

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 63-32708  
Date Received: 9/20/1989  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT WHITING Phone: (208)229-3426  
6122 W DRY CREEK RD  
BOISE ID USA 83714

JULIA WHITING Phone: (208)229-3426  
6122 W DRY CREEK RD  
BOISE ID USA 83714

2. Date of Priority: 09/13/1874

3. Source: DRY CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 02E   | 31      | SE SE NE              | ADA    |      |

5. Description of diverting works:

Dam, gravity ditches, & pressure irrigation from distribution pond.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/01 | 11/15 | 0.17   |            |

7. Total Quantity Appropriated is:  
0.17 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 |
|----------|-------|---------|------------|-----|---------------|-------|
| 05N      | 02E   | 31      | NE         | NW  | IRRIGATION    | 0.9   |
|          |       |         | SE         | NW  | IRRIGATION    | 9.1   |
|          |       |         |            |     | Section Acres | 10    |
|          |       |         |            |     | Total Acres   | 10    |

11. Place of use in counties: ADA

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 63-32402 .

15. Basis of Claim: Beneficial Use

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

RECEIVED

NOV 29 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<br>Right No(s) | Adjudication<br>Claim No(s) | Split                               | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split |
|----------------------|-----------------------------|-------------------------------------|----------------------|-----------------------------|-------|
| 63-32402             |                             | <input checked="" type="checkbox"/> |                      |                             |       |
| 63-32411             |                             | <input checked="" type="checkbox"/> |                      |                             |       |
|                      |                             |                                     |                      |                             |       |
|                      |                             |                                     |                      |                             |       |

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)

Bull Development Incorporated  
2229 W. State Street B, Boise ID 83702

4. New Owner/Claimant(s)

Robert and/or Julia Whiting

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

New Mailing Address

6122 West Dry Creek Road

City, State and ZIP Code

Boise ID 83714

New Telephone Number

(208) 229-3426

5. Date you acquired the property

15 June 2001

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

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>63-32402</u>                                                            |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | <u>75 gal per minute</u>                                                   | <u>10 acres ag.</u>                                          |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other                                                                                                                   | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | <u>75 gpm</u>                                                              |                                                              |

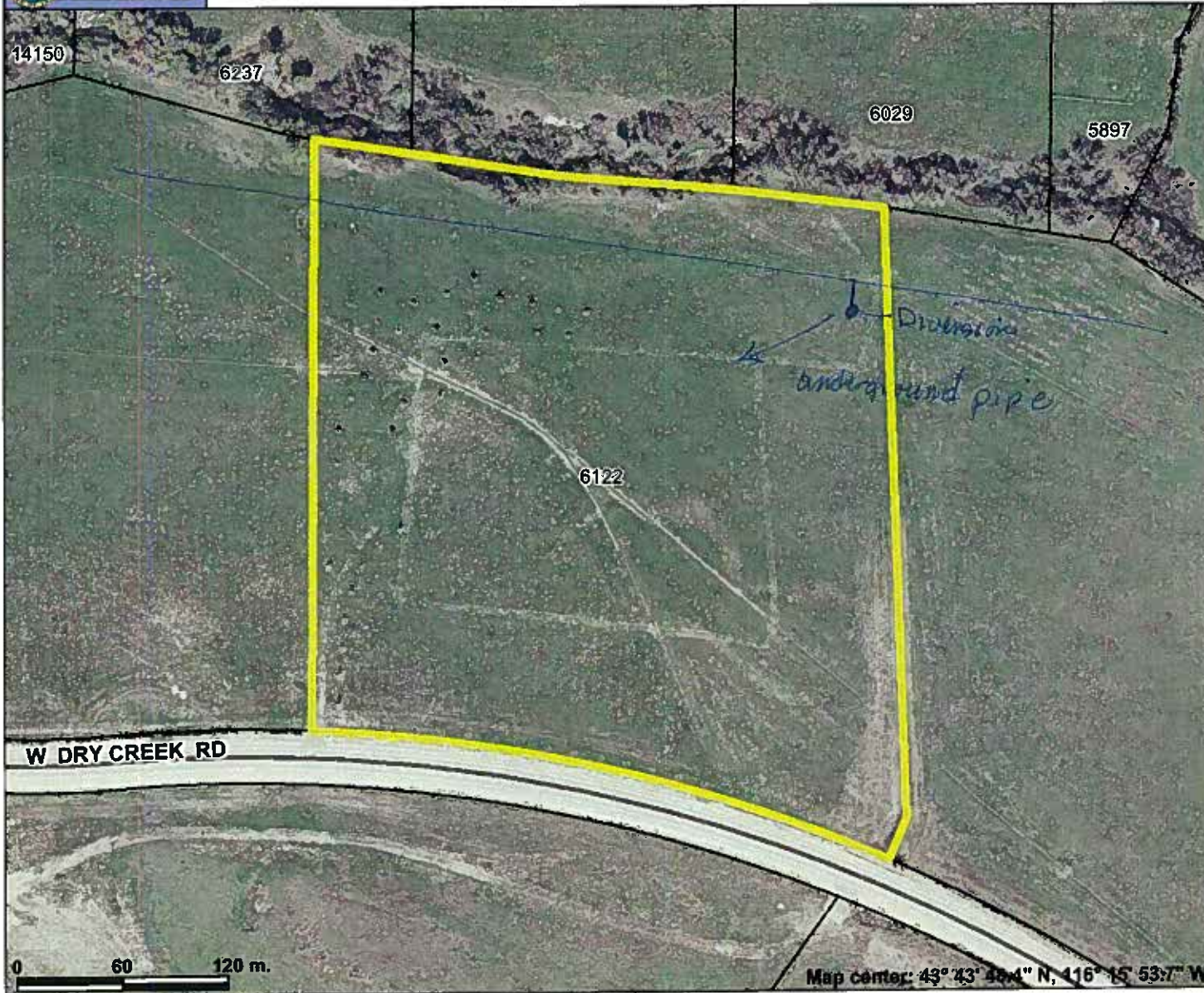
| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>63-32411</u>                                                            |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | <u>41 gal per minute</u>                                                   | <u>10 acres ag.</u>                                          |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other                                                                                                                   | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | <u>41 gpm</u>                                                              |                                                              |

7. Signature of New Owner(s) or Claimant(s) Julia Whitney  
(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 CWW Date 11-29-2006 Fee \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by JP AJ Date 7-12-07 WR \_\_\_\_\_ Date \_\_\_\_\_



## Legend

### Major Streets

- MINOR ARTERIAL
- MAJOR COLLECTOR
- SECTION
- PRINCIPAL ARTERIAL
- INTERSTATE
- Other

### Minor Streets

- LOCAL
- PARKS
- PRIVATE
- RESIDENTIAL
- Other

### Street Names (minor)

### Addresses

- Parcels
- Ada-QQ2003
- Schools
- Parks
- City Limits

- Kuna
- Boise
- Garden City
- Eagle
- Star
- Meridian
- Other



Scale: 1:3,440

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



## Echanove Ranch Subdivision

To see all the details that are visible on the screen, use the "Print" link next to the map.



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Community pressurized irrigation system pump and pond and tank

THIS FORM FURNISHED COURTESY OF:

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
CLERK, IDAHO

RECORDED - REQUEST OF

FEE 300 DEPUTY Heeper

101064136

ALLIANCE TITLE

ALLIANCE TITLE & ESCROW CORP 28 PH 2:47

READ & APPROVED BY GRANTEE(S): MAK JE

01092742 PB

SPACE ABOVE THIS LINE FOR RECORDING DATA

## CORPORATE WARRANTY DEED

FOR VALUE RECEIVED, BULL DEVELOPMENT, INC.

organized and existing under the laws of the State of Idaho, with its principal office at 2229 W. STATE, #B  
BOISE, ID 83702 of County of ADA, State of Idaho,  
GRANTOR, hereby GRANT, BARGAIN, SELL AND CONVEY unto

ROBERT H. WHITING AND JULIA WHITING

GRANTEE(S), whose current address is: 40 Strawberry Hill, Acton, MA 01720  
the following described real property located in ADA County, State of Idaho, more particularly  
described as follows, to wit: MSN 1

Lot 7 in Block 1 of ECHANOVE RANCH SUBDIVISION NO. 1,  
according to the Official Plat thereof, filed in Book 82 of  
Plats at Page 8918-8920, records of Ada County, Idaho.

Together with a combination of 75 gallons per minute surface water and  
41 gallons per minute well water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and  
Grantee(s) heirs and assigns forever. And the said Grantor does hereby covenant to and with the said  
Grantee(s), that Grantor is the owner in fee simple of said premises; that said premises are free from all  
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered  
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and  
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,  
if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend  
the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly  
authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held  
and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized  
officers this 15th day of June, in the year of 2001.

BULL DEVELOPMENT, INC.

(Corporate Seal)

(Corporate Name)

By: Michael S. Homan

MICHAEL S. HOMAN,

President

Attest: \_\_\_\_\_

Secretary

STATE OF IDAHO )  
COUNTY OF ADA )

On this 15th day of June, in the year of 2001, before me, the undersigned, a Notary  
Public in and for said State, personally appeared MICHAEL S. HOMAN, PRESIDENT

known, or identified to me to be the \_\_\_\_\_ of the corporation that executed  
the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to  
me that such corporation executed the same.

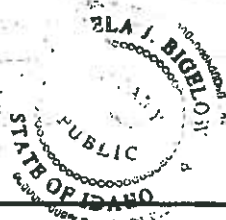
Signature: Pamela J. Bigelow

Name: PAMELA J. BIGELOW

(type or print)

Residing at: BOISE, IDAHO

My Commission Expires: 01/12/06



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

---

RIGHT NUMBER: 63-32708

NAME AND ADDRESS: JULIA WHITING  
6122 W DRY CREEK RD  
BOISE ID 83714

ROBERT WHITING  
6122 W DRY CREEK RD  
BOISE ID 83714

SOURCE: DRY CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.170 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 63-32711, 63-32712, 63-32713,  
63-32714, 63-32715 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE  
OF .98 CFS.

PRIORITY DATE: 09/13/1874

POINT OF DIVERSION:

T05N R02E S31 SESENE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 0.170 CFS       |

PLACE OF USE: IRRIGATION in ADA County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T05N R02E S31 | NENW | 0.90 | T05N R02E S31 | SENW | 9.10 |
|---------------|------|------|---------------|------|------|

10 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 63-32711, 63-32712, 63-32713,  
63-32714, 63-32715 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL  
OF 49.1 ACRES IN A SINGLE IRRIGATION SEASON.

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 - Beneficial Use

This right is a split from former right 63-32402 .

**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     | ) | <b>Water Rights:</b> 63-32402 (Split) |
|                | ) | 63-32706, 63-32707, 63-32708,         |
|                | ) | 63-32709, 63-32710                    |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED</b>            |
|                | ) | <b>ADMINISTRATIVE</b>                 |
| _____          | ) | <b>PROCEEDING</b>                     |

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- |                                               |                                              |
|-----------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Point of diversion   | <input type="checkbox"/> Place of use        |
| <input type="checkbox"/> Period of use        | <input type="checkbox"/> Nature of use       |
| <input type="checkbox"/> Split of water right | <input type="checkbox"/> Change in ownership |
| <input type="checkbox"/> 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: July 19, 2007

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on July 19, 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    | <input type="checkbox"/>            | overnight mail |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 2707                  | <input type="checkbox"/>            | hand-delivered |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/>            | facsimile      |

### 2. Copies to:

|                                 |                                     |                |
|---------------------------------|-------------------------------------|----------------|
| Clive Strong                    | <input type="checkbox"/>            | overnight mail |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 44449                  | <input type="checkbox"/>            | hand-delivered |
| Boise, ID 83711-4449            | <input type="checkbox"/>            | facsimile      |

|                                    |                                     |                |
|------------------------------------|-------------------------------------|----------------|
| United States Dept of Justice      | <input type="checkbox"/>            | overnight mail |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> | regular mail   |
| 550 West Fort Street MSC 033       | <input type="checkbox"/>            | hand-delivered |
| Boise ID 83724                     | <input type="checkbox"/>            | facsimile      |

### 3. Copies to all parties to the subcase:

|                       |                                     |                |
|-----------------------|-------------------------------------|----------------|
| Bull Development Inc  | <input type="checkbox"/>            | overnight mail |
| Mike Homan            | <input checked="" type="checkbox"/> | regular mail   |
| 2229 W State St Ste B | <input type="checkbox"/>            | hand-delivered |
| Boise ID 83702        | <input type="checkbox"/>            | facsimile      |

|                    |                                     |                |
|--------------------|-------------------------------------|----------------|
| Mark A Strode      | <input type="checkbox"/>            | overnight mail |
| Tina Strode        | <input checked="" type="checkbox"/> | regular mail   |
| 6237 W Echanove St | <input type="checkbox"/>            | hand-delivered |
| Boise ID 83714     | <input type="checkbox"/>            | facsimile      |

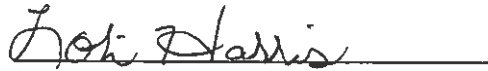
|                     |                                     |                |
|---------------------|-------------------------------------|----------------|
| Julia Whiting       | <input type="checkbox"/>            | overnight mail |
| Robert Whiting      | <input checked="" type="checkbox"/> | regular mail   |
| 6122 W Dry Creek Rd | <input type="checkbox"/>            | hand delivered |
| Boise ID 83714      | <input type="checkbox"/>            | facsimile      |

Eric Holley  
13016 N Shafer Way  
Boise ID 83714

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

Douglas Miller  
Patricia Miller  
14150 N Broken Horn Rd  
Boise ID 83714

☐ 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](http://www.idwr.idaho.gov)

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

July 19, 2007

ROBERT WHITING  
JULIA WHITING  
6122 W DRY CREEK RD  
BOISE ID 83714

Re: Original Water Right Nos. 63-32402, 63-32411

Renumbered to Water Right Nos. 63-32708, 63-32713

Dear Mr. & Mrs. Whiting:

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

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 numbers reflect your remaining portion of the original rights after the change of ownership. Enclosed is a copy of these new water rights for your records. Please refer to your new numbers 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 copies, please feel free to contact this office.

Sincerely,

Lori Harris  
Technical Records Specialist 2  
Adjudication Section  
Western Region Office

LH:1  
Enclosures