

A 3 03168 A

EAGLE QUADRANGLE

ID 40

7.5-MINUTE SE. E. (ORTHOPHOTOQUAD)

17° 30"

360 000 FEET

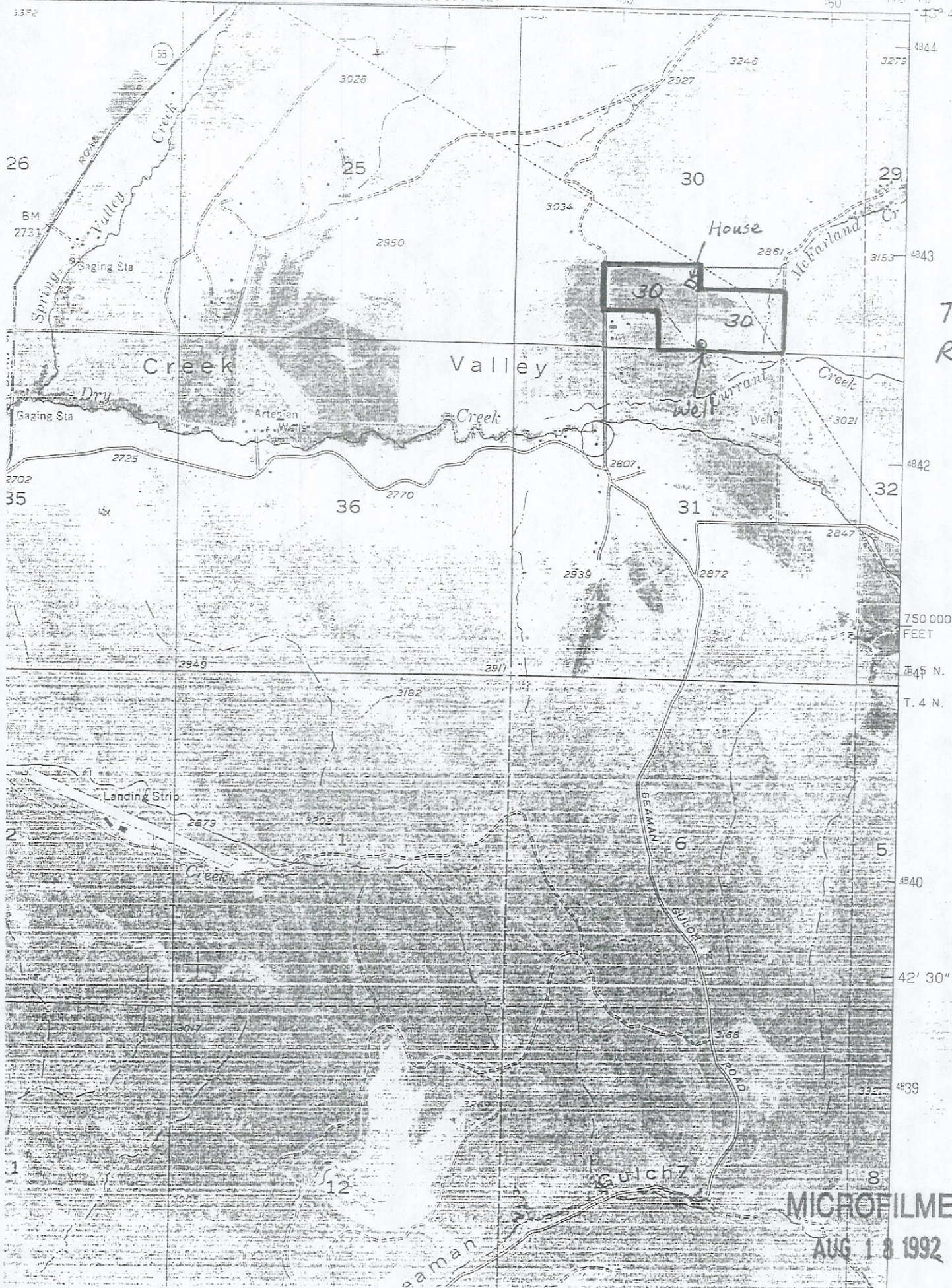
R 1 E. R 2 E.

158

160

116° 15'

45° 45'



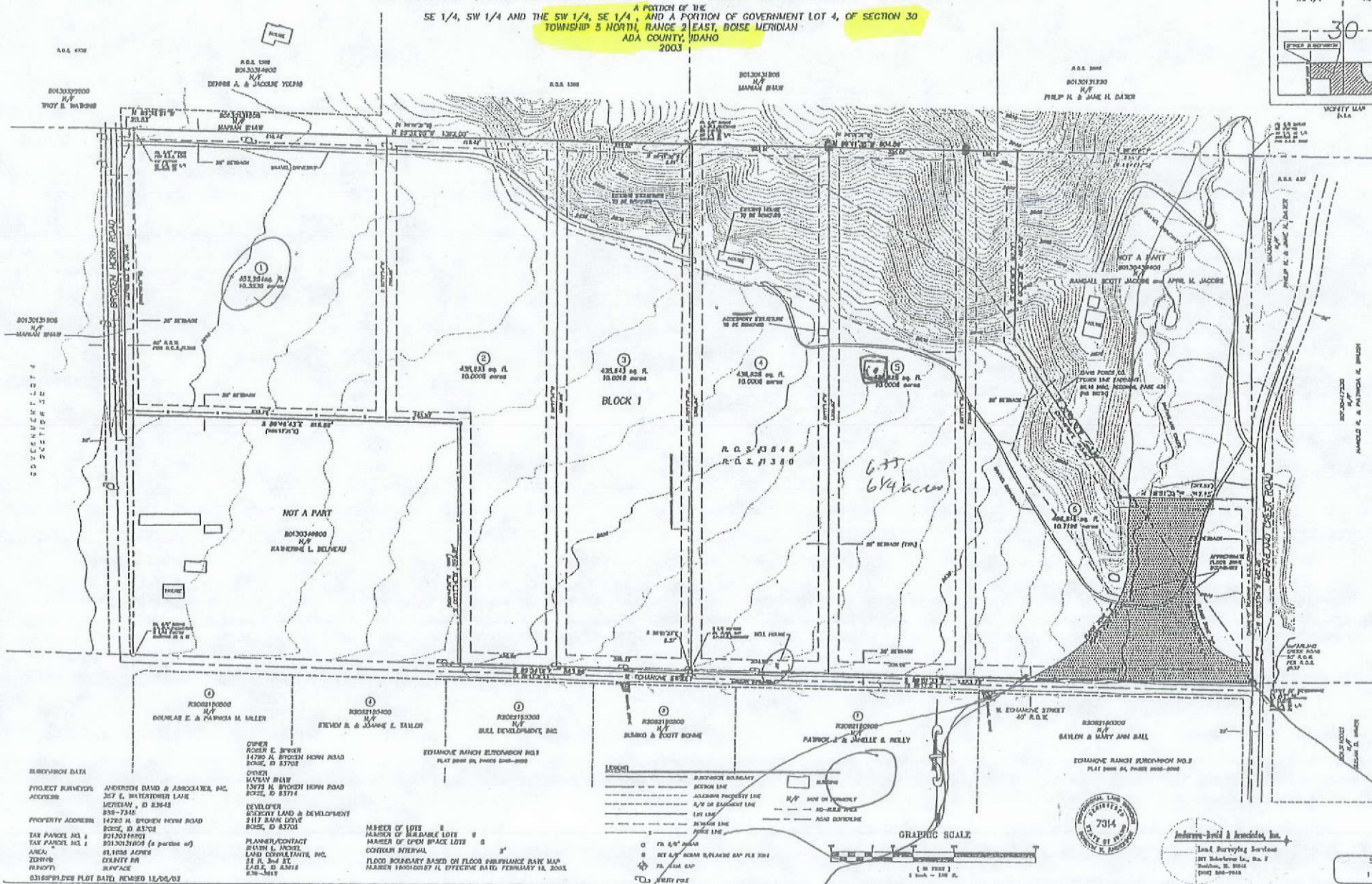
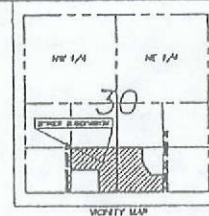
T5N
R 2 E

T5
T4

MICROFILMED

AUG 18 1992

A PORTION OF THE
SE 1/4, SW 1/4 AND THE SW 1/4, SE 1/4, AND A PORTION OF GOVERNMENT LOT 4, OF SECTION 30
TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE MERIDIAN
ADA COUNTY, IDAHO
2003

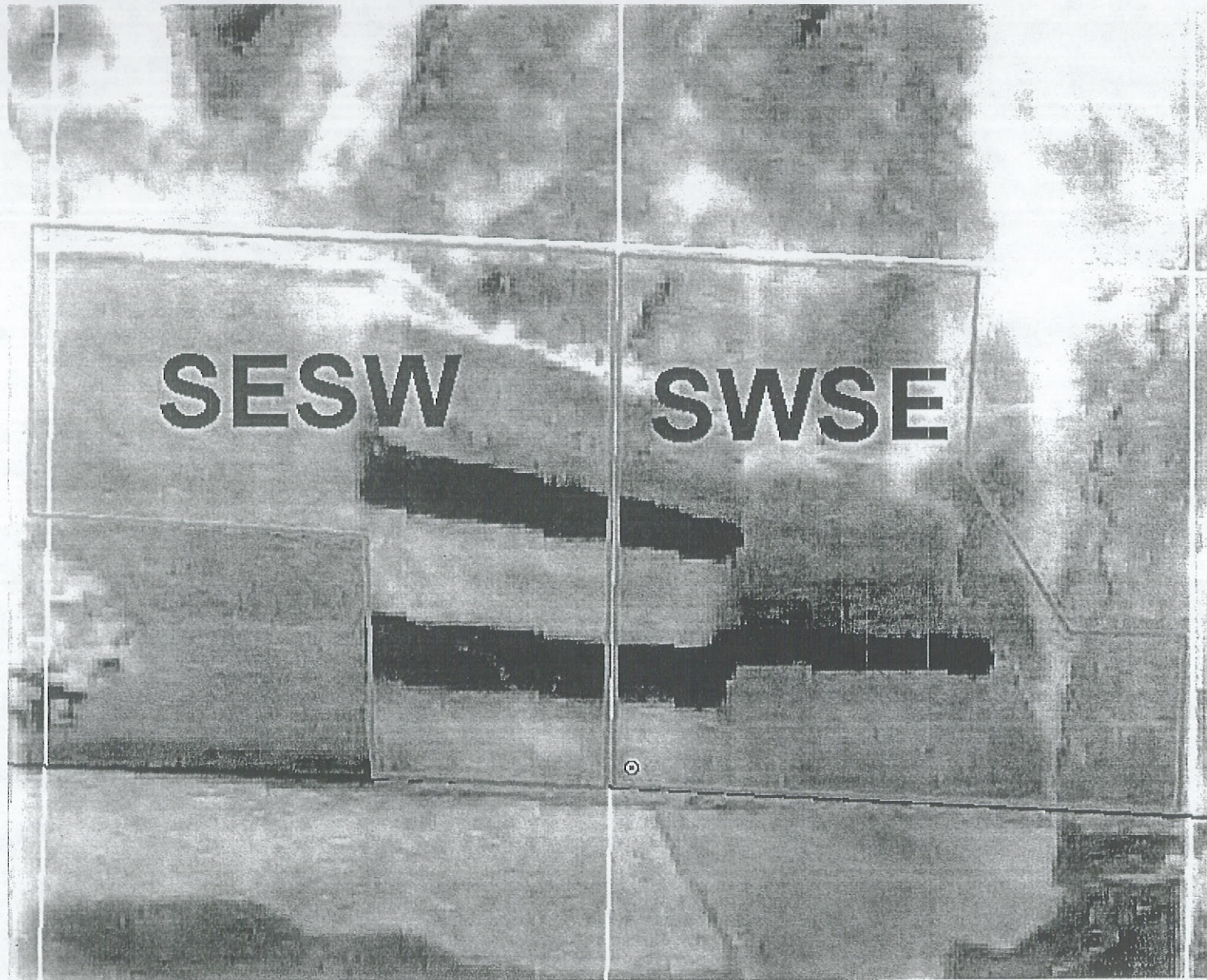


IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-3168A

Date Prepared: 10-14-03

Prepared By: Gene Gibson

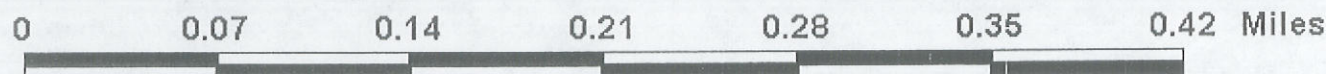


T05N, R02E
S30



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

1987 NAPP





Idaho Department of Water Resources

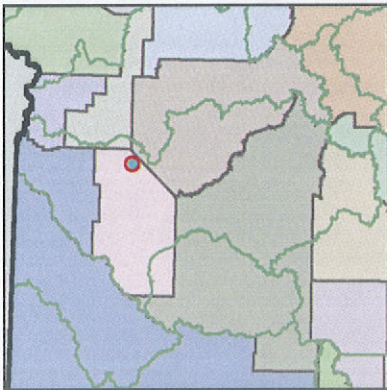
SRBA Recommendation:

63-32333

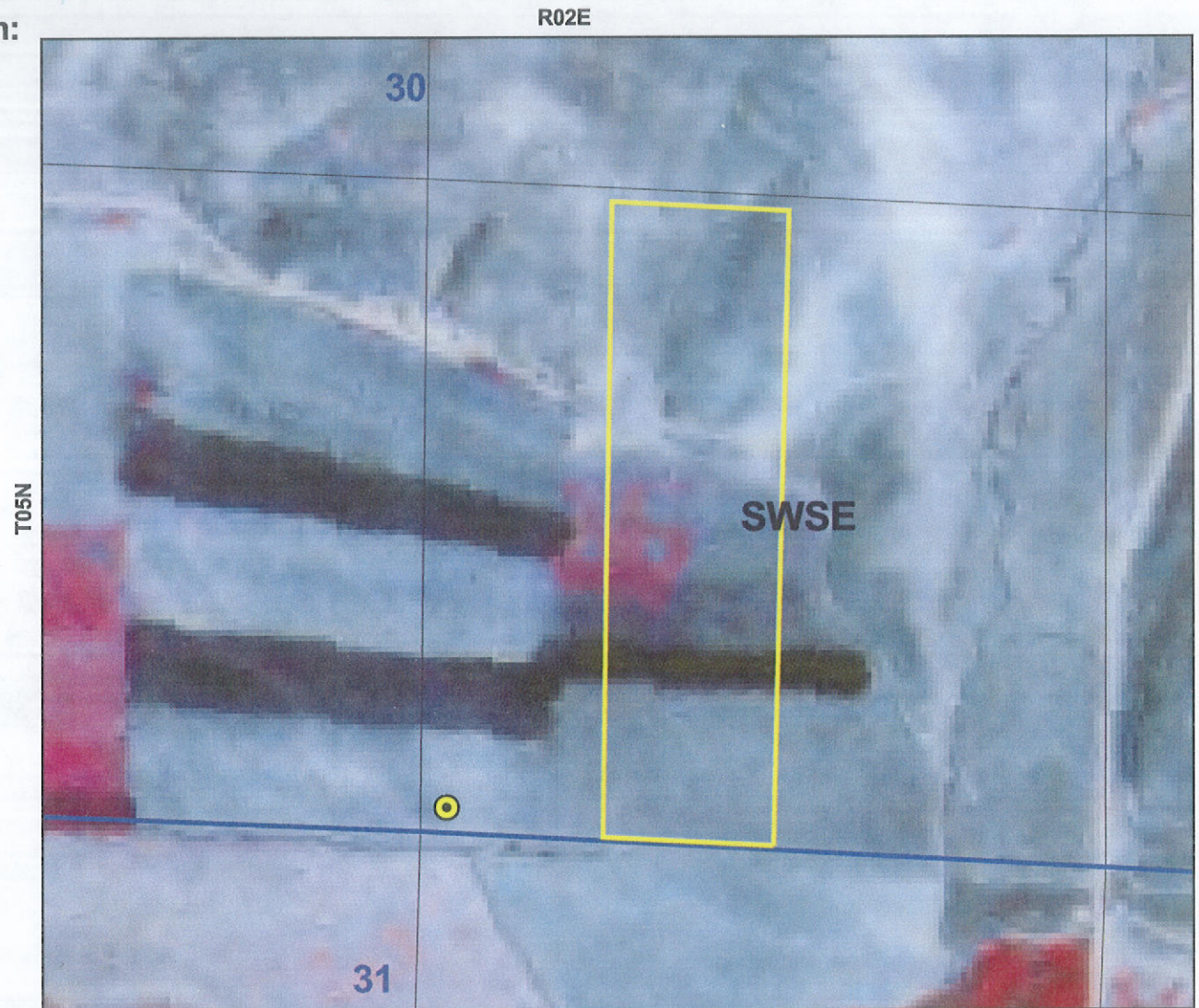
(Irrigation)

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

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 63-32333
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)

THOMAS MAGNUSON Phone: (208)939-3331
3143 S MARYMEADE AVE
EAGLE ID USA 83616

TAMMY MAGNUSON Phone: (208)939-3331
3143 S MARYMEADE AVE
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	45

7. Total Quantity Appropriated is:
0.18 C.F.S. and/or 45 A.F.A.

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	SW	SE	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:

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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

This right is a split from former right 63-32213 .

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 63-32213
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)

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

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

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	0.88	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.88 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	SW	SE	IRRIGATION	30
			SE	SW	IRRIGATION	20
			SE	SW	DOMESTIC	
					Section Acres	50
					Total Acres	50

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: 2009857
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 Eiker* 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 _____

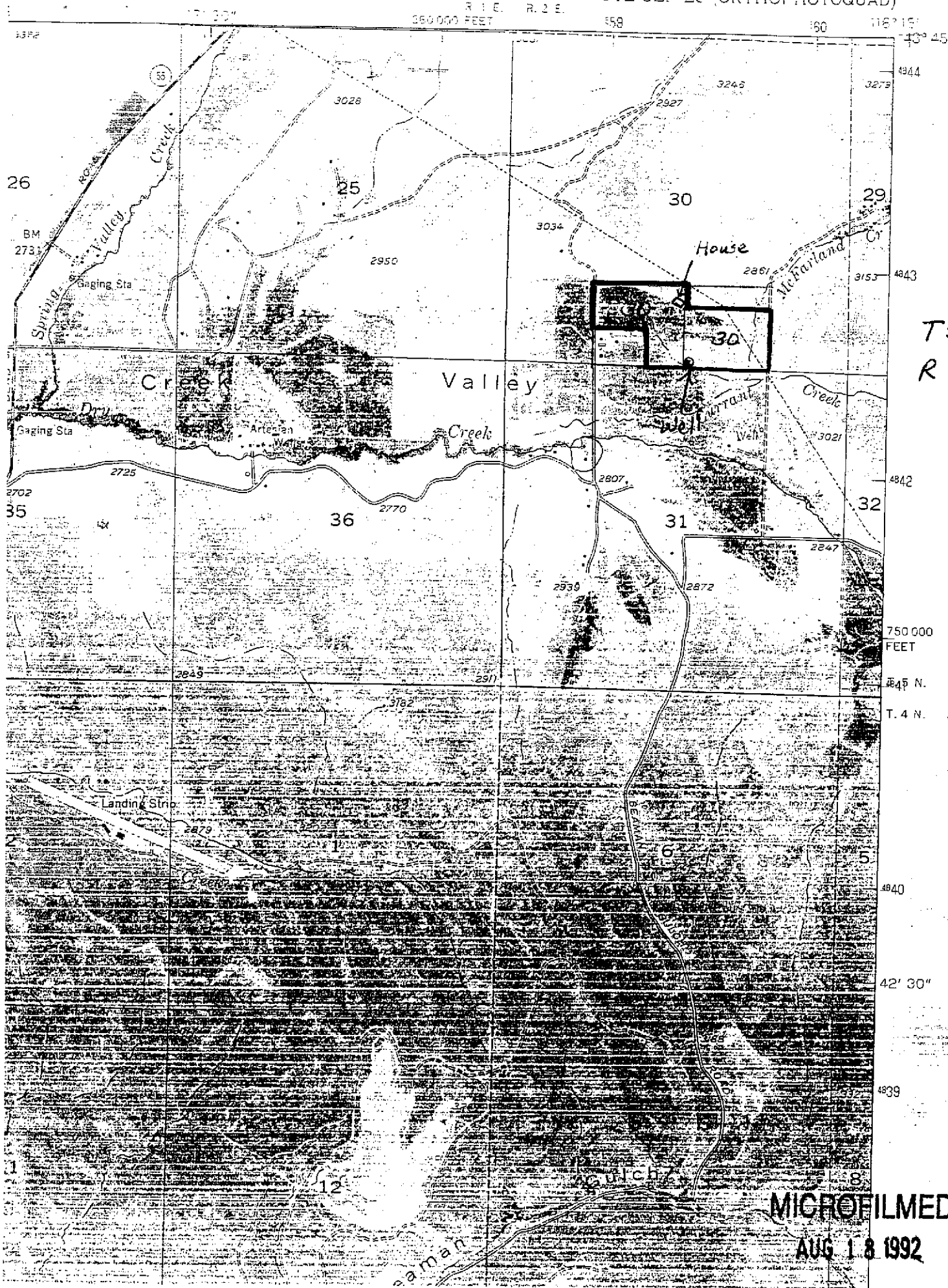
Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

A 23168A

EAGLE QUADRANGLE

ID#40

7.5-MINUTE SE. E. (ORTHOPHOTOQUAD)



RECEIVED

JUN 16 2006

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

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
~~28135~~	63-32213	~~1~~ 1/5			

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 + Patsi Spiker
14780 Broken Horn Rd. Boise ID 83714
4. New Owner/Claimant(s) Thomas and Tammy Magnuson
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3143 S. Marymeade Ave
- City, State and ZIP Code Eagle ID 83616
- New Telephone Number 208, 939-3331
5. Date you acquired the property 11/29/05

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 _____		
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	_____	10 acres irrigation
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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) JHR
(include title if applicable) _____

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 [Signature] Date 6-16-06 Fee N/A
 Received by [Signature] Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 6-19-06 WR _____ Date _____



105181816

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

Thomas R. Magnuson and Tammy S. Magnuson, Husband and Wife

hereinafter referred to as Grantee, whose current address is

3143 S. Marymeade Eagle ID

the following described premises, to-wit:

Lot 5 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 INCLUDING 1/6 INTEREST
IN AND TO THOSE CERTAIN WATER RIGHTS REFERENCED AS 63-3168A.

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
Steven G. Gregory, President

Roger E. Spiker
Roger E. Spiker

STATE OF Idaho)
SS.

COUNTY OF Ada)

On this 19th 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: Meridian, ID Boise, ID

My Commission Expires: 09-26-08 01-18-06

On this 19th 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.

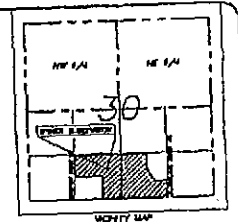


Susan Rivas
Notary Public for the State of Idaho

Residing at: Boise, ID

My Commission Expires: 01-18-06

SE 1/4, SW 1/4 AND THE SW 1/4, SE 1/4, AND A PORTION OF GOVERNMENT LOT 4, OF SECTION 30
TOWNSHIP 8 NORTH, RANGE 2 EAST, BOISE MERIDIAN
ADA COUNTY, IDAHO
2003



Interpreting & Consulting Inc.
 Local Surveying Services
 805 Lakeside Dr., Rm. 4
 Madison, WI 53706
 (608) 261-7010

SHEET
1 OF 1

Form 42-248/42-1409(6) July, 2000

RECEIVED

NOV 02 2005

WATER RESOURCES
WESTERN REGION

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

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

Boise, 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
LAND 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 _____



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.

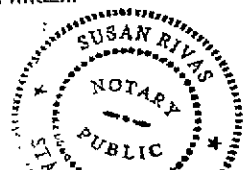
Residing at: Mendon, ID Boise, ID

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," "N/A," "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 0 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 0 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): 1/6TH 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.

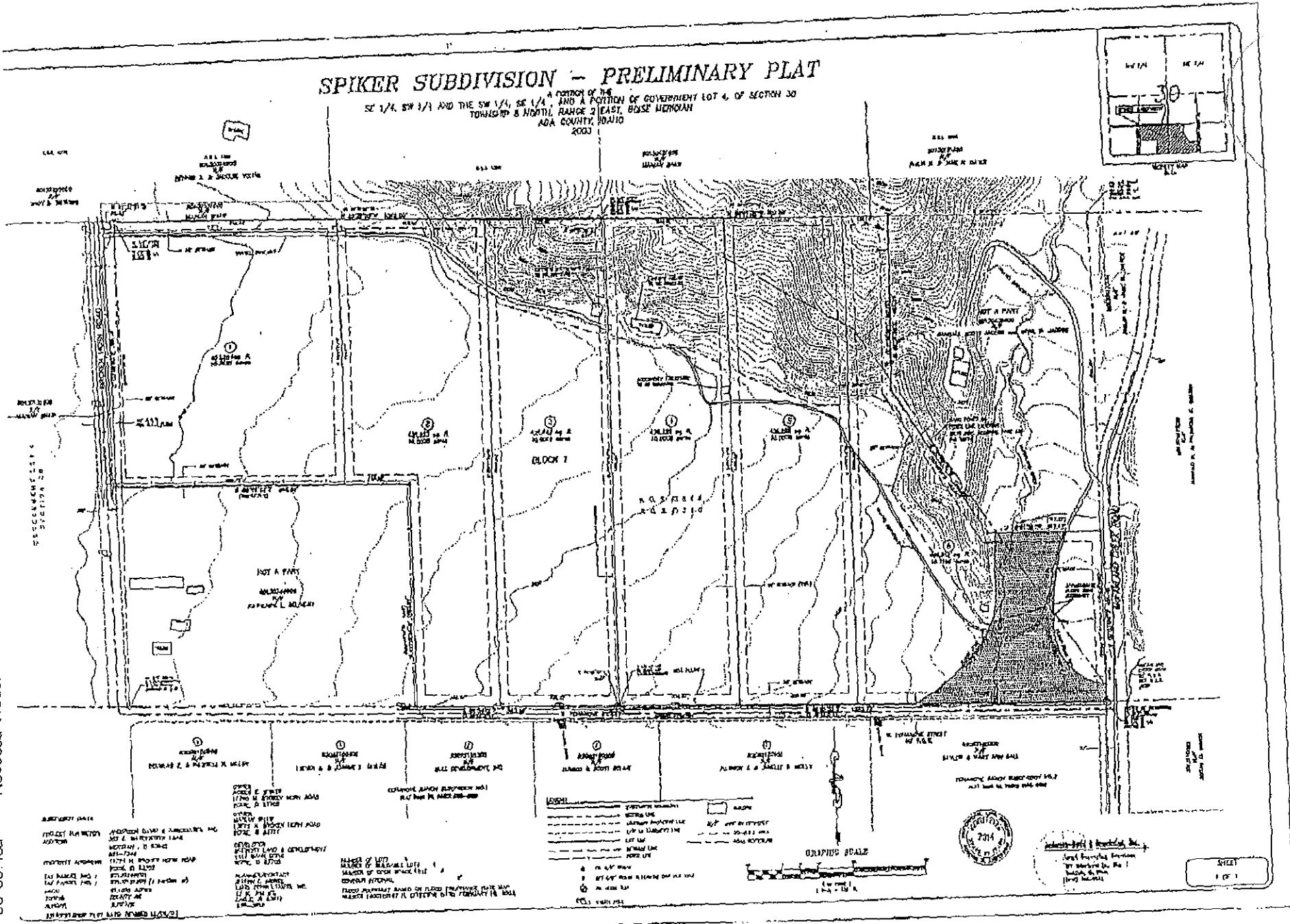
8. **TITLE CONVEYANCE:** Title of SELLER is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental 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 5-12-06 SELLER'S Initials (X) Date _____

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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

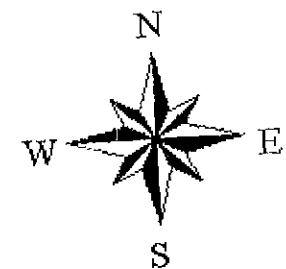
T05N R02E S30 SESW

60 ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES

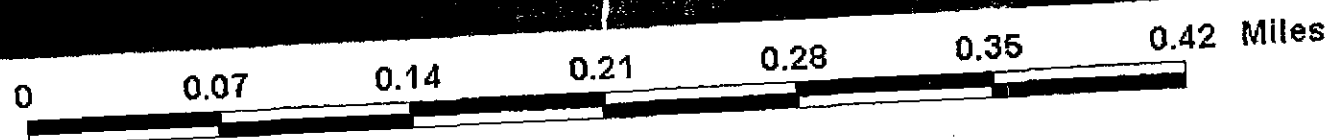
Claim: 63-3168A
Date Prepared: 10-14-03
Prepared By: Gene Gibson

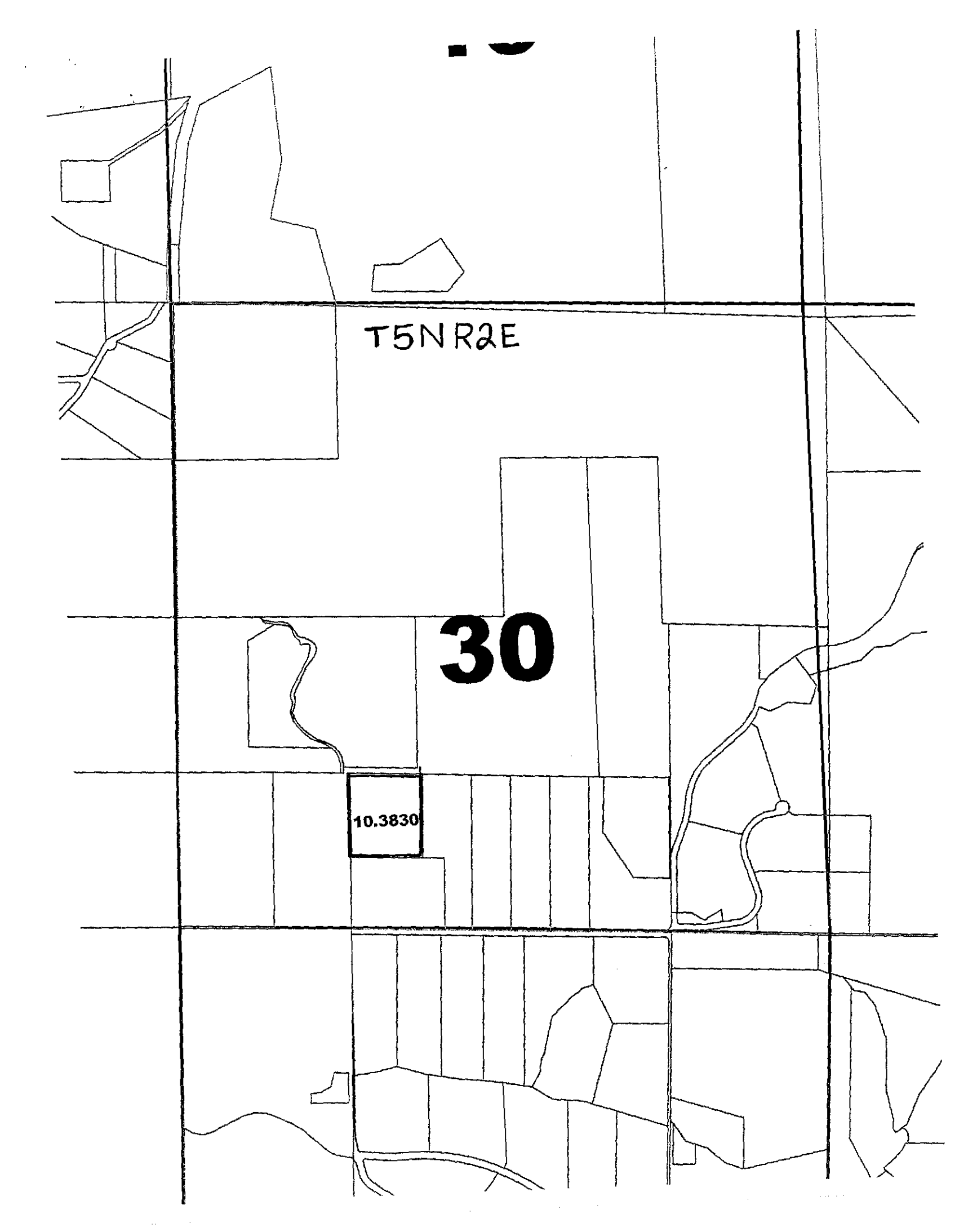
T05N, R02E
S30



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

1987 NAPP





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

63-3168A

Spiker
60 Acres
1.06 CFS
210 AFA

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

~~210~~ $210 \div 60 = 3.5 \times 50 = 175$

$$3.5 \times 10 = 35$$

63-32213

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

63-32214

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



Idaho Department of Water Resources

SRBA Recommendation:

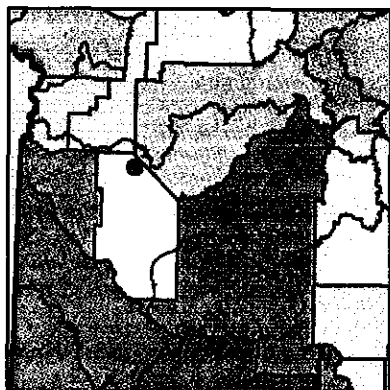
63-32333

(Irrigation)

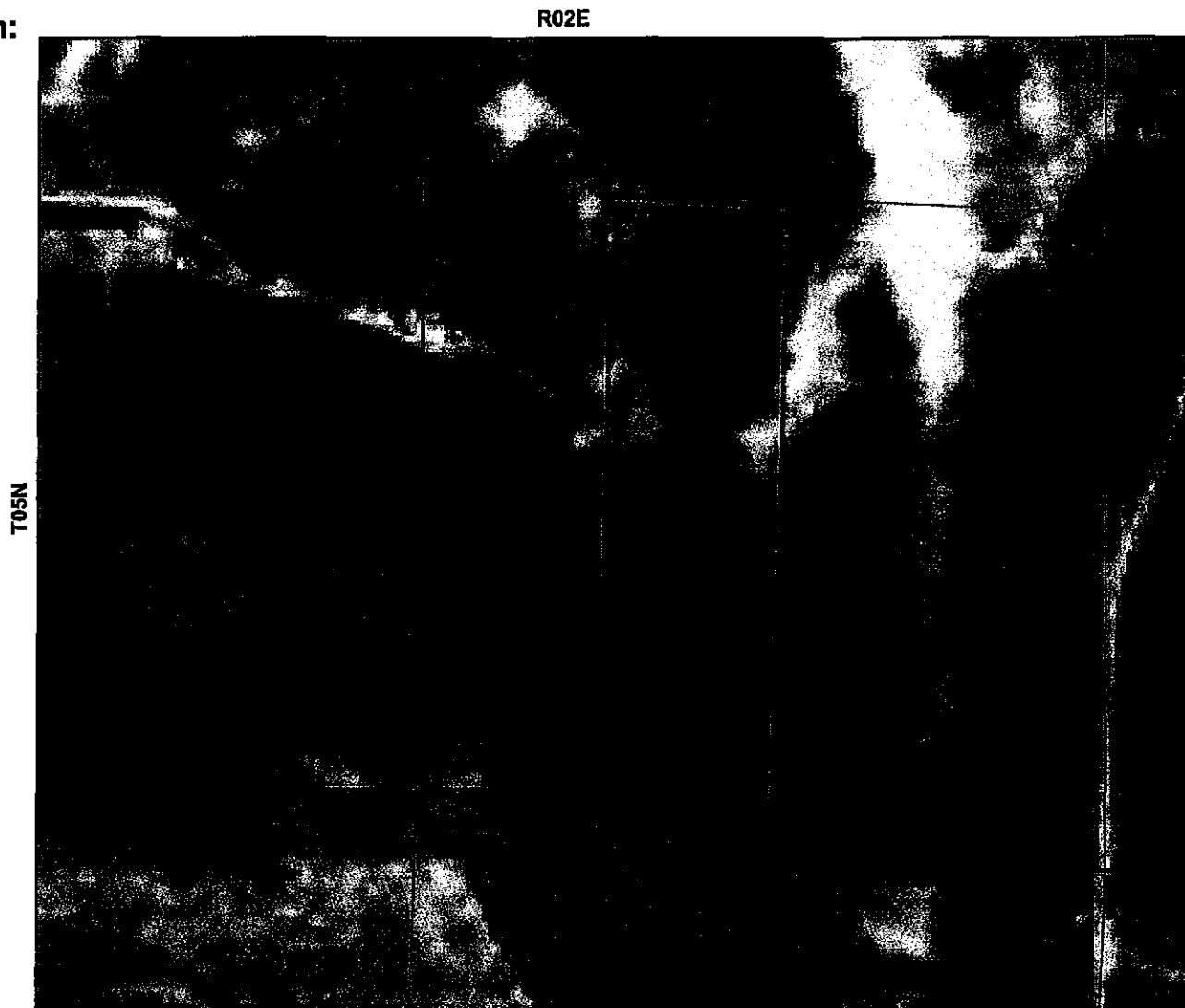
Legend

⊙ 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

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

In Re SR2A)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-32333

2006 JUL 28 PM 2:09

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: TAMMY MAGNUSON
THOMAS MAGNUSON
3143 S MARYMEADE AVE
EAGLE, ID 83616

SOURCE: GROUND WATER

QUANTITY: 0.18 CFS
45.00 AFY

PRIORITY DATE: 09/01/1959

POINT OF DIVERSION: T05N R02E S30 SWSWSE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.18 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.

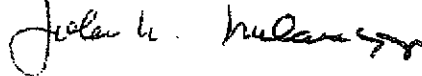
PLACE OF USE: Irrigation Within Ada County
T05N R02E S30 SWSE 10.0
10.0 Acres Total

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUL 31 2006

DEPARTMENT OF
WATER RESOURCES

2006 JUL 28 PM 2:09

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)
ORDER OF PARTIAL DECREE ON
UNCONTESTED WATER RIGHT CLAIM
FOR WATER RIGHT 63-32333

On December 26, 2005, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part II, Irrigation and Other, For Reporting Area 13 (Basin 63)*, which included a recommendation for the above-captioned water right. No objections to this recommendation were filed and the time period for filing objections has now expired. On June 21, 2006, a *Notice of Completed Administrative Proceeding* was filed indicating a change in ownership. The date originally set for the hearing on the uncontested rights in Basin 63 Part II was July 18, 2006.

On June 26, 2006, claimants Tom and Tammy Magnuson filed correspondence which the Court treated as a *Motion for Entry of Partial Decree on Uncontested Water Right Claim*. Pursuant to the *Motion* the Magnusons explained that they contacted the Court regarding the hearing on the uncontested rights and were informed that the hearing would be continued from the July 18, 2006, date until after initial hearings had been conducted for Basin 63 Part II. The *Motion* sought entry of a partial decree for the water right as of the originally scheduled hearing date for the uncontested rights in Basin 63 Part II or shortly thereafter because of undue hardship resulting from delay in the sale of the property and appurtenant water right pending the issuance of the partial decree.

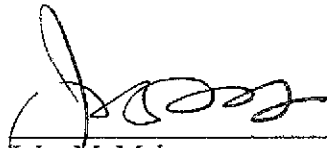
At the time and date set for the hearing on the uncontested rights for Basin 63 Part II the Court continued the hearing until December 19, 2006. The Court also heard the Magnuson's *Motion*. Counsel for IDWR appeared and stated that based on a review of the file for the water right claim it was not anticipated that the right would be affected by related contested rights overlapping or otherwise.

After reviewing the *Motion* and hearing argument the Court granted the *Motion* to issue the partial decree in advance of the remainder of the uncontested rights based on the following findings and limitations:

1. The statutory period had elapsed for issuing partial decrees for the uncontested rights in Basin 63 Part II;
2. The hearing on the uncontested rights was originally set for July 18, 2006, but had to be continued due to extenuating circumstances;
3. Counsel for IDWR indicated that it was not anticipated that water right 63-32333 would subsequently be affected by a contested matter;
4. The claim is based on a license which recently went through an administrative split, as such; IDWR was in a position to better identify potential overlapping contested matters in conjunction with the administrative proceeding.
5. The claimant demonstrated good cause based on undue hardship; and,
6. The Court's decision to grant the *Motion* is limited to the facts and circumstances of this particular case and is not intended as an endorsement for issuing uncontested portions of the director's reports issue on a piecemeal basis.

THEREFORE, for good cause demonstrated, IT IS ORDERED that water right 63-32333 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated: July 28, 2006



John M. Melanson
Presiding Judge
Snake River Basin Adjudication

2006 JUL 28 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-32333

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-32333 was mailed
on July 28, 2006, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

TAMMY MAGNUSON
THOMAS MAGNUSON
3143 S MARYMEADE AVE
EAGLE, ID 83616

DIANA DELANEY
Chief Deputy Clerk

6/23/06

Snake River Basin Adjudication
Clerk of the SRBA Court
PO Box 2707
Twin Falls, ID 83303-2707

RECEIVED
JUN 26 2006
DEPARTMENT OF
WATER RESOURCES

Re: Request for Un-Objected Water Right 63-32333 to be included in Hearing 7/18/06

RECEIVED
JUN 30 2006

Dear Clerk of SRBA:

WATER RESOURCES
WESTERN REGION

I am writing you today with the hope to have my pending water right addressed within the SRBA hearing on 7/18/2006. Here is some background information on my situation:

I purchased a 10 acre parcel of land from Roger and Patsi Spiker/Gregory Land and Development in November of 2005. This 10 acre parcel was a part of an original 60 acre parcel which was subdivided into 6 lots (all with water right 63-3168A) of which 1/6 of this right stayed with my land. The split of the original water right 63-3168A into six separate water rights was recommend for approval by the IDWR and sent to the SRBA in the fall of 2005. After the required Objection period which ended in 4/2006, there were no objections filed. This is an un-objected water right at this time.

Here is the history of the water right through the ownership change filings this year:

- Original 60 acre water right 63-3168A Roger and Patsi Spiker
- The above right was split into 63-32213 (50 acres) and 63-32214 (10 acres).
- My parcel was in the above 50 acre water right which was split further into (63-32332) 40 acres and (63-32333) 10 acres. My water right is (63-32333) 10 acres.

Here is why I am asking to be included in the hearing on 7/18/2006: These water rights are a crucial part of my land value and are necessary before I can effectively sell this property. I was told by the SRBA in the spring of this year, upon the completion of the objection period ending in April 2006 there would be a hearing held 7/18/06 for my water right (and others) to be reviewed for partial decree. I have planned and budgeted around this date.

I called the SRBA this past week to only find out the hearing for the uncontested / un-objected water rights was being pushed into October. I am asking the Court for this water right (63-32333) to be brought to hearing on 7/18/2006 due the financial hardship I will face from any further delay. My current property payments on this land are \$2200 per month and this delay will add extra monthly payments and continued inability for me to effectively sell this land. If I go into the winter with this land unsold I will face extreme financial hardship.

Thank you for your time and consideration.

Sincerely,



Tom and Tammy Magnuson
3143 S Marymeade Ave
Eagle ID 83616
208-939-3331

cc: IDWR Document Depository
cc: Chief, Natural Resources Division, Office of the Attorney General, State of Idaho
cc: The United States Dept of Justice, Environment and Natural Resources Division

SCANNED

JUN 27 2006

Certificate of Mailing

I certify that on June 23, 2006, I delivered the attached letter along with a copy of this form to the following, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Sent by Regular Mail

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Sent by Regular Mail

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

Sent by Regular Mail

The United States Dept of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Sent by Regular Mail



Signature of person mailing this document

SCANNED

JUN 27 2006

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

RIGHT NUMBER: 63-32333

NAME AND ADDRESS: THOMAS MAGNUSON
3143 S MARYMEADE AVE
EAGLE ID 83616

TAMMY MAGNUSON
3143 S MARYMEADE AVE
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 SWSE 10.00

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 63-32213 .

**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	)	Water Rights: 63-32213 (Split)
	)	63-32332, 63-32333
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☐ Split of water right ☐ Change in ownership
 - ☐ Other
- ☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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 Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 20, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 20, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

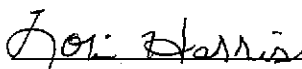
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Roger Spiker	☐ overnight mail
Patsy Spiker	☒ regular mail
14780 Broken Horn Rd	☐ hand-delivered
Boise ID 83703	☐ facsimile

Thomas Magnuson	☐ overnight mail
Tammy Magnuson	☒ regular mail
3143 S Marymeade Ave	☐ hand-delivered
Eagle ID 83616	☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 20, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

THOMAS MAGNUSON
TAMMY MAGNUSON
3143 S MARYMEADE AVE
EAGLE ID 83616

Re: Original Notice of Claim to a Water Right No. 63-32213
Renumbered to Notice of Claim to a Water Right No. 63-32333

Dear Mr. & Mrs. Magnuson:

We have received and processed a Change of Ownership for a portion of your Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new claim number when corresponding with our office.

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.

If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH: lh
Enclosures