

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 63-32792  
Date Received: 9/27/1994  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

2. Date of Priority: 10/26/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL, PUMP, PIPELINE & DITCH.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |      |
|------------|-------|-------|--------|------------|------|
| IRRIGATION | 03/15 | 11/15 | 0.13   |            | 56.3 |

7. Total Quantity Appropriated is:  
0.13 C.F.S. and/or 56.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 05N      | 02W   | 16      | SE         | SW  | IRRIGATION    | 0.5   |
|          |       |         |            |     | Section Acres | 0.5   |
| 05N      | 02W   | 20      | NE         | SE  | IRRIGATION    | 7     |
|          |       |         | SE         | SE  | IRRIGATION    | 4.5   |
|          |       |         |            |     | Section Acres | 11.5  |
| 05N      | 02W   | 21      | NE         | NW  | IRRIGATION    | 0.5   |
|          |       |         |            |     | Section Acres | 0.5   |
|          |       |         |            |     | Total Acres   | 12.5  |

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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

Use of this right is combined with water from Black Canyon Irrigation District.

15. Basis of Claim: License

**WATER RIGHT NO. 63-32792**  
**As Modified by Transfer No. 73845**

In accordance with the approval of Transfer No. 73845, Water Right No. 63-32792 is now described as follows.

**Right Holder:** ESTATE OF DAN W CLARKE  
 6815 N MOONGLOW DR  
 TUCSON AZ 85718

**Priority Date:** October 26, 1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.13 CFS              | 56.3 AF       |
|                       |             |           | 0.13 CFS              | 56.3 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SENE                      Sec. 20 Twp 05N   Rge 02W 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  |        |
| 05N 02W 16  |    |    |    |    |    |    |    |    |    |    |    | .5 |     |    |    |     | .5     |
| 05N 02W 20  |    |    |    |    |    |    |    |    |    |    |    |    | 7.0 |    |    | 4.5 | 11.5   |
| 05N 02W 21  |    |    |    |    |    |    |    | .5 |    |    |    |    |     |    |    |     | .5     |

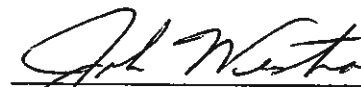
Total Acres: 12.5

**CONDITIONS OF APPROVAL**

1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. Use of this right is combined with water from Black Canyon Irrigation District.

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

Dated this 3<sup>rd</sup> day of June, 2008



John Westra, Western Regional Manager

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 73845

This is to certify that: JEANNE L ROSS  
PO BOX 142  
MIDDLETON ID 83644  
(208)559-5303

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

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-32443     | AJC/License         | 10/26/1977      | 0.18 cfs    | 78.8 af       | N/A               | 17.5               | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

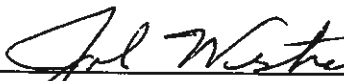
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-32443              | YES          | YES        | NO         | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-32443              | 63-32793                         | 0.05 cfs             | 22.5 af                | N/A               | 5.0                | 63-32792                           | 0.13 cfs              | 56.3 af                 | N/A                         | 12.5                         |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | 0.05 cfs             | 22.5 af                | N/A               | 5.0                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

Detailed Water Right Description(s) attached

Dated this 3<sup>rd</sup> day of June, 2008

  
John Westra, Western Regional Manager

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

AMENDED 2/19/

Name of Applicant Jeanne L. Ross Phone 503-559-5303

Post Office address P.O. Box 142 Middleton, Idaho 83644

A. PURPOSE OF TRANSFER

RECEIVED

AUG 24 2005

DEPARTMENT OF  
WATER RESOURCES

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Purchased property in 1993.  
Drilled well 1994. Filing transfer on my portion  
of original Rt. 63-9069.

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

| 1. Right Number | Priority          | Amount (cfs/ac-ft) | Nature of Use | Period of Use               |
|-----------------|-------------------|--------------------|---------------|-----------------------------|
| <u>63-32084</u> | <u>10/20/1977</u> | <u>0.05</u>        | <u>Irrig.</u> | <u>3/15</u> to <u>11/15</u> |
| <u>63-32443</u> | <u>g</u>          |                    |               | to                          |
|                 |                   |                    |               | to                          |
|                 |                   |                    |               | to                          |

2. Total amount of water being transferred 0.05 cubic feet per second and/or 22.5 acre-feet per annum.

3. Source of water ground water tributary to -

4. Point(s) of Diversion:

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

5. Lands irrigated or place of use:

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

Total Acres 5

PART 1

6. General Information:

- a. Description of diversion system 202' well, 3 hp pump & sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
\_\_\_\_\_ Yes   /   No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
no change
- d. Remarks:  
place of use also known as Lt. 3, Blk. 1, Benchmark Estates.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

and the said application is hereby \_\_\_\_\_, subject to the following conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
For the Director

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

Transfer No. 73845  
Receipt No. 0078951

**Current Water Right No.** 63-32087

**Priority Date:** 10/26/1977

**Origin:** Adjudication Recommendation

**Basis:**

**Status:** Active

**Source:** GROUND WATER

**Tributary to:**

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15 11/15    | 0.23 CFS              | 101.3 AFA     |                    |
| Total Diversion       |                | 0.23 CFS              | 101.3 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER                      SENE              05N 02W    20    CANYON

**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   |        |
| 05N 02W 16  |    |    |    |    |    |    |    |    |    |    |    | .5 |     |    |    |      | .5     |
| 05N 02W 20  |    |    |    |    |    |    |    |    |    |    |    |    | 8.0 |    |    | 13.5 | 21.5   |
| 05N 02W 21  |    |    |    |    | .5 |    |    |    |    |    |    |    |     |    |    |      | .5     |

Total Acres: 22.5

Conditions/Remarks:

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. 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.
3. This right is a split of former Right No. 63-31381.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

Transfer No. 13245  
Receipt No. \_\_\_\_\_

Current Water Right No. 63-32087

X Documentation of Ownership of the Current Place of Use

*See attached*

X Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

*Yes - Wells Fargo*

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer *N/A*

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? *NO*

Transfer No. 73845

If yes, describe \_\_\_\_\_

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

2. Point(s) of Diversion:

3. Lands irrigated or place of use:Total Acres

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

2. Point(s) of Diversion:

"BALANCE OF RIGHT"

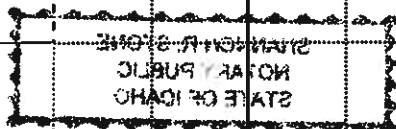
3. Lands irrigated or place of use:[illegible]

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 the rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENT A



# Ross Transfer No. 73845



ADDED w/ AMENDMENTS 2/19/08

7384

PART 3

B. CHANGES IN NATURE OF USE

1. 

| <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| _____                    | _____                    | _____                  | _____ to _____       |
| _____                    | _____                    | _____                  | _____ to _____       |
2. Quantity and quality of return flows and location of discharge: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Describe effects on other water uses resulting from the proposed change:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

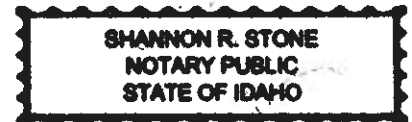
I understand that any willful misrepresentations made in this application may result in voiding its approval.

X Jeanne L. Ross  
(Signature of Applicant)

X Subscribed and sworn to before me this 23 day of August, 20 05.

Shannon R. Stone  
(Notary Public)

My commission expires 1/18/2011



FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 4 attachments  
Received by EL PER RECEIPT INFO Date 8/24/05 Protest filed by \_\_\_\_\_  
Prelim. Check by AA Fee \$100.00  
Received by MC Date 8-24-05 # C078951  
Published in PRESS TRIBUNE DB Copies of protest forwarded by \_\_\_\_\_  
Pub. Dates APRIL 3 & 10, 2008 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial  
\_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

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

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 63-32443  
Date Received: 3/28/2005  
Receipt No: X777777  
Received By:

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

1. Name of Claimant(s)

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

2. Date of Priority: 10/26/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL, PUMP, PIPELINE & DITCH.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.18   | 78.8       |

7. Total Quantity Appropriated is:  
0.18 C.F.S. and/or 78.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use           | Acres |
|----------|-------|---------|----------------|---------------|-------|
| 05N      | 02W   | 16      | SE SW          | IRRIGATION    | 0.5   |
|          |       |         |                | Section Acres | 0.5   |

|     |     |    |    |    |               |      |
|-----|-----|----|----|----|---------------|------|
| 05N | 02W | 20 | NE | SE | IRRIGATION    | 8    |
|     |     |    | SE | SE | IRRIGATION    | 8.5  |
|     |     |    |    |    | Section Acres | 16.5 |
| 05N | 02W | 21 | NE | NW | IRRIGATION    | 0.5  |
|     |     |    |    |    | Section Acres | 0.5  |
|     |     |    |    |    | Total Acres   | 17.5 |

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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

15. Basis of Claim:

**63-32087**

CLARKE

22.5 acres

.23 CFS

101.3 AFA

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

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

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

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



**63-32443**

CLARKE

17.5 ACRES

.18 CFS

78.8 AFA

**63-32444**

PETERSON

5 ACRES

.05 CFS

22 AFA

RECEIVED

OCT 16 2003

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

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

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

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Matt Newton

25370 Volendam St., Caldwell, IN 8360\*

4. New Owner/Claimant(s)

Mark W Peterson

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

New Mailing Address

26162 Moonglow Drive

City, State and ZIP Code

Middleton, IN 83644

New Telephone Number

208 585-6189

5. Date you acquired the property

7/01/2002

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

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

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

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

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

*Mark W. Peterson*

10/15/03

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date 10-14-03 Fee 0  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

# Pioneer Title Company of Canyon County

610 South Kimball \* Caldwell, ID 83605

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

First American Title Company  
7311 Potomac Drive  
Boise, ID 83704

ATTN: Nanette

Date: 07/10/2002

Our Number: PC44535

Reference:

Property Description:

26162 Moonglow, Middleton, ID 83644

Sellers:

Matt & Lisa Newton

Buyers:

Mark W & Marlene Peterson

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

/LG

Total Amount Due

\$

.00

PLEASE REMIT COPY WITH PAYMENT TO:

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

Customer Copy

Exhibit "A"

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

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

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

# SPLIT TREE

## ALLOCATIONS

63-9069  
2.03 CFS  
931.5 AFA  
207 ACRES

CLARKE  
63-9069A  
1.95 CFS  
892.8 AFA  
198.4 AC

(X-fer)  
4278

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

CLARKE  
63-9069C (X-fer)  
1.90 CFS (5264)  
768.05 AFA  
192.9 AC

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

CLARKE  
63-9069E  
1.85 CFS (X-fer)  
845.6 AFA (5431)  
187.9 AC

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

CLARKE  
63-31382  
1.81 CFS (X-fer)  
825.8 AFA (69628)  
183.5 AC

SMITH  
63-31382  
.04 CFS  
19.8 AFA  
4.4 AC



## SRBA

63-9069  
2.03 CFS  
931.5 AFA  
207 AC

CLARKE  
63-9069A  
1.95 CFS  
892.8 AFA  
198.4 AC

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

CLARKE  
63-9069C  
.42 CFS (owner-ship change)  
190.8 AFA  
42.4 AC

STEELE  
63-9069D  
1.53 CFS  
702 AFA  
156 AC

CLARKE  
63-9069E  
.37 CFS (X-fer)  
166.05 AFA (5264)  
36.9 AC

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

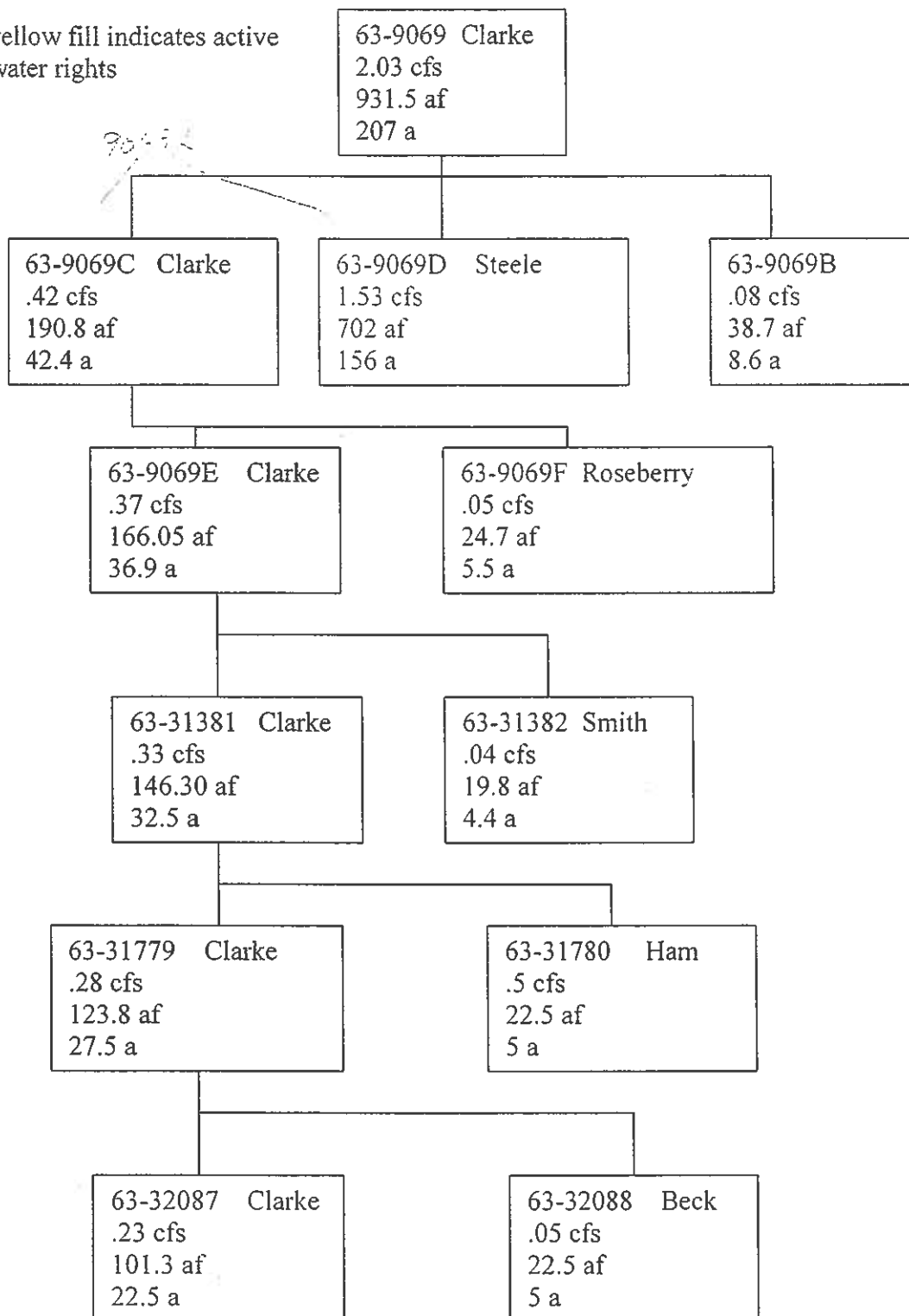
CLARKE  
63-31381  
.33 CFS (X-fer)  
146.25 AFA (69628)  
32.5 AC

SMITH  
63-31382  
.04 CFS  
19.8 AFA  
4.4 AC

CLARKE  
63-31779  
.28 CFS (X-fer)  
123.8 afa (70868)  
27.5 ac

HOMBURGH  
63-3178  
.05 CFS  
22.5 afa  
5 ac

yellow fill indicates active  
water rights



Clark  
17.5

Peterson  
5 acres



CLARK

NENE

stock

SENE

stock

32088

31780

POINTER 9260.8

32082

9000  
REAR  
5.5

NEUTER 5.0

20



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 20, 2003

MARK W PETERSON  
MARLENE PETERSON  
26162 MOONGLOW DR  
MIDDLETON ID 83644

RE: Water Right No. 63-9069F

Dear Property Owner(s):

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

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

Sincerely,

*Denise Hatfield*

Denise Hatfield  
Office Specialist 1  
Adjudication Section  
Western Region

DH: dh

Enclosures

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

90-8037<sub>50</sub>  
3211

8362

Date Oct 15, 2003

Pay to the  
order of

Idaho Dept of Water Resources \$ 25.00  
Twenty-five & 00/100 Dollars

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

For Ownership Change Fee

*Mark W Peterson*

NP

⑆321180379⑆00000370371908⑈8362

CHECKS ARE LIMITED TO COUNTRY SCAPES  
TO RECORDERS 1-800-394-5244 • www.ChecksOnline.com

Security Features  
Included  
Details on Back

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

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

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

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.05 CFS              | 22.5 AF              |

SOURCE

GROUNDWATER

Priority: 10/26/1977

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 20, Township 05N, Range 02W  
CANYON County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 05N                              | 02W        | 20         | SESE         | 5            |              | 5            |
| Total number of acres irrigated: |            |            |              |              |              | 5            |

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED  
JUN 03 1999

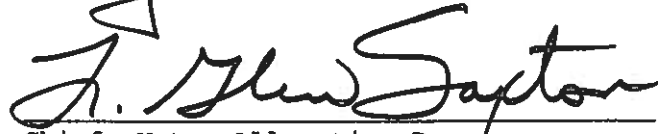
MICROFILMED

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

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The point of diversion and place of use are located within Lot 1, Block 1, Benchmark Estates.

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

  
Chief, Water Allocation Bureau

## MEMORANDUM

**TO:** File 63-09069C

**FROM:** Pam Skaggs/State Office

**SUBJECT:** Transfer 5431

**DATE:** May 6, 1999

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

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

Page 1 of 7

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 5431

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED

APR 30 1999

Department of Water Resources

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

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes Applicant has purchased  
portion of licensed acreage and wants to use  
separate well for irrigation

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

| 1. Right Number  | Priority        | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use               |
|------------------|-----------------|-----------------------|-------------------|-----------------------------|
| <u>63-09069F</u> | <u>10/26/77</u> | <u>.05/22.5</u>       | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| _____            | _____           | _____                 | _____             | _____ to _____              |
| _____            | _____           | _____                 | _____             | _____ to _____              |
| _____            | _____           | _____                 | _____             | _____ to _____              |

2. Total amount of water being transferred .05 cubic feet per second and/or 22.5 acre-feet per annum.

3. Source of water Ground water tributary to \_\_\_\_\_

4. Point(s) of Diversion:

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

5. Lands irrigated or place of use:

| C. Lands ingated or plat |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| Twp.                     | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|                          |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 5N                       | 2W   | 20   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 5    | 5      |
|                          |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
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|                          |      |      |      |      |      |      |      |      | </   |      |      |      |      |      |      |      |      |      |        |

MICROFILMED

JUN 03 1999

Total acres 5

WR0749NP  
No. 63-09069C

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 01/11/99  
PAGE: 1

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

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

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

Place of use Legal Description for: IRRIGATION

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

Pou County: CANYON

Other Water Rights Listing Overlapping Place(s) of use:

63-08264 63-09069B 63-09069D 63-12091

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no  
- more than .02 cfs per acre nor more than 4.5 afa per acre for  
- irrigation of the lands above.

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

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

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

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

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

MICROFILMED

JUN 03 1999

Will become:  
8.5 in E split  
5 in F split  
1/2 3/25/94

PS 3 of 7

HR0749NP

No. 63-09069C

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 01/11/98

PAGE: 2

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

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

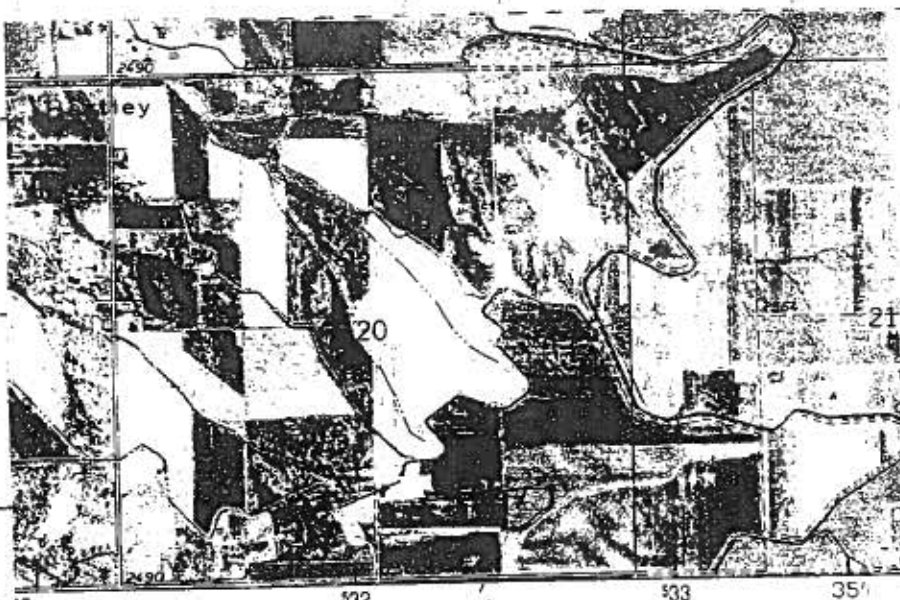
MICROFILMED

03 1999

PS 4 8 7

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



ological Survey  
 4 from 1:80 000-scale aerial

P/D T5N sec 20  
 P/u R2W SESE

MICROFILMED

JUN 03 1999

9530901

PC14060

[Space Above This Line For Recording Date]

0005177

823

## DEED OF TRUST

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

("Borrower"). The trustee is

**FIRST SECURITY BANK OF UTAH, N.A.**  
**FIRST SECURITY BANK OF IDAHO, N.A.**  
under the laws of **THE STATE OF IDAHO**  
**P. O. BOX 7069, BOISE, IDAHO 83730**

("Trustee"). The beneficiary is  
, which is organized and existing

, and whose address is

("Lender").

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

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

which has the address of **26162 MOONGLOW DRIVE**  
[Street]

**MIDDLETON**  
[City]

Idaho **83644**  
[Zip Code]

("Property Address");

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

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

|                      |                      |
|----------------------|----------------------|
| Initial<br><b>MT</b> | Initial<br><b>LN</b> |
|----------------------|----------------------|

Attachment A  
(2 pgs)

to be  
direct  
without  
entitled the

PC 14060

Exhibit "A"

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

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

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

LN  
mn

9530901

A<sub>2</sub>

RECORDED

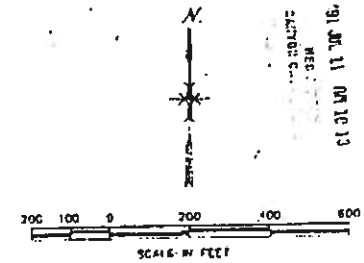
95 NOV 3 PM 3 30

NEED KERR  
CANYON CNTY RECORDER  
BY *U. Olney*

REQUEST PIONEER — CALDWELL  
TYPE *Int. dt* FEE *21.00*

# PLAT SHOWING BENCHMARK ESTATES A PLANNED UNIT DEVELOPEMENT

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



## LEGEND

- SUBDIVISION BOUNDARY LINE
- - - CENTER LINE
- - - RIGHT OF WAY BOUNDARY
- - - SECTION LINE
- - - 3/4' OFFSET LINE TO PROPERTY ROW
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- FOUND 5/8" IRON PIN
- SET 8/8" x 30" IRON PIN w/DOGT.
- FOUND 1/2" IRON PIN
- SET 1/2" x 24" IRON PIN w/DOGT.
- △ CALCULATED POINT (NOT SET)
- WITNESS CORNER ON LOT LINE



LANDING HEIGHTS ESTATES  
BOOK 12, PAGE 8

## NOTES

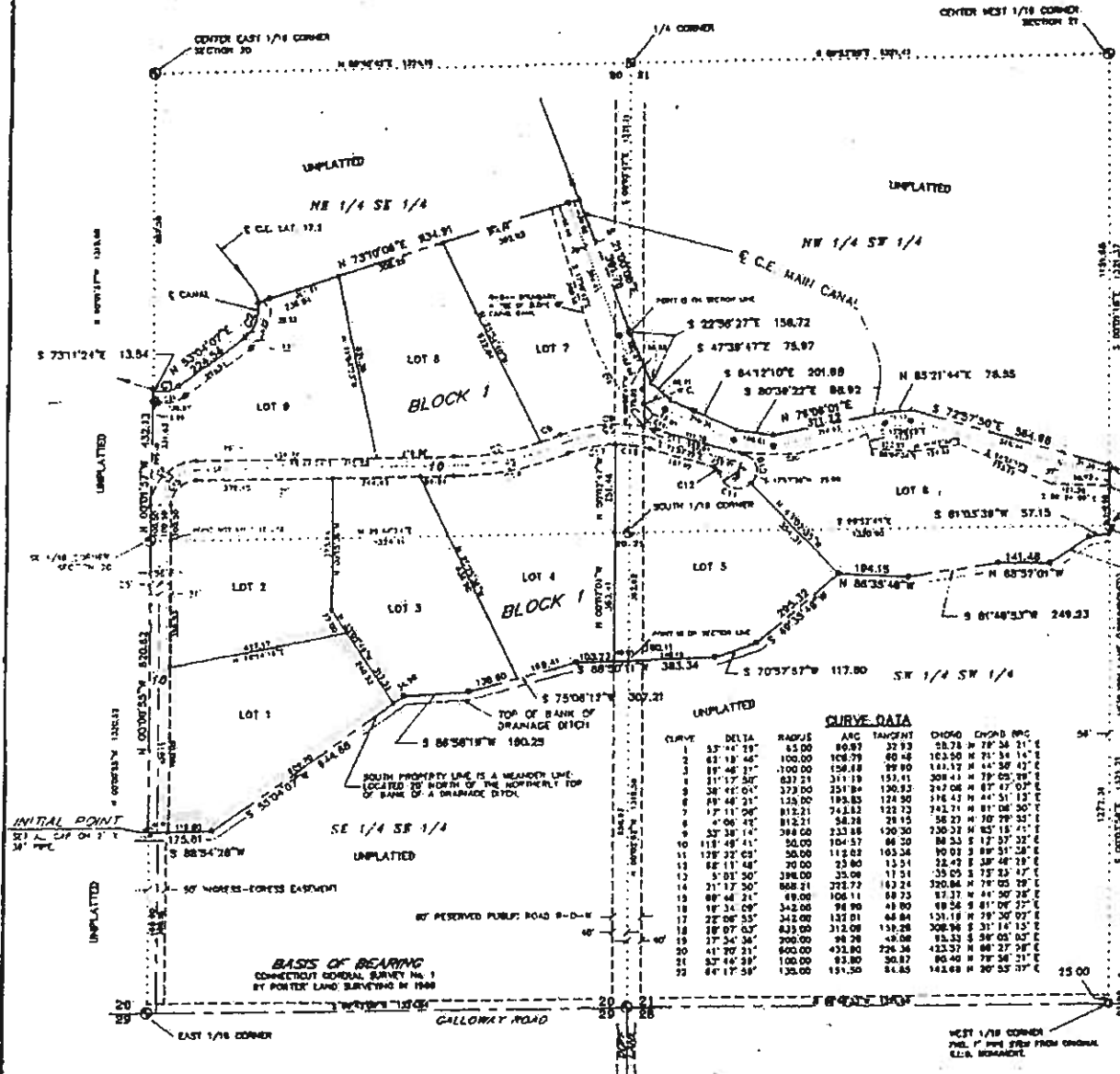
- ROAD RIGHT OF WAY TO BE MAINTAINED BY THE BENCHMARK ESTATES ASSOCIATION
- THE EASTERN 1/2 AND SOUTHERLY 1/2 OF THE BENCHMARK 36.00 FOOT ROAD RIGHT OF WAY (LOT 10) SHALL BE RECEIVED AS A COMMON AREA FOR A BICYCLE AND WALKING PATH TO BE OWNED AND MAINTAINED BY THE BENCHMARK ESTATES ASSOCIATION.
- THE ROAD USERS ASSOCIATION WILL BE SET FORTH IN THE RESTRICTIVE COVENANTS
- THERE IS A PUBLIC UTILITIES DRAINAGE AND IRRIGATION EASEMENT, 10.00 FEET IN WIDTH, CENTERED ON INTERIOR LOT LINES AND ADJACENT TO EXTERIOR LOT LINES UNLESS OTHERWISE DIMENSIONED
- SEE 1988 SURVEY "CONVEYANCE GENERAL SURVEY NO. 1" BY PORTER'S LAND SURVEYING FOR ADDITIONAL BOUNDARY INFORMATION
- LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE SOUTHWEST DISTRICT DEPUTY CLERK IN DEPARTMENT
- AN 80 FOOT WIDE STRIP OF LAND CENTERED ON THE LINE COMMON TO SECTIONS 20 AND 21 IS RESERVED FOR A SECTION LINE STREET RIGHT-OF-WAY AND SHALL BECOME PUBLIC AT THE DISCRETION OF THE CANYON AND/OR DISTRICT COMMISSIONERS. NO PERMANENT STRUCTURES SHALL BE BUILT WITHIN THE RESERVED RIGHT-OF-WAY
- THE SUBDIVISION SHALL PLACE A FENCE CONSTRUCTED OF STEEL POST AND RIVEN WOOD AT THE BOTTOM WITH TWO (2) STRANDS OF BARBED WIRE AT THE TOP, SIMILAR TO THE FENCES USED ALONG INTERSTATES. THE FENCE SHALL BE PLACED ON THE RIGHT-OF-WAY EASEMENT OF THE BENCHMARK DISTRICT AT BOTH THE MAIN CANAL ON LOTS 8 AND 7, AND ON THE LATERAL ON LOT 8.

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

TEALEY'S LAND SURVEY

470 MAIN ST. S. 83000-0000 83000  
Job No. 483 Sheet 1 of

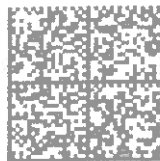
BL19 Pg. 23



IDAHO DEPARTMENT OF WATER RESOURCES  
WESTERN REGION  
2735 Airport Way  
Boise, Idaho 83705-5082

RETURN SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



UNITED STATES POSTAGE  
EAGLE  
FIRST CLASS  
02 1M  
0004227270 JUN 13 2008  
MAILED FROM ZIP CODE 83702  
\$ 00.324

RECEIVED

JUN 20 2008

WATER RESOURCES  
WESTERN REGION

ESTATE OF DAN W CLARKE  
6815 N MOONGLOW DR  
TUCSON AZ 85718

*NOT At this  
Address for  
Over 15 yrs  
Return to  
Sender!*

63-32792

DAAGS51 85718



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

RIGHT NUMBER: 63-32792

NAME AND ADDRESS: ESTATE OF DAN W CLARKE  
6815 N MOONGLOW DR  
TUCSON AZ 85718

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS  
56.300 AFY

PRIORITY DATE: 10/26/1977

POINT OF DIVERSION:

T05N R02W S20 SENE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.130 CFS  
56.30 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T05N R02W S16 | SESW | 0.50 | T05N R02W S20 | NESE | 7.00 |
| T05N R02W S20 | SESE | 4.50 | T05N R02W S21 | NENW | 0.50 |

12.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Use of this right is combined with water from Black Canyon Irrigation District.

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: 63-32443(Split)  
63-32792, 63-32793

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

XX 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: June 13, 2008

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on June 13, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

|                                |                                                  |
|--------------------------------|--------------------------------------------------|
| Clerk of the District Court    | <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:

|                         |                                                  |
|-------------------------|--------------------------------------------------|
| Estate of Dan W. Clarke | <input type="checkbox"/> overnight mail          |
| 6815 N. Moonglow Dr.    | <input checked="" type="checkbox"/> regular mail |
| Tucson AZ 85718         | <input type="checkbox"/> hand-delivered          |
|                         | <input type="checkbox"/> facsimile               |

|                    |                                                  |
|--------------------|--------------------------------------------------|
| Jeanne L. Ross     | <input type="checkbox"/> overnight mail          |
| PO Box 142         | <input checked="" type="checkbox"/> regular mail |
| Middleton ID 83644 | <input type="checkbox"/> hand-delivered          |
|                    | <input type="checkbox"/> facsimile               |

  
Signature of person mailing this document



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

June 13, 2008

ESTATE OF DAN W CLARKE  
6815 N MOONGLOW DR  
TUCSON AZ 85718

Re: Water Right No. 63-32792 (Split of 63-32443)

Dear Sir or Madam:

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

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

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

Sincerely,

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

Lori Harris  
Technical Records Specialist 2  
Adjudication Section  
Western Region Office

JS:lh  
Enclosures