

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: **A63-07427D**  
Date Received: 1/14/1992  
Receipt No: X777777  
Received By: \_\_\_\_\_

**AMENDED**

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

**AMENDED**

1. Name: LENWOOD SLEGGERS 208-884-2544  
Address: PO BOX 118  
KUNA ID 83634  
AND/OR  
Name: JAMES SLEGGERS 208-884-2544  
Address: PO BOX 118  
KUNA ID 83634  
AND/OR  
Name: MARIA ADRIANA SLEGGERS 208-884-2544  
Address: PO BOX 118  
KUNA ID 83634  
AND/OR  
Name: TESS J SLEGGERS 208-884-2544  
Address: PO BOX 118  
KUNA ID 83634

2. Date of Priority: JAN 24, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01N      | 01W   | 16      | NW     | SW     |     | 3   | ADA    |
|          |       |         | SW     | SW     |     | 4   | ADA    |
|          |       |         | NW     | SE     |     |     | ADA    |

5. Description of diverting works:  
WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.060 |      | 13.50  |
| STOCKWATER | 01/01 | 12/31 | 0.700 |      | 52.40  |
| COMMERCIAL | 01/01 | 12/31 | 0.700 |      | 105.10 |

7. Total Quantity Appropriated is:

0.760 C.F.S. (and/or) 171.00 A.F.A.

8. Total consumptive use is 133.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DAIRY @ 1200 MILKING, 400 NON-MILKING; COMMERCIAL=DAIRY BARN USE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 01N      | 01W   | 16      | SW     | SW  | 4   | IRR    | 3.0   |
|          |       |         | SW     | SW  | 4   | STOCK  |       |
|          |       |         | SW     | SW  | 4   | COMMER |       |

Section Acres 3.0

Total Acres 3.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

DLE I-3377.

THAT PORTION OF PERMIT 63-7427 WHICH IS AMENDED TO 160 ACRES IN THE SW1/4, S16, T1N, R1W SHALL PROVIDE NO MORE THAN 3.2 CFS FOR IRRIGATION & SHALL HAVE THE PRIORITY DATE ADVANCED TO 1/24/83. P/D AND P/U MAP WILL BE PREPARED FROM LICENSE FIELD EXAM.

THE MAXIMUM DIVERSION VOLUME IS DEFINED AS THE MAXIMUM ALLOWABLE VOLUME OF WATER THAT MAY BE DIVERTED ANNUALLY FROM THE SOURCE UNDER THIS RIGHT. THE USE OF WATER CONFIRMED BY THIS RIGHT IS LIMITED TO THE AMOUNT THAT CAN ACTUALLY BE BENEFICIALLY USED. THE MAXIMUM DIVERSION VOLUME MAY BE ADJUSTED TO MORE ACCURATELY DESCRIBE THE BENEFICIAL USE OR TO IMPLEMENT ACCEPTED STANDARDS IF DIVERSION AND USE EFFICIENCY.

THIS RIGHT IS APPURTENANT TO THE DESCRIBED PLACE OF USE.

THIS RIGHT IS SUBJECT TO ALL PRIOR WATER RIGHTS AND MAY BE FORFEITED BY FIVE YEARS OF NON-USE.

MODIFICATION TO OR VARIANCE FROM THIS LICENSE MUST BE MADE WITHIN THE LIMITS OF SECTION 42-222, IDAHO CODE, OR THE APPLICABLE IDAHO LAW.

RIGHT 63-03311 IS ALSO DIVERTED THROUGH ONE OF THE POINTS OF DIVERSION DESCRIBED ABOVE.

CLAIM AMENDED PER TRANSFER NO 4595 APPROVED 11/9/1995

SEE ALSO ADDITIONAL CONDITIONS APPROVAL AS LISTED ON THE COPY OF

14. Remarks: Continued

APPROVED TRANSFER 4595 IN FILE.

RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS OF THE DIVISION OF ENVIRONMENTAL QUALITY, IDAHO DEPT OF HEALTH AND WELFARE.

THE RIGHT HOLDER SHALL NOT USE WATER UNDER THIS APPROVAL FOR A DAIRY OPERATION LARGER THAN 1200 MILKING COWS AND 400 DRY COWS, REPLACEMENT CALVES AND HEIFERS.

PRIOR TO THE DIVERSION AND USE OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL INSTALL AND MAINTAIN A MEASURING DEVICE ON EACH P/D ASSOCIATED WITH THE DAIRY AND SHALL ANNUALLY REPORT THE AMOUNT OF WATER DIVERTED TO THE DEPARTMENT. THE RIGHT HOLDER SHALL OBTAIN PRIOR APPROVAL OF THE DEPARTMENT RELATIVE TO THE TYPE OF MEASURING DEVICE.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANS NO 4595 SHALL NOT EXCEED .76 CFS NOR TOTAL COMBINED ANNUAL VOLUME OF 171 AFA.

TRANSFER NO 4595 AUTHORIZES THE USE OF .70 CFS AND 157.5 AFA UNDER RIGHT NO 63-07427D FOR COMMERCIAL AND STOCKWATER USES IN CONNECTION WITH A DAIRY.

THE NON-DAIRY PORTION OF RIGHT 63-07427D IS LIMITED TO DIVERSION RATE OF .06 CFS, AN ANNUAL DIVERSION VOLUME OF 13.5 AFA AND IRRIGATION OF 3.0 ACRES EACH YEAR.

THE ACRES WHICH ARE NO LONGER AUTHORIZED FOR IRRIGATION UNDER RIGHT 63-07427D ARE SPECIFICALLY DESCRIBED AS FOLLOWS: 35 ACRES WITHIN SWSW,S16,T01N,R01W.

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 )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4595  
WATER RIGHT NO. 63-07427D

This is to certify that: JAMES SLEGGERS  
PO BOX 118  
KUNA ID 83634

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.06 CFS              | 13.5 AF              |
| STOCKWATER            | 01/01 to 12/31       | 0.70 CFS              | 52.4 AF              |
| COMMERCIAL            | 01/01 to 12/31       | 0.70 CFS              | 105.1 AF             |
|                       | Totals               | 0.76 CFS              | 171.0 AF             |

SOURCE

GROUNDWATER

Priority: 01/24/1983

LOCATION OF POINT(S) OF DIVERSION: Lot 3( NWSW), Sec. 16, Township 01N, Range 01W  
Lot 4( SWSW), Sec. 16, Township 01N, Range 01W  
NWSE, Sec. 16, Township 01N, Range 01W  
ADA County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u>                     | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|----------------------------------|--------------|--------------|
| 01N 01W 16         | SWSW 3       |                                  |              | 3            |
|                    |              | Total number of acres irrigated: |              | 3            |

PLACE OF USE: STOCKWATER, same as IRRIGATION use

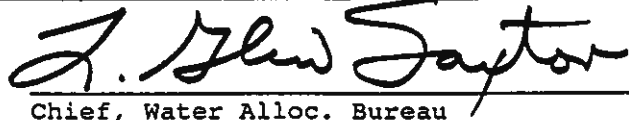
PLACE OF USE: COMMERCIAL, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

- 046 1.X Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- Ind. R32 2.X This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

TRANSFER NO. 4595  
WATER RIGHT NO. 63-07427DCONDITIONS OF APPROVAL AND REMARKS

- T04 3.X Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 4.X The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 5.X Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 6.X 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.
- \* 7.X Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- \* 8.X The right holder shall not use water under this approval for a dairy operation larger than 1,200 milking cows and 400 dry cows, replacement calves and heifers.
- \* 9.X Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device.
- \* 10.X The total instantaneous diversion of water from all points of diversion under Transfer No. 4595 shall not exceed 0.76 cfs, nor total combined annual volume of 171.0 af.
- \* 11.X Transfer No. 4595 authorizes the use of 0.70 cfs and 157.5 afa under Right No. 63-07427D for commercial and stockwater uses in connection with a dairy.
- \* 12.X The non-dairy portion of Right No. 63-07427D is limited to a diversion rate of 0.06 cfs, an annual diversion volume of 13.5 af, and irrigation of 3.0 acres each year.
- \* 13.X The acres which are no longer authorized for irrigation under Right No. 63-07427D are specifically described as follows:  
35 acres within SWSW, S16, T01N, R01W.

Dated this 9<sup>th</sup> day ofNovember, 1995.  
Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 63-07427D

FROM: PAM SKAGGS/<sup>CS</sup>STATE OFFICE

SUBJECT: TRANSFER NO. 4595

DATE: November 8, 1995

=====

Transfer No. 4595 was filed to change the nature and season of use of a portion of Right No. 63-07427D and change points of diversion serving this system. The applicant will remove 35 acres from irrigation to provide sufficient water for stockwater and commercial use for a dairy. Three (3) acres will remain as irrigation and are currently under CRP contract. One (1) of the original points of diversion will be retained for use and two (2) new wells will be added.

Change in Nature of Use Evaluation

|           |                      |                | Div.Vol.         | C.U.Vol.        |
|-----------|----------------------|----------------|------------------|-----------------|
| Original: | 0.76 cfs IRR         | 38 Acres       | 171.0 afa        | 133.0 afa       |
| Transfer: | 0.06 cfs IRR         | 3 Acres        | 13.5 afa         | 10.5 afa        |
|           | 0.70 cfs STOCK       | (35 " )        | 52.4 afa         | 7.0 afa         |
|           | <u>0.70 cfs COMM</u> | <u>( " " )</u> | <u>105.1 afa</u> | <u>---- afa</u> |
|           | 0.76 cfs             | 38 Acres       | 171.0 afa        | 17.5 afa        |

No expansion occurs through this transfer; consumptive use is reduced under the new use. Recommended conditions include drilling permit conditions, irrigation overlap, right-of-way, water quality, dairy/stock limit, multiple points of diversion/measuring devices, annual reporting, acres removed from irrigation and standard transfer conditions.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4595APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1CALIFORNIA - 909-7356222  
LOCAL - 208-884-2544REVISED FROM  
ORIGINAL APPL.  
UPON LICENSING  
RIGHT # 63-074.Name of applicant James Slegers Phone 836422Post Office address PO 2408 Kuwa Cave Rd. Kuwa ID 836422  
PO box 118 34

## 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

SEE NOTE ON  
REVIEW SHEET C  
ADDRESS MIO-0.

2. Describe the reason for the proposed changes Retain 35 of 38 irrigated acres & use water for commercial/stork all year at dairy operation. Change diversions from 3 licensed wells outside of SW 1/4 S.16 to 1 existing & 2 proposed wells within SW 1/4 S.16. Retain 3 acres as irrigated site (CRP contract)

## 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>63-07427D</u> | <u>1/24/1983</u> | <u>.24</u>         | <u>Stockwater</u> | <u>1/1</u> to <u>12/31</u>  |
|                  |                  | <u>.46</u>         | <u>Commercial</u> | <u>1/1</u> to <u>12/31</u>  |
|                  |                  | <u>.06</u>         | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
|                  |                  | <u>.76</u>         | <u>38</u>         |                             |

NOTE: stock + comm. cfs not additive but AFA ARE additive.

2. Total amount of water being transferred .76 cubic feet per second and/or 171.0 acre-feet per annum.

3. Source of water groundwater tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion          |
|-----|-----|-----|-----|------|------|------|--------|-----------------------------------|
| —   |     | NW  | SE  | 16   | 1N   | 1W   | Ada    | Existing well #3 (as licensed)    |
| 3   |     | NW  | SW  | 16   | 1N   | 1W   | "      | proposed well } 2 new wells, both |
| 4   |     | SW  | SW  | 16   | 1N   | 1W   | "      | " " } possibly in SWSW            |

## 5. 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 |        |
| 1N   | 1W   | 16   |      |      |      |      |      |      |      |      |      |      | 3    |      |      |      |      | 3    |        |
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C = commercial } dairy use  
S = stockwaterTotal acres 3

# PART 1

## 6. General Information:

a. Description of diversion system Existing well to irrigate with machine. New 10"12" well proposed, approx 30 hp pump for dairy with discharge to lagoon. Portion of flows re-lifted back to irrigation system. Back domestic-type well proposed for connection to dairy use.

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:

35 acres will no longer be irrigated - will be replaced by dairy operation. See Attachment B for dairy use evaluation.

d. Remarks:

Stockwater is for 1200 dairy & 400 dry/replacement stock.  
License 63-07427D is a split from 63-07427B: Portion C (120 Acres)  
to Mary Pension & Portion D (38 Acres) to Applicant. Applicant retains  
possibility to purchase 120 Acres listed in Portion C of original right.

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

## PART 2

TRANS NO. 4595

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-07427D

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.76 CFS              | 171.0 AF             |

SOURCE

GROUNDWATER

Priority: 01/24/1983

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 01N, Range 01W  
SENE , Sec. 16, Township 01N, Range 01W  
NWSE , Sec. 16, Township 01N, Range 01W  
ADA County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u>               | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
| 01N 01W 16 Lot 4(SWSW)           | 38           |              |              | 38           |
| Total number of acres irrigated: |              |              |              | 38           |

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
2. This right is appurtenant to land designated as DLE No. I-3377. Right 63-03311 is also diverted through one of the points of diversion described above.

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

YES If yes, describe CRP enrollment 5 1/2 SW 1/4 only. Portion of contract (for SWSW) to be terminated to allow project to proceed. Balance of irrig in SWSW (3 acres) to be

- B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED protected by CRP umbrella (RE: forfeiture).  
(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres \_\_\_\_\_

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

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

2. Point(s) of Diversion:

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

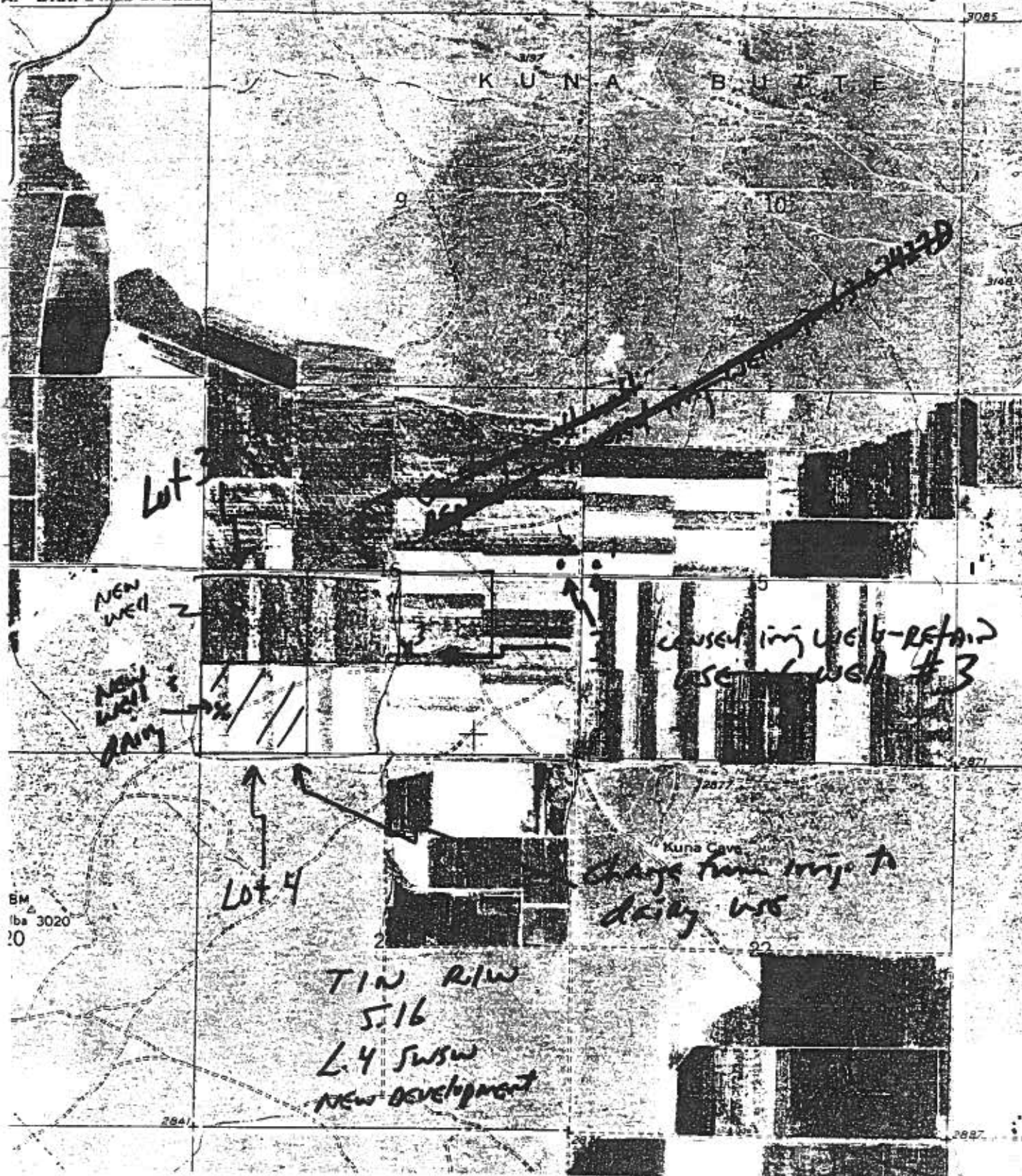
3. Lands irrigated or place of use:

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

Total acres \_\_\_\_\_

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



### PART 3

#### B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use              |
|---|-------------------|-----------------------|-----------------|----------------------------|
|   | <u>Stockwater</u> | <u>.70</u>            | <u>365</u>      | <u>1/1</u> to <u>12/31</u> |
|   | <u>Commercial</u> | <u>.70</u>            | <u>365</u>      | <u>1/1</u> to <u>12/31</u> |

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

Return flows from dairy to anaerobic lagoon. Portion of return flows can be used for remaining irrigation.

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

Total annual volume will not exceed that volume required for 35 acres (157.5 AFA). New uses will spread volume use over entire year, thus lessening impact during irrigation season.

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.

J. L. Lutz  
(Signature of Applicant)

Subscribed and sworn to before me this 8/31/91 day of August, 1991.

Geri Blain

(Notary Public)

My commission expires 12-8-2000

#### FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by SL Date 9/1/95

Protest filed by \_\_\_\_\_

Prelim. check by SL \*Fee \$100

Receipted by CJH Date 4/12/95 W018903

Published in Idaho Statesman

Copies of protest forwarded by \_\_\_\_\_

Pub. dates 9-7 & 14-1995

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_

Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

\* No add'l. fee needed to review appl. since changed prior to advertising. -SL 8/30/95

FILE # Transfer 4595, 63-07427B EXAM DATE  
 REVIEWER C HODGES CALC DATE 04/18/95

## DAIRIES: WATER USE WORKSHEET

## REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE\* ----- 1200  
 NUMBER OF NONMILKING CATTLE\* ----- 400  
 LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;  
 ANAEROBIC, ENTER ZERO ----- 0.0  
 POTENTIAL TRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 3.5  
 PUMP 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF  
 SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS - 3  
 NUMBER OF MILKINGS PER DAY ----- 3  
 GALLONS OF WATER FOR IN-BARN USE (GPM) ----- 200  
 DURATION OF IN-BARN USE (MINUTES) ----- 180  
 HOURS PUMP IS ON ----- 12.0

## CALCULATIONS

## DAILY VOLUME FOR STOCKWATER (GALLONS):

MILKING CATTLE @35 GPD/HD ----- 42000  
 NONMILKING CATTLE @12 GPD/HD ----- 4800  
 TOTAL (GALLONS) ----- 46800

## DAILY VOLUME IN BARN USE (GALLONS):

IN BARN RATE X DURATION (GALLONS) ----- 36000

FLOW RATE REQUIRED (GPM) ----- 65  
 FLOW RATE REQUIRED (CFS) ----- 0.14  
 (STOCKWATER ONLY)

## DAILY REQUIRED VOLUME (AFA):

STOCKWATER  
 MILKING CATTLE @35 GPD/HD ----- 47.0  
 NONMILKING CATTLE @12 GPD/HD ----- 5.4  
 TOTAL VOLUME ----- 52.4

COMMERCIAL  
 WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.5  
 PARLOR FLOOR AND MILKHOUSE FLOOR ----- 40.3  
 CATTLE WASHING BASED UPON METHOD OF WASHING ----- 65.1  
 TOTAL VOLUME ----- 105.9

TOTAL REQUIRED VOLUME ----- 158.3

## CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER  
 MILKING ----- 7.0  
 NONMILKING ----- 0.0  
 TOTAL ----- 7.0

COMMERCIAL ----- 0.0  
 TOTAL CONSUMPTIVE USE ----- 7.0

## THEORETICAL FLOW ESTIMATION WORKSHEET

## PUMP INFORMATION

|                                     | PUMP 1 | PUMP 2  | PUMP |
|-------------------------------------|--------|---------|------|
| PUMP HORSEPOWER (HP) -----          | 25.0   |         |      |
| LIFT (FT) -----                     | 150    |         |      |
| DISCHARGE PRESSURE (PSI) -----      | 60     |         |      |
| FRICTION LOSSES (FT) -----          | 0.0    |         |      |
| HOURS WATER IS PUMPED DAILY -----   | 612    |         |      |
| CALCULATIONS                        |        |         |      |
| THEORETICAL FLOW RATE (GPM) * ----- | 239    | 0       |      |
| THEORETICAL FLOW RATE (CFS) * ----- | 0.53   | 0.00    | 0.0  |
| DAILY VOLUME (GALLONS) -----        | 86244  | 172,080 | 0    |
| DIVERSION VOLUME (AFA) ** -----     | 386.3  | 0.0     | 0.   |

\* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

\*\* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.

## NUMBER OF ACRES THAT CAN BE IRRIGATED BY CONSUMPTIVE USE INPUT DATA

|                 | IRRIGATION CONSUMPTIVE USE/ACRE |     |
|-----------------|---------------------------------|-----|
| CALCULATED      |                                 | 3.1 |
| ACRES IRRIGATED |                                 | 2.1 |

## EVALUATION OF REDUCTION REQUIRED IF AN IRRIGATION RIGHT IS MODIFIED (TRANSFER)

## IRRIGATION RIGHT (BEFORE CHANGE)

## INPUT:

|                          |        |
|--------------------------|--------|
| RATE (CFS)               | 2.30   |
| ACRES                    | 153.00 |
| ACRE FEET PER ACRE       | 4.50   |
| CONSUMPTIVE USE PER ACRE | 3.50   |

## CALCULATIONS:

|                                      |      |        |
|--------------------------------------|------|--------|
| RATE PER ACRE                        | 0.02 | CFS/AC |
| RATE NEEDED FOR DAIRY OPERATION      | 0.14 | CFS    |
| REDUCTION OF IRR. BASED ON RATE/ACRE | 9.7  | ACRES  |
| REDUCTION BASED ON CONSUMPTIVE USE   | 2.0  | ACRES  |
| REDUCTION BASED ON ANNUAL VOLUME     | 35.2 | ACRES  |

$12 \times 0.02 = .24 = \text{Stockwater}$   
 $23 \times 0.02 = .46 = \text{Commercial}$

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: A63-07427D  
Date Received: 1/14/1992  
Receipt No: W014008  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAMES SLEGERS 208-884-2544  
Address: PO BOX 118  
KUNA ID 83634  
AND/OR  
Name: MARIA ADRIANA SLEGERS 208-884-2544  
Address: PO BOX 118  
KUNA ID 83634  
AND/OR  
Name: LENWOOD SLEGERS 208-884-2544  
Address: PO BOX 118  
KUNA ID 83634  
AND/OR  
Name: TESS J SLEGERS 208-884-2544  
Address: PO BOX 118  
KUNA ID 83634

2. Date of Priority: JAN 24, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01N      | 01W   | 15      |        | SW     | NW  |     | ADA    |
|          |       | 16      |        | SE     | NE  |     | ADA    |
|          |       |         |        | NW     | SE  |     | ADA    |

5. Description of diverting works:  
WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.760 |      | 171.00 |

7. Total Quantity Appropriated is:

0.760 C.F.S. (and/or) 171.00 A.F.A.

8. Total consumptive use is 133.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 01N           | 01W   | 16      | SW     | SW  | 4   | IRR | 38.0  |
| Section Acres |       |         |        |     |     |     | 38.0  |
| Total Acres   |       |         |        |     |     |     | 38.0  |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

DLE I-3377.

THAT PORTION OF PERMIT 63-7427 WHICH IS AMENDED TO 160 ACRES IN THE SW1/4, S16, T1N, R1W SHALL PROVIDE NO MORE THAN 3.2 CFS FOR IRRIGATION & SHALL HAVE THE PRIORITY DATE ADVANCED TO 1/24/83.

P/D AND P/U MAP WILL BE PREPARED FROM LICENSE FIELD EXAM.

THE MAXIMUM DIVERSION VOLUME IS DEFINED AS THE MAXIMUM ALLOWABLE VOLUME OF WATER THAT MAY BE DIVERTED ANNUALLY FROM THE SOURCE UNDER THIS RIGHT. THE USE OF WATER CONFIRMED BY THIS RIGHT IS LIMITED TO THE AMOUNT THAT CAN ACTUALLY BE BENEFICIALLY USED. THE MAXIMUM DIVERSION VOLUME MAY BE ADJUSTED TO MORE ACCURATELY DESCRIBE THE BENEFICIAL USE OR TO IMPLEMENT ACCEPTED STANDARDS IF DIVERSION AND USE EFFICIENCY.

THIS RIGHT IS APPURTENANT TO THE DESCRIBED PLACE OF USE.

THIS RIGHT IS SUBJECT TO ALL PRIOR WATER RIGHTS AND MAY BE FORFEITED BY FIVE YEARS OF NON-USE.

MODIFICATION TO OR VARIANCE FROM THIS LICENSE MUST BE MADE WITHIN THE LIMITS OF SECTION 42-222, IDAHO CODE, OR THE APPLICABLE IDAHO LAW.

RIGHT 63-03311 IS ALSO DIVERTED THROUGH ONE OF THE POINTS OF DIVERSION DESCRIBED ABOVE.

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 )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

02/19/2009

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

RIGHT NUMBER: 63-7427D

NAME AND ADDRESS: MARIA ADRIANA SLEGGERS

PO BOX 118  
KUNA ID 83634

TESS J SLEGGERS

PO BOX 118  
KUNA ID 83634

JAMES SLEGGERS

PO BOX 118  
KUNA ID 83634

LENWOOD SLEGGERS

PO BOX 118  
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.760 CFS  
171.000 AFY

PRIORITY DATE: 01/24/1983

POINT OF DIVERSION:

T01N R01W S16 NWSW Lot 3 Within ADA County

T01N R01W S16 SWSW Lot 4 Within ADA County

T01N R01W S16 NWSE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| COMMERCIAL            | 1/01 12/31           | 0.700 CFS       |
|                       |                      | 105.10 AFY      |
| IRRIGATION            | 3/15 11/15           | 0.060 CFS       |
|                       |                      | 13.50 AFY       |
| STOCKWATER            | 1/01 12/31           | 0.700 CFS       |
|                       |                      | 52.40 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 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in ADA County

T01N R01W S16 Lot 4 SWSW 3.00

STOCKWATER in ADA County

T01N R01W S16 Lot 4 SWSW

COMMERCIAL in ADA County

T01N R01W S16 Lot 4 SWSW

3 ACRES TOTAL

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

02/19/2009

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The acres which are no longer authorized for irrigation under Right No. 63-7427D are specifically described as follows: 35 acres within SWSW, S16, T01N, R01W.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Approval of Transfer No. 4594 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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

The right holder shall not use water under Transfer No. 4595 for a dairy operation larger than 1,200 milking cows and 400 dry cows, replacement calves and heifers.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Prior to the diversion and use of water under Transfer No. 4594, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device.

The right holder shall accomplish the change authorized by Transfer No 4595 within one (1) year of the date of the approval.

Failure of the right holder to comply with the conditions of Transfer No. 4595 is cause for the Director to rescind approval of the transfer.

**Shurte, Jan**

---

**From:** Shurte, Jan  
**Sent:** Thursday, February 19, 2009 8:08 AM  
**To:** 'Ted Booth'  
**Cc:** 'Diana Delaney'  
**Subject:** FW: 63-7427D

Ted,

I just decided to delete all of the quantity remarks since the total quantity, purpose and period of use contain the same total quantities for each use.

Jan

---

**From:** Shurte, Jan  
**Sent:** Wednesday, February 18, 2009 10:39 AM  
**To:** 'Ted Booth'  
**Subject:** RE: 63-7427D

Ted,

They all look unnecessary for the quantity remarks. These were taken directly from the conditions on the approved transfer. How about we delete all of them as being redundant?

Jan

---

**From:** Ted Booth [mailto:tbooth@srba.state.id.us]  
**Sent:** Friday, January 16, 2009 4:13 PM  
**To:** Shurte, Jan  
**Subject:** 63-7427D

Jan,

This is the first question for the batch of uncontested dated April 3, 2009. There is a remark under quantity that refers to the "non-dairy" portion of the right. The remark has a typo that says "0/06 cfs." Looking at the remark, it appears entirely unnecessary. Can we just delete it? If not, in addition to fixing the typo, can we say "irrigation" in place of "non-dairy"?

Ted

---

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.  
<http://www.ihatespam.net>

2/19/2009



State of Idaho

## DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

March 23, 2007

MARIA ADRIANA SLEGRS  
TESS J SLEGRS  
JAMES SLEGRS  
LENWOOD SLEGRS  
4601 W KUNA CAVE RD  
KUNA ID 83634

Re: Snake River Basin Adjudication (SRBA)  
Water Right No(s). 63-7427D, 63-7427F  
**Change of Address**

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your claim(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

**If your mail delivery address changes in any form, please contact us in writing so we can update our records.**

If there has been a change in ownership of any of the properties connected with the water right(s) referenced above, please call this office to obtain a form to make this required change to the water right(s) records.

Sincerely,

Lori Harris  
Technical Records Specialist  
Adjudication Section  
Western Region

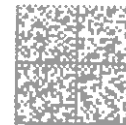
\*\*\*\*\*  
The address is correct as shown above or as otherwise changed.

\_\_\_\_\_  
Signature of water right claimant

\_\_\_\_\_  
Telephone number

ADDRESS SERVICE  
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE  
02 1A  
0004389393  
MAILED FROM ZIP CODE 83

[illegible]

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## 10485 Nucleic Acids

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

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KUNA 100 K-41-0<sub>2</sub>

4601 W Kuna Cam Rd  
Kuna 83634

RECEIVED

FEB 12 2037

WATER RESOURCES  
WESTERN REGION

63-7427D

7427F

**AMENDED 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: 63-7427D

JAMES and MARIA SLEGGERS  
4601 W. Kuna Cave Road  
Boise, ID 83634  
Telephone Number: (208)922-5864

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

Point of Diversion

Other Provisions Necessary for Definition

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

Should specify that there are two PODs in SWSW, Section 16

Remove remark regarding number of milking cows and dry cows.

3. Give a brief explanation as to why you disagree with these portions:  
Transfer No. 5548, involving water right number 63-7427F, resulted in an increase in the number of dairy cows and dry cows permitted under water right numbers 63-7427D and 63-7427F. Two operating wells exist in SWSW, Section 16

\_\_\_\_\_ **I AGREE with this proposed recommendation; no changes need to be made.**

**DATE:** 10/31/06

**SIGNATURE:** Charles L. Honsinger

Please print your name: Charles L. Honsinger  
Ringert Clark, Chartered  
P.O. Box 2773  
Boise, ID 83701  
(208)342-4591

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

**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: 63-7427D

JAMES and MARIA SLEGERS  
4601 W. Kuna Cave Road  
Boise, ID 83634  
Telephone Number: (208)922-5864

RECEIVED

OCT 26 2006

WATER RESOURCES  
WESTERN REGION

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

Other Provisions Necessary for Definition

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

Remove remark regarding number of milking cows and dry cows.

3. Give a brief explanation as to why you disagree with these portions:  
Transfer No. 5548, involving water right number 63-7427F, resulted in an increase in the number of dairy cows and dry cows permitted under water right numbers 63-7427D and 63-7427F.

\_\_\_\_\_ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 10/24/06

SIGNATURE: Charles L. Honsinger

*Transfer 5548  
split WR 63-7427C  
into E & F,  
63-7427D is a  
separate WR and  
not part of C, E or F*

Please print your name: Charles L. Honsinger  
Ringert Clark, Chartered  
P.O. Box 2773  
Boise, ID 83701  
(208)342-4591

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGIONAL OFFICE  
1735 AIRPORT WAY  
BOISE, IDAHO 83705

ADDRESS SERVICE  
REQUESTED



TESS J SLEGERS

JAMES SLEGERS

LENWOOD SLEGERS

LENWOOD SLEGERS

MARIA ADRIANA SLEGERS  
PO BOX 118  
KUNA ID 83634

4601 W Kuna Cave Rd  
Kuna 83634

FIRST CLASS



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OCT 08 2006

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WATER RESOURCES  
WESTERN REGION

63-7427D

63-7427F

Present 10-12-06

10/30/2006

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

RIGHT NUMBER: 63-7427D

NAME AND ADDRESS: MARIA ADRIANA SLEGGERS

PO BOX 118  
KUNA ID 83634

TESS J SLEGGERS  
PO BOX 118  
KUNA ID 83634

JAMES SLEGGERS  
PO BOX 118  
KUNA ID 83634

LENWOOD SLEGGERS  
PO BOX 118  
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.760 CFS  
171.000 AFY

The total instantaneous diversion of water from all points of diversion under Transfer No. 4595 shall not exceed 0.76 cfs, nor total combined annual volume of 171.0 afy

Transfer No. 4595 authorizes the use of 0.70 cfs and 157.5 afa under Right No. 63-7427D for commercial and stockwater uses in connection with a dairy.

The non-dairy portion of Right No. 63-7427D is limited to a diversion rate of 0/06 cfs, and annual diversion volume of 13.5 af and irrigation of 3.0 acres each year

PRIORITY DATE: 01/24/1983

POINT OF DIVERSION:

T01N R01W S16 NWSW Lot 3 Within ADA County

T01N R01W S16 SWSW Lot 4 Within ADA County

T01N R01W S16 NWSE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| COMMERCIAL            | 1/01 12/31           | 0.700 CFS<br>105.10 AFY |
| IRRIGATION            | 3/15 11/15           | 0.060 CFS<br>13.50 AFY  |
| STOCKWATER            | 1/01 12/31           | 0.700 CFS<br>52.40 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 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 ADA County  
T01N R01W S16 Lot 4 SWSW        3.00

STOCKWATER Within ADA County

T01N R01W S16 Lot 4 SWSW

COMMERCIAL Within ADA County

T01N R01W S16 Lot 4 SWSW

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL:    BASIS OF CLAIM - License

The acres which are no longer authorized for irrigation under Right No. 63-7427D are specifically described as follows: 35 acres within SWSW, S16, T01N, R01W.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Approval of Transfer No. 4594 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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

The right holder shall not use water under Transfer No. 4595 for a dairy operation larger than 1,200 milking cows and 400 dry cows, replacement calves and heifers.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Prior to the diversion and use of water under Transfer No. 4594, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device.

The right holder shall accomplish the change authorized by Transfer No 4595 within one (1) year of the date of the approval.

Failure of the right holder to comply with the conditions of Transfer No. 4595 is cause for the Director to rescind approval of the transfer.

Laura E. Burri  
Jeffrey R. Christenson  
David P. Claiborne  
D. Blair Clark  
S. Bryce Farris  
Jon C. Gould  
David Hammerquist  
Charles L. Honsinger  
James P. Kaufman  
Jennifer Reid Mahoney  
James G. Reid  
Daniel V. Steenson

William F. Ringert, of Counsel  
Allyn L. Sweeney of Counsel  
Samuel Kaufman (1921-1986)

October 31, 2006

Idaho Dept. of Water Resources  
Western Regional Offices  
2735 Airport Way  
Boise, ID 83705-5082

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OCT 26 2006

WATER RESOURCES  
WESTERN REGION

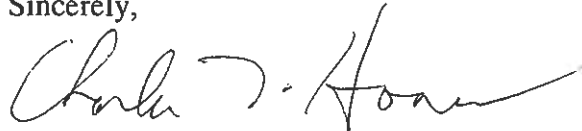
Re: SRBA Notices of Error

Dear Sir or Madam:

Enclosed please find SRBA Notices of Error for Water Right nos. 63-7427D and 63-7427F that I hereby submit on behalf of my clients James and Maria Slegers. I look forward to resolving the issues raised in those Notices of Error.

Please contact me with any questions or concerns. Thank you.

Sincerely,



Charles L. Honsinger

enclosures

cc: Jim Slegers

**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: 63-7427D

JAMES and MARIA SLEGGERS  
4601 W. Kuna Cave Road  
Boise, ID 83634  
Telephone Number: (208)922-5864

RECEIVED

OCT 26 2006

WATER RESOURCES  
WESTERN REGION

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

Other Provisions Necessary for Definition

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

Remove remark regarding number of milking cows and dry cows.

3. Give a brief explanation as to why you disagree with these portions:  
Transfer No. 5548, involving water right number 63-7427F, resulted in an increase in the number of dairy cows and dry cows permitted under water right numbers 63-7427D and 63-7427F.

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

DATE: 10/24/06

SIGNATURE: Charles L. Honsinger

*Transfer 5548  
split WR 63-7427C  
into 'E' & 'F'.  
63-7427D is a  
separate WR*

Please print your name: Charles L. Honsinger  
Ringert Clark, Chartered  
P.O. Box 2773  
Boise, ID 83701  
(208)342-4591

09/12/2006

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

RIGHT NUMBER: 63-7427D

NAME AND ADDRESS: MARIA ADRIANA SLEGGERS  
PO BOX 118  
KUNA ID 83634

TESS J SLEGGERS  
PO BOX 118  
KUNA ID 83634

JAMES SLEGGERS  
PO BOX 118  
KUNA ID 83634

LENWOOD SLEGGERS  
PO BOX 118  
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.760 CFS  
171.000 AFY

PRIORITY DATE: 01/24/1983

POINT OF DIVERSION:

T01N R01W S16 NWSW Lot 3 Within ADA County

T01N R01W S16 SWSW Lot 4 Within ADA County

T01N R01W S16 NWSE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| COMMERCIAL            | 1/01 12/31           | 0.700 CFS<br>105.10 AFY |
| IRRIGATION            | 3/15 11/15           | 0.060 CFS<br>13.50 AFY  |
| STOCKWATER            | 1/01 12/31           | 0.700 CFS<br>52.40 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 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 ADA County

T01N R01W S16 Lot 4 SWSW 3.00

STOCKWATER Within ADA County

T01N R01W S16 Lot 4 SWSW

COMMERCIAL Within ADA County

T01N R01W S16 Lot 4 SWSW

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

✓ X Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

✓ X The right holder shall not use water under this approval for a dairy operation larger than 1,200 milking cows and 400 dry cows, replacement calves and heifers.

✓ X Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device.

✓ X The total instantaneous diversion of water from all points of diversion under Transfer No. 4595 shall not exceed 0.76 cfs, nor total combined annual volume of 171.0 af.

✓ X Transfer No. 4595 authorizes the use of 0.70 cfs and 157.5 afa under Right No. 63-07427D for commercial and stockwater uses in connection with a dairy.

✓ X The non-dairy portion of Right No. 63-07427D is limited to a diversion rate of 0.06 cfs, an annual diversion volume of 13.5 af, and irrigation of 3.0 acres each year.

✓ X The acres which are no longer authorized for irrigation under Right No. 63-07427D are specifically described as follows: 35 acres within SWSW, S16, T01N, R01W.

✓ X The right holder shall accomplish the change authorized by Transfer No. 4595 within one (1) year of the date of this approval.

✓ X This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.~~

✓ X Failure of the right holder to comply with the conditions of Transfer No. 4595 is cause for the Director to rescind approval of the transfer.

✓ X Approval of Transfer No. 4595 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

✓ X Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.



# Idaho Department of Water Resources

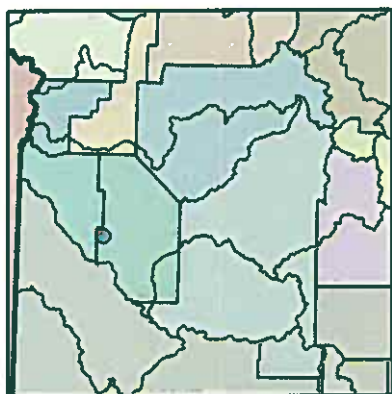
SRBA Recommendation:

**63-7427D**

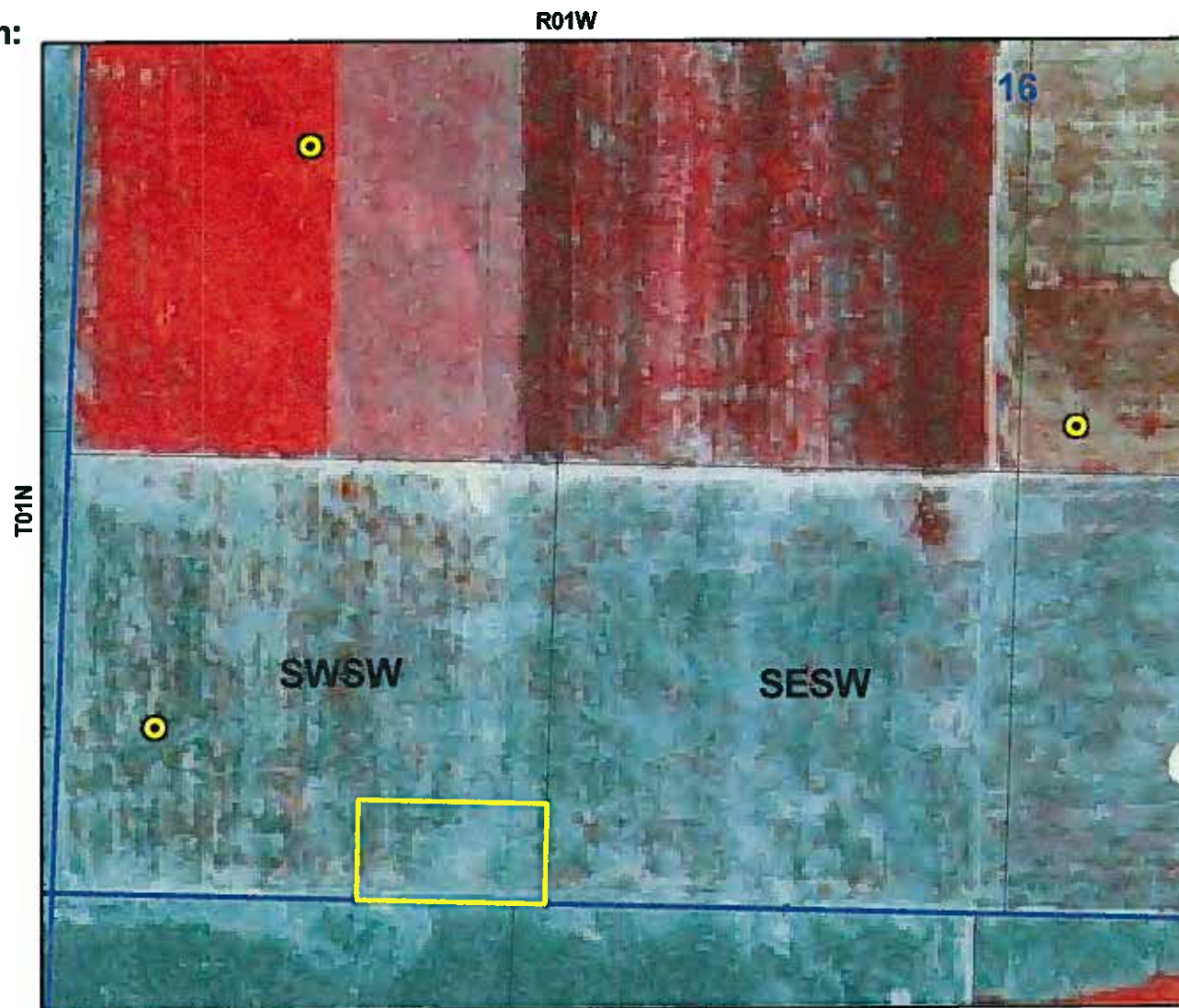
(Irrigation)

## Legend

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



Ada County  
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by S. Egbert  
On Tuesday, September 12, 2006  
1987/88 Aerial Photography

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 63-07427D

Priority: January 24, 1983

Maximum Diversion Rate: 0.76 CFS  
Maximum Diversion Volume: 171.0 AF

This is to certify, that MARIA ADRIANA SLEGRS  
TESS J SLEGRS  
JAMES SLEGRS  
LENWOOD SLEGRS

14322 CHANDLER  
CORONA CA 91720

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 28, 1971; and has submitted Proof of Beneficial Use on May 27, 1977. An examination indicates that the works have a diversion capacity of 12.410 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.76 CFS                 | 171.0 AF             |

LOCATION OF POINT(S) OF DIVERSION:  
SWNW , Sec. 15, Township 01N, Range 01W  
SENE , Sec. 16, Township 01N, Range 01W  
NWSE , Sec. 16, Township 01N, Range 01W  
ADA County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 01N        | 01W        | 16         | Lot 4(SWSW)  | 38           |              | 38           |

Total number of acres irrigated: 38

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. This right is appurtenant to land designated as DLE No. I-3377.

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 63-07427D

CONDITIONS/REMARKS:

F05 7. Right 63-03311 is also diverted through one of the points of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 21<sup>st</sup> day of AUGUST, 1995.

Acting for

KARL J. DREHER, Director



PAGE 2

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 63-07427D

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = 50<sup>00</sup> Receipted by KJ # 1033399 Date 8-17-95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 63-07427D with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. This right is appurtenant to land designated as DLE No. I-3377.
7. Right 63-03311 is also diverted through one of the points of diversion described above.

Witness my hand this 21<sup>st</sup> day of August, 1995.

Acting for   
KARL J. DREHER, Director

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-07427D**

RECEIVED

AUG 17 1995

Department of Water Resources

Date of Priority: January 24, 1983

Maximum Diversion Rate:

0.76 CFS

Maximum Diversion Volume:

171.0 AF

Comes now

MARIA ADRIANA SLEGERS  
TESS J SLEGERS  
JAMES SLEGERS  
LENWOOD SLEGERS

14322 CHANDLER  
CORONA CA 91720

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the  
State of Idaho No. 63-07427D, and requests that the permit be changed as follows:

Source: GROUNDWATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.76 CFS                 | 171.0 AF             |

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 01N, Range 01W  
SENE , Sec. 16, Township 01N, Range 01W  
NWSW , Sec. 16, Township 01N, Range 01W  
ADA County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 01N        | 01W        | 16         | Lot 4(SWSW)  | 38           |              | 38           |

Total number of acres irrigated: 38

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

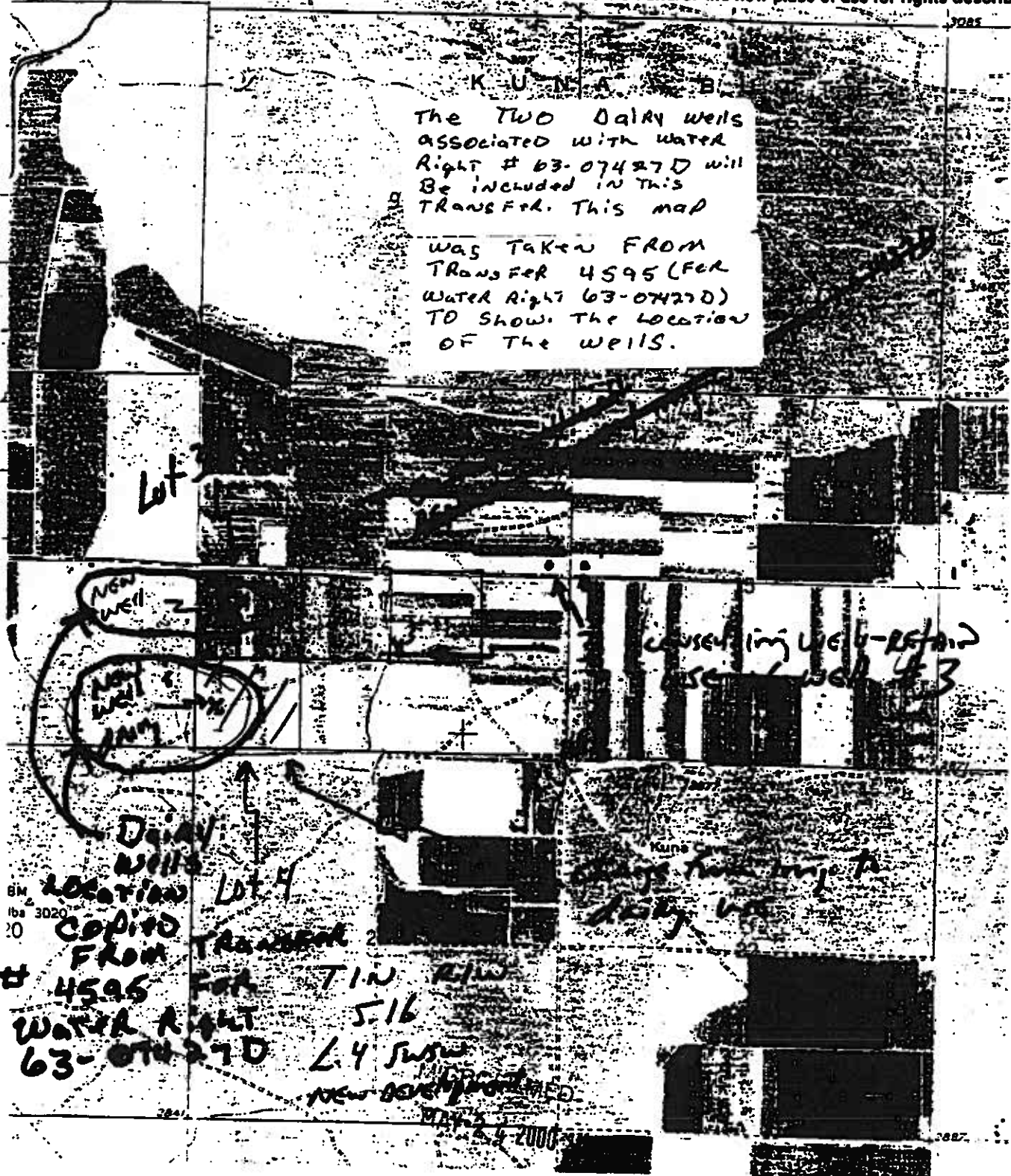
Signed at J. Seeg, this 17<sup>th</sup> day of August, 1995.

FAWR

(Signature)

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





PHOTOGRAPHER AND DATE OF PHOTOS 1998 CFSA Aerial Photo

FILE NO. AND LEGAL DESCR. T-1W R-1W S-16-~~0~~



MICROFILMED  
MAY 24 2009

ATTACHMENT 6.

1998 PHOTO SHOWS DAIRY AND IRRIGATED LAND AROUND DAIRY.

# Split Tree

P63-07427 DR: 4.80 cfs  
 (YORK)  
 P/D: 1N, 1W, S24, SWSW  
 P/U: 1N, 1W, S24 SWSW-40 NESE-40  
 SESW-40 NWSE-40  
 SWSW-40  
 SESE-40

Amendment  
 1-27-1983  
 (Assigned 8-15-73)  
 (Assigned 1-23-83)

P63-07427A DR: 1.60  
 Monticelli  
 P/D: 1N, 1W, S24, SWNW  
 P/U: S24, NESE-40  
 NWSE-40

Assigned  
 (1-23-83)

P63-07427B DR: 3.20  
 MONY Pension  
 (Monticelli)  
 P/D: 1N, 1W, S16, NESW & NWSE  
 P/U: 1N, 1W, S16, NESW-40 NWSW-40  
 SWSW-40 SESW-40

L63-

07427C DR: 2.30 cfs  
 (MONY PENSION)  
 P/D: 1N, 1W, S15, SWNW  
 S16, SENE, NWSE  
 P/U: 1N, 1W, S16, NESW-39 } 115  
 L3 NWSW-38  
 L5 SESW-38

L63-

07427D DR: .76 cfs  
 Rogers, James  
 " , Marie  
 " , Lawrence  
 " , Tess  
 P/D: Same as "C"  
 P/U: 1N, 1W, S16, L4 SWSW-38  
 ALLER

8-21-95 & 10-27-95  
 Dry Diagnosis Amend.  
 Export W.C.D.

Per T4595

A63-074270 - DR: IRR - .06 g/s 13.5 g/s  
(Slegers, James) ~~Atk~~ .70 " 52.4 "

Comm .70 " 105.1 "

P/D: 1N, 1W, S16, L+3, NWSW

L+4, SWSW

NWSE

P/U: 1N, 1W, S16 SWSW - 3 ac

" - St. with

" - Com.

David L. Brown  
Assistant Director of Agricultural Investments

Mutual Of New York  
Agricultural Investment Office  
One Mid Rivers Drive, Suite 120  
St. Peters, MO 63376  
314 278-5555  
Fax 314 278-6763  
Fax 314 278-6767



RECEIVED

AUG 16 1995

Department of Water Resources

August 15, 1995

MR. SHELLEY W. KEEN  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 NORTH ORCHARD STREET  
STATEHOUSE MAIL  
BOISE, IDAHO 83720-9000

**RE: WATER RIGHT NO. 63-07427B**

Dear Mr. Keen:

Mutual Life Insurance Company, successors to MONY Pension Insurance Corp., hereby agrees to amend the above referenced water permit to transfer or change to James Slegers and Maria Adriana Slegers, husband and wife, and Lenwood Slegers and Tess J. Slegers, husband and wife, that portion of the permit which is described as:

Part D: Government Lot 4, Section 16, Township 1 North, Range 1 West,  
Boise Mederian A.D.A. County, Idaho, containing 40 acres +/-.

I have enclosed a copy of MONY's Partial Release dated May 15, 1995 and a copy of a Special Warranty Deed dated November 16, 1989. In addition, I am enclosing a check for \$25.00 for the filing fee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

David L. Brown,  
Assistant Director of Agricultural Investments

DLB/jie

Enclosure

cc: Jim Melton  
Neal Goplen  
Jack McCall

STATE OF MISSOURI

COUNTY OF ST. CHARLES

On this 15<sup>th</sup> day of August, 1995, before me appeared David L. Brown, to me personally known, who, being by me duly sworn, did say that he is the Assistant Director of Agricultural Investments of The Mutual Life Insurance Company of New York, a New York corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Trustees, and that he acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County and State the day and year last above written.

  
Notary Public, State of Missouri

SCHA2-KS.AGR

JENNIFER JO TODD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Charles County  
My Commission Expires: March 19, 1997

Loan No. 30047

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, a New York Corporation, having its Home Office at 1740 Broadway, New York, New York, 10019, the holder of an Idaho Mortgage and Security Agreement made, dated and recorded as follows:

| <u>Made by</u>                                                           | <u>Dated</u> | <u>Recorded</u> | <u>Instrument #</u> |
|--------------------------------------------------------------------------|--------------|-----------------|---------------------|
| Herbert Montierth<br>and<br>Golda Darlene Montierth,<br>husband and wife | 12/29/89     | 1/23/90         | 9004211             |

in the Office of the County Recorder of Ada County, Idaho for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby release the following described property:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF AND EMBOSSED WITH THE SEAL OF THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK

Provided, however, that the release shall not be construed or interpreted to affect, diminish or release the balance of the security held under said Mortgage nor shall it be interpreted or construed to release, affect or diminish the personal liability of any party liable for the payment of the Note which said Mortgage secures.

IN WITNESS WHEREOF, THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK has caused this instrument to be signed and sealed on its behalf of its duly authorized officers, this 16<sup>th</sup> day of May, 1995.

ATTEST:

By: David M. Brown  
David M. Brown  
Assistant Secretary

THE MUTUAL LIFE INSURANCE  
COMPANY OF NEW YORK

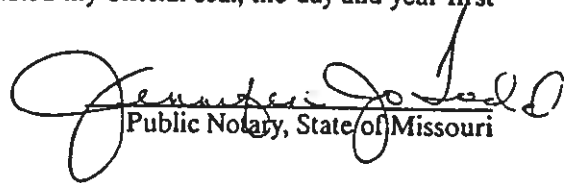
By: James O. Melton  
James O. Melton  
Vice President

STATE OF MISSOURI

COUNTY OF ST. CHARLES

On this 16<sup>th</sup> day of May, 1995, before me personally appeared James O. Melton to me known to be one of the Vice Presidents of the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

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

  
Public Notary, State of Missouri

JENNIFER JO TODD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Charles County  
My Commission Expires: March 19, 1997

LOAN #30047

**EXHIBIT A**

**PARCEL 1:**

**GOVERNMENT LOT 4, SECTION 16, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN,  
ADA COUNTY, IDAHO. CONTAINING 40 ACRES MORE OR LESS.**

9004210

FRE No. 30006  
PMS No. 30047

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, The Mutual Life Insurance Company of New York, a New York corporation, (hereinafter referred to as "Grantor"), does hereby grant, bargain, sell and convey unto Herbert Montierth and Golda Darlene Montierth, husband and wife, whose current address is Route 1, Kuna, Idaho 83634, (hereinafter referred to as "Grantee"), the following described premises in Ada County, Idaho, to-wit:

Parcel I: The Northeast Quarter, the North Half of the Southeast Quarter, and Lots Six (6) and Seven (7), Section Sixteen (16), Township One (1) North, Range One (1) West, Boise Meridian Ada County, Idaho.

Parcel II: The Northeast fourth of the Southwest Quarter, Lots Three (3), Four (4) and Five (5), Section Sixteen (16), Township One (1) North, Range One (1) West, Boise Meridian, Ada County, Idaho.

Subject to such easements, rights, licenses, covenants, liens and zoning regulations as may appear of record or by use upon the premises.

TOGETHER WITH all buildings, structures, improvements, water, water rights, including, but not limited to, all of Grantor's water rights under State of Idaho Permit #63-7753 and Permit #63-7427.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that: they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever by, through or under Grantor.

Dated this 16th day of November, 1989.

The Mutual Life Insurance  
Company of New York

By: Clara Cosby  
Clara Cosby, Assistant Secretary

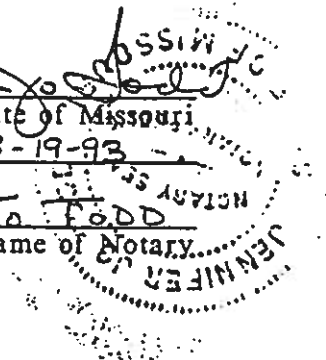
By: Neal R. Goplen  
DMB Neal R. Goplen  
Director of Agricultural Investments

STATE OF MISSOURI

COUNTY OF ST. LOUIS

On this 16th day of November, in the year 1989, before me, a Notary Public, personally appeared Neal R. Gaden, known or identified to me to be the Director of Agricultural Investments of the corporation that executed the above instrument or the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

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

A circular notary seal for Jennifer To Fodd, Notary Public, State of Missouri. The seal contains the text "MISSOURI", "NOTARY PUBLIC", and "JENNIFER TO FODD".  
\_\_\_\_\_  
Notary Public, State of Missouri  
My Commission Expires: 3-19-93  
\_\_\_\_\_  
Jennifer To Fodd  
Printed Name of Notary

MONT-ID.DED

Ada County, Idaho, ss  
Request of  
FIRST AMERICAN TITLE CO.  
TIME 2:53 PM  
DATE 1-23-90  
JOHN BASTIDA  
RECORDER  
By Ch. Bates  
Deputy 6.00

[illegible]

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.

*see file 63-07753  
for photos + additional  
maps & diagrams.*

Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4. *see attached + file 63-07753*

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_

\_\_\_\_\_

E. NARRATIVE/REMARKS/COMMENTS

James Slegers is in the process of purchasing this pt and converting a portion of it to lawn use. Transfer appl #4595 has been received and is on hold until the licensing of this permit.

Have conditions of permit approval been met? ☐ yes ☐ no

## F. FLOW CALCULATIONS

Measured Method:

☒ Additional Computation Sheets Attached

*see attached*

## G. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 153 \times 4.5 = 688.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.19 \times 246 \times 1.9835 = 1068.6$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 688.5$$

$$* 153 \times \text{current rate } 0.01433 = 2.19 \text{ cfs}$$

### 2. Volume Calculations for Other Uses:

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use    | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|---------------|--------------|------------------------------|--------------------------|
|                   | From          | To           |                              |                          |
| <i>Irrigation</i> | <i>3/15</i>   | <i>11/15</i> | <i>2.19</i>                  | <i>688.5</i>             |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
| Totals:           |               |              | <i>2.19</i>                  | <i>688.5</i>             |

### 2. Recommended Amendments

☒ Change P.D. as reflected above    ☒ Add P.D. as reflected above    ☐ None  
☐ Change P.U. as reflected above    ☐ Add P.U. as reflected above    ☐ Other

## I. AUTHENTICATION

Field Examiner's Name *Loi Gnaner* Date *5/1/95*

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

SYSTEM DESCRIPTION  
63-07427B & 63-07753

#1 SWNW Well, Sec 15:

16", 500 hp GE pump, serial # not listed, model #5K6326XC324A, 100 hp Century booster pump, part #6-324549-01, serial code 4R, frame #404TY.

This well's discharge was measured by IDWR in 1969 at 6.55 cfs via sprinkler/pressure gage measurements for license 63-03311. When the pump was installed in 1968, Layne of Idaho's pump test measured the discharge at 3088 gpm or 6.89 cfs, however the test was only run for 1.5 hrs. The pump curve for this pump rates its capacity at 3000 gpm or 6.69 cfs. Based on the degree of accuracy from the information available, the pump curve's 6.69 cfs was the amount used for this exam.

#2 SENE Well, Sec 16:

14", 250 hp GE pump, serial #DKJ410143, model #5K628674A, hook-up for booster pump available. Pump curve information was not available for this well and pumping capacity had not previously been measured. The well driller's report shows the well at 450' deep with static at 322'. A theoretical calculation was used to estimate flow capacity:

$$\frac{250 \text{ hp} \times 8.8 \times .7}{390' + 60 \text{ psi} \times 2.31} = 2.91 \text{ cfs}$$

Psi was based on owner's estimate. 70' drawdown was used in estimating dynamic head, which was based on pump test information for other wells in the area (information source: Layne of Idaho).

#3 NWSE Well, Sec 16:

16", 200 hp GE pump, serial #GMJ728117, model #5K6278XH2A, no booster pump capability. At the time of the exam, this pump had been pulled from the well because its capacity is currently not needed for the irrigation system since some of the farm ground has been enrolled in CRP. Pump curve information was not available and pumping capacity had not previously been measured. The well driller's report shows the well at 412' deep with a static at 230'. A theoretical calculation was used to estimate flow capacity:

$$\frac{200 \text{ hp} \times 8.8 \times .7}{300' + 60 \text{ psi} \times 2.31} = 2.81 \text{ cfs}$$

Estimates for the theoretical equation are based on the same information as listed for well #2.

TOTAL SYSTEM CAPACITY:  $6.69 \text{ cfs} + 2.91 \text{ cfs} + 2.81 \text{ cfs} = 12.41 \text{ cfs}$

TOTAL SYSTEM ACRES IRRIGATED PER ASCS: 866

Of these 866 acres, 419 acres in section 15 have been licensed. The licenses cover 425 acres, however ASCS shows only 419 acres as actually being irrigated. 419 acres were used in the current rate equation. Acre findings have been submitted to the appropriate SRBA filings, A63-03311 and A63-03196B, for future adjustment. (63-03196 was split in SRBA. The licensed P/D in NESE, sec 15 is used for A63-03196A and is separate from this system.)

Current rate:  $12.41 \text{ cfs} / 866 \text{ acres} = .01433 \text{ cfs/acre}$

Old rate: 63-03311,  $4.8 \text{ cfs} / 280 \text{ acres} = .017 \text{ cfs/ac}$

A63-03196B,  $2.9 \text{ cfs} / 145 \text{ acres} = .02 \text{ cfs/ac}$

Since the old rates for the licensed acres are greater than the current rate, the licensed acres have not been included in the acre recommendations. The total licensed flow if the recommended flow is granted would be  $4.8 \text{ cfs} + 2.9 \text{ cfs} + 6.41 \text{ cfs} = 14.11 \text{ cfs}$ . This flow exceeds the system capacity, therefore the maximum combined rate of diversion under rights 63-07427B, 63-07753, 63-03311 and A63-03196B shall not exceed 12.41 cfs.

No other water rights are used.

TIN RIW sec 16  
153 acres

Gravel Pit

KUNA CREEK

Kuna Cave

