

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 63-32006
Date Received: 8/8/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

L M MC KAY Phone: (208)468-1583
7420 ALYSHEBA CT
NAMPA ID USA 83686

CAROL J MC KAY Phone: (208)468-1583
7420 ALYSHEBA CT
NAMPA ID USA 83686

2. Date of Priority: 06/08/1978

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	02W	26	NW SE	CANYON	

5. Description of diverting works:

Well, submersible pump and 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	0.01	4.5

7. Total Quantity Appropriated is:

0.01 C.F.S. and/or 4.5 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	02W	26	NW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

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:

The right holder shall accomplish the change authorized by this transfer within one 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 this water right in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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 when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Point of diversion and place of use are located within Lot 4B, Blk. 2, Aram Estates.

This right is a split from former right 63-31439.

15. Basis of Claim: License

WATER RIGHT NO. 63-32006
As Modified by Transfer No. 71606

In accordance with the approval of Transfer No. 71606, Water Right No. 63-32006 is now described as follows.

Right Holder: L M MC KAY And
 CAROL J MC KAY
 7420 ALYSHEBA CT
 NAMPA ID 83686

Priority Date: June 08, 1978

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	0.01 CFS	4.5 AF
		0.01 CFS	4.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 26 Twp 02N Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 02W 26														1.0			1.0

Total Acres: 1

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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 63-32006
As Modified by Transfer No. 71606

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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 when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. Point of diversion and place of use are located within Lot 4B, Blk. 2, Aram Estates.

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 11th day of March, 20 05


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71606

This is to certify that: L M MC KAY And/Or
 CAROL J MC KAY
 7420 ALYSHEBA CT
 NAMPA ID 83686
 (208)468-1583

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>
63-32006	AJC/License	06/08/1978	0.01 cfs	4.5 af	N/A	1.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

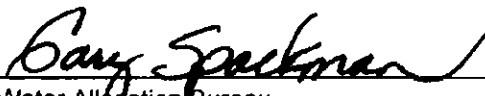
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-32006	NO	YES	YES	NO	NO	NO

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>
63-32006	63-32006	0.01 cfs	4.5 af	N/A	1.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.01 cfs	4.5 af	N/A	1.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11th day of March, 2005


 Chief, Water Allocation Bureau

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

RECEIVED

APR 02 2004

WATER RESOURCES
WESTERN REGION

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

Name of applicant L.M. and/or Carol J. McKay

Phone (208) 468-1583

Post Office address 7420 Alysheba Ct., Nampa, Idaho 83686

A. Purpose of Transfer

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Applicant purchased water right to irrigate their property at the new place of use.

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

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------------|-----------------------|-------------------|----------------------|
| <u>63-31439</u> | <u>6/8/1978</u> | <u>0.012 / 4.5</u> | <u>Irrigation</u> | <u>3/15 to 11/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |

- Total amount of water being transferred 0.012 cubic feet per second and/or 4.5 acre-feet per annum.
- Source of water Groundwater tributary to N/A
- Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	26	2N	2W	Canyon	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	N W 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	2W	26														1			1

Total acres 1

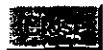
PART 1**6. General Information:**

- a. Description of diversion system Drilled well, submersible pump, sprinkler 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 XX 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 land will not be irrigated.
- d. Remarks: The new place of use is further described as Lot 4B, Block 2 of Aram Estates.

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 _____.



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

03/04/2004

WATER RIGHT NO. 63-31439

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PACIFIC HIDE & FUR DEPOT PO BOX 849 NAMPA, ID 83651 (208)466-1673
Original Owner	SUSAN K BEVAN
Original Owner	THOMAS M BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208)323-7873
Original Owner	VIOLET J STRINGER
Original Owner	WILLIAM C STRINGER 421 MARCUS CT MOAB, UT 84532 (801)259-8686

Priority Date: 06/08/1978

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>Volume</u>
IRRIGATION	03/15	11/15	0.13 CFS	49.5 AFA
COMMERCIAL	01/01	12/31	0.05 CFS	13.6 AFA
Total Diversion			0.18 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 12	Township 01N	Range 01E	ADA County
GROUND WATER	NESENE	Sec. 12	Township 01N	Range 01E	ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01E	12		NENE	11									

Place of Use Legal Description: COMMERCIAL ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01E	12		NENE			SENE							

Total Acres: 11

Conditions of Approval:

1.	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.
2.	T08	Failure of the right holder to comply with the conditions of Transfer No. 69750 is cause for the Director to rescind approval of the transfer.
3.	TI7	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.
4.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5.	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.
6.	R32	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

1.	Purpose of Use	Commercial use is for a fur and hide facility.
2.	Purpose of Use	THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3.	Quantity	The total instantaneous diversion of water from all points of diversion under Right 63-31439 shall not exceed 0.18 cfs, nor total combined annual volume of 63.1 af.

Dates:

Other Information:

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:

Cary Act Number:

Mitigation Plan: True

[Close](#)

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
- 0.012 / 4.5
- 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)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	12	1N	1E	Ada	
	NE	SE	NE	12	1N	1E	Ada	

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	
1N	1E	12	1																1

Total acres 1**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. Amount
- 0.118 / 45
- for
- Irrigation
- purposes from
- 3/15 to 11/15

(cfs/ac-ft)

Amount 0.05 / 13.6 for Commercial purposes from 1/1 to 12/31

(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
	NE	NE	NE	12	1N	1E	Ada	
	NE	SE	NE	12	1N	1E	Ada	

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	
1N	1E	12	10																10

Total acres 10

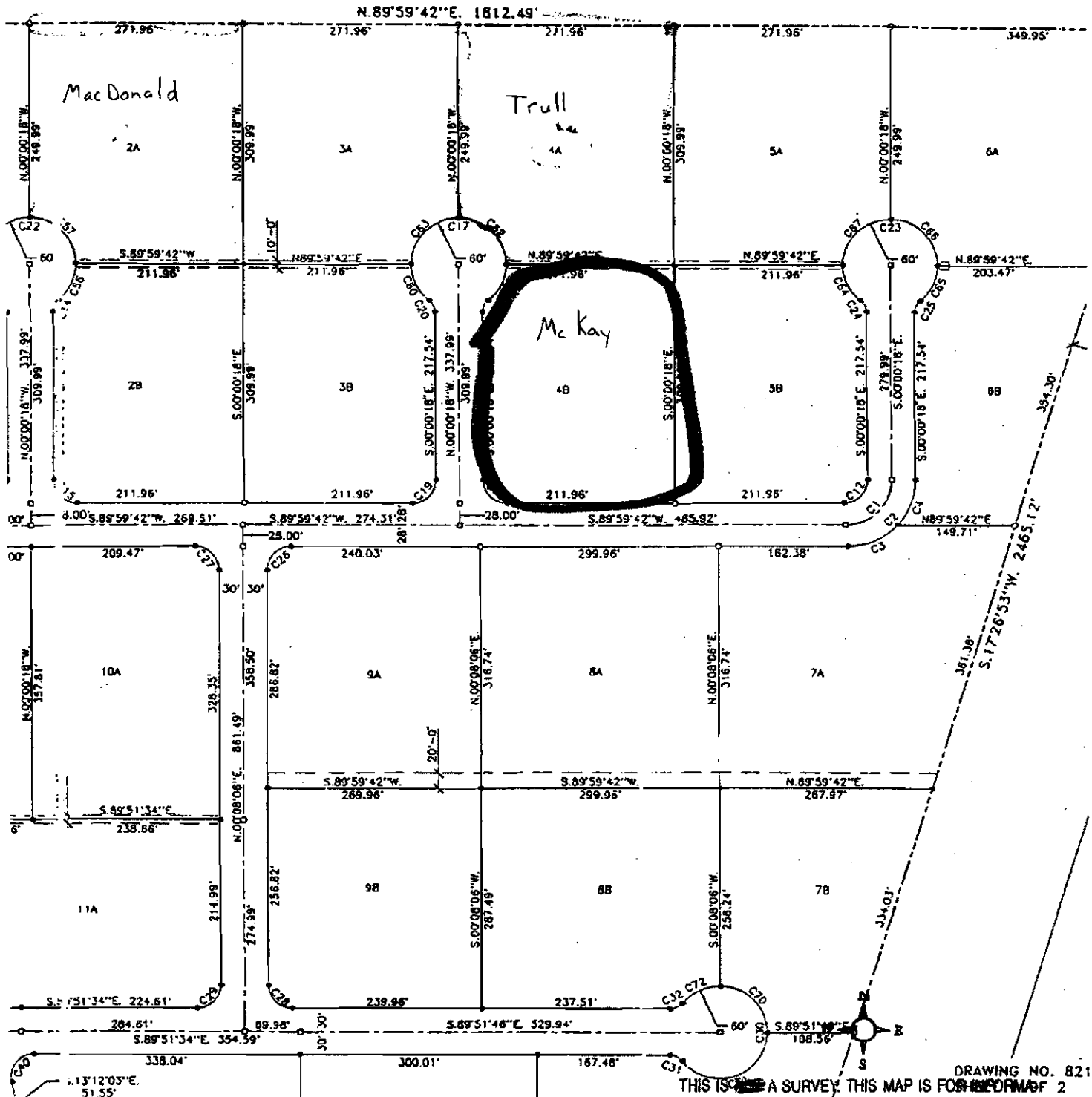
NYON COUNTY, IDAHO

DARREN R. LEAVITT



OF PINNACLE ENGINEERS, INC. AT
THIS DAY OF 1996.

EX-OFFICIO RECORDER



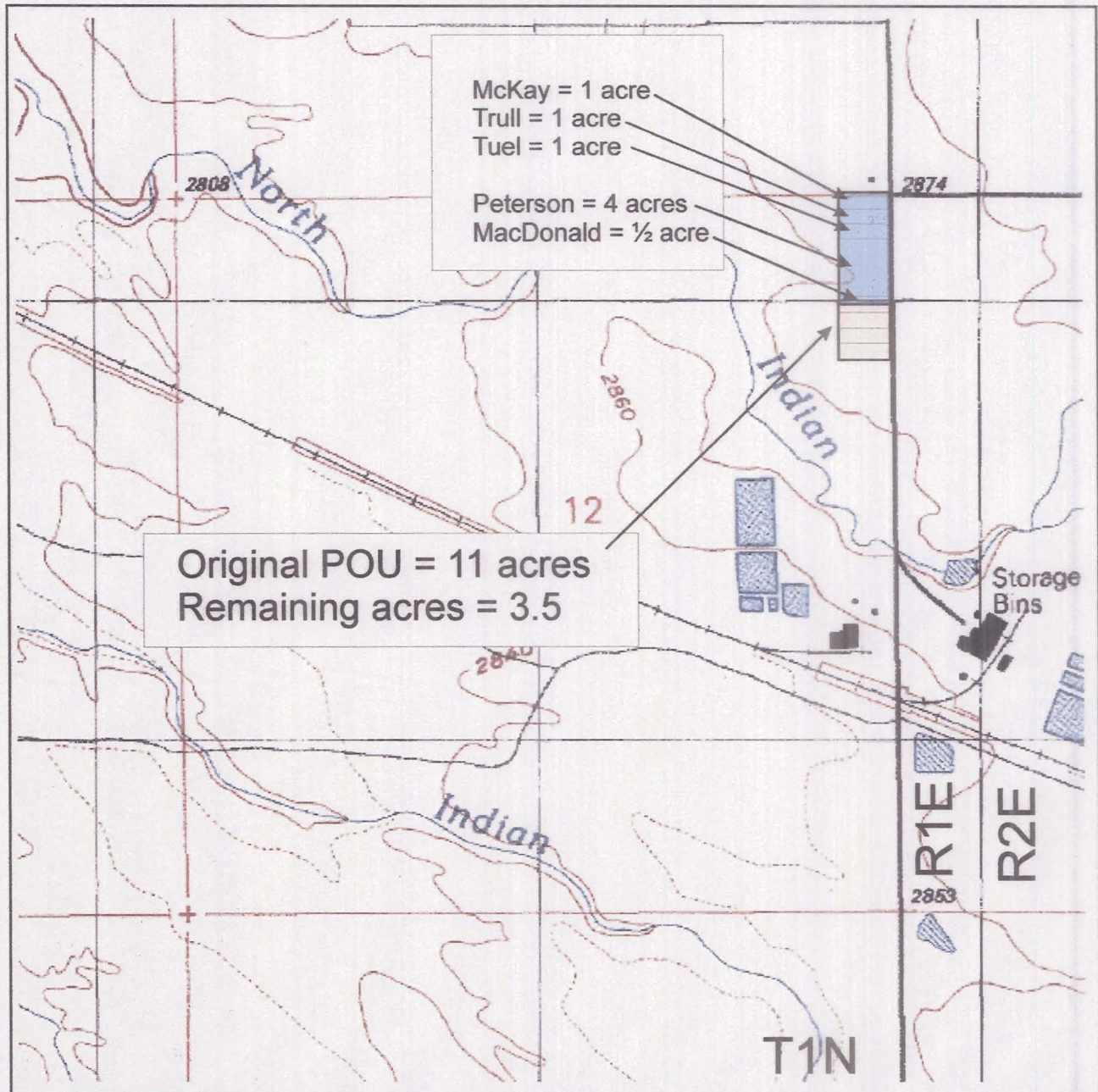
DRAWING NO. 821
THIS IS ~~NOT~~ A SURVEY. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. PIONEER TITLE COMPANY MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF THE MAP AND ASSUMES NO LIABILITY FOR IT.

McKay - POU



1 0 1 Miles

Place of Use Map for Water Right 63-31439



Water Right Purchase and Sale Agreement

This Water Right Purchase and Sale Agreement is made this 20th day of FEBRUARY, 2004, between Pacific Hide & Fur Depot, represented by William Knick 1401 3rd St NW, Great Falls, Montana 59404 (hereinafter "Seller"), and L.M. & Carol J. McKay (hereinafter "Buyer").

Whereas Seller is the owner of the water right evidenced by water right license no. 63-31439 for 0.18 cubic feet per second (cfs) of water appurtenant to land in Section 12, Township 1 North, Range 1 East, Ada County, more particularly described on Exhibit A, hereto. And whereas all the parties have reached agreement on the terms and conditions for the purchase and sale of a portion of Seller's water right, for the consideration hereinafter recited, Seller and Buyer agree as follows:

- 1) Purchase and Sale of Rights. Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller 0.012 cfs (4.5 ac-ft.) of Seller's water right evidenced by water right no. 63-31439 (hereinafter referred to as "the purchased water right").
- 2) Purchase Price and Payment. Buyer shall pay the Seller, as consideration for the purchased water right, _____ per irrigated acre for one (1) acre, more or less, of land _____ (hereinafter referred to as "the purchase price"). Buyer agrees to deliver the purchase price in the form of a personal check to the escrow agent, Idaho Escrow, 4290 Chinden Blvd, Boise, ID 83714, to be deposited in an escrow account pursuant to the escrow instructions of paragraph 5, hereof upon execution of this Agreement by Seller and Buyer at the closing of this transaction, which shall occur on a date and at a time agreeable to the Buyer and Seller. Buyer and Seller agree to share the escrow costs equally.
- 3) Conveyance of Title and Title Policy. Seller agrees to execute a Water Right Warranty Deed, in the form of Exhibit B, conveying the purchased water right to Buyer, and Seller agrees to deliver such deed to the escrow agent at the closing of this transaction. Seller agrees to provide Buyer with a title insurance policy on the one (1) acre covered by the purchased water

right at the time of delivery of the purchase price to the escrow agent. Seller shall also provide Buyer, at closing, written certification from the Idaho Department of Water Resources (IDWR) that no Notice of Security Interest has been filed concerning the one (1) acre of the purchased water right as of the closing date.

4) Water Right Transfer. The parties acknowledge and agree that diversion of the purchased water right for use on the L.M. & Carol J. McKay property will require an Idaho Department of Water Resources (IDWR) approval of an Application for Transfer of Water Right. Buyer agrees to prepare and file an Application for Transfer to change the elements of the purchased water right that is acceptable to both Seller and Buyer and pay the appropriate filing fee. Buyer agrees to be primarily responsible for monitoring the status of the Transfer and for maintaining contact with both IDWR and Seller. Seller agrees to participate as applicant and advocate for the Transfer in all administrative and judicial proceedings necessary to obtain final approval of the Transfer. For purposes of this Agreement, final approval shall mean approval of the Transfer on terms and conditions that are acceptable to both Seller and Buyer after all administrative and judicial remedies are exhausted. Costs and attorney fees in preparing, filing, and obtaining final approval of the Transfer shall be paid by Seller and Buyer as follows:

a) Seller shall be responsible for all costs and attorney fees incurred in responding to issues regarding the validity and Seller's ownership of the purchased water right. Buyer shall be responsible for his costs and attorneys fees incurred in responding to all other issues regarding the Transfer not to exceed one thousand dollars (\$1000). At any time after Buyer's expenditure of one thousand dollars (\$1000) pursuant to this paragraph, Buyer may extend or terminate this Agreement and either withdraw or continue with the Transfer.

b) Termination of Sale. If the water right being purchased by the Buyer becomes invalid or unavailable because of action or inaction on the part of the Seller, the escrow shall terminate and all monies and accrued interest shall be returned to the Buyer. The Seller shall also reimburse the Buyer for all out-of-pocket expenses incurred relating to the purchase and transfer of the water right. If Buyer terminates this Agreement for any cause other than denial by IDWR or reaching the maximum expenditure described in paragraph 4.a. above, twenty percent

(20%) of the purchase price plus the accrued interest on that amount shall be transferred to the Seller. The remaining eighty percent (80%) of the purchase price and the accrued interest on that amount shall be returned to Buyer by the escrow agent.

5) Escrow Agent and Instructions. The parties hereby appoint Idaho Escrow, 4290 Chinden Blvd, Boise, ID 83714, telephone: (208) 377-2212, as the escrow agent to hold and release a purchase price and deed to a water right pursuant to the terms of this Agreement and any additional written instructions signed by both parties hereto and provided to the escrow agent.

a) The purchase price shall be released to the Seller only upon completing all of the following: 1) Approval by the IDWR of the Transfer for the purchased water right; 2) The expiration of all administrative and judicial periods for appeal; and 3) The written approval by Buyer of any conditions placed on the Transfer by the IDWR. Buyer's approval shall not unreasonably be withheld and shall be provided within thirty (30) days after delivery of written notice of such conditions to Buyer by Seller or within thirty (30) days after expiration of the applicable administrative and judicial periods for appeal should conditions already approved by Buyer be modified by subsequent administrative or judicial action. Failure by Buyer to provide written approval or disapproval to the escrow agent within thirty (30) days after delivery of such written notice of such conditions to Buyer shall be deemed written approval.

b) The Seller and the Buyer shall act in good faith and use best efforts to complete the agreed upon property transfer as described herein on or before March 1, 2005. If the property transfer has not been completed by that date, the Seller and the Buyer may terminate the escrow by executing a mutual written consent and by each party providing a copy of the mutual written consent to the escrow agent. Termination of the escrow shall be effective upon receipt by the escrow agent of a separate copy of the mutual written consent from the Seller and from the Buyer.

c) Upon receipt of written notice from IDWR or Court of proper jurisdiction of the timely final approval of the Transfer and after expiration of all applicable appeal periods, expiration of the applicable thirty (30) day period described in paragraph 5.a. hereof and Seller's

full performance of the terms of this Agreement, Buyer shall, within ten (10) days of expiration of the applicable thirty (30) day period described in paragraph 5.a. hereof, provide a letter of confirmation thereof to escrow agent and escrow agent shall release the purchase price to Seller. All accrued interest on the purchase price shall be released to Buyer.

d) The deed to the purchased water right shall be released to the Buyer upon release of the purchase price to the Seller.

6) Entire Agreement. This Agreement contains the entire understanding of the parties. Any changes or modifications to this Agreement must be in writing signed by Seller and Buyer.

7) Heirs, Successor, and Assigns. The covenants, conditions, and agreements herein contained shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them and the advantages hereof shall inure to the benefit of each of the parties hereto and the respective heirs and successors and assigns.

8) Seller affirmatively represent and warrant to Buyer that he is the sole owner of the water right evidenced by water right no. 63-31439 for 0.18 cubic feet per second (cfs) appurtenant to real property located in Section 12, Township 1 North, Range 1 East, Ada County, more particularly described on Exhibit A, hereto. Seller also affirmatively represent and warrant to Buyer that said water right has no pending lien, security interest, mortgage, or other form of encumbrance whatsoever which would prevent or impede the full and complete transfer of legal and equitable title of the purchased water right to Buyer under the terms of this Agreement.

BUYER:

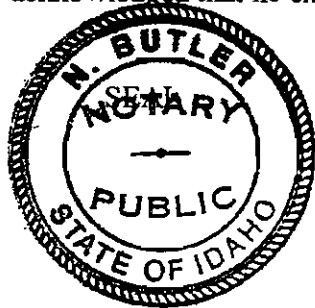
L.M. & Carol J. McKay

By: L.M. McKay Carol J. McKay

State of Idaho/or _____)
) SS.

County of Canyon)

On this 20th day of February 2004, before me personally appeared L.M. McKay & Carol J. McKay, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



N. Butler
Notary Public
Residing at Yampah
My Commission Expires on 5/18/04

SELLER:

Pacific Hide & Fur Depot

By: _____

State of ~~Idaho~~ or MONTANA)
County of Cascade) SS.

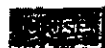
On this 11th day of March 2004, before me personally appeared William Erick, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

SEAL

Shirley E. Miller
Notary Public
Residing at 1401 3rd St NW, Great Falls MT
My Commission Expires on 10-25-2007

Exhibit A

WATER RIGHT LICENSE



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

03/04/2004

WATER RIGHT NO. 63-31439

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PACIFIC HIDE & FUR DEPOT PO BOX 849 NAMPA, ID 83651 (208)466-1673
Original Owner	SUSAN K BEVAN
Original Owner	THOMAS M BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208)323-7873
Original Owner	VIOLET J STRINGER
Original Owner	WILLIAM C STRINGER 421 MARCUS CT MOAB, UT 84532 (801)259-8686

Priority Date: 06/08/1978

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>Volume</u>
IRRIGATION	03/15	11/15	0.13 CFS	49.5 AFA
COMMERCIAL	01/01	12/31	0.05 CFS	13.6 AFA
Total Diversion			0.18 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 12	Township 01N	Range 01E	ADA County
GROUND WATER	NESENE	Sec. 12	Township 01N	Range 01E	ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01E	12		NENE	11									

Place of Use Legal Description: COMMERCIAL ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01E	12		NENE			SENE							

Total Acres: 11

Conditions of Approval:

1.	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.
2.	T08	Failure of the right holder to comply with the conditions of Transfer No. 69750 is cause for the Director to rescind approval of the transfer.
3.	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.
4.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5.	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.
6.	R32	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

1.	Purpose of Use	Commercial use is for a fur and hide facility.
2.	Purpose of Use	THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3.	Quantity	The total instantaneous diversion of water from all points of diversion under Right 63-31439 shall not exceed 0.18 cfs, nor total combined annual volume of 63.1 af.

Dates:

Other Information:

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:

Cary Act Number:

Mitigation Plan: True

A small rectangular button with the word "Close" in a bold, sans-serif font.

Exhibit B

WATER RIGHT WARRANTY DEED

Water Right Warranty Deed

Pacific Hide and Fur Depot, represented by William Knick, P.O. Box 1459, Great Falls, Montana 59403 ("Grantors"), do hereby GRANT, BARGAIN, SELL and CONVEY unto L.M. and Carol J. McKay ("Grantee"), a portion of the following water right, more particularly described as follows:

That portion of Water Right License No. 63-31439 for 0.18 cubic feet per second (cfs) of water, which is appurtenant to eleven (11) acres of land in Section 12, Township 1 North, Range 1 East, Ada County, more particularly described on Exhibit A, hereto. That portion of said water right is in the quantity of 0.012 cfs, which has been transferred to Grantee's real property, pursuant to the terms and conditions of the Water Right Purchase and Sale Agreement between Grantors and Grantee.

TO HAVE AND TO HOLD unto the said Grantee, heirs, and assigns forever. And the Grantors do hereby covenant to and with said Grantee that Grantors are the owners of Water Right License No. 63-31439 and that it is free of all encumbrances, mortgages, liens, or any other restrictions on the full and complete transfer of title of 0.012 cfs of said water right license to Grantee and that Grantors will warrant and defend the same from all lawful claims whatsoever.

By: _____ Dated: _____

William Knick

State of _____)
) s.s.
County of _____)

On this ____ day of _____ 2004, before me, the undersigned, a Notary Public, personally appeared William Knick, the Vice President of Operations of Pacific Hide and Fur Depot, a _____ corporation, known or identified to me to be the person whose name is subscribed to the within instrument as _____, and acknowledged to me that he executed the same for and on behalf of the corporation.

S
E
A
L

Notary Public
My Commission Expires on _____

PC 35777

WARRANTY DEED

RECEIVED

APR 27 2004

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED Carl W. Anderson and Laura Anderson,
husband and wife, and Bill D. Pugh and Kellie Pugh, husband and
wife

the Grantors, do hereby grant, bargain, sell and convey unto

L. Merritt McKay and Carol J. McKay, husband and wife

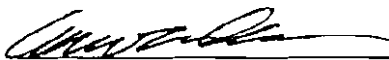
the Grantees, whose address is 10207 Northlake Ave., Olathe, KS 66061

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part
hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1998 and
subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same
from all lawful claims whatsoever.

DATED: September 17, 1998



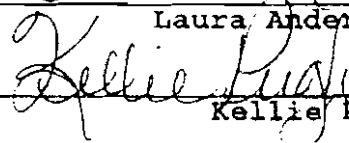
Carl W. Anderson



Bill D. Pugh



Laura Anderson

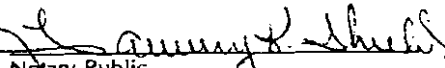


Kellie Pugh

STATE OF IDAHO

COUNTY OF CANYON

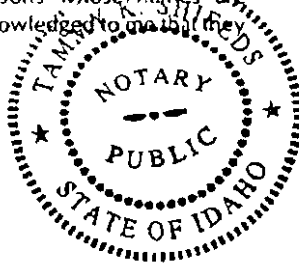
On this 17th day of September in the year 1998, before me, a Notary
Public, personally appeared Carl W. Anderson and Laura Anderson
known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they
executed the same.

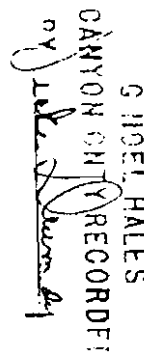


Notary Public

Residing at Idaho

My commission expires 9-28-2003



01 JUN 2 PM 4 28
CANYON COUNTY RECORDERS
by 

RECORDED

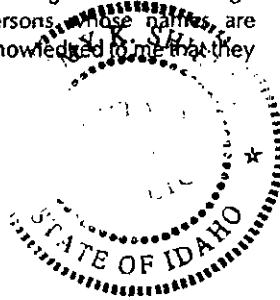
200100103
200100103

REQUEST PIONEER - CALDWELL

TYPES Doc FEE 9.00

On this 17th day of September in the year 1998, before me, a Notary Public, personally appeared Bill D. Pugh and Kellie Pugh known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Sammy K. Shuck
Notary Public
Residing at Nauck, ID
My commission expires 9-23-2001



PIONEER TITLE COMPANY
OF CANYON COUNTY

Exhibit "A"

Parcel B Lot 4, Block 2
Aram Estates Subdivision

A parcel of land being a portion of Lot 4, Block 2 of ARAM ESTATES, as filed in Book 13 of Plats at Page 12, records of Canyon County, Idaho, said parcel lying in a portion of the Southeast Quarter of Section 26, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at a found 5/8-inch iron pin marking the South Quarter corner of said Section 26, said monument also marking the centerline Intersection of Track Road and Bennett Road; thence

North 00° 08' 14" East a distance of 2,647.69 feet along the Westerly boundary of said Southeast Quarter of Section 26, Township 2 North, Range 2 West, to a found brass cap marking the C Quarter corner of said Section 26; thence

North 89° 59' 42" East a distance of 1,000.60 feet along the North boundary of said Southeast Quarter to a found 1/2-inch iron pin marking the North corner common to Lots 3 and 4, Block 2 of said ARAM ESTATES; thence

South 00° 00' 18" East a distance of 309.99 feet along a line common to Lots 3 and 4, Block 2, of said ARAM ESTATES to a set 1/2-inch iron pin, said pin being the POINT OF BEGINNING; thence

North 89° 59' 42" East a distance of 271.96 feet parallel with the North boundary of the said Southeast Quarter to a set 1/2-inch iron pin, said pin lying on a line common to Lots 4 and 5 of said ARAM ESTATES; thence

South 00° 00' 18" East a distance of 309.99 feet along a line common to Lots 4 and 5, Block 2 of said ARAM ESTATES to a found 1/2-inch iron pin, said pin lying on the North boundary of Aram Drive as recorded in said ARAM ESTATES; thence

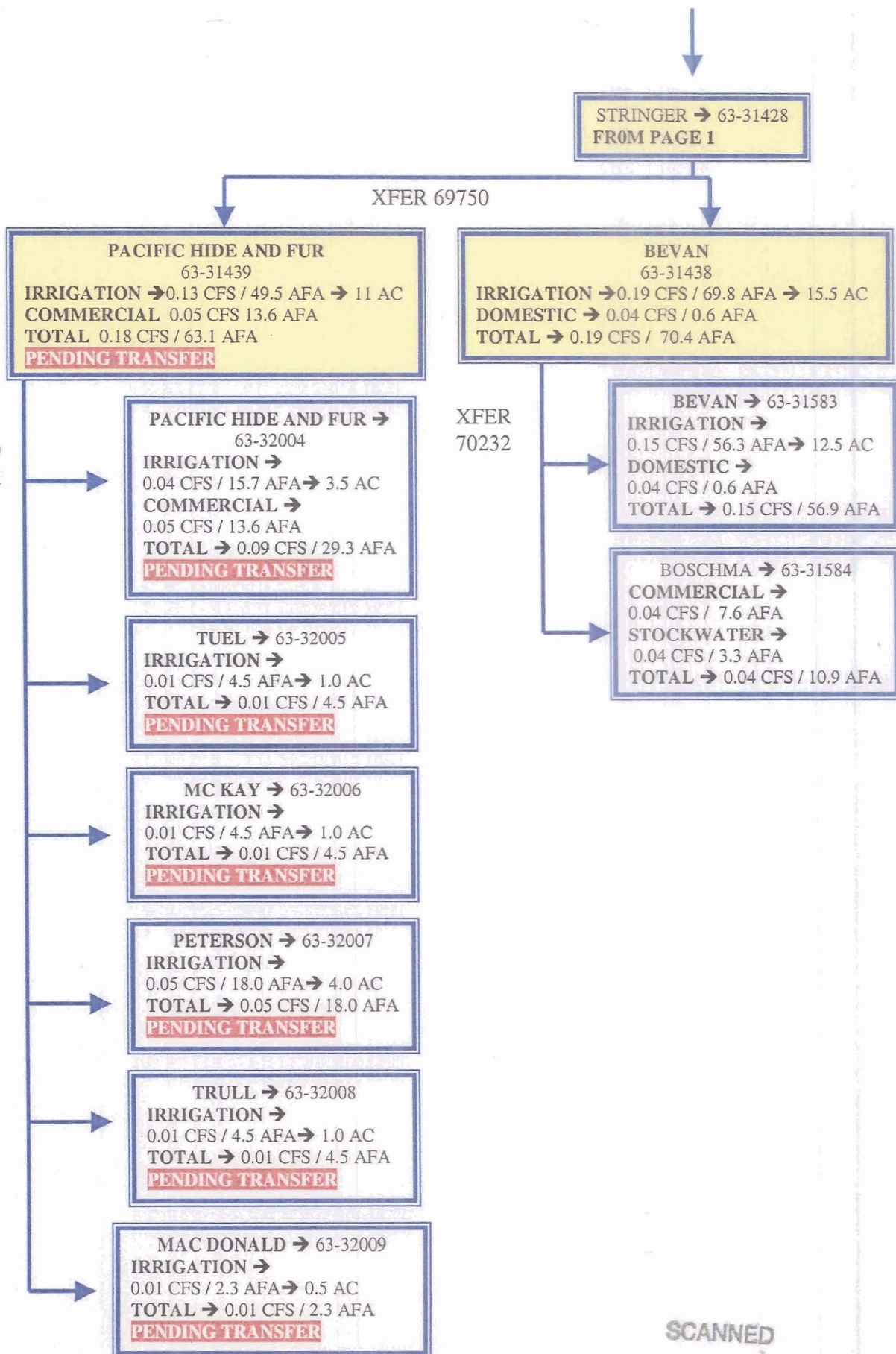
South 89° 59' 42" West a distance of 271.96 feet parallel with the North boundary of said Southeast Quarter and along said North boundary of Aram Drive to a found 1/2-inch iron pin; thence

North 00° 00' 18" West a distance of 309.99 feet along a line common to Lots 3 and 4, Block 2 of said ARAM ESTATES to the POINT OF BEGINNING.

EXCEPTING THEREFROM

Private road as described in Deed recorded February 5, 1999 as Instrument No. 9904537, records of Canyon County, Idaho.

PROPOSED
TRANSFER



SCANNED
NOV 09 2004

SPLIT TREE FOR 63-9156

BEVAN → 63-9156
 IRRIGATION → 0.84 CFS / 310.5 AFA → 69 AC
 DOMESTIC → 0.04 CFS / 0.6 AFA
 TOTAL → 0.88 CFS / 311 AFA

Domestic use was
 not additive after
 this transfer.
 Should be
 corrected in SRBA

XFER 69712

BEVAN → 63-31429
 IRRIGATION → 0.47 CFS / 173.3 AFA →
 38.5 AC
 TOTAL → 0.47 CFS / 173.3 AFA

STRINGER → 63-31428
 IRRIGATION → 0.37 CFS / 137.2 AFA →
 30.5 AC
 DOMESTIC → 0.04 CFS / 0.6 AFA
 TOTAL → 0.37 CFS / 137.8 AFA

OWNERSHIP
 CHANGE

63-31642	JENSEN	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31643	LILJEGREN	0.024 CFS/ 9.0 AFA → 2.0 AC
63-31644	WARD	0.043 CFS/ 15.75 AFA → 3.5 AC
63-31645	HOLLADAY	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31646	WALDEN	0.043 CFS/ 15.75 AFA → 3.5 AC
63-31647	WALKER	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31648	KING	0.024 CFS/ 9.0 AFA → 2.0 AC
63-31649	HUTCHISON	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31650	KAISER	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31651	WALDEN	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31652	WHEELER	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31653	WEBB	0.031 CFS/ 11.25 AFA → 2.5 AC

SEE NEXT
 PAGE

SCANNED
 NOV 09 2004



STRINGER → 63-31428
FROM PAGE 1

XFER 69750

PACIFIC HIDE AND FUR
63-31439
IRRIGATION → 0.13 CFS / 49.5 AFA → 11 AC
COMMERCIAL 0.05 CFS 13.6 AFA
TOTAL 0.18 CFS / 63.1 AFA
PENDING TRANSFER

BEVAN
63-31438
IRRIGATION → 0.19 CFS / 69.8 AFA → 15.5 AC
DOMESTIC → 0.04 CFS / 0.6 AFA
TOTAL → 0.19 CFS / 70.4 AFA

PROPOSED
TRANSFER

PACIFIC HIDE AND FUR →
63-32004
IRRIGATION →
0.04 CFS / 15.7 AFA → 3.5 AC
COMMERCIAL →
0.05 CFS / 13.6 AFA
TOTAL → 0.09 CFS / 29.3 AFA
PENDING TRANSFER

XFER
70232

BEVAN → 63-31583
IRRIGATION →
0.15 CFS / 56.3 AFA → 12.5 AC
DOMESTIC →
0.04 CFS / 0.6 AFA
TOTAL → 0.15 CFS / 56.9 AFA

TUEL → 63-32005
IRRIGATION →
0.01 CFS / 4.5 AFA → 1.0 AC
TOTAL → 0.01 CFS / 4.5 AFA
PENDING TRANSFER

BOSCHMA → 63-31584
COMMERCIAL →
0.04 CFS / 7.6 AFA
STOCKWATER →
0.04 CFS / 3.3 AFA
TOTAL → 0.04 CFS / 10.9 AFA

MC KAY → 63-32006
IRRIGATION →
0.01 CFS / 4.5 AFA → 1.0 AC
TOTAL → 0.01 CFS / 4.5 AFA
PENDING TRANSFER

PETERSON → 63-32007
IRRIGATION →
0.05 CFS / 18.0 AFA → 4.0 AC
TOTAL → 0.05 CFS / 18.0 AFA
PENDING TRANSFER

TRULL → 63-32008
IRRIGATION →
0.01 CFS / 4.5 AFA → 1.0 AC
TOTAL → 0.01 CFS / 4.5 AFA
PENDING TRANSFER

MAC DONALD → 63-32009
IRRIGATION →
0.01 CFS / 2.3 AFA → 0.5 AC
TOTAL → 0.01 CFS / 2.3 AFA
PENDING TRANSFER

SCANNED
NOV 09 2004

SPLIT TREE FOR 63-9156

BEVAN → 63-9156
 IRRIGATION → 0.84 CFS / 310.5 AFA → 69 AC
 DOMESTIC → 0.04 CFS / 0.6 AFA
 TOTAL → 0.88 CFS / 311 AFA

Domestic use was not additive after this transfer. Should be corrected in SRBA

XFER 69712

BEVAN → 63-31429
 IRRIGATION → 0.47 CFS / 173.3 AFA → 38.5 AC
 TOTAL → 0.47 CFS / 173.3 AFA

STRINGER → 63-31428
 IRRIGATION → 0.37 CFS / 137.2 AFA → 30.5 AC
 DOMESTIC → 0.04 CFS / 0.6 AFA
 TOTAL → 0.37 CFS / 137.8 AFA

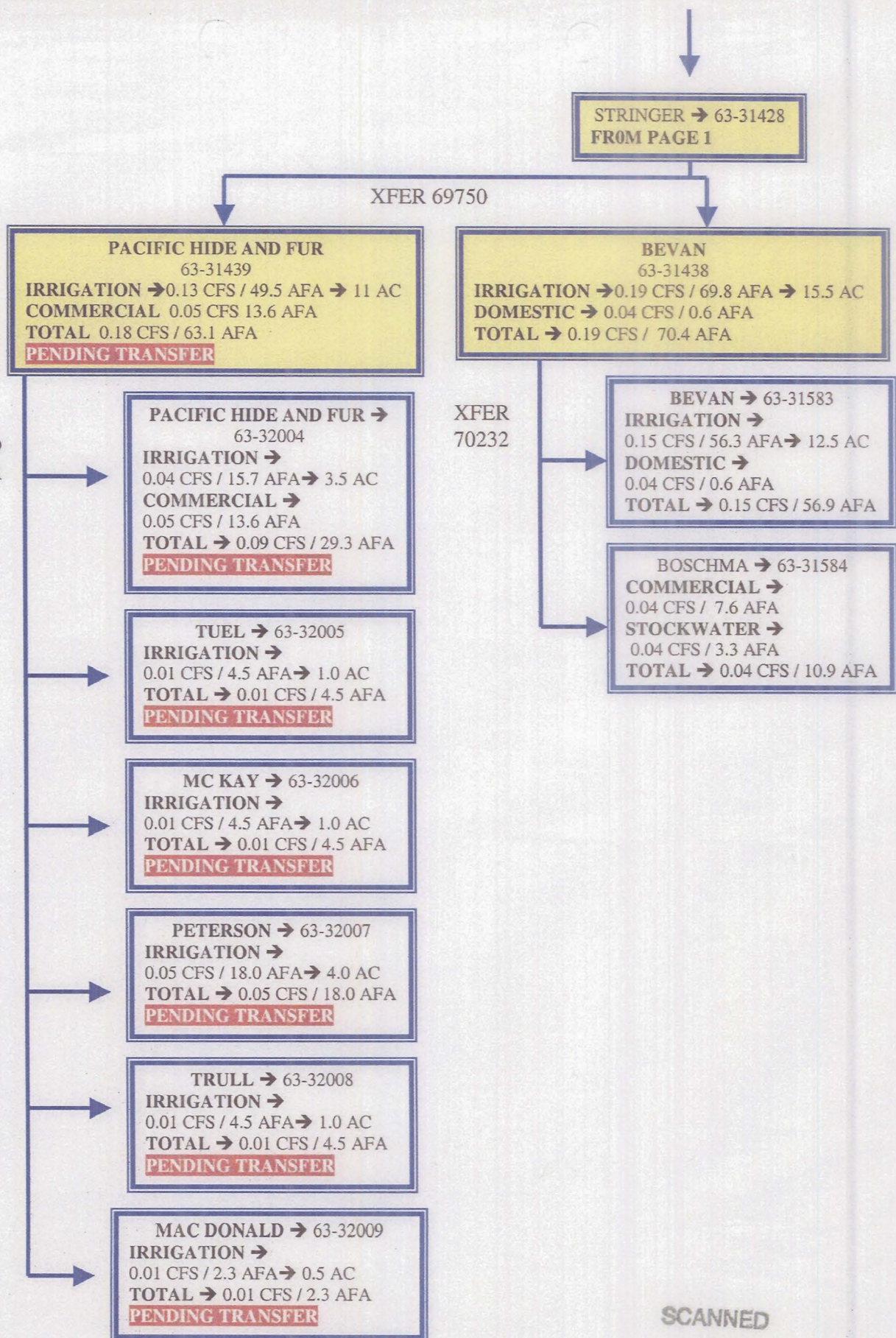
OWNERSHIP
 CHANGE

63-31642	JENSEN	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31643	LILJEGREN	0.024 CFS/ 9.0 AFA → 2.0 AC
63-31644	WARD	0.043 CFS/ 15.75 AFA → 3.5 AC
63-31645	HOLLADAY	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31646	WALDEN	0.043 CFS/ 15.75 AFA → 3.5 AC
63-31647	WALKER	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31648	KING	0.024 CFS/ 9.0 AFA → 2.0 AC
63-31649	HUTCHISON	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31650	KAISER	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31651	WALDEN	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31652	WHEELER	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31653	WEBB	0.031 CFS/ 11.25 AFA → 2.5 AC

SEE NEXT
 PAGE

SCANNED
 NOV 09 2004

PROPOSED
TRANSFER



SCANNED
NOV 09 2004

SPLIT TREE FOR 63-9156

BEVAN → 63-9156
 IRRIGATION → 0.84 CFS / 310.5 AFA → 69 AC
 DOMESTIC → 0.04 CFS / 0.6 AFA
 TOTAL → 0.88 CFS / 311 AFA

Domestic use was
 not additive after
 this transfer.
 Should be
 corrected in SRBA

XFER 69712

BEVAN → 63-31429
 IRRIGATION → 0.47 CFS / 173.3 AFA →
 38.5 AC
 TOTAL → 0.47 CFS / 173.3 AFA

STRINGER → 63-31428
 IRRIGATION → 0.37 CFS / 137.2 AFA →
 30.5 AC
 DOMESTIC → 0.04 CFS / 0.6 AFA
 TOTAL → 0.37 CFS / 137.8 AFA

OWNERSHIP
 CHANGE

63-31642	JENSEN	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31643	LILJEGREN	0.024 CFS/ 9.0 AFA → 2.0 AC
63-31644	WARD	0.043 CFS/ 15.75 AFA → 3.5 AC
63-31645	HOLLADAY	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31646	WALDEN	0.043 CFS/ 15.75 AFA → 3.5 AC
63-31647	WALKER	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31648	KING	0.024 CFS/ 9.0 AFA → 2.0 AC
63-31649	HUTCHISON	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31650	KAISER	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31651	WALDEN	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31652	WHEELER	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31653	WEBB	0.031 CFS/ 11.25 AFA → 2.5 AC

SEE NEXT
 PAGE

SCANNED
 NOV 09 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31439

WATER RIGHT NUMBER: 63-31439

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM C STRINGER 421 MARCUS CT MOAB, UT 84532 (801)259-8686
Original Owner	VIOLET J STRINGER 421 MARCUS CT MOAB, UT 84532 (801)259-8686
Original Owner	THOMAS M BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208)323-7873
Original Owner	SUSAN K BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208)323-7873
Current Owner	PACIFIC HIDE & FUR DEPOT PO BOX 849 NAMPA, ID 83651 (208)466-1673

Priority Date: 06/08/1978

Basis: License

Status: PARENT

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.130 CFS	49.50 AF
COMMERCIAL	01/01 to 12/31	0.050 CFS	13.60 AF
	<u>Total Diversion:</u>	0.180 CFS	63.10 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 12, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	SE1/4NE1/4	Sec. 12, Twp 01N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
01N	01E	12	11.0				11.0

Total Acres: 11

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31439

Total Acres: 11
COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	12	X			X													

Conditions of Approval:

1. 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.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. 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.
8. WB4 The total instantaneous diversion of water from all points of diversion under Right 63-31439 shall not exceed 0.18 cfs, nor total combined annual volume of 63.1 af.

Remarks:

1. Commercial use is for a fur and hide facility.
2. General SPLIT RIGHT: SEE RIGHT NOS. 63-32004, 63-32005, 63-32006, 63-32007, 63-32008 AND 63-32009.

Comments:

1. scurtis 7/5/2002 10:41:12 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 69750

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31428

WATER RIGHT NUMBER: 63-31428

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM C STRINGER 421 MARCUS COURT MOAB, UT 84532 (801)259-8686
Current Owner	VIOLET J STRINGER 421 MARCUS COURT MOAB, UT 84532 (801)259-8686

Priority Date: 06/08/1978

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	0.370 CFS	137.20 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	0.60 AF
	<u>Total Diversion:</u>	0.370 CFS	137.80 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 8, Twp 01N, Rge 02E, B.M.
ADA County		
GROUND WATER	NW1/4NW1/4	Sec. 8, Twp 01N, Rge 02E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T01N R02E S08 NWNW 30.5

Total Acres: 30.5

DOMESTIC Within ADA County

T01N R02E S08 NWNW

Conditions of Approval:

1. 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.

Remarks:

1. General Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31428

Comments:

1. scurtis 7/5/2002 10:39:30 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 69712

Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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

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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

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 63-9156
Date Received: 8/8/1989
Receipt No: W004146
Received By:

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

1. Name of Claimant(s): THOMAS M BEVAN
4202 N MARCLIFFE AVE
BOISE ID USA 83704

Phone: (208)323-7873

SUSAN K BEVAN
4202 N MARCLIFFE AVE
BOISE ID USA 83704

Phone: (208)323-7873

2. Date of Priority: 06/08/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	02E	8	NW NW	ADA	

5. Description of diverting works:

442' & 438' DRILLED WELLS W/SURFACE & SUBMERSED PUMP W/PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.84	310.5
DOMESTIC	1/01	12/31	0.04	0.6

7. Total Quantity Appropriated is:
0.88 C.F.S. and/or 311.1 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
01N	02E	8	NW NW		IRRIGATION	39
			SW NW		IRRIGATION	30
			NW NW		DOMESTIC	
					Section Acres	69
					Total Acres	69

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 3/20/2002

TWO POINTS OF DIVERSION LOCATED IN THE NWNW, SEC. 8, TWP. 1N, RGE 2E.

NOTE: THE TOTAL CFS FOR THIS WATER RIGHT HAS BEEN INCREASED TO .88 CFS RATHER THAN THE .84 CFS ISSUED ON THE LICENSE. THE REASON FOR THIS IS DUE TO AN ERROR IN THE FIELD EXAM REPORT WHEN THE DOMESTIC .04 CFS AND THE IRRIGATION .84 CFS WERE NOT ADDED TOGETHER. THERE ARE TWO WELLS SHOWN ON THE EXAM, THE IRRIGATION WELL WAS MEASURED AT .84 CFS , THEN IN ADDITION THE DOMESTIC WELL SHOULD HAVE BEEN ADDED IN SINCE IT IS A SEPARATE WELL. DUE TO THE FACT IT WAS THE DEPARTMENTS ERROR, THIS RIGHT SHOULD BE AMENDED TO SHOW .88 CFS. ALSO, THE CLAIMANT WAS NOT HOME AT THE TIME THE 10-DAY NOTICE LETTER WAS SENT, BUT AS SOON AS HE RETURNED A CALL WAS MADE TO JIM JOHNSON QUESTIONING THE .84 CFS TOTAL. HE WAS INFORMED IT SHOULD NOT CAUSE A PROBLEM AND THE .84 CFS WAS ISSUED. HOWEVER, DURING A SALE THE .84 CFS CAME UP AND DID CAUSE PROBLEMS, THEREFORE, THE CLAIMANT REQUESTS THIS CHANGE. NOTE: CHANGE OF ADDRESS FROM: 5795 BARKER RD., RT. 2, KUNA, ID 83634 - PHONE NO. 342-2429 TO THE MOAB, AZ ADDRESS PER CLAIMANTS REQUEST. JS

15. Basis of Claim: License

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

RECEIVED**OCT 01 2001****WATER RESOURCES
WESTERN REGION**

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-09156					

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

- ☒ A. The appropriate **FILING FEE**. See instructions for fee amounts.
- ☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
 OR
☒ If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) WILLIAM C. STRINGER, V. JANNE STRINGER
+ NEAL CURTIS STRINGER
4. New Owner/Claimant(s) THOMAS M. AND SUSAN K. BEVAN
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 4202 N. MARCLIFFE AVE.
- City, State and ZIP Code BOISE, IDAHO 83704
- New Telephone Number (208) 323-7873
5. Date you acquired the property September 21, 2001

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature]
Susan K. Bean

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

For Office Use Only

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

Title File No.: T01-77990

WARRANTY DEED

FOR VALUE RECEIVED

V. Janice Stringer, an unmarried woman, Neal Curtis Stringer, an unmarried man and William Curtis Stringer, Jr., a married man dealing with his separate property

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto: Thomas M. Bevan and Susan K. Bevan, husband and wife

GRANTEES(s), whose current address is: 4202 N. Marcliffe Avenue, Boise, Idaho 83704
the following described real property in Ada County, State of Idaho,
more particularly described as follows, to wit:

See exhibit "A" attached hereto and made a part of

THIS IS A, NOT BY A, IN FACT, SXB

*INCLUDING ALL WATER AND MINERAL RIGHTS SPECIFICALLY, WATER
RIGHT LICENSE, WATER RIGHT NO. 63-09156, STATE OF IDAHO,
DEPARTMENT OF WATER RESOURCES*

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: September 21, 2001

V. Janice Stringer
V. Janice Stringer

Neal Curtis Stringer by V. Janice Stringer
Neal Curtis Stringer *att. in fact*

William Curtis Stringer, Jr.
William Curtis Stringer, Jr.

STATE OF Idaho, County of Ada, ss.

On this 21st day of September in the year of 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared

V. Janice Stringer, Neal Curtis Stringer, William Curtis Stringer, Jr.

known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: *Alana G. Pierce*

Name: Alana G. Pierce

Residing at:

My commission expires:

Transnation Title & Escrow, Inc.

EXHIBIT "A"

The West half of the Northwest quarter of Section 8, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT the Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 8.

FURTHER EXCEPT a parcel of land situated in the Northwest quarter of the Northwest quarter of Section 8, Township 1 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at the section corner common to Sections 5, 6, 7 and 8, Township 1 North, Range 2 East, which point is a brass cap, and being the REAL POINT OF BEGINNING; thence

South 89°38'56" East along the North line of Section 8 a distance of 435.60 feet to a 1/2 inch iron pin; thence

South 00°15'06" East a distance of 500.06 feet to a 1/2 inch iron pin; thence

North 89°38'56" West a distance of 435.60 feet to a 1/2 inch iron pin; thence

North 00°15'06" West a distance of 500.06 feet along the West line of Section 8 to the REAL POINT OF BEGINNING.

EXCEPT that portion lying within the right of way for county road commonly referred to as Barker Road and Curtis Road over and across the Northerly and Westerly portion of said premises.

SKB

TMG.

1/2 in

NC& 1/2 in

1/2 in

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: **A63-09156**
Date Received: 8/ 8/1989
Receipt No: W004146
Received By: _____

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

1. Name: WILLIAM C. STRINGER 801-259-8686
Address: 421 MARCUS COURT
MOAB, UT 84532
AND/OR
Name: VIOLET J. STRINGER 801-259-8686
Address: 421 MARCUS COURT
MOAB, UT 84532

2. Date of Priority: JUN 8, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	02E	8	NW	NW			ADA

5. Description of diverting works:

442' & 438' DRILLED WELLS W/SURFACE & SUBMERSED PUMP W/PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.840		310.50
DOMESTIC	01/01	12/31	0.040		0.60

7. Total Quantity Appropriated is:

0.880 C.F.S. (and/or) 311.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/1 HOUSEHOLD

MICROFILMED

AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	02E	8	NW	NW		IRR	39.0
			NW	NW		DOMEST	
			SW	NW		IRR	30.0
Section Acres							69.0
Total Acres							69.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

TWO POINTS OF DIVERSION LOCATED IN THE NWNW, SEC. 8, TWP. 1N, RGE 2E.

NOTE: THE TOTAL CFS FOR THIS WATER RIGHT HAS BEEN INCREASED TO .88 CFS RATHER THAN THE .84 CFS ISSUED ON THE LICENSE. THE REASON FOR THIS IS DUE TO AN ERROR IN THE FIELD EXAM REPORT WHEN THE DOMESTIC .04 CFS AND THE IRRIGATION .84 CFS WERE NOT ADDED TOGETHER. THERE ARE TWO WELLS SHOWN ON THE EXAM, THE IRRIGATION WELL WAS MEASURED AT .84 CFS, THEN IN ADDITION THE DOMESTIC WELL SHOULD HAVE BEEN ADDED IN SINCE IT IS A SEPARATE WELL. DUE TO THE FACT IT WAS THE DEPARTMENT'S ERROR, THIS RIGHT SHOULD BE AMENDED TO SHOW .88 CFS. ALSO, THE CLAIMANT WAS NOT HOME AT THE TIME THE 10-DAY NOTICE LETTER WAS SENT, BUT AS SOON AS HE RETURNED A CALL WAS MADE TO JIM JOHNSON QUESTIONING THE .84 CFS TOTAL. HE WAS INFORMED IT SHOULD NOT CAUSE A PROBLEM AND THE .84 CFS WAS ISSUED. HOWEVER, DURING A SALE THE .84 CFS CAME UP AND DID CAUSE PROBLEMS, THEREFORE, THE CLAIMANT REQUESTS THIS CHANGE.

NOTE: CHANGE OF ADDRESS FROM: 5795 BARKER RD., RT. 2, KUNA, ID 83634 - PHONE NO. 342-2429 TO THE MOAB, AZ ADDRESS PER CLAIMANT'S REQUEST. JS

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

MICROFILMED

AUG 24 1992

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: _____

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
AUG 24 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09156

Priority: June 8, 1978 Amount: 0.84 CFS 311.1 AFA

This is to certify, that WILLIAM C. STRINGER
RT. 2

KUNA, ID 83634 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 8, 1978, and has submitted proof to the Department of Water Resources on September 24, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .840 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	0.84 CFS	310.5 AFA
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AFA
	Totals	0.84 CFS	311.1 AFA

LOCATION OF POINT(S) OF DIVERSION:

WNW, Sec. 8, Township 01N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	02E	8	WNW 39	SWNW 30		69

PLACE OF USE: DOMESTIC

TWN, RGE, SEC

01N 02E 8 NWNW

Total number of acres irrigated: 69

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. 2 points of diversion located in NWNW, S8, T1N, R2E.

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09156

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 24th
day of MARCH, 1989.

Acting for the Director





T 8
18 17

8 9
17 16

09/29/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-32006

L M MC KAY
7420 ALYSHEBA CT
NAMPA ID 83686
Telephone Number: (208)468-1583

CAROL J MC KAY
7420 ALYSHEBA CT
NAMPA ID 83686
Telephone Number: (208)468-1583

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 10/27/06 SIGNATURE: L.M. McKay
Please print your name: L.M. McKay

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

10/11/2006

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

RIGHT NUMBER: 63-32006

NAME AND ADDRESS: L M MC KAY
7420 ALYSHEBA CT
NAMPA ID 83686

CAROL J MC KAY
7420 ALYSHEBA CT
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.010 CFS
4.500 AFY

PRIORITY DATE: 06/08/1978

POINT OF DIVERSION:

T02N R02W S26 NWSE within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.010 CFS

4.50 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early 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 R02W S26 NWSE 1.00

1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

10/11/2006

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

The right holder shall accomplish the change authorized by Transfer 71606 within one year of the date of the approval.

Failure of the right holder to comply with the conditions of Transfer No. 71606 is cause for the Director to rescind approval of the transfer.

This right is a split from former right 63-31439.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Property is also known as Lot 4B, Blk 2, Aram Estates.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.



Idaho Department of Water Resources

63-32006

T02N R02W S26



- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter

Total irrigated
acres = 1.0



400 0 400 Feet

IDWR

Prepared by: Sandy Egbert

Date: June 9, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32006 V2

WATER RIGHT NUMBER: 63-32006 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L M MC KAY 7420 ALYSHEBA CT NAMPA, ID 83686 (208)468-1583
Original Owner	PACIFIC HIDE & FUR DEPOT PO BOX 849 NAMPA, ID 83651 (208)466-1673
Current Owner	CAROL J MC KAY 7420 ALYSHEBA CT NAMPA, ID 83686 (208)468-1583

Priority Date: 06/08/1978

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	0.010 CFS	4.50 AF
	<u>Total Diversion:</u>	0.010 CFS	4.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 26, Twp 02N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	26															1.0		1.0

Total Acres: 1

Conditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32006 V2

2. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
3. T07 The right holder shall accomplish the change authorized by Transfer 71606 within one year of the date of the approval.
4. T08 Failure of the right holder to comply with the conditions of Transfer No. 71606 is cause for the Director to rescind approval of the transfer.
5. P21 This right is a split from former right 63-31439.
6. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. J01 Property is also known as Lot 4B, Blk 2, Aram Estates.
8. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. 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 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Remarks:Comments:

1. psdaggs 3/11/2005 8:55:19 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 71606

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: 0.03
 Generic Max Volume Per Acre: 4.5
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: True

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>
Summary			04/14/2006	Igagnon	Active
Priority Date	6/9/2006 8:58:41 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32006 V2

POD	6/9/2006 8:58:57 AM	segbert	Active
Source	6/9/2006 8:59:33 AM	segbert	Active
POU	6/9/2006 8:59:45 AM	segbert	Active
Use	6/9/2006 9:00:24 AM	segbert	Active
Season	6/9/2006 9:00:45 AM	segbert	Active
Quantity	6/9/2006 9:01:37 AM	segbert	Active
Summary	06/09/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/14/2006 1:48:11 PM	Igagnon	(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?
General	6/9/2006 8:58:43 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	6/9/2006 8:58:59 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?
POD	6/9/2006 8:59:16 AM	segbert	Updated shape
Source	6/9/2006 8:59:35 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	6/9/2006 8:59:47 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?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32006 V2

Use	6/9/2006 9:00:26 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?
Season	6/9/2006 9:00:47 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	6/9/2006 9:01:39 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? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - per transfer 71606
Summary	6/9/2006 9:06:21 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? (Yes) 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?
POU	6/9/2006 9:00:02 AM	segbert	Updated shape for Active POU

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32006 V1

WATER RIGHT NUMBER: 63-32006 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	VIOLET J STRINGER 421 MARCUS CT MOAB, UT 84532 (801)259-8686
Original Owner	THOMAS M BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208)323-7873
Original Owner	SUSAN K BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208)323-7873
Current Owner	PACIFIC HIDE & FUR DEPOT PO BOX 849 NAMPA, ID 83651 (208)466-1673
Original Owner	WILLIAM C STRINGER 421 MARCUS CT MOAB, UT 84532 (801)259-8686

Priority Date: 06/08/1978

Basis: License

Status: Closed

<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	0.010 CFS	4.50 AF
	<u>Total Diversion:</u>	0.010 CFS	4.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 12, Twp 01N, Rge 01E, B.M.
ADA County		
GROUND WATER	NE1/4SE1/4NE1/4	Sec. 12, Twp 01N, Rge 01E, B.M.
ADA 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	
01N	01E	12	1.0																1.0

Total Acres: 1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32006 V1

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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32006

WATER RIGHT NUMBER: 63-32006

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L M MC KAY 7420 ALYSHEBA CT NAMPA, ID 83686 (208)468-1583
Original Owner	PACIFIC HIDE & FUR DEPOT PO BOX 849 NAMPA, ID 83651 (208)466-1673
Current Owner	CAROL J MC KAY 7420 ALYSHEBA CT NAMPA, ID 83686 (208)468-1583

Priority Date: 06/08/1978 ✓

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	0.010 CFS ✓	4.50 AF ✓
	<u>Total Diversion:</u>	0.010 CFS ✓	4.50 AF ✓

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 26, Twp 02N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	26															1.0		1.0

Total Acres: 1

Conditions of Approval:

1. X59 Point of diversion and place of use are located within Lot 4B, Blk. 2, Aram Estates.
2. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

10-10-06 - corrected transfer # on preliminary Rec. & resent copy to claimant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32006

3. X61 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. P21 This right is a split from former right 63-31439.
7. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:Comments:

1. pskaggs 3/11/2005 8:55:18 AM Transferred Right

Comment: This is now an approved transfer, transfer number = 71606

Dates and Other Information:

Claim Received Date: 8/8/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: And
 Water District Number:
 Generic Max Rate Per Acre: 0.03
 Generic Max Volume Per Acre: 4.5
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: True

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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32006

04/14/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-32006	Claim	02N	02W	26	NW	SE		IRRIGATION	1/1	L M MC KAY
63-21106	Water Right	02N	02W	26	NW	SE		DOMESTIC		STELLA E LAMBSON
63-21917	Water Right	02N	02W	26	NW	SE		DOMESTIC		VICKIE L DORAMUS

SPLIT TREE FOR 63-9156

BEVAN → 63-9156
IRRIGATION → 0.84 CFS / 310.5 AFA → 69 AC
DOMESTIC → 0.04 CFS / 0.6 AFA
TOTAL → 0.88 CFS / 311 AFA

Domestic use was
not additive after
this transfer.
Should be
corrected in SRBA

XFER 69712

BEVAN → 63-31429
IRRIGATION → 0.47 CFS / 173.3 AFA →
38.5 AC
TOTAL → 0.47 CFS / 173.3 AFA

STRINGER → 63-31428
IRRIGATION → 0.37 CFS / 137.2 AFA →
30.5 AC
DOMESTIC → 0.04 CFS / 0.6 AFA
TOTAL → 0.37 CFS / 137.8 AFA

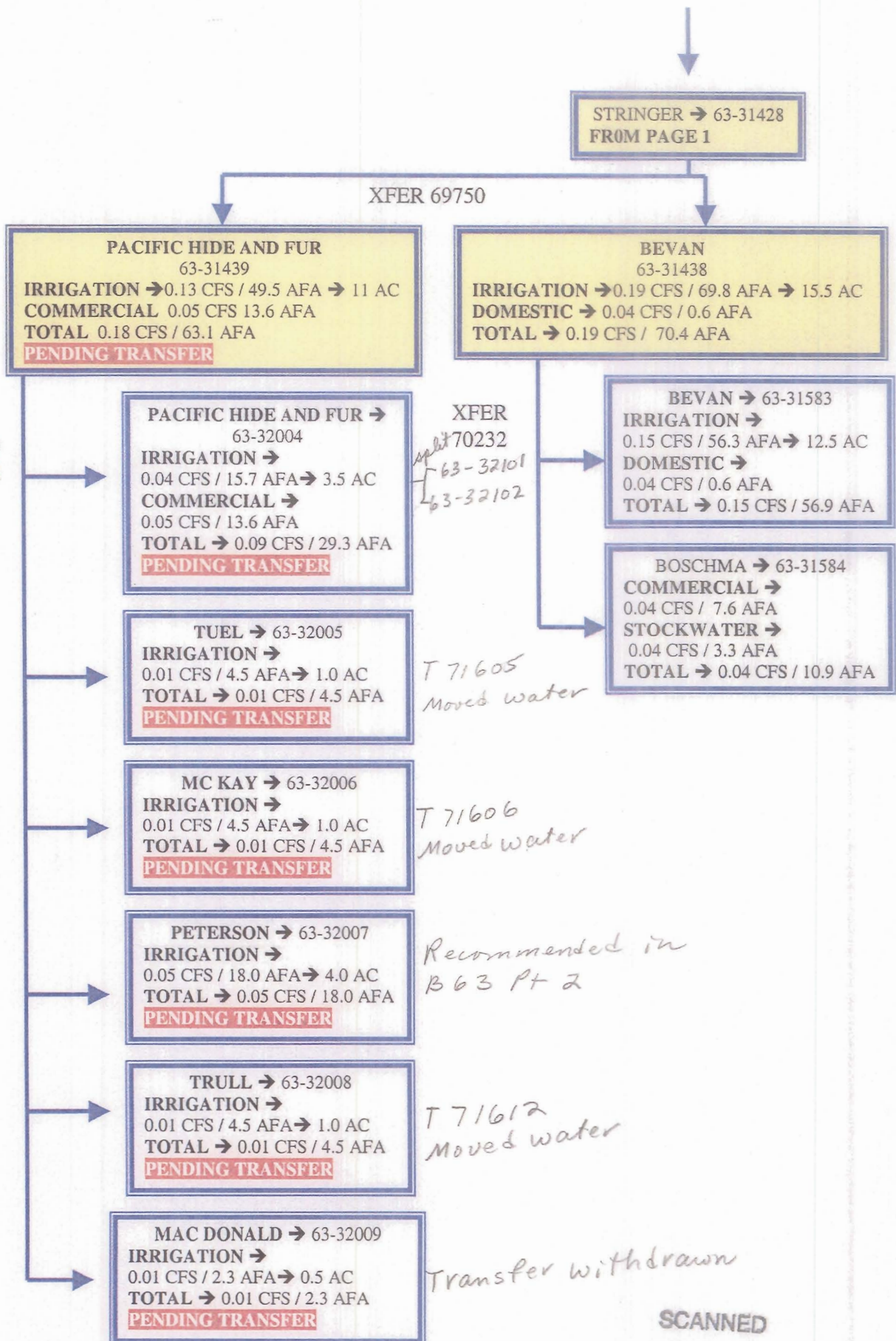
OWNERSHIP
CHANGE

63-31642	JENSEN	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31643	LILJEGREN	0.024 CFS/ 9.0 AFA → 2.0 AC
63-31644	WARD	0.043 CFS/ 15.75 AFA → 3.5 AC
63-31645	HOLLADAY	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31646	WALDEN	0.043 CFS/ 15.75 AFA → 3.5 AC
63-31647	WALKER	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31648	KING	0.024 CFS/ 9.0 AFA → 2.0 AC
63-31649	HUTCHISON	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31650	KAISER	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31651	WALDEN	0.031 CFS/ 11.25 AFA → 2.5 AC
63-31652	WHEELER	0.037 CFS/ 13.5 AFA → 3.0 AC
63-31653	WEBB	0.031 CFS/ 11.25 AFA → 2.5 AC

SEE NEXT
PAGE

SCANNED
NOV 09 2004

PROPOSED
TRANSFER



SCANNED
NOV 09 2004

07/26/2005

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

RIGHT NUMBER: 63-32006

NAME AND ADDRESS: L M MC KAY
7420 ALYSHEBA CT
NAMPA ID 83686

CAROL J MC KAY
7420 ALYSHEBA CT
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.010 CFS
4.500 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/08/1978

POINT OF DIVERSION:

T02N R02W S26 NWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.010 CFS 4.50 AFY

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.

PLACE OF USE: IRRIGATION Within CANYON County

T02N R02W S26 NWSE 1.0

1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of 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.

This right is a split from former right 63-31439.

The right holder shall accomplish the change authorized by Transfer 71606 within one year of the date of the approval.

Property is also known as Lot 4B, Blk 2, Aram Estates.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.