

DEPARTMENT OF
WATER RESOURCES

Dana L. Hofstetter, ISB #3867
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608 West Franklin Street
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Telephone (208) 424-7800
Facsimile: (208) 424-8774
Email: Dana@IdahoWaterLaw.com

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

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AFFIDAVIT OF DANA L. HOFSTETTER -- 1

form that the Goodners submitted to IDWR for both Water Right Nos. 63-10217 and 63-21611 that I printed from IDWR's Internet website. In response to the question "describe the portion of the water right that is owned/claimed by the new owner," the Goodners noted on the form "Both (2) water rights on the above described property – 28.1 [acre] water right and 5.0 acre water right."

(3) Attached hereto as Exhibit B is a true and correct copy of an IDWR letter dated March 5, 1996 to Dean Goodner explaining that Merle Culp had submitted separate claims for Water Right No. 63-10217 and Water Right No. 63-21611 in the SRBA. I obtained a copy of this letter from IDWR's Internet website.

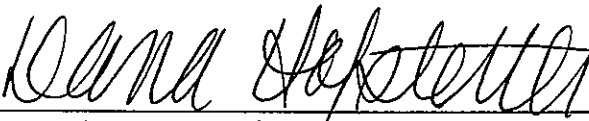
(4) Attached hereto as Exhibit C is a true and correct copy of the IDWR aerial photograph shape file for Water Right No. 63-10217 that I printed from IDWR's Internet website. I have circled the approximately 5 irrigated acres in the same quarter-quarter section on Exhibit C that appear to have been omitted from the shape file boundary for Water Right No. 63-10217. These 5 acres have the same appearance on Exhibit C as the irrigated acreage IDWR found for 63-10217, indicating that these 5 acres were farmed along with the other acreage and should have been recommended under 63-21611.

(5) Attached hereto as Exhibit D is a true and correct copy of the IDWR Adjudication Claim Report for Water Right No. 63-21611 that I printed from IDWR's Internet website. An IDWR notation on Exhibit D indicates that the map for Water Right No. 63-10217 should be referred to for location of the diversion system and irrigated

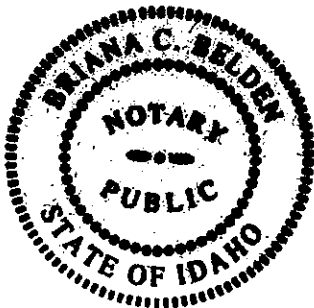
acreage for 63-21611. However, the 5 acres claimed under Water Right No. 63-21611 were not covered under the licensed place of use for Water Right No. 63-10217 or its shape file.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 29th day of August, 2008.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 29th day of August 2008.




Notary Public in and for the State of Idaho
Residing at: Meridian, ID
My Commission Expires: 01-16-2013

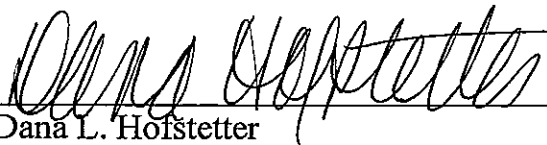
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document this 29th day of August 2008, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

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

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


Dana L. Hofstetter



Manufactured by
Alexander Clark Business Forms
10801 Emerald Boise, Idaho (208) 322-0811

RECEIVE

APR 18 199

WATER RESOURC
WESTERN REGIO

Form 42-1409(7)



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 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: _____

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

☐ New Owner/Claimant
(Purchaser): L. DEAN GOODNER / REBECCA LYNN GOODNER

☐ New Mailing Address: 12555 S. CLOVERDALE
KUNA, IDAHO 83634

☐ New Telephone Number: (208) 362-4247

☐ 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:
BOTH (2) WATER RIGHTS ON THE ABOVE
DESCRIBED PROPERTY - 28.1 WATER RIGHT AND
5.0 ACRE WATER RIGHT

☐ 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) [Signature] Date 1-28-97
[Signature] Date 1-28-97

☐ Signature of Former
Owner/Claimant(s): _____ Date _____
_____ Date _____

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

FOR IDWR USE ONLY:
Initial Review and Data Entry
Date _____ By _____
Further Action Needed _____
Further Action Taken _____



P1137080
9611836

WARRANTY DEED

RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED EDDY O.E. SAYERS and EVELYN A. SAYERS,
husband and wife.

the Grantors, do hereby grant, bargain, sell and convey unto L. DEAN GOODNER and REBECCA L.
GOODNER, husband and wife

the Grantees, whose address is 12555 S. CLOVERDALE, KUNA, ID 83634

the following described premises, to-wit:

The Southeast Quarter of the Northwest Quarter of Section 36,
Township 5 North, Range 5 West, Boise Meridian, Canyon County,
Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and
subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from
all lawful claims whatsoever.

DATED: April 16, 1996

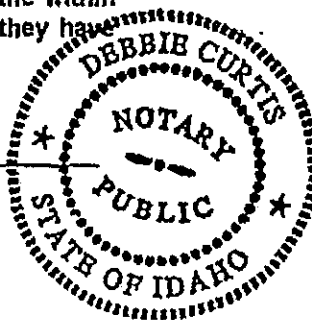
Eddy O.E. Sayers
EDDY O.E. SAYERS

Evelyn A. Sayers
EVELYN A. SAYERS

STATE OF IDAHO
COUNTY OF CANYON

On this 16 day of April, 1996, before me a
notary public, personally appeared EDDY O.E. SAYERS,
EVELYN A. SAYERS, known or identified to me to be the
person(s) who(se) name(s) is/are subscribed to the within
Instrument and acknowledged to me that he/she/they have
executed the same.

Debbie Curtis
Notary Public
Residing at Meridian, Idaho
My commission expires: 9/21/99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

9611836

RECORDED

'96 APR 16 PM 4 14

NED J. KERR
CANYON CNTY RECORDER
CV *U. Chas*

PIONEER - NAMPA

REC.

TYPE *Deed* FEE *6.00*



RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

RECEIVED

8 1987

THIS FORM FURNISHED COURTESY OF:

RESOURCES
IN REGION

STEWART TITLE

RECEIVED
94 MAR 28 PM 2 49
CANYON CO. REC'D COUNCIL
STEWART TITLE CO.
FEE 3.00

9409203

READ & APPROVED BY GRANTEE(S): YES YES

SPACE ABOVE THIS LINE FOR RECORDING DATA
Order No.: 94008591-KE

WARRANTY DEED

FOR VALUE RECEIVED MERLE H. CULP and BETTY L. CULP, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto EDDY O. E. SAYERS and EVELYN A. SAYERS, husband and wife

GRANTEE(S), whose current address is: P.O. BOX 797, MIDDLETON, IDAHO 83644
the following described real property in CANYON County, State of Idaho, more particularly described as follows, to wit:

The Southeast Quarter of the Northwest Quarter of Section 36,
Township 5 North, Range 5 West of the Boise, Meridian Canyon
County, Idaho.

SUBJECT TO that certain Deed of Trust/Mortgage dated March 21,
1989, and recorded March 24, 1989, as Instrument No. 8905201
records of CANYON County, Idaho, in favor of FARM CREDIT BANK OF
SPOKANE in the amount of \$25,000.00, which Deed of
Trust/Mortgage the Grantee(s) herein assume and agree to pay
according to the terms thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: March 25, 1994

Merle H. Culp
MERLE H. CULP

Betty L. Culp
BETTY L. CULP

STATE OF IDAHO
COUNTY OF CANYON

On this 28th day of March, in the year of 1994, before me, the undersigned, a Notary
Public in and for said State, personally appeared MERLE H. CULP and BETTY L. CULP

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and
acknowledged to me that they executed the same.



Signature: Karma Ellis

Name: KARMA ELLIS

Residing at: MIDDLETON

My Commission Expires: 08/10/1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 5, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREIER
DIRECTOR

RECEIVED

APR 18 1996

WATER RESOU
WESTERN REC

DEAN GOODNER
THE PRINCIPAL GROUP
2600 ROSE HILL
BOISE ID 83705

Dear Dean:

As you requested, I searched the water right and Snake River Basin Adjudication (SRBA) data bases to find out what rights and claims are on record for the 40 acres described as 05N, 05W, Sec 36, SENW. I found the following:

1. Water Right License 63-10217 for the irrigation of 28.1 acres from Dixie Slough in the name of Merle H. Culp.
2. SRBA claim A63-10217 in the name of Merle H. Culp for the license described in #1 above
3. SRBA claim A63-21611 in the name of Merle H. Culp for the irrigation of 5 acres from Dixie Slough. The claim is based on the beneficial use of water beginning 3/15/1915. This is not a proven water right at this time. The validity is subject to the review of the Snake River Basin Adjudication process.

None of the above rights or claims were filed under the names of the current owners you provided, Eddie & Evelyn Sayers. If Mr. Culp sold the property to the Sayers they failed to file an ownership change with the Dept. of Water Resources. Enclosed is a copy of a form to use after you close your purchase of the property. Both claim numbers should be included on the form and a copy of the deed conveying to you should be attached.

Enclosed are copies of several documents relating to the license and claims described above. Call me at the number below if you have any questions.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc

DICK - I DON'T KNOW
IF YOU NEED SAYERS
OR CULP TO SIGN -
PLEASE CALL DEPT. OF
WATER RESOURCES TO BE
CERTAIN.
RESPECTFULLY

Stamping No. 5208

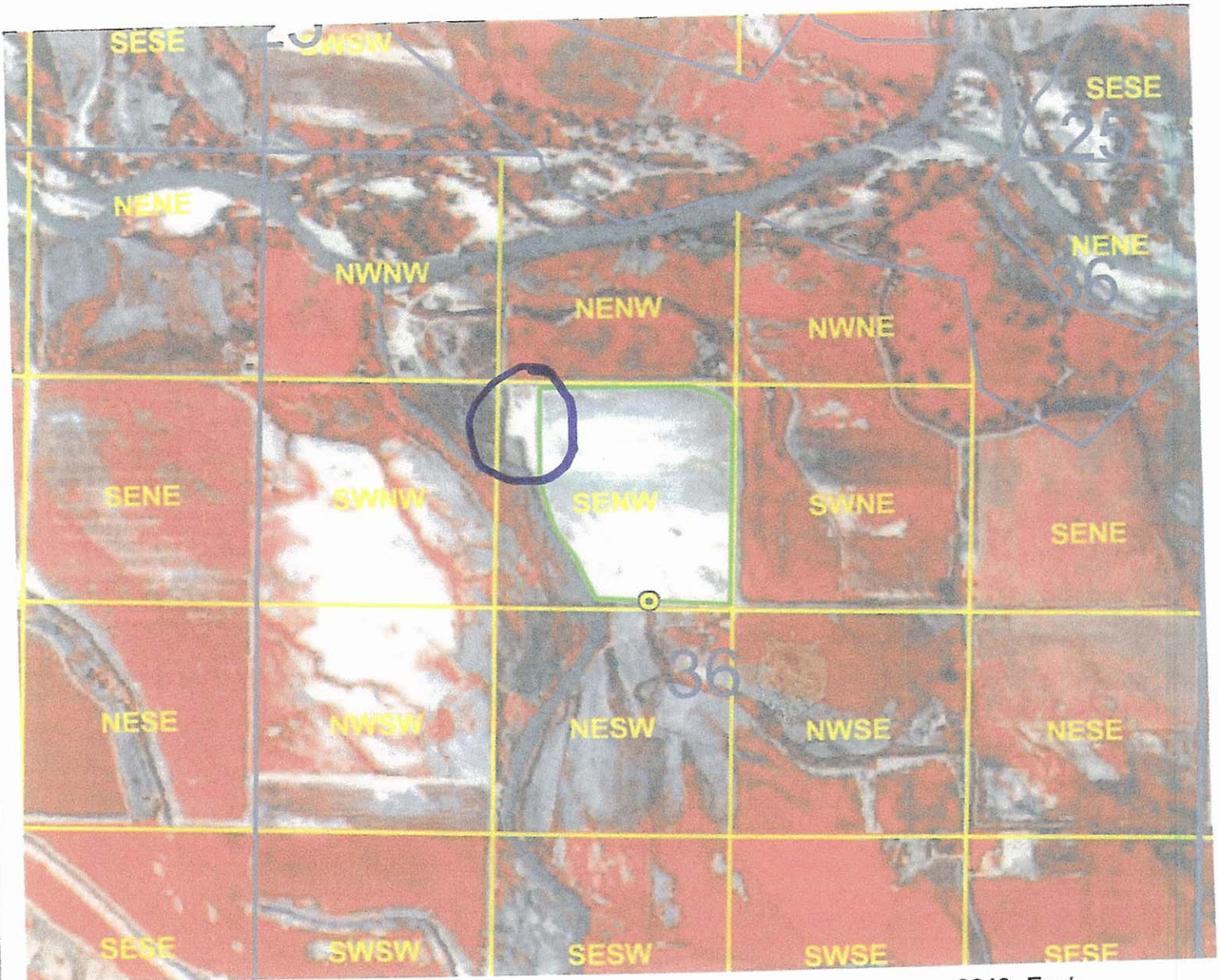
EXHIBIT

B



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 36
Water Right: 63-10217



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 28.1



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

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

Blumberg No. 5203

EXHIBIT

C



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

08/28/2008

WATER RIGHT NO. 63-21611

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L DEAN GOODNER
Current Owner	REBECCA LYNN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247
Original Owner	MERLE H CULP 31038 SCOTT RD PARMA, ID 83660 (208)722-6682

Priority Date: 03/15/1915

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DIXIE SLOUGH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.1 CFS	
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

DIXIE SLOUGH	SENE	Sec. 01	Township 04N	Range 05W	CANYON County
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DIXIE SLOUGH Rediversion	SENW	Sec. 36	Township 05N	Range 05W	CANYON County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05W	36		SENW	5									

Total Acres: 5

Conditions of Approval:

1.	TWO POINT OF REDIVERSION IN SW1/4SW1/4 OF SECTION 36; T5N, R5W. THE MAIN DIVERSION IS THE DITCH FROM THE DIXIE SLOUGH THEN THERE IS A DIVERSION FROM THIS DITCH TO ANOTHER DITCH AND PROPERTY IS IRRIGATED BY FLOOD. SEE A63-10217 FOR MAP. OWNERSHIP CHANGED BY LH 6/6/97.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

