

RECEIVED

OCT 19 1995

WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02733C
Date Received: 3/19/1990
Receipt No: W011398
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MARK S CHOWN 208-466-4550
Address: 16942 ROSE BRIAR LN
NAMPA ID 83686
AND/OR
Name: MARY M CHOWN 208-466-4550
Address: 16942 ROSE BRIAR LN
NAMPA ID 83686

2. Date of Priority: NOV 3, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	17	SW	NW			CANYON

5. Description of diverting works:
WELL, 6" CASING, 10 HP MOTOR, 180', SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	17	NE	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	02W	17	NW SW		IRR	10.0
Section Acres						20.0
Total Acres						20.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Mark Shown Date: 9/12/95
Mary M. Choron Date: 9/13/95

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of September 19 95 Carol J. Harman
Notary Public

Seal

Residing at Nampa
My Commission Expires 04-12-1999



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 19 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 2W
Section 17, 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A63-02732, A63-02733C

[] Name and Address of Former Owner/Claimant(s)(Seller): William L. & Berit G. Crookham

Box 520

Caldwell ID 83605

[] New Owner/Claimant (Purchaser): Mark S. and/or Mary M. Chown

[] New Mailing Address: 16942 Rose Briar Lane

Nampa ID 83686

[] New Telephone Number: (208) 466 - 4550

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) X Mark S. Chown Date 9/12/95

X Mary M. Chown Date 8.25.95

[] Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed: _____

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 10-20-95 By: MTS

Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

FN 21203

9120913

7/16/91
10/16/91

WARRANTY DEED

WILLIAM L. CROOKHAM and BERIT G. CROOKHAM, husband and wife, Grantors, hereby convey, grant and warrant to MARK S. CHOWN and MARY M. CHOWN, husband and wife, Grantees, whose address is 16942 Rose Briar Lane, Nampa, Idaho, 83687, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

PARCEL I:

The Southwest Quarter of Section 17, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

PARCEL II:

Lot 2, excepting the West 40 feet thereof and all of the Southeast Quarter of the Northwest Quarter of Section 19, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

SUBJECT TO that certain Mortgage between William L. Crookham and Berit Crookham, husband and wife, as Mortgagor, and Grange Mutual Life Company, as Mortgagee, recorded March 14, 1984, as Instrument No. 8406084, records of Canyon County, Idaho, as to Parcel I hereinabove described.

FURTHER SUBJECT TO that certain Mortgage between William L. Crookham and Berit G. Crookham, husband and wife, as Mortgagor, and The Federal Land Bank of Spokane, a corporation, as Mortgagee, recorded May 17, 1985, as Instrument No. 8512185, records of Canyon County, Idaho, as to Parcel II hereinabove described.

FURTHER SUBJECT TO the rights and responsibilities under the terms and conditions of that certain Well Agreement affecting Parcel I hereinabove described, by and between Jay Yoder and Myrtle Yoder, husband and wife, and Fred Eggers and Florence Eggers, husband and wife, recorded July 3, 1948, as Instrument No. 339765, records of Canyon County, Idaho. The Grantors herein disclose that the Grantors make no claim to any rights to the well to which said agreement is subject by reason of the fact that it is the Grantors' position that said agreement was terminated and that the Grantors had

no right and/or responsibility thereunder but is listed herein in this Deed as a matter of disclosure only.

FURTHER SUBJECT TO that certain power line easement as granted by Fred Eggers and Florence Eggers, his wife, to Idaho Power Company, a corporation, by instrument recorded February 25, 1950, as Instrument No. 359674, records of Canyon County, Idaho.

FURTHER SUBJECT TO that certain right of way Deed by Chester Eggers to Canyon County, Idaho, recorded January 27, 1970, as Instrument No. 638755, records of Canyon County, Idaho.

FURTHER SUBJECT TO a relocation agreement and grant of easement granted to William L. Crookham, recorded November 10, 1986, as Instrument No. 8628240, records of Canyon County, Idaho.

FURTHER SUBJECT TO an Easement granted to Nampa Highway District No. 1, recorded April 8, 1991, as Instrument No. 9106495, records of Canyon County, Idaho.

FURTHER SUBJECT TO rights of way for public roads along the North and West boundaries of Parcel I, and along the South boundary of Parcel II.

FURTHER SUBJECT TO taxes and assessments for the year 1991 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantees that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record,

and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 18th day of October, 1991.

William L. Crookham
William L. Crookham

Berit G. Crookham
Berit G. Crookham

STATE OF IDAHO)
County of CANYON) :ss

On this 18th day of October, in the year 1991, before me, THE UNDERSIGNED, a Notary Public, personally appeared WILLIAM L. CROOKHAM and BERIT G. CROOKHAM, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Blanca E. Acosta
Notary Public for Idaho
Commission expires: 8-11-93

07/wcg

WARRANTY DEED-3

9120913

RECORDED

91 OCT 21 PM 1 48

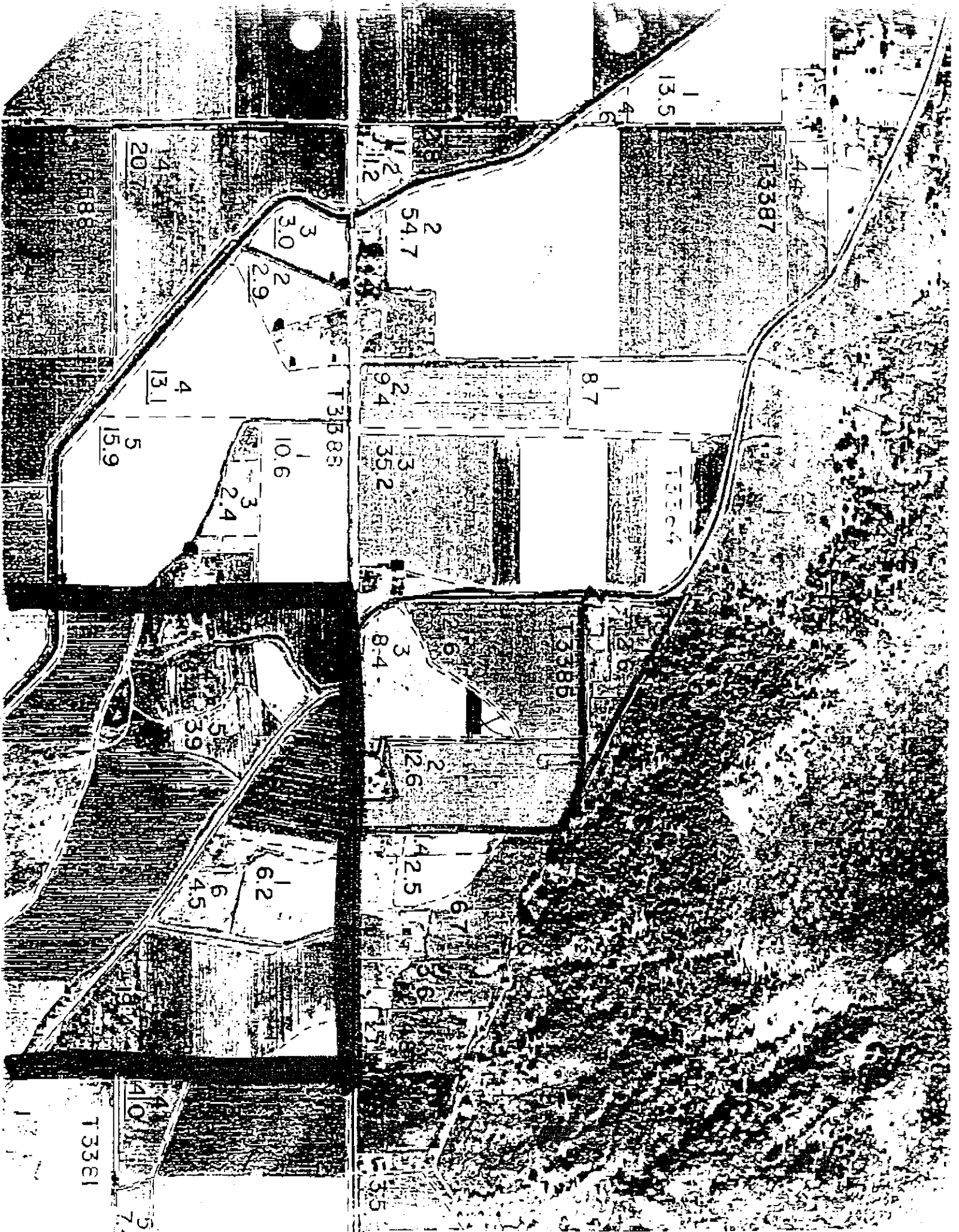
REC'D

CANYON CNT RECORDER

U. G. Chang

REQUEST PIONEER - NAMEA

TYM Deed mt 9 00



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-02733C**
Date Received: 3/16/1990
Receipt No: W011398
Received By: _____

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

1. Name: WILLIAM L CROOKHAM 208-454-1693
Address: BOX 520
CALDWELL ID 83605

AND/OR

Name: BERIT G CROOKHAM 208-454-1693
Address: BOX 520
CALDWELL ID 83605

2. Date of Priority: NOV 3, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	17	SW	NW			CANYON

5. Description of diverting works:
WELL, 6" CASING, 10 HP MOTOR, 180', SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.640		

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

8. Total consumptive use is 112.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	17	SW	NW		IRR	12.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	17	NE	SW		IRR	10.0
			NW	SW		IRR	10.0
Section Acres							32.0
Total Acres							32.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A 63-02733 CDate Received 3/10/90Receipt Number W011398

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Eastern Regional Office

Please type or print clearly

1. Name of Claimant (s) William L. Corbett & Brookham Phone (209) 454-1693Mailing Address Box 520 Caldwell, Ida. Zip 836052. Date of Priority (Only one (1) per claim) 11/3/19483. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 2N Range 2W Section 17,
_____ 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 1 well 6 inch casing10 HP motor 180 ft deep.Gravity irrigation

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .64 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .64 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 112 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) none

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>24</u>	<u>24</u>	<u>17</u>							<u>12</u>		<u>10</u>	<u>10</u>							<u>32</u>

Total number of acres irrigated 32

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Last Name Crookham Ident No. 63-2733

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Copied White-State, Yellow-Claimant
AUG 18 1992

Scale: 2 inches equals 1 mile

[illegible]

AUG 18 1992

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-2733
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) William H. Crookham Date 3/15/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 15 day of March 19 90

SEAL

Notary Public John R. Meyer
15470 Homestead Rd
Residing at Caldwell, Idaho 83605
My Commission Expires Sept 21, 1994

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Crookham Ident. Number 63-2733

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AUG 18 1992

Copies White-State, Yellow-Claimant

Water Right Number - 63-02733 Prefix Translation: WATER RIGHT Old (D) Number - 20740

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***

EGGERS FRED 1 - RT. 1
2 -
3 -
City- MERIDIAN State- ID Zip- 83642
Phone -

YODER JAY 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

11/03/1948 14 WESTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

GROUNDWATER

+ - - - - Point of Diversion - - - - - +

TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

02N 02W 17 SW NW (27) CANYON

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 0.640
43 - DOMESTIC

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

0.640

+ - - - - Place of Use - - - - - +

TwN Rng Sec Tract Lot Acres Code Description County

02N 02W 17 SW NW 12.0 01 IRRIGATION (27) CANYON
02N 02W 17 NE SW 10.0 01 IRRIGATION (27) CANYON
02N 02W 17 NW SW 10.0 01 IRRIGATION (27) CANYON

Total Acres: 32.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

SEE FILE FOR P/U.

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AUG 18 1992

Water right number - 63-02733

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 06/03/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 08/28/1979	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

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AUG 18 1992

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME

Crookh

C

M IDENT. NO.

A63-02733C

DATE RECEIVED

3/16/90

RECEIPT # 200W011398

3 claims

AMOUNT \$82 applied

YES

NO

Require
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☐ YES ☒ N/A ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☒ N/A ☐ NO ☐ *
Is the consumptive use correct? ☐ YES ☒ N/A ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 ☐ YES ☒ N/A ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
(See Item No.'s 16 & 17 for checking other water rights)
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ N/A ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? ☐ YES ☒ N/A ☐ NO ☐ *
(Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? ☐ YES ☒ N/A ☐ NO ☐ *
(If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ N/A ☐ NO ☐ *
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
20. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
21. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
22. Is the fee enclosed correct? ☐ YES ☒ Exempt ☐ NO ☐ *

MICROFILMED

AUG 18 1992

2008 SEP 02 PM 02:43
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NOS: 63-02733B 63-02733C
		63-31123

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, DECEMBER 02, 2008 at 10:00 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: SEPTEMBER 02, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 9/02/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on SEPTEMBER 02, 2008, with sufficient first-class postage to the following:

SOUTHSIDE INC

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KIM F ASHWORTH
10812 LAKESHORE DR
NAMPA, ID 83686
Phone: 208-468-0168

MARK S CHOWN
MARY M CHOWN
16942 ROSE BRIAR LN
NAMPA, ID 83686
Phone: 208-466-4550

SOUTHSIDE INC
420 SHERRY
NAMPA, ID 83686
Phone: 208-573-5511

Egbert, Sandy

From: Courtney, Andrea
Sent: Tuesday, September 02, 2008 2:51 PM
To: Saxton, Craig; Egbert, Sandy
Cc: Williams, Ray
Subject: RE: Southside Objection: 63-2733B, 63-31123

Craig and Sandy~

The status conference for these two subcases just concluded. I reported to the Court that we'd received John Marshall's chain of title packet and had also conducted a field exam of the property in question. I asked for additional time since I have not had a chance to discuss all of that new evidence with both of you. I mentioned again that I broached the subject of a transfer for John's client, Southside, but didn't emphasize it yet. SMBooth set a status conference for 12/2 at 10am to allow plenty of time for our analysis of the new evidence (especially given the intermediate two weeks of B37 initial hearings) and for the Dep't to connect with the parties about how to proceed.

Kim Ashworth did not participate in the call. The Chowns, owners of -2733C (designated an uncontested overlap just to be safe), were invited to attend the status conference but did not participate.

Andrea

From: Saxton, Craig
Sent: Tuesday, September 02, 2008 10:04 AM
To: Courtney, Andrea; Williams, Ray
Cc: Egbert, Sandy
Subject: Southside Objection: 63-2733B, 63-31123

Hey Andrea and Ray,

I just wanted to drop you a quick note before your status conference on 63-2733B and 63-31123.

I re-reviewed available documentation which includes the deed packet submitted by John Marshall on July 17, 2008, as well as information contained in the file. At this time, I do not see anything that would transfer water rights off of Kim Ashworths property prior to November 7, 1987 constituting an accomplished change in POU.

My opinion is that the 1991 well agreement supports but does not confirm post 1987 use on Ashworths property.

My interpretation of the 1993 assignment of well and water rights is that the water rights once applicable to Kim Ashworths property, were conveyed to the owner of what is know property owned by Southside.

In summary, it appears that there was intent to transfer the water right to property claimed under 67-2733B, but a formal transfer was never filed.

Craig

9/4/2008

Egbert, Sandy

From: Courtney, Andrea
Sent: Tuesday, September 02, 2008 10:09 AM
To: Saxton, Craig
Cc: Egbert, Sandy; Williams, Ray
Subject: RE: Southside Objection: 63-2733B, 63-31123

Thanks, Craig. I ran out of time last week so I haven't had a chance to circle back and talk in detail about these two cases. My plan is to ask the special master for more time so we can continue analyzing things. (After you, Sandy and I are able to sit down again and discuss this, I think I'll probably talk with John Marshall (sometime after tomorrow's trial) about filing a transfer. If he won't go for that, then we can reassess what to do.) I'll give it more thought later this week.
Andrea

From: Saxton, Craig
Sent: Tuesday, September 02, 2008 10:04 AM
To: Courtney, Andrea; Williams, Ray
Cc: Egbert, Sandy
Subject: Southside Objection: 63-2733B, 63-31123

Hey Andrea and Ray,

I just wanted to drop you a quick note before your status conference on 63-2733B and 63-31123.

I re-reviewed available documentation which includes the deed packet submitted by John Marshall on July 17, 2008, as well as information contained in the file. At this time, I do not see anything that would transfer water rights off of Kim Ashworths property prior to November 7, 1987 constituting an accomplished change in POU.

My opinion is that the 1991 well agreement supports but does not confirm post 1987 use on Ashworths property.

My interpretation of the 1993 assignment of well and water rights is that the water rights once applicable to Kim Ashworths property, were conveyed to the owner of what is know property owned by Southside.

In summary, it appears that there was intent to transfer the water right to property claimed under 67-2733B, but a formal transfer was never filed.

Craig

Field Exam Memo

Date: 8-25-08

To: File 63-2733B, 63-2733C, 63-31123

Field Examiner: Craig L. Saxton

I met with Kim Ashworth on 8-25-08 at 1:00 pm to look at the original POU licensed under 63-2733.

Background:

The reason I was on site is due to an objection filed by Southside Inc. The objection was filed for recommendations 63-2733B and 63-31123. There were originally 12 acres licensed in the SWNW of T2N, R2W, S17. In the SRBA, the 12 acres was recommended in two parts to 63-2733B and 63-31123. Southside Inc objected to both recommendations arguing that 63-2733B should have been recommended with all 12 acres.

My review from the office supported that original license 63-2733 covered, at least partially, POU claimed under SRBA claims 63-2733B and 63-31123. I conducted the field exam to field check the results of the analysis made in the office.

Findings:

The POD used now by Southside appears to be the same POD location that was originally licensed. However, the pump information on the current POD differs from what is shown in the licensing field exam so the pump has been changed.

The POD is on a high point and it is possible for water to gravity irrigate the ground claimed under 63-2733B and 63-31123.

The original licensed included irrigated ground south of Lake Shore Drive. I was able to located the point at which water was piped under the road and then re-diverted to irrigate that ground. There is now a well located south of Lake Shore Drive that irrigates that ground. Water can no longer make it from the original POD to the POU south of Lake Shore Drive because ditches have been filled in.

One reason I wanted to look at this site was to confirm that water claimed under 63-2733C was being used and where it was being diverted from. There was a suggestion that the water right applicable to the ground originally licensed south of Lake Shore Drive had been transferred to the property north of Lake Shore Drive. My exam did not support this as it appears that short of a change in POD, the portion of water right 63-2733 applicable to the ground South of Lake Shore Drive is valid and actively being used.

Conclusion:

Water from the existing/historical POD can reach the ground claimed under 63-2733B and 63-31123. I didn't find anything physical that would indicate all the water should be applicable to Southside property as asserted in the objection.

Field Exam for 63-2733 splits:
Conducted by Craig L. Saxton
on 8-25-08



Looking East: This is the original location of the POD for 63-27331. Pump SN: 72098. 10HP, 3 phase, 60 cycles. The licensing FE shows a 5 HP pump and is identified as having a pump number of T21017. This is a different pump than was originally licensed



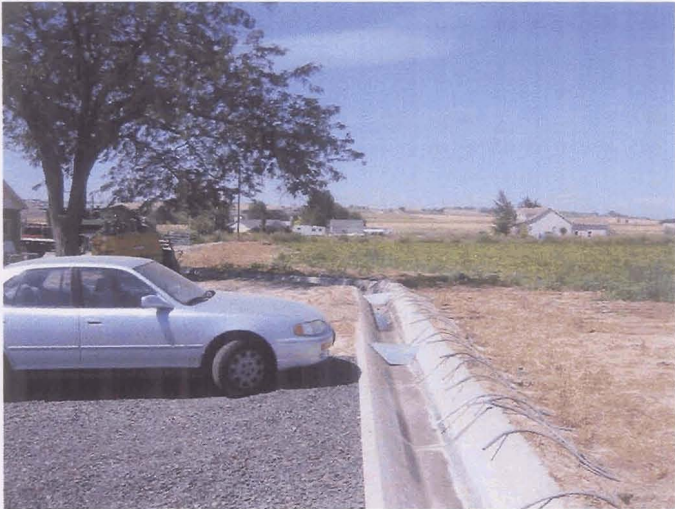
Looking West: This shows the ditch going under the fence line from the Southside property to Ashworth property.



Looking West: This shows the ditch running under the fence that acts as the boundary b/w the Ashworth and Southside property. This shows that Water could get to both properties in the past.



Looking West from the POD location: This shows the ditch from the well. Ashworths house is in the background. The ground slopes downward from the POD to Ashworths property.



Looking West from the POD location: This shows the ditch from the well. Ashworths house is in the background. The ground slopes downward from the POD to Ashworths property.



Looking NW. Picture taken from POD location. Field slopes down gradient from POD location.



Looking North. Picture taken from POD location. Field slopes down gradient from POD location.



Looking North. Picture taken from POD location. Field slopes down gradient from POD location.



Looking NE. Picture taken from POD location. Field slopes down gradient from POD location.



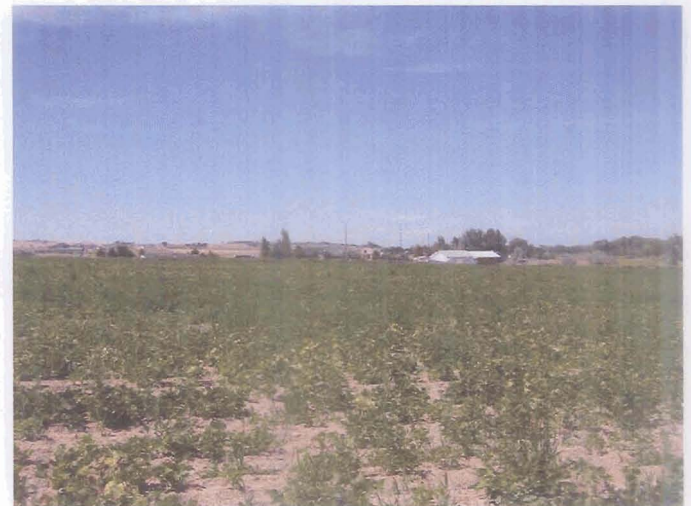
Looking West from the POD for 63-2733C.
Ground slopes down gradient from POD location.



Looking East at the north control box that would historically allow water from the North well to flow under the road to the southside of the road.



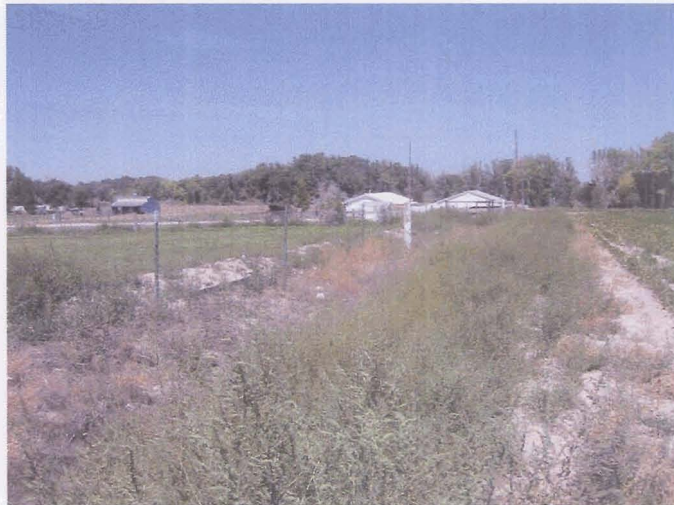
Looking North while standing on the Eastern edge of the original licensed POU. This picture was taken from what appears to be the end of the original ditch and to show that the northern part of Southsides field is significantly lower than where we think the historical POU was. It shows that it is a easy natural break in the field that would distinguish the original POU from the added on POU.



Looking West while standing at the end of the original ditch that ran on the East side of the original POU. This is meant to show that the original POU might have been a lot smaller than what is irrigated now.



This is the control box on the south side of the highway that after the water came under the road, would allow the water right holder to divert the water to the east or west to irrigate ground on the south side of the road.



Looking North at what used to be the old ditch that carried water b/w Southside and Ashworths property. Mr. Ashworth told me that the white post in the middle of the picture was as far to the north that was originally irrigated as far as he knows. He moved to the property in 1996.



Looking SE at the current POD for 63-2733C. This appears to be an accomplished change in POD, but I cannot verify when the well was drilled.



SENE

END DITCH EAST

SWNW

END DITCH WEST

SENE

SENE

63-2733B

63-31123

POD 63-2733B
& 63-31123

18

17

UNDER ROAD NORTH

UNDER ROAD SOUTH

POD 63-2733C

63-2733C

NESE

NWSW

NESW

NWSE

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 11 2008	
By _____	Clerk Deputy Clerk

**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	) Subcase 63-02733B, 63-02733C,) and 63-31123)) ORDER DESIGNATING WATER RIGHT) 63-02733C AS AN UNCONTESTED) OVERLAPPING CLAIM;)) ORDER OF REFERENCE TO SPECIAL) MASTER THEODORE R. BOOTH
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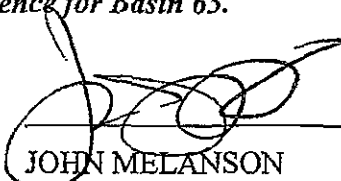
On June 5, 2008, an initial hearing was held before Special Master Theodore R. Booth in Nampa, Idaho in subcases 63-02733B and 63-31123. Participating in the hearing were John M. Marshall, attorney for Southside, Inc. (claimant of water right 63-02733B), and Kim F. Ashworth (claimant of water right 63-31123). Water right claims 63-02733B, 63-02733C, and 63-31123, all stem from a license issued for water right 63-02733. Southside, Inc., has filed an objection to the *Director's Report* for its claim (63-02733B) and to the *Director's Report* for Kim Ashworth's claim (63-31123). Southside Inc., asserts that the portion of water right 63-31123 recommended to Mr. Ashworth should instead belong to Southside, Inc. Because these three water right claims share the same basis, a partial decree for water right 63-02733C (claimed by Mark and Mary Chown) should not be issued until it can be determined that the outcome of the contested subcases will not affect water right claim 63-02733C. Accordingly, Pursuant to Idaho Code § 42-1412(7), IT IS ORDERED that the clerk of the Court shall designate water right claim 63-02733C as an uncontested claim that may be affected by the outcome of a contested matter.

Additionally, IT IS ORDERED that Special Master Theodore R. Booth is appointed to preside over subcase 63-02733C and conduct all proceedings necessary to

ORDER DESIGNATING WATER RIGHT 63-02733C AS AN UNCONTESTED OVERLAPPING CLAIM;
 ORDER OF REFERENCE TO SPECIAL MASTER THEODORE R. BOOTH
 G:\BASIN FOLDERS\Orders\63ORDERS\2733C.uncontested overalp.doc

issue a recommendation consistent with SRBA Administrative Order 1, and the authority previously conferred in the *Order of Reference for Basin 63*.

Dated June 10, 2008



JOHN MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DESIGNATING WATER RIGHT 63-2733C AS AN UNCONTESTED OVERLAPPING CLAIM; ORDER OF REFERENCE TO SPECIAL MASTER was mailed on June 11, 2008, with sufficient first-class postage to the following:

SOUTHSIDE INC

Represented by:

JOHN M MARSHALL

601 W BANNOCK ST

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

KIM F ASHWORTH

10812 LAKESHORE DR

NAMPA, ID 83686

Phone: 208-468-0168

MARK S CHOWN

MARY M CHOWN

16942 ROSE BRIAR LN

NAMPA, ID 83686

Phone: 208-466-4550

SOUTHSIDE INC

420 SHERRY

NAMPA, ID 83686

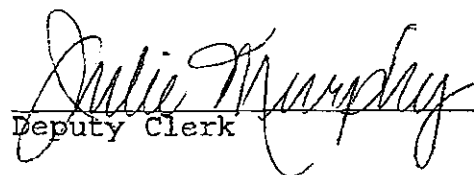
Phone: 208-573-5511

ORDER

Page 1 6/11/08

FILE COPY FOR 01970

Deputy Clerk



03/29/2006

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

RIGHT NUMBER: 63-2733C

NAME AND ADDRESS: MARY M CHOWN
16942 ROSE BRIAR LN
NAMPA ID 83686

MARK S CHOWN
16942 ROSE BRIAR LN
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
90.000 AFY

PRIORITY DATE: 11/03/1948

POINT OF DIVERSION:

T02N R02W S17 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.400 CFS 90.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T02N R02W S17	NESW	10.00	T02N R02W S17	NWSW	10.00
---------------	------	-------	---------------	------	-------

20 ACRES TOTAL

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

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

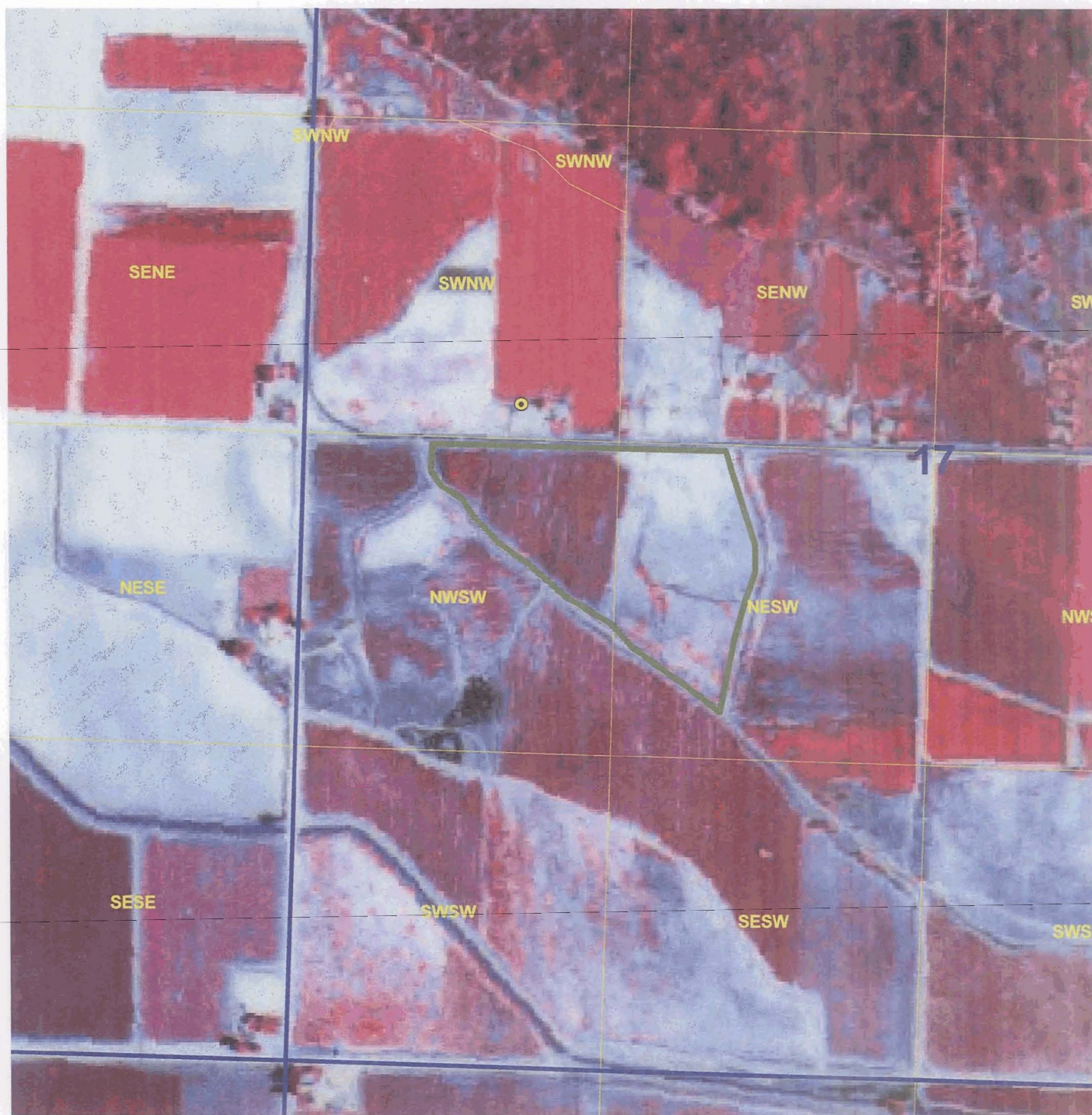
EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

63-2733C

T02N R02W S17



- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter

Total irrigated
acres = 20



400 0 400 800 1200 Feet

IDWR
Prepared by: Sandy Egbert
Date: March 29, 2006
1987 NAAP Photography

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2733C**

03/28/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-2732	Claim	02N	02W	17	NE	SW		IRRIGATION	25/43	MARY M CHOWN
63-2733C	Claim	02N	02W	17	NE	SW		IRRIGATION	10/20	MARY M CHOWN
63-2732	Water Right	02N	02W	17	NE	SW		IRRIGATION	25/43	FRED EGGERS
63-2733	Water Right	02N	02W	17	NE	SW		IRRIGATION	10/32	JAY YODER
63-2732	Claim	02N	02W	17	NW	SW		IRRIGATION	15/43	MARY M CHOWN
63-2733C	Claim	02N	02W	17	NW	SW		IRRIGATION	10/20	MARY M CHOWN
63-2732	Water Right	02N	02W	17	NW	SW		IRRIGATION	15/43	FRED EGGERS
63-2733	Water Right	02N	02W	17	NW	SW		IRRIGATION	10/32	JAY YODER

AJ5809NP
No. A63-02733C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 29

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARY M CHOWN	11/03/1948	IRRIGATION	03-15 11-15	0.400 CFS	
C	MARK S CHOWN					
	16942 ROSE BRIAR LN			TOTAL DIVERSION:	0.400 CFS	
	NAMPA ID 83686			CONSUMPTIVE USE:		70.00 AFA
	(208) 466-4550					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R02W S17 SWNW

CANYON County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02N	02W 17	:		:		:		:		:		:		:		:		20.0
																	TOTAL ACRES	20.0

POU County: CANYON

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-02733B

Other Water Rights Listing Overlapping Place(s) of Use:
A63-02732 A63-02733 A63-3018120

Remarks: GEN OWNERSHIP CHANGE AND CLAIM AMENDED 10/20/1995 BY MTS

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 06/30/92 THORNTON 03/30/95 POST-STD 05/24/96 MSCHULTE 05/10/00 SSHERMAN

AJ5808NP
(0D-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/29/95 08:23:54
Page 1

Water Right Number - A63-02733C

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CROOKHAM

WILLIAM L

1 - BOX 520

2 -

3 -

City- CALDWELL

State- ID Zip- 83605

Phone - 208-454-1693

CROOKHAM

BERIT G

1 - BOX 520

2 -

3 -

City- CALDWELL

State- ID Zip- 83605

Phone - 208-454-1693

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/03/1948 14 WESTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

02N 02W 17 SW NW (27) CANYON

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.640

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.640 112.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 02W 17 SW NW 12.0 01 IRRIGATION (27) CANYON
02N 02W 17 NE SW 10.0 01 IRRIGATION (27) CANYON
02N 02W 17 NW SW 10.0 01 IRRIGATION (27) CANYON

Total Acres: 32.0

+ - - Diversion Means - WELL, 6" CASING, 10 HP MOTOR, 180', SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - - - - - - - - - - - Remarks - - - - - +
No Remarks found.

AJ5808NP
(DD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/29/95 08:24:05
Page 2

Water right number - A63-02733C

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 06/30/92 THORNTON 03/30/95 POST-STD

+ - - - - Comments - - - - - +
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 03/19/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - W011398 | Federal/State Indicator | - S |
| Claims Tape Error Flg | - | POU Ownership Flag | - Y | Presumption Flag | - |
| Fee Exempt Flag | - | Name Connector | - AND/OR | Notice of Error Flag | - |

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/16/95 08:27:59
Page 1

Water Right Number - 63-02733

Prefix Translation: WATER RIGHT

Old (D) Number - 20740

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
EGGERS

FRED

1 - RT. 1

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone -

YODER

JAY

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/03/1948 14 WESTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

02N 02W 17 SW NW (27) CANYON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.640

43 - DOMESTIC

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.640

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

02N 02W 17 SW NW 12.0 01 IRRIGATION (27) CANYON

02N 02W 17 NE SW 10.0 01 IRRIGATION (27) CANYON

02N 02W 17 NW SW 10.0 01 IRRIGATION (27) CANYON

Total Acres: 32.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
SEE FILE FOR P/U.

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/16/95 08:27:59
Page 2

Water right number - 63-02733

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

| | | |
|--------------------------------|------------------------------|---------------------|
| Proof Due Date - 00/00/0000 | Field Exam Made - 00/00/0000 | Field Exam Fee - |
| Approved/Denied - 00/00/0000 | Protested Date - 00/00/0000 | Swan Falls - |
| Proof Made Date - 00/00/0000 | Hearing Date - 00/00/0000 | Temporary Right - P |
| Exam to S.O. Date - 00/00/0000 | Verified Date - 06/03/1985 | DLE/Carey Act - |
| Order Show Cause - 00/00/0000 | Receipt Number - | Water District - |
| Licensed Date - 08/28/1979 | Appl Received - 00/00/0000 | Transfer/Amended - |
| Decree Date - 00/00/0000 | Name Connector - | POU Ownership Flag- |
| Presumption Flag - | | |

State of Idaho

License and Certificate of Water Right

Water License No. 20740

Amount 0.64 second foot

Water District No. _____

Priority November 3, 1948

THIS IS TO CERTIFY that **FRED ROGERS and JAY YODER** of **Meridian andampa**, respectively, made application for a permit to appropriate the public waters of the State of Idaho, dated **November 3**, 1948; that Permit No. **20740** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **0.7 second foot**, was issued thereunder on **December 16**, 1948, showing that said works were completed on the **16th** day of **December**, 1948; and that on the **15th** day of **January**, 1949,

FRED ROGERS and JAY YODER

of **Meridian andampa**, State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of **subterranean flow** from a well **subterranean flow**, for the purpose of **irrigation and domestic use**, under Use Permit No. **20740** of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page **4616**, on the **10th** day of **August**, 1950:

The right hereby confirmed dates from **November 3**, 1948;

The Point of Diversion is located in the **SW 1/4 NW 1/4** Sec. **17**, Tp. **2 N.**, R. **2 W.**, B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **0.64** cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|--------------------------------------|-------------|-----------|----------------------|-------------------------------|------------------------------|
| 2 N. | 2 W. | 17 | SW 1/4 NW 1/4 | 12 | 12 |
| | | | NE 1/4 SW 1/4 | 20 | 20 |
| Number of Acres Actually Irrigated - | | | | - | 32 |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

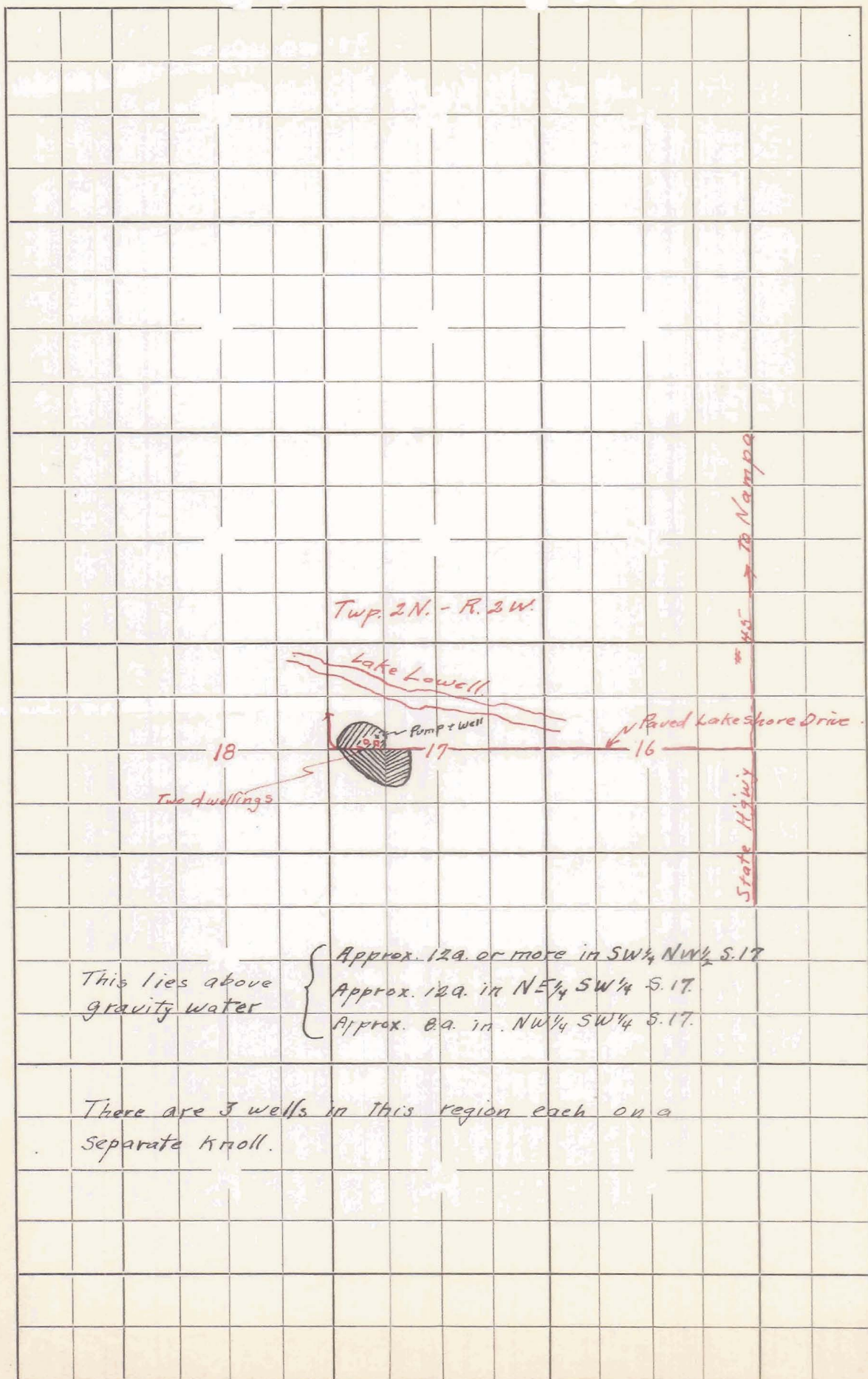
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this **10th** day of **August**, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

63 2723



NAME OF APPLICANT James Yoder & Fred Eggers,

FORM No. 0

T. 2 N. R. 2 W.

18



17

Point of Diversion Wall

16

Permit Map No. 20740
As Approved
NOV 13 1948
MARK R. KULP
State Reclamation Engineer

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

20740



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 20, 1995

PHILIP E. BATT
GOVERNOR

Mark & Mary Chown
16942 Rose Briar Lane
Nampa ID 83686

KARL J. DREHER
DIRECTOR

Re: Water right claims A63-02732 & A63-02733C

Dear Mr & Mrs Chown:

Enclosed are computer generated copies of the above referenced claims that reflect the Change of Ownership and Amended Claim form you recently filed. These copies are for your records. There is nothing else you need to do at this time concerning this matter. We will contact you at a later date if we need additional information when we are completing the final review of the claims.

Please call me at the number below if you have any questions concerning the review process or changes of ownership.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 15, 1995

PHILIP E. BATT
GOVERNOR

Mark S. & Mary Chown
16942 Rose Briar Lane
Nampa ID 83686

KARL J. DREHER
DIRECTOR

Dear Mr & Mrs Chown:

I'm writing as a follow up to Kay Walker's letter dated November 30, 1994 concerning the ownership of several water right claims. With her letter she provided you with some documents that required your signatures in order to change our ownership records and amend one claim. We have no record of having received those forms so I am enclosing second copies with this letter.

Enclosed is a "Notice of Change of Water Right Ownership" form for claims A63-02733C and A63-02732. Both of the referenced claims are still in the names of William L & Berit G Crookham. If you will sign the form as New Owner/Claimant and return it to me we can complete the ownership changes to your names.

Also enclosed is an Amended claim form for right A63-02733C. This claim changes the place of use to reflect the property you own as described on the copy of the Warranty Deed dated 10/18/1991 you provided us in November 1994. This amended claim deletes from the original claim filed by the Crookhams the 12 acres in the SWNW, Sec 17 owned by Martin & Margaret Finch. We need either one of your notarized signatures on this amended claim.

After you have executed the two enclosed forms, return them to my attention. When we have completed the necessary changes on our records, we will provide you with copies for your files. Call me at 208-334-2190 if you have questions or discussions concerning these matters. We would like to complete our review and field inspections of the subject claims this irrigation season so I would appreciate your immediate attention to returning the enclosed forms to me.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.
Contact A6302733C



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 30, 1994

RE: Notice of Claim to a Water Right No. A63-02733C

Mark S. &/or Mary Chown
16942 Rose Briar Lane
Nampa, ID 83686

Dear Mr. and Mrs. Chown:

We are in receipt of the Warranty Deed you submitted to show that you are the current owners of a portion of the property claimed under the above referenced notice of claim. I have enclosed a copy of Claim No. A63-02733C as it is now recorded in our records for your information.

In order for us to change the ownership of this claim to you, we must have a completed "Notice of Change of Water Right Ownership" form, along with the Warranty Deed. I have enclosed this form, which is partially completed, for your convenience. I have also retained the Warranty Deed you submitted so that when I receive the completed change of ownership form I can process the change. Please complete the highlighted areas on the Notice of Change of Water Right Ownership form.

Please note that the Crookham's claimed land that is now owned by Martin and Margaret Finch. In order to change the ownership of the claim on the land you have purchased, we need to amend the claim submitted by the Crookham's to remove the land owned by the Finches. I have prepared an amended claim form, which is enclosed, that will resolve this problem. Please note that I have removed the 12 acres that were claimed in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, Twp. 2N, Rge. 2W, along with the amount of water that was licensed for these 12 acres (i.e. 0.24 cfs). If you agree with these changes, please sign the amended claim form in the presence of a notary public and return it to my attention at your earliest convenience. As you will notice, I have gone ahead and entered your names on the amended claim form, assuming you will return the Notice of Change of Water Right Ownership form along with the signed and notarized, amended claim form.

I have also noticed that the well shown on this claim is the same well that was originally licensed. It is my understanding that a new well was drilled for the irrigation of your property. Please be advised that when we review this claim, for recommendations to the SRBA Court in Twin Falls, we will require information regarding the date the new well was drilled and when it began irrigating the 20 acres you own. You may want to request an affidavit from the Crookhams in regard to this if they are the party who put in the new well.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with a large loop at the end of the last name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

Copy-

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-02733C**
Date Received: 3/19/1990
Receipt No: W011398
Received By: _____

on Host
temp

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MARK S CHOWN 208-466-4550
Address: 16942 ROSE BRIAR LN
Nampa ID 83686

AND/OR

Name: MARY M CHOWN 208-466-4550
Address: 16942 ROSE BRIAR LN
Nampa ID 83686

2. Date of Priority: NOV 3, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N | 02W | 17 | SW | NW | | | CANYON |

5. Description of diverting works:
WELL, 6" CASING, 10 HP MOTOR, 180', SPRINKLERS

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.400 | | |

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

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

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N | 02W | 17 | NE | SW | | IRR | 10.0 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 02N | 02W | 17 | NW | SW | | IRR | 10.0 |
| Section Acres | | | | | | | 20.0 |
| Total Acres | | | | | | | 20.0 |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____



FAX TRANSMITTAL

Mark S. Chown, M.D.

1611 12th Avenue Road, Suite C
Nampa, Idaho 83885

DATE: 11-26-94

TO: KAY WALKER

Telephone (208) 334-2190

Fax# (208) 332-2348

Number of pages including this Cover Letter 5

RE: ID# A13-02735C Copy of Deed showing SUPERVISOR
PROPERTY for Water Right claims & proposed for sale. Should
be in question. If you need anything else please call me or
leave message at the office. Thank you.

Sent by: Mark Chown Add: A550 (NAMP)

IF YOU DO NOT RECEIVE ALL THE INDICATED PAGES, PLEASE CALL
IMMEDIATELY AT (208) 466-3322 (office)

OUR FAX NUMBER, PLEASE DIAL (208) 465-0392

CONFIDENTIALLY NOTICE: The information transmitted
is facsimile is intended only for the use of the individual to
whom it is addressed. It may contain confidential or privileged
information which is exempt from disclosure under applicable law or
protected by physician/patient privilege. Any dissemination of any
part of this material by or to unauthorized individuals is strictly
prohibited. If you have received this communication through error,
please notify us immediately by phone and return the original to us
at the above address via U.S. Postal Service. Thank You.

FN 21708

M.C. 10/16/91
10/16/91

9120913

WARRANTY DEED

WILLIAM L. CROOKHAM and BERIT G. CROOKHAM, husband and wife, Grantors, hereby convey, grant and warrant to MARK S. CHOWN and MARY M. CHOWN, husband and wife, Grantees, whose address is 16942 Rose Briar Lane, Nampa, Idaho, 83687, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

PARCEL I:

The Southwest Quarter of Section 17, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

PARCEL II:

Lot 2, excepting the West 40 feet thereof and all of the Southeast Quarter of the Northwest Quarter of Section 19, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

SUBJECT TO that certain Mortgage between William L. Crookham and Berit Crookham, husband and wife, as Mortgagor, and Grange Mutual Life Company, as Mortgagee, recorded March 14, 1984, as Instrument No. 8406084, records of Canyon County, Idaho, as to Parcel I hereinabove described.

FURTHER SUBJECT TO that certain Mortgage between William L. Crookham and Berit G. Crookham, husband and wife, as Mortgagor, and The Federal Land Bank of Spokane, a corporation, as Mortgagee, recorded May 17, 1985, as Instrument No. 8512185, records of Canyon County, Idaho, as to Parcel II hereinabove described.

FURTHER SUBJECT TO the rights and responsibilities under the terms and conditions of that certain Well Agreement affecting Parcel I hereinabove described, by and between Jay Yoder and Myrtle Yoder, husband and wife, and Fred Eggers and Florence Eggers, husband and wife, recorded July 3, 1948, as Instrument No. 339765, records of Canyon County, Idaho. The Grantors herein disclose that the Grantors make no claim to any rights to the well to which said agreement is subject by reason of the fact that it is the Grantors' position that said agreement was terminated and that the Grantors had

no right and/or responsibility thereunder but is listed herein in this Deed as a matter of disclosure only.

FURTHER SUBJECT TO that certain power line easement as granted by Fred Eggers and Florence Eggers, his wife, to Idaho Power Company, a corporation, by instrument recorded February 25, 1950, as Instrument No. 359674, records of Canyon County, Idaho.

FURTHER SUBJECT TO that certain right of way Deed by Chester Eggers to Canyon County, Idaho, recorded January 27, 1970, as Instrument No. 638753, records of Canyon County, Idaho.

FURTHER SUBJECT TO a relocation agreement and grant of easement granted to William L. Crookham, recorded November 10, 1986, as Instrument No. 8628240, records of Canyon County, Idaho.

FURTHER SUBJECT TO an Easement granted to Nampa Highway District No. 1, recorded April 8, 1991, as Instrument No. 9106495, records of Canyon County, Idaho.

FURTHER SUBJECT TO rights of way for public roads along the North and West boundaries of Parcel I, and along the South boundary of Parcel II.

FURTHER SUBJECT TO taxes and assessments for the year 1991 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantees that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record,

and that they will warrant and defend the same from all lawful claims.

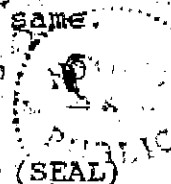
IN WITNESS WHEREOF, the Grantors have executed this instrument on this 18th day of October, 1991.

William L. Crookham
William L. Crookham

Berit G. Crookham
Berit G. Crookham

STATE OF IDAHO)
County of CANYON) ss

On this 18th day of October, in the year 1991, before me, THE UNDERSIGNED, a Notary Public, personally appeared WILLIAM L. CROOKHAM and BERIT G. CROOKHAM, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Blanca E. Costa
Notary Public for Idaho
Commission expires: 8-11-93

07/WCS

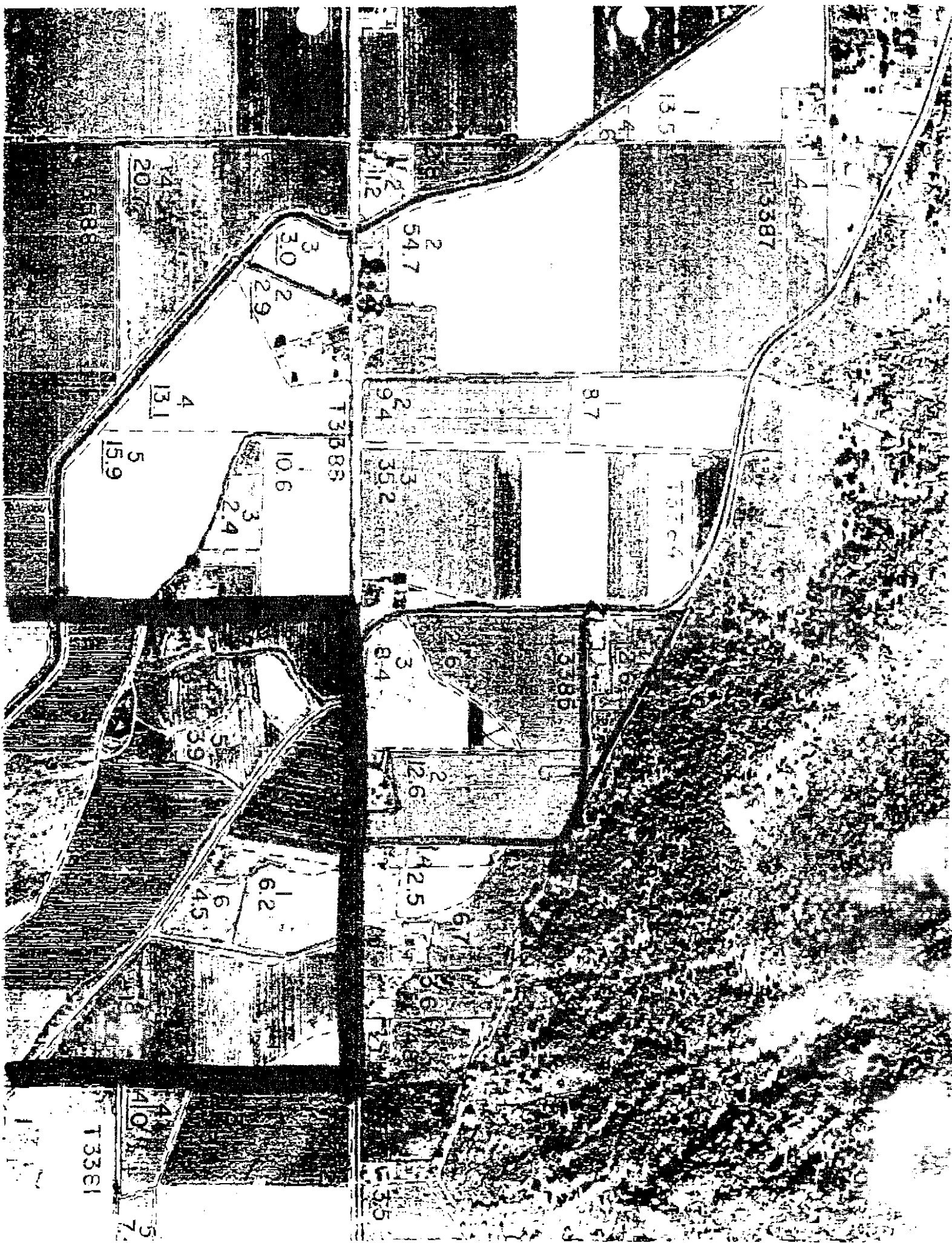
WARRANTY DEED-3

REQUEST PIONEER - NAMEA
TYP. Deed 900

91 OCT 21 PM 4:48
CANYON CNT. RECORDER
U. Chavaz

HEAD

912093



MEMORANDUM

DATE: October 28, 1994

TO: FILE A63-02733B

FROM: KAY WALKER 

RE: OWNERSHIP OF WATER RIGHT A63-02733

Mr. Finch came into the office this morning in response to my letter of October 25, 1994. He completed the questions on my letter and we went over the map and what property belonged to him. Attached is the map that we platted out ownership on while he was in the office. We also discussed the other claims on this license and that a realtor, Vito Losito, had contacted me for clarification of water rights on property that Mr. Ford was attempting to sell, or had sold. I told him that Mr. Losito's call is what prompted the duplicate claims filing questionnaire. He said that Mr. Losito had also contacted him for clarification of the water rights out there.

As the "Assignment of Well and Water Rights" shows, Mr. Finch bought all of Ford & Millard's interest in the well. He received 1/2 interest when he bought the property from the Ferguson's and then bought the other 1/2 interest from Ford & Millard in December of 1993. Therefore, Ford & Millard have no ownership of water or rights from this well.

He also indicated that the Crookham's have sold their property which lies below Lake Shore Drive. The new owners have drilled a new well to irrigate their land, according to Mr. Finch.

Mr. Finch indicated that he had sold his shares in the Nampa-Meridian Irrigation District. He said there were about 6.5 shares on 2 acres now owned by Harold James who is from California. The 2 acres are located in the SW corner of the James property, leaving 5 acres without water.

Mr. Finch requested that I let him know when I receive responses from the other parties to whom I had sent the duplicate claims filing questionnaire. I told him I would.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1994

RE: Notice of Claim to a Water Right No. A63-02733C

William L. &/or Berit G. Crookham
Box 520
Caldwell, ID 83605

Dear Claimants:

Processing of your Notice of Claim, as referenced above, has revealed duplicate filings for this water right. This appears to be an inadvertent error that we would like to clarify at this time. A copy of your claim is enclosed for your information. The following information will allow us to correct this error. Please complete the questions below and return this letter to our office.

1. Please mark the appropriate item regarding the described property and water right. Are you the:

Current Owner _____

Previous Owner _____

Other _____ If "Other", please explain:

2. If you are the previous owner, please give the name of the new owner (as far as you know): _____

3. Do you believe that you own a portion of this water right?

Yes _____ No _____

If yes, please enclose proof of ownership. NOTE: Proof of ownership must describe either the property conveyed (as in a sales contract or deed) or include the claim number, if no legal description is listed.

I have enclosed a copy of an ASCS photo that shows the property in question. Please highlight which property belongs to you and return it with this letter.

If you are the previous owner, and did not withhold the water rights in the sale, the new owner should be filing this claim. If you filed in error, you may want to withdraw your claim to correct this duplicate filing.

I apologize for any inconvenience, however, in order to protect your water right, the Notice of Claim must be accurate. If you would return this letter by November 25, 1994, we will proceed with the necessary corrections. Please do not hesitate to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

