

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

RIGHT NUMBER: 63-3175B

NAME AND ADDRESS: KERRI L EKARD
PO BOX 21
MELBA ID 83641

J TYLER EKARD
PO BOX 21
MELBA ID 83641

~~3023 HIGHWAY 45~~
~~MELBA ID 83641~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
51.600 AFY

Rights 63-3175B and 63-3491B when combined shall not exceed a total annual maximum diversion volume of 68.4 af at the field headgate and the irrigation of 15.2 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/09/1959

POINT OF DIVERSION:

T01N R02W S16 SESE 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	0.100 CFS 51.60 AFY

PLACE OF USE: IRRIGATION in CANYON County

T01N R02W S16 SESE 15.20

15.2 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

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

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

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Right 63-3491B is also diverted through the point(s) of diversion described above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

In Re SRBA

Case No. 39576

Water Rights: 63-3175B, 63-3491B

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

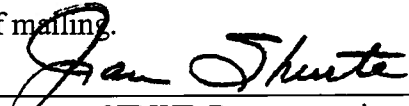
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 7, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 7, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

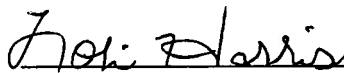
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

J Tyler Ekard
Kerri L Ekard
PO Box 21
Melba ID 83641

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 7, 2008

J TYLER EKARD
KERRI L EKARD
PO BOX 21
MELBA ID 83641

Re: Water Right Nos. 63-3175B, 63-3491B

Dear Mr. & Mrs. Ekard:

Enclosed are copies of the above referenced water rights which reflect your change of address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

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

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 04 2008

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 63-3175B

63-3491B

[] Name(s): J TYLER LEKARD

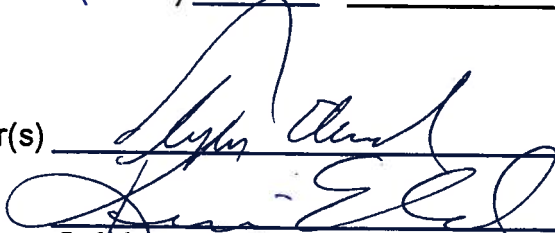
[] Old Mailing Address: 3023 HIGHWAY 45

MELBA, ID 83641

[] New Mailing Address: PO BOX 21

MELBA, ID 83641

Telephone Number: 208) 495 - 2029

[] Signature(s) of Owner(s) 

(Include your title if on behalf of company or organization)

Date: 3-4-08

09/29/2006

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

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: 63-3175B

J TYLER EKARD
3023 HIGHWAY 45

MELBA ID 83641
Telephone Number: (208)495-2029

KERRI L EKARD
3023 HIGHWAY 45

MELBA ID 83641
Telephone Number: (208)495-2029

RECEIVED

NOV 03 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: 10-30-06

SIGNATURE:

Please print your name:

Kerri Ekard

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

10/17/2006

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

RIGHT NUMBER: 63-3175B

NAME AND ADDRESS: J TYLER EKARD
3023 HIGHWAY 45

MELBA ID 83641

KERRI L EKARD
3023 HIGHWAY 45

SOURCE: MELBA ID 83641
GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
51.60 AFY

Rights 63-3175B and 63-3491B when combined shall not exceed a total annual maximum diversion volume of 68.4 af at the field headgate and the irrigation of 15.2 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/09/1959

POINT OF DIVERSION:
T01N R02W S16 SESE 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	0.100 CFS 51.60 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T01N R02W S16	SESE	15.20
15.2 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

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

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

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Right 63-3491B is also diverted through the point(s) of diversion described above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.



Idaho Department of Water Resources

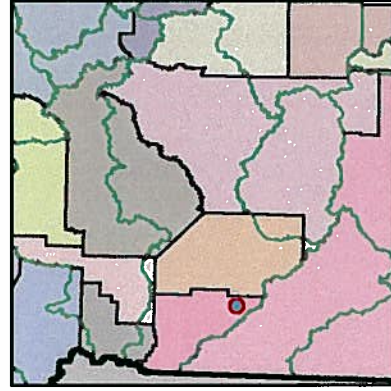
SRBA Recommendation:

63-3175B

(Irrigation)

Legend

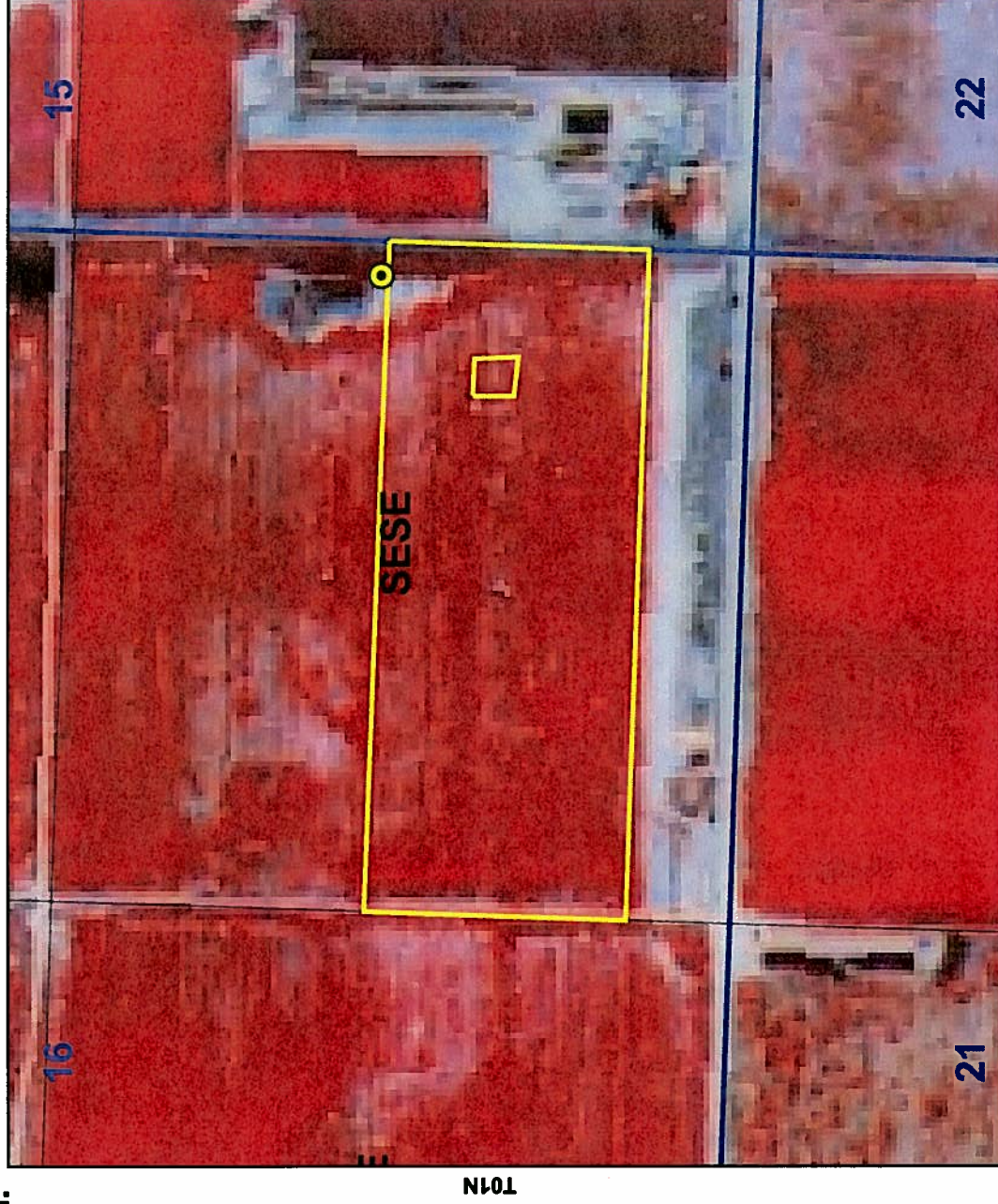
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography

R02W



T01N

0 0.1 0.2 Miles

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 63-3175B
Date Received: 12/29/1989
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J TYLER EKARD Phone: (208) 495-2029
3023 HIGHWAY 45
MELBA ID USA 83641

KERRI L EKARD Phone: (208) 495-2029
3023 HIGHWAY 45
MELBA ID USA 83641

2. Date of Priority: 12/09/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	02W	16	SE SE	CANYON	

5. Description of diverting works:

PUMP TO IRRIGATION SYSTEM FROM DOMESTIC WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.1	51.6

7. Total Quantity Appropriated is:

0.1 C.F.S. and/or 51.6 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
01N	02W	16	SE	SE	IRRIGATION	15.2
					Section Acres	15.2
					Total Acres	15.2

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Claim amended per Transfer 70445 approved 6/6/03.

Right 63-3491B is also diverted through the point(s) of diversion described above.

Rights 63-3175B and 63-3491B when combined shall not exceed a total annual maximum diversion volume of 68.4 af at the field headgate and the irrigation of 15.2 acres.

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

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

15. Basis of Claim: License

WATER RIGHT NO. 63-3175B
As Modified by Transfer No. 70445

In accordance with the approval of Transfer No. 70445, Water Right No. 63-3175B is now described as follows.

Right Holder: J TYLER EKARD And
 KERRI L EKARD
 3023 HIGHWAY 45
 MELBA ID 83641

Priority Date: December 09, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01 to 11/15	0.10 CFS	51.6 AF
		0.10 CFS	51.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESE Sec. 16 Twp 01N Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 02W 16																	15.2 15.2

Total Acres: 15.2

CONDITIONS OF APPROVAL

1. Right 63-3491B is also diverted through the point(s) of diversion described above.
2. Rights 63-3175B and 63-3491B when combined shall not exceed a total annual maximum diversion volume of 68.4 af at the field headgate and the irrigation of 15.2 acres.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

WATER RIGHT NO. 63-3175B
As Modified by Transfer No. 70445

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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

Dated this 6 day of June, 20 03

For  Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70445

This is to certify that: J TYLER EKARD And
 KERRI L EKARD
 3023 HIGHWAY 45
 MELBA ID 83641
 (208) 495-2029

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-3175B	AJC/License	12/09/1959	0.104 cfs	N/A	N/A	15.2	GROUND WATER
63-3491B	AJC/License	03/04/1966	0.2 cfs	N/A	N/A	15.2	GROUND WATER

Purpose of Transfer (Changes Proposed)

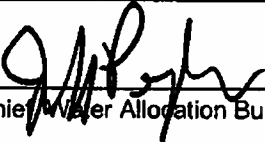
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-3175B	NO	YES	NO	NO	NO	NO
63-3491B	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-3175B	63-3175B	0.10 cfs	51.6 af	N/A	15.2		N/A	N/A	N/A	N/A
63-3491B	63-3491B	0.20 cfs	68.4 af	N/A	15.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.30 cfs	68.4 af	N/A	15.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6 day of June, 2003

For  Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 70445

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant

T.E.
Tyler & Kerri Ekard

Phone

495-2029

Post Office address

3023 E Hwy 45 McCall, Id. 83441

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change ownership
2. Describe the reason for the proposed changes Add own point of diversion and change ownership of water right.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-----------------|--------------------|-------------------|-----------------------------|
| <u>63-3175B</u> | <u>12/09/59</u> | <u>0.104</u> | <u>Irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| <u>63-3491B</u> | <u>3/4/66</u> | <u>0.20</u> | <u>Irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| | | <u>0.304</u> | | |
2. Total amount of water being transferred 0.104 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	16	01N	02W	Canyon	Proposed point of Diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01N	2W	16																15.2	15.2

Total acres 15.2

PART 1

8. General Information:

a. Description of diversion system pump to irrigation system
from domestic well.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. Letter is coming

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No affect

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

Page 3 of 8

PART 2A

05/15/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3175B

WATER RIGHT NUMBER: 63-3175B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HAROLD G BARRETT RT 1 MELBA, ID 83641
Original Owner	HENRY M JENSEN 2215 E LOCUST CALDWELL, ID 83605 (208)459-8975
Current Owner	MICHAEL HUGGINS 3023 HWY 45 MELBA, ID 83641

Priority Date: 12/08/1959

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.104 CFS	
	<u>Total Diversion.</u>	0.104 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 16, Twp 01N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 02W 16																	15.2

Total Acres: 15.2

Conditions of Approval:

Remarks:

- General Ownership change by DB 3/21/2002

Comments:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

Page 5 of 8

part 2A

07/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3491B

WATER RIGHT NUMBER: 63-3491B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HAROLD G BARRETT RT 1 MELBA, ID 83641
Original Owner	HENRY M JENSEN 2215 E LOCUST CALDWELL, ID 83605 (208)459-8975
Current Owner	MICHAEL HUGGINS 3023 HWY 45 MELBA, ID 83641

Priority Date: 03/04/1968

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.200 CFS	68.4
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

GROUND WATER

SE1/4SE1/4

Sec. 16, Twp 01N, Rge 02W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
01N	02W	16	NE	NW	SW	SE	15.2
							15.2

Total Acres: 15.2

Conditions of Approval:Remarks:

- General Ownership changed by DB 3/21/2002

Comments:

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no Rs If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

PORT 3A

0/65

large

T6020

T6017

T3810

T38

674

100

5

51

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

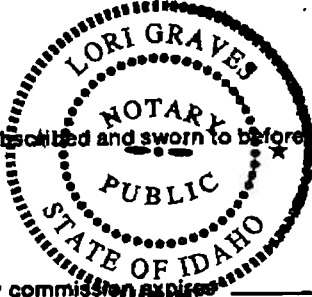
3. Describe effects on other water uses resulting from the proposed change:

None

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

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

Subscribed and sworn to before me this _____



(Signature of Applicant)

day of _____

, 2002

(Notary Public)

My commission expires _____

6/18/04**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by DAN Date 7-11-02 Protest filed by _____Prelim. check by DAN Fee \$100.00Received by DAN Date 7-11-02 W029444

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

PN 68325-E

WARRANTY DEED

FOR VALUE RECEIVED William Michael Huggins, an unmarried man

the Grantor, does hereby grant, bargain, sell and convey unto J. Tyler Ekard and Kerri L. Ekard, husband and wife

the Grantees, whose address is 3023C Hwy 45, Melba, ID 83641

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

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 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 2002 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: April 24, 2002

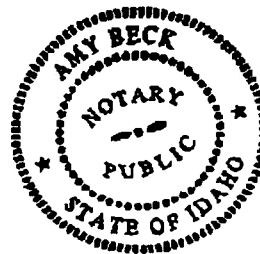
William Michael Huggins
William Michael Huggins

PIONEER TITLE COMPANY

PN 68325

Landy Peterson W.D.

me, a notary public,
is known or identified
/are subscribed to the
he/she/they executed



EER TITLE COMPANY
OF CANYON COUNTY

NAMPA
466-6100

CALDWELL
458-1651

OWYHEE COUNTY
466-6100

423 SOUTH KIMBALL
CALDWELL, ID 83603

Attach A2

PN68325

EXHIBIT "A"

This parcel is a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 1 North, Range 2 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast Quarter of the Southeast Quarter; thence

North 0° 36'27" East along the East boundary of said Southeast Quarter of the Southeast Quarter a distance of 165.00 feet to the TRUE POINT OF BEGINNING; thence

North 89° 14'25" West parallel with the South boundary of said Southeast Quarter of the Southeast Quarter a distance of 1,333.47 feet to a point on the West boundary of said Southeast Quarter of the Southeast Quarter; thence

North 0° 42'58" East along said West boundary a distance of 511.32 feet; thence

South 89° 14'25" East parallel with said South boundary a distance of 1,332.50 feet to a point on the said East boundary; thence

South 0° 36'27" West along said East boundary a distance of 511.32 feet to the TRUE POINT OF BEGINNING.

JTE
KLE

200219796

RECORDED

2002 APR 30 PM 4 05

G NOEL HALE

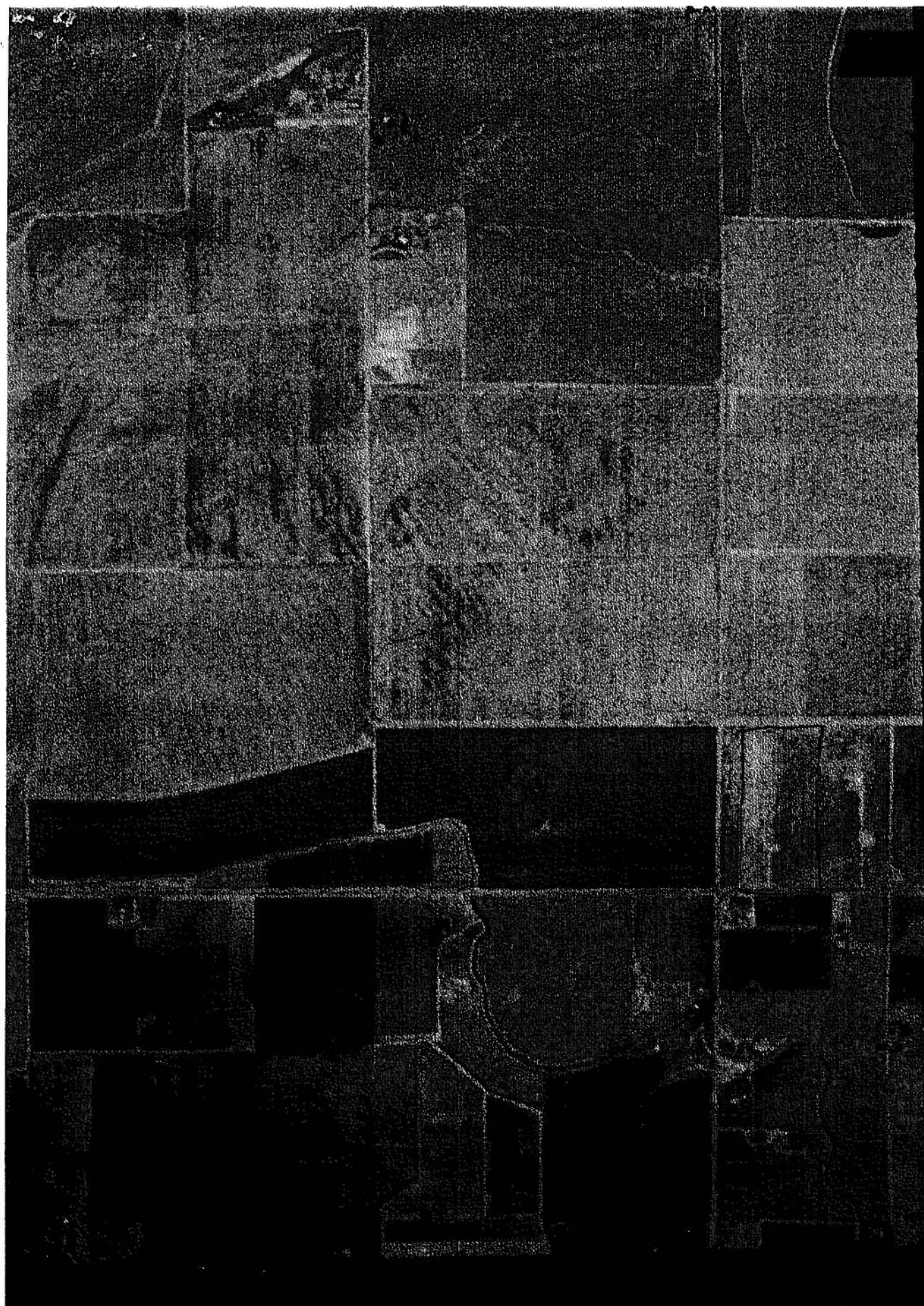
CANYON CNTY RECORDER

BY J. Hale

REQUEST PIONEER-NMMPA
TYPE Fee Fee Fee

First American Title
Schedule A

ATTACH A.2



ATTACH B

The well was used by M. Huggins until/
Sept 22, 1998 when Delay revoked access.
This notice explains when well access ceased on
our property & was no longer irrigated.

Ami-Elend
7-11-02

ATTACH C

9835539

NOTICE OF REVOCATION OF
JOINT WATER AGREEMENT

TO: Michael Huggins and a single person ~~Huggins, husband and wife:~~

WHEREAS, Michael L. DeLay and Colleen M. DeLay, husband and wife, of Nampa, Idaho (hereinafter "DeLay"), and Michael Huggins and a single person ~~Huggins, husband and wife~~, of Nampa, Idaho (hereinafter "Huggins"), executed a Joint Water Agreement on the 11 day of July, 1997, which Agreement was recorded in the records of Canyon County, Idaho, on the 14 day of July, 1997, as Instrument No. 9722514; and

WHEREAS, The Joint Water Agreement provides at paragraph 7 that it may be revoked by written notice of revocation by DeLay, acknowledged and recorded in the records of Canyon County, Idaho; and

WHEREAS, DeLay desires to revoke the Joint Water Agreement,

NOW, THEREFORE, Notice is hereby given that Michael L. DeLay and Colleen M. DeLay, husband and wife, hereby revoke the Joint Water Agreement which, upon its recording in the records of Canyon County, Idaho, shall be without further force and effect.

Michael L. DeLay
Michael L. DeLay

Colleen M. DeLay
Colleen M. DeLay

STATE OF IDAHO)
) ss.
County of Canyon)

On this 19th day of September, 1998, before me, a notary public, personally appeared MICHAEL L. DELAY, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.



Gladys Clemente
Notary Public for Idaho
Residing at Baise, Id
Commission Expires 6/7/98

NOTICE OF REVOCATION OF
JOINT WATER AGREEMENT - 1

Attach 01

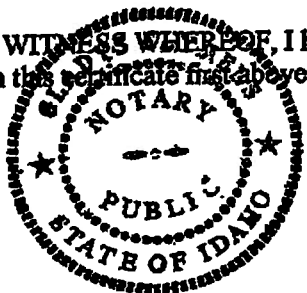
STATE OF IDAHO

County of Canyon

ss.

On this 18th day of September, 1998, before me, a notary public, personally appeared COLLEEN M. DELAY, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Gladys A. Lyons
Notary Public for Idaho
Residing at Boise, Id
Commission Expires 6-7-98

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 22nd day of September, 1998, I caused to be served, via U.S. mail, postage prepaid, a true and correct copy of the foregoing document, addressed to the following:

Michael Huggins

Huggins
630 39th Street North
Nampa, Idaho 83687.

Stephen C. Brown
Michael E. Delay

NOTICE OF REVOCATION OF
JOINT WATER AGREEMENT - 2

REQUESTED BY Michael E. Delay
DATE 9-18-98

RECORDED
BY Steph

98 SEP 23 PM 3 53

RECORDED

9835539

Attach 02

Before Property Split of:

3205 C HWY 45
Melba, ID. 83641

3023 C HWY 45
Melba, ID. 83641

The thirty-five acre piece
had only one irrigation well
at the time of purchase.

Aug. 23, 2002

Colleen DeLay

7/17/02

ATTACH
E

Homecomings Financial
A GMAC Company

January 16, 2003

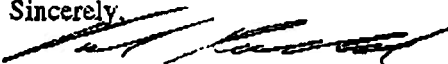
Dan Nelson, Senior Agent
State of Idaho, Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Ekard-0414013714

Dear Dan Nelson;

This letter is in response to our phone call on 01/15/03 concerning a transfer of right to add a point of diversion to the Ekard's property. We have reviewed the faxed application regarding the transfer and have no objections to the transfer of right to add a point of diversion.

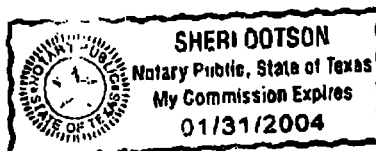
Sincerely,


Paul Ruckel
Resolution Specialist

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Sworn to and subscribed before me on the 16th day of January, 2003.

[Seal]




Notary Public, State of Texas

cc: Mr. & Mrs. Ward

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 63-3175B
Date Received: 12/29/1989
Receipt No: X777777
Received By:

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

1. Name of Claimant(s): MICHAEL HUGGINS
3023 HWY 45
MELBA ID USA 83641

Phone: (208) 724-1026

2. Date of Priority: 12/09/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	02W	16	SE SE	CANYON	

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.104	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	02W	16	SE SE		IRRIGATION	15.2
					Section Acres	15.2
					Total Acres	15.2

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:

Ownership change by DB 3/21/2002

15. Basis of Claim: License

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

RECEIVED
MAR 06 2002
 WATER RESOURCES
 WESTERN REGION

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
63-3491B					
63-3175B					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 0
- 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)

Michael Deby (Wife Colleen)

4. New Owner/Claimant(s)

Michael Huggins

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

New Mailing Address

3023 HWY 45

City, State and ZIP Code

Melba, Id. 83641

New Telephone Number

(208) 724-1026

5. Date you acquired the property

July 1997

PN42379 SE
9722515
9744332

RE-RECORDING TO CORRECT ADDRESS

WARRANTY DEED

FOR VALUE RECEIVED MICHAEL L. DELAY and COLLEEN M. DELAY,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto WILLIAM MICHAEL HUGGINS, ^{MAH} a
single person

the Grantee, whose address is 3023 C HWY 45, ~~NAMPA, ID~~ 83651
MELBA, ID 83641

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS
REFERENCE.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantee, 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 1997 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: July 11, 1997

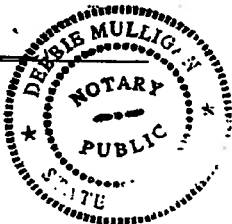
Michael L. Delay
MICHAEL L. DELAY

Colleen M. Delay
COLLEEN M. DELAY

STATE OF IDAHO
COUNTY OF CANYON

On this 11 day of July, 1997, before me a notary
public, personally appeared MICHAEL L. DELAY, COLLEEN M.
DELAY, known or identified to me to be the person(s) who(se)
name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they have executed the same.

Debbie Mulligan
Notary Public
Residing at Meridian, Idaho
My commission expires: 9/21/99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

No warranties of any kind are implied
nor representations made by Pioneer
Title Company regarding this document
or its affect on the land it involves.

EXHIBIT "A"

This parcel is a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 1 North, Range 2 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast Quarter of the Southeast Quarter; thence

North 0° 36' 27" East along the East boundary of said Southeast Quarter of the Southeast Quarter a distance of 165.00 feet to the TRUE POINT OF BEGINNING; thence

North 89° 14' 25" West parallel with the South boundary of said Southeast Quarter of the Southeast Quarter a distance of 1,333.47 feet to a point on the West boundary of said Southeast Quarter of the Southeast Quarter; thence

North 0° 42' 58" East along said West boundary a distance of 511.32 feet; thence

South 89° 14' 25" East parallel with said South boundary a distance of 1,332.50 feet to a point on the said East boundary; thence

South 0° 36' 27" West along said East boundary a distance of 511.32 feet to the TRUE POINT OF BEGINNING.

9744332

RECORDED

97 DEC 30 PM 4 14

NED J KERR

CANYON CNTY RECORDER

BY *[Signature]*

PIONEER - NANTIA

REQUEST *[Signature]* FEE 6.00

DATE *[Signature]*

REQUEST *[Signature]* Fee 6.00

PIONEER - NANTIA

BY *[Signature]*
CANYON CNTY RECORDER

NED J KERR

97 JUL 14 AM 11 08

RECORDED

9722515

No warranties of any kind are implied nor representations made by Pioneer Title Company regarding this document or its affect on the land it involves.

TX 00257

R28514-013

TX 00258

1/16

R28516

Delay

54 14

1332.50'

R28516010
T 97401

Higgins

511.32'

511.32'

1333.47'

R28518

R28517

528.00'

McIntosh

ROAD

155.00'

1/16

②
PN42379 sr
9722515
9744332

RE-RECORDING TO CORRECT ADDRESS

WARRANTY DEED

FOR VALUE RECEIVED MICHAEL L. DELAY and COLLEEN M. DELAY,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto WILLIAM MICHAEL HUGGINS, a
single person

the Grantee, whose address is 3023 C HWY 45, ~~NAMPA, ID 83651~~
MELBA, ID 83641

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS
REFERENCE.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantee, 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 1997 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: July 11, 1997

Michael L. Delay
MICHAEL L. DELAY

Colleen M. Delay
COLLEEN M. DELAY

STATE OF IDAHO
COUNTY OF CANYON

On this 11 day of July, 1997, before me a notary
public, personally appeared MICHAEL L. DELAY, COLLEEN M.
DELAY, known or identified to me to be the person(s) who(se)
name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they have executed the same.

Debbie Mulligan
Notary Public
Residing at Meridian, Idaho
My commission expires: 9/21/99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

EXHIBIT "A"

This parcel is a portion of the Southeast Quarter of the Southeast Quarter of Section 16, Township 1 North, Range 2 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast Quarter of the Southeast Quarter; thence

North 0° 36' 27" East along the East boundary of said Southeast Quarter of the Southeast Quarter a distance of 165.00 feet to the TRUE POINT OF BEGINNING; thence

North 89° 14' 25" West parallel with the South boundary of said Southeast Quarter of the Southeast Quarter a distance of 1,333.47 feet to a point on the West boundary of said Southeast Quarter of the Southeast Quarter; thence

North 0° 42' 58" East along said West boundary a distance of 511.32 feet; thence

South 89° 14' 25" East parallel with said South boundary a distance of 1,332.50 feet to a point on the said East boundary; thence

South 0° 36' 27" West along said East boundary a distance of 511.32 feet to the TRUE POINT OF BEGINNING.

9722515

RECORDED

97 JUL 14 PM 4 14

NED J KERR

CANYON CNTY RECORDER

BY *[Signature]*

PIONEER - NAMPA

REQUEST *[Signature]* 2.9

FEE 6.00

REQUEST *[Signature]* 2.9

PIONEER - NAMPA

BY *[Signature]*

CANYON CNTY RECORDER

NED J KERR

97 JUL 14 AM 11 08

RECORDED

9722515

THIS FORM IS PREPARED BY COUNTY OF

STEWART TITLE

READ & APPROVED BY GRANTEE(S)

(R20516)

WARRANTY DEED

FOR VALUE RECEIVED HENRY M. JENSEN AND MARJORIE J. JENSEN, HUSBAND AND WIFE

GRANTOR(S), does(do) hereby GRANT, SELL, and CONVEY unto GRANTEE(S), A SINGLE MAN, CALDWELL, ID 83601

GRANTEE(S), whose current address is: Canyon, County, State of Idaho, more particularly the following described real property in described as follows, to wit:

The Southeast Quarter of the Southeast Quarter of Section 16,
Township 1 North, Range 2 West of the Boise Meridian, Canyon
County, Idaho, excepting therefrom the South 165 feet.

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

Dated: November 10, 1993

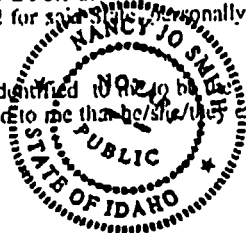
Henry M. Jensen
HENRY M. JENSEN

Marjorie J. Jensen
MARJORIE J. JENSEN

STATE OF IDAHO
COUNTY OF CANYON

On this 10th day of November, in the year of 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY M. JENSEN AND MARJORIE J. JENSEN.

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same



Signature

Name: NANCY JO SMITH

Residing at: EAGLE

My Commission Expires: 10/13/99

THIS FORM FURNISHED COURTESY OF.

**ALLIANCE TITLE &
ESCROW CORP.**READ & APPROVED BY GRANTEE(S) CO

RECORDED
ALLIANCE - NAMPA
ORDER NO. 96013713
633240

WARRANTY DEED

FOR VALUE RECEIVED PERRY BEATTY, an unmarried person

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto MICHAEL L. DELAY AND COLLEEN M. DELAY, husband and wife

GRANTOR(S), whose current address is: 712 E. HAWAII AVE. Nampa Idaho 83655
the following described real property in CANYON County, State of Idaho, more particularly described as follows, to wit:

The Southeast Quarter of the Southeast Quarter of Section 10, Township 1 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM the South 165 feet.

SUBJECT TO that certain Deed of Trust/Mortgage dated November 10, 1993, and recorded November 30, 1993, as Instrument No. 9325164 records of CANYON County, Idaho, in favor of HENRY M. JENSEN and MARJORIE J. JENSEN in the amount of \$52,847.34, which Deed of Trust/Mortgage the Grantee(s) herein assume and agree to pay according to the terms thereof.

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

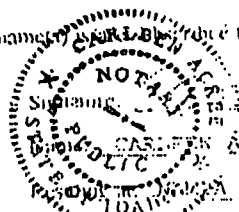
Dated: October 09, 1996

PERRY BEATTY

STATE OF IDAHO)
COUNTY OF CANYON)

On this 9 day of October, in the year of 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared PERRY BEATTY

known or identified to me to be the person(s) whose name(s) is/are set forth to the within instrument, and acknowledged to me that he/she/they executed the same.



My Commission Expires 10/09/97

PN42379



Skinner, Earl &
Associates, Inc.

314 Dadiola Street
Caldwell, ID 83605
(208) 454-0933
Fax: (208) 454-0979

Greg L. Skinner PLS
Gerald L. Earl PLS
Drent A. Claiborn PE

February 11, 1997

Description for
Mike Delay
Job No. JA2697

Parcel 1

This parcel is a portion of the SE1/4 SE1/4 of Section 16, Township 1 North, Range 2 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the southeast corner of said SE1/4 SE1/4;

thence North 0° 36' 27" East along the east boundary of said SE1/4 SE1/4 a distance of 165.00 feet to the TRUE POINT OF BEGINNING;

thence North 89° 14' 25" West parallel with the south boundary of said SE1/4 SE1/4 a distance of 1333.47 feet to a point on the west boundary of said SE1/4 SE1/4;

thence North 0° 42' 58" East along said west boundary a distance of 511.32 feet;

thence South 89° 14' 25" East parallel with said south boundary a distance of 1332.50 feet to a point on the said east boundary;

thence South 0° 36' 27" West along said east boundary a distance of 511.32 feet to the TRUE POINT OF BEGINNING.

This parcel contains 15.647 acres, more or less, and is subject to a county road right-of-way along the east boundary and to all other easements and rights-of-way existing or implied.



016
R2W. T1N
Sec 16

7
15.3

H/HW

T6020 H/HW

10
15.7

11
39.0

T6021

1
33.2

16

15

SEE 0-88 T3814

T3815

H/HW

1
67.4

2
2.8

H/HW

4
19.0

8
17

5
51.1

RECEIVED

AUG 19 1998

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: A63-03175B
Date Received: 12/29/1989
Receipt No: X777777
Received By:

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: HENRY M JENSEN
Address: 2215 E LOCUST
CALDWELL ID

208-459-8975

83605

2. Date of Priority: DEC 9, 1959

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	02W	16	SE	SE			CANYON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.104		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	02W	16	SE	SE		IRR	15.2

Section Acres 15.2

Total Acres 15.2

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:
63-3491

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28317

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

RECEIVED
JUL 13 1998
Department of Water Resources

RECEIVED

AUG 19 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) 63-03491 63-03175

Adjudication Claim Number(s) A63-03491 A63-03175

RECEIVED

AUG 03 1998

WATER RESOURCES
WESTERN REGION

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) PERRY Beatty (purchased from)

HENRY Jenson (previous owner)

4. New Owner/Claimant(s) Mike L Delay Colleen M Delay

Name connector (Check one): ☐ AND, ☒ OR, ☐ AND/OR

New Mailing Address 3205 C Highway 45

City, State and ZIP Code MELBA IDAHO

New Telephone Number (208) 495-1010

5. Date you acquired the property 10-9-96

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 19.8 of 35 Acres Number and type of stock

Diversion rate in CFS proportional Number of homes Other uses
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Mike L Delay Date 7-8-98

Colleen M Delay Date 7-8-98

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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: **A63-03175**
Date Received: 12/29/1989
Receipt No: C013739
Received By: JE Ford

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENRY M JENSEN 208-459-8975
Address: 2215 E LOCUST
CALDWELL ID 83605

2. Date of Priority: DEC 9, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	02W	16	SE	SE			CANYON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.240		

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

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	02W	16	SE	SE		IRR	35.0

Section Acres 35.0

Total Acres 35.0

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:
63-3491

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28317

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)
County of _____) SS.

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 63 3175
Date Received 12/29/89
Receipt Number 603739

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DEC 29 1989

Please type or print clearly

Department of Water Resources

1. Name of Claimant (s) HENRY M. JENSEN Phone (208) 459-8975
Mailing Address 2215 LOCUST ST. CALDWELL ID Zip 836050

2. Date of Priority (Only one (1) per claim) 12/9/59

3. Source of water supply (a) groundwater.
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 01N Range 02W Section 16,
_____ 1/4 of SE 1/4 of SE 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. Well and Pump.

WATER RIGHTS

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 0.24 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 10.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NA

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>1N</u>	<u>2W</u>	<u>16</u>																<u>35</u>	<u>35</u>

Total number of acres irrigated 35

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.

63-3491 or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

MICROFILMED

756

Last Name _____ Ident No. _____

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 _____
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 0

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

Signature of Claimant (s) Henry M. Jensen Date 12-27-89

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 _____)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 27 day of December 19 89

SEAL

Notary Public Donna A. [Signature]

Residing at Boise Idaho

My Commission Expires 7/11/95

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 _____

MICROFILMED

DEC 28 1989

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Water Right Number - 63-03175 Prefix Translation: WATER RIGHT Old (D) Number - 28317
+ - - - - Last Name - - - - + + - - - - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BARRETT

HAROLD G. 1 - RT. 1
2 -
3 -
City- MELBA State- ID Zip- 83641
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/09/1959 14 WESTERN L - LICENSE
+ - - Source - - - - + + - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code)
Twn Rng Sec Tract Lot Rflg County
01N 02W 16 SE SE (27) CANYON

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume
Code Description Period From Period To
01 - IRRIGATION 0.240
43 - DOMESTIC

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
0.240

+ - - - - - - - - - - - Place of Use - - - - - Description County
Twn Rng Sec Tract Lot Acres Code
01N 02W 16 SE SE 35.0 01 IRRIGATION (27) CANYON

Total Acres: 35.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

+ - - - - - - - - - - - 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

MICROFILMED
JUL 1994

Water right number - 63-03175

- - -Comments- - -
No Comments Found

+ - - Audit Fields - 05/06/85 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 | - |
| Exam to S.O. Date | 00/00/0000 | Verified Date | - 05/06/1985 | 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 | - | | |

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3175B V1

WATER RIGHT NUMBER: 63-3175B V1

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Current Owner | J TYLER EKARD
3023 HIGHWAY 45
MELBA, ID 83641
(208) 495-2029 |
| Current Owner | KERRI L EKARD
3023 HIGHWAY 45
MELBA, ID 83641
(208) 495-2029 |

Priority Date: 12/09/1959

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER | |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | 03/01 to 11/15 | 0.100 CFS | 51.60 AF |
| | <u>Total Diversion:</u> | 0.100 CFS | 51.60 AF |

Location of Point(s) of Diversion

| | | |
|---------------|------------|---------------------------------|
| GROUND WATER | SE1/4SE1/4 | Sec. 16, Twp 01N, Rge 02W, B.M. |
| CANYON County | | |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 01N | 02W | 16 | | | | | | | | | | | | | | | | | 15.2 |
| | | | | | | | | | | | | | | | | | | | 15.2 |

Total Acres: 15.2

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3175B V1

4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. X35 Rights 63-3175B and 63-3491B when combined shall not exceed a total annual maximum diversion volume of 68.4 af at the field headgate and the irrigation of 15.2 acres.
6. X36 Right 63-3491B is also diverted through the point(s) of diversion described above.

Remarks:

1. Explanatory After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Comments:

1. pskaggs 6/6/2003 1:33:54 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 70445

Documentation of Ownership of the Current Place of Use

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

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre: 0.2
Generic Max Volume Per Acre: 4.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 22, 2002

MICHAEL HUGGINS
3023 HWY 45
MELBA ID 83641

Re: Notice of Claim to a Water Right No. 63-3175B & 63-3491B

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-03175 B Date: 2-6-01

| | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | Sum |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| Claim | 1N | 2W | 16 | | | | | | | | | | | | | | | | 15.2 | 15.2 |
| GIS | | | | | | | | | | | | | | | | | | | 15.2 | 15.2 |
| Claim | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |
| Claim | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |
| Claim | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |

Total Claimed Acres: 15.2

Total GIS Acres: 15.2

Overlapping POU Claim #'s: I used same POU as 63-3175A
+ 63-03491a

COMMENTS:

No Map - per County tax records

Idaho Department of Water Resources

Claim Number: 63-03175B

Legal: T01N, R02W, S16

Reviewed By:



Point of Diversion



Place of Use

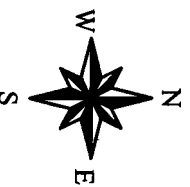
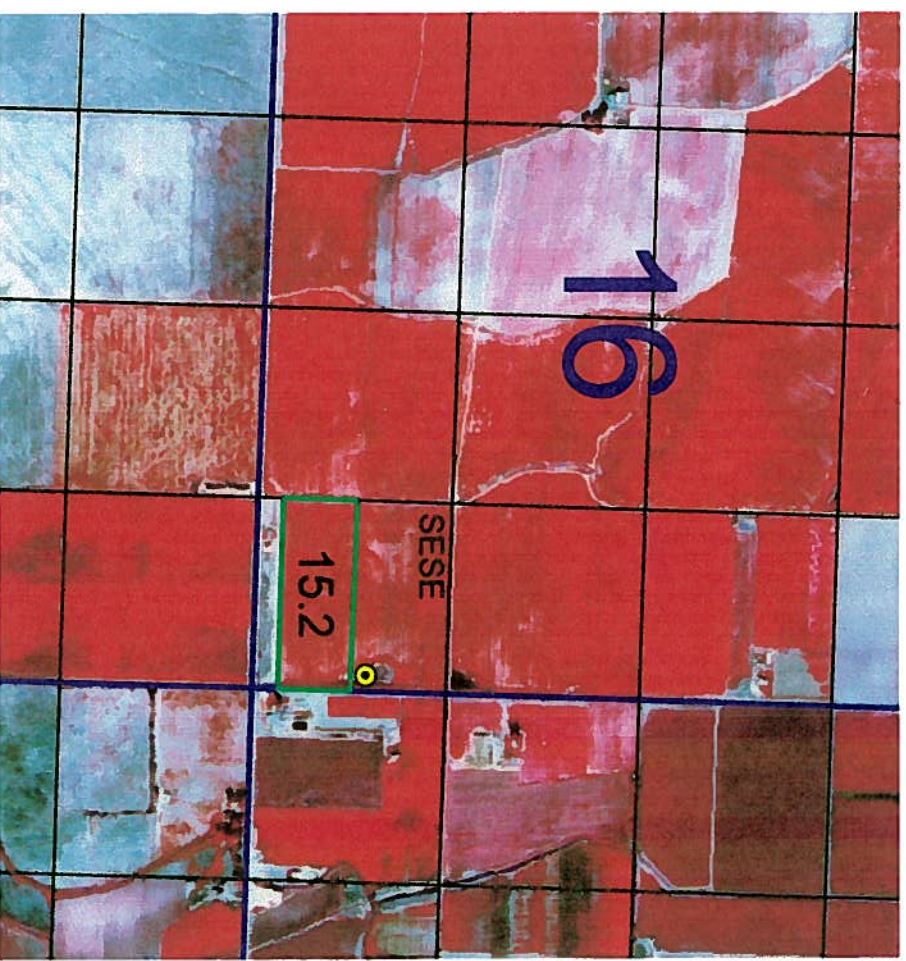


Section Lines



Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 63-03175B

Legal: T01N, R02W, S16

Reviewed By:



Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

1987 Napp Photo

