

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 63-32444  
Date Received: 3/28/2005  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARK PETERSON Phone: (208)585-6189  
26162 MOONGLOW DR  
MIDDLETON ID USA 83644

2. Date of Priority: 10/26/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 02W   | 20      | SE NE                 | CANYON |      |

5. Description of diverting works:

WELL, PUMP, PIPELINE & DITCH.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.05   | 22         |

7. Total Quantity Appropriated is:  
0.05 C.F.S. and/or 22 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 05N      | 02W   | 20      | SE         | SE  | IRRIGATION    | 5     |
|          |       |         |            |     | Section Acres | 5     |
|          |       |         |            |     | Total Acres   | 5     |

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 right is a split from former right 63-32087 .

15. Basis of Claim:

**63-32087**

CLARKE

22.5 acres

.23 CFS

101.3 AFA

$$.23 \div 22.5 = .01 \times 17.5 = .18 \text{ CFS}$$

$$.01 \times 5 = .05 \text{ CFS}$$

$$101.3 \div 17.5 = 4.5 \times 53 = 78.8 \text{ AFA}$$

$$4.5 \times 5 = 22 \text{ AFA}$$



**63-32443**

CLARKE

17.5 ACRES

.18 CFS

78.8 AFA

**63-32444**

PETERSON

5 ACRES

.05 CFS

22 AFA

RECEIVED

OCT 16 2003

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-9069F              |                              |       |                       |                              |       |
| 63-32087              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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)

Matt Newton

25370 Volendam St., Caldwell, ID 83607 \*

4. New Owner/Claimant(s)

Mark W Peterson

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

26162 Moonglow Drive

City, State and ZIP Code

Middleton, ID 83641

New Telephone Number

208 585-6189

5. Date you acquired the property

7/01/2002

\*current address; formerly resided at 26162 Moonglow Dr.

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

*Mark W. Peterson*

10/15/03

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 <u>10-16-03</u> | Fee <u>0</u>        |
| Received by _____     | Date _____           | Receipt No. _____   |
| Processed by _____ AJ | Date _____           | WR _____ Date _____ |

# *Pioneer Title Company of Canyon County*

610 South Kimball \* Caldwell, ID 83605

(208) 459-1651 Fax (208) 455-1138

First American Title Company  
7311 Potomac Drive  
Boise, ID 83704

ATTN: Nanette

Date: 07/10/2002

Our Number: PC44535

Reference:

Property Description:  
26162 Moonglow, Middleton, ID 83644

**Sellers:**

Matt & Lisa Newton

**Buyers:**

Mark W & Marlene Peterson

| Description                                            | Charges  | Credit   | Balance  |
|--------------------------------------------------------|----------|----------|----------|
| Owners Policy<br>(\$264,000.00)                        | 1,097.00 |          | 1,097.00 |
| Endorsement<br>126.1                                   | 35.00    |          | 1,132.00 |
| Recording Fees - Deed & Recon.<br>Received CK # 159639 | 15.00    |          | 1,147.00 |
|                                                        |          | 1,147.00 | .00      |

/LG

Total Amount Due

\$

.00

PLEASE REMIT COPY WITH PAYMENT TO:

*Pioneer Title Company of Canyon County* - 610 South Kimball \* Caldwell, ID 83605

Customer Copy

Exhibit "A"

Lot 1, Block 1, BENCHMARK ESTATES SUBDIVISION, Canyon County, Idaho, according to the plat filed in Book 19 of Plats, Page 23, records of said County and amended by affidavit recorded February 18, 1994 as Instrument No. 9405452.

TOGETHER with a non-exclusive right of ingress-egress over Lot 10, Block 1, BENCHMARK ESTATES SUBDIVISION, Canyon County, Idaho, according to the plat filed in Book 19 of Plats, Page 23, records of said County.

ALSO TOGETHER with a non-exclusive right of ingress-egress over easement shown in Warranty Deed recorded February 27, 1989 as Instrument No. 8903519 and in Warranty Deed recorded February 27, 1989 as Instrument No. 8903520, records of Canyon County, Idaho.

# SPLIT TREE

## ALLOCATIONS

63-9069  
2.03 CFS  
931.5 AFA  
207 ACRES

CLARKE  
63-9069A  
1.95 CFS  
892.8 AFA  
198.4 AC

(X-fert)  
4278

POULTER  
63-9069B  
.08 CFS  
38.7 AFA  
8.6 AC

CLARKE  
63-9069C  
1.90 CFS  
768.05 AFA  
192.9 AC

(X-fert)  
5264

ROSEBERRY  
63-9069D  
.05 CFS  
24.75 AFA  
5.5 AC

CLARKE  
63-9069E  
1.85 CFS  
845.6 AFA  
187.9 AC

(X-fert)  
5431

~~HEWITT~~ Peterson  
63-9069F  
.05 CFS  
22.5 AFA  
5 AC

CLARKE  
63-31382  
1.81 CFS  
825.8 AFA  
183.5 AC

(X-fert)  
69628

SMITH  
63-31382  
.04 CFS  
19.8 AFA  
4.4 AC

## SRBA

63-9069  
2.03 CFS  
931.5 AFA  
207 AC

CLARKE  
63-9069A  
1.95 CFS  
892.8 AFA  
198.4 AC

(X-fert)  
4278

POULTER  
63-9069B  
.08 CFS  
38.7 AFA  
8.6 AC

CLARKE  
63-9069C  
.42 CFS  
190.8 AFA  
42.4 AC

(owner-ship change)

STEELE  
63-9069D  
1.53 CFS  
702 AFA  
156 AC

CLARKE  
63-9069E  
.37 CFS  
166.05 AFA  
36.9 AC

(X-fert)  
5264

ROSEBERRY  
63-9069F  
.05 CFS  
24.75 AFA  
5.5 AC

CLARKE  
63-31381  
.33 CFS  
146.25 AFA  
32.5 AC

(X-fert)  
69628

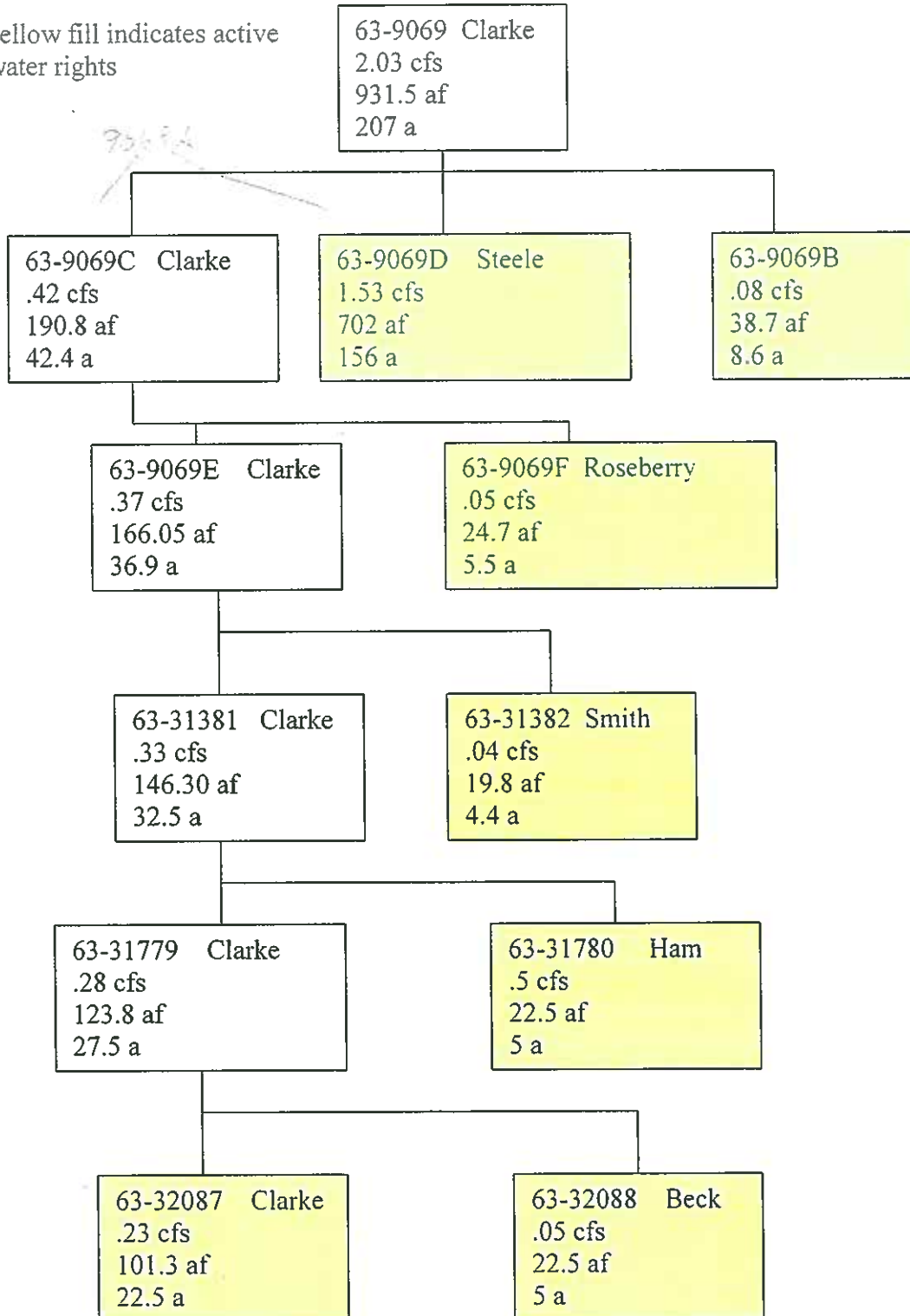
SMITH  
63-31382  
.04 CFS  
19.8 AFA  
4.4 AC

CLARKE  
63-31779  
.28 CFS  
123.8 AFA  
27.5 AC

(X-fert)  
70868

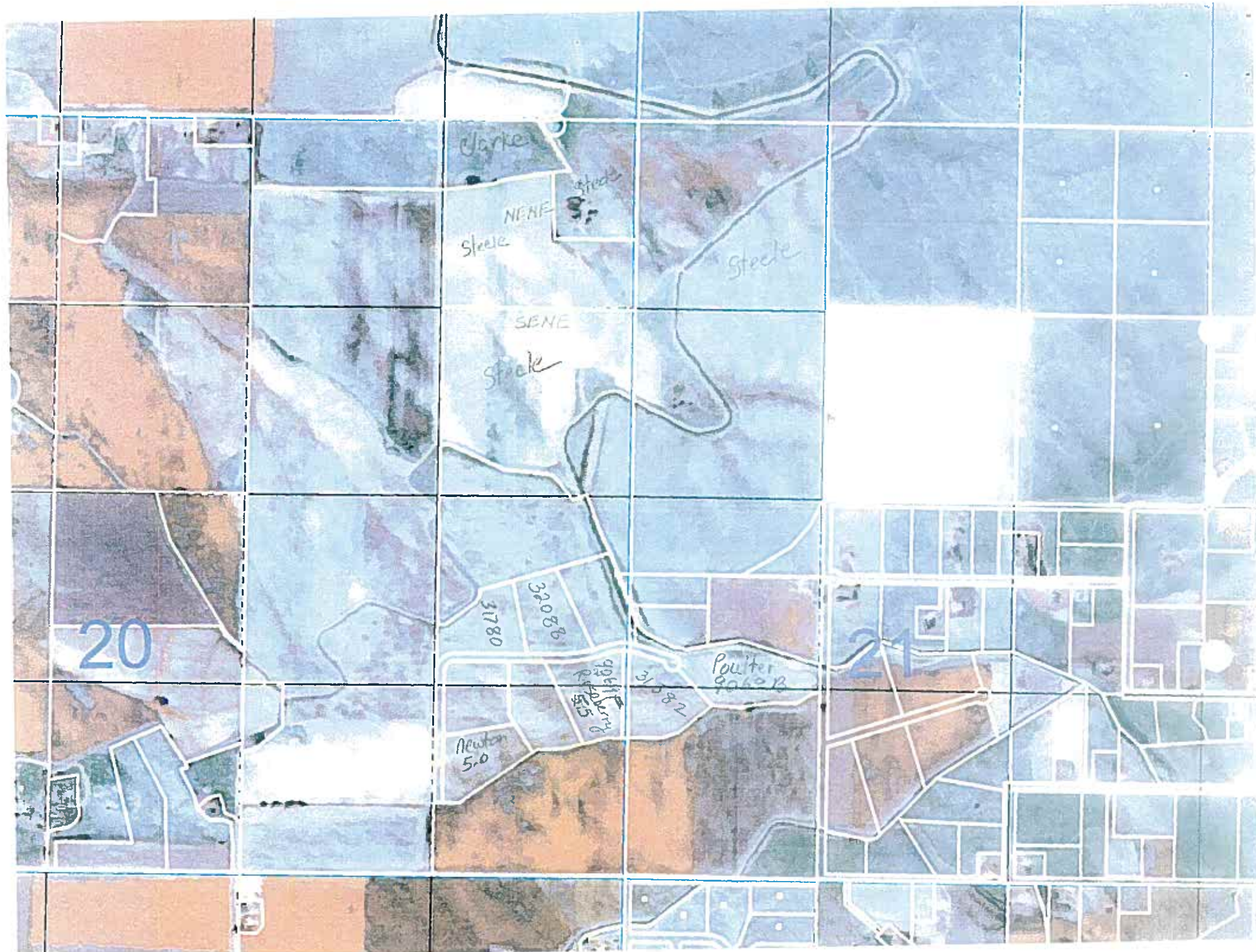
HOMBURG  
63-31780  
.05 CFS  
22.5 AFA  
5 AC

yellow fill indicates active  
water rights



Clark  
17.5

63-32444  
Peterson  
5 acres





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 20, 2003

MARK W PETERSON  
MARLENE PETERSON  
26162 MOONGLOW DR  
MIDDLETON ID 83644

RE: Water Right No. 63-9069F

Dear Property Owner(s):

This office has received your Notice of Change of Water Right Ownership (copy enclosed), recently submitted. We also received check number 8362 in the amount of \$25; however, we are returning it to you, as the ownership change fee is *not required* for this particular water right. This water right has not yet been decreed by the SRBA Court. The ownership change is being processed and copies will be mailed out upon completion.

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

Sincerely,

*Denise Hatfield*

Denise Hatfield  
Office Specialist 1  
Adjudication Section  
Western Region

DH: dh

Enclosures

MARK W PETERSON  
MARLENE PETERSON  
PH. 208-585-6189  
26162 MOONGLOW DRIVE  
MIDDLETON, ID 83644

90-8037-50  
3211

8362

Date: *Oct 15, 2003*

Pay to the order of *Idaho Dept of Water Resources* \$ *25.00*  
*Twenty-five & 00/100* Dollars

COREUS UNLIMITED - COUNTRY SCAPES  
10160 N. 100th St. Suite 200  
Boise, ID 83714

ADDISON AVENUE FEDERAL CREDIT UNION  
11311 CHINDEN BOULEVARD  
BOISE, IDAHO 83714

For: *Ownership Change Fee*

*Mark W Peterson*

MP

⑆321180379⑆00000370371908⑈8362

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5431  
WATER RIGHT NO. 63-09069F

This is to certify that: **MATT NEWTON**  
**26162 MOONGLOW DR**  
**MIDDLETON ID 83644**

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       | 0.05 CFS              | 22.5 AF              |

SOURCE

GROUNDWATER

Priority: 10/26/1977

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 20, Township 05N, Range 02W  
CANYON County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------|--------------|--------------|
| 05N 02W 20         | SESE 5       |              |              | 5            |

Total number of acres irrigated: 5

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. 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.

**MICROFILMED**

**JUN 03 1999**

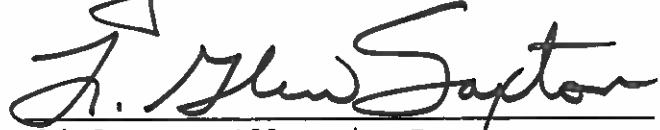
**MICROFILMED**

TRANSFER NO. 5431  
WATER RIGHT NO. 63-09069F

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. The point of diversion and place of use are located within Lot 1, Block 1, Benchmark Estates.

Dated this 12<sup>th</sup> day of May, 1999.

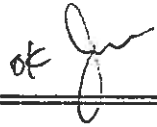
  
Chief, Water Allocation Bureau

## MEMORANDUM

**TO:** File 63-09069C

**FROM:** Pam Skaggs/State Office 

**SUBJECT:** Transfer 5431

**DATE:** May 6, 1999 

---

Transfer 5431 changes the point of diversion under a portion of portion of Right 63-09069C, splitting the right into Parts E and F. The applicant has purchased a portion of the subdivided property and wants to irrigate under this right from a separate well on his property.

Recommended conditions include drilling permit requirements, supplemental groundwater, irrigation overlap and standard transfer conditions.

Page 1 of 7

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 5431

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED  
APR 30 1999

Department of Water Resources

Name of applicant MATT NEWTON Phone 585-2476  
Post Office address 26162 MOONFLOW DR., MIDDLETON ID 83644

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Applicant has purchased  
portion of licensed acreage and wants to use  
separate well for irrigation

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

1. Right Number 63-09069F Priority 10/26/77 Amount (cfs/ac-ft) .05/22.5 Nature of Use Irrigation Period of Use 3/15 to 11/15  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Total amount of water being transferred .05 cubic feet per second and/or 22.5 acre-feet per annum.
3. Source of water Ground water tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SE  | SE  | 20   | 5N   | 2W   | Canyon |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5N   | 2W   | 20   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 5      | 5      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

MICROFILMED  
JUN 03 1999

Total acres 5

**PART 1**

**6. General Information:**

a. Description of diversion system well pump sprinklers

N/A

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

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

d. Remarks:

**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 \_\_\_\_\_, 19\_\_\_\_.

MICROFILMED

JUN 03 1999

WR0749NP  
No. 63-09069C

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 01/11/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | DAN CLARKE<br>2465 OVERLAND RD<br>BOISE ID 837050000 | 10/26/1977       | IRRIGATION | 03/15 11/15           | 1.900 CFS         | 868.10 AFA          |
| TOTAL DIVERSION: |                                                      |                  |            |                       | 1.900 CFS         | 868.10 AFA          |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05N R02W S20 SENE CANYON County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |   | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |      |      |      |       |      |
|-------------|-----|----|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|------|
| T           | R   | S  |   | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE  | SUM  |
|             |     |    |   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac    |      |
| 05N         | 02W | 16 | : |      |      |      |      |      |      |      |      |      |      |      |      |      | .5   |      |       | 0.5  |
| 05N         | 02W | 20 | : | 23   |      |      | 30   |      |      |      |      |      |      |      |      |      | 33   |      | 13    | 99.5 |
| 05N         | 02W | 21 | : |      |      |      |      | .5   | 34   | 34   |      |      | 20   | 04   |      |      |      |      |       | 92.9 |
| TOTAL ACRES |     |    |   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 192.9 |      |

Pou County: CANYON

Other Water Rights Listing Overlapping Place(s) of use:  
63-08264 63-09069B 63-09069D 63-12091

Conditions of Approval:

- 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: GEN The right holder shall fully use all surface water rights  
appurtenant to the lands identified above prior to using water  
under this right.

Dates: App. Received: 10/26/1977 Priority Date: 10/26/1977  
Proof Due Date: 01/01/1983 Proof Made Date: 06/06/1978  
Exam Made Date: 07/26/1990 Exam Sent to S.O.: 03/13/1991  
Licensed Date: 03/30/1993

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 01/12/1994 User-ID: GRAVES Subject: TRANSFER NO. 4278  
63-09069A: 1.95 cfs  
63-09069B: .08 cfs  
Transfer No. 4278 was filed to change the point of diversion  
under a portion of Right No. 63-09069, splitting the right into  
parts A and B. (04-18-94 Skaggs)

Date: 05/15/1998 User-ID: STAYLOR Subject: TRANSFER NO. 4278

MICROFILMED

JUN 03 1999

Will become:  
8.512 E split  
512 F split  
per 3/25/98

PS 3 of 7

WRO749NP  
No. 63-09069C

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 01/11/99  
PAGE: 2

Comments: Date: 05/15/1998 User-ID: STAYLOR Subject: TRANSFER NO. 5264  
This transfer was filed to change the point of diversion under a  
portion of Right 63-09069A, splitting the right into Parts C & D.

Audit: 05/15/98 STAYLOR 09/02/98 PSKAGGS

MICROFILMED

03 1999

Ps 4 8 7

PART 2

Transfer No. \_\_\_\_\_

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres \_\_\_\_\_

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres \_\_\_\_\_

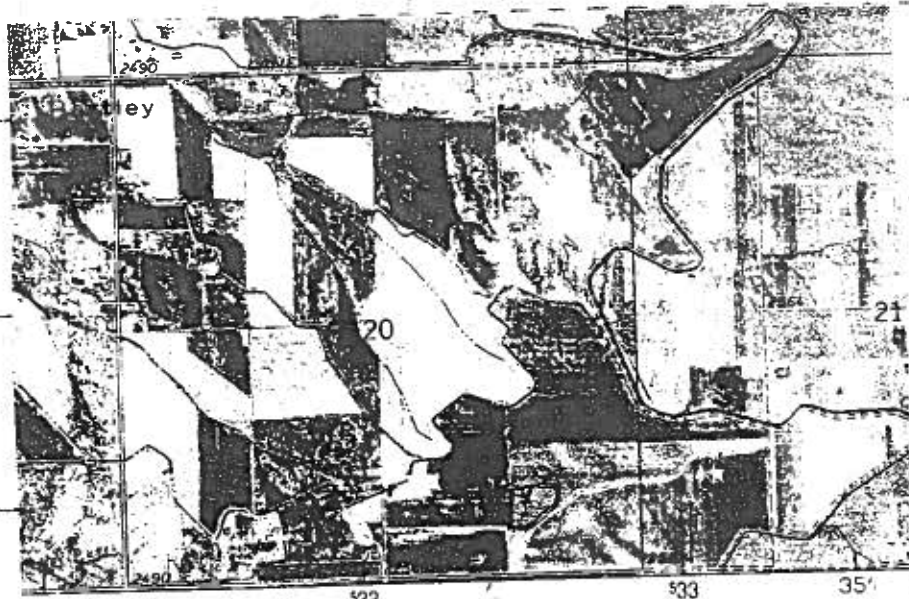
SAME AS  
PS 1  
B1-5  
pld listing

Balance of  
right  
will be  
63-09069E

MICROFILMED  
JUN 03 1993  
NOTES  
3/23/99  
OK  
Approved

**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.



ological Survey  
 from 1:80 000-scale aerial

P/D T5N sec 20,  
 P/U R2W SESE

MICROFILMED

JUN 03 1993

**PART 3****B. CHANGES IN NATURE OF USE** N/A

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

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

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

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

Subscribed and sworn to before me this 11<sup>th</sup> day of Jan, 19 99.

Math Newton  
(Signature of Applicant)

Lori Graves  
(Notary Public)

My commission expires 6/18/04**FOR DEPARTMENT USE ONLY**

Transfer contains 7 pages and 2 attachments (A+B)

Received by LG Date 1/11/99 Protest filed by \_\_\_\_\_

Prelim. check by 82 Fee \$100 W024706 \_\_\_\_\_

Receipted by LG Date 1/11/99 \_\_\_\_\_

Published in Press Tribune Copies of protest forwarded by \_\_\_\_\_

Pub. dates 4-1 + 8-99 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

MICROFILMED  
JUN 03 1999

9530901

PC14060

[Space Above This Line For Recording Data]

0005177

823

## DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on **October 30**  
19 **95**. The grantor is **MATT NEWTON AND LISA NEWTON, HUSBAND AND WIFE**

(**"Borrower"**). The trustee is  
**FIRST SECURITY BANK OF UTAH, N.A.** (**"Trustee"**). The beneficiary is  
**FIRST SECURITY BANK OF IDAHO, N.A.**, which is organized and existing  
under the laws of **THE STATE OF IDAHO**, and whose address is  
**P. O. BOX 7069, BOISE, IDAHO 83730** (**"Lender"**).

Borrower owes Lender the principal sum of **One Hundred Twenty Thousand and No/100**  
----- **Dollars (U.S. \$ 120,000.00)**. This debt is evidenced by Borrower's  
note dated the same date as this Security Instrument (**"Note"**), which provides for monthly payments, with the  
full debt, if not paid earlier, due and payable on **December 1, 2010**. This  
Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest,  
and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest,  
advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of  
Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose,  
Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described  
property located in **CANYON** County, Idaho:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

which has the address of **26162 MOONGLOW DRIVE**

[Street]

**MIDDLETON**

[City]

Idaho **83644**  
[Zip Code]

(**"Property Address"**);

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements,  
appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also  
be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the  
**"Property."**

**BORROWER COVENANTS** that Borrower is lawfully seised of the estate hereby conveyed and has the right  
to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record.  
Borrower warrants and will defend generally the title to the Property against all claims and demands, subject  
to any encumbrances of record.

|                      |                      |
|----------------------|----------------------|
| Initial<br><i>MM</i> | Initial<br><i>LN</i> |
|----------------------|----------------------|

*Attachment A*  
*(2 pgs)*

together  
directed  
without  
entitled there

PC 14060

Exhibit "A"

Lot 1, Block 1, BENCHMARK ESTATES SUBDIVISION, Canyon County, Idaho, according to the plat filed in Book 19 of Plats, Page 23, records of said County.

TOGETHER with a non-exclusive right of ingress-egress over Lot 10, Block 1, BENCHMARK ESTATES SUBDIVISION, Canyon County, Idaho, according to the plat filed in Book 19 of Plats, Page 23, records of said County.

ALSO TOGETHER with a non-exclusive right of ingress-egress over easement shown in Warranty Deed recorded February 27, 1989 as Instrument No. 8903519 and in Warranty Deed recorded February 27, 1989 as Instrument No. 8903520, records of Canyon County, Idaho.

LN  
MN

9530901

A<sub>2</sub>

RECORDED

95 NOV 3 PM 3 30

NEED KERR

CANYON COUNTY RECORDER

BY

U. Chavira

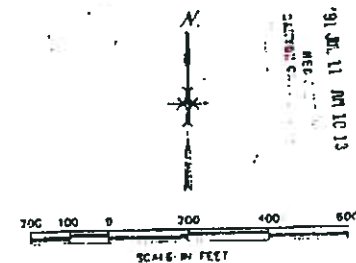
PIONEER — CALDWELL

REQUEST

TYPE Int. of FEE 21.00

# PLAT SHOWING BENCHMARK ESTATES A PLANNED UNIT DEVELOPEMENT

A PORTION OF THE SE 1/4, SECTION 20 AND THE SW 1/4, SECTION 21,  
T.5N., R.2W., B.M.,  
CANYON COUNTY, IDAHO  
1991



## LEGEND

- SUBDIVISION BOUNDARY LINE
- - - CENTER LINE
- - - RIGHT OF WAY BOUNDARY
- - - SECTION LINE
- - - 30' OFFSET LINE TO PROPERTY ROW
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- FOUND 5/8" IRON PIN
- SET 5/8" = 30" IRON PIN =/DOBT
- FOUND 1/2" IRON PIN
- SET 1/2" = 24" IRON PIN =/DOBT
- △ CALCULATED POINT (NOT SET)
- WITNESS CORNER ON LOT LINE

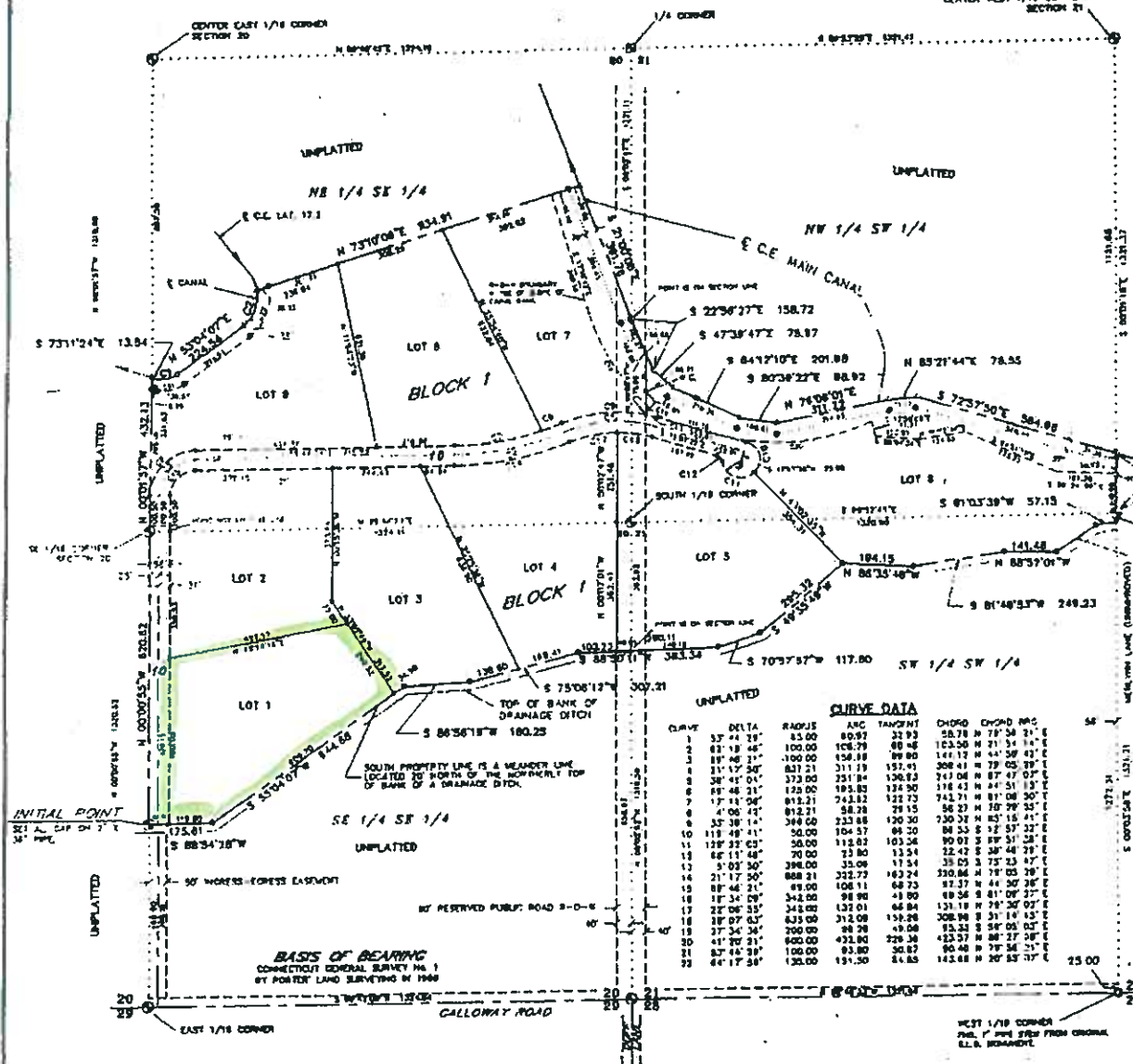
## NOTES

1. ROAD RIGHT OF WAY TO BE MAINTAINED BY THE BENCHMARK ESTATES.
2. ROAD RIGHT OF WAY TO BE MAINTAINED BY THE BENCHMARK ESTATES.
3. THERE IS A PUBLIC UTILITY DRAINAGE AND IRRIGATION EASEMENT 10 FT. WIDE IN WIDTH, CENTERED ON INTERIOR LOT LINES AND ADJACENT TO EXTERIOR LOT LINES UNLESS OTHERWISE DIMENSIONED.
4. SET 1988 SURVEY "CONTRACT GENERAL SURVEY NO. 1" BY PORTER'S LAND SURVEYING FOR ADDITIONAL BOUNDARY INFORMATION.
5. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT APPROVAL FROM THE SOUTHWEST DISTRICT HEALTH DEPARTMENT.
6. AN 80 FOOT WIDE STRIP OF LAND CENTERED ON THE LINE COMMON TO SECTIONS 19 AND 21 IS RESERVED FOR A SECTION LINE STREET.
7. PORTER'S LAND SURVEYING FOR ADDITIONAL BOUNDARY INFORMATION.
8. THE SUBDIVISION SHALL BE BUILT WITHIN THE RESERVED RIGHT-OF-WAY. THE FENCE SHALL BE PLACED ON THE RIGHT-OF-WAY EASEMENT OF THE IRRIGATION DISTRICT AT BOTH THE MAIN CANAL ON LOTS 6 AND 7, AND ON THE LATERAL ON LOT 8.

TEALEY'S LAND SURVEY

THE SANITARY RESTRICTIONS  
UNDER TITLE-80 CHAPTER 18  
IDAHO CODE ARE IN FORCE!

478 MAIN ST. S. 200-388-0638 BOX 1  
Job No. 483 Sheet 1 of



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 63-32087  
Date Received: 3/28/2005  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ESTATE OF DAN W CLARKE Phone: (602)575-9434  
6815 N MOONGLOW DR  
TUCSON AZ USA 85718

2. Date of Priority: 10/26/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 02W   | 20      | SE NE                 | CANYON |      |

5. Description of diverting works:

WELL, PUMP, PIPELINE & DITCH.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.23   | 101.3      |

7. Total Quantity Appropriated is:  
0.23 C.F.S. and/or 101.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

may also have  
black cat drv. Dig.  
shares.

marisa culver  
split from 63-31779  
5 acres parcel #  
R 2033050700  
0.05 cfs  
22.5 afa ~~XXXXXXXXXX~~

UK - VLM

RECEIVED  
MAR 17 2005  
WATER RESOURCES  
WESTERN REGION

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

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|

63-31779

63-31779

Y

(Lot 8 Block 1 Benchmark Estates Subdivision book 19 page 2:  
from plat) whatever is true re proper, according to  
the legal description EXHIBIT "A" and Instruments  
there from.

MS Vicky & MUSIC wrote this # to split.

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

☒ The appropriate **FILING FEE**. See instructions for fee amounts.

- waived VLM

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)

David and Marisa Culver AS Marital property  
99095 The Yellowbrick Rd owners split  
Clark & Ch

4. New Owner/Claimant(s)

Valley Center, Ca. Culver Revocable Living Trust

New Mailing Address

\* Marisa Elena Culver  
1822 Alder St. Caldwell, Id  
306 Sec # 546-33-7090

City, State and ZIP Code

New Telephone Number

208 (866) 7888 - 1993 2001

5. Date you acquired the property

From earlier in 1992 and, recent quit claim  
most recent as part from former husband  
David Scott Culver is quit claim deed  
200405981 — But we bought along  
time ago.

Note: I was told that the file pertaining to this  
claim is not attainable as yet, therefore I am  
withholding all proper disclosures — Benchmark Estates Cor.

Marisa Elena Culver

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<br>(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                                                                                                                                                             | Description<br>(cubic feet per second or acre-feet per annum) (acres, number and type of stock, homes, etc) |
| Quit Claim deed instrument # 20046598<br>and warranty deed 200142113 & 200142114                                        |                                                                                                                                                                       | EXHIBIT "A" Fr                                                                                              |
|                                                                                                                         | Irrigation                                                                                                                                                            | * 9313356 1993                                                                                              |
|                                                                                                                         | Stock                                                                                                                                                                 |                                                                                                             |
|                                                                                                                         | Domestic                                                                                                                                                              |                                                                                                             |
|                                                                                                                         | Other                                                                                                                                                                 |                                                                                                             |
| Total                                                                                                                   | All rights true, I don't have enough 14.50.<br>please disclose my rights - and don't<br>split off what was supposed to<br>be owned by virtue of<br>my marital decree. |                                                                                                             |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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                                                                         | Description<br>(cubic feet per second or acre-feet per annum) (acres, number and type of stock, homes, etc) |
| Warranty deed 2001 and quit claim.<br>most recent is instrument # 200465981                                             |                                                                                   | from over 12 1/2 years<br>as owner<br>as well<br>by marital<br>and decr.                                    |
|                                                                                                                         | Irrigation                                                                        |                                                                                                             |
|                                                                                                                         | Stock                                                                             |                                                                                                             |
|                                                                                                                         | Domestic                                                                          |                                                                                                             |
|                                                                                                                         | Other                                                                             |                                                                                                             |
| Total                                                                                                                   | All rights true. Lot 8, Block 1 Benchmark Estate<br>Subdivision, EXHIBIT "A" From |                                                                                                             |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)
- Margaret Elena Cullen (9313356 1993)  
"Owner" Lot 8 Block 1 Benchmark  
Estate Subdivision parcel I + II  
EXHIBIT "A"  
See Warranty  
deed.

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              |
| Received by <u>DB</u> | Date <u>3/17/05</u> | Fee <u>\$25-</u> |
| Processed by          | Date                | Receipt No.      |
|                       |                     | <u>0032690</u>   |
|                       |                     | WR               |
|                       |                     | Date             |

NOTE: (Check included)  
I do not want to be excluded  
from any and all unknown right  
for which I am entitled thereto.  
I understand that this department  
will truthfully disclose all right  
to me. Margaret Elena Cullen 3/11

Date: 23 October 2006

To: Idaho Department of Water Resources representative

From: Mark Peterson  
26162 Moonglow Drive  
Middleton, Idaho 83644  
(208)585-6189

RECEIVED  
OCT 26 2006  
WATER RESOURCES  
WESTERN REGION

RE: WATER RIGHT NO. 63-32444

On 18 October 2006 I attended the Public Meeting held at the Elks Lodge in Caldwell. At that time I submitted the Error/Correction form to have my address corrected and requested a change to the POD (Point of Departure) information. I trust that this information was received successfully and the requested updates have been (or will be) made.

The purpose for this follow-up letter is that upon return home from the meeting I took advantage of the web site ([www.idwr.idaho.gov](http://www.idwr.idaho.gov)) that was noted in the supplied documentation. Upon further review of my water rights on this web site, and random review of the water rights of others, I am suggesting the additional updates to Water Right No. 63-32444.

- The WATER USES information should be updated to include DOMESTIC and STOCKWATER, in addition to the current indication of IRRIGATION. This single water departure point is used for all three uses.
- I don't know if this increase in WATER USES also entitles me to a higher DIVERSION RATE. If so, please adjust it accordingly.

Please contact me if you have questions, or need additional information regarding the information in this letter.

Regards,



Mark W Peterson

DeS

Not on license

Not claimed

Left message 10-30-06  
We can't add DeS to  
this license, but he  
can file a claim  
for DeS

10/23/2006

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

RIGHT NUMBER: 63-32444

NAME AND ADDRESS: MARK PETERSON  
26162 MOONGLOW DR  
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS  
22.000 AFY

PRIORITY DATE: 10/26/1977

POINT OF DIVERSION:

T05N R02W S20 SESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.050 CFS

22.00 AFY

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

T05N R02W S20 SESE 5.00

5 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

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

This right is a split from former right 63-32087 .



# Idaho Department of Water Resources

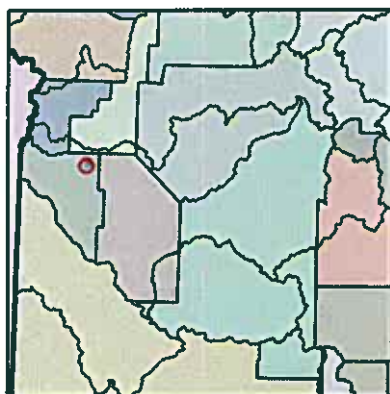
SRBA Recommendation:

**63-32444**

(Irrigation)

## Legend

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



Canyon County  
IDWR Basin 63



0 0.1 0.2 Miles



Prepared by S. Egbert  
On Monday, October 23, 2006  
1987/88 Aerial Photography

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: 63-32444

MARK PETERSON

~~25370 VOLVO RD ST.~~

~~CALDWELL ID 83607~~

26162 Moonglow Drive  
Middleton, ID 83644

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Per transfer 5431 POB should be in SESE of section 20.

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:

10/10/06

SIGNATURE:

Mark W Peterson

Please print your name:

Mark W Peterson

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

**Idaho Dept. of Water Resources  
Place of Use Comparison Report**

| Type   | WR #     | Owner                                    | Source                       | TRS      | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|--------|----------|------------------------------------------|------------------------------|----------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Rec    | 63 2878  | BLACK CANYON IRRIGATION DIST,            | ELIJAH DRAIN, WILSON DRAIN   | 05N02W16 |      |      |      |      |      |      |      |      |      |      | X    | X    |      |      |      |      | 0     |
| Rec    | 63 2322  | UNITED STATES OF AMERICA ACTING THROUGH, | ELIJAH SLOUGH, WILSON SLOUGH | 05N02W16 |      |      |      |      |      |      |      |      |      |      | X    | X    |      |      |      |      | 0     |
| Claim  | 63 32087 | ESTATE OF DAN W CLARKE,                  | GROUND WATER                 | 05N02W16 |      |      |      |      |      |      |      |      |      |      |      | 0.5  |      |      |      |      | 0.5   |
| Rec    | 63 32087 | ESTATE OF DAN W CLARKE,                  | GROUND WATER                 | 05N02W16 |      |      |      |      |      |      |      |      |      |      |      | 0.5  |      |      |      |      |       |
| TClaim | 63 31381 | ESTATE OF DAN W CLARKE,                  | GROUND WATER                 | 05N02W16 |      |      |      |      |      |      |      |      |      |      |      | 0.5  |      |      |      |      | 0.5   |
| TClaim | 63 31779 | ESTATE OF DAN W CLARKE,                  | GROUND WATER                 | 05N02W16 |      |      |      |      |      |      |      |      |      |      |      | 0.5  |      |      |      |      | 0.5   |
| Rec    | 65 2433  | UNITED STATES OF AMERICA ACTING THROUGH, | PAYETTE RIVER                | 05N02W16 |      |      |      |      |      |      |      |      |      |      | X    | X    |      |      |      |      | 0     |
| Claim  | 65 2900  | BLACK CANYON IRRIGATION DIST,            | TUNNEL NO 2 DRAIN            | 05N02W16 |      |      |      |      |      |      |      |      |      |      | X    | X    |      |      |      |      | 0     |
| Rec    | 65 2900  | BLACK CANYON IRRIGATION DIST,            | TUNNEL NO 2 DRAIN            | 05N02W16 |      |      |      |      |      |      |      |      |      |      | X    | X    |      |      |      |      | 0     |

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# Idaho Dept. of Water Resources Place of Use Comparison Report

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# Idaho Dept. of Water Resources

## Place of Use Comparison Report

|        |          |                                                |                      |          |   |   |   |   |   |   |   |   |   |   |    |    |   |    |   |      |      |
|--------|----------|------------------------------------------------|----------------------|----------|---|---|---|---|---|---|---|---|---|---|----|----|---|----|---|------|------|
| Right  | 63 27033 | JAY P CLARK,                                   | GROUND WATER         | 05N02W20 |   |   |   |   |   |   |   |   |   |   |    |    |   |    | X |      | 0    |
| Right  | 63 27033 | JAY P CLARK,                                   | GROUND WATER         | 05N02W20 |   |   |   |   |   |   |   |   |   |   |    |    |   |    | X |      | 0    |
| Right  | 63 27721 | KATHY M CARRICK,<br>MONTY H CARRICK,           | GROUND WATER         | 05N02W20 |   |   |   |   |   |   | X |   |   |   |    |    |   |    |   |      | 0    |
| Right  | 63 28328 | MARY A ATKINSON<br>DUFUR,                      | GROUND WATER         | 05N02W20 |   |   |   |   |   |   | X |   |   |   |    |    |   |    |   |      | 0    |
| Right  | 63 28430 | SID C BRIGHT,                                  | GROUND WATER         | 05N02W20 |   |   |   |   |   |   | X |   |   |   |    |    |   |    |   |      | 0    |
| Right  | 63 28430 | SID C BRIGHT,                                  | GROUND WATER         | 05N02W20 |   |   |   |   |   |   | X |   |   |   |    |    |   |    |   |      | 0    |
| Right  | 63 4214  | PAUL R FISHER,                                 | GROUND WATER         | 05N02W20 | X |   |   |   |   |   |   |   |   |   |    |    |   |    |   |      | 0    |
| Right  | 63 9069D | STEVEN C ROSEBERRY,                            | GROUND WATER         | 05N02W20 |   |   |   |   |   |   |   |   |   |   |    |    |   | 2  |   | 3.5  | 5.5  |
| Right  | 63 9069F | MATT NEWTON,                                   | GROUND WATER         | 05N02W20 |   |   |   |   |   |   |   |   |   |   |    |    |   |    |   | 5    | 5    |
| TClaim | 63 31381 | ESTATE OF DAN W<br>CLARKE,                     | GROUND WATER         | 05N02W20 |   |   |   |   |   |   |   |   |   |   |    |    |   | 18 |   | 13.5 | 31.5 |
| TClaim | 63 31779 | ESTATE OF DAN W<br>CLARKE,                     | GROUND WATER         | 05N02W20 |   |   |   |   |   |   |   |   |   |   |    |    |   | 13 |   | 13.5 | 26.5 |
| TClaim | 63 31780 | CHARLEEN<br>HOMBURGER, JAMES<br>HOMBURGER,     | GROUND WATER         | 05N02W20 |   |   |   |   |   |   | 5 |   |   |   |    |    |   |    |   |      | 5    |
| Rec    | 65 2433  | UNITED STATES OF<br>AMERICA ACTING<br>THROUGH, | PAYETTE<br>RIVER     | 05N02W20 | X | X | X | X | X | X | X | X | X | X | X  | X  | X | X  | X | X    | 0    |
| Claim  | 65 2900  | BLACK CANYON<br>IRRIGATION DIST,               | TUNNEL NO 2<br>DRAIN | 05N02W20 | X | X | X | X | X | X | X | X | X | X | X  | X  | X | X  | X | X    | 0    |
| Rec    | 65 2900  | BLACK CANYON<br>IRRIGATION DIST,               | TUNNEL NO 2<br>DRAIN | 05N02W20 | X | X | X | X | X | X | X | X | X | X | X  | X  | X | X  | X | X    | 0    |
| Right  | 63 5115  | ETHEL JOHNSON,<br>CLIFTON H JOHNSON,           | WASTE WATER          | 05N02W20 |   |   |   |   |   |   |   |   |   |   | 15 | 40 |   |    |   |      | 55   |

# Idaho Dept. of Water Resources Place of Use Comparison Report

| Type  | WR #     | Owner                                    | Source                       | TRS      | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|-------|----------|------------------------------------------|------------------------------|----------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Rec   | 63 2878  | BLACK CANYON IRRIGATION DIST,            | ELIJAH DRAIN, WILSON DRAIN   | 05N02W21 |      |      | X    | X    | X    | X    | X    |      | X    | X    | X    | X    | X    | X    | X    | X    | 0     |
| Rec   | 63 2322  | UNITED STATES OF AMERICA ACTING THROUGH, | ELIJAH SLOUGH, WILSON SLOUGH | 05N02W21 |      |      | X    | X    | X    | X    | X    |      | X    | X    | X    | X    | X    | X    | X    | X    | 0     |
| App   | 63 12091 | DARREL W POULTER, PHYLLIS J POULTER,     | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      | 6.6  | 2    |      |      |      |      |      | 8.6   |
| App   | 63 12252 | GREGORY HEATON,                          | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      |      |      | 5    |      |      |      |      | 5     |
| Claim | 63 30204 | MIKE TALKINGTON,                         | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      |      | 0     |
| Claim | 63 30204 | MIKE TALKINGTON,                         | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      |      | 0     |
| Claim | 63 30204 | MIKE TALKINGTON,                         | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      |      |      |      | 2    |      |      |      | 2     |
| Claim | 63 32087 | ESTATE OF DAN W CLARKE,                  | GROUND WATER                 | 05N02W21 |      |      |      |      | 0.5  |      |      |      |      |      |      |      |      |      |      |      | 0.5   |
| Claim | 63 8264  | DAN WATTS,                               | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      | X    |      |      |      |      |      |      |      | 0     |
| Claim | 63 8264  | DAN WATTS,                               | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      | X    |      |      |      |      |      |      |      | 0     |
| Claim | 63 8264  | DAN WATTS,                               | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      | 9    |      |      |      |      |      |      | 9     |
| Claim | 63 9069B | PHYLLIS J POULTER, DARREL W POULTER,     | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      | 6.6  | 2    |      |      |      |      |      | 8.6   |
| Claim | 63 9069D | MARK STEELE, MICHELLE STEELE,            | GROUND WATER                 | 05N02W21 |      |      |      |      |      | 34   | 34   |      |      | 20   |      |      |      |      |      |      | 8     |
| Rec   | 63 30204 | MIKE TALKINGTON,                         | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      |      | 0     |
| Rec   | 63 30204 | MIKE TALKINGTON,                         | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      |      | 0     |
| Rec   | 63 31382 | WAYNE R SMITH, JOANN K SMITH,            | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      | 0.4  | 4    |      |      |      |      |      | 4.4   |
| Rec   | 63 32087 | ESTATE OF DAN W CLARKE,                  | GROUND WATER                 | 05N02W21 |      |      |      |      | 0.5  |      |      |      |      |      |      |      |      |      |      |      | 0.5   |
| Right | 63 11182 | HOWARD R GARWICK, GAIL E GARWICK,        | GROUND WATER                 | 05N02W21 |      |      |      |      |      |      |      |      |      |      |      |      | 7.5  |      |      |      | 7.5   |

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# Idaho Dept. of Water Resources

## Place of Use Comparison Report

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# Idaho Dept. of Water Resources Place of Use Comparison Report

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|        |          |                                          |                   |          |  |  |   |   |     |   |   |  |     |   |   |   |   |   |   |     |
|--------|----------|------------------------------------------|-------------------|----------|--|--|---|---|-----|---|---|--|-----|---|---|---|---|---|---|-----|
| TClaim | 63 31382 | WAYNE R SMITH, JOANN K SMITH,            | GROUND WATER      | 05N02W21 |  |  |   |   |     |   |   |  | 0.4 | 4 |   |   |   |   |   | 4.4 |
| TClaim | 63 31779 | ESTATE OF DAN W CLARKE,                  | GROUND WATER      | 05N02W21 |  |  |   |   | 0.5 |   |   |  |     |   |   |   |   |   |   | 0.5 |
| Rec    | 65 2433  | UNITED STATES OF AMERICA ACTING THROUGH, | PAYETTE RIVER     | 05N02W21 |  |  | X | X | X   | X | X |  | X   | X | X | X | X | X | X | 0   |
| Claim  | 65 2900  | BLACK CANYON IRRIGATION DIST,            | TUNNEL NO 2 DRAIN | 05N02W21 |  |  | X |   |     | X | X |  | X   |   | X | X | X | X | X | 0   |
| Rec    | 65 2900  | BLACK CANYON IRRIGATION DIST,            | TUNNEL NO 2 DRAIN | 05N02W21 |  |  | X | X | X   | X | X |  | X   | X | X | X | X | X | X |     |



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

September 19, 2006

**JAMES E. RISCH**  
Governor

**KARL J. DREHER**  
Director

Mark Peterson  
23570 Volderdam St  
Caldwell, ID 83607

Re: Original Notice of Claim to a Water Right No. 63-32087  
Renumbered Notice of Claim to a Water Right No. 63-32444

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner 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. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section  
Western Region

LG: lg

Enclosure