

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 63-7885F
Date Received: 2/14/1990
Receipt No:
Received By:

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

1. Name of Claimant(s): FRANK MOSER Phone: (208) 455-9282
25076 GERI LN
CALDWELL ID USA 83607

2. Date of Priority: 10/16/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	04W	35	SE SE	PAYETTE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	04/01	11/01	2.09	576

7. Total Quantity Appropriated is:
2.09 C.F.S. and/or 576 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
06N	04W	35	NE SW		IRRIGATION	3
			SE SW		IRRIGATION	10
			NE SE		IRRIGATION	18
			NW SE		IRRIGATION	37
			SW SE		IRRIGATION	40
			SE SE		IRRIGATION	20
			Section Acres			
Total Acres						128

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 1872 & 4455

This claim is the result of a split per transfer 4455, for a portion of 63-7885C.

15. Basis of Claim: License

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

RECEIVED**JUN 14 2001****WATER RESOURCES
WESTERN REGION**

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>63-7885</u>					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP. 459-2022

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

Joseph W. Roberts / 15032 Hollow Rd
Rita Donna Roberts / Caldwell 83605

4. New Owner/Claimant(s)

FRANK MOSER

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

New Mailing Address

25076 Geri Lane

City, State and ZIP Code

Caldwell, ID 83607

New Telephone Number

(208) 455-9282

5. Date you acquired the property

5-08-01

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

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

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

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

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

"C" NOTES

WR SIDE WAS SPLIT
INTO E & F BECAUSE
A TRANSFER WAS FILED
ON THE "C" PORTION
BUT WAS PROTESTED
4429
(NOT VALID)

SPLIT TREE

CLAIM: 63-7885C Split from transfer 4455

AGENT: Ron Howerton

Date: 6/26/01

FACTOR = CFS **2.38**/ ACRES 146 = **0.01630137**

SPLIT 63-7885E = FACTOR x N acres 18 = CFS **0.29**

SPLIT 63-7885F = FACTOR x N acres **128**= CFS **2.09**

TOTALS 146 2.38

NAME: **Roberts, Joseph**

RIGHT: **63-7885C**

CFS: **2.38**

AF: **657**

ACRES: **146**

SPLIT TRACT(S): **SESE(38)**

NAME: **Roberts, Joseph**

SPLIT: **63-7885E**

CFS: **0.29**

AF: **81**

ACRES: **18**

SPLIT TRACT(S): **SESE(18)**

NAME: **Moser**

SPLIT: **63-7885F**

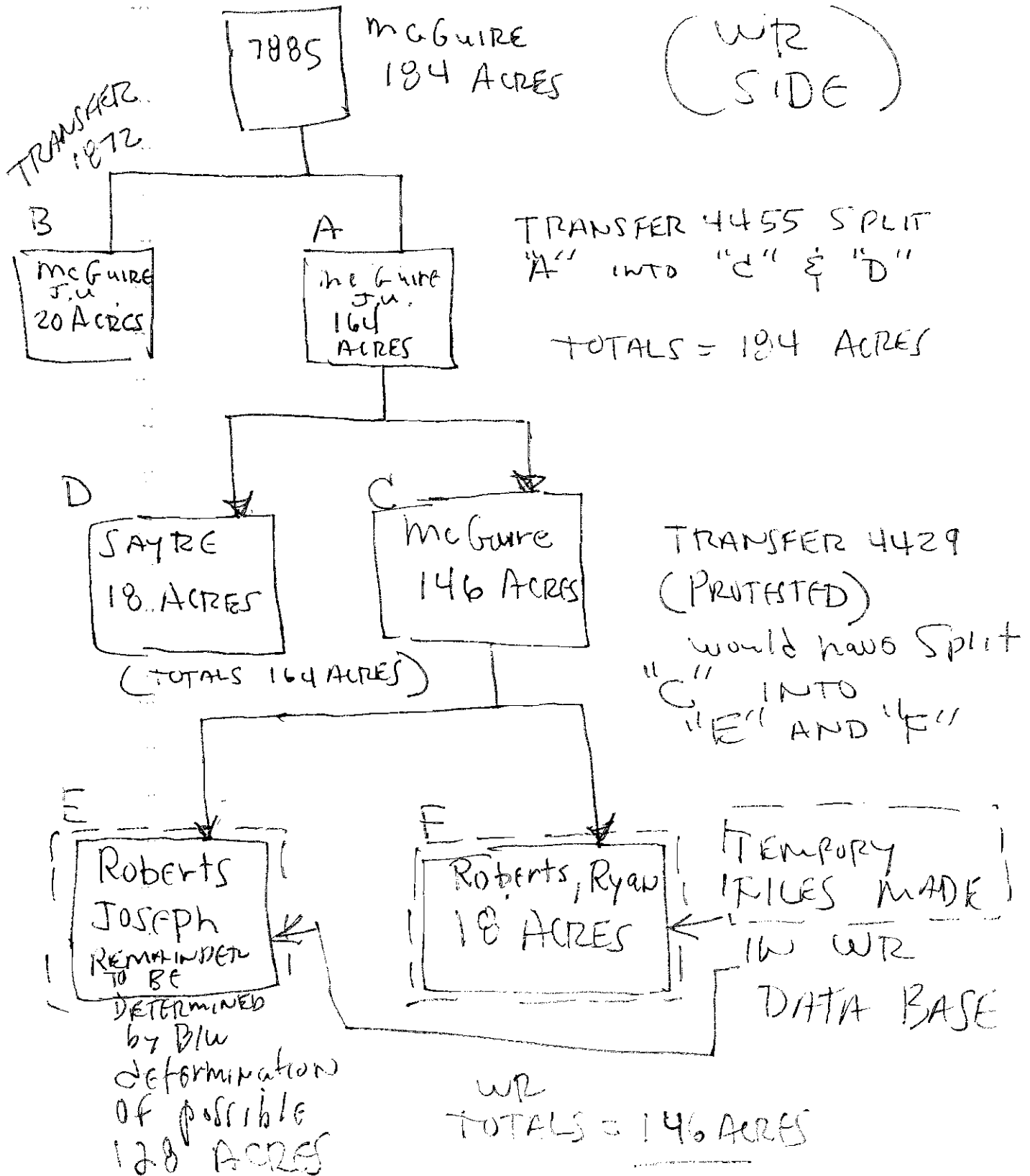
CFS: **2.09**

AF: **576**

ACRES: **128**

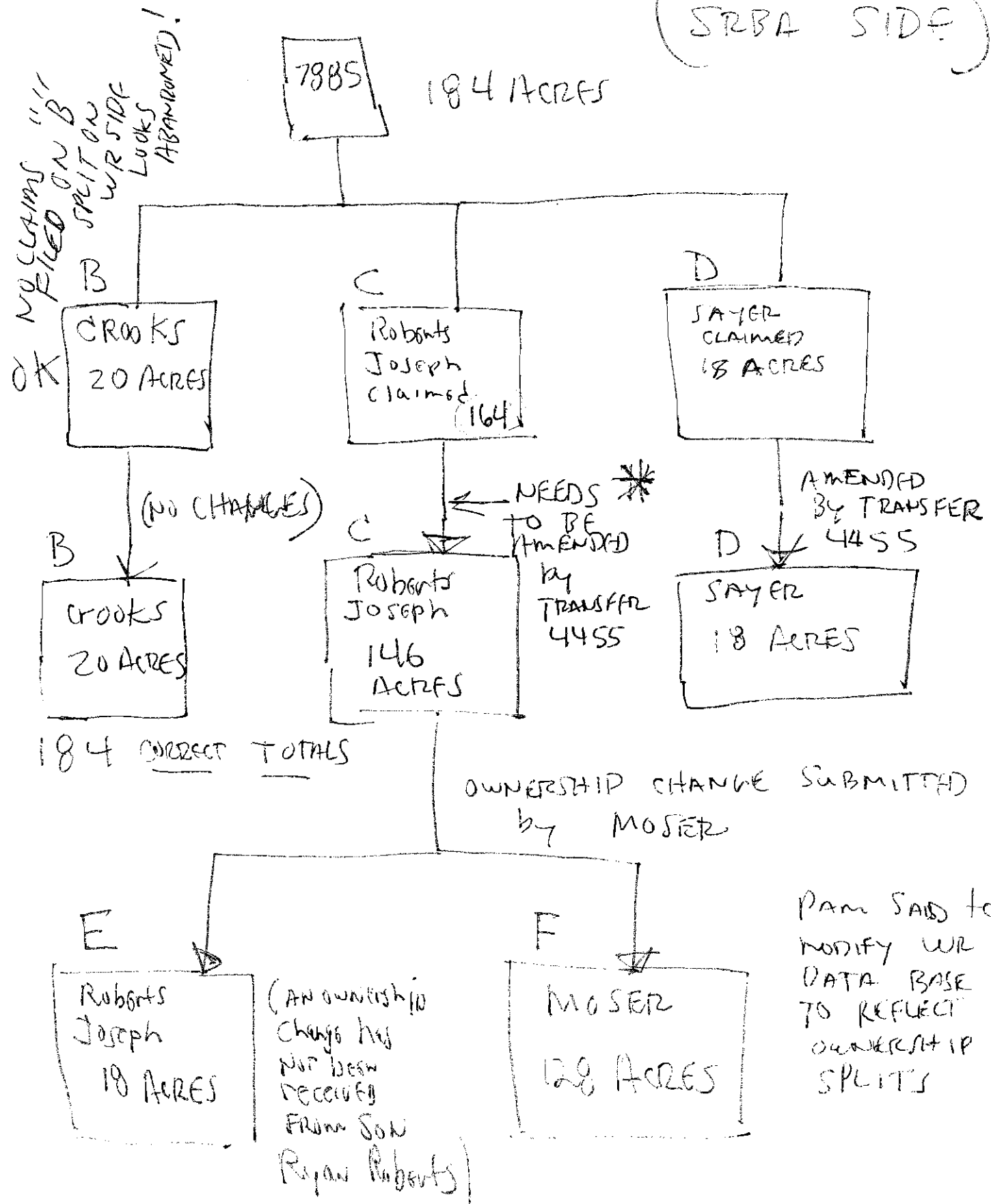
SPLIT TRACT(S): **SESE(20)**

ANALYSIS OF 63-7885 LIC. RT By Ron Howerton



ANALYSIS OF 63-7885 CONTINUED

(SRBA SIDE)



BASIN	Sequence Number	Split Suffix	Basin	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
63	7885	C	License	Active	10/16/1973	2.67	GROUND WATER	IRRIGATION	ROBERTS, JOSEPH W (Current); ROBERTS, RHODONNA (Current)	wrAdjudicationClaim
63	7885	D	License	Active	10/16/1973	0.29	GROUND WATER	IRRIGATION	SAYRE, DAN L (Current); SAYRE, MARY E (Current)	wrAdjudicationClaim
63	7885	B	License	Active	10/16/1973	0.33	GROUND WATER	IRRIGATION	CROOKS, CAROLEE (Current); CROOKS, JOHN W (Current)	wrWaterRight
63	7885	C	License	Active	10/16/1973	2.38	GROUND WATER	IRRIGATION	MC GUIRE, J U (Current); MC GUIRE, PEARL E (Current)	wrWaterRight
63	7885	D	License	Active	10/16/1973	0.29	GROUND WATER	IRRIGATION	SAYRE, DAN L (Current); SAYRE, MARY E (Current)	wrWaterRight
63	7885	C		Active	10/16/1973	2.67	GROUND WATER	IRRIGATION	ROBERTS, JOSEPH W (Current); ROBERTS, RHODONNA (Current)	xrFromAdjClaimList
63	7885	E		Active	10/16/1973	2.38	GROUND WATER	IRRIGATION	MC GUIRE, J U (Current); MC GUIRE, PEARL E (Current)	xrToAdjClaimList
63	7885	F		Active	10/16/1973	2.38	GROUND WATER	IRRIGATION	MC GUIRE, J U (Current); MC GUIRE, PEARL E (Current)	xrToAdjClaimList
Hi Jan, Ron H. was asking me about where the transfers were for this water right. This is how the new database shows transfers. I have highlighted the new transfer files in yellow on this sheet. Since, I had one of these up on the screen I thought I would make a copy for you to let you see how they look also. Dan Nelson										

AJ5809NP
No. A63-07885C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/05/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH W ROBERTS	10/16/1973	IRRIGATION	04-01 11-01	2.670 CFS	
C	RHODONNA ROBERTS					
TOTAL DIVERSION:					2.670 CFS	
CONSUMPTIVE USE:						574.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R04W S35 NESESE

PAYETTE 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
06N	04W	35	:			05	:					13		13	:	20	40	38	35	164.0
TOTAL ACRES																			164.0	

POU County: PAYETTE

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Remarks: GEN THIS CLAIM IS A COMBINATION OF WATER RIGHT NUMBERS 63-07885A AND
63-07885B. A TOTAL OF 160.5 ACRES IS CLAIMED FROM 63-07885A AND
3.5 ACRES ARE CLAIMED FROM 63-07885B.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7885 Priority Oct. 16, 1973 Amount 3.0 cfs
THIS IS TO CERTIFY, that J. U. McGuire &/or Pearl E. McGuire
of Caldwell, Idaho has complied with the terms and conditions of Permit
No. 63-7885 issued pursuant to Application for Permit dated October 16, 1973
and has submitted proof to the Department of Water Resources on June 3, 1974
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 3.0 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
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>3.0</u> cfs and	<u>828</u> acre feet or
	from _____ to _____	at _____ cfs and	<u>4.5 af per acre</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.0 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
828 acre feet per year, said waters to be diverted within the SE 1/4 of Sec. 35
Twp. 6 N., Rge. 4 W., B. 1. in the County of Payette

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	
<u>6 N</u>	<u>4 W</u>	<u>35</u>									<u>3</u>			<u>28</u>	<u>38</u>	<u>37</u>	<u>40</u>	<u>38</u>	<u>184</u>

Total number of acres irrigated 184

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

STATE OF IDAHO FINANCING STATEMENT - FORM UCC-1

Filing Office Use Only

BE TYPE THIS FORM IN BLACK

Use: a. With Secretary of State. Except for pre-paid account users, enclose filing fee of \$6.00 if form is typed, or \$10.00 if not typed. For attachments, add \$1.00 per printed page. Pre-paid account users must enter Customer Number in "Filing Office Use" block to right.

b. Fictive filing with County Recorder. Enclose recording fee of \$3.00 per page.

By the original. Make copies for your file. The original will be returned as your acknowledgment.

Only one debtor's name or assumed name per debtor block exactly as it is to be indexed. If more than four names, use an attached

Enter individual debtor names: Last, First Middle Initial; e.g. Smith, John Alan Jr.

If the obligation has been satisfied, complete the Termination Statement and return the original to the filing officer.

Approved by Pete T. Connors, Secretary of State, UCC Division, P.O. BOX 83720, Boise, ID 83720, Ph 208-334-3181.

#1 (Last name, first, middle, title & mailing address)

Combe Farms, Inc.
5500 Oasis Rd.
Caldwell, ID 83605

Debtor #3

Peggy Lynn Combe
5500 Oasis Rd.
Caldwell, ID 83605

#2

Paul A. Combe
5500 Oasis Rd.
Caldwell, ID 83605

Debtor #4

Frank Moser
25076 Geri Lane
Caldwell, ID 83605

Assignee and Address

Mailing Address for acknowledgment, if not Secured Party

Intermountain Services Corp.
P.O. Box 44122
Boise, ID 83711-0122

Check if Covered ☐ Products of collateral are also covered

If one of the following boxes is checked, the secured party may sign the financing statement. The collateral described herein is:

- ☐ Brought into this state already subject to a security interest in another jurisdiction.
- ☐ Subject to a security interest in another jurisdiction, and the debtor's location has changed to this state.
- ☐ Proceeds of the original collateral described above in which a security interest was perfected.
- ☐ The subject of a financing statement which has lapsed.
- ☐ Subject to a security interest perfected under a prior name or identity of the debtor.

Financing statement covers the following types or items of property:

Is a fixture, timber or mineral filing to be recorded with the County Recorder, include legal description and name of record owner, if required.)

Well and Pump
1992 Zimmatic Center Pivot Irrigation System

Signature(s) of Debtor(s)

COMBE FARMS, INC.

by

Filing Office Use Only

Secured Party Signature

Frank Moser

FRANK MOSER

TERMINATION STATEMENT-The Secured Party no longer claims a security interest for the financing statement.

Secured Party or Assignee of Record

Date

PH-1 7772
293571

TRUSTEE DEED

FOR VALUE RECEIVED in the amount of one hundred ninety five thousand, five hundred seventy eight and nine hundredth dollars (\$195,578.09), RONALD D. SCHOEN, as duly appointed, qualified and acting Standing Chapter 12 Trustee in Bankruptcy Case No. 00-00801, in the United States Bankruptcy Court for the District of Idaho, wherein COMBE FARMS, INC. appears as Debtor, Grantor therein, does hereby grant, bargain, sell and convey unto FRANK MOSER, the Grantee, all right, title and interest to said Estate, an undivided 100% (percent) interest in the following described real property, located in the County of Payette, State of Idaho:

PARCEL I:

A parcel of land situated in the Southeast Quarter and Northeast Quarter of Section 35 in Township 6 North, Range 4 West of the Boise Meridian, County of Payette, State of Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast Quarter of said Section 35; thence North 00°00'25" East (formerly 00°00'10" East) along the Westerly boundary of said Southeast Quarter, a distance of 2643.28 feet to the Northeast corner of said Southeast Quarter;
thence South 89°56'19" East 659.71 feet;
thence North 00°03'34" West 191.89 feet;
thence South 89°56'19" East 441.39 feet;
thence South 57°16'50" East 355.66 feet to a point on the Northerly boundary of said Southeast Quarter;
thence South 89°56'13" East along the Northerly boundary of said Southeast Quarter, a distance of 571.44 feet;
thence South 00°05'31" East (formerly North 00°08'55" West) 478.59 feet (formerly) 478.83 feet;
thence South 13°22'27" East (formerly North 13°29'43" West) 441.18 feet (formerly) 442.06 feet;
thence South 00°30'53" East 180.77 feet (formerly 180.00) feet;
thence South 89°59'43" East 59.69 feet;
thence South 00°00'00" West 231.35 feet;
thence North 89°59'43" West 50.00 feet;
thence South 00°00'00" West 277.12 feet;

293571

PARCEL I (cont'd):

thence North 89°43'28" West 53.74 feet;
thence South 00°00'00" West 1043.07 feet to a point on the Southerly boundary of the Southeast Quarter of said Section 35;
thence South 89°57'52" West along the Southerly boundary of said Southeast Quarter, a distance of 2040.28 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcel:

COMMENCING at the Southeast corner of said Section;
thence South 89°57'52" West 607.33 feet to the TRUE POINT OF BEGINNING;
thence North 00°00'00" East 660.00 feet;
thence Southwest in a straight line to a point South 89°57'52" West 1312.33 feet from the Southeast corner of said Section;
thence North 89°57'52" East 705 feet, more or less, to the POINT OF BEGINNING.

PARCEL II:

A parcel of land situated in the Southwest Quarter of Section 35, Township 6 North, Range 4 West, Boise Meridian, County of Payette, State of Idaho, described as follows:

COMMENCING at the Southeast corner of said Southwest Quarter;
thence North 00°00'10" East along the Easterly boundary of said Southwest Quarter, a distance of 105.58 feet to the TRUE POINT OF BEGINNING.
thence North 39°33'54" West 990.32 feet;
thence North 03°33'27" West 753.62 feet;
thence North 33°32'42" East 1226.35 feet to the Northeast corner of said Southwest Quarter;
thence South 00°00'10" West along said Easterly boundary 2537.71 feet to the TRUE POINT OF BEGINNING.

THE SALE OF THIS PROPERTY IS SUBJECT TO:

- 1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- 2) Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
- 3) Easements, claims of easement or encumbrances which are not shown by the public records.
- 4) Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.

THE SALE OF THIS PROPERTY IS SUBJECT TO (cont'd):

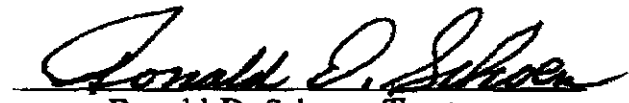
- 5) Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
- 6) Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
- 7) Taxes for 2001 which are accruing as a lien but not yet payable.
- 8) Regulations of BLACK CANYON Irrigation District, within which the above property lies, or all other irrigation districts, laterals that the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals as provided by law.
- 9) Reservations in United States Patents recorded in Book 47 of Deeds at page 522 and 523, Official Records.
 - (a) A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945;
 - (b) All the oil and gas in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509, supplemented; 30 U.S.C. 121-124;
 - (c) The right to itself, its permittees or licensees, to enter upon, occupy and use that portion of the S1/2SE1/4 lying within 50 feet of the centerline of the transmission line right-of-way of the Idaho Power Company under Power Project #364, for the purposes set forth in and subject to the conditions and limitations of Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818.
 - (d) SUBJECT to those rights for pipeline purposes as having been granted to the INTERMOUNTAIN Gas Company, its successors or assigns by Permit No. 1-07872, under Sec. 28 of the Mineral Leasing Act, 30 U.S.C. 185.
- 10) An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded MAY 17, 1982 as Instrument No. 193941, records of said County.
- 11) An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded OCTOBER 8, 1982, as Instrument No. 193951, records of said County.

THE SALE OF THIS PROPERTY IS SUBJECT TO (cont'd):

- 12) An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded JANUARY 5, 1996, as Instrument No. 259288, records of said County.
- 13) Building Restrictions contained in Deed recorded as Instrument No. 160280, 151991 and 248291, Official Records of Payette County.
- 14) Right of Way for road as reserved in Deed recorded OCTOBER 3, 1975 as Instrument No. 160280, Official Records.
- 15) Road Agreement recorded July 15, 1993 as Instrument No. 244545, Official Records.
- 16) County Road along South boundary.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantee, his heirs and assigns forever. And Grantor does hereby covenant to and with the Grantee that the property is free from all encumbrances except as set forth hereinabove.

DATED This 8th day of May, 2001.

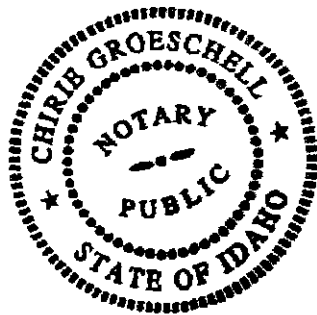

Ronald D. Schoen, Trustee

293571

STATE OF IDAHO)
) ss
County of Payette)

On the 8th day of May, 2001, before me, the undersigned, a Notary Public in and for subject State, personally appeared RONALD D. SCHOEN, known to me to be the person whose name is subscribed to the foregoing Trustee Deed, and acknowledged to me that he executed the same as the Trustee of the Estate of COMBE FARMS, INC. and that he executed the same as the Grantor.

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



Chirib Groeschell
Notary Public for Idaho
Residing at Payette, Idaho
My Commission Expires 9-1-2004

STATE OF IDAHO }
County of Payette } ss

I hereby certify that this instrument
was filed for record at the request of

FIRST AMERICAN TITLE CO.

Time 2:08 pm

Date May 9, 2001

Instrument # 293571-Deed

LAURA L. STIGLE

Ex officio Recorder

By Judy B. Lamme
Deputy

State of Idaho, County of Payette

253497

DEC. 30 1994

P-2576

I certify that this instrument was filed for record at the request of Land Title Insurance Company

Dec 30, 1994 3:24 PM, in Book 48, Page 253497 385 out of 381/10

Learn L. 539a, Ex-Officio Recorder by [Signature], Deputy

WARRANTY DEED

GRANTORS, JOSEPH W. ROBERTS and RHODONNA ROBERTS, husband and wife; of Caldwell, County of Canyon, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto COMBE PARTS, INC., an Idaho Corporation, whose current address is 6030 Moon Valley Road, Eagle, County of Ada, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate located in PAYETTE County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

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

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 30 day of December, 1994.

[Signature]
JOSEPH W. ROBERTS

[Signature]
RHODONNA ROBERTS

WARRANTY DEED - Page 1

RECEIVED

NOV 22 1995

WATER RESOURCES
WESTERN REGION

COMBE

253497

DEC 30 1894

STATE OF IDAHO)

County of Blaine)

ss.

On this 30th day of December, 1894, before me, the undersigned, a Notary Public for Idaho, personally appeared JOSEPH W. ROBERTS and RHODONNA ROBERTS, husband and wife, known to me to be the persons whose name 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 in this certificate first above written.

Shad Miller
Notary Public for IdahoResiding at BlaineMy Commission Expires 3-3-1900

WARRANTY DEED - Page 3

ComBE

Parcel # on Map

253437
EXHIBIT "A"

DEC 30 1934

3

✓ Parcel I
Land in Twp. 6 N. R. 4 W., B.M., Payette County, Idaho:
In Sec. 35: A parcel of land in the NE1 more particularly
described as follows:
Beginning at the Southeast corner of the NE1 of said
Sec. 35;
thence N. 89°56'13" W. (formerly N. 89°56'04" W.)
along the Southerly boundary of said NE1 931.38
feet;
thence N. 00°01'09" E. 591.06 feet;
thence S. 89°53'25" E. (formerly S. 89°53'47" E.)
931.35 feet;
thence S. 00°00'58" W. (formerly N. 00°00'45" E.)
590.30 feet to the Point of Beginning.
EXCEPTING THEREFROM that portion conveyed to the
County of Payette by grant recorded December 14,
1994, Fee #253306, Deed Records of Payette County,
Idaho.

305 out of
301/10

4

✓ Parcel II
Land in Twp. 6 N. R. 4 W., B.M., Payette County, Idaho:
In Sec. 35: A parcel of land in the SE1 more particularly
described as follows:
Beginning at the Southeast corner of the NE1SE1 of
said Sec. 35;
thence N. 89°59'43" W. 499.26 feet;
thence N. 00°00'00" E. 231.35 feet;
thence S. 89°59'43" E. 498.55 feet to a point on the
Easterly boundary of the NE1SE1 of said Sec. 35;
thence S. 00°10'36" E. (formerly N. 00°11'30" W.)
along the Easterly boundary of said NE1SE1 231.35
feet to the Point of Beginning.
EXCEPTING THEREFROM that portion conveyed to the
County of Payette by grant recorded December 14,
1994, Fee #253306, Deed Records of Payette County,
Idaho.

402/10

8

✓ Parcel III
Land in Twp. 6 N. R. 4 W., B.M., Payette County, Idaho:
In Sec. 35: A parcel of land in the SE1 more particularly
described as follows:
Beginning at the Southeast corner of said SE1;
thence N. 00°11'17" W. (formerly N. 00°11'30" W.)
along the Easterly boundary of said SE1, a
distance of 1319.52 feet (formerly 1319.22 feet)
to the Southeast corner of the SE1NE1SE1;
thence N. 89°59'43" W. along the Southerly boundary
of said SE1NE1SE1, a distance of 549.26 feet;

Jmd

RR

✓ agree with plot map submitted
-SL 3/12/96

COMBE

EXHIBIT 100

SEE PAGE 100

EXHIBIT 100 - PAGE 2

thence S. 89°09'00" W. 377.12 feet;
thence N. 89°43'23" W. 53.74 feet;
thence S. 89°09'00" W. 1943.07 feet to a point on
the southerly boundary of the S81 or said Sec.
35, said point bears N. 89°37'52" W. 1046.23 feet
from the Southeast corner of said S81;
thence N. 89°57'52" E. along the southerly boundary
of said S81, a distance of 607.53 feet to the
Point of Beginning.
EXHIBITING THEREWITH that portion conveyed to the
County of Payette by grant recorded December 14,
1994, Vol. 233396, said Records of Payette County,
Idaho.

Parcel IV
Land in Twp. 5 N., R. 4 W., T. 11 N., Payette County, Idaho:
In Sec. 35: NE1/4SW1/4.



John

RE

N/A to transfer
SL 12/26/95

COMBE

Map F-12

35-6-4

T8880

2-145.8
NW

NW
1-13.8

35 36

T930

2

1

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 63-7885C
Date Received: 2/14/90
Receipt No: C014697
Received By:

AMENDED

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

1. Name of Claimant(s)

JOSEPH W ROBERTS Phone: (208)459-2022
15032 HOLLOW RD
CALDWELL ID USA 83605

RHODONNA ROBERTS Phone: (208)459-2022
15032 HOLLOW RD
CALDWELL ID USA 83605

2. Date of Priority: 10/16/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	04W	35	NE SE SE	PAYETTE	

5. Description of diverting works:

WELL AND PUMP WITH PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.38	657

7. Total Quantity Appropriated is:
2.38 C.F.S. and/or 657 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
06N	04W	35	NE	SW	IRRIGATION	3
			SE	SW	IRRIGATION	10
			NE	SE	IRRIGATION	18
			NW	SE	IRRIGATION	37
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	38
Section Acres						146
Total Acres						146

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
Claim amended per Transfer No. 4455, approved 1/30/95.

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.

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

RIGHT NUMBER: 63-7885F

NAME AND ADDRESS: MARIA C SILVA
17497 HOLLOW RD
CALDWELL ID 83607

ANTONIO B SILVA
17497 HOLLOW RD
CALDWELL ID 83607

~~FRANK MOSER~~
~~25076 GERR LN~~
~~CALDWELL ID 83607~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.090 CFS
576.000 AFY

PRIORITY DATE: 10/16/1973

POINT OF DIVERSION:

T06N R04W S35 SESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.090 CFS 576.00 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 in PAYETTE County

T06N R04W S35	NESW	3.00	T06N R04W S35	SESW	10.00
T06N R04W S35	NESE	18.00	T06N R04W S35	NWSE	37.00
T06N R04W S35	SWSE	40.00	T06N R04W S35	SESE	20.00

128 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

This right is a split from former right 63-7885C.

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

In Re SRBA

Case No. 39576

Water Rights: 63-7885F, 63-7887

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

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

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

DATED: December 10, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on December 10, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

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

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

3. Copies to all parties to the subcase:

Antonio B. Silva
Maria C. Silva
17497 Hollow Rd.
Caldwell ID 83607

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

Frank Moser
25076 Geri Ln.
Caldwell ID 83607

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



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 10, 2008

ANTONIO B SILVA
MARIA C SILVA
17497 HOLLOW RD
CALDWELL ID 83607

Re: Water Right Nos. 63-7885F, 63-7887

Dear Mr. & Mrs. Silva:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-7985F					
63-7887					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

4. New Owner/Claimant(s) TONU SILVA
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 17497 HOLLOW RD.

City, State and ZIP Code CALDWELL, ID 83607

New Telephone Number (208) 454-9519 Email: _____

5. Date you acquired the property

June 17, 2002

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

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

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Tony S. S. S.

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

 Received by [Signature]
 Received by [Signature]
 Processed by [Signature] AJ

 Date Dec. 3.08
 Date Dec. 3.08
 Date 12.4.08

 Receipt Amt. N/A
 Receipt No. 25.00 Check returned
 WR _____ Date _____

PC47735

WARRANTY DEED

35 6/4
131-5
131-20-1

FOR VALUE RECEIVED Tony Silva, Jr., a married man as his sole and separate property

the Grantor, does hereby grant, bargain, sell and convey unto Antonio B. Silva and Maria C. Silva, husband and wife

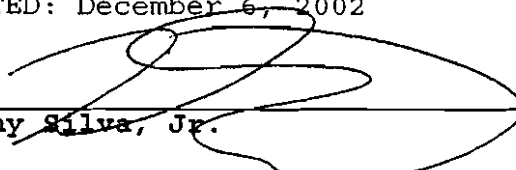
the Grantees, whose address is 1650 Sandhollow Rd., Caldwell, ID 83607

the following described premises, to-wit:

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2002 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

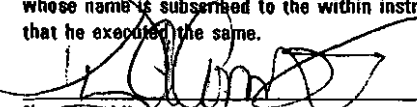
DATED: December 6, 2002

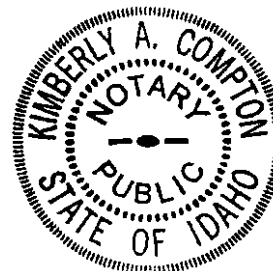

Tony Silva, Jr.

STATE OF IDAHO

COUNTY OF CANYON

On this 6th day of December in the year 2002, before me, a Notary Public, personally appeared Tony Silva, Jr. known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at Wilder
My commission expires 1-27-05



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

Order No. FA - 15835

305445

EXHIBIT A**PARCEL 1:**

A Parcel of land situated in the Southeast Quarter and Northeast Quarter of Section 35 in Township 6 North, Range 4 West of the Boise Meridian, County of Payette, State of Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast Quarter of said Section 35;
thence North $00^{\circ}00'25''$ East (formerly $00^{\circ}00'10''$ East) along the Westerly boundary of said Southeast Quarter, a distance of 2643.28 feet to the Northwest corner of said Southeast Quarter;
thence South $89^{\circ}56'19''$ East 659.71 feet;
thence North $00^{\circ}03'34''$ West 191.89 feet;
thence South $89^{\circ}56'19''$ East 441.39 feet;
thence South $57^{\circ}16'50''$ East 355.66 feet to a point on the Northerly boundary of said Southeast Quarter;
thence South $89^{\circ}56'13''$ East along the Northerly boundary of said Southeast Quarter, a distance of 571.44 feet;
thence South $00^{\circ}05'31''$ East (formerly North $00^{\circ}08'55''$ West) 478.59 feet (formerly 478.83 feet);
thence South $13^{\circ}22'27''$ East (formerly North $13^{\circ}29'43''$ West) 441.18 feet (formerly 442.06 feet);
thence South $00^{\circ}30'53''$ East 180.77 feet (formerly 180.00 feet);
thence South $89^{\circ}59'43''$ East 59.69 feet;
thence South $00^{\circ}00'00''$ West 231.35 feet;
thence North $89^{\circ}59'43''$ West 50.00 feet;
thence South $00^{\circ}00'00''$ West 277.12 feet;
thence North $89^{\circ}43'28''$ West 53.74 feet;
thence South $00^{\circ}00'00''$ West 1043.07 feet to a point on the Southerly boundary of the Southeast Quarter of said Section 35;
thence South $89^{\circ}57'52''$ West along the Southerly boundary of said Southeast Quarter, a distance of 2040.28 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcel:

COMMENCING at the Southeast corner of said Section;
thence South $89^{\circ}57'52''$ West 607.33 feet to the TRUE POINT OF BEGINNING;
thence North $00^{\circ}00'00''$ East 660.00 feet;
thence Southwest in a straight line to a point South $89^{\circ}57'52''$ West 1312.33 feet from the Southeast corner of said Section;
thence North $89^{\circ}57'52''$ East 705 feet, more or less, to the POINT OF BEGINNING.

CONTINUED

Order No. FA - 15835

305445

CONTINUED EXHIBIT "A"

PARCEL II:

A Parcel of land situated in the Southwest Quarter of Section 35, Township 6 North, Range 4 West, Boise Meridian, County of Payette, State of Idaho, described as follows:

COMMENCING at the Southeast corner of said Southwest Quarter;
thence North 00°00'10" East along the Easterly boundary of said Southwest Quarter, a distance of 105.58 feet to the TRUE POINT OF BEGINNING;
thence North 39°33'54" West 990.32 feet;
thence North 03°33'27" West 753.62 feet;
thence North 33°32'42" East 1226.35 feet to the Northeast corner of said Southwest Quarter;
thence South 00°00'10" West along said Easterly boundary 2537.71 feet to the TRUE POINT OF BEGINNING.

305445

STATE OF IDAHO }
County of Payette } ss

I hereby certify that this instrument
was filed for record at the request of
FIRST AMERICAN TITLE CO.

Time 4:50 pm
Date Dec 10, 2002
Instrument # 305445 *Needs*

LAURA L. STIGILE

Notario, Recorder

By *[Signature]*
DeputyFee \$9.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 4, 2008

FRANK MOSER
25076 GERILN
CALDWELL ID 83607

Re: Water Right No. 63-7885F

Mr. Moser:

This office has received the Notice of Change of Water Right Ownership for Tony and Maria Silva along with your check No. 1216 in the amount of \$25.00; however, we are returning the check to you, as the ownership change fee is not required for this particular water right claim. This claim has not yet been decreed by the Snake River Basin Adjudication Court. The ownership change is being processed and a copy will be mailed to the new owners upon completion.

If you have any questions regarding this letter, feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region

LH:l
Enclosure



FRANK MOSER
PH 208-455-9282
25076 GERI LN
CALDWELL, ID 83607

1216

92-7008/3241

12-2-08 DATE

PAY TO THE
ORDER OF

1 DWR Western Region

\$ 2500

Twenty Five & no/100

DOLLARS



Security
Features
Details on
Back



Washington Federal Savings

Caldwell Office
515 Cleveland Office
Caldwell, ID 83606

FOR

change of water right Frank Moser

MP

⑆324170085⑆ 028 7403745⑈ 01216

06/26/2006

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

RIGHT NUMBER: 63-7885F

NAME AND ADDRESS: FRANK MOSER
25076 GERI LN
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.090 CFS
576.000 AFY

PRIORITY DATE: 10/16/1973

POINT OF DIVERSION:

T06N R04W S35 SESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.090 CFS 576.00 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 PAYETTE County

T06N R04W S35	NESW	3.00	T06N R04W S35	SESW	10.00
T06N R04W S35	NESE	18.00	T06N R04W S35	NWSE	37.00
T06N R04W S35	SWSE	40.00	T06N R04W S35	SESE	20.00

128 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

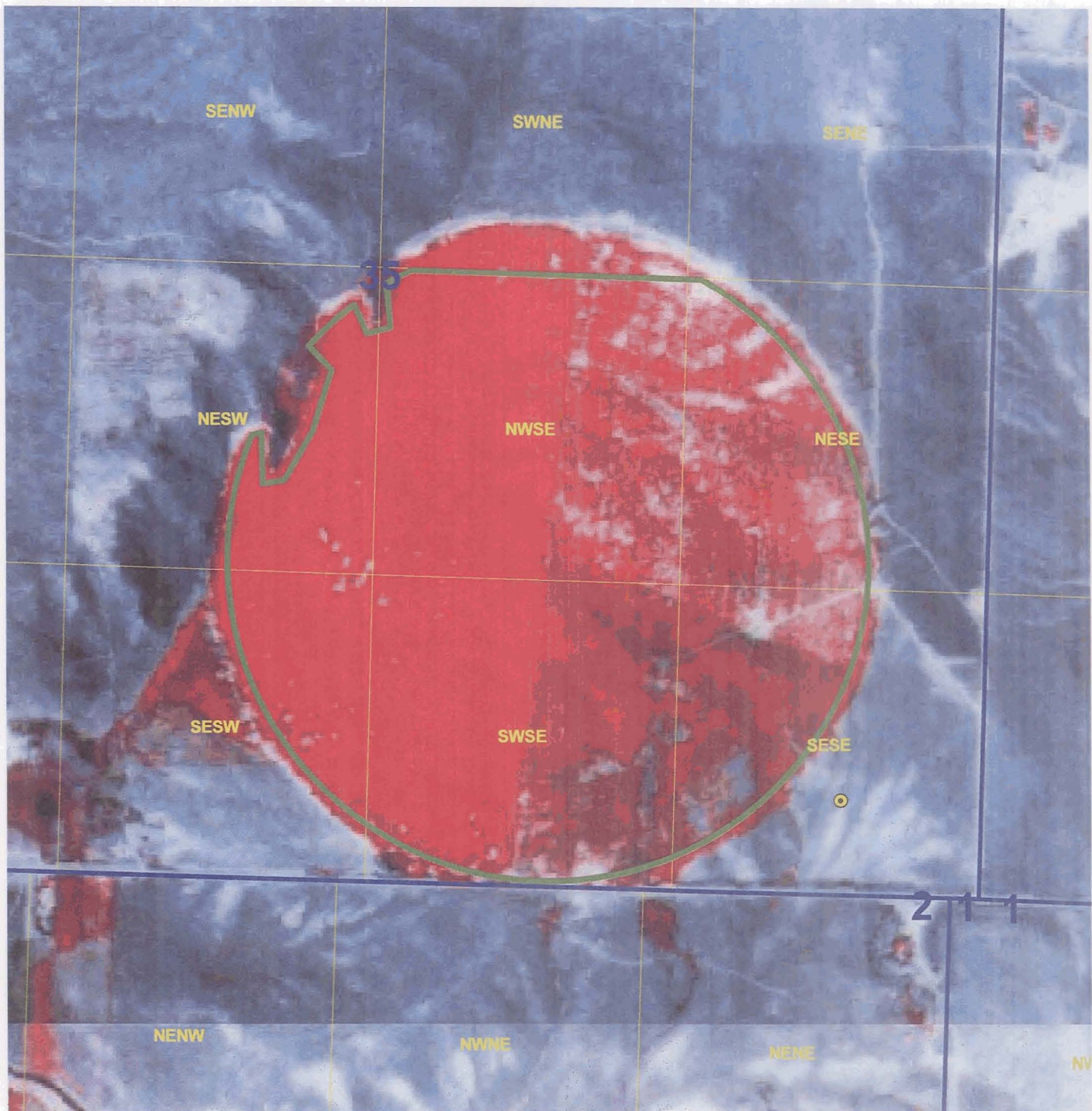
This right is a split from former right 63-7885C.



Idaho Department of Water Resources

63-7885F

T06N R04W S35



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

Total irrigated
acres = 128



400 0 400 Feet

IDWR

Prepared by: Sandy Egbert

Date: June 26, 2006

1987 NAAP Photography

Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST,	ELIJAH DRAIN, WILSON DRAIN	06N04W35											X	X					0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	06N04W35											X	X					0
Claim	63 7885D	MARY E SAYRE, DAN L SAYRE,	GROUND WATER	06N04W35												18					18
Claim	63 7887	FRANK MOSER,	GROUND WATER	06N04W35									10				2	3			15
Rec	63 7885D	MARY E SAYRE, DAN L SAYRE,	GROUND WATER	06N04W35												18					18
Rec	63 7885E	JOSEPH W ROBERTS, RHODONNA ROBERTS,	GROUND WATER	06N04W35																18	18
Rec	63 7885F	FRANK MOSER,	GROUND WATER	06N04W35									3			10	18	37	40	20	128
Rec	63 7887	FRANK MOSER,	GROUND WATER	06N04W35									10				2	3			15
Right	63 21277	JUDIANNE A COLLAR, DAVID A COLLAR,	GROUND WATER	06N04W35													X				0
Right	63 21837	MAX NORQUIST,	GROUND WATER	06N04W35											X						0
Right	63 30087	JOHN WORMAN, DOROTHY WORMAN,	GROUND WATER	06N04W35		X															0
Right	63 7885B	JOHN W CROOKS, CAROLEE CROOKS,	GROUND WATER	06N04W35													20				20
Right	63 7885C	PEARL E MC GUIRE, JOHN U MC GUIRE,	GROUND WATER	06N04W35									3			10	18	37	40	38	146
Right	63 7885D	DAN L SAYRE, MARY E SAYRE,	GROUND WATER	06N04W35												18					18
Right	63 7887	JOHN U MC GUIRE, PEARL E MC GUIRE, KANSAS CITY LIFE INSURANCE CO,	GROUND WATER	06N04W35									10				2	3			15
TClaim	63 7885E	JOSEPH W ROBERTS, RHODONNA ROBERTS,	GROUND WATER	06N04W35																18	18
TClaim	63 7885F	FRANK MOSER,	GROUND WATER	06N04W35									3			10	18	37	40	20	128

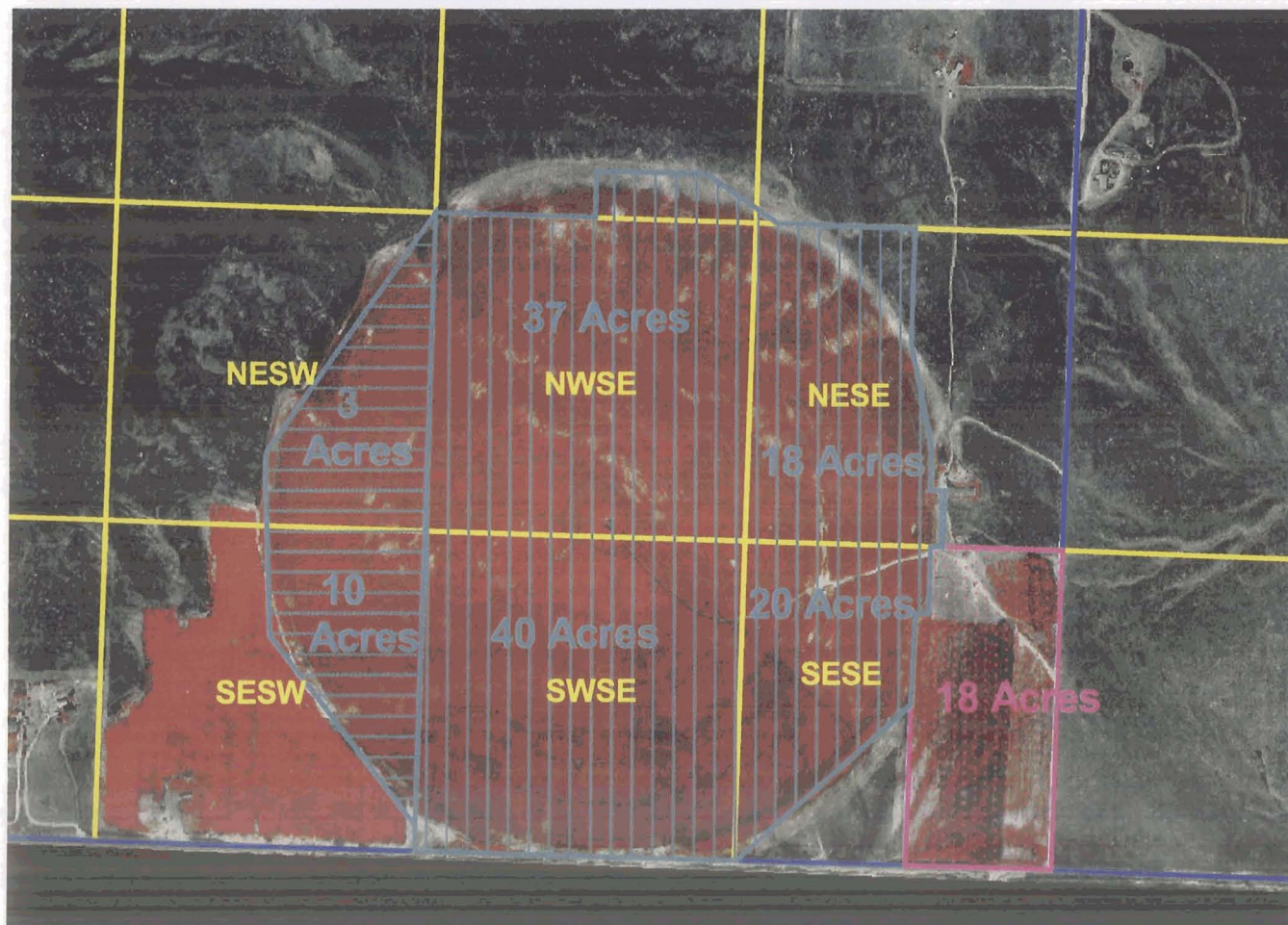
4/24/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page2

Rec	65 2433	UNITED STATES OF AMERICA ACTING THROUGH,	PAYETTE RIVER	06N04W35												X	X					0
Rec	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	06N04W35												X	X					0

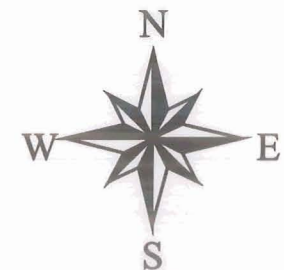
WR Split (Transfer #4455) are acres of 63-7885C into E & F T06N, R04W, SEC 35



- Parcel 1
Moser F split
- Parcel 2
Moser F split
- Parcel 8
Roberts E split

Acres in tracts shown are per transfer 4455 . The splits of C into E & F reflect the transfer acres for ownership change purposes and do not reflect actual SRBA recommendation for GIS acres.

0 0.25 0.5 0.75 1 Miles



1994 NAPP



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 20, 2001

FRANK MOSER
25076 GERILN
CALDWELL ID 83607

Re: Original Notice of Claim to a Water Right No. 63-07885C

Renumbered Notice of Claim to a Water Right No. 63-07885F

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim. Also enclosed is a copy of the original claim for your reference.

During this review, it was discovered that claim number 63-07887 has not yet been claimed in the SRBA. Please contact Ron Howerton at this office to file this claim.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB: db

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 14, 2001

FRANK MOSER
25076 GERI LN
CALDWELL ID 83605

RE: Water Right No. 63-07885C

Dear Claimant:

This office has received your Notice of Change of Water Right Ownership (copy enclosed), recently submitted. We also received check number 441 in the amount of \$25. however, we are returning it to you, as the ownership change fee is not required for this particular water right claim. This claim has not yet been decreed by the SRBA Court. The ownership change is being processed and a copy will be mailed to you upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

FRANK MOSER
25076 GERI LN. 208-455-9282
CALDWELL, ID 83605

6-12-01 19

441

92-7008/324

PAY TO THE ORDER OF State of Idaho IDWR \$ 25⁰⁰
Twenty Five & no/100 DOLLARS



Washington Federal Savings

Caldwell Office
515 Cleveland Blvd., Caldwell, ID 83605

FOR

Water Rights

Frank Moser

⑆324170085⑆ 028 7403745⑆ 044⑆

©1993

SEE ORIGINAL
CLAIM FILE
DOCUMENTS IN
CLAIM
NO. A63-7885C