIGHLINE DITCH CO
32165	Claim	05N	05W	17	NE	SW	6	IRRIGATION	18.56/51.56	CLASSEN & CO LLC
32166	Claim	05N	05W	17	NE	SW	6	IRRIGATION	11.44/13.44	LORI ANN MERGES
2279	Water Right	05N	05W	17	NE	SW	6	IRRIGATION	22/4496	THE RIVERSIDE IRRIGATION DIST LTI
3001	Water Right	05N	05W	17	NE	SW	6	IRRIGATION	30/78	WOODROW J HARROLD
-226	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-227	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-228	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-229	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-299	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
-300	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2279	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2374	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
2389	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4007	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4008	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
4010	Claim	05N	05W	17	SE	SW		IRRIGATION	29/7139.3	THE RIVERSIDE IRRIGATION DIST LTI
38129	Water Right	05N	05W	17	SE	SW		DOMESTIC		WOODROW J HARROLD
2279	Water Right	05N	05W	17	SE	SW	4	IRRIGATION	40/4496	THE RIVERSIDE IRRIGATION DIST LTI
3001A	Claim	05N	05W	17	SE	SW	7	IRRIGATION	4/4	WOODROW J HARROLD
32166	Claim	05N	05W	17	SE	SW	7	IRRIGATION	2/13.44	LORI ANN MERGES

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32166

09/23/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3001	Water Right	05N	05W	17	SE	SW	7	IRRIGATION	6/78	WOODROW J HARROLD

State of Idaho License and Certificate of Water Right

Water License No. 25107

Amount 1.4 second feet

Water District No.

Priority August 4, 1954

THIS IS TO CERTIFY that M. W. CARLYLE

of Parma, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 4, 1954; that Permit No. 25107 was issued under said application; that Certificate of Completion of works, with a carrying capacity of six (6) second feet, was issued thereunder on February 25, 1955, showing that said works were completed on the 21st day of February, 1955; and that on the 21st day of February, 1955,

M. W. CARLYLE

of Parma, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an un-named drain ditch ~~located~~ for the purpose of irrigation, under Use Permit No. 25107 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 9 of Licenses at page 5498, on the 3rd day of June, 1955; To WOODROW J. HARROLD, of Parma, Idaho. The right hereby confirmed dates from August 4, 1954;

The Point of Diversion is located in Lot 7, Section 17,

Twp. 5 N., R. 5 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 1.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	5 W.	17	Lot 4) Lot 5) Lot 6) Lot 7)	70	9 33 30 6
			Number of Acres	Actually Irrigated	- - 78

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 3rd day of June, 1955.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 25107

REPORT ON PROOF OF Beneficial use

MARTIN W. CARLYLE, Route 1, Parma, Idaho

*1.4 of
7.12.12*

78-12107

78-12107

41-112

Martin W. Carlyle
Rt. 1, Parma, Idaho
Permit No. 25107

18" concrete pipe.
7'4" x 3'1" concrete
headgate in ramped.
approx. 150' pipe line.

Examination for Beneficial Use

County Canyon

17-5N-5W.

Q = 1.4 c.f.s.

S = Un-named stream ditch

Approx. 615' N.W. 1/4 Sec. 17, T.5N.-R.5W.
P.D. = 24 Lot 7, Sec. 17, T.5N.-R.5W.

Use = Irrigation

Priority = Aug. 1, 1954
Rec'd = Nov. 21, 1954

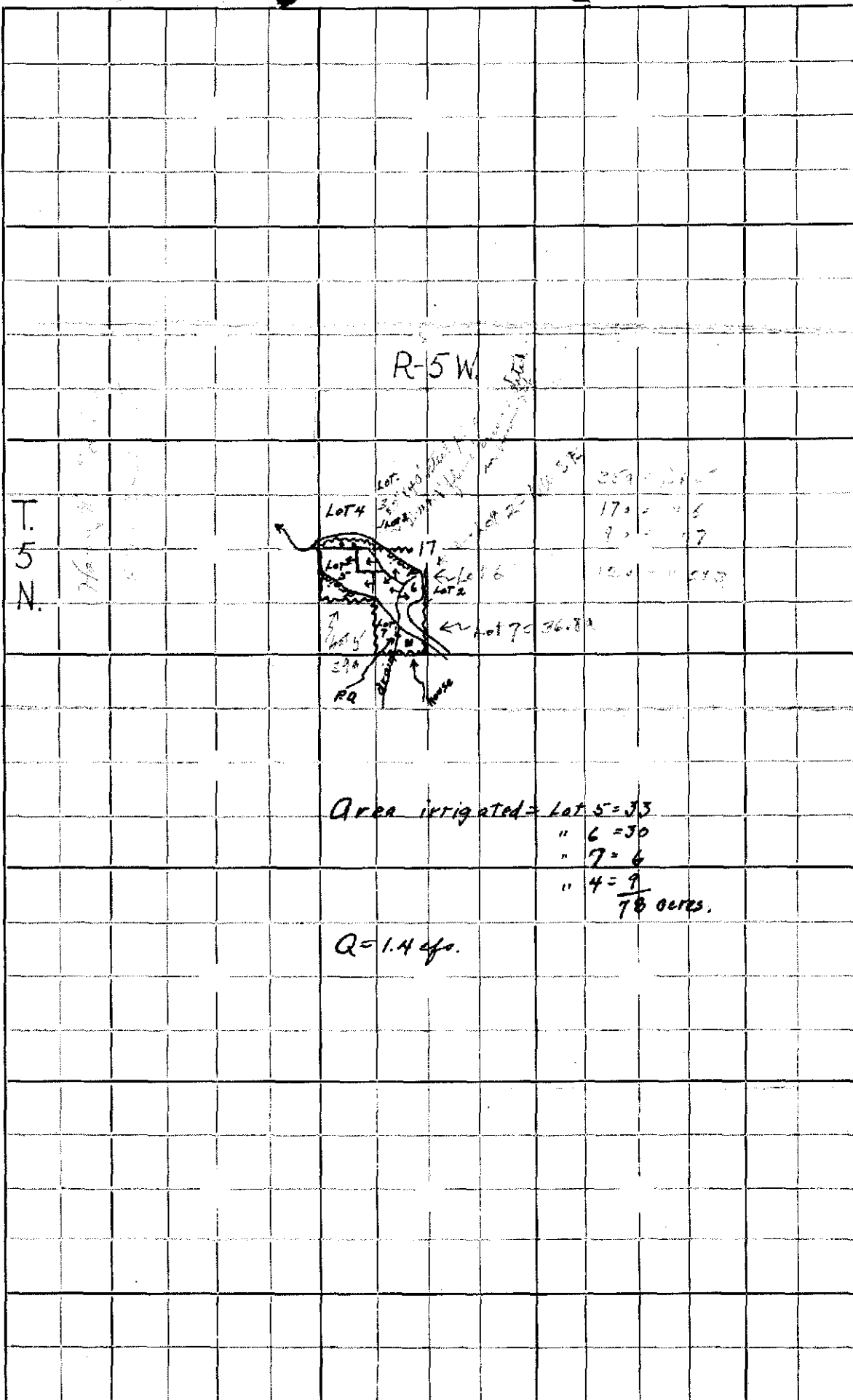
C/W = 2-25-55

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.

RECEIVED
MAR 28 1955

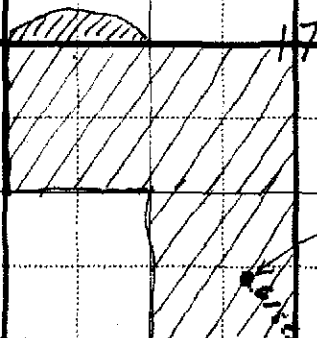
Department of Reclamation



NAME OF APPLICANT

M. W. CAGLEY

FORM No. 0



Permit Map No. 25107

As Approved

AUG 21 1954

MARK R. KULP

State Reclamation Engineer

SCALE: 3 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

25107