

63-31633

4N 4W
Sec. 35

Section Line



QQ Lines



Tax Lot Data



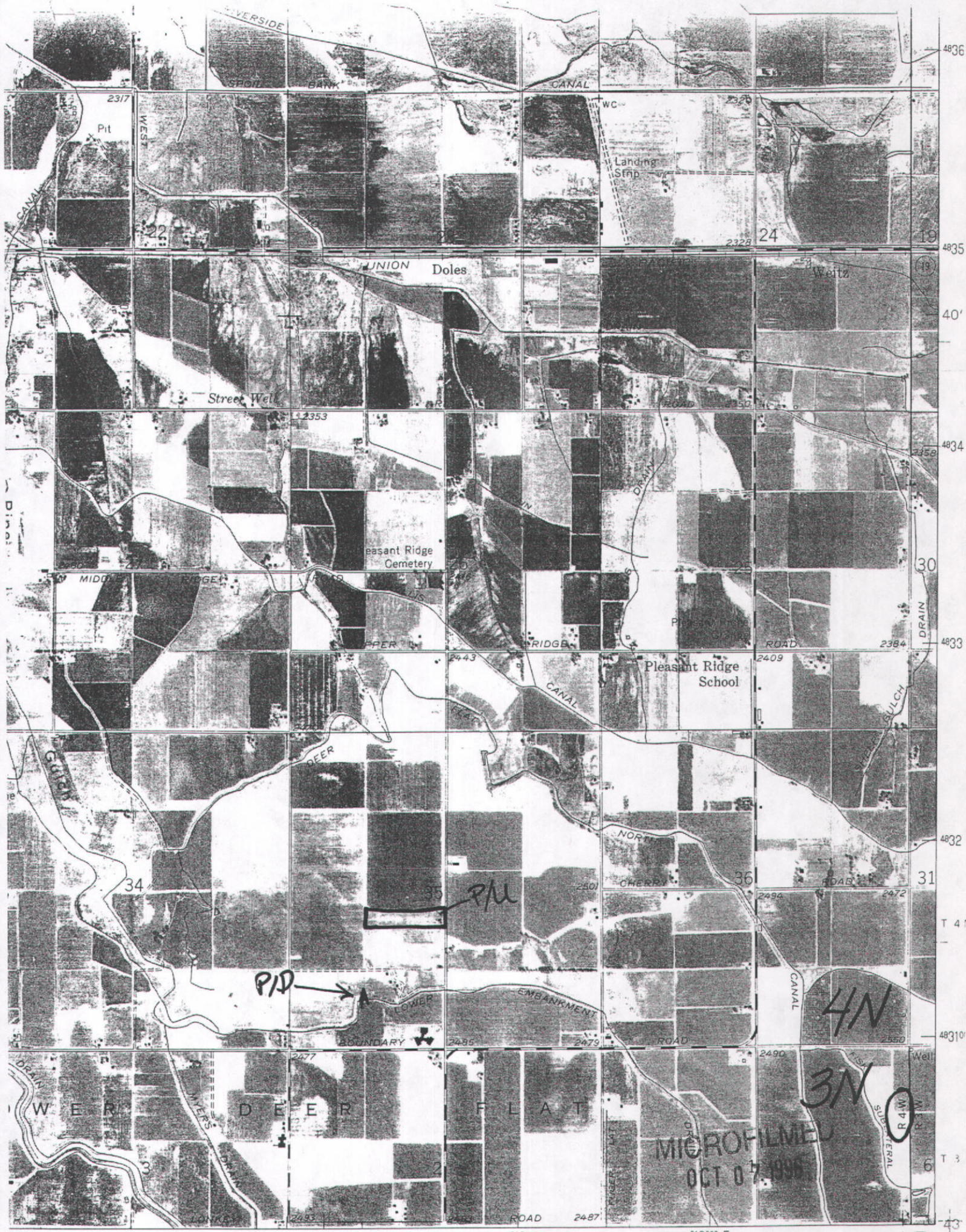
Metes & bounds description
Kushlan property



Kushlan
3 acres

NESW

0.02 0 0.02 0.04 Miles



516

47' 30" 517

518

519000E

A63-14251B



Idaho Department of Water Resources

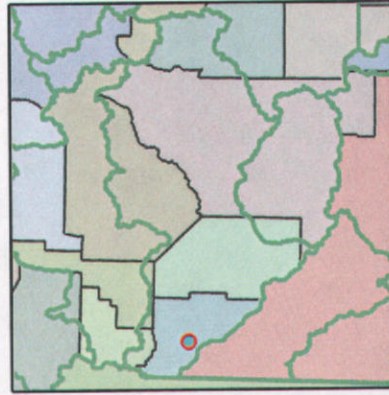
SRBA Recommendation:

63-31633

Acres = 3

Legend

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



Canyon County
IDWR Basin 63



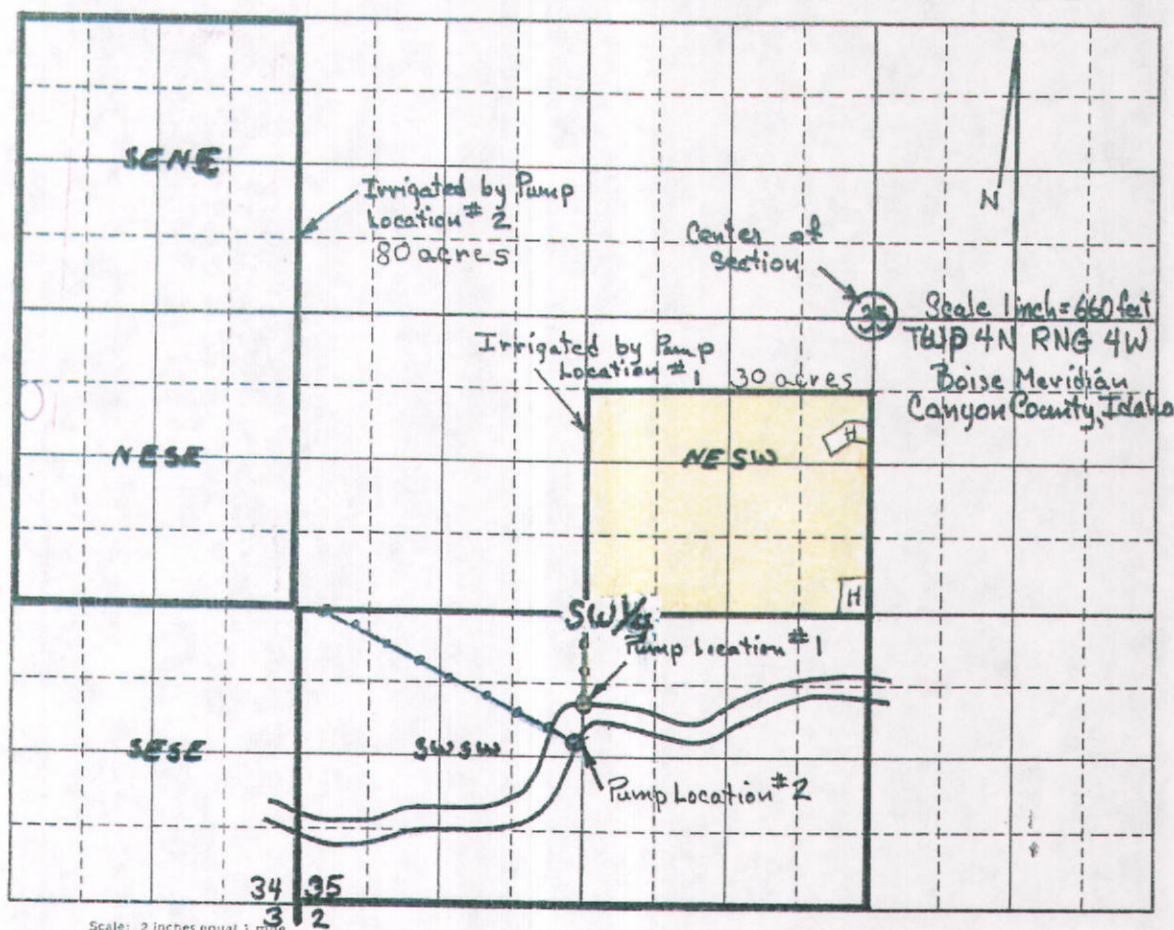
R04W



0 0.1 0.2 Miles

Prepared by K. Walker
On Thursday, July 13, 2006
1987/88 Aerial Photography

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 15 day ofTobias Bender
(Claimant)February, 19 74
Dorinda Felt

Notary Public

Residing at Boise, Idaho

My commission expires

June 15, 1977

For Department Use Only

Received by

Date 2-15-74

Exception filed by:

Forwarded to

Date

Prelim. check by

Date 15 Feb. 1974

\$10.00 fee received by

Date 2-15-74

claimant by:

Approved for publication by

Published in

Dates

7-25 + 3-7-74

63-31633

4N 4W
Sec. 35

Section Line



QQ Lines



Tax Lot Data



Metes & bounds description
Kushlan property



Kushlan
3 acres

NESW

0.04 Miles

0.02

0

0.02

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 63-31633
Date Received: 5/16/1994
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RICHARD E KUSHLAN
18397 PRIDE LN
CALDWELL ID USA 83605

Phone: (208)459-6225

LORRAINE S KUSHLAN
18397 PRIDE LN
CALDWELL ID USA 83605

Phone: (208)459-6225

2. Date of Priority: 04/01/1949

3. Source: LOWER EMBANKMENT DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	04W	35	SE	SW		CANYON	

5. Description of diverting works:

PUMP, PIPELINE AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.06	10.5

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 10.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04W	35	NE	SW	IRRIGATION	3
Section Acres						3
Total Acres						3

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:

NOTE: This portion is owned by Clarence Cook, per ownership change info in file, however there is no address or phone number to contact Cook and make the changes. Therefore, it remains in Donleys name. DH 3/7/20003

This claim is the result of a split due to change in ownership for a portion of 63-4256D. See remarks in 63-4256D. DH 3/7/2003

Ownership changed by DB 7/27/2004

15. Basis of Claim: Statutory Claim

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 63-31633
Date Received: 5/16/1994
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

N C DONLEY
18393 PRIDE LN
CALDWELL ID USA 83605

Phone: (208)454-1622

2. Date of Priority: 04/01/1949

3. Source: LOWER EMBANKMENT DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	35	SE SW	CANYON	

5. Description of diverting works:

PUMP, PIPELINE AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.06	10.5

7. Total Quantity Appropriated is:

0.06 C.F.S. and/or 10.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04W	35	NE	SW	IRRIGATION	3
Section Acres						3
Total Acres						3

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-4256D. See remarks in 63-4256D. DH 3/7/2003

NOTE: This portion is owned by Clarence Cook, per ownership change info in file, however there is no address or phone number to contact Cook and make the changes. Therefore, it remains in Donleys name. DH 3/7/20003

15. Basis of Claim: Statutory Claim

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: **A63-04256D**
Date Received: 5/16/1994
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CAROLYN A KETCHUM
Address: 18393 PRIDE LN
CALDWELL ID 83605
208-454-1622
2. Date of Priority: APR 1, 1949
3. Source: LOWER EMBANKMENT DRAIN Trib. to: SNAKE RIVER
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
04N 04W 35 SE SW CANYON
5. Description of diverting works:
PUMP, PIPELINE AND SPRINKLERS.
6. Water is used for the following purposes:
Purpose From To C.F.S (or) A.F.A.
IRRIGATION 03/15 11/15 0.100
7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 17.5 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	35	NE	SW		IRR	5.0
Section Acres							5.0

10. Place of Use: Continued

Total Acres 5.0

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:

14. Remarks:

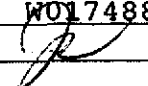
THIS CLAIM IS A SPLIT OFF OF A63-04256B PER CHANGE OF OWNERSHIP.
7-20-94. JS FEES PAID UNDER RECEIPT NO. W017488.
CHG OF OWNERSHIP 7/15/98 DMS

15. Basis of Claim: STATUTORY CLAIM

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: A63-04256D
Date Received: 5/16/1994
Receipt No: W017488
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: N C DONLEY 208-454-1622
Address: 18393 PRIDE LN
CALDWELL ID 83605

2. Date of Priority: APR 1, 1949

3. Source: LOWER EMBANKMENT DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	35	SE	SW			CANYON

5. Description of diverting works:
PUMP, PIPELINE AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	35	NE	SW		IRR	5.0

Section Acres 5.0

Total Acres

A63-04256D

Page

1

Date:

07/20/94

5.0
MICROFILMED
OCT 7 1996

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A SPLIT OFF OF A63-04256B PER CHANGE OF OWNERSHIP.
7-20-94. JS

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04256B
Date Received: 5/16/1994
Receipt No: W017488
Received By: FW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: N C DONLEY 208-454-1622
Address: 18393 PRIDE LN
CALDWELL ID 83605

2. Date of Priority: APR 1, 1949

3. Source: LOWER EMBANKMENT DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	35		SE	SW		CANYON

5. Description of diverting works:
PUMP, PIPELINE AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	35	NE	SW		IRR	10.0

Section Acres 10.0

Total Acres

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:

15. Basis of Claim: STATUTORY CLAIM

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: 1

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: 5-16-94

Date: _____

State of Idaho

County of Ada

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 16th day

of May 19 94

Seal

Kathryn A. Walker
Notary Public

Residing at Eagle, Idaho

My Commission Expires 2-14-1999

MICROFILMED

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

RECEIVED

JUN 29 2004

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-31633					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) NC Donley
4. New Owner/Claimant(s) 18393 Pride Ln. Caldwell, ID
Rick and Lorraine S. Kuszman
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 18397 Pride Ln.
- City, State and ZIP Code Caldwell, ID 83607
- New Telephone Number 208-459-6225
5. Date you acquired the property 2-21-96

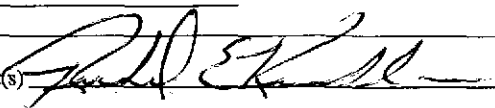
SCANNED

JUN 29 2004

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

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

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

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

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only DB Date 6-29-04 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

STN-94009218CA

RECEIVED

INSTRUMENT NO.

9420268

9400636

JUL 20 2004

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

*** DBA, KUSHLAN HOMES, Grantor, hereby conveys, grants and warrants to person, Nolan C. Donley, aka N. C. Donley, a single person, whose address is 1719 Spruce St, Caldwell, ID for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit: *** see below

See Exhibit "A" attached hereto, and by this reference made a part hereof.

TOGETHER WITH an undivided 1/3 interest in Grantor's right, title and interest in and to that certain Easement between Santiago Armenta and Priscilla Arments, husband and wife, and Rex Philson and Barbara Philson, husband and wife, which grants an easement for the purpose of establishing a main line pipe for conveying irrigation water to the premises which crosses through property owned by the Philsons.

ALSO TOGETHER WITH an undivided 1/3 interest in Grantor's right, title and interest in and to that certain Easement to maintain said pump between Armenta and Tobias Bender and Bardella Bender, husband and wife, dated the 13th day of October, 1977, and recorded on the 15th day of November, 1977, in the office of the Canyon County Recorder as Instrument No. 814742, which said Easement grants the use of a roadway which adjoins property owned by the Benders thereby allowing access.

ALSO TOGETHER WITH an undivided 1/3 interest in Grantor's right, title and interest and to that certain Easement for ingress, egress and utilities between Clarence D. Cook and Grantor, recorded 6/10/94 & 6/15/94, 1994, as Instrument #9417802 & 9418395 records of Canyon County, Idaho.

ALSO TOGETHER WITH an 28 foot easement for ingress, egress and utilities described as the north 28.00 feet of the east 65.09 feet of the said S1/4NE1/4SW1/4 of said Section 35, Township 4 North, Range 4 West of the Boise Meridian.

SUBJECT TO taxes and assessments for the year 1994 and all subsequent years, together with any and all

WARRANTY DEED-1

*** RICHARD E. KUSHLAN AND LORRAINE S. KUSHLAN, husband and wife

SCANNED

JUL 20 2004

existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anyway appertaining to the property herein described.

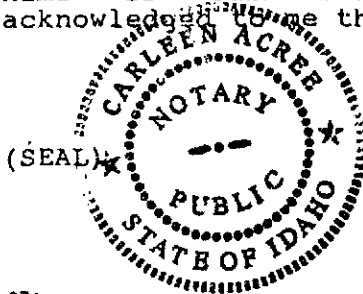
The Grantor covenants to the Grantee that he is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that he will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 1 day of July, 1994.


Nolan C. Donley

STATE OF IDAHO)
County of Campan) :ss

On this 1st day of July, in the year 1994, before me, Carleen Acree, a Notary Public, personally appeared NOLAN C. DONLEY, aka N. C. DONLEY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Carleen Acree
Notary Public for Idaho
Commission expires: 3-9-98

07/wcg

WARRANTY DEED-2

SCANNED
JUL 20 2004

ORDER NO. 94009218

EXHIBIT "A"

PARCEL I:

This parcel is a portion of the South Half North Half Northeast Quarter Southwest Quarter of Section 35, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter Southwest Quarter of said Section 35, thence
South 0 degrees 02'14" East along the East boundary of said Northeast Quarter Southwest Quarter a distance of 331.43 feet to the Northeast corner of said South Half North North Half Northeast Quarter Southwest Quarter; thence
North 89 degrees 57'07" West along the North boundary of said South Half North Half Northeast Quarter Southwest Quarter a distance of 262.85 feet to the TRUE POINT OF BEGINNING; thence
South 0 degrees 02'14" East parallel with said East boundary a distance of 331.46 feet to a point on the South boundary of said South Half North Half Northeast Quarter Southwest Quarter; thence
North 89 degrees 57'25" West along said South boundary a distance of 394.24 feet; thence
North 0 degrees 02'14" West parallel with said East boundary a distance of 331.49 feet to a point on the said North boundary of said South Half North Half Northeast Quarter Southwest Quarter; thence
South 89 degrees 57'07" East along said North boundary a distance of 394.24 feet to the TRUE POINT OF BEGINNING.

PARCEL II:

A 28.00 foot ingress-egress easement described as the North 28.00 feet of the East 657.09 feet of the said South Half North Half Northeast Quarter Southwest Quarter of said Section 35, Township 4 North, Range 4 West of the Boise Meridian.

9600636

RECORDED

00 4 PM 5 JUN 96

RECORDED
CANYON COUNTY RECORDER
[Signature]

PIONEER - CALDWELL

REQUEST

TYPE *Recd* FEE *9.00*

REQUEST STEWART - NAMPA
TYPE *Recd* FEE *9.00*

RECORDED
CANYON COUNTY RECORDER
[Signature]

94 JUL 1 PM 4 20

RECORDED

9420268

SCANNED
JUL 20 2004

PC15798

INSTRUMENT NO. 9605575

QUITCLAIM DEED

FOR VALUE RECEIVED Richard E. Kushlan and Lorraine S. Kushlan, husband and wife doing business as KUSHLAN HOMES

does hereby convey, release, remise and forever quit claim

unto Richard E. Kushlan and Lorraine S. Kushlan, husband and wife

whose address is 18393 Pride Lane, Caldwell, ID 83605

the following described premises, to-wit:

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

together with their appurtenances.

Dated:

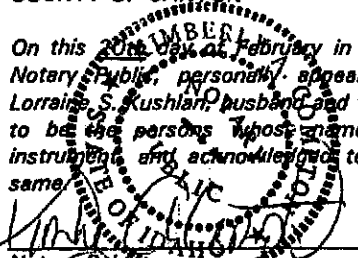

Richard E. Kushlan


Lorraine S. Kushlan

STATE OF IDAHO

COUNTY OF CANYON

On this 20th day of February in the year 1996, before me, a Notary Public, personally appeared Richard E. Kushlan and Lorraine S. Kushlan, husband and wife known or identified to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at Middleton Caldwell KAC
My commission expires 6/22/2001 1-07-99

SCANNED

JUN 29 2004

Exhibit "A"

A portion of the South Half of the North Half of the Northeast Quarter of the Southwest Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 35; thence

South 0° 02' 14" East along the East boundary of said Northeast Quarter of the Southwest Quarter a distance of 331.43 feet to the Northeast corner of said South Half of the North Half of the Northeast Quarter of the Southwest Quarter; thence

North 89° 57' 07" West along the North boundary of said South Half of the North Half of the Northeast Quarter of the Southwest Quarter a distance of 262.85 feet to the TRUE POINT OF BEGINNING; thence

South 0° 02' 14" East parallel with said East boundary a distance of 331.46 feet to a point on the South boundary of said South Half of the North Half of the Northeast Quarter of the Southwest Quarter; thence

North 89° 57' 25" West along said South boundary a distance of 394.24 feet; thence

North 0° 02' 14" West parallel with said East boundary a distance of 331.49 feet to a point on the said North boundary of said South Half of the North Half of the Northeast Quarter of the Southwest Quarter; thence

South 89° 57' 07" East along said North boundary a distance of 394.24 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO a 28-foot ingress-egress easement described as the North 28 feet of the East 657.09 feet of the said South Half of the North Half of the Northeast Quarter of the Southwest Quarter of said Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

9605575

RECORDED

96 FEB 21 AM 11 20

RECEIVED
CANYON COUNTY RECORDER

C. H. H. H.

REQUESTOR - CALDWELL

TYPE *Draft* FEE *6.00*

SCANNED
JUN 29 2004

63-31633

4N 4W

Sec. 35



Section Line



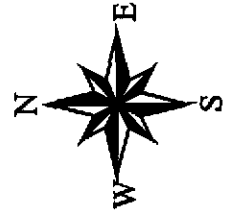
QQ Lines



Tax Lot Data



Metes & bounds description
Kushlan property



NESW

Kushlan
3 acres

0.02 0 0.02 0.04 Miles

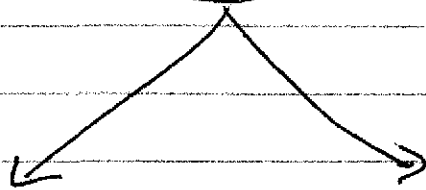


5/10/99
original

63-4256D

Split

3/7/03



Donley 63-31633

63-31634
Ketchum

4N4W

35 - NESW 3Ac

NESW

2Ac

.06 cfs
10.5 af

.04 cfs
7 af

Note:

This split should have occurred
in 1998 when ownership change was
submitted by Ketchum.

* Ketchum's portion sold in 2002 to
Johnny L. Wilson - 2 acres.

* Donely's portion ^{now} owned by Clarence Cook
but we have no address - phone #
to contact him, or enter in computer.
See ownership change form in file.

DH

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

RECEIVED
JUL 08 1998
 Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): A63-042560 & A63-28602
 2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant N. C. Donley
 4. New Owner/Claimant(s) Carolyn A. Ketchum
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 18393 Pride Lane
 City, State and ZIP Code Caldwell Idaho
 New Telephone Number 208 454-1622
 5. Date you acquired the property Dec 16, 1996
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 2 Number and type of stock Horses 3
 Diversion rate in CFS _____ Number of homes 1 Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Carolyn A. Ketchum
- Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

WHEN RECORDED MAIL TO:
 NORTH AMERICAN MORTGAGE COMPANY
 P.O. BOX 808031 P.O. BOX
 PETALUMA, CA 94975-8031
 DOC MANAGEMENT AU 054

[Space Above This Line For Recording Data]

H04

DEED OF TRUST

758821-816

THIS DEED OF TRUST ("Security Instrument") is made on **DECEMBER 16, 1996**. The grantor is **CAROLYN A. KETCHUM, AN UNMARRIED WOMAN, AND, NOLAN C. DONELY, AN UNMARRIED MAN**

("Borrower"). The trustee is **PIONEER TITLE COMPANY**

("Trustee"). The beneficiary is **NORTH AMERICAN MORTGAGE COMPANY**

which is organized and existing under the laws of **DELAWARE**, and whose address is **3883 AIRWAY DRIVE, SANTA ROSA, CA 95403**

("Lender"). Borrower owes Lender the principal sum of **SIXTY FIVE THOUSAND AND 00/100**

Dollars (U.S. \$ **65,000.00**). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on **JANUARY 01, 2027**. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in **CANYON** County, Idaho:

THE LEGAL DESCRIPTION IS ATTACHED HERETO AS A SEPARATE EXHIBIT AND IS MADE A PART HEREOF.

which has the address of **18393 PRIDE LANE, CALDWELL**, Idaho **83605-8929** ("Property Address");
 [Zip Code]

[Street, City].



A portion of the South Half of the North Half of the Northeast Quarter of the Southwest Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 35; thence

South $0^{\circ} 02' 14''$ East along the East boundary of said Northeast Quarter of the Southwest Quarter a distance of 331.43 feet to the Northeast corner of said South Half of the North Half of the Northeast Quarter of the Southwest Quarter, which point is the TRUE POINT OF BEGINNING; thence continuing

South $0^{\circ} 02' 14''$ East along said East boundary a distance of 331.43 feet to the Southeast corner of said South Half of the North Half of the Northeast Quarter of the Southwest Quarter; thence

North $89^{\circ} 57' 25''$ West along the South boundary of said South Half of the North Half of the Northeast Quarter of the Southwest Quarter a distance of 262.85 feet; thence

North $0^{\circ} 02' 14''$ West parallel with said East boundary a distance of 331.46 feet to a point on the North boundary of said South Half of the North Half of the Northeast Quarter of the Southwest Quarter; thence

South $89^{\circ} 57' 07''$ East along said North boundary a distance of 262.85 feet to the TRUE POINT OF BEGINNING.

X N.E.P. 12-16-96

Date

X Cah 12-16-96

Date



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CAROLYN KETCHUM
1893 PRIDE LN
CALDWELL ID 83605

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. A63-04256D & A63-28602

Dear Claimant:

We have been advised you may be the current owner of the property with the water right referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by July 10, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Judy Givens
SRBA Clerical Specialist

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of No. A63-04256D & A63-28602 water right filing

POOR ORIGINAL

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUL 05 1994

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: 6/10/94

LEGAL DESCRIPTION OF PROPERTY: Township 4E N Range 04 W
Section 35 1/4 of SE 1/4 of SW 1/4 Govt. Lot BM.
Lot Block Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A63-04256B

[] Name and Address of Former
Owner/Claimant(s)(Seller): N.E. DONLEY

[] New Owner/Claimant
(Purchaser): 18393 PRIDE LN.
CALDWELL, ID 83605
RON & PAM GASTELEUHTO

[] New Mailing Address: 2223 ARLINGTON AVE
CALDWELL, ID 83605

[] New Telephone Number: (208) 459-1992

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
5 (FIVE - TENTHS) - SHARES - 10 CFS
SAME PT. OF DIVERSION

[] Attach proof of
ownership, describe
proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof
of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s) Ron Gasteleuhto Date 6/30/94

[] Signature of Former
Owner/Claimant(s): N.E. Donley Date 5-17-94

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

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: By:

Further Action Needed

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED
OCT 07 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUMENT 9417802
9418395

DEED OF EASEMENT

THIS DEED, is made and entered into by and between CLARENCE D. COOK, dealing with his sole and separate property, the party of the first part, hereinafter referred to as "Cook" and NOLAN C. DONLEY, also known as N. C. DONLEY, dealing with his sole and separate property, the party of the second part, hereinafter referred to as "Donley."

W I T N E S S E T H:

WHEREAS, Cook is the owner in fee simple of the following described real property located in Canyon County, Idaho, to-wit:

N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{4}$, Section 35, Township 4
North, Range 4 West of the Boise
Meridian, Canyon County, Idaho.

AND WHEREAS, Cook has agreed, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, to grant unto Donley a non-exclusive easement for ingress, egress and utilities thereto; and

WHEREAS, Donley is the owner in fee simple of the following described real property located in Canyon County, Idaho, to-wit:

See Exhibit "A" attached hereto, and by
this reference made a part hereof.

AND WHEREAS, Donley has agreed, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, to grant unto Cook a non-exclusive easement for ingress, egress and utilities thereto;

AND WHEREAS, the above-described real properties lie adjacent and contiguous one to the other, and each parcel of property adjoins the other.

NOW THEREFORE, Cook does hereby grant unto Donley the following described easement, to-wit:

An easement for ingress, egress and
utilities along the southerly 18 feet of
the N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35, Township 4
North, Range 4 West of the Boise
Meridian, Canyon County, Idaho.

The above-described easement shall continue perpetually and shall run with the real property above described.

AND Donley does hereby grant unto Cook the following described easement, to-wit:

An easement for ingress, egress and utilities along the northerly 9.7 feet (approximately) of the following described parcel:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

The above-described easement shall continue perpetually and shall run with the real property above described.

WITNESSETH that in consideration of the good and valuable consideration herein, Cook does grant unto Donley, his heirs and assigns, full and free right and authority to utilize the above-described easement for the purposes of ingress, egress and utilities thereto.

AND WITNESSETH that in consideration of the good and valuable consideration herein, Donley does grant unto Cook, his heirs and assigns, full and free right and authority to utilize the above-described easement for the purposes of ingress, egress and utilities thereto.

Donley, his heirs, successors and assigns, shall be responsible for all costs of development and maintenance of the easement herein granted to Donley, and of the easement herein granted to Cook, according to County standards, and shall pay all expenses associated with said easements. If Donley ceases to maintain said easements according to County standards, this Deed of Easement shall be of no further force and effect.

IN WITNESS WHEREOF the parties hereto do set their hands and seals this 2nd day of June, 1994.

Clarence D. Cook
Clarence D. Cook

Nolan C. Donley
Nolan C. Donley

STATE OF ARIZONA)
County of Maricopa) :ss

On this 2nd day of June, in the year 1994, before me, _____, a Notary Public, personally appeared CLARENCE D. COOK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

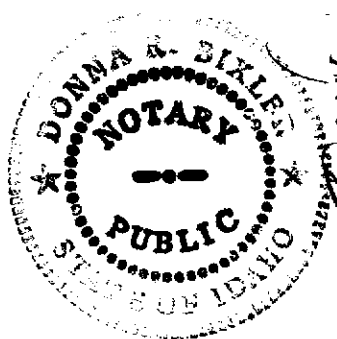


Kathy A. Latinis
Notary Public for
Commission expires: 11-28-96

STATE OF IDAHO)
County of Canyon) :ss

On this 10 day of June, in the year 1994, before me, Donna R. Bixler, a Notary Public, personally appeared NOLAN E. DONLEY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

(SEAL)



Donna R. Bixler
Notary Public for Idaho

Commission expires: 3/4/97

Residing in Caldwell

07/wcg



Skinner, Earl &
Associates, Inc.

403 Blaine • Caldwell, ID 83605
(208) 454-0933

Greg L. Skinner PLS
Gerald L. Earl PLS
Brent A. Claiborn PE

May 3, 1994

**Description for
Reed Taylor**

Parcel 1

This parcel is a portion of the S1/2N1/2NE1/4SW1/4 of Section 35, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the northeast corner of the NE1/4 SW1/4 of said Section 35;

thence South 0° 02' 14" East along the east boundary of said NE1/4SW1/4 a distance of 331.43 feet to the northeast corner of said S1/2N1/2NE1/4SW1/4, which point is the TRUE POINT OF BEGINNING;

thence continuing South 0° 02' 14" East along said east boundary a distance of 331.43 feet to the southeast corner of said S1/2N1/2NE1/4SW1/4;

thence North 89° 57' 25" West along the south boundary of said S1/2N1/2NE1/4SW1/4 a distance of 262.85 feet;

Thence North 0° 02' 14" West parallel with said east boundary a distance of 331.46 feet to a point on the north boundary of said S1/2N1/2NE1/4SW1/4;

Thence South 89° 57' 07" East along said north boundary a distance of 262.85 feet to the TRUE POINT OF BEGINNING.

This parcel contains 2.00 acres and is subject to a county road right-of-way along the easterly boundary and to a 28.00 feet ingress-egress easement along the northerly boundary.

pe.7.

MICROFILMED
OCT 07 1996



Skinner, Earl &
Associates, Inc.

403 Blaine • Caldwell, ID 83605
(208) 454-0933

Greg L. Skinner PLS
Gerald L. Earl PLS
Brent A. Claiborn PE

May 3, 1994

**Description for
Reed Taylor**

Parcel 2

This parcel is a portion of the S1/2N1/2NE1/4SW1/4 of Section 35, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the northeast corner of the NE1/4 SW1/4 of said Section 35;

thence South 0° 02' 14" East along the east boundary of said NE1/4SW1/4 a distance of 331.43 feet to the northeast corner of said S1/2N1/2NE1/4SW1/4;

thence North 89° 57' 07" West along the north boundary of said S1/2N1/2NE1/4SW1/4 a distance of 262.85 feet to the TRUE POINT OF BEGINNING;

thence South 0° 02' 14" East parallel with said east boundary a distance of 331.46 feet to a point on the south boundary of said S1/2N1/2NE1/4SW1/4;

thence ^{North}South 89° 57' 25" ^{West}East along said south boundary a distance of 394.24 feet;

thence North 0° 02' 14" West parallel with said east boundary a distance of 331.49 feet to a point on the said north boundary of said S1/2N1/2NE1/4SW1/4;

thence South 89° 57' 07" East along said north boundary a distance of 394.24 feet to the TRUE POINT OF BEGINNING.

This parcel contains 3.00 acres and is subject to and includes use of a 28.00 feet ingress-egress easement described as the north 28.00 feet of the east 657.09 feet of the said S1/2N1/2NE1/4SW1/4 of said Section 35, Township 4 North, Range 4 West of the Boise Meridian.

pe?

MICROFILMED
OCT 07 1996



**Skinner, Earl &
Associates, Inc.**

403 Blaine • Caldwell, ID 83605
(208) 454-0933

Greg L. Skinner PLS
Gerald L. Earl PLS
Brent A. Claiborn PE

May 3, 1994

Description for Reed Taylor

Parcel 3

This parcel is a portion of the S1/2N1/2NE1/4SW1/4 of Section 35, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the northeast corner of the NE1/4 SW1/4 of said Section 35;

thence South 0° 02' 14" East along the east boundary of said NE1/4SW1/4 a distance of 331.43 feet to the northeast corner of said S1/2N1/2NE1/4SW1/4;

thence North 89° 57' 07" West along the north boundary of said S1/2N1/2NE1/4SW1/4 a distance of 657.09 feet to the TRUE POINT OF BEGINNING;

thence South 0° 02' 14" East parallel with said east boundary a distance of 331.49 feet to a point on the south boundary of said S1/2N1/2NE1/4SW1/4;

thence ^{North} ~~South~~ 89° 57' 25" ^{West} ~~East~~ along said south boundary a distance of 662.01 feet to the southwest corner of said S1/2N1/2NE1/4SW1/4;

thence North 0° 02' 50" West along the west boundary of said S1/2N1/2NE1/4SW1/4 a distance of 331.55 feet to the northwest corner of said S1/2N1/2NE1/4SW1/4;

thence South 89° 57' 07" East along the said north boundary a distance of 662.07 feet to the TRUE POINT OF BEGINNING.

This parcel contains 5.04 acres more or less and is subject to and includes use of a 28.00 feet ingress-egress easement described as the north 28.00 feet of the east 657.09 feet of the said S1/2N1/2NE1/4SW1/4 of said Section 35, Township 4 North, Range 4 West of the Boise Meridian, said easement terminated on the west end by a 50.00 radius turn-around.

pep

9418395

RECORDED

39 JUN 15 PM 3 39

RECORDED

CANYON CNT RECORDER

BY *Ed McLaughlin*

dep

STEWART - NAMPA

REQUEST TYPE *Reed* FEE *18.00*

REQUEST TYPE *Reed* FEE *18.00*

REQUEST STEWART - NAMPA

BY *C. Oshin*

CANYON CNT RECORDER

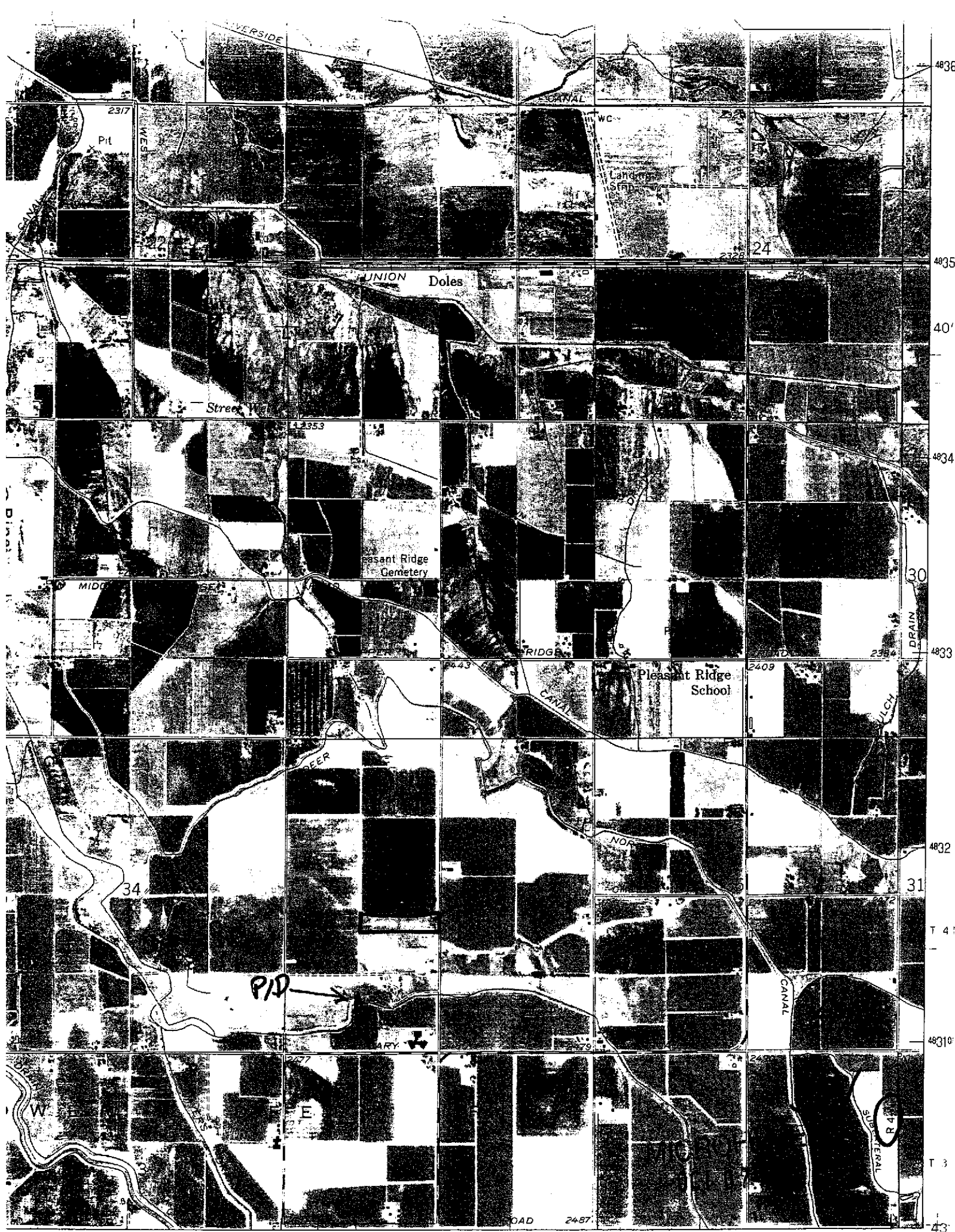
REC'D 1 EAR

94 JUN 10 PM 4 16

RECORDED

94178

MICROFILMED
OCT 07 1996



A63-04256B

SD-56 XXXXX

Idaho Department of Water Resources
Adjudication Mailing Data Entry Screen

Date: 05/17/94
Time: 07:27:39

County No: 27 County Name: ~~CANYON~~_____

Last: DONLEY_____ First: ~~11-0~~_____

Address: RT 6 BOX 126_____

City: CALDWELL_____ State: ID ZIP Code: 83605_____ Source CT

Y	Commencement	-	Docket Sheet	-	Monthly Status Report
-	Water User Handbook	-	Water Law Handbook	-	Long Claim Form
-	Short Claim Form	-	Federal Claim Form	-	Miscellaneous
-	Application				

Expired Year: _____ Form Mail Date: __/__/__

Round #1 Mail Date: 12/07/89
Round #1 Deadline: __/__/__

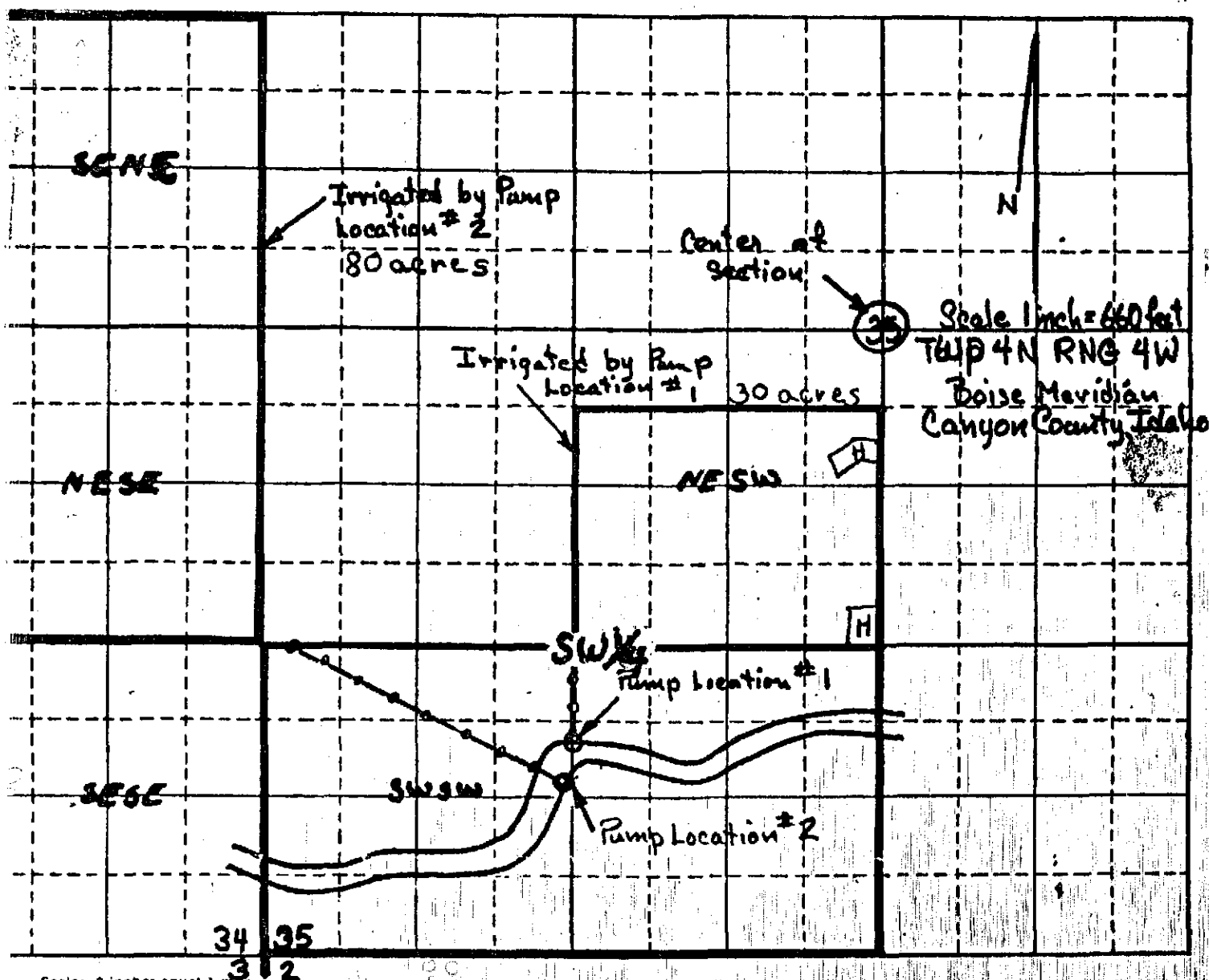
Round #2 Mail Date: _____
Round #2 Deadline: __/__/__

Certified Number: _____

(Enter=Continue) (GOLD2=Update) (GOLD3=Delete) (GOLD7=Name Search) (GOLD8=Exit)

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OCT 07 1996

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada

ss.

POOR ORIGINAL

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 15 day of July

Notary Public

Residing at Boise, Idaho

My commission expires June 15, 1977

For Department Use Only

Received by JOES Date 7-15-77 Exception filed by: _____ Date _____
Prelim. check by JOES Date 15 July 1977 Forwarded to claimant by: _____ Date _____
\$10.00 fee received by JOES Date 7-15-77
Approved for publication by JOES
Published in Boise Tribune
Dates 7-25 + 3-7-77

ADJUDICATION MEMORANDUM

CLAIM NO.: A63-04256B

SUBJECT: CHANGE OF OWNERSHIP

EMPLOYEE: JAN THURTELL

DATE: 7-20-94 (SPLIT)

Mr. Donley came in today in response to our letter dated 7-19-94 which pertained to the Change of Ownership splitting the above claim. He stated that he owned the orig. 10 acres & has sold 5 acres to Ron Gastelecutto - A63-04256E. Same pt. of diversion for 10 cfs. The other split was for 3 acres & he could not come up with the address of the new owner, nor their signature. I sent the ownership change with him to get their address & signature. Once it is returned I will split the remaining 5 acres into 2 acres for Donley & 3 for new owner.

(COPY OF INCOMPLETE CHANGE OF OWNERSHIP ATTACHED)

MICROFILMED
OCT 07 1996

(NOW 5 acres on A63-04256D)



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 21, 1994

Re: Original Notice of Claim to a Water Right No. A63-04256B

Renumbered to Notice of Claim to a Water Right No. A63-04256D

N C Donley
18393 Pride Lane
Caldwell, ID 83605

Dear Mr. Donley:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Enclosure

MICROFILMED
OCT 07 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 6/10/94

LEGAL DESCRIPTION OF PROPERTY: Township 4 N Range 04 W
Section 35 1/4 of SE 1/4 of SW 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A 63 - 04256 B

☐ Name and Address of Former
Owner/Claimant(s)(Seller): N. C. DANLEY
18393 PRIDE LN.
CALDWELL, ID 83605

☒ New Owner/Claimant
(Purchaser): CHARLACE D. COOK *Need address*

☒ New Mailing Address: *(mailing) +*
 phone number)

☒ New Telephone Number: () - -

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

.3 (THREE TENTHS) - 3 ACRES - .06 CFS
(SAME POINT OF DIVERSION AS CLAIMED)

☒ Attach proof of
ownership, describe
proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New
Owner/Claimant(s): Date

☐ Signature of Former
Owner/Claimant(s): *Need new*
 owner's
 signature

(Signature of former claimant(s) is
ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED
OCT 07 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Should have
been a
split of

63-42562!

Armenta
Gustafson

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 63-31633

(Insert water right number)

)

Case No. 39576

)

STANDARD FORM 1
OBJECTION

)

Please fill in the following information:

JUN 1 1997
DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

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: Richard and Lorraine Kushlan

Address: 18397 Pride Ln.

Caldwell, ID 83607

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 Wilder 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 Wilder 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 Wilder Irrigation District. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

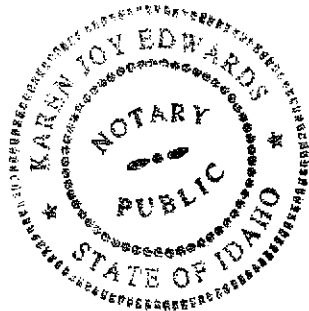
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

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:

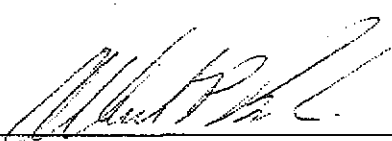
Name: Richard and Lorraine Kushlan
Address: 18397 Pride Ln.
Caldwell, ID 83607

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-31633
NAME AND ADDRESS: RICHARD E KUSHLAN
18397 PRIDE LN
CALDWELL ID 83607

LORRAINE S KUSHLAN
18397 PRIDE LN
CALDWELL ID 83607

SOURCE: LOWER EMBANKMENT DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 04/01/1949

POINT OF
DIVERSION: T04N R04W S35 NWSESW 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	0.060 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S35 NESW 3.00

3 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.

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

Right Nos. 63-4256C, 63-4256E and 63-31634 are also diverted through point of diversion described above.

Parcel No. R3660401B0

11/03/2006

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

RIGHT NUMBER: 63-31633

NAME AND ADDRESS: RICHARD E KUSHLAN
18397 PRIDE LN
CALDWELL ID 83607

LORRAINE S KUSHLAN
18397 PRIDE LN
CALDWELL ID 83607

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW 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	0.060 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S35 NESW 3.00

3 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

Right Nos. 63-4256C, 63-4256E and 63-31634 are also diverted through point of diversion described above.

Parcel No. R3660401B0

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: 63-31633

RICHARD E KUSHLAN
18397 PRIDE LN
CALDWELL ID ~~83685~~ 83607
Telephone Number: (208)459-6225

LORRAINE S KUSHLAN
18397 PRIDE LN
CALDWELL ID ~~83685~~ 83607
Telephone Number: (208)459-6225

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 03 2006

DEPARTMENT OF WATER RESOURCES

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

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

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: 10-26-06 SIGNATURE: Richard E. Kushlan

Please print your name: Richard E. Kushlan

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

fixed zip
code - kw
11/3/06

07/13/2006

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

RIGHT NUMBER: 63-31633

NAME AND ADDRESS: RICHARD E KUSHLAN
18397 PRIDE LN
CALDWELL ID 83605

LORRAINE S KUSHLAN
18397 PRIDE LN
CALDWELL ID 83605

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW 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	0.060 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S35 NESW 3.00

3 ACRES TOTAL

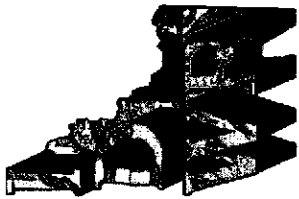
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Right Nos. 63-4256C, 63-4256E and 63-31634 are also diverted through point of diversion described above.

Parcel No. R3660401B0



Idaho Department of Water Resources

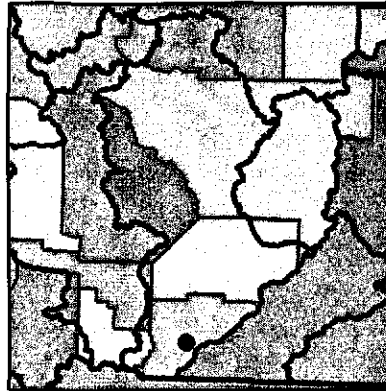
SRBA Recommendation:

63-31633

Acres = 3

Legend

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



Canyon County
IDWR Basin 63

Prepared by K. Walker
On Thursday, July 13, 2006
1987/88 Aerial Photography

R04W

35

T04N



0 0.1 0.2 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31633

WATER RIGHT NUMBER: 63-31633

Owner Type Name and Address

Original Owner ~~N.C. DONLEY~~
 18393 PRIDE LN
 CALDWELL, ID 83605
 (208)454-1622

Current Owner RICHARD E KUSHLAN ✓
 18397 PRIDE LN ✓
 CALDWELL, ID 83605 ✓
 (208)459-6225 ✓

Original Owner TOBIAS BENDER
 RT 6
 CALDWELL, ID 83605

Current Owner LORRAINE S KUSHLAN ✓
 18397 PRIDE LN ✓
 CALDWELL, ID 83605 ✓
 (208)459-6225 ✓

Priority Date: 04/01/1949

Basis: ~~Statutory Claim~~ *BIU*

Status: Active

Source

LOWER EMBANKMENT DRAIN ✓

Tributary

SNAKE RIVER ✓

Beneficial Use

IRRIGATION ✓

From To
 03/15 to 11/15

Diversion Rate

0.060 CFS ✓

Annual Volume

10.50 AF

10.50 AF

0.060 CFS ✓

Total Diversion: 3/1 - 11/15

Location of Point(s) of Diversion

LOWER EMBANKMENT DRAIN ✓

SE1/4SW1/4 ✓

Sec. 35, Twp 04N, Rge 04W, B.M.

CANYON County ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	35	NE	NW	SW	SE	3.0

Total Acres: 3

Conditions of Approval:

1. This claim is the result of a split due to change in ownership for a portion of 63-4256D. See remarks in 63-4256D. DIT 3/7/2003

*in office review
 in conjunction
 w/ 63-4256C & E
 Kay Walker
 7/13/06*

*Recommend season
 standard for area*

*N/A
 surface
 water*

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31633

2. NOTE: This portion is owned by Clarence Cook, per ownership change info in file, however there is no address or phone number to contact Cook and make the changes. Therefore, it remains in Donleys name. DH 3/7/2000
3. Ownership changed by DB 7/27/2004

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4256

WATER RIGHT NUMBER: 63-4256

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOBIAS BENDER RT 6 CALDWELL, ID 83605

Priority Date: 04/01/1949

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
LOWER EMBANKMENT DRAIN	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.200 CFS	
	<u>Total Diversion:</u>	2.200 CFS	

Location of Point(s) of Diversion

LOWER EMBANKMENT DRAIN CANYON County	SE1/4SW1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
LOWER EMBANKMENT DRAIN CANYON County	SW1/4SW1/4	Sec. 35, Twp 04N, Rge 04W, B.M.

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 04W 34				40.0									40.0				80.0
04N 04W 35								30.0									30.0

Total Acres: 110

Conditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31633

02/03/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1256C	Claim	04N	04W	35	NE	SW		IRRIGATION	<u>1 20/20</u>	PRISCILLA ARMENTA
1256E	Claim	04N	04W	35	NE	SW		IRRIGATION	<u>2 5/5</u>	PAM GASTELECUTTO
31443	Claim	04N	04W	35	NE	SW		IRRIGATION	<u>10/50</u>	DANIEL J SILVERIA
31633	Claim	04N	04W	35	NE	SW		IRRIGATION	<u>3 3/3</u>	RICHARD E KUSHLAN
31634	Claim	04N	04W	35	NE	SW		IRRIGATION	<u>4 2/2</u>	JOHNNY L WILSON
2751	Water Right	04N	04W	35	NE	SW		IRRIGATION	<u>10/90</u>	CLARENCE D COOK
2876	Water Right	04N	04W	35	NE	SW		IRRIGATION	<u>8/8</u>	LESTER R HARRIS
~~4256~~	~~Water Right~~	04N	04W	35	NE	SW		IRRIGATION	<u>30/110</u>	TOBIAS BENDER
28602	Water Right	04N	04W	35	NE	SW		~~STOCKWATER~~		N C DONLEY
28181	Water Right	04N	04W	35	NE	SW		~~DOMESTIC~~		SANTIAGO ARMENTA
28602	Water Right	04N	04W	35	NE	SW		~~DOMESTIC~~		N C DONLEY
28735	Water Right	04N	04W	35	NE	SW		~~DOMESTIC~~		TERESA ARMENTA

Receipt Details for ID W017488

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/16/1994 3:59:31 PM	5/16/1994	Western	\$60.00	Check
Payer		DONLEY, N C		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3867			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$60.00	ADJUDICATION CLAIM	41503	337	0	0	1155

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4256	B	\$60.00	Claim

[Print Report](#)

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Mr. Tobias Bender (name of claimant)
of Route 6, Caldwell, Idaho 83605, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Snake River.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed drain
(Sometimes recently referred to as the Lower Imbankment Drain)
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

#1	Amount	.60	Use	Irrigation	Period of Use:	From	April 1	To	Oct. 31
#2	Amount	1.60	Use	Irrigation	Period of Use:	From	April 1	To	Oct. 31
	Amount		Use		Period of Use:	From		To	
		(dis. gpm or a/f)		(dom., irri. stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 2.2 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) April 1, 1949

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

#1 SE ¼ SW ¼, Sec. 35 Twp. 4 N. R. 4 W B.M. County of Canyon

Additional points of diversion: #2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T.4 N., R.4 W.

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pump from drain through pipeline to property. Pipeline located on quarter section line.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

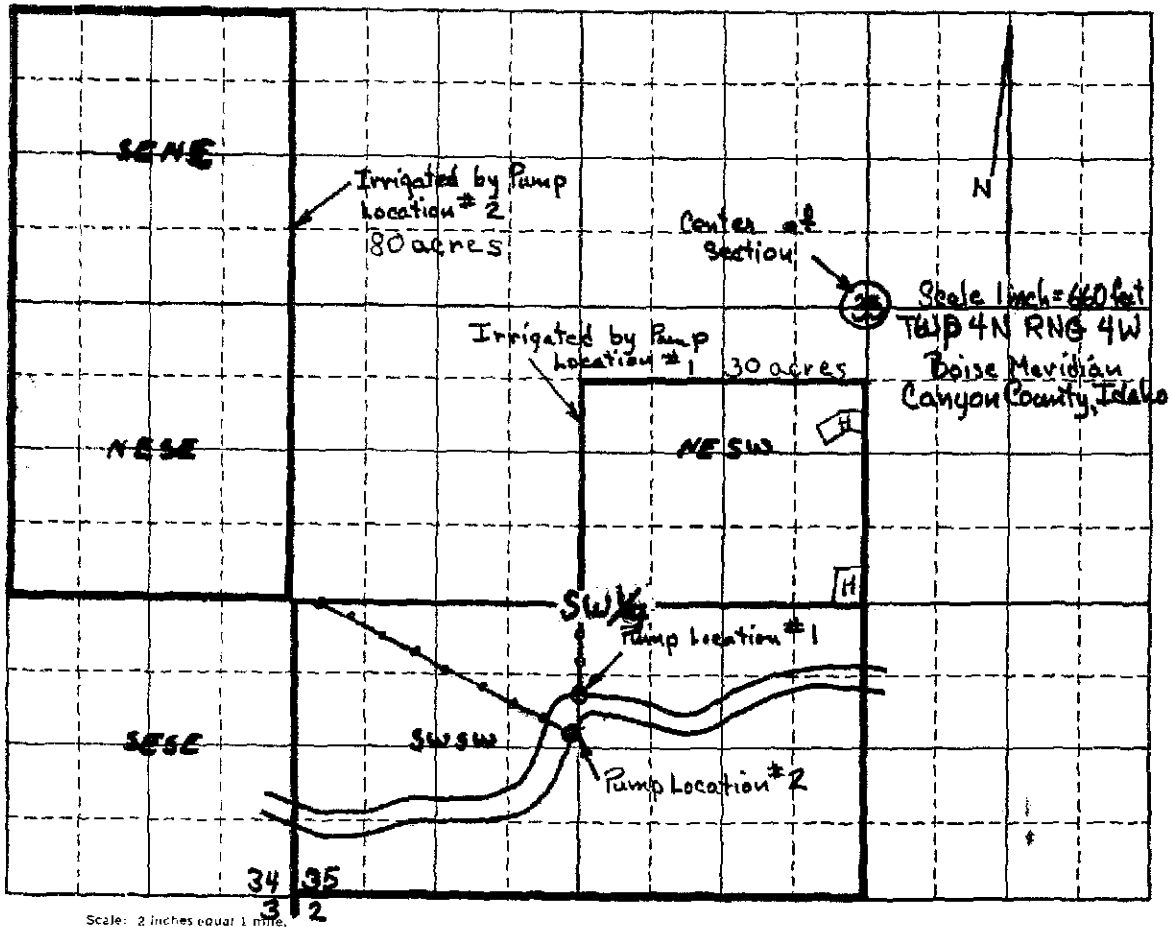
[illegible]

Total No. of acres 110

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 15 day of

Tobias Bender
(Claimant)

Edwina Tallet
Notary Public

Residing at Boise, Idaho

My commission expires

June 15, 1977

For Department Use Only

Received by <u>CEB</u>	Date <u>3-15-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CEB</u>	Date <u>15 July 1974</u>		claimant by:	
\$10.00 fee received by <u>CEB</u>	Date <u>3-15-74</u>			
Approved for publication by <u>Edwina Tallet</u>				
Published in <u>Boise, Idaho</u>				
Dates <u>2-25-74 to 3-7-74</u>				

RECEIVED

MAR 01 2006

WATER RESOURCES
WESTERN REGION

Richard E. and Lorraine S. Kushlan
18397 Pride Ln
Caldwell, Idaho 83607

Kimberley Brown
Water Resource Agent
Adjudication Bureau

RE: A63-31633

Dear Kimberley,

In response to your request for evidence of priority date for the referenced claim for water right, Precilla and Santiago Armenta and Ron and Pam Gastelecutto have been in contact with Edna M. Britton who lived on and helped farm the property in the early 1940's.

The claim numbers for The Armenta's and Gastelecutto's are different from ours, however, our property was a part of the original parcel covered in the affidavit.

If this is in fact what is in question, this affidavit will be sufficient for all properties in this quarter section.

If there is anything else you need, please contact me by fax @208-459-6225 or e-mail @kushlan@msn.com.

Sincerely

Rick Kushlan

.....

Sent on 2-18-06
To be placed into each file -

ATTENTION

Feb. 18, 2006

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A63-4256C)

State of Idaho)
County of Canyon)

KIMBERLY
AFFIDAVIT

RECEIVED

MAR 01 2006

WATER RESOURCES
WESTERN REGION

Richard & Edna Britton and 1 child

deposes and says: _____

In reference to the use of water
at the lower embankment drain located
at T 04N, R 04W, S 35 for use on NE 1/4 SW

We moved onto this property in 1942.
a pump was already in the drain ditch pumping water
north of the ditch. Richard installed another pump in 1949.
We raised alfalfa, corn, beets, potatoes and "Dorset" strawberries
to sell. We and our 5 children moved into the "Sister Harris"
house in 1957 and we also pumped water on that
property with this same pump. We moved away
in 1966. Grisella Armenta moved onto this property
in 1977. Richard passed away in 1978

Edna M. Britton
(Signature)

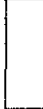
Mrs. Richard Britton

63-31633

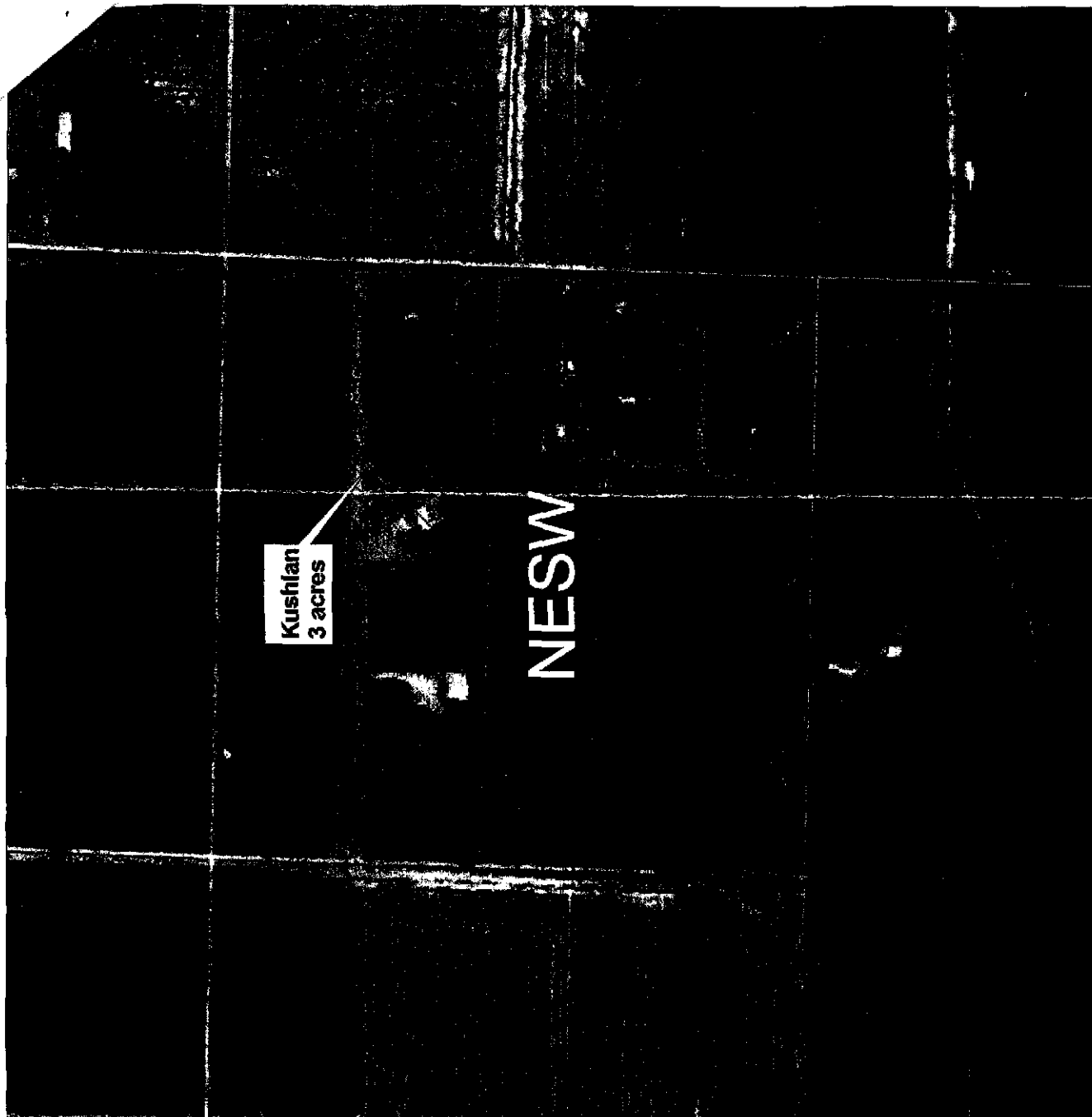
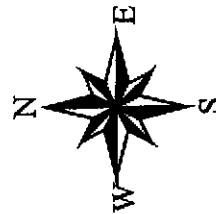
4N 4W
Sec. 35

 Section Line

QQ Lines

 Tax Lot Data

Metes & bounds description
Kushlan property



0.02 0 0.02 0.04 Miles



KUSHLAN HOMES

18397 PRIDE LANE
CALDWELL, IDAHO 83605

FROM RICK KUSHLAN

OFFICE; 459-6225

CELL; 941-3285

FAX; 459-6225

TO: _____ Water Resources

ATTEN. _____ Kimberley Brown

FAX # _____ 334-2348

DATE _____ 2/28/06 _____

of Pages _____ 3 _____ Including Cover

Kimberley,

I am faxing this letter and affidavit to meet the March 2 deadline, I will also send it in the mail with the map information requested.

Call if you need anything else.

Thanks for your help

Rick Kushlan
Kushlan Homes

~~no claim for
this portion~~
* See
#63-31633

Richard E. and Lorraine S. Kushlan
18397 Pine Ln
Caldwell, Idaho 83607

Kimberley Brown
Water Resource Agent
Adjudication Bureau

RE: A63-31633

Dear Kimberley,

In response to your request for evidence of priority date for the referenced claim for water right, Precilla and Santiago Armenta and Ron and Pam Gastelecuto have been in contact with Edna M. Britton who lived on and helped farm the property in the early 1940's.

The claim numbers for The Armenta's and Gastelecuto's are different from ours, however, our property was a part of the original parcel covered in the affidavit.

If this is in fact what is in question, this affidavit will be sufficient for all properties in this quarter section.

If there is anything else you need, please contact me by fax @208-459-6225 or e-mail @kushlan@msn.com.

Sincerely

Rick Kushlan

ATTENTION

Feb. 18, 2006

IN THE MATTER OF
NOTICE OF CLAIM TO
A WATER RIGHT NO. (S)
A63-4256C

KIMBERLY
AFFIDAVIT

State of Idaho
County of Canyon

Richard & Edna Britton and 1 child

deposes and says:

In reference to the use of water
at the lower embankment drain located
at T 04N. R 04W. S 35 for use on NE 3W

We moved onto this property in 1942.
A pump was already in the drain ditch pumping water
north of the ditch. Richard installed another pump in 1949.
We raised alfalfa, corn, beans, potatoes & "Dorset" strawberries
to sell. We and our 5 children moved into the "Sister Harris"
house in 1957 and we also pumped water on that
property with this same pump. We moved away
in 1966. Priscilla Armenta moved onto this property
in 1977. Richard passed away in 1978

Edna M. Britton
(Signature)

Mrs. Richard Britton



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 8, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LORRAINE & RICHARD KUSHLAN
18397 PRIDE LN
CALDWELL ID 83605

+ sent
shapefile

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-31633

Dear Claimants,

In the past, Tobias Bender 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. Mr. Bender 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 2, 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 may be receiving a call from us in order to set-up an appointment for a field exam.



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,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-31633

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 27, 2004

RICHARD E KUSHLAN
LORRAINE S KUSHLAN
18397 PRIDE LN
CALDWELL ID 83607

Re: Notice of Claim to a Water Right No. 63-31633

Dear Claimant(s):

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

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

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

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

SCANNED

JUL 27 2004



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

July 13, 2004

RICHARD KUSHLAN
LORRAINE KUSHLAN
18397 PRIDE LN
CALDWELL ID 83607

RE: Notice of Change of Water Right Ownership Claim No. 63-31633

Dear Property Owner(s):

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (copy enclosed), however, we are unable to complete this ownership change at this time. In order to complete this change of ownership, we need the deed showing the property being transferred from the former owner to you. The deed submitted indicates the property being transferred from Kushlan Homes to Richard and Lorraine Kushlan; however, does not mention the former owner of the property.

Please submit this additional information which should include the description of the property by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range, and we will be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosures

SCANNED

JUL 13 2004



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

July 22, 2002

ALLIANCE TITLE & ESCROW CORP
8385 EMERALD
BOISE ID 83704

RE: Notice of Change of Water Right Ownership No. 63-4256D

To Whom It May Concern:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was recently submitted to our office for Johnny L Wilson. However, we cannot continue to process the ownership change without sufficient **proof of ownership**. This proof can be a copy of a warranty deed(s), sales contract or tax assessment, which includes the **legal description of the property by 1/4 1/4 Section, Township and Range**.

Please submit a copy of the proof of ownership, and we will be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region
(208) 334-2190

DH: dh

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 19, 1994
N.C. Donley
18393 Pride Ln.
Caldwell ID 83605

Dear Wateruser(s):

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S).**

_____ There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

_____ Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

_____ It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

_____ Name and address of former owner (seller). This will clarify the original owner of the water right.

X _____ Name, address and phone number of new owner (purchaser).

X _____ This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.
Enclosed is a computer copy of this right for your review.

_____ Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

MICROFILMED

Oct 07 1996

Signature of new owner (purchaser) is needed on this form.

X other: How many acres go to the new owner?

Please be more specific.

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

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

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LW:1
Enclosures

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OCT 07 1996