

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 63-32624
Date Received: 3/1/1990
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KENNETH A TOMER Phone: (208)466-2032
734 BURKE LN
NAMPA ID USA 83651

2. Date of Priority: 04/25/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	02W	9	SW SE NW	CANYON	

5. Description of diverting works:

WELL, 6.5" I.D. CASING, 165' TOTAL DEPTH, 10 HP TURBINE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.13	

7. Total Quantity Appropriated is:
0.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	02W	9	SE	NW	IRRIGATION	5
					Section Acres	5
					Total Acres	5

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-3041 .

15. Basis of Claim: License

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3041	63-3041	☒			

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) Kenneth A. Tomer
734 Burke Lane, Nampa ID 83686
4. New Owner/Claimant(s) Nampa School District # 131
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 619 S. CANYON ST.
- City, State and ZIP Code NAMPA, ID 83686
- New Telephone Number (208) 468-4600
5. Date you acquired the property 2/10/06

RECEIVED

DEC 22 2006

WATER RESOURCES
WESTERN REGION

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>63-3041</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.0375</u>	<u>15</u>
Stock		
Domestic		
Other		
Total	<u>0.0375</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 <u>63-3041</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.0125</u>	<u>5</u>
Stock		
Domestic		
Other		
Total	<u>0.0125</u>	

7.

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

Donald T. Nyberg
Chairman, Nampa School Board # 131

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 [Signature]Date 12-22-06Fee N/AReceipted by [Signature]

Date

Receipt No.

Processed by [Signature]

AJ

Date 3-27-07

WR

Date



200688315

RECORDED

2006 NOV 1 PM 4 35

CANYON COUNTY RECORDER

BY *[Signature]*

TITLEONE

REQUEST
TYPE *Am* FEE *900*

**CORRECTED
PERSONAL REPRESENTATIVE'S DEED**

THIS DEED, made by JIM K. TOMER and BETTY A. MELLO, as co-personal representatives of the estate of KENNETH A. TOMER, deceased, Grantors, to NAMPA SCHOOL DISTRICT #131, Grantee, whose current address is 619 South Canyon, Nampa, Idaho.

WHEREAS, Grantors are the qualified co-personal representatives of said estate, filed as Case No. CV 2005 - 5403, in Canyon County, Idaho;

THEREFORE, for valuable consideration received, Grantors quitclaim, transfer, and convey to Grantee the following described real property in Canyon County, Idaho:

See Exhibit "A" attached hereto and made a part hereof.

with all appurtenances.

THIS CORRECTION DEED IS RECORDED TO CORRECT THE LEGAL DESCRIPTION IN THAT CERTAIN PERSONAL REPRESENTATIVE'S DEED RECORDED ON JULY 11, 2006 AS INSTRUMENT # 200655270 AS A RESULT OF A SUBSEQUENT SURVEY OF THE PROPERTY.

EXECUTED this 6 day of July, 2006.

[Signature]

Co-Personal Representative of the estate of
KENNETH A. TOMER, deceased.

EXECUTED this 2nd day of July, 2006

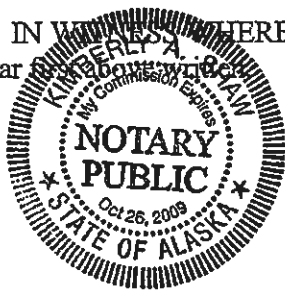
✓ *Betty mello*

Co-Personal Representative of the estate of
KENNETH A. TOMER, deceased.

STATE OF ALASKA)
) : ss
County of EAGLE RIVER)

On this 16 day of July, 2006, before me, the undersigned, a notary public in and for said state, personally appeared, JIM K. TOMER, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of KENNETH A. TOMER, deceased, and acknowledged to me that he executed the same as such Personal Representative.

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



[Signature]
Notary Public for EAGLE RIVER FNBA.
Residing at EAGLE RIVER
My commission expires: 10-26-09

*SEAL
STATE OF Idaho)
) : ss
County of Canyon)

On this 2nd day of July, 2006, before me, the undersigned, a notary public in and for said state, personally appeared, BETTY A MELLO, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of KENNETH A. TOMER, deceased, and acknowledged to me that she executed the same as such Personal Representative.

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



[Signature]
Notary Public for Idaho
Residing at Nampa
My commission expires: 6/19/12



THE LAND GROUP, INC.

October 11, 2006

Legal Description
Nampa School District
Burke Lane Property
15.00 acres

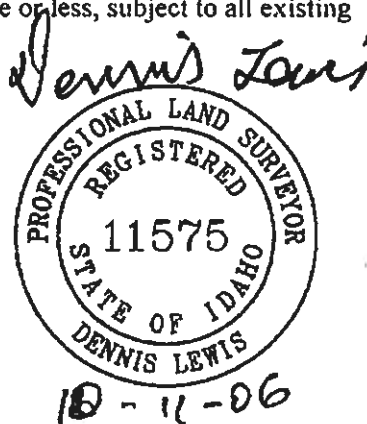
A tract of land situated in the East One Half of the Southeast One Quarter of the Northwest One Quarter of Section 9, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

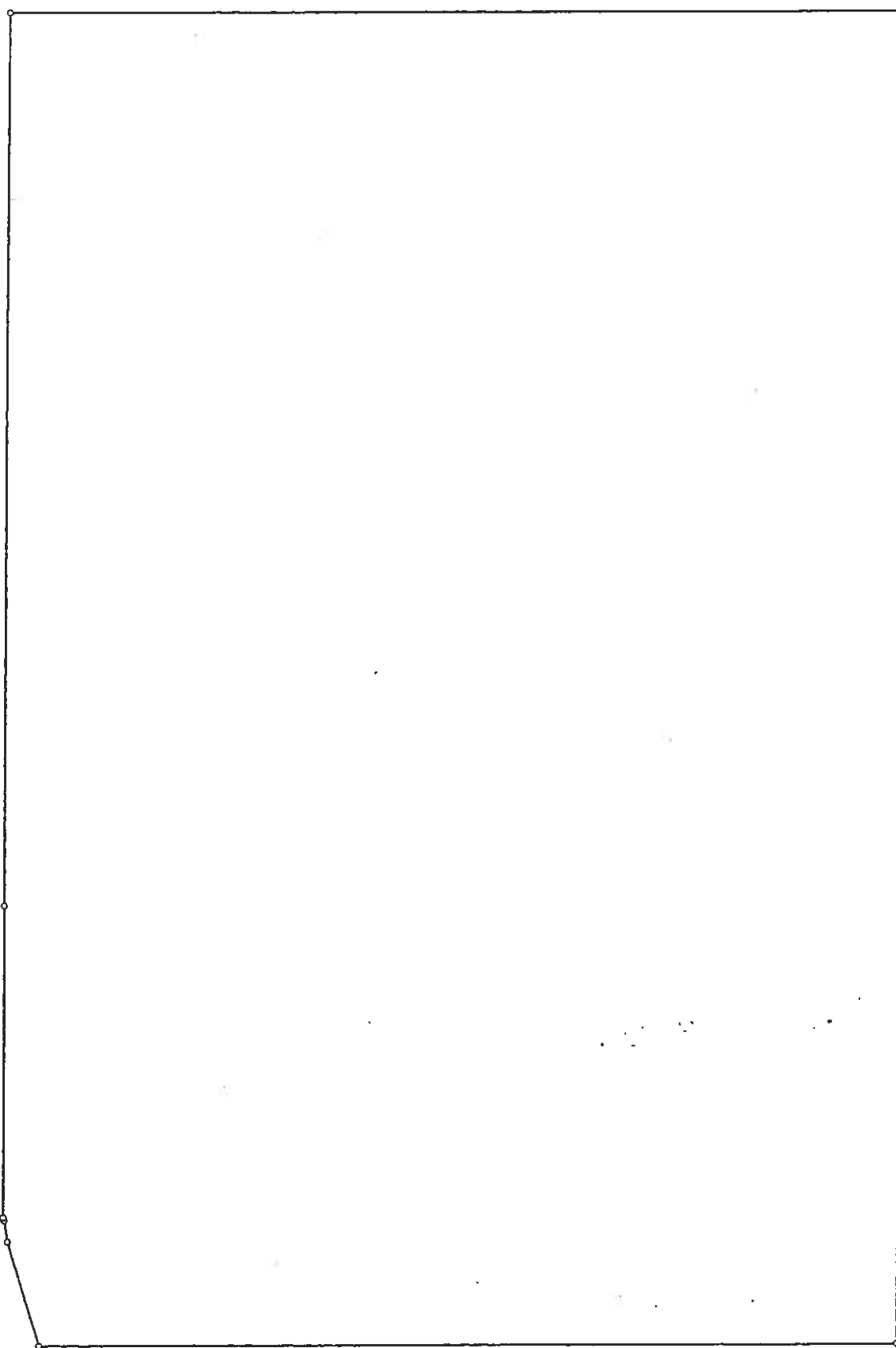
Commencing at a 5/8-inch steel pin monumenting the North One Quarter Corner of Said Section 9, thence South $00^{\circ}51'26''$ East a distance of 1,322.34 feet to a found 5/8-inch steel pin monumenting the Northeast Corner of the Southeast One Quarter of the Northwest One Quarter of said Section 9 and being the POINT OF BEGINNING.

Thence following the easterly line of the Southeast One Quarter of the Northwest One Quarter of Section 9, South $00^{\circ}51'27''$ West a distance of 987.18 feet to a point; *300.8925 m*
Thence leaving said easterly line, North $89^{\circ}14'57''$ West a distance of 635.76 feet to a point; *193.7796 m*
Thence North $16^{\circ}06'24''$ West a distance of 80.83 feet to a point; *24.63698*
Thence North $08^{\circ}34'09''$ West a distance of 15.88 feet to a point; *4.8407 m*
Thence North $15^{\circ}10'51''$ West a distance of 2.36 feet to a point; *.719328 m*
Thence North $00^{\circ}51'06''$ East a distance of 231.62 feet to a found 1/2-inch steel pin; *70.59778 m*
Thence North $00^{\circ}52'21''$ East a distance of 660.53 feet to a found 5/8-inch steel pin on the northerly line of the said Southeast One Quarter of the Northwest One Quarter of Section 9; *201.3295 m*
Thence following the northerly line of the said Southeast One Quarter of the Northwest One Quarter, South $89^{\circ}13'35''$ East a distance of 662.45 feet to the POINT OF BEGINNING. *201.9148 m*

The above-described tract of land contains 15.00 acres, more or less, subject to all existing easements and rights-of-way.

Prepared By: THE LAND GROUP, INC.
462 E. SHORE DRIVE, SUITE 100
EAGLE, IDAHO 83616
208-939-4041
208-939-4445 (FAX)





Title:

Date: 10-11-2006

Data and Deed Call Listing of File:

Tract 1: 14.990 Acres: 652957 Sq Feet: Closure = s44.2752w 0.00 Feet: Precision = 1/821824: Perimeter = 3277 Feet

001=s00.5127w 987.18
002=n89.1457w 635.76
003=n16.0624w 80.83
004=n08.3409w 15.88
005=n15.1051w 2.36
006=n00.5106e 231.62
007=n00.5221e 660.53
008=s89.1335e 662.45



DATA NOT VERIFIED BY RTD/AIO

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: A63-03041
Date Received: 3/01/1990
Receipt No: CO15234
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH A. TOMER 208-466-2032
Address: 734 BURKE LANE
NAMPA, ID 83651

2. Date of Priority: APR 25, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	9	SW	SE	NW		CANYON

5. Description of diverting works:
WELL, 6.5" I.D. CASING, 165' TOTAL DEPTH, 10 HP TURBINE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	9	SE	NW		IRR	20.0

Section Acres 20.0

Total Acres 20.0

A63-03041

Page 1

Date: 03/01/90

MICROFILMED

AUG 18 1992

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 25638

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 Individuals:

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

Signature of Claimant(s): Kenneth C. Tower Date: 1st Mar. 1990
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of March 19 90 Carter Fritchelle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritchelle, Notary Public
Residing at _____, Idaho
My Commission Expires March 21, 1994

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

RIGHT NUMBER: 63-32624

NAME AND ADDRESS: KENNETH A TOMER
734 BURKE LN
NAMPA ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS
22.500 AFY

PRIORITY DATE: 04/25/1955

POINT OF DIVERSION:

T02N R02W S9 SWSNW 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	0.130 CFS 22.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T02N R02W S09 SENW 5.00

5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Boise-Kuna Irrigation District.

This right is a split from former right 63-3041 .

**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: 63-3041 (Split)
63-32624, 63-32625

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other
- ☐ 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: March 30, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 30, 2007, 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

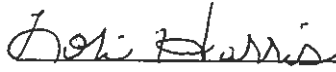
3. Copies to all parties to the subcase:

Kenneth A. Tomer
734 Burke Ln.
Nampa ID 83651

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

Nampa School District #131
619 S. Canyon St.
Nampa ID 83686

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


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 30, 2007

KENNETH A TOMER
734 BURKE LN
NAMPA ID 83651

Re: Original Water Right No. 63-3041

Renumbered to Water Right Nos. 63-32624

Dear Mr. Tomer:

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 resulted in a split of the original claim.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: Nampa School District