

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 63-7156D
Date Received: 2/14/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARK A MC DONOUGH Phone: (208) 495-9801
PO BOX 74
MELBA ID USA 83641

2. Date of Priority: 10/07/1968

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	11	NE SE	CANYON	
02N	03W	11	NW SW	CANYON	

5. Description of diverting works:

2 WELLS, PUMPS, MAINLINES, SPRINKLER SYSTEMS

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 11/01	0.3	127

7. Total Quantity Appropriated is:

0.3 C.F.S. and/or 127 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03W	11	SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	39
			NE	SE	IRRIGATION	26
			SE	NE	IRRIGATION	2
					Section Acres	106
					Total Acres	106

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one (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.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This right does not grant any right-of-way or easement across the land of another.

After specific notification by the Department, the right holder shall measure the diversion 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.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right is limited to the irrigation of 29.5 acres within the place of use described above in a single irrigation season.

The total instantaneous diversion of water from all points of diversion under Rights 63-3597F and 63-7156D shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 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.

Rights 63-3597F, 63-3597H, 63-31535, 63-31799, 63-31800, 63-31801 and 63-31802 are also diverted through the points of diversion described above.

15. Basis of Claim: License

WATER RIGHT NO. 63-7156D
As Modified by Transfer No. 68832

In accordance with the approval of Transfer No. 68832, Water Right No. 63-7156D is now described as follows.

Right Holder: MARK A MC DONOUGH
 6638 57TH AVE NE
 SEATTLE WA 98115

Priority Date: October 07, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	0.30 CFS	127.0 AF
		0.30 CFS	127.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSW	Sec. 11 Twp 02N Rge 03W CANYON County
GROUND WATER	NESE	Sec. 11 Twp 02N Rge 03W 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	
02N 03W 11				2.0									26.0		39.0	39.0	106.0

Total Acres: 106

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. This right does not grant any right-of-way or easement across the land of another.
5. After specific notification by the Department, the right holder shall measure the diversion 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.

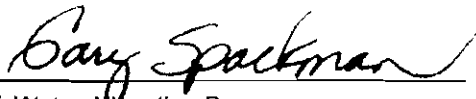
WATER RIGHT NO. 63-7156D
As Modified by Transfer No. 68832

CONDITIONS OF APPROVAL

6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. This right is limited to the irrigation of 29.5 acres within the place of use described above in a single irrigation season.
9. The total instantaneous diversion of water from all points of diversion under Rights 63-3597F and 63-7156D shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.
10. 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.
11. Rights 63-3597F, 63-3597H, 63-31535, 63-31799, 63-31800, 63-31801 and 63-31802 are also diverted through the points of diversion described above.

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

Dated this 23rd day of August, 20 04


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 68832**

This is to certify that: ESTATE OF REX S JENSEN
C/O E T EVANS CO-TRUSTEE
9990 ROAN MEADOWS DR
BOISE ID 83709
(208)362-9411

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>
63-3597F	AJC/License	04/13/1967	0.72 cfs	344.2 af	86.5	106.0	GROUND WATER
63-3597H	AJC/License	04/13/1967	0.65 cfs	310.6 af	78.0	78.0	GROUND WATER
63-7156D	AJC/License	10/07/1968	0.30 cfs	127.0 af	29.5	106.0	GROUND WATER
63-31535	AJC/License	10/07/1968	0.55 cfs	235.0 af	55.0	78.0	GROUND WATER
63-31799	AJC/License	10/07/1968	0.30 cfs	127.0 af	29.5	144.8	GROUND WATER
63-31800	AJC/License	10/07/1968	0.30 cfs	127.0 af	29.5	124.0	GROUND WATER
63-31801	AJC/License	04/13/1967	0.72 cfs	344.2 af	86.5	144.8	GROUND WATER
63-31802	AJC/License	04/13/1967	0.72 cfs	344.2 af	86.5	124.0	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>
63-3597F	NO	NO	YES	NO	NO	NO
63-3597H	NO	NO	YES	NO	NO	NO
63-7156D	NO	NO	YES	NO	NO	NO
63-31535	NO	NO	YES	NO	NO	NO
63-31799	NO	NO	YES	NO	NO	NO
63-31800	NO	NO	YES	NO	NO	NO
63-31801	NO	NO	YES	NO	NO	NO
63-31802	NO	NO	YES	NO	NO	NO

63-3597

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68832

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-3597F	63-3597F	0.72 cfs	344.2 af	86.5	106.0		N/A	N/A	N/A	N/A
63-3597H	63-3597H	0.65 cfs	310.6 af	78.0	78.0		N/A	N/A	N/A	N/A
63-7156D	63-7156D	0.30 cfs	127.0 af	29.5	106.0		N/A	N/A	N/A	N/A
63-31535	63-31535	0.55 cfs	235.0 af	55.0	78.0		N/A	N/A	N/A	N/A
63-31799	63-31799	0.30 cfs	127.0 af	29.5	144.8		N/A	N/A	N/A	N/A
63-31800	63-31800	0.30 cfs	127.0 af	29.5	124.0		N/A	N/A	N/A	N/A
63-31801	63-31801	0.72 cfs	344.2 af	86.5	144.8		N/A	N/A	N/A	N/A
63-31802	63-31802	0.72 cfs	344.2 af	86.5	124.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.26 cfs	2166.0 af	365.0	452.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of August, 20 04



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1

RECEIVED
NOV 29 2000
WATER RESOURCES
WESTERN REGION

Name of applicant Estate of Rex S. Jensen

Phone 208-362-9411

Post Office address 9990 Roan Meadows Drive, Boise, Idaho, 83709

A. Purpose of Transfer

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe the reason for the proposed changes To reconfigure the place of use and quantity of water appurtenant to lands as described in a legal agreement dated July 1, 1988 (Attachment B), and deed (Attachment C).

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>63-03597D</u>	<u>4-13-1967</u>	<u>2.80</u>	<u>Irrigation</u>	<u>3-15 to 11-15</u>
<u>63-07156B</u>	<u>10-7-1968</u>	<u>1.46</u>	<u>Irrigation</u>	<u>4-1 to 11-1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4.26 cubic feet per second and/or 2166 acre-feet per annum.
3. Source of water Groundwater tributary to N/A
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 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	3W	11				2	3	23	40	26	40	40	39	39	26	40	39	39	396
2N	3W	10				34.8									19			3	56.8

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Total 452.8

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FEB 6 2001

WATER RESOURCES
WESTERN REGION

PART 1

Transfer No. _____

Page 2 of 8

6. General Information:

- a. Description of diversion system The system consists of two wells, vertical turbine line shaft pumps and a fully interconnected main line distribution system.
- 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.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer. The quantity of water allocated to each acre, presently irrigated, will be increased slightly.
- d. Remarks: Attachment D

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 _____, 20 _____.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - License No. 63-03597D issued by the Idaho Department of Water Resources.
 - Claim No. _____ on file with the Idaho Department of Water Resources.
 - Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to N/A

4. Date of priority 4-13-1967

5. Water is used for the following purpose:

Amount 2.8 / 1512 for Irrigation purposes from 3-15 to 11-15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 2.80 cubic feet per second and/or 1512 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

8. 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	
2N	3W	11							36	26	40	40	39	39		40	39	38	337.3

Total acres 337.3

9. Describe any other water rights used for the same purpose as described above 63-07156B

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NOV 18 2003

PART 2

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Points 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. Points 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 _____

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NOV 18 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-07156B issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to N/A4. Date of priority 10-7-1968

5. Water is used for the following purpose:

Amount 1.46 / 653.9 for Irrigation purposes from 4-1 to 11-1

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 1.46 cubic feet per second and/or 653.9 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

8. Land irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	3W	11													26	40	40	39	145.3

Total acres 145.39. Describe any other water rights used for the same purpose as described above 63-03597B

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NOV 18 2003

PART 2

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Points 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. Points of Diversion:

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

3. Lands irrigated or place of use:

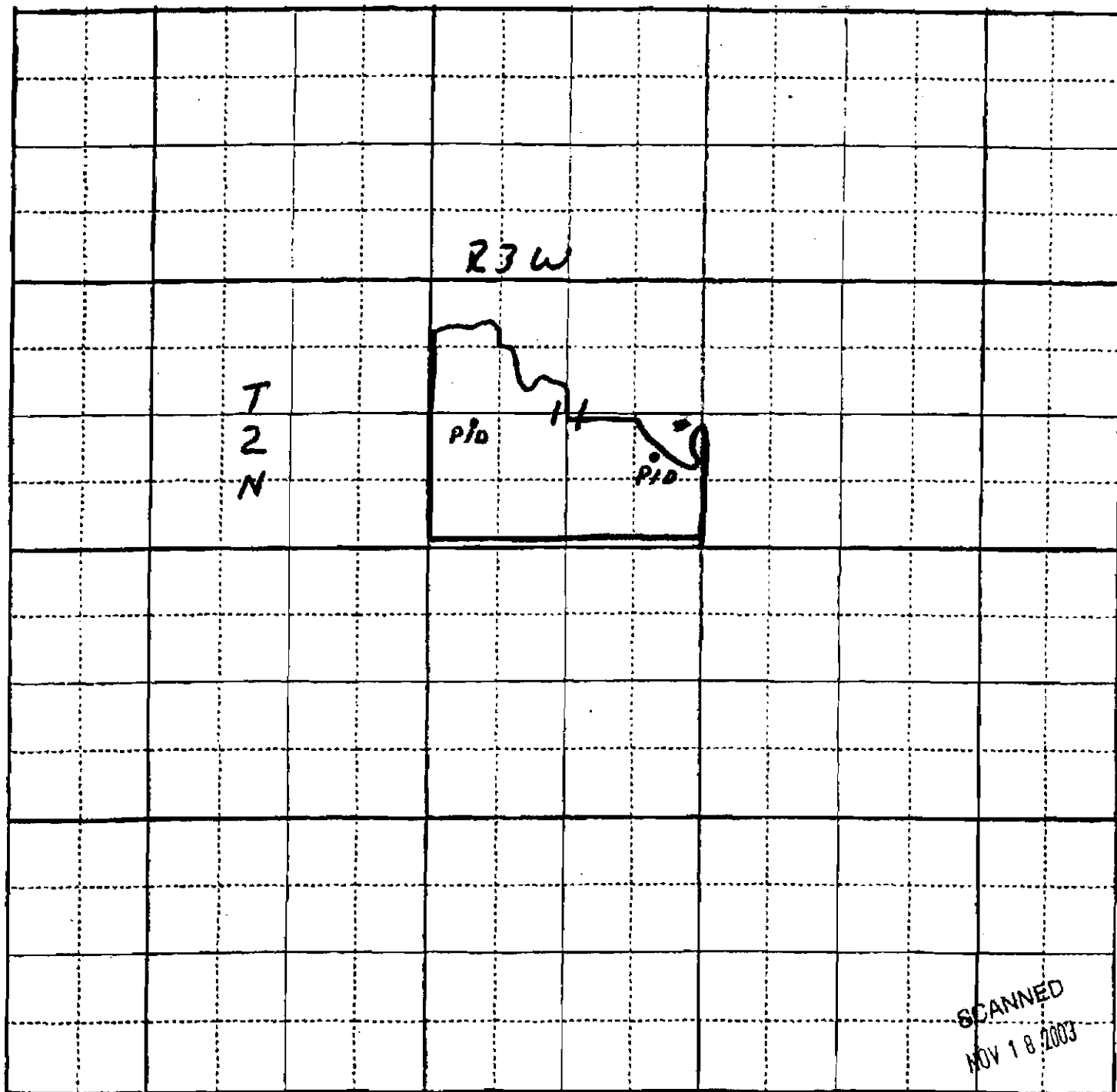
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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NOV 18 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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PART 3

B. CHANGES IN NATURE OF USE N/A

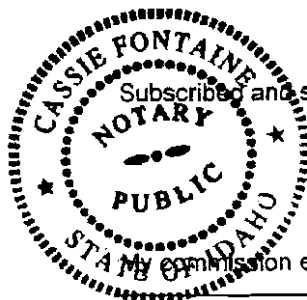
1. New Nature of Use _____ Amount (cfs/ac-ft) _____ Hours/days/year _____ Period of Use _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

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.

Edward T. Evans and Robert L. Bibb, Co-Personal Representatives
of the Estate of Rex S. Jensen

(Signature of Applicant)

Subscribed and sworn before me this 7th day of November, 2000



Cassie Fontaine

(Notary Public)

My commission expires 2/2/2001

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 45 attachments

Received by Lm Date 11-29-00 Protest filed by _____

Prelim. check by SL Fee 410.00

Received by Lm Date 11-29-00 W027179

Published in Press Tribune Copies of protest forwarded by _____

Pub. Dates 2-1 + 8-01 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
 _____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

SCANNED
 NOV 18 2003

November 19, 2003

Mr. Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Transfer 68832

Dear Mr. Nelson

My notarized signature below represents my signature for the transfer in the name of
Estate of Rex Jensen (#68832).

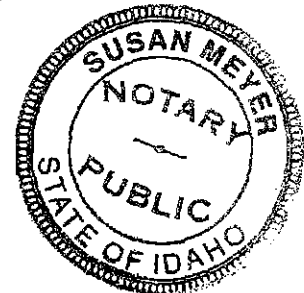
Mark McDonough	<u>Mark McDonough</u>	Date	<u>November 21, 03</u>
Catherine Parker	_____	Date	_____
Rex Evans	_____	Date	_____
Maryon Evans	_____	Date	_____
Jason Chan	_____	Date	_____
Jesse Chan	_____	Date	_____
Vanessa Chan	_____	Date	_____
Justin Smith	_____	Date	_____
George Harrison	_____	Date	_____

Subscribed and sworn before me this 21 day of Nov 2003

Mark McDonough

Susan Meyer
Notary Public
Residing at Idaho

My commission expires 9-22-09



November 19, 2003

Mr. Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Transfer 68832

Dear Mr. Nelson

My notarized signature below represents my signature for the transfer in the name of
Estate of Rex Jensen (#68832).

Mark McDonough	<u>[Signature]</u>	Date	_____
Catherine Parker	<u>[Signature]</u>	Date	<u>12/29/03</u>
Rex Evans	<u>[Signature]</u>	Date	<u>12/29/03</u>
Maryon Evans	<u>[Signature]</u>	Date	<u>12/29/03</u>
Jason Chan	<u>[Signature]</u>	Date	<u>12-29-03</u>
Jesse Chan	<u>[Signature]</u>	Date	<u>12-29-03</u>
Vanessa Chan	<u>[Signature]</u>	Date	<u>12-29-03</u>
Justin Smith	_____	Date	_____
George Harrison	_____	Date	_____

Subscribed and sworn before me this 29th day of Dec 2003.

Lori Graves

Notary Public
Residing at BOISE, Idaho

My commission expires 6/18/04



RECEIVED

JAN 05 2004

WATER RESOURCES
WESTERN REGION

November 19, 2003

Mr. Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Transfer 68832

Dear Mr. Nelson

My notarized signature below represents my signature for the transfer in the name of
Estate of Rex Jensen (#68832).

Mark McDonough	_____	Date	_____
Catherine Parker	_____	Date	_____
Rex Evans	_____	Date	_____
Maryon Evans	_____	Date	_____
Jason Chan	_____	Date	_____
Jesse Chan	_____	Date	_____
Vanessa Chan	_____	Date	_____
Justin Smith	<u>Justin Smith</u>	Date	<u>1/2/04</u>
George Harrison	<u>[Signature]</u>	Date	<u>1/2/04</u>

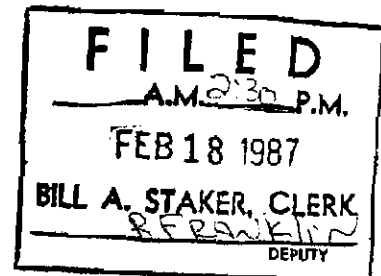
Subscribed and sworn before me on January 2, 2004 day of January 2004.

[Signature]

Notary Public
Residing at Nampa Idaho

My commission expires 11-13-06

John McGown, Jr.
HAWLEY TROXELL ENNIS & HAWLEY
P. O. Box 1617
Boise, Idaho 83701
Telephone: (208) 344-6000



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

IN THE MATTER OF THE ESTATE OF)
REX S. JENSEN,)
Deceased.)

Probate Case No. 1P-4984
LETTERS TESTAMENTARY

The will of the decedent Rex S. Jensen, dated August 30, 1984 and the decedent's First Codicil to Last Will and Testament dated April 3, 1986, having been admitted to informal probate in the above-named Court, the persons named as co-personal representatives therein, Robert L. Bilow and Edward T. Evans, are hereby appointed co-personal representatives to administer the estate of Rex S. Jensen, deceased under the will.

WITNESS: STEPHEN W. DRESCHER, Magistrate of
the District Court, County of Canyon, State of Idaho, with the
seal of the Court affixed the 18 day of FEB, 1987.

STEPHEN W. DRESCHER
Magistrate

LETTERS TESTAMENTARY - 1

SCANNED
NOV 18 2003

T. 68832
Attorney A

STATE OF IDAHO)
) ss.
County of Ada)

We, Robert L. Bilow and Edward T. Evans, hereby accept the duties of co-personal representatives of the estate of Rex S. Jensen, deceased, and do solemnly swear that we will perform, according to law, the duties of co-personal representatives of said estate.

Robert L. Bilow
Robert L. Bilow

Edward T. Evans
Edward T. Evans

STATE OF IDAHO)
) ss.
County of Ada)

SUBSCRIBED AND SWORN before me this 18th day of
February, 1987.

Rosemary L. Wimberly
Notary Public for Idaho
Residing at Meridian, Idaho
My commission expires on 4/1, 1987

State of Idaho }
County of Canyon } ss.

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

FEB 18, 1987

Bill A. Dismore, Clerk of the District Court and Ex-Officio Recorder

By B. Frank
Deputy

SCANNED
NOV 18 2003

In the Matter of the Estate of
REX S. JENSEN, Deceased

Case No. 1P-4984

CERTIFICATE

I, BILL A. STAKER, Clerk of the District Court of the
THIRD JUDICIAL DISTRICT of the State of Idaho, in and for the
County of Canyon, do hereby certify that the attached LAST WILL
AND TESTAMENT and the FIRST CODICIL TO LAST WILL AND TESTAMENT
dated April 3, 1986, are true and correct copies of the original
probated will and codicil on file in this office and that the
decedent was domiciled in this State and that said will and
codicil were admitted to probate in informal proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal this 18TH day of FEBRUARY, 1987.

BILL A. STAKER,
Clerk of the District Court

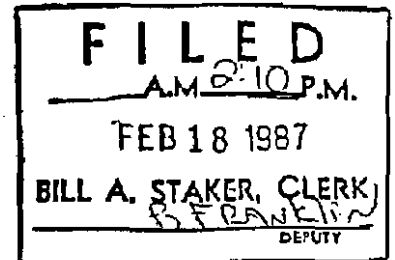
By B. Frankel
Deputy

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NOV 18 2003

LAST WILL AND TESTAMENT

OF

REX S. JENSEN



I, REX S. JENSEN, a resident of Canyon County, State of Idaho, declare this to be my Last Will and Testament and revoke all prior wills and codicils made by me.

ARTICLE I

FAMILY INFORMATION

My wife is Roxy C. Jensen and all references in this Will to my wife are to her. My children living at the execution of this Will are:

<u>Name</u>	<u>Date of Birth</u>
Marion L. James	December 14, 1916
Roxy Elizabeth McDonough	December 22, 1918
Chrystal J. Evans	January 25, 1927

ARTICLE II

COMMUNITY AND SEPARATE PROPERTY

I confirm to my wife her one-half (1/2) interest in our community property. It is my intent by this Will to dispose of my separate property and my one-half (1/2) interest in our community property. Nevertheless, if my spouse survives me, I



Rex S. Jensen

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NOV 18 2003

request that our community property be divided such that the real property comprising 300 acres more or less in Canyon County, Idaho, otherwise known as the Lakeview property, is allocated to my share of our property and other "offsetting" assets of equal value be allocated to my wife's share of our property.

ARTICLE III

TANGIBLE PERSONAL PROPERTY

A. Certain Dispositions by Memorandum. I give certain items of tangible personal property (excluding money, evidences of indebtedness, documents of title, securities, and property used in a trade or business), including insurance policies and claims under such policies, in accordance with a memorandum signed by me or in my handwriting, which I intend to leave at my death.

B. Other Personal Property. I give all my jewelry, clothing, household furniture and furnishings, personal automobiles, and other tangible articles of a personal nature, or my interest in any such property, not otherwise specifically disposed of by this Will or in any other manner, together with any insurance on the property, to my wife if she survives me for ninety (90) days, and if she does not, to my children who survive me for that period in equal shares as they shall agree, or as my


Rex S. Jensen

Personal Representative shall in my Personal Representative's discretion determine if my children do not agree. It should be noted that we do not own our principal residence, it having been previously transferred.

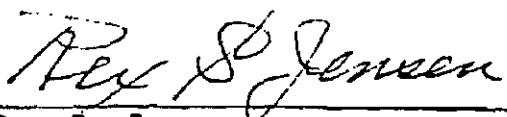
ARTICLE IV

RESIDUARY ESTATE

A. Defined. All of the residue of my estate, both real and personal, of every nature and wherever situated and whenever acquired shall constitute my residuary estate.

B. Gift of Residuary. If my wife survives me by ninety (90) days, then I give my residuary estate to my testamentary Trustee, in trust, on the following terms:

1. So long as my wife survives me, the net income of the trust shall be paid to or applied for the maintenance, education, or support of my wife or of any or all of my children at such times and in such proportions as my Trustee shall determine in his or her absolute discretion. Any accumulated income shall become part of principal. In the event the income shall be insufficient to provide my wife with adequate maintenance or support, the Trustee may invade principal for this purpose. Nevertheless, it is my non-binding


Rex S. Jensen

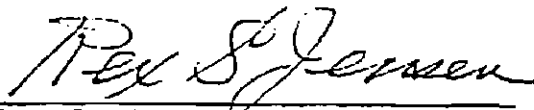
preference that such income or principal be paid or applied for my wife's benefit only in the event her other sources of maintenance or support are inadequate.

2. Upon the death of my wife, the then remaining principal shall be distributed to my then living issue, by right of representation.

3. If any portion of the principal of the trust shall be payable to a beneficiary who is then less than twenty-one (21) years of age, such portion shall immediately vest in such beneficiary, but distribution thereof shall be postponed by the Trustee until such beneficiary attains the age of twenty-one (21) years, and in the meantime the Trustee shall pay such part of the income on such portion, and the principal of such portion, as the Trustee shall deem necessary or proper to provide for such beneficiary's suitable support, education and maintenance, adding any unused income to the principal at the end of each year.

4. Should there be no living beneficiary of this trust, the principal shall go to the person or persons named in Article IV C. of this Will.

5. Prior to actual receipt, no beneficiary of this trust shall have any right to alienate, encumber,


Rex S. Jensen

or hypothecate his or her interest in the principal or income of the trust in any manner, nor shall such interest of any beneficiary be subject to claims of his or her creditors or liable to attachment, execution or other process of law.

C. First Alternate Gift of Residuary. Should the prior provisions of this Will not dispose of all of my property, I give such property to my issue, by right of representation, but subject to Articles IV B.3. and IV B.5. above.

ARTICLE V

FIDUCIARIES

A. Personal Representative. I appoint Robert L. Bilow and Edward T. Evans as Co-Personal Representatives of this my Last Will and Testament. In the event either is unable or unwilling to serve at any time, I appoint the other as such Personal Representative, or if he is unable or unwilling to serve, I appoint the Trust Department of First Interstate Bank of Idaho, N.A., Boise, Idaho, as my Personal Representative.

B. No Bond. My Personal Representative shall not be required to give any bond for the faithful performance of its duties, and if any bond is required by statute, rule or order of court, then no surety shall be required.

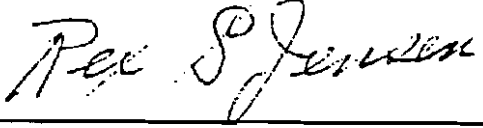

Rex S. Jensen

C. Powers and Duties of Successors. Any successor Personal Representative shall have all of the rights, powers, duties and discretions as my Personal Representative.

D. Unsupervised Estate Administration. My estate shall not be subject to supervised administration unless my Personal Representative petitions therefor, or unless changed circumstances I could not have anticipated would require supervised administration.

E. Trustee. I appoint Robert L. Bilow and Edward T. Evans as the Co-Trustees of the trust created under this Will. In the event one is unable or unwilling to serve, I appoint the other as Trustee.

F. Powers of Trustee. I give to my Trustee and Successor Trustee certain powers in addition to common law and statutory powers. These powers are to be broadly construed. Specifically, I grant the power to do any and every act and thing and to enter into and carry out any and every agreement with respect to the trust property which he or she could do if he or she were the absolute owner thereof. I further grant my Trustee the power to appoint a successor Trustee, if such appointment is in writing executed by the Trustee and acknowledged by him or her before a Notary Public.



Rex S. Jensen

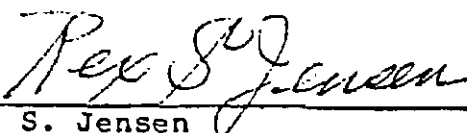
ARTICLE VI

TAXES

A. Death Taxes. All expenses of administering my estate and all federal estate taxes payable by reason of my death, including the federal estate tax with respect to property not passing under this Will, shall be paid, without right of contribution from any person, by my Personal Representative out of my residuary estate.

On behalf of each devisee, I authorize my Personal Representative to pay transfer and inheritance taxes payable by reason of the devises to that devisee; and the amount paid on behalf of each devisee shall be deemed and treated as a charge against the distributive interest of that devisee.

B. Tax Elections. My Personal Representative may make any tax election available to it, may execute or file or join with others in executing or filing any tax returns, and may take any action with respect to taxation which it deems advisable, and shall have no duty to make any adjustment in the interest of any beneficiary hereunder by reason of the exercise of such election or the taking of such action.


Rex S. Jensen

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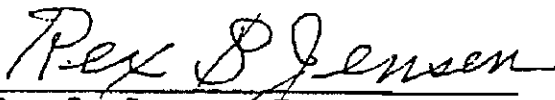
ARTICLE VII

RULES AND DEFINITIONS

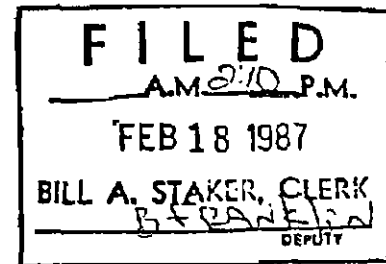
A. Adopted Children. A child adopted by any person and the issue by blood or adoption of such child shall for purposes of this Will be considered the issue of such person and of such person's ancestors, if the adoption is by legal proceeding before the child attains age eighteen (18).

B. Gender, Singular and Plural. Words in this Will in one gender shall be deemed to include other genders, and the singular shall be deemed to include the plural, and the plural the singular.

I, REX S. JENSEN, the Testator, sign my name to this instrument this 30th day of August, 1984, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument, consisting of nine (9) pages, including the following page, as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.


Rex S. Jensen, Testator

FIRST CODICIL TO
LAST WILL AND TESTAMENT
OF
REX S. JENSEN



I, REX S. JENSEN, a resident of Canyon County, State of Idaho, hereby make, publish and declare this to be the first codicil to my last will and testament, which was executed by me on August 30, 1984.

ARTICLE 1:

In Article II the last sentence is deleted and the following is substituted therefor:

"Nevertheless, if my spouse survives me, and if my Co-Personal Representatives in their sole discretion find that it is in the best interest of my estate, then I request that my Co-Personal Representatives divide our community property such that the real property comprising 300 acres more or less in Canyon County, Idaho, otherwise know as the Lakeview property, be allocated to my share of our community property and other "offsetting" assets of equal value be allocated to my wife's share of our community property."

ARTICLE 2:

Except as herein expressly amended, I hereby republish, ratify and confirm without change my last will and testament dated August 30, 1984.

I, Rex S. Jensen, the testator, sign my name to this instrument this 2nd day of April, 1986, and being first duly sworn, do hereby declare to the undersigned authority that I

At the request of the Testator, and in the presence of each other, we, Wanda A. Brandt and Mathilda Richardson the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his Last Will and that he signs it willingly and that each of us, in the presence and hearing of the Testator, hereby signs this Will as the witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Wanda A. Brandt

Witness

Residing at Boise, Idaho

Mathilda Richardson

Witness

Residing at Fessenden, N. Dak.
58438.

STATE OF IDAHO)

County of Ada)

) ss.

Subscribed, sworn to, and acknowledged before me by
REX S. JENSEN, the Testator and subscribed and sworn to before me
by Wanda A. Brandt and Mathilda Richardson, the
witnesses, this 30th day of August, 1984.

John M. Gown Jr.

Notary Public for Idaho

Residing at Boise

sign and execute this instrument as the first codicil to my last will and testament dated August 30, 1984, and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Rex S. Jensen
Rex S. Jensen

We, Belle Waitley and Gladya Boyce the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as the first codicil to his last will and testament dated August 30, 1984, and that he signs it willingly, and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of the knowledge of each witness the testator is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Belle Waitley
Witness

Residing at: Melba
Id.

Gladya Boyce
Witness

Residing at: Melba
Id.

STATE OF IDAHO)

County of Canyon) ss.

Subscribed, sworn to and acknowledged before me by Rex S. Jensen, the testator, and subscribed and sworn to before me by Belle Waitley and Gladya Boyce, witnesses, this 3rd day of April, 1986.

Sharon Perry
Notary Public for Idaho
Residing at Melba, Idaho
My commission expires: 11-12-86

SCANNED

NOV 18 2003

----- AGREEMENT AS OF JULY 1, 1988 ON DIVISION OF REAL PROPERTY -----

WATER:

There are two wells on the lakeview property at this time. These wells were drilled and developed under previous agreements between Bryce Millar and Rex S. Jensen. The licenses for these wells (63-7156 and 33559/63-3597) are issued to Bryce Millar and, under the original contract, will revert to Rex S. Jensen at such time as Bryce no longer leases the land. These two licenses, as issued, provide for the following amounts and locations:

total licenses; 2.81 cfs and 7.53 cfs = 10.34 cfs total,
total acreage under licenses; 280 + 908 = 1188 acres total as follows,
sec 10 = 414 acres, sec 11 = 498 acres, sec 14 = 120 acres, and
sec 15 = 156 acres, with priority dates of 4/13/67 and 10/7/68.

Subsequently, under a deed dated 10/19/80, 60 inches (1.2 cfs) was assigned specifically to the South 1/2 of the South West 1/4 of Section 11 from the wells in section 11, together with an easement as necessary to transport said water for use on these premises. (Trade for 80 acres and water in sections 13 and 14).

To the best of our knowledge today these two wells are currently capable of producing 3.25 cfs in the spring and taper off to 2.8 cfs by July. Subtracting the 1.2 cfs previously deeded this would leave from 2 cfs (100 inches) down to 1.6 cfs (80 inches) available for the approximately 350 acres under consideration.

We are trying to divide the property into three equal value pieces, as per the appraisal by Idaho Land and Appraisal Service and our own discussions, without unnecessarily complicating management of the parcels. We recognize that this land is subject to a lease to Bryce Millar. We have agreed that:

said lease to Bryce Millar which expires 12/31/2004 will continue as per contract as though there had been no change in ownership,

if for any reason this lease is terminated and the water licenses revert to the heirs of Rex S. Jensen the available water should be equally divided amongst the three of us (or our heirs) with 1/3 of the available water going to each of the daughter's parcels of land,

that this be specified in the deeds we each receive for our parcels of land, and that each parcel be granted the necessary easements to make this water available to our parcels as part of the original distribution.

ROADWAYS AND ACCESS

Parcel #2, as shown on the maps prepared by the appraiser, does not have access to the main road. This parcel will need an easement from the main road to gain access.

BILLING, TAXES, AND MANAGEMENT

It was agreed that each parcel should have an equal say - one vote per parcel - in future decisions. To simplify this each owner, or their successors, must designate one "voting representative" for their parcel with the authority to speak for the parcel. We have agreed that it will be necessary for these "voting representatives" to elect a "management representative" for the collection of rental fees, paying the property taxes, and distributing to each of the other parcels their fair share of the proceeds. It was agreed that this job should be recompensed at the rate of 2% of the rental collected for the present and would be renegotiated in the event the duties increased in the future. The point was made that this job would require working with and cooperating with Bryce to avoid cancellation of the contract.

SCANNED
NOV 18 2003

T. 68832

Attachment B

WELL, PUMP, OR WATER SYSTEM REPAIRS AND MAINTENANCE OR REPLACEMENT

Under the existing lease, repairs and maintenance are the responsibility of the lessee. In the event this lease is terminated, all repairs, maintenance, or replacement costs to the water system become the responsibility of the owners and costs must be equally shared by the owners of the three parcels because all the water is provided by this one system. In the event of a problem this shall be handled as follows (it is assumed there will be someone renting, farming or providing some supervision on at least one of the parcels):

- 1) When the "management representative" is notified of a problem he shall immediately attempt to define the seriousness of the problem, possible solutions, and probable costs,
- 2) The "management representative" must immediately attempt to communicate this information to the "voting representatives", request their suggestions and determine if, when, and how the problem is to be solved. If any of the "voting representatives" cannot be contacted it will be assumed they would desire to have the system put back into operation.
- 3) If a unanimous decision is reached that the probable costs of solving the problem exceed the benefits this should be agreed upon in writing and the system will be allowed to continue in whatever condition exists,
- 4) If any one or more of the "voting representatives" feel that the benefit of having water outweigh the cost of solving the problem they may direct the "management representative" to proceed in a reasonable manner to get the problem solved, and costs will be billed to the three parcels equally. There is not sufficient water at best to meet the maximum allocation of 1 inch per acre for any of the parcels, so in the event any one or more of the "voting representatives" of these parcels does not promptly (within one week) pay their share upon notification or billing (by registered mail return receipt requested) the water representing their share as above shall be forfeit and shall be divided equally between the owners who do pay their share plus their share of the costs assigned to the forfeiting parcel.

DISCUSSION OF CONSERVATION RESERVE

We have discussed the advisability of putting whatever land is possible in the conservation reserve and have agreed that this is a good idea under present conditions. Bryce Millar will be instructed to pursue this, and, if an agreement satisfactory to him can be negotiated, we agree to place this land in the conservation reserve under the present contract with Bryce.

ALLOCATION OF PARCELS

Using the map and appraisal sheet as prepared by Idaho Land and Appraisal Service as a base we discussed the relative values of the parcels and how they should be allocated. In a free blind ballot, with each daughter indicating her choice of parcels in order from 1-first choice, to 3-last choice, the following selections were made (parcel numbers from appraisal):

Parcel number	CJE choice	MLJ choice	REMcD choice
1	2	1	3
2	3	2	1
3	1	3	2

As each parcel received equal ranking from the three future owners (each parcel receiving one first choice, one second choice, and one third choice) it is apparent that the division made by the appraisers was a good one. Each of the three daughters is to be deeded her first choice parcel with the allocations of water, expenses, and income as discussed above.

SCANNED
NOV 18 2003

B2

FUTURE SALE OF PARCELS

We have agreed, and so direct our successors, because of the shortage of water for these parcels that in the event any parcel individually is offered for sale the following terms will apply:

- 1) sale of any parcel will be priced in two ways - the land without water and the land with the share of water and responsibilities belonging to said parcel,
- 2) the difference between these two prices shall be considered as the value of the share of water described above,
- 3) the "voting representatives" of the other parcels shall have the right of first refusal of this share of the water (or their proportionate share thereof if more than one parcel wishes to buy additional water) and the responsibilities attached to this water at the value determined above. The "voting representatives" will be bound by the same conditions as described above - the "voting representatives" of these parcels must promptly (within one week) upon notification (by registered mail return receipt requested) indicate their desire to purchase this right or the right shall be forfeit and shall be divided equally between the owners who do indicate their desire to exercise this right - in order that the sale may proceed in a timely manner.

DISCUSSION OF TIMING OF ESTATE DISTRIBUTION

We, the heirs of Rex S. Jensen, discussed the timing of the distribution of the corpus of the estate and the effect such timing would have for us. We agreed that, as our present intention is to re-invest the capital we receive as soon as possible after receipt, there was no reason to try to "outguess" the market in converting the present assets to cash as per our previous agreement. We will request the trustees of the estate to proceed as promptly as prudent, after the above mentioned deeds are prepared, to convert the remainder of the estate to cash and begin the distribution of the assets to the three of us. We suggest that they continue to hold some assets in the trust until such time as they are reasonably certain all bills and liabilities have been satisfied and distribute these assets when the trust is closed.

AGREEMENT

We agree that this is a true statement of our intentions and the agreement we have reached, and that we have served as witnesses for the signatures of our sisters.

Date 7/2/88

Date 7/2/88

Date 7/2/88

Marion L. James

Roxie Elizabeth McLaughlin

Christine J. Evans

SCANNED
NOV 18 2003

B3

INSTRUMENT NO 905823

WARRANTY DEED

THIS INDENTURE, Made this 19 day of October, 1980, between REX S. JENSEN and ROXY C. JENSEN, husband and wife, of Melba, Idaho, the "Grantor," and CATHERINE E. CAVAIANI, REX E. EVANS and MARYON E. EVANS, whose present address is 9990 Roan Meadows Drive, Boise, Idaho, 83705, the "Grantee";

*New Parker
per S.C.*

WITNESSETH, That the Grantor for and in consideration of an exchange of property, has granted, exchanged, bargained and sold, and by these presents does grant, exchange, bargain, sell, convey and confirm unto the Grantee, the following described property, situated in Canyon County, State of Idaho, to wit:

In Township 2 North, Range 3 West of the Boise Meridian:

Section 11: The South Half of the Southwest Quarter.

TOGETHER with a water right of sixty (60) inches, to be made available from any of Grantor's wells (at Grantor's choice) located on land presently owned by Grantor in Section 11, Township 2 North, Range 3 West of the Boise Meridian, and also, TOGETHER with an easement as necessary to transport said water for use on the premises described above, through existing pipelines or otherwise.

EXCEPTING rights-of-way for roads and power lines and EXCEPT all minerals in or under said land, including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto, whether express or implied.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD said premises unto the Grantee and their heirs, executors, administrators, personal representatives and assigns forever. The Grantor covenants that the Grantee shall enjoy the quiet and peaceful possession of said premises; that the Grantor is lawfully seized of said premises in fee simple; and the Grantor warrants that the title to said premises is merchantable and free from all liens and encumbrances, excepting those to which this conveyance is expressly made subject, and those made, suffered or done by the Grantee.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals the day and year first above written.

Rex S. Jensen
Rex S. Jensen

Roxy C. Jensen
Roxy C. Jensen

SCANNED
NOV 18 2003

T. 88832

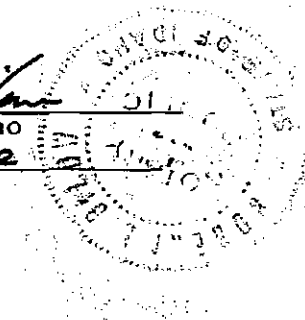
Attachment C

STATE OF IDAHO)
County of Ada)
SS.

On this 19 day of October, 1980, before me, a Notary Public in and for said State, personally appeared REX S. JENSEN and ROXY C. JENSEN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Robert L. Kilian
Notary Public for Idaho
Residing at Boise
Idaho



905823

FILED

Nov 10 11 00 AM '80

BILL A. STAKER
JUNIOR CITY RECORDER

C. Lint dep

RECORDED

AT THE REQUEST OF

Stanley, Thaddeus, Emmie & H

Deed
FEB 4 00

Jensen, Rex S
GRANTED

Cavariani, Catherine E
GRANTED

Deed
Receivment
Box 1667
Boise, Id 83701

SCANNED
NOV 18 2003

C2

Attachment D

Part 1.d. Remarks

The members of the estate of Rex S. Jensen negotiated a settlement with regard to Mr. Jensen's property in Section 11, Township 2 North, Range 3 West, which is set forth in an agreement dated July 1, 1988 (Attachment B). Within that agreement the estate recognized that two water rights, 63-7156 and 63-3597, were appurtenant to Section 11, as well as other property. The agreement ultimately resulted in two water rights being appurtenant to Section 11, 63-3597D and 63-7156B. The total quantity of water under those water rights is 4.26 cfs. Water right 63-7156B has a later priority date but is not a supplemental right in the normal sense of the word. Because the quantity of water appurtenant to the total irrigated lands in Section 11 is much less than one (1) miners inch per acre, both water rights have been used as primary water rights for irrigation of the property. There are no surface water rights for this land.

Because of the agreement and a deed dated October 19, 1980, 1.2 cfs (60 miners inches) was assigned specifically to the south half of the SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 3 West. The balance of the water under the two water rights discussed above was to be distributed equally across the properties within Section 11, held by members of the Rex S. Jensen estate. Unfortunately, the water rights records were not modified to recognize the agreement of July 1, 1988 and the deed. This transfer seeks to accomplish the intent of those documents.

Since modification of water rights and redistribution of water becomes incredibly complex when water is disproportionately assigned to acreage, the applicant requests that the Department approve this Application for Transfer, which distributes the water equally across the unique 365 acres held by the estate of Rex S. Jensen. The applicant further requests that the Department of Water Resources include a condition in the approved Application for Transfer that clearly assigns 1.2 cfs of water under these rights to the south half of the SW $\frac{1}{4}$, Section 11, Township 2 North, Range 3 West. It is the applicant's belief that after consultation with representatives of the Department of Water Resources that this is the easiest and most concise method of recognizing the agreement entered into by the heirs of Mr. Jensen without unnecessarily complicating the water right records of the Department. The applicant has provided a draft condition for insertion into the approved Application for Transfer at the end of this narrative as a convenience for the Department. If this approach is considered inappropriate after review, the applicant requests that they be given an opportunity to modify the transfer application to meet the intent and letter of the agreement and the subsequent deed prior to action of the Department.

Draft Condition

The water rights described in this approved transfer are distributed as follows: **SCANNED**

The lands within the south half of the SW $\frac{1}{4}$, Section 11, Township 2 North, Range 3 West, are assigned 1.2 cfs for irrigation of 78 acres. The balance of the water (3.06 cfs) is distributed evenly over the remaining 287 acres described within the Application for Transfer. **NOV 18 2003**

Trans 68832
Attachment D

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

RECEIVED

FEB 06 2001

WATER RESOURCES
WESTERN REGION

February 5, 2001

Steve Lester
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

RE: ERO Project 1473; Estate of Rex S. Jensen

Dear Steve:

I am in receipt of your letter dated January 23, 2001 regarding the transfer application no. 68832 in the name of the Estate of Rex S. Jensen. I have enclosed the completed page 2 of the transfer application and apologize for my oversight.

Your second question related to the beneficial use of water on the property for the past five years. All of this property has been in the conservation reserve program (CRP) from about 1990 to 2000. It was irrigated up to the point that it was put into the CRP and came out last year. I have acquired documentation of its inclusion in the CRP program and have attached copies. I hope this information is sufficient but if not please let me know.

Again, thank you for your help on this complicated transfer.

Sincerely yours,

A handwritten signature in cursive script that reads "Sherl L. Chapman".

Sherl L. Chapman

SLC:sw

Encl.

SCANNED
NOV 18 2003

Transfer 68832
Attachment E

Consultants in
Natural Resources
and the Environment

CRP-1
(02-21-86)U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit CorporationT. & CO. CODE &
ID

2. CONTRACT NO.

7B

3. FARM NO.

4103

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 5109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS

OWNER
Rex E Evans
9990 Roan Meadow Rd
Boise, Id 83709

SHARE

SSN

354-40-0745

SIGNATURE

DATE

8/14/93

OWNER NAME AND ADDRESS

Marian L James
798C Hwy 45
Melba, Id 83641

SHARE

SSN

568 10 6534

SIGNATURE

DATE

8/16/93

OWNER NAME AND ADDRESS

Roxy E McDonough
6638 57th Ave N
Seattle, Wn 98115

SHARE

SSN

571 24 0113

SIGNATURE

DATE

8/19/93

OWNER NAME AND ADDRESS

Maryon E Evans
9990 Roan Meadows
Boise, Id 83706

SHARE

SSN

345-40-9342

SIGNATURE

DATE

8/14/93

ACRES FOR CRP

6. RENTAL RATE PER ACRE

7. CONTRACT PERIOD

FROM

TO

371.5

\$

50.00

FY 1989

9-30-98

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
8	9	10	11	12	13	14	15	16	17
631	1	CP-1	90.9						
1631	2	CP-1	78.9						
1131	3	CP-1	79.4						
1031	4	CP-1	122.3						

SCANNED
NOV 18 2003

1. ANNUAL PAYMENT

18,575.

19. CCC USE ONLY - Payments
according to the shares are
approved.

CCC REPRESENTATIVE'S SIGNATURE

Marian L James

DATE

9-7-93

CRP-1
(02-21-86)U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit Corporation

Form Approved - OMB No. 0560-0129

1. T. & CO. CODE & ID 2. CONTRACT NO.

16 027 6

3. FARM NO.

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE: The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

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4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS	SHARE	SSN	SIGNATURE	DATE
Bryce Millar 3502 S Midland Nampa, Id 83651	40.78 %	518-32-7872	Bryce Millar	8-16-93
B. OWNER NAME AND ADDRESS	SHARE	SSN	SIGNATURE	DATE
Chrystal J Evans 9990 Roan Meadows Dr Boise, Id 83709	40.38 %	518-26-9317	Chrystal J. Evans	8-16-93
C. NAME AND ADDRESS	SHARE	SSN	SIGNATURE	DATE
Donna Millar 3502 S Midland Nampa, Id 83651	0 %	518-32-8844	Donna Millar	8-16-93
D. NAME AND ADDRESS	SHARE	SSN	SIGNATURE	DATE
Catherine E Parker 990 Roan Meadows Dr Boise, Id 83709	6.28 %	345-40-9364	Catherine E Parker	8/15/93

5. ACRES FOR CRP	6. RENTAL RATE PER ACRE	7. CONTRACT PERIOD
	\$	FROM TO

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
8	9	10	11	12	13	14	15	16	17

18. ANNUAL PAYMENT	19. CCC USE ONLY - Payments according to the shares are approved	CCC REPRESENTATIVE'S SIGNATURE	DATE
			8/3

ORIGINAL - COUNTY OFFICE COPY

Place of Use for estate of Rex S. Jensen transfer

Acres of land
(approximate) 7156B 3597D Combo Total

Parcel 1	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 10	34.8	2.1	15.8	5.0	22.9
(George Harrison)	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 10	19	1.1	8.6	2.7	12.5
Vanessa Chan	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 10	3	0.2	1.4	0.4	2.0
Justin Smith	W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 11	18	1.1	8.2	2.6	11.8
Jason Chan	W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 11	30	1.8	13.6	4.3	19.7
Jesse Chan)	NWSW SEC 11	40	2.4	18.1	5.7	26.3
	Acres	144.8	8.7	65.7	20.8	95.1
	cfs		0.087	0.545	0.381	1.013

Parcel 2	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 11	3	0.2	1.6	0.5	2.3
(Catherine Parker	E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 11	5	0.3	2.6	0.8	3.8
Rex E. Evans	E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 11	10	0.7	5.3	1.7	7.7
Maryon E Evans)	SENE SEC 11	26	1.8	13.8	4.4	19.9
	NESW SEC 11	40	2.8	21.2	6.7	30.7
	NWSE SEC 11	40	2.8	21.2	6.7	30.7
	Acres	124	8.7	65.7	20.8	95.1
	cfs		0.087	0.545	0.381	1.013

78 acre	SWSW SEC 11	39	0	12	27	
(Catherine Parker	SESW SEC 11	39	0	11	28	
Rex E. Evans	Acres	78	0	23	55	78
Maryon Evans)	cfs		0.000	0.191	1.009	1.200

Parcel 3	SESENE SEC 11	2			2.0	2.0
(Mark McDonough)	NESE SEC 11	26		21.9	4.1	26.0
	SWSE SEC 11	39	2.9	21.9	7.75	32.5
	SESE SEC 11	39	5.8	21.9	6.9	34.6
	Acres	106	8.7	65.7	20.8	95.1
	cfs		0.087	0.545	0.381	1.013

SCANNED

NOV 18 2003

RECEIVED

APR 15 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

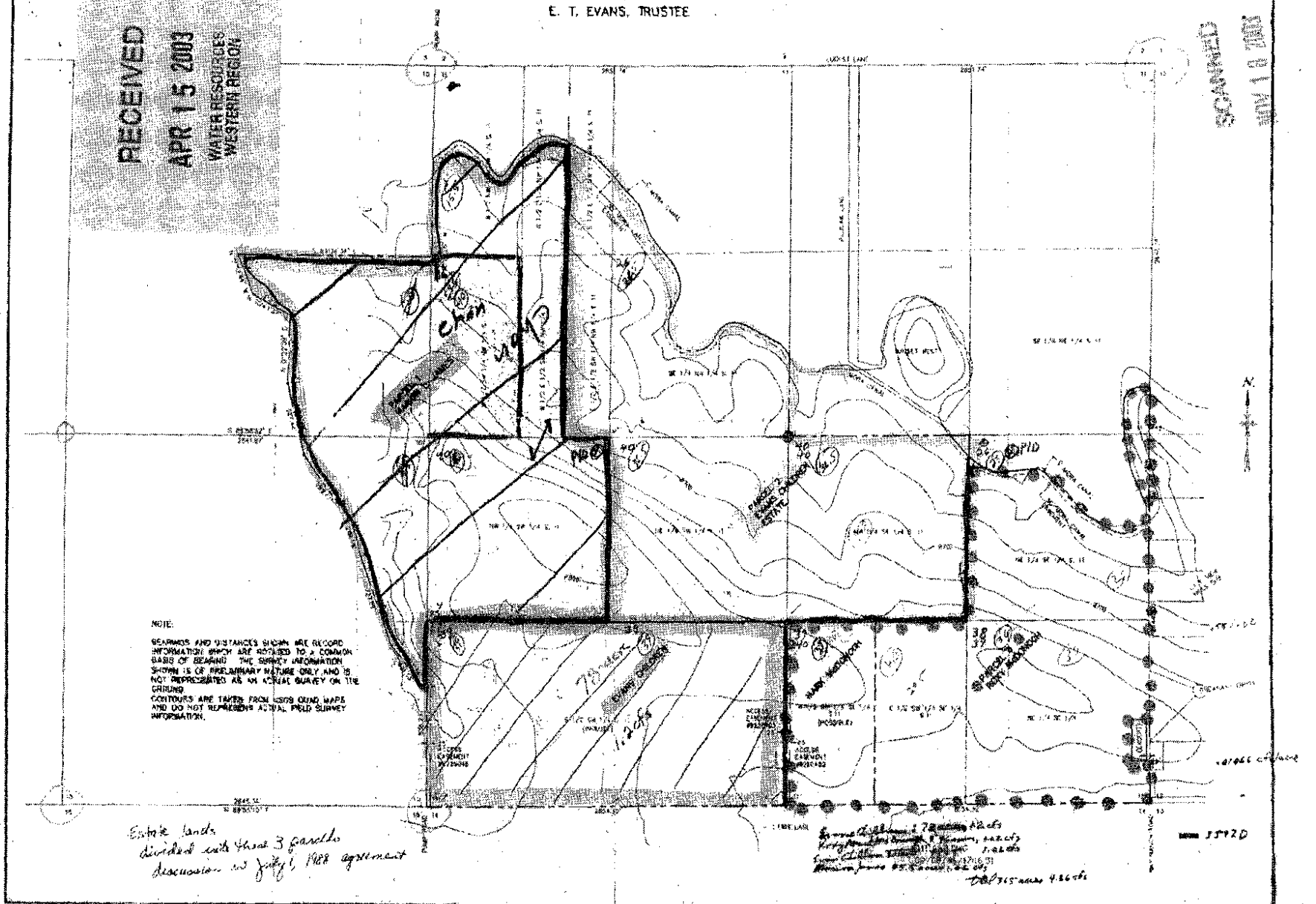
APR 13 2003

MOOREHEADS SCHOOL OF WATER RESOURCES

REX JENSEN FARM
E. T. EVANS, TRUSTEE

29

[Faint, illegible handwritten notes]



Parcel 3

1 of 2

RECEIVED

APR 15 2003

WATER RESOURCES
WESTERN REGION

DE: F ACTION:

PRESS (01 RETURN) TO VIEW ANOTHER ACCOUNT
System User- PLATRM Date 03/19/2003 Time 9:13
REAL PROPERTY INQUIRY

TRQK101

=====

1 3R30072-000- -0 211-00	SCH139	01	39,600	66.00
MC DONOUGH, ROXY E-REVOUC TRUST		05	500	15.00
MC DONOUGH, ROXY E-TRUSTEE		19		2.99

=====

0 BOX 74 .
ELBA ID 83641

=====

2N-3W NE
NE-S OF MCRA CANAL,,
SE-S OF MCRA CANAL,,
SE LESS TAX 1,, E 1/2 SWSE,,
WIS LN, NA

=====

TOTAL	40,100	83.99
-------	--------	-------

=====

SURVEY INST 9725600
DRAIN DR VALUE APPR MKB
CLASS REAP 99 MAN UNIT C
PARCEL 3R02N03W112376 H/O N O/B N
PRIOR ACCOUNT 2R30072-000- -0
02 MH on Property NO
03 Traits 04 Companion Sheet

Parcel #3

2 of 2

DEF ACTION: PRESS (01 RETURN) TO VIEW ANOTHER ACCOUNT TSK0101
System User- PLATRM Date 03/19/2003 Time 9:10
REAL PROPERTY INQUIRY

=====

01	GR00072-010- -0	211-00	SCH139	05	700	20.00
----	-----------------	--------	--------	----	-----	-------

=====

MC DONOUGH, MARK A

P O BOX 74

MELBA ID 83841

11-2N-3W SE

W1/2 SW1/4 SE1/4

LEWIS LN, NA

=====

TOTAL	700	20.00
-------	-----	-------

=====

SURVEY	INST	
DRAIN	DR VALUE	APPR MKE
CLASS	REAP 99	MAN UNIT O
PARCEL	GR02N03W116550	H/O N C/B N
PRIOR ACCOUNT	GR00072-010- -0	
02 MH on Property	NO	
03 Traits	04 Companion Sheet	

Parcel #3

FIRST CODICIL TO LAST WILL AND TESTAMENT

OF

ROXY E. McDONOUGH

I, Roxy E. McDonough, now domiciled in Seattle, Washington, having made my Last Will and Testament dated June 7, 1996, do hereby make, publish, and declare this to be my first codicil to my will.

1. I hereby strike and revoke paragraph 4.3 of Article 4 of my will and substitute in place thereof the following:

"I leave my interest in real property located in Canyon County, Idaho, to my son, Mark McDonough, if he survives me, and unless otherwise disposed of by the terms of a revocable living trust agreement."

2. As amended by this codicil, I hereby ratify, confirm, and republish my Last Will and Testament dated June 7, 1996.

IN WITNESS WHEREOF, I sign my name to my codicil at Seattle, King County, Washington, this 14 day of February, 1997

Roxy E. McDonough
Roxey E. McDonough

INSTRUMENT NO. 203092

this is the
corrected one
to use in
transfer appl.

FILED
A.M. 3:45 P.M.
FEB 06 1992
NED J. KERR, CLERK
T. Lee
DEPUTY CLERK

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

EDWARD T. EVANS and ROBERT L.
BILOW, Co-Trustees of the
Article IV Trust under the Will of
Rex S. Jensen, Deceased,
CATHERINE E. PARKER, formerly known
as CATHERINE E. CAVAIANI, REX E.
EVANS, MARYON E. EVANS, and MARK A.
McDONOUGH,

Plaintiffs,

vs.

H. R. MONTIERTH, also known as
HERBERT R. MONTIERTH, and GOLDA D.
MONTIERTH, also known as DARLENE R.
MONTIERTH, husband and wife,
EDWARD RAY MONTIERTH, also known
as RAY MONTIERTH, and SUSAN L.
MONTIERTH, husband and wife,
RODNEY KENT MONTIERTH, a single
person, WILFORD NOLAN VICTOR, also
known as NOLAN VICTOR, and RUBY C.
VICTOR, husband and wife, ROBERT J.
MEYERS and KATHI L. MEYERS, husband
and wife, FARM CREDIT BANK OF
SPOKANE, a corporation chartered
under the laws of the United
States, successor by merger to
THE FEDERAL LAND BANK OF SPOKANE,
a corporation formerly chartered
under the laws of the United
States, BRYCE D. MILLAR and
DONNA R. MILLAR, husband and wife,
THERON GRIFFIN and LA NELL
GRIFFIN, husband and wife,
and their heirs, representatives
and transferees and their claimants
and encumbrancers, and all of the

Case No. CV91-00666C

JUDGMENT AND DECREE
OF QUIET TITLE

McDonough's 19.5 ac
Part of Parcel #3

63-03597

63-07156

Attachment A

unknown owners of and all of the)
unknown claimants to any right,)
title, estate, lien or interest in)
whole or any part of the following)
described real and personal)
property which is adverse to the)
Plaintiffs' ownership or is a)
cloud upon the Plaintiffs')
interest therein, said real and)
personal property being more)
particularly described as follows:)

PARCEL VIII:)

A portion of Section 11, Township 2)
North, Range 3 West of the Boise)
Meridian, Canyon County, Idaho,)
more particularly described as)
follows:)

All of the NW $\frac{1}{4}$, lying South of the)
Mora Canal;)
All of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$;)
All of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ lying)
South of the Mora Canal;)
That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying)
South and East of the Mora Canal;)
All of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;)
All of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, excepting the)
following described property;)

Commencing at a point on the east)
boundary line of Section 11)
Township 2 North, Range 3 West,)
Boise Meridian, which is 280 feet)
North of the Southeast corner)
of said section; thence West a)
distance of 25 feet to a point,)
the TRUE POINT OF BEGINNING;)
thence North and parallel to the)
East boundary line of said Section)
a distance of 300 feet; thence)
West a distance of 100 feet;)
thence South and parallel to the)
East boundary line of said section)
a distance of 300 feet; thence East)
a distance of 100 feet to the TRUE)
POINT OF BEGINNING.)

PARCEL IX:

That portion of Section 10,
Township 2 North, Range 3 West, of
the Boise Meridian, Canyon County,
Idaho, described as follows:

Beginning at the section corner
common to Sections 2, 3, 10 and 11,
Township 2 North and Range 3 West
of the Boise Meridian; thence
S 0°4'0" E, 1,358.47 feet along
the East section line (Basis of
Bearing) to the Real Point of
Beginning; thence continuing
S 0°4'0" E, 1,298.48 feet to the
1/4 corner; thence S 0°9'27" E,
1,818.74 feet along the section
line to a point N 0°9'27" W,
836.23 feet to the southeast corner
of said Section 10; thence
N 39°35'0" W, 421.13 feet; thence
N 19°39'55" W, 722.59 feet; thence
N 16°48'33" W, 201.19 feet; thence
N 37°3'36" W, 599.17 feet; thence
N 13°47'14" W, 527.44 feet; thence
N 0°54'43" E, 492.15 feet; thence
N 61°11'12" W, 315.87 feet; thence
N 21°40'11" W, 304.77 feet; thence
N 89°56'0" E, 1,431.45 feet to the
Real Point of Beginning.

PARCEL X: *McDonough's 19.5ac*

The West half of the Southwest
Quarter of the Southeast Quarter
of Section 11 in Township 2 North,
Range 3 West of the Boise
Meridian, Canyon County, Idaho.

PARCEL XI:

The South half of the Southwest
Quarter of Section 11, Township 2
North, Range 3 West, of the Boise
Meridian, Canyon County, Idaho.

<u>Well #2</u>	<u>Serial No.)</u>
100 h.p. General	)
Electric Motor	)
with a Layne & Bowler	EJJ516178)
pump	45112)
75 h.p. General	)
Electric Motor	)
(Booster)	EJJ509590)
with a Layne & Bowler	)
pump	45111)
<u>Well #3</u>	)
125 h.p. U.S. Holoshaft	)
Motor	None)
with a Wellline pump	1552112KH)
100 h.p. U.S. Holoshaft	)
Motor (Booster)	NRR1326904)
with a Wellline pump	17920412KH)
Together with all allied equipment	)
including but not limited to:	)
electrical panels, control boxes,	)
wiring, pipes, valves, casings,	)
and underground irrigation pipe,	)
used in connection with said wells	)
and the above described real	)
property and also together with	)
all water and water rights	)
appurtenant to said above	)
described real property.	)
	)
Defendants.	)

The Plaintiffs' Motion for Entry of Judgment and Decree of Quiet Title having come regularly before the Court, the Plaintiffs and the Defendants H. R. Montierth, also known as Herbert R. Montierth, and Golda D. Montierth, also known as Darlene R. Montierth, husband and wife, Edward R. Montierth, also known as Ray Montierth, and Susan L. Montierth, husband and wife,

Rodney Kent Montierth, a single person, Wilford Nolan Victor, also known as Nolan Victor, and Ruby C. Victor, husband and wife, Robert J. Meyers and Kathi L. Meyers, husband and wife (collectively hereinafter referred to as the "Defendants Montierth"), having entered into that certain Stipulation and Consent to Entry of Judgment and Decree of Quiet Title, and the Defendants Farm Credit Bank of Spokane, a corporation chartered under the laws of the United States, successor by merger to The Federal Land Bank of Spokane, a corporation formerly chartered under the laws of the United States (hereinafter referred to as the "Defendant Farm Credit Bank"), the Defendants Bryce D. Millar and Donna R. Millar, husband and wife (hereinafter referred to as the "Defendants Millar"), subject to their rights as lessees, and the Defendants Theron Griffin and La Nell Griffin, husband and wife (hereinafter referred to as the "Defendants Griffin"), having disclaimed any right, title or interest in and to the real and personal property located in Canyon County, Idaho which is more particularly described herein and in the Complaint on file herein (hereinafter referred to as the "Subject Property") and all claims against the Defendant Farm Credit Bank, the Defendants Millar and the Defendants Griffin having been dismissed and this Court having reviewed all pleadings, motions and other documents filed herein, and this Court being fully advised in the premises;

IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Plaintiffs, E. T. Evans and Robert L. Bilow, as Co-Trustees of the Article IV Trust under the Will of Rex S. Jensen, Deceased, are the owners in fee simple and, subject to the leasehold interest of the Defendants Millar, are entitled to possession of all that certain real property located in Canyon County, Idaho which is more particularly described as Parcels VIII and IX on EXHIBIT "A" attached hereto and incorporated herein by this reference and all of the personal property (irrigation equipment) also described on said EXHIBIT "A." Said real and personal property is hereinafter collectively referred to as the "Jensen Trust Property."

2. That the Plaintiffs Catherine E. Parker, formerly known as Catherine E. Cavaiani, Rex E. Evans and Maryon E. Evans (hereinafter collectively referred to as the "Plaintiffs Parker") are the owners in fee simple and, subject to the leasehold interest of the Defendants Millar, are entitled to possession of all that certain real property located in Canyon County, Idaho which is more particularly described as Parcel XI on said EXHIBIT "A" attached hereto. Said real property is hereinafter referred to as the "Parker Property."

3. That the Plaintiff Mark A. McDonough (hereinafter referred to as the "Plaintiff McDonough") is the owner in fee simple and, subject to the leasehold interest of the Defendants Millar, is entitled to possession of all that certain real

property located in Canyon County, Idaho which is more particularly described as Parcel X on said EXHIBIT "A" attached hereto. Said real property is hereinafter referred to as the "McDonough Property."

4. That the Defendants Montierth, their heirs, representatives, transferees and their claimants and encumbrancers, and all whom claim title under them have no right, title, interest, claim or estate whatsoever in, to or upon the Jensen Trust Property or the Parker Property or the McDonough Property or any part thereof and all of said Defendants Montierth and all persons claiming under them are forever restrained and perpetually forbidden, enjoined and debarred from claiming or asserting any estate, right, title, interest in or claim or lien upon the Jensen Trust Property, or the Parker Property or the McDonough Property or any part thereof.

5. That the fee simple title in and to the Jensen Trust Property and the whole thereof and each and every part thereof is quieted in E. T. Evans and Robert L. Bilow as Co-Trustees of the Article IV Trust under the Will of Rex S. Jensen, Deceased, free of any adverse claim of the Defendants Montierth and their heirs, representatives, transferees, claimants and encumbrancers.

6. That the fee simple title in and to the Parker Property and the whole thereof and each and every part thereof is

quieted in Catherine E. Parker, formerly known as Catherine E. Cavaiani, Rex E. Evans and Maryon E. Evans, free of any adverse claim of the Defendants Montierth and their heirs, representatives, transferees, claimants and encumbrancers.

7. That the fee simple title in and to the McDonough Property and the whole thereof and each and every part thereof is quieted in Mark A. McDonough, free of any adverse claim of the Defendants Montierth and their heirs, representatives, transferees, claimants and encumbrancers.

8. That appurtenant to the Jensen Trust Property is a non-exclusive easement over and across the following described real property for reasonable vehicle and utility service access from that portion of the South One-Half of the North One-Half of Section 10, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho, not included in the property described below to that road known as Dry Lake Road:

PARCEL I:

The South half of the North half of Section 10, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, EXCEPTING therefrom the following described property: Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 2 North and Range 3 West of the Boise Meridian; thence S 0°4'0" E, 1,358.47 feet along the East section line (Basis of Bearing) to the Real Point of Beginning; thence continuing S 0°4'0" E, 1,298.48 feet to the 1/4 corner; thence S 0°9'27" E, 1,818.74 feet along the section line to a point N 0°9'27" W, 836.23 feet to the

southeast corner of said Section 10; thence N 39°35'0" W, 421.13 feet; thence N 19°39'55" W, 722.59 feet; thence N 16°48'33" W, 201.19 feet; thence N 37°3'36" W, 599.17 feet; thence N 13°47'14" W, 527.44 feet; thence N 0°54'43" E, 492.15 feet; thence N 61°11'12" W, 315.87 feet; thence N 21°40'11" W, 304.77 feet; thence N 89°56'0" E, 1,431.45 feet to the Real Point of Beginning.

9. That the Jensen Trust Property, the Parker Property and the McDonough Property are each entitled to its pro rata share of appurtenant licensed water based upon a pro rata allocation of the total appropriated licensed water among the irrigable acres as reflected in State of Idaho Water License No. 63-3597 and Water License No. 63-7156.

10. That each party hereto shall bear its own attorneys' fees and costs which they incurred in connection with this action.

DATED this 6th day of Feb, 1992.

WAYNE P. FULLER

Wayne P. Fuller
District Judge

State of Idaho }
County of Canyon } ss.

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

2-7-92

NED J. KERR, Clerk of the District Court
and Ex-Officio Recorder

JUDGMENT AND DECREE OF QUIET TITLE - By Fuller

Deputy

EXHIBIT "A"

PARCEL VIII:

A portion of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

All of the NW $\frac{1}{4}$, lying South of the Mora Canal;
All of the N $\frac{1}{4}$ of the SW $\frac{1}{4}$;
All of the N $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying South of the Mora Canal;
That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South and East of the Mora Canal;
All of the East $\frac{1}{4}$ of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;
All of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, excepting the following described property;

Commencing at a point on the east boundary line of Section 11 Township 2 North, Range 3 West, Boise Meridian, which is 280 feet North of the Southeast corner of said section; thence West a distance of 25 feet to a point, the TRUE POINT OF BEGINNING; thence North and parallel to the East boundary line of said Section a distance of 300 feet; thence West a distance of 100 feet; thence South and parallel to the East boundary line of said section a distance of 300 feet; thence East a distance of 100 feet to the TRUE POINT OF BEGINNING.

PARCEL IX:

*

That portion of Section 10, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho, described as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 2 North and Range 3 West of the Boise Meridian; thence S 0°4'0" E, 1,358.47 feet along the East section line (Basis of Bearing) to the Real Point of Beginning; thence continuing S 0°4'0" E, 1,298.48 feet to the 1/4 corner; thence S 0°9'27" E, 1,818.74 feet along the section line to a point N 0°9'27" W, 836.23 feet to the southeast corner of said Section 10; thence N 39°35'0" W, 421.13 feet; thence N 19°39'55" W, 722.59 feet; thence N 16°48'33" W, 201.19 feet; thence N 37°3'36" W, 599.17 feet; thence N 13°47'14" W, 527.44 feet; thence N 0°54'43" E, 492.15 feet; thence N 61°11'12" W, 315.87 feet; thence N 21°40'11" W, 304.77 feet; thence N 89°56'0" E, 1,431.45 feet to the Real Point of Beginning.

* Not included in transfer appl. per telegram
with E. T. Evans, - 1 - 5/1/42, SL

PARCEL X:

The West half of the Southwest Quarter of the Southeast Quarter of Section 11 in Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

PARCEL XI:

The South half of the Southwest Quarter of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho.

Well #2

Serial No.

100 h.p. General Electric Motor
with a Layne & Bowler pump

EJJ516178
45112

75 h.p. General Electric Motor (Booster)
with a Layne & Bowler pump

EJJ509590
45111

Well #3

125 h.p. U.S. Holoshaft Motor with a
Wellline pump

None
1552112KH

100 h.p. U.S. Holoshaft Motor (Booster)
with a Wellline pump

NRR1326904
17920412KH

Together with all allied equipment including but not limited to: electrical panels, control boxes, wiring, pipes, valves, casings, and underground irrigation pipe, used in connection with said wells and the above described real property and also together with all water and water rights appurtenant to said above described real property.

9203092

RECORDED

92 FEB 12 PM 12 40

NED J. FERR

CANYON COUNTY RECORDER

BY C. Smith

REQUEST

TYPE

33

F.H.

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: A63-07156D
Date Received: 2/14/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK A MC DONOUGH 206-522-5739
Address: 6638 57TH NE
SEATTLE WA 98115

2. Date of Priority: OCT 7, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	11		NW	SW		CANYON
				NE	SE		CANYON

5. Description of diverting works:
2 WELLS, PUMPS, MAINLINES, SPRINKLER SYSTEMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		83.20

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 83.20 A.F.A.

8. Total consumptive use is 68.3 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03W	11	SW	SE		IRR	19.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	19.5
					Total Acres	19.5

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:
63-3597

14. Remarks:

CLAIM AMENDED DUE TO APPROVED TRANSFER 3952.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-07156B, FEE PAID UNDER RECEIPT NO. W008866.
KW 4/9/1993

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
APR 1 1993

Department of Water Resources
Western Regional Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 3W
Section 11, W 1/2 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: A63-03597D & A63-07156B
- [] Name and Address of Former Owner/Claimant(s)(Seller): Estate of Rex S. Jensen
c/o E T Evans, Co-Trustee
9990 W Boan Meadows Dr., Boise 83706
- [] New Owner/Claimant (Purchaser): Mark A. McDonough
- [] New Mailing Address: 6638 57th NE
Seattle, WA 98115
- [] New Telephone Number: (206) 522-5739

- [] Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
19.5 ~~acres~~ acres in W 1/2 SW 1/4, S 11, 2N, 3W,
served by both wells, proportionate amount
of water

- [] Attach proof of ownership, describe proof attached: See Judgement & Decree of Quiet Title
in File A63-03597.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s): Mark A. McDonough Date 3/23/93
- [] Signature of Former Owner/Claimant(s): Estate of Rex S. Jensen, Co-Trustee Date 4/1/93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/9/93 By: EW

Claim Numbers of Split, if any:

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

MICROFILMED

JUL 25 1994

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: **A63-07156B**
Date Received: 2/14/1990
Receipt No: W008866
Received By: DF-kw

AMENDED

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

AMENDED

1. Name: ESTATE OF REX S JENSEN 208-362-9411
Address: C/O E T EVANS CO-TRUSTEE
9990 ROAN MEADOWS DR
BOISE ID 83709

Name: ESTATE OF REX S JENSEN
Address: C/O R L BILOW CO-TRUSTEE
BOISE ID 83709

2. Date of Priority: OCT 7, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	11	NW	SW			CANYON
			NE	SE			CANYON

5. Description of diverting works:
2 WELLS, PUMPS, MAINLINES, SPRINKLER SYSTEMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.460		620.10

7. Total Quantity Appropriated is:
1.460 C.F.S. (and/or) 620.10 A.F.A.

8. Total consumptive use is 508.6 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03W	11	NE	SE		IRR	26.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	39.3

Section Acres 145.3

Total Acres 145.3

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:
63-3597

14. Remarks:

CLAIM AMENDED DUE TO APPROVED TRANSFER 3952.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-07156B**
Date Received: 2/14/1990
Receipt No: W008866
Received By: _____

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

1. Name: REX JENSEN FAMILY TRUST 208-362-9411
Address: C/O E T EVANS CO TRUSTEE
9990 W ROAN MEADOWS DR
BOISE ID 83709

2. Date of Priority: OCT 7, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	03W	11	NW	SW			CANYON
			NE	SE			CANYON

5. Description of diverting works:
DRILLED WELL, PUMP, MAINLINES TO SPRINKLER SYSTEMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.810		1195.00

7. Total Quantity Appropriated is:
2.810 C.F.S. (and/or) 1195.00 A.F.A.

8. Total consumptive use is 980.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	03W	11	SE	NW		IRR	26.0
			NE	SW		IRR	40.0
			SW	SW		IRR	27.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03W	11	SE	SW		IRR	27.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 280.0

Total Acres 280.0

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:
63-3597

14. Remarks:
E. T. EVANS IS CO-TRUSTEE OF THE REX JENSEN FAMILY TRUST.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 25 1994

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 A63-07152(B)
Date Received 2-14-90
Receipt Number C2008866

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 14 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Rex Jensen Family Trust
c/o E. T. Evans, Co. Trustee Phone (208) 362-9411

Mailing Address 9990 W. Roan Meadows Dr., Boise, ID Zip 83709

2. Date of Priority (Only one (1) per claim) October 7, 1968

3. Source of water supply (a) Ground water
which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 2N Range 3W Section 11,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: T2N, R3W, Sec. 11 NWSW

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

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. Drilled well, vertical turbine pump.

Buried mainlines to sprinkler systems.

MICROFILMED

JUL 25 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.81 or 1195

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.81 (cfs) and/or (b) 1195 (acre feet)

8. Total consumptive use claimed is 980 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	3W	11								26	40		27	27	40	40	40	40	280

Total number of acres irrigated 280

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 X

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.
63-3597 or None ()

14. Remarks:

E. T. Evans is co-trustee of the Rex Jensen Family Trust

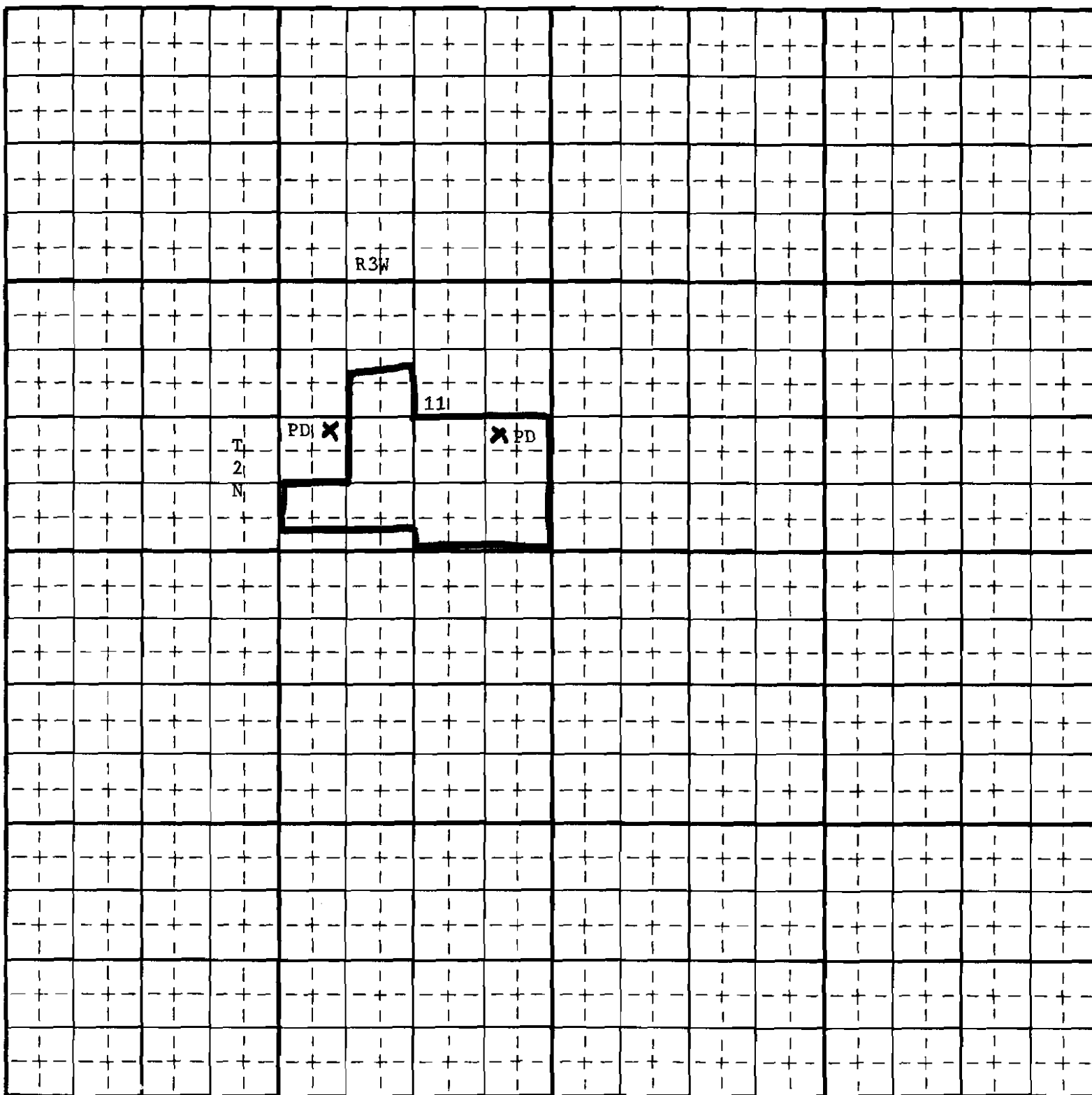
Last Name Jensen Ident No. _____

MICROFILMED
Copies: White - State, Yellow - Oklahoma

JUL 25 1994

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

Last Name Jensen Ident No. _____

Copies: White-State, Yellow-Claimant JUL 25 1994

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-7156
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 X
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) _____ Date _____
_____ Date _____

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

Signature of Authorized Agent [Signature]
Title and Organization Co.-Trustee, Rex Jensen Family Trust Date 2/12/90

State of Idaho/or _____)
County of Cada) SS.

Subscribed and sworn (or affirmed) before me this 12 day of February 19 90

Notary Public Sheri L. Chapman

Residing at 2889 Little Way Meridian ID

My Commission Expires 6/14/94

Please Print Name Sheri L. Chapman

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 [Signature]

Address _____

Date _____

Last Name Jensen Ident. Number _____



MICROFILMED

Copies White-State, Yellow-Claimant
JUL 25 1994

A. ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME

Jensen

CLAIM IDENT. NO.

A63-07156B

DATE RECEIVED

2-14-90

RECEIPT #

W008866

AMOUNT \$

330.00

YES	NO	Required Info?
-----	----	----------------

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

MICROFILMED
JUL 25 1994

Water Right Number - 63-07156B

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
JENSEN

ESTATE OF REX S

1 - 9990 ROAN MEADOWS DR

2 -

3 -

City- BOISE

State- ID Zip- 83709

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
MILLAR

BRYCE

1 -

2 -

3 -

City- NAMPA

State- ID Zip- 83651

Phone - 208-000-0000

*** T - TRUSTEE ***
EVANS

EDWARD T

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

BILOW

ROBERT L

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - +
10/07/1968+ - - Region - - - +
14 WESTERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

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

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)02N 03W 11 NW SW (27) CANYON
NE SE (27) CANYON+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.460 653.90+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.460 653.90 $\frac{1.35}{2.81} (A)$ + - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 03W 11 NE SE 26.0 01 IRRIGATION (27) CANYON
02N 03W 11 NW SE 40.0 01 IRRIGATION (27) CANYON
02N 03W 11 SW SE 40.0 01 IRRIGATION (27) CANYON
02N 03W 11 SE SE 39.3 01 IRRIGATION (27) CANYONMICROFILMED
JUL 25 1994

Water right number - 63-071568

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
----	-----	-----	-------	-----	-------	------	-------------	--------

Total Acres:

145.3
131.7
1800

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks
No Remarks found.

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval
109 - Approval of this transfer does not preclude the opportunity for - review of the validity of the water right(s) in the ongoing - Snake River Basin Adjudication.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments
Date: 08/13/1992 User Id: CURTIS Subject: Trans. 3952 Trans. 3952 was filed to change a point of diversion and add a point of diversion under this right and Right 63-035978.

+ - - Audit Fields - 08/13/92 CURTIS

Water Rights Dates and Flags Area

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 09/12/1979	Appl Received - 00/00/0000	Transfer/Amended - P
Decree Date - 00/00/0000	Presumption Flag -	

MICROFILMED
JUL 25 1994

RECEIVED
OCT 27 2006
WATER RESOURCES
WESTERN REGION

09/29/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-7156D

MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641
Telephone Number: (208) 495-9801

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

Point of Diversion

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

The GIS location of the POD should be on the south side of the Mora Canal and should match the corrected map associated with 63-3597F

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

The actual location of the Well is south of the Mora Canal.

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

DATE: 10/27/06

SIGNATURE:

Mark A. McDonough

Please print your name:

MARK A. McDONOUGH

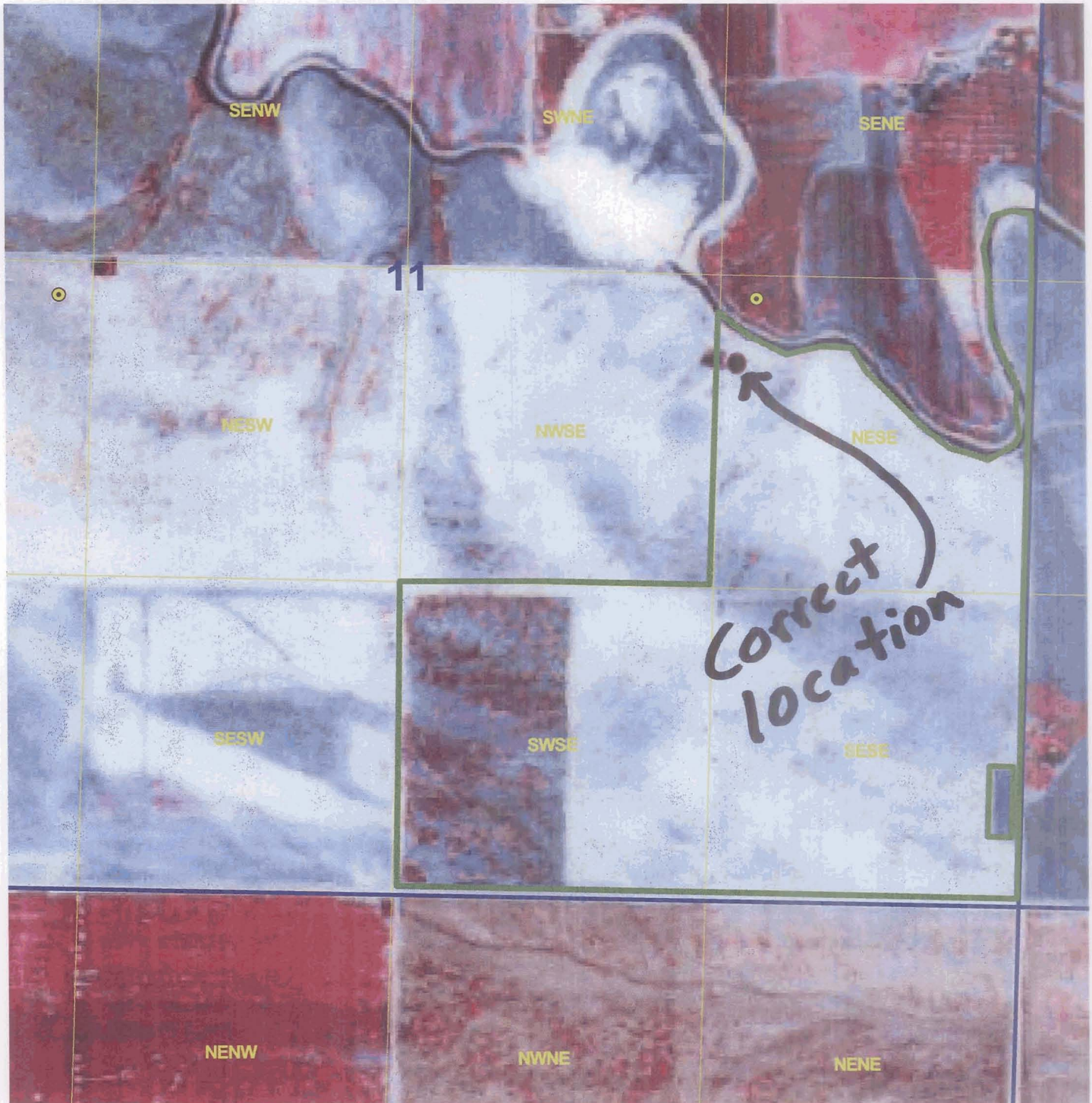
IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

*Changed POD
10-30-06*

Idaho Department of Water Resources

63-7156D

T02N R03W S11



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



400 0 400 800 1200 1600 Feet

IDWR

Prepared by: Sandy Egbert
1987 NAAP Photography



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

October 23, 2006

Mr. Mark McDonough
PO Box 74
Melba, Idaho 83641

RE: Preliminary Recommendation Review of Water Rights

Dear Mr. McDonough,

Thank you for allowing me to review the Idaho Department of Water Resources preliminary recommendations of your water rights. During this review, I looked at the Basin 63 water rights that are associated with your property along Map Rock Road, and also those associates with the property along Lewis Lane. Your water rights that originate from the Snake River are not part of this review, as they have already been reviewed when the preliminary recommendations came out in late 2005.

Map Rock Road Property

There are three Basin 63 water rights for irrigation on your farm along the Snake River, including

- 63-361
- 63-8389
- 63-9807.

Water right 63-28259 is a domestic right for the house.

I reviewed each for accuracy against the claims that were filed, any subsequent amendments, and my understanding of the system.

The preliminary recommendation for water right no. 63-361 matches the claim and is accurate to my understanding of the irrigation system, with one exception. IDWR has changed the source of water from Warm Springs Creek to Grouch Drain, which reflects an amendment you filed in October 2004. I saw no issues with this change in source because the USGS map shows the head of Grouch Drain coming from Warm Springs Creek. I have checked the "I AGREE" line of the Notice of Error Reply form that was furnished by IDWR.

Similarly, I could not find problems with 63-8389 or 63-28259, so I checked the "I AGREE" line for you.

The claim for water right no. 63-9807 identified the source as waste water. However, IDWR has changed it to Grouch Drain. The place of use for the water right is

overlapped by 63-361, which has the source identified as Grouch Drain. However, if your irrigation system somehow recovers waste water for use on the field, then the source for 63-9807 should be identified as waste water. I have described this on the enclosed Notice of Error Reply form.

Lewis Lane Property

The two water rights associated with your Lewis Lane property (63-3597F and 63-7156D) match all elements of the approved transfer (no. 68832).

I found only one minor comment for 63-7156D. The map IDWR furnished in your package had the east well in the wrong spot. The water right describes the location accurately, but their GIS map is wrong. This is a simple fix and may already be corrected because the map of water right 63-3597F has the correct location shown. I described this on the "Notice of Error Reply".

If you agree with my review, then please **sign each "Notice of Error Reply" form and mail to IDWR** before the end of the month. Otherwise, please call so we can make any necessary adjustments.

I am returning all of the documents that were included in IDWR's package to you; I made copies for my files. Just send the "Notice of Error Reply" form to IDWR.

Regards,



Steven R. Hannula

02/24/2006

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

RIGHT NUMBER: 63-7156D

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
127.000 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-3597F and 63-7156D shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.

PRIORITY DATE: 10/07/1968

POINT OF DIVERSION:

T02N R03W S11 NWSW Within CANYON County

T02N R03W S11 NESE Within CANYON County

Rights 63-3597F, 63-3597H, 63-31535, 63-31799, 63-31800, 63-31801 and 63-31802 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.300 CFS 127.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T02N R03W S11	SENE	2.00	T02N R03W S11	NESE	26.00
T02N R03W S11	SWSE	39.00	T02N R03W S11	SESE	39.00

106 ACRES TOTAL

This right is limited to the irrigation of 29.5 acres within the place of use described above 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.

The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

This right does not grant any right-of-way or easement across the land of another.

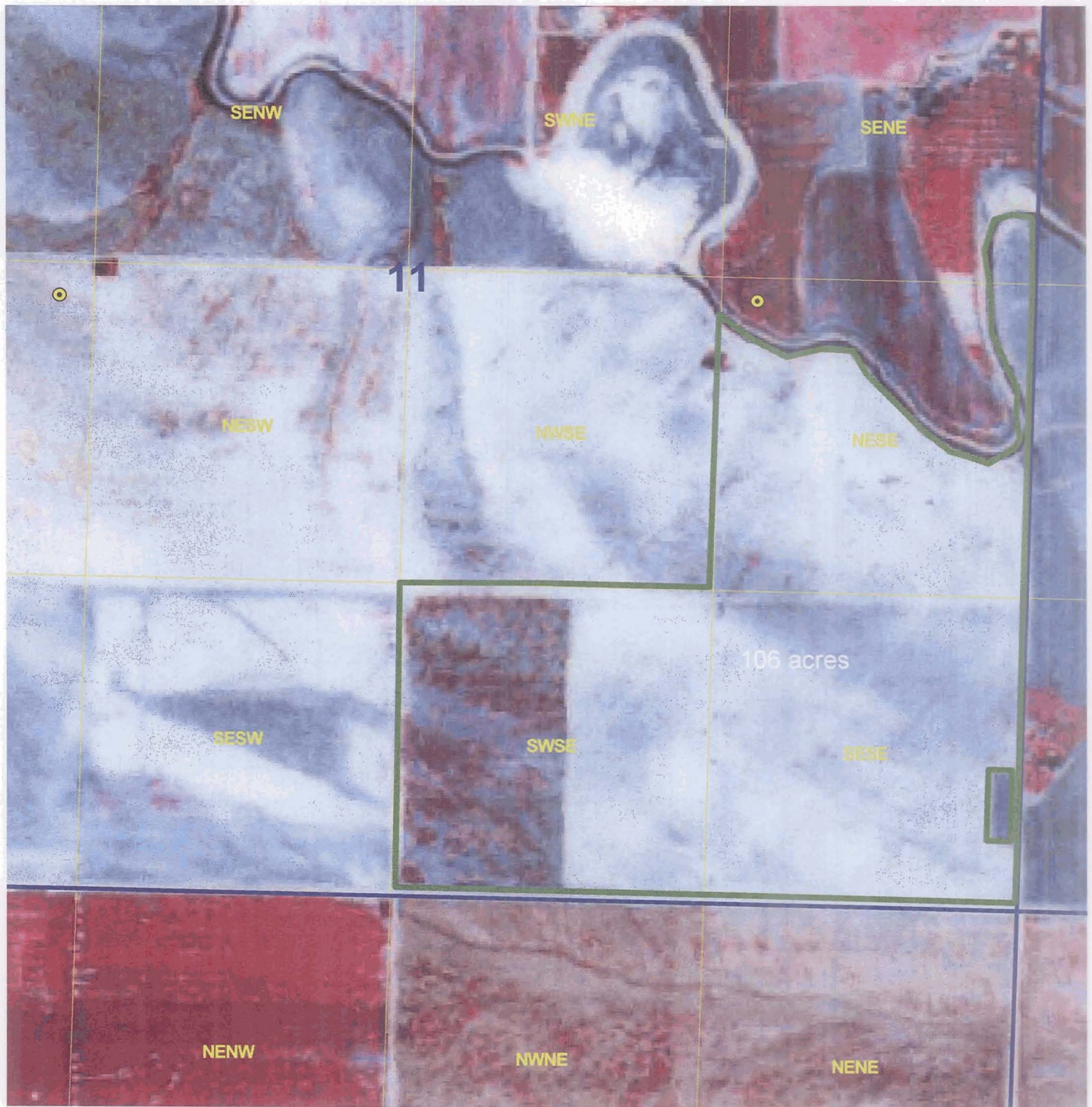
After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Idaho Department of Water Resources

63-7156D

T02N R03W S11



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



400 0 400 800 1200 1600 Feet

IDWR
Prepared by: Sandy Egbert
1987 NAAP Photography

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-7156D**

02/17/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3597F	Claim	02N	03W	11	SE	NE		IRRIGATION	2/106	MARK A MC DONOUGH
'156D	Claim	02N	03W	11	SE	NE		IRRIGATION	2/106	MARK A MC DONOUGH
20607	Water Right	02N	03W	11	SE	NE		STOCKWATER		LARRY F SHOEMAKER
20607	Water Right	02N	03W	11	SE	NE		DOMESTIC		LARRY F SHOEMAKER
3597F	Claim	02N	03W	11	NE	SE		IRRIGATION	26/106	MARK A MC DONOUGH
'156D	Claim	02N	03W	11	NE	SE		IRRIGATION	26/106	MARK A MC DONOUGH
'156A	Water Right	02N	03W	11	NE	SE		IRRIGATION	14/134.7	BRYCE MILLAR
3597F	Claim	02N	03W	11	SW	SE		IRRIGATION	39/106	MARK A MC DONOUGH
'156D	Claim	02N	03W	11	SW	SE		IRRIGATION	39/106	MARK A MC DONOUGH
3597F	Claim	02N	03W	11	SE	SE		IRRIGATION	39/106	MARK A MC DONOUGH
'156D	Claim	02N	03W	11	SE	SE		IRRIGATION	39/106	MARK A MC DONOUGH
'156A	Water Right	02N	03W	11	SE	SE		IRRIGATION	0.7/134.7	BRYCE MILLAR

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7156 Priority Oct. 7, 1968 Amount 2.81 cfs

THIS IS TO CERTIFY, that BRYCE MILLAR
of Nampa, Idaho, has complied with the terms and conditions of Permit
No. 63-7156 issued pursuant to Application for Permit dated October 7, 1968,
and has submitted proof to the Department of Water Resources on September 21, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.81 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.01</u> cfs and	<u>4.0</u> acre feet
Irrigation	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.81</u> cfs and	<u>1,191</u> acre feet or
	from _____ to _____	at _____ cfs and	<u>4.5</u> af per acre
	(both dates inclusive)		

Subject, however, to the condition that no more than 2.81 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1,195 acre feet per year, said waters to be diverted within the NE 1/4 Sec. 11,
Twp. 2N, Rge. 3W, B. M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NEW				NWW				SWW				SEW				Totals
			NEW	NWW	SWW	SEW	NEW	NWW	SWW	SEW	NEW	NWW	SWW	SEW	NEW	NWW	SWW	SEW	
2N	3W	11													40	40	40	40	160
		14	40	40	40														120

Total number of acres irrigated 280

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

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25 day of
April, 19 75.

Director

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

FIELD REPORT

1. Name of permit holder Bryce Millar
- Post office address Route #4, Nampa, Idaho 83651 Phone 466 2906
- Person to contact _____ Phone _____
2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____
3. Water will be used for the following purposes:
- Amount 6.4 c.f.s. for irrigation
_____ AF/Annum (nature of use)
- Period of Use: from Apr. 1 to Nov. 1
(mo.-day) inclusive (mo.-day)
- Amount .01 c.f.s. for stockwater
_____ AF/Annum (nature of use)
- Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)
- Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)
- Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
- Other uses: _____
4. Total amount to be appropriated:
- Max Rate of Diversion 6.4 cubic feet per second and annual volume _____ AF/Annum.
- Permit No. 63-7156
Examination for 6/4

Permit No. 623-71576
Examination for 6/4

5. Location of Point(s) of Diversion:
- Township 2N N/S, Range 3W E/W, B.M., Section 11, Subdivision NE 1/4 SE 1/4, Canyon County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
- Other Points of Diversion: _____

Description of diverting works: 250 hp motor, 10" pump, 16" well, 604' well, lift 245' underground mainline and sprinkler laterals.

Measuring device required: yes ☒ no ☐

6. ~~Lands to be irrigated~~ or place of use.

[illegible]

MICROFILM

TOTAL ACREAGE

280

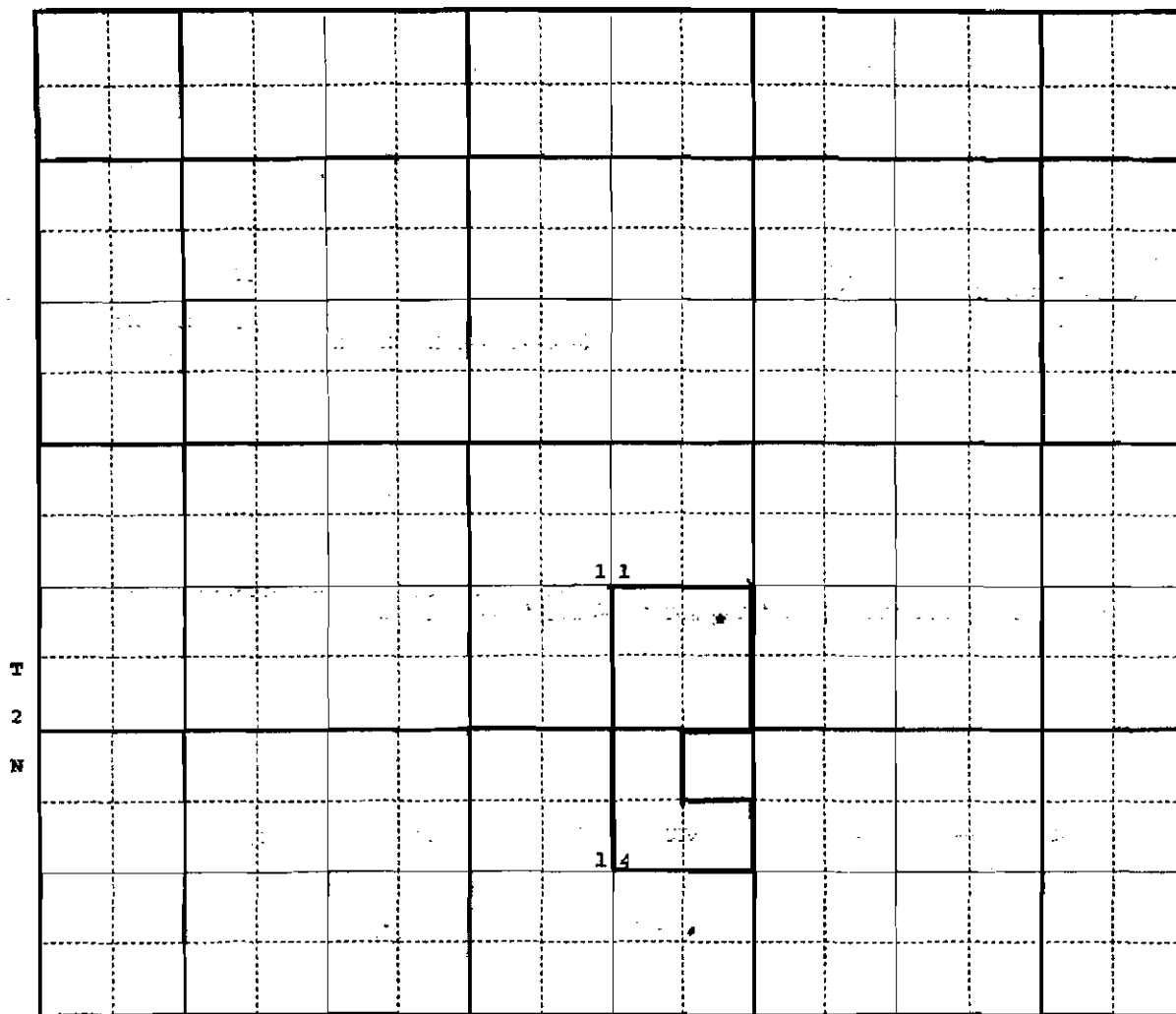
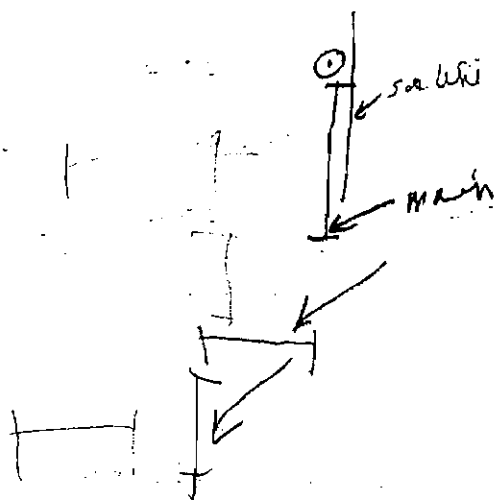


Diagram of System



1 mi west

DATE OF EXAM 16 July 74

2.28
146
116
2.94

ACREAGE
Found _____
Recommended _____

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 2.9 c.f.s. V = 1260 AF/Ann. from 4-1 to 11-1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes ☒ no _____

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 1260 gpm / 2.9 cfs Method of measurement flow meter
Total Q recommended 2.9 cfs Meter No. 10588557 Type Badger Condition New
Total V recommended 1260 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:
(gpm) 1260 gpm = 2.9 cfs 2.81

SYSTEM DESCRIPTION:
604 Well x 16" Well w/ 200 HP 4.5 pump motor
ser No. 1382500

REMARKS:
System operating within of chain
min. water present during exam

Examiner's Signature Quinn Ballan Date 16 July 74
Checked by _____ Date _____
Approved by _____ Date _____

T2N R3W

A 10x10 grid with handwritten data in the top-right corner. The data is as follows:

	1	2	3	4	5	6	7	8	9	10
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										

Handwritten data in the top-right corner:

- Row 1, Column 9: 11
- Row 1, Column 10: X
- Row 2, Column 9: X
- Row 2, Column 10: X
- Row 3, Column 9: X
- Row 4, Column 9: X
- Row 4, Column 10: X
- Row 5, Column 9: 14

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

ACTION OF STATE RECLAMATION ENGINEER

Witness my hand this 2nd day of April, 1969.

R. Keith Hogg
State Reclamation Engineer

Permit No. 63-7156

_____, Route 4, Nampa, Idaho, and represents to the State Reclamation
Engineer of the State of Idaho:

1. Point of diversion: $\frac{1}{4}$ $\frac{1}{4}$, Sec. , T.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day mo. - day

For Irrigation purposes from April 1 to November 1 (both dates incl.)

For Stock water purposes from January 1 to December 31 (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

3-756

Identification No. 63-7156

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

APPROVED

LICENSE ISSUED FOR 2.8 C.F.
LICENSE FEE 2.00

To Appropriation the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Bryce Millar
post office address Route 4, Nampa, Idaho
2. Source of water supply Subterranean which is a tributary of _____
3. a. Location of point of diversion is NE 1/4 of SE 1/4 of Section 11 Township 2 N
Range 3 W B.M. Canyon County; additional points of diversion if any: None
- b. If water is not consumed, it will be discharged into Mora Canal at a point in NW 1/4
of SE 1/4 of Section 11 Township 2 N Range 3 W B.M. Canyon
4. Water will be used for the following purposes:
Amount 6.4 for Irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .01 for Stockwater purpose from January 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 6.4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
Deep well turbine - sprinkler irrigation
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 650 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 60,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ SE 11
_____ NE 14 of Section 14 Township 2 N
Range 3 W B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 300 head beefstock
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: _____

63-7156

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2 N	3 W	11													40	40	40	40	160
2 N	3 W	14	40	40	40	40													160

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes _____

(Note) NE 1/4, Sec. 14, Twp. 2 N, Rge. 3 W presently owned by Magleic

Applicant plans to incorporate this 40 within this filing.

9. a. Who owns the property at the point of diversion Mr. Rex Jensen

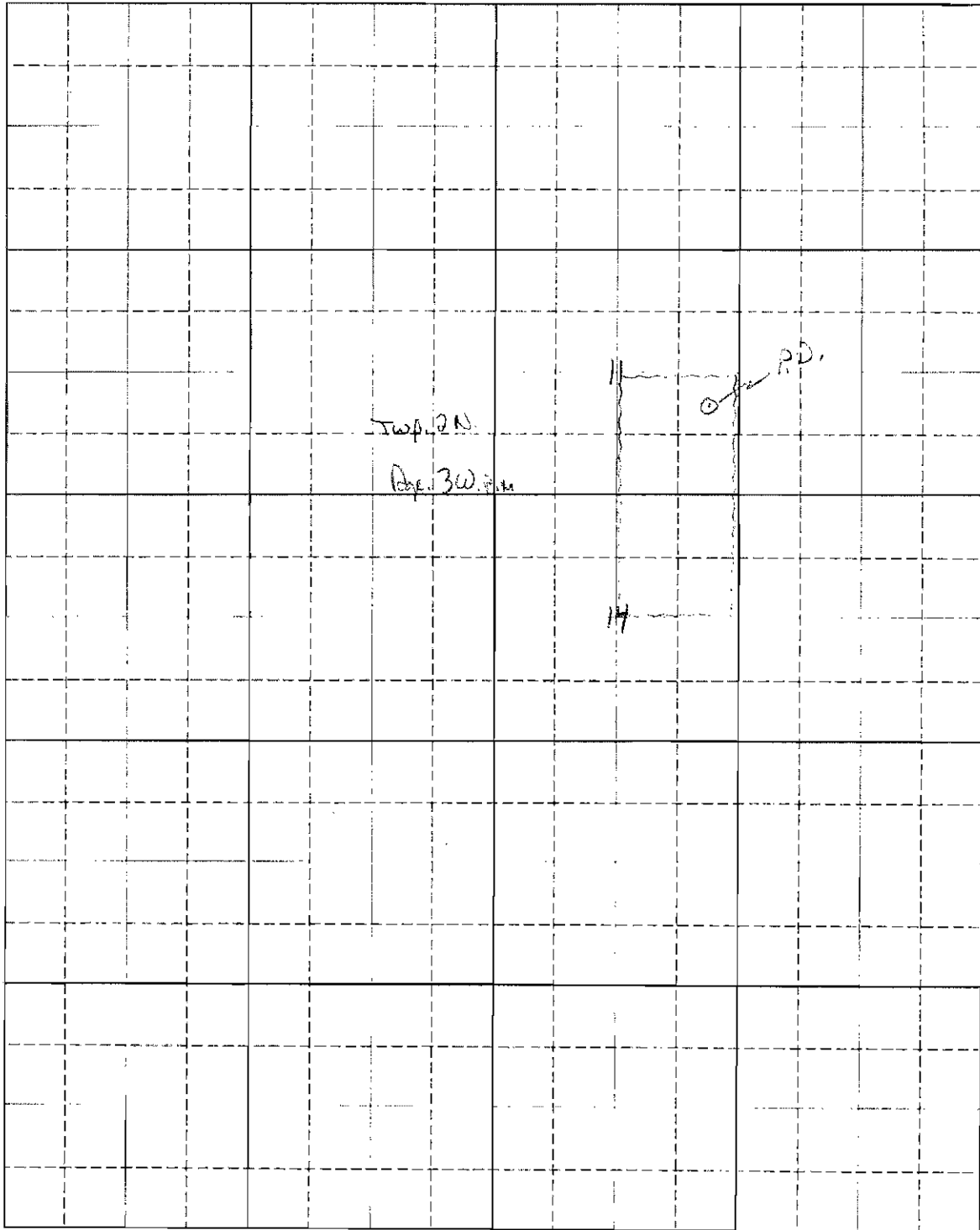
b. Who owns the land to be irrigated or place of use " " "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

Cash - 7 year lease - option to buy

10. Remarks _____

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Boyer Miller
(Applicant)

62-7156

09/30/2004

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

RIGHT NUMBER: 63-7156D

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
127.000 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-3597F and 63-7156D shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.

PRIORITY DATE: 10/07/1968

POINT OF DIVERSION:

T02N R03W S11 NWSW Within CANYON County

T02N R03W S11 NESE Within CANYON County

Rights 63-3597F, 63-3597H, 63-31535, 63-31799, 63-31800, 63-31801 and 63-31802 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.300 CFS 127.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CANYON County

T02N R03W S11	SENE	2.0	T02N R03W S11	NESE	26.0
T02N R03W S11	SWSE	39.0	T02N R03W S11	SESE	39.0

106 ACRES TOTAL

This right is limited to the irrigation of 29.5 acres within the place of use described above 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.

The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval.

EXPLANATORY MATERIAL: License

This right does not grant any right-of-way or easement across the land of another.

After specific notification by the Department, the right holder shall measure the diversion 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.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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

AJ5809NP
No. A63-07156D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 122

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARK A MC DONOUGH 6638 57TH NE SEATTLE WA 98115 (206) 522-5739	10/07/1968	IRRIGATION	04-01 11-01	0.200 CFS	83.20 AFA
					TOTAL DIVERSION:	0.200 CFS
					CONSUMPTIVE USE:	83.20 AFA 68.30 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R03W S11 NWSW NESE 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	03W	11	:																	:	
																			19	:	19.5
																			TOTAL ACRES	:	19.5

POU County: CANYON

Other Rights: 63-3597

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

A63-03589 A63-03597F A63-03597G A63-03597H A63-03597N A63-03597P A63-07156A A63-07156C R63-03589

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

A63-03597 A63-03597D A63-03597E A63-03597F A63-03597G A63-07156 A63-07156B A63-07156C R63-03597 R63-03597D
R63-03597E R63-07156B

Conditions of Approval:

- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Remarks: GEN CLAIM AMENDED DUE TO APPROVED TRANSFER 3952.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-07156B, FEE PAID UNDER RECEIPT NO. W008866.
KW 4/9/1993

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 04/09/93 WALKER 03/30/95 POST-STD

Water Right Number - A63-07156D

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
MC DONOUGH

MARK A

1 - 6638 57TH NE
2 -
3 -
City- SEATTLE State- WA Zip- 98115
Phone - 206-522-5739*** D - ORIGINAL OWNER ***
JENSEN

ESTATE OF REX S

1 - 9990 ROAN MEADOWS DR
2 -
3 -
City- BOISE State- ID Zip- 83709
Phone - 208-000-0000

JENSEN

ESTATE OF REX S

1 - C/O E T EVANS CO-TRUSTEE
2 - 9990 ROAN MEADOWS DR
3 -
City- BOISE State- ID Zip- 83709
Phone - 208-362-9411

JENSEN

ESTATE OF REX S

1 - C/O R L BILOW CO-TRUSTEE
2 -
3 -
City- BOISE State- ID Zip- 83709
Phone - 208-000-0000

MILLAR

BRYCE

1 -
2 -
3 -
City- NAMPA State- ID Zip- 83651
Phone - 208-000-0000+ - - Priority Date - - +
10/07/1968+ - - Region - - - +
14 WESTERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

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

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Diversion Name02N 03W 11 NW SW (27) CANYON
NE SE (27) CANYON+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 0.200 83.20

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.200 83.20 68.3

Water right number - A63-07156D

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	03W	11	SW SE		19.5	01	IRRIGATION	(27) CANYON

Total Acres: 19.5

+ - - Diversion Means - 2 WELLS, PUMPS, MAINLINES, SPRINKLER SYSTEMS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 63-3597

+ - - - - - Remarks - - - - - +
CLAIM AMENDED DUE TO APPROVED TRANSFER 3952.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-07156B, FEE PAID UNDER RECEIPT NO. W008866.
KW 4/9/1993

+ - - - - - Old Water Right Numbers - - - - - +
A6307156B

+ - - - - - Conditions of Approval - - - - - +
T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

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

+ - - Audit Fields - 04/09/93 WALKER 03/30/95 POST-STD

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

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

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 02/14/1990	Last Amended Date - 02/25/1993	Temporary Right - P
Proof Due Date - 00/00/0000	Proof Made Date - 00/00/0000	Water District -
Licensed Date - 00/00/0000	Receipt Number - X777777	Federal/State Indicator - S
Claims Tape Error Flg -	POU Ownership Flag - Y	Presumption Flag -
Fee Exempt Flag -	Name Connector -	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

April 9, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Notice of Claims to Water Right Nos. A63-07156D &
A63-03597F

Mark A. McDonough
6638 57th NE
Seattle, WA 98115

Dear Mr. McDonough:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the lands and appurtenant water rights covered under the original filings.

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

If you have any questions concerning the enclosed claims, please feel free to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

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JUL 25 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 25, 1993

RE: Notice of Claim Nos. A63-03597D and A63-07156B

Estate of Rex S. Jensen
c/o E. T. Evans and R. L. Bilow, Co-Trustees
9990 Roan Meadows Dr.
Boise, ID 83709

Dear Claimants:

Enclosed are amended copies of the above referenced claims which reflect the approved transfers of these water rights. Please be advised that a change in ownership should be filed to identify the lands and appurtenant water rights owned by Catherine Parker and Mark McDonough. Enclosed are two change of ownership forms for this use. The forms should be given to Ms. Parker and Mr. McDonough for completion. After we receive the completed forms, we will split Claim A63-03597D to show each water user (yourself, Ms. Parker and Mr. McDonough). Claim A63-07156B will be split between yourself and Mr. McDonough.

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.

If you have any questions concerning these claims, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

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JUL 1993

Date: 02/25/93
Time: 08:25:00

Receipt Amt : 505.00

[illegible]

corrected receipt 2/25/93 to ~~correctly~~
describe xer after approval of T#3952.

kw
2/25/93

claim acres

A63-07156B 50. + #338.

A63-03597D 50. + $\underbrace{26. + 1. + 1.}_{\text{leaving out overlapping acres}} = \#78.$

DO NOT FILM

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JUL 25 1994

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3952

APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED
RIGHT
AMENDED

PART 1

Department of Water Resources Edward T. Evans and Robert L. Bilow,
Western Regional Office COR TRUSTEES for the Estate of Rex S. Jensen
Name of applicant

Phone 362-9411 (Evans)

Post Office address 9990 ROSE MEADOWS DRIVE BOISE, ID. 83709

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes change wells for 63-03597 & add a well
for 63-07156 for those acres in Section 11 as outlined in the
"Judgement & Decree of Quiet Title" dated 2/12/1992. The acres in S. 11
represent land owned by three parties defined in the judgement.

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>63-03597</u>	<u>4/13/1967</u>	<u>2.80 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
				to
<u>63-07156 B</u>	<u>10/7/1968</u>	<u>1.46</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
				to

2. Total amount of water being transferred 4.26 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	well # 2 } points of diversion for both rights
		NE	SE	11	2N	3W	Canyon	well # 3 }

5. Lands irrigated or place of use:

[illegible]

3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

2453

PART 1

6. General Information:

- a. Description of diversion system 2 wells & pumps, mainlines, sprinkler irrigation.
Well no. 2 < 100 hp. GE motor #EJ3516178, Layne & Bowler Pump #45112.
75 hp. GE motor #EJ3509590, Layne & Bowler Pump #45111.
Well no. 3 < 125 hp. Holosport motor #?, Wellline Pump #NRR1326904.
100 hp. Holosport motor #NRR1326904, Wellline Pump #17920412KH.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NO CHANGE in P.O.U.

d. Remarks:

Balance of land in rights 63-03597A & 63-07156 will
used other wells than wells nos. 2 & 3.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-03597B/07156B

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

APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR
REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING
SNAKE RIVER BASIN ADJUDICATION.

Witness my hand this 29th day of October, 19 92.

A. Glen Saxton
CHIEF, WATER ALLOC. BUREAU

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JUL 25 1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-03597 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Attachment A Court Judgment

3. Source of water ground water tributary to _____

4. Date or priority April 13, 1967

5. Water is used for the following purpose:

amount 7.53 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 7.53 cubic feet per second and/or 3614 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	10	2N	3W	Canyon	well 1
		NW	SW	11	2N	3W	Canyon	well 2
		SE	SW	14	2N	3W	Canyon	well 9

8. 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	
2N	3W	10			36	7			37	40	40	39	39	39	21	40	39	37	414
		11							36	26	40	40	39	39		40	39	39	338
		15					39	38	39	40									156

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JUL 25 1994

Total acres 908

9. Describe any other water rights used for the same purpose as described above 63-07156 (for some

in the same area as the above right

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 2.80 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	10	2N	3W	Canyon	well # 1
		NW	SW	11	2N	3W	"	# 2
		SE	SW	14	2N	3W	"	# 9

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	
2N	3W	11							36	26	40	40	39	39		40	39	38.3	337.3

Total acres 337.3

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

1. amount _____ for _____ purposes from _____ to Balance of Right
(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	

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JUL 25 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. 63-07156 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Attachment A Court Judgment

3. Source of water ground water tributary to _____

4. Date or priority Oct. 7, 1968

5. Water is used for the following purpose:

amount 2.81 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft) amount .01 cfs for Stockwater purposes from 1/1 to 12/31
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.81 cubic feet per second and/or 1,195 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	11	2N	3W	Canyon	well 3

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	3W	11													40	40	40	40	160
		14		40	40	40													120

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JUL 25 1984

Total acres 280

9. Describe any other water rights used for the same purpose as described above 63-03597 (for some
water is needed to land

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 1.46 cfs for Irrigation purposes from 4/1 to 11/1
 (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
		NE	SE	11	2N	3W	Canyon	well #3

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	
2N	3W	11													26	40	40	39.3	145.3

Total acres 145.3

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

Balance of right

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	

MICROFILMED

JUL 25 1994

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attachments B & C
for p/d's of lands
in 5. 11

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PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ 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:

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.

11 ~~Barbana~~ COTTEE 2/10/12 ~~John G. Tinsley~~
State of Pa. 5/1/12 + ~~of the State of Pa.~~ March 10/12 by ~~John G. Tinsley~~ 3/1
(Signature of Applicant)

Subscribed and sworn to before me this 15 day of June, 1992

Kori Harris

(Notary Public)

My commission expires 12-8-94

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by JR Date 6/15/92

Protest filed by _____

Prelim. check by J Fee 30

Received by R Date 1/16/89 # W001

Published in) See original app

Copies of protest forwarded by _____

Pub. dates } _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by Dkt

Copy of transfer sent to lien holder _____

1/ E.T. EVANS - Power of Atty. for ~~R. B. Bates~~ & C. Parker
3/ S. Chapman - " " " " M. McDonald
See Attachment E & F: Powers of Attorney

3/ S. Chapman " " " " M. McDonough

See Attachment E to Powers of Attorney

2/ ROBERT BILLO
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JUL 25 1994

MEMORANDUM

TO: FILE

FROM: STEVE LESTER

DATE: JUNE 17, 1992

RE: AMENDED TRANSFER OF 63-03597 AND 63-07156

ADVERTISING

The amended transfer application does not need to be readvertised. The 1989 ad listed both well locations in S.11 for both rights. The P/U will not change in the amended transfer; it will be split per ownership. Adequate public notice occurred in 1989 and no protests were received.

SRBA

The original application was advertised prior to inclusion of SRBA claims in the advertising and review process. At this point in the transfer process, it is sufficient to simply note that claims were filed by Sherl Chapman on behalf of the Jensen Family Trust for rights 63-03597 (portion) and 63-07156. The claims remain non-data entered at the region.

I recently thought the best procedure was to amend the transfer to show splits for three new owners defined in transfer Attachment A. However, Mr. Evans and Mr. Chapman have powers of attorney for the three owners and opted for a single split for all of the acres in S.11 under the three owners.

I did not object to this as long as everyone realizes that adjudication recommendations will probably result in defining 63-03597B and 63-07156B as A63-03597B-C-D and A63-07156B-C. Reconciliation of WR and AJ information can occur outside of the current transfer process and should not hinder approval of the amended transfer.

The attached three pages are notes related to the eventual reconciliation of WR and AJ details.

CC: SRBA Claims

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EVENTUAL RECONCILIATION OF WR + A⁺ into /ownerships for
63-03597 & 63-07156

WR

63-03597

Transfer - amended in 1992 per court judgement

(A)

4.73 y/s

570.7 acres

2271.5 afa

(B)

Tensen Trust
Parker

McDonough

2.80 y/s

337.3 acres

1342.5 afa

(@ .0083 LES/AC.
3.98 afa/acre)

63-07156

(A)

1.35 y/s

134.7 acres

574.9 afa

(B)

Tensen Trust
Parker

McDonough

1.46 y/s

145.3 acres

620.1 afa

(@ .010036 y/s/acre
4.268 afa/acre)

SRBA

claims filed by Stark Chapman for Tensen Family
Trust on 63-03597 (portion) & 63-07156 will
eventually be split into 3 ownerships per court
judgement (Attch. A in 1992 transfer & in Reg.
claims) as follows:

The B portion in 1992 transfer will become:

63-03597 { WR B → AJ B Tensen Trust 239.8 ac.
AJ C Parker 78 ac.
AJ D McDonough 19.5 ac.
337.3 ac.

63-07156 { WR B → AJ B Tensen Trust 125.3 ac.
AJ C McDonough 20 ac.
145.3 ac.

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SRBA (cont.) — VENTROL RECONCILIATION OF 5.11 PORTIONS
WILL BE AS FOLLOWS —

AJ B (239.8 acres) (.0083 cfs/ac) = 1.99 cfs

" (3.98 afu/ac) = 954.4 afu

C 78 acres) (.0083 cfs/ac) = .65 cfs

" (3.98 afu/ac) = 310.4 afu

D (19.5 acres) (.0083 cfs/ac) = .16 cfs

" (3.98 afu/ac) = 77.6 afu

A63-03597 —

Sum B + C + D 337.3 acres
2.80 cfs

1342.4 afu

} compare to WRB at
top of previous pg., OK

AJ B (125.3 acres) (.010036 cfs/ac) = 1.26 cfs

" (4.268 afu/ac) = 534.8 afu

C (20 acres) (.010036 cfs/ac) = .20 cfs

" (4.268 afu/ac) = 85.4 afu

A63-07156 —

Sum B + C 145.3 acres
1.46 cfs

620.2 afu

} compare to WRB at
top of previous pg.,
OK

Some minor differences occur due to
rounding

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T2N R² Section 11 only

LAND LIST ATTACHMENT

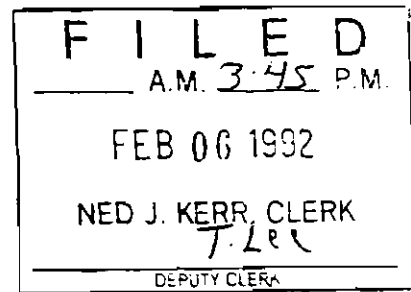
Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
LICENSE 63-03597									36	26	40	40	39	39		40	39	39	338
CLAIM BY JENSEN Family Trust							2	23	36			40	39	39			39		218
SPLIT PER 1992 COURT JUDGEMENT to reflect License																			
Split B (JENSEN)									36	26	40	40				40	19.5	38.3	239.8
" C (Parker)													39	39					78
" D (McDunniff)																	19.5		19.5
			(39 total acres in SW¼ SE)																
218 ac. claimed by J.F. Trust - are these a portion of 338 ac. where change in plan occurred before SRBA commenced? Or is this just a mistaken land list? If plan changed, then transfer app. should agree with SRBA info claimed. Want to amend claim & split into 3 errors in 1 stop.																			

337.3 because .7 ac. in SESE excluded

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

EDWARD T. EVANS and ROBERT L.)
BILOW, Co-Trustees of the)
Article IV Trust under the Will of)
Rex S. Jensen, Deceased,)
CATHERINE E. PARKER, formerly known)
as CATHERINE E. CAVAIANI, REX E.)
EVANS, MARYON E. EVANS, and MARK A.)
McDONOUGH,)

Plaintiffs,)

vs.)

H. R. MONTIERTH, also known as)
HERBERT R. MONTIERTH, and GOLDA D.)
MONTIERTH, also known as DARLENE R.)
MONTIERTH, husband and wife,)
EDWARD RAY MONTIERTH, also known)
as RAY MONTIERTH, and SUSAN L.)
MONTIERTH, husband and wife,)
RODNEY KENT MONTIERTH, a single)
person, WILFORD NOLAN VICTOR, also)
known as NOLAN VICTOR, and RUBY C.)
VICTOR, husband and wife, ROBERT J.)
MEYERS and KATHI L. MEYERS, husband)
and wife, FARM CREDIT BANK OF)
SPOKANE, a corporation chartered)
under the laws of the United)
States, successor by merger to)
THE FEDERAL LAND BANK OF SPOKANE,)
a corporation formerly chartered)
under the laws of the United)
States, BRYCE D. MILLAR and)
DONNA R. MILLAR, husband and wife,)
THERON GRIFFIN and LA NELL)
GRIFFIN, husband and wife,)
and their heirs, representatives)
and transferees and their claimants)
and encumbrancers, and all of the)

Case No. CV91-00666C

JUDGMENT AND DECREE
OF QUIET TITLE

Copy from
Transfer Appl.
Filed 1989-1992,
for SRBA claims
Related to

63-03597

63-07156

unknown owners of and all of the)
unknown claimants to any right,)
title, estate, lien or interest in)
whole or any part of the following)
described real and personal)
property which is adverse to the)
Plaintiffs' ownership or is a)
cloud upon the Plaintiffs')
interest therein, said real and)
personal property being more)
particularly described as follows:)

PARCEL VIII:)

A portion of Section 11, Township 2)
North, Range 3 West of the Boise)
Meridian, Canyon County, Idaho,)
more particularly described as)
follows:)

All of the NW $\frac{1}{4}$, lying South of the)
Mora Canal;)
All of the N $\frac{1}{4}$ of the SW $\frac{1}{4}$;)
All of the N $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying)
South of the Mora Canal;)
That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying)
South and East of the Mora Canal;)
All of the East $\frac{1}{4}$ of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;)
All of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, excepting the)
following described property;)

Commencing at a point on the east)
boundary line of Section 11)
Township 2 North, Range 3 West,)
Boise Meridian, which is 280 feet)
North of the Southeast corner)
of said section; thence West a)
distance of 25 feet to a point,)
the TRUE POINT OF BEGINNING;)
thence North and parallel to the)
East boundary line of said Section)
a distance of 300 feet; thence)
West a distance of 100 feet;)
thence South and parallel to the)
East boundary line of said section)
a distance of 300 feet; thence East)
a distance of 100 feet to the TRUE)
POINT OF BEGINNING.)

PARCEL IX:

That portion of Section 10,
Township 2 North, Range 3 West, of
the Boise Meridian, Canyon County,
Idaho, described as follows:

Beginning at the section corner
common to Sections 2, 3, 10 and 11,
Township 2 North and Range 3 West
of the Boise Meridian; thence
S 0°4'0" E, 1,358.47 feet along
the East section line (Basis of
Bearing) to the Real Point of
Beginning; thence continuing
S 0°4'0" E, 1,298.48 feet to the
1/4 corner; thence S 0°9'27" E,
1,818.74 feet along the section
line to a point N 0°9'27" W,
836.23 feet to the southeast corner
of said Section 10; thence
N 39°35'0" W, 421.13 feet; thence
N 19°39'55" W, 722.59 feet; thence
N 16°48'33" W, 201.19 feet; thence
N 37°3'36" W, 599.17 feet; thence
N 13°47'14" W, 527.44 feet; thence
N 0°54'43" E, 492.15 feet; thence
N 61°11'12" W, 315.87 feet; thence
N 21°40'11" W, 304.77 feet; thence
N 89°56'0" E, 1,431.45 feet to the
Real Point of Beginning.

PARCEL X:

The West half of the Southwest
Quarter of the Southeast Quarter
of Section 11 in Township 2 North,
Range 3 West of the Boise
Meridian, Canyon County, Idaho.

PARCEL XI:

The South half of the Southwest
Quarter of Section 11, Township 2
North, Range 3 West, of the Boise
Meridian, Canyon County, Idaho.

<u>Well #2</u>	<u>Serial No.</u>
100 h.p. General	
Electric Motor	EJJ516178
with a Layne & Bowler	
pump	45112
75 h.p. General	
Electric Motor	
(Booster)	EJJ509590
with a Layne & Bowler	
pump	45111
<u>Well #3</u>	
125 h.p. U.S. Holoshaft	
Motor	None
with a Wellline pump	1552112KH
100 h.p. U.S. Holoshaft	
Motor (Booster)	NRR1326904
with a Wellline pump	17920412KH
Together with all allied equipment	
including but not limited to:	
electrical panels, control boxes,	
wiring, pipes, valves, casings,	
and underground irrigation pipe,	
used in connection with said wells	
and the above described real	
property and also together with	
all water and water rights	
appurtenant to said above	
described real property.	
Defendants.	

The Plaintiffs' Motion for Entry of Judgment and Decree of Quiet Title having come regularly before the Court, the Plaintiffs and the Defendants H. R. Montierth, also known as Herbert R. Montierth, and Golda D. Montierth, also known as Darlene R. Montierth, husband and wife, Edward R. Montierth, also known as Ray Montierth, and Susan L. Montierth, husband and wife,

Rodney Kent Montierth, a single person, Wilford Nolan Victor, also known as Nolan Victor, and Ruby C. Victor, husband and wife, Robert J. Meyers and Kathi L. Meyers, husband and wife (collectively hereinafter referred to as the "Defendants Montierth"), having entered into that certain Stipulation and Consent to Entry of Judgment and Decree of Quiet Title, and the Defendants Farm Credit Bank of Spokane, a corporation chartered under the laws of the United States, successor by merger to The Federal Land Bank of Spokane, a corporation formerly chartered under the laws of the United States (hereinafter referred to as the "Defendant Farm Credit Bank"), the Defendants Bryce D. Millar and Donna R. Millar, husband and wife (hereinafter referred to as the "Defendants Millar"), subject to their rights as lessees, and the Defendants Theron Griffin and La Nell Griffin, husband and wife (hereinafter referred to as the "Defendants Griffin"), having disclaimed any right, title or interest in and to the real and personal property located in Canyon County, Idaho which is more particularly described herein and in the Complaint on file herein (hereinafter referred to as the "Subject Property") and all claims against the Defendant Farm Credit Bank, the Defendants Millar and the Defendants Griffin having been dismissed and this Court having reviewed all pleadings, motions and other documents filed herein, and this Court being fully advised in the premises;

IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Plaintiffs, E. T. Evans and Robert L. Bilow, as Co-Trustees of the Article IV Trust under the Will of Rex S. Jensen, Deceased, are the owners in fee simple and, subject to the leasehold interest of the Defendants Millar, are entitled to possession of all that certain real property located in Canyon County, Idaho which is more particularly described as Parcels VIII and IX on EXHIBIT "A" attached hereto and incorporated herein by this reference and all of the personal property (irrigation equipment) also described on said EXHIBIT "A." Said real and personal property is hereinafter collectively referred to as the "Jensen Trust Property."

2. That the Plaintiffs Catherine E. Parker, formerly known as Catherine E. Cavaiani, Rex E. Evans and Maryon E. Evans (hereinafter collectively referred to as the "Plaintiffs Parker") are the owners in fee simple and, subject to the leasehold interest of the Defendants Millar, are entitled to possession of all that certain real property located in Canyon County, Idaho which is more particularly described as Parcel XI on said EXHIBIT "A" attached hereto. Said real property is hereinafter referred to as the "Parker Property."

3. That the Plaintiff Mark A. McDonough (hereinafter referred to as the "Plaintiff McDonough") is the owner in fee simple and, subject to the leasehold interest of the Defendants Millar, is entitled to possession of all that certain real

property located in Canyon County, Idaho which is more particularly described as Parcel X on said EXHIBIT "A" attached hereto. Said real property is hereinafter referred to as the "McDonough Property."

4. That the Defendants Montierth, their heirs, representatives, transferees and their claimants and encumbrancers, and all whom claim title under them have no right, title, interest, claim or estate whatsoever in, to or upon the Jensen Trust Property or the Parker Property or the McDonough Property or any part thereof and all of said Defendants Montierth and all persons claiming under them are forever restrained and perpetually forbidden, enjoined and debarred from claiming or asserting any estate, right, title, interest in or claim or lien upon the Jensen Trust Property, or the Parker Property or the McDonough Property or any part thereof.

5. That the fee simple title in and to the Jensen Trust Property and the whole thereof and each and every part thereof is quieted in E. T. Evans and Robert L. Bilow as Co-Trustees of the Article IV Trust under the Will of Rex S. Jensen, Deceased, free of any adverse claim of the Defendants Montierth and their heirs, representatives, transferees, claimants and encumbrancers.

6. That the fee simple title in and to the Parker Property and the whole thereof and each and every part thereof is

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quieted in Catherine E. Parker, formerly known as Catherine E. Cavaiani, Rex E. Evans and Maryon E. Evans, free of any adverse claim of the Defendants Montierth and their heirs, representatives, transferees, claimants and encumbrancers.

7. That the fee simple title in and to the McDonough Property and the whole thereof and each and every part thereof is quieted in Mark A. McDonough, free of any adverse claim of the Defendants Montierth and their heirs, representatives, transferees, claimants and encumbrancers.

8. That appurtenant to the Jensen Trust Property is a non-exclusive easement over and across the following described real property for reasonable vehicle and utility service access from that portion of the South One-Half of the North One-Half of Section 10, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho, not included in the property described below to that road known as Dry Lake Road:

PARCEL I:

The South half of the North half of Section 10, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, EXCEPTING therefrom the following described property: Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 2 North and Range 3 West of the Boise Meridian; thence S 0°4'0" E, 1,358.47 feet along the East section line (Basis of Bearing) to the Real Point of Beginning; thence continuing S 0°4'0" E, 1,298.48 feet to the 1/4 corner; thence S 0°9'27" E, 1,818.74 feet along the section line to a point N 0°9'27" W, 836.23 feet to the

southeast corner of said Section 10; thence N 39°35'0" W, 421.13 feet; thence N 19°39'55" W, 722.59 feet; thence N 16°48'33" W, 201.19 feet; thence N 37°3'36" W, 599.17 feet; thence N 13°47'14" W, 527.44 feet; thence N 0°54'43" E, 492.15 feet; thence N 61°11'12" W, 315.87 feet; thence N 21°40'11" W, 304.77 feet; thence N 89°56'0" E, 1,431.45 feet to the Real Point of Beginning.

9. That the Jensen Trust Property, the Parker Property and the McDonough Property are each entitled to its pro rata share of appurtenant licensed water based upon a pro rata allocation of the total appropriated licensed water among the irrigable acres as reflected in State of Idaho Water License No. 63-3597 and Water License No. 63-7156.

10. That each party hereto shall bear its own attorneys' fees and costs which they incurred in connection with this action.

DATED this 6th day of Feb, 1992.

WAYNE P. FULLER

Wayne P. Fuller
District Judge

State of Idaho }
County of Canyon } ss.

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

2-7-92

NED J. KERR, Clerk of the District Court
and Ex-Officio Recorder

JUDGMENT AND DECREE OF QUIET TITLE - By

Fuller

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JUL 25 1994

EXHIBIT "A"

PARCEL VIII:

A portion of Section 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

All of the NW $\frac{1}{4}$, lying South of the Mora Canal;
All of the N $\frac{1}{4}$ of the SW $\frac{1}{4}$;
All of the N $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying South of the Mora Canal;
That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South and East of the Mora Canal;
All of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;
All of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, excepting the following described property;

Commencing at a point on the east boundary line of Section 11 Township 2 North, Range 3 West, Boise Meridian, which is 280 feet North of the Southeast corner of said section; thence West a distance of 25 feet to a point, the TRUE POINT OF BEGINNING; thence North and parallel to the East boundary line of said Section a distance of 300 feet; thence West a distance of 100 feet; thence South and parallel to the East boundary line of said section a distance of 300 feet; thence East a distance of 100 feet to the TRUE POINT OF BEGINNING.

PARCEL IX:

*

That portion of Section 10, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho, described as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 2 North and Range 3 West of the Boise Meridian; thence S 0°4'0" E, 1,358.47 feet along the East section line (Basis of Bearing) to the Real Point of Beginning; thence continuing S 0°4'0" E, 1,298.48 feet to the 1/4 corner; thence S 0°9'27" E, 1,818.74 feet along the section line to a point N 0°9'27" W, 836.23 feet to the southeast corner of said Section 10; thence N 39°35'0" W, 421.13 feet; thence N 19°39'55" W, 722.59 feet; thence N 16°48'33" W, 201.19 feet; thence N 37°3'36" W, 599.17 feet; thence N 13°47'14" W, 527.44 feet; thence N 0°54'43" E, 492.15 feet; thence N 61°11'12" W, 315.87 feet; thence N 21°40'11" W, 304.77 feet; thence N 89°56'0" E, 1,431.45 feet to the Real Point of Beginning.

* Not included in transfer appl. per telecon
with E. T. Evans, - 1 - 5/1/92, JH 25 1994
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PARCEL X:

The West half of the Southwest Quarter of the Southeast Quarter of Section 11 in Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

PARCEL XI:

The South half of the Southwest Quarter of Section 11, Township 2 North, Range 3 West, of the Boise Meridian, Canyon County, Idaho.

Well #2

Serial No.

100 h.p. General Electric Motor
with a Layne & Bowler pump

EJJ516178
45112

75 h.p. General Electric Motor (Booster)
with a Layne & Bowler pump

EJJ509590
45111

Well #3

125 h.p. U.S. Holoshaft Motor with a
Wellline pump

None
1552112KH

100 h.p. U.S. Holoshaft Motor (Booster)
with a Wellline pump

NRR1326904
17920412KH

Together with all allied equipment including but not limited to: electrical panels, control boxes, wiring, pipes, valves, casings, and underground irrigation pipe, used in connection with said wells and the above described real property and also together with all water and water rights appurtenant to said above described real property.

9203092

RECORDED

92 FEB 12 PM 12 49

NED J. KERR

CANYON COUNTY RECORDER

BY *C. Smith*

REQUEST

TYPE

Harvey Michael F.H.
FEB 33

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PRO-RATA SHARE IN SRBA CLAIMS RE:

63-03597

63-07156

Transfer appl. 1989-92 splits rights into two parts:

63-03597 part A, cover in S. 10 & S. 15.

part B, cover in S. 11, 3 owners (2.80 cts & 1342.5 ata)

63-07156 part A, cover in S. 14.

part B, cover in S. 11, 2 owners (1.46 cts & 620.1 ata)*

* See 2 pg. attachment copied from transfer file & labeled as Attachment D for these splits.

SRBA claims for cover in parts B above

A. 63-03597 337.3 acres for 3 owners as follows:

$$\text{cts/ac} = .0083$$

$$\text{ata/ac} = 3.98$$

1) A63-03597 B = "JENSEN Trust" property for 239.8 ac.

$$(239.8)(.0083) = 1.99 \text{ cts}$$

$$(239.8)(3.98) = 954.4 \text{ ata}$$

2) A63-03597 C = "PARKER" property for 78 ac.

$$(78)(.0083) = .65 \text{ cts}$$

$$(78)(3.98) = 310.4 \text{ ata}$$

3) A63-03597 D = "McDONOUGH" property for 19.5 ac.

$$(19.5)(.0083) = .16 \text{ cts}$$

$$(19.5)(3.98) = 77.6 \text{ ata}$$

totals

cts	ata
1.99	954.4
.65	310.4
.16	77.6
2.80	1342.4

↑
Ok - some difference
due to rounding, ata
to nearest 1/10

B. 63-07156 145.3 acres for 2 owners as follows:

$$\text{cts/ac} = .010036$$

$$\text{ata/ac} = 4.268$$

A63-07156 B = "JENSEN Trust" property for 125.3 ac.

$$(125.3)(.010036) = 1.26 \text{ cts}$$

$$(125.3)(4.268) = 534.8 \text{ ata}$$

A63-07156 C = "McDONOUGH" property for 20 ac.

$$(20)(.010036) = .20 \text{ cts}$$

$$(20)(4.268) = 85.4 \text{ ata}$$

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JUL 25 1994

totals

cts	ata
1.26	534.8
.20	85.4
1.46	620.2

ATTACHMENT B

filed in 1989 & revised in 1992 -

WORKSHEET FOR LICENSE 63-03597

SL
5/1/92

TOTAL FLOW 7.53 cfs

TOTAL VOLUME 3614 AFA

TOTAL ACRES 908

Rate / acre $\frac{7.53}{908} = .0083$ cfs/acre

Volume / acre $\frac{3614}{908} = 3.98$ AFA/acre

Acres for
SPBA
claims

	QXQ	ACRES	PARCEL NO.	ACRES IN TRANSFER	COMMENTS
<u>S.11</u>	SWNW	36	VIII	36	JENSEN TRUST PROPERTY
	SENW	26	VIII	26	
	NESW	40	VIII	40	
	NWSW	40	VIII	40	
	SWSW	39	XI	39	PARKER PROPERTY
	SESW	39	XI	39	
	NWSE	40	VIII	40	JENSEN TRUST PROP. } Equal split
	SWSE	39	VIII	19.5 E 1/2 =	
			X	19.5 W 1/2 = McDONOUGH PROPERTY	
	SESE	39	VIII	38.3	39 acres minus .7 ac. Exclusion
	total	338		337.3	JENSEN TRUST

337.3 ac. x .0083 cfs/acre = 2.80 cfs

x 3.98 AFA/acre = 1342.5 AFA

Water for
acres in
S.11, this
transfer

Original License

908 ac. 7.53 cfs 3614 AFA

minus transferred acres

337.3 ac. 2.80 cfs 1342.5 AFA

Remainder of original right (no change in rate or volume per acre)

570.7 ac. 4.73 cfs 2271.5 AFA

$\frac{4.73}{570.7} = .0083$ cfs ac. $\frac{2271.5}{570.7} = 3.98$ AFA/ac

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Attachment
D
(12 pgs.)

W I L D L I F E R E F U G E

Jensen Trust Property

A63-03597 B

A63-07156 B

Parker Property

A63-03597 C

A63-03597 B, C, & D

A63-07156 B & C

For notes in S.H. Shum
wells and plans to transfer
April 22, 1989-92

McDonough Property

A63-03597 D

A63-07156 C

well #1

well #2

well #3

-03597

Wells #1, 2, and 9

-07156

well #3

NOTE LAND IN N/4 NW 1/4 OR IN
SENE ARE PART OF Parcel VIII of
JENSEN TRUST BUT NOT IRRIgated
these Rights.

Exclude
.2 ac
in SESE

T2N R3W

No joint lots.

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POOR ORIGINAL

Attachment
C

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. **63-7156** Priority **Oct. 7, 1968** Amount **2.81 cfs**

THIS IS TO CERTIFY, that **BRYCE MILLAR**

of **Nampa, Idaho** has complied with the terms and conditions of Permit

No. **63-7156** issued pursuant to Application filed for Permit dated **October 7, 1968**

and has submitted for record to the Department of Water Resources on **September 21, 1973**

that he has applied water to beneficial use in accordance with the Department's indication that the works have a

capacity to divert **2.81 cfs** of water from **a ground water source**

and that the permit holder is applying such water to beneficial use in accordance with the

Department's indication that the water is to be used as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from Jan. 1 to Dec. 31	at 0.01 cfs and	4.0 acre feet
Irrigation	from April 1 to Nov. 1	at 2.81 cfs and	1,191 acre feet or
	from _____ to _____	at _____ cfs and	4.5 af per acre
	(Both dates inclusive)		

Subject, however, to the condition that no more than **2.81 cfs** of water be diverted at any one time, and

that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose

mentioned and is limited to the amount which can actually be beneficially used and shall not exceed

1,195 acre feet per year, said waters to be diverted within the **NE 1/4 Sec. 11,**

Twp. 2 N, Rge. 3 W, B. M. in the County of **Canyon**

Description and location of place of use:

Twp	Range	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2 N	3 W	11													40	40	40	40	160
		14		40	40	40													120

Total number of acres irrigated **280**

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

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this **25** day of

April, 19 **75**

[Signature]
Director

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