

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 63-2729B
Date Received: 1/19/1990
Receipt No: W007773
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILLIAM A THIES Phone: (208) 453-8903
15423 10TH AVE
CALDWELL ID USA 83607

MICHELE R THIES Phone: (208) 453-8904
15423 10TH AVE
CALDWELL ID USA 83607

2. Date of Priority: 11/03/1948

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	03W	16	NE NE SE	CANYON	

5. Description of diverting works:

10" CASING, 167' DEEP, 15 HP MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.66	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.66 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
03N	03W	16	NE	SE	IRRIGATION	33
Section Acres						33
Total Acres						33

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

16. Signature(s)

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

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

REC
 OCT 30 2006
 DEPARTMENT OF
 WATER RESOURCES

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
AS 63-2729 B					

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)

ALICE O GARRETT
15421 S. 10th Caldwell Id. 83605

4. New Owner/Claimant(s)

WILLIAM A THIES and Michele R. THIES
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

15423 10th Ave Caldwell Id. 83607

City, State and ZIP Code

Caldwell Id. 83607

New Telephone Number

208 453-8904

5. Date you acquired the property

4-6-2006

SCANNED

NOV 01 2006

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	_____	_____
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)
(include title if applicable)

William L. L.

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 N/A
 Receipted by _____ Date _____ Receipt No. _____
 Processed by FW AJ Date 11/2/06 WR _____ Date _____



Pioneer Title Co.

GOING BEYOND

RECEIVED

OCT 30 2006

DEPARTMENT OF
WATER RESOURCES

610 South Kimball Avenue / Caldwell, Idaho 83605 / (208) 459-1651

WARRANTY DEED

For Value Received Alice Garrett, a single woman

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

William A Thies and Michele R Thies, husband and wife

hereinafter referred to as Grantee, whose current address
is 15423 10th Ave. S. Caldwell, Id. 83607

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

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 easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 6, 2006

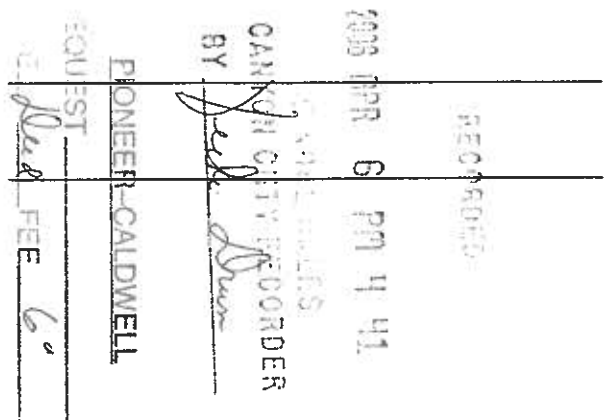
Alice Garrett

Alice Garrett

State of Idaho

County of Canyon

ss.



200625487

On this 6th day of April, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Alice Garrett known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

Alice Garrett

SCANNED

NOV 01 2006

hereinafter referred to as Grantee, whose current address is 15423 10th Ave. S. Caldwell, Id. 83607

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

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 easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 6, 2006

Alice Garrett
Alice Garrett

State of Idaho

ss.

County of Canyon

2006 APR 6 PM 4 41
RECORDED
CANYON COUNTY RECORDER
BY Jessie Dunn
PIONEER-CALDWELL
EQUEST
FEE 60

200625487

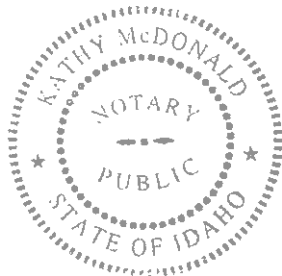
OCT 30 2006
DEPARTMENT OF
WATER RESOURCES

On this 6th day of April, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Alice Garrett known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

Kathy McDonald
Notary Public
Residing at: Caldwell
Commission Expires: 5-27-11



SCANNED

NOV 01 2006

A part of the Northeast Quarter of the Southeast Quarter, Section 16, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Northeast corner monumented with a 3 inch diameter brass cap monument; thence

South 0° 00' 00" West, a distance of 470.01 feet along the Easterly boundary of said Northeast Quarter of the Southeast Quarter to a half inch diameter iron pin; thence

South 89° 01' 45" West, a distance of 150.64 feet to the POINT OF BEGINNING, said point monumented with a half inch diameter iron pin; thence continuing

South 89° 01' 45" West, a distance of 79.07 feet to a half inch diameter iron pin; thence

North 56° 09' 48" West, a distance of 304.43 feet to a half inch diameter iron pin; thence

North 88° 56' 01" East, a distance of 333.25 feet to a half inch diameter iron pin; thence

South 0° 25' 00" West, a distance of 174.38 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM that portion described as follows:

COMMENCING at the Northeast corner of said Northeast Quarter of the Southeast Quarter (East quarter corner) said corner monumented with a 3 inch diameter brass disk; thence

South 0° 00' 00" West a distance of 295.40 feet along the Easterly boundary of said Northeast Quarter of the Southeast Quarter; thence

South 88° 56' 01" West a distance of 315.71 feet to the POINT OF BEGINNING, said point monumented with a set half inch diameter iron pin; thence continuing

South 88° 56' 01" West a distance of 166.91 feet to a half inch diameter iron pin; thence

South 56° 09' 48" East a distance of 200.91 feet to a half inch diameter iron pin; thence

North 0° 00' 00" East a distance of 114.98 feet parallel with the Easterly boundary of said Northeast Quarter of the Southeast Quarter to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH a perpetual easement for road right of way purposes, to-wit:

A strip of land 30 feet wide being 30 feet on the Northern side of the following described line, located in the Northeast Quarter of the Southeast Quarter of Section 16, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described to-wit:

COMMENCING at the East quarter corner of Section 16, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho; thence

South 0° 00' 00" West 470.01 feet along the East line of the said Northeast Quarter of the Southeast Quarter, to the INITIAL POINT of this line description; thence

South 89° 01' 45" West 229.71 feet parallel to the North line of the said Northeast Quarter of the Southeast Quarter; thence

North 56° 09' 48" West 304.43 feet, to the END POINT of this line description.

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NOV 01 2006

OWNER'S POLICY

SCHEDULE B

Exceptions from Coverage

10. Agreement for Repair and Maintenance of Road Right of Way dated August 20, 1998 by and between ALICE O. GARRETT, LARRY ROBERTSON and LINDA ROBERTSON and WILLIAM A. THIES and MICHELLE R. THIES, husband and wife, recorded August 21, 1998 as Instrument No. 9831399, records of Canyon County, Idaho.
11. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Record of Survey recorded February 23, 1998, as Instrument No. 9906717, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
12. A Deed of Trust with a 1-4 Family Rider to secure an indebtedness of \$81,000.00, and any other amounts as therein provided, payable under the terms, conditions, provisions and stipulations thereof.
Dated: April 4, 2006
Grantor: WILLIAM A THIES AND Michelle R. Thies, husband and wife
Trustee: BRAD L. WILLIAMS, c/o UPF INC., a Washington Corp.
Beneficiary: HOME FEDERAL BANK
Recorded: April 6, 2006 as Instrument No. 200625488, records of Canyon County, Idaho.

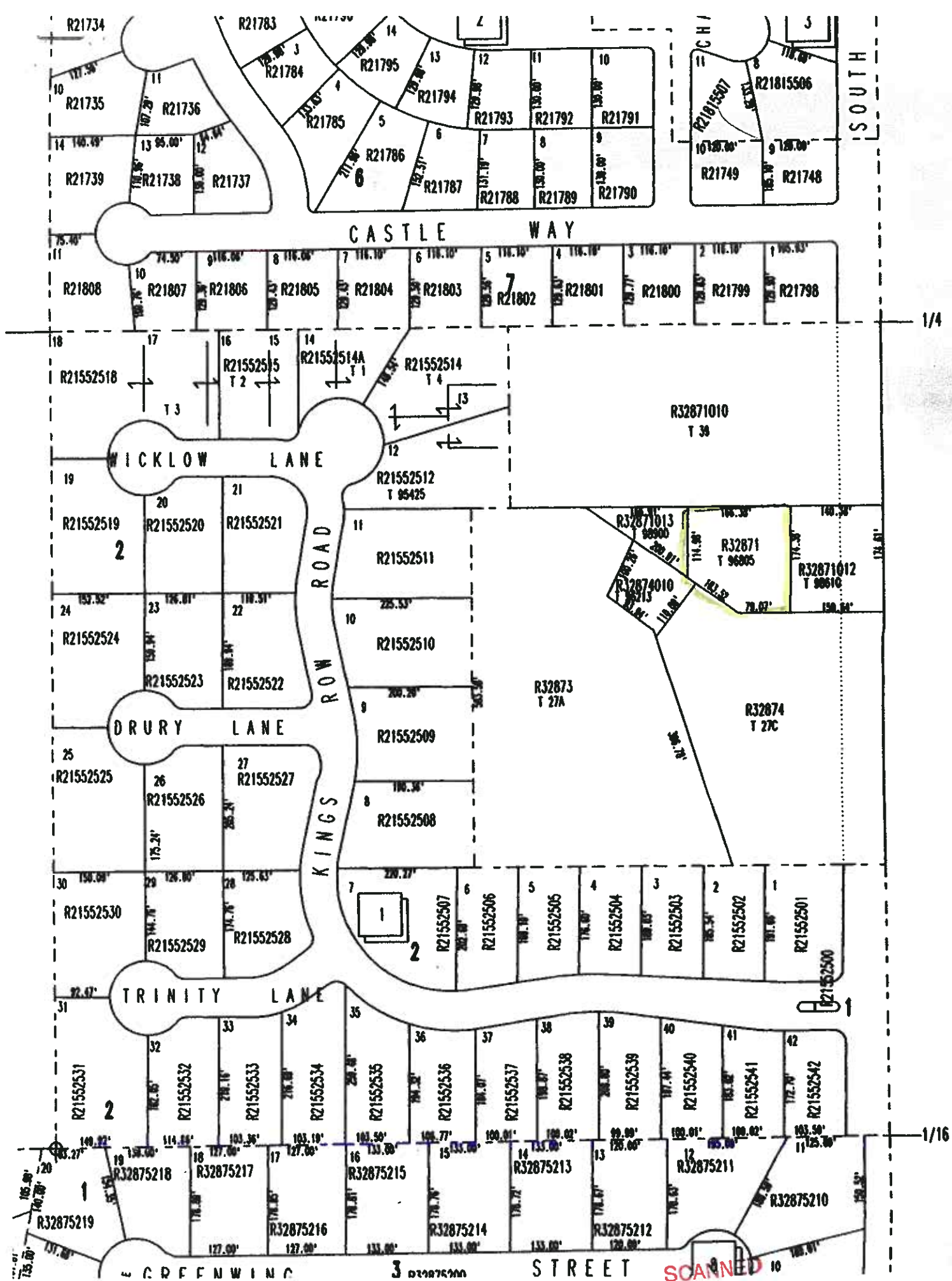
ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

Schedule B consists of 3 page(s)

SCANNED

NOV 01 2006



NOV 01 2006

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: **A63-02729B**
Date Received: 1/19/1990
Receipt No: W007773
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ARTHUR E GARRETT
Address: 15421 S 10TH
CALDWELL ID

83605

AND/OR

Name: ALICE O GARRETT
Address: 15421 S 10TH
CALDWELL ID

83605

2. Date of Priority: NOV 3, 1948

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03W	16	NE	NE	SE		CANYON

5. Description of diverting works:
10" CASING, 167' DEEP, 15 HP MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.660		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.660 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 115.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

MICROFILMED
OCT 02 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	16	NE	SE		IRR	33.0
Section Acres							33.0
Total Acres							33.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 20730

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

43-2729(B)

Date Received

Receipt Number

W007773

RECEIVED
JAN 19 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

Garrett

1. Name of Claimant (s) Arthur E. & M. Lee O. Phone (208) 734-2112

Mailing Address 15421 South Tenth Caldwell, Ida Zip 83605

2. Date of Priority (Only one (1) per claim) 11/3/1948

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 34 Range 30 Section 16,
NE 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 10 inch casing, 167 ft

deep, 15 HP motor

MICROFILMED

OCT 02 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .66 or _____

For Domestic purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .66 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 115.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1/ domestic

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>3N</u>	<u>3W</u>	<u>16</u>													<u>33</u>				<u>33</u>

Total number of acres irrigated 33

11. In which county (ies) are lands listed above as place of use located? canyon

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

MICROFILMED
OCT 02 1996

Last Name Gaffett Ident No. 63-2724

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-2729

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Arthur E. Garrett Date 1/15/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)

SS.

County of canyon)

Subscribed and sworn (or affirmed) before me this 15 day of January 19 90

SEAL

Notary Public John H. Noyes

Residing at 15470 Homedale Rd

Calderwell, Idaho 83405

My Commission Expires Sept 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
OCT 02 1996

Last Name Garrett Ident. Number 63-2729

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

March 23, 2009

JERRY ENSLEY
15431 10TH AVE
CALDWELL ID 83607

Re: Irrigation Water Right No. 63-2729

Dear Jerry:

You visited the Idaho Department of Water Resources (IDWR) office recently and asked about an old irrigation well on or near your property. I researched the situation and found the following information.

- The well was licensed for irrigation of 40 acres in 1979. That covered the entire NE ¼ of SE ¼, Section 16. See "water right report 63-2729" and its attached map. The map, from the early 1950s, appears to describe the well you noted.
- That license was claimed in two parts in the Snake River Basin Adjudication (SRBA) in 1989 and 1990. This resulted in two separate rights decreed by the SRBA Court in February 2009.
- Decreed right 63-2729A covers a well in the far northwest corner of the NE ¼ of SE ¼. That well serves 7 acres northwest of your property.
- Decreed right 63-2729B covers the well you are concerned about. This right serves one home and yard owned by Thies.
- See "water right report 63-2729A" and "water right report 63-2729B" in addition to the enclosed map summarizing those rights.
- The 33 acre remainder of the original 40 acres of irrigation has not been recognized in the SRBA. I did not find any evidence that the 33 acre portion had been moved to other land. Normally one would expect to find those 33 acres covered by some water right in the SRBA. However, in this case it appears that was reduced to use for a single home and yard based on the SRBA proceedings (see enclosed 11/2/2006 memo from file 63-2729B about that).

Jerry Ensley
March 23, 2009
Page 2

The SRBA included notices of error and objection processes to determine if errors were made or if other problems needed to be resolved. Those processes are over, and the Court has issued its decrees in this matter. I suppose it is possible to petition the Court to revisit a particular decreed right if mistakes have occurred despite those processes. You might want to seek help from an attorney on that matter.

Another route might be available if you believe you are entitled to irrigation of your property from the well on or near your place (well in 63-2729B). A water right is presumed to be attached to land described by the right unless the right has been withheld from the property as ownership changed hands. If your property has remained irrigated from the well on or near your place and if the associated portion of license 63-2729 has never been legally withheld from your property, you might have a case to make before the SRBA Court on that matter.

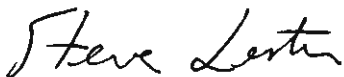
You could petition to Court to accept a late claim for that. You could seek to file a late claim for your portion of license 63-2729 that remains unrecognized in the SRBA. Again, you might want to seek help from an attorney on that matter. If the Court accepted a late claim, IDWR would work with you to determine if the late claim is valid. Validity would focus on determining if the irrigation has remained active for the property described by the late claim.

To file a late claim, please use the enclosed forms "Standard Form 4, Motion to File Late Notice of Claim" and "Notice of Claim to a Water Right." The filing fee would include \$50 for the claim, \$1 per irrigated acre claimed, and a \$100 late claim fee. If you complete those forms, please call this office at 334-2190 to get a claim number to add to your forms before you submit them to the Court.

It would be difficult for you to secure the balance of the original water right license for land other than your own unless you could show a legal basis for ownership of that balance of the original license. That would also involve the late claim process.

More IDWR information is available on the Internet at www.idwr.idaho.gov.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

11/02/2006

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

RIGHT NUMBER: 63-2729B

NAME AND ADDRESS: WILLIAM A THIES
15423 10TH AVE
CALDWELL ID 83607

MICHELE R THIES
15423 10TH AVE
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
1.200 AFY

PRIORITY DATE: 11/03/1948

POINT OF DIVERSION:

T03N R03W S16 NENESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS
1.20 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in CANYON County

T03N R03W S16 NESE

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

Parcel No. R03N03W167224.

MEMORANDUM

TO: File 63-2729B

FROM: KAY WALKER

RE: Recommendation of Right

Date: November 2, 2006

.....

This morning I talked to Michele Thies regarding the change in ownership form submitted on October 30, 2006. Michele stated that they had purchased the home originally owned by Alice Garrett (Mr. Garrett is deceased). According to Mrs. Thies, they purchased the Garrett home in April of 2006, which is right next to the lot they bought from Mrs. Garrett 7 years ago. When Mrs. Garrett received the preliminary recommendation from us she took it over to Mr. and Mrs. Thies and handed it off to them. Mrs. Garrett is 94 years old and rents her original house from Mr. and Mrs. Thies. According to Michele there has been no irrigation of the 33 acres I had recommended under this right. As the lots were sold the new owners were advised to drill their own domestic wells.

In light of the conversation with Michele I am going to revise the recommendation of Rt. 63-2729B so that it covers domestic use for 1 home with ½ acre of lawn. The license was issued for irrigation of 33 acres and domestic use with no lawn but if no irrigation use is recommended we can allow the domestic use with ½ acre lawn and there will be no expansion of the license.

Note: Before I talked with Michele I had split right 63-2729B into 63-32540 and 63-32541. Since our conversation I have requested the "children" be deleted and the original right restored. Rights 63-32540 and 63-32541 will now say "see remarks" and no further action taken on them.

Deed Plotter results





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 27, 2006

William And Michele Thies
15423 10th Ave
Caldwell, ID 83607

RE: Water Right No. 63-2729B

Dear Claimant(s):

This office has received your Notice of Change of Water Right Ownership recently submitted. We also received check number 6313 in the amount of \$25; however, we are returning it to you, as the ownership change fee is not required for this particular water right claim. This claim has not yet been decreed by the SRBA Court. The ownership change is being processed and a copy will be mailed to you upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190

Sincerely,

Liberty Gagnon
Office Specialist I
Adjudication Section
Western Region

LG: lg

Enclosures

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RECEIVED

OCT 30 2006

DEPARTMENT OF
WATER RESOURCES

Security enhanced document. See back for details.

6313

SOUND HOUND STEREO
6302 E. CLEVELAND BLVD.
CALDWELL, ID 83607
208-459-7765

DATE 10/20/06

92-373/1231
08

PAY TO THE ORDER OF State of Idaho

Twenty five 20 DOLLARS

IIB IDAHO INDEPENDENT BANK
Caldwell Office
620 S. Kimball Avenue
Caldwell, Idaho 83605
1-800-756-8300
www.theidahobank.com

FOR Dept. of water

Michele Thies

NOV 01 2006

09/07/2006

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

RIGHT NUMBER: 63-2729B

NAME AND ADDRESS: ARTHUR E GARRETT
15421 S 10TH
CALDWELL ID 83605

ALICE O GARRETT
15421 S 10TH
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.660 CFS
149.100 AFY

PRIORITY DATE: 11/03/1948

POINT OF DIVERSION:

T03N R03W S16 NENESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY
IRRIGATION	03/01 11/15	0.660 CFS 148.50 AFY
Domestic use is for 1 home.		

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S16 NESE 33.00

DOMESTIC same as IRRIGATION

33 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 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.



Idaho Department of Water Resources

SRBA Recommendation:

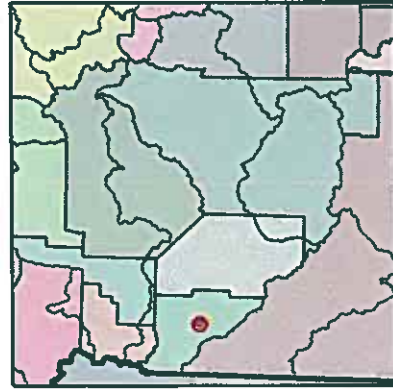
63-2729B

(Irrigation)

Acres = 33

Legend

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



Canyon County
IDWR Basin 63



R03W



T03N

0 0.1 0.2 Miles

Prepared by K. Walker
On Thursday, September 7, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2729B

WATER RIGHT NUMBER: 63-2729B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DONALD CROOKE RT 5 CALDWELL, ID
Current Owner	ARTHUR E GARRETT ✓ 15421 S 10TH ✓ CALDWELL, ID 83605 ✓
Current Owner	ALICE O GARRETT ✓ 15421 S 10TH ✓ CALDWELL, ID 83605 ✓

Priority Date: 11/03/1948 ✓
Basis: License ✓
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC ✓	1/01 to 12/31 ✓	0.040 CFS ✓	0.6
IRRIGATION ✓	3/15 to 11/15 ✓	0.660 CFS ✓	148.5 (4.5 × 33)
	<u>Total Diversion:</u>	0.660 CFS ✓	149.1

Location of Point(s) of Diversion
GROUND WATER
CANYON County ✓

NE1/4NE1/4SE1/4 ✓ Sec. 16, Twp 03N, Rge 03W, B.M. ✓

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	03W	16	✓				33.0 ✓

Total Acres: 33 ✓

DOMESTIC same as IRRIGATION

Conditions of Approval:Remarks:Comments:

cannot prove 5 years
of non-use - must
recommend. See
also 63-2729A.

X01(1)

proposed ✓

claimed as licensed -
in office review
by Jay Walker
9/7/06

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2729

WATER RIGHT NUMBER: 63-2729

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD CROOKE RT 5 CALDWELL, ID

Priority Date: 11/03/1948

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.800 CFS	
DOMESTIC	/ to /		
		<u>Total Diversion:</u>	0.800 CFS

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 16, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	16													40.0				40.0

Total Acres: 40

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2729B

03/06/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2729A	Claim	03N	03W	16	NE	SE		IRRIGATION		ARTHUR GARRETT
2729B	Claim	03N	03W	16	NE	SE		IRRIGATION	33/33	ARTHUR E GARRETT
2729	Water Right	03N	03W	16	NE	SE		IRRIGATION	40/40	DONALD CROOKE

NO OK

REAL PROPERTY INQUIRY

+++++

01 6R32871-000- -0 059-00 SCH139+ 12 26,800 .60

+++++ 34 59,100

GARRETT, ALICE

+

+

+

+

+

15421 10TH AVE

+

CALDWELL ID 83607

+

+++++

16-3N-3W SE

+ TOTAL 85,900 .60

TX 96805 IN NESE LS TX 98900

+++++

+ SURVEY INST 9627655

+ DRAIN DR VALUE APPR CTR

+ CLASS 2 REAP 01 MAN 00 UNIT 1

15421 10TH AVE, CA

+ PARCEL 6R03N03W167224 H/O N C/B N

+ PRIOR ACCOUNT 5R32871-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R32871000 0 UNIT 001 TOTAL UNITS 1

SITE 15421 10TH AVE CA SEC/TWN/RNG 16-3N-3W

ASSESSED VALUE 85,900 ACREAGE .60

SUB/PARK NAME YEAR/MAKE

CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK

+++++

YR BUILT 1953 AIR COND AIR - NONE CARPORT N

STORY 1 STORY HEATING ELECTRIC FA CARPORT SQ FT

FIRST SQ FT 1400 EXTERIOR WOOD SIDING DECK/PATIO? Y

SECOND SQ FT ROOF COMP POOL? N

BEDS 2 BSMT SQ FT SPA? N

BATHS 1.00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE D2 NEIGHBORHOOD 0

GARAGE SQ FT 660

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

Receipt Details for ID W007773

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/19/1990 3:14:14 PM	1/19/1990	Western	\$83.00	Check
Payer		GARRETT, ARTHUR E.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1711			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$83.00	ADJUDICATION CLAIM FEE	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2729	B	\$83.00	Claim

[Print Report](#)

State of Idaho
License and Certificate of Water Right

Water License No. 20730

Amount 0.8 second foot

Water District No. _____

Priority November 3, 1948

THIS IS TO CERTIFY that DONALD CROOKE
of Route 5, Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 3, 19 48; that Permit No. 20730
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second foot, was issued thereunder on February 21, 19 52, showing that said works
were completed on the 16th day of February, 19 52; and that on the 1st
day of April, 19 52,

DONALD CROOKE
of Caldwell, 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
~~existing~~ (subterranean flow), for the purpose of irrigation and domestic
use, under Use Permit No. 20730 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
8 of Licenses at page 4916, on the 29th day of May, 19 52;
The right hereby confirmed dates from November 3, 19 48;

The Point of Diversion is located
in the NE 1/4 SE 1/4 Sec. 16, Tp. 3 N., R. 3 W., B. M. Canyon 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 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>5 N.</u>	<u>3 W.</u>	<u>16</u>	<u>NE 1/4 SE 1/4</u>	<u>40</u>	<u>40</u>

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
29th day of May, 19 52.

(SEAL)

MARK R. KULP

State Reclamation Engineer

63 1749

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20730

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Donald Crooke, Route 5, Caldwell, Idaho

2. Source of water supply: Subterranean flow from a well.

3. Location of point of diversion: Is in the NE 1/4 SE 1/4 of Section 16

T. 3 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Well is 179 ft. deep by 8 in. in diameter, cased down 152 ft. Static H is 100 ft. Drawdown is 17 ft. There are 7 bowls, 6 in. column, pump is down 120 ft. There is no well house nor protection. The pump and motor are supported by ties and mounted on the well casing. Delivery is to the North through 6 in. by 4 ft. long pipe into a concrete sump. Pipe also carries along to a buried pipe line that leads 58 yards to the northeast to the high point of the field. Delivery is into a concrete sump with outlets to the East and to the West. Pump is a Lane Bowler No. 16960, Motor is 15 h.p. U.S. 220 V. 40 amps, 3 phase, 60 cycle, 1800 r.p.m. No. 877955. Switches and controls are Square D panel mounted on a pole approximately 6 ft. East of the pump. Temperature of the water was 52° Fahrenheit. Gage reading was .255 over a 2 ft. cippoletti weir. Q. equals .841 c.f.s. or 42 inches.

5. Water is used for: Irrigation and domestic purposes

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):

NE 1/4 SE 1/4 Section 16, Township 3 North, Range 3 West, B. M.

See Map

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

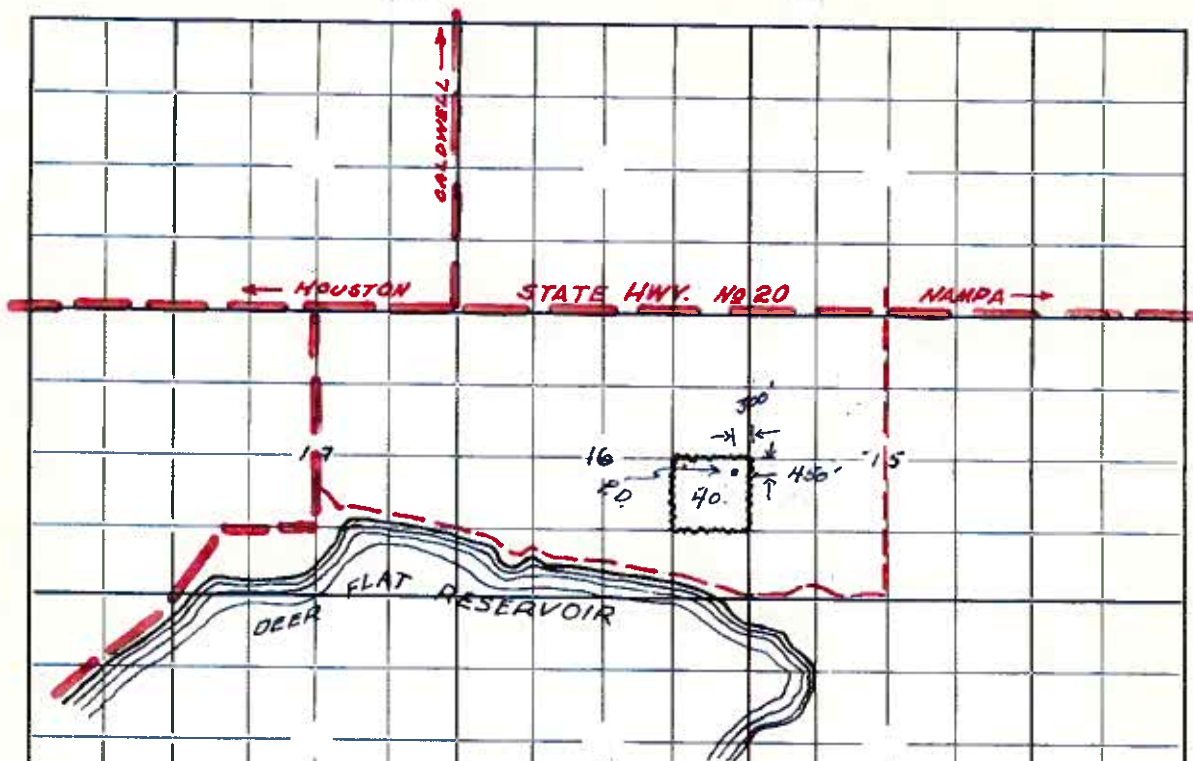
8. What large stream would the water here appropriated finally reach? _____

Remarks: Crops are clover, wheat, and row crops.

This examination was made on the 12th day of May, 1952.

(Signed) E. J. Humphrey Examiner.

20730



2' Cip Weir

$$G = .255'$$

$$Q = .841 \text{ cfs or } 42 \text{ inches.}$$

$$T = 52^\circ \text{F}$$

allow 40"

No 20730
63-2729

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28370
PERMIT No. 20730
DISTRICT No.

1. Name of Applicant: DONALD CROOKE

Postoffice address: Route 5, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 40 inches or 0.8 cubic feet per second.

3. Source of water supply: Subterranean flow from well which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 16 , T. 3 N. , R. 3 W. , B.M., County of Canyon

5. Water is to be used for Irrigation and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 3,000.00

8. Kind of works: Well, pump and ditches or pipe

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Two (2) years.

13. The time required for the complete application of the water to the proposed use is Five (5) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

DONALD CROOKE Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 11:00 A. M. November 3, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20730
Recorded in Book 74 Page 20730 Approved November 5, 1948
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and
hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before January 5, 1949 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before November 5, 1949
The whole of said work to be completed on or before November 5, 1950
Beneficial use of water appropriated in accordance herewith, to be made on or before November 5, 1955

WITNESS My hand this 5th day of November, 1948

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th
day of November, 1948.
Countersigned: STATE OF IDAHO
(SEAL) By J. D. "CY" PRICE By C. A. ROBINS
Secretary of State. Governor.

REMARKS: This 40 acre tract is being purchased from the State on contract.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 N.	3 W.	16																40	40
			APPROVAL OF STATE RECLAMATION ENGINEER																
			I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 20730 to November 5, 1953.																
			Witness my hand this 22nd day of November, 1950.																
			MARK R. KULP State Reclamation Engineer																
To All Whom it May Concerns:			CERTIFICATE OF COMPLETION OF WORKS.																
This is to certify that DONALD CROOKE, of Route 5, Caldwell, Idaho, the holder of Permit No. 20730, issued No. 28370, bearing date of priority of November 3, 1948, authorizing the diversion of 0.8 second foot of the waters (anean flow), County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said works are adequate for diverting and conveying to the place of intended use 0.8 second foot of the waters of said point of diversion of said waters is in the NE¼ SE¼ Section 16, Township 3 North, Range 3 West, B. M.; and that the gated by the use of said water are described as follows, to-wit: NE¼ SE¼ Section 16, Township 3 North, Range 3 West.																			
Witness my hand this 21st day of February, A. D. 1952.																			
Proof of completion of works made February 16, 1952																			
Certificate of Completion of Works issued February 21, 1952.																			
ISSUED Jan. 22, 1952. SEC. 17.																			
4914																			

NAME OF APPLICANT Do. Id Crooke,

FORM No. 0

Twp. 3. N. R. 3. W.

18

Point	of Diversion,	Well,
-------	---------------	-------

Permit Map No. 20730
As Approved
1948
MARK R. KULP
Geological Engineer

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

20730