

L. Dean Goodner

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2008 OCT 3 AM 11 01

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OCT 06 2008
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case 39576

)
) Subcase No. 63-21611
)

) AMENDED AFFIDAVIT OF
) DANA L. HOFSTETTER
)
)
)
)
)

STATE OF IDAHO)
) ss.
COUNTY OF Twin Falls)

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for L. Dean Goodner.

This Amended Affidavit supersedes and replaces my prior Affidavit filed in this Subcase.

(2) Attached hereto as Exhibit A is a true and correct copy of the Idaho Department of Water Resources' ("IDWR") Notice of Change of Water Right Ownership 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 an IDWR aerial photograph with place of use boundary for Water Right No. 63-21611 that was included in the copy of the SRBA Claim file for 63-21611 that I obtained from IDWR.

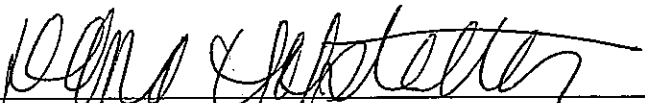
(5) Attached hereto as Exhibit D is a true and correct copy of SRBA Claim No. 63-21611 submitted to IDWR by Merle Culp on March 19, 1990 that was included in the copy of the SRBA Claim file for 63-21611 that I obtained from IDWR.

(6) Attached hereto as Exhibit E is a true and correct copy of SRBA Claim No. 63-10217 submitted to IDWR by Merle Culp on March 19, 1990 that was included in the copy of the SRBA Claim file for 63-10217 that I obtained from IDWR's Internet website. The predecessor in interest's submission of a separate SRBA claim for the five acre parcel

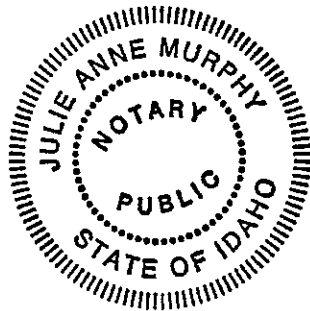
on the same date in 1990 as the SRBA claim for the adjacent 28.1 acre parcel evidences the irrigation of both parcels at the time.

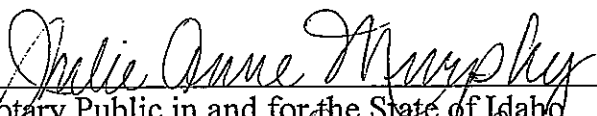
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 3rd day of October, 2008.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 3rd day of October 2008.




Notary Public in and for the State of Idaho
Residing at: Twain Falls, ID
My Commission Expires: 1-26-2011

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document this 3rd day of October 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) 322-0611

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WATER RESOU
WESTERN REC

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 _____, B.M.
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):

L. Dean Goodner
Rebecca L. Goodner

Date 1-28-97Date 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:

EXHIBIT

A

Bumgarth No. 0208

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

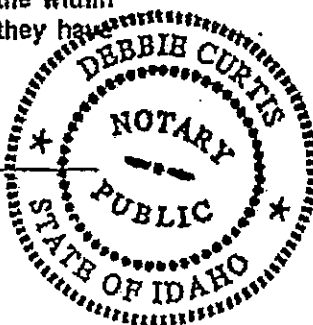
Eddy O.E. Sayers
EDDY O.E. SAYERS

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
DV *U. Chas*

PIONEER — NAME

RE

TYPE *Deed* FEE *6.00*



RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

RECEIVED

SK

8 1987

THIS FORM FURNISHED COURTESY OF:

RESOURCES
IN REGION

STEWART TITLE

READ & APPROVED BY GRANTEE(S): SES Y. 1/8/8

SPACE ABOVE THIS LINE FOR RECYCLING DATA
Order No.: 94008491-KE

RECORDED

94 MAR 26 PM 2 19

9409203

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

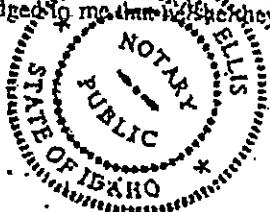
Merle H. Culp
MERLE H. CULP

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 he/she/they executed the same.



Signature: Karma Ellis

Name: KARMA ELLIS

(type or print)

Residing at: MIDDLETON

My Commission Expires: 08/07/98



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

DEAN GOODNER
THE PRINCIPAL GROUP
2600 ROSE HILL
BOISE ID 83705

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WATER RES
WESTERN R

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

Boise, ID 83705

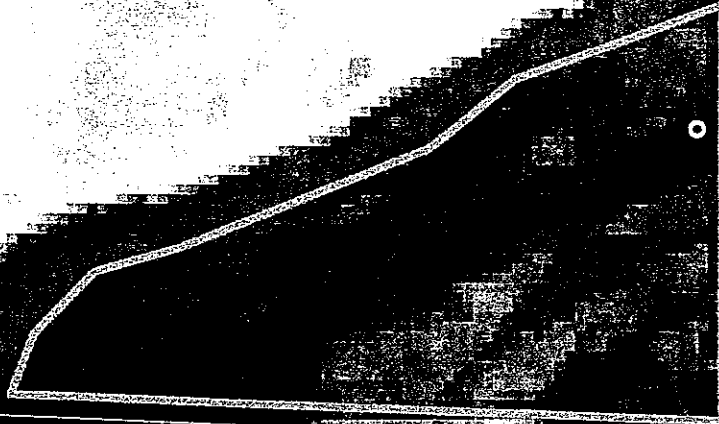
EXHIBIT

B

W

1987 NAPP

#63-21611



Barney No. 5208

EXHIBIT

C

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: A63-21611
Date Received: 3/19/1990
Receipt No: W011328
Received By: LW

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

1. Name: MERLE H. CULP
Address: 31038 SCOTT RD.
PARMA, ID 83660 208-722-6682

2. Date of Priority: MAR 15, 1915

3. Source: DIXIE SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	05W	1	SE	NE			CANYON
05N	05W	36	SE	NW		R	CANYON

5. Description of diverting works:
DITCHES, FLOOD IRR.

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
05N	05W	36	SE	NW		IRR	5.0
Section Acres							5.0

A63-21611

Page 1

Date: 03/19/90



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:
NONE

14. Remarks:

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.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 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: 19 Mar 90
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of March 19 90

Linda Werner
Notary Public

Seal

LINDA WERNER
Residing at ~~RESIDING AT EAGLE, IDAHO~~
MY COMMISSION EXPIRES DEC. 8, 1994
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: A63-10217
Date Received: 3/19/1990
Receipt No: W011328
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLE H. CULP 208-722-6682
Address: 31038 SCOTT RD.
PARMA, ID 83660

2. Date of Priority: FEB 07, 1985

3. Source: DIXIE SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	36	SE		NW		CANYON

5. Description of diverting works:
PUMP, 5 HP IN DITCH, GATED PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.560		126.50

7. Total Quantity Appropriated is:
0.560 C.F.S. (and/or) 126.50 A.F.A.

8. Total consumptive use is 98.3 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	36	SE	NW		IRR	28.1

Section Acres 28.1

Total Acres 28.1

A63-10217

Page 1

Date: 03/19/90



MEI

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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 X 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: 3/19/90
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of March 19 90

Linda Werner
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

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IDAHO

7.5-MINUTE SERIES (ORTHOPHOTO)

AG 3-10217

504

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