

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 63-32137
Date Received: 7/7/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

IAN BYRNES Phone: (208)442-6487
9770 FARNER RD
NAMPA ID USA 83686

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	15	NW NW	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.024	11.51

7. Total Quantity Appropriated is:
0.024 C.F.S. and/or 11.51 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	15	NW NW	IRRIGATION	3
Section Acres					3
Total Acres					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:

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM NO. A63-03597J, FEE PAID UNDER NO. N003518.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5270 IN FILE.

CLAIM AMENDED PER TRANSFER NO. 5270 APPROVED 11/12/1998.

THIS CLAIM IS A RESULT OF SPLITTING A63-03597J PER APPROVED TRANSFER 5270. 12/31/1998. SB.

FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.

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

CHANGE IN OWNERSHIP LG 9-21-2006- REVIEWED BY S. EGBERT

15. Basis of Claim: License

RECEIVED

APR 13 2006

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3597M		☒			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. (\$300)
- 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) LAWRANCE L LEACH } 9770 FARNER RD
KITTY M LEACH } NAMPA ID 83686
4. New Owner/Claimant(s) IAN BYRNES
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 9770 FARNER RD.
- City, State and ZIP Code NAMPA, ID 83686
- New Telephone Number (208) 442-6487
5. Date you acquired the property 5/11/2005

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-3597M</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.300 CFS</u>	<u>3 ACRES, PASTURE</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>3 ACRES</u>	

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

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

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

For Office Use Only

Received by <u>eg</u>	Date <u>4-13-06</u>	Fee <u>0</u>
Received by <u>eg</u>	Date <u>N/A</u>	Receipt No. <u>0</u>
Processed by _____	AJ Date _____	WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3597M

WATER RIGHT NUMBER: 63-3597M

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HERBERT R MONTIERTH JR
Original Owner	SUSAN L MONTIERTH
Current Owner	KITTY M LEACH
Original Owner	THE ESTATE OF GOLDA D MONTIERTH
Original Owner	BRYCE MILLAR
Original Owner	RUBY C VICTOR
Original Owner	ROBERT J MEYERS
Original Owner	EDWARD RAY MONTIERTH
Original Owner	KATHI L MEYERS
Original Owner	W NOLAN VICTOR
Original Owner	FARM CREDIT BANK OF SPOKANE
Original Owner	RODNEY KENT MONTIERTH
Current Owner	LAWRANCE L LEACH

Priority Date: 04/13/1967

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.300 CFS	145.80 AF
	<u>Total Diversion:</u>	0.300 CFS	145.80 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 15, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	15																	
																			38.0

Total Acres: 38

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3597M

Conditions of Approval:

1. A04 THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.
2. THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM NO. A63-03597J, FEE PAID UNDER NO. N003518.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5270 IN FILE.
CLAIM AMENDED PER TRANSFER NO. 5270 APPROVED 11/12/1998.
THIS CLAIM IS A RESULT OF SPLITTING A63-03597J PER APPROVED TRANSFER 5270. 12/31/1998. SB.
3. A06 FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

Remarks:Dates and Other Information:

Claim Received Date: 12/28/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

After Recording Return To:
COUNTRYWIDE HOME LOANS, INC.
MS SV-79 DOCUMENT PROCESSING
P.O.Box 10423
Van Nuys, CA 91410-0423

Prepared By:
HEATHER PETERSEN

[Space Above This Line For Recording Data]

BYRNES
[Escrow/Closing #]

00010130909705005
[Doc ID #]

DEED OF TRUST
(Line of Credit)

MIN 1001337-0000673542-0

THIS DEED OF TRUST, dated MAY 11, 2005, is between
IAN B BYRNES, AN UNMARRIED MAN

residing at
3416 S. MIDLAND, NAMPA, ID 83686
the person or persons signing as "Grantor(s)" below and hereinafter referred to as "we," "our," or "us" and
FIDELITY NATIONAL TITLE INSURANCE CO
as trustee and hereinafter referred to as the "Trustee," with an address at
15661 REDHILL AVE STE 200 TUSTIN, CA 92780- ,
for the benefit of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS") a Delaware
corporation, with an address of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS. MERS is the
"Beneficiary" under this Deed of Trust and is acting solely as nominee for
AMERICA'S WHOLESALE LENDER
("Lender" or "you") and its successors and assigns, with an address of
4500 Park Granada, Calabasas, CA 91302

PREMISES: In consideration of the loan hereinafter described, we hereby mortgage, grant and convey to
the Trustee the premises located at:

9770 FARNER RD, NAMPA
Street/Municipality

CANYON
County

Idaho 83686-9148 (the "Premises").
ZIP

and further described as:

THE SOUTH 600 FEET OF THE WEST 370 FEET OF THE NORTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 NORTH, RANGE 3 WEST OF THE
BOISE MERIDIAN, CANYON COUNTY, IDAHO.

PARCEL ID #: 4 R30124014A0

• MERS HELOC - ID Deed of Trust
2D998-ID (11/04)(d)

Page 1 of 5

Initials: IB



The Premises includes all buildings and other improvements now or in the future on the Premises and all rights and interests which derive from our ownership, use or possession of the Premises and all appurtenances thereto. The Premises are either located within an incorporated city or village at the date hereof, or contains not more than forty (40) acres.

WE UNDERSTAND and agree that MERS is a separate corporation acting solely as nominee for Lender and Lender's successors and assigns, and holds only legal title to the interests granted by us in this Deed of Trust, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property, and to take any action required of Lender including, but not limited to, releasing or canceling this Deed of Trust.

LOAN: This Deed of Trust will secure your loan to us in the principal amount of \$ 37,500.00 or so much thereof as may be advanced and readvanced from time to time to
IAN B. BYRNES

the Borrower(s) under the Home Equity Credit Line Agreement And Disclosure Statement (the "Note") dated MAY 11, 2005, plus interest and costs, late charges and all other charges related to the loan, all of which sums are repayable according to the Note. Final payment on the Note is due twenty (20) years after the date of this Deed of Trust unless extended pursuant to the terms of the Note. This Deed of Trust will also secure the performance of all of the promises and agreements made by us and each Borrower and Co-Signer in the Note, all of our promises and agreements in this Deed of Trust, any extensions, renewals, amendments, supplements and other modifications of the Note, and any amounts advanced by you under the terms of the section of this Deed of Trust entitled "Our Authority To You." Loans under the Note may be made, repaid and remade from time to time in accordance with the terms of the Note and subject to the Credit Limit set forth in the Note.

OWNERSHIP: We are the sole owner(s) of the Premises. We have the legal right to mortgage, grant and convey the Premises to the Trustee.

OUR IMPORTANT OBLIGATIONS:

(a) TAXES: We will pay all real estate taxes, assessments, water charges and sewer rents relating to the Premises when they become due. We will not claim any credit on, or make deduction from, the loan under the Note because we pay these taxes and charges. We will provide you with proof of payment upon request.

(b) MAINTENANCE: We will maintain the building(s) on the Premises in good condition. We will not make major changes in the building(s) except for normal repairs. We will not tear down any of the building(s) on the Premises without first getting your consent. We will not use the Premises illegally. If this Deed of Trust is on a unit in a condominium or a planned unit development, we shall perform all of our obligations under the declaration or covenants creating or governing the condominium or planned unit development, the by-laws and regulations of the condominium or planned unit development and constituent documents.

(c) INSURANCE: We will keep the building(s) on the Premises insured at all times against loss by fire, flood and any other hazards you may specify. We may choose the insurance company, but our choice is subject to your reasonable approval. The policies must be for at least the amounts and the time periods that you specify. We will deliver to you upon your request the policies or other proof of the insurance. The policies must name you as "mortgagee" and "loss-payee" so that you will receive payment on all insurance claims, to the extent of your interest under this Deed of Trust, before we do. The insurance policies must also provide that you be given not less than 10 days prior written notice of any cancellation or reduction in coverage, for any reason. Upon request, we shall deliver the policies, certificates or other evidence of insurance to you. In the event of loss or damage to the Premises, we will immediately notify you in writing and file a proof of loss with the insurer. You may file a proof of loss on our behalf if we fail or refuse to do so. You may also sign our name to any check, draft or other order for the payment of insurance proceeds in the event of loss or damage to the Premises. If you receive payment of a claim, you will have the right to choose to use the money either to repair the Premises or to reduce the amount owing on the Note.

(d) CONDEMNATION: We assign to you the proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of the Premises, or part thereof, or for conveyance in lieu of condemnation, all of which shall be paid to you, subject to the terms of any Prior Deed of Trust.

(e) **SECURITY INTEREST:** We will join with you in signing and filing documents and, at our expense, in doing whatever you believe is necessary to perfect and continue the perfection of your lien and security interest in the Premises. It is agreed that the Lender shall be subrogated to the claims and liens of all parties whose claims or liens are discharged or paid with the proceeds of the Agreement secured hereby.

(f) **OUR AUTHORITY TO YOU:** If we fail to perform our obligations under this Deed of Trust, you may, if you choose, perform our obligations and pay such costs and expenses. You will add the amounts you advance to the sums owing on the Note, on which you will charge interest at the interest rate set forth in the Note. If, for example, we fail to honor our promises to maintain insurance in effect, or to pay filing fees, taxes or the costs necessary to keep the Premises in good condition and repair or to perform any of our other agreements with you, you may, if you choose, advance any sums to satisfy any of our agreements with you and charge us interest on such advances at the interest rate set forth in the Note. This Deed of Trust secures all such advances. Your payments on our behalf will not cure our failure to perform our promises in this Deed of Trust. Any replacement insurance that you obtain to cover loss or damages to the Premises may be limited to the amount owing on the Note plus the amount of any Prior Deeds of Trust.

(g) **PRIOR DEED OF TRUST:** If the provisions of this paragraph are completed, this Deed of Trust is subject and subordinate to a prior deed of trust dated MAY 11, 2005 and given by us for the benefit of

AMERICA'S WHOLESALE LENDER

as beneficiary, in the original amount of \$ 200,000.00 (the "Prior Deed of Trust"). We shall not increase, amend or modify the Prior Deed of Trust without your prior written consent and shall upon receipt of any written notice from the holder of the Prior Deed of Trust promptly deliver a copy of such notice to you. We shall pay and perform all of our obligations under the Prior Deed of Trust as and when required under the Prior Deed of Trust.

(h) **HAZARDOUS SUBSTANCES:** We shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances on or in the Premises. We shall not do, nor allow anyone else to do, anything affecting the Premises that is in violation of any Environmental Law. The preceding two sentences shall not apply to the presence, use, or storage on the Premises of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Premises. As used in this paragraph, "Hazardous Substances" are those substances defined as toxic or hazardous substances by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials. As used in this paragraph, "Environmental Law" means federal laws and laws of the jurisdiction where the Premises are located that relate to health, safety or environmental protection.

(i) **SALE OF PREMISES:** We will not sell, transfer ownership of, mortgage or otherwise dispose of our interest in the Premises, in whole or in part, or permit any other lien or claim against the Premises without your prior written consent.

(j) **INSPECTION:** We will permit you to inspect the Premises at any reasonable time.

NO LOSS OF RIGHTS: The Note and this Deed of Trust may be negotiated or assigned by you without releasing us or the Premises. You may add or release any person or property obligated under the Note and this Deed of Trust without losing your rights in the Premises.

DEFAULT: Except as may be prohibited by applicable law, and subject to any advance notice and cure period if required by applicable law, if any event or condition of default as described in the Note occurs, the Trustee may foreclose upon this Deed of Trust or sell the Premises at a public sale. This means that you or the Trustee may arrange for the Premises to be sold, as provided by law, in order to pay off what we owe on the Note and under this Deed of Trust. If the money you receive from the sale is not enough to pay off what we owe you, we will still owe you the difference which you may seek to collect from us in accordance with applicable law. In addition, you or the Trustee may, in accordance with applicable law, (i) enter on and take possession of the Premises; (ii) collect the rental payments, including over-due rental payments, directly from tenants; (iii) manage the Premises; and (iv) sign, cancel and change leases. We agree that the interest rate set forth in the Note will continue before and after a default, and before entry of a judgment and foreclosure or public sale. In addition, you shall be entitled to collect all reasonable fees and costs actually incurred by you in proceeding to foreclosure or to public sale, including, but not limited to, trustee's fees, reasonable attorney's fees and costs of documentary evidence, abstracts and title reports.

ASSIGNMENT OF RENTS; APPOINTMENT OF RECEIVER: As additional security, we assign to you the rents of the Premises. You or a receiver appointed by the courts shall be entitled to enter upon, take possession of and manage the Premises and collect the rents of the Premises including those past due.

WAIVERS: To the extent permitted by applicable law, we waive and release any error or defects in proceedings to enforce this Deed of Trust and hereby waive the benefit of any present or future laws providing for stay of execution, extension of time, exemption from attachment, levy and sale and homestead exemption.

BINDING EFFECT: Each of us shall be fully responsible for all of the promises and agreements in this Deed of Trust. Until the Note has been paid in full and your obligation to make further advances under the Note has been terminated, the provisions of this Deed of Trust will be binding on us, our legal representatives, our heirs and all future owners of the Premises. This Deed of Trust is for your benefit and for the benefit of anyone to whom you may assign it. Upon payment in full of all amounts owing to you under the Note and this Deed of Trust, and provided any obligation to make further advances under the Note has terminated, this Deed of Trust and your rights in the Premises shall end.

NOTICE: Except for any notice required under applicable law to be given in another manner, (a) any notice to us provided for in this Deed of Trust shall be given by delivering it or by mailing such notice by regular first class mail addressed to us at the last address appearing in your records or at such other address as we may designate by notice to you as provided herein, and (b) any notice to you shall be given by certified mail, return receipt requested, to your address at

For MERS:

P.O. Box 2026, Flint, MI 48501-2026

For Lender:

4500 Park Granada, Calabasas, CA 91302

or to such other address as you may designate by notice to us. Any notice provided for in this Deed of Trust shall be deemed to have been given to us or you when given in the manner designated herein.

RELEASE: Upon payment of all sums secured by this Deed of Trust and provided your obligation to make further advances under the Note has terminated, the Trustee shall discharge this Deed of Trust without charge to us, except that we shall pay any fees for recording of a satisfaction of this Deed of Trust.

GENERAL: You or the Trustee can waive or delay enforcing any of your rights under this Deed of Trust without losing them. Any waiver by you of any provisions of this Deed of Trust will not be a waiver of that or any other provision on any other occasion.

TRUSTEE: Trustee accepts the trusts herein created when this Deed of Trust, duly executed and acknowledged, is made a public record as provided by law. Trustee, by its acceptance hereof, agrees to perform and fulfill the trusts herein created, and shall be liable only for its negligence or misconduct. The Trustee waives any statutory fee and agrees to accept reasonable compensation from Grantor for any services rendered by it in accordance with the terms of this Deed of Trust. Upon receipt by Trustee of instructions from Beneficiary at any time or from time to time, Trustee shall (a) give any notice or direction or exercise any right, remedy or power hereunder or in respect of the Premises as shall be specified in such instructions, and (b) approve as satisfactory all matters required by the terms hereof to be satisfactory to Trustee or Beneficiary. Trustee may, but need not, take any of such actions in the absence of such instructions. Trustee may resign at any time upon giving of not less than 30 days' prior notice to Beneficiary, but will continue to act as trustee until its successor shall have been chosen and qualified. In the event of the death, removal, resignation, or refusal or inability to act of Trustee, Beneficiary, and Lender shall have the irrevocable power, with or without cause, without notice of any kind (except for such notice as may be required by law), without specifying any reason therefor, and without applying to any court, to select and appoint a successor trustee by filing a deed or other instrument of appointment for record in each office in which this Deed of Trust is recorded, and upon such recordation the successor trustee shall become vested with the same powers, rights, duties and authority of the Trustee with the same effect as if originally made Trustee hereunder. Such successor shall not be required to give bond for the faithful performance of its duties unless required by Beneficiary.

WITNESS:

IAN B. BYRNES (Seal)
-Borrower

____ (Seal)

-Battower

____(Seal)

-Bottower

____(Seal)

-Bottower

____(Seal)

-Boudewijn

On this _____ day of _____, _____, before me, _____

_____, a Notary Public in and for said county and state, personally appeared _____

known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that _____ he _____ 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.

Notary Public residing at:

200526468
200526466

RECORDED

APR 13 PM 4 39

CANYON COUNTY RECORDER
BY *Dee L. Brown*

ALLIANCE - NAMP

REQUEST

TYPE *W* FEE *3*

SPECIAL WARRANTY DEED

Order No.: AT-5100515881LWF

FOR VALUE RECEIVED

Deutsche Bank AG New York Branch

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Ian B. Byrnes, an unmarried person

whose current address is

9770 Farner Road Nampa, ID 83686

the grantee(s), the following described premises, in Canyon County, Idaho, TO WIT:

The South 600 feet of the West 370 feet of the Northwest Quarter of the Northwest Quarter of Section 15, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that no encumbrances were initiated during the ownership of the undersigned nor is the undersigned aware of any such.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 11, 2005

Deutsche Bank AG New York Branch

*J. Hillery*JOSEPH HILLERY
DirectorState of FLCounty of ORANGE

On this 11 day of April, 2005, before me, a Notary Public in and for said state, personally appeared JOSEPH HILLERY known to me to be the DIRECTOR of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, he/she/they executed the foregoing in said Corporation name and acknowledged to me that said corporation executed 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.

Maureen
Notary Public for the State of FL
Residing at: ORANGE County
Commission Expires:



Maureen
My Commission DD308411
Expires April 07 2008

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 63-32137
Date Received: 7/7/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LAWRANCE L LEACH Phone: (208)467-9791

9770 FARNER RD
NAMPA ID USA 83686

KITTY M LEACH Phone: (208)467-9791

9770 FARNER RD
NAMPA ID USA 83686

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	15	NW NW	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.024	11.51

7. Total Quantity Appropriated is:
0.024 C.F.S. and/or 11.51 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	15	NW	NW	IRRIGATION	3
Section Acres						3
Total Acres						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:

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM NO. A63-03597J, FEE PAID UNDER NO. N003518.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5270 IN FILE.

CLAIM AMENDED PER TRANSFER NO. 5270 APPROVED 11/12/1998.

THIS CLAIM IS A RESULT OF SPLITTING A63-03597J PER APPROVED TRANSFER 5270.
12/31/1998. SB.

FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.

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

15. Basis of Claim: License

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

RECEIVED

MAR 07 2005

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~63-3597M~~	63-3597M				

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) LARRY LEACH
9770 FARVER RD NAMPA, ID 83686
4. New Owner/Claimant(s) ARNOLD J VAN BERKEL & DAVID L RUSSELL
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1268 S WATERMARK AVE
 City, State and ZIP Code EAGLE, IDAHO 83616
 New Telephone Number (208) 938-3061
5. Date you acquired the property 9/15/04

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	<u>.276 CFS</u>	<u>38 Acres</u>

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>.024 CFS</u>	<u>3 Acres</u>

7.

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

x Arnold J. Van Bavel

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 _____

200451846

RECORDED

SEP 16 PM 3 50

G. NOEL MALES

CANYON COUNTY RECORDER

BY O. SUMMONS

REQUEST PIONEER-NAMPA
TYPED/D. FEE Co.

Pioneer Lender Trustee Services, Inc.

8151 W. Rifenman St., Boise, ID 83704
PLTS #6 Order #PN79628

This space for recording purposes

TRUSTEE'S DEED

PIONEER LENDER TRUSTEE SERVICES, LLC, an Idaho corporation (herein called Trustee) under the Deed of Trust hereinafter particularly described, does hereby Bargain, Sell and Convey, without warranty, to Arnold J. Van Berkel whose current address is c/o David L. Russell at 1268 S. Watermark Ave., Eagle, ID 83616 all of the real property situated in Canyon County, Idaho, and described as follows:

The Northwest Quarter of the Northwest Quarter of Section 15, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho. EXCEPTING THEREFROM The South 600 feet of the West 370 feet of the Northwest Quarter of the Northwest Quarter of Section 15, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

This conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust between LAWRENCE L. LEACH AND KITTY M. LEACH, HUSBAND AND WIFE (herein called Grantor), the Trustee herein, and DBL Company, Inc. as Beneficiary, recorded 10-17-2001, as Instrument No. 200142741, records of Canyon County, Idaho, and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

- (a) Default occurred in the obligations for which such Deed of Trust was given as security and the Beneficiary made demand upon the said Trustee to sell property pursuant to the terms and said Deed of Trust. Notice of Default was recorded 5/7/2004 as Instrument No. 200424530, records of Canyon County, Idaho and in the office of the Recorder of each other county in which the property described in said Deed of Trust, or any part thereof, is situated, the nature of such default being as set forth in said Notice of Default. Such default still existed at the time of sale.
- (b) After recordation of said Notice of Default, Trustee gave notice of the time and place of the sale of said property by registered or certified mail, by personal service upon the occupants of said real property, by posting in a conspicuous place on said premises and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to the date of sale as Instrument No. 200434215, Instrument No. 200434217, and as Instrument No 200434216, records of Canyon County, Idaho.
- (c) The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) supra and of the Affidavits referred to in paragraph (b) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth herein at length.
- (d) All requirements of law regarding the mailing, personal service, posting publication and recording of the notice of default, and notice of sale and for all other notices have been complied with.
- (e) Not fewer than 120 days elapsed between the giving of notice of sale by registered or certified mail and the sale of said property.
- (f) Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to Grantee, being the highest bidder thereof, the property herein described for the sum of \$49,813.62, subject

however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporation name to be hereunto subscribed by its Assistant Secretary.

PIONEER LENDER TRUSTEE SERVICES, LLC

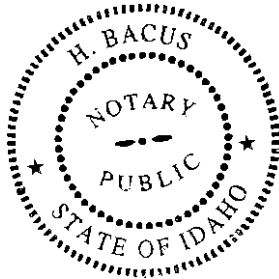


LORI A. BALL, ASSISTANT SECRETARY

ACKNOWLEDGEMENT- CORPORATE

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

On this 15th day of September, in the year 2004, before me, the undersigned, a Notary Public in and for the said state, personally appeared Lori A. Ball known to me to be the Assistant Secretary of the 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.



NOTARY PUBLIC FOR THE STATE OF IDAHO
RESIDING AT: BOISE
EXPIRATION DATE: 8-30-2008

EXHIBIT "A"

L.L.L.
Fm. D.
L.L.L.

The Northwest Quarter of the Northwest Quarter of Section 15,
Township 2 North, Range 3 West of the Boise Meridian, Canyon
County, Idaho.

EXCEPTING THEREFROM

The South 600 feet of the West 370 feet of the Northwest Quarter of
the Northwest Quarter of Section 15, Township 2 North, Range 3 West
of the Boise Meridian, Canyon County, Idaho.

200142741

RECORDED

2001 JUN 17 AM 11 07

Q NOT RECORDED

CANYON COUNTY ORDER

BY

[Signature]

REQUEST PIONEER MAP
TYPE *[Signature]*

MODE:F ACTION:

03 TAX INQUIRY as of 08/13/2004 8:35 TRQK701

3R30124014 0

02N03...3001

F90

32517484

F90

055-00

* * CHECK FOR DELINQUENCIES * *

LEACH, LAWRENCE L

& LEACH, KITTY M

Original Tax

205.26

9770 FARNER RD

NAMPA

ID 83686

Adjusted Amount

205.26

15-2N-3W NW

NW NW LS TX 99530

+++++

102.63 + 102.63

+++++

9770 FARNER RD, NA

Outstanding Tax

.00

Bill Number 2003058105

FCV / QTY

13,900 / 34.90

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3597H

WATER RIGHT NUMBER: 63-3597H

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KITTY M LEACH 9770 FARNER RD NAMPA, ID 83686 (208)467-9791
Original Owner	BRYCE MILLAR RT 7 BOX 7380 NAMPA, ID 83651
Current Owner	LAWRANCE L LEACH 9770 FARNER RD NAMPA, ID 83686 (208)467-9791

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	3/15 to 11/15	0.300 CFS	145.80 AF
	<u>Total Diversion:</u>	0.300 CFS	145.80 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 15, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	15																	38.0

Total Acres: 38

Conditions of Approval:

- 01M 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 determine the amount of water diverted from power records and shall annually report the information to the department.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3597H

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 the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:Comments:

1. SCURTIS 11/1/1995 TRANSFER 4639

Comment: Trans. #4639 was filed to add a point of diversion under a portion of Right 63-03597C, splitting it into parts E & F.

2. PSKAGGS 11/10/1998 TRANSFER 5270

Comment: Transfer 5270 changes the point of diversion under a portion of Right 63-03597E, splitting the right into Parts G & H.

Dates and Other Information:

Licensed Date: 9/12/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

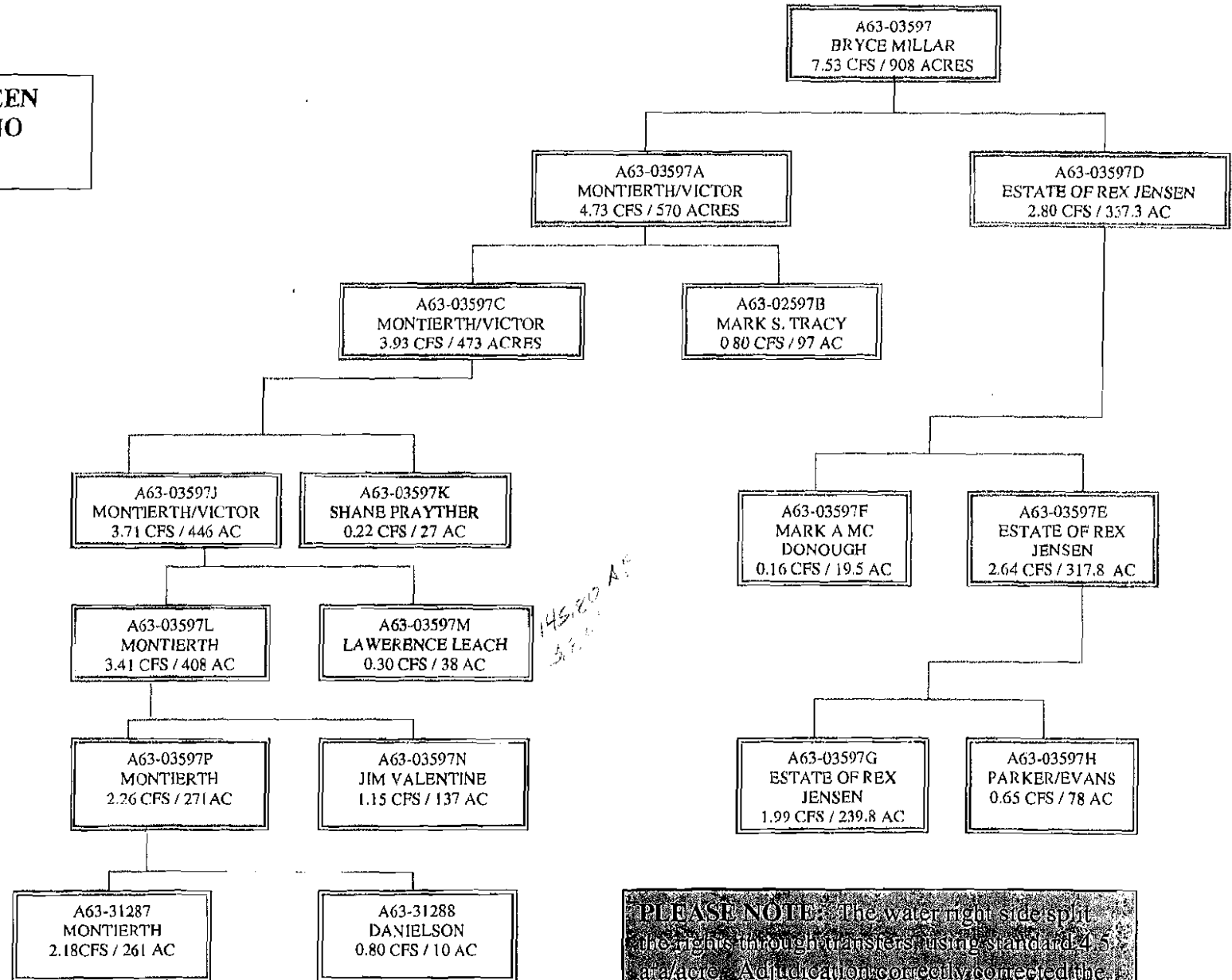
Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

ADJUDICATION CLAIMS SPLIT TREE FOR REX E. JENSEN ESTATE TRANSFER # 68832

RIGHTS HAVE BEEN
SPLIT AND ARE NO
LONGER ACTIVE



PLEASE NOTE: The water right side split the rights through transfers using standard 4.5 ac/a/c. Adjudication correctly corrected the volume per split based off original licenses.

March 17, 2005

Arnold J Van Berkel
c/o David L. Russel
1268 S Watermark Ave.
Eagle, ID 83616

RE: Notice of Change of Water Right Ownership Claim No. 63-3759H

Dear Property Owners:

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (copy enclosed), however, we are unable to complete this ownership change at this time. The Warranty deed submitted indicates a transfer of property in the NW¼ NW¼ of Section 15, Township 2 North, Range 3 West. The above referenced water right is for property with a Place of Use located in the NE¼ SE¼ and the NE¼ SW¼ of Section 11, Township 2 North, Range 3 West. It appears that the information submitted does not pertain to the water right number referenced above.

You had also listed water right number 63-3597M; and it is being processed at this time. A copy of 63-3597M will be mailed upon completion.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Liberty Gagnon
Office Specialist I
Adjudication Section
Western Region

LG: lg

Enclosures

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: **A63-03597M**
Date Received: 12/28/1989
Receipt No: X777777
Received By: _____

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

1. Name: LAWRANCE L LEACH 208-467-9791
Address: 770 FARNER RD
NAMPA ID 83686
OR
Name: KITTY M LEACH 208-467-9791
Address: 770 FARNER RD
NAMPA ID 83686

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	15		NW	NW		CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300		145.80

7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) 145.80 A.F.A.

8. Total consumptive use is 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	15	NW	NW		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	38.0
					Total Acres	38.0

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:

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM NO. A63-03597J, FEE PAID UNDER NO. N003518.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5270 IN FILE.
CLAIM AMENDED PER TRANSFER NO. 5270 APPROVED 11/12/1998.
THIS CLAIM IS A RESULT OF SPLITTING A63-03597J PER APPROVED TRANSFER 5270. 12/31/1998. SB.

15. Basis of Claim: LICENSE

Water Right Number: 33559

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5270
WATER RIGHT NO. 63-03597H

RECEIVED

NOV 13 1998

WATER RESOURCES
WESTERN REGION

This is to certify that: **LAWRANCE L LEACH**
KITTY M LEACH
9770 FARNER RD
NAMPA ID 83686

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.30 CFS	145.8 AF

SOURCE

GROUNDWATER

Priority: 04/13/1967

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 15, Township 02N, Range 03W
CANYON 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>
02N	03W	15	NWNW	38		38

Total number of acres irrigated: 38

CONDITIONS OF APPROVAL AND REMARKS

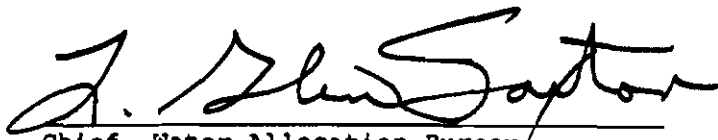
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

TRANSFER NO. 5270
WATER RIGHT NO. 63-03597H

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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. 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.

Dated this 12th day of November, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 63-03597E

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5270

DATE: November 12, 1998

Transfer 5270 changes the point of diversion under a portion of Right 63-03597E, splitting the right into Parts G and H. The applicant has purchased a quarter quarter of land under this right and proposes to drill a separate well for his use.

Recommended conditions include drilling permit requirements, irrigation overlap, future measuring devices & annual reporting, and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT Leach

TRANSFER NO. 5270

INITIAL ALLOCATION REVIEW BY [Signature]
SRBA SUPERVISOR REVIEW BY [Signature]

DATE 5/7/98
DATE 5/15/98
REC'D 5/13/98

1. Right number(s) 103-03597E

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
 ☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U
 ☐ Change N/U ☐ Change Source ☐ Split Right
 ☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
 ☒ Period ☒ SRBA Claim
 ☒ Description of original point(s) of diversion
 ☒ Description of original place of use
 ☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Reviewer's analysis memo completed (always include)
- b. ☒ All of right
- c. ☒ Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right - Comments: _____

- j. / Existing rights from same source, on land water is being transferred to; right number(s): _____

k. SRBA claim(s) - Comments (**NOTE!** Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) filed as licensed except with less AFA

1. / Comment letters _____ Yes / No
If yes _____ Water District #
_____ Other, see #2 below for name
and address

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ✓ Yes
2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters: See attached information

3. Transfer published correctly? ✓ Yes No
4. Affidavit of publication received? ✓ Yes No
5. Protests received? Yes No; Acknowledgement sent? Yes
6. Data entry of application completed? ✓ Yes

RECOMMENDED ACTION

1. ☒ Approve ☐ See attached memo
2. ☐ Deny due to _____
3. Conditions (special conditions in Water Districts) _____
Standard transfer conditions
4. By *Gang* Date *7/15/98*

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ☐ Yes *pam*
2. File forwarded to S.O.: by _____ date _____

MEMO

DATE: 5/8/1998
FROM: Lori Graves
TO: Transfer File
RE: Leach Transfer 63-03597E

This is a simple transfer in which the applicant purchased a portion of a ground water license and wants to irrigate his acres with a separate system and well.

No other water rights are used. The SRBA claim was filed as licensed except for less volume and with J as the suffix.

I recommend this transfer be approved.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT,
TRANSFER NO. 5270**

Notice is given that **LAWRANCE AND KITTY LEACH** of 9770 Farmer Rd, Nampa ID 83696 have applied to the Department of Water Resources to add a Point of Diversion pursuant to I.C. § 42-222 for the following ground water irrigation license in T2N R3W, Canyon County:

63-03597E, priority 4/13/1967, 3.71 cfs, diverted in **SESW S10, NWSW S11, SESW S14**, used in S10 and S15, 446 acres total.

PROPOSED CHANGE

Separate well to supply ground water to applicant's portion of license. No increase in licensed acres or flow rate proposed.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before **JUNE 22, 1998**. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
June 4, 11, 1998

7165

RECEIVED

JUN 22 1998

WATER RESOURCES
WESTERN REGION

Transfer No. 5270

[illegible]

3 of 6

WR0749NP
No. 63-03597E

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/20/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRYCE MILLAR	04/13/1967	IRRIGATION	03/15 11/15	3.710 CFS	1802.90 AFA
TOTAL DIVERSION:					3.710 CFS	1802.90 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T02N R03W S10	SENW	CANYON County
	S11	NWSW	CANYON County
	S14	SESW	CANYON County

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	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM				
02N	03W	10	:	16	:					30	29	39	39	:	21	40	39	37	:	290.0
02N	03W	15	:		:	39	38	39	40	:				:					:	156.0
																			TOTAL ACRES	446.0

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-03589 63-03597D 63-07156B 63-07778A 63-11773

Other Water Rights Liating Overlapping Place(s) of use:

63-03597B 63-03597F 63-11773 63-12007 63-12214

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:
-------	------------------------	-----------------

Comments: Date: 11/01/1995 User-ID: SCURTIS Subject: TRANSFER NO. 4639
Trans. #4639 was filed to add a point of diversion under a
portion of Right 63-03597C, splitting it into parts E & F.

Audit: 06/13/95 LGRAVES 09/28/95 PSKAGGS 11/01/95 SCURTIS 11/01/95 SCURTIS
11/01/95 PSKAGGS

5 of 6

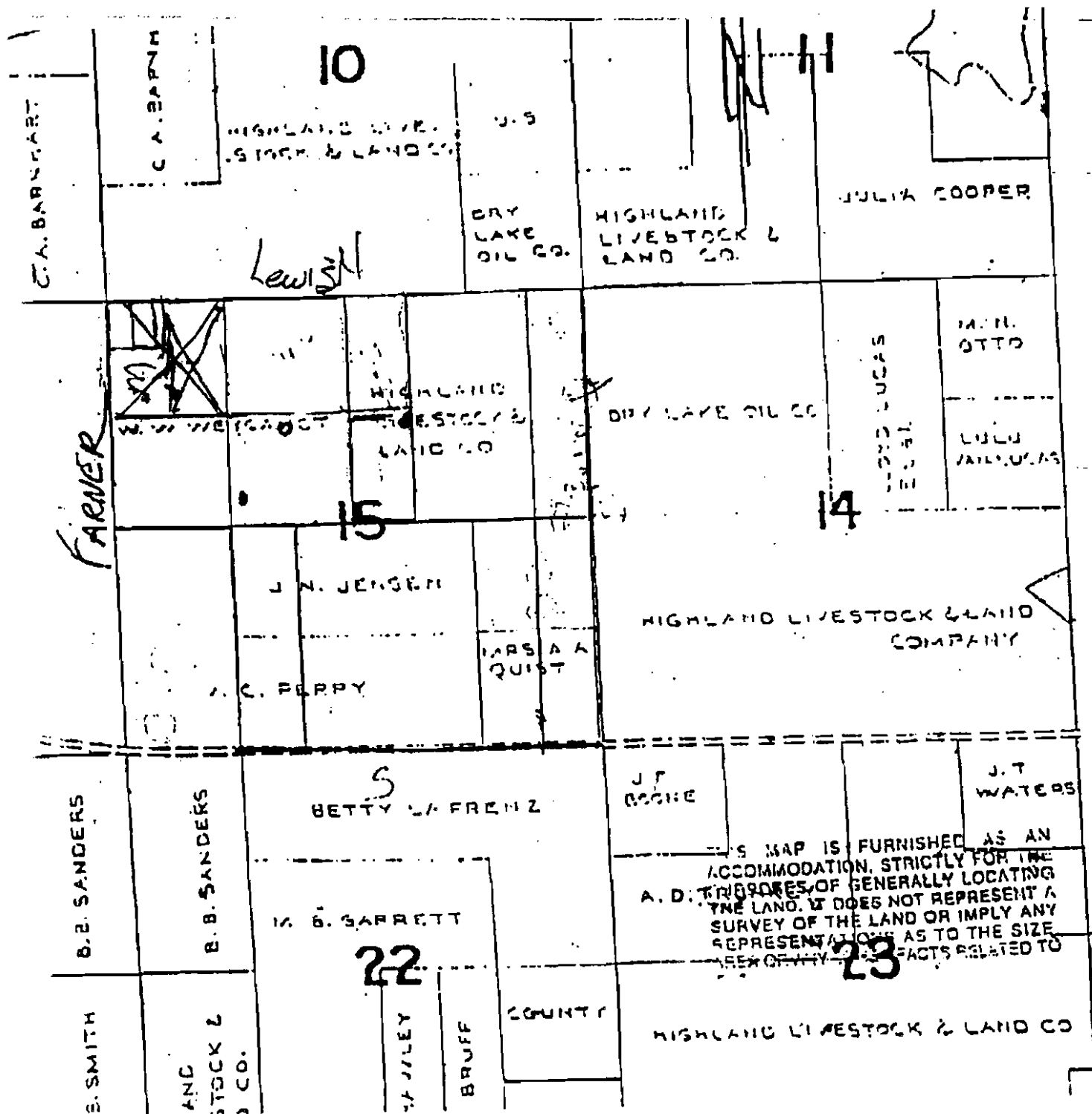
STATE OF IDAHO

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.



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: **A63-03597J**
Date Received: 12/28/1989
Receipt No: X777777
Received By: _____

AMENDED

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

AMENDED

1. Name:	HR MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS ID 83301		
Name:	GOLDA D MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS ID 83301		
Name:	EDWARD MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS ID 83301		
Name:	SUSAN L MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS ID 83301		
Name:	WILFORD NOLAN VICTOR	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS ID 83301		
Name:	RODNEY KENT MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS ID 83301		
Name:	RUBY C VICTOR	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS ID 83301		
Name:	ROBERT J MEYERS	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS ID 83301		
Name:	KATHI L MEYERS	208-733-5217	

Address: 1528 ADDISON AVENUE EAST
TWIN FALLS ID 83301

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	10		SE	NW		CANYON
		11		NW	SW		CANYON
		14		SE	SW		CANYON

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.710		1795.10

7. Total Quantity Appropriated is:
3.710 C.F.S. (and/or) 1795.10 A.F.A.

8. Total consumptive use is 1578.5 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	10	SW	NE		IRR	16.0
			NE	SW		IRR	30.0
			NW	SW		IRR	29.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	21.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	37.0
						Section Acres	290.0
		15	NE	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	156.0
					Total Acres	446.0

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:

14. Remarks:

THIS CLAIM IS A RESULT OF SPLITTING A63-03597C PER APPROVED
TRANSFER 4639. MTS 12/22/1995
THIS CLAIM COINCIDES WITH WATER RIGHT 63-03597E
FEE PAID UNDER RECEIPT NO N003518
THE DIVERSION WORKS INCLUDE 3 WELLS WITH DEEP TURBINE PUMP. THE
WATER IS DISCHARGED INTO PIPELINE SYSTEM FOR SPRINKLER IRRIGATION.

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: _____

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 _____

09/21/2006

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

RIGHT NUMBER: 63-32137

NAME AND ADDRESS: IAN BYRNES
9770 FARNER RD
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.024 CFS
11.510 AFY

PRIORITY DATE: 04/13/1967

POINT OF DIVERSION:

T02N R03W S15 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.024 CFS

11.51 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 R03W S15 NWNW 3.00

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM:- License

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

03/07/2006

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

RIGHT NUMBER: 63-32137

NAME AND ADDRESS: LAWRANCE L LEACH
9770 FARNER RD
NAMPA ID 83686

KITTY M LEACH
9770 FARNER RD
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.024 CFS
11.510 AFY

PRIORITY DATE: 04/13/1967

POINT OF DIVERSION:

T02N R03W S15 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.024 CFS

11.51 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 R03W S15 NWNW 3.00

3 ACRES TOTAL

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

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

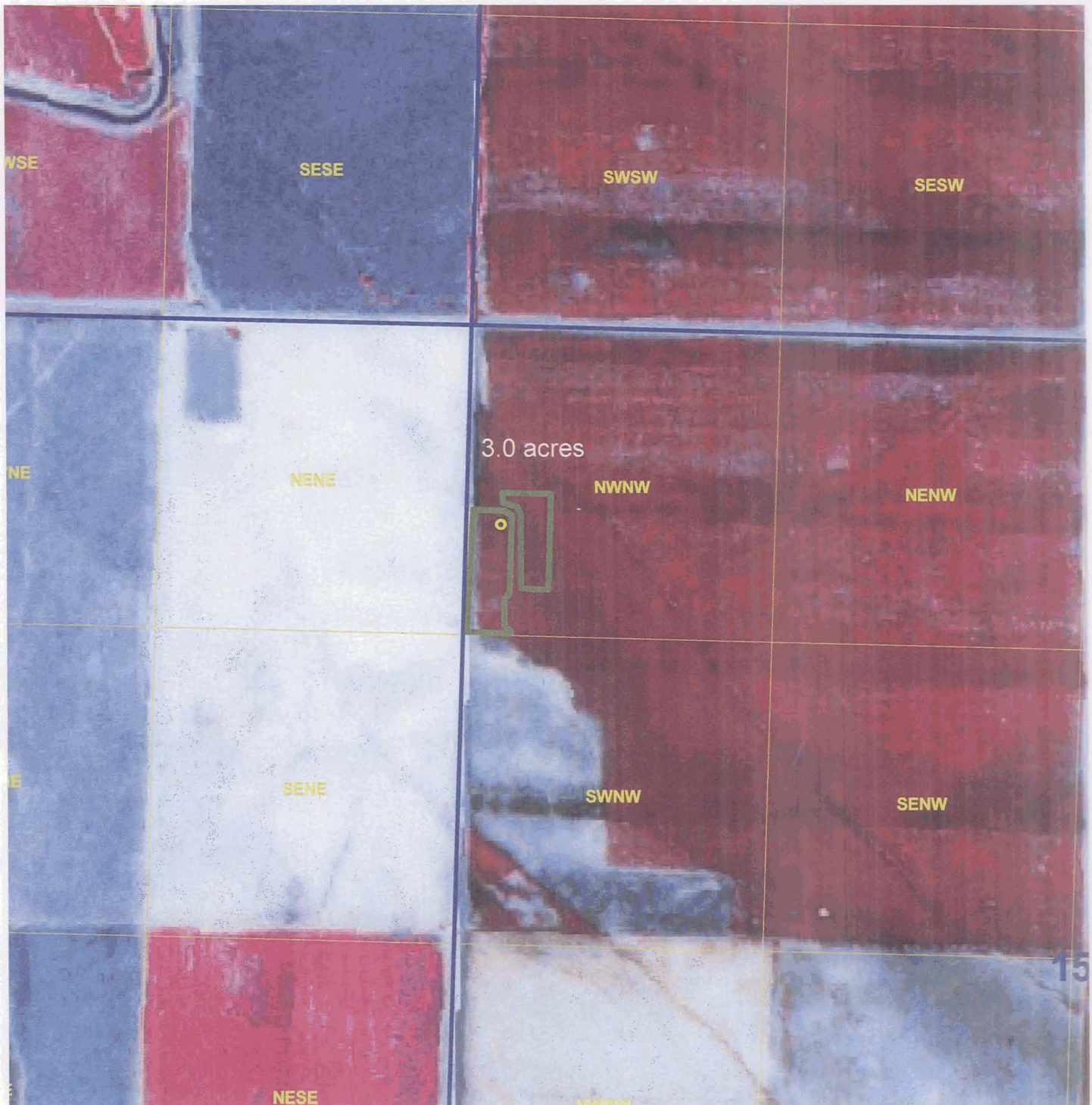
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Idaho Department of Water Resources

63-32137

T02N R03W S15



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



IDWR

Prepared by: Sandy Egbert

Date: March 7, 2006

1987 NAAP Photography

400 0 400 800 1200 1600 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32137 V1

WATER RIGHT NUMBER: 63-32137 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HERBERT R MONTIERTH JR 825 HEARTLAND DR NAMPA, ID 83686 (208)463-8163
Current Owner	LAWRANCE L LEACH 9770 FARNER RD NAMPA, ID 83686 (208)467-9791
Original Owner	THE ESTATE OF GOLDA D MONTIERTH 825 HEARTLAND DRIVE NAMPA, ID 83686 (208)463-8163
Original Owner	SUSAN L MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686 (208)463-8163
Original Owner	BRYCE MILLAR RT 7 BOX 7380 NAMPA, ID 83651
Original Owner	ROBERT J MEYERS 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-5217
Original Owner	KATHI L MEYERS 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-5217
Original Owner	FARM CREDIT BANK OF SPOKANE PO BOX 15367 BOISE, ID 83715 (208)343-7782
Original Owner	RUBY C VICTOR 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-1359
Original Owner	EDWARD RAY MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686 (208) 989-8310
Original Owner	W NOLAN VICTOR 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208) 733-1359
Original Owner	RODNEY KENT MONTIERTH 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-5217
Current Owner	KITTY M LEACH 9770 FARNER RD NAMPA, ID 83686 (208)467-9791

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32137 V1

Priority Date: 04/13/1967

Basis: License

Status: Active

Source

Tributary

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	0.024 CFS	11.51 AF
	<u>Total Diversion:</u>		0.024 CFS	11.51 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4 Sec. 15, Twp 02N, Rge 03W, B.M.
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	03W	15						3.0											3.0

Total Acres: 3

Conditions of Approval:

1. 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.
2. This right is a split from former right 63-3597m.
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.

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32137 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: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 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>
Summary			02/22/2006	lharris	Active
Priority Date	3/7/2006 8:07:36 AM	segbert			Active
POD	3/7/2006 8:07:55 AM	segbert			Active
Source	3/7/2006 8:33:34 AM	segbert			Active
POU	3/7/2006 8:33:51 AM	segbert			Active
Use	3/7/2006 8:34:24 AM	segbert			Active
Season	3/7/2006 8:34:43 AM	segbert			Active
Quantity	3/7/2006 8:35:22 AM	segbert			Active
Summary			03/07/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/7/2006 8:33:14 AM	segbert	Updated shape
Source	3/7/2006 8:33:36 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32137 V1

POU	3/7/2006 8:33:53 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	3/7/2006 8:34:25 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	3/7/2006 8:34:44 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	3/7/2006 8:35:23 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 - 3.64 x acres per parent

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32137 V1

Summary	3/7/2006 8:39:36 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?
General	3/7/2006 8:07:37 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	3/7/2006 8:07:56 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?
Summary	2/22/2006 7:59:18 AM	lharris	(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?
POU	3/7/2006 8:34:10 AM	segbert	Updated shape for Active POU

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32137

WATER RIGHT NUMBER: 63-32137

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SUSAN L MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686 (208)463-8163
Original Owner	BRYCE MILLAR RT 7 BOX 7380 NAMPA, ID 83651
Original Owner	ROBERT J MEYERS 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-5217
Original Owner	KATHI L MEYERS 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-5217
Original Owner	FARM CREDIT BANK OF SPOKANE PO BOX 15367 BOISE, ID 83715 (208)343-7782
Current Owner	LAWRANCE L LEACH 9770 FARNER RD NAMPA, ID 83686 (208)467-9791
Original Owner	HERBERT R MONTIERTH JR 825 HEARTLAND DR NAMPA, ID 83686 (208)463-8163
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Original Owner	RODNEY KENT MONTIERTH 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-5217
Current Owner	KITTY M LEACH 9770 FARNER RD NAMPA, ID 83686 (208)467-9791

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32137

Priority Date: 04/13/1967 ✓

Basis: License ✓

Status: Active ✓

Source

GROUND WATER ✓

TributaryBeneficial Use

IRRIGATION ✓

From To

03/15 to 11/15 ✓

Diversion Rate

0.024 CFS

Annual Volume

11.51 AF

3-1

Total Diversion:

0.024 CFS

11.51 AF

*384 AF x
acres
per parent*Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4 ✓

Sec. 15, Twp 02N, Rge 03W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	15						3.0											3.0

Total Acres: 3

Conditions of Approval:

1. This right is a split from former right 63-3597m.
2. THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM NO. A63-03597J, FEE PAID UNDER NO. N003518.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5270 IN FILE.
CLAIM AMENDED PER TRANSFER NO. 5270 APPROVED 11/12/1998.
THIS CLAIM IS A RESULT OF SPLITTING A63-03597J PER APPROVED TRANSFER 5270. 12/31/1998. SB.
3. A06 FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
4. A04 THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32137

02/22/2006

1

Right #	Type	Tw	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
32137	Claim	02N	03W	15	NW	NW		IRRIGATION	3/3	LAWRANCE L LEACH
32138	Claim	02N	03W	15	NW	NW		IRRIGATION	35/35	Arnold J. Van Berkel
3597H	Water Right	02N	03W	15	NW	NW		IRRIGATION	38/38	KITTY M LEACH

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.

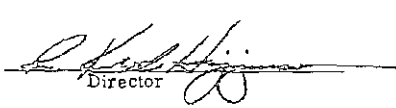
Description and location of place of use:

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	238
		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.

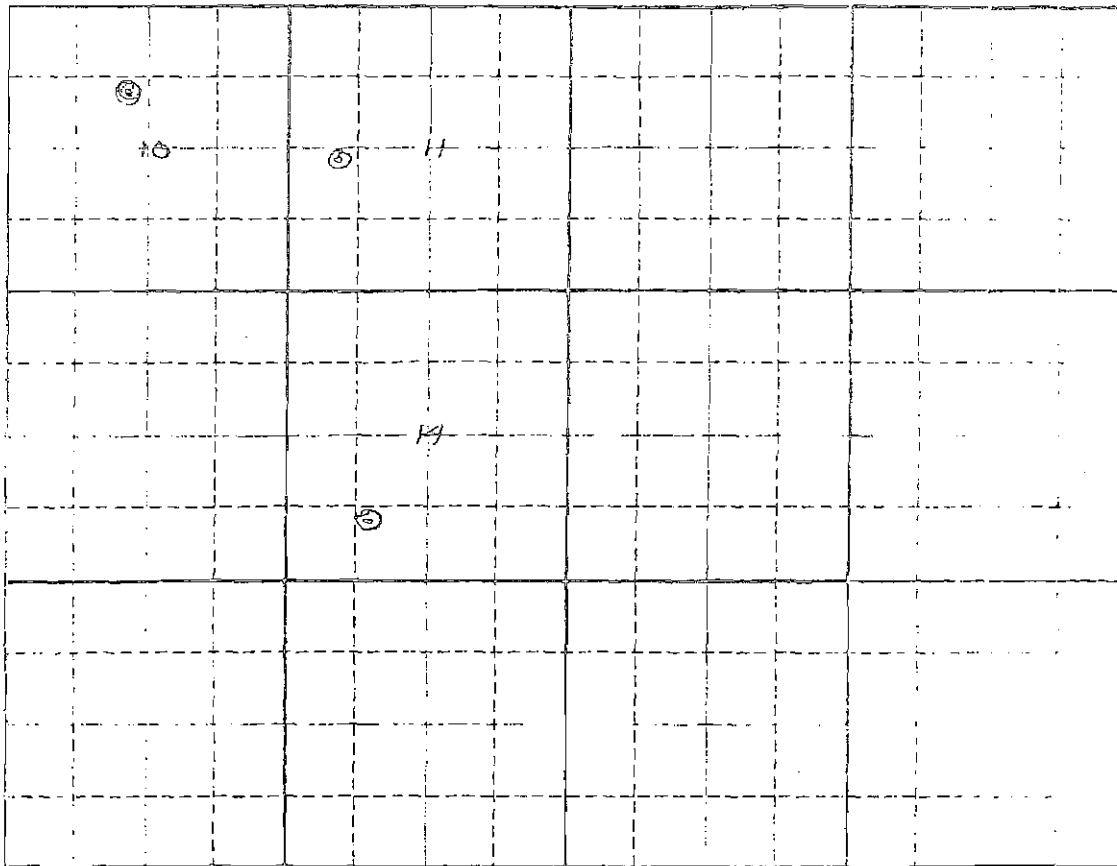

Director

63 3597

63 3595

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 19 72
Bryce Miller
 (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 BRUCE MILLAR
Post office address Route #7 Box #7356 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 $\frac{1}{4}$ NW $\frac{1}{4}$ Canyon

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

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]

100 0000 TOTAL ACREAGE

986

Permit No. 63-3597
Examination for Beneficial Use

D91
126.0

220.0

182.3

D84
121.0

D

199.0

18.0

13

D

199.0

E

202.9

D84
1170

B

74.5

D86

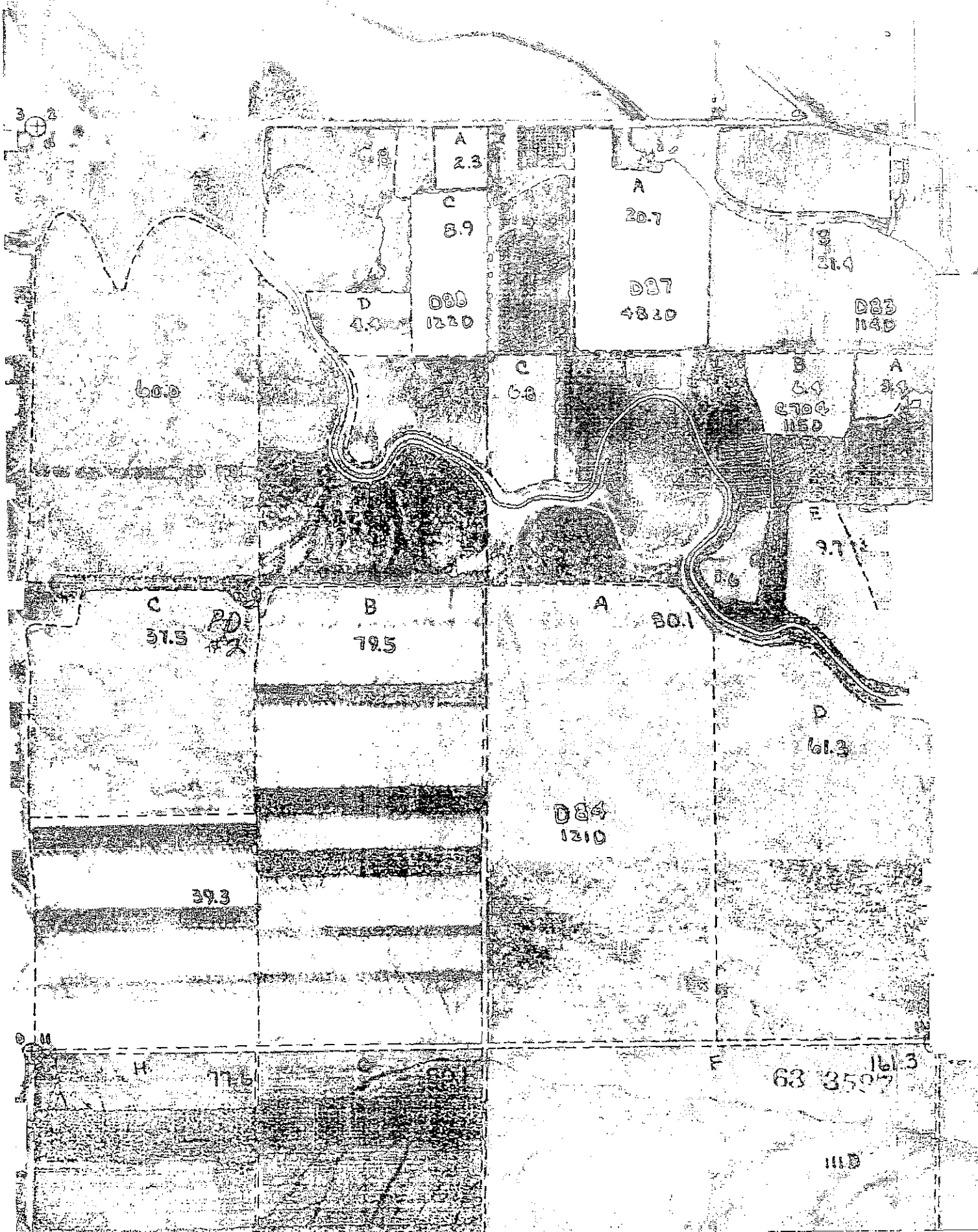
129.0

15

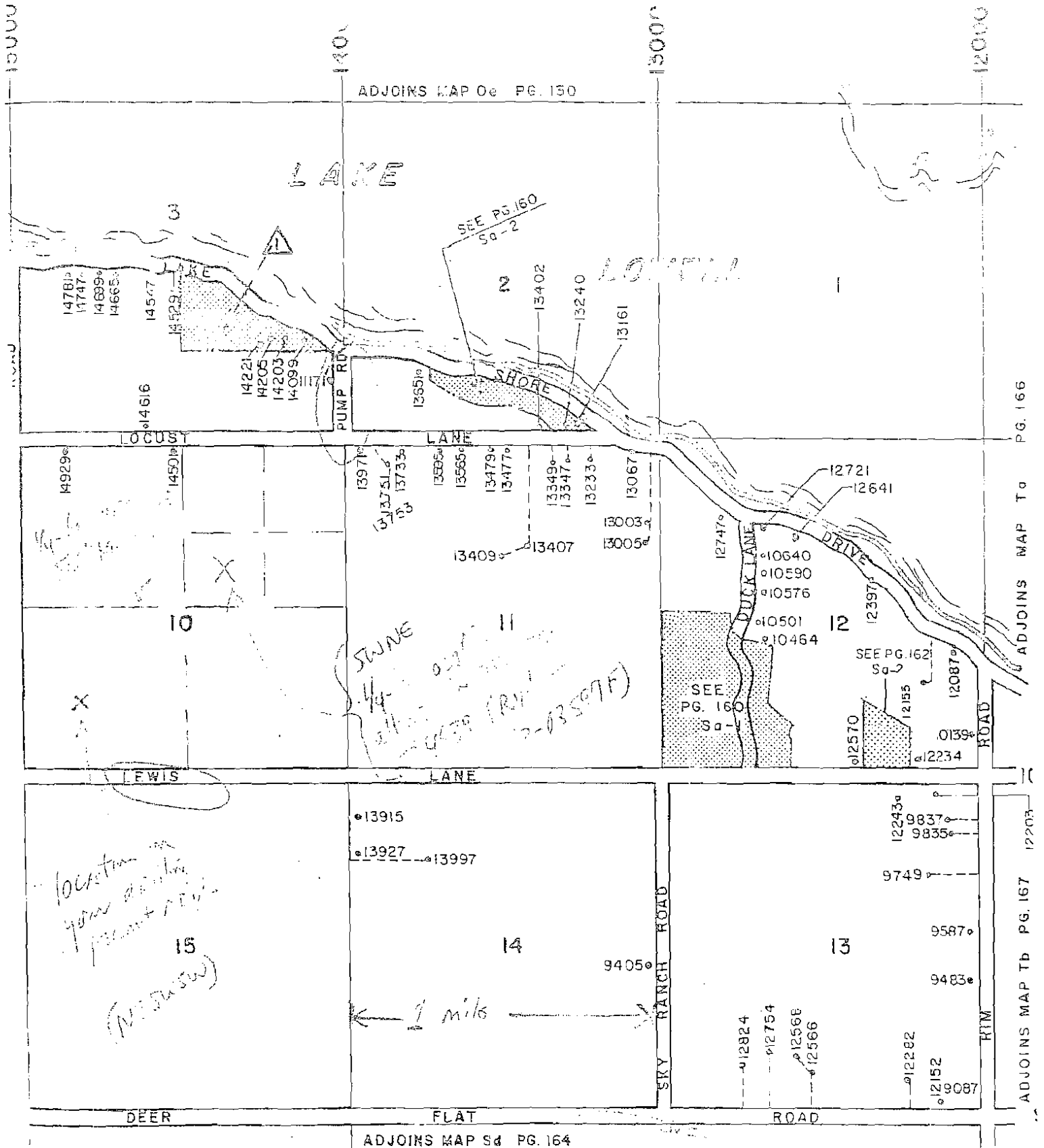
03 0727

32

Sec 11 T2N 83W



63 3505



SECTIONS

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

4/1994

Martinez

Weyers, Robert A.


















PROPOSED PARTITIONS

THE

PANORAMA

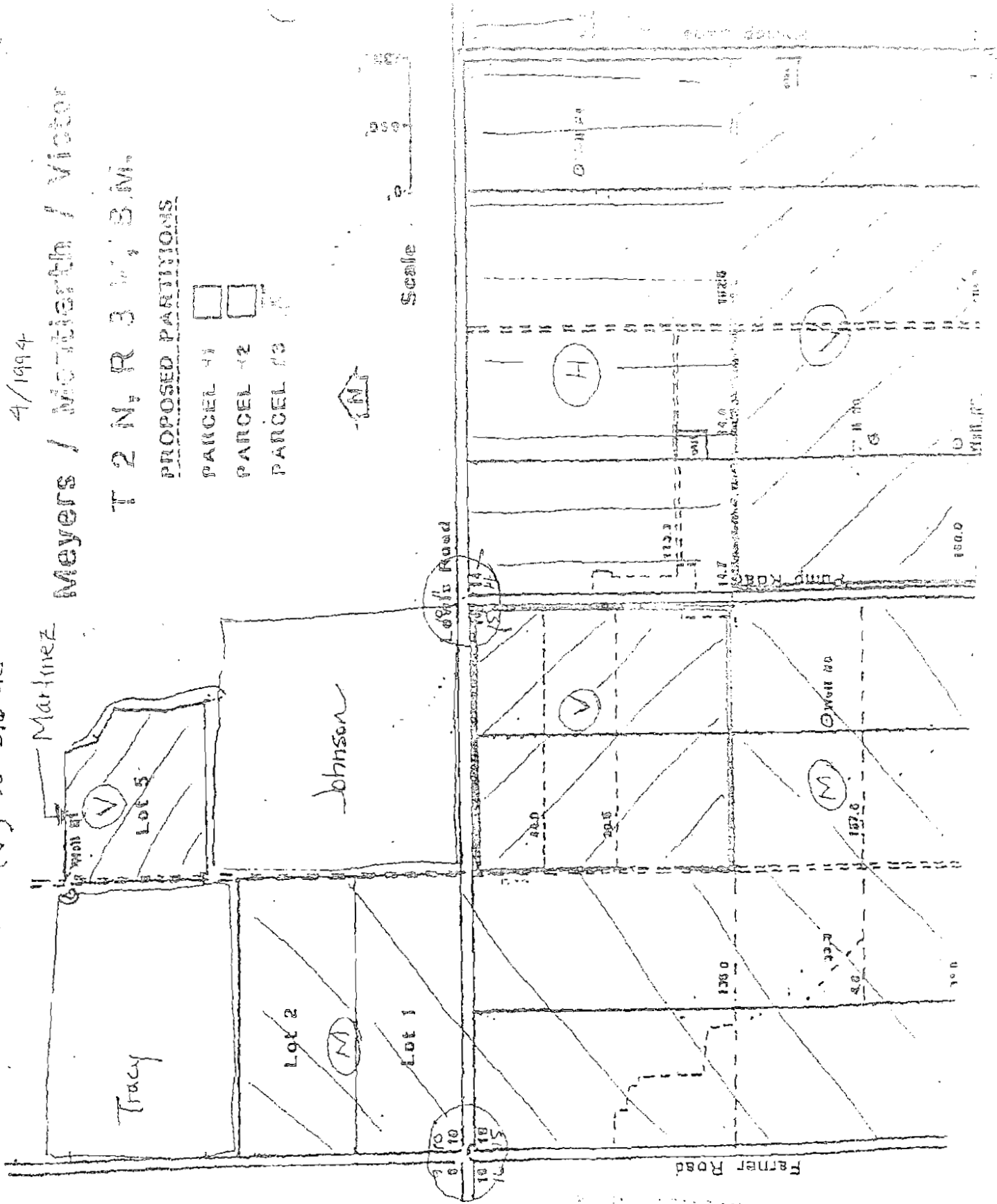
67 JAN 3

ଆମେ

Lab 11 Road

Forest Road

EXHIBIT A



93.5

TRANS

ADA

68.0

135.0

228.5

67.0

10

TRANS

ADA

T5377

TRANS

TO

5, ADA
33.3

6.46

T 21

ACC 10,15 2N 3W

Canyon Co.

1992

180.5

3

44.0

Tract

Farm # (old/new)

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

7

109.3

93.5

T 2167
A2C 1015

Canyon

TRANS

ITO

ADA

68.0

135.0

228.5

10

67.0

180.5

TRANS

ADA

3
44.0

TOTAL 1015

1993

2456

T 2167

7
109.3

T5377

TRANS

TO

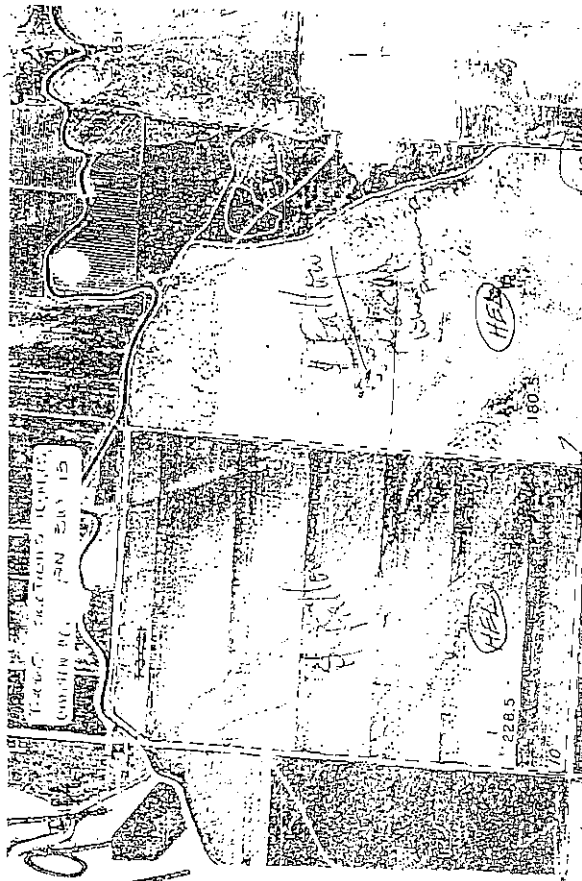
5, ADA

33.3

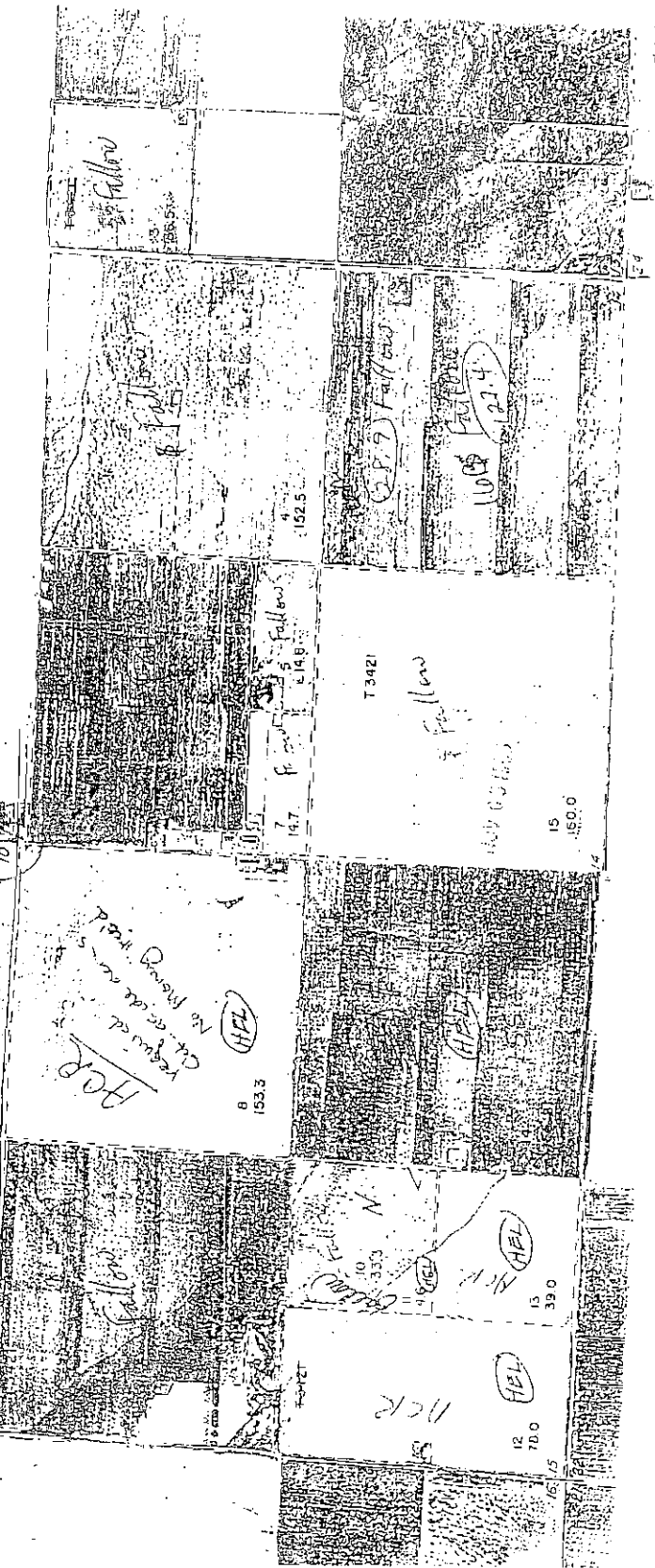
6.

46.0

1-4000 SECTION 15
CANTONMENT, IN
CANTONMENT, IN



16610991
2130



NAME OF APPLICANT.....

Form No. 6

Handwritten label: R3W

Handwritten label: T2N

Rectangular stamp (rotated):

- APPROPRIATE
- APR 2 1967
- 33556
- SIDEWALK

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
9/22/01
BETG

sec 10

SWSE

This is the land that will be irrigated.

MICROFILMED
SEP 01 2001

sec 14

SWNW

This is the land that is going to be dried up

1987 aerial photo



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 21, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Ian Byrnes
9770 Farner Rd
Nampa, ID 83686

Notice of Claim to a Water Right No. 63-32137

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

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

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Liberty Gagnon'. The signature is fluid and cursive, with a long, sweeping underline.

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 7, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Lawrence & Kitty Leach
9770 Farner Rd
Nampa, ID 83686

Re: Original Notice of Claim to a Water Right No. 63-3597M

Renumbered to Notice of Claim to a Water Right No. 63-32137

Dear Claimant(s):

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

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

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

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

LG: lg

Enclosure