

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 63-32793
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)

JEANNE L ROSS Phone: (208)559-5303
PO BOX 142
MIDDLETON ID USA 83644

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	SE	CANYON	

5. Description of diverting works:

Well, pump and sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A	
IRRIGATION	03/15	11/15	0.05		22.5

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 22.5 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	20	NE	SE	IRRIGATION	1.1
			SE	SE	IRRIGATION	3.9
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? No

13. Other Water Rights Used:

14. Remarks:

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

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

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.

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

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Point of diversion and place of use are located within Lot 3, Blk. 1, Benchmark Estates Subdivision.

15. Basis of Claim: License

WATER RIGHT NO. 63-32793
As Modified by Transfer No. 73845

In accordance with the approval of Transfer No. 73845, Water Right No. 63-32793 is now described as follows.

Right Holder: JEANNE L ROSS
 PO BOX 142
 MIDDLETON ID 83644

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	0.05 CFS	22.5 AF
			0.05 CFS	22.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESE Sec. 20 Twp 05N Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 02W 20																	5.0
													1.0			4.0	

Total Acres: 5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

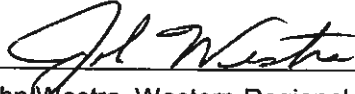
WATER RIGHT NO. 63-32793
As Modified by Transfer No. 73845

CONDITIONS OF APPROVAL

6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Use of this right is combined with water from Black Canyon Irrigation District.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. Point of diversion and place of use are located within Lot 3, Blk. 1, Benchmark Estates Subdivision.

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 3rd 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
COMBINED										
TOTALS		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 3rd day of June, 2008


John Westra, Western Regional Manager

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AMENDED 2/10

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

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

RECEIVED

AUG 24 2005

DEPARTMENT OF
WATER RESOURCES

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
~~63-32087~~	<u>10/26/1977</u>	<u>0.05</u>	<u>Irrig.</u>	<u>3/15</u> to <u>11/15</u>
<u>63-32443</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 ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
5N	2W	20													1				4	5
										</										

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

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*

PART 2

Transfer No. 73845

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.05 cfs for IRRIGATION purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

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

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"

[illegible]

3. Lands irrigated or place of use:

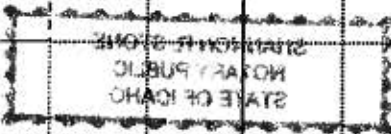
[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

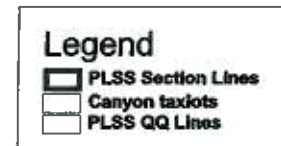
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENT A



Scale: 2 inches equal 1 mile. Draw plan in ink.

Ross Transfer No. 73845



0.3 0 0.3 0.6 Miles

Added w/ amendments 2/19/08

PART 3

B. CHANGES IN NATURE OF USE

- | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ to _____ |
- Quantity and quality of return flows and location of discharge: _____

- 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.

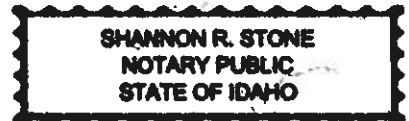
I understand that any willful misrepresentations made in this application may result in voiding its approval.

X Jeanne L. Ross
 (Signature of Applicant)

X Subscribed and sworn to before me this 23 day of August, 20 08

Shannon R. Stone
 (Notary Public)

My commission expires 1/18/2011



FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 4 attachments
 Received by SL PER RECEIPT INFO Date 8/24/08 Protest filed by _____
 Prelim. Check by AA Fee \$100.00
 Received by MC Date 8-24-08 # 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 63-32087
Date Received: 3/28/2005
Receipt No:
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	0.23	101.3

7. Total Quantity Appropriated is:
0.23 C.F.S. and/or 101.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

may also have
black Cat Trv. Dig.
shaves.

marisa culver
split from 63-31779
5 acres parcel #
0.05 Cfs R 2033050700
22.5 afa - ~~XXXXXXXXXX~~

UK-VLM

RECEIVED
MAR 17 2005
WATER RESOURCES
WESTERN REGION

**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
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

MS Vicky & MUSIC wrote this # to split

63-31779	63-31779	Y			
----------	----------	---	--	--	--

(Lot 8 Block 1 Benchmark Estates Subdivision book 19 page 2 from plat) whatever is true & proper, according to the legal description EXHIBIT "A" and Instruments there from.

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

☒ The appropriate **FILING FEE**. See instructions for fee amounts. - WAIVED VLM

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)

David and Marisa Culver AS Marital community property
39025 The Yellowbrick Rd Clark, ID

4. New Owner/Claimant(s)

Valley Center, Ca. Culver Revocable Living Trust

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

New Mailing Address

* Marisa Elena Culver
1822 Alder St. Caldwell, ID
306 Sec # 546-33-7090

City, State and ZIP Code

New Telephone Number

208 (866) 7888 - 1993 2001

5. Date you acquired the property

from earlier in 1992 and, recent quit claim deed most recent as apart from former husband David Scott Culver is quit claim deed 200465981 - But we bought along time ago.

Note: I was told that the file pertaining to this claim is not attainable as yet, therefore I am without all proper disclosures - Benchmark Estates Co

Marisa Elena Culver

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>Quit Claim deed instrument # 20046598</u> <u>and warranty deed 200142113 & 200142114</u>		
Water Use	Diversion Rate or Volume	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Irrigation		<u>EXHIBIT "A"</u>
Stock		<u>* 9313356</u>
Domestic		<u>1993</u>
Other		
Total	<u>All rights true, I don't have enough 14.50.</u> <u>please disclose my rights - and don't</u> <u>split off what was supposed to</u> <u>be owned by virtue</u> <u>my marital decree.</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>Warranty deed 2001 and quit claim.</u> <u>most recent is instrument # 200465981</u>		
Water Use	Diversion Rate or Volume	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Irrigation		<u>from over 12 1/2 years</u>
Stock		<u>as own</u>
Domestic		<u>as we</u>
Other		<u>by now</u>
Total	<u>All rights true. Lot 8, Block 1 Bendmark Estate</u> <u>Subdivision, EXHIBIT "A" For</u>	

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable) Mariela Elena Cullen 9313356
"owner" Lot 8 Block 1 Bendmark 1993
Estates Subdivision parcel I + II
EXHIBIT "A"

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.

See Warra
deed

For Office Use Only

Received by _____ Date 3/12/05 Fee \$25 -
Received by DB Date 3-17-05 Receipt No. W032690
Processed by _____ AJ Date _____ WR _____ Date _____

NOTE: (Check included)
I do not want to be excluded
from any and all unknown right
for which I am entitled that
I understand that this department
will truthfully disclose all right
to me. Mariela Elena Cullen 3/1

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-9069F					
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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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 10-16-03 Fee 0
 Received 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 (\$264,000.00)	1,097.00		1,097.00
Endorsement 126.1	35.00		1,132.00
Recording Fees - Deed & Recon. 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-fert)
4278

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

CLARKE
63-9069C
1.90 cfs
768.05 AFA
192.9 AC

(X-fert)
5264

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

CLARKE
63-9069E
1.85 cfs
845.6 AFA
187.9 AC

(X-fert)
5431

~~HEWITT~~ Peterson
63-9069F
.05 cfs
22.5 AFA
5 AC

CLARKE
63-31382
1.81 cfs
825.8 AFA
183.5 AC

(X-fert)
69628

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

(X-fert)
4278

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

CLARKE
63-9069C
.42 cfs
190.8 AFA
42.4 AC

(owner-ship change)

STEELE
63-9069D
1.53 cfs
702 AFA
156 AC

CLARKE
63-9069E
.37 cfs
166.05 AFA
36.9 AC

(X-fert)
5264

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

CLARKE
63-31381
.33 cfs
146.25 AFA
32.5 AC

(X-fert)
69628

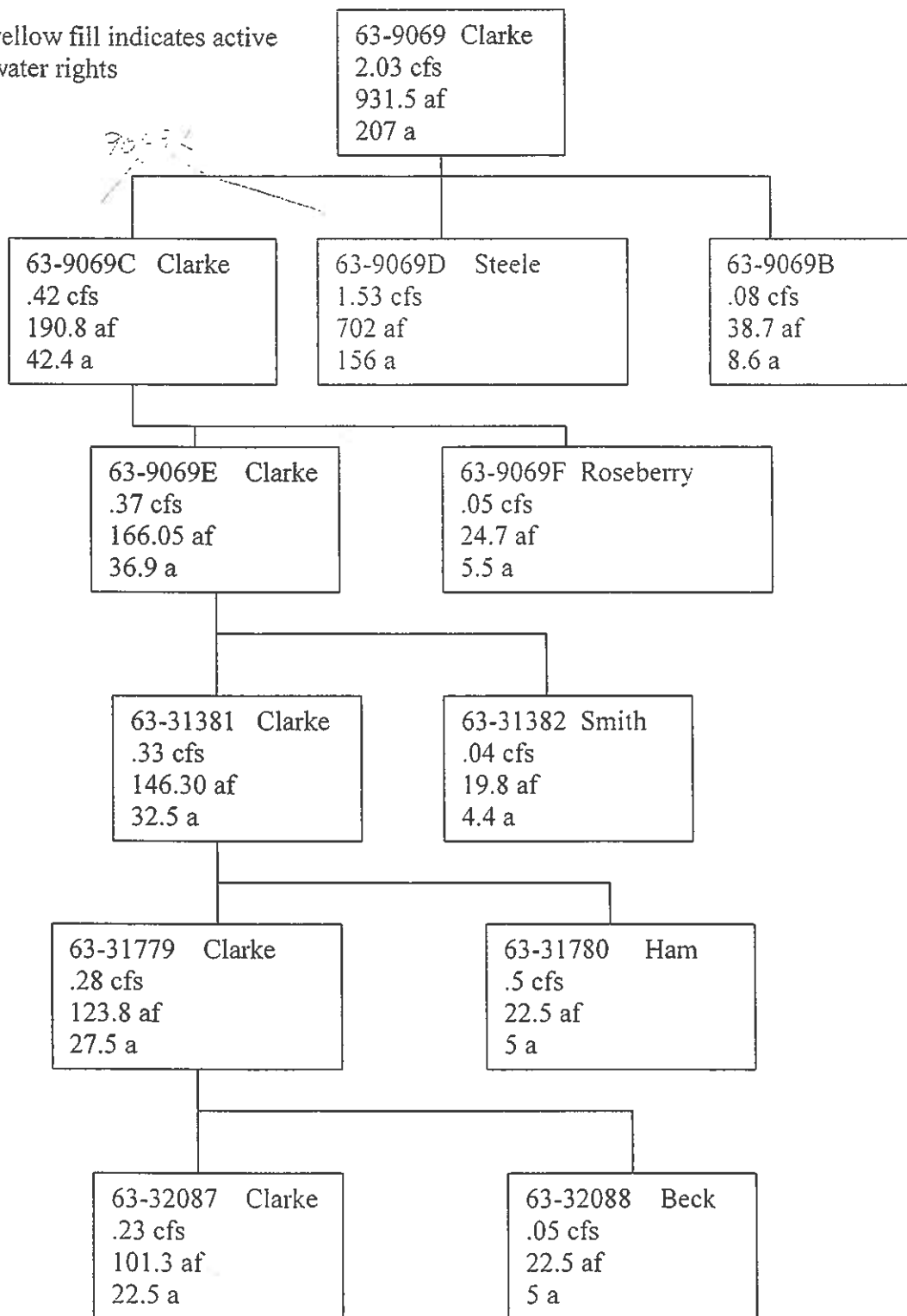
SMITH
63-31382
.04 cfs
19.8 AFA
4.4 AC

CLARKE
63-31779
.28 cfs
123.8 afa
27.5 ac

(X-fert)
70868

HOMBURG
63-3178
.05 cfs
22.5 afa
5 ac

yellow fill indicates active
water rights



Clark
17.5

Peterson
5 acres





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
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

90-8037⁵⁰
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

⑆321180379⑆00000370371908⑈8362

SCHEIDT & SONS, INC. - COUNTRY SCAPES
TO ORDER: 1-800-391-3244 • www.ChristalMall.com

Security Features
Including:
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 12th day of May, 1999.


Chief, Water Allocation Bureau

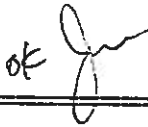
MEMORANDUM

TO: File 63-09069C

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5431

DATE: May 6, 1999

ok 

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 (cfs/ac-ft)	Nature 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
		<u>SE</u>	<u>SE</u>	<u>20</u>	<u>5N</u>	<u>2W</u>	<u>Canyon</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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5N</u>	<u>2W</u>	<u>20</u>																<u>5</u>	<u>5</u>

MICROFILMED

JUN 03 1999

Total acres 5

HR0749NP
No. 63-09069C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/11/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAN CLARKE 2465 OVERLAND RD 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		13	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. 11804

MICROFILMED

JUN 03 1999

will become:
8.5 in E split
5 in F split
1/25/

PS 3 of 7

HR0749NP

No. 63-09069C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/11/99

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

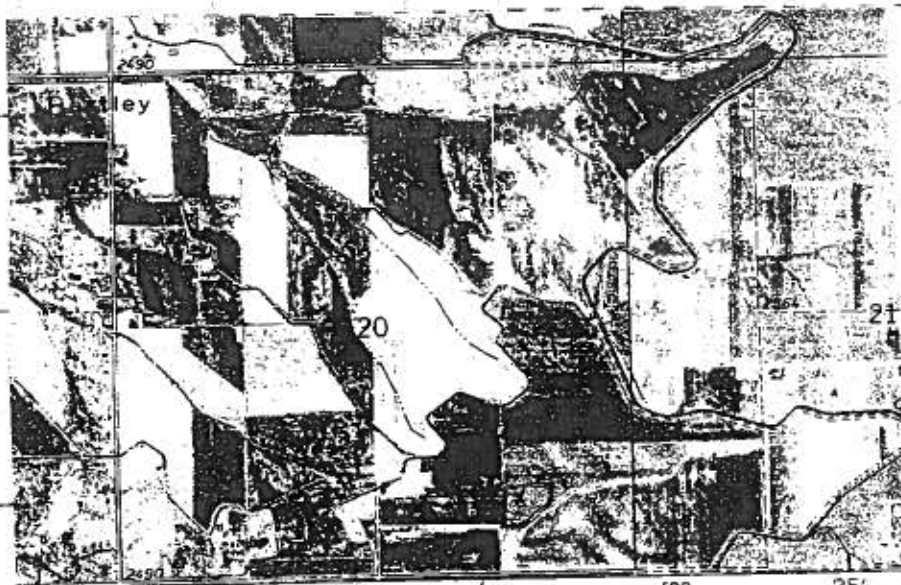
MICROFILMED

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
 d 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 Data]

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.** (**"Trustee"**). The beneficiary is **FIRST SECURITY BANK OF IDAHO, N.A.**, which is organized and existing under the laws of **THE STATE OF IDAHO**, and whose address is **P. O. BOX 7069, BOISE, IDAHO 83730** (**"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** (**"Property Address"**);
[Zip Code]

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 MN	Initial LN
----------------------	----------------------

Attachment A
(2 pgs)

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

A₂

RECORDED

95 NOV 3 PM 3 30

NEED KERR

CANYON CNTY RECORDER

BY

U. Clancy

PIONEER — CALDWELL

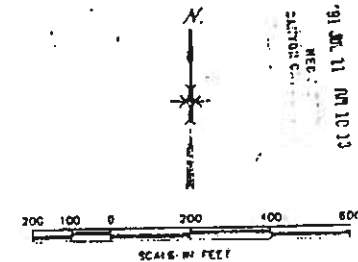
REQUEST

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.34N, R.27W, B.M.,
CANYON COUNTY, IDAHO

1991



LEGEND

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



NOTES

1. ROAD RIGHT OF WAY TO BE MAINTAINED BY THE BENCHMARK ESTATES.
2. ROAD USER'S ASSOCIATION.
3. THE CLUSTER AND SUBDIVISION 400 FEET OF THE DESIGNATED 36.00 FOOT ROAD RIGHT OF WAY (LOT 10) SHALL BE RESERVED AS A COMMON AREA FOR A BICYCLE AND WALKING PATH TO BE OWNED AND MAINTAINED BY THE BENCHMARK ESTATES ROAD USER'S ASSOCIATION.
4. THE ROAD USER'S ASSOCIATION WILL BE SET FORTH IN THE RESTRICTIVE COVENANTS.
5. 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.
6. SET 1984 SURVEY CONDUCTED BY GENERAL SURVEYOR H.A. 17, BY PORTER'S LAND SURVEYING FOR ADDITIONAL BOUNDARY INFORMATION.
7. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT APPROVAL FROM THE SOUTHWEST DISTRICT HEALTH DEPARTMENT.
8. AN 80 FOOT WIDE STRIP OF LAND, CENTERED ON THE LINE COMMON TO SECTIONS 20 AND 21 IS RESERVED FOR A SECTION LINE STREET.
9. RIGHT-OF-WAY AND SHALL BECOME PUBLIC AT THE REQUEST OF THE CANYON COUNTY DISTRICT COMMISSIONERS. NO PERMANENT STRUCTURES SHALL BE BUILT WITHIN THE RESERVED RIGHT-OF-WAY.
10. THE SUBDIVISION SHALL PLACE A FENCE, CONSTRUCTED OF STEEL POSTS AND WOVEN WIRE AT THE BOTTOM WITH TWO (2) STRANDS OF BARBED WIRE AT THE TOP, PARALLEL TO THE FENCES ALONG INTERSECTIONS. THE FENCE SHALL BE PLACED ON THE RIGHT-OF-WAY EASEMENT OF THE IRRIGATION DISTRICT AT BOTH THE MAIN CANAL ON LOTS 6 AND 7, AND ON THE LATERAL ON LOT 8.

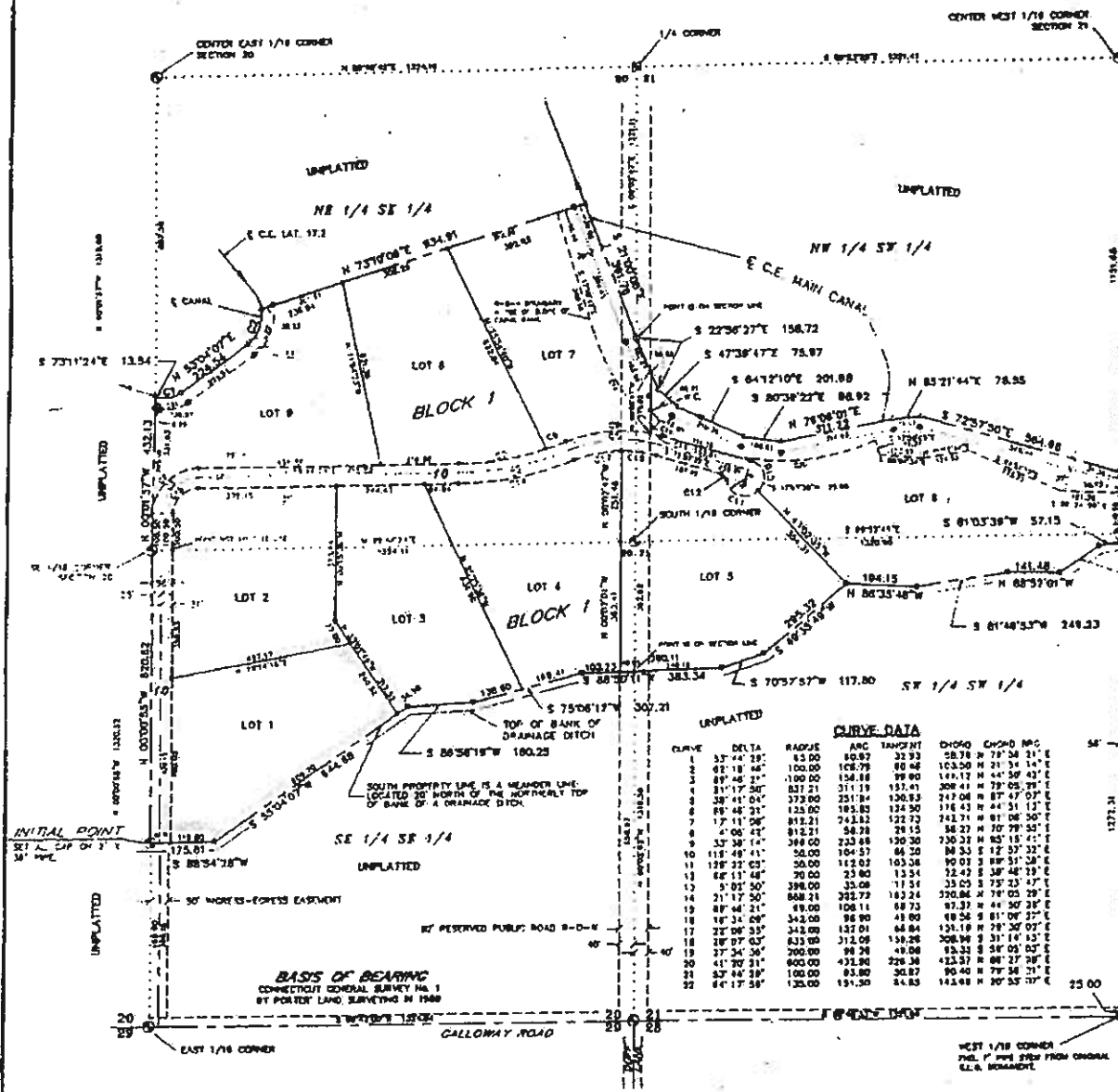
THE SANITARY RESTRICTIONS
UNDER TITLE-80 CHAPTER 18
IDAHO CODE ARE IN FORCE!

TEALEY'S LAND SURVEY

478 MAIN ST. 200-380-0029 BOOK

Job No. 483 Sheet 1 of 2

B219 Pg. 23



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 63-32087
Date Received: 3/28/2005
Receipt No:
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	0.23	101.3

7. Total Quantity Appropriated is:
0.23 C.F.S. and/or 101.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

may also have
black cat inv. Dig.
shares.

marisa culver
split from 63-31779
5 acres parcel #
0.05 cfs R 2033050700
22.5 afa - ~~1000000~~

UK-VLM

RECEIVED
MAR 17 2005
WATER RESOURCES
WESTERN REGION

**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
63-31779	63-31111	Y			

(Lot 8 Block 1 Benchmark Estates Subdivision book 19 page 2 from plat) whatever is true and proper, according to the legal description EXHIBIT "A" and Instruments there from.

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

☒ The appropriate **FILING FEE**. See instructions for fee amounts. - WAIVED VLM

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)

David^S and Marisa^E Culver AS Marital property community property owners before Clark, AC

4. New Owner/Claimant(s)

Valley Center, Ca. "Culver Revocable Living Trust"

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

New Mailing Address

* Marisa Elena Culver
1832 Alder St. Caldwell, Id
300 Sec # 540-33-7090

City, State and ZIP Code

New Telephone Number

(208) 846-7888 - 1993 3001

5. Date you acquired the property

from earlier in 1992 and, recent quit claim most recent as apart from former husband David Scott Culver is quit claim deed 200465981 — But we bought along time ago.

Note: I was told that the file pertaining to this claim is not attainable as yet, therefore I am without all proper disclosures — Benchmark Estates Co

Marisa Elena Culver

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number	Water Use	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Quit Claim deed instrument # 20046598 and warranty deed 200142113 & 200142114		EXHIBIT "A"
	Irrigation	* 9313356 F
	Stock	1993
	Domestic	
	Other	
Total	All rights true. I don't have enough 1450. please disclose my rights - and don't split off what was supposed to be owned by virtue my marital decree.	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number	Water Use	Description
	(cubic feet per second or acre-feet per annum)	(acres, number and type of stock, homes, etc)
Warranty deed 2001 and quit claim. most recent is instrument # 200465981 sk		from over 12 1/2 years as own as use by mom and dec
	Irrigation	
	Stock	
	Domestic	
	Other	
Total	All rights true. Lot 8, Block 1 Benchmark Estate Subdivision, EXHIBIT "A" For	

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) Mariela Elena Cullen 9313356
"owner" Lot 8 Block 1 Benchmark 1993
Estates Subdivision parcel I + II
 EXHIBIT "A"
 See Wara deed

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

For Office Use Only

Received by	Date	Fee
Received by <u>DB</u>	Date <u>3/17/05</u>	Fee <u>\$25 -</u>
Processed by	Date	Receipt No. <u>W0321090</u>
AJ	Date	WR

NOTE: (Check included)
 I do not want to be excluded from any and all unknown risk for which I am entitled that I understand that this department will truthfully disclose all right to me. Mariela Elena Cullen 3/1

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

RIGHT NUMBER: 63-32793

NAME AND ADDRESS: JEANNE L ROSS
PO BOX 142
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
22.500 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/26/1977

POINT OF DIVERSION:

T05N R02W S20 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.050 CFS 22.50 AFY

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

PLACE OF USE: IRRIGATION in CANYON County

T05N R02W S20	NESE	1.10	T05N R02W S20	SESE	3.90
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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.

The right holder shall accomplish the change authorized by Transfer 73845 within one year of the date of the approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

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

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

Property is also known as Lot 3, Block 1, Benchmark Estates Subdivision.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Estate of Dan W. Clarke	☐ overnight mail
6815 N. Moonglow Dr.	☒ regular mail
Tucson AZ 85718	☐ hand-delivered
	☐ facsimile

Jeanne L. Ross	☐ overnight mail
PO Box 142	☒ regular mail
Middleton ID 83644	☐ hand-delivered
	☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 13, 2008

JEANNE L ROSS
PO BOX 142
MIDDLETON ID 83644

Re: Water Right No. 63-32793 (Split of 63-32443)

Dear Ms. Ross:

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,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures