

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 63-4664
Date Received: 2/5/1990
Receipt No: M005714
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARCELLA F STEWART Phone: (208)466-6996
5459 DEER FLAT RD
NAMPA ID USA 83686

JOE STEWART Phone: (208)466-6996
5459 DEER FLAT RD
NAMPA ID USA 83686

JIM STEWART Phone: (208)466-6996
5459 DEER FLAT ROAD
NAMPA ID USA 83686

Overlap

03-09254

2. Date of Priority: 06/01/1918

3. Source: WASTE WATER Trib. to: GOLDEN GULCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01W	17	NE NW SW	CANYON	

5. Description of diverting works:

PUMP FROM DRAIN INTO DISTRIBUTING DITCH SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.42	

7. Total Quantity Appropriated is:
0.42 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
02N	01W	17	NE	SW	IRRIGATION	6
			NW	SW	IRRIGATION	15
					Section Acres	21
					Total Acres	21

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:

CHANGE OF OWNERSHIP LG 12/13/05

15. Basis of Claim: Statutory Claim

RECEIVED
OCT 26 2005
Department of Water Resources

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 Adjudication
Right No(s) Claim No(s) Split

_____ 63-9254 _____
_____ 63-4664 _____

Water Adjudication
Right No(s) Claim No(s) Split

_____ _____
_____ _____
_____ _____
_____ _____

RECEIVED
OCT 27 2005
WATER RESOURCES
WESTERN REGION

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)

Gary D. Henrikson
911 E. Georgia, Nampa 83651

4. New Owner/Claimant(s)

Jim and/or Marcella and/or Joe Stewart
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5459 Deer Flat Road

City, State and ZIP Code

Nampa, ID 83686

New Telephone Number

208 466-6996

5. Date you acquired the property

January 1999

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

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

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

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

Marcella Strum

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 KW Date 10/26/05 Fee N/A
 Received by N/A Date _____ Receipt No. N/A
 Processed by _____ AJ Date _____ WR _____ Date _____

①

3

J.M.B. JH

① 52698

INSTRUMENT NO. 9902573

WARRANTY DEED

FOR VALUE RECEIVED GARY D. HENRICKSON and JANET L. HENRICKSON,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto ^{J.} JIM STEWART, MARCELLA STEWART,
husband and wife and JOSEPH A. STEWART, an unmarried man

the Grantees, whose address is 5459 DEER FLAT ROAD, NAMPA, ID 83686

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 Grantors do 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 1999 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: January 21, 1999

Gary D. Henrickson
GARY D. HENRICKSON

Janet L. Henrickson
JANET L. HENRICKSON

STATE OF IDAHO
COUNTY OF CANYON

On this 21 day of January, 1999, before me a notary
public, personally appeared GARY D. HENRICKSON and
JANET L. HENRICKSON, 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.

[Signature]
Notary Public
Residing at NAMPA, Idaho
My commission expires:

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PN52695

Exhibit "A"

Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 17, Township 2 North, Range 1 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM: N1370733.02 E2298447.24

Stewart X1

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 17, Township 2 North, Range 1 West, Boise Meridian, more particularly described to wit:

COMMENCING at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 17, Township 2 North, Range 1 West, Boise Meridian the INITIAL POINT; thence South 89° 47'30" East 359.70 feet along the North boundary of the said Northwest Quarter of the Southwest Quarter; thence

South 0° 12'30" West 142.00 feet to the centerline of a certain irrigation ditch; thence continuing

South 0° 12'30" West 7.25 feet; thence

South 39° 49'30" West 60.00 feet to the point of a 211.67 foot radius curve right; thence along the said 211.67 foot radius curve right, 171.63 feet to the POINT OF TANGENT of the said 211.67 foot radius curve right; thence

South 86° 16'30" West 172.25 feet along the said tangent to a point in the West boundary of the said Northwest Quarter of the Southwest Quarter; thence

North 283.5 feet along the said West boundary to the INITIAL POINT.

ALSO EXCEPTING THEREFROM

Stewart X2

A part of the Northwest Quarter of the Southwest Quarter, Section 17, Township 2 North, Range 1 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

N1370733.02 E2298447.24

BEGINNING at the West Quarter corner of Section 17, Township 2 North, Range 1 West, Boise Meridian, Canyon County, Idaho; thence

South a distance of 283.39 feet (platted South 283.50 feet) along the Section line to a point; the REAL POINT OF BEGINNING; thence continuing

South a distance of 120.00 feet along the Section line to a point; thence

East a distance of 200.00 feet to a point; thence

North a distance of 134.93 feet to a point; thence

Southwesterly a distance of 28.35 feet along a curve to the right having a delta angle of 7° 40'30" a radius of 211.67 feet, a tangent of 14.20 feet and a long chord of 28.34 feet that bears

South 82° 26'15" West to a point; thence

South 86° 16'30" West a distance of 172.25 feet to a point, the REAL POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM:

N1370104.22 E2299256.25

A tract of land in the Northeast corner of the Northeast Quarter of the Southwest Quarter, Section 17, Township 2 North, Range 1 West of the Boise Meridian, Canyon County, Idaho.

BEGINNING at the Northeast corner of the Northeast Quarter of the Southwest Quarter, an iron pin, the TRUE POINT OF BEGINNING; thence

South 0° 12'30" West along the East boundary line of said Northeast Quarter of the Southwest Quarter a distance of 422.6 feet to an iron pin; thence

North 89° 47'30" West a distance of 773.2 feet to an iron pin; thence

North 0° 12'30" East a distance of 422.6 feet to an iron pin on the North line of the said Northeast Quarter of the Southwest Quarter; thence

South 89° 47'30" East along the North boundary line of said Northeast Quarter of the Southwest Quarter a distance of 773.2 feet to the TRUE POINT OF BEGINNING.

9902573

RECORDED

99 JUN 22 AM 11 21

G NOEL HALES

CANYON CNTY RECORDER

BY *[Signature]*

[Signature]

REQUEST PIONEER — NAMPA

TYPE *Noel* FEE 9.00

8

02N01W

17

NWSW

NESW

SWSW

SESW

20

2

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: A63-04664
Date Received: 2/05/1990
Receipt No: MOO 5714
Received By: gze

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY D. HENRICKSON 208-466-7434
Address: 3210 S. HAPPY VALLEY RD.
NAMPA, ID 83686

AND/OR

Name: JANET L. HENRICKSON 208-466-7434
Address: 3210 S. HAPPY VALLEY RD.
NAMPA, ID 83686

2. Date of Priority: JUN 01, 1918

3. Source: WASTEWATER Trib. to: GOLDEN GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	01W	17	NE	NW	SW		CANYON

5. Description of diverting works:
PUMP FROM DRAIN INTO DISTRIBUTING DITCH SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.420		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	17	NE	SW		IRR	6.0
			NW	SW		IRR	15.0
						Section Acres	21.0
						Total Acres	21.0

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:

SHARES IN BOISE KUNA IRR. DIST. AND A6309254

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

(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.

MICROFILMED
AUG 20 1992



Produced by the Geological Survey

MICROFILMED
AUG 20 1992

12/10/2006

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

RIGHT NUMBER: 63-4664

NAME AND ADDRESS: JOE STEWART
5459 DEER FLAT RD
NAMPFA ID 83686

JIM STEWART
5459 DEER FLAT RD
NAMPFA ID 83686

MARCELLA F STEWART
5459 DEER FLAT RD
NAMPFA ID 83686

SOURCE: WASTE WATER

TRIBUTARY: GOLDEN GULCH CREEK

QUANTITY: 0.320 CFS

This right when combined with Right No. 63-9254 shall provide no more than
.02 cfs per acre.

PRIORITY DATE: 06/01/1918

POINT OF

DIVERSION: T02N R01W S17 NENWSW Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.320 CFS

PLACE OF USE: IRRIGATION in CANYON County

T02N R01W S17

NESW

6.00

T02N R01W S17

NWSW

10.00

16 ACRES TOTAL

Right Nos. 63-4664 and 63-9254 are limited to the irrigation of a combined
total of 67 acres in a single irrigation season.

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

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

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 - Beneficial Use

Use of this right is combined with water from Boise Valley Irrigation Ditch
Co.

05/31/2006

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

RIGHT NUMBER: 63-4664

NAME AND ADDRESS: JOE STEWART
5459 DEER FLAT RD
NAMPA ID 83686

JIM STEWART
5459 DEER FLAT RD
NAMPA ID 83686

MARCELLA F STEWART
5459 DEER FLAT RD
NAMPA ID 83686

SOURCE: WASTE WATER

TRIBUTARY: GOLDEN GULCH CREEK

QUANTITY: 0.320 CFS

This right when combined with Right No. 63-9254 shall provide no more than
.02 cfs per acre.

PRIORITY DATE: 06/01/1918

POINT OF DIVERSION:

T02N R01W S17 NENWSW 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	0.320 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T02N R01W S17	NESW	6.00	T02N R01W S17	NWSW	10.00
---------------	------	------	---------------	------	-------

16 ACRES TOTAL

Right Nos. 63-4664 and 63-9254 are limited to the irrigation of a combined
total of 67 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

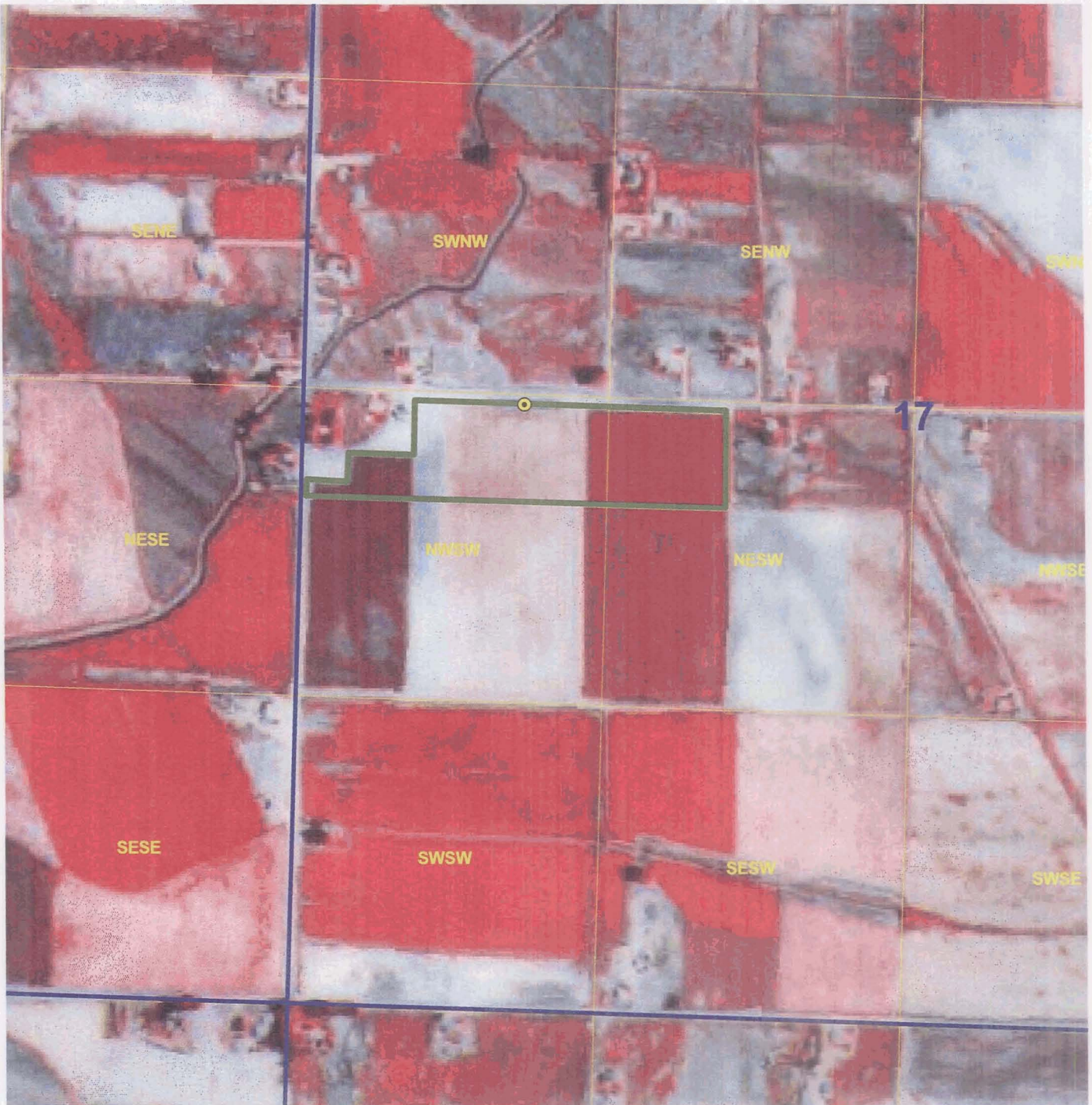
Use of this right is combined with water from Boise Valley Irrigation Ditch
Co.



Idaho Department of Water Resources

63-4664

T02N R01W S17



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

Total irrigated
acres = 16



500 0 500 Feet

IDWR
Prepared by: Sandy Egbert
Date: May 31, 2006
1987 NAAP Photography

MEMO TO FILE

Water Right No. 63-4664

Claimant: Marcella, Joe and Jim Stewart

Date: May 31, 2006

I have disregarded most of the field exam included in this file. The field examiner was new and the information received for this water right does not seem to be very reliable. The field examiner no longer contracts for the department.

On the map in the file, the field examiner put the place of use in the NESW – all 21 acres. The claim and map with the claim put the POU in the NWSW and the NESW. The field examiner transposed the QQ's on the field report but she did mark on the field report that the POU was in two different QQ's although she did not draw the POU that way on the map. Therefore, I believe the claim to be more accurate than the field exam. The field examiner also put the POD in the SWSE but marked the pond this water is pumped from in the NWSW which is where the POD is claimed so again I felt the claim was more accurate than the field exam and I recommended the POD in the NWSW as claimed.

The field examiner did verify that wastewater could be used even though no water was running on the day of the exam.

My conclusion from the information provided is to recommend this water right as claimed with limiters for acres and cfs.

Sandy Egbert

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 603-4064Owner: MARCELLA Stewart
Joe Stewart - Jim Stewart Phone No. 208 466-6996Current Address: 5459 Deer Flat Rd NAMPA ID 83686

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: Jim Stewart / Joe Stewart**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-01-1918

(If priority date, based on your exam, seems questionable, explain below.)

Source: Waste Water Tributary to Golden Gulch Creek

- ☐ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		NE	NW	SW	17	02N	01W	Camp	7330 0183/11628721

Description of diverting works

OVERLAP REVIEWOther water rights with the same point of diversion: Claim 63-9254

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

Yes, now a 64 acre field w/ plant

WATER USES

- ☐ No change
- ☐ Different Uses

Use Irr. From 4-01 To 10-31 Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
- Types _____ Additional comments: _____

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
G2N	1W	17			1/4				1/4										21
																			6
																			15

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See Attachment

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

No water running at time of exam See Attachment

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

INSTRUCTED: *3-5-06*
J. N. Williams B. Secy.

63-4664
Marcella Stewart
Joe Stewart
Jim Stewart
5459 Deer Flat Rd
Nampa Id 83686
208-466-6996

Source Waste Water Tribute to Golden Gulch Creek (multiple names for Drain).

History

The Stewart's bought farm in 1998 from Gary D Hendrickson
Prior to 1987 the field was 21 acres watered by waste water run off from Larry McKees farm.

List of questions

If possible verify the amount of waste water claimed. Unable to verify.

Depending on year and season waste water varies.

Verify that waste water could be used for this water right. It is possible for the water system to use waste water through this system.

Irrigation system After 1987 (unknown date) Mr. Hendrickson combined the 21 acres into one field totaling 64 acres with a pivot with water rights from the Boise Kuna Irr. Dist are used.

The water drains into a pond with run off from the field and is pumped back up to a center of field recycled through an underground pipe/tile. No water was running on day of field exam... (See Map)

63-4664

T2N R1W S 17



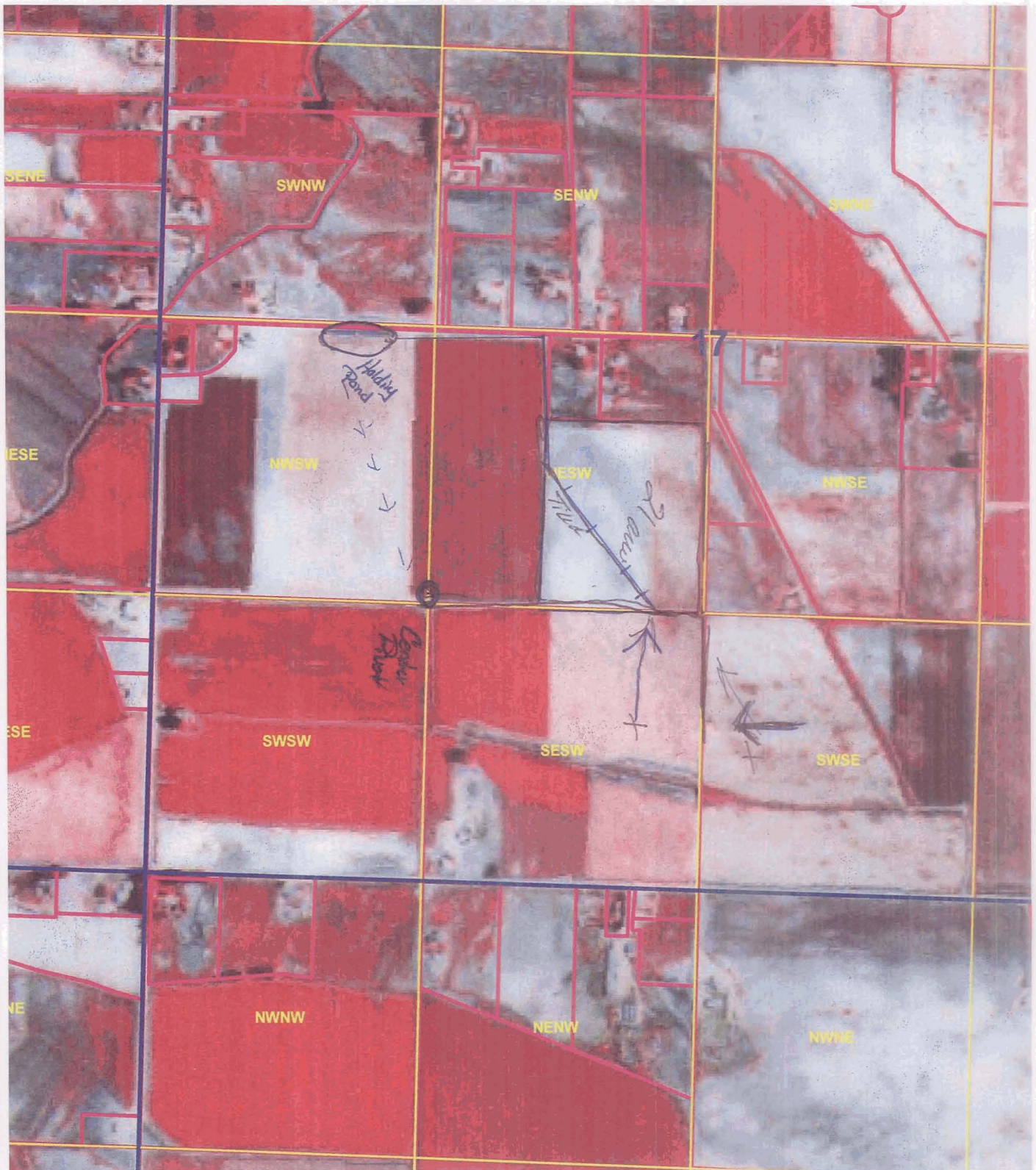
Sections
Quarter Quarters

2004 Photography

DR pink lines are tax lots

63-4664

T2N R1W S 17



Sections
Quarter Quarters

1987 Photography

Dk pink lines are top lots

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

GARY D. HENRICKSON

(Name of Claimant)

911 East Georgia, Nampa, ID 83651

(Mailing Address)

(Zip Code)

Telephone No.

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1918

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

wastewater

tributary to Golden Gulch

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.42</u>		Use <u>irrigation</u>		Period of Use From <u>4/1</u>	To <u>10/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) .42 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 17 Twp. 2N Rge. 1W B.M., County of Canyon

Additional points of diversion: NW 1/4 SW 1/4, Sec. 17, Twp. 2N, Rge. 1W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pump from drain into distributing ditch system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
2N	1W	17									6	15							21

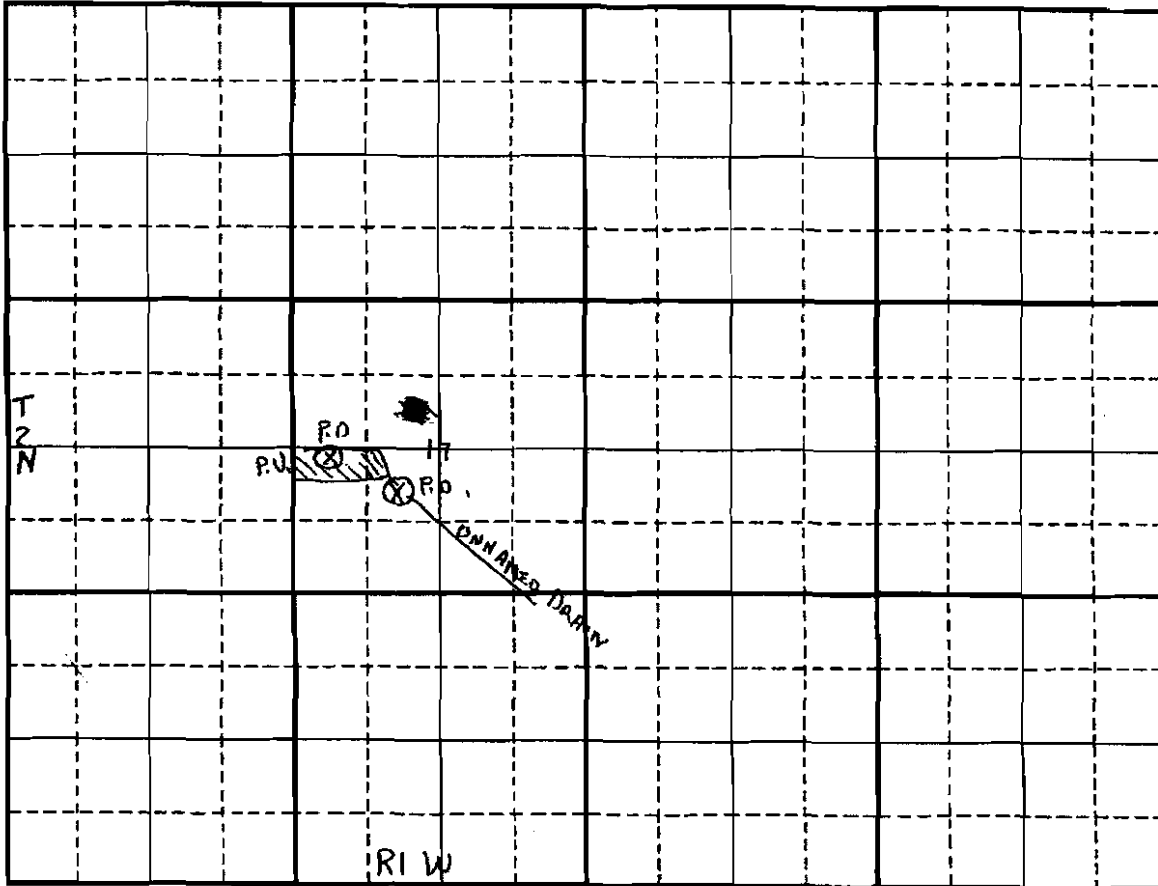
No. of acres 21

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(B) Remarks This flow ranges from 0 to 1.0 cfs. No more than 1" per acre is used
when available.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Sworn to before me this 22 day of June

19 79

Larry O. Henrickson
(Claimant)

Kathleen A. Walker
Notary Public
Residing at Boise

My commission expires life

FOR DEPARTMENT USE ONLY

Received by SSJ Date 6/22/79 Exception filed by:
Prelim. check by 625 Date 6/22/79
\$20.00 fee received by SSJ Date 6/22/79
Published in Idaho Free Press
Dates 2/5 - 7/12/79 - 7/19/79

Forwarded to
claimant by:

AK 8/6/79

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4664**

01/26/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~4664~~	Claim	02N	01W	17	NE	SW		IRRIGATION	6/21	MARCELLA F STEWART
9254	Claim	02N	01W	17	NE	SW		IRRIGATION	32/67	MARCELLA F STEWART
~~4664~~	Water Right	02N	01W	17	NE	SW		IRRIGATION	6/21	GARY D HENRICKSON
9254	Water Right	02N	01W	17	NE	SW		IRRIGATION	32/67	GARY D HENRICKSON
~~38705~~	Water Right	02N	01W	17	NE	SW		STOCKWATER		SHARON R PLAGER GARLICK
~~38705~~	Water Right	02N	01W	17	NE	SW		DOMESTIC		SHARON R PLAGER GARLICK
~~4664~~	Claim	02N	01W	17	NW	SW		IRRIGATION	15/21	MARCELLA F STEWART
9254	Claim	02N	01W	17	NW	SW		IRRIGATION	35/67	MARCELLA F STEWART
~~4664~~	Water Right	02N	01W	17	NW	SW		IRRIGATION	15/21	GARY D HENRICKSON
9254	Water Right	02N	01W	17	NW	SW		IRRIGATION	35/67	GARY D HENRICKSON
~~38725~~	Water Right	02N	01W	17	NW	SW		STOCKWATER		MARGARET JENKINS
~~18172~~	Water Right	02N	01W	17	NW	SW		DOMESTIC		ROBERT D RUNDLE
~~20018~~	Water Right	02N	01W	17	NW	SW		DOMESTIC		ROYCEE LONGSTROTH
~~38725~~	Water Right	02N	01W	17	NW	SW		DOMESTIC		MARGARET JENKINS

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of Canyon

Hattie M. Dye

being first duly sworn,

deposes and says: that I am a resident of the State of Idaho, a citizen of the United States and now of the age of eighty-eight (88) years;

That I, with my husband, Frank Dye, formerly owned real estate described as the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 2 North, Range 1, West of the Boise Meridian, Canyon County, Idaho; that our ownership of this land commenced in 1917 and we lived on the property until the death of Frank Dye in 1956, and that I now reside on a portion of this property;

That in 1918, we commenced to apply and appropriate the waste water and overflow irrigation water coming from the SE of the Dye property and that this waste water was applied on our farm from 1918 and has been continuously so applied up through 1978.

AJ5809NP
No. A63-04664

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 96

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY D HENRICKSON	06/01/1918	IRRIGATION	04-01 10-31	0.420 CFS	
C	JANET L HENRICKSON					
	3210 S HAPPY VALLEY RD					
	NAMPA ID 83686			TOTAL DIVERSION:	0.420 CFS	
	(208) 466-7434					

Water Source: WASTEWATER

Tributary to: GOLDEN GULCH

Stage: STATUTORY CLAIM

Point(s) of Diversion: T02N R01W S17 NENWSW

CANYON County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02N	01W 17	:		:		:		:		:		:		:		:		21.0
																	TOTAL ACRES	21.0

POU County: CANYON

Non-Irrigation Uses: NONE

Other Rights: SHARES IN BOISE KUNA IRR. DIST. AND A6309254

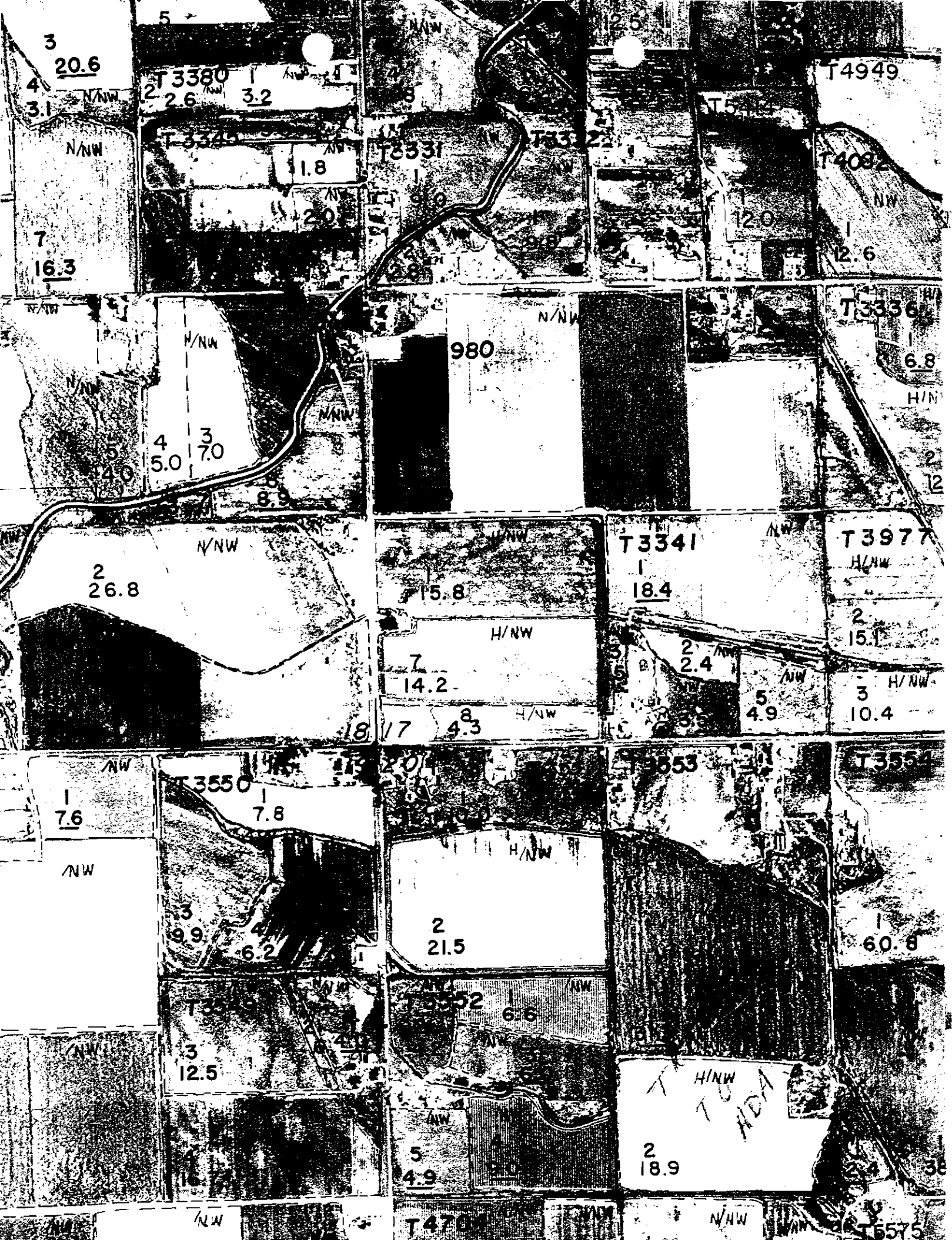
Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-16172 63-28725 A63-16172 A63-28725

Other Water Rights Listing Overlapping Place(s) of Use:
A63-09254

Dates: Exam Made Date: Verified Date: 01/17/1986 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 02/05/90 CARLSON 03/30/95 POST-STD



Water Right Number - A63-04664

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
HENRICKSON

GARY D

1 - 3210 S HAPPY VALLEY RD

2 -

3 -

City- NAMPA

State- ID Zip- 83686

Phone - 208-466-7434

HENRICKSON

JANET L

1 - 3210 S HAPPY VALLEY RD

2 -

3 -

City- NAMPA

State- ID Zip- 83686

Phone - 208-466-7434

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1918 14 WESTERN S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WASTEWATER GOLDEN GULCH+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

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

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.420+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.420 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 01W 17 NE SW 6.0 01 IRRIGATION (27) CANYON
02N 01W 17 NW SW 15.0 01 IRRIGATION (27) CANYON

Total Acres: 21.0

+ - - Diversion Means - PUMP FROM DRAIN INTO DISTRIBUTING DITCH SYSTEM

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - SHARES IN BOISE KUNA IRR. DIST. AND A6309254

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

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/29/95 09:29:26
Page 2

Water right number - A63-04664

Prefix Translation: ADJUDICATION CLAIM

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

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

+ - - Audit Fields - 02/05/90 CARLSON 03/30/95 POST-STD

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

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

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 01/17/1986 | Old Judicial District | - |
| Claim Received Date | - 02/05/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - M005714 | Federal/State Indicator | - S |
| Claims Tape Error Flg | - | POU Ownership Flag | - Y | Presumption Flag | - |
| Fee Exempt Flag | - | Name Connector | - AND/OR | Notice of Error Flag | - |



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 13, 2005

Marcella, Jim and Joe Stewart
5459 Deer Flat Rd.
Nampa, ID 83669

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Notice of Claim to a Water Right No. 63-4664, 63-9254

Dear Claimant(s):

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

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

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 information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure