

3. I have used the Well and the water from the Well that is the subject of this dispute since my family purchased the Parcel in 1999. When we purchased the Parcel, we were lead to believe, and in fact did believe, that we owned the Well outright. We had exclusive use of the Well and no one else, to my knowledge, used the Well.

4. Attached hereto as Exhibit B is a true and correct copy of a Quitclaim Deed, dated February 19, 2005, Canyon County Instrument No. 200516592, conveying any interest David W. Vastine and Marcia J. Vastine had in the ten foot by ten foot parcel surrounding the Well and a permanent easement for the Well.

5. Attached hereto as Exhibit C is a true and correct copy of a Quitclaim Deed, dated March 2, 2005, Canyon County Instrument No. 200516593, conveying any interest Canyon Cattle Co. Inc., had in the ten foot by ten foot parcel surrounding the Well and the permanent easement for the Well.

6. Since I have owned the Parcel, I have not allowed anyone to use the Well or water from the Well without my permission. Mr. Whitted, the owner of the adjacent parcel on which the Well is located (the "Whitted Parcel"), has on several occasions indicated he believes he owns the Well, but, to the best of my knowledge, he has not used water from the Well.

7. The Whitted Parcel contains a steep rim near the western boundary of that property. The land to the west of the rim is lower in elevation than the land east of the rim. The Well is located to the west of the rim on the Whitted Parcel, approximately eight feet from the western boundary of the Whitted Parcel. Attached hereto as Exhibit D is a true and correct copy of a satellite photo from Google Earth showing the topography of Mr. Whitted's and my parcels. This photo accurately shows the topography of the area.

8. Because the pipeline was leaking, on at least two different occasions in 2003 and 2005, I hired a third-party contractor, A-1 Pro Pump, to work on the pipeline connecting the Well to my water system. Among other things, A-1 Pro Pump dug up the old steel pipe and replaced it with a new PVC pipeline. Mr. Whitted did not object to A-1 Pro Pump's entry onto his parcel to access the Well.

9. I have reviewed the Idaho Department of Water Resources ("IDWR") file concerning Water Right No. 63-7539, which the IDWR maintains in its regular course of business.

10. Attached hereto as Exhibit E is true and correct copy of the Report of the Well Driller for Water Right No. 63-7539 that I obtained from the IDWR files.

11. Attached hereto as Exhibit F is true and correct copy of the Proof of Application of Water to Beneficial Use for Water Right No. 63-7539 that I obtained from the IDWR files.

12. Attached hereto as Exhibit G is true and correct copy of a letter from Jack Barnett to Mr. Ken Foit, Western District Engineer, regarding Water Right No. 63-7539 that I obtained from the IDWR files.

13. Attached hereto as Exhibit H is true and correct copy of the Department of Water Administration's Field Report for Water Right No. 63-7539 that I obtained from the IDWR files.

14. Attached hereto as Exhibit I is true and correct copy of the State of Idaho Department of Water Administration's Application for Permit for Water Right No. 63-7539 that I obtained from the IDWR files.

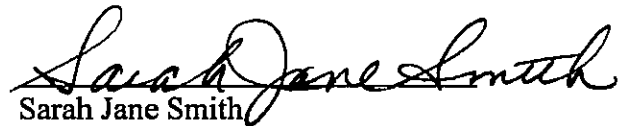
15. Attached hereto as Exhibit J is true and correct copy of the IDWR Water Right License for Water Right No. 63-7539 that I obtained from the IDWR files.

16. Attached hereto as Exhibit K is a true and correct copy of a property description from a survey performed by Skinner, Earl, & Associates, Inc., in 1992 that describes the Well parcel easement.

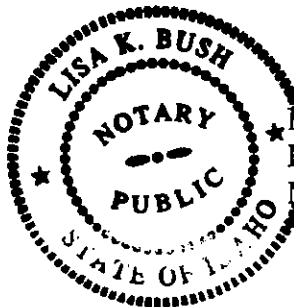
17. Attached hereto as Exhibit L is a true and correct copy of the survey performed by Skinner, Earl, & Associates, Inc., that is recorded in the Canyon County real property records as Instrument No. 9215497 that reflects my Parcel and the Well parcel easement.

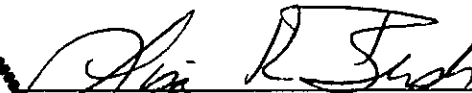
FURTHER, YOUR AFFIANT SAYETH NAUGHT.

Dated this 30th day of July, 2008


Sarah Jane Smith

SUBSCRIBED AND SWORN before me this 30th day of July 2008.




Notary Public
Residing at: Boise
My Commission Expires: 7/12/12

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2008, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Craig Whitted
7144 Warren Spur Road
Melba, Idaho 83641-5228

☒ U.S. Mail
☐ By hand
☐ Overnight
☐ Facsimile


John M. Marshall

200429614

P.N 79964

84

14

WARRANTY DEED

FOR VALUE RECEIVED DAVID JOSEPH DONALDSON REVOCABLE TRUST
dated June 29, 1999

the Grantor, does hereby grant, bargain, sell and convey unto SARAH JANE SMITH, an unmarried woman

the Grantee, whose address is 7511 WARREN SPUR ROAD, MELBA, ID 83641-5231

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS
REFERENCE:

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

DATED: May 27, 2004

DAVID JOSEPH DONALDSON REVOCABLE TRUST

BY: David Joseph Donaldson
TRUSTEE

STATE OF ARIZONA
COUNTY OF MARICOPA

On this 1st day of June, 2004, before me,
a notary public, personally appeared DAVID JOSEPH
DONALDSON, known to me to be the person(s) whose name(s)
is/are subscribed to the within instrument as TRUSTEE of THE
DAVID JOSEPH DONALDSON REVOCABLE TRUST and
acknowledged to me that they executed the same as such TRUSTEE.

Rebecca M. Earp

Notary Public

~~Residing at Nampa, Idaho~~ RESIDING AT APODLE, AZ

~~My commission expires 4/17/2009~~ MY COMMISSION EXPIRES 03/31/08

2004 JUN 2 PM 4 40
RECORDED
CANYON COUNTY RECORDER
BY Rebecca M. Earp
REQUEST PIONEER-NAMPA
TYPE Deed Fee 6.01



REBECCA M. EARP
Notary Public - Arizona
Maricopa County
Expires 03/31/08

200429614

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

EXHIBIT

A

tabbles

15

ADL

PN79964

A tract of land situated in a part of the Southwest Quarter, Section 14, and Northwest Quarter and Southwest Quarter, Section 23, Township 1 South, Range 2 West, Bolse Meridian, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at the Quarter Section Corner common to Sections 14 and 23, said corner monumented with a 3 inch diameter brass disk; thence

North 90° 00' 00" West, a distance of 300.00 feet along the boundary common to said Sections 14 and 23 to a point on the centerline of an abandoned railroad tracks, said point monumented with a 1/2 inch diameter iron pin; thence

South 0° 00' 00" West, a distance of 115.00 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" West, a distance of 125.00 feet to a 1/2 inch diameter iron pin; thence

North 55° 07' 18" West, a distance of 800.00 feet to a 1/2 inch diameter iron pin; thence

South 29° 43' 50" West, a distance of 267.11 feet to a point on the Northerly shoulder of Warren Spur Road, said point monumented with a 2 inch PK nail and brass washer; thence

North 50° 07' 00" West, a distance of 506.52 feet along the Northerly shoulder of said Warren Spur Road to a 2 inch PK nail and brass washer; thence

North 59° 16' 25" West, a distance of 661.48 feet along the Northerly shoulder of said Warren Spur Road to a 2 inch PK nail and washer; thence

South 0° 54' 57" West, a distance of 723.43 feet to a point on the centerline of an existing powerline, said point monumented with a 1/2 inch diameter iron pin; thence

North 87° 34' 56" West, a distance of 165.42 feet along the centerline of said powerline to a 1/2 inch diameter iron pin; thence

South 13° 57' 40" East, a distance of 956.02 feet to a point at the base of a Butte, said point monumented with a 1/2 inch diameter iron pin; thence along the base of said Butte as follows:

South 26° 20' 34" West, a distance of 139.54 feet;

South 12° 38' 18" West, a distance of 226.30 feet;

South 19° 06' 43" East, a distance of 242.21 feet;

South 10° 45' 12" West, a distance of 160.19 feet;

South 25° 47' 38" East, a distance of 211.79 feet;

South 43° 14' 29" East, a distance of 447.97 feet;

North 84° 29' 44" East, a distance of 230.87 feet; thence leaving the base of said

Butte

South 6° 18' 03" East, a distance of 712.84 feet to a 1/2 inch diameter iron pin; thence

North 65° 43' 06" East, a distance of 721.60 feet to a 1/2 inch diameter iron pin; thence

South 37° 24' 48" East, a distance of 185.07 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" East, a distance of 701.68 feet to a point on the mid-section line of said Section 23, said point monumented with a 1/2 inch diameter iron pin; thence

North 0° 00' 00" East, a distance of 2,656.35 feet along said mid-section line to the **POINT OF BEGINNING.**

200516592

RECORDED

2005 MAR 30 PM 2:03

C. NOEL HALES

CANYON CNTY RECORDER

BY: *[Signature]*

REQUEST *[Signature]*
TYPE *[Signature]* FEE *[Signature]*

When recorded return to:

Judson B. Montgomery
GIVENS PURSLEY LLP
601 W. Bannock Street
Boise, ID 83702

QUITCLAIM DEED

FOR VALUE RECEIVED, David W. Vastine, Marcia J. Vastine and the 1998 David W. Vastine and Marcia J. Vastine Family Trust, dated November 4, 1998, the GRANTORS, hereby quitclaim unto Canyon Cattle Company, Inc., whose current address is 7702 Warren Spur Road, Melba, Idaho 83641, the GRANTEE, that certain real property in Canyon County, State of Idaho, more particularly described on Exhibit A, attached hereto.

TO HAVE AND TO HOLD the said real property with all appurtenances, including, without limitation, all water shares, water rights and water claims appurtenant to the real property, unto the said GRANTEE, and GRANTEE'S heirs and assigns forever.

Dated effective the 19 day of February, 2005

GRANTORS:

DAVID W. VASTINE

MARCIA J. VASTINE

By: *[Signature]*
David W. Vastine

By: *[Signature]*
Marcia J. Vastine

THE 1998 DAVID W. VASTINE and MARCIA J. VASTINE FAMILY TRUST, dated November 4, 1998

By: *[Signature]*
David W. Vastine, Trustee

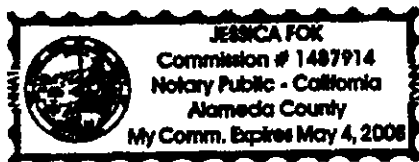
By: *[Signature]*
Marcia J. Vastine, Trustee

17

State of California)
County of Alameda) SS:

On February 19, 2005, before me, Jessica Fok, Notary Public, personally appeared David W. Vastine and Marcia J. Vastine, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

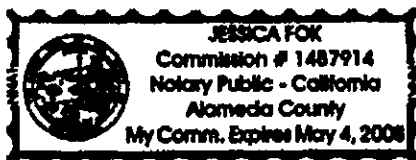


Jessica Fok
Signature of Notary Public

State of California)
County of Alameda) SS:

On February 19, 2005, before me, Jessica Fok, Notary Public, personally appeared David W. Vastine and Marcia J. Vastine, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities as Trustees of the 1998 David W. Vastine and Marcia J. Vastine Family Trust, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



Jessica Fok
Signature of Notary Public

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EXHIBIT A

A 10-foot by 10-foot parcel on which is located a well enclosed in a cement housing, which parcel is located approximately in the Southeast corner of the Southwest Quarter of Section 14 in Township 1 South, Range 2 West, Boise Meridian, and which well is connected by pipelines to property in the Northwest Quarter of Section 23 in Township 1 South, Range 2 West, Boise Meridian; together with a permanent easement and right-of-way for the purpose of conveying water through said pipelines and maintaining, servicing and repairing the well and pipelines herein described.

200516598

RECORDED

2005 MAR 30 PM 2:09

G. NOEL HALE

CANYON COUNTY RECORDER

BY

[Signature]

REQUESTED

TYPE

[Signature]
Pearl Peavey

When recorded return to:

Judson B. Montgomery
GIVENS PURSLEY LLP
601 W. Bannock Street
Boise, ID 83702

QUITCLAIM DEED

FOR VALUE RECEIVED, Canyon Cattle Co., Inc., an Idaho corporation, also known as Canyon Cattle Company, Inc. ("GRANTOR"), hereby quitclaims unto Sarah Jane Smith, dba Canyon Cattle Feeders, whose current address is 7511 Warren Spur Road, Melba, Idaho 83641 ("GRANTEE"), that certain real property in Canyon County, State of Idaho, more particularly described on Exhibit A, attached hereto.

TO HAVE AND TO HOLD the said real property with all appurtenances, including, without limitation, all water shares, water rights and water claims appurtenant to the real property, unto the said GRANTEE, and GRANTEE'S heirs and assigns forever.

Dated effective the 2nd day of March, 2005.

GRANTOR:

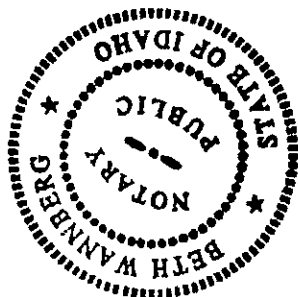
CANYON CATTLE CO., INC., an Idaho corporation

By:

[Signature]
Pearl Peavey, President

State of Idaho)
County of Canyon) ss.

On this 2nd day of March, 2005, before me, a Notary Public in and for said State, personally appeared Pearl Peavey, known or identified to me to be the President of Canyon Cattle Co., Inc., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



[Signature]
Notary Public for Idaho

Residing at Caldwell, Id

My Commission expires 10-4-06

QUITCLAIM DEED - 1

S:\clients\738311\Canyon Cattle Quitclaim Deed GP01.doc

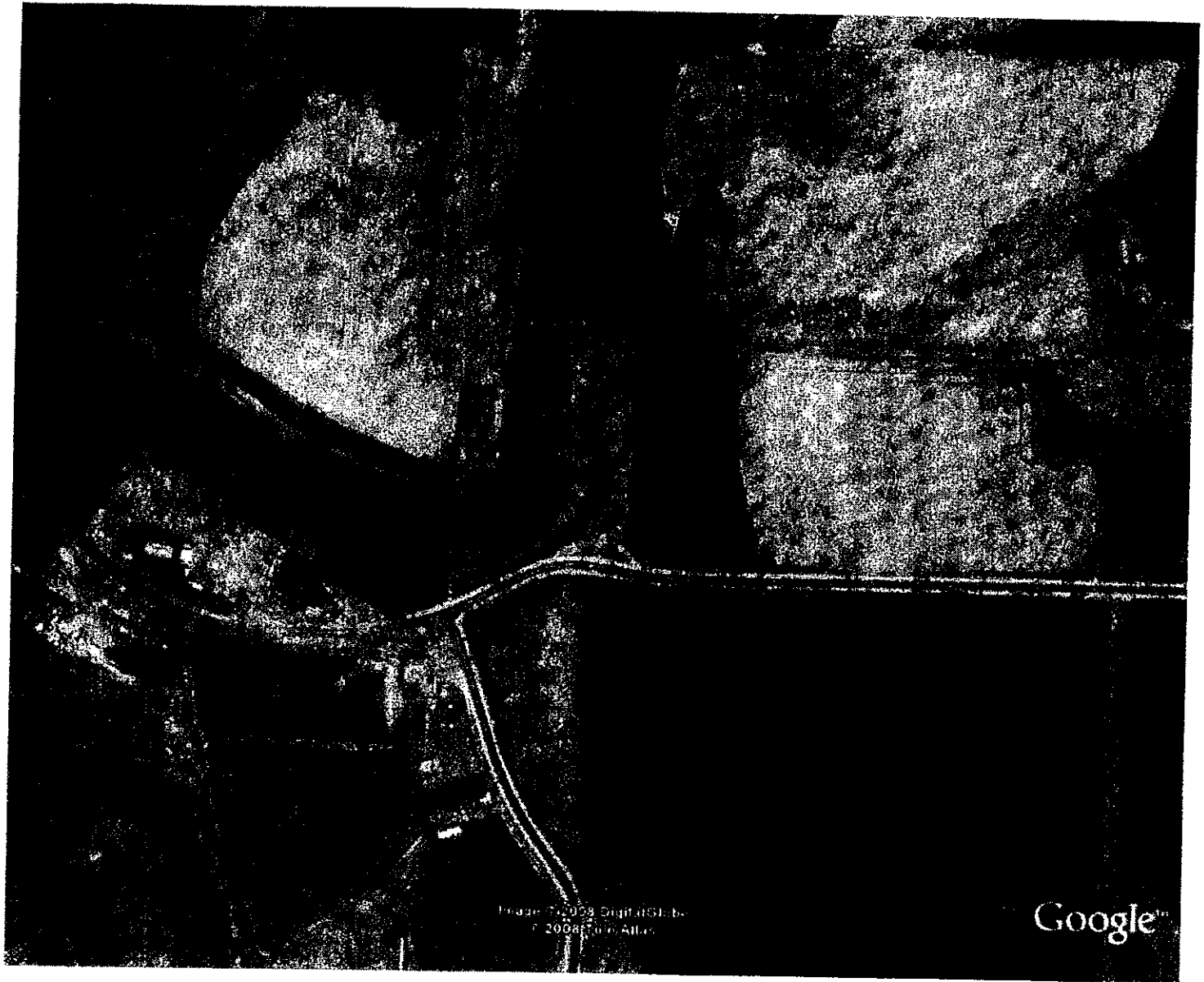
EXHIBIT

C

20

EXHIBIT A

A 10-foot by 10-foot parcel on which is located a well enclosed in a cement housing, which parcel is located approximately in the Southeast corner of the Southwest Quarter of Section 14 in Township 1 South, Range 2 West, Boise Meridian, and which well is connected by pipelines to property in the Northwest Quarter of Section 23 in Township 1 South, Range 2 West, Boise Meridian; together with a permanent easement and right-of-way for the purpose of conveying water through said pipelines and maintaining, servicing and repairing the well and pipelines herein described.



EXHIBIT

D

tabbles

REPORT OF WELL DRILLER
State of Idaho

RECEIVED
DEC 28 1967
Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Rey JENNSEN
Address MELBA IDAHO

Owner's Permit No. 1

NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: stock water

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐

(explain)
CASING SCHEDULE: Threaded ☐ Welded ☐
10 "Diam. from 1 ft. to 3.5 ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
Thickness of casing: 1/4" Material:
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☒ No ☐ Type of
perforator used: TORCH

Size of perforations: 3/8" by 6"
100 perforations from 14 ft. to 34 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

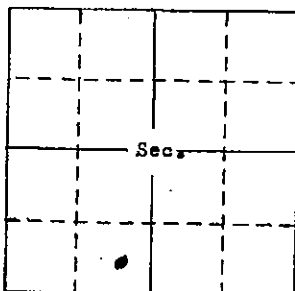
Manufacturer's name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☒ size of gravel Gravel
placed from ft. to ft. Surface seal
provided? Yes ☐ No ☐ To what depth?
 ft. Material used in seal:

Did any strata contain unusable water? Yes ☐
No ☒ Type of water:
Depth of strata ft. Method of sealing
strata off:

Surface casing used? Yes ☐ No ☒
Cemented in place? Yes ☐ No ☐

Locate well in section



LOCATION OF WELL: County CANYON
SE 1/4 SW 1/4 Sec. 14 T. 1 S. R. 2 W

Use other side for additional remarks

Size of drilled hole: 10" Total
depth of well: 64 Standing water
level below ground: 10 Temp.
Fahr. 58 ° Test delivery: 350 gpm
or cfs Pump? ☒ Bail ☐
Size of pump and motor used to make test:

8" - 6.5 HP GAS MOTOR

Length of time of test: 3 Hrs. Min.

Drawdown: 24 ft. Artesian pressure: ft.
above land surface Give flow cfs
or gpm. Shutoff pressure:

Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?

Yes ☐ No ☐ DEPTH MATERIAL 31827 WATER

FROM TO YES OR NO
FEET FEET

0	2	Soil Sandy	
2	6	CLAY BROWN	
6	34	CLAY with SANDERS	YES
34	64	ROCK BLACK HARD	NO
64	64	BROKEN ROCK	YES

Work started: Dec-2-67
Work finished: 12-13-67

Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.

Name: Halloway Drilling Co.

Address: CANTARIO Ore.

Signed by: Max. Halloway

License No. 53 Date: 12-28-67

USGS

EXHIBIT

E

Identification No. _____
Permit No. 63-7539

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

MAY 22 1973

Department of Water Administration

1. a) Name of Permit Holder REX S. JENSEN
b) Post Office Address Rt. 1 Melba, Idaho
2. Permit Number 63-7539
3. Date of Priority that you are prepared to establish January 7, 1972
4. a) Source from which water was appropriated Underground
b) Location of the point of diversion: SE 1/4 SW 1/4 Section 14
Township 1 S Range 2 W Boise Meridian, Other points of diversion: NW 1/4 NW 1/4 Sec 23, T1S R2W
5. a) The amount of water and use to which the water has been applied:
amount .4 cfs for Livestock purposes from January 1 to December 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .4 cfs cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: By pump specification and pump co. personnel
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N. A.
b) Describe the agreement or understanding by which you take water from the works: N. A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Two drilled wells equipped with pumps and various size pipelines to place of use. One well is a 10" well 64 feet deep and the other well is a 10" well 278 feet deep.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Measuring devices will be soon installed. They will be inline totalizing flow meter.
c) Give well drillers name and address and date the well was completed The well in sec. 14 was drilled by Holloway Drilling Co. of Ontario Oregon and it was completed 12-23-67. The well in Sec. 23 was also drilled by Holloway and was completed 12-2-67.

Exam typed 6/19/73 for

63 7539

EXHIBIT

F

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Stock water in a field lot of up to 5,000 head of cattle

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: N. A.

[illegible]

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 3 1973
(Date)

Per: [Signature]
(Signature)

State of Idaho)
County of Ada) ss.

On this 3rd day of May, 1973, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she)-(they) executed the same.

Notary Public residing at Boise,
Idaho

My commission expires 1-21-74

JACK A. BARNETT
CONSULTANT
201 IDAHO BUILDING - BOISE, IDAHO
Phone 344-1541

GROUND-WATER HYDROLOGY • WATER RIGHTS • GEOLOGIC ENGINEERING

July 17, 1973

RECEIVED

JUL 18 1973

KLF

Department of Water Administration

Mr. Ken Foit
Western District Engineer
Water Administration
Statehouse Annex #2
Boise, Idaho 83720

Dear Ken:

I am writing to you in behalf of my client, Rex S. Jensen and water right No. 63-7579. This application has been approved, the proof due date has been passed, and proof has been submitted. However, measuring devices have not been installed.

My client is convinced that measuring devices can serve as a very effective management tool. However, in this case, we believe that the measuring devices would serve no purpose. The two wells that are subject to this permit serve a stockyard. This stockyard sometimes has but a few head of cattle in the yard and at other times has a sizable number of cattle in it. One or both wells are turned on only as the livestock need water. Measuring of the water would not effect the decision as to how to water the stock and the amount of water totally diverted annually is small. It does not represent a measurable decrease in the ground water resources of this area.

The installation of the measuring device would be expensive because the system was actually in service prior to the application for water rights being filed. The small pipe lines from the well were buried below the frost line even before the application was filed.

We hope that you will concur that the measuring device will serve no practical purpose and allow us to avoid the unnecessary expenses.

Sincerely,

Jack A. Barnett
Jack A. Barnett
Consultant

JAB:iml
cc Ed Evans
Rex S. Jensen

EXHIBIT

G

65-7579-30

FIELD REPORT

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

Other uses: _____

H

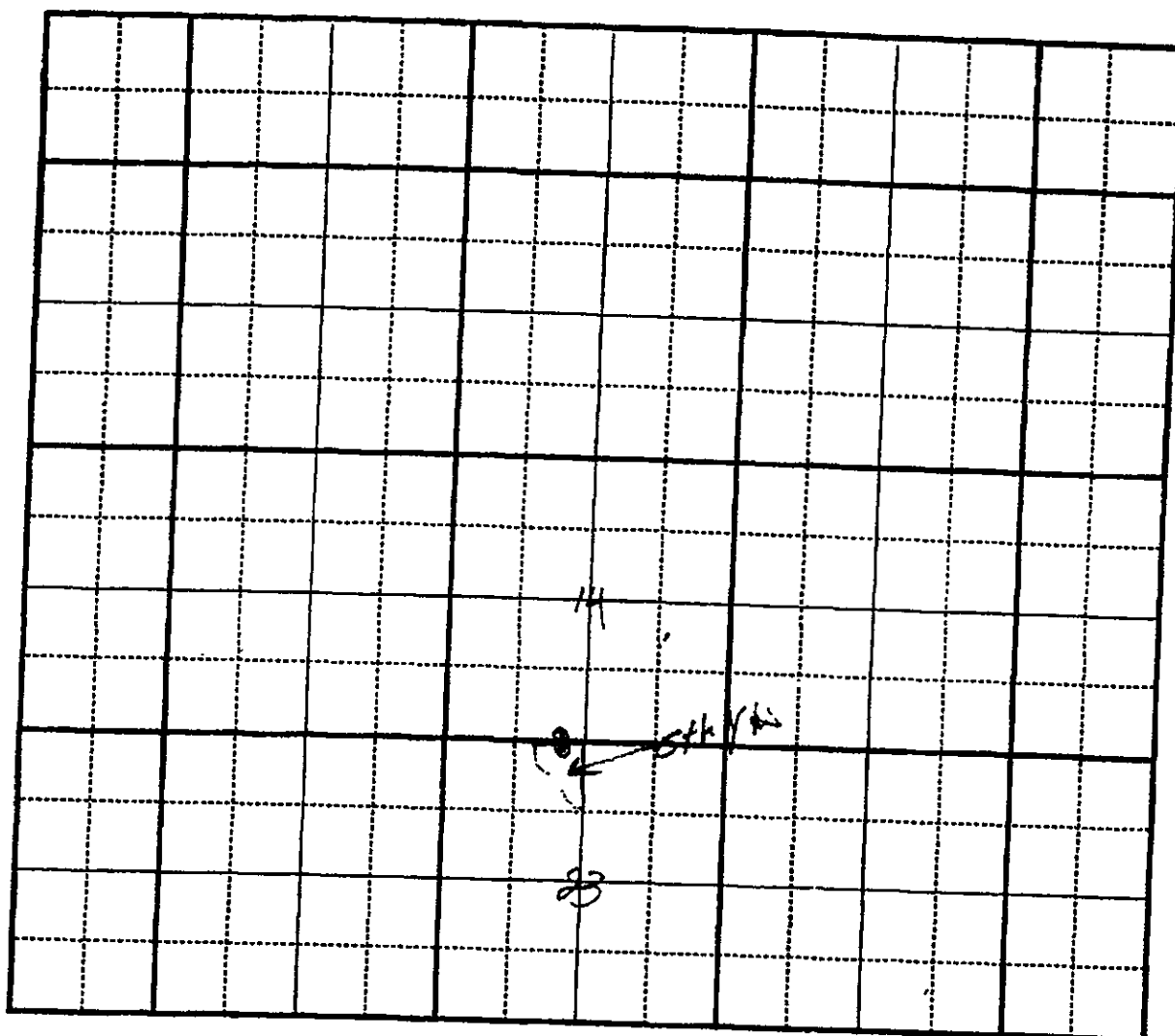
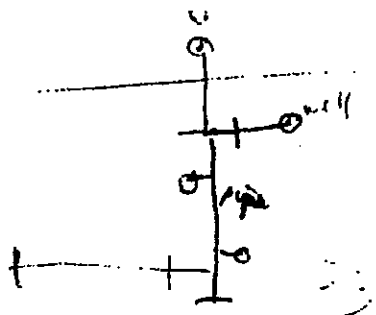


Diagram of System



DATE OF EXAM 17 July 74

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= 4 c.f.s. V= 30 AF/Ann. from 1-1 to 12-31

Is water co-mingled? yes X no _____

Name source: Ground water from 2 wells
Twp. 1-5 Rge 2 E/W B.M., Sec 23, Sub 2 NW 1/4 Canyon County

Exchange? yes _____ no _____

Name source exchanged with: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County

Total Q measured .4 cfs Method of measurement calculated

Total Q recommended .4 cfs Meter No. _____ Type N/A Condition _____

Total V recommended _____

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None X

MEASUREMENT CALCULATION:

well 14 15"
well 23 35"
May not 2" no way to measure operating individually but not over 4 cfs can be obtained
2 wells 30' H - 10" x 64' deep into one main to
well 14 30' H - 10" x 20' deep - 20' deep
well 23 30' H - 10" x 20' deep - 20' deep
well 14 30' H - 10" x 20' deep - 20' deep
well 23 30' H - 10" x 20' deep - 20' deep

SYSTEM DESCRIPTION:

REMARKS:

max. 1.5 cfs - 2000 lbs water on line
14 15" well measurement 15"
23 35" well measurement 35" obtained by Mr. [unclear]
Mr. [unclear]

Examiner's Signature John Ballou Date 17 July 74
Checked by _____ Date _____
Approved by _____ Date _____

Identification No. 63-7539

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

LICENSE ISSUED FOR 40 SEC. FT.

LICENSE PAGE NO. _____ To Appropriates the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Rex S. Jensen
post office address Route 1, Melba, Idaho

2. Source of water supply Groundwater which is a tributary of _____

3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14 Township 1S
Range 2W B.M. Canyon County; additional points of diversion if any: _____
NW1/4NW1/4, Sec. 23; Twp. 1S, Rge. 2W, B.M.

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 4 cfs for Livestock purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 4 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Drilled wells (2) Electric pumps

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.

b. Estimated construction cost is \$ 17,000.

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: E1/2 $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 Township 1S
Range 2W B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered. 1,000 - 5,000 head of cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

63 7539

EXHIBIT

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[illegible]

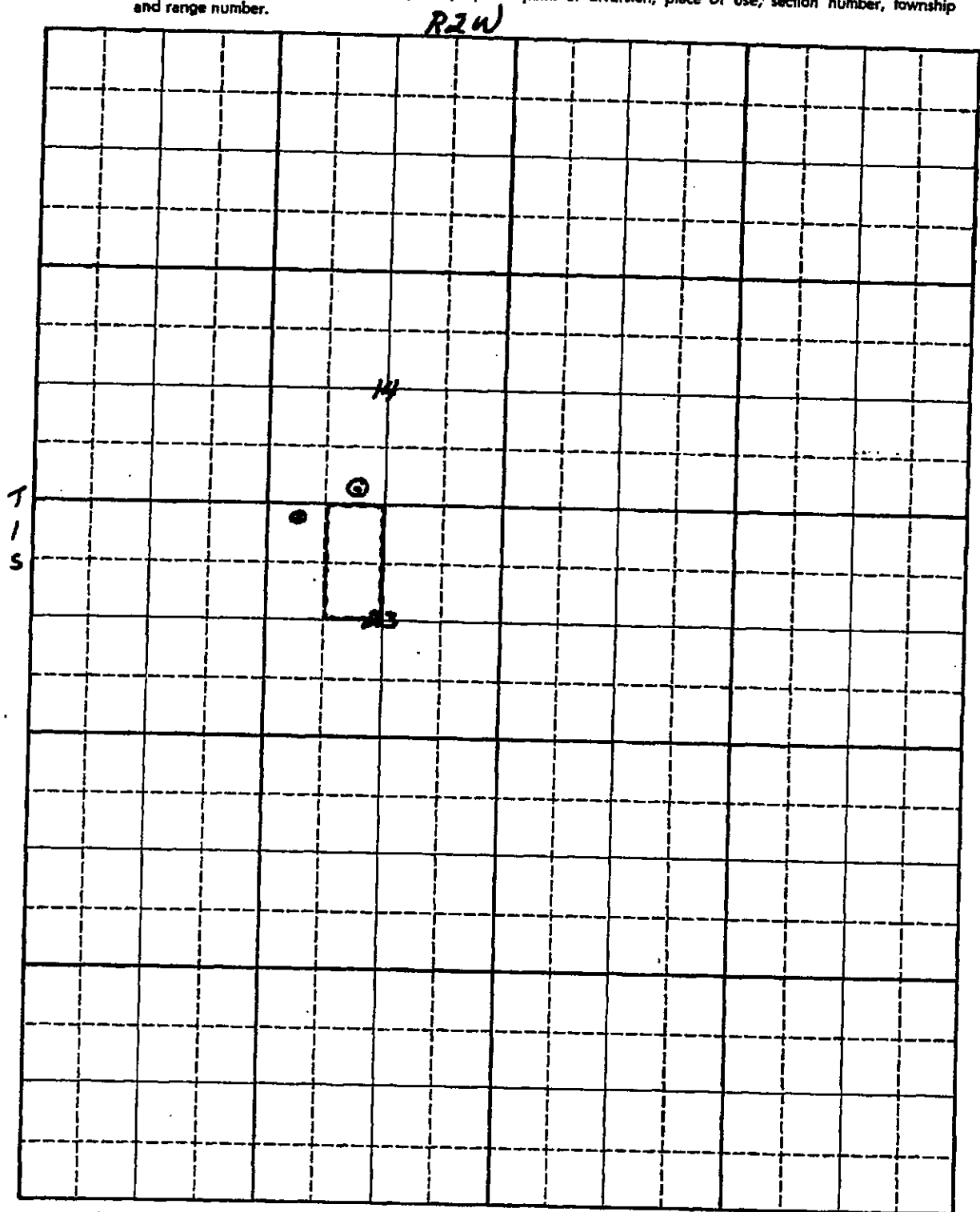
Total number of acres to be irrigated.

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Per S Jensen
(Applicant)

63 7539

Received by AL Date 7 Jan 72 Time 5:00Preliminary check by AL Fee \$25.00Received by P Date 1-7-72 Keith #8664Publication prepared by bb Date 1-20-72Published in Idaho Free PressPublication dates 1-27-72 & 2-3-72Publication approved CP Date 2-8-72Priority reduced to 1-7-72 Reason _____

Protests filed by: _____

Copies of protests forwarded by: _____

Hearing held by: _____ Date: _____

Recommended for approval denial by R. D. Duff

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7539, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1973.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 7 day of March, 1972.

R. D. Duff
Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7539 Priority Feb. 27, 1972 Amount 0.40 cfs

THIS IS TO CERTIFY, that REX S. JENSEN

of Melba, Idaho, has complied with the terms and conditions of Permit No. 63-7539 issued pursuant to Application for Permit dated January 7, 1972 and has submitted proof to the Department of Water Resources on May 22, 1973 (late proof) that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.40 cfs of water from a ground water source tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.40</u> cfs and	<u>40</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 40 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4, Sec. 14 and NW 1/4 NW 1/4, Sec. 23, Twp. 1 S, Rge. 2 W, B.M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
18	2W	23					X			X									

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of January, 19 75.

MICROFILMED

Director

EXHIBIT

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Skinner, Earl &
Associates, Inc.

1000-Blaine • Caldwell, ID 83605
403 (208) 454-0933

Greg L. Skinner PL
Gerald L. Earl PL

April 21, 1992

PROPERTY DESCRIPTION
Well and Easement

For: Pearl Peavey
Job No. MR1092

A tract of land situated in a part of the SE 1/4, SW 1/4, Section 14 and NW 1/4, Section 23, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho and more particularly described as follows;

Commencing at the 1/4 section corner common to sections 14 and 23, said corner monumented with a 3 inch diameter brass disk;

thence N. 2° 53' 04" E., a distance of 166.00 feet to the center point of a existing well enclosed by a 10.00 foot by 10.00 foot concrete housing;

thence N. 45° 00' 00" E., a distance of 7.07 feet to the POINT OF BEGINNING of this well parcel;

thence N. 90° 00' 00" W., a distance of 10.00 feet;

thence S. 0° 00' 00" W., a distance of 10.00 feet;

thence N. 90° 00' 00" E., a distance of 10.00 feet;

thence N. 0° 00' 00" E., a distance of 10.00 feet to the POINT OF BEGINNING.

ALSO, a 15.00 foot access and utility easement, 7.50 feet on each side of the following described centerline;

Commencing at the 1/4 section corner common to section 14 and 23, said corner monumented with a 3 inch diameter brass disk;

thence N. 2° 53' 04" E., a distance of 166.00 feet to the BEGINNING of this easement;

thence N. 50° 00' 00" W., a distance of 50.00 feet along the centerline of said easement;

thence S. 40° 47' 20" W., a distance of 413.40 feet along the centerline of said easement to the TERMINUS point of this easement.

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