

T 4N

Irrig.
Lawrence-Kennedy
Drain

A63-15746

SESE Sec 12 T4N R2W

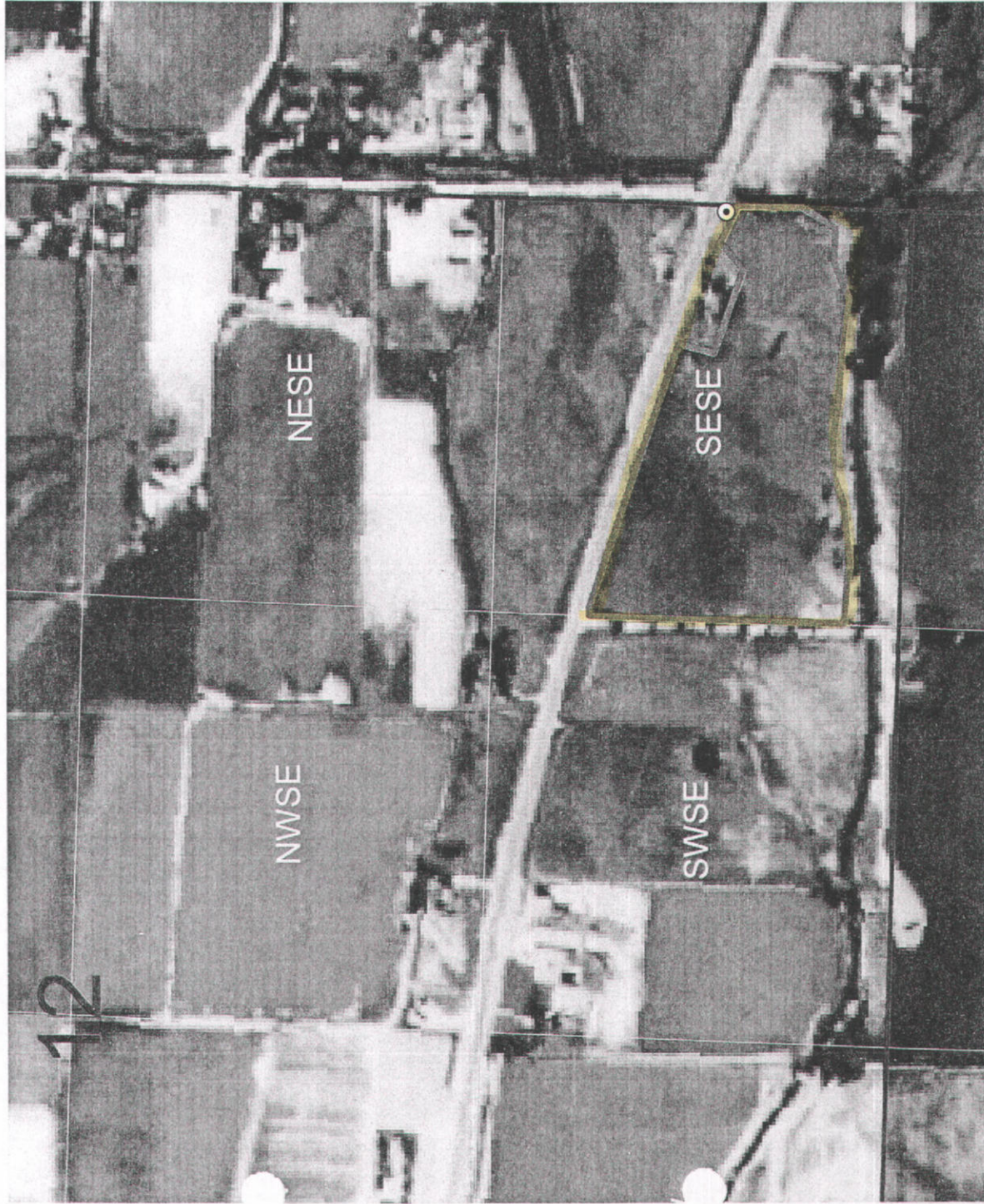


4836



Idaho Department of Water Resources

12



T04N, R02W,
SEC 12

Claim No: 63-15746

Prepared By: Kimberly Brown

Date: August 3, 2006



Place of Use



Section Lines



1/4 1/4



Point of Diversion



0 0.03 Miles



1987 NAPP

Idaho Department of Water Resources

12



T04N, R02W,
SEC 12
(Middleton Mill Flake)

Claim No: 63-15746

Prepared By: Kimberly Brown

Date: August 3, 2006



Place of Use



Section Lines

Lawrence-Kennedy Drain



1/4 1/4

1/4 1/4 of L. Kennedy Rainwater & canal water



Point of Diversion



0 0.03 Miles

1987 NAPP

Idaho Department of Water Resources

12

T04N, R02W,
SEC 12

Claim No: 63-15746

Prepared By: Kimberly Brown

Date: August 3, 2006



Place of Use



Section Lines



1/4 1/4



Point of Diversion

Irrigated Acres = 17



0 0.03 Miles



1987 NAPP





Can Ada Lane

overflow
(waste water)

Flake + Middleton Mill
(center)

NW

A63-15746 Olsen 3/23/06 S.H.



A 63-15746 Olsen 3/23/06 S.H.



A 63-15746 Olsen 3/23/06 S.H.



POD
45 Motor
15 Hp
Parma pump
8' lift

A63-15746 Olsen 3/23/06 S.H. (Facing south)



AL3-15746 Olsen 3/23/06 S.H.

(Facing west)



Pou

22.8 acres

irrigated

A63-15746 Olsen 3/23/06 SH.

(Facing southwest)

POU: 3 horses (full-time)
up to 75 head cattle
(part-time)



A63-15746 Olsen 3/23/06 SH.

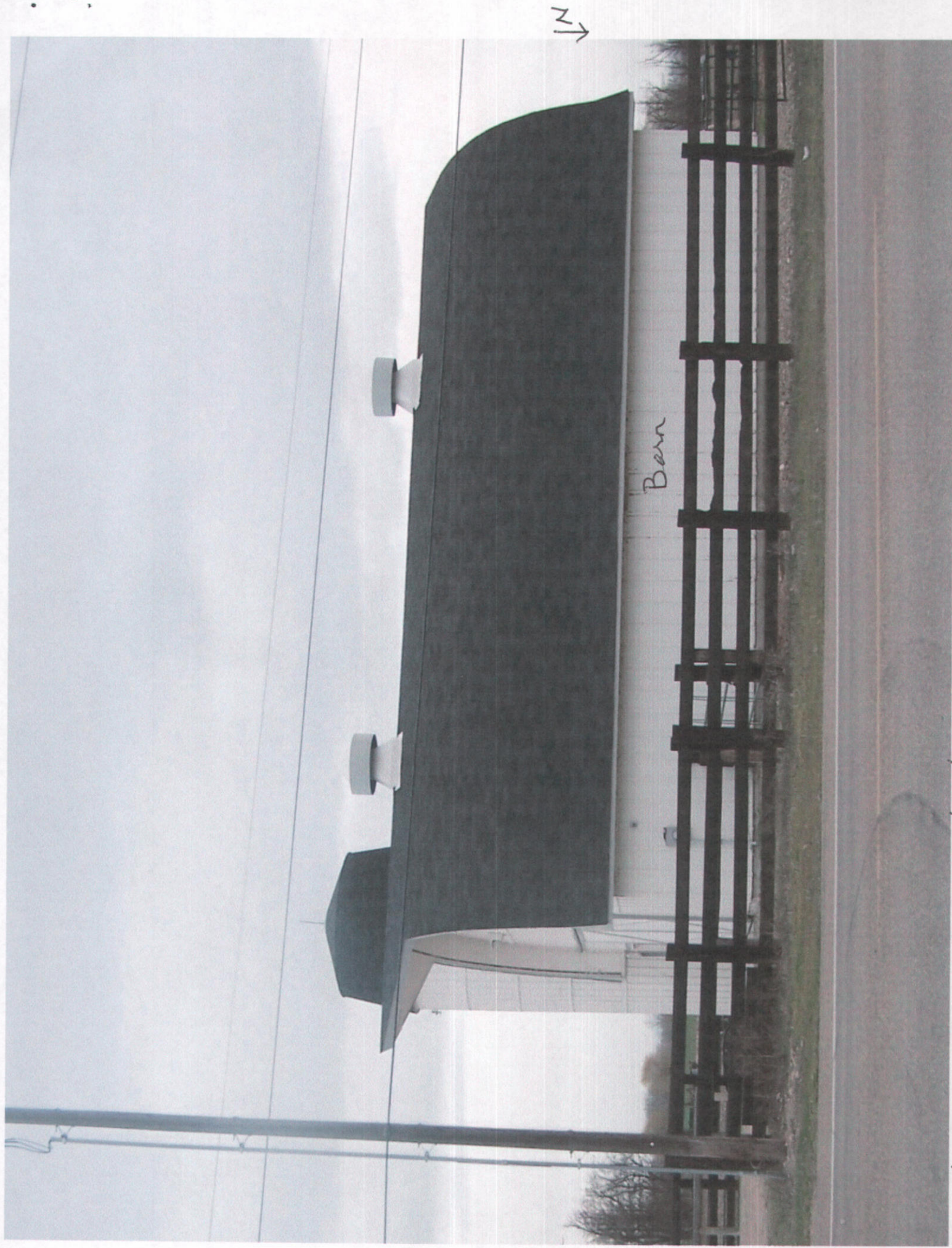
head gate #1
North east of barn (north side of Hwy 44/State St)

N

A63-15746 Olsen 3/23/06 S.H.



A63-15746 Olsen 3/23/06 SH.



A63-15746 Olsen 3/23/06 SH.

1621

T. 4 N.

T 4N

4840

42' 30"

4839

4838

4837

4836

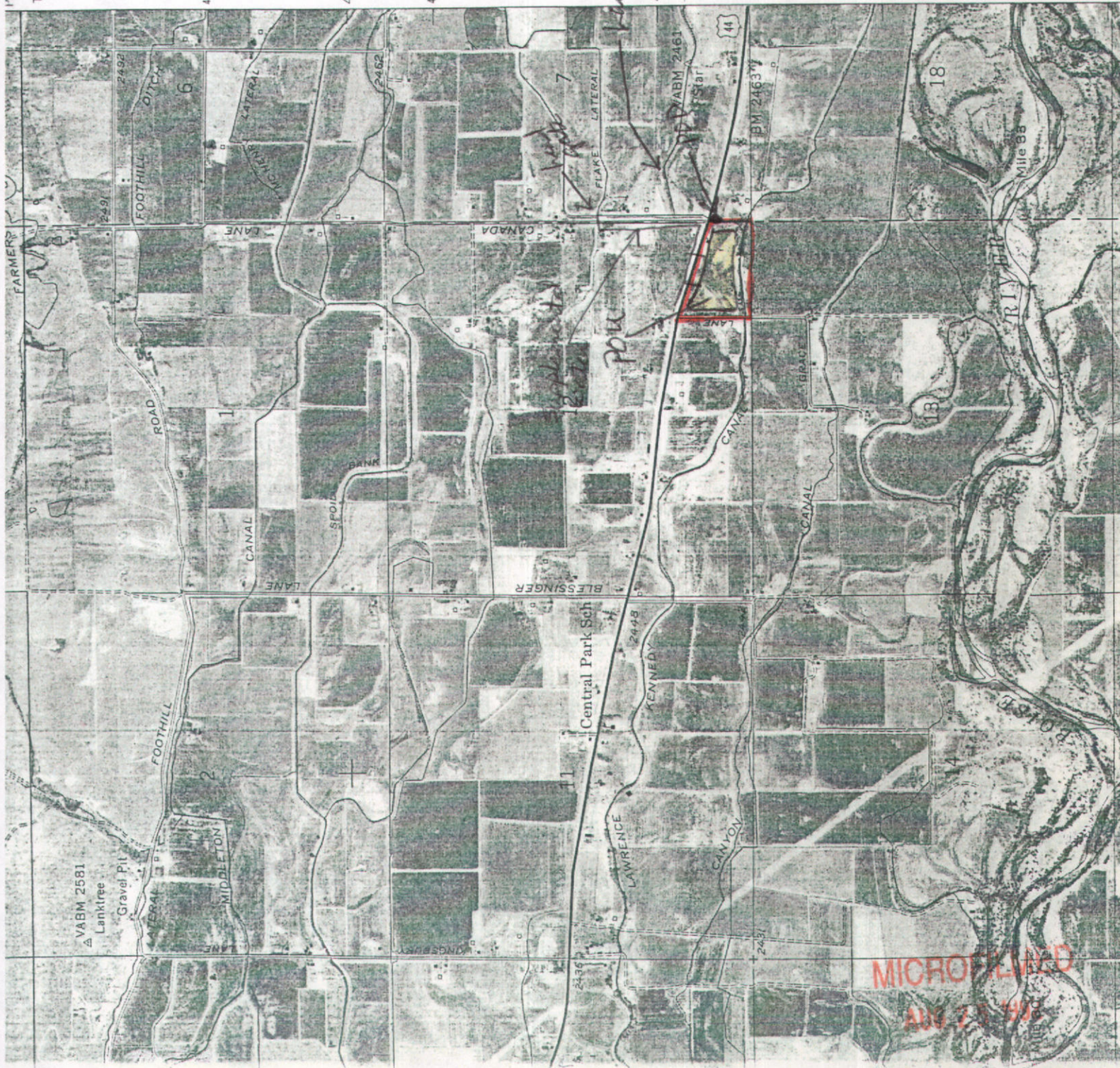
Irrig.

Lawrence-Kennedy
Drain

A63-15796

Lawrence Kennedy Drain

SEE SEE 12 T4N R2W



Idaho Department of Water Resources

Claim Number: 63-15746
 Legal: T04N, R02W, S12
 Reviewed By:

1987 Napp Photo



☒ • Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines



* gravity flow north to south

Idaho Department of Water Resources

Claim Number: 63-15746
Legal: T04N, R02W, S12
Reviewed By:

● Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines



1987 Napp Photo



0 0.25 Miles

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-15746
Date Received: 6/22/1989
Receipt No: W003327
Received By:

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

1. Name of Claimant(s)

JOHN K OLSEN
5190 HUBLER LANE
CALDWELL ID USA 83605

Phone: (208)454-1070

2. Date of Priority: 03/15/1949

3. Source: WASTE WATER

Trib. to: LAWRENCE KENNEDY CANAL

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02W	12	SE SE	CANYON	

5. Description of diverting works:

PUMP FROM DITCH TO MAIN LATERAL TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.34	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.36 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
04N	02W	12	SE	SE	IRRIGATION	17
			SE	SE	STOCKWATER	
					Section Acres	17
					Total Acres	17

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:

Stockwater use is for 50 range cattle.

Use of this right is combined with water from Middleton Irrigation Association.

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

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

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

15. Basis of Claim: Beneficial Use

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.

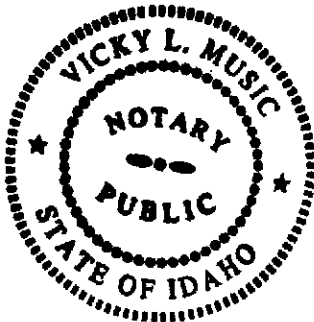
Signature of Claimant(s): *[Signature]* Date: 10-10-06
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10th
of October 2006

[Signature]
Notary Public

Residing at Bpise, ID
My commission Expires 1-27-2012



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: A63-15746
Date Received: 6/22/1989
Receipt No: W003327
Received By: EM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN K. OLSEN 208-343-4193
Address: 1133 MARTIN
BOISE, ID 83706

AND/OR

Name: JO OLSEN 208-343-4193
Address: 1133 MARTIN
BOISE, ID 83706

2. Date of Priority: MAR 15, 1949

3. Source: WASTE WATER Trib. to: LAWRENCE-KENNEDY CANAL

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02W	12	SE	SE			CANYON

5. Description of diverting works:
PUMP FROM DITCH TO MAIN LATERAL TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.480		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/75 HEAD

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02W	12	SE	SE	IRR	24.0
Section Acres						24.0
Total Acres						24.0

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:
FLAKE DITCH CO., MIDDLETON MILL , & MIDDLETON CANALS.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

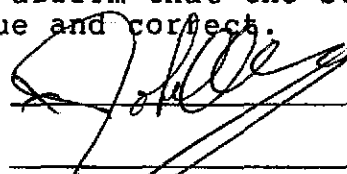
16. Signature(s)

(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: 6-22-89
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of June 19 89


Notary Public

Seal

Residing at _____

My Commission Expires _____

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

T 4N

T. 4 N.

4840

42' 30"

4839

4838

4837

4836

Irri^g.
Lawrence-Kennedy
Drain

A63-15796

SESE Sec 12 T4N R2W



T. 4 N.

356



MICROFILMED
1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

September 27, 2007

CAN ADA PROPERTIES LLC
C/O KURT BARATS
391 W STATE ST STE G
EAGLE ID 83616

Re: Claim to a Water Right No. 63-15746

Dear Mr. Barats:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Adjudication (SRBA) Court as notification of the change.

Please note that I searched our data base for any other water rights that may be on the property you purchased and found Rt. 63-15747. Rt. 63-15747 (copy included) has been finalized in the SRBA Court and you will need to submit a Notice of Change in Water Right Ownership form (enclosed), along with a \$25.00 fee in order to change the name on that right. We can use the deed you submitted previously (for Claim 63-15746) if you wish. I also noticed that the property is within the boundaries of Middleton Mill Ditch Company and the Middleton Irrigation District. If there are shares of water on this property from either of these entities then you should notify them of the change in ownership so they can update their records and show you as the current owners.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures
Cc: John K. Olsen

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

RIGHT NUMBER: 63-15746

NAME AND ADDRESS: CAN ADA PROPERTIES LLC
C/O KURT BARATS
391 W STATE ST STE G
EAGLE ID 83616

JOHN K OLSEN
5190 HUEBLER LANE
CALDWELL ID 83605

SOURCE: WASTE WATER

TRIBUTARY: LAWRENCE KENNEDY CANAL

QUANTITY: 0.360 CFS

PRIORITY DATE: 03/01/1950

POINT OF DIVERSION:

T04N R02W S12 SESE 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	0.340 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R02W S12 SESE 17.00

STOCKWATER in CANYON County

T04N R02W S12 SESE

17 ACRES TOTAL

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

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.

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

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 - Beneficial Use

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

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

Stockwater use is for 50 range cattle.

Use of this right is combined with water from Middleton Irrigation Association.

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

In Re SRBA

Case No. 39576

Water Rights: 63-15746

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: September 28, 2007


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on September 28, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	XX	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Office of the Attorney General	XX	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

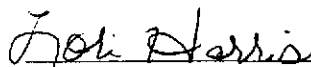
United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	XX	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Can Ada Properties LLC	☐	overnight mail
c/o Kurt Barats	XX	regular mail
391 W State St Ste G	☐	hand-delivered
Eagle ID 83616	☐	facsimile

John K Olsen	☐	overnight mail
5190 Hubler Ln	XX	regular mail
Caldwell ID 83605	☐	hand-delivered
	☐	facsimile

Riverside Irrigation Dist.	
c/o Albert Barker	XX regular mail
Barker Rosholt & Simpson LLP	
1010 W Jefferson Ste 102	
Boise ID 83702	



Signature of person mailing this document

RECEIVED

SEP 24 2007

Form 42-248/42-1409(5) Dec. 2006

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

WATER RESOURCES
WESTERN REGION

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

- 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	63-15746				

* ALL EXISTING WATER RIGHTS REMAIN WITH LAND

- The following **REQUIRED** information must be submitted with this form:
 - The appropriate **FILING FEE**. See instructions for fee amounts.
 - 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**.
 - 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 on file with the county Planning and Zoning or Recorder's Office).

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 or equivalent **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)	JOHN K. OLSEN
		5190 HUBLER LN CALDWELL, ID 83605
4.	New Owner/Claimant(s)	CAN-ADA Properties LLC
		Name Connector (Check one): [] and, [] or, [] and/or (KURT BARRETS Contact)
	New Mailing Address	391 W STATE ST. SUITE G
	City, State and ZIP Code	EAGLE, ID, 83616
	New Telephone Number	(208) 939-8850

5. Date you acquired the property

September 8th 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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.

7. Signature(s) of New Owner(s) or Claimant(s)

West Bank Partners CAN-ADA LLC

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

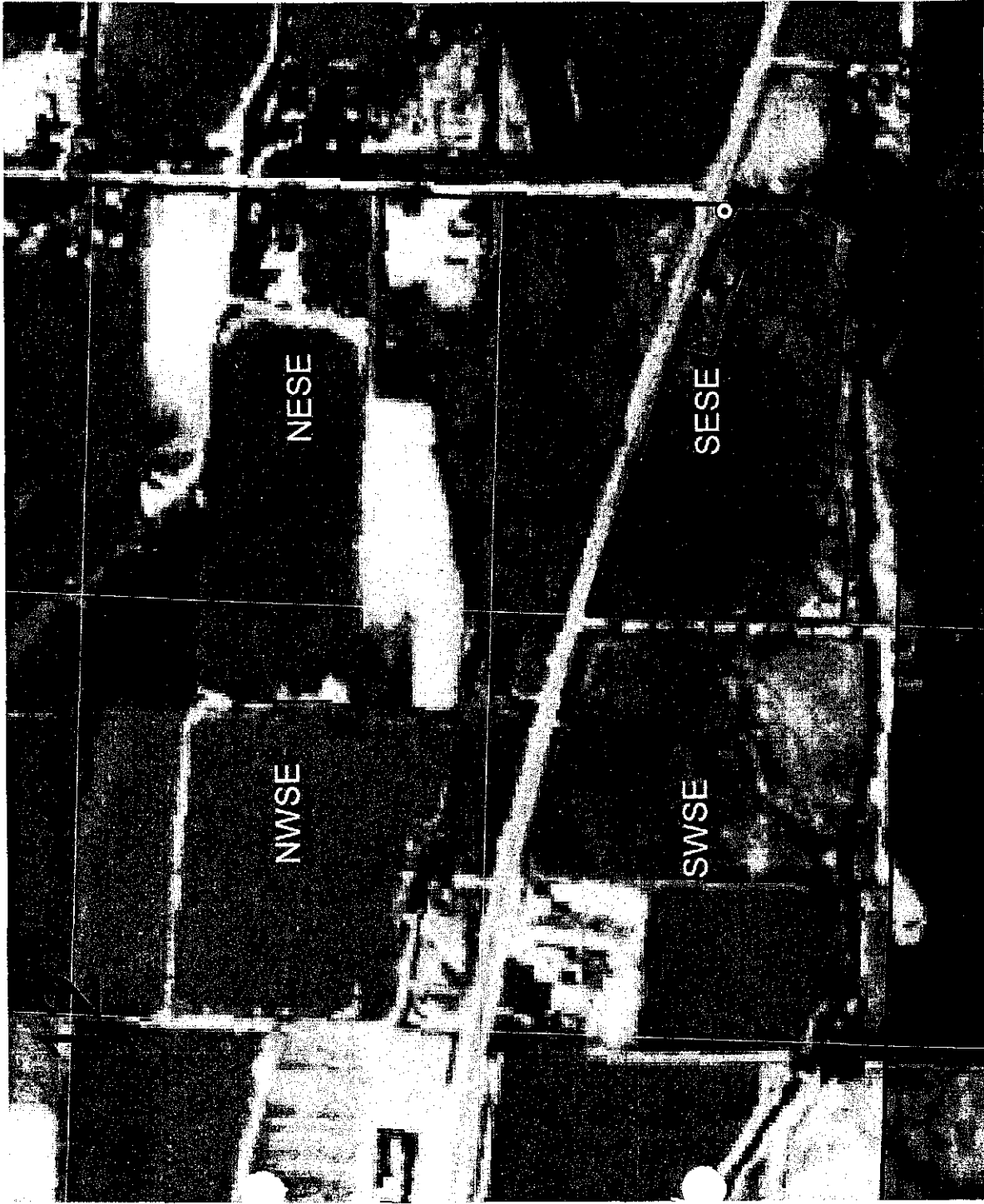
For IDWR Office Use Only:

Received by 88
 Received by N/A
 Processed by ADK AJ

Date 9-24-07
 Date 9-26-07
 Date 9-26-07

Receipt Amt. N/A - KW
 Receipt No. N/A
 WR _____ Date _____

Idaho Department of Water Resources



T04N, R02W,
SEC 12

Claim No: 63-15746
Prepared By: Kimberly Brown
Date: August 3, 2006



Place of Use

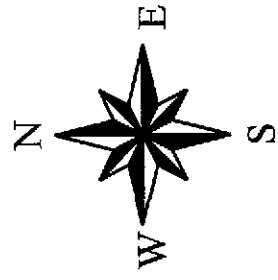


Section Lines

1/4 1/4



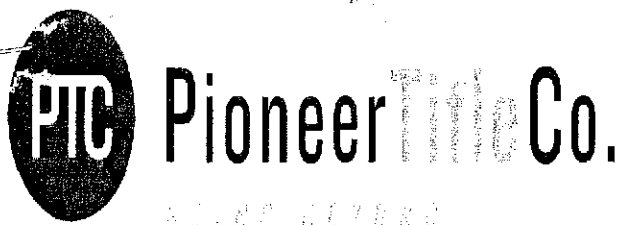
Point of Diversion



0 0.03 Miles



1987 NAPP



5680 East Franklin Road, Suite 150 / Nampa, Idaho
83687 / (208) 465-6655

200675554
2006 SEP 18 PM 1:04
CANYON COUNTY RECORDER
BY J. McLaughlin
PIONEER, NAMPA
REQUEST
TYPE 1008 FEE 0-00

200609865

WARRANTY DEED

For Value Received John K. Olsen, a single man

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

Can-Ada Properties, LLC, a limited liability company

hereinafter referred to as Grantee, whose current address is 391 W. State St, Ste G, Eagle ID 83616
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 6, 2006

John K. Olsen

State of IDAHO

SS.

County of CANYON

On this 8th day of September, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared John K. Olsen known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

Notary Public
Residing at: _____
Commission Expires: _____
Residing in: Melba, Idaho
Commission Expires: 3/10/09

EXHIBIT A

A parcel of land situate in the Southeast Quarter of the Southeast Quarter of Section 12, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

Beginning at the Southeast corner of said Section 12, which is monumented by a Brass cap and is the REAL POINT OF BEGINNING; thence

South $89^{\circ} 42' 11''$ West, 1,347.62 feet along the Southerly boundary of said Section 12 to a 5/8 inch diameter iron pin marking the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 12; thence

North $00^{\circ} 30' 42''$ East 949.41 feet along the Westerly boundary of the said Southeast Quarter of the Southeast Quarter to a 1/2 inch diameter iron pin on the Southerly right-of-way of Idaho State Highway 44; thence

518.88 feet along the Southerly right-of-way of Idaho State Highway 44 along a curve deflecting to the right with a radius of 11,399.16 feet, a central angle of $02^{\circ} 36' 29''$, a long chord of 518.84 feet and a chord bearing of South $73^{\circ} 13' 03''$ East to a Brass Cap; thence

South $71^{\circ} 54' 48''$ East, 889.85 feet along the Southerly right-of-way of Idaho State Highway 44 to a 1/2 inch iron pin on the Easterly boundary of said Section 12; thence

South $00^{\circ} 23' 16''$ West 516.33 feet along the Easterly boundary of said Section 12 to the REAL POINT OF BEGINNING.

LB
[Signature]

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY *Gary L. Keruett* PRESIDENT
ATTEST *Mark A. Anderson* SECRETARY

J

2188186

First American Title Insurance Company

EXTENDED OWNER'S POLICY

SCHEDULE A

<u>File No.:</u>	<u>Policy No:</u>	<u>Date of Policy:</u>	<u>Amt of Insurance:</u>	<u>Premium Amt:</u>
200609865	J-2188186	September 18, 2006 at 1:04 PM	\$2,200,000.00	\$7,770.00

The Policy Number shown on this schedule must agree with the preprinted number on the cover sheet.

1. Name of Insured:

Can-Ada Properties, LLC, a limited liability company

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

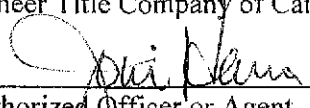
3. Title to the estate or interest in the land is vested in:

Can-Ada Properties, LLC, a limited liability company

4. The land referred to in this policy is described as follows:

SEE ATTACHED EXHIBIT A

Pioneer Title Company of Canyon County

By: 
Authorized Officer or Agent

ALTA Owner's Policy 10/17/92

This Policy is invalid unless the cover sheet and Schedule B are attached.

Schedule A consists of 1 page(s)

First American Title Insurance Company

EXTENDED OWNER'S POLICY

SCHEDULE A

EXHIBIT A

A parcel of land situate in the Southeast Quarter of the Southeast Quarter of Section 12, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

Beginning at the Southeast corner of said Section 12, which is monumented by a Brass cap and is the REAL POINT OF BEGINNING; thence

South 89° 42' 11" West, 1,347.62 feet along the Southerly boundary of said Section 12 to a 5/8 inch diameter iron pin marking the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 12; thence

North 00° 30' 42" East 949.41 feet along the Westerly boundary of the said Southeast Quarter of the Southeast Quarter to a 1/2 inch diameter iron pin on the Southerly right-of-way of Idaho State Highway 44; thence

518.88 feet along the Southerly right-of-way of Idaho State Highway 44 along a curve deflecting to the right with a radius of 11,399.16 feet, a central angle of 02° 36' 29", a long chord of 518.84 feet and a chord bearing of South 73° 13' 03" East to a Brass Cap; thence

South 71° 54' 48" East, 889.85 feet along the Southerly right-of-way of Idaho State Highway 44 to a 1/2 inch iron pin on the Easterly boundary of said Section 12; thence

South 00° 23' 16" West 516.33 feet along the Easterly boundary of said Section 12 to the REAL POINT OF BEGINNING.

This Policy is invalid unless the cover sheet and Schedule B are attached.

Schedule A consists of 2 page(s)

First American Title Insurance Company

EXTENDED OWNER'S POLICY

SCHEDULE B

Exceptions from Coverage

File Number:
200609865

Date of Policy:
September 18, 2006 at
1:04 PM

Policy Number:
J-2188186

The Policy Number shown on this schedule must agree with the preprinted number on the cover sheet.

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

Special Exceptions

1. General taxes for the year 2006, which are a lien, payable on or before December 20 of said year and not delinquent until after said date.
2. General taxes which may be assessed and extended on any subsequent roll for the tax year 2006 with respect to new improvements and the first occupancy thereof during 2006, which may not be included on the regular assessment roll and which are a lien not yet due or payable.
3. Liens and assessments of Drainage District No. 2, and the rights and powers of said District as by law provided; said assessments are collected with the general taxes.
4. Liens and assessments of the Middleton Mill Ditch Company, and the rights and powers of said district as by law provided. Paid current.
5. Reservations in U.S. Patent recorded in Book 1 of Patents at Page 5, as follows: "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law."
6. Easements and Negative Easement by Flary Lawrence and Leanore Lawrence in Deed to the State of Idaho recorded February 12, 1955 as Instrument No. 418807, records of Canyon County, Idaho, including but not limited as follows:

continued...

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

Schedule B consists of 1 page(s)

First American Title Insurance Company

EXTENDED OWNER'S POLICY

SCHEDULE B

Exceptions from Coverage

"Grantors agree that no buildings or structures except irrigation or drainage structures will be permitted to be constructed within 20 feet of the real property therein described.

"... no bill boards or other advertising signs will be permitted closer than 100 feet from "the real property conveyed therein", excepting signs pertaining to business established on lands adjacent to "said land"

7. Easement as granted to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY by instrument recorded March 1, 1982 as Instrument No. 940924, records of Canyon County, Idaho; for operation, maintenance and repair of its lines.
8. Agreement regarding fence line location recorded July 21, 1888 as instrument no. 8814620, records of Canyon County, Idaho, affecting the South boundary of the herein described land.
9. Overhead Pole line along the Northerly boundary of said land.
10. Any rights for drainage for the ditch along the Easterly 30 feet and the Southerly 100 feet of the herein described land.
11. The fences along the East and South boundaries of said land do not represent the exact boundaries of the land herein described.
12. A Deed of Trust to secure an indebtedness of \$1,600,000.00, and any other amounts as therein provided, payable under the terms, conditions, provisions and stipulations thereof.
Dated: September 14, 2006
Grantor: Can-Ada Properties, LLC, a limited liability company
Trustee: Pioneer Title Company of Canyon County
Beneficiary: John K. Olsen
Recorded: September 18, 2006 as Instrument No. 200675555, records of Canyon County, Idaho.

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

Schedule B consists of 2 page(s)

STATE HWY 44

BENT LN

R3401100000

CANADA RD

State of Idaho

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Attn: Kathy Walker

Dear Kathy:

Please find the attached information in response to your letter dated September 7th 2007 concerning change in ownership for water right #63-15746.

Sincerely,



Kurt Barats

Partner
Can-Ada Properties LLC.
(208) 939-8850

R E C E I V E D

SEP 24 2007

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

September 7, 2007

CAN-ADA PROPERTIES
ATTN: KURT BARATS
391 W STATE ST STE G
EAGLE ID 83616

RE: Notice of Claim to a Water Right No. 63-15746 (John K. Olsen)

Dear Mr. Barats:

We are in receipt of a letter you submitted to the Snake River Basin Adjudication (SRBA) Court in response to an objection of the above referenced claim.

Your letter states that the property under this claim is now owned by Can-Ada Properties LLC and any correspondence regarding this claim should be sent to them. Please be advised that we cannot change the ownership of any claim pending in the SRBA without a Notice of Change in Water Right Ownership form. Enclosed, for your convenience, is the form with instructions. Please complete the form and attach the required documentation and return it to this office at your earliest convenience. As long as this claim is pending at the SRBA Court there will be no filing fee for submitting the ownership change form. Once the claim has been partially decreed there will be a fee associated with a change in ownership.

If you have any questions in regard to this matter, or in regard to the claim referenced above, please do not hesitate to contact me at 334-2190. I have been assigned this claim in the adjudication and would be happy to discuss the file or process with you.

Sincerely,


KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

63-15746

Clerk of District Court

August 26, 2007

Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

I am responding to a letter I just received concerning an objection filed by:

Riverside Irrigation District
PO Box 1080
Parma, ID 83660

I am a member of Can-Ada Properties LLC. which purchased the subject property last fall. The paperwork for the objection was incorrectly mailed to the former owner:

Mr. John K Olsen
5190 Hubler Lane
Caldwell, ID 83605

Can-Ada Properties LLC. understandably received this paperwork late and I have missed the targeted response date. However, Mr. Olsen did receive and resolve a similar objection filed by Ada County Drainage District No. 2 (Withdrawal of Objection attached). Ada County Drainage District has withdrawn their objection for the following reasons:

- Mr. Olsen diverts his irrigation water into the drainage ditch approximately 1/4 mile upstream and re-pumps when the drainage ditch crosses State street and reaches the head ditch of the subject parcel.
- In this way less water is wasted and used.

Can-Ada Properties requests the withdrawal of your objection.

Sincerely,



Kurt Barats

Can-Ada Properties
391 W. State St. Suite G
Eagle, ID 83616

C) (208) 869-0616

**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 63-15746

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street -- 8th Floor
Denver CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: RIVERSIDE IRRIGATION DISTRICT
Address: PO Box 1080
Parma, ID 83660

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

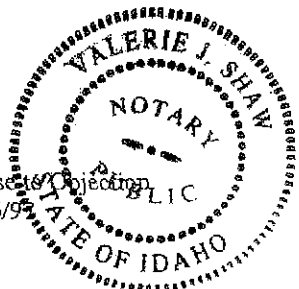
Brian Sauer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response 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 response, know its contents and believe that the statements are true to the best of my knowledge.

Brian W Sauer
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: AUG 08 2007



Valerie J Shaw
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6-2-2012

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F.

CERTIFICATE OF MAILING

I certify that on August 15, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: John K. Olsen
Address: 5190 Hubler Lane
Caldwell, ID 83605

3. One copy to the party who filed the objection at the following address:

Name: RIVERSIDE IRRIGATION DISTRICT
Address: PO Box 1080
Parma, ID 83660

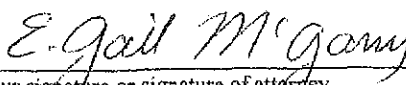
4. Copies to:

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

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


Your signature or signature of attorney
mailing on your behalf

RECEIVED

JUN 13 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA) A. Subcase 63-15746
(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: John K. Olsen
Address: 5190 Hubler Lane
Caldwell, ID 83605

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 P. BARKER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

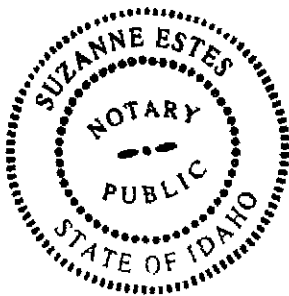
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker

(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, 200 , 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:

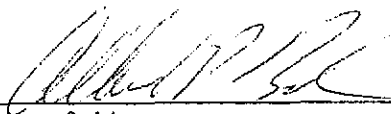
Name: John K. Olsen
Address: 5190 Hubler Lane
Caldwell, ID 83605

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

RECEIVED

JUL 25 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

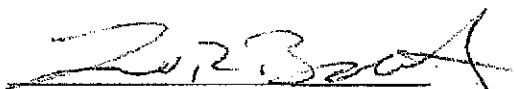
2007 JUL 24 PM 12:57

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	)	Subcases 63-15746
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO
	)	WITHDRAW OBJECTION
	)	
_____	)	

On July 19, 2007, the Ada County Drainage District No. 2, through its attorney Bryce Farris, filed a *Motion* to withdraw its previously filed objection in the above-captioned subcase. Based upon the contents of the *Motion*, and good cause appearing, the *Motion* is **granted**.

Dated July 24, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO WITHDRAW OBJECTIONS was mailed on July 24, 2007, with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:

ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

JOHN K OLSEN
5190 HUBLER LANE
CALDWELL, ID 83605
Phone: 208-454-1070

S. BRYCE FARRIS (ISB #5636)
RINGERT CLARK CHARTERED
455 S. THIRD STREET
P.O. BOX 2773
BOISE, IDAHO 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

a
RECEIVED
JUL 19 2007
DEPARTMENT OF
WATER RESOURCES

Attorneys for Ada County Drainage District No. 2

**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)
_____)

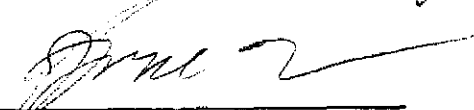
A. Subcase 63-15746

WITHDRAWAL OF OBJECTION

COMES NOW, Ada County Drainage District No. 2, by and through its attorneys of record
Ringert Clark, Chartered, hereby withdraws it's objection in the above-referenced matter.

DATED this 18th day of July, 2007.

RINGERT CLARK CHARTERED


S. Bryce Farris
Attorneys for Ada County Drainage District No. 2

COPY

CERTIFICATE OF MAILING

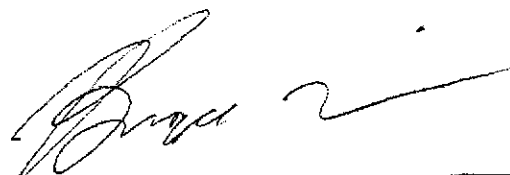
I hereby certify that on this 19th day of July, 2007, I served a true and correct copy of the foregoing document via U.S. mail, postage prepaid to the following:

John K. Olsen
5190 Hubler Lane
Caldwell, Idaho 83605

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449


S. Bryce Farris

9
RECEIVED

JUN 14 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 63-15746

(Insert water right no.)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ADA COUNTY DRAINAGE DISTRICT NO. 2

Address: 455 S. Third Street
Boise, Idaho 83701

Daytime Phone: 208-342-4591

Name & Address of Attorney, if any:

S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: JOHN K. OLSEN

Address: 5190 Hubler Lane
Caldwell, Idaho 83605

COPY

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

1. X **Name and Address**
 Should be: Disallowed. See below.
2. X **Source**
 Should be: Disallowed. See below.
3. X **Quantity**
 Should be: Disallowed. See below.
4. X **Priority Date**
 Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
 Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: Disallowed. See below.
8. X **Period of Year**
 Should be: Disallowed. See below.
9. X **Place of Use**
 Should be: Disallowed. See below.
10. X **I object because:**

 X 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): This claimed water right is within the boundaries of Ada County Drainage District No. 2 ("DD#2") and the source of said claim is a drain which was constructed or enlarged by or for DD#2. Said drain is owned, operated, maintained and controlled by DD#2 and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by DD#2. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

VERIFICATION (must be completed)

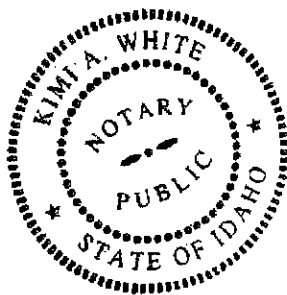
State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

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.


S. Bryce Farris

Subscribed and sworn to before me on: June 12 2007



Vivian A. Gato
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/30/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on ^{June}~~April~~ 12, 2006, 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: John K. Olsen

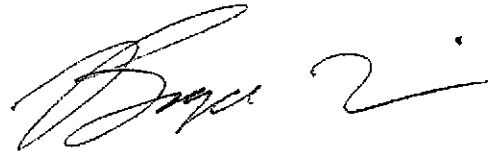
Address: 5190 Hubler Lane
Caldwell, Idaho 83605

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

12/14/2006

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

RIGHT NUMBER: 65-18746
NAME AND ADDRESS: JOHN M. OLSEN
5196 HUEBLER LANE
CALDWELL ID 83605
SOURCE: WASTE WATER TRIBUTARY: LAWRENCE KENNEDY CANAL
QUANTITY: 0.360 CFS
PRIORITY DATE: 03/01/1956
POINT OF DIVERSION: T04N R02W S12 SESE Within CANYON County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.340 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in CANYON County
T04N R02W S12 SESE 17.50
STOCKWATER in CANYON County
T04N R02W S12 SESE

17 ACRES TOTAL

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

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.

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

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 - Beneficial Use

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

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

Stockwater use is for 50 range cattle.

Use of this right is combined with water from Middleton Irrigation Association.

12/10/2006

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

RIGHT NUMBER: 63-15746
NAME AND ADDRESS: JOHN K OLSEN
5190 HUBLER LANE
CALDWELL ID 83605

SOURCE: WASTE WATER TRIBUTARY: LAWRENCE KENNEDY CANAL
QUANTITY: 0.360 CFS
PRIORITY DATE: 03/01/1950

POINT OF
DIVERSION: T04N R02W S12 SESE 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	0.340 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in CANYON County
T04N R02W S12 SESE 17.00
STOCKWATER in CANYON County
T04N R02W S12 SESE

17 ACRES TOTAL

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

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.

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

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 - Beneficial Use

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

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

Stockwater use is for 50 range cattle.

Use of this right is combined with water from Middleton Irrigation Association.

10/10/2006

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

RIGHT NUMBER: 63-15746
NAME AND ADDRESS: JOHN K OLSEN
5190 HUBLER LANE
CALDWELL ID 83605
SOURCE: WASTE WATER TRIBUTARY: LAWRENCE KENNEDY CANAL
QUANTITY: 0.360 CFS
PRIORITY DATE: 03/01/1950
POINT OF DIVERSION:

T04N R02W S12 SESE 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	0.340 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within CANYON County
T04N R02W S12 SESE 17.00
STOCKWATER Within CANYON County
T04N R02W S12 SESE

17 ACRES TOTAL

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

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

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 - Beneficial Use

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

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

Stockwater use is for 50 range cattle.

Use of this right is combined with water from Middleton Irrigation Association.

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: 63-15746

JOHN K OLSEN
5190 HUBLER LANE
CALDWELL ID 83605
Telephone Number: (208)454-1070

JO OLSEN
5190 HUBLER LANE
CALDWELL ID 83605
Telephone Number: (208)454-1070 343-7193

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

the Point of Diversion for Middleton mill, Middleton & Flake ditch water is spilled over the over flow from the ditch on the NE corner of the NE SE quarter section, on Canada Road, which mixes with the Lawrence Kennedy drain and is pumped from the diversion point south of Hwy 44

Due to Divorce Jo Olsen is NOT A Properly owned ON the water or the Land in question

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

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

DATE: 10-9-06 SIGNATURE: *John Olsen*
Please print your name: JOHN OLSEN

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

Idaho Department of Water Resources



T04N, R02W,

SEC 12

← canal water
Middleton Hill
Flake

Claim No: 63-15746

Prepared By: Kimberly Brown

Date: August 3, 2006



Place of Use



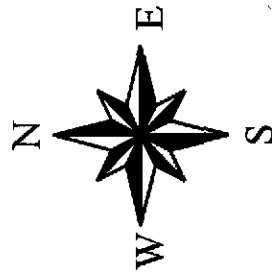
Section Lines

Lawrence-Kennedy Drain

1/4 1/4

& L. Kennedy Drainwater & canal water

☉ Point of Diversion



0 0.03 Miles



1987 NAPP

April 7, 1975

OPERATIONS DIVISION
ADMINISTRATOR'S MEMORANDUM

TO: District Office
FROM: A. Kenneth Dunn
SUBJECT: Annual Use of Water for Stockwater Purposes

RANGE CATTLE			DAIRY CATTLE		
No. of Stock (head)	Rate* c.f.s. (1)	Volume AF/yr. (1)	Rate* c.f.s. (2)	Volume AF/yr. (2)	
0 - 10	0.02	0.2	0.02	0.4	
11 - 25	0.02	0.4	0.02	1.0	
26 - 50	0.02	0.7	0.04	2.0	
~~51 - 100~~	~~0.03~~	1.4	0.07	4.0	
101 - 200	0.05	2.7	0.13	7.9	12,500 gpd
201 - 300	0.07	4.1	0.20	12.0	
301 - 400	0.09	5.4	0.26	16.0	
401 - 500	0.12	6.7	0.33	20.0	
501 - 600	0.14	8.1	0.39	24.0	
601 - 700	0.16	9.4	0.46	28.0	
701 - 800	0.19	11.0	0.52	32.0	
801 - 900	0.20	12.0	0.58	36.0	
901 - 1000	0.23	14.0	0.65	40.0	
1001 - up (3)					

(1) The amounts shown are based on 12 gpd/head with a 12 month period of use. (i.e. for range cattle, horses and mules). The amount does not include a loss (i.e. thru conveyance, etc.)

2. The amounts shown are based on 35 gpd/head with a 12 month period of use. (i.e. for dairy cattle). The amount does not include a loss. (i.e. thru conveyance, etc.).

3. For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

Volume

- a) for livestock use @ 12 gpd/hd, N (0.0134).
- b) for dairy use @ 35 gpd/hd, N (0.0391).

12 gal/day/head -

Rate

- a) for livestock use @ 12 gpd/hd, N (0.00022).
- b) for dairy use @ 35 gpd/hd, N (0.00065).

The answer should be rounded up to the nearest whole acre-foot.

*The rate is based upon approx. 2 hr/day diversion to obtain daily requirement.

A. Kenneth Dunn

08/03/2006

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

RIGHT NUMBER: 63-15746

NAME AND ADDRESS: JOHN K OLSEN
5190 HUBLER LANE
CALDWELL ID 83605

JO OLSEN
5190 HUBLER LANE
CALDWELL ID 83605

SOURCE: WASTE WATER

TRIBUTARY: LAWRENCE KENNEDY CANAL

QUANTITY: 0.340 CFS

PRIORITY DATE: 03/01/1950

POINT OF DIVERSION:

T04N R02W S12 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.340 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R02W S12 SESE 17.00

17 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

Idaho Department of Water Resources

**T04N, R02W,
SEC 12**

Claim No: 63-15746
Prepared By: Kimberly Brown
Date: August 3, 2006



Place of Use



Section Lines

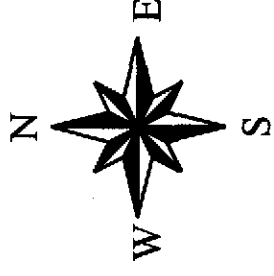


1/4 1/4



Point of Diversion

Irrigated Acres = 17



0 0.03 Miles



1987 NAPP



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-15746Property Address:d Hwy. 44
Star 83669

WATER RIGHT NUMBER: 63-15746

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN K OLSON ~~(E)~~
	5190 Hubler Ln ~~1133 MARTIN ST~~
	Caldwell ~~BOISE, ID 83700~~
	83605 ~~(208) 343-4103~~ 866-8364
Current Owner	JO OLSON ~~(E)~~
"	~~1133 MARTIN ST~~
	~~BOISE, ID 83700~~
	~~(208) 343-4103~~

John K. Olson:5190 Hubler Lane
Caldwell, ID
83605

Priority Date: 03/15/1949 ✓
 Basis: Beneficial Use ✓
 Status: Active

Source
 WASTE WATER ✓

Tributary
 LAWRENCE KENNEDY CANAL ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓ <u>change to 3/1</u>	3/15	11/15 ✓	0.34 ~~0.480 CFS~~ ✓	
STOCKWATER			Total Diversion: ~~0.480 CFS~~ 0.03 ✓	
			0.37 cfs	

Location of Point(s) of Diversion

WASTE WATER
 CANYON County ✓

SE1/4SE1/4 ✓

Sec. 12, Twp 04N, Rge 02W, B.M. ✓

TAG #A0002101

Place of Use
 IRRIGATION ✓

* I cannot add stockwater - unless AMENITY CLM.

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	02W	12	NE	NW	SW	SE	24.0
			17.0				17.0

Total Acres: 24 ✓

17.0

Conditions of Approval:ADD N ~~Quant.~~ - StockwaterRemarks:Comments:ADD - Use is combined with water from
Middleton Mill & Flake Irr. Dist.

This parcel contains only 22.8 acre & I took out road, dry patches, (house) canal, land south of canal, domestic area, etc.

Parcel No: R3401100000. (22.8 - 22.86 AC)

Field Exam Date 8.3.06

(in-office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 74.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in S12
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) A63-15746

Owner: John & Jo Olson Phone No. 343-4193

Current Address: 1133 Martin St., Boise 83706

Property Address: ☒ No change NAME IS THE SAME Olson is spelled "O-L-S-E-N" (as was claimed)
☐ NEW OWNER
☐ No change Address
☒ NEW ADDRESS 5190 Halder Lane, Caldwell 83605
☐ How long owned property?
Ø Hwy. 44
Star

Accompanied by: in-office verification

PRIORITY DATE

- ☐ No change - Complete evidence submitted or not necessary
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 3/15/1949

(If priority date, based on your exam, seems questionable, explain below.)

Since the initial statement received on 3/15/06 and signed by Frank Rowe goes back to "the early 1950's" and contractor Sandy Heinenway's conversation with Frank Rowe on 4/3/06 states that Mr.

Source: Tributary to

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

Larson
put a
pump

in the ditch
"in 1949 or
1950"

I am going to
recommend the referred to
majority of 1950. (3/01/1950)

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See Field Report.**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES☐ No change☐ Different Uses

Change period of use to 3/01-11/15.

Use Irrigation From 3/01 To _____ Amount 0.34 CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount 0.34 CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

Stockwater use was not claimed on the Notice of Claim filed in 1989, therefore, I sent an amended claim to the Olsens on 4/7/06 to add this use. As of this date, and after speaking with Mr. Olsen on 6/8/06 and giving him 1 week to submit it, I have not received the signed Amended Claim & am only recommending irrigation.

[illegible]

Delivery System Narrative: See Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

NARRATIVE/REMARKS/COMMENTS

Parcel No: R3401100000.

An Amended Claim was sent to the Olsens on 4/7/06 to: add stockwater use
correct the spelling of their last name
correct their current address
and change the telephone # to current number

On 6/08/06, I called and spoke with Mr. Olsen. He verified that he had received the Amended Claim, so I gave him one week to submit it. I have not received anything as of this date.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

> Field Exam - 3/23/06

DATE EXAM CONDUCTED: 8.3.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-15746

02/28/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2406	Claim	04N	02W	12	SE	SE		IRRIGATION	20/29248	DRAINAGE DIST NO 2
~~15746~~	~~Claim~~	~~04N~~	~~02W~~	~~12~~	~~SE~~	~~SE~~		~~IRRIGATION~~	~~24/24~~	~~JOHN K OLSON~~
163	Water Right	04N	02W	12	SE	SE		IRRIGATION		WILLIAM P KENNEDY
2406	Water Right	04N	02W	12	SE	SE		IRRIGATION	20/29248	DRAINAGE DIST NO 2
5406	Water Right	04N	02W	12	SE	SE		STOCKWATER		RICHARD E STUPPY
15747	Water Right	04N	02W	12	SE	SE		STOCKWATER		JOHN K OLSON
5405	Water Right	04N	02W	12	SE	SE		DOMESTIC		RICHARD E STUPPY
15747	Water Right	04N	02W	12	SE	SE		DOMESTIC		JOHN K OLSON

) decreased
D&S

REAL PROPERTY INQUIRY

```

+++++
01 6R34011-000- -0 109-00 F SCH134+ 02 5,000 16.18
+++++
19 6.62
OLSEN, JOHN K + 32 17,700
+
+
+
+
5190 HUBLER LN +
CALDWELL ID 83605 +
+++++
12-4N-2W SE + TOTAL 22,700 22.80
TAX 35 IN SESE LS HWY 44 +
+ SURVEY INST 200509419
+ DRAIN 2 DR VALUE 160.38 APPR CTR
+ CLASS BF REAP 01 MAN 00 UNIT 0
+ PARCEL 6R04N02W129500 H/O N C/B N
+ PRIOR ACCOUNT 5R34011-000- -0
+ 02 MH on Property NO

```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R34011000 0 UNIT 001 TOTAL UNITS

```

SITE HWY 44 ST SEC/TWN/RNG 12-4N-2W
ASSESSED VALUE 22,700 ACREAGE 22.80
SUB/PARK NAME YEAR/MAKE
CLASS BF FARM OUTBUILDINGS WITH NO RESIDEN SPACE LOT BLOCK
+++++
YR BUILT 0 AIR COND AIR - NONE CARPORT N
STORY NO BLDG HEATING CARPORT SQ FT
FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N
SECOND SQ FT ROOF UNKNOWN POOL? N
BEDS 0 BSMT SQ FT SPA? N
BATHS .00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

```

```

+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 03/01/2006 Time 11:35

REAL PROPERTY INQUIRY

```

+++++
01 6R34756-019- -0 113-00 F SCH139+ 13 5,675 .20
+++++
35 52,350
USA +
% WARREN, IVAN VAN & JOLENE TRST +
% WARREN, IVAN VAN TRUSTEE @@ +
% OLSEN, JOHN K@@ +
+
5190 HUBLER LN +
CALDWELL ID 83605 +
+++++
12-4N-3W SE + TOTAL 58,025 .20
TX 98367 IN S 1/2 SE IN GOVT LT 6 +
+ SURVEY INST 200509419
+ DRAIN DR VALUE APPR TLH
+ CLASS CM REAP 00 MAN 02 UNIT 0
+ PARCEL 6R04N03W129006 H/O N C/B N
+ PRIOR ACCOUNT 5R34756-019- -0
+ 02 MH on Property NO

```

KCID RD, CA

Receipt Details for ID W003327

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/22/1989 10:03:14 AM	6/22/1989	Western	\$124.00	Check
Payer		OLSEN, JOHN K.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1878			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$124.00	ADJUDICATION 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	15746		\$74.00	Claim
63	15747		\$25.00	Claim
63	15833		\$25.00	Claim

Print Report

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-15746
Amended Claim**

June 8, 2006

Since I have not received the signed Amended Claim back that was sent on April 7, 2006; I called #866-8364 and spoke with John Olsen. Mr. Olsen verified that he had received the Amended Claim in April, but informed me that he was in California at the moment and would be returning home in a few days.

I requested that he send me the signed Amended Claim within 1 week or give me a call if that would not work with his schedule.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 7, 2006

COPY

JO & JOHN OLSEN
5190 HUBLER LANE
CALDWELL ID 83605

RE: Amended Claim for Snake River Basin Adjudication (SRBA) Claim #A63-15746

Dear Mr. and Mrs. Olsen,

The enclosed *Amended Claim* has been created, essentially, to add the stockwater use that was not claimed on the original *Notice of Claim* you filed in 1989.

In addition, I also used this *Amended Claim* to officially:

- correct the spelling of your last name from OLSON to OLSEN,
- change your address from 1133 Martin St., 83706 to 5190 Hubler Lane, 83605,
- and change your telephone number from #343-4193 to #454-1070.

Lastly, based on ArcView calculations, your irrigated acres total 17.0 acres; not the 24.0 acres that you claimed or the 22.8 acres that 2005 Canyon County tax lot information shows you actually own. The 17.0 acres of irrigated land that I am amending your claim to is based on place of use boundaries I created on 1987, 1994, 2000, and 2004 aerial photographs; all of which equal 17.0 acres of irrigation (please refer to the enclosed 1987 aerial photo with the place of use boundary as an example).

If you find that any further corrections need to be made that I may have overlooked, please make them on the *Amended Claim*. Then, please sign the *Amended Claim* in front of a notary and send it to me, ATTN: Kimberly Brown, at the address above.

Please contact me if you have any questions.

Respectfully submitted,

Kimberly Brown
Senior Water Resource Agent
Adjudication Bureau – Western Region

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

RECEIVED

APR 05 2006

WATER RESOURCES
WESTERN REGION**Prior to Field Exam**

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed) NA
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-15746Owner: John K. Olsen Phone No. (208) 454-1070 Cell: (208) 866-8364Current Address: 5190 Hubler Ln. Caldwell, Id 83706

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER remove Jo Olsen (divorced)
- ☐ No change Address
- ☒ NEW ADDRESS 5190 Hubler Ln. Caldwell, Id 83706
- ☐ How long owned property? _____

Accompanied by: John K. Olsen**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 3/15/1949

(If priority date, based on your exam, seems questionable, explain below.)

See attached phone conversation with Frank Rowe dated 4/3/06Source: Waste Water Tributary to Lawrence-Kennedy Canal

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: different than what was shown originally on the 1987 Napp Photo, but POD has always been located where it is now drawn on the '87 photo.
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
1			SE	SE	12	4N	2W	Canyon	N43.41.372 W116.30.46.3 elevation 2608

Description of diverting works

A 15 Hp Perma pump US motor diverts waste water from the ditch to concrete lateral running east to west on the north side of the property. Gravity flow runs north to south

OVERLAP REVIEW Other water rights with the same point of diversion: No

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: utilizing 2" syphon tubes from concrete lateral to dirt rows in the field.

WATER USES

☐ No change

☒ Different Uses

Use Irrigation From 3/15 To 11/15 Amount 0.456 CFS AFA

Use Stackwater From 01/01 To 12/31 Amount 0.02 CFS AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

☒ Only change in uses that were not listed on Adjudication Claim.

TOTAL VOLUME - Groundwater only N/A Irrigation was changed due to reduction in number of acres.

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☒ Changes Exam found: Domestic # of homes _____

Types _____ Additional comments: _____

Table 1, Recommended Diversion Rates:

0.02 cfs - (3) horses (full-time)

0.03 cfs - up to 75 head cattle (part time)

(claim indicated 75 head under non-irrigation used)

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2W	12																22.8	22.8
4N	2W	12																X	

Overlap with other water rights: No overlap w/POD

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: Run-off & waste water from Middleton Mill/Flake flow south & are joined by water from the Lawrence-Kennedy Drain flowing south on the east side of Can Ada Lane. Water flows under Hwy 44/State St. where the POD is located. A 15HP US Motor Pump pump with 8' lift delivers water west by means of a 12" steel line to a concrete ditch running on the north end of the property flowing east to west. Two (2) inch syphon tubes are used to irrigate off of the concrete ditch, irrigating from north to the south end of the property. Water is also diverted for stockwater up to 75 head cattle (part-time), & 3 horses full-time.

tag #

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002101	US	15	not listed	Parma	not listed
					12" discharge

FLOW MEASUREMENTS:

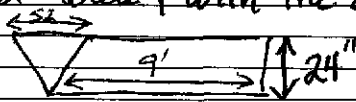
Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Supplemental surface water source is from the Middleton Mill & Flake Lateral. Both sources run at the same time down the same ditch. This water is taken from the center ditch, flows west under Can Ada Lane, then south on the west side of Can Ada Lane, turning west at Hwy 44/State St to head gate #1 to cross under Hwy 44 & also at headgate #2 to cross under Hwy 44 to assist in irrigating 22.8 acres.

The run-off/waste water from the Middleton Mill/Flake Lateral, & the Lawrence Kennedy Drain merge & run into the Lawrence Kennedy Canal.

John Olsen said the normal flow level in the cement ditches are within $3/8"$ from the top. The sections in the ditch are 9' long 52" wide, with the ditch being 24" deep. ~~to~~



Directions: 1 mile west of Star, across from Can Ada Lane & Hwy 44/State St. (white barn on south side)

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

4/3/06

FIELD EXAMINER:

Judy Hemenway

Please mail this ^{Change in} Ownership form to:
A63-15746
John K. Olsen
5190 Hubler Ln.
Caldwell, Id. 83706

*Also requested a copy of the map showing acreage irrigated (22.8 acres)

4/3/06

FOR: A63-15746 Olsen

FROM: Sandy Hemenway, Field Examiner

I spoke with Frank Rowe (208) 286-7616 today, and he indicated that he was born in 1932 at the property next to the Olsen property. Frank said that at that time, Dan Kennedy owned the Olsen property and used it during the winter months for lodging his cattle. Kennedy sold the property to a Mr. Larson either in 1949 or 1950. At that time, Mr. Larson put a pump in the ditch to irrigate the pasture, and some livestock (he was not sure of the exact date).

I called the Canyon County Assessors and Records Office (Alice 454-7431/454-7556), and they have switched to a new system, and without additional research they can only go back 10 years on their computers unless the information was saved under that file. They indicated that it is additionally difficult to find property when there is no physical address.

Field Inspection: A63-15746 Olsen

Date: 3/23/2006

Field Inspector: Sandy Hemenway

Measurements/Calculations:

Pipe Flow Chart:

12" diameter pipe = 3.93 cfs capacity

Stockwater:

Table 1 Recommended Diversion Rates for Stockwater:

3-horses full-time = 0.02 cfs; Up to 75 head cattle (part-time) = 0.03 cfs

Season: 01/01 - 12/31 for horses (365 days); 3/15 - 11/15 for cattle (246 days)

Required V.i.r. = (#head x gallons/day/head x days of use per year) / 325,850 =

for horses: $[(3 \times 12 \times 365) / 325850] = 13140/325850 = 0.0403 = \mathbf{0.04 \text{ afa}}$

for cattle: $(75 \times 12 \times 246) / 325850 = 221400/325850 = 0.67945 = \mathbf{0.70 \text{ afa}}$

Potential V.d.r. = Max. allowable cfs x permit season number of days x 1.9835 =

for horses: $0.02 \text{ cfs} \times 365 \times 1.9835 = 14.479 = \mathbf{14.5 \text{ afa}}$

for cattle: $0.03\text{cfs} \times 246 \times 1.9835 = 14.638 = \mathbf{14.64 \text{ afa}}$

Irrigation:

Confirmed acres irrigated: 22.8 acres x 0.02cfs = 0.456 cfs

Season 3/15 - 11/15 = 246 days

Required V.i.r = allowable acres under permit x requirement (DWR chart (figure 2))=

22.8 acres x 3.5 = **79.8 afa**

Potential V.d.r. = max. allowable cfs x permit season x 1.9835 =

$0.456 \times 246 \times 1.9835 = \mathbf{222.50 \text{ afa}}$

Pumpback Computation Spreadsheet (DRT 1/24/1995)

Data Entered By: Sandy Hemenway

Project: Flow Computation for A63-15746

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
 $f = 0.2083 \cdot (100/\text{roughness})^y \cdot 1.85 \cdot (\text{cfs} \cdot 448.8)^x \cdot 1.852 / \text{ID}^4 \cdot 8655 \cdot \text{Length} / 100$

To Find: Compute Rate of Flow for a Pumpback System

Data Table

Vertical Lift: 8.00 feet

Pressure Req'd: 60.00 psi

Required Head: 146.60 feet

Pump Horsepower: 15.00 horsepower

Pipe Roughness: 140.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Friction Head Loss from Pipe Friction	Head Loss per 100 ft
11.50	25.00	0.01		0.03
1.50	0.00	0.00		#DIV/0!
1.00	0.00	0.00		#DIV/0!

0.01

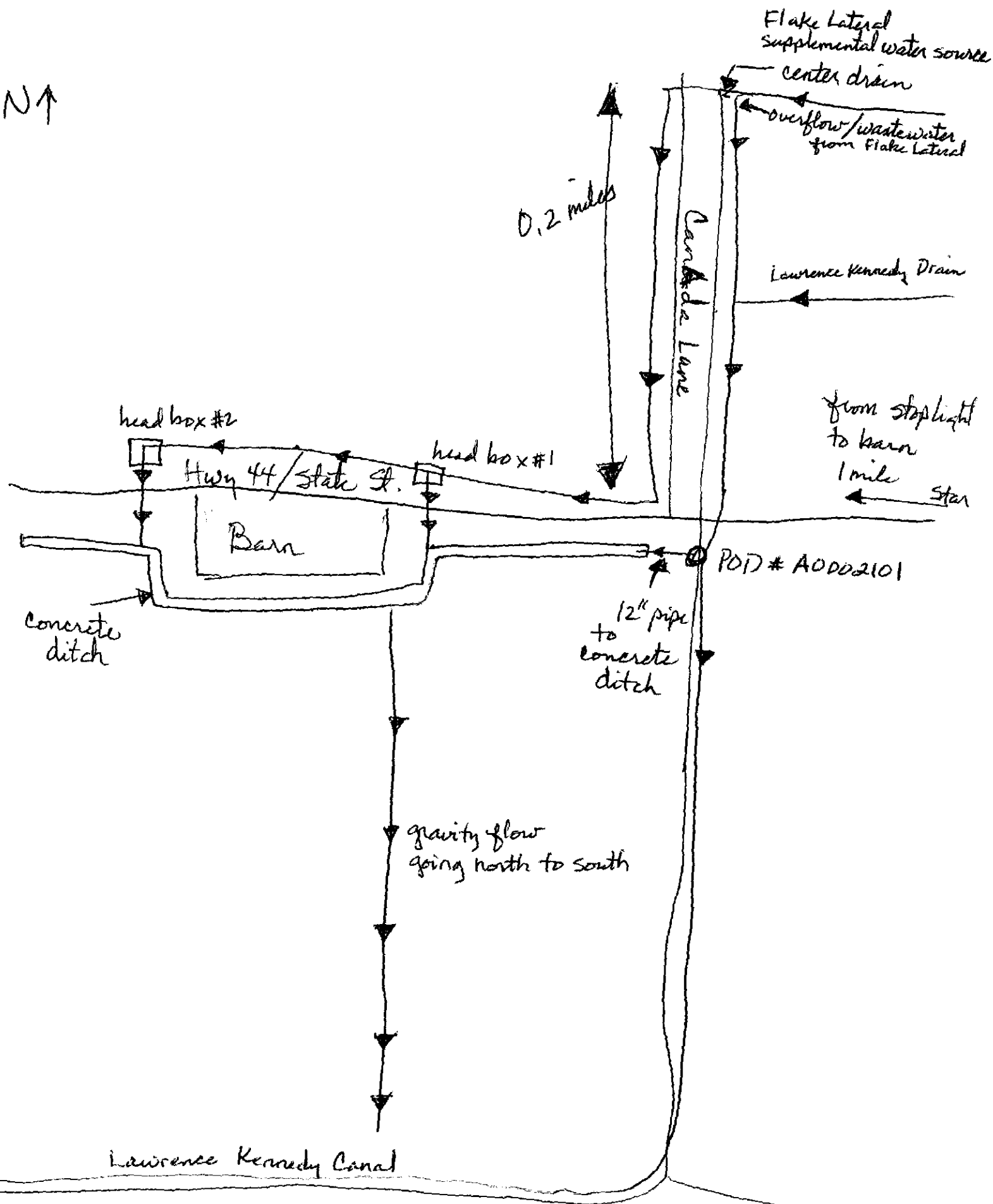
Initial Estimate of Rate of Flow:

0.630 CFS

Computation of Rate of Flow:

0.63

N ↑



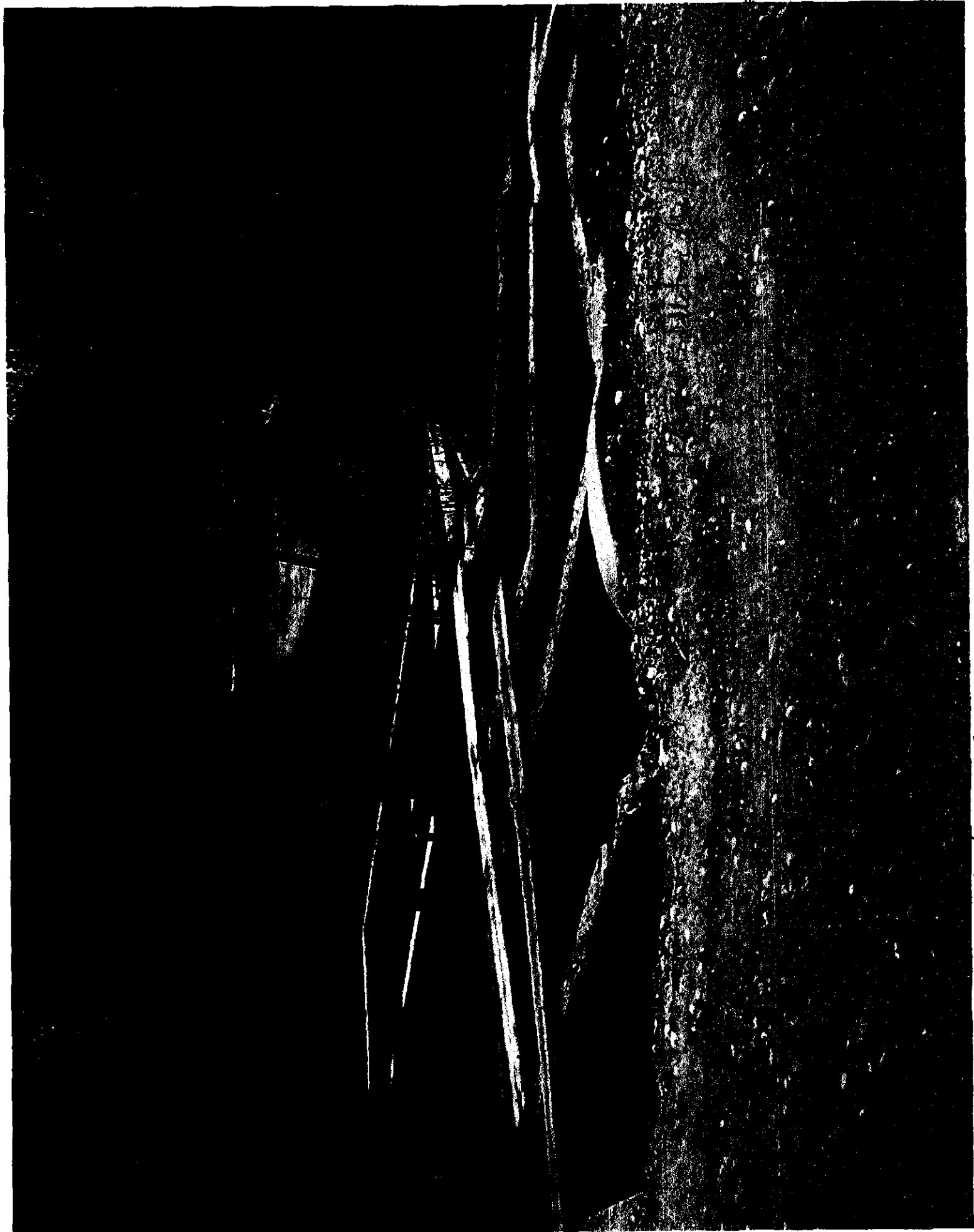
A63-15746 Olsen
3/23/06 SH



Can Ada Lane



A 63-15746 Olsen 3/23/06 SH



SW
NW

A 63-15746 Olsen 3/23/06 SH.



Lawrence Kennedy-Davis

2↓

A 63-15746 Olsen 3/23/06 SH.



POD
45 Motor
15 Hp
Parma pump
8' lift

↑ 12"

A63-15746 Olsen 3/23/06 S.H. (Facing south)



AL63-15746 Olsen 3/23/06 S.H.

(Facing west)



A63-15746 Olsen 3/23/06 SH.

(Facing southwest)

Pou: 3 horses (full-time)

736 and 737



A63-15746 Olsen 3/23/06 SH.



head plate #1
north side of beam (north side)

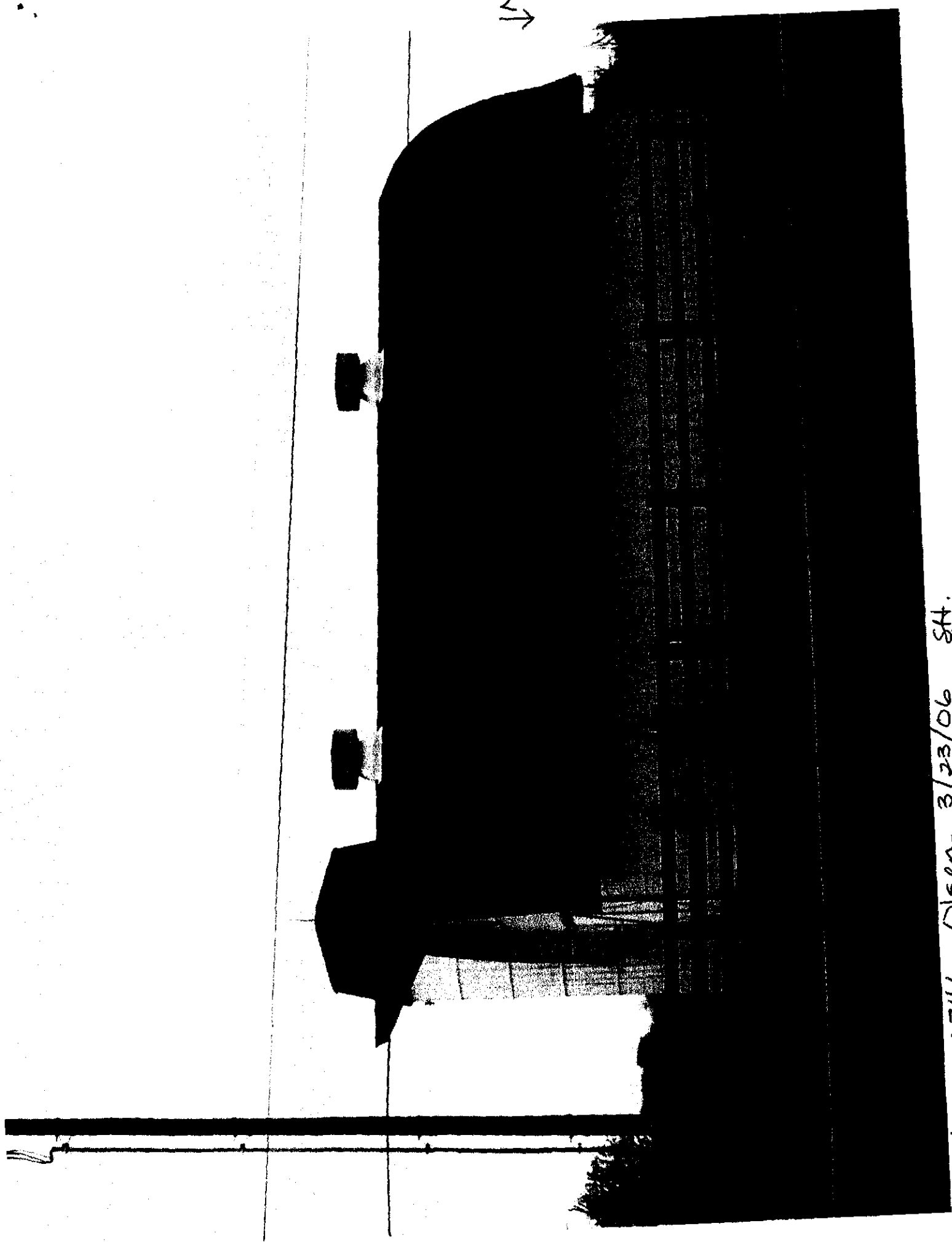
H.S. 44/51/1

A63-15746 Olsen 3/23/06 S.H.



A63-15746 Olsen 3/23/06 SH.

22



A63-15746 Olsen 3/23/06 SH.

A63-15746 Field Exam Request:
Olsen

Contact:

03/15/2006

Contact **John K. or Jo Olsen** at #866-8364 or #454-1070 to set up a field exam.

Property Address:

0 Hwy. 44, Star *Canada + Hwy 44, Star*

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- GPS the location of the POD.
- Is **Middleton or Canyon County Irrigation District** water used to supplement this right? *Middleton Mill + Flake (both canals water runs down the same ditch)*
- Verify that this is **wastewater**, tributary to the **Lawrence-Kennedy Canal**. *Yes*
- **IMPORTANT:** Mr. Olsen claimed 24.0 acres of irrigation, but the tax lot information states that there are only a total of **22.8 acres** in this parcel. In addition, according to the 1987 aerial photo, some of the claimed 24.0 acres do not show signs of irrigation (for instance, the canal and the land south of the canal that runs through the property). Therefore, I will probably be **reducing** the claimed amount of acres by a few acres. Please broach this subject with the Olsen's, if they accompany you on the field exam. *He agreed that 22.8 acres is actually irrigated due to barn and ditches + ditch banks (road).*
- **1987 Aerial Photo:** Please draw the **24.0 acres** that were irrigated from the wastewater in 1987 on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the 1987 aerial photo also; along with the **point of diversion**.
- **Capacity of System:** Calculate the **capacity** of this system. Verify that the claimed **0.48 cfs** is possible/applicable.
- **Priority Date:** I received Frank Rowe's signed statement as evidence of priority. Mr. Rowe is only able to go back to "**the early**" 1950s. Please speak to the Olsen's regarding my inclination to recommend **1955** as the year of priority, since Mr. Rowe did not specify an exact year.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

referred to as:

"Bent Lane Place"

*Frank Rowe - previous owner
grew up by property
(286-7616) 343 N. Center St. Star
83669*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-15746

WATER RIGHT NUMBER: 63-15746

Owner Type Name and Address

Current Owner

JOHN K ~~OLSON~~
1133 MARTIN ST
BOISE, ID 83706
(208) 343-4193

Olsen

5190 Hubler Ln.

Caldwell, Id 83605

(208) 866-8364/454-1070

Current Owner

JO ~~OLSON~~
1133 MARTIN ST
BOISE, ID 83706
(208) 343-4193

Priority Date: 03/15/1949

Basis: Beneficial Use

Status: Active

Source

WASTE WATER

Tributary

LAWRENCE KENNEDY CANAL

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.480 CFS

Annual VolumeTotal Diversion:

0.480 CFS

Location of Point(s) of Diversion

WASTE WATER

SE1/4SE1/4

Sec. 12, Twp 04N, Rge 02W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 02W 12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	24.0

Total Acres: 24 22.8

22.8

Conditions of Approval:Remarks:

3 horses, up to 75 head cattle (part-time)

Comments:

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: A63-15746
Date Received: 6/22/1989
Receipt No: W003327
Received By: EM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN K. OLSEN
Address: ~~1133 MARTIN~~ *5190 Hubler Ln*
~~BOISE, ID~~ *Caldwell, Id* 83706
AND/OR
Name: JO OLSEN *83605*
Address: ~~1133 MARTIN~~
~~BOISE, ID~~ *divorced* 83706

cell:
~~208-343-4193~~ *866-8364*
454-1070

~~208-343-4193~~

2. Date of Priority: MAR 15, 1949

3. Source: WASTE WATER

Trib. to: LAWRENCE-KENNEDY *Canal* ~~CANAL~~ *Drain*

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02W	12	SE	SE			CANYON

5. Description of diverting works:

PUMP FROM DITCH TO MAIN LATERAL TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.480		

7. Total Quantity Appropriated is:

0.480 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/75 HEAD

3 horses, up to 75 head (part time)

A63-15746

Page 1

Date: 06/22/89

MICROFILMED
AUG 25 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02W	12	SE	SE		IRR	24.0
Section Acres							24.0
Total Acres							24.0

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:

FLAKE DITCH CO., MIDDLETON MILL , & MIDDLETON CANALS.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

Kennedy Drain) thinks these are
the same,
(different water
using the same
ditch at the same
time)

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): [Signature] Date: 6-22-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22 day

of June 19 89

[Signature]
Notary Public

Seal

Residing at _____

My Commission Expires _____

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

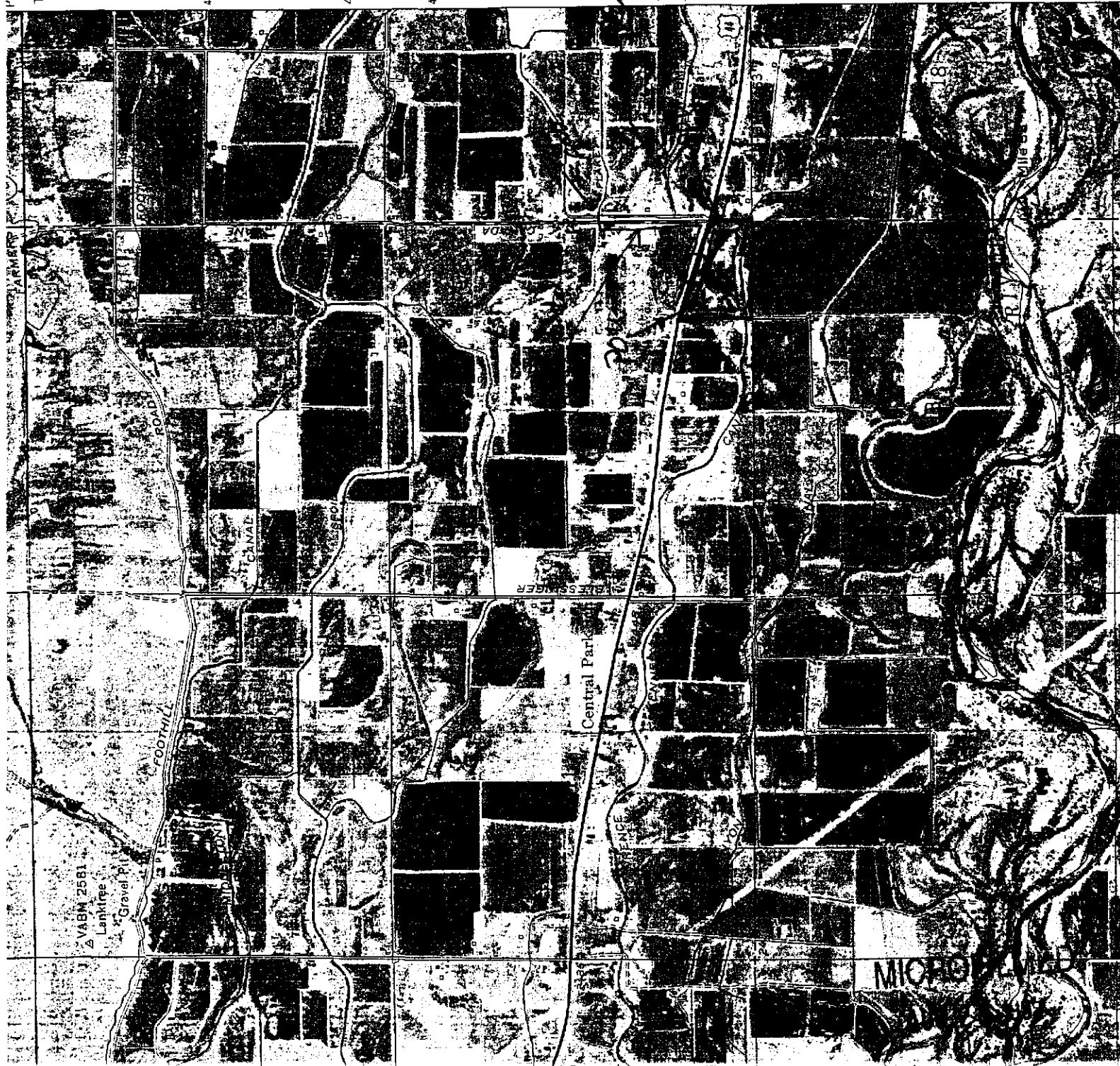
T. 4 N.

Lawrence-Kennedy
Drain

A63-15796

wrease Kennedy Drain

SESE Soc 12 T4NR2W



Idaho Department of Water Resources

Claim Number: 63-15746
Legal: T04N, R02W, S12
Reviewed By:

☒ Point of Diversion

☐

Place of Use

☐

Section Lines

☐

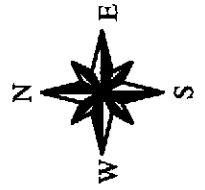
Quarter Quarter Lines

1987 Napp Photo



0.25 Miles

0



* gravity flow north to south

A63-15746 Field Exam Request:
Olsen

Contact:

03/15/2006

Contact **John K. or Jo Olsen** at #866-8364 or #454-1070 to set up a field exam.

Property Address:

0 Hwy. 44, Star

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- GPS the location of the POD.
- Is **Middleton or Canyon County Irrigation District** water used to supplement this right?
- Verify that this is **wastewater**, tributary to the **Lawrence-Kennedy Canal**.
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- **Priority Date:** I received Frank Rowe's signed statement as evidence of priority. Mr. Rowe is only able to go back to "**the early**" 1950s. Please speak to the Olsen's regarding my inclination to recommend **1955** as the year of priority, since Mr. Rowe did not specify an exact year.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

#63-15746

3-14-06

To whom it may concern:

in regards to the pump in the
drainage ditch near Bent Lane

I, Frank Rowe lived neighbor
to this property 1932-1961 and
was aware of the pump which
was placed in the drainage
ditch in ^{the} early 1950's.

Frank Rowe

RECEIVED

MAR 15 2006

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 2006

DIRK KEMPTHORNE

JO & JOHN OLSEN
1133 MARTIN
BOISE ID 83706

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-15746

RECEIVED

REC

MAR 15 2006

Dear Claimants,

WATER RESOURCES
WESTERN REGION

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 27, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 15 2006

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s):

John Olsen

[] Old Mailing Address:

1133 MARTIN
BOISE ID 83706

[] New Mailing Address:

5190 HUBLER LN.
Caldwell Idaho
83605

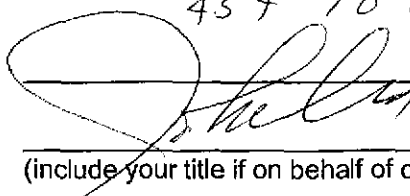
Telephone Number:

(208) 844-8364
459 1070

[]

Signature(s)

(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)


(include your title if on behalf of company or organization)
3-15-06

Date:

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JO & JOHN OLSEN
1133 MARTIN
BOISE ID 83706

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-15746

Dear Claimants,

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kimberly Brown".

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-15746

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-15746 Date: 9-22-01

	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	4N	26	12																24	24
GIS																			24	24
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 24

Overlapping POU Claim #'s:

Total GIS Acres: 24

COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-15746
Legal: T04N, R02W, S12
Reviewed By:

☉ Point of Diversion

☐

Place of Use

☐

Section Lines

☐

Quarter Quarter Lines

1987 Napp Photo



0.25 Miles

0

