

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: **A63-03120B**
Date Received: 11/24/1989
Receipt No: X777777
Received By: _____

AMENDED

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

AMENDED

1. Name: KEVIN W BAILEY 208-467-4717
Address: 1300 LAKE LOWELL
NAMPA ID 83686
AND/OR
Name: PHYLLIS M BAILEY 208-467-4717
Address: 1300 LAKE LOWELL
NAMPA ID 83686

2. Date of Priority: FEB 5, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	26	NW	SE			CANYON

5. Description of diverting works:
WELL MAINLINE AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.560		180.00

7. Total Quantity Appropriated is:
0.560 C.F.S. (and/or) 180.00 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
03N	03W	26	NW	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

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:
A6304085, DEER FLAT CANAL

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION
OF CLAIM A63-03120, FEE PAID UNDER W006785.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 5189 IN FILE.
CLAIM AMENDED PER TRANSFER NO. 5189 APPROVED 01/28/1998.

15. Basis of Claim: LICENSE

Water Right Number: 27231

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

Western ^{AS} ~~Watermaster~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED
FEB 03 1998

TRANSFER NO. 5189
WATER RIGHT NO. 63-03120B

WATER RESOURCES
WESTERN REGION

This is to certify that: **KEVIN W BAILEY**
PHYLLIS M BAILEY
1300 LAKE LOWELL
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	0.56 CFS	180.0 AF

SOURCE

GROUNDWATER

Priority: 02/05/1958

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 26, Township 03N, 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>
03N 03W 26	NWSE 40			40
Total number of acres irrigated:				40

CONDITIONS OF APPROVAL AND REMARKS

- 648
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 01M
- 745
- 107

TRANSFER NO. 5189
WATER RIGHT NO. 63-03120B

CONDITIONS OF APPROVAL AND REMARKS

- 108 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.
- 109 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 28th day of January, 1998.


Chief, Water Allocation Bureau

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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Address: 1300 LAKE LOWELL
Nampa ID 83686
AND/OR
Name: PHYLLIS M BAILEY 208-467-4717
Address: 1300 LAKE LOWELL
Nampa ID 83686

2. Date of Priority: FEB 5, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	26	SW	NE			CANYON

5. Description of diverting works:
GRAVITY FLOW, SIPHON TUBES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.560		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	26	NW	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

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:
A6304085, DEER FLAT CANAL

14. Remarks:
THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION
OF CLAIM A63-03120, FEE PAID UNDER W006785.

15. Basis of Claim: LICENSE

Water Right Number: 27231

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RECEIVED

AUG 29 1997

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A63-03120
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) C Roger Williams, Anita Williams
3522 Immigrant Pass, Boise, ID 83716
4. New Owner/Claimant(s) Kevin W. Bailey Phyllis M. Bailey
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
New Mailing Address 1300 Lake Lowell
City, State and ZIP Code Nampa ID 83686
New Telephone Number (208) 467-4717
5. Date you acquired the property April 3, 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Kevin W. Bailey Date 8-27-97
Phyllis M. Bailey Date 8-27-97
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Enclosed - deed, title policy, agreement of sale (with conveyance of water rights stated)

State

16003
PMB

8114

9614159

WARRANTY DEED

RECEIVED

AUG 29 1997

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED ROGER L. WILLIAMS, ANITA L. WILLIAMS, VIRGINIA M. FULTON, RONALD DEAN FULTON, SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA, GOREE TRUKSA

the Grantors, do hereby grant, bargain, sell and convey unto **KEVIN W. BAILEY and PHYLLIS M. BAILEY, husband and wife**

the Grantees, whose address is , 1300 LAKE COWELL, NAMPA, ID 83696

the following described premises, to-wit:

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 3, 1996


ROGER L. WILLIAMS


ANITA L. WILLIAMS


VIRGINIA M. FULTON


RONALD DEAN FULTON

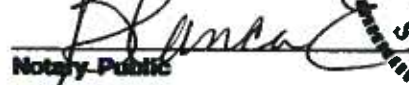

SCOTT TRUKSA

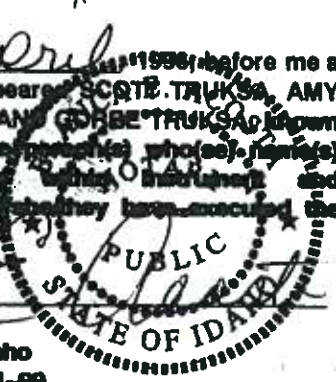

AMY S. TRUKSA


MARC TRUKSA


GOREE TRUKSA

STATE OF IDAHO
COUNTY OF CANYON
On this 3 day of April, 1996, before me a notary public, personally appeared SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA AND GOREE TRUKSA known or identified to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they have executed the same.


Notary Public
Residing at GREENLEAF, Idaho
My commission expires: 9-1-99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

RECEIVED

AUG 29 1997

WATER RESOURCES
WESTERN REGION

EXCEPTIONS FROM COVERAGE

File No: PN 38114

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

GENERAL EXCEPTIONS

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises including, but not limited to, insufficient or impaired access and matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

SPECIAL EXCEPTIONS:

1. General taxes for the year 1996, which are a lien, payable on or before December 20 of said year and not delinquent until after said date.
2. Liens and assessments of Wilder Irrigation District, and the rights and powers of said district as by law provided. Paid Current.
3. Power line easement as granted by HERSCHELL D. BARBER and GLADYS W. BARBER, his wife to IDAHO POWER COMPANY, a corporation, by instrument recorded January 10, 1952, as Instrument No. 384555, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. (Affects: Centerline described as follows: Beginning 1330 feet more or less North of the South Quarter corner of Section 26, thence East 1315 feet more or less to the East boundary of the Northwest Quarter of the Southeast Quarter, Section 26)

4. **Right of Way for Roosevelt Avenue along the North 25 feet as set out in Right of Way Deed recorded September 12, 1966 as Instrument No. 585881 and September 5, 1968 as Instrument No. 616821, records of Canyon County, Idaho.**
5. **Right of Way for Caldwell Canal.**
6. **Power line easement as granted by ERNEST RUPERT and MARY R. RUPERT, his wife to IDAHO POWER COMPANY, a corporation, by instrument recorded July 13, 1971, as Instrument No. 664229, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. (Affects: Part of Section 26, Township 3 North, Range 3 West)**
7. **A Mortgage to secure an indebtedness as shown below, and any other obligation secured thereby**

Amount:	\$92,000.00
Dated:	April 3, 1996
Mortgagor:	KEVIN W. BAILEY and PHYLLIS M. BAILEY, husband and wife
Mortgagee:	ROGER L. WILLIAMS and ANITA L. WILLIAMS, VIRGINIA M. FULTON, RONALD DEAN FULTON, SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA and GOREE TRUKSA
Recorded:	May 2, 1996 as Instrument No. 9614160

"NOTHING FURTHER"

RECEIVED

AUG 29 1997

WATER RESOURCES
WESTERN REGION

AGREEMENT FOR SALE OF REAL ESTATE

THIS AGREEMENT, made and entered into this 3rd day of April, 1996, by and between ROGER L. WILLIAMS and ANITA L. WILLIAMS, formerly husband and wife, VIRGINIA M. FULTON, RONALD DEAN FULTON, SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA, and GOREE TRUKSA, hereinafter referred to collectively as Sellers, and KEVIN W. BAILEY and PHYLLIS M. BAILEY, husband and wife, hereinafter referred to as Buyers.

WITNESSETH

In consideration of the mutual covenants and agreements hereinafter contained, Sellers agree to sell and Buyers agree to buy that certain parcel of real property, together with its improvements and fixtures, situated in Canyon County, Idaho, and more particularly described as follows, to-wit:

The Northwest Quarter of the Southeast Quarter of Section 26, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

PURCHASE PRICE AND TERMS OF PAYMENT: Buyers agree to pay as the total purchase price for said property the sum of ONE HUNDRED FORTY TWO THOUSAND AND NO/100THS DOLLARS (\$142,000.00) payable under the following terms and conditions:

- a. The sum of FIFTY THOUSAND AND NO/100THS DOLLARS (\$50,000.00) cash, receipt of which is hereby acknowledged by Sellers.
- b. The remaining unpaid balance of NINETY-TWO THOUSAND AND NO/100THS DOLLARS (\$92,000.00) shall be payable in two (2) annual installments of

FF
INITIAL 8 ^{ON \$42,000.00 NOTE} FORTY-SIX THOUSAND AND NO/100THS DOLLARS (\$46,000.00) each, plus interest at 8 % per annum with the first installment due on or before the 1st day of June, 1997, but not before January 1, 1997, and the second and final installment due on or before the 1st day of June, 1998, but not before January 1, 1998.

CONVEYANCE: Contemporaneously herewith, Sellers shall execute and deliver a good and sufficient Warranty Deed to the above described real property in favor of Buyers.

NOTE AND MORTGAGE: Contemporaneously herewith, Buyers shall execute a Promissory Note and Mortgage in favor of Sellers and covering the above described real property and the balance owing thereon under this Agreement. PROVIDED HOWEVER, said Mortgage shall not be secured by the southerly 1000 feet of the westerly 350 feet of the above described real property.

RELEASE OF MORTGAGE: Contemporaneously herewith, Sellers shall execute two (2) Release of Mortgage documents, releasing Buyers from the mortgage pursuant to the following terms:

a. Upon payment of the first \$46,000.00 installment plus interest at 8 % per annum due on or before June 1, 1997, but not before January 1, 1997, Sellers agree to release to Buyers, via the First Release of Mortgage executed contemporaneously herewith, the westerly 700 feet of the subject real property described above.

b. The balance of the property covered by the mortgage shall be released to the Buyers from Sellers upon payment of the final \$46,000.00 installment plus interest at

8 % due on or before June 1, 1998, but not before January 1, 1998, via the Second Release of Mortgage executed contemporaneously herewith.

ESCROW HOLDER: The parties agree that they will place in escrow with Pioneer Title Company of Canyon County of Nampa, Canyon County, Idaho, an executed copy of this Agreement, the Promissory Note and Mortgage, the First Release of Mortgage, and the Second Release of Mortgage, all described above. The escrow holder is hereby instructed to deliver the First Release of Mortgage to the Buyers upon Sellers receipt of the first \$46,000.00 installment, together with interest, due on or before June 1, 1997, and to deliver the Second Release of Mortgage to Buyers upon the Sellers receipt of the final \$46,000.00 installment, together with interest, due on or before June 1, 1998. It is understood and agreed that the parties hereto are executing contemporaneously herewith escrow instructions authorizing said escrow holder to act as their agent herein, and in the event of a conflict between the terms of this Agreement and the terms of said escrow instructions, the terms of this Agreement shall prevail.

TAXES AND ASSESSMENTS: Sellers agree to pay and discharge all taxes, dues and assessments, including irrigation charges, to and including December 31, 1995, and for all prior years and Buyers agree to pay and discharge as the same become due and before any delinquency all taxes, dues and assessments, including irrigation charges, after December 31, 1995 and for all subsequent years during the continuance of this Agreement. PROVIDED HOWEVER, that said taxes, dues and assessments, due for the year 1996 shall be adjusted and prorated between the parties as of April 3, 1996.

POSSESSION: The parties agree that Buyers shall be entitled to possession of the said premises April 3, 1996, and shall be entitled to continue in possession thereof so long as all covenants and conditions required hereunder are properly performed by Buyers.

COVENANT AGAINST WASTE AND DESTRUCTION: Buyers covenant and agree wit Sellers that they will wholly refrain from the waste, strip or destruction of the above described property and shall keep the same free from the accumulation of weeds, trash and debris.

LIENS AND ENCUMBRANCES: Buyers agree that they will not allow any new liens or encumbrances of any kind to become established on or to stand against the above described real property which would take precedence over, or be superior to, the rights of the Sellers herein. Buyers shall not allow any mechanic, materialman, or labor lien to be established on or to stand against the above premises, and shall promptly pay for all alterations or improvements made on the above real property. PROVIDED, HOWEVER, that the southerly 1000 feet of the westerly 350 feet, that portion of the above described real property excluded from the mortgage at the inception of this Agreement, shall not be subject to the terms and provisions of this paragraph.

EXISTING LEASE: The parties hereto acknowledge the existence of a farm lease held by Redding Brothers. Pursuant to the terms of said lease, Redding Brothers have agreed to pay \$130.00 per farmable acre in exchange for the right to farm the above described real property during the calendar year of 1996. Buyers hereby agree to take the property subject to the lease

and perform all obligations incumbent upon Sellers under the terms of said lease. Furthermore, Buyers agree not to begin construction of any buildings, or in any other way materially alter the number of farmable acres without a written release from Lessee, Redding Brothers. Payments due under the terms of said lease shall be payable to the Buyers herein.

WATER RIGHTS: This transaction shall include a transfer from the Sellers to the Buyers the proportionate share of any and all water rights to the above described property. The Buyers shall have no right to water from the well on the adjoining property retained by Seller; provided, however, that Buyers shall pay \$35.00 per farmable acre per year for the use of water produced by the existing well, for a period of time not to exceed two (2) years

EVIDENCE OF TITLE: Sellers shall furnish upon execution of this Agreement, a policy of title insurance in the usual form issued by a title insurance company authorized to do business in the State of Idaho, which policy of title insurance shall show sufficient marketable title to vest in Sellers, free and clear of all encumbrances, except any encumbrance hereinabove mentioned and set forth, any right of way or easement of public road, current taxes and assessments, any United States patent restrictions and usual printed exceptions in said policies and Buyers shall have the right to have said policy of title insurance examined by their legal representative for any defects which might or could affect marketability of title. In the event of such defect, Sellers shall have a reasonable time to cure such defect.

MISCELLANEOUS PROVISIONS:

1. Any assent, express or implied, to any waiver of any condition, agreement or covenants herein contained shall operate as such only in the specific instance and shall not be deemed to apply to any subsequent breach of any term, condition or covenant herein contained.

2. Buyers have inspected said premises and are satisfied with the condition thereof and no representations or warranties have been made to Buyers unless the same are set forth herein.

3. Any notice required between the parties as to any matter or thing pursuant to this Agreement shall be made between the parties by the escrow holder, and such notice shall be deemed duly and properly served upon each of the respective parties if mailed by the escrow holder by certified mail and to the last known address of Sellers or Buyers as respectively furnished to such escrow holder.

4. In the event that notice of default is sent by Sellers, it shall include the amount expended by Sellers for reasonable attorney's fees in the preparation of said notice and before Buyers may cure the defaults set forth in said notice, they must pay to escrow holder the amount indicated in said notice for said attorney's fees and also pay the escrow holder's costs of mailing said notice.

5. In the event that any suit or action is necessary to enforce any of the terms of this Agreement, the prevailing party shall be entitled to recover a reasonable attorney's fee.

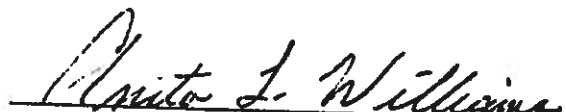
ESCROW FEES: The initial escrow fee and monthly collection fee shall be paid equally by the parties.

BINDING EFFECT: This Agreement is binding upon the parties hereto, their heirs, personal representatives, assigns and successors in interest. This Agreement, however, may not be assigned by Buyers without the written consent of Sellers, which consent will not be unreasonably withheld.

ATTORNEY REPRESENTATION: It is understood by the parties hereto that this Agreement and the documents related to this transaction are being prepared by the firm of Hamilton & Michaelson at the request of Roger L. Williams, one of the Sellers. The Buyers and other Sellers have been advised that they have the right to have this Agreement reviewed by independent counsel of their own choice should they so desire.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year in this Agreement first above written.


ROGER L. WILLIAMS


ANITA L. WILLIAMS


VIRGINIA M. FULTON


RONALD DEAN FULTON


SCOTT TRUKSA


AMY S. TRUKSA


MARC TRUKSA


GOREE TRUKSA
--Sellers--

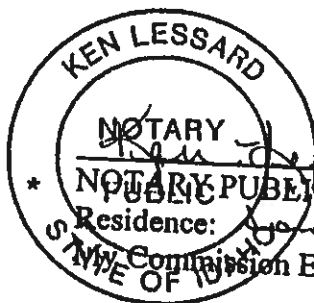

KEVIN W. BAILEY


PHYLLIS M. BAILEY
--Buyers--

STATE OF IDAHO)
County of Canyon) ss.

On this 8th day of April, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared ROGER L. WILLIAMS, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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



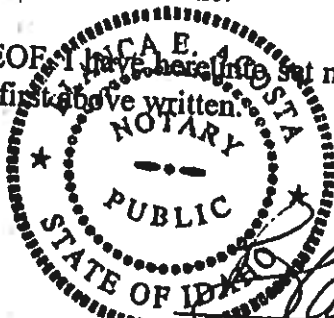
*SEAL

STATE OF IDAHO)

County of CANYON) ss.

On this 30 day of April, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared ANITA L. WILLIAMS, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she 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.



*SEAL

STATE OF IDAHO)

County of CANYON) ss.

AGREEMENT FOR SALE OF REAL ESTATE

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: A63-03120
Date Received: 11/24/1989
Receipt No: W006785
Received By: L.A.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROGER WILLIAMS, ET. AL. 208-343-1803
Address: 3522 IMMIGRANT PASS
BOISE, ID 83705

2. Date of Priority: FEB 05, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	26	SW	NE			CANYON

5. Description of diverting works:
GRAVITY FLOW, SIPHON TUBES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.440		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 357.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/RESIDENCE, 1 FAMILY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	26	NW	NE		IRR	27.0
			SW	NE		IRR	35.0

A63-03120

Page 1

Date: 11/24/89

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	26	SW	NE		DOMEST	
			NW	SE		IRR	40.0
						Section Acres	102.0
						Total Acres	102.0

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:
A6304085, DEER FLAT CANAL

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 27231

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: 1

For Organizations:

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

Organization Title
document in the space below as Partner of
Organization Title

WFT Farm and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Partner - WFT Farm
Title and Organization

11-24-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of Nov 19 89

[Signature]
Notary Public

Seal

Residing at Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



ATTEMPTED,
NOT KNOWN

PHYLLIS M BAILEY

KEVIN W BAILEY
1300 LAKE LOWELL AVE
NAMPA ID 83686

63-31200

RECEIVED
FEB 09 2007
WATER RESOURCES
WESTERN REGION



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED

OCT 20 2006

WATER RESOURCES
WESTERN REGION

63-31200

UNDELIVERABLE
ADDRESSED
NO FORWARDING
ORDER ON FILE
KEVIN R. BAILEY

PHILLIP T. BAILEY
131

UNDELIVERABLE
ADDRESSED
NO FORWARDING
ORDER ON FILE



09/07/2006

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

RIGHT NUMBER: 63-3120B

NAME AND ADDRESS: KEVIN W BAILEY
1300 LAKE LOWELL AVE
Nampa ID 83686

PHYLLIS M BAILEY
1300 LAKE LOWELL AVE
Nampa ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.560 CFS
180.000 AFY

PRIORITY DATE: 02/05/1958

POINT OF DIVERSION:

T03N R03W S26 NWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.560 CFS 180.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S26 NWSE 40.00

40 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 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.

Use of this right is combined with water from Deer Flat Canal Co.

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.

modified



Idaho Department of Water Resources

SRBA Recommendation:

63-3120B

(Irrigation)

Acres = 40

Legend

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



Canyon County
IDWR Basin 63



R03W



T03N

0 0.1 0.2 Miles

Prepared by K. Walker
On Thursday, September 7, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3120B

WATER RIGHT NUMBER: 63-3120B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROGER WILLIAMS 3522 IMMIGRANT PASS BOISE, ID 83705 (208)343-1803
Current Owner	PHYLLIS M BAILEY 1300 LAKE LOWELL AVE NAMPA, ID 83686 (208)467-4717
Original Owner	ERNEST RUPERT PO BOX 9074 NAMPA, ID 83652 (208)466-5541
Current Owner	KEVIN W BAILEY 1300 LAKE LOWELL AVE NAMPA, ID 83686 (208)467-4717

Priority Date: 02/05/1958

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.560 CFS

Annual Volume

180.00 AF

Total Diversion:

0.560 CFS

180.00 AF

Location of Point(s) of Diversion

GROUND WATER

CANYON County

NW1/4SE1/4

Sec. 26, Twp 03N, Rge 03W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	03W	26					40.0

Total Acres: 40

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

*Deer Flat Canal
Don w/63-4085
in office verification
by Kay Walker
9/7/04*

Are collected

OK

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3120B

- exp 2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. ~~T88~~ Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- exp 4. 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.
5. ~~T88~~ 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.
6. THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM A63-03120, FEE PAID UNDER W006785.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5189 IN FILE.
CLAIM AMENDED PER TRANSFER NO. 5189 APPROVED 01/28/1998.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3120B

WATER RIGHT NUMBER: 63-3120B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ERNEST RUPERT PO BOX 9074 NAMPA, ID 83652 (208)466-5541
Current Owner	PHYLLIS M BAILEY 1300 LAKE LOWELL NAMPA, ID 83686 (208)467-4717
Current Owner	KEVIN W BAILEY 1300 LAKE LOWELL AVE NAMPA, ID 83686 (208)467-4717

Priority Date: 02/05/1958

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	0.560 CFS	180.00 AF
	<u>Total Diversion:</u>	0.560 CFS	180.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 26, Twp 03N, 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	
03N	03W	26																	40.0
																			40.0

Total Acres: 40

Conditions of Approval:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3120B

4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.
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. PSKAGGS 1/27/1998 TRANSFER NO. 5189

Comment: Transfer 5189 adds a point of diversion under a portion of Right 63-03120, splitting the right into Parts A & B.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3120B

03/09/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1120B 7	Claim	03N	03W	26	NW	SE		IRRIGATION	40/40	PHYLLIS M BAILEY
1120B	Water Right	03N	03W	26	NW	SE		IRRIGATION	40/40	PHYLLIS M BAILEY

NO OL

Receipt Details for ID W006785

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
11/24/1989 2:41:46 PM	11/24/1989	Western	\$202.00	Check
Payer		WILLIAM, ROGER		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4671			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$202.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	3120		\$152.00	Claim
63	4085		\$50.00	Claim

Print Report

[illegible]

2 of 6

Transfer No. _____

PART 1

General Information:

Description of diversion system well, main line, and sprinkler system.

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.

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

No change in place of use. I just want my own well.

Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19____.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03120

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.44 CFS
DOMESTIC	to	
	Totals	1.44 CFS

SOURCE

GROUNDWATER

Priority: 02/05/1958

LOCATION OF POINT(S) OF DIVERSION:SWNE , Sec. 26, Township 03N, Range 03W
CANYON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 03W 26	NWNE 27	SWNE 35	NWSE 40	102
Total number of acres irrigated:				102

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

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 .56 for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	26	3N	3W	Canyon	

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	
3N	3W	26														40			40

Total acres 40

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

1. amount .88 for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount .04 for Domestic purposes from 1-1 to 12-31
 (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
		SW	NE	26	3N	3W		

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	
3N	3W	26		27	35	D													62

Total acres 62

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.**

see attachment c

6 of 6

Transfer No. _____

PART 3

CHANGES IN NATURE OF USE

New Nature of Use

Amount
(cfs/ac-ft)

Hours/days/year

Period of Use

_____ to _____
_____ to _____

Quantity and quality of return flows and location of discharge:

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

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

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

_____ Kevin W Bailey
(Signature of Applicant)
scribed and sworn to before me this 26th day of November, 19 97.

_____ Melvin T. Schutte
(Notary Public)
ommission expires 7-24-2001

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by MTS Date 11-26-97 Protest filed by _____

Amount check by _____ Fee \$100 #W023272

Accepted by MTS Date 11-26-97

Filed in Press Tribune
dates 1-1 & 8-98

Master recommendation requested on _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

_____ of transfer sent to lien holder _____

Split Tree (A) 63-03120

A63-03120 N/O Roger Williams, et al

DR: In 1.44 cfs CU: 357 of.
Dom. .04

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWNE - 27

SWNE - 35 + Domestic

NWSE - 40

-03120A N/O Roger Williams, et al

DR: In. - .88 cfs CU: 217 of
Dom. - .04 cfs

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWNE - 27

SWNE - 35 + Domestic

-03120B N/O Kevin & Phyllis Bailey

DR: .56 cfs CU: 140 of

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWSE - 40

T3N R3W

400
no gov. es

27

Gravel
Pit

Well
2537

Gravel
Pit

New Pond

AVIS

PHYLLIS

ROAD

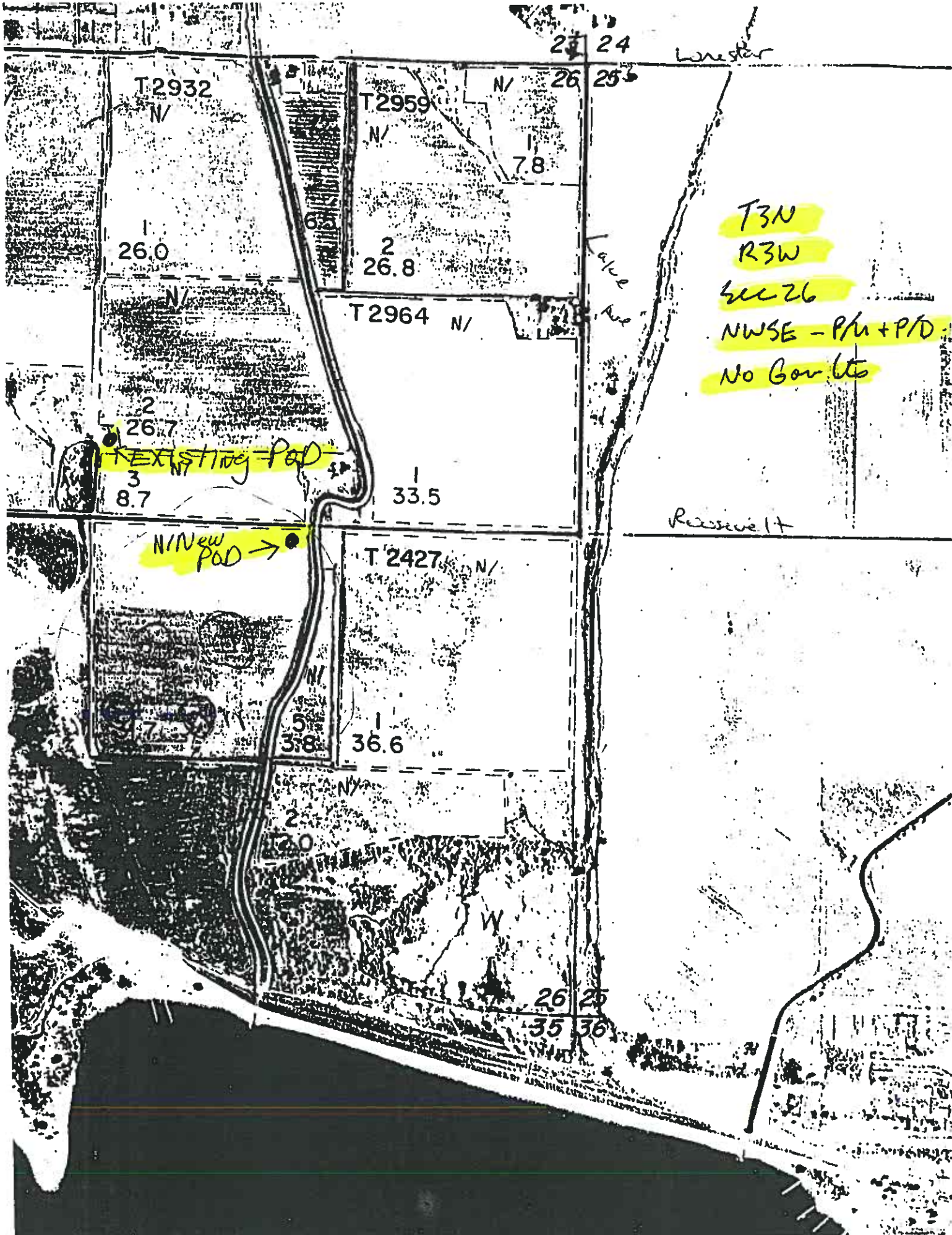
DEER

THACHER

Well

Gotts Point

ATTACHMENT C1



T3N
R3W
sec 26
NWSE - P/M + P/D
No Gov LG



T3N, R3W
1994

SCALE 1:24,000

ATTACHMENT C3

MEMORANDUM

TO: FILE 63-03120

FROM: PAM SKAGGS^{PS} STATE OFFICE

SUBJECT: TRANSFER 5189

DATE: January 27, 1998



=====

Transfer 5189 adds a new point of diversion under a portion of Right 63-03120, splitting the right into Parts A & B. The applicant has purchased the 40 acre parcel and wants to drill his own well to serve his portion of the right.

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

State of Idaho

License and Certificate of Water Right

Water License No. G-27231

Amount 1.44 c.f.s.

Water District No.

Priority February 5, 1958

THIS IS TO CERTIFY that ERNEST RUPERT
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 5, 1958; that Permit No. G-27231
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.44 second feet, was issued thereunder on September 15, 1958, showing that said works
were completed on the 25th day of March, 1958; and that on the 25th
day of March, 1958, ERNEST RUPERT

of Nampa, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean, for the purpose of Irrigation and domestic
use, under Use Permit No. G-27231 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6471, on the 15th day of September, 1958;
The right hereby confirmed dates from February 5, 1958;

The Point of Diversion is located
in the SW 1/4 NE 1/4, Sec. 26, Tp. 3 N., R. 3 W., B. M. Canyon
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.44 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	3 W.	26	NW 1/4 NE 1/4 SW 1/4 NE 1/4 NW 1/4 SE 1/4	27 40 40	27 35 40
Total number of acres irrigated				- - -	107

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of September, 1958.

/s/ Geo. N. Carter
State Reclamation Engineer

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-26231

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Ernest Rupert, Route #1, Nampa, Idaho

2. Source of water supply: Subterranean flow - well

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26

T. 3 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: _____

30 hp Smith Motor #60444
Byron Jackson Turbine #265975
Delivery to West into short stand pipe and divider box.
To fields by gravity.

5. Water is used for: Irrigation and domestic purposes

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Township 3 North, Range 3 West, B.M.

Section 26 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ (27), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (40), total number of acres 107

Filing 2-5-58 Q = 1.6 cfs P.D. SWNE 26 - 3N-3W irr. R.J.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Crops are hay - grain - row crops

Mr. Rupert along

This examination was made on the 22 day of May, 1958

(Signed) E. N. Humphrey Examiner.

Route #1, Nampa, Idaho

66057 Nampa

Permit No. G-27231

Examination for C/W & Beneficial Use

County Canyon

26-3N.-3W.

Qs 1.6 a.c.s.

S. Well

P.D. = S.W. 1/4, Sec 2, T. 3, R. 3W

See Diagram

Found in 1928

Dec. Feb. 1933

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
MAY 23 1958

Department of Reclamation

300 yd in 3 m. 32.8
72" $\frac{180}{212}$
= 75.59°

OU Smith 30 m.

66444

B.T. Lamb

265475

1 K 4 5 Stage

L. A. H. L. 100'

Wall in S. 4 10.

Where Cont'd

on S. wall in -

del there 6" to 8" 146'

to work in ditches

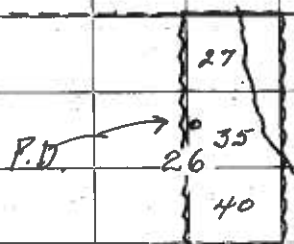
3 1/2' stand pipe 10' h.

Well - 12" x 240' h = 180'?

R-3W.

Perigato 900.

TO NAMPA →



Subdivisions = 3

Area = 102 acres.

Q = 72 inches.

1.44 cfs.

Q = by Spading Meter

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27231

REPORT ON PROOF OF Completion of Works & Beneficial Use

Ernest Rupert -
Route #1, Nampa, Idaho

Brandt Agency - see notes in file -

Appl. 1.6

Sub 3

acres 102

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35155
Permit No. G- 27231
District No.

Brandt Agency
204 Twelfth Ave. So.,
Nampa, Idaho
Att: John H. Brandt

1. Name of Applicant: ERNEST RUPERT
Postoffice address: Rt. 1, Nampa County: Canyon State: Idaho
2. Quantity of water claimed: 1.6 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second. 1.6 or Idaho
Miners' inches 80 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: subterranean flow - well
4. Location of point of diversion or well is in the SW 1/4 of the NE 1/4 of Section 26
Twp. 3 N. , Rge. 3 W. , B.M., County of Canyon
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. B.M
7. Kind of works: Well, pump and ditches
8. Estimated cost of works: \$ 12,000
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Water right for 13 acres under Nampa-Meridian Irrigation District.
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This filing is supplemental to existing water rights.

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

/s/ Ernest Rupert
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M. February 5, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-27231

Recorded in Book 9 Page 27231 Approved February 6, 1956

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before and to continue diligently and uninterruptedly to completion. Work to begin on or before unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 1, 1960

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 6, 1963

Witness my hand this 6th day of February, 1956

/s/ MARK R. KULP
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 6th day of February, 1956.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ JAS. H. YOUNG
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	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	
3 N.	3 W.	26	27	46											46				107

Permit No. G-27231

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that ERNEST RUPERT of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. G-27231, issued upon Application No. G-35155 bearing date of priority of February 5, 1956, authorizing the diversion of 1.6 second feet of waters of subterranean flow - well County of Canyon, State of Idaho for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.6 second feet of the waters of subterranean flow - well that the point of diversion of said waters SW 1/4 Section 26, Township 3 North, Range 3 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 102 acres in W 1/2 NE 1/4, NW 1/4 SE 1/4 Section 26, Township 3 North, Range 3 West, B.M. Proof of Completion of Works made: March 25, 1958

Witness my hand this 15th day of September, A.D. 1958

/s/ Geo. N. Carter
State Reclamation Engineer

Proof of Completion of Works made: March 25, 1958
Certificate of Completion of Works issued: September 15, 1958.

LICENSE ISSUED FOR 1.44 SEC. FL.

6421



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 2, 1997

PHILIP E. BATT
GOVERNOR

KEVIN BAILEY
1300 LAKE LOWELL
NAMPA ID 83686

KARL J. DREHER
DIRECTOR

RE: A63-03120B

Dear Kevin:

Enclosed is a copy of Snake River Basin Adjudication claim A63-03120B. This claim is a result of the change of ownership you filed that split A63-03120. The enclosed copy is for your records. If you have any questions concerning the claim or split call me at the number below.

After the transfer application you recently filed is approved, the Point of Diversion for A63-03120B will be changed to the site of the new irrigation well you plan to drill. At that time you can obtain the drilling permit for that well. In the mean time call if you have any questions.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.