

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: **A63-09069F**
Date Received: 3/16/1993
Receipt No: X777777
Received By: _____

AMENDED

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

AMENDED

1. Name: STEVEN C ROSEBERRY 208-585-6390
Address: 26210 MOONGLOW DR
MIDDLETON ID 83644

2. Date of Priority: OCT 26, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	02W	20	NE	SE			CANYON

5. Description of diverting works:
WELL, PUMP, PIPELINE & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		24.70

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) 24.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02W	20	NE	SE		IRR	2.0
			SE	SE		IRR	3.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.5
					Total Acres	5.5

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
BLACK CANYON IRRIGATION DISTRICT

14. Remarks:
CLAIM INCOMPLETE.
CLAIM REINSTATED 9/10/1997
THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION
OF A63-09069A, FEE PAID UNDER W016032 AND LATE FEE UNDER W023052.
CLAIM AMENDED PER TRANSFER 5264 APPROVED 9/3/98.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

Western

RECEIVED

SEP 04 1998

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5264
WATER RIGHT NO. 63-09069D

Adj. # 63 70720

This is to certify that: **STEVEN C ROSEBERRY**
26210 MOONGLOW DR
MIDDLETON ID 83644

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	0.05 CFS	24.7 AF

SOURCE

GROUNDWATER

Priority: 10/26/1977

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 20, Township 05N, Range 02W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 02W 20	NESE 2.0	SESE 3.5		5.5
Total number of acres irrigated:				5.5

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5264
WATER RIGHT NO. 63-09069D

CONDITIONS OF APPROVAL AND REMARKS

4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. The place of use is located within Lot 4, Block 1, Benchmark Estates.

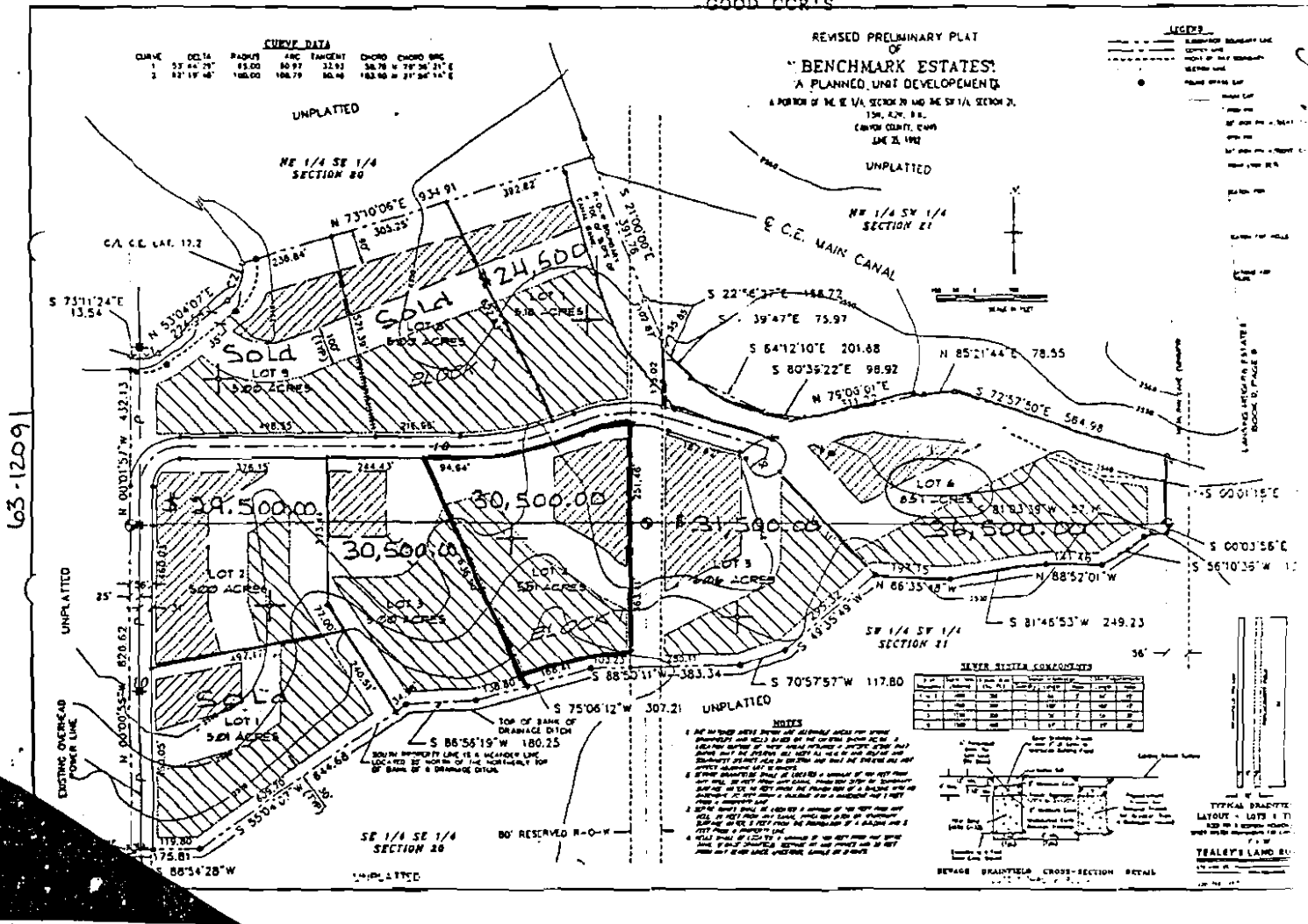
Dated this 3rd day of September, 1998.


Chief, Water Allocation Bureau

UNDERGROUND UTILITIES

BEAUTIFUL VIEWS

GOOD CCR'S



[illegible]

PART 1

6. General Information:

a. Description of diversion system well, pump, sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

Page 3 of 8

WR0749NP IDAHO DEPARTMENT OF WATER RESOURCES DATE: 04/02/98
No. 63-09069A WATER RIGHT PROFILE REPORT PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAN CLARKE 2465 OVERLAND RD BOISE ID 837050000	10/26/1977	IRRIGATION	03/15 11/15	1.950 CFS	892.80 AFA
TOTAL DIVERSION:					1.950 CFS	892.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 2.03D CFS

Point(s) of Diversion: T05N R02W S20 SENE CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
05N	02W	16	:														0.5
05N	02W	20	:	23			30								17		105.0
05N	02W	21	:														92.9
TOTAL ACRES																198.4	

Pou County: CANYON

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

63-08264 63-09069B 63-12091

Conditions of Approval:

- R32 - 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.

Remarks: GEN The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

Dates: App. Received: 10/26/1977 Priority Date: 10/26/1977
Proof Due Date: 01/01/1983 Proof Made Date: 06/06/1978
Exam Made Date: 07/26/1990 Exam Sent to S.O.: 03/13/1991
Licensed Date: 03/30/1993

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 01/12/1994 User-ID: GRAVES Subject: TRANSFER NO. 4278
63-09069A: 1.95 cfs
63-09069B: .08 cfs
Transfer No. 4278 was filed to change the point of diversion

Page 790

WR0749NP

IDAHO DEPARTMENT OF WATER RESOURCES

DATE: 04/02/98

No. 63-09069A

WATER RIGHT PROFILE REPORT

PAGE: 2

Comments: Date: 01/12/1994 User-ID: GRAVES Subject: TRANSFER NO. 4278
under a portion of Right No. 63-09069, splitting the right into
parts A and B. (04-18-94 Skaggs)

Audit: 04/18/94 SKAGGS 02/08/98 CLEARFLD

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

*PLEASE SEE ATTACHED
PROFILE REPORT*

1. Right evidenced by:

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

b. License No. _____ issued by the Idaho Department of Water Resources.

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

d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total acres _____

9. Describe any other water rights used for the same purpose as 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?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

1. amount .05 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	20	SN	2W	Canyon	

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	
SN	2W	20													2			3.5	5.5

Total acres 5.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.90 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	20	SN	2W	Canyon	

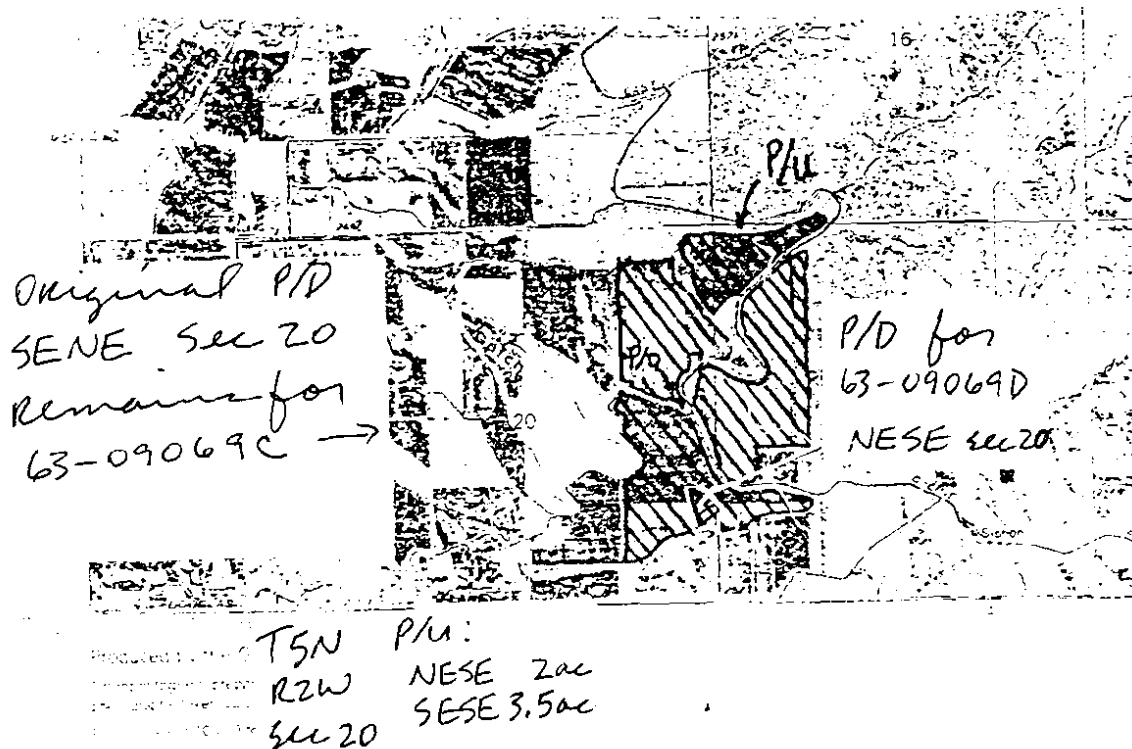
3. Lands irrigated or place of use:

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	
SN	2W	16													.5				.5
		20	23			30									33			13.5	99.5
		21					.5	34	34		20.4	4							92.9

Total acres 192.9

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

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



Map from
original field
exam for 63-09069

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

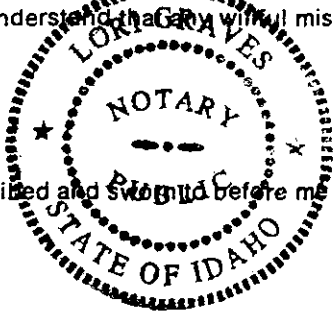
1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

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

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

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

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



Subscribed and sworn to before me this _____

Steven C. Roehrer
(Signature of Applicant)

6th

day of

April, 19 98

Lori Graves
(Notary Public)

My commission expires

6/18/98**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 1 attachments Pages A1-A4Received by lg Date 4/6/98 W023668

Protest filed by _____

Prelim. check by gn Fee \$100Receipted by lg Date 4/6/98Published in Id Press Tribune

Copies of protest forwarded by _____

Pub. dates 5-7 + 14-98

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

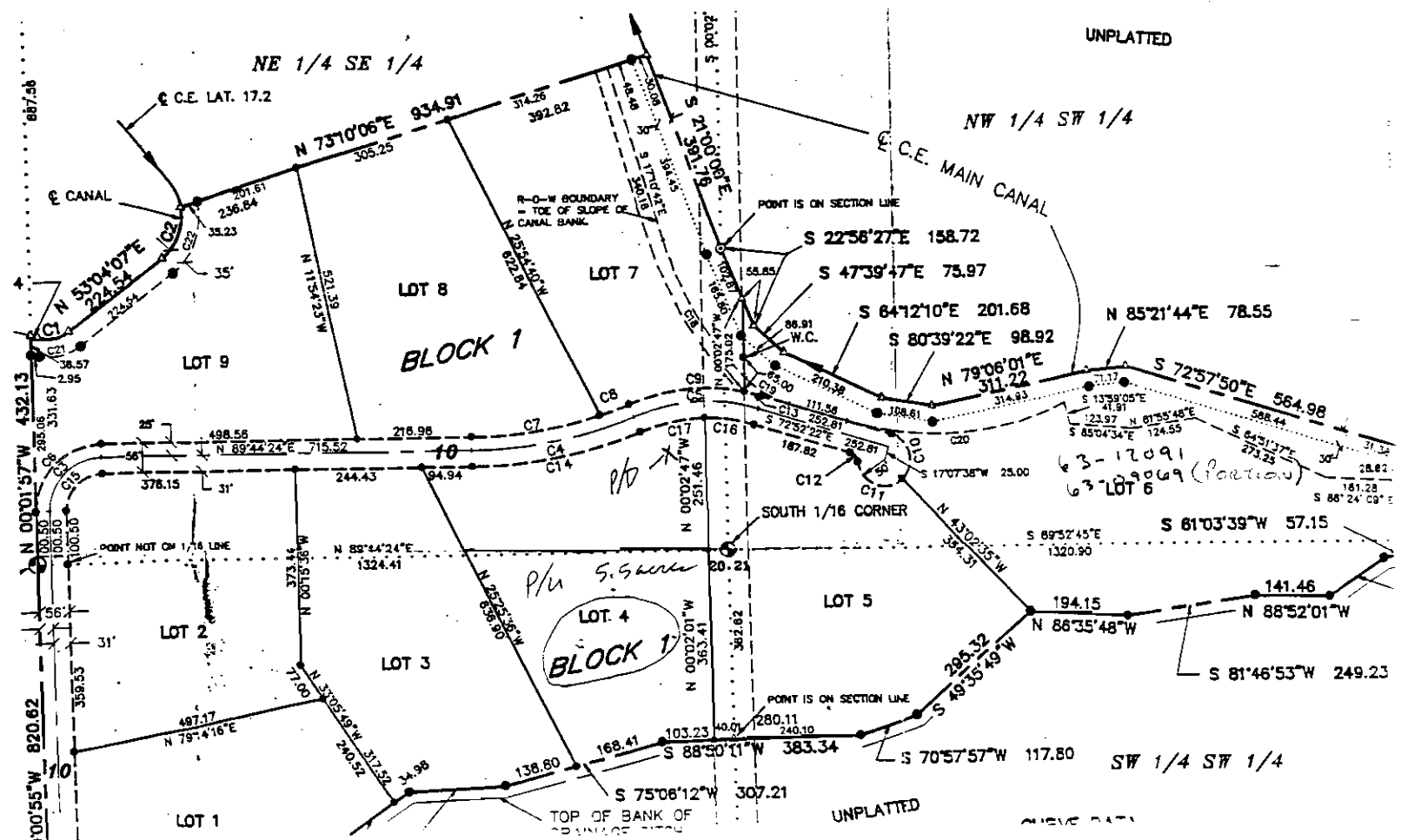
Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

ATTACHMENT A4



RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

APR - 6 1998

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s).: _____
Adjudication Claim No(s).: A63-09069C
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant ESTATE OF DAN W CLARKE
6815 N MOONGLOW DR, THUSCAN AZ
85718
4. New Owner/Claimant(s) STEVEN C. ROSEBERRY
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 26210 MOONGLOW DR,
City, State and ZIP Code MIDDLETON ID 83644
New Telephone Number (208) 585-6390
5. Date you acquired the property 11/19/1993
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. SN 2W sec 20 NESE 2 acres } p/u
SESE 3.5 acres }
Number of acres you irrigate 5.5 Number and type of stock _____
Diversion rate in CFS .05 Number of homes _____ Other uses _____
SN 2W sec 20 NESE - P/D per transfer
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Steven C Roseberry
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

C39209

9328426

WARRANTY DEED

For Value Received Clarke and Clarke, a general partnership consisting of James B. Clarke and Richard S. Clarke

The grantor, do hereby grant, bargain, sell and convey unto Steven C. Roseberry and Ann P. Roseberry, husband and wife

the grantee, whose current address is 4418 Maplewood Drive
Boise, ID 83703

the following described premises, in County Idaho, to-wit:

Lot 4, Block 1, Benchmark Estates, Canyon County, Idaho, according to the official plat filed July 11, 1991 in Book 19 of Plats, page 23, records of said County

Together with a nonexclusive right of ingress and egress over and across Lot 10, Block 1 of Said Benchmark Estates.

Also together with a nonexclusive right of ingress and egress over and across the easement shown in warranty deed recorded January 27, 1989 as instrument no 8903513 deed recorded February 27, 1989 as instrument no 8903520.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free from all incumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 19, 1993

Clarke and Clarke, a General Partnership

By: James B. Clarke
James B. Clarke, General Partner

By: Richard S. Clarke
Richard S. Clarke, General Partner

By: James B. Clarke his Attorney
in fact

STATE OF IDAHO, COUNTY OF Canyon
On this 19 day of 11, 19 93.
before me, a notary public in and for the said State, personally appeared
James B. Clarke,
Richard S. Clarke,

known or identified to me to be the person whose name
subscribed to the within instrument, and acknowledged to me
that they executed the same

Notary Public
Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the
request of

at minutes past o'clock M.
this day of
19 in my office, and duly recorded in Book
of Deeds at Page

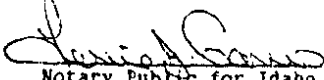
Is Officer Recorder

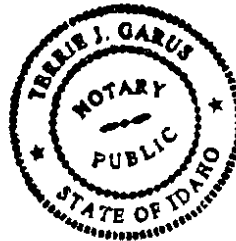
By Deputy

Fees \$
Mail to:

STATE OF IDAHO
COUNTY OF CANYON

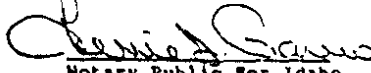
On this 12th day of November, 1993, before me, a Notary Public, personally appeared James T. Clarke, known to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of Robert S. Clarke, General Partner of Clarke and Clarke, a General Partnership and acknowledged to me that he subscribed the name of Robert S. Clarke, General Partner of Clarke and Clarke, a General Partnership thereto as Principal and his own name as Attorney in Fact and that he executed the instrument in the partnership name.

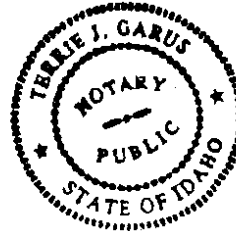

Notary Public for Idaho
Residing at Nampa, Idaho
Commission expires 8-2-99



STATE OF IDAHO
COUNTY OF ADA

On this 19th day of November, 1993, before me, a Notary Public, Personally appeared James B. Clarke, known to me to be one of the General Partners of Clarke and Clarke, a General Partnership and the partner who subscribed said partnership name to the foregoing instrument and acknowledged to me that he executed the same in said partnership name.


Notary Public for Idaho
Residing at Nampa, Idaho
Commission expires 8-2-99



RECORDED

53 NOV 22 PM 3 38

RECORDS
CANYON CO. RECORDER
W. J. L. L. L.

SECURITY TITLE COMPANY

REQUEST
TYPE Land Fee 6.00

9328426

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

10/26/99 11:53:46
Page 1

Water Right Number - A63-09069C

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
SPLIT CLAIM

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
CLARK

JOHN W

1 -
2 -
3 -
City- XXX State- ID Zip- XXX
Phone - 208-000-0000

CLARKE

DAN

1 - 2465 OVERLAND RD
2 -
3 -
City- BOISE State- ID Zip- 837050000
Phone - 208-000-0000

CLARKE

ESTATE OF DAN W

1 - 6815 N MOONGLOW DR
2 -
3 -
City- TUCSON State- AZ Zip- 85718
Phone - 602-575-9434

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/26/1977 14 WESTERN Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER
SPLIT CLAIM SEE REMARKS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
05N 02W 20 SE NE (27) CANYON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.420 190.80

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.420 190.80 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05N 02W 16 SE SW 0.5 01 IRRIGATION (27) CANYON
05N 02W 20 NE SE 20.0 01 IRRIGATION (27) CANYON
05N 02W 20 SE SE 17.0 01 IRRIGATION (27) CANYON
05N 02W 21 NE NW 0.5 01 IRRIGATION (27) CANYON
05N 02W 21 NW SW 0.4 01 IRRIGATION (27) CANYON
05N 02W 21 SW SW 4.0 01 IRRIGATION (27) CANYON

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

10/26/99 11:53:46
Page 2

Water right number - A63-D9069C

Prefix Translation: ADJUDICATION CLAIM

Place of Use						Description	County
Twn	Rng	Sec	Tract	Lot	Acres		

Total Acres: 42.4

+ - - Diversion Means - WELL, PUMP, PIPELINE & DITCH.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - BLACK CANYON IRRIGATION DISTRICT

Remarks

GEN CLAIM INCOMPLETE.
CLAIM REINSTATED 9/10/1997
THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION
OF A63-09069A, FEE PAID UNDER W016032 AND LATE FEE UNDER W023052.
SEE CLAIM NOS. A63-09069E & A63-09069F.

```
+-----Old Water Right Numbers-----+
6309069
```

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

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

[illegible]

+ - - Audit Fields - - +
10/26/99 LHARRIS

+ Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/16/1993	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		PDU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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: **A63-09069C**
Date Received: 3/16/1993
Receipt No: X777777
Received By: _____

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

1. Name: ESTATE OF DAN W CLARKE 602-575-9434
Address: 6815 N MOONGLOW DR
TUCSON AZ 85718
2. Date of Priority: OCT 26, 1977
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N | 02W | 20 | SE | NE | | | CANYON |
5. Description of diverting works:
WELL, PUMP, PIPELINE & DITCH.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.420 | | 190.80 |
7. Total Quantity Appropriated is:
0.420 C.F.S. (and/or) 190.80 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02W	16	SE	SW		IRR	0.5
						Section Acres	0.5
		20	NE	SE		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02W	20	SE	SE		IRR	17.0
Section Acres							37.0
		21	NE	NW		IRR	0.5
			NW	SW		IRR	0.4
			SW	SW		IRR	4.0
Section Acres							4.9
Total Acres							42.4

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
BLACK CANYON IRRIGATION DISTRICT

14. Remarks:
CLAIM INCOMPLETE.
CLAIM REINSTATED 9/10/1997
THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION
OF A63-09069A, FEE PAID UNDER W016032 AND LATE FEE UNDER W023052.

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: _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

SEP 10 1997

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 05 N. Range 02 W.Section 16, 20, 21 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

see attached.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR:

A63-09069A

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

ESTATE OF Dan W. Clarke6815 N. Moon Glow Dr.TUCSON AZ. 83718

☐ New Owner/Claimant
(Purchaser):

Mark & Michelle Steele

☐ New Mailing Address:

10123 Goodson Rd.Middleton ID 83644

☐ New Telephone Number:

(208) 585-2128

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

A Copy of Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s)

Mark Steele
Michelle Steele
Date 12/20/95Date 9/3/97

☐ Signature of Former
Owner/Claimant(s):

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

Ex #3 Cont.

South 28° 59' 40" East 143.56 feet to a point marked by a 1/2-inch iron pin; thence
South 32° 20' 13" East 266.56 feet to a point marked by a 1/2-inch iron pin;
South 84° 28' 49" West 105.71 feet to a point marked by a 1/2-inch iron pin;
South 80° 05' 47" West 343.07 feet to a point marked by a 1/2-inch iron pin;
South 72° 33' 30" West 122.22 feet to a point marked by a 1/2-inch iron pin;
South 82° 33' 28" West 303.92 feet to a point marked by a 1/2-inch iron pin, said point being on the West line of said Northeast Quarter of the Northeast Quarter; thence along the West line of said Northeast Quarter of the Northeast Quarter
North 0° 04' 45" West 494.07 feet to a point marked by a 1/2-inch iron pin, said point being the East 1/16 corner on the North line of said Section 20; thence along the North line of said Section 20;
North 89° 50' 00" East 649.65 feet to the POINT OF BEGINNING.

PARCEL III

The Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 20, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Ex #4

EXCEPTING THEREFROM:

Benchmark Estates Subdivision, Canyon County, Idaho according to the Plat filed in Book 19 of Plats, Page 23, records of said County

RECEIVED

SEP 10 1997

WATER RESOURCES
WESTERN REGION

Exhibit "A"

PARCEL I

The West Half of the Northwest Quarter of Section 21, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

AND ALSO

The Northwest Quarter of the Southwest Quarter of Section 21, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

#1 EXCEPT that portion of the Northwest Quarter of the Southwest Quarter of Section 21, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 21, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

South 0° 02' East 531.30 feet to the TRUE POINT OF BEGINNING; thence

South 0° 02' East 580.52 feet to the Northerly right of way line of irrigation canal; thence

North 72° 46' West 539.65 feet along said canal right of way; thence

South 82° 28' 20" West 265.60 feet continuing along said canal; thence

North 0° 02' West 454.96 feet; thence

South 89° 56' 30" East 778.75 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

#2 Benchmark Estates Subdivision, Canyon County, Idaho, according to the plat filed in Book 19 of Plats, Page 23, records of said County.

PARCEL II

The Northeast Quarter of the Northeast Quarter of Section 20, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

#3 A parcel of land situated in the Northeast Quarter of the Northeast Quarter of Section 20, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, as shown on Record of Survey filed as Instrument No. 9205139, records of Canyon County Recorder, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 20, a point marked by a brass cap; thence along the North line of said Section 20

South 89° 50' 00" West 673.94 feet to a point marked by a 1/2-inch iron pin, the POINT OF BEGINNING; thence leaving the North line of said Section 20

(continued)

Change of Ownership filed
9-10-1997 by Steele

A63-09069C N/O Est of Dan Clarke

DR: .42 cfs DV: 190.8 ofa

POD: 5N, 2W, S20, SENE

POU: 5N, 2W, S16, SESW - .5

S20, NESE - 20 SESE - 17

S21, NENW - .5

NWISW - .4 SWSW - 4

42.4

A63-09069D N/O Mark & Michelle Steele

DR: 1.53 cfs DV: 702 ofa

POD: 5N, 2W, S20, SENE

POU: 5N, 2W, S20, NENE - 23 SENE - 3

NESE - 15

S21 - NWNW - 34 SWNW - 34

NWSW - 20

156

Summary after T4278 and ownership change

	<u>Name</u>	<u>DR</u>	<u>DV</u>	<u># of Acres</u>
A63-09069B	Poulter	.08 cfs	38.7 ofa	8.6 acr
-09069C	Clarke	.42	190.8	42.4
-09069D	Steele	<u>1.53</u>	<u>702</u>	<u>156</u>

Totals

2.03 cfs 931.5 ofa 207 acr

Split Tree (A) 63-09069

A63-09069A

63-09069. (lie) N/O Don Clark

QR: 2.03 cfs QV: 931.5 cfs

POD: 5N, 2W, S20, SENE.

POU: 5N, 2W, S16, NESE (SESW) -.5

S20, NENE - 23 SENE - 30

NESE - 35 SESE - 17 11

S21, NENW -.5 NWNW - 34

SWNW - 34

NWSW - 27 SWSW - 6 101.

20

T4298 - 63-09069A - N/O Est of Don Clark.

QR: 1.95 cfs QV: 892.8 cfs

POD: 5N, 2W, S20, SENE

POU: 5N, 2W, S16, SESW -.5

S20, NENE - 23 SENE, 30

NESE - 35 SESE - 17 10.

S21, NENW -.5 NWNW - 34

SWNW - 34

NWSW - 20.4 SWSW - 4 7.

198

63-09069B - N/O Poulsen

QR: .08 cfs QV: 38.7 cfs

POD: 5N, 2W, S21, NWSW

POU: 5N, 2W, S21, NWSW - 6.6 SWSW - 2 - 8.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4278
WATER RIGHT NO. 63-09069B

This is to certify that: **DARREL W POULTER**
PHYLLIS J POULTER
PO BOX 13
STAR ID 836690000

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	0.08 CFS	38.7 AF

SOURCE

GROUNDWATER

Priority: 10/26/1977

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 21, Township 05N, Range 02W
CANYON 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>
05N	02W	21	NWSW 6.6	SWSW 2		8.6
Total number of acres irrigated:						8.6

CONDITIONS/REMARKS:

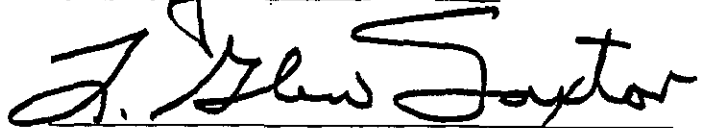
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
3. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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.

TRANSFER NO. 4278
WATER RIGHT NO. 63-09069B

CONDITIONS/REMARKS:

6. 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. The point of diversion and place of use are located within Lot 6, Benchmark Estates.

Dated this 4th day of May, 1994.


Chief, Water Alloc. Bureau

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09069

Priority: October 26, 1977

Maximum Diversion Rate: 2.03 CFS
Maximum Diversion Volume: 931.5 AF

This is to certify, that DAN CLARKE
2465 OVERLAND RD
BOISE ID 837050000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 26, 1977; and has submitted Proof of Beneficial Use on June 6, 1978. An examination indicates that the works have a diversion capacity of 2.030 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	2.03 CFS	931.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 20, Township 05N, Range 02W
CANYON 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>
05N	02W	16	NESE 0.5			0.5
		20	NENE 23	SENE 30	NESE 35	
			SESE 17			105
		21	NENW 0.5	NWNW 34	SWNW 34	
			NWSW 27	SWSW 6		101.5

Total number of acres irrigated: 207

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 limited to the amount that can actually be beneficially use 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.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

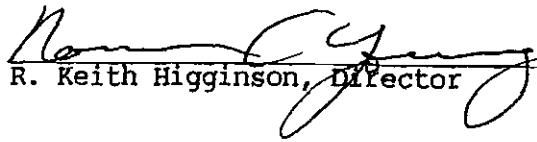
WATER RIGHT NO. 63-09069

CONDITIONS/REMARKS:

6. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

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 30TH day of MARCH, 1973.

Acting for


R. Keith Higginson, Director

RECEIVED

MAR 16 1993

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09069

APPROVED

Date of Priority: October 26, 1977

Maximum Diversion Rate: 2.03 CFS
Maximum Diversion Volume: 931.5 AF

Comes now DAN CLARKE
2465 OVERLAND RD
BOISE ID 837050000

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. 63-09069, 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	2.03 CFS	931.5 AF

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 20, Township 05N, Range 02W
CANYON County

PLACE OF USE: IRRIGATION
TWN RGE SEC

	<u>ACRES</u>		<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 02W 16	NESE 0.5				0.5
20 SESE 17	NENE 23	SENE 30	NESE 35		~~88~~ 105
21 ↗	NENW 0.5	NWNW 34	SWNW 34		
	NWSW 27	SWSW 6			101.5

PER. CON.
w/ P.S. 3/3/93

Rdh

Total number of acres irrigated: ~~190~~
207

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 TULSON, ARIZONA, this 10th day of March, 1993.

Dan Clarke
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09069

FOR DEPARTMENT USE ONLY

Preliminary check by RW Fee = 20 Received by JY # W016031 Date 3-16-93

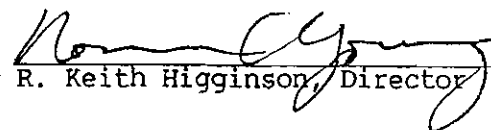
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-09069 with the following;

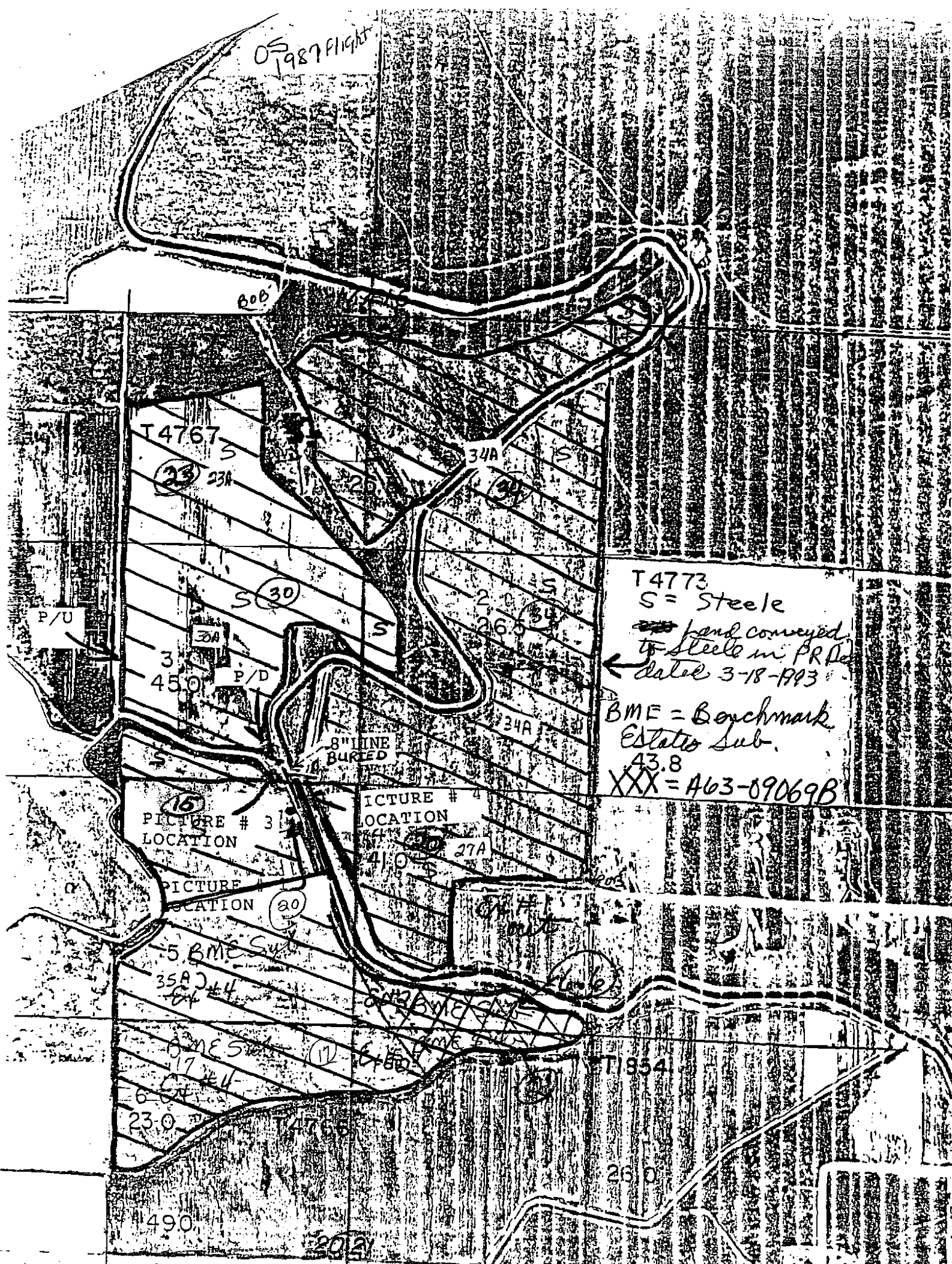
CONDITIONS/REMARKS:

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 limited to the amount that can actually be beneficially use 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. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

Witness my hand this 30th day of MARCH, 1993.


Acting for R. Keith Higginson, Director

OS 1987 Flight



T4767

(23) 23A

34A

S (30)

3A

450

P/D

8" LINE BURIED

T4773

S = Steele

land conveyed to Steele in PR Dec dated 3-18-1993

BME = Benchmark Estate Sub. 43.8

XXX = 463-09069B

(16) PICTURE # 3 LOCATION

ICTURE # 4 LOCATION

ICTURE LOCATION

(20)

41.0 27A

5 BME Sub

35A J #4

6 BME Sub

17 #4

23.0

4765

T4754

490

20.21

26.0

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 A63-09069A

Date Received 3-16-93

Receipt Number W016032

RECEIVED

MAR 16 1993

Department of Water Resources
Eastern Regional Office

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

Please type or print clearly

1. Name of Claimant (s) ESTATE OF DAN W. CLARKE Phone (602) 575-9434

Mailing Address 6815 N MOONGLOW DR. TUCSON AZ Zip 85718

2. Date of Priority (Only one (1) per claim) 10/26/1977

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

4. a. Location of existing point of diversion is: Township 5N Range 2W Section 20,
_____ 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CANYON

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. WELL, PUMP, PIPELINE & DITCH

MICROFILMED

OCT 06 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 03/15 to 11/15 amount 2.03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.03 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
05N	02W	16												.5					.5
		20	23			30									35			17	105
		21					.5	34	34			27	6						101.5

Total number of acres irrigated 207.0

11. In which county (ies) are lands listed above as place of use located? CANYON

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
BLACK CANYON IRRIGATION or None ()

14. Remarks:

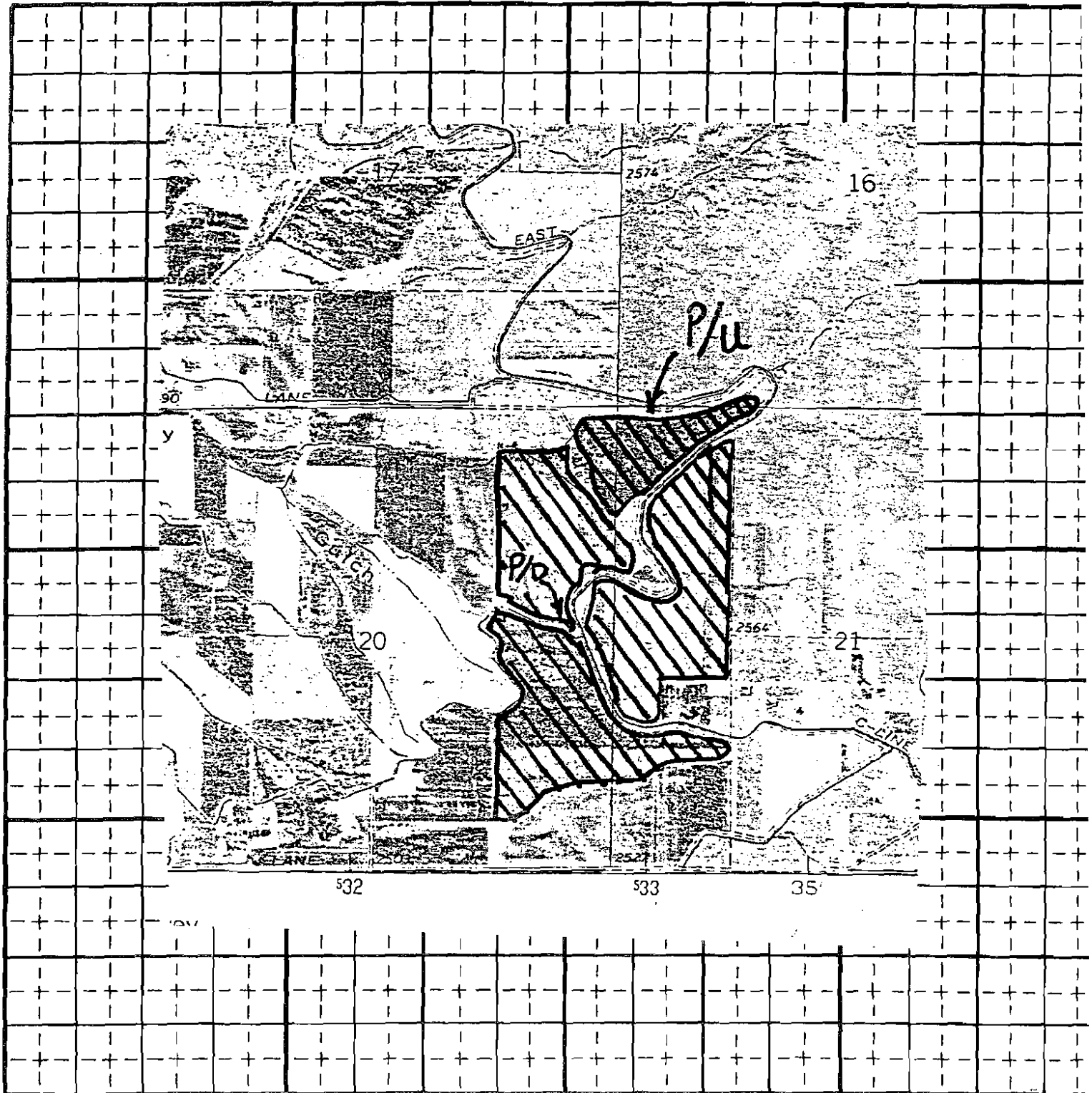
MICROFILMED
OCT 08 1996

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED
OCT 08 1996

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____

If applicable provide IDWR Water Right Number L63-09069

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) [Signature] Date 3/10/93

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or ARIZONA)
County of PIMA) SS.

Subscribed and sworn (or affirmed) before me this 10th day of March 19 93

SEAL

☒ Notary Public [Signature]

Residing at Tucson, AZ

My Commission Expires 6/21/95

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

OCT 08 1995

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

09/29/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-9069F

STEVEN C ROSEBERRY
26210 MOONGLOW DR
MIDDLETON ID 83644
Telephone Number: (208)585-6390

RECEIVED

OCT 16 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):

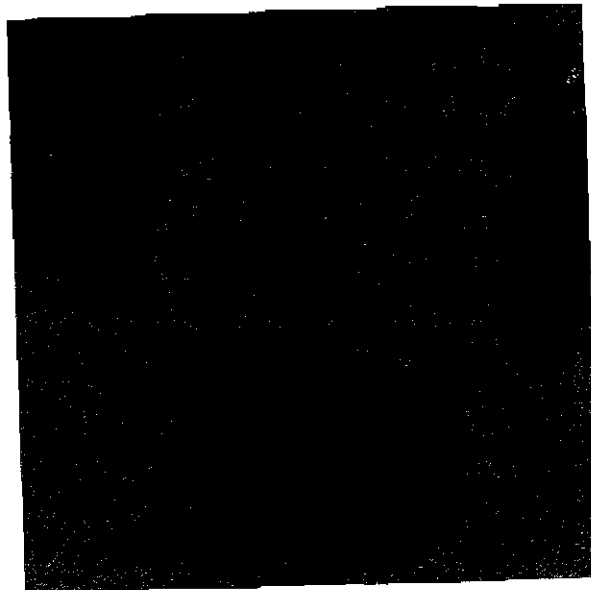
2. Describe the changes you wish to make in the proposed recommendation:

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

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

DATE: 10/9/06 SIGNATURE: Steven C Roseberry
Please print your name: Steven C Roseberry

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



08/30/2006

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

RIGHT NUMBER: 63-9069F

NAME AND ADDRESS: STEVEN C ROSEBERRY
26210 MOONGLOW DR
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
24.700 AFY

PRIORITY DATE: 10/26/1977

POINT OF DIVERSION:

T05N R02W S20 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.050 CFS 24.70 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 CANYON County

T05N R02W S20	NESE	2.00	T05N R02W S20	SESE	3.50
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5.5 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



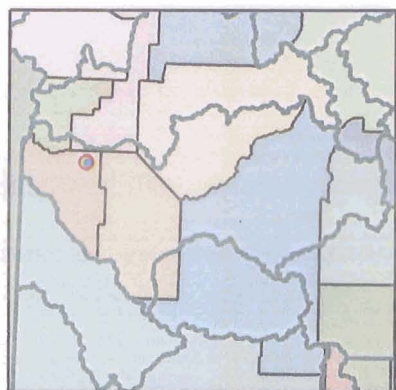
Idaho Department of Water Resources

SRBA Recommendation:

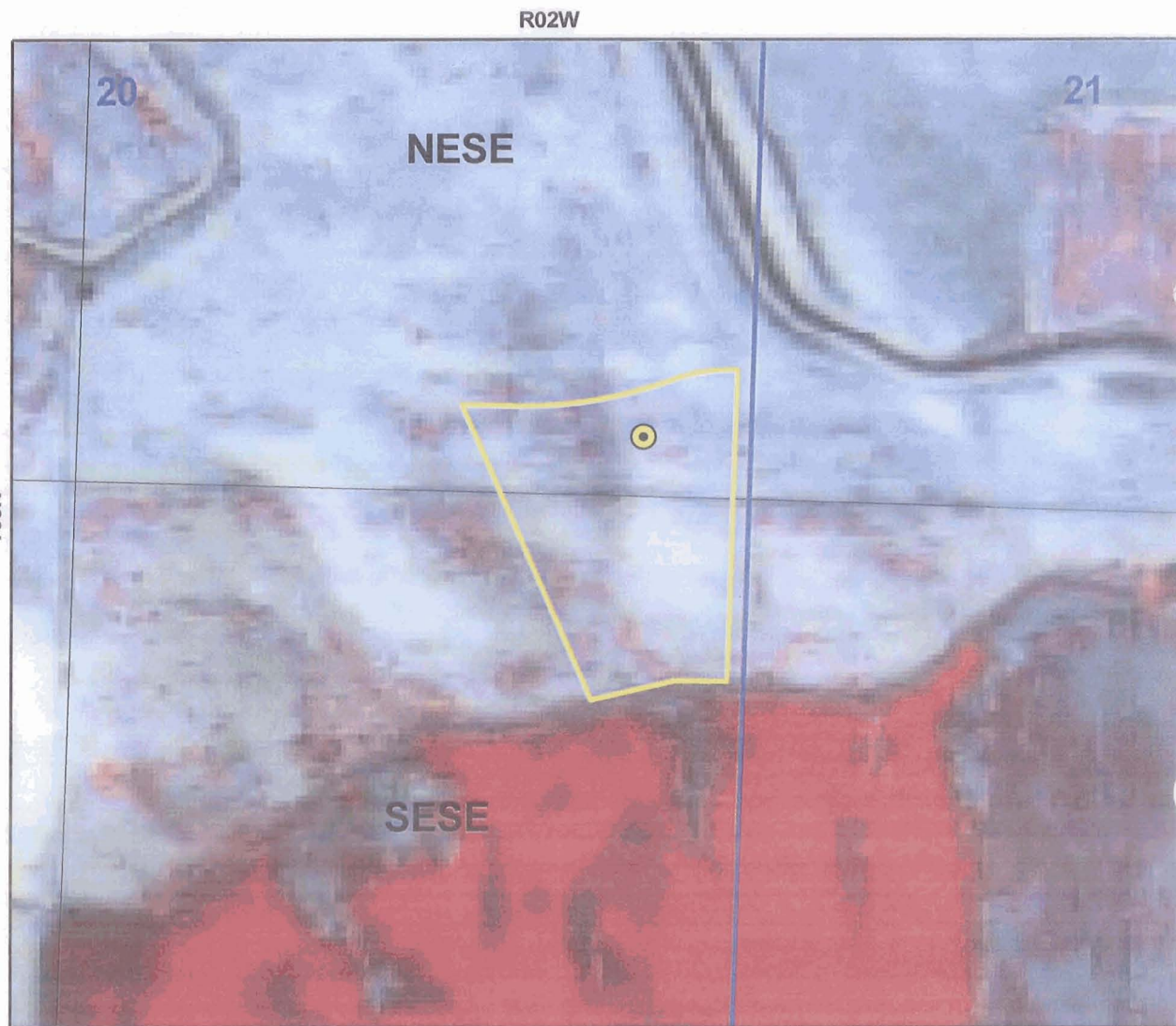
63-9069F

Legend

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

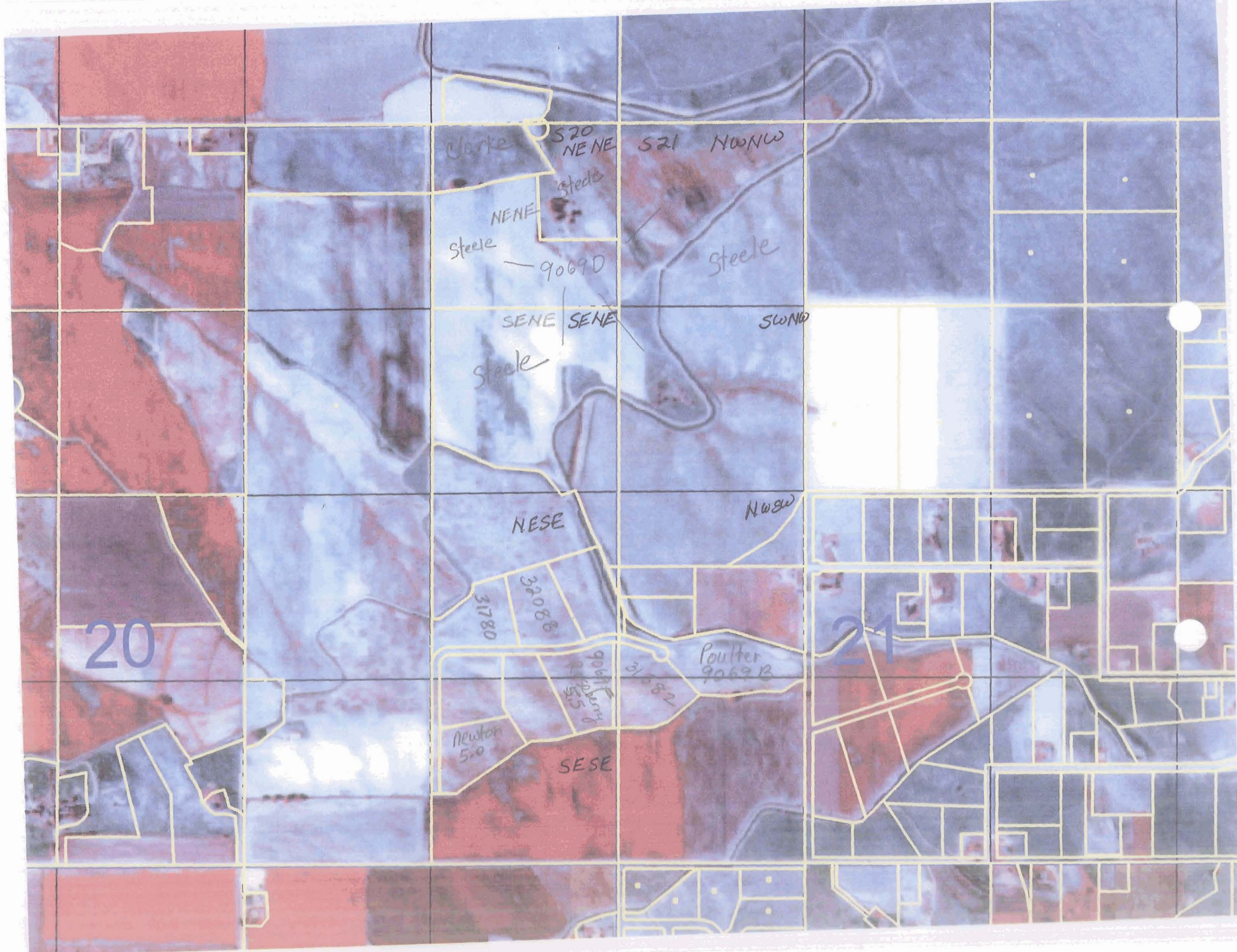


Canyon County
IDWR Basin 63

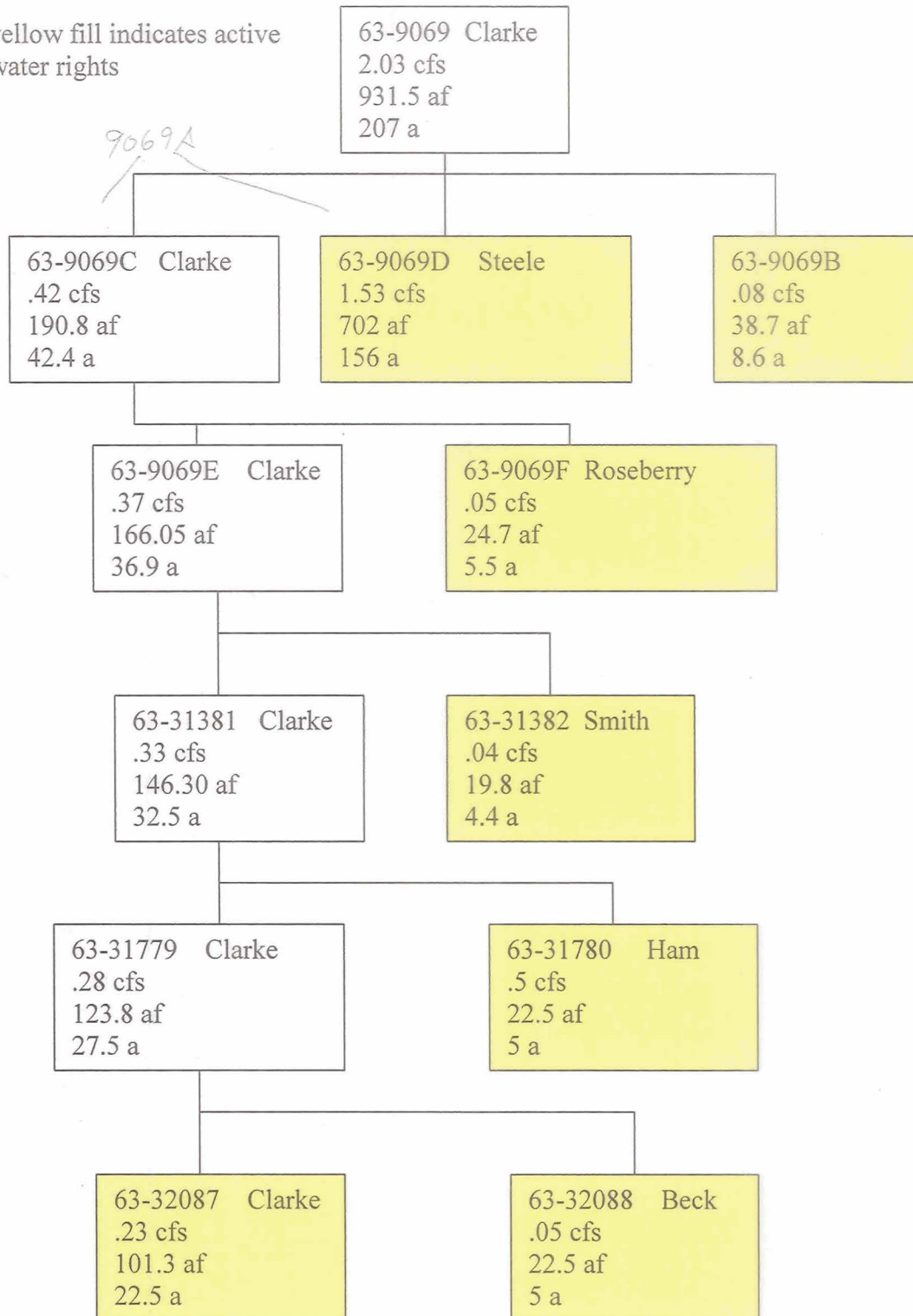


0 0.1 0.2 Miles

Prepared by S. Egbert
On Wednesday, August 30, 2006
1987/88 Aerial Photography



yellow fill indicates active
water rights



SPLIT TREE

ALLOCATIONS

63-9069
2.03 CFS
931.5 AFA
207 ACRES

CLARKE
63-9069A
1.95 CFS
892.8 AFA
198.4 AC
(X-fer 4278)

POULTER
63-9069B
.08 CFS
38.7 AFA
8.6 AC

CLARKE
63-9069C
1.90 CFS
768.05 AFA
192.9 AC
(X-fer 5264)

ROSEBERRY
63-9069D
.05 CFS
24.75 AFA
5.5 AC

CLARKE
63-9069E
1.85 CFS
845.6 AFA
187.9 AC
(X-fer 5431)

NEWTON Peterson
63-9069F - has AD
.05 CFS
22.5 AFA
5 AC
Adj #

CLARKE
63-31382
1.81 CFS
825.8 AFA
183.5 AC
(X-fer 69628)

SMITH
63-31382
.04 CFS
19.8 AFA
4.4 AC

SRBA

63-9069
2.03 CFS
931.5 AFA
207 AC

CLARKE
63-9069A
1.95 CFS
892.8 AFA
198.4 AC
(X-fer 4278)

POULTER
63-9069B
.08 CFS
38.7 AFA
8.6 AC

CLARKE
63-9069C
.42 CFS
190.8 AFA
42.4 AC
(owner-ship change)

STEELE
63-9069D
1.53 CFS
702 AFA
156 AC

CLARKE
63-9069E
.37 CFS
166.05 AFA
36.9 AC
(X-fer 5264)

ROSEBERRY
63-9069F
.05 CFS
24.75 AFA
5.5 AC

CLARKE
63-31381
.33 CFS
146.25 AFA
32.5 AC
(X-fer 69628)

SMITH
63-31382
.04 CFS
19.8 AFA
4.4 AC

CLARKE
63-31779
.28 CFS
123.8 afa
27.5 ac
(X-fer 70868)

HOMBURGER
63-31780
.05 CFS
22.5 afa
5 ac