

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 63-33015
Date Received: 12/28/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SCOTT ENGLUND Phone: (208)850-1851
416 18TH AVE S
NAMPA ID USA 83651

THERESSA ENGLUND Phone: (208)850-1851
416 18TH AVE S
NAMPA ID USA 83651

2. Date of Priority: 07/09/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	15	NW SW	CANYON	

5. Description of diverting works:

Private well and electric pump

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.01	2.3

7. Total Quantity Appropriated is:

0.01 C.F.S. and/or 2.3 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
02N	03W	15	NW	SW	IRRIGATION	0.5
					Section Acres	0.5
					Total Acres	0.5

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.

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.

15. Basis of Claim: License

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 63-7825B
Date Received: 12/28/1989
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

THERESSA ENGLUND Phone: (208)850-1851
416 18TH AVE S
NAMPA ID USA 83651

SCOTT ENGLUND Phone: (208)850-1851
416 18TH AVE. S.
NAMPA ID USA 83651

2. Date of Priority: 07/09/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	15	SE SW	CANYON	

5. Description of diverting works:

WELL & TURBINE PUMP DISCHARGING TO MAINLINE TO SPRINKLER IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.6	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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02N	03W	15	SW	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
					Section Acres	80
					Total Acres	80

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

See remarks for additional conditions of approval.

SUBJECT TO THE CONDITION THAT THE MAXIMUM RATE OF DIVERSION AND VOLUME PER YEAR SHALL NOT EXCEED .02 CFS/4.5 AF/AC WHEN COMBINED WITH LIC. NO. 22446/63-2879. THIS CLAIM IS A RESULT OF A SPLIT DUE TO AN OWNERSHIP CHANGE. SECOND PHONE NUMBER LISTED FOR CLAIMANT: 465-4561

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

CHANGE IN OWNERSHIP LG 9-25-2006 REVIEWED BY S. EGBERT

15. Basis of Claim: License

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

RECEIVED**SEP 12 2006**

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

**WATER RESOURCES
WESTERN REGION**

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
	63-2879	Y			
	63-7825B	Y			

3. 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) Robert J. and Kathi L. Meyers, V&M Trust
4. New Owner/Claimant(s) Scott E. and/or Theresa Englund
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 416 18th Ave. S.
- City, State and ZIP Code Nampa, ID 83651
- New Telephone Number (208) 850-1851
5. Date you acquired the property February 24, 2004

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 63-2879		
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	0.89	77.62 acres
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 63-7825B		
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	1.55	77.62 acres
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by *Ja* AJ Date *9-25-06* WR _____ Date _____
reviewed by S. Eghart



TRANSACTION TITLE
REQUESTED
TYPE *Warranty* FEE *900*

CANYON COUNTY RECORDER
BY *G. Noel Hales*

2004 FEB 27 PM 4 44

RECORDED

200411174

Escrow No. 0300014983 - *LUK*

WARRANTY DEED

FOR VALUE RECEIVED

GREGORY S. BRUMFIELD AND LAURA A. BRUMFIELD, HUSBAND AND WIFE

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto: SCOTT E. ENGLUND AND THERESA ENGLUND, HUSBAND AND WIFE

GRANTEES(s), whose current address is: 1003 14th Ave. S, Nampa ID 83651
the following described real property in Canyon County, State of Idaho,
more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED
(Continued)

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

Date: February 24, 2004

X Greg S. Brumfield
Greg S. Brumfield

X Laura A. Brumfield
Laura A. Brumfield

Notary Acknowledgment - see page 2

WARRANTY DEED - NOTARY ACKNOWLEDGMENT(S):

Arizona

State of IDAHO, County of ADA, ss.

On this 25 day of FEBRUARY in the year of 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared GREGORY S. BRUMFIELD AND LAURA A. BRUMFIELD known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

~~LISA KEBER~~

~~Residing at: MERIDIAN, IDAHO~~

~~My commission expires:~~

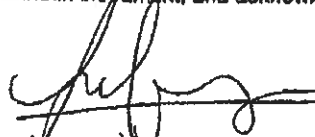

Leah Haag
Maricopa, Arizona
1-15-06



EXHIBIT "A"

This parcel is a portion of the Northwest quarter of the Southwest quarter and the Southwest quarter of the Southwest quarter of Section 15, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said Northwest quarter of the Southwest quarter; thence North $89^{\circ}50'18''$ East along the North boundary of said Northwest quarter of the Southwest quarter a distance of 1324.41 feet to the Northeast corner of said Northwest quarter of the Southwest quarter; thence South $00^{\circ}25'03''$ West along the East boundary of said Northwest quarter of the Southwest quarter a distance of 1326.48 feet to the Northeast corner of said Southwest quarter of the Southwest quarter; thence South $00^{\circ}25'03''$ West along the East boundary of said Southwest quarter of the Southwest quarter a distance of 1328.40 feet to the Southeast corner of said Southwest quarter of the Southwest quarter; thence South $89^{\circ}45'34''$ West along the South boundary of said Southwest quarter of the Southwest quarter a distance of 1081.50 feet to a point which lies 245.00 feet East of the Southwest corner of said Southwest quarter of the Southwest quarter; thence North $00^{\circ}27'44''$ East parallel with the West boundary of said Southwest quarter of the Southwest quarter a distance of 245.00 feet; thence South $89^{\circ}45'34''$ West parallel with the South boundary of said Southwest quarter of the Southwest quarter a distance of 245.00 feet to a point on the West boundary of said Southwest quarter of the Southwest quarter; thence North $00^{\circ}27'44''$ East along said West boundary a distance of 1082.36 feet to the Southwest corner of said Northwest quarter of the Southwest quarter; thence North $00^{\circ}27'44''$ East along the West boundary of said Northwest quarter of the Southwest quarter a distance of 48.88 feet; thence North $89^{\circ}48'01''$ East parallel with the South boundary of said Northwest quarter of the Southwest quarter a distance of 215.22 feet; thence North $00^{\circ}27'44''$ East parallel with the West boundary of said Northwest quarter of the Southwest quarter a distance of 202.40 feet; thence South $89^{\circ}48'01''$ West parallel with the South boundary of said Northwest quarter of the Southwest quarter a distance of 215.22 feet to a point on the West boundary of said Northwest quarter of the Southwest quarter; thence North $00^{\circ}27'44''$ East along said West boundary a distance of 1076.28 feet to the POINT OF BEGINNING.

 63-2879
 63-7825B

Change in Ownership
 Scott and Theresa Englund

0 125 250 500
 Feet



SPF Water Engineering, LLC
 water resource consultants

600 E. North Park Lane, Ste. 100, Boise, Idaho 83726
 tel 208.383.4142 fax 208.355.4156

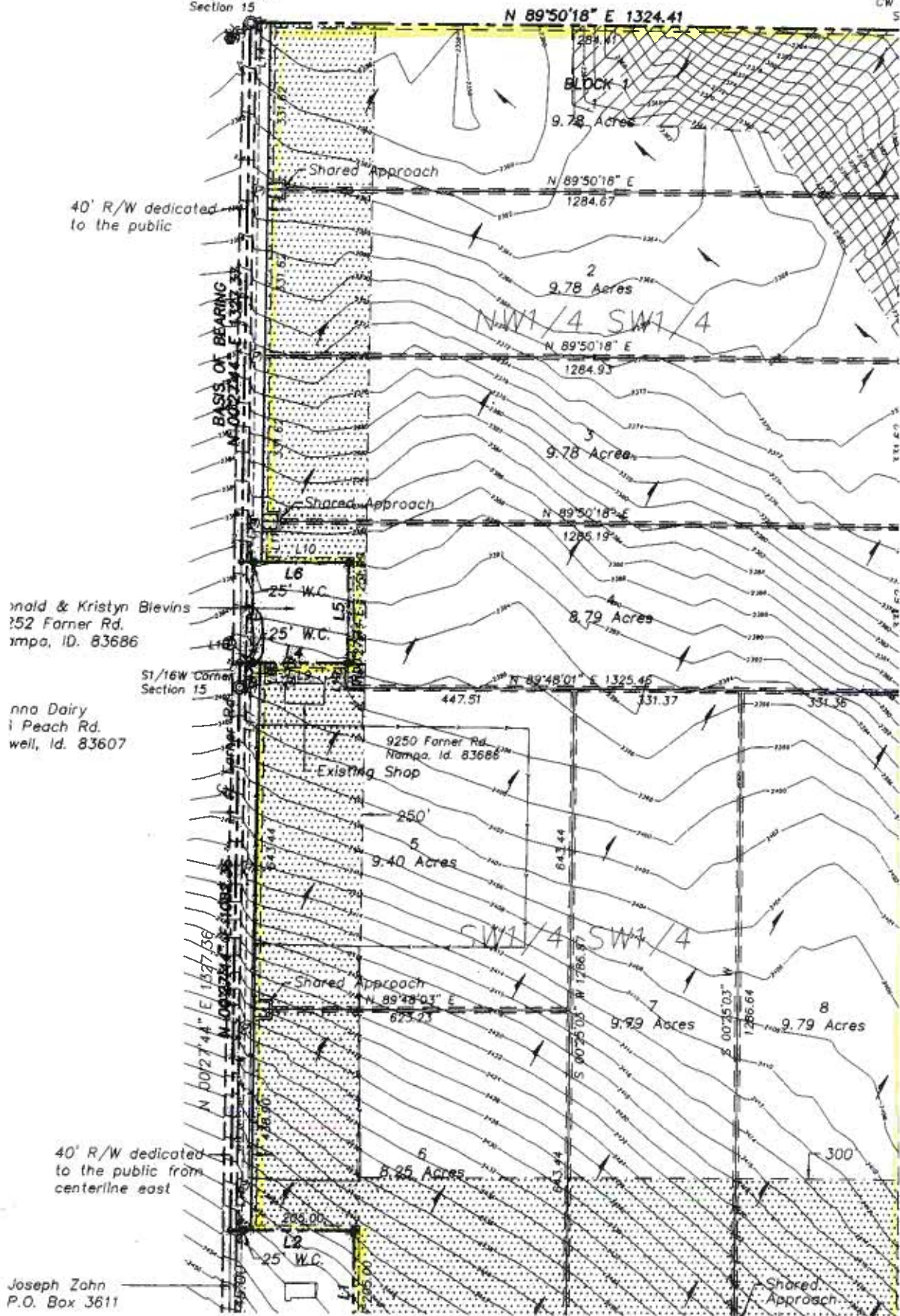
N
 ↑
 Y
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 S

Breonna Dairy
9166 Peach Rd.
Caldwell, Id. 83607

Becky Neeley
11485 Lewis Ln
Nampa, Id. 83686

CP&F Inst. No. 200329257
W 1/4 Corner
Section 15

CW



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

RIGHT NUMBER: 63-33015

NAME AND ADDRESS: SCOTT ENGLUND
416 18TH AVE S
NAMPA ID 83651

THERESSA ENGLUND
416 18TH AVE S
NAMPA ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.010 CFS
2.300 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: 07/09/1973

POINT OF DIVERSION:

T02N R03W S15 NWSW 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	0.010 CFS 2.30 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

T02N R03W S15 NWSW 0.50

0.5 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.

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: 63-7825B (Split)

See Attached

**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 27, 2008


Signature of IDWR Representative

Splits of 63-7825B

63-33011

63-33012

63-33013

63-33014

63-33015

63-33016

63-33017

63-33018

63-33019

63-33020

CERTIFICATE OF MAILING

I certify that on June 27, 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:

Scott Englund	☐ overnight mail
Theressa Englund	☒ regular mail
416 18 th Ave. S	☐ hand-delivered
Nampa ID 83651	☐ facsimile

☐ overnight mail
☐ regular mail
☐ 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 27, 2008

SCOTT ENGLUND
THERESSA ENGLUND
416 18TH AVE S
NAMPA ID 83651

Re: Water Right Nos. 63-2879, 63-7825B (Split) - 63-33002,
63-33003, 63-33004, 63-33005, 63-33006, 63-33007, 63-33008,
63-33009, 63-33010, 63-33011, 63-33012, 63-33013, 63-33014,
63-33015, 63-33016, 63-33017, 63-33018, 63-33019, 63-33020

Dear Mr. & Mrs. Englund:

Enclosed are copies 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 the result of approved transfers. This notification to the Court does not affect the previous approval of these transfers 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

WATER RIGHT NO. 63-33015
As Modified by Transfer No. 73796

In accordance with the approval of Transfer No. 73796, Water Right No. 63-33015 is now described as follows.

Right Holder: SCOTT ENGLUND And/Or
 THERESSA ENGLUND
 416 18TH AVE S
 NAMPA ID 83651

Priority Date: July 09, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.01 CFS	2.3 AF
			0.01 CFS	2.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 15 Twp 02N Rge 03W 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
02N	03W	15																	0.5

Total Acres: 0.5

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.

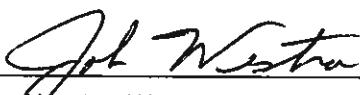
WATER RIGHT NO. 63-33015
As Modified by Transfer No. 73796

CONDITIONS OF APPROVAL

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.
6. 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.

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. 73796

This is to certify that: SCOTT ENGLUND And/Or
THERESSA ENGLUND
416 18TH AVE S
NAMPA ID 83651
(208)850-1851

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>
63-33015	AJC/License	07/09/1973	0.01 cfs	2.3 af	N/A	0.5	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>
63-33015	NO	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>
63-33015	63-33015	0.01 cfs	2.3 af	N/A	0.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.01 cfs	2.3 af	N/A	0.5		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

Transfer No. 73796STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 21 2007

WATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Scott and/or Theresa Englund Phone (208)850-1851Post Office address 416 18th Ave. S., Nampa, ID 83651

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 The property is being subdivided into eight (8) lots. Water rights for each lot will be represented by individual transfers. Water will be delivered to each lot from individual wells. An additional transfer will represent the parcel shown on Part 3.A as the "Englund parcel", and that lot will also have its own well. This transfer represents the Englund parcel.

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
portion of 63-7825B 07/09/1973 0.01 cfs/2.25 ac-ft * irrigation 03/15 to 11/15
to _____

2. Total amount of water being transferred 0.01 cubic feet per second and/or 2.25 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
		NW	SW	15	2N	3W	Canyon	

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	
2N	3W	15										0.5							0.5

Total Acres 0.5SCANNED
APR 16 2008

PART 1

6. General Information:

a. Description of diversion system private well and electric pump

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 X 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:

The remaining portions of water right no. 63-7825B will be placed in the Idaho Water Supply Bank.The only irrigated land in the NWSW and SWSW, S15, T02N, R03W will be represented by the transfers for Lots 1-8 and the Englund parcel (as shown on Part 3.A).

d. Remarks:

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 DirectorSCANNED
APR 16 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (see attached SRBA Recommendation for 63-7825B)

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annur

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. 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	

Total Acres

9. Describe any other water rights used for the same purpose as described above None

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APR 16 2008

PART 2

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

No If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.01 cfs/2.25 ac-ft for irrigation purposes from 03/15 to 11/15
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	15	02N	03W	Canyon	

3. 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	
02N	03W	15										0.5							0.5

Total Acres 0.5

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

1. amount 1.59 cfs/357.75 ac-ft for irrigation purposes from 03/15 to 11/15
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	15	02N	03W	Canyon	

3. 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	
02N	03W	15										39.5	40						79.5

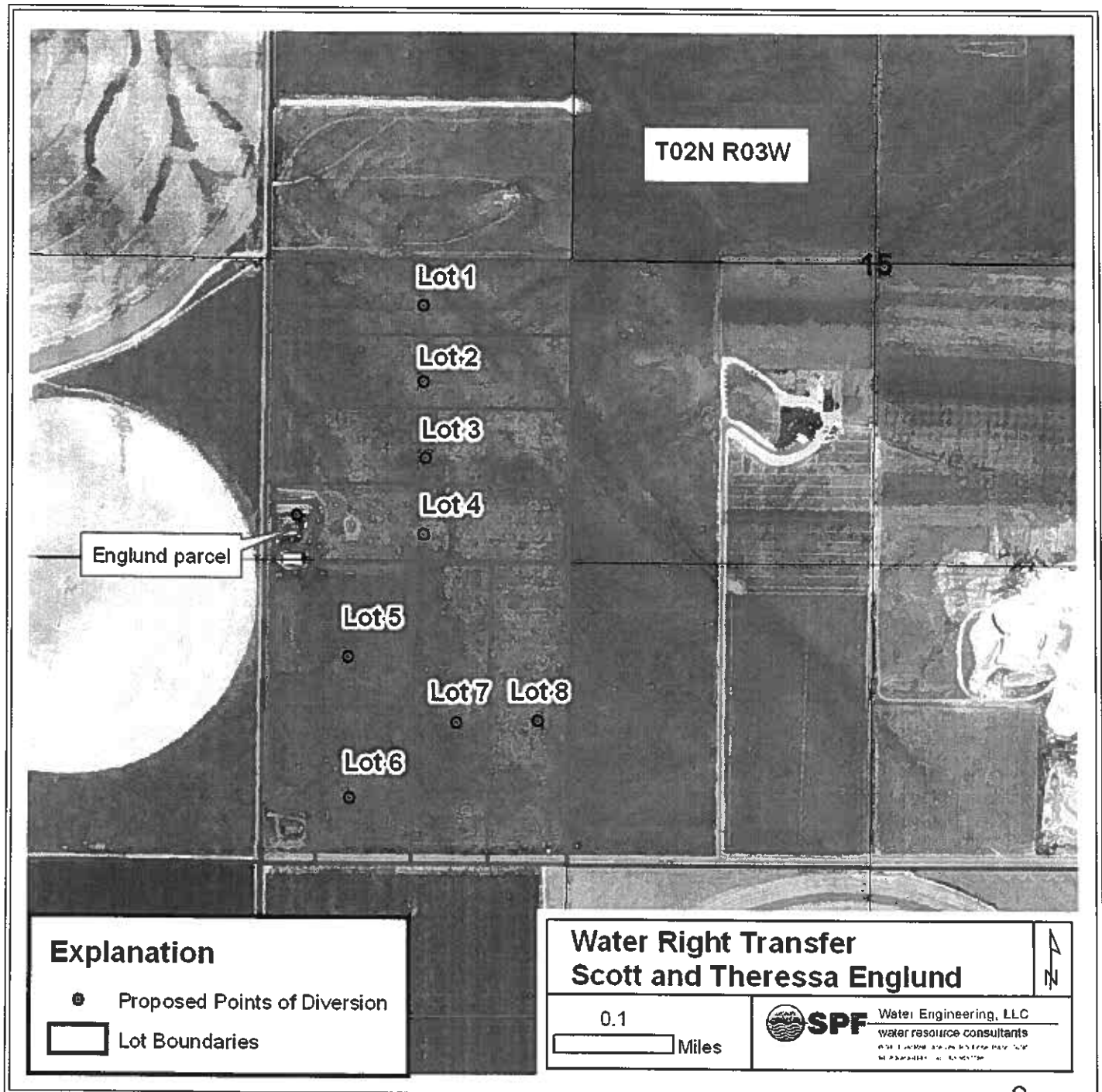
Total Acres 79.5

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APR 16 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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.

This transfer applies to the Englund parcel



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 _____

Quantity and quality of return flows and location of discharge: _____

2. 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.

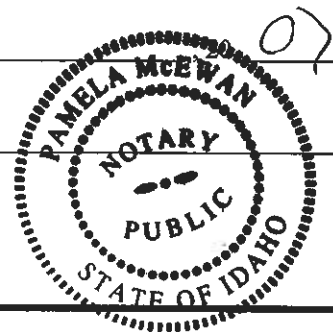
I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of February

[Signature]
(Notary Public)

My commission expires 3/30/11

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 4 attachments

Received by DB Date 2-21-07 Protest filed by _____

Prelim. Check by AR Fee \$100-

Received by DB W035097 Date 2-21-07

Published in PRESS TRIBUNE DB Copies of protest forwarded by _____

Pub. Dates MAY 1 & 8, 2008 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

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APR 16 2008

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

RIGHT NUMBER: 63-7825B

NAME AND ADDRESS: THERESSA ENGLUND
416 18TH AVE S
Nampa ID 83651

SCOTT ENGLUND
416 18TH AVE. S.
Nampa ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.600 CFS
360.00 AFY

Right Nos. 63-2879 and 63-7825B are limited to a total combined diversion rate of 1.6 cfs and to a total combined annual diversion volume of 360 AF.

PRIORITY DATE: 07/09/1973

POINT OF
DIVERSION: T02N R03W S15 SESW 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	1.600 CFS 360.00 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

T02N R03W S15	NWSW	40.00	T02N R03W S15	SWSW	40.00
80 ACRES TOTAL					

Right Nos. 63-2879 and 63-7825B are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.



1700 South Assembly Street
PO Box 2515, Spokane, WA 99220-2515
Voice: 509.340.5300 Toll Free: 800.827.6505 Fax: 509.340.5400

Customer/Note No. 43544-442

CONSENT

Lender: Northwest Farm Credit Services

For good and valuable consideration, Scott E. Englund, whose address is 416 18th Ave South, Nampa, ID 83651, consent and agree that the first lien position of Lender is not altered due to that certain:

Water right change made to certificates 63-2879 & 63-7825B

It is understood that the above-described transaction does not constitute a satisfaction of the indebtedness in the principal amount of \$86,763.06 as of January 29, 2007, together with all accrued interest and advances, fees and costs made under the terms of the Loan Documents evidencing such indebtedness. The Loan Documents evidencing such indebtedness shall remain valid obligations enforceable according to their terms, except as modified by the above-referenced transaction, against all liable parties and the property described in the security documents.

As used herein, the term "mortgage" also means "deed of trust." "Loan Documents" consist of the note(s), security documents and any other documents or instruments signed in connection with the note(s) and any amendments thereto.

The undersigned acknowledges review of the Loan Documents specifically referenced herein.

The heirs, personal representatives, successors and assigns of the undersigned shall be bound by this Consent. This Consent shall inure to the benefit of the Lender, its personal representatives, successors and assigns.

Dated: 1/29/07

NORTHWEST FARM CREDIT SERVICES, FCLA

By: [Signature]

Title: Manager - Central Servicing

Date: 1/29/07

ACA1601 (6/05)

SCANNED

APR 16 2008

ATTACHMENT B



REQUEST
TYPE *W* FEE *900*

TRANSACTION TITLE

G NOEL HALES
CANYON CNTY RECORDER
BY *gnoel*

2004 FEB 27 PM 4 44

RECORDED

200411174

Escrow No. 0300014983 - *LUK***WARRANTY DEED****FOR VALUE RECEIVED**

GREGORY S. BRUMFIELD AND LAURA A. BRUMFIELD, HUSBAND AND WIFE

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto: SCOTT E. ENGLUND AND THERESA ENGLUND, HUSBAND AND WIFE

GRANTEES(s), whose current address is: 1003 14th Ave. S, Nampa ID 83651
the following described real property in Canyon County, State of Idaho,
more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED
(Continued)

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

Date: February 24, 2004

Greg S. Brumfield
Greg S. Brumfield

Laura A. Brumfield
Laura A. Brumfield

Notary Acknowledgment - see page 2

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APR 16 2008

ATTACHMENT C (4 PAGES)

WARRANTY DEED - NOTARY ACKNOWLEDGMENT(S):

Arizona

State of IDAHO, County of ADA, ss.

On this 25 day of FEBRUARY in the year of 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared GREGORY S. BRUMFIELD AND LAURA A. BRUMFIELD known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

~~LISA KEBBER~~~~Residing at: MERIDIAN, IDAHO
My commission expires:~~

[Signature]
Leah Haag
Maricopa, Arizona
1-15-06



C2 SCANNED
APR 16 2008

• LEGAL DESCRIPTION (continued)

EXHIBIT "A"

This parcel is a portion of the Northwest quarter of the Southwest quarter and the Southwest quarter of the Southwest quarter of Section 15, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Beginning at the Northwest corner of said Northwest quarter of the Southwest quarter; thence North 89°50'18" East along the North boundary of said Northwest quarter of the Southwest quarter a distance of 1324.41 feet to the Northeast corner of said Northwest quarter of the Southwest quarter; thence South 00°25'03" West along the East boundary of said Northwest quarter of the Southwest quarter a distance of 1326.48 feet to the Northeast corner of said Southwest quarter of the Southwest quarter; thence South 00°25'03" West along the East boundary of said Southwest quarter of the Southwest quarter a distance of 1326.40 feet to the Southeast corner of said Southwest quarter of the Southwest quarter; thence South 89°45'34" West along the South boundary of said Southwest quarter of the Southwest quarter a distance of 1081.50 feet to a point which lies 245.00 feet East of the Southwest corner of said Southwest quarter of the Southwest quarter; thence North 00°27'44" East parallel with the West boundary of said Southwest quarter of the Southwest quarter a distance of 245.00 feet; thence South 89°45'34" West parallel with the South boundary of said Southwest quarter of the Southwest quarter a distance of 245.00 feet to a point on the West boundary of said Southwest quarter of the Southwest quarter; thence North 00°27'44" East along said West boundary a distance of 1082.36 feet to the Southwest corner of said Northwest quarter of the Southwest quarter; thence North 00°27'44" East along the West boundary of said Northwest quarter of the Southwest quarter a distance of 48.88 feet; thence North 89°48'01" East parallel with the South boundary of said Northwest quarter of the Southwest quarter a distance of 215.22 feet; thence North 00°27'44" East parallel with the West boundary of said Northwest quarter of the Southwest quarter a distance of 202.40 feet; thence South 89°48'01" West parallel with the South boundary of said Northwest quarter of the Southwest quarter a distance of 215.22 feet to a point on the West boundary of said Northwest quarter of the Southwest quarter; thence North 00°27'44" East along said West boundary a distance of 1076.28 feet to the POINT OF BEGINNING.

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C3 APR 16 2008

*re-recording to

notary seal

QUITCLAIM DEED

CO613554

FOR VALUE RECEIVED,

DONALD WAYNE BLEVINS AND KRISTYN ANN BLEVINS, HUSBAND AND WIFE

Does hereby convey, release, remise and forever quit claim unto

SCOTT ENGLUND HOLDINGS, LLC

whose current address is: 416 18TH AVE. SO., NAMPA, ID 83651

the following described premises:

PARCEL 2

This parcel is a portion of the Northwest Quarter of the Southwest Quarter of Section 15, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the southwest corner of said Northwest Quarter of the Southwest Quarter; thence North 00° 27' 44" East along the west boundary of said Northwest Quarter of the Southwest Quarter a distance of 48.69 feet to the TRUE POINT OF BEGINNING; thence continuing North 00° 27' 44" East along said west boundary a distance of 202.40 feet; thence North 89° 48' 01" East parallel with the south boundary of said Northwest Quarter of the Southwest Quarter a distance of 215.22 feet; thence South 00° 27' 44" West parallel with the west boundary of said Northwest Quarter of the Southwest Quarter a distance of 202.40 feet; thence South 89° 48' 01" West parallel with the south boundary of said Northwest Quarter of the Southwest Quarter a distance of 215.22 feet to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: APRIL 5, 2006

DONALD WAYNE BLEVINS

KRISTYN ANN BLEVINS

STATE OF IDAHO

COUNTY OF CANYON

On this 5th day of APRIL, 2006, before me, the undersigned, a notary public personally appeared DONALD WAYNE BLEVINS AND KRISTYN ANN BLEVINS known to me or proven to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

RESIDING IN: Nampa, ID
MY COMMISSION EXPIRES: 1-8-09



RECORDED

2006 APR 13 PM 4 24

CANYON COUNTY RECORDER
BY *[Signature]*

TRUSTEE

RECORDED
APR 13 PM 4 24

RECORDED

2006 APR 5 PM 4 19

CANYON COUNTY RECORDER

[Signature]

TRUSTEE

RECORDED
APR 5 PM 4 19

200625012

200627340

SCANNED
APR 16 2008

C4



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

1. The name of the limited liability company is:

SCOTT ENGLUND HOLDINGS LLC

2. The street address of the initial registered office is:

416 18 Avenue S Nampa ID 83651

and the name of the initial registered agent at the above address is:

Scott E Englund

3. The mailing address for future correspondence is:

416 18 Avenue S Nampa ID 83651

4. Management of the limited liability company will be vested in:

Manager(s) ☒ or Member(s) ☐ (Please check the appropriate box.)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name

Address

Scott E Englund Manager

416 18 Avenue S Nampa ID 83651

6. Signature of at least one person responsible for forming the limited liability company:

Signature: [Signature]

Typed Name: D Virginia Jones

Capacity: Organizer

Signature: _____

Typed Name: _____

Capacity: _____

Secretary of State use only

11-1 SECRETARY OF STATE
12/27/2005 15:00
Clerk: [Signature] 11/13/05 11:00
11/13/05 11:00 01/01/06

SCANNED
APR 16 2008

ATTACHMENT D

MEMORANDUM

TO: Transfer No. 73792 thru 73800 & 74714 File
FROM: Angela Grimm
DATE: April 15, 2008
RE: Evaluation of Sufficiency of Information Submitted

These transfers propose a new point of diversion on each lot to supply water for irrigation within the Meadow Vista Ranch and the Englund parcel, as it is referred to in the applications. Adjudication rights 63-2879 and 63-7825B (Scott and/or Theresa Englund) were split in the Adjudication prior to and in order to aid in transfer processing. The adjudication rights 63-2879 and 63-7825B were split for each lot's portion of the existing P/U.

The subdivision resulting from subdividing the Englund property is known as the Meadow Vista Ranch generally located just north of Deer Flat Rd off the east side of Farner Rd southwest of Nampa. The following transfer applications provide for a new P/D and irrigation of the respective P/Us:

- App 73792 = Lot 1 Blk 1 Meadow Vista Ranch
- App 73793 = Lot 2 Blk 1 Meadow Vista Ranch
- App 73794 = Lot 3 Blk 1 Meadow Vista Ranch
- App 73795 = Lot 4 Blk 1 Meadow Vista Ranch
- App 73796 = Englund Parcel
- App 74714 = Lot 5 Blk 1 Meadow Vista Ranch
- App 73798 = Lot 6 Blk 1 Meadow Vista Ranch
- App 73799 = Lot 7 Blk 1 Meadow Vista Ranch
- App 73800 = Lot 8 Blk 1 Meadow Vista Ranch

The remainder of the water right system of parent rights 63-2879 and 63-7825B, 63-33010 and 63-33020 respectively, will be put in the water supply bank per application remarks.

Contact person for this applicant is Roxanne Brown at SPF Water Engineering.

Summary of Information Submitted

Authority to File: The applicant is the current owner on record for all rights proposed for transfer. Additionally, the applicant supplied warranty deeds with the transfer applications reconfirming ownership of the P/U proposed in the transfers. The applicant has the authority to change their own rights.

SCANNED
MAY 11 2008