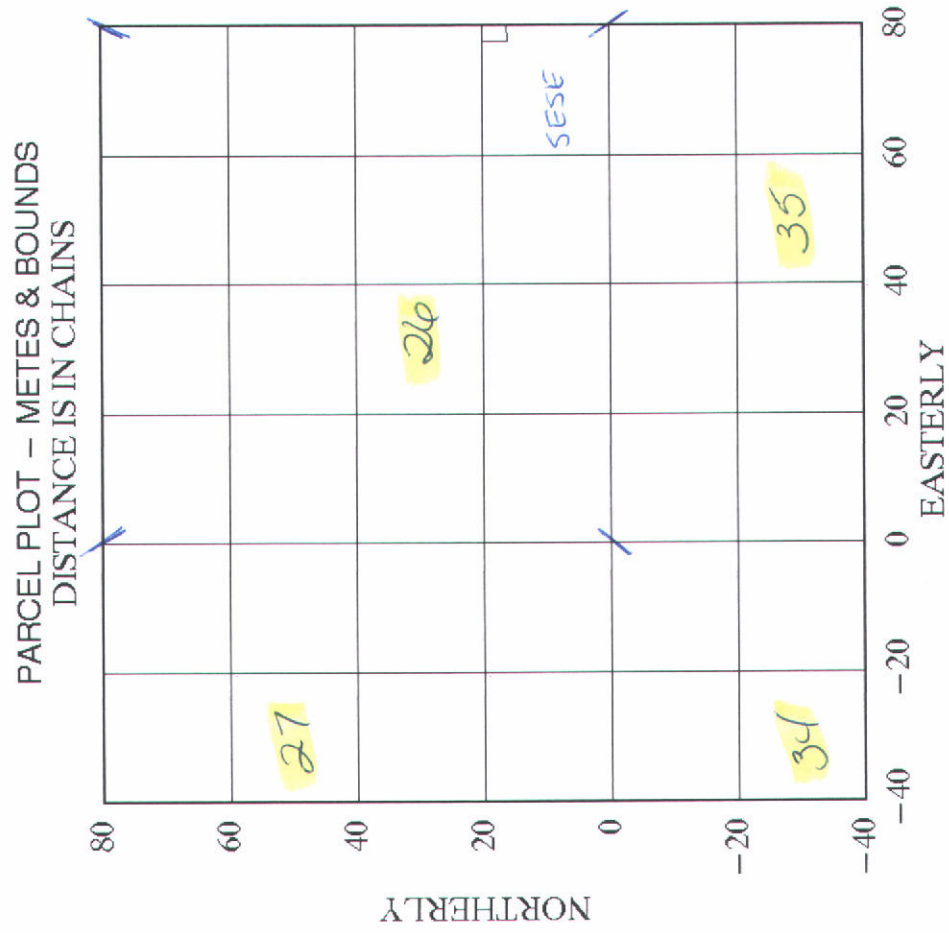


63-20398



4th 2nd

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: A63-20398
Date Received: 1/26/1990
Receipt No: C014258
Received By: QA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MC KELLIP FARMS, INC. 208-466-6819
Address: 18120 DEAN LN.
NAMPA, ID 83687

OR
Name: LEWIS OR ANNE MC KELLIP 208-466-6819
Address: 18120 DEAN LN.
NAMPA, ID 83687

2. Date of Priority: JUN 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02W	26	NE	SE	SE		CANYON

5. Description of diverting works:

WELL, APP. 200' DEPTH, 6" CAS., W/ 1/2 HP PUMP & PIPE TO HOUSE, LAWN, ETC.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC 1 HOUSE, LAWN, & GARDEN.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02W	26	SE SE		DOMEST	

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:
PIONEER IRRIG. DIST. RTS.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am Pres. of
_____ Title
McKellie Farm, Inc. , that I have signed the foregoing
Organization
document in the space below as Pres. of
_____ Title
McKellie Farms, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Lewis McKellie
Signature of Authorized Agent

Pres. M.F.I.
Title and Organization

1-26-90

MICROFILMED
SEP 03 1992

State of Idaho)

County of ADA)

SS.

Subscribed and sworn (or affirmed) before me this

26th

day

of JANUARY 19 90Thomas E. Smith
Notary Public

Seal

Residing at

Boise, ID

My Commission Expires

11/08/1994

MICROFILMED

SEP 03 1992

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 63-20398

NAME & ADDRESS: LUIS NUNEZ
CARMEN NUNEZ
18941 CAN ADA RD
NAMPA ID 83687

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1950

POINT OF DIVERSION: T04N R02W S26 NESESE Within CANYON County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CANYON County
T04N R02W S26 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 1R34228-000-0
PROPERTY ALSO KNOWN AS 19223 11TH AVE. N. EXIT, NAMPA.

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

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Right 63-20398

IDWR has completed the following Administrative Proceeding:

☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water
right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 63-20398

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
12/30/1999

63-20398

PAGE 1

From (Claimant/Seller):

Name of Claimant: LEWIS OR ANNE MC KELLIP
MC KELLIP FARMS INC
Address: 18120 DEAN LN
NAMPA ID 83687
Phone: (208) 466-6819

To (Claimant/Purchaser):

Name of Claimant: LUIS NUNEZ
CARMEN NUNEZ
Address: 18941 CAN ADA RD
NAMPA ID 83687
Phone: (208) 467-5052

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

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

DATED: December 30, 1999



Signature of IDWR Representative

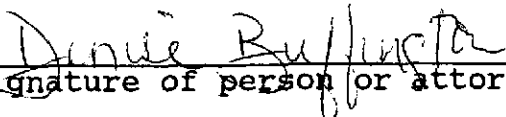
CERTIFICATE OF MAILING

I certify that on December 30, 1999 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

LEWIS OR ANNE MC KELLIP
MC KELLIP FARMS INC
18120 DEAN LN
NAMPA ID 83687
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

LUIS NUNEZ
CARMEN NUNEZ
18941 CAN ADA RD
NAMPA ID 83687
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 03 1999

WATER RESOURCES
WESTERN REGION**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED

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

MAR 15 1999

WATER RESOURCES
WESTERN REGION

1. Water Right No(s): _____
Adjudication Claim No(s): 63-20398

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 Lewis McKellip & Anne McKellip
18120 Dean Lane, Nampa, ID 83687

4. New Owner/Claimant(s) Luis Nunez & Carmen Nunez
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 18941 CAN-ADA Rd
City, State and ZIP Code Nampa, ID 83687
New Telephone Number (208) 467-5052

5. Date you acquired the property Oct. 15, 1997

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 1 Number and type of stock None
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) Luis Nunez
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign 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..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

1122500
K 22648

RECEIVED

MAR 15 1999

WATER RESOURCES
WESTERN REGION

X=80

Y=20

WARRANTY DEED

FOR VALUE RECEIVED, LEWIS McKELLIP and ANNE McKELLIP, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto LUIS NUNEZ and CARMEN NUNEZ, husband and wife, of 18941 Can-Ada Road, Nampa, Canyon County, Idaho 83687, the Grantees, the following described premises, situated in Canyon County, State of Idaho, to-wit:

This parcel is a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

BEGINNING at the Northeast corner of S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 26;

thence South 00°30'21" East along the East boundary of the S $\frac{1}{2}$ SE $\frac{1}{4}$, a distance of 260.17 feet;

thence South 88°47'50" West a distance of 161.29 feet;

thence North 00°16'29" West, a distance of 262.25 feet to the North boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26;

thence North 89°32'10" East along said North boundary, a distance of 160.22 feet to the POINT OF BEGINNING.

Together with all water and ditch rights and rights of way for water and ditches.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 15 day of October, 1997.

Lewis McKellip
Anne McKellip

GIGRAY, MILLER & DOWNEN
ATTORNEYS AT LAW
9TH AND DEARBORN STS. - P.O. Box 644
CALDWELL, IDAHO 83606-0940
TELEPHONE 208-459-0091

1 STATE OF IDAHO)
2 County of Canyon) ss.

3 On this 15th day of October, 1997, before me, the
4 undersigned, a Notary Public in and for said State, personally
5 appeared LEWIS McKELLIP and ANNE McKELLIP, husband and wife,
6 known to me to be the persons whose names are subscribed to the
7 within instrument, and acknowledged to me that they executed the
8 same.

9 IN WITNESS WHEREOF, I have hereunto set my hand and
10 affixed my official seal the day and year in this certificate
11 first above written.

12 Donald E. Downen
13 Notary Public for Idaho
14 Residing at Caldwell, Idaho
15 My commission expires 11-22-97

9735303

RECORDED

'97 OCT 17 PM 3 48

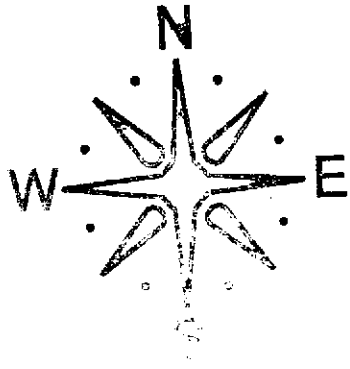
NEL J. GERR

CANYON CNTY RECORDER

by John Downen

NOTARY PUBLIC - CALDWELL

TYPE Deed FEE 6.00 pick



This Map is intended to show for the purpose of assessing the location of the land and the Company assumes no liability for variations, if any.

227.51'

227.51'

E

11th

AVENUE NORTH EXTENSION

160.22'

265.25'

2

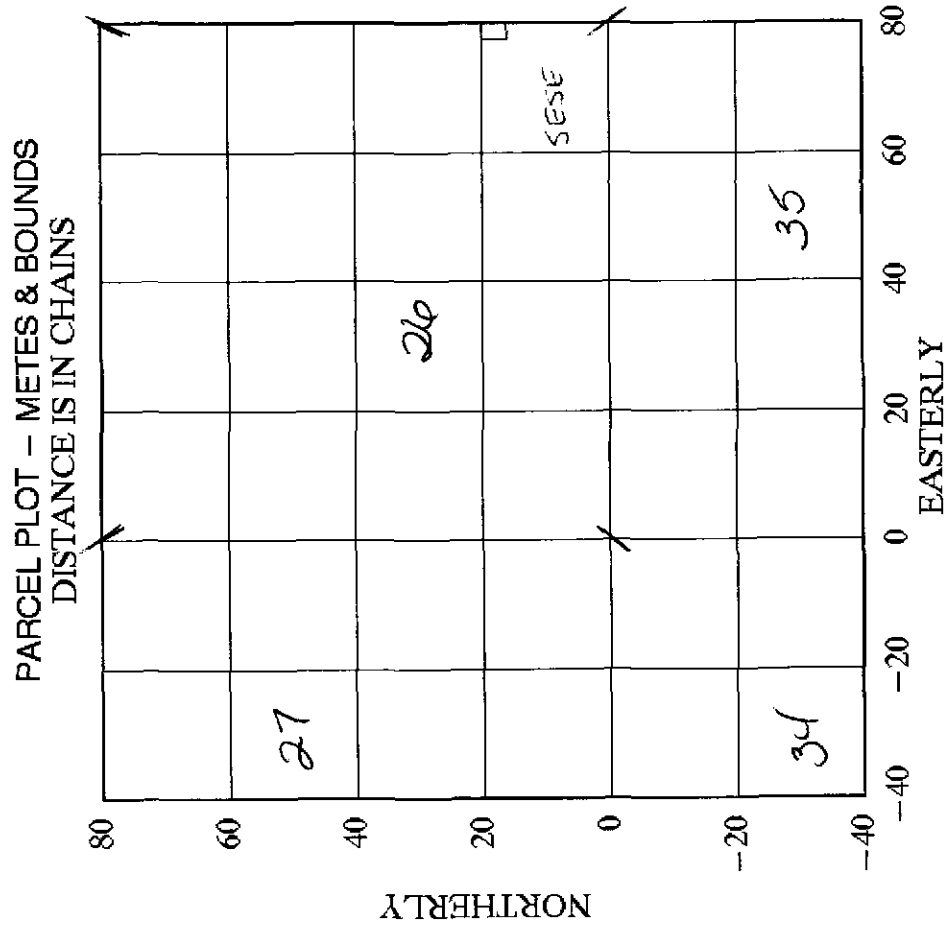
265.25'

161.29'

Pt Sese

26-4-3

63-20398



4N 2W

METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	80.00	20.00					
(SEE SHEET)	80.03	16.06	0.00	30.00	21.00	SE	260.17
	77.59	16.01	88.00	47.00	50.00	SW	161.29
	77.57	19.98	0.00	16.00	29.00	NW	262.25
	80.00	20.00	89.00	32.00	10.00	NE	160.22
-QUAD COEF-	80.00	20.00					

DATE: 12/28/99
PAGE: 1

Remarks: EXP PARCEL NO. 1R34228-000-0
PROPERTY ALSO KNOWN AS 19223 11TH AVE. N. EXIT, NAMPA.

AJ0749NP
No. 63-20398

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/28/99
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
--------	-----------------	----------------	-----------------------

Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

Comments: Date: 12/28/1999 User-ID: DBUFFING Subject: NAME CHANGE - OWNERSHIP CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
OWNERSHIP CHANGE.

Audit: 12/28/99 DBUFFING



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

December 30, 1999

LUIS NUNEZ
CARMEN NUNEZ
18941 CAN ADA RD
NAMPA ID 83687

RE: Water Right No. 63-20398

Dear Property Owners:

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

In reviewing this ownership change, it was noted that a portion of water right number A63-09650 is also covered by the Warranty Deed submitted. If you acquired all or a portion of this water right, please contact this office. I have enclosed a profile report for your review.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Mc Kellip Farms Inc, Lewis or Anne Mc Kellip



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

March 4, 1999

Luis Nunez
Carmen Nunez
18941 Can-Ada Rd
Nampa ID 83687

RE: Notice of Change of Water Right Ownership No. 63-20398

Dear Property Owner(s):

Enclosed is a copy of your Notice of Change of Water Right Ownership form that you recently submitted to our office. However, we cannot continue to process the ownership change without proof of ownership. This proof can be a copy of a warranty deed, sales contract or tax assessment in your name(s) which includes the legal description of the property by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington". The signature is written in dark ink and is positioned above the printed name and title.

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 23, 1998

Luis Nunez
Carmen Nunez
18941 Can-Ada Rd
Nampa ID 83687

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-20398

Dear Property Owner(s):

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

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please complete this form and return to our office at your earliest convenience. The Contract of Sale was submitted by Mc Kellip Farms, Inc, and we will keep it on file at this office.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

Enclosures

McKellip's came into office
around 11-23-98 stating they sold
63-20398 to Luis/Carmen Nunez.
Sent ownership change info to Nunez
11-23-98. Contract of sale rec'd
by McKellip's 11-23-98.

DZ



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

October 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

63-20398

MC KELLIP FARMS INC

LEWIS OR ANNE MC KELLIP

18120 DEAN LN

NAMPA ID 83687

RE: Domestic and/or Stockwater Rights in Reporting Area 13, Basin 63
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 63 (the drainage area of the Boise River). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 63 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Boise, Caldwell, Payette, Emmett, Idaho City, Fairfield, or Mountain Home, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period next year. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ5855NP
1194

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: October 30, 1998
PAGE: 1

RIGHT NUMBER: 63-20398

NAME AND ADDRESS: MC KELLIP FARMS INC
LEWIS OR ANNE MC KELLIP
18120 DEAN LN
NAMPA ID 83687

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY-DATE: 06/01/1950

POINT OF DIVERSION T04N R02W S26 NESESE Within CANYON County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CANYON County
T04N R02W S26 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 1R34228-000-0
PROPERTY ALSO KNOWN AS 19223 11TH AVE. N. EXIT, NAMPA.

9735118

RECORDED

37 OCT 16 PM 1 41

NED J. KERN

ANYON CNTY RECORDER

REQUEST Lewis Mc Kellip
TYPE Miss. 27.00

CONTRACT OF SALE

THIS AGREEMENT, Made and entered into this 15 day of October, 1997, by and between LEWIS MCKELLIP and ANNE MCKELLIP, husband and wife, of Nampa, Canyon County, Idaho, Parties of the First Part, hereinafter referred to for convenience as 'Seller', and LUIS NUNEZ and CARMEN NUNEZ, husband and wife, of 18941 Canada Rd Nampa 83687 Nampa, Canyon County, Idaho, Parties of the Second Part, hereinafter referred to for convenience as 'Buyer', WITNESSETH:

That for and in consideration of the covenants and agreements hereinafter contained to be kept and performed by the parties and the sums of money to be paid, the Seller agrees to sell, and the Buyer agrees to buy, all of the following described real property, situated in the County of Canyon, State of Idaho, more particularly described as follows, to-wit:

This parcel is a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

BEGINNING at the Northeast corner of S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 26;

thence South 00°30'21" East along the East boundary of the S $\frac{1}{2}$ SE $\frac{1}{4}$, a distance of 260.17 feet;

thence South 88°47'50" West a distance of 161.29 feet;

thence North 00°16'29" West, a distance of 262.25 feet to the North boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26;

thence North 89°32'10" East along said North boundary, a distance of 160.22 feet to the POINT OF BEGINNING.

1 Together with all water and ditch rights and rights of
2 way for water and ditches.

3 Together with all and singular the tenements, heredita-
4 ments and appurtenances thereunto belonging or in
anywise appertaining.

5 PURCHASE PRICE AND TERMS OF PAYMENT. The Buyer agrees
6 to pay as and for the purchase price of the above described real
7 property the sum of FIFTY THOUSAND AND NO/100 DOLLARS
8 (\$50,000.00), in cash, lawful money of the United States of
9 America, at time of closing.

10 POSSESSION. The Seller agrees to give the Buyer
11 possession of the above described premises on or before October
12 15, 1997.

13 TAXES. The Seller agrees to pay all taxes and assess-
14 ments against the premises lawfully assessed and levied for the
15 year 1997, prorated to October 15, 1997, and all prior years; and
16 the Buyer agrees to pay all taxes and assessments against the
17 premises lawfully assessed and levied for the year 1997, prorated
18 from October 15, 1997, and for all subsequent years, when they
19 are due and before they become delinquent.

20 WATER ASSESSMENTS. The Seller agrees to pay all water
21 assessments against the premises lawfully assessed and levied in
22 the year 1997, prorated to October 15, 1997, and for all prior
23 years, and all subsequent water assessments against the premises
24 lawfully assessed and levied are to be paid by the Buyer.

1 INSURANCE. The Buyer shall be responsible for keeping
2 the property subject of this agreement insured to its full
3 insurable value from and after the closing of this contract of
4 sale.

5 TITLE AND TITLE EVIDENCE. The Seller agrees to furnish
6 the Buyer a good and sufficient Warranty Deed to the real
7 property previously described herein.

8 The Seller warrants that Seller is vested with a good
9 and merchantable fee simple title to the premises subject only to
10 the following:

- 11 1. All patent and state deed reservations;
- 12 2. The bonded debt of all taxing units;
- 13 3. All repayment contracts between any irrigation
14 district and the United States;
- 15 4. All easements and rights of way over the premises
16 regardless of how evidenced or acquired and whether the same
17 appear of record or not.

18 It is understood and agreed that the Seller shall
19 furnish a policy of title insurance showing marketable title to
20 the real property in the Seller subject to the exceptions above
21 listed. Said policy of title insurance is to be furnished to the
22 Buyer within twenty (20) days of the execution of this contract,
23 and the Buyer shall within twenty (20) days of the receipt
24 thereof have said policy of title insurance examined and point

1 out in writing to the said Seller any defects in or objections to
2 said title, and the Seller agrees within a reasonable time to
3 correct any meritorious defects or objections. In the event that
4 the Buyer does not point out in writing any defects in or objec-
5 tions to such title within twenty (20) days of the receipt of
6 said title insurance policy, then any defects in or objections to
7 said title are deemed waived.

8 DEFAULT. Time is of the essence of this contract, and
9 in the event either Seller or Buyer fails to comply with the
10 terms of this agreement and suit is necessary to enforce the
11 rights hereunder by either party, the prevailing party shall be
12 entitled to attorneys fees against the losing party in connection
13 with any such litigation.

14 NO REPRESENTATIONS OR WARRANTIES BY THE SELLER. It is
15 understood and agreed that no warranties or representations have
16 been made by the Seller and that the Buyer is relying solely upon
17 Buyer's own inspection and investigation concerning the premises
18 and that the same is accepted by the Buyer "as is". Buyer
19 acknowledges receipt of Seller's Property Disclosure form as
20 required by Idaho Code §55-2501 et seq.

21 ATTORNEY'S FEES. The parties acknowledge that this
22 contract and warranty deed were prepared by the attorney for the
23 Seller, and Buyer agrees to reimburse Seller one-half of the
24 costs of the legal fees in connection therewith.

GIGRAY, MILLER & DOWNEN
ATTORNEYS AT LAW
578 AND DEARBORN STS. - P.O. BOX 640
TELEPHONE 208-459-0091
CALDWELL, IDAHO 83606-0640

1 CLOSING. It is understood and agreed that the law firm
2 of Gigray, Miller & Downen, Attorneys at Law, Caldwell, Idaho, is
3 hereby designated as closing agent for this transaction, and that
4 the closing will take place at their office on the 15th day of
5 October, 1997.

6 BINDING UPON REPRESENTATIVES. This agreement is
7 binding on the heirs, administrators, executors, successors and
8 assigns of all the parties hereto.

9 IN WITNESS WHEREOF, The parties hereto have hereunto
10 set their hands and seals the day and year in this agreement
11 first above written.

12 Lewis McKelly (SEAL)
13 Garmen McKelly (SEAL)
14 Parties of the First Part - Seller

15 Luis Nuñez (SEAL)
16 Garmen Nuñez (SEAL)
17 Parties of the Second Part - Buyer

AJ0749NP
No. R63-20398

Audit: 06/24/98 CVALKER

DATE: 06/11/98
PAGE: 72

PRIORITY	DATE	WATER USE
1	10/10/2010	1000
2	10/10/2010	1000
3	10/10/2010	1000
4	10/10/2010	1000
5	10/10/2010	1000
6	10/10/2010	1000
7	10/10/2010	1000
8	10/10/2010	1000
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12	10/10/2010	1000
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95	10/10/2010	1000
96	10/10/2010	1000
97	10/10/2010	1000
98	10/10/2010	1000
99	10/10/2010	1000

TOTAL DIVERSION: 0.04 CFS

Stage: BENEFICIAL USE

CANYON County

[illegible]

Conditions of Approval:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

WATER RIGHT NUMBER - A63-20398 PREFIX TRANSLATION: ADJUDICATION CLAIM OLD (D) NUMBER -
+ - - - - LAST NAME - - - - + + - FIRST NAME - - - - + + - - - - ADDRESS - - - - -

*** C - CURRENT OWNER ***
MC KELLIP FARMS, INC.

1 - 18120 DEAN LN.
2 -
3 -

STATE- ID ZIP- 83687

CITY- NAMPA
PHONE - 208-466-6819
1 - 18120 DEAN LN.
2 -
3 -

LEWIS OR ANNE

STATE- ID ZIP- 83687

CITY- NAMPA
PHONE - 208-466-6819

+ - - - - PRIORITY DATE - - - - + + - - - - REGION - - - - + + - - - - STAGE - - - - + + - - - - STATUS - - - - +
06/01/1950 14 WESTERN J - BENEFICIAL USE

+ - - - - SOURCE - - - - - + + - - - - TRIBUTARY - - - - - + + - - - -

+ - - - - POINT OF DIVERSION - - - - - + + - - - - STREAM INDEX (BLANK IF NO INDEX CODE) + - - - -

(27) CANYON

+ - - - - CODE DESCRIPTION PERIOD FROM PERIOD TO WATER USE DIVERSION RATE DIVERSION VOLUME + - - - -

43 - DOMESTIC 01/01 12/31 0.040

+ - - - - TOTAL DIV. RATE - - - - + + - - - - TOTAL DIV. VOLUME - - - - + + - - - - TOTAL DIV. CAPACITY - - - - + + - - - - TOTAL CONSUMPTIVE USE - - - - + + - - - - KW USAGE - - - - +
0.040

+ - - - - TWN RNG SEC TRACT LQT ACRES CODE DESCRIPTION COUNTY + - - - -

04N 02W 26 SE SE 43 DOMESTIC (27) CANYON

+ - - - - DIVERSION MEANS - WELL, APP. 200' DEPTH, 6" CAS., W/ 1/2 HP PUMP & PIPE TO HOUSE, LAWN, ETC.

+ - - - - NON-IRRIGATION USE - DOMESTIC 1 HOUSE, LAWN, & GARDEN.

+ - - - - OTHER RIGHTS FOR SAME USE - PIONEER IRRIG. DIST. RTS.

+ - - - - REMARKS - - - - - + + - - - - NO REMARKS FOUND. + - - - -

+ - - - - OLD WATER RIGHT NUMBERS - - - - - + + - - - - NO OLD WATER RIGHT NUMBERS FOUND. + - - - -

+ - - - - CONDITIONS OF APPROVAL - - - - - + + - - - - NO CONDITIONS OF APPROVAL FOUND. + - - - -

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - DECREE DATE - +
00/00/0000

+-----+
- COMMENTS -
- NO COMMENTS FOUND

[illegible]

CIVIL CASE NUMBER	-	39576
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	

19228-006-0
19223 1th Ave.

CERTIFIED
JUL 16 1991
WATER EXAMINER

ENTERED 8/22-19
CHECKED

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
Power Records

VERIFIED
JUL - 1991