

A-3 23168A

EAGLE QUADRANGLE

ID#40

7.5-MINUTE SE. EC (ORTHOPHOTOQUAD)

17° 30"

R. 1 E.

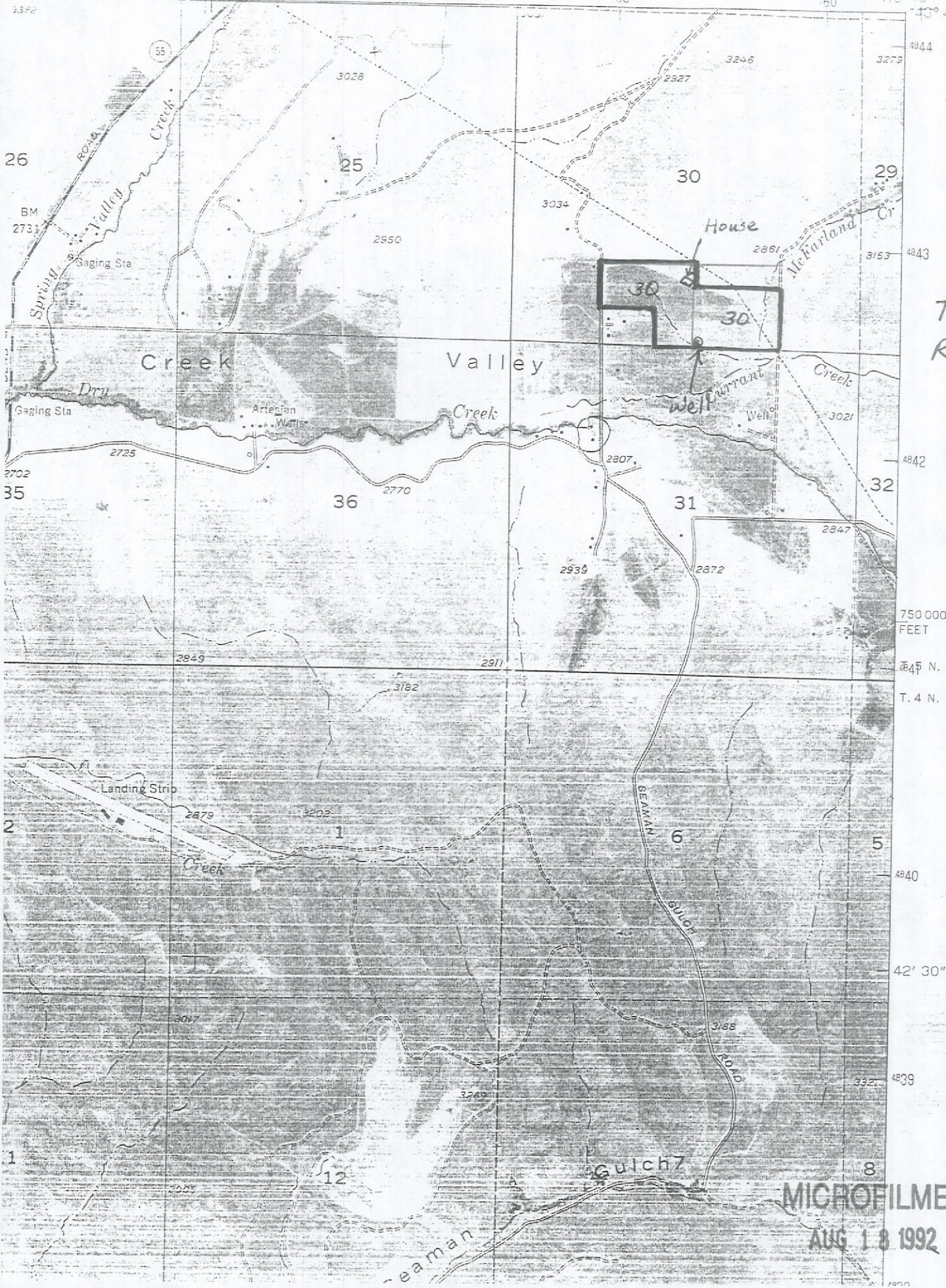
R. 2 E.

59

60

116° 15'

43° 45'



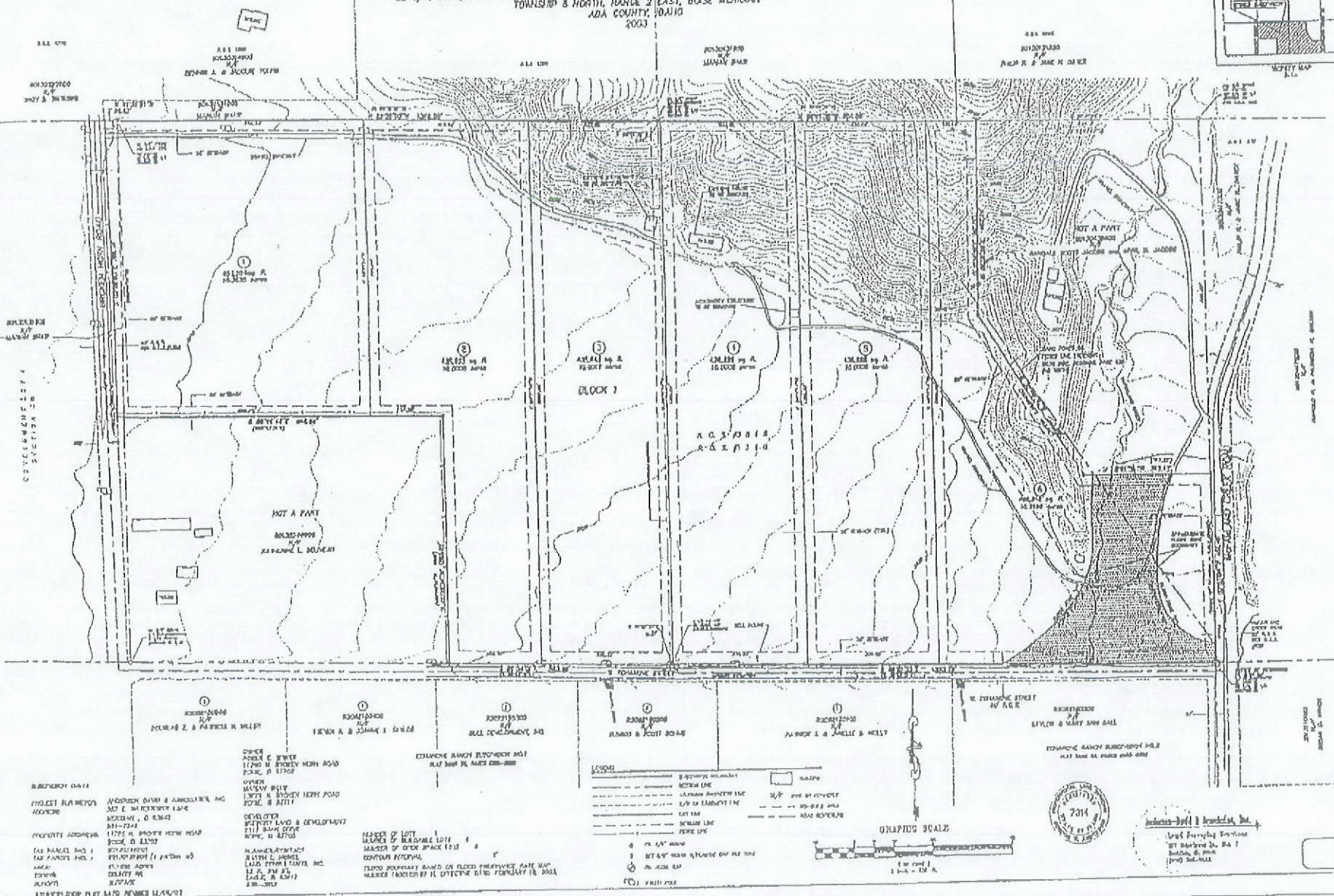
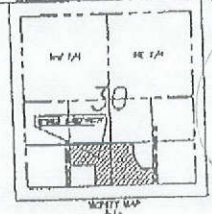
T5N
R 2 E

T5
T4

MICROFILMED
AUG 18 1992

SPIKER SUBDIVISION - PRELIMINARY PLAT

A PORTION OF THE
SE 1/4, SW 1/4 AND THE SW 1/4, SE 1/4
TOWNSHIP 8 NORTH, RANGE 2 EAST, BOISE MERIDIAN
ADA COUNTY, IDAHO
2003



RECEIVED BY THE
CLERK OF THE COUNTY OF BOISE
IDAHO
MAY 03 2005

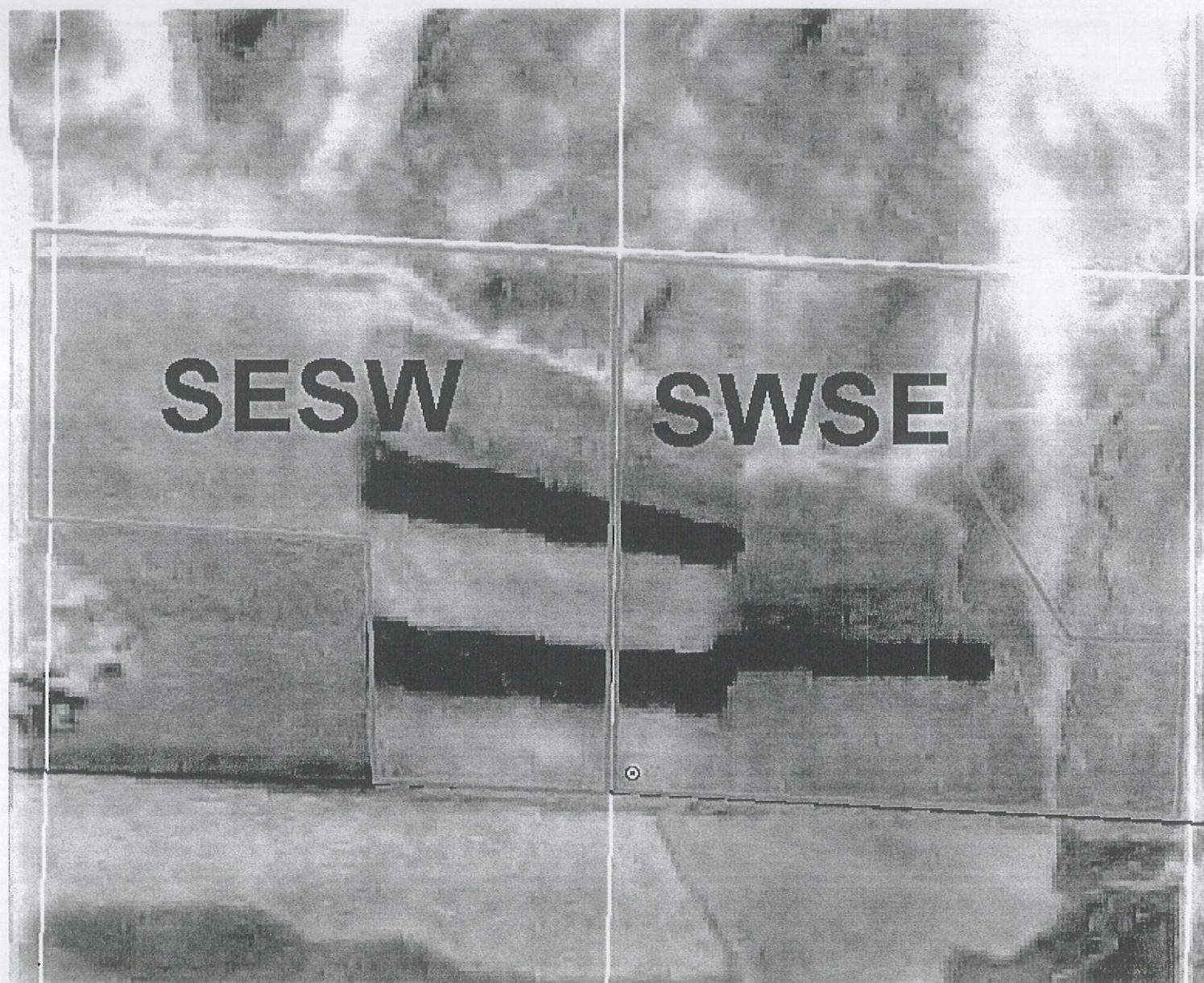
NOTICE TO THE PUBLIC
THAT THE ABOVE DESCRIBED
SUBDIVISION IS OPEN FOR
RECORDATION IN THE
CLERK'S OFFICE OF THE
COUNTY OF BOISE, IDAHO
ON MAY 03, 2005.

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-3168A

Date Prepared: 10-14-03

Prepared By: Gene Gibson



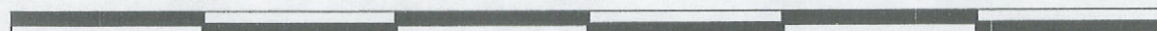
T05N, R02E
S30



- ⊙ Point of Diversion
-  Place of use
-  Section
1/4 1/4

1987 NAPP

0 0.07 0.14 0.21 0.28 0.35 0.42 Miles





Idaho Department of Water Resources

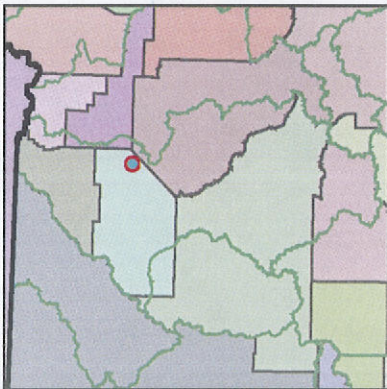
SRBA Recommendation:

63-32214

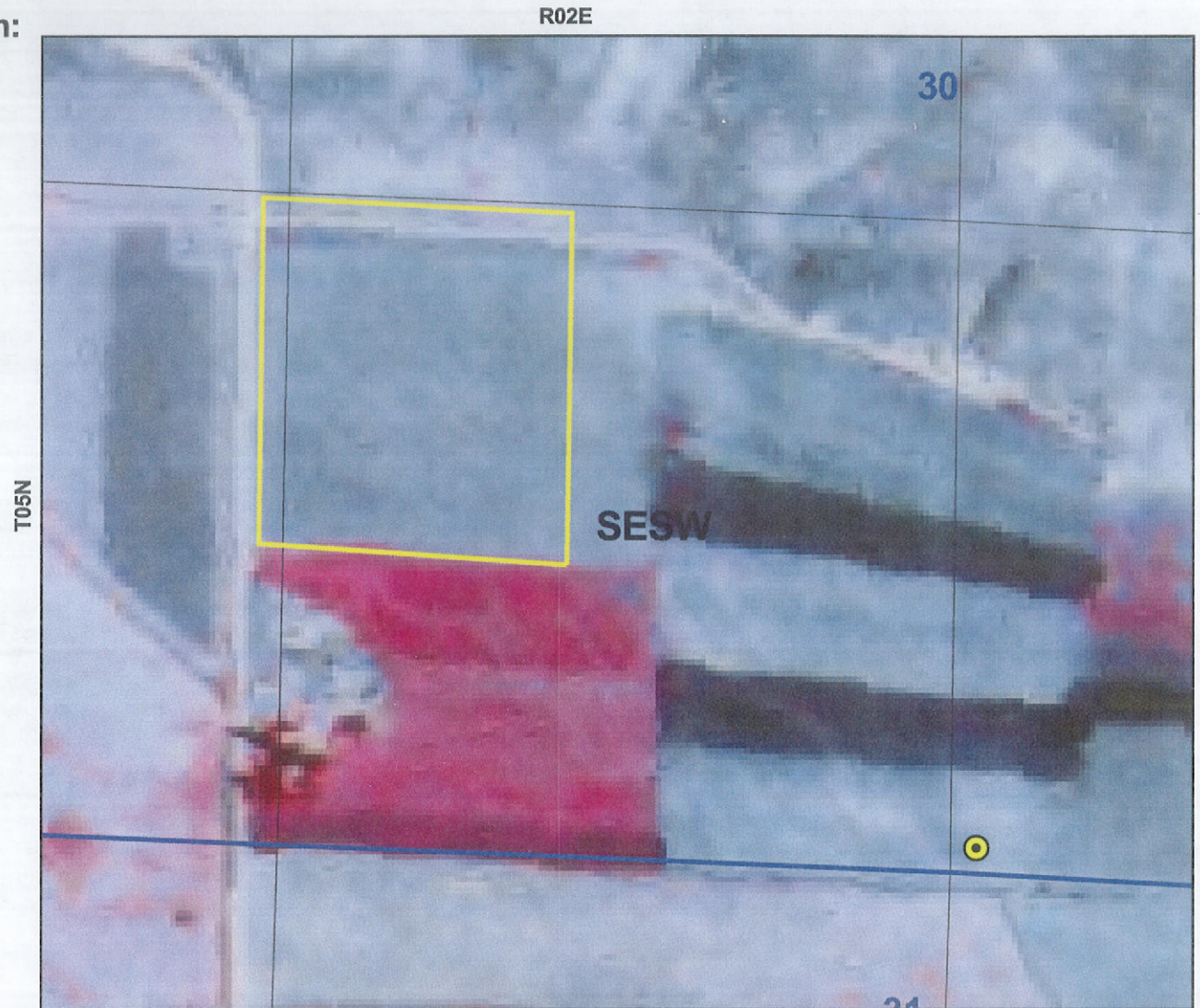
(Irrigation)

Legend

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



Ada County
IDWR Basin 63



0 0.1 0.2 Miles

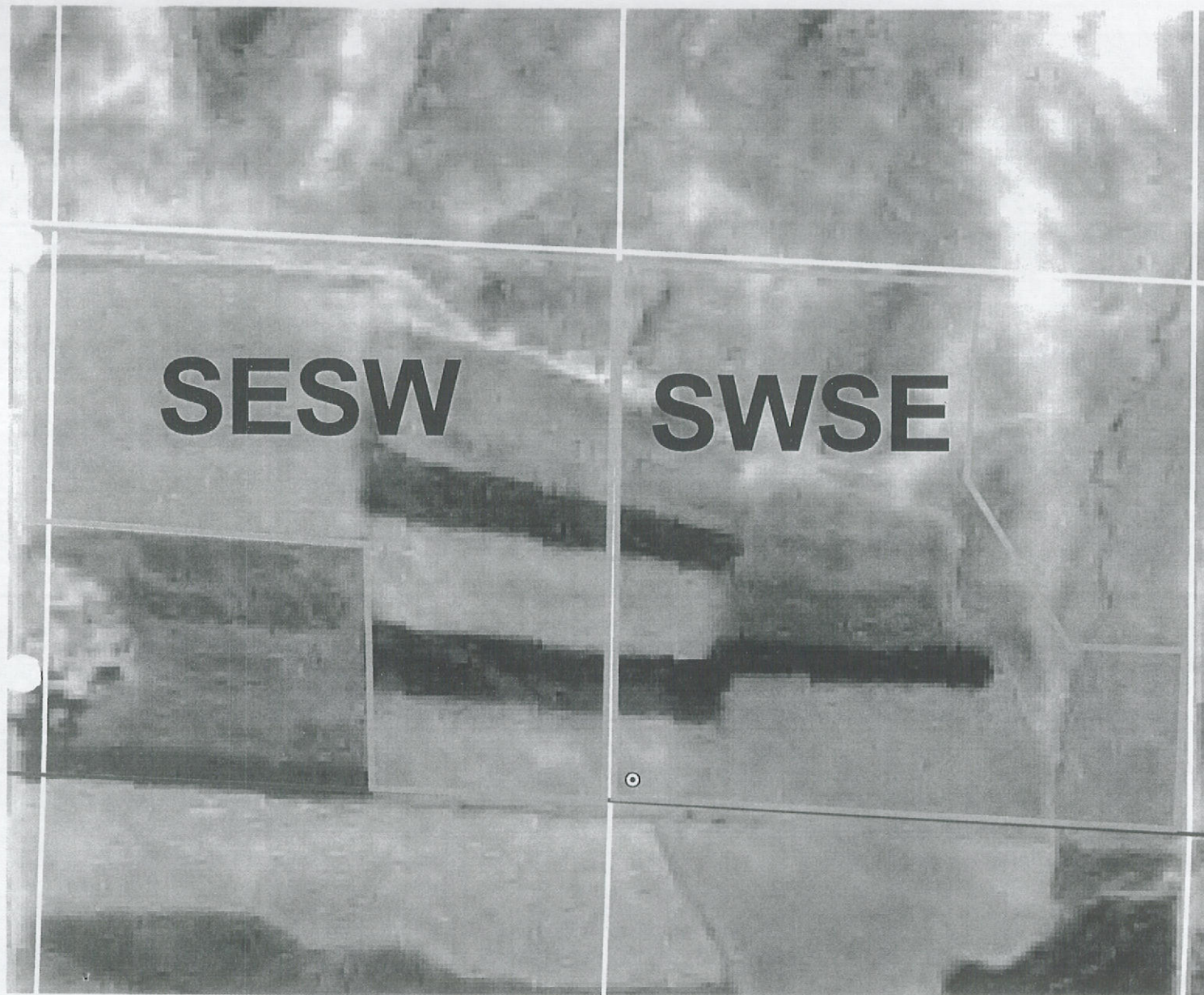
Prepared by K. Walker
On Monday, April 23, 2007
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

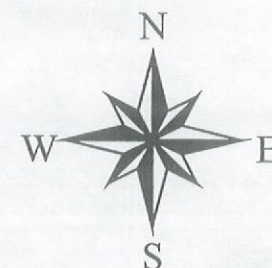
Claim: 63-3168A

Date Prepared: 10-14-03

Prepared By: Gene Gibson



T05N, R02E
S30



⊙ **Point of Diversion**

□ **Place of use**

□ **Section**

1/4 1/4

1987 NAPP

0 0.07 0.14 0.21 0.28 0.35 0.42 Miles

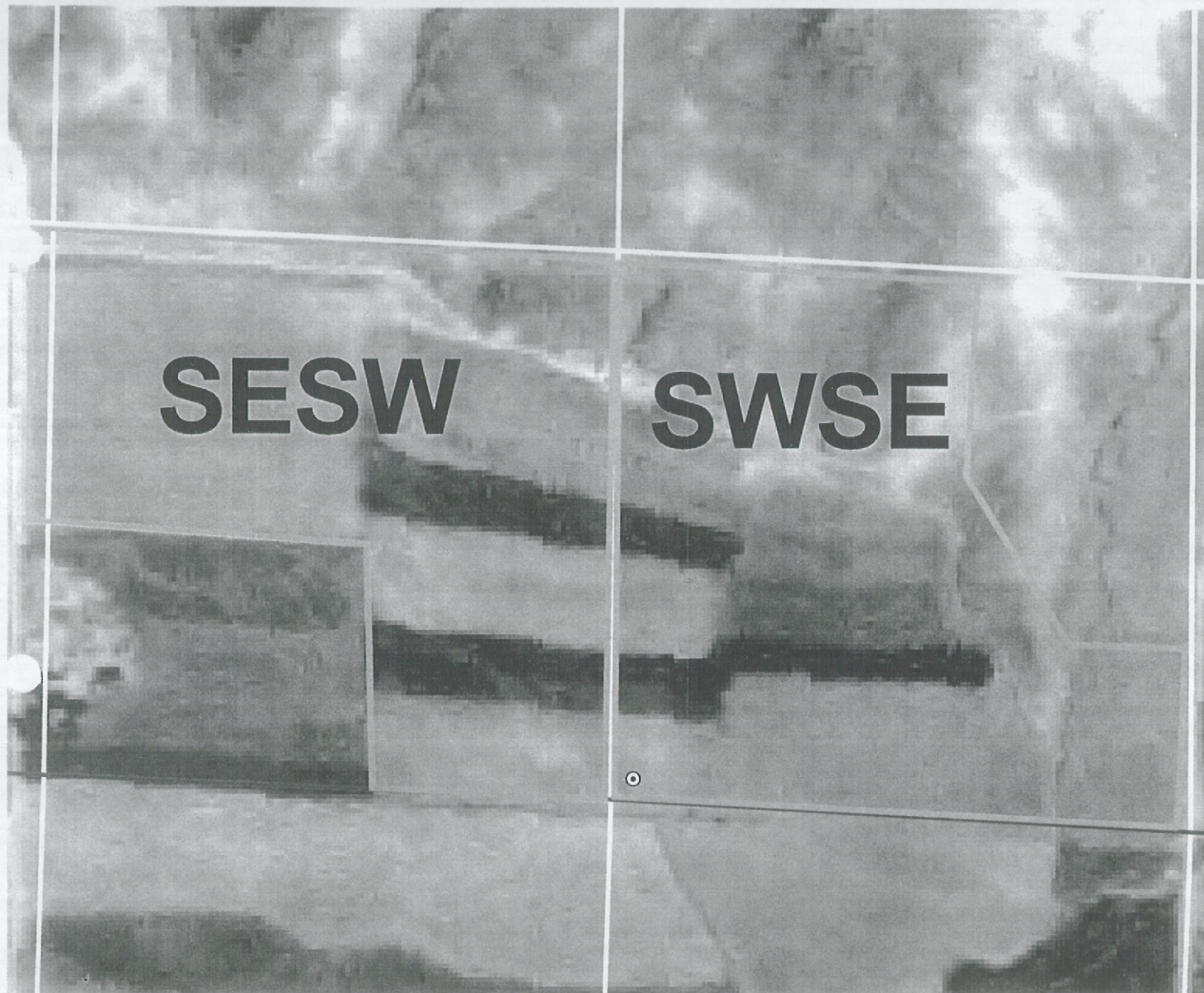
A horizontal scale bar with alternating black and white segments. The segments are labeled with distances in miles: 0, 0.07, 0.14, 0.21, 0.28, 0.35, and 0.42.

IDAHO DEPARTMENT OF WATER RESOURCES

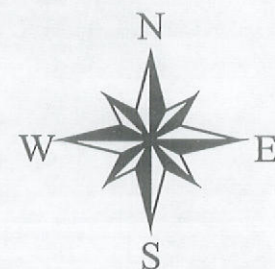
Claim: 63-3168A

Date Prepared: 10-14-03

Prepared By: Gene Gibson



T05N, R02E
S30



⊙ Point of Diversion

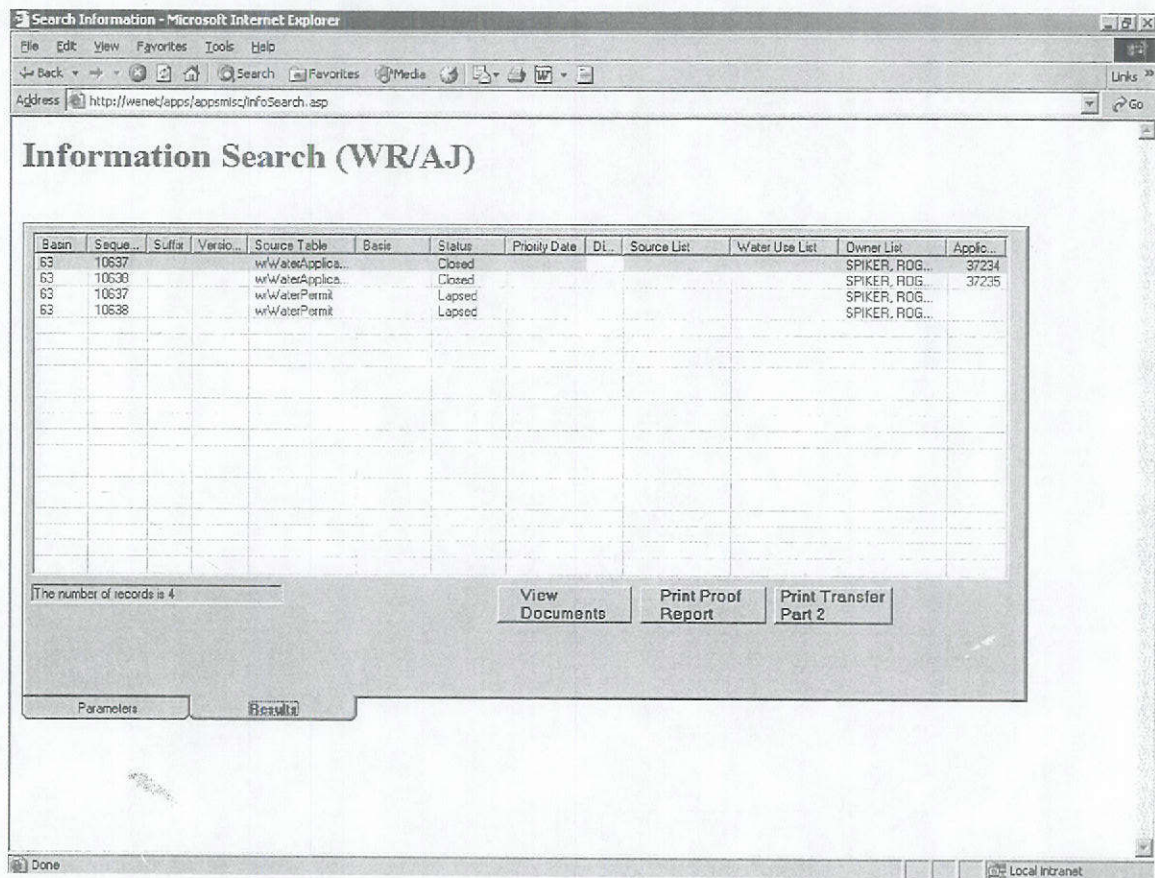
□ Place of use

□ Section

1/4 1/4

1987 NAPP

0 0.07 0.14 0.21 0.28 0.35 0.42 Miles



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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-32214
Date Received: 8/18/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LAND ASSOCIATES LLC Phone: (208) 867-8682
PO BOX 1297
EAGLE ID USA 83616

2. Date of Priority: 09/01/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02E	30	SW SW SE	ADA	

5. Description of diverting works:

WELL, 6" CASING, 120' DEEP, 25 HP SUBERSIBLE & 1.5 HP SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.18	

7. Total Quantity Appropriated is:
0.18 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	30	SE	SW	IRRIGATION	10
Section Acres						10
Total Acres						10

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-3168A.

15. Basis of Claim: License

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: A63-03168A
Date Received: 8/18/1989
Receipt No: C009859
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROGER E. SPIKER 208-939-8181
Address: 14780 BROKEN HORN ROAD
BOISE, ID 83703

AND/OR

Name: PATSY R. SPIKER 208-939-8181
Address: 14780 BROKEN HORN ROAD
BOISE, ID 83703

2. Date of Priority: SEP 01, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	02E	30	SW	SW	SE		ADA

5. Description of diverting works:

WELL, 6" CASING, 120' DEEP, 25 HP SUBERSIBLE & 1.5 HP SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.060		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, 1 HOME

A63-03168A

Page 1

Date: 08/18/89

MICROFILMED
AUG 18 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	02E	30	SE		SW		IRR	30.0
			SE		SW		DOMEST	
			SW		SE		IRR	30.0
							Section Acres	60.0
							Total Acres	60.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-10637, 63-10638

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 28130

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): *Roger Spiker* Date: 8/18/89
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of August 19 89 *Carter Fritschle*
Notary Public

Seal

Residing at _____

My Commission Expires _____

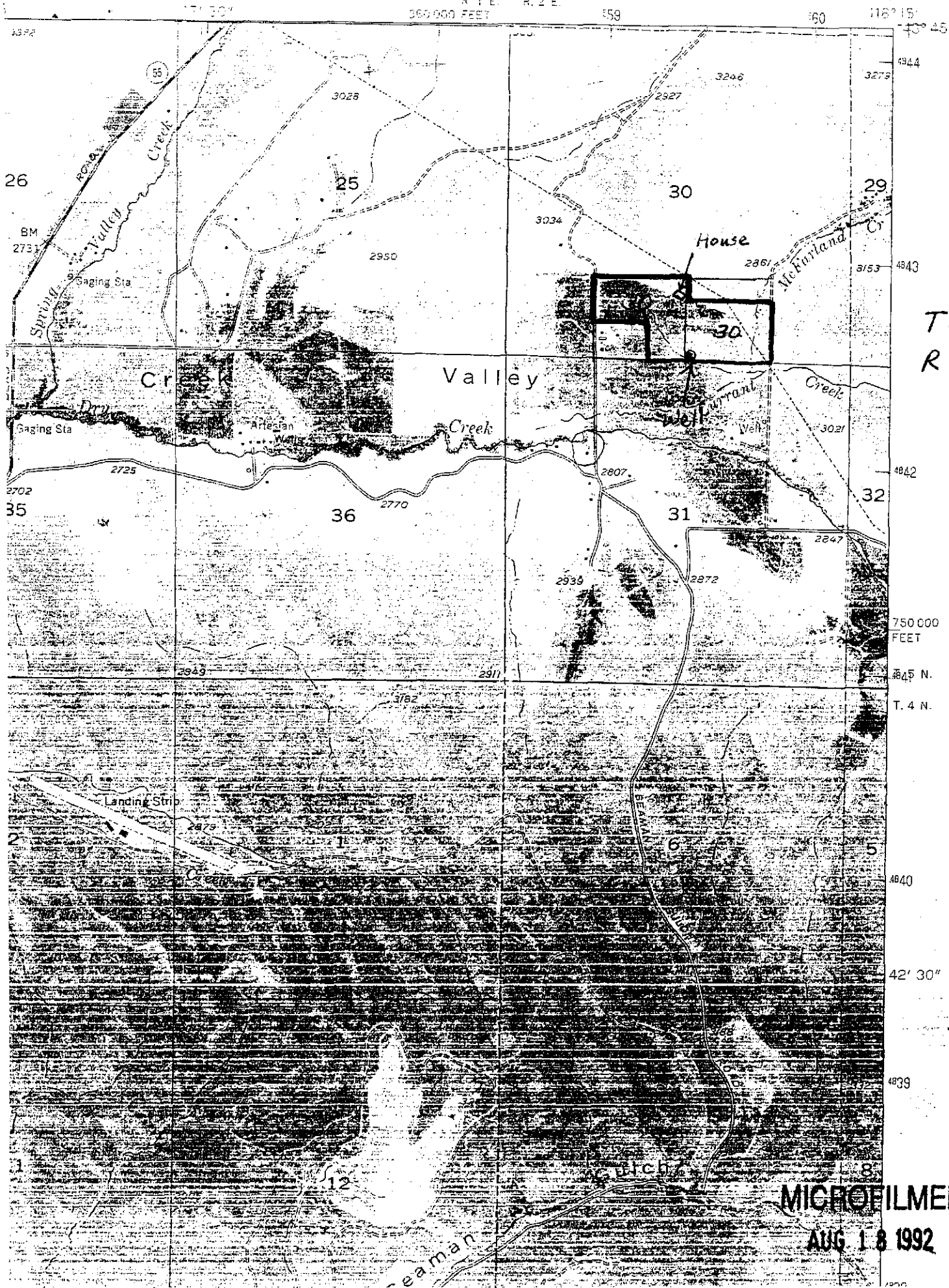
Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

A 3 03168 A

EAGLE QUADRANGLE

1040

7.5-MINUTE SE. E. (ORTHOPHOTOQUAD)



T5N
R2E

T5
T4

MICROFILMED
AUG 18 1992

63-3168A

Spiker
60 Acres
1.06 CFS
210 AFA

$$1.06 \div 60 = .02 \times 50 = .88$$
$$.02 \times 10 = .18$$

$$210 \div 60 = 3.5 \times 50 = 175$$
$$3.5 \times 10 = 35$$

225

63-32213

Spiker
50 acres
.88 CFS
~~175 AFA~~
225

63-32214

Land Associates, LLC
10 acres
.18 CFS
~~35 AFA~~
45

Form 42-248(42-140)(6) July, 2000

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

RECEIVED

NOV 02 2005

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3168	63-3168A	X			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Roger Spiker
14780 Broken Horn Road, Boise, ID 83703
4. New Owner/Claimant(s) Land Associates, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 1297
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) 867-8682
5. Date you acquired the property September 19, 2005

Form 42-248/42-1409(5) July, 2000

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-3168A</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.18 cfs, 45 afa</u>	<u>10 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.18 cfs, 45 afa</u>	

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

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) RON WAISH member
LAUD ASSOCIATES LLC

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

589123-111



WARRANTY DEED

For Value Received

GREGORY LAND & DEVELOPMENT, INC., AN IDAHO CORPORATION
AND ROGER E. SPIKER, AN UNMARRIED MAN

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Land Associates, LLC

hereinafter referred to as Grantee, whose current address is
PO Box 1297, Eagle, Idaho 83616

the following described premises, to-wit:

Lot 1 in Block 1 of SPIKER SUBDIVISION, according to the plat thereof recorded in
Book 93 of Plats at Pages 11062 through 11063, Records of Ada County, Idaho.

TOGETHER WITH ALL WATER RIGHTS APPURTENANT TO THIS LAND.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and that Grantor will warrant and defend the same from all claims whatsoever.

DATED: September 19, 2005.

GREGORY LAND & DEVELOPMENT, INC.

by:

Steven G. Gregory, President

Roger E. Spiker

STATE OF Idaho)
ss.

COUNTY OF Ada)

On this 9/19 day of September, 2005, before me, a Notary Public in and for said State, personally appeared Steven G. Gregory, known or identified to me to be the President of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

STATE OF Idaho)
ss.

COUNTY OF Ada)

Susan Rivas
Notary Public for the State of Idaho
Residing at: Mondak, ID Boise, ID
My Commission Expires: 09-26-08 01/18/06

On this 9/19 day of September, 2005, before me, a Notary Public in and for said State, personally appeared 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.

ROGER SPIKER

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Susan Rivas
Notary Public for the State of Idaho
Residing at: Boise, ID
My Commission Expires: 01-18-06

First American Title Company of Idaho

Page 2 of 5: RE-24 Purchase and Sale Agreement for Vacant Land

PROPERTY ADDRESS:

TBD BROKEN HORN RD.

ID#: LS051205

6. "NOT APPLICABLE DEFINED:" The letters "n/a," "NA," "n.a.," and "N.A." as used herein are abbreviations of the term "not applicable." Where this agreement uses the term "not applicable" or an abbreviation thereof, it shall be evidence that the parties have contemplated certain facts or conditions and have determined that such facts or conditions do not apply to the agreement or transaction herein.

7. **INSPECTION:** BUYER chooses ☐ to have inspection; ☒ not to have inspection. If BUYER chooses not to have inspection skip this Section 7. BUYER shall have the right to conduct inspections, investigations, tests, surveys and other studies at BUYER'S expense. BUYER shall, within _____ business day(s) of acceptance, complete these inspections and give to SELLER written notice of items disapproved of. BUYER is strongly advised to exercise these rights and to make BUYER'S own selection of professionals with appropriate qualifications to conduct inspections of the entire property. BUYER'S acceptance of the condition of the property is a contingency of this Agreement.

SATISFACTION/REMOVAL OF INSPECTION CONTINGENCIES:

1. If BUYER does not within the strict time period specified give to SELLER written notice of items disapproved of, BUYER shall conclusively be deemed to have: (a) completed all inspections, investigations, review of applicable documents and disclosures; (b) elected to proceed with the transaction and (c) assumed all liability, responsibility and expense for repairs or corrections other than for items which SELLER has otherwise agreed in writing to repair or correct.

2. If BUYER does within the strict time period specified give to SELLER written notice of items disapproved of, BUYER shall provide to SELLER pertinent section(s) of written inspection reports. SELLER shall have _____ business day(s) in which to respond in writing. The SELLER, at their option, may correct the items as specified by the BUYERS in their letter or may elect not to do so. If the SELLER agrees to correct the items asked for in the BUYERS letter, then both parties agree that they will continue with the transaction and proceed to closing. This will remove the BUYERS inspection contingency.

3. If the SELLER elects not to correct the disapproved items, then the BUYER(S) have the option of either continuing the transaction without the SELLER being responsible for correcting these deficiencies or giving the SELLER written notice within _____ business days that they will not continue with the transaction and will receive their Earnest Money back.

4. If SELLER does not respond within the strict time period specified, BUYER shall have the right to cancel this agreement in writing.

5. If BUYER does not give such written notice of cancellation within the strict time periods specified, BUYER shall conclusively be deemed to have elected to proceed with the transaction without repairs or corrections other than for items which SELLER has otherwise agreed in writing to repair or correct. SELLER shall make the property available for all inspections. BUYER shall keep the property free and clear of liens; indemnify and hold SELLER harmless from all liability, claims, demands, damages and costs; and repair any damages arising from the inspections. No inspections may be made by any governmental building or zoning inspector or government employee without the prior consent of SELLER, unless required by local law.

BUYER IS STRONGLY ADVISED TO INVESTIGATE THE CONDITION AND SUITABILITY OF ALL ASPECTS OF THE PROPERTY AND ALL MATTERS AFFECTING THE VALUE OR DESIRABILITY OF THE PROPERTY INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

- A. SIZE: Square footage and lot size. (Any numerical statements regarding these items are APPROXIMATION ONLY, and have not been and will not be verified and should not be relied upon by BUYER.
- B. LINES AND BOUNDARIES: Property lines and boundaries, septic, and leach lines (Fences, walls, hedges, and other natural or constructed barriers or markers do not necessarily identify true property boundaries. Property lines may be verified by surveys.)
- C. ZONING AND LAND USE: Inquiries, investigations, studies or any other means concerning past, present or proposed laws, ordinances, referendums, initiatives, votes, applications and permits affecting the current use of the property, BUYER'S intended use of the property, future development, zoning, building, size, governmental permits and inspections. Both parties are advised that Broker does not guarantee the status of permits, zoning or code compliance. The parties are to satisfy themselves concerning these issues.
- D. UTILITIES AND SERVICE: Availability, costs, and restrictions of utilities and services, including but not limited to, sewage, sanitation, water, electricity, gas, telephone, cable TV and drainage.
- E. UTILITIES, IMPROVEMENTS & OTHER RIGHTS: SELLER represents that the property does have the following utilities, improvements, services and other rights available (describe availability): 16TH WATER RIGHTS
- F. HAZARDOUS MATERIALS: The real estate broker(s) or their agents in this transaction have no expertise with respect to toxic waste, hazardous materials or undesirable substances. No representations, either expressed or implied, have been or will be made with respect to the existence or non-existence of such materials on the property. BUYERS who are concerned about the presence of such materials should have the property inspected by qualified experts. BUYER acknowledges that he/she has not relied upon any representations by either the Broker or the SELLER with respect to the condition of the property that are not contained in this Agreement or in any disclosure statements.
- G. TAX LIABILITY: The BUYER and SELLER acknowledge that they have not received or relied upon any statements or representations by the Broker with respect to the effect of this transaction upon BUYER's or SELLER's tax liability.

8. **TITLE CONVEYANCE:** Title of SELLER is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by SELLER may be paid out of purchase money at date of closing. No liens, encumbrances or defects, which are to be discharged or assumed by BUYER or to which title is taken subject to, exist unless otherwise specified in this Agreement.

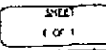
9. TITLE INSURANCE:

(A) **TITLE COMMITMENT:** Prior to closing the transaction, ☒ SELLER or ☐ BUYER shall furnish to BUYER a commitment of a title insurance policy showing the condition of the title to said premises. BUYER shall have 10 business day(s) from receipt of the commitment or not less than twenty-four (24) hours prior to closing, within which to object in writing to the condition of the title as set forth in the commitment. If BUYER does not so object, BUYER shall be deemed to have accepted the condition of the title. It is agreed that if the title of said premises is not marketable, or cannot be made so within _____ business day(s) after notice containing a written statement of defect is delivered to SELLER, BUYER's Earnest Money deposit will be returned to BUYER and SELLER shall pay for the cost of title insurance cancellation fee, escrow and legal fees, if any.

BUYER and SELLER acknowledge receipt of copy of this page, which constitutes PAGE 2 of 5 PAGES

BUYER'S Initials (JS) Date 5-12-05 SELLER'S Initials (JS) Date _____

This form is printed and distributed by the Idaho Association of REALTORS®, Inc. This form has been designed for and is provided only for use by real estate professionals who are members of the National Association of REALTORS®. USE BY ANY OTHER PERSON IS PROHIBITED. Copyright Idaho Association of REALTORS®, Inc. All rights reserved.



05/31/2005

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

RIGHT NUMBER: 63-3168A

NAME AND ADDRESS: PATSY R SPIKER
14780 BROKEN HORN RD
BOISE ID 83703

ROGER E SPIKER
14780 BROKEN HORN RD
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.060 CFS
270.00 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 09/01/1959

POINT OF DIVERSION:
T05N R02E S30 SWSWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.060 CFS 270.00 AFY
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 1 home.

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE
NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S30 SESW 30.0 T05N R02E S30 SWSE 30.0

DOMESTIC Within ADA County

T05N R02E S30 SESW

60 ACRES TOTAL

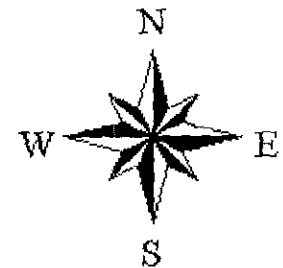
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-3168A

Date Prepared: 10-14-03

Prepared By: Gene Gibson

T05N, R02E
S30



⊙ Point of Diversion

□ Place of use

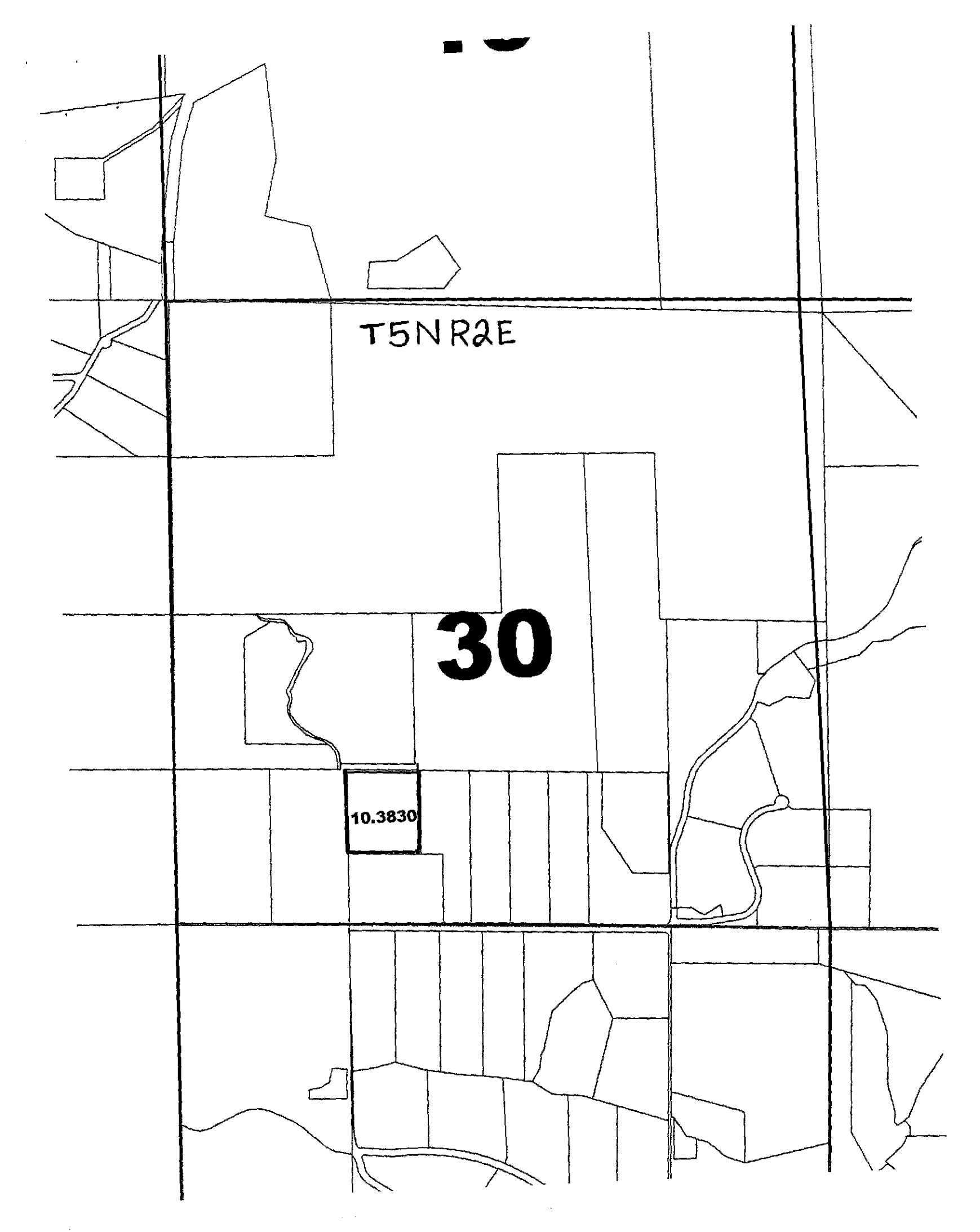
□ Section

1/4 1/4

1987 NAPP

0 0.07 0.14 0.21 0.28 0.35 0.42 Miles





T5NR2E

30

10.3830



SPF Water Engineering, LLC
water resource consultants

RECEIVED

NOV 02 2005

WATER RESOURCES
WESTERN REGION

November 1, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Attention: Adjudication

Subject: Ownership change and split for 63-3168A

Enclosed please find an ownership change notice for Land Associates, LLC. Please let me know if you have any questions, or if anything further is required.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

File: 421.0020



Idaho Department of Water Resources

SRBA Recommendation:

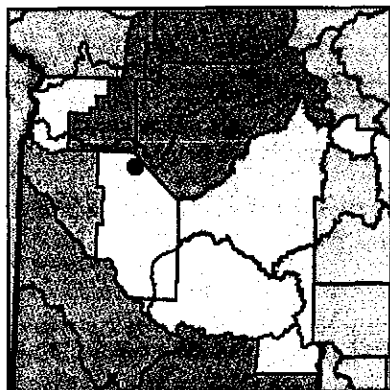
63-32214

(Irrigation)

Legend

⊙ Point of Diversion
Place of Use

▬ Townships
▬ PLS Sections
▬ Quarter Quarters



Ada County
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by K. Walker
On Monday, April 23, 2007
1987/88 Aerial Photography

11/28/2005

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

RIGHT NUMBER: 63-32214

NAME AND ADDRESS: LAND ASSOCIATES LLC
PO BOX 1297
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.180 CFS
45.000 AFY

PRIORITY DATE: 09/01/1959

POINT OF DIVERSION:

T05N R02E S30 SWSWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.180 CFS 45.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE
NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S30 SESW 10.0

10 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-3168A.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 17, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Land Associates LLC
PO Box 1297
Eagle ID 83616

Re: Original Notice of Claim to a Water Right No. 63-3168A

Renumbered Notice of Claim to a Water Right No. 63-32214

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

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

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

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosure

05/31/2005

RECEIVED

JUN 16 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-3168A

PATSY R SPIKER
14780 BROKEN HORN RD
BOISE ID 83703
Telephone Number: (208)939-8181

ROGER E SPIKER
14780 BROKEN HORN RD
BOISE ID 83703
Telephone Number: (208)939-8181

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

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

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

6/16/05

SIGNATURE:

Roger Spiker

Please print your name:

ROGER SPIKER

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

10/15/2003

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

RIGHT NUMBER: 63-3168A

NAME AND ADDRESS: PATSY R SPIKER
14780 BROKEN HORN RD
BOISE ID 83703

ROGER E SPIKER
14780 BROKEN HORN RD
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.060 CFS
270.000 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 09/01/1959

POINT OF DIVERSION:

T05N R02E S30 SWSWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.060 CFS 270.00 AFY
DOMESTIC	01/01 12/31	0.040 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE
NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S30 SESW 30.0 T05N R02E S30 SWSE 30.0

DOMESTIC Within ADA County

T05N R02E S30 SESW

60 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

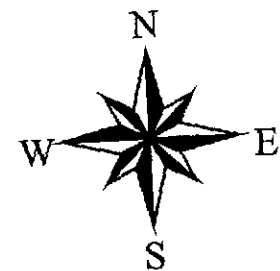
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-3168A

Date Prepared: 10-14-03

Prepared By: Gene Gibson

T05N, R02E
S30



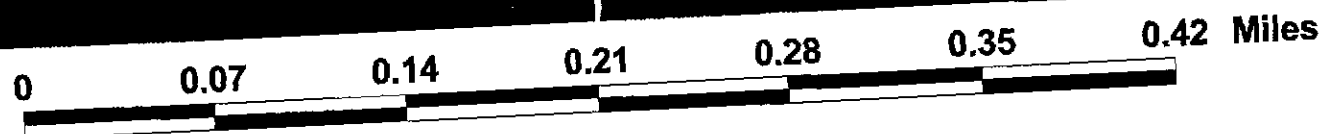
⊙ Point of Diversion

□ Place of use

□ Section

1/4 1/4

1987 NAPP



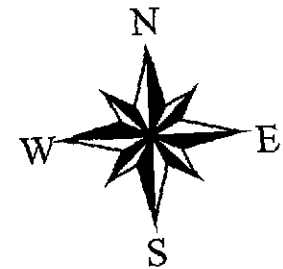
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-3168A

Date Prepared: 10-14-03

Prepared By: Gene Gibson

T05N, R02E
S30



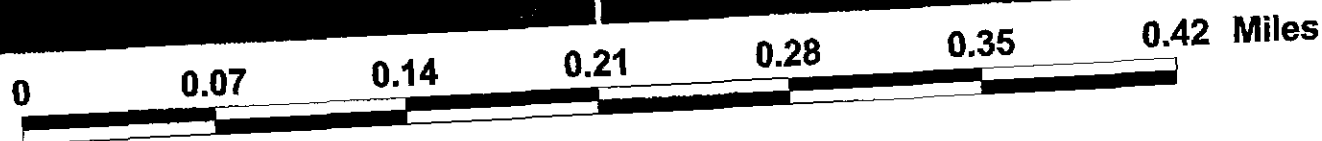
⊙ Point of Diversion

□ Place of use

□ Section

1/4 1/4

1987 NAPP



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-3168A _____

1. No Change NAME IS SAME
NEW OWNER: _____
No Change ADDRESS
NEW ADDRESS: _____

2. No Change DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. No Change — SAME SOURCE
Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

6. No Change - WATER USES
Different uses, (list uses found):

Use IRR From 3-15 To 11-15 Amount 1.06 CFS 210 AFA
Use Dom From 1-1 To 12-31 Amount .04 CFS .6 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. No Change - TOTAL VOLUME 1.06 210

Incomplete on claim, the total is, Amount _____ CFS _____ AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change - PLACE OF USE: (If changed, list below.)

Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

SYSTEM DIAGRAM INCLUDED NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-14-03

FIELD EXAMINER: GC

Print Name

[Signature]
Signature

State of Idaho

License and Certificate of Water Right

Water License No. 2-21111

Amount 1.06 cfs

Water District No. 1

Priority 1st

THIS IS TO CERTIFY that FRANK S. and MARJORIE BATES of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 1, 1959; that Permit No. G-28130 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.06 second feet, was issued thereunder on July 12, 1960, showing that said works were completed on the 30th day of October, 1959; and that on the 30th day of October, 1959,

FRANK S. and MARJORIE E. BATES

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation and domestic use under Use Permit No. G-28130 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 617, on the 12th day of July, 1960:

The right hereby confirmed dates from September 1, 1959:

The Point of Diversion is located

in the SE 1/4, Sec. 30, T. 5 N., R. 2 E., B. M. Ada County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.06 cubic feet per second.

Description and location of use:

Trp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	2 E.	30	40	40	20
			40	40	40
Total number of acres to be irrigated:				40	40

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

12 day of July, 1960.

W. H. M. CARTER
State Reclamation Engineer.

(SEAL)

611 1111

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-29120

This permit is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Frank S. & Marjorie E. Bates
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30
T. 5 N. R. 2 E. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same:

Peerless Turbine pump H. = 40' to water
very little draw down 18" 7.5 hp pump no.
7 1/2 hp. single phase motor H.S. 220V.
6" delivery to cast iron suction pipe into open ditch
to field by gravity

5. Water is used for: Irrigation and domestic
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T. 5 N. R. 2 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water be appropriated from, next?

Remarks:

The water is used
water measured thus spending water

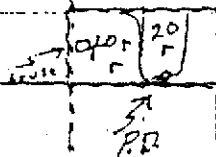
This examination was made on the

3 day of June, 1960
(Signed) E. H. Thompson
Engineer

R-2E

T.
5
N.

30



31

Subdivisions = 2

Area = 60 acres

$\bar{S} = 0.53''$ or

1.56 ft.

Information Search (WR/AJ)

Basin	Seque...	Subs...	Verio...	Source Table	Basin	Status	Priority Date	Di...	Source List	Water Use List	Owner List	Applic...
63	10637			wwWaterApplica...		Closed					SPIKER, ROG...	37234
63	10638			wwWaterApplica...		Closed					SPIKER, ROG...	37235
63	10637			wwWaterPermit		Lapsed					SPIKER, ROG...	
63	10638			wwWaterPermit		Lapsed					SPIKER, ROG...	

The number of records is 4

[View Documents](#) [Print Proof Report](#) [Print Transfer Part 2](#)

[Parameters](#) [Results](#)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

June 13, 1997

PHILIP E. BAIT
GOVERNOR

KARL J. DREHER
DIRECTOR

MRS ROGER SPIKER
14780 BROKEN HORN ROAD
BOISE ID 83703

Dear Mrs. Spiker:

Thank you for your phone call to inquire about your water rights.

As you requested, I have researched the water right records to determine if you have any Currant Creek water rights. I found that in 1989 permit 63-10637 was issued to Roger Spiker for the development of a right to use Currant Creek water for the irrigation of 62 acres. However, permit 63-10637 lapsed because proof of beneficial use was not submitted. Lapsed permits are of no force or effect. I have enclosed a copy of the lapse notice sent in 1991 along with a copy of the application itself. I could find no other Currant Creek water rights associated with your property.

Licensed water right 63-03168, originally issued to Frank S. Bates for 60 acres of irrigation, is apparently the ground water right appurtenant to your land. You have claimed all or part of this right in the Snake River Basin Adjudication as claim A63-03168A. I have enclosed database printouts of licensed right 63-03168 and claim A63-03168A for you to review. Snake River Basin Adjudication claims in your area have not yet been investigated by IDWR or confirmed by decree of the court.

I also found that in 1989 permit 63-10638 was issued to Roger Spiker for the development of a right to use ground water for the irrigation of 10 acres in addition to the 60 acres covered by right 63-03168. However, permit 63-10638 also lapsed because proof of beneficial use was not submitted. Copies of the lapse notice and the application are enclosed for you.

Based on our conversation, I believe your inquiry was related to your desire to deed or otherwise transfer some of your water right to the people who purchased a portion of your land. In Idaho licensed and decreed water rights are appurtenant to the land on which they were developed. When a sale occurs, water rights pass with the land sale unless the transaction specifies otherwise. When a portion of a larger parcel is sold, the water right is usually split proportionally. Therefore, if the new owners purchased land that is covered by water right 63-03168, they may be entitled to a portion of that right. The new owners would have to file an application for transfer with IDWR to change the point of diversion to their well.

Mrs. Roger Spiker

June 13, 1997

Page 2

If you intend to change a water right so that it is used within a 40-acre tract where it has not previously been used, you will need to file an application for transfer with IDWR to change the place of use of the right.

If you need to file an application for transfer with IDWR, I recommend that you and the new property owner make an appointment to visit with one of our agents in our Western Region office on Airport Way. The phone number there is 334-2190. Please be sure to take a copy of this letter with you.

If you have any questions, please call me at 327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

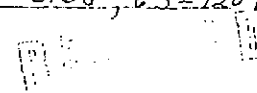
CONVERSATION MEMORANDUM

DATE 6/3/82

FILE 63-3168, 63-9209

NAME OF PARTY Blair Clark

EMPLOYEE David Shaw



JUN 7 1982

Department of Water Resources

RE: Memo of 2/22/79

Blair said Beliveau does not own the 21 acres shown on 63-9209 but instead owns only the southern half or about 10.5 acres. Spikers, who bought the remaining 40 acres under 63-3168, also own the northern half of the 21 acres covered by 63-9209.

Assuming the above to be correct the portion of ~~63-3168~~ 63-3168 abandoned is probably only 10 or 10.5 acres in the SE SE SW rather than 21 acres and when 63-9209 is licensed it will need to be reduced to 10 or 11 acres.

February 22, 1979

M E M O R A N D U M

TO: File 63-3168 & 63-9209

FROM: D. Shaw DGS

SUBJECT: Partial Abandonment of 63-3168

The 21 acres in approximately the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 5N, Rge. 2E were originally covered by water right license 63-3168 which was developed by Bates. Beliveau purchased the Bates' property and then split the property and sold the portion on which the well that is covered by license 63-3168 is situated.

Mr. Beliveau assumed that selling the well left his property (the 21 acres described above) dry and filed a new water right application. After the duplication was identified Mr. Beliveau was informed he could probably file a transfer on the portion of 63-3168 on his property and add a point of diversion which would allow him to use the old license and preserve that priority date.

Mr. Beliveau said he was not interested in filing a transfer and wanted only to have his new application approved.

Therefore, it appears that the portion of water right license 63-3168 covering 21 acres in approximately the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 5N, Rge. 2E has been abandoned.

kk