

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 63-32447
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)

ARNOLD J VAN BERKEL Phone: (208)938-3061
C/O DAVID RUSSEL
1268 S WATER MARK AVE
EAGLE ID USA 83616

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	0.264	131.33

7. Total Quantity Appropriated is:
0.264 C.F.S. and/or 131.33 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	33
Section Acres						33
Total Acres						33

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

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.

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

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ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.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 63-32138.

15. Basis of Claim: License

63-32138

VAN BERKEL

35 ACRES

.276 CFS

139.29 AFA

3.98

should have been 134.29 per recommendation

$$.276 \div 35 = .008 \times 33 = 0.264 \text{ CFS}$$

$$.008 \times 2 = .016 \text{ CFS}$$

$$139.29 \div 35 = 3.98 \times 33 = 131.33 \text{ AFA}$$

$$3.98 \times 2 = 7.96 \text{ AFA}$$

changes by PW 2/21/08



63-32447

VANBERKEL

33 ACRES

.264 CFS

~~131.33~~ AFA

should have been 0.26 cfs

63-32448

BYRNES

2 ACRES

.016 CFS

~~7.96~~ AFA

7.67

126.62

.26 cfs
.016 cfs

0.276 cfs

as recommended

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

RECEIVED

AUG 22 2006

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		☒			
63-32138					

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)

Arnold J VAN Berkele

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

5/5/2006

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-3597M</u>		
Water Use	Diversion Rate or Volume	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Irrigation	<u>0.300 CFS</u>	<u>2 ACRES, PASTURE</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>2 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	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

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

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 8/22/06 Fee 
 Received by  Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

PL 604468

200634520



Pioneer Title Co.

GOING BEYOND

5680 East Franklin Road, Suite 250 / Nampa, Idaho 83687 / (208) 465-6655

WARRANTY DEED

For Value Received Arnold J. VanBerkel and Candyce VanBerkel, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Ian Byrnes, an unmarried man

hereinafter referred to as Grantee, whose current address
is 9770 Farner Road, Nampa, ID 83686,
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 3, 2006

Arnold J. VanBerkel
Arnold J. VanBerkel

Candyce VanBerkel
Candyce VanBerkel

State of California

County of Tulare

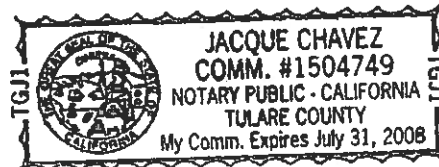
ss.

On this 4th day of May, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Arnold J. VanBerkel and Candyce VanBerkel known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

Jacque Chavez
Notary Public
Residing at: Visalia, California
Commission Expires: 7-31-08



2006 MAY 5 PM 4 43
CANYON CITY RECORDER
BY Pelle

REQUEST
TYPE Deed 6-

EXHIBIT A

A parcel of land located in the Northwest Quarter of the Northwest Quarter of Section 15, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

COMMENCING at a 5/8 inch iron pin marking the North 1/16 corner of said Section 15; thence along the West boundary line of said Section 15

North 00° 05' 08" East 600.00 feet to a 5/8 inch iron pin; thence leaving said West boundary line

North 89° 30' 10" East 370.00 feet to the REAL POINT OF BEGINNING; thence

North 89° 30' 10" East 172.00 feet to a 5/8 inch iron pin; thence

South 00° 05' 08" West 600.00 feet to a 5/8 inch iron pin on the South boundary line of the Northwest Quarter of the Northwest Quarter of said Section 15; thence along said South boundary line

South 89° 30' 10" West 172.00 feet; thence leaving said South boundary line

North 00° 05' 08" East 600.00 feet to the REAL POINT OF BEGINNING.

1/16

INST. 200307256

R30124014A
T 995.30

370.00'

600.00'

X
Exhibit
piece?

170'

R30124014

R30124017

LEWIS LANE

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
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CIVIL CASE NUMBER: 39576

Ident. Number 63-32138
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)

Arnold J. Van Berkel Phone: (208)938-3061

C/O DAVID RUSSEL
1268 S WATER MARK AVE
EAGLE ID USA 83616

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	0.276	134.29

7. Total Quantity Appropriated is:
0.276 C.F.S. and/or 134.29 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	35
					Section Acres	35
					Total Acres	35

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:

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 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.

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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.
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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
~~63-3597H~~	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 FARNER RD Nampa, ID 83686
4. New Owner/Claimant(s) ARNOLD J VAN BERKEC % 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)

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 HALES

CANYON CNTY RECORDER

BY OSLIMMOWD

RECEIVED PIONEER-LAMP

TYPE 0000 FEE 00

Pioneer Lender Trustee Services, Inc.

8151 W. Rifleman 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

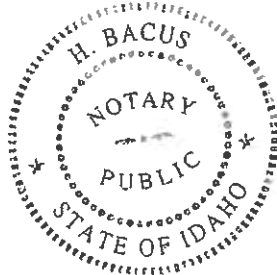


LORI A. BALL, ASSISTANT SECRETARY

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.D.
J.M.D.
H.W.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 OCT 17 AM 11 07

6 NOTICES

CANYON COUNTY RECORDER

BY

[Signature]

REQUEST PIONEER-NAMPA
TYPE *[Signature]*

MODE:F ACTION: 03 TAX INQUIRY as of 08/13/2004 8:35 TRQK701
3R30124014 0 02N03. 33001 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:

1. 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.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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

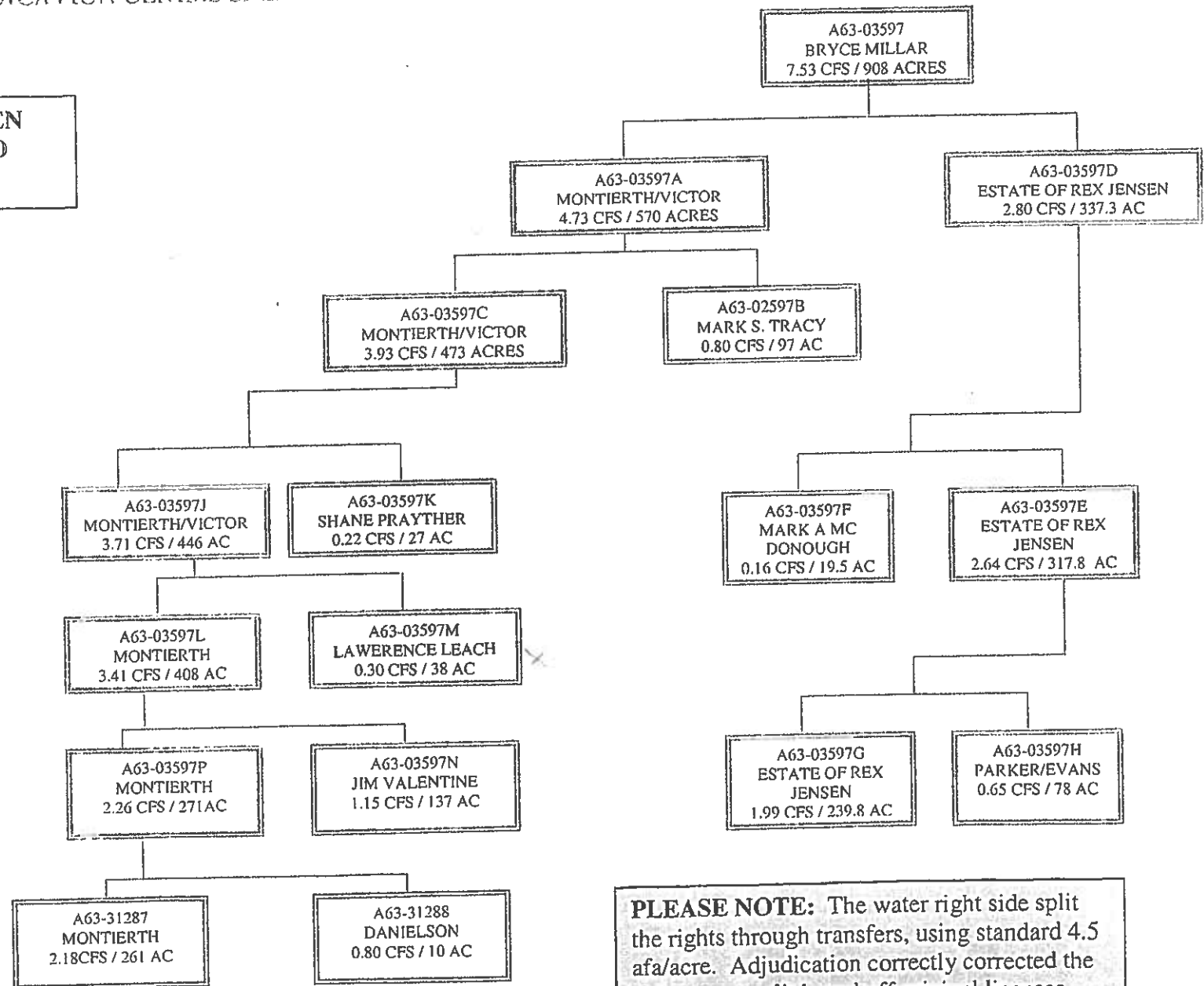
Combined Use Limits:

FROM : David L Russell

TIMBERLINE SURVEYING
 2100 S. 10th Street, Suite 100, Anchorage, AK 99503
 (907) 562-1111
 FAX (907) 562-1112
 2100 S. 10th Street, Suite 100, Anchorage, AK 99503
 (907) 562-1111
 FAX (907) 562-1112

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 afa/acre. 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 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 1
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
ACQUIRED UNDER STATE LAW

AMENDED

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	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

3.84

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

3,84 AF/acre

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 RGE 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

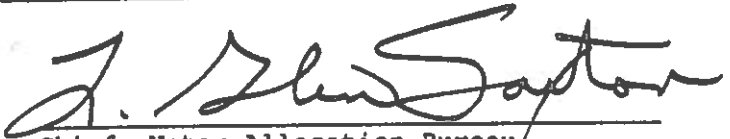
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. After specific notification 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 Skaggs/^{PS}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) 163-03597E

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
- l. ☒ 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 Gump 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5270

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant LAWRENCE L. & KITTIE M. LEACH H & W Phone 208-467-9791

Post Office address 9774 FARNER ROAD NAMPA IDAHO 83406

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 Purchased 40 acres (NW NW 5.15, 2N 3W)
Need own well to use water under water Rt.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-3597E</u>	<u>4-13-67</u>	<u>.30</u>	<u>Irrig</u>	<u>3-15</u> to <u>11-15</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

2. Total amount of water being transferred 30 cubic feet per second and/or _____ acre-feet per annum

3. Source of water Groundwater tributary to NA

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

3 of 6

WR0749NP
No. 63-03597E

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/20/
PAGE:

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

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	: HENW NWNW SWNW SENW	: Lt Ac Lt Ac Lt Ac Lt Ac	: NESW NWSW SWSW SESW	: Lt Ac Lt Ac Lt Ac Lt Ac	: NESE NWSE SWSE SESE	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM						
02N	03W	10	: 16	: 39 38 39 40	: 30 29 39 39	: 21 40 39 37	: 290.0									
02N	03W	15	:	:	:	:	: 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 63-071568 63-07778A 63-11773

Other Water Rights Listing 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

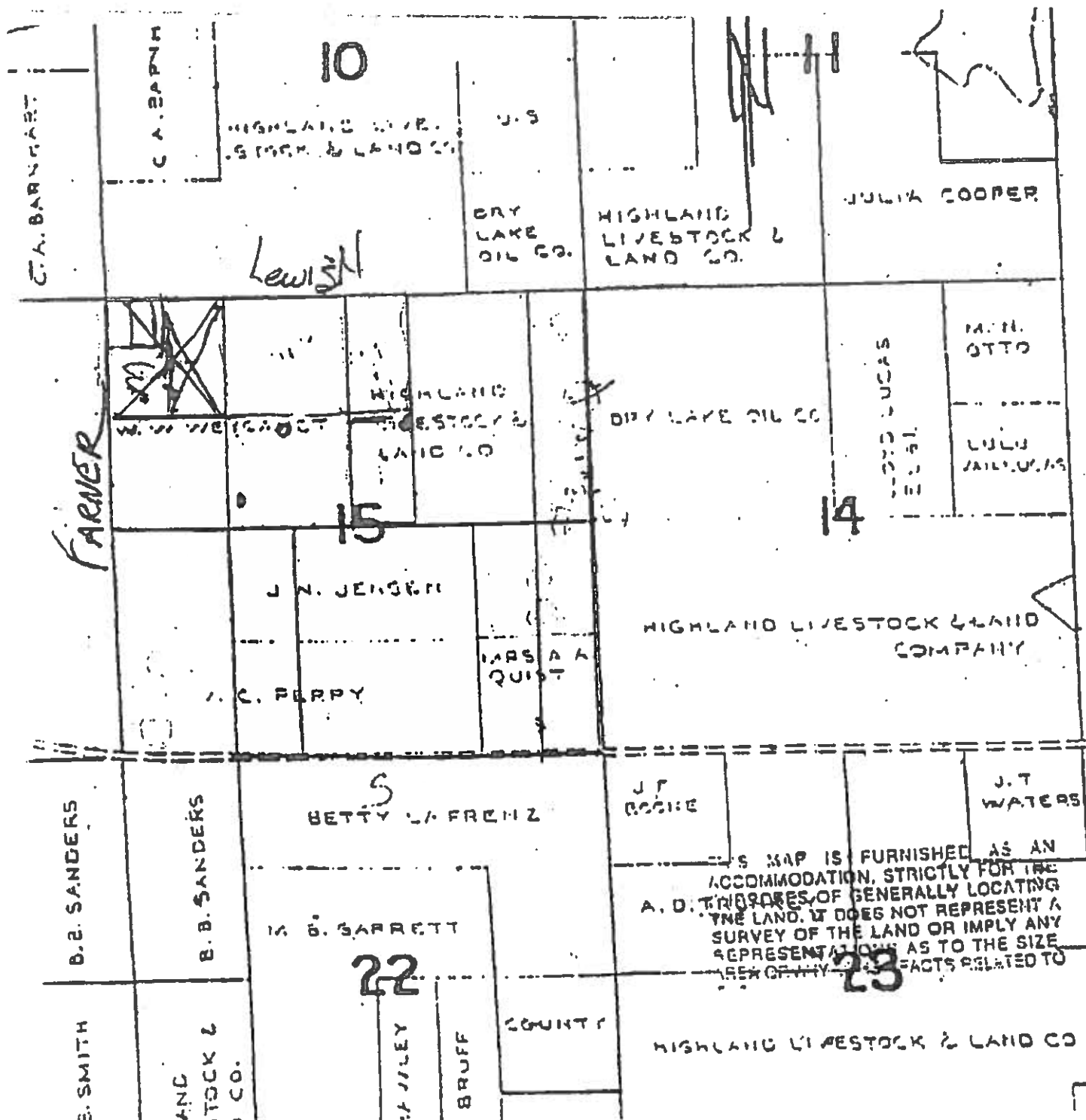
STATE OF IDAHO

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 describe 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 of	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 of	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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RIGHT NUMBER: 63-32447

NAME AND ADDRESS: ARNOLD J VAN BERKEL
C/O DAVID RUSSEL
935 E SPARTAN ST
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.260 CFS
126.620 AFY

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.

PRIORITY DATE: 04/13/1967

POINT OF DIVERSION:

T02N R03W S15 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
-----------------------	----------------------	-----------------

IRRIGATION	03/15 11/15	0.260 CFS 126.62 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 in CANYON County

T02N R03W S15 NWNW 33.00

33 ACRES TOTAL

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

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

The right holder shall accomplish the change authorized by Transfer 73926 within one year of the date of the approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

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

This right is a split from former right 63-32138 .

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

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Water Rights: 63-32447

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

XX Other – Remarks & Conditions

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 8, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 8, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

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

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

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

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

3. Copies to all parties to the subcase:

Arnold J. Van Berkel
c/o David Russell
935 E. Spartan St.
Eagle ID 83616

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

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


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 8, 2008

ARNOLD J VAN BERKEL
C/O DAVID RUSSELL
935 E SPARTAN ST
EAGLE ID 83616

Re: Water Right No. 63-32447

Dear Mr. Van Berkel:

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

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

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

Sincerely,

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

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

WATER RIGHT NO. 63-32447
As Modified by Transfer No. 73926

In accordance with the approval of Transfer No. 73926, Water Right No. 63-32447 is now described as follows.

Right Holder: ARNOLD J VAN BERKEL
 C/O DAVID RUSSEL
 935 E SPARTAN ST
 EAGLE ID 83616

Priority Date: April 13, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	0.26 CFS	126.6 AF
		0.26 CFS	126.6 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NWNW Sec. 15, Twp 02N, Rge 03W, 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								33.0									33.0

Total Acres: 33

CONDITIONS OF APPROVAL

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

WATER RIGHT NO. 63-32447
As Modified by Transfer No. 73926

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. 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.

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

Dated this 29th day of April, 2008

A handwritten signature in cursive script, appearing to read "John Westra", is written over a horizontal line.

John Westra, Western Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73926

This is to certify that: ARNOLD J VAN BERKEL
C/O DAVID RUSSEL
935 E SPARTAN ST
EAGLE ID 83616
(208)938-3061

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-32447	AJC/License	04/13/1967	0.26 cfs	126.6 af	N/A	33.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-32447	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-32447	63-32447	0.26 cfs	126.6 af	N/A	33.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.26 cfs	126.6 af	N/A	33.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27th day of April, 2008



John Westra, Western Regional Manager

73926

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

WATER RESOURCES
WESTERN REGION

Name of applicant ARNOLD J VAN BERKEL Phone 559 972-5050
 Post Office address 4401 W NICHOLAS AVE VISALIA, CA 93291

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**

EXISTING POINT OF DIVERSION IS FOUND TO BE ON ADJOINING PROPERTY. IRRIGATION WELL AND PUMP HOUSE ON PROPERTY OWNED BY ANOTHER PERSON

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

- | 1. Right Number | Priority | Amount | Nature | Period of Use |
|-----------------|----------|--------|--------|---------------|
|-----------------|----------|--------|--------|---------------|

63-32138	4/13/1967	(cfs/ac-ft)	of Use		
			2216710W	3/15	to 4/15

2. Total amount of water being transferred .276 cubic feet per second and/or 134.29 acre-feet per annum.
3. Source of water GROUND WATER tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

DAVE RUSSELL
CONTRACT FOR
QUESTIONS

208 938-3061
208 890-2613 cell

SCANNER

~~MAF 10200~~

Total acres 35

PART 1

6. General Information:

a. Description of diversion system EXISTING Pump & well used for DIVERSION
IS ON ADJOINING PROPERTY NOT OWNED BY ME

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

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
ONLY SOURCE OF WATER CURRENTLY TO IRRIGATE MY
FARM LAND IS FROM WELL ON ADJOINING PROPERTY
AND THIS OWNER REFUSES TO WORK WITH ME AND
HAS TURNED POWER TO WELL OFF.

d. Remarks:
I WANT TO PUT IN A NEW WELL ON MY
PROPERTY AND TRANSFER MY WATER RIGHTS FROM
WELL NOT ON MY PROPERTY TO NEW WELL

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 _____

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

PART 2*(Attach one copy for each right)***A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. 39576 Decreed to ARNOLD J VAN BERKEL
 in case of _____ vs. _____
 dated 7/7/2005 in STATE of IDAHO county of Blaine Falls
- b. License No. 63-32138 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 63-3597M which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:☒ Tax Notice☒ Warranty Deed☒ Other TRUSTEE'S DEED3. Source of water GROUND WATER tributary to _____4. Date of priority 4/13/1967**5. Water is used for the following purpose:**

amount 276 cfs for IRRIGATION purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right 1,276 cubic feet per second and/or 134.29 acre-feet per annum.**7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW		15	2N	3W	Canyon	GROUND WATER/WELL

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
~~15~~	~~3W~~	~~15~~																	
2N	3W	15							35										35

Total acres 35

9. Describe any other water rights used for the same purpose as described above _____

NONE

SCANNED

MAR 10 2008

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 1276 cfs for IRRIGATION purposes from 3/15 to 11/15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW		15	2N	3W	CANYON	GROUND WATER/WELL

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	
2N	3W	15						35											35

Total acres 35

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

1. amount 1024 cfs for IRRIGATION purposes from 3/15 to 11/15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW		15	2N	3W	CANYON	WELL/GROUND WATER

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	
2N	3W	15						3											3

Total acres 3

SCANNED

MAR 10 2008

Page 5 of 5

Transfer No. _____

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

1	New Nature of Use	Amount (cfs/a-e-ft)	Hours/days/year	Period of Use
	<u>NO CHANGES</u>			to _____
				to _____

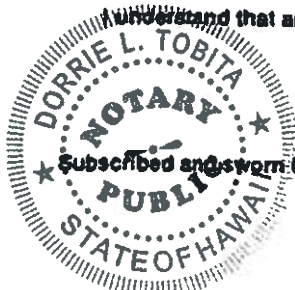
2. Quantity and quality of return flows and location of discharge:**3. Describe effects on other water uses resulting from the proposed change:**

NONE

CHANGE OF DIVERSION IS ONLY TO PUMP WELL ON MY
PROPERTY, NO DIFFERENCE IN AMOUNT OF WATER PUMPED
FROM GROUND

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.



Armed J. M. Lopez
 (Signature of Applicant)

Subscribed and sworn to before me this 07th day of July, 19 2005

Dorrie L. Tobita
 (Notary Public)

My commission expires _____
 Expiration Date: September 26, 2007

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 4 attachments

Received by DB Date 7-12-05 Protest filed by _____

Prelim. check by kw Fee \$100 - *

Received by DB W033162 Date 7-12-05

Published in PRESS TRIBUNE DB Copies of protest forwarded by _____

Pub. dates APRIL 3 & 10, 2008 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

* additional \$150- paid 3/3/08 DB # W036187

SCANNED

MAR 10 2006

A PORTION OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4
OF SECTION 15, TOWNSHIP 2 NORTH, RANGE 3 WEST, B.M.,
CANYON COUNTY, IDAHO
—2005—

-2005-



03-1 375

NUROB SECTION CQ. MONUMENT AS MORTIS

POURED VIN CON. MOVEMENT AS NOTED
BY THE DATA ON CURTAIN WALL
DRAINING WALL LOCATION
JOINTS/SLAB LINE
EDGE OF CLAVES
DRAINING FINES LINE
SECTION LINE
RIGHT-OF-WAY LINE

1. ROBERT H. COOK, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IOWA, CERTIFY THAT:

1. THIS PLAN REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE DISTRICT OF COLUMBIA OFFICE.

2. THE LANDS SURVEYED IN WITHIN SECTION 15, TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN, AND THE SURVEY WAS COMPLETED ON MARCH, 8 2005.

3. THE NOMINANTS DEFECTED ON THE PLAT ARE OF THE CHARACTER SHOWN, AND OCCUPY THE POSITIONS LOCATED AND ARE OF SUFFICIENT NUMBER AND DIVERSITY, AND IS IN CONFORMITY WITH THE CORNER PERMITTANCE AND PLATING ACT, STATE OF IOWA CODE 55-1001 THROUGH 56-1012.



DETROIT No. 20844504

This survey was made at the request of Herman Osine (p. 14) and is intended to clarify the actual width and how it is written on Deed.

The West line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15, Township 2 North, Range 3 West, Bitter Lake, Indian in North 0005 US¹ East.



DDI: 30-5-1-00-00

1

1

well
approx 2m
and
good

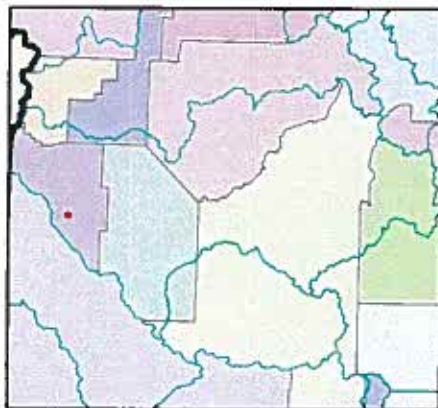


Idaho Department of Water Resources

SRBA Recommendation
63-32447
(IRRIGATION)

Legend

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



Canyon County
IDWR Basin 63

Prepared by Kay Walker
On Wednesday, March 26, 2008
2004 Aerial Photography



RECEIVED

APR 08 2008

**WATER RESOURCES
WESTERN REGION**



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 22, 2008

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 63-32447 (*Van Berkel*)

Dear Judge Melanson:

The Idaho Department of Water Resources ("IDWR") filed the Director's Report for Basin 63, Part 3 with the SRBA Court on December 19, 2006. Since that filing, IDWR has discovered a clerical error in the recommendation for this water right. Specifically, the quantity element of the water right was reported incorrectly. Accordingly, attached hereto is the revised recommendation showing the proposed corrections in underline/strikeout format. To date, this subcase is uncontested.

I am also sending a copy of this correspondence to the claimant to alert him of this issue.

If you should have any questions, please feel free to contact me at 287-4810.

Sincerely,

A handwritten signature in black ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

Enclosure

cc: Arnold J. Van Berkel

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: 63-32447

ARNOLD J VAN BERKEL
C/O DAVID RUSSEL
1268 S WATER MARK AVE
EAGLE ID 83616
Telephone Number: (208)938-3061

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

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

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

10/27/06

SIGNATURE:

Arnold J Van Berkel

Please print your name:

ARNOLD VAN BERKEL

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

03/07/2006

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

RIGHT NUMBER: 63-32138

NAME AND ADDRESS: ARNOLD J VAN BERKEL
C/O DAVID RUSSEL
1268 S WATER MARK AVE
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.276 CFS
134.290 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

0.276 CFS
134.29 AFY

3,84AF

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 35.00

35 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.

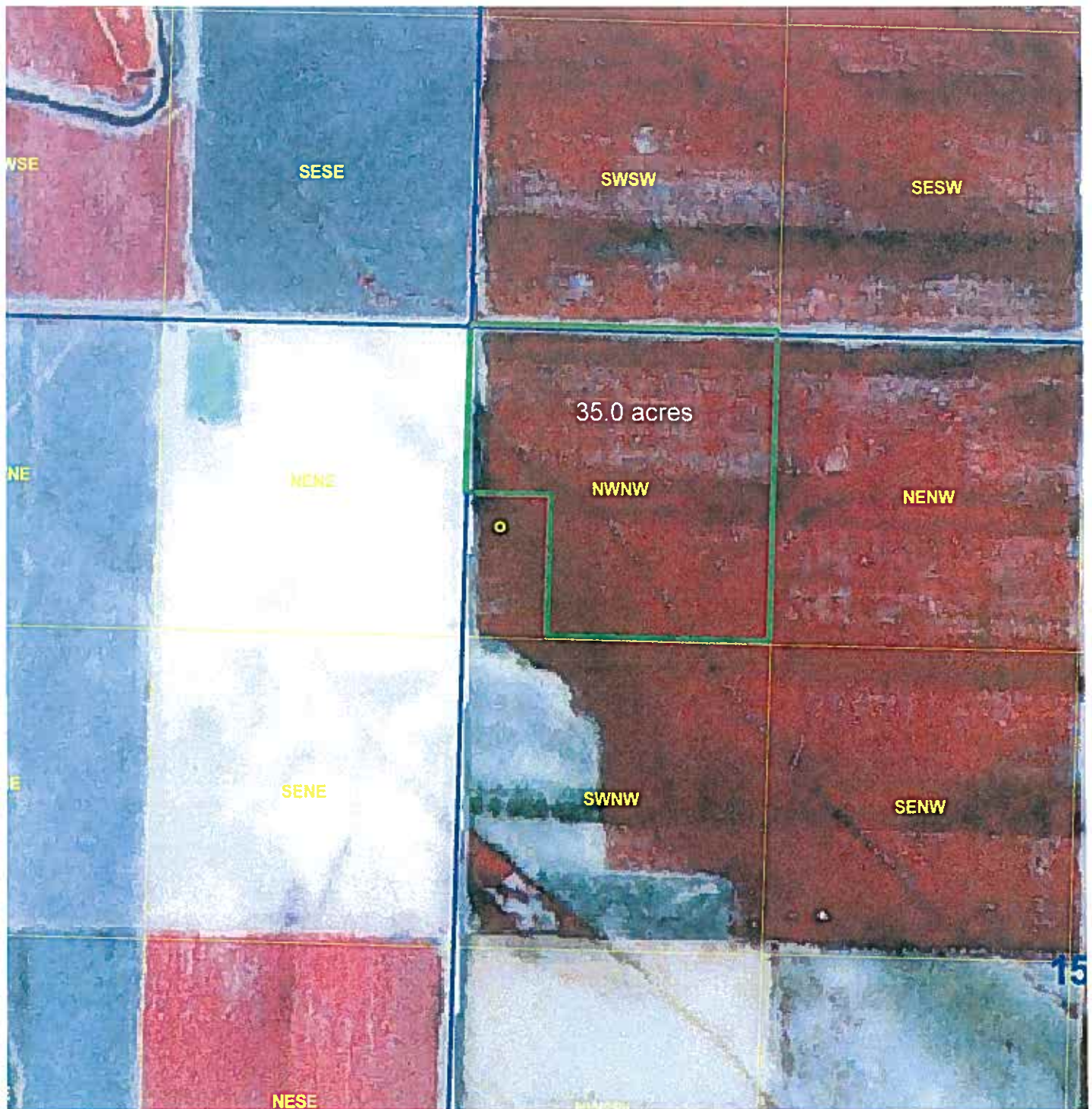
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Idaho Department of Water Resources

63-32138

T02N R03W S15



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



400 0 400 800 1200 1600 Feet

IDWR

Prepared by: Sandy Egbert

Date: March 7, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32138

02/22/2006

1

Right #	Type	Twp	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. *3,98 AF/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 $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	
2 N	3 W	10			36	7			37	40	40	39	39	39	21	40	39	37	414
		11							36	26	40	40	39	39		40	39	39	338
		15					39	38	39	40									156

Total number of acres irrigated 908

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
January, 19 73.

[Signature]
Director

63 3597

Oct 2 1972

Received \$ 290.5
Department of Water Administration
STATE OF IDAHO

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

RECEIVED

ION 372
ATION *No fee*
Department of Water Administration

Permit No. 63-3597

Comes now BRYCE MILLAR of (address) _____

Route #7, Box 7380, Nampa, Idaho, and represents to the State Reclamation
Department of Water Administration

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-3597, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 SW 1/4, Sec. 11, T. 2 N.
R. 3 W., B.M. Other points of diversion SE 1/4 NW 1/4, Sec. 10, T. 2 N., R. 3 W., B.M.;
SE 1/4 SW 1/4, Sec. 14, T. 2 N., R. 3 W., B.M.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day mo. - day

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

3. Place of use or land to be irrigated:

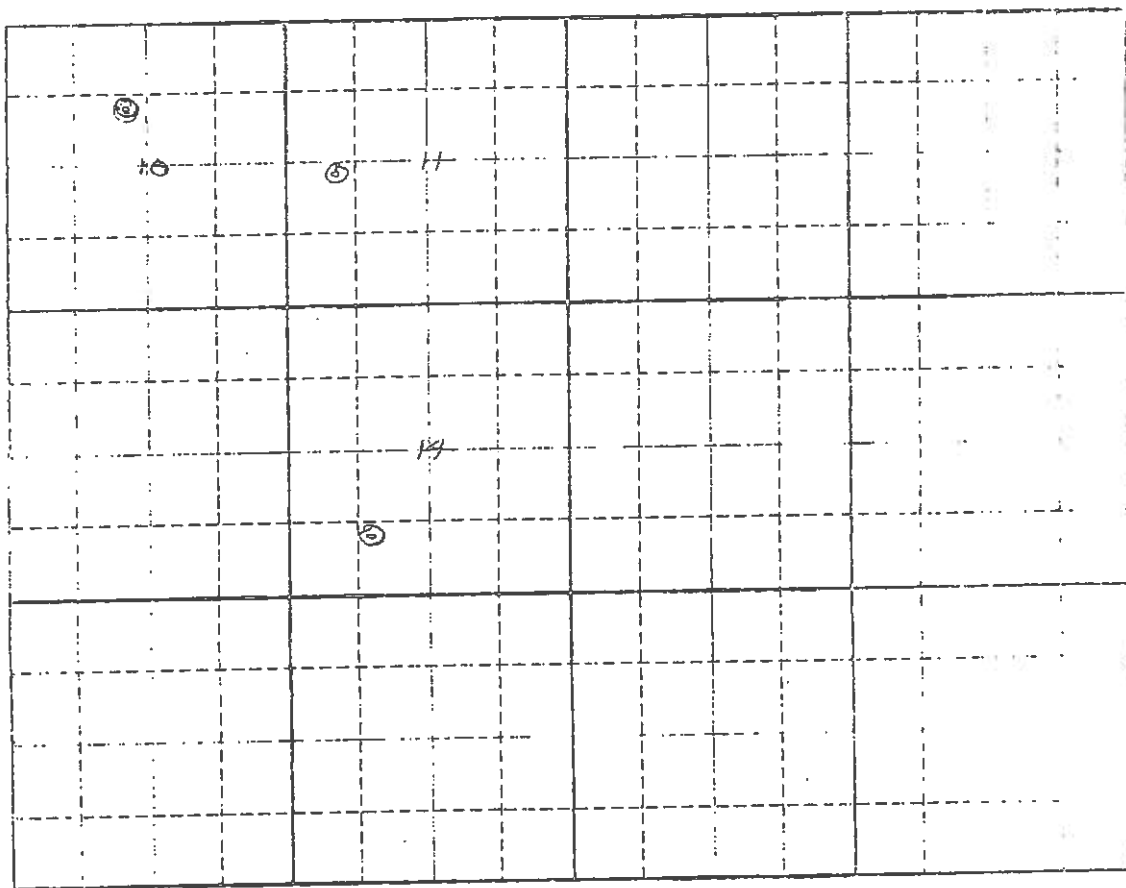
[illegible]

Total number of acres to be irrigated

63 3597

33 0507

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

DEPT. OF WATER ADMIN. WORK
FIELD REPORT

1. Name of permit holder BRYCE MILLAR
Post office address Route #7 Box #7358 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 County

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 _____ 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

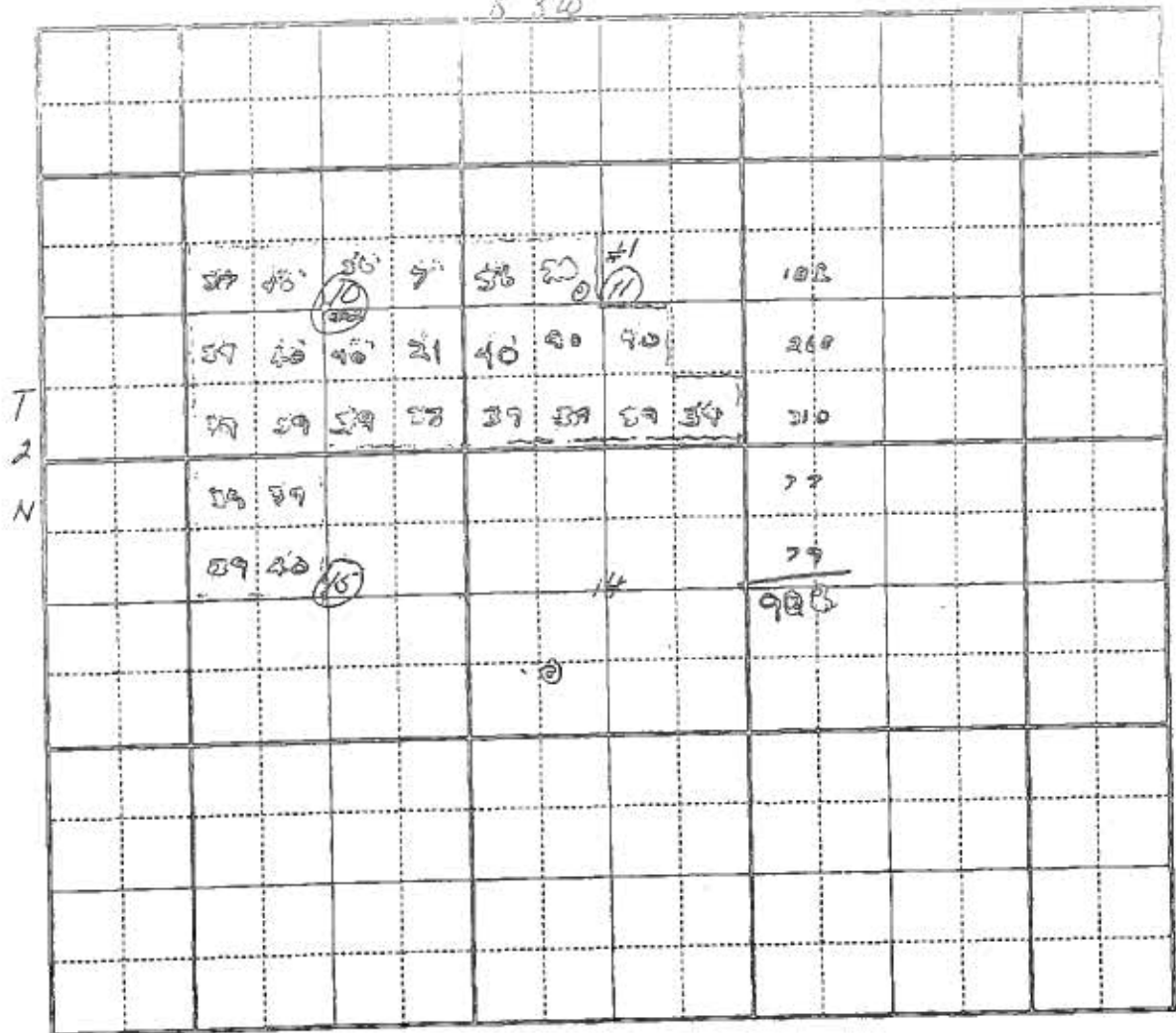
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

100 STORY TOTAL ACREAGE _____ 986

8 34



T
2
N

Diagram of System

DATE EXAMINATION RECORDS

_____	_____
_____	_____
_____	by: _____
_____	_____
_____	_____
_____	by: _____
_____	_____
_____	_____
_____	by: _____

D91
1260

D84
1210

D

199.0

15

D

199.0

E

202.9

D89
UTD

B

14.5

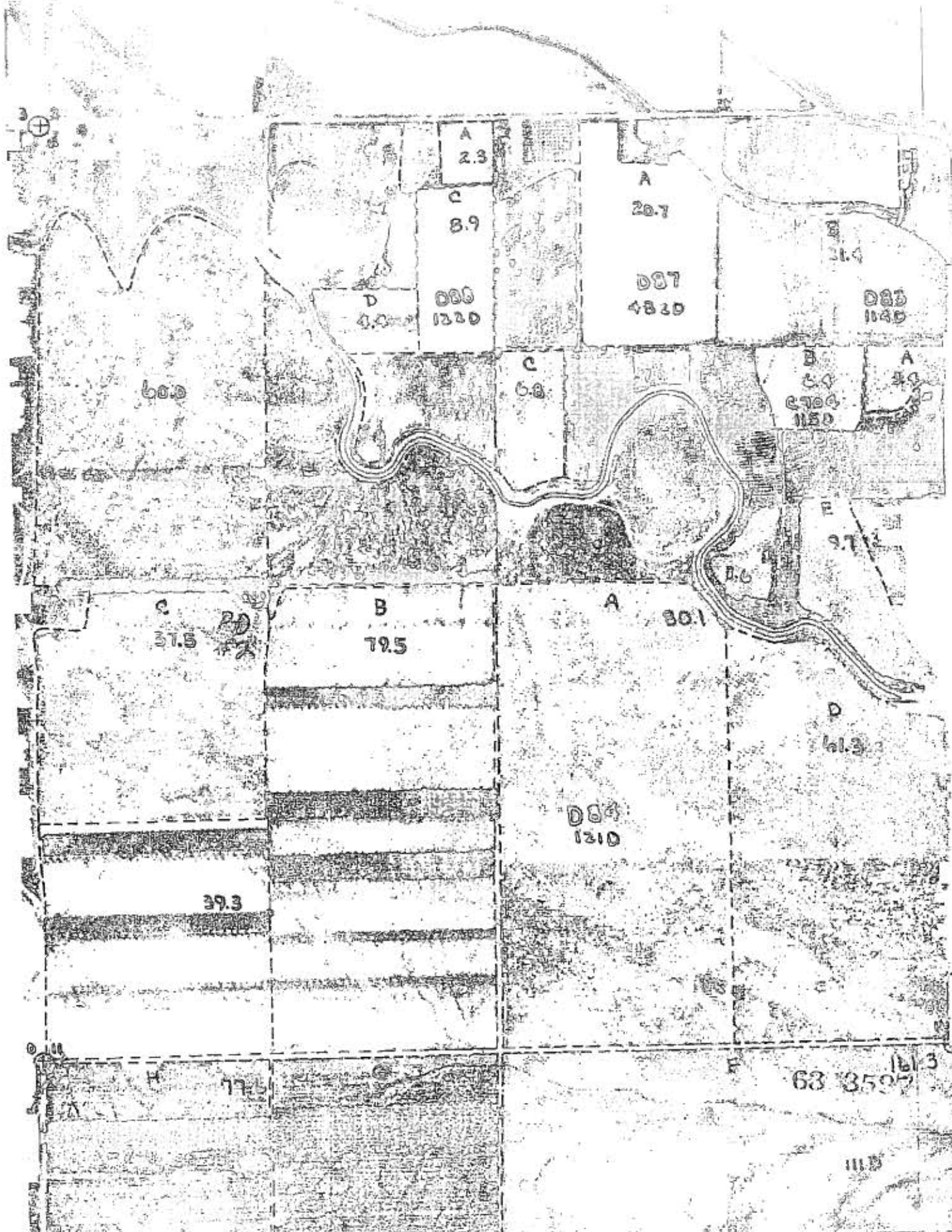
D86

120.0

15

22

Sec 11 T2N R3W



DATE OF EXAM 22 June 72

ACREAGE
Found 908
Recommended 908

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 7.53 c.f.s. V = 3614.4 AF/Ann. from Mar 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

PD#2 Name source: Groundwater
twp. 2 N/S, Rge 3 E/W B.M., Sec. 11 Sub SE 1/4 SW 1/4 Canyon County

Exchange? yes _____ no ✓

PD#3 Name source exchanged with:
twp. 2 N/S, Rge 3 E/W B.M., Sec. 14 Sub SE 1/4 SW 1/4 Canyon County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub _____ 1/4 _____ 1/4 _____ County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub _____ 1/4 _____ 1/4 _____ County

Total Q measured 7.53 Method of measurement Pitot gauge

Total Q recommended 7.53 Meter No. _____ Type _____ Condition _____

Total V recommended 3614.4

Recommended Amendments:

PD#1 PD I would say Not Centerline but rather SE 1/4 NW 1/4 Sec 10 T2N R3W
Place of Use _____
Other ADD PDS NW 1/4 SW 1/4 Sec 11 T2N R3W
None _____

MEASUREMENT CALCULATION:

$$\begin{aligned} Q &= 7.53 \text{ cfs} \\ V &= (4.5 \times 908) = 4086 \quad V = (2)(7.53)(240 \text{ days}) = 3614.4 \text{ Aft/Ac} \\ A &= 908 \text{ Acres} \end{aligned}$$

PD#3 300 HP GEMotor 460 Volts 1725 RPM Serial ACT 118002 Johnston Pump 12" discharge
to 2 Gate Valves to North South Mainline

SYSTEM DESCRIPTION:

#1 1-1/2 Hollowshaft Motor 250 HP 440 Volt 1800 RPM 3 phase 60 cycle
Serial 1582560 Inman Basin Pump # 44301 10" discharge through
gate valve to passing North South Mainline

#2 General Electric 300 HP 440 Volt 1775 RPM Serial ACT 104001 Johnston Pump
12" discharge to 100 HP GE Booster pump (Coulter type) then through
REMARKS: gate valves then through Mainline to Second 75 HP Booster

#2+3 8 1/2 mile (6 head) lines 3/4" nozzle at 45 psi } 7.53 cfs
#1 1 1/4 mile (32 head) lines 1/2" nozzle at 50 psi

Examiner's Signature _____

Date 28 July 72

Checked by _____

Date _____

Approved by _____

Date _____

63 3507

93.5

TRANS

ADA

68.0

135.0

228.5

10

67.0

TRANS

ADA

T5377

TRANS

TO

5, ADA
33.3

6.

4.6

1992
T 21
Acc 10, 15 2N 3W
Canyon Co.

180.5

3
44.0

Tract

Farm # (old/new)

2130

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

TRANS

ITO

ADA

68.0

135.0

228.5

10

67.0

TRANS

ADA

T5377

TRANS

TO

S, ADA

33.3

6.

4.6

T 2167
DEC 10 15

Canyon

180.5

3
44.0

7
109.3

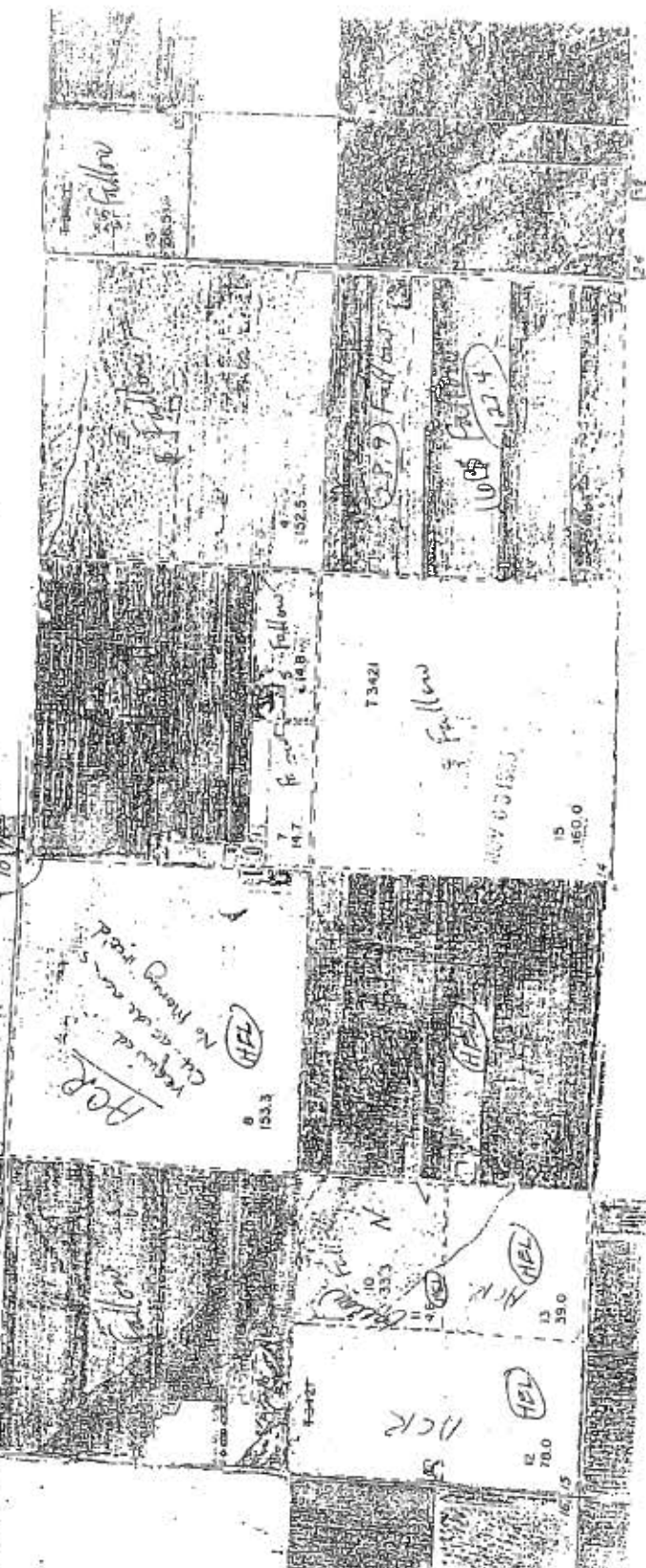
1993

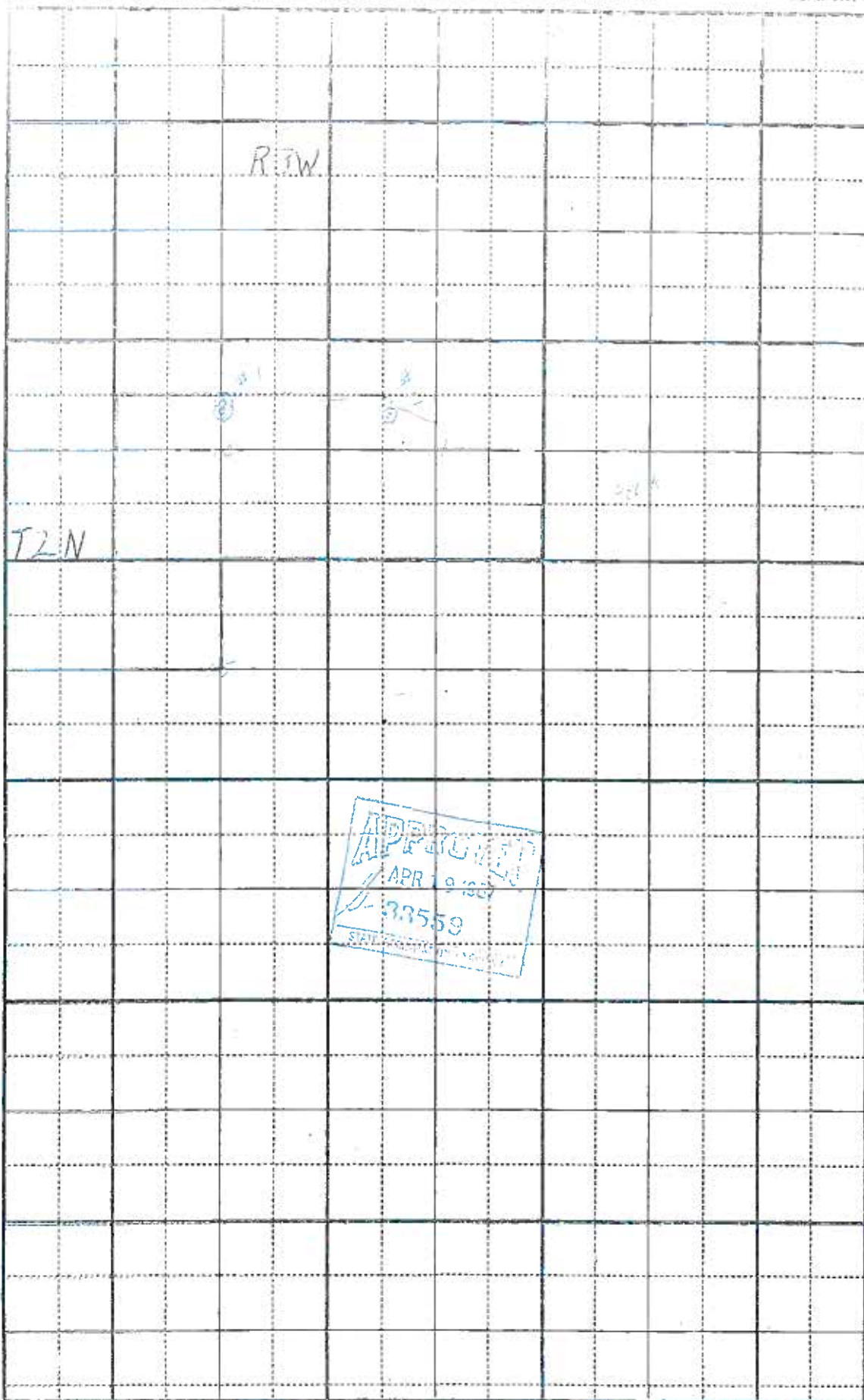
2456

T 2167



1661
2130 1991





NWSE

NESE

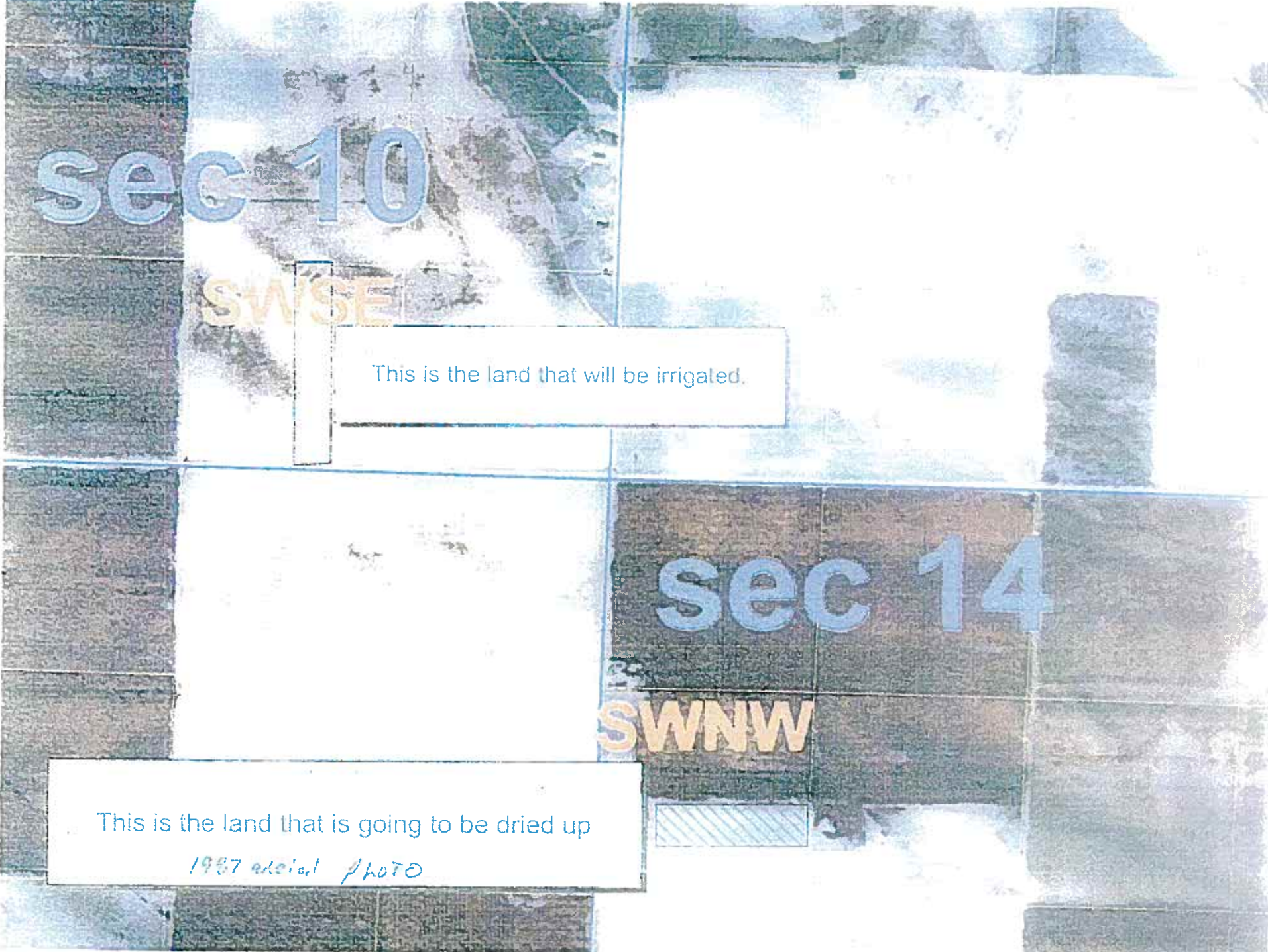
SECTION 10

SWSE

SESE

This is the land
associated with
this permit

1954
9/2/01
2510



sec 10

SWSE

This is the land that will be irrigated.

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

July 7, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ARNOLD J. VAN BERKEL
C/O DAVID RUSSEL
1268 S WATERMARK AVE
EAGLE, ID 83616

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

Renumbered Notice of Claim to a Water Right No. 63-32138

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.

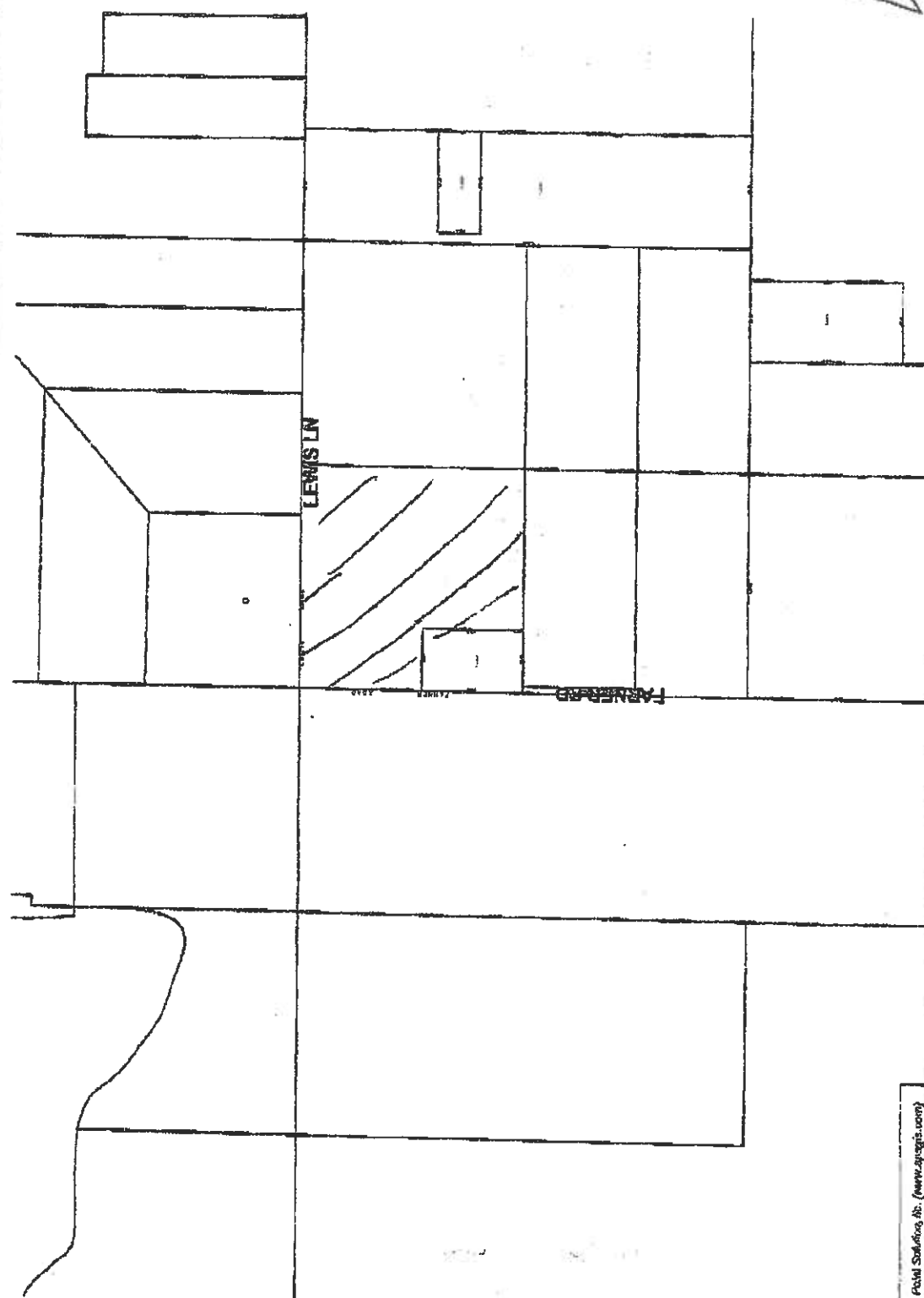
Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosure



This Map and data displayed is a graphic representation derived from the Canyon Counties Geographic Information System (GIS) data. This map was designed and produced for staff use only; it is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. These sources are not intended to verify this information. Canyon County and Regional Geographic Services, Inc. are not liable for errors or omissions resulting from the use of this product for any purpose.

MOORE & BURGESS

Map Created: August-13-2004

NANT'4
100 10th Ave. South
Nampa, ID 83651
Ph: 208.466.6100
Fax: 208.465.1248

CANYON
5680 E. Franklin, Ste. 1150
Nampa, ID 83686
Tel: 208.465.6055
Fax: 208.465.6556

CALDWELL
610 S. Campbell
Caldwell, ID 83405
Ph: 208-459-1651
Fax: 208-459-6635



Map By: Single Point Solutions, Inc. (www.spsigns.com)



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

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

Re: Original Notice of Claim to a Water Right No. 63-32138
Renumbered to Notice of Claim to a Water Right No. 63-32447

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