

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 63-31801
Date Received: 2/15/1990
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JESSE CHAN Phone:
1798C HWY 45
MELBA ID USA 83641

JASON CHAN Phone:
1798C HWY 45
MELBA ID USA 83641

GEORGE HARRISON Phone:
1798C HWY 45
MELBA ID USA 83641

JUSTIN SMITH Phone:
1798C HWY 45
MELBA ID USA 83641

VANESSA CHAN Phone:
1798C HWY 45
MELBA ID USA 83641

2. Date of Priority: 04/13/1967

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	11	NW SW	CANYON	
02N	03W	11	NE SE	CANYON	

5. Description of diverting works:

2 WELLS & PUMPS, MAINLINES, SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.72	344.2

7. Total Quantity Appropriated is:
0.72 C.F.S. and/or 344.2 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
02N	03W	10	SE	NE	IRRIGATION	34.8
			NE	SE	IRRIGATION	19
			SE	SE	IRRIGATION	3
			Section Acres		56.8	
02N	03W	11	NW	NW	IRRIGATION	18
			SW	NW	IRRIGATION	30
			NW	SW	IRRIGATION	40
			Section Acres		88	
Total Acres		144.8				

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-3597G.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This right does not grant any right-of-way or easement across the land of another.

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.

The total instantaneous diversion of water from all points of diversion under Rights 63-31799 and 63-31801 shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.

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.

Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800 and 63-31802 are also diverted through the points of diversion described above.

15. Basis of Claim: License

WATER RIGHT NO. 63-31801
As Modified by Transfer No. 68832

In accordance with the approval of Transfer No. 68832, Water Right No. 63-31801 is now described as follows.

Right Holder: JESSE CHAN And
 JASON CHAN And
 VANESSA CHAN And
 GEORGE HARRISON And
 JUSTIN SMITH
 1798C HWY 45
 MELBA ID 83641

Priority Date: April 13, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.72 CFS	344.2 AF
			0.72 CFS	344.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 11 Twp 02N Rge 03W CANYON County
 GROUND WATER NESE Sec. 11 Twp 02N Rge 03W 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	
02N 03W 10				34.8									19.0			3.0	55.8
02N 03W 11					18.0	30.0			40.0								88.0

Total Acres: 144.8

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. This right does not grant any right-of-way or easement across the land of another.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

CB

WATER RIGHT NO. 63-31801
As Modified by Transfer No. 68832

CONDITIONS OF APPROVAL

6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
9. The total instantaneous diversion of water from all points of diversion under Rights 63-31799 and 63-31801 shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.
10. 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.
11. Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800 and 63-31802 are also diverted through the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of August, 20 04


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 68832

This is to certify that: ESTATE OF REX S JENSEN
C/O E T EVANS CO-TRUSTEE
9990 ROAN MEADOWS DR
BOISE ID 83709
(208)362-9411

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-3597F	AJC/License	04/13/1967	0.72 cfs	344.2 af	86.5	106.0	GROUND WATER
63-3597H	AJC/License	04/13/1967	0.65 cfs	310.6 af	78.0	78.0	GROUND WATER
63-7156D	AJC/License	10/07/1968	0.30 cfs	127.0 af	29.5	106.0	GROUND WATER
63-31535	AJC/License	10/07/1968	0.55 cfs	235.0 af	55.0	78.0	GROUND WATER
63-31799	AJC/License	10/07/1968	0.30 cfs	127.0 af	29.5	144.8	GROUND WATER
63-31800	AJC/License	10/07/1968	0.30 cfs	127.0 af	29.5	124.0	GROUND WATER
63-31801	AJC/License	04/13/1967	0.72 cfs	344.2 af	86.5	144.8	GROUND WATER
63-31802	AJC/License	04/13/1967	0.72 cfs	344.2 af	86.5	124.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>PQU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-3597F	NO	NO	YES	NO	NO	NO
63-3597H	NO	NO	YES	NO	NO	NO
63-7156D	NO	NO	YES	NO	NO	NO
63-31535	NO	NO	YES	NO	NO	NO
63-31799	NO	NO	YES	NO	NO	NO
63-31800	NO	NO	YES	NO	NO	NO
63-31801	NO	NO	YES	NO	NO	NO
63-31802	NO	NO	YES	NO	NO	NO

63-3597

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68832

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-3597F	63-3597F	0.72 cfs	344.2 af	86.5	106.0		N/A	N/A	N/A	N/A
63-3597H	63-3597H	0.65 cfs	310.6 af	78.0	78.0		N/A	N/A	N/A	N/A
63-7156D	63-7156D	0.30 cfs	127.0 af	29.5	106.0		N/A	N/A	N/A	N/A
63-31535	63-31535	0.55 cfs	235.0 af	55.0	78.0		N/A	N/A	N/A	N/A
63-31799	63-31799	0.30 cfs	127.0 af	29.5	144.8		N/A	N/A	N/A	N/A
63-31800	63-31800	0.30 cfs	127.0 af	29.5	124.0		N/A	N/A	N/A	N/A
63-31801	63-31801	0.72 cfs	344.2 af	86.5	144.8		N/A	N/A	N/A	N/A
63-31802	63-31802	0.72 cfs	344.2 af	86.5	124.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.26 cfs	2166.0 af	365.0	452.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of August, 20 04



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1

RECEIVED
NOV 29 2000
WATER RESOURCES
WESTERN REGION

Name of applicant Estate of Rex S. Jensen

Phone 208-362-9411

Post Office address 9990 Roan Meadows Drive, Boise, Idaho, 83709

A. Purpose of Transfer

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe the reason for the proposed changes To reconfigure the place of use and quantity of water appurtenant to lands as described in a legal agreement dated July 1, 1988 (Attachment B), and deed (Attachment C).

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-03597D</u>	<u>4-13-1967</u>	<u>2.80</u>	<u>Irrigation</u>	<u>3-15 to 11-15</u>
<u>63-07156B</u>	<u>10-7-1968</u>	<u>1.46</u>	<u>Irrigation</u>	<u>4-1 to 11-1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4.26 cubic feet per second and/or 2166 acre-feet per annum.
3. Source of water Groundwater tributary to N/A
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	3W	11				2	3	23	40	26	40	40	39	39	26	40	39	39	396
2N	3W	10				34.8									19			3	56.8

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Total 452.8

RECEIVED

FEB 6 2001

WATER RESOURCES
WESTERN REGION

PART 1

Transfer No. _____

6. General Information:

- a. Description of diversion system The system consists of two wells, vertical turbine line shaft pumps and a fully interconnected main line distribution system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer. The quantity of water allocated to each acre, presently irrigated, will be increased slightly.
- d. Remarks: Attachment D

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____

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NOV 18 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Part 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-03597D issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to N/A

4. Date of priority 4-13-1967

5. Water is used for the following purpose:

Amount 2.8 / 1512 for Irrigation purposes from 3-15 to 11-15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 2.80 cubic feet per second and/or 1512 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	11							36	26	40	40	39	39		40	39	38	337.3

Total acres 337.3

9. Describe any other water rights used for the same purpose as described above 63-07156B

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NOV 18 2003

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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NOV 18 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Part 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-07156B issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to N/A

4. Date of priority 10-7-1968

5. Water is used for the following purpose:

Amount 1.46 / 653.9 for Irrigation purposes from 4-1 to 11-1

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 1.46 cubic feet per second and/or 653.9 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

8. Land irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	11													26	40	40	39	145.3

Total acres 145.3

9. Describe any other water rights used for the same purpose as described above 63-03597B

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NOV 18 2003

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

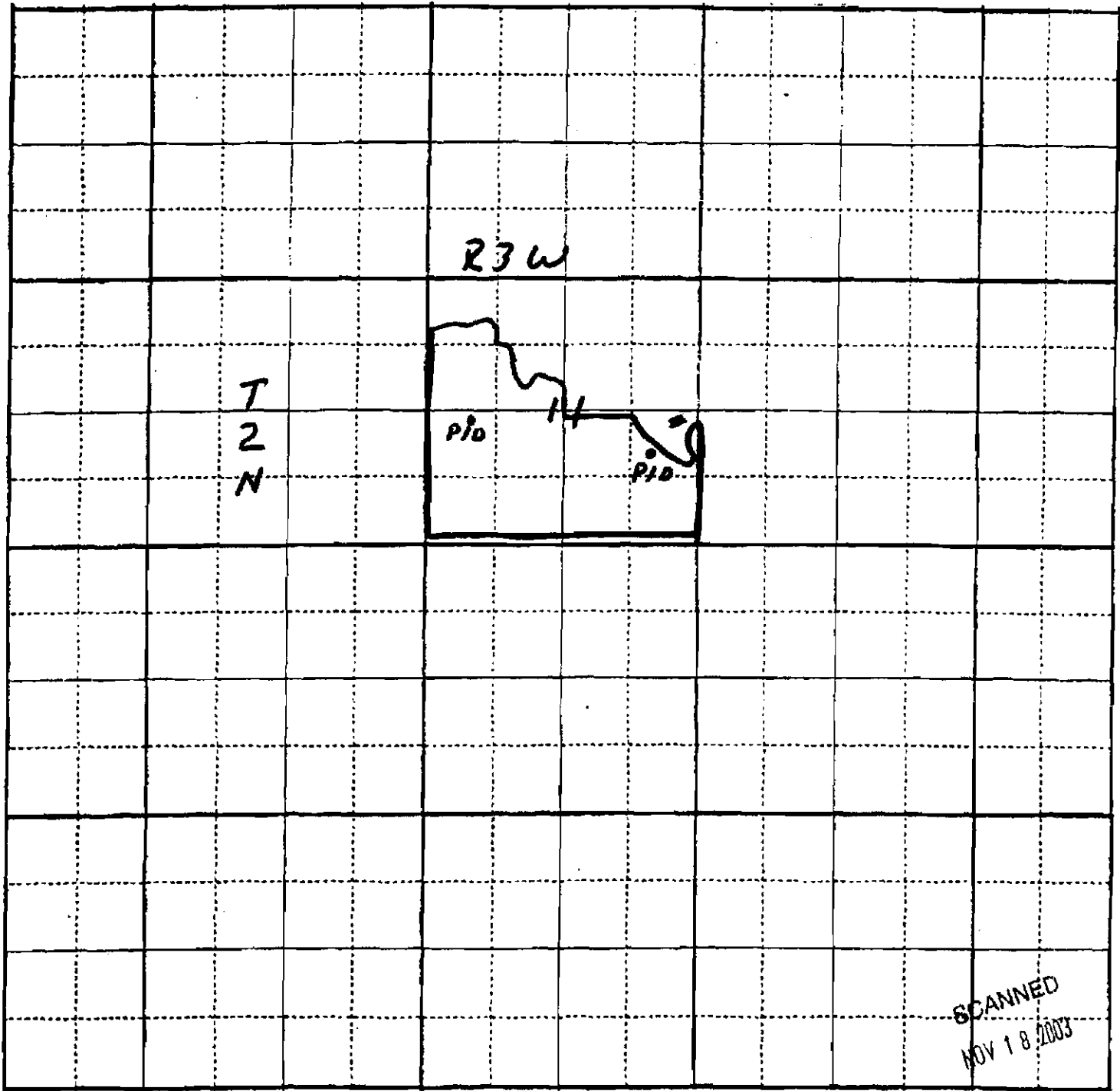
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

SCANNED
NOV 18 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE N/A

1. New Nature of Use Amount (cfs/ac-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Edward T. Evans and Robert L. Bibow, co-Personal Representatives
of the Estate of Rex S. Jensen

(Signature of Applicant)

Subscribed and sworn before me this 7th day of November, 2000.



(Notary Public)

My commission expires 8/2/2001

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 45 attachments
 Received by LM Date 11-29-00 Protest filed by _____
 Prelim. check by SL Fee 410.00
 Receipted by LM Date 11-29-00 W027179
 Published in Press Tribune Copies of protest forwarded by _____
 Pub. Dates 2-1 + 8-81 Hearing held by _____ Date _____
 Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
 _____ rec'd. _____ by _____
 Copy of transfer sent to lien holder _____

SCANNED
 NOV 18 2003

November 19, 2003

Mr. Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Transfer 68832

Dear Mr. Nelson

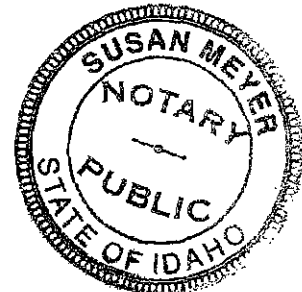
My notarized signature below represents my signature for the transfer in the name of
Estate of Rex Jensen (#68832).

Mark McDonough	<u>Mark McDonough</u>	Date	<u>November 21, 03</u>
Catherine Parker	_____	Date	_____
Rex Evans	_____	Date	_____
Maryon Evans	_____	Date	_____
Jason Chan	_____	Date	_____
Jesse Chan	_____	Date	_____
Vanessa Chan	_____	Date	_____
Justin Smith	_____	Date	_____
George Harrison	_____	Date	_____

Subscribed and sworn before me this 21 day of Nov 2003.

Mark McDonough Susan Meyer
Notary Public
Residing at Naay, Idaho

My commission expires 9-22-09



November 19, 2003

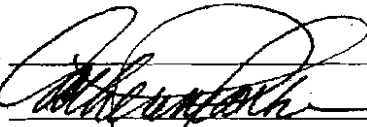
Mr. Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Transfer 68832

Dear Mr. Nelson

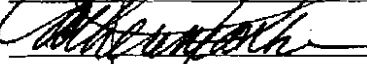
My notarized signature below represents my signature for the transfer in the name of
Estate of Rex Jensen (#68832).

Mark McDonough



Date

Catherine Parker



Date

12/29/03

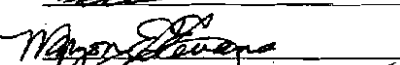
Rex Evans



Date

12/29/03

Maryon Evans



Date

12/29/03

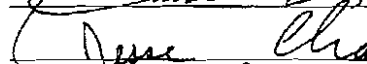
Jason Chan



Date

12-29-03

Jesse Chan



Date

12-29-03

Vanessa Chan



Date

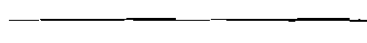
12-29-03

Justin Smith



Date

George Harrison



Date

Subscribed and sworn before me this 29th day of Dec 2003.

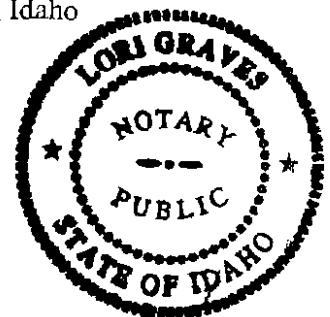


Notary Public

Residing at BOISE, Idaho

My commission expires

6/18/04



RECEIVED

JAN 05 2004

WATER RESOURCES
WESTERN REGION

November 19, 2003

Mr. Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Transfer 68832

Dear Mr. Nelson

My notarized signature below represents my signature for the transfer in the name of
Estate of Rex Jensen (#68832).

Mark McDonough	_____	Date	_____
Catherine Parker	_____	Date	_____
Rex Evans	_____	Date	_____
Maryon Evans	_____	Date	_____
Jason Chan	_____	Date	_____
Jesse Chan	_____	Date	_____
Vanessa Chan	_____	Date	_____
Justin Smith	<u>Justin Smith</u>	Date	<u>1/2/04</u>
George Harrison	<u>[Signature]</u>	Date	<u>1/2/04</u>

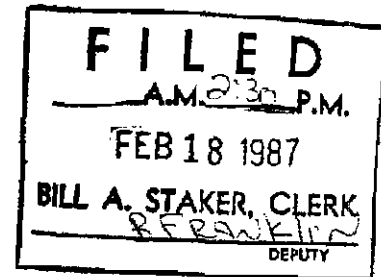
Subscribed and sworn before me this 2nd day of January 2004.

[Signature]

Notary Public
Residing at Nampa, Idaho

My commission expires 11-13-06

John McGown, Jr.
HAWLEY TROXELL ENNIS & HAWLEY
P. O. Box 1617
Boise, Idaho 83701
Telephone: (208) 344-6000



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

IN THE MATTER OF THE ESTATE OF)
REX S. JENSEN,)
Deceased.)

Probate Case No. 1P-4984
LETTERS TESTAMENTARY

The will of the decedent Rex S. Jensen, dated August 30, 1984 and the decedent's First Codicil to Last Will and Testament dated April 3, 1986, having been admitted to informal probate in the above-named Court, the persons named as co-personal representatives therein, Robert L. Bilow and Edward T. Evans, are hereby appointed co-personal representatives to administer the estate of Rex S. Jensen, deceased under the will.

WITNESS: STEPHEN W. DRESCHER, Magistrate of
the District Court, County of Canyon, State of Idaho, with the
seal of the Court affixed the 18 day of FEB, 1987.

STEPHEN W. DRESCHER
Magistrate

SCANNED
NOV 19 2003

T. 68832
Attest A

STATE OF IDAHO)
) ss.
County of Ada)

We, Robert L. Bilow and Edward T. Evans, hereby accept the duties of co-personal representatives of the estate of Rex S. Jensen, deceased, and do solemnly swear that we will perform, according to law, the duties of co-personal representatives of said estate.

Robert L. Bilow
Robert L. Bilow

Edward T. Evans
Edward T. Evans

STATE OF IDAHO)
) ss.
County of Ada)

SUBSCRIBED AND SWORN before me this 18th day of
February, 1987.

Rosemary L. Wimberly
Notary Public for Idaho
Residing at Meridian, Idaho
My commission expires on 4/1, 1987

State of Idaho }
County of Canyon } ss.

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

FEB 18, 1987

Bill A. Starnes, Clerk of the District Court
and Ex-Officio Recorder

By *B. Frank*
Deputy

SCANNED
NOV 18 2003

In the Matter of the Estate of
REX S. JENSEN, Deceased

Case No. 1P-4984

CERTIFICATE

I, BILL A. STAKER, Clerk of the District Court of the
THIRD JUDICIAL DISTRICT of the State of Idaho, in and for the
County of Canyon, do hereby certify that the attached LAST WILL
AND TESTAMENT and the FIRST CODICIL TO LAST WILL AND TESTAMENT
dated April 3, 1986, are true and correct copies of the original
probated will and codicil on file in this office and that the
decedent was domiciled in this State and that said will and
codicil were admitted to probate in informal proceedings.

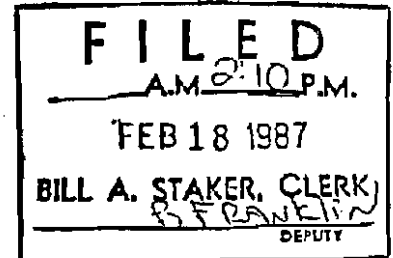
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal this 18th day of FEBRUARY, 1987.

BILL A. STAKER,
Clerk of the District Court

By B. Frankel
Deputy

SCANNED
NOV 18 2003

LAST WILL AND TESTAMENT
OF
REX S. JENSEN



I, REX S. JENSEN, a resident of Canyon County, State of Idaho, declare this to be my Last Will and Testament and revoke all prior wills and codicils made by me.

ARTICLE I

FAMILY INFORMATION

My wife is Roxy C. Jensen and all references in this Will to my wife are to her. My children living at the execution of this Will are:

<u>Name</u>	<u>Date of Birth</u>
Marion L. James	December 14, 1916
Roxy Elizabeth McDonough	December 22, 1918
Chrystal J. Evans	January 25, 1927

ARTICLE II

COMMUNITY AND SEPARATE PROPERTY

I confirm to my wife her one-half (1/2) interest in our community property. It is my intent by this Will to dispose of my separate property and my one-half (1/2) interest in our community property. Nevertheless, if my spouse survives me, I


Rex S. Jensen

SCANNED
NOV 18 2003

request that our community property be divided such that the real property comprising 300 acres more or less in Canyon County, Idaho, otherwise known as the Lakeview property, is allocated to my share of our property and other "offsetting" assets of equal value be allocated to my wife's share of our property.

ARTICLE III

TANGIBLE PERSONAL PROPERTY

A. Certain Dispositions by Memorandum. I give certain items of tangible personal property (excluding money, evidences of indebtedness, documents of title, securities, and property used in a trade or business), including insurance policies and claims under such policies, in accordance with a memorandum signed by me or in my handwriting, which I intend to leave at my death.

B. Other Personal Property. I give all my jewelry, clothing, household furniture and furnishings, personal automobiles, and other tangible articles of a personal nature, or my interest in any such property, not otherwise specifically disposed of by this Will or in any other manner, together with any insurance on the property, to my wife if she survives me for ninety (90) days, and if she does not, to my children who survive me for that period in equal shares as they shall agree, or as my


Rex S. Jensen

Personal Representative shall in my Personal Representative's discretion determine if my children do not agree. It should be noted that we do not own our principal residence, it having been previously transferred.

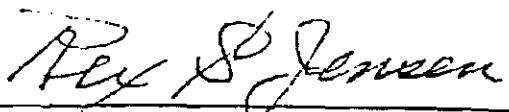
ARTICLE IV

RESIDUARY ESTATE

A. Defined. All of the residue of my estate, both real and personal, of every nature and wherever situated and whenever acquired shall constitute my residuary estate.

B. Gift of Residuary. If my wife survives me by ninety (90) days, then I give my residuary estate to my testamentary Trustee, in trust, on the following terms:

1. So long as my wife survives me, the net income of the trust shall be paid to or applied for the maintenance, education, or support of my wife or of any or all of my children at such times and in such proportions as my Trustee shall determine in his or her absolute discretion. Any accumulated income shall become part of principal. In the event the income shall be insufficient to provide my wife with adequate maintenance or support, the Trustee may invade principal for this purpose. Nevertheless, it is my non-binding


Rex S. Jensen

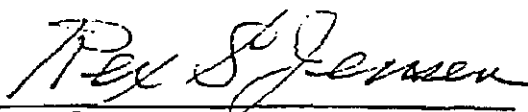
preference that such income or principal be paid or applied for my wife's benefit only in the event her other sources of maintenance or support are inadequate.

2. Upon the death of my wife, the then remaining principal shall be distributed to my then living issue, by right of representation.

3. If any portion of the principal of the trust shall be payable to a beneficiary who is then less than twenty-one (21) years of age, such portion shall immediately vest in such beneficiary, but distribution thereof shall be postponed by the Trustee until such beneficiary attains the age of twenty-one (21) years, and in the meantime the Trustee shall pay such part of the income on such portion, and the principal of such portion, as the Trustee shall deem necessary or proper to provide for such beneficiary's suitable support, education and maintenance, adding any unused income to the principal at the end of each year.

4. Should there be no living beneficiary of this trust, the principal shall go to the person or persons named in Article IV C. of this Will.

5. Prior to actual receipt, no beneficiary of this trust shall have any right to alienate, encumber,


Rex S. Jensen

or hypothecate his or her interest in the principal or income of the trust in any manner, nor shall such interest of any beneficiary be subject to claims of his or her creditors or liable to attachment, execution or other process of law.

C. First Alternate Gift of Residuary. Should the prior provisions of this Will not dispose of all of my property, I give such property to my issue, by right of representation, but subject to Articles IV B.3. and IV B.5. above.

ARTICLE V

FIDUCIARIES

A. Personal Representative. I appoint Robert L. Bilow and Edward T. Evans as Co-Personal Representatives of this my Last Will and Testament. In the event either is unable or unwilling to serve at any time, I appoint the other as such Personal Representative, or if he is unable or unwilling to serve, I appoint the Trust Department of First Interstate Bank of Idaho, N.A., Boise, Idaho, as my Personal Representative.

B. No Bond. My Personal Representative shall not be required to give any bond for the faithful performance of its duties, and if any bond is required by statute, rule or order of court, then no surety shall be required.

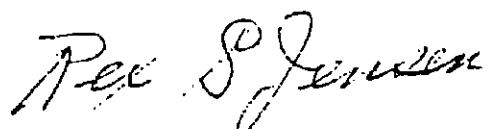

Rex S. Jensen

C. Powers and Duties of Successors. Any successor Personal Representative shall have all of the rights, powers, duties and discretions as my Personal Representative.

D. Unsupervised Estate Administration. My estate shall not be subject to supervised administration unless my Personal Representative petitions therefor, or unless changed circumstances I could not have anticipated would require supervised administration.

E. Trustee. I appoint Robert L. Bilow and Edward T. Evans as the Co-Trustees of the trust created under this Will. In the event one is unable or unwilling to serve, I appoint the other as Trustee.

F. Powers of Trustee. I give to my Trustee and Successor Trustee certain powers in addition to common law and statutory powers. These powers are to be broadly construed. Specifically, I grant the power to do any and every act and thing and to enter into and carry out any and every agreement with respect to the trust property which he or she could do if he or she were the absolute owner thereof. I further grant my Trustee the power to appoint a successor Trustee, if such appointment is in writing executed by the Trustee and acknowledged by him or her before a Notary Public.



Rex S. Jensen

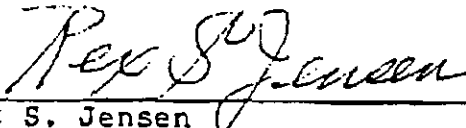
ARTICLE VI

TAXES

A. Death Taxes. All expenses of administering my estate and all federal estate taxes payable by reason of my death, including the federal estate tax with respect to property not passing under this Will, shall be paid, without right of contribution from any person, by my Personal Representative out of my residuary estate.

On behalf of each devisee, I authorize my Personal Representative to pay transfer and inheritance taxes payable by reason of the devises to that devisee; and the amount paid on behalf of each devisee shall be deemed and treated as a charge against the distributive interest of that devisee.

B. Tax Elections. My Personal Representative may make any tax election available to it, may execute or file or join with others in executing or filing any tax returns, and may take any action with respect to taxation which it deems advisable, and shall have no duty to make any adjustment in the interest of any beneficiary hereunder by reason of the exercise of such election or the taking of such action.


Rex S. Jensen

SCANNED
NOV 18 2003

ARTICLE VII

RULES AND DEFINITIONS

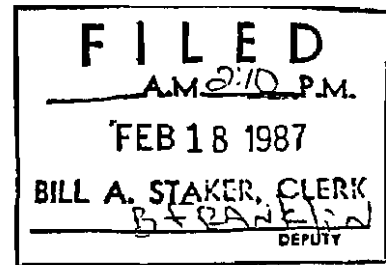
A. Adopted Children. A child adopted by any person and the issue by blood or adoption of such child shall for purposes of this Will be considered the issue of such person and of such person's ancestors, if the adoption is by legal proceeding before the child attains age eighteen (18).

B. Gender, Singular and Plural. Words in this Will in one gender shall be deemed to include other genders, and the singular shall be deemed to include the plural, and the plural the singular.

I, REX S. JENSEN, the Testator, sign my name to this instrument this 30th day of August, 1984, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument, consisting of nine (9) pages, including the following page, as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.


Rex S. Jensen, Testator

FIRST CODICIL TO
LAST WILL AND TESTAMENT
OF
REX S. JENSEN



I, REX S. JENSEN, a resident of Canyon County, State of Idaho, hereby make, publish and declare this to be the first codicil to my last will and testament, which was executed by me on August 30, 1984.

ARTICLE 1:

In Article II the last sentence is deleted and the following is substituted therefor:

"Nevertheless, if my spouse survives me, and if my Co-Personal Representatives in their sole discretion find that it is in the best interest of my estate, then I request that my Co-Personal Representatives divide our community property such that the real property comprising 300 acres more or less in Canyon County, Idaho, otherwise know as the Lakeview property, be allocated to my share of our community property and other "offsetting" assets of equal value be allocated to my wife's share of our community property."

ARTICLE 2:

Except as herein expressly amended, I hereby republish, ratify and confirm without change my last will and testament dated August 30, 1984.

I, Rex S. Jensen, the testator, sign my name to this instrument this 2nd day of April, 1986, and being first duly sworn, do hereby declare to the undersigned authority that I

At the request of the Testator, and in the presence of each other, we, Wanda A. Brandt and Mathilda Richardson the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his Last Will and that he signs it willingly and that each of us, in the presence and hearing of the Testator, hereby signs this Will as the witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Wanda A. Brandt
Witness
Residing at Boise, Idaho

Mathilda Richardson
Witness
Residing at Fessenden, N. Dak.
58438

STATE OF IDAHO)
County of Ada) ss.

Subscribed, sworn to, and acknowledged before me by REX S. JENSEN, the Testator and subscribed and sworn to before me by Wanda A. Brandt and Mathilda Richardson, the witnesses, this 30th day of August, 1984.

John M. Gown Jr.
Notary Public for Idaho
Residing at Boise

sign and execute this instrument as the first codicil to my last will and testament dated August 30, 1984, and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Rex S. Jensen
Rex S. Jensen

We, Belle Waiter and Gladya Royce the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as the first codicil to his last will and testament dated August 30, 1984, and that he signs it willingly, and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of the knowledge of each witness the testator is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Belle Waiter
Witness

Residing at: Melba
Id.

Gladya Royce
Witness

Residing at: Melba
Id.

STATE OF IDAHO)

County of Canyon) ss.

Subscribed, sworn to and acknowledged before me by Rex S. Jensen, the testator, and subscribed and sworn to before me by Belle Waiter and Gladya Royce, witnesses, this 3rd day of April, 1986.

Donna Perry
Notary Public for Idaho

Residing at Melba, Idaho

My commission expires: 11-12-86

SCANNED

NOV 18 2003

----- AGREEMENT AS OF JULY 1, 1988 ON DIVISION OF REAL PROPERTY -----

WATER:

There are two wells on the lakeview property at this time. These wells were drilled and developed under previous agreements between Bryce Millar and Rex S. Jensen. The licenses for these wells (63-7156 and 33559/63-3597) are issued to Bryce Millar and, under the original contract, will revert to Rex S. Jensen at such time as Bryce no longer leases the land. These two licenses, as issued, provide for the following amounts and locations:

total licenses; 2.81 cfs and 7.53 cfs = 10.34 cfs total,
total acreage under licenses; 280 + 908 = 1188 acres total as follows,
sec 10 = 414 acres, sec 11 = 498 acres, sec 14 = 120 acres, and
sec 15 = 156 acres, with priority dates of 4/13/67 and 10/7/68.

Subsequently, under a deed dated 10/19/80, 60 inches (1.2 cfs) was assigned specifically to the South 1/2 of the South West 1/4 of Section 11 from the wells in section 11, together with an easement as necessary to transport said water for use on these premises. (Trade for 80 acres and water in sections 13 and 14).

To the best of our knowledge today these two wells are currently capable of producing 3.25 cfs in the spring and taper off to 2.8 cfs by July. Subtracting the 1.2 cfs previously deeded this would leave from 2 cfs (100 inches) down to 1.6 cfs (80 inches) available for the approximately 350 acres under consideration.

We are trying to divide the property into three equal value pieces, as per the appraisal by Idaho Land and Appraisal Service and our own discussions, without unnecessarily complicating management of the parcels. We recognize that this land is subject to a lease to Bryce Millar. We have agreed that:

said lease to Bryce Millar which expires 12/31/2004 will continue as per contract as though there had been no change in ownership,
if for any reason this lease is terminated and the water licenses revert to the heirs of Rex S. Jensen the available water should be equally divided amongst the three of us (or our heirs) with 1/3 of the available water going to each of the daughter's parcels of land,
that this be specified in the deeds we each receive for our parcels of land, and that each parcel be granted the necessary easements to make this water available to our parcels as part of the original distribution.

ROADWAYS AND ACCESS

Parcel #2, as shown on the maps prepared by the appraiser, does not have access to the main road. This parcel will need an easement from the main road to gain access.

BILLING, TAXES, AND MANAGEMENT

It was agreed that each parcel should have an equal say - one vote per parcel - in future decisions. To simplify this each owner, or their successors, must designate one "voting representative" for their parcel with the authority to speak for the parcel. We have agreed that it will be necessary for these "voting representatives" to elect a "management representative" for the collection of rental fees, paying the property taxes, and distributing to each of the other parcels their fair share of the proceeds. It was agreed that this job should be recompensed at the rate of 2% of the rental collected for the present and would be renegotiated in the event the duties increased in the future. The point was made that this job would require working with and cooperating with Bryce to avoid cancellation of the contract.

SCANNED
NOV 18 2003

T. 68832

Attachment B

WELL, PUMP, OR WATER SYSTEM REPAIRS AND MAINTENANCE OR REPLACEMENT

Under the existing lease, repairs and maintenance are the responsibility of the lessee. In the event this lease is terminated, all repairs, maintenance, or replacement costs to the water system become the responsibility of the owners and costs must be equally shared by the owners of the three parcels because all the water is provided by this one system. In the event of a problem this shall be handled as follows (it is assumed there will be someone renting, farming or providing some supervision on at least one of the parcels):

- 1) When the "management representative" is notified of a problem he shall immediately attempt to define the seriousness of the problem, possible solutions, and probable costs.
- 2) The "management representative" must immediately attempt to communicate this information to the "voting representatives", request their suggestions and determine if, when, and how the problem is to be solved. If any of the "voting representatives" cannot be contacted it will be assumed they would desire to have the system put back into operation.
- 3) If a unanimous decision is reached that the probable costs of solving the problem exceed the benefits this should be agreed upon in writing and the system will be allowed to continue in whatever condition exists.
- 4) If any one or more of the "voting representatives" feel that the benefit of having water outweigh the cost of solving the problem they may direct the "management representative" to proceed in a reasonable manner to get the problem solved, and costs will be billed to the three parcels equally. There is not sufficient water at best to meet the maximum allocation of 1 inch per acre for any of the parcels, so in the event any one or more of the "voting representatives" of these parcels does not promptly (within one week) pay their share upon notification or billing (by registered mail return receipt requested) the water representing their share as above shall be forfeit and shall be divided equally between the owners who do pay their share plus their share of the costs assigned to the forfeiting parcel.

DISCUSSION OF CONSERVATION RESERVE

We have discussed the advisability of putting whatever land is possible in the conservation reserve and have agreed that this is a good idea under present conditions. Bryce Millar will be instructed to pursue this, and, if an agreement satisfactory to him can be negotiated, we agree to place this land in the conservation reserve under the present contract with Bryce.

ALLOCATION OF PARCELS

Using the map and appraisal sheet as prepared by Idaho Land and Appraisal Service as a base we discussed the relative values of the parcels and how they should be allocated. In a free blind ballot, with each daughter indicating her choice of parcels in order from 1-first choice, to 3-last choice, the following selections were made (parcel numbers from appraisal):

Parcel number	CJE choice	MLJ choice	REMcD choice
1	2	1	3
2	3	2	1
3	1	3	2

As each parcel received equal ranking from the three future owners (each parcel receiving one first choice, one second choice, and one third choice) it is apparent that the division made by the appraisers was a good one. Each of the three daughters is to be deeded her first choice parcel with the allocations of water, expenses, and income as discussed above.

SCANNED
NOV 18 2003

Bz

FUTURE SALE OF PARCELS

We have agreed, and so direct our successors, because of the shortage of water for these parcels that in the event any parcel individually is offered for sale the following terms will apply:

- 1) sale of any parcel will be priced in two ways - the land without water and the land with the share of water and responsibilities belonging to said parcel,
- 2) the difference between these two prices shall be considered as the value of the share of water described above,
- 3) the "voting representatives" of the other parcels shall have the right of first refusal of this share of the water (or their proportionate share thereof if more than one parcel wishes to buy additional water) and the responsibilities attached to this water at the value determined above. The "voting representatives" will be bound by the same conditions as described above - the "voting representatives" of these parcels must promptly (within one week) upon notification (by registered mail return receipt requested) indicate their desire to purchase this right or the right shall be forfeit and shall be divided equally between the owners who do indicate their desire to exercise this right - in order that the sale may proceed in a timely manner.

DISCUSSION OF TIMING OF ESTATE DISTRIBUTION

We, the heirs of Rex S. Jensen, discussed the timing of the distribution of the corpus of the estate and the effect such timing would have for us. We agreed that, as our present intention is to re-invest the capital we receive as soon as possible after receipt, there was no reason to try to "outguess" the market in converting the present assets to cash as per our previous agreement. We will request the trustees of the estate to proceed as promptly as prudent, after the above mentioned deeds are prepared, to convert the remainder of the estate to cash and begin the distribution of the assets to the three of us. We suggest that they continue to hold some assets in the trust until such time as they are reasonably certain all bills and liabilities have been satisfied and distribute these assets when the trust is closed.

AGREEMENT

We agree that this is a true statement of our intentions and the agreement we have reached, and that we have served as witnesses for the signatures of our sisters.

Date 7/2/88

Date 7/2/88

Date 7/2/88

Marion L. James

Roxey Elizabeth McDonough

Christal J. Evans

SCANNED
NOV 18 2003

B3

INSTRUMENT NO 905823

WARRANTY DEED

THIS INDENTURE, Made this 19 day of October, 1980, between REX S. JENSEN and ROXY C. JENSEN, husband and wife, of Melba, Idaho, the "Grantor," and CATHERINE E. CAVAIANI, REX E. EVANS and MARYON E. EVANS, whose present address is 9990 Roan Meadows Drive, Boise, Idaho, 83705, the "Grantee";

*New Parker
per S.C.*

WITNESSETH, That the Grantor for and in consideration of an exchange of property, has granted, exchanged, bargained and sold, and by these presents does grant, exchange, bargain, sell, convey and confirm unto the Grantee, the following described property, situated in Canyon County, State of Idaho, to wit:

In Township 2 North, Range 3 West of the Boise Meridian:
Section 11: The South Half of the Southwest Quarter.

TOGETHER with a water right of sixty (60) inches, to be made available from any of Grantor's wells (at Grantor's choice) located on land presently owned by Grantor in Section 11, Township 2 North, Range 3 West of the Boise Meridian, and also, TOGETHER with an easement as necessary to transport said water for use on the premises described above, through existing pipelines or otherwise.

EXCEPTING rights-of-way for roads and power lines and EXCEPT all minerals in or under said land, including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto, whether express or implied.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD said premises unto the Grantee and their heirs, executors, administrators, personal representatives and assigns forever. The Grantor covenants that the Grantee shall enjoy the quiet and peaceful possession of said premises; that the Grantor is lawfully seized of said premises in fee simple; and the Grantor warrants that the title to said premises is merchantable and free from all liens and encumbrances, excepting those to which this conveyance is expressly made subject, and those made, suffered or done by the Grantee.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals the day and year first above written.

Rex S. Jensen
Rex S. Jensen

Roxy C. Jensen
Roxy C. Jensen

SCANNED
NOV 18 2003

T. 88832

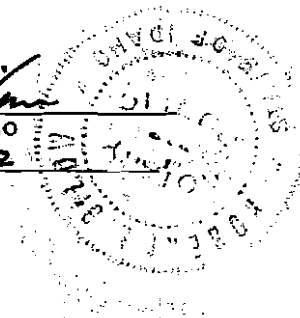
Attachment C

STATE OF IDAHO)
County of Ada)
SS.

On this 19 day of October, 1980, before me, a Notary Public in and for said State, personally appeared REX S. JENSEN and ROXY C. JENSEN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written herein.

Robert L. Kilmer
Notary Public for Idaho
Residing at Boise
Idaho



905823

FILED

Nov 10 11 00 AM '80

BILL A. STAKER
JURY DUTY RECORDER

C. Lint. dep

RECORDED

AT THE REQUEST OF

Hawley, Trudell, Ennis & H

Deed
FEB 4 00

Jensen, Rex S.
GRANTED

Cavanaugh, Catherine E.
GRANTED

Deed
RECEIVED
10 Oct 16 1980
Boise, Id 83701

SCANNED
NOV 18 2003

C2

Attachment D

Part 1.d. Remarks

The members of the estate of Rex S. Jensen negotiated a settlement with regard to Mr. Jensen's property in Section 11, Township 2 North, Range 3 West, which is set forth in an agreement dated July 1, 1988 (Attachment B). Within that agreement the estate recognized that two water rights, 63-7156 and 63-3597, were appurtenant to Section 11, as well as other property. The agreement ultimately resulted in two water rights being appurtenant to Section 11, 63-3597D and 63-7156B. The total quantity of water under those water rights is 4.26 cfs. Water right 63-7156B has a later priority date but is not a supplemental right in the normal sense of the word. Because the quantity of water appurtenant to the total irrigated lands in Section 11 is much less than one (1) miners inch per acre, both water rights have been used as primary water rights for irrigation of the property. There are no surface water rights for this land.

Because of the agreement and a deed dated October 19, 1980, 1.2 cfs (60 miners inches) was assigned specifically to the south half of the SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West. The balance of the water under the two water rights discussed above was to be distributed equally across the properties within Section 11, held by members of the Rex S. Jensen estate. Unfortunately, the water rights records were not modified to recognize the agreement of July 1, 1988 and the deed. This transfer seeks to accomplish the intent of those documents.

Since modification of water rights and redistribution of water becomes incredibly complex when water is disproportionately assigned to acreage, the applicant requests that the Department approve this Application for Transfer, which distributes the water equally across the unique 365 acres held by the estate of Rex S. Jensen. The applicant further requests that the Department of Water Resources include a condition in the approved Application for Transfer that clearly assigns 1.2 cfs of water under these rights to the south half of the SW $\frac{1}{4}$, Section 11, Township 2 North, Range 3 West. It is the applicant's belief that after consultation with representatives of the Department of Water Resources that this is the easiest and most concise method of recognizing the agreement entered into by the heirs of Mr. Jensen without unnecessarily complicating the water right records of the Department. The applicant has provided a draft condition for insertion into the approved Application for Transfer at the end of this narrative as a convenience for the Department. If this approach is considered inappropriate after review, the applicant requests that they be given an opportunity to modify the transfer application to meet the intent and letter of the agreement and the subsequent deed prior to action of the Department.

Draft Condition

The water rights described in this approved transfer are distributed as follows: **SCANNED**

The lands within the south half of the SW $\frac{1}{4}$, Section 11, Township 2 North, Range 3 West, are assigned 1.2 cfs for irrigation of 78 acres. The balance of the water (3.06 cfs) is distributed evenly over the remaining 287 acres described within the Application for Transfer. **NOV 19 2003**

*Trans 58832
Attachment D*

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

RECEIVED

FEB 06 2001

WATER RESOURCES
WESTERN REGION

February 5, 2001

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

RE: ERO Project 1473; Estate of Rex S. Jensen

Dear Steve:

I am in receipt of your letter dated January 23, 2001 regarding the transfer application no. 68832 in the name of the Estate of Rex S. Jensen. I have enclosed the completed page 2 of the transfer application and apologize for my oversight.

Your second question related to the beneficial use of water on the property for the past five years. All of this property has been in the conservation reserve program (CRP) from about 1990 to 2000. It was irrigated up to the point that it was put into the CRP and came out last year. I have acquired documentation of its inclusion in the CRP program and have attached copies. I hope this information is sufficient but if not please let me know.

Again, thank you for your help on this complicated transfer.

Sincerely yours,

A handwritten signature in cursive script that reads "Sherl L. Chapman".

Sherl L. Chapman

SLC:sw

Encl.

SCANNED
NOV 18 2003

Transfer 68832
Attachment E

Consultants in
Natural Resources
and the Environment

CRP-1
(02-21-86)U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit CorporationT. & CO. CODE &
ID

2. CONTRACT NO.

7B
4403

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable signup period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS

OWNER
Rex E Evans
9990 Roan Meadow Rd
Boise, Id 83709

SHARE

SSN

354-40-0745

SIGNATURE

Rex E Evans

DATE

8/14/93

6.28 %

OWNER NAME AND ADDRESS

Marian L James
798C Hwy 45
Melba, Id 83641

SHARE

SSN

568 10 6534

SIGNATURE

Marian L James

DATE

8/16/93

0 %

OWNER NAME AND ADDRESS

Roxy E McDonough
6638 57th Ave N
Seattle, Wn 98115

SHARE

SSN

571 24 0113

SIGNATURE

Roxy E McDonough

DATE

8/19/93

0 %

OWNER NAME AND ADDRESS

Maryon E Evans
9990 Roan Meadows
Boise, Id 83706

SHARE

SSN

345-40-9342

SIGNATURE

Maryon E Evans

DATE

8/14/93

6.28 %

ACRES FOR CRP

371.5

6. RENTAL RATE PER ACRE

\$

50.00

7. CONTRACT PERIOD

FROM

FY. 1989

TO

9-30-98

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
8	9	10	11	12	13	14	15	16	17
631	1	CP-1	90.9						
1631	2	CP-1	78.9						
1131	3	CP-1	79.4						
631	4	CP-1	122.3						

SCANNED
NOV 18 2003

1. ANNUAL PAYMENT

18,575.

19. CCC USE ONLY - Payments according to the shares are approved.

CCC REPRESENTATIVE'S SIGNATURE

Marian L James

DATE

9-14-93

CRP-1
(02-21-86)

U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit Corporation

Form Approved - OMB No. 0560-0123

1. FARM CODE & ID
16 027 6
2. CONTRACT NO.
18
3. FARM NO.

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS

Bryce Millar
3502 S Midland
Nampa, Id 83651

SHARE

SSN

40.78 %

SSN

SIGNATURE

DATE

8-16-93

B. OWNER NAME AND ADDRESS

Chrystal J Evans
9990 Roan Meadows Dr
Boise, Id 83709

SHARE

SSN

40.38 %

SSN

SIGNATURE

DATE

8-16-93

C. NAME AND ADDRESS

Donna Millar
3502 S Midland
Nampa, Id 83651

SHARE

SSN

0 %

SSN

SIGNATURE

DATE

8-16-93

D. NAME AND ADDRESS

Catherine E Parker
990 Roan Meadows Dr
Boise, Id 83709

SHARE

SSN

6.28 %

SSN

SIGNATURE

DATE

8/15/93

5. ACRES FOR CRP

6. RENTAL RATE PER ACRE

\$

7. CONTRACT PERIOD

FROM

TO

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
8	9	10	11	12	13	14	15	16	17

SCANNED
NOV 19 2003

18. ANNUAL PAYMENT

19. CCC USE ONLY - Payments according to the shares are approved.

CCC REPRESENTATIVE'S SIGNATURE

DATE

53

Place of Use for estate of Rex S. Jensen transfer

Acres of land
(approximate) 7156B 3597D Combo Total

Parcel 1	SE¼NE¼ SEC 10	34.8	2.1	15.8	5.0	22.9
(George Harrison	NE¼SE¼ SEC 10	19	1.1	8.6	2.7	12.5
Vanessa Chan	NE¼SE¼SE¼ SEC 10	3	0.2	1.4	0.4	2.0
Justin Smith	W¼NW¼NW¼ W¼E¼NW¼NW¼ SEC 11	18	1.1	8.2	2.6	11.8
Jason Chan	W¼SW¼NW¼ W¼E¼SW¼NW¼ SEC 11	30	1.8	13.6	4.3	19.7
Jesse Chan)	NWSW SEC 11	40	2.4	18.1	5.7	26.3
	Acres	144.8	8.7	65.7	20.8	95.1
	cfs		0.087	0.545	0.381	1.013

Parcel 2	SW¼NE¼NW¼ SEC 11	3	0.2	1.6	0.5	2.3
(Catherine Parker	E¼E¼NW¼NW¼ SEC 11	5	0.3	2.6	0.8	3.8
Rex E. Evans	E¼E¼SW¼NW¼ SEC 11	10	0.7	5.3	1.7	7.7
Maryon E Evans)	SENE SEC 11	26	1.8	13.8	4.4	19.9
	NESW SEC 11	40	2.8	21.2	6.7	30.7
	NWSE SEC 11	40	2.8	21.2	6.7	30.7
	Acres	124	8.7	65.7	20.8	95.1
	cfs		0.087	0.545	0.381	1.013

78 acre	SWSW SEC 11	39	0	12	27	
(Catherine Parker	SESW SEC 11	39	0	11	28	
Rex E. Evans	Acres	78	0	23	55	78
Maryon Evans)	cfs		0.000	0.191	1.009	1.200

Parcel 3	SESENE SEC 11	2			2.0	2.0
(Mark McDonough)	NESE SEC 11	26		21.9	4.1	26.0
	SWSE SEC 11	39	2.9	21.9	7.75	32.5
	SESE SEC 11	39	5.8	21.9	6.9	34.6
	Acres	106	8.7	65.7	20.8	95.1
	cfs		0.087	0.545	0.381	1.013

SCANNED

NOV 18 2003

RECEIVED

APR 15 2003

WATER RESOURCES
WESTERN REGION

WATER RESOURCES WESTERN REGION

REM JENSEN FARM
E. T. EVANS, TRUSTEE

[Faint handwritten notes at the bottom of the page]

NOTES: REAGENTS AND DISTILLATES SHOULD BE RECORD INFORMATION WHICH ARE NOTIFIED TO A COMMON BOARD OF REAGENTS, THE SERVICE INFORMATION SYSTEMS IS OF PARTICULAR INTEREST ONLY AND IS NOT REPRESENTED AS AN ADEQUATE SUMMARY OF THE CHARGES. CHARGES ARE TAKEN FROM ISSUES QUAD MARS AND DO NOT REPRESENT A FINAL FIELD SERVICE INFORMATION.

Ensign: Don't
 involved with those 3 garden
 discussion in July, 1988 agreement

Received by Mr. Jones, 27 January, A.D. 1953
 Long Island City, New York, U.S.A.
 From: C. L. Jones, 100-10 37th St., 1.02-03
 Queens, New York, U.S.A.
 Reference: Jones 1953, 100-10 37th St., U.S.A.
 100-10 37th St., U.S.A.

55426

Parcel #1
2 of 2

HARRISON

SMITH

Chan

Chan

Chan

IDE: F ACTION: PRESS (01 RETURN) TO VIEW ANOTHER ACCOUNT TROK101
System User- PLATRM Date 03/19/2003 Time 9:50
REAL PROPERTY INQUIRY

=====

01	SR30057-000- -0	060-00	SCH1391	05	1,800	53.80
				19		.38

=====

HARRISON, GEORGE MARK-ETAL

% CHAN, JASON %
7211 BAY MEADOWS DR
NAMPA ID 83687

=====

10-2N-3W NE
TX 4 IN S1/2NE & IN E1/2SE1/4

LEWIS LN, NA

=====

TOTAL	1,800	54.18
-------	-------	-------

=====

| SURVEY INST 9729747
| DRAIN DR VALUE APPR CTR
| CLASS REAP 99 MAN UNIT 0
| PARCEL 3R02N03W101800 H/O N C/B N
| PRIOR ACCOUNT 2R30057-000- -0
| 02 MH on Property NO
| 03 Traits 04 Companion Sheet

Parcel #1
1 of 2

RECEIVED

APR 15 2003

WATER RESOURCES
WESTERN REGION

JDE:F ACTION: PRESS (OL RETURN) TO VIEW ANOTHER ACCOUNT TR0101
System User- PLATRM Date 03/19/2003 Time 9:45
REAL PROPERTY INQUIRY

```
=====
01 3R30072-012- -0 211-00 SCH1391 05 3,000 89.00
=====
HARRISON, GEORGE MARK-ETAL 19 1.61
```

% CHAN, JASON %
7211 BAY MEADOWS DR
NANPA ID 83687

11-2N-3W NW
W1/2 NW S OF MORA CANAL
LS E 330',, NWSW

LEWIS LN, NA

```
=====
TOTAL 3,000 90.61
=====
SURVEY INST 5729747
DRAIN DR VALVE APPR EWL
CLASS REAP 99 MAN UNIT C
PARCEL 3R02N03W112385 H/D N O/B N
PRIOR ACCOUNT 2R30072-012- -0
02 MH on Property NO
03 Traits 04 Companion Sheet
```

9729747

QUITCLAIM DEED

FOR VALUE RECEIVED

Marion L. James

do hereby convey, release, remise and forever quit claim

to Mr. George
Mark Harrison

whose address is 1798C Hwy 45, Malba, ID 83641

the following described premises, to-wit:

1/5 undivided interest in:

- legal description attached -

together with their appurtenances.

Dated:

11/18/93

Marion L. JamesSTATE OF IDAHO, COUNTY OF ClaytonOn this 18th day of November, 1993,
before me, a notary public in and for said State, personally
appeared Marion L. Jamesknown to me to be the person whose name is
specified in the within instrument, and acknowledged to
execute the same.Notary PublicAttending Notary Public, IdahoPIONEER TITLE COMPANY
OF CANYON COUNTY423 So. Kimball
Caldwell, Idaho 83605100 - 10th Ave. South
Nampa, Idaho 83651

Township 2 North, Range 3 West, Boise Meridian

Section 10: That portion of Section 10 described as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 2 North, Range 3 West of the Boise Meridian; thence South 0 degrees 4' 0" East 1,358.47 feet along the East section line (Basis of Bearing) to the Real Point of Beginning, thence continuing South 0 degrees 4' 0" East 1,298.48 feet to the 1/4 corner; thence South 0 degrees 9' 27" East 1,818.74 feet along the section line to a point North 0 degrees 9' 27" West 836.23 feet to the southeast corner of said Section 10; thence North 39 degrees 35' 0" West 421.13 feet; thence North 19 degrees 39' 55" West 722.59 feet; thence North 16 degrees 48' 33" West 201.19 feet; thence North 37 degrees 3' 36" West 599.17 feet; thence North 13 degrees 47' 14" West 527.44 feet; thence North 0 degrees 54' 43" East 492.15 feet; thence North 61 degrees 11' 12" West 315.87 feet; thence North 21 degrees 40' 11" West 304.77 feet; thence North 89 degrees 56' 0" East 1,431.45 feet to the Real Point of Beginning; and

Section 11: NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ south of the Mora Canal; NW $\frac{1}{4}$ SW $\frac{1}{4}$.

TOGETHER WITH an undivided one-third (1/3) interest in and to the irrigation wells located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho. and an undivided one-third (1/3) interest in and to all pumps, motors, pipelines and all allied equipment used in connection with or as part of said irrigation wells and irrigation facilities; and

ALSO TOGETHER WITH an undivided one-third (1/3) interest in and to all water diverted from ground water sources located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho; and

ALSO TOGETHER WITH a non-exclusive easement of ingress and egress for the purpose of repairing, maintaining and replacing the irrigation wells, pumps, motors, mainline pipe, connecting irrigation equipment and transporting irrigation water to the above described real property which easement shall be generally restricted to that portion of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho wherein the irrigation wells in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho are located and whereon the mainline pipe leading from said irrigation wells to the above described real property is located; and

ALSO TOGETHER WITH a non-exclusive easement for ingress and egress as provided in that certain Easement Agreement effective as of December 24, 1992 which was recorded on December 28, 1992 as Instrument Number 9229046, records of Canyon County, Idaho.

ALSO TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

SUBJECT TO:

1. A water right of sixty (60) inches which is appurtenance to and which water is to be made available to the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho from the irrigation wells located in said Section 11; and
2. The right, title and interest of Bryce D. Millar and Donna R. Millar, husband and wife ("Millar"), as Lessee as provided in that certain Farm Lease Agreement dated effective as of January 1, 1984 entered into by Rex S. Jensen, as Lessor and Millar, as Lessee; and

3. The terms and provisions of that certain Agreement as of July 1, 1988 on Division of Real Property entered into by and between Marion L. James, R. Elizabeth McDonough and Chrystal J. Evans, and that certain Agreement dated December 28, 1989 entered into by Marion L. James, R. Elizabeth McDonough, Chrystal J. Evans, Catherine E. Parker (formerly known as Catherine E. Cavaiani), Rex E. Evans and Maryon Evans, all as amended, a Memorandum of which was recorded on December 28, 1992 as Instrument Number 9229047, records of Canyon County, Idaho.

9729747

RECORDED

97 SEP 5 PM 3 22

RED J KERR

CANYON CNTY RECORDER

BY

W. J. Kerr

RECEIVED Marion James
me Book 12 02

INSTRUMENT NO

9328124

QUITCLAIM DEED

FOR VALUE RECEIVED

Marion L. James

do hereby convey, release, remise and forever quit claim

unto Vanessa E. Chan

whose address is 1798C Hwy 45, Melba, ID 83641

the following described premises, to-wit:

1/5 undivided interest in:

- legal description attached -

together with their appurtenances.

Dated:

11/18/93

Marion L. James

STATE OF IDAHO, COUNTY OF Canyon

I, Don Wiley, 18th day of November, 1993,
before me, a Notary Public in and for said State, personally
appeared

Marion L. James

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.Doneta M. Chan
Notary PublicResiding at Unclate, Idaho
Comm. Expires 3-1-94PIONEER TITLE COMPANY
OF CANYON COUNTY423 So. Kimball
Caldwell, Idaho 836051001 - 10th Ave. South
Nampa, Idaho 83651

Township 2 North, Range 3 West, Boise Meridian

Section 10: That portion of Section 10 described as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 2 North, Range 3 West of the Boise Meridian: thence South 0 degrees 4' 0" East 1,358.47 feet along the East section line (Basis of Bearing) to the Real Point of Beginning, thence continuing South 0 degrees 4' 0" East 1,298.48 feet to the 1/4 corner; thence South 0 degrees 9' 27" East 1,818.74 feet along the section line to a point North 0 degrees 9' 27" West 836.23 feet to the southeast corner of said Section 10; thence North 39 degrees 35' 0" West 421.13 feet; thence North 19 degrees 39' 55" West 722.59 feet; thence North 16 degrees 48' 13" West 201.19 feet; thence North 37 degrees 3' 36" West 599.17 feet; thence North 13 degrees 47' 14" West 527.44 feet; thence North 0 degrees 54' 43" East 492.15 feet; thence North 61 degrees 11' 12" West 315.87 feet; thence North 21 degrees 40' 11" West 304.77 feet; thence North 89 degrees 56' 0" East 1,431.45 feet to the Real Point of Beginning; and

Section 11: W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ south of the Mora Canal; NW $\frac{1}{4}$ SW $\frac{1}{4}$.

TOGETHER WITH an undivided one-third (1/3) interest in and to the irrigation wells located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and an undivided one-third (1/3) interest in and to all pumps, motors, pipelines and all allied equipment used in connection with or as part of said irrigation wells and irrigation facilities; and

ALSO TOGETHER WITH an undivided one-third (1/3) interest in and to all water diverted from ground water sources located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho; and

ALSO TOGETHER WITH a non-exclusive easement of ingress and egress for the purpose of repairing, maintaining and replacing the irrigation wells, pumps, motors, mainline pipe, connecting irrigation equipment and transporting irrigation water to the above described real property which easement shall be generally restricted to that portion of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho wherein the irrigation wells in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho are located and whereon the mainline pipe leading from said irrigation wells to the above described real property is located; and

ALSO TOGETHER WITH a non-exclusive easement for ingress and egress as provided in that certain Easement Agreement effective as of December 24, 1992 which was recorded on December 28, 1992 as Instrument Number 9229046, records of Canyon County, Idaho.

ALSO TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

SUBJECT TO:

- 1 A water right of sixty (60) inches which is appurtenance to and which water is to be made available to the S $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho from the irrigation wells located in said Section 11; and
- 2 The right, title and interest of Bryce D. Millar and Donna R. Millar, husband and wife ("Millar"), as Lessee as provided in that certain Farm Lease Agreement dated effective as of January 1, 1984 entered into by Rex S. Jensen, as Lessor and Millar, as Lessee; and

INSTRUMENT NO. 9328125
QUITCLAIM DEED

RECEIVED

Marion L. James

do hereby convey, release, remise and forever quit claim

unto Justin Z. Smith

whose address is 1798C Hwy 45, Selba, ID 83641

the following described premises, to-wit:

1/5 undivided interest in

legal description attached -

Witness my hand and seal this

Dated:

11/18/93

Marion L. James

STATE OF IDAHO, COUNTY OF CANYON

On this 18th day of November 1993,
before me, a notary public in and for said State, personally
appeared

Marion L. James

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same

Notary Public

Residing at Caldwell, Idaho 83641

Idaho

PIONEER TITLE COMPANY
OF CANYON COUNTY

423 So. Kimball
Caldwell, Idaho 83645

101 10th Ave. South
Pampa, Idaho 83651

Township 2 North, Range 3 West, Boise Meridian

Section 10: That portion of Section 10 described as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 2 North, Range 3 West of the Boise Meridian; thence South 0 degrees 4' 0" East 1,358.47 feet along the East section line (Basis of Bearing) to the Real Point of Beginning, thence continuing South 0 degrees 4' 0" East 1,298.48 feet to the 1/4 corner; thence South 0 degrees 9' 27" East 1,818.74 feet along the section line to a point North 0 degrees 5' 27" West 836.23 feet to the southeast corner of said Section 10; thence North 39 degrees 35' 0" West 421.13 feet; thence North 19 degrees 39' 55" West 722.59 feet; thence North 16 degrees 48' 33" West 201.19 feet; thence North 37 degrees 3' 36" West 599.17 feet; thence North 13 degrees 47' 14" West 527.44 feet; thence North 0 degrees 54' 43" East 492.15 feet; thence North 61 degrees 11' 12" West 315.87 feet; thence North 21 degrees 40' 11" West 304.77 feet; thence North 89 degrees 56' 0" East 1,431.45 feet to the Real Point of Beginning; and

Section 11: W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ south of the Mora Canal; NW $\frac{1}{4}$ SW $\frac{1}{4}$.

TOGETHER WITH an undivided one-third (1/3) interest in and to the irrigation wells located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and an undivided one-third (1/3) interest in and to all pumps, motors, pipelines and all allied equipment used in connection with or as part of said irrigation wells and irrigation facilities; and

ALSO TOGETHER WITH an undivided one-third (1/3) interest in and to all water diverted from ground water sources located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho; and

ALSO TOGETHER WITH a non-exclusive easement of ingress and egress for the purpose of repairing, maintaining and replacing the irrigation wells, pumps, motors, mainline pipe, connecting irrigation equipment and transporting irrigation water to the above described real property which easement shall be generally restricted to that portion of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho wherein the irrigation wells in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho are located and whereon the mainline pipe leading from said irrigation wells to the above described real property is located; and

ALSO TOGETHER WITH a non-exclusive easement for ingress and egress as provided in that certain Easement Agreement effective as of December 24, 1992 which was recorded on December 28, 1992 as Instrument Number 9229046, records of Canyon County, Idaho.

ALSO TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

SUBJECT TO:

A water right of sixty (60) inches which is appurtenance to and which water is to be made available to the S $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho from the irrigation wells located in said Section 11; and

The right, title and interest of Bryce D. Millar and Donna R. Millar, husband and wife ("Millar"), as Lessee as provided in that certain Farm Lease Agreement dated effective as of January 1, 1984 entered into by Rex S. Jensen, as Lessor and Millar, as Lessee; and

3. The terms and provisions of that certain Agreement as of July 1, 1988 on Division of Real Property entered into by and between Marion L. James, R. Elizabeth McDonough and Chrystal J. Evans, and that certain Agreement dated December 28, 1989 entered into by Marion L. James, R. Elizabeth McDonough, Chrystal J. Evans, Catherine E. Parker (formerly known as Catherine E. Cavaiani), Rex E. Evans and Maryon Evans, all as amended, a Memorandum of which was recorded on December 28, 1992 as Instrument Number 9229047, records of Canyon County, Idaho.

9328125

RECORDED

'93 NOV 18 PM 2 15

RECEIVED
CANYON CO. RECORDER
D. SmithREQUESTED
TYPE *Handwritten* FEE *1.00*

INSTRUMENT NO.

9328126

QUITCLAIM DEED

FOR VALUE RECEIVED

Marion L. James

do hereby convey, release, remise and forever quit claim

unto Jason A. Chan

whose address is 17980 Hwy 45, Melba, ID 83641

the following described premises, to-wit:

1/5 undivided interest in:

- legal description attached -

by their with their appropriate

Witness

11/18/93

Marion L. James

STATE OF IDAHO, COUNTY OF _____

On this 16th day of December, 1993,
before me, a notary public in and for said State, personally
appeared

Marion L. James

known to me to be the person whose name is
acknowledged to the within instrument, and acknowledged to
me that he executed the same

Notary Public

Caldwell, Idaho 83605

PIONEER TITLE COMPANY
OF CANYON COUNTY

423 So. Kimball
Caldwell, Idaho 83605

Box 109, Ace, South
Tampa, Idaho 83651

Township 2 North, Range 3 West, Boise
Meridian

Section 10: That portion of Section 10
described as follows:

Beginning at the section corner common to
Sections 2, 3, 10 and 11, Township 2 North,
Range 3 West of the Boise Meridian; thence
South 0 degrees 4' 0" East 1,358.47 feet
along the East section line (Basis of
Bearing) to the Real Point of Beginning,
thence continuing South 0 degrees 4' 0" East
1,298.48 feet to the 1/4 corner; thence South
0 degrees 9' 27" East 1,818.74 feet along the
section line to a point North 0 degrees 9'
27" West 836.23 feet to the southeast corner
of said Section 10; thence North 39 degrees
35' 0" West 421.13 feet; thence North 19
degrees 39' 55" West 722.59 feet; thence
North 16 degrees 48' 33" West 201.19 feet;
thence North 37 degrees 3' 36" West 599.17
feet; thence North 13 degrees 47' 14" West
527.44 feet; thence North 0 degrees 54' 43"
East 492.15 feet; thence North 61 degrees 11'
12" West 315.87 feet; thence North 21 degrees
40' 11" West 304.77 feet; thence North 89
degrees 56' 0" East 1,431.45 feet to the Real
Point of Beginning; and

Section 11: NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
and NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ south of the Mora Canal;
NW $\frac{1}{4}$ SW $\frac{1}{4}$.

TOGETHER WITH an undivided one-third (1/3)
interest in and to the irrigation wells
located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 11, Township 2 North, Range 3 West
of the Boise Meridian, Canyon County, Idaho
and an undivided one-third (1/3) interest in
and to all pumps, motors, pipelines and all
allied equipment used in connection with or
as part of said irrigation wells and
irrigation facilities; and

ALSO TOGETHER WITH an undivided one-third
(1/3) interest in and to all water diverted
from ground water sources located within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township
2 North, Range 3 West, of the Boise Meridian,
Canyon County, Idaho; and

ALSO TOGETHER WITH a non-exclusive easement of ingress and egress for the purpose of repairing, maintaining and replacing the irrigation wells, pumps, motors, mainline pipe, connecting irrigation equipment and transporting irrigation water to the above described real property which easement shall be generally restricted to that portion of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho wherein the irrigation wells in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho are located and whereon the mainline pipe leading from said irrigation wells to the above described real property is located; and

ALSO TOGETHER WITH a non-exclusive easement for ingress and egress as provided in that certain Easement Agreement effective as of December 24, 1992 which was recorded on December 28, 1992 as Instrument Number 9229046 records of Canyon County, Idaho.

ALSO TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

SUBJECT TO:

A water right of sixty (60) inches which is appurtenance to and which water is to be made available to the S $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho from the irrigation wells located in said Section 11; and

The right, title and interest of Bryce O. Millar and Donna R. Millar, husband and wife ("Millar"), as Lessee as provided in that certain Farm Lease Agreement dated effective as of January 1, 1984 entered into by Rex S. Jensen, as Lessor and Millar, as Lessee; and

3. The terms and provisions of that certain Agreement as of July 1, 1988 on Division of Real Property entered into by and between Marion L. James, R. Elizabeth McDonough and Chrystal J. Evans, and that certain Agreement dated December 28, 1989 entered into by Marion L. James, R. Elizabeth McDonough, Chrystal J. Evans, Catherine E. Parker (formerly known as Catherine E. Cavaiani), Rex E. Evans and Maryon Evans, all as amended, a Memorandum of which was recorded on December 28 1992 as Instrument Number 9229047, records of Canyon County, Idaho.

9328126

RECORDED

93 NOV 18 PM 2 45

REL. 1993

CANYON COUNTY RECORDER

C. Smith

REQUEST *Marion L. James*
TYPE *Check fee 12*

INSTRUMENT NO.

9328127

QUITCLAIM DEED

JE RECEIVED

Marion L. James

do hereby convey, release, remise and forever quit claim

unto Jesse Matthew Chan

whose address is 1798C Hwy 45, Hailey, ID 83641

the following described premises, to-wit:

1/5 undivided interest in:

- 16.3 Description attached -

Signed and sealed this _____ day of _____

Date:

11/15/93

Marion L. James

IN THE COUNTY OF CANYON OF IDAHO

On this 15th day of November, 1993,
before me, a notary public in and for said State, personally
appeared

Marion L. James

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Notary Public

Notary Public
Commission Expires 3-1-94PIONEER TITLE COMPANY
OF CANYON COUNTY423 So. Kimball
Caldwell, Idaho 83605100 - 10th Ave. South
Nampa, Idaho 83651

Township 2 North, Range 3 West, Boise
Meridian

Section 10: That portion of Section 10
described as follows:

Beginning at the section corner common to
Sections 2, 3, 10 and 11, Township 2 North,
Range 3 West of the Boise Meridian: thence
South 0 degrees 4' 0" East 1,358.47 feet
along the East section line (Basis of
Bearing) to the Real Point of Beginning,
thence continuing South 0 degrees 4' 0" East
1,298.48 feet to the 1/4 corner; thence South
0 degrees 9' 27" East 1,818.74 feet along the
section line to a point North 0 degrees 9'
27" West 836.23 feet to the southeast corner
of said Section 10; thence North 39 degrees
35' 0" West 421.13 feet; thence North 19
degrees 39' 55" West 722.59 feet; thence
North 16 degrees 48' 33" West 201.19 feet;
thence North 37 degrees 3' 36" West 599.17
feet; thence North 13 degrees 47' 14" West
527.44 feet; thence North 0 degrees 54' 43"
East 492.15 feet; thence North 61 degrees 11'
12" West 315.87 feet; thence North 21 degrees
40' 11" West 304.77 feet; thence North 89
degrees 56' 0" East 1,431.45 feet to the Real
Point of Beginning; and

Section 11: $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$; $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$
and $W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ south of the Mora Canal;
 $NW\frac{1}{4}SW\frac{1}{4}$.

TOGETHER WITH an undivided one-third (1/3)
interest in and to the irrigation wells
located in the $NW\frac{1}{4}SW\frac{1}{4}$ and in the $NE\frac{1}{4}SE\frac{1}{4}$ of
Section 11, Township 2 North, Range 3 West
of the Boise Meridian, Canyon County, Idaho
and an undivided one-third (1/3) interest in
and to all pumps, motors, pipelines and all
allied equipment used in connection with or
as part of said irrigation wells and
irrigation facilities; and

ALSO TOGETHER WITH an undivided one-third
(1/3) interest in and to all water diverted
from ground water sources located within the
 $NW\frac{1}{4}SW\frac{1}{4}$ and the $NE\frac{1}{4}SE\frac{1}{4}$ of Section 11, Township
2 North, Range 3 West, of the Boise Meridian,
Canyon County, Idaho; and

ALSO TOGETHER WITH a non-exclusive easement of ingress and egress for the purpose of repairing, maintaining and replacing the irrigation wells, pumps, motors, mainline pipe, connecting irrigation equipment and transporting irrigation water to the above described real property which easement shall be generally restricted to that portion of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho wherein the irrigation wells in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho are located and whereon the mainline pipe leading from said irrigation wells to the above described real property is located; and

ALSO TOGETHER WITH a non-exclusive easement for ingress and egress as provided in that certain Easement Agreement effective as of December 24, 1992 which was recorded on December 28, 1992 as Instrument Number 9229046, records of Canyon County, Idaho.

ALSO TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

SUBJECT TO:

1 A water right of sixty (60) inches which is appurtenance to and which water is to be made available to the S $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho from the irrigation wells located in said Section 11; and

2 The right, title and interest of Bryce D. Millar and Donna R. Millar, husband and wife ("Millar"), as Lessee as provided in that certain Farm Lease Agreement dated effective as of January 1, 1984 entered into by Rex S. Jensen, as Lessor and Millar, as Lessee; and

3. The terms and provisions of that certain Agreement as of July 1, 1988 on Division of Real Property entered into by and between Marion L. James, R. Elizabeth McDonough and Chrystal J. Evans, and that certain Agreement dated December 28, 1989 entered into by Marion L. James, R. Elizabeth McDonough, Chrystal J. Evans, Catherine E. Parker (formerly known as Catherine E. Cavaiani), Rex E. Evans and Maryon Evans, all as amended, a Memorandum of which was recorded on December 28, 1992 as Instrument Number 9229047, records of Canyon County, Idaho.

9328127

RECORDED

'93 NOV 18 PM 2 45

REC'D

CANYON CNTY RECORDER

C. A. H. H. H.

REQUEST
TYPE *Handwritten* FEB 13 1993

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: A63-03597G

Date Received: 2/15/1990

Receipt No: X777777

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ESTATE OF REX S JENSEN 208-362-9411
Address: C/O E T EVANS CO-TRUSTEE
9990 W ROAN MEADOWS DRIVE
BOISE ID 83709

AND/OR

Name: ESTATE OF REX S JENSEN
Address: C/O R L BILOW CO-TRUSTEE
BOISE ID 83709

2. Date of Priority: APR 13, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	11	NW	SW			CANYON
			NE	SE			CANYON

5. Description of diverting works:
2 WELLS & PUMPS, MAINLINES, SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.990		954.80

7. Total Quantity Appropriated is:
1.990 C.F.S. (and/or) 954.80 A.F.A.

8. Total consumptive use is 839.6 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	03W	11	SW		NW		IRR	36.0
			SE		NW		IRR	26.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	19.5
			SE		SE		IRR	38.3
Section Acres								239.8
Total Acres								239.8

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:
63-7156

14. Remarks:

CLAIM AMENDED PURSUANT TO APPROVAL OF TRANSFER NO. 3952.
KW 2/24/1993
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-03597D, FEE PAID UNDER RECEIPT NO. W008866.
KW 4/9/1993

15. Basis of Claim: LICENSE

Water Right Number: 33559

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: _____

MICROFILMED

JUL 25 1994

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 25 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

APR 1 1993

DATE OF CLOSING: _____

Department of Water Resources
Western Regional Office

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 3W
Section 11, S1/2 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: _____

A63-03597D

[] Name and Address of Former
Owner/Claimant(s)(Seller): _____

Estate of Rex S. Jensen% E.T. Evans, Co-Trustee9990 W. Roan Meadows Dr., Boise, 83709

[] New Owner/Claimant
(Purchaser): _____

Catherine E. Parker % Rex E. Evans % for Maryor E. Evans

[] New Mailing Address: _____

% M.E. Evans9990 W. Roan Meadows Dr.Boise, ID 83709

[] New Telephone Number: _____

(208) 362-9411

[] Does the change in ownership result in a splitting of the water right owned/claimed? Per quiet title judgement & decree (Parcel 11) yes ☒ no

If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

78 acres in N1/2 SW1/4, S11, T2N, R3W, served by both wells, proportionate amount of water

[] Attach proof of ownership, describe proof attached: See Judgement & Decree of Quiet Title in File A63-03597D

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s) _____

Maryor E. Evans

Date _____

Date _____

[] Signature of Former
Owner/Claimant(s): _____

Estate of Rex S. Jensen, Co-TrusteeDate 4/1/93

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

JUL 25 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: **A63-03597E**
Date Received: 2/15/1990
Receipt No: X777777
Received By: _____

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

1. Name: ESTATE OF REX S JENSEN 208-362-9411
Address: C/O E T EVANS CO-TRUSTEE
9990 W ROAN MEADOWS DRIVE
BOISE ID 83709

Name: ESTATE OF REX S JENSEN
Address: C/O R L BILOW CO-TRUSTEE
BOISE ID 83709

2. Date of Priority: APR 13, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	11		NW	SW		CANYON
				NE	SE		CANYON

5. Description of diverting works:
2 WELLS & PUMPS, MAINLINES, SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.640		1265.40

7. Total Quantity Appropriated is:
2.640 C.F.S. (and/or) 1265.40 A.F.A.

8. Total consumptive use is 1112.7 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	03W	11	SW		NW		IRR	36.0
			SE		NW		IRR	26.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	19.5
			SE		SE		IRR	38.3
Section Acres								317.8
Total Acres								317.8

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:
63-7156

14. Remarks:

CLAIM AMENDED PURSUANT TO APPROVAL OF TRANSFER NO. 3952.
KW 2/24/1993
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-03597D, FEE PAID UNDER RECEIPT NO. W008866.
KW 4/9/1993

15. Basis of Claim: LICENSE

Water Right Number: 33559

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: _____

MICROFILMED
JUL 28 1994

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 25 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

APR 1 1993

Please print or type
(see instructions on back of page)

Department of Water Resources
Western Regional Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 3W
Section 11, W 1/2 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A63-03597D & A63-07156B
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Estate of Rex S. Jensen
% E T Evans, Co-Trustee
9990 W Roan Meadows Dr., Boise 837
- ☐ New Owner/Claimant (Purchaser): Mark A. McDonough
- ☐ New Mailing Address: 6638 57th NE
Seattle, WA 98115
- ☐ New Telephone Number: (206) 522-5739
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
19.5 ~~20~~ acres in W 1/2 SWSE, S11, 2N, 3W,
served by both wells, proportionate amount
of water
- ☐ Attach proof of ownership, describe proof attached: See Judgement & Decree of Quiet Title
in File A63-035
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) Mark A. McDonough Date 3/23/93
Date _____
- ☐ Signature of Former Owner/Claimant(s): Estate of Rex S. Jensen, Co-Trustee Date 4/1/93
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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JUL 25 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: **A63-03597D**
Date Received: 2/15/1990
Receipt No: W008866
Received By: DE-ku

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ESTATE OF REX S JENSEN
Address: C/O R L BILOW CO-TRUSTEE
BOISE ID

83709

Name: ESTATE OF REX S JENSEN
Address: C/O E T EVANS CO-TRUSTEE
9990 W ROAN MEADOWS DRIVE
BOISE ID

208-362-9411

83709

2. Date of Priority: APR 13, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	03W	11	NW	SW			CANYON
			NE	SE			CANYON

5. Description of diverting works:
2 WELLS & PUMPS, MAINLINES, SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.800		1343.00

7. Total Quantity Appropriated is:
2.800 C.F.S. (and/or) 1343.00 A.F.A.

8. Total consumptive use is 1181.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	03W	11	SW		NW		IRR	36.0
			SE		NW		IRR	26.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.3

Section Acres 337.3

Total Acres 337.3

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:

63-7156

14. Remarks:

CLAIM AMENDED PURSUANT TO APPROVAL OF TRANSFER NO. 3952.
KW 2/24/1993

15. Basis of Claim: LICENSE

Water Right Number: 33559

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
MICROFILMED
JUL 25 1994
Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 25 1994

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: A63-03597D

Date Received: 2/15/1990

Receipt No: W008866

Received By: DE JAV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REX JENSEN FAMILY TRUST 208-362-9411
Address: C/O E T EVANS CO-TRUSTEE
9990 W ROAN MEADOWS DRIVE
BOISE ID 83709

2. Date of Priority: APR 13, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	11		NW	SW		CANYON
				NE	SE		CANYON

5. Description of diverting works:
WELLS, TURBINE PUMPS, MAINLINES, SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.810		868.00

7. Total Quantity Appropriated is:
1.810 C.F.S. (and/or) 868.00 A.F.A.

8. Total consumptive use is 763.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03W	11	NE	NW		IRR	2.0
			NW	NW		IRR	23.0
			SW	NW		IRR	66.0

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JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03W	11	NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			SW	SE		IRR	39.0

Section Acres 218.0

Total Acres 218.0

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:
63-7156

14. Remarks:

E. T. EVANS IS CO-TRUSTEE FOR THE REX JENSEN FAMILY TRUST.

15. Basis of Claim: LICENSE

Water Right Number: 33559

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED

JUL 25 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 25 1994

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

A63-03597.D

Date Received

2-15-90

Receipt Number

W008866

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

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

Please type or print clearly

1. Name of Claimant (s) Rex Jensen Family Trust Phone (208) 362-9411
c/o E. T. Evans, Co.-Trustee

Mailing Address 9990 W. Roan Meadows Drive., Boise, ID Zip 83709

2. Date of Priority (Only one (1) per claim) April 13, 1967

3. Source of water supply (a) Ground water
which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 2N Range 3W Section 11,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: T2N, R3W, Sec. 11, NESE

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

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. Drilled wells, vertical turbine pumps.
Buried mainlines and sprinkler system for distribution.

MICROFILMED

JUL 25 1994

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 1.81 or 868

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.81 (cfs) and/or (b) 868 (acre feet)

8. Total consumptive use claimed is 763 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	
2N	3W	11					2	23	36			40	39	39			39		218

Total number of acres irrigated 218

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 X
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.
63-7156 or None ()

14. Remarks: E. T. Evans is Co.-Trustee for the Rex Jensen Family Trust.

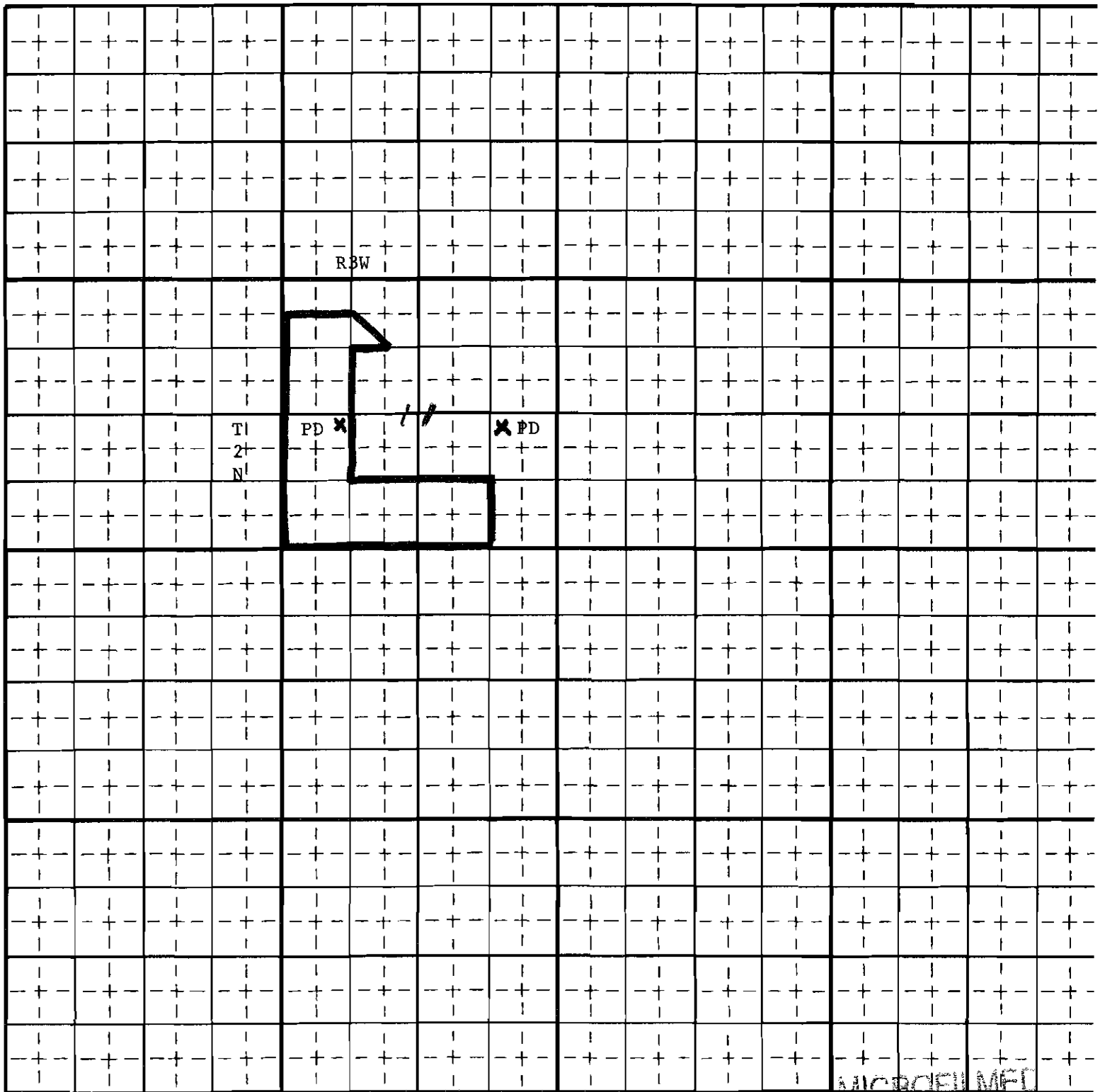
MICROFILMED

JUL 25 1994

Last Name Jensen Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



ACADEMIA

11 23 24

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-3597 (part)
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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

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

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

For Organizations: I do solemnly swear or affirm that I am Co-Trustee Title _____
of Rex Jensen Family Trust Organization _____, that I have signed the foregoing
document in the space below as Co-Trustee Title _____ of Rex Jensen Family Trust Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Co-Trustee; Rex Jensen Family Trust Date 2/12/90

State of Idaho/or _____)
County of Cedar) SS.

Subscribed and sworn (or affirmed) before me this 12 day of February 19 90

Notary Public [Signature]

Residing at 2889 Colfax Hwy Meridian ID

My Commission Expires 6/14/94

Please Print Name Sheri L. Chapman

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
JUL 25 1994

Last Name Jensen Ident. Number _____

Copies White-State, Yellow-Claimant

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME

Jensen

CLAIM IDENT. NO.

A63-03591

DATE RECEIVED

2-15-90

RECEIPT #

W008866

AMOUNT \$

175.00

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Required Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) N/A ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form ☒ YES ☐ NO ☐ *
- Is the period of use included? ☒ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? N/A ☒ YES ☐ NO ☐ *
- Is the consumptive use correct? N/A ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 N/A ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
- (See Item No.'s 16 & 17 for checking other water rights)
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? N/A ☒ YES ☐ NO ☐ *
- (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? N/A ☒ YES ☐ NO ☐ *
- (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☒ YES ☐ NO ☐ *
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
20. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
21. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
22. Is the fee enclosed correct? Exempt ☒ YES ☐ NO ☐ *

MICROFILMED

JUL 25 1994

WR5809NP
No. 63-03597D

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/24/92
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ESTATE OF REX S JENSEN	04/13/1967	IRRIGATION	03-15 11-15	2.80 CFS	1512.0 AFA
TOTAL DIVERSION:					2.80 CFS	1512.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R03W S11 NW SW NE SE

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE						
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: SUM		
02N	03W 11	:																:		
		:						36	26	:		40	40	39	39	:	40	39	38	:
																	TOTAL ACRES	337.3		

Pou County: CANYON

Conditions of Approval:

- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Dates:	App. Received:	Priority Date:	04/13/1967
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	09/12/1979	

Misc: Water District Number: Field Exam Fee:

NOT RECORDED
11/23/92

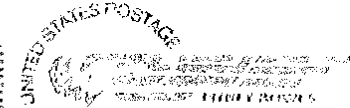
IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

JUN 27 2008

WATER RESOURCES
WESTERN REGION

FIRST CLASS



02 1A \$ 00.59⁰
0004389393 JUN 13 2008
MAILED FROM ZIP CODE 83702

63-31799
63-31801

NOT AT
THIS ADDRESS
RETURN
Sender

TUSCANY HILLS LLC
82 E STATE ST STE B
EAGLE ID 83616

Re: Water Right Nos. 63-31799, 63-3

NIXIE 637 DE 1 00 00/06/08

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 83705508235 *1195 06551-13-40

8361655082 837055082



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

RIGHT NUMBER: 63-31801

NAME AND ADDRESS: TUSCANY HILLS LLC
82 E STATE ST STE B
EAGLE ID 83616

~~JESSE CHAN~~
~~JASON CHAN~~
~~VANESSA CHAN~~
~~GEORGE HARRISON~~
~~JUSTIN SMITH~~
~~1798C HWY 45~~
~~MELBA ID 83641~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.720 CFS
344.200 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-31799 and 63-31801 shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.

PRIORITY DATE: 04/13/1967

POINT OF DIVERSION:

T02N R03W S11 NWSW Within CANYON County

T02N R03W S11 NWSW Within CANYON County

T02N R03W S11 NWSW Within CANYON County

T02N R03W S11 NWSW Within CANYON County

T02N R03W S11 NESE Within CANYON County

Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800 and 63-31802 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.720 CFS 344.20 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 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.

PLACE OF USE: IRRIGATION in CANYON County

<u>T02N R03W S10</u>	<u>SWNE</u>	<u>0.40</u>	<u>T02N R03W S10</u>	<u>SENE</u>	<u>34.60</u>
<u>T02N R03W S10</u>				<u>SENE</u>	<u>34.80</u>

T02N R03W S10	NESE	19.00	T02N R03W S10	SESE	3.50
			~~T02N R03W S10~~	~~SESE~~	~~3.00~~
T02N R03W S11	NWNW	18.00	T02N R03W S11	SWNW	30.00
T02N R03W S11	NWSW	40.00			

145.5 ACRES TOTAL ~~144.8 ACRES TOTAL~~

This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.

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

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right is a split from former right 63-3597G.

This right does not grant any right-of-way or easement across the land of another.

Failure of the right holder to comply with the conditions of Transfer 68832 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by Transfer 73906 within one (1) year of the date of the approval.

~~The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval~~

**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

Water Rights: 63-31799, 63-31801

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- XX** IC § 42-222 transfer

- | | | | |
|--------------------------|------------------------------|--------------------------|---------------------|
| XX | Point of diversion | XX | Place of use |
| ☐ | Period of use | ☐ | Nature of use |
| ☐ | Split of water right | XX | Change in ownership |
| XX | Other – Conditions & Remarks | | |

- ☐ 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 13, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 13, 2008, 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
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Tuscany Hills LLC
82 E State St. Ste. B
Eagle ID 83616

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Jesse Chan
Jason Chan
Vanessa Chan
George Harrison
Justin Smith
1798C Hwy 45
Melba ID 83641

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 13, 2008

TUSCANY HILLS LLC
82 E STATE ST STE B
EAGLE ID 83616

Re: Water Right Nos. 63-31799, 63-31801

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

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

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

WATER RIGHT NO. 63-31801
As Modified by Transfer No. 73906

In accordance with the approval of Transfer No. 73906, Water Right No. 63-31801 is now described as follows.

Right Holder: TUSCANY HILLS LLC
 82 E STATE ST STE B
 EAGLE ID 83616

Priority Date: April 13, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.72 CFS	344.2 AF
			0.72 CFS	344.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NWSW	Sec. 11 Twp 02N	Rge 03W CANYON County
GROUND WATER	NESE	Sec. 11 Twp 02N	Rge 03W 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	
02N 03W 10			.4	34.6									19.0			3.5	57.5
02N 03W 11					18.0	30.0			40.0								88.0

Total Acres: 145.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

WATER RIGHT NO. 63-31801
As Modified by Transfer No. 73906

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. Rights 63-31799 and 63-31801 when combined shall not exceed a total diversion rate of 1.02 cfs, a total annual maximum diversion volume of 428 af at the field headgate, and the irrigation of 95.1 acres.
10. Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31800, 63-31801^{*} and 63-31802 are also diverted through the existing well in the NWSW and the well in the NESE, Section 11, T2N, R3W.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of May, 20 08



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73906

This is to certify that: TUSCANY HILLS LLC
82 E STATE ST STE B
EAGLE ID 83616
(208)859-8848

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31799	AJC/License	10/07/1968	0.30 cfs	127.0 af	29.5	144.8	GROUND WATER
63-31801	AJC/License	04/13/1967	0.72 cfs	344.2 af	86.5	144.8	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31799	NO	NO	YES	YES	NO	NO
63-31801	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31799	63-31799	0.30 cfs	127.0 af	29.5	145.5		N/A	N/A	N/A	N/A
63-31801	63-31801	0.72 cfs	344.2 af	86.5	145.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.02 cfs	428.0 af	95.1	145.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of May, 20 08



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-31799

Transfer No. 73906STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED**
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

NOV 13 2006

WATER RESOURCES
WESTERN REGIONName of Applicant Tuscany Hills, LLC Phone (208) 859-8848Post Office address 82 East State Street, Suite B, Eagle, ID 83616**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant proposes to retain existing points of diversion and add three new points of diversion on-site. The applicant also proposes to add 0.7 acres to the permissible place of use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-31801</u>	<u>4/13/1967</u>	<u>0.72cfs/344.2af</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>63-31799</u>	<u>10/7/1968</u>	<u>0.30cfs/127.0af</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.02 cubic feet per second and/or 428 acre-feet per annum.3. Source of water Ground Water tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	Proposed Public Water System Well
		NW	SW	11	2N	3W	Canyon	Proposed Public Water System Well
		NW	SW	11	2N	3W	Canyon	Proposed Public Water System Well
		NW	SW	11	2N	3W	Canyon	Existing Irrigation Well
		NE	SE	11	2N	3W	Canyon	Existing Irrigation Well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	10			0.4	34.6									19.0			3.5	57.5
		11						18.0	30.0			40.0							88.0

Total Acres 95.1 irrigated acres within a 145.5 permissible place of use

PART 1

6. General Information:

a. Description of diversion system Five wells with electric pumps, booster pumps, and pipelines to places of use.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Applicant proposes up to three new wells to serve Tuscany Hills subdivision. Irrigation water will be delivered through a public water system or a pressurized irrigation system. Existing wells will supply pressurized irrigation system.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-31799 issued by the Idaho Department of Water Resources.
- c. Claim No. 63-31799 on file with the Idaho Department of Water Resources.
- d. Transfer No. 68832 which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Ground Water tributary to NA

4. Date or priority 10/7/1968

5. Water is used for the following purposes:

amount 0.30 cfs / 127.0 af for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.30 cubic feet per second and/or 127.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	10				34.8									19.0				56.8
		11						18.0	30.0			40.0							88.0

Total Acres 144.8

9. Describe any other water rights used for the same purpose as described above 63-31801 has the same permissible place of use and purpose

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

- [illegible]

- [illegible]

Total Acres

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

- [illegible]

- [illegible]

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

D. DESCRIPTION OF RIGHT AS RECORDED

4. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. 63-31801 issued by the Idaho Department of Water Resources.
- g. Claim No. 63-31801 on file with the Idaho Department of Water Resources.
- h. Transfer No. 68832 which produced this right.

5. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

9. Source of water Ground Water tributary to NA10. Date or priority 4/13/1967

11. Water is used for the following purposes:

amount 0.72 cfs / 344.2 af for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

12. Total amount of water under right 0.72 cubic feet per second and/or 344.2 acre-feet per annum.

13. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

14. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	10				34.8									19.0				56.8
		11						18.0	30.0			40.0							88.0

Total Acres 144.8

11. Describe any other water rights used for the same purpose as described above 63-31799 has the same permissible place of use and purpose.

12. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

[illegible][illegible]

Total Acres _____

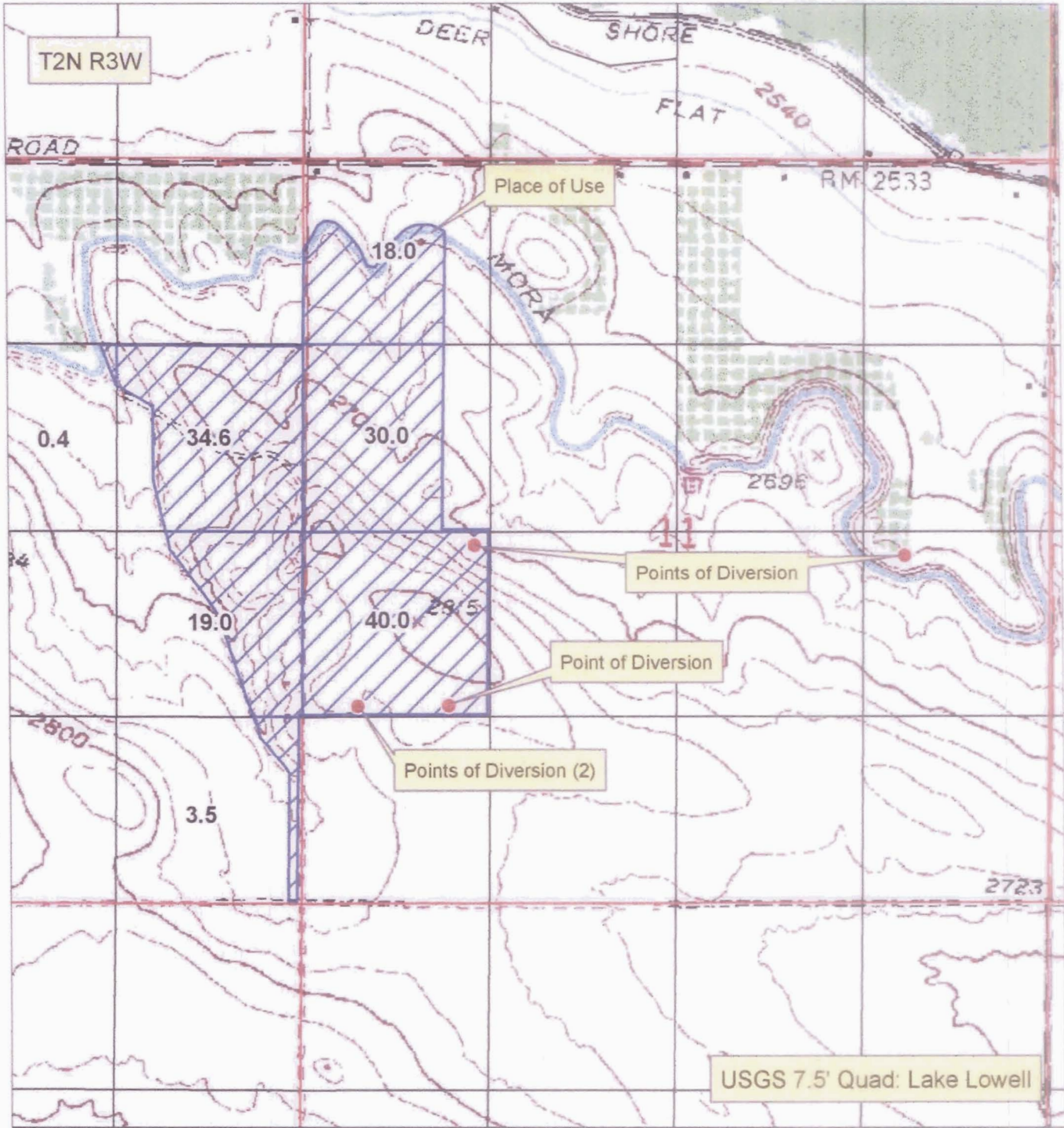
1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

[illegible][illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 1-inch equals 1000-feet

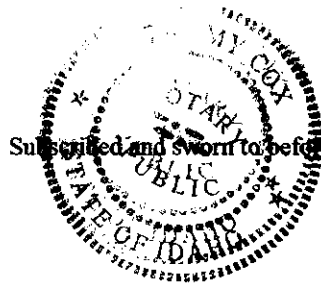
PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|--------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

3rd day of November, 2006
 (Signature of Applicant) Todd Hill, Principal

(Notary Public)

My commission expires 10/15/08

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 11-13-06 Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by * Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder

* SEE ORIGINAL - 82

251



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED EFFECTIVE

05 OCT 28 PM 3:48

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Tuscany Hills, LLC

2. The street address of the initial registered office is:

82 E. State St. Suite B, Eagle, Idaho 83616

and the name of the initial registered agent at the above address is:

David Bulch

3. The mailing address for future correspondence is:

82 E. State St. Suite B, Eagle, Idaho 83616

4. Management of the limited liability company will be vested in:

Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name

Address

Todd Hill688 West Colchester Drive, Eagle, ID 83618

6. Signature of at least one person responsible for forming the limited liability company:

Signature: *Todd Hill*Typed Name: Todd HillCapacity: Manager

Signature: _____

Typed Name: _____

Capacity: _____

Secretary of State use only

ID-SC-1000-LLC-Form-10-2002-10-05
Revised 07/2002

Web Form

IDAHO SECRETARY OF STATE
 10/31/2005 05:00
 CK: 62001217 CT: 2185 RM: 919514
 1 @ 100.00 = 100.00 ORGAN LLC # 2
 1 @ 20.00 = 20.00 EXPEDITE C # 3

W 44074

9 - 1 pc 63678

200578832

RECORDED

NOV 28 AM 9 16

C NOEL HALES

CANYON CNTY RECORDER

BY *Bill*

PIONEER-CALDWELL

REQUEST

TYPE *MD*

FEE

18

AFTER RECORDING MAIL TO:

Tuscany Hills, LLC
82 East State Street, Suite B
Eagle, ID 83616**CORPORATE WARRANTY DEED**

File No.: 4101-703719 (RJPA)

Date: November 21, 2005

For Value Received, Jade Eagle Inc., a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby grant, bargain, sell and convey unto Tuscany Hills, LLC, an Idaho limited liability company, Grantee, whose address is 82 East State Street, Suite B, Eagle, ID 83616, the following described real estate, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF

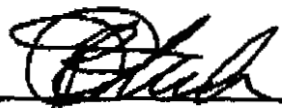
APN:

SUBJECT TO current years taxes, irrigation district assessments, public utility easements, subdivision and U.S. patent reservations.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, and that Grantor will warrant and defend the same from all claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its *Richard O. Thurber* this *21st* day of *Nov.*, 20 *05*.

Jade Eagle Inc., an Idaho corporation



By: Richard O. Thurber, President

PC 63648

Exhibit "A"

Section 10:

That portion of Section 10 described as follows:

BEGINNING at the section corner common to Sections 2, 3, 10 and 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho; thence

South 0° 4' 0" East 1,358.47 feet along the East section line (Basis of Bearing) to the REAL POINT OF BEGINNING; thence continuing

South 0° 4' 0" East 1,298.48 feet to the 1/4 corner; thence

South 0° 9' 27" East 1,818.74 feet along the section line to a point North 0° 9' 27" West 836.23 feet to the Southeast corner of said section 10; thence

North 39° 35' 0" West 421.13 feet; thence

North 19° 39' 55" West 722.59 feet; thence

North 16° 48' 33" West 201.19 feet; thence

North 37° 3' 36" West 599.17 feet; thence

North 13° 47' 14" West 527.44 feet; thence

North 0° 54' 43" East 492.15 feet; thence

North 61° 11' 12" West 315.87 feet; thence

North 21° 40' 11" West 304.77 feet; thence

North 89° 56' 0" East 1,431.45 feet to the REAL POINT OF BEGINNING.

AND

Section 11:

West Half Southwest Quarter Northwest Quarter; West Half East Half Southwest Quarter Northwest Quarter; West Half Northwest Quarter Northwest Quarter; and West Half East Half Northwest Quarter Northwest Quarter South of the Mora Canal; Northwest Quarter Southwest Quarter.

Parcel II:

A parcel of land located in the Southeast Quarter of Section 10, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho and described as follows:

BASIS OF BEARING being the East line of the Southeast Quarter derived from found monuments and taken as South 00° 10' 42" East.

BEGINNING at a 5/8 inch rebar marking the Southeast corner of said Section, thence along the South line of said Southeast Quarter

South 89° 26' 17" West a distance of 60.00 feet to a 5/8 inch rebar and from which a 5/8 inch rebar marking the Southwest corner of said Southeast Quarter bears

(continued)

South 89° 26' 17" West a distance of 2,685.47 feet; thence leaving said South line and parallel with said East line

North 00° 10' 42" West a distance of 901.32 feet to a 5/8 inch rebar; thence

South 39° 36' 23" East a distance of 94.47 feet to a point on said East line and from which an aluminum cap monument marking the Northeast corner of said Southeast Quarter bears

North 00° 10' 42" West a distance of 1,818.48 feet; thence along said East line

South 00° 10' 42" East a distance of 827.95 feet to the POINT OF BEGINNING.

APN:

Warranty Deed
- continued

File No.: 4101-205719 (JCPA)
Date: 11/21/2005

STATE OF Idaho)
SS.
COUNTY OF Ada)

On this Twenty-first day of November, 2005, before me, a Notary Public in and for said State, personally appeared Richard O. Thurber, 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.



[Signature]
Notary Public for the State of Idaho
Residing at Boise, ID

My Commission
10-14-10

Expires:

03/03/2006

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

RIGHT NUMBER: 63-31801

NAME AND ADDRESS: JESSE CHAN
1798C HWY 45
MELBA ID 83641

JASON CHAN
1798C HWY 45
MELBA ID 83641

GEORGE HARRISON
1798C HWY 45
MELBA ID 83641

JUSTIN SMITH
1798C HWY 45
MELBA ID 83641

VANESSA CHAN
1798C HWY 45
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.720 CFS
344.200 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-31799 and 63-31801 shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.

PRIORITY DATE: 04/13/1967

POINT OF DIVERSION:

T02N R03W S11 NWSW Within CANYON County

T02N R03W S11 NESE Within CANYON County

Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800 and 63-31802 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.720 CFS 344.20 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 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.

PLACE OF USE: IRRIGATION Within CANYON County

T02N R03W S10	SENE	34.80	T02N R03W S10	NESE	19.00
---------------	------	-------	---------------	------	-------

T02N R03W S10	SESE	3.00	T02N R03W S11	NWNW	18.00
T02N R03W S11	SWNW	30.00	T02N R03W S11	NWSW	40.00

144.8 ACRES TOTAL

This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.

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

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right is a split from former right 63-3597G.

This right does not grant any right-of-way or easement across the land of another.

Failure of the right holder to comply with the conditions of Transfer 68832 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval.

T02N R03W S10, 11



<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ESTATE OF REX S JENSEN C/O E T EVANS CO-TRUSTEE 9990 ROAN MEADOWS DR BOISE, ID 83709 (208)362-9411
Current Owner	JESSE CHAN 1798C HWY 45 MELBA, ID 83641
Current Owner	JASON CHAN 1798C HWY 45 MELBA, ID 83641
Original Owner	BRYCE MILLAR RT 7 BOX 7380 NAMPA, ID 83651
Current Owner	GEORGE HARRISON 1798C HWY 45 MELBA, ID 83641
Current Owner	JUSTIN SMITH 1798C HWY 45 MELBA, ID 83641
Current Owner	VANESSA CHAN 1798C HWY 45 MELBA, ID 83641

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

Location of Point(s) of Diversion

Place of Use
IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31801 V1

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 03W 10					34.8									19.0			3.0	56.8
02N 03W 11						18.0	30.0			40.0								88.0

Total Acres: 144.8

Conditions of Approval:

1. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. X27 This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
3. C18 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.
4. P21 This right is a split from former right 63-3597G.
5. This right does not grant any right-of-way or easement across the land of another.
6. X36 Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800 and 63-31802 are also diverted through the points of diversion described above.
7. Failure of the right holder to comply with the conditions of Transfer 68832 is cause for the Director to rescind approval of the transfer.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. T07 The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval.
10. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-31799 and 63-31801 shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres
11. S39 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 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.

Remarks:Comments:

1. pskaggs 8/9/2004 11:44:38 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 68832

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31801 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: And
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4.5
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	3/3/2006 10:23:13 AM	segbert			Active
POD	3/3/2006 10:23:39 AM	segbert			Active
Source	3/3/2006 10:24:52 AM	segbert			Active
POU	3/3/2006 10:25:17 AM	segbert			Active
Use	3/3/2006 10:26:35 AM	segbert			Active
Season	3/3/2006 10:27:17 AM	segbert			Active
Quantity	3/3/2006 10:27:56 AM	segbert			Active
Summary			03/03/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/3/2006 10:32:13 AM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	3/3/2006 10:24:18 AM	segbert	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31801 V1

POD	3/3/2006 10:24:37 AM	segbert	Updated shape
POU	3/3/2006 10:26:19 AM	segbert	Updated shape for Active POU
General	3/3/2006 10:23:15 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/3/2006 10:23:40 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	3/3/2006 10:24:53 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/3/2006 10:25:19 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	3/3/2006 10:26:37 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31801 V1

Season	3/3/2006 10:27:18 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	3/3/2006 10:27:57 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - per transfer

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31801

WATER RIGHT NUMBER: 63-31801

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ESTATE OF REX S JENSEN C/O E T EVANS CO-TRUSTEE 9990 ROAN MEADOWS DR BOISE, ID 83709 (208)362-9411
Current Owner	JESSE CHAN 1798C HWY 45 MELBA, ID 83641
Current Owner	JASON CHAN 1798C HWY 45 MELBA, ID 83641
Original Owner	BRYCE MILLAR RT 7 BOX 7380 NAMPA, ID 83651
Current Owner	GEORGE HARRISON 1798C HWY 45 MELBA, ID 83641
Current Owner	JUSTIN SMITH 1798C HWY 45 MELBA, ID 83641
Current Owner	VANESSA CHAN 1798C HWY 45 MELBA, ID 83641

Priority Date: 04/13/1967 ✓
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	03/15 to 11/15 ✓ 3-1	0.720 CFS ✓	344.20 AF ✓
	<u>Total Diversion:</u>	0.720 CFS	344.20 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4 ✓	Sec. 11, ✓ Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4SE1/4 ✓	Sec. 11, ✓ Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31801

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 03W 10				34.8									19.0			3.0	56.8
02N 03W 11					18.0	30.0			40.0								88.0

Total Acres: 144.8

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of ~~the~~ transfer is cause for the Director to rescind approval of the transfer. T 68832
2. R65 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.
3. 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. ~~T06~~ Approval of ~~this~~ transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. T07 The right holder shall accomplish the change authorized by ~~the~~ transfer within one (1) year of the date of this approval. T 68832
6. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-31799 and 63-31801 shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.
7. P21 This right is a split from former right 63-3597G.
8. X36 Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800 and 63-31802 are also diverted through the points of diversion described above.
9. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. X27 This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. ~~X61~~ 539 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval

Remarks:Comments:

1. pskaggs 8/9/2004 11:44:37 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 68832

<u>Owner Type</u>	<u>Name and Address</u>
Trustee	ROBERT L BILOW , ID
Current Owner	ESTATE OF REX S JENSEN C/O E T EVANS CO-TRUSTEE 9990 ROAN MEADOWS DR BOISE, ID 83709 (208)362-9411
Trustee	EDWARD T EVANS 9990 ROAN MEADOWS DR BOISE, ID 83709 (208)362-9411
Original Owner	BRYCE MILLAR RT 7 BOX 7380 NAMPA, ID 83651

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

GROUND WATER CANYON County	NW1/4SW1/4	Sec. 11, Twp 02N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4SE1/4	Sec. 11, Twp 02N, Rge 03W, B.M.

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
02N	03W	11							36.0	26.0	40.0	40.0	39.0	39.0		40.0	39.0	38.3	337.3

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3597D

1. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

Comments:

1. CURTIS 8/13/1992 Trans. 3952

Comment: Trans. 3952 was filed to change a point of diversion and add a point of diversion under this right and Right 63-07156B.

2. pskaggs 8/9/2004 11:44:17 AM Approved Transfer 68832

Comment: Approved transfer 68832 is associated with all or part of this Right and the following records.

Claim 63-3597F 0.72 cfs 344.2 afa 106 total acres
Claim 63-3597H 0.65 cfs 310.6 afa 78 total acres
Claim 63-7156D 0.3 cfs 127 afa 106 total acres
Claim 63-31535 0.55 cfs 235 afa 78 total acres
Claim 63-31799 0.3 cfs 127 afa 144.8 total acres
Claim 63-31800 0.3 cfs 127 afa 124 total acres
Claim 63-31801 0.72 cfs 344.2 afa 144.8 total acres
Claim 63-31802 0.72 cfs 344.2 afa 124 total acres

Water Supply Bank:

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

144.8 ACRES TOTAL

This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.

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.

The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval.

EXPLANATORY MATERIAL: License

This right does not grant any right-of-way or easement across the land of another.

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

This right is a split from former right 63-3597G.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31801

02/21/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3597K	Claim	02N	03W	10	SE	NE		IRRIGATION	7/27	SHAYNE PRATHER
31799	Claim	02N	03W	10	SE	NE		IRRIGATION	34.8/144.8	VANESSA CHAN
31801	Claim	02N	03W	10	SE	NE		IRRIGATION	34.8/144.8	JESSE CHAN
3597F	Water Right	02N	03W	10	SE	NE		IRRIGATION	7/27	JORGE A MARTINEZ
31799	Claim	02N	03W	10	NE	SE		IRRIGATION	19/144.8	VANESSA CHAN
31801	Claim	02N	03W	10	NE	SE		IRRIGATION	19/144.8	JESSE CHAN
32055	Claim	02N	03W	10	NE	SE		IRRIGATION	21/182	RUBY C VICTOR
7780	Water Right	02N	03W	10	NE	SE		DOMESTIC		BRYCE MILLAR
31799	Claim	02N	03W	10	SE	SE		IRRIGATION	3/144.8	VANESSA CHAN
31801	Claim	02N	03W	10	SE	SE		IRRIGATION	3/144.8	JESSE CHAN
32055	Claim	02N	03W	10	SE	SE		IRRIGATION	37/182	RUBY C VICTOR
31799	Claim	02N	03W	11	NW	NW		IRRIGATION	18/144.8	VANESSA CHAN
31800	Claim	02N	03W	11	NW	NW		IRRIGATION	5/124	REX E EVANS
31801	Claim	02N	03W	11	NW	NW		IRRIGATION	18/144.8	JESSE CHAN
31802	Claim	02N	03W	11	NW	NW		IRRIGATION	5/124	REX E EVANS
34015	Water Right	02N	03W	11	NW	NW		DOMESTIC		DALE E ALLEN
38212	Water Right	02N	03W	11	NW	NW		DOMESTIC		HERBERT W HENDERSHOT
31799	Claim	02N	03W	11	SW	NW		IRRIGATION	30/144.8	VANESSA CHAN
31800	Claim	02N	03W	11	SW	NW		IRRIGATION	10/124	REX E EVANS
31801	Claim	02N	03W	11	SW	NW		IRRIGATION	30/144.8	JESSE CHAN
31802	Claim	02N	03W	11	SW	NW		IRRIGATION	10/124	REX E EVANS
31799	Claim	02N	03W	11	NW	SW		IRRIGATION	40/144.8	VANESSA CHAN
31801	Claim	02N	03W	11	NW	SW		IRRIGATION	40/144.8	JESSE CHAN

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33559/63-3597 Priority April 13, 1967 Amount 7.53 cfs

THIS IS TO CERTIFY, that BRYCE MILLAR
of Nampa, Idaho, has complied with the terms and conditions of Permit
No. 33559/63-3597 issued pursuant to Application for Permit dated April 13, 1967,
and has submitted proof to the Department of Water Administration on January 20, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 7.53 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 7.53 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 7.53 cfs of water be diverted at
any one time, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10; NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11;
and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14; Twp. 2 N, Rge. 3 W, B.M.
in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 3,614 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

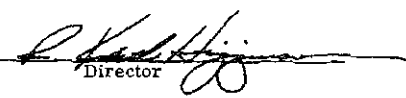
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2 N	3 W	10			36	7			37	40	40	39	39	39	21	40	39	37	414
		11							36	26	40	40	39	39		40	39	39	338
		15					39	38	39	40									156

Total number of acres irrigated 908

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of

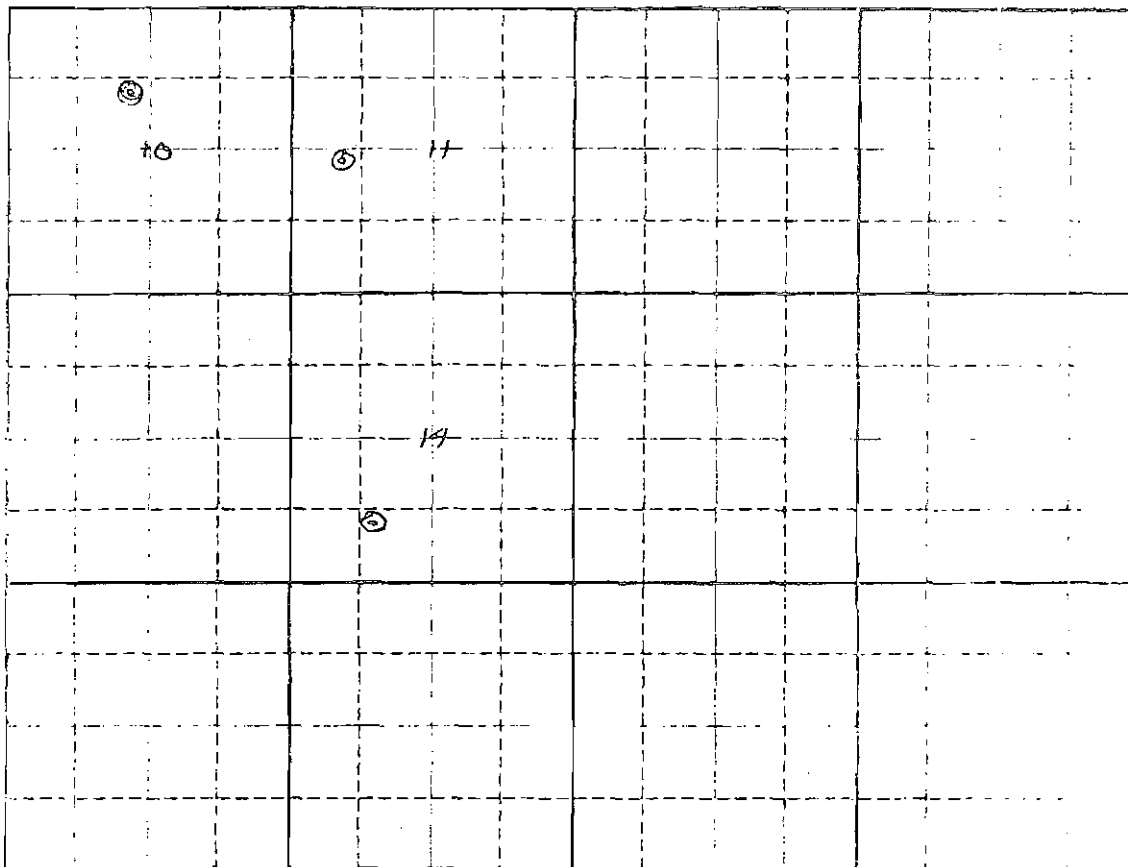
January, 19 73.


Director

63 3597

33559

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk

Signed at Nampa Idaho this 15 day of Sept 1972
Bryce Muller
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration
hereby approve the above application for amendment for Permit No. 33559/63-3597.

Witness my hand this 12 day of January, 19 73

R. Keith Higgins
Director

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

BRYCE MILLAR

1. Name of permit holder BRYCE MILLAR
Post office address Route #7 Box #7300 Nampa, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____ (name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 19.72 c.f.s. for irrigation
 AF/Annum (nature of use)

Period of Use: from March 15 to Nov. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ Af/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 19.72 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 2 N N/S, Range 3 W E/W, B.M., Section 11, Subdivision SE 1/4 NW 1/4, Canyon

Township 2 N N/S, Range 3 W E/W, B.M., Section 10, Subdivision Cntr $\frac{1}{4}$ $N\frac{1}{2}$ $\frac{1}{4}$ ^{County} Canyon

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions:

Description of diverting works: pump, motor and sprinkler

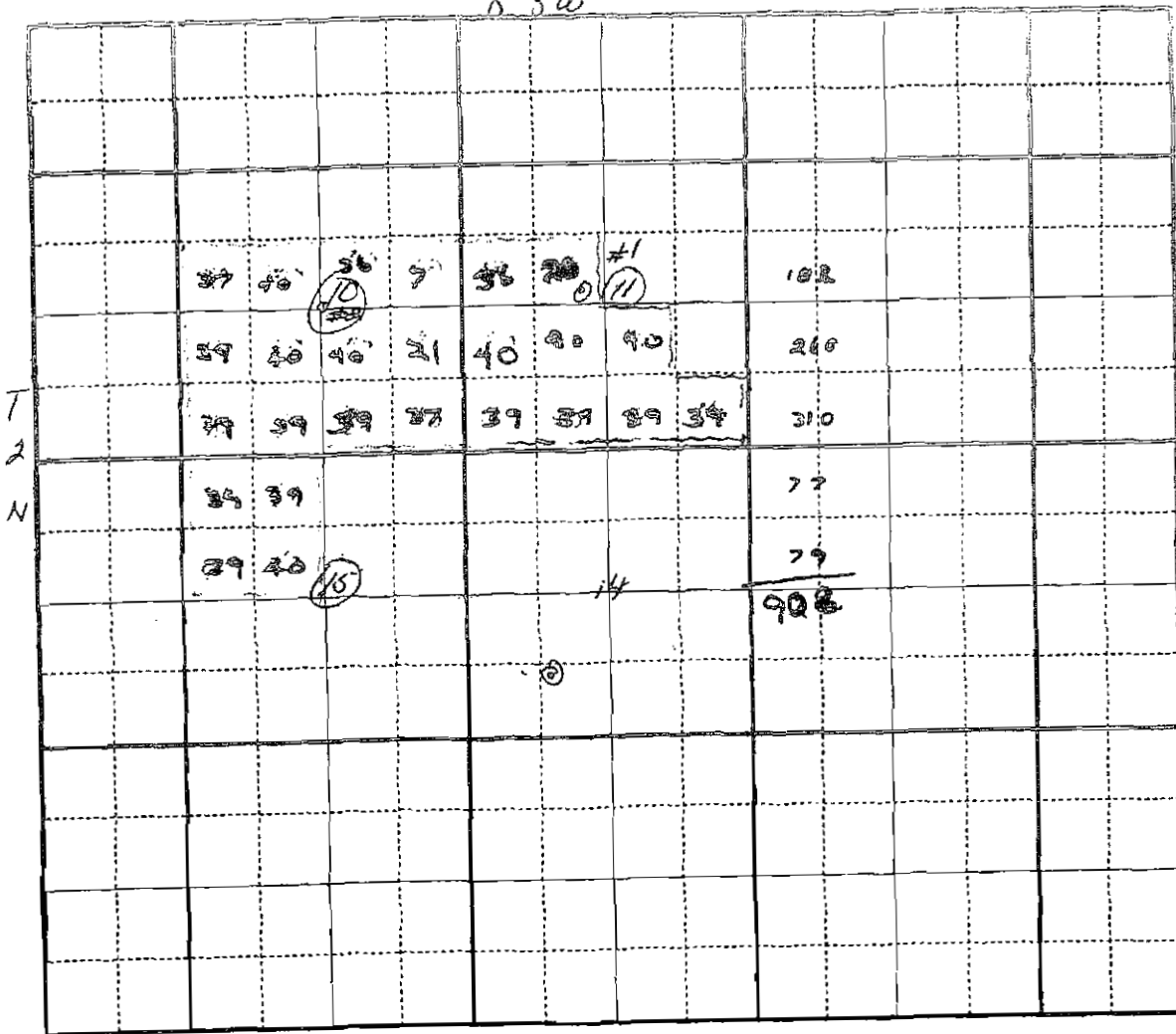
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

12 2524 TOTAL ACREAGE _____ 986

P 3 W



DATE EXAMINATION RECORDS

by: _____

by: _____

by: _____

by: _____

R3W

32

F
136

D
48
C
16

D91
126D

239.0

182.3

D84
121D

16 15

D

199.0

D

199.0

E

202.9

D84
07D

B

74.5

D86

120.0

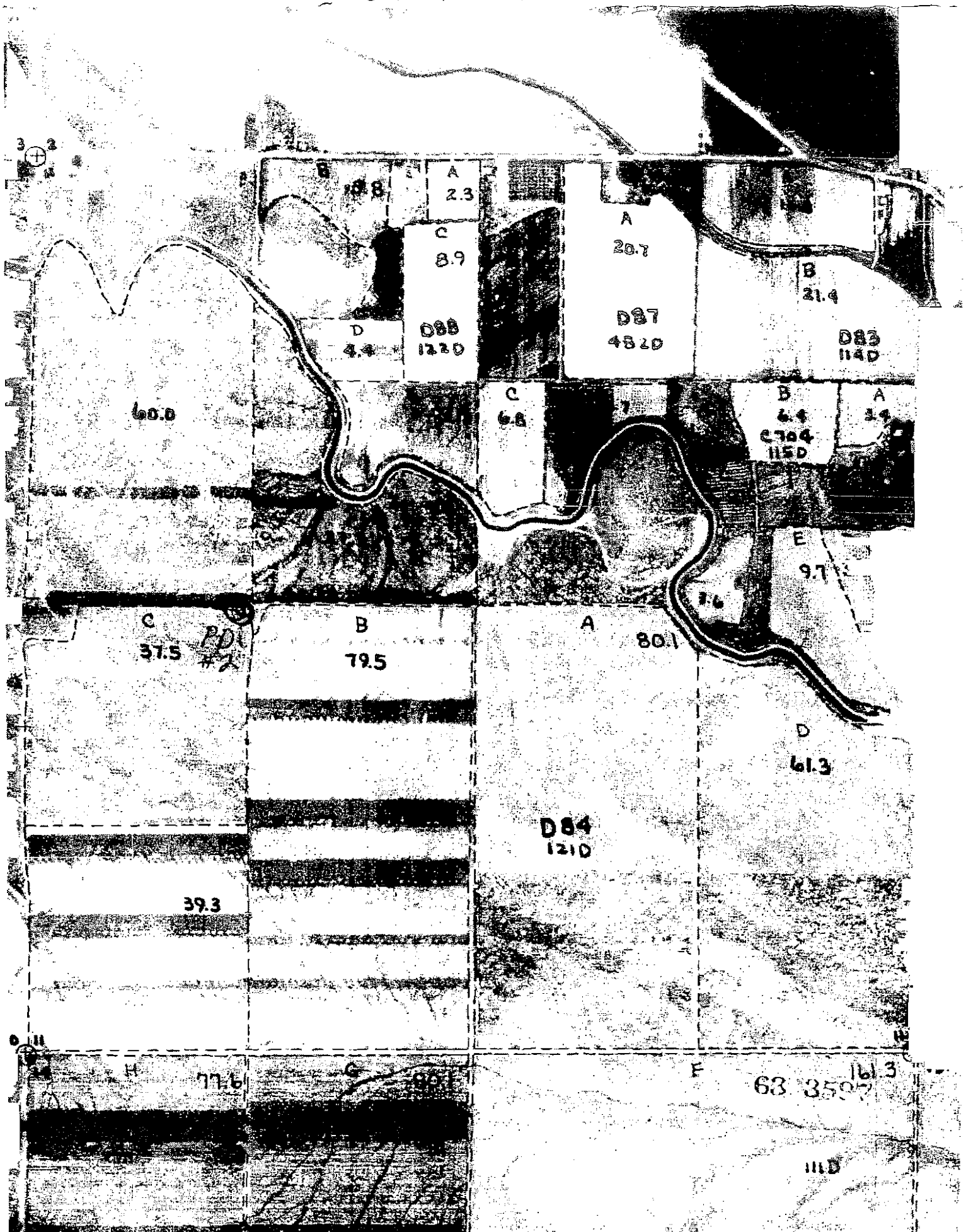
15

15

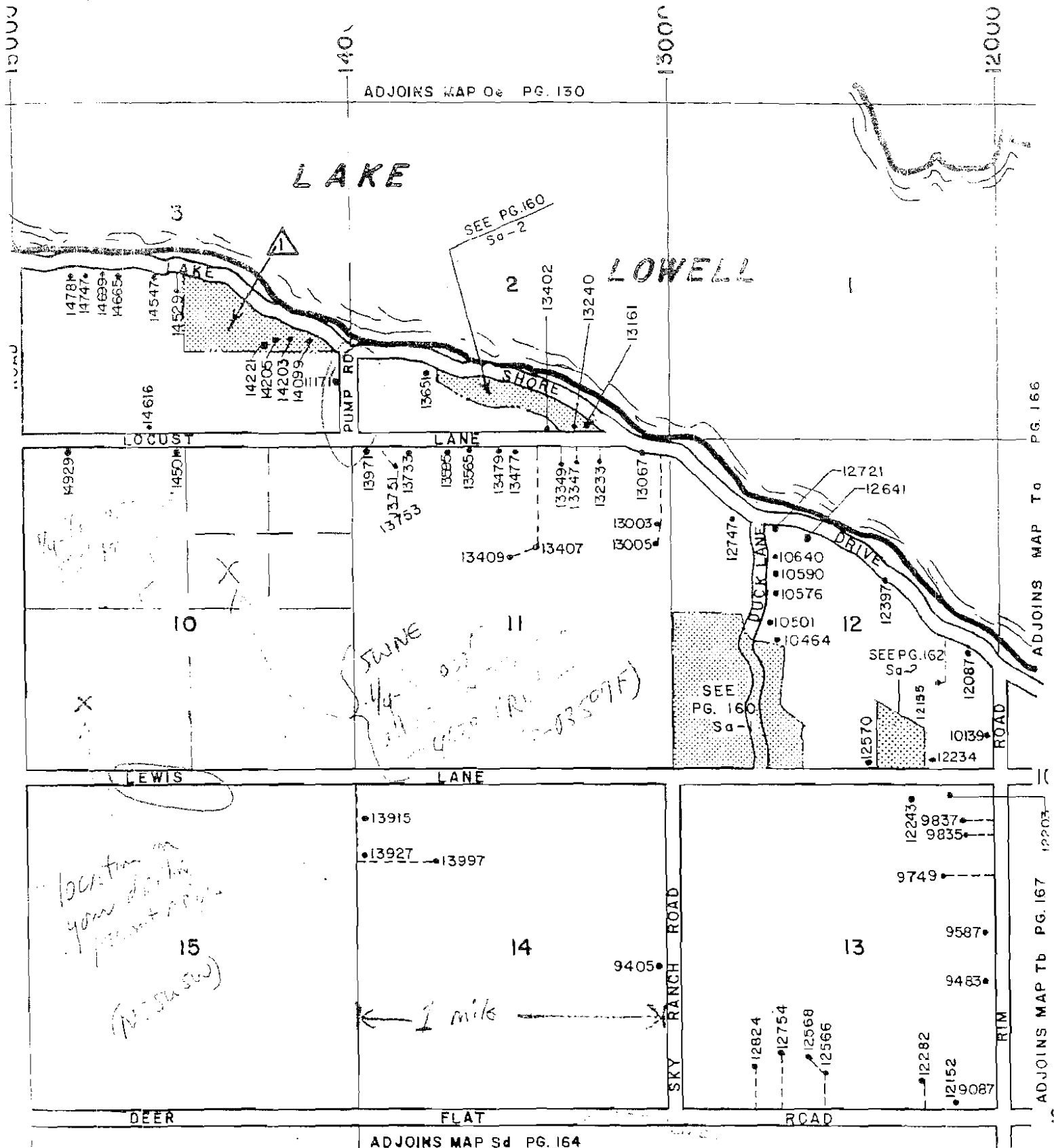
22

22

Sac 11 T2N 83W



63 3505



SECTIONS 1,2,3,10,11,12,13,14,15 T.2N., R.3W.

Montierth (H) ~ 260 ac
 Meyers (M) ~ 640 ac
 Victor (V) ~ 516 ac

4/1994

Meyers / Montierth / Victor

T 2 N, R 3 W, B.M.

PROPOSED PARTITIONS

PARCEL #1 ☐
 PARCEL #2 ☐
 PARCEL #3 ☒



Scale 0' 100' 200'

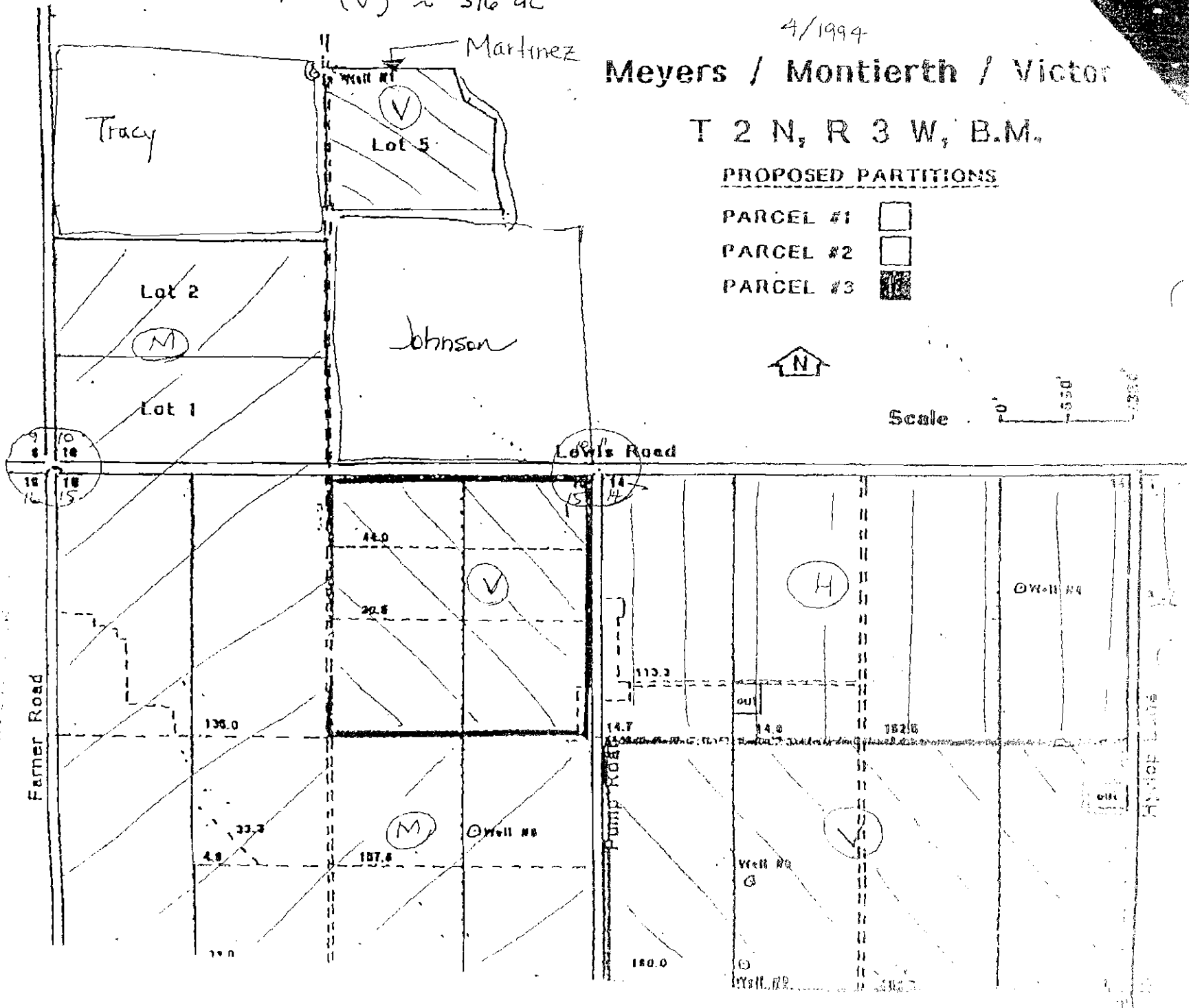


EXHIBIT A

93.5

TRANS

ACR
CROPLAND
68.0

ADA

68.0

135.0

228.5

\$ (CROPLAND)
67.0

all

2.

10

67.0

TRANS

ADA

T 21

SEC 10, 15 2N 3W

Canyon Co.

1992

180.5

3

44.0
Tract

Farm # (old/new)

2130

Field	1	Crop	ML\$	Year	91	#2130
Field	2	Crop	CU\$	Year	91	#2130
Field	3	Crop	ACR	Year	91	#2130
Field	4	Crop	CU\$	Year	90	#1985
Field	5	Crop	CU\$ / ACR	Year	90	#1985
Field	6	Crop	CU\$	Year	90	#1985

7
109.3

T5377

TRANS

TO

5, ADA
33.3

6.
4.6

93.5

TRANS

TO

ADA

68.0

135.0

228.5

10

67.0

TRANS

ADA

T5377

TRANS

TO

5, ADA

33.3

6

4.6

T 2167
AEC 1015

Canyon

180.5

3
44.0

7
109.3

1993
#2456
T2167

1991

TRACTS SECTIONS 10, 11, 12, 13
T2060 N. 20 E. 13

T2060
2130 1991

Fallow

Fallow

HEL

HEL

Fallow

ACR
required
Clt. ac. de ans
No money held

HEL

Fallow

Fallow

T3421

11CR

Fallow

HEL

HEL

T3421

Fallow

HEL

28.9 Fallow

16.9 Fallow
127.4

12
70.0

13
39.0

7
14.7

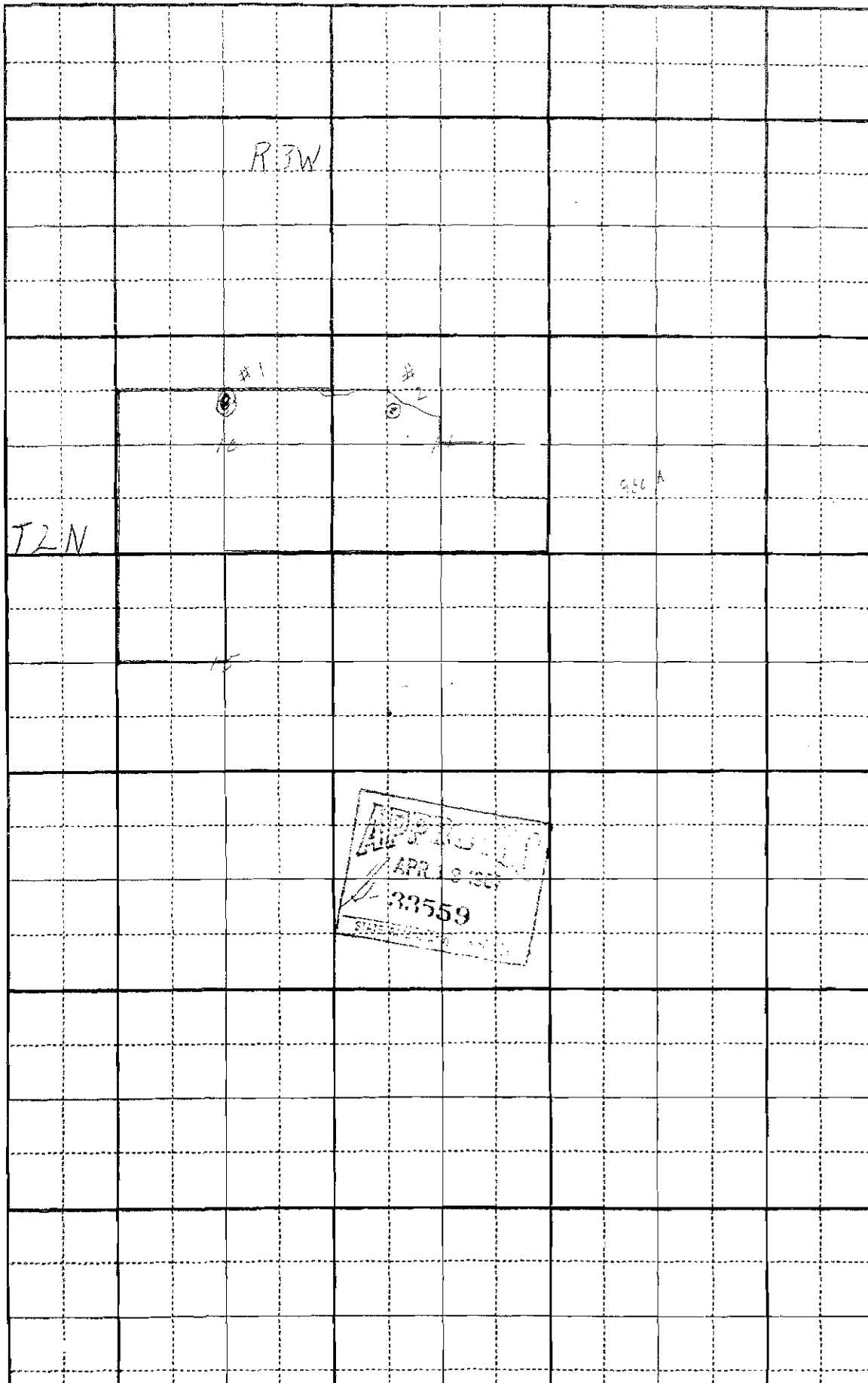
8
14.8

4
152.5

15
150.0

NAME OF APPLICANT.....

Form No. 0



SCALE: 2 inches Equal 1 Mile. Draw Plan In Ink.

NWSE

NESE

SECTION 10

SWSE

SESE

This is the land
associated with
this permit

1994
9/28/01
P. 10

sec 10

SWSE

This is the land that will be irrigated.

MICROFILMED
SEP 07 2001

sec 14

SWNW

This is the land that is going to be dried up

1987 aerial photo