

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 63-3371
Date Received: 3/8/1990
Receipt No: W010723
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BEN BADIOLA
3783 US HWY 95
HOMEDALE ID USA 83628

Phone: (208)337-4619

JOHN BADIOLA
3783 US HWY 95
HOMEDALE ID USA 83628

Phone: (208) 337-4619

2. Date of Priority: 06/15/1966

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	24	SE NW	CANYON	

5. Description of diverting works:

10 HP PUMP TO GRAVITY SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.18	315

7. Total Quantity Appropriated is:
1.18 C.F.S. and/or 315 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
04N	04W	24	NW	NW	IRRIGATION	34
			SE	NW	IRRIGATION	36
					Section Acres	70
					Total Acres	70

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:

Processed change in ownership of this right 11/4/2006. kw

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.

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3371					

RECEIVED

OCT 31 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 02 2006

DEPARTMENT OF
WATER RESOURCES

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

Julian Landa 5503 Johnstone Rd. Homedale, ID 83628	John Landa 5502 Johnstone Rd. Homedale, ID 83628	Martina Landa 5502 Johnstone Rd. Homedale, ID 83628
--	--	---

4. New Owner/Claimant(s)

Ben Badiola and/or John Badiola

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

New Mailing Address

3783 US Hwy 95

City, State and ZIP Code

Homedale, ID 83628

New Telephone Number

(208) 837-4619 or (208) 513-0202

5. Date you acquired the property

August 1, 2005

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

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

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

7. Signature of New Owner(s) or Claimant(s) Ben Buns
(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 N/A
 Received by KW Date 11/4/06 Receipt No. _____
 Processed by KW AJ Date 11/4/06 WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED Jed Roeser, a married man

the Grantor, does hereby grant, bargain, sell and convey unto John Badiola, a married man and Ben Badiola, a married man

the Grantees, whose address is _____

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (2) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2005 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

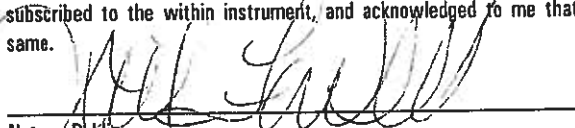
DATED: August 1, 2005



Jed Roeser

STATE OF IDAHO
COUNTY OF CANYON

On this ^{1st} day of August in the year 2005, before me, a Notary Public, personally appeared Jed Roeser known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public
Residing at Wilder
My Commission Expires 4/5/07

PIONEER TITLE COMPANY
OF CANYON COUNTY

PC 65363

Exhibit "A"

Parcel I

The Northwest Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the North 104 feet, and further excepting that part thereof contained in the following description:

BEGINNING at the Southwest corner of the Northwest Quarter of said Section 24; thence

North along the section line a distance of 1,927 feet; thence

East 75 feet; thence

Southeasterly to a point in the South line of said Northwest Quarter which is 500 feet East of the POINT OF BEGINNING; thence

West 500 feet to the POINT OF BEGINNING.

PIONEER TITLE COMPANY
OF CANYON COUNTY

610 SOUTH KIMBALL AVENUE
CALDWELL, IDAHO 83605
PHONE (208)459-1651

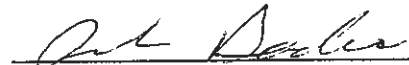
AGREEMENT
PC65363A

The undersigned by their signatures below acknowledge the following:

1. That as a part of the escrow services performed by PIONEER TITLE COMPANY OF CANYON COUNTY, that we have requested PIONEER TITLE COMPANY to prepare the Warranty Deed, a copy of which has been reviewed.
2. No legal advice has been offered to me by PIONEER TITLE COMPANY nor any of the employees thereof.
3. I/We have been requested by PIONEER TITLE COMPANY to seek the advice and counsel of an attorney of my own choosing and at my own expense concerning any aspect of the purchase and sale involved.
4. I/We further declare that all instruments to which I am a party (deeds, promissory notes, deeds of trust, bills of sales, agreements or similar instruments) if stenographically prepared by PIONEER TITLE COMPANY, have been prepared under the direction of my lawyers or myself, and particularly declare that copying legal descriptions from title reports into forms of deeds, etc., or reforming of legal descriptions or agreements is or will be done solely at my direction and request.
5. I/We have read and understand the above statements.

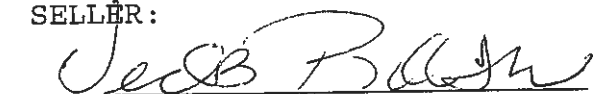
DATED: August 1, 2005

BUYER:


John Badiola


Ben Badiola

SELLER:


Jed Roeser

WARRANTY DEED

FOR VALUE RECEIVED E & E Investments, LLC, an Idaho limited liability company

the Grantor, does hereby grant, bargain, sell and convey unto John Badiola, a married man and Ben Badiola, a married man

the Grantees, whose address is

2802 Arlington Ave Caldwell Id
83605

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (2) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2005 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: August 1, 2005

E&E Investments, LLC, Exchangor

Jed Roeser

By: Jed Roeser

STATE OF IDAHO
COUNTY OF CANYON

On this 15th day of August in the year 2005, before me, a Notary Public, personally appeared Jed Roeser known or identified to me to be the Manager(s), Member(s) of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

[Signature]
Notary Public
Residing at Wilder

My commission expires 4/5/07

PIONEER TITLE COMPANY
OF CANYON COUNTY

EXHIBIT "A"

Parcel II

The Southeast Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM that portion conveyed to the State of Idaho under Warranty Deed recorded January 12, 1982 as Instrument No. 937634, records of Canyon County, Idaho, and more particularly described as follows:

A parcel of land being on both sides of the centerline of State Highway No. 19 Project No. RS-3712(8) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the Southeast Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

BEGINNING at the Southeast corner of the Southeast Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

Northerly along the East line of said Southeast Quarter of the Northwest Quarter a distance of 120.0 feet, more or less, to a point in a line parallel with and 60.0 feet Northerly from the centerline of said State Highway No. 19 Project RS-3712(8) Highway Survey; thence

North 89° 09' 21" West along said parallel line 1,320.0 feet, more or less, to a point in the West line of said Southeast Quarter of the Northwest Quarter; thence

Southerly along said West line 120.0 feet, more or less, to the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence

Easterly along the South line of said Southeast Quarter of the Northwest Quarter, a distance of 1,320.0 feet, more or less, to the PLACE OF BEGINNING.

TOGETHER WITH . . . a right of way for road purposes . . . 25 feet in width across the Northeast corner.

ASSIGNMENT AGREEMENT
FOR RELINQUISHED PROPERTY
1031-6129

THIS ASSIGNMENT is made and entered into as of July 29, 2005 by and between E & E INVESTMENTS, LLC as to an undivided interest in the property legally described in this Assignment Agreement (hereinafter referred to as "Assignor"), as to an undivided interest in the property legally described in this Assignment Agreement (hereinafter known as the "Acknowledging Party"), PIONEER 1031 COMPANY, an Idaho corporation (hereinafter "Assignee") and JOHN BADIOLA AND BEN BADIOLA (hereinafter "Consenting Party").

RECITALS:

WHEREAS, Assignor and Consenting Party have entered into that certain Sale Contract/Purchase Agreement dated July 21, 2005 (hereinafter "Purchase Agreement"), a copy of which is attached as Exhibit "A" wherein Assignor agreed to transfer an undivided interest in and to that certain real property legally described as:

See legal description described on Exhibit "B" attached hereto

and commonly known as: N/A Weitz Road, Caldwell, ID (hereinafter "Relinquished Property") to Consenting Party; and

WHEREAS, Assignor desires to effect a tax deferred exchange of the Relinquished Property for other property or properties of like kind pursuant to and in accordance with Section 1031 of the Internal Revenue Code, and the Treasury regulations promulgated thereunder; and

WHEREAS, Assignor wishes to be relieved of the obligation to so dispose of the Relinquished Property under the Purchase Agreement and substitute Assignee in place of Assignor under the Purchase Agreement to allow Assignee to complete the transfer of the Relinquished Property as part of an integrated, interdependent transaction between Assignor and Assignee.

NOW, THEREFORE, the parties mutually agree as follows:

1. Assignor hereby assigns to Assignee all of their rights and interest in the Purchase Agreement for purposes of a 1031 exchange and Consenting Party does hereby consent to such Assignment, acknowledging, however that such consent does not relieve Assignor from any and all of the obligations under the Purchase Agreement. Assignee hereby assumes all of such rights and interest in the Purchase Agreement. The Purchase Agreement is hereby assigned in accordance with the terms hereof.

2. Assignee's obligation to close escrow and assume the rights and interest of Assignor under the Purchase Agreement is conditioned upon the satisfaction of the following conditions, prior to close of escrow for the transfer of the Relinquished Property to Assignee:

A. Review and approval by Assignee of the Seller's Escrow Instructions and any other documents related to the transaction.

B. The execution of all escrow closing documents by the Assignor and Consenting Party prior to the conveyance of the Relinquished Property pursuant to the provisions of an Exchange Agreement between Assignee and Assignor.

3. Notwithstanding the foregoing, in the event the escrow for the transfer of the Relinquished Property to Consenting Party from Assignee does not close on or before the date set for close of escrow in the Purchase Agreement, unless such date is extended by written agreement of the parties hereto, this Assignment Agreement shall be null and void and the Purchase Agreement shall be reinstated in full force and effect between Assignor and Consenting Party without any further obligation or liability on the part of Assignee.

4. Consenting Party acknowledges that Assignee has not made any warranties or representations of any kind with regard to the Relinquished Property and Consenting Party is not relying on any representations or information provided by Assignee and that any warranties or representations as made in the Purchase Agreement or otherwise shall be deemed to be made directly by Assignor to Consenting Party and all rights or remedies arising from a breach thereof shall be enforced directly against Assignor.

5. Assignor is aware that Pioneer 1031 Company is affiliated with Pioneer Title Company, whose services may be used in connection with this transaction or transactions.

6. Consenting Party has been requested to sign this agreement for the sole purpose of acknowledging that an assignment has been made to facilitate a tax-deferred exchange by the assignor. Consenting party is hereby assured that no additional expense, liability, or delay will result from their acknowledgment and execution of this agreement.

7. This Agreement may be executed in counterparts and shall be of the same force and effect as if one document had been signed by all parties.

IN WITNESS WHEREOF, the parties hereto have set their hands.

ASSIGNEE:

PIONEER 1031 COMPANY, AN IDAHO CORPORATION

Mary J. Allen
BY: MARY J. ALLEN, ASSISTANT SECRETARY

DATE: 7/29/05

ASSIGNOR(S):

E & E INVESTMENTS, LLC

BY X [Signature] [Signature]
X member, ITS: X

DATE: X 8-01-05

CONSENTING PARTY(S):

X [Signature]
JOHN BADIOLA

DATE X 8-01-05

X [Signature]
BEN BADIOLA

DATE X 8-01-05

ACKNOWLEDGING PARTY(S)

X

DATE: X

PIONEER 1031 COMPANY
Qualified Intermediary

**RELINQUISHED
PROPERTY**

Parcel II

The Southeast Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM that portion conveyed to the State of Idaho under Warranty Deed recorded January 12, 1982 as Instrument No. 937634, records of Canyon County, Idaho, and more particularly described as follows:

A parcel of land being on both sides of the centerline of State Highway No. 19 Project No. RS-3712(8) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the Southeast Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

BEGINNING at the Southeast corner of the Southeast Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

Northerly along the East line of said Southeast Quarter of the Northwest Quarter a distance of 120.0 feet, more or less, to a point in a line parallel with and 60.0 feet Northerly from the centerline of said State Highway No. 19 Project RS-3712(8) Highway Survey; thence

(continued)

PIONEER 1031 COMPANY
Qualified Intermediary

**RELINQUISHED
PROPERTY**

07/29/2005 14:16 FAX 2084551138

PIONEER TITLE CALDWELL

020/031

Form No. 1343(1982)
ALTA Plain Language Commitment

North 89° 09' 21" West along said parallel line 1,320.0 feet, more or less, to a point in the West line of said Southeast Quarter of the Northwest Quarter; thence

Southerly along said West line 120.0 feet, more or less, to the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence

Easterly along the South line of said Southeast Quarter of the Northwest Quarter, a distance of 1,320.0 feet, more or less, to the PLACE OF BEGINNING.

TOGETHER WITH . . . a right of way for road purposes . . . 25 feet in width across the Northeast corner.

EXHIBIT "B"

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: A63-03371
Date Received: 3/08/1990
Receipt No: W010723
Received By: Dea

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	JOHN LANDA	208-337-3625
Address:	RT. 1 BOX 1147 HOMEDALE, ID	83628
AND/OR		
Name:	MARTINA LANDA	208-337-3625
Address:	RT. 1 BOX 1147 HOMEDALE, ID	83628
AND/OR		
Name:	JULIAN LANDA	208-337-3335
Address:	RT. 1 BOX 1146 HOMEDALE, ID	83628

2. Date of Priority: JUN 15, 1966

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	24	SE	NW			CANYON

5. Description of diverting works:
10 HP PUMP TO GRAVITY SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.180		315.00

7. Total Quantity Appropriated is:
1.180 C.F.S. (and/or) 315.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A63-03371

Page 1

Date: 03/08/90

MICROFILMED
AUG 19 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	24	NW	NW		IRR	34.0
			SE	NW		IRR	36.0
Section Acres							70.0
Total Acres							70.0

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:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 31430

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: 1

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): *Julian Landa* Date: 3/8/90
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of March 19 90

D. L. Tuthill
Notary Public

Seal

Residing at Boise, Id

My Commission Expires 9/15/94

12/10/2006

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

RIGHT NUMBER: 63-3371
NAME AND ADDRESS: BEN BADIOLA
3783 US HWY 95
HOMEDALE ID 83628

JOHN BADIOLA
3783 US HWY 95
HOMEDALE ID 83628

RECEIVED

DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 1.180 CFS
315.00 AFY

PRIORITY DATE: 06/15/1966

POINT OF
DIVERSION: T04N R04W S24 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.180 CFS 315.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 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

T04N R04W S24	NNW	34.00	T04N R04W S24	SENE	36.00
70 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/04/2006

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

RIGHT NUMBER: 63-3371

NAME AND ADDRESS: BEN BADIOLA
3783 US HWY 95
HOMEDALE ID 83628

JOHN BADIOLA
3783 US HWY 95
HOMEDALE ID 83628

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 1.180 CFS
315.000 AFY

PRIORITY DATE: 06/15/1966

POINT OF DIVERSION:

T04N R04W S24 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.180 CFS
315.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 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

T04N R04W S24 NWNW 34.00 T04N R04W S24 SENW 36.00

70 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

09/29/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-3371

JOHN LANDA
5562 JOHNSTONE RD
HOMEDALE ID 83628-3553
Telephone Number: (208)337-3625

JULIAN LANDA
5503 JOHNSTONE RD
HOMEDALE ID 83628-3553
Telephone Number: (208)337-3335

MARTINA LANDA
5562 JOHNSTONE RD
HOMEDALE ID 83628-3553
Telephone Number: (208)337-3625

RECEIVED

OCT 31 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 02 2006

DEPARTMENT OF
WATER RESOURCES

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/23/06

SIGNATURE: Ben Badiola

Please print your name: Ben Badiola

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

We have also mailed in the notice of change in
Water Right Ownership

✓kw
11/4/06

05/22/2006

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

RIGHT NUMBER: 63-3371

NAME AND ADDRESS: JOHN LANDA
5562 JOHNSTONE RD
HOMEDALE ID 83628-3553

JULIAN LANDA
5503 JOHNSTONE RD
HOMEDALE ID 83628-3553

MARTINA LANDA
5562 JOHNSTONE RD
HOMEDALE ID 83628-3553

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 1.180 CFS
315.000 AFY

PRIORITY DATE: 06/15/1966

POINT OF DIVERSION:

T04N R04W S24 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.180 CFS
315.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 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 Within CANYON County

T04N R04W S24 NWNW 34.00 T04N R04W S24 SENW 36.00

70 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

SRBA Recommendation:

63-3371

Acres = 70

Legend

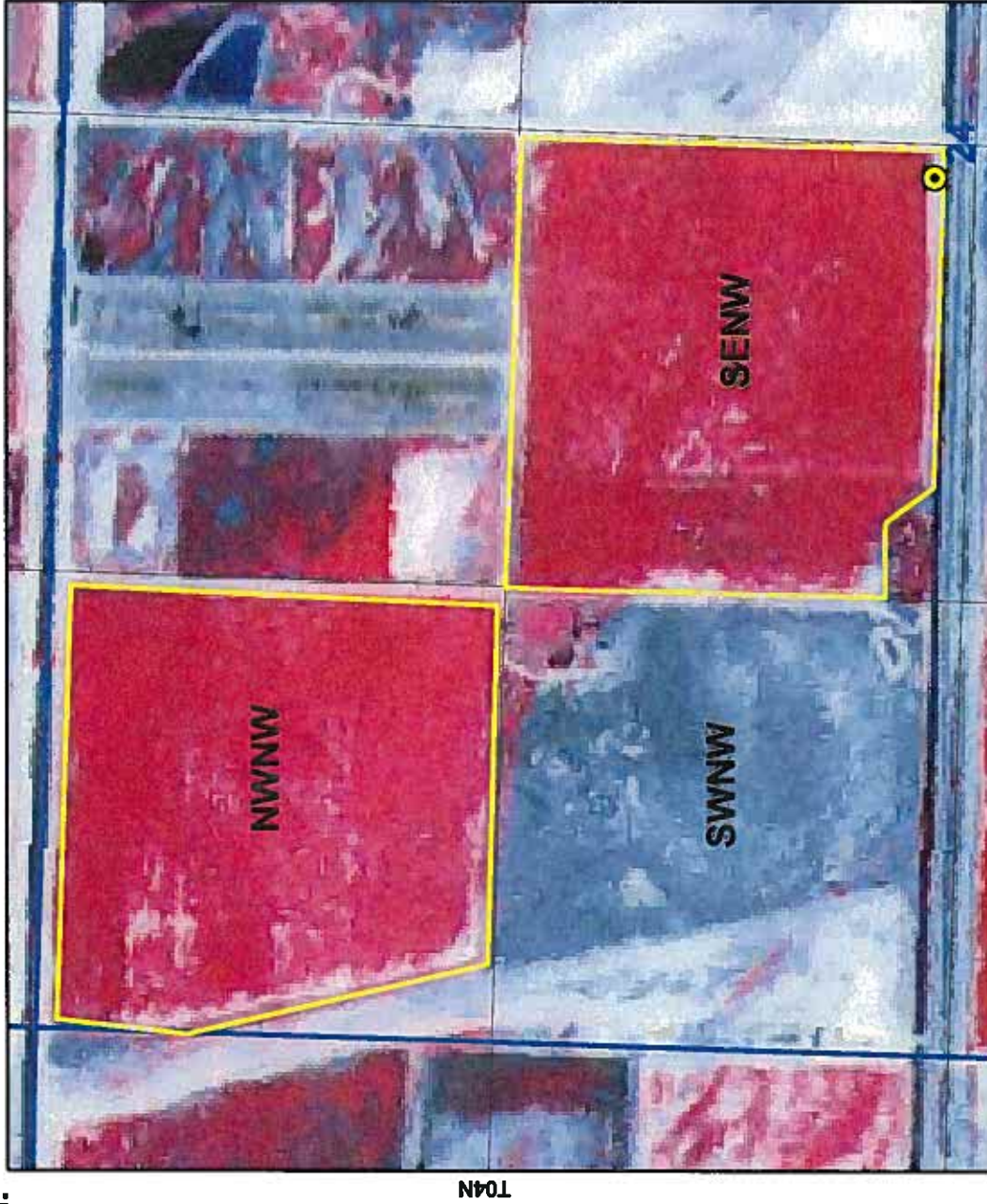
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63



R04W



0 0.2 0.4 Miles

Prepared by K. Walker
On Monday, May 22, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3371

WATER RIGHT NUMBER: 63-3371 ✓

Owner Type Name and Address

Current Owner JOHN LANDA ✓
5562 JOHNSTONE RD
HOMEDALE, ID 83628-3553
(208)337-~~3625~~ **3825**

Current Owner JULIAN LANDA ✓
5503 JOHNSTONE RD
HOMEDALE, ID 83628-3553
(208)337-3335 ✓

Current Owner MARTINA LANDA ✓ ?
5562 JOHNSTONE RD
HOMEDALE, ID 83628-3553
(208)337-~~3625~~ **3825?**

Priority Date: 06/15/1966 ✓

Basis: License ✓

Status: Active

Source

UNNAMED DRAIN ✓

Tributary

BOISE RIVER ✓

Beneficial Use

IRRIGATION ✓

From To

4/01 to 10/31 ✓

Diversion Rate

1.180 CFS ✓

Annual Volume

315.00 AF ✓

Total Diversion:

1.180 CFS ✓

315.00 AF ✓

Location of Point(s) of Diversion

UNNAMED DRAIN

CANYON County ✓

SE1/4NW1/4 ✓

Sec. 24, Twp 04N, Rge 04W, B.M. ✓

Place of Use

IRRIGATION •

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	04W	24													70.0

Total Acres: 70 ✓

Conditions of Approval:Remarks:

Claimed as
licensed - in
office review.
Kay Walker
5/22/06

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3371

02/01/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3371	Claim	04N	04W	24	NW	NW		IRRIGATION	34/70	JOHN LANDA
2652 ?	Water Right	04N	04W	24	NW	NW		IRRIGATION	40/120	R E WINTERS
3371	Water Right	04N	04W	24	NW	NW		IRRIGATION	34/70	JOHN LANDA
3371	Claim	04N	04W	24	SE	NW		IRRIGATION	36/70	JOHN LANDA
2652 ?	Water Right	04N	04W	24	SE	NW		IRRIGATION	40/120	R E WINTERS
3371	Water Right	04N	04W	24	SE	NW		IRRIGATION	36/70	JOHN LANDA

SRBA claim
63-2652A
28 ac in SWNW, Sec. 24 -
Ø claimed in NWNW
or SENW -
NO OL
Ø on remainder
claim of license

Receipt Details for ID W010723

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/8/1990 9:23:31 AM	3/8/1990	Western	\$120.00	Check
Payer		JULIAN LANDA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2832			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$120.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	3371		\$120.00	Claim


Print Report

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 63-3371 Priority 6-15-66 Amount 1.18 c.f.s.
(late proof)

THIS IS TO CERTIFY, that JOHN LANDA
of Homedale, Idaho, has complied with the terms and conditions of Permit
No. 63-3371 issued pursuant to Application for Permit dated 10-11-63,
and has submitted proof to the Department of Water Administration on 6-25-68,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.18 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed drain
tributary of Boise River, is hereby confirmed in the following amounts:

Amount 1.18 c.f.s. for Irrigation from April 1 to Oct. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.18 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

SE 1/4 NW 1/4 Sec. 24, T. 4 N., R. 4 W., B.M.

in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 315 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4 N	4 W	24					24	36											70

Total number of acres irrigated 70

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

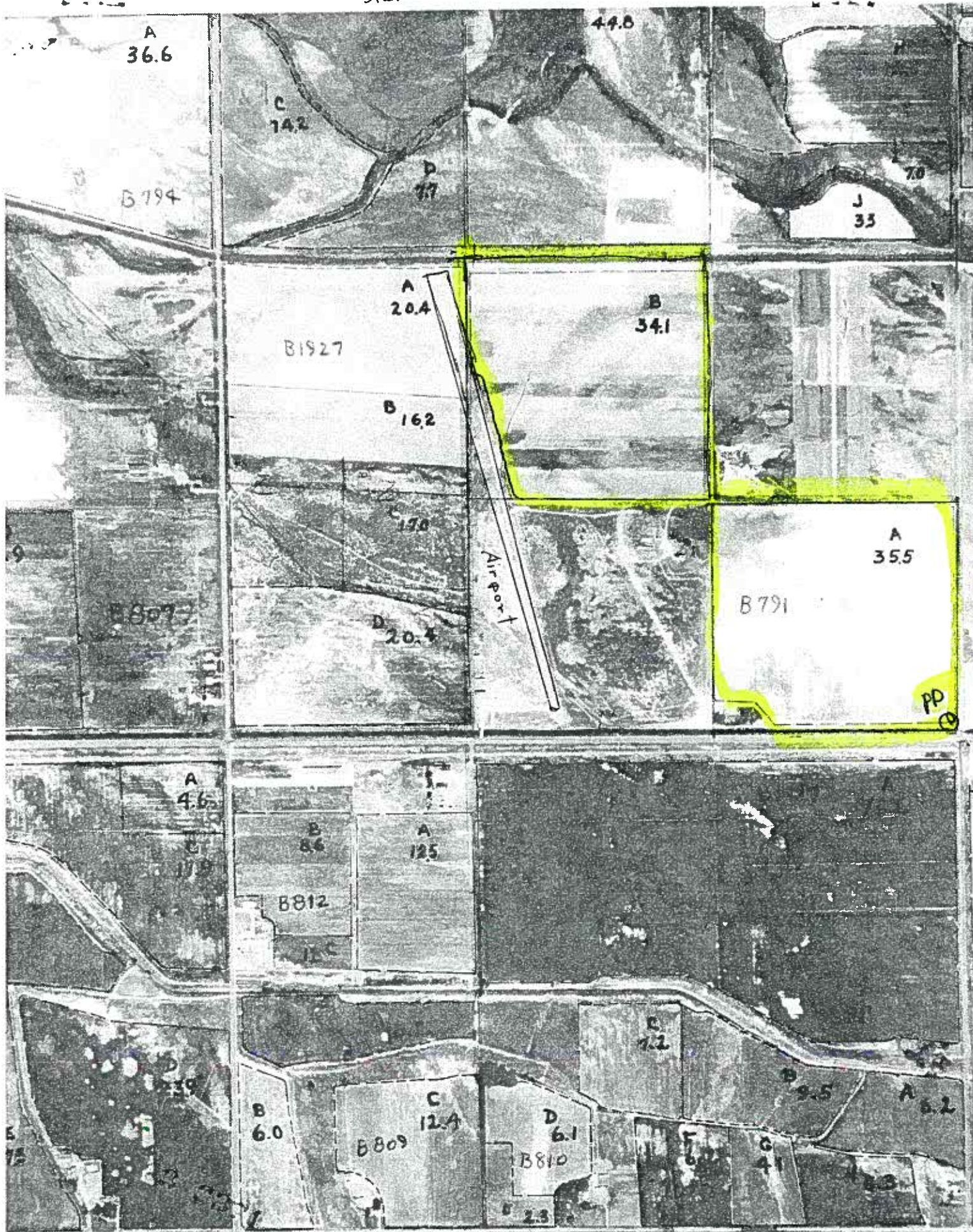
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8th day of

DECEMBER, 19 70.

R. Keith Hays
Director

63 3371

Land



Source of supply ~~Gravel~~ unnamed drain
a tributary of _____

Location of P.D.(s) SE 1/4 NE 1/4 Sec 24 4N 4W

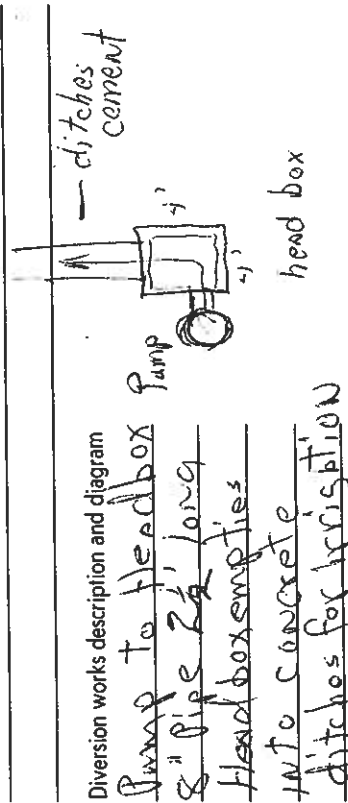
Water is used for irrigation

Quantity of water found _____

How was the measurement made? Pygmy

Measurement calculations attached 118 CFS
measured in concrete ditch

$$Q = 118 \quad V = (118)(2)(210) \\ = (2,336)(210) \\ = 495,6 \text{ AC/FT/SEC} \\ \therefore (4.5)(69.6 \text{ AC}) \\ = 312.9 \text{ Allowable}$$



Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 69.6 acres

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

All land is planted in Alfalfa and is irrigated from cement and earth ditches

Who represented the permit holder at the examination?

Recommended allowance for licensing 118

Description of required amendments. Comments.

Evidently all water pumped from this drain is wastewater rather than natural flow

I don't know about this note

Source unnamed drain

Note: 19979 Acres This land is for example

19979 is a 1/4 section of 1/4 section for 100 acres

1/4 section is 1/4 of 1/4 section well: 26 1/4 acres

Report checked? _____

Examination date June 70

Signature

James E. Borker

Page 7/8/71

63 3371

63-3371

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 39540
PERMIT No. 31430
DISTRICT No.

1. Name of Applicant: John Landa

Postoffice address: Homedale

County: of Owyhee

State: of Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 1.4

cubic feet per second.

3. Source of water supply: Unnamed drain flowing along which is a tributary of Boise River
South side of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T4N, R4W, E.M.,
Canyon County, Idaho

4. Location of point of diversion: West 30 feet feet distant from the Southeast
of the SE $\frac{1}{4}$ NW $\frac{1}{4}$
corner of Section 24, T. 4N., R. 4W., B.M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
of section 24, T. 4N., R. 4W., B. M., County of Canyon

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P.. under feet head

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1,000.00

8. Kind of works: Pump and open ditch for irrigation

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is one years.

13. The time required for the complete application of the water to the proposed use is one additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: water permit issued
for well on lands herein described but well never developed by prior owners and abandoned.

- BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

Applicant.

Agent.

Corrected application received:

The number of this permit is 31430
Recorded in Book 110 Page 31430 Approved October 16, 1963
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and
hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before December 16, 1963 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before April 16, 1964
The whole of said work to be completed on or before October 16, 1964
Beneficial use of water appropriated in accordance herewith, to be made on or before October 16, 1965
WITNESS My hand this 16th day of October, 1963

CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

REMARKS: While Completion of Works Proof can be accepted in order to keep Permit in good standing, license cannot be issued until determination is made that the water claimed is public water.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
4N.	4W.	24		34	36		70
TO ALL WHOM IT MAY CONCERN:			Permit No. 31430 CERTIFICATE OF COMPLETION OF WORKS				
This is to certify that JOHN LANDA of Homedale, County of Owyhee, and State of Idaho, the holder of Permit No. 39540, bearing date of priority of October 11, 1963, authorizing the diversion of 1.4 s of waters of Unnamed Drain, County of Canyon, State of Idaho, for irrigation purposes, has fully complied with the of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in Permit: that said works are adequate for diverting and conveying to the place of intended use 1.4 second feet of the of Unnamed Drain, tributary of Boise River; that the point of diversion of said waters SE $\frac{1}{4}$ NW $\frac{1}{2}$, Sec. 24, T. 4 N., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:							
NW $\frac{1}{2}$ NW $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{2}$, Sec. 24, T. 4 N., R. 4 W., B. M.							
Witness my hand this 21st day of October, A. D. 1964.							
s/ RALPH W. THOMAS, Deputy State Reclamation Engineer							
Proof of Completion of Works Made: October 12, 1964							
LICENSE ISSUED FOR 1.18 LICENSE PAGE NO. _____							