

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: A63-09939
Date Received: 3/14/1990
Receipt No: W011131
Received By: _____

*Rec'd from
SD 1-25-93*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WESTERN FARMS
Address: 1102 W LINDEN
CALDWELL ID 83605 208-454-9906

2. Date of Priority: FEB 22, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03W	6	SE	SE	NE		CANYON

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	10/01	2.070		634.50

7. Total Quantity Appropriated is:
2.070 C.F.S. (and/or) 634.50 A.F.A.

8. Total consumptive use is 494.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03W	5	NE	NW		IRR	34.0
			NW	NW		IRR	29.0
			SW	NW		IRR	39.0
			SE	NW		IRR	39.0

A63-09939

Page 1

Date: 01/21/93

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	141.0
					Total Acres	141.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

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 A63-9939

Date Received _____

Receipt Number W011131

RECEIVED
MAR 14 1990

NOTICE OF CLAIM
TO A
WATER RIGHT

Department of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Western Farms Phone (208) 454-9906

Mailing Address 1102 West Linden Zip 83605

2. Date of Priority (Only one (1) per claim) Feb. 22, 1977

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

4. a. Location of existing point of diversion is: Township 2N Range 3W Section 6,
SE 1/4 of NE 1/4 of SE 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 and Pump plumbed
across Cool Lane to gravity

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct 1 amount 2.07 or 634.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.07 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 494 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	3W	5					34	29	39	39									141

Total number of acres irrigated 141

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.
Boise Project Board of Control Wilder Irr. or None ()

14. Remarks:

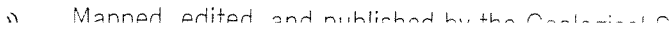
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JUL 26 1994

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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JUL 26 1994



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-9939
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) _____ Date _____

_____ Date _____

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

of Western Farms
Organization _____, that I have signed the foregoing

document in the space below as Partner of Western Farms
Title _____ Organization _____

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

Signature of Authorized Agent [Signature]

Title and Organization Partner Western Farms Date 2/6/90

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

Subscribed and sworn (or affirmed) before me this 6 day of February 19 90

SEAL

Notary Public [Signature]

Residing at BRUCE A. SCHULD, NOTARY PUBLIC

My Commission Expires RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995

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
JUL 26 1994

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

12-1-92

CLAIMANT'S NAME

Western Farms

CLAIM IDENT. NO.

A63-09137

DATE RECEIVED

3/14/94

RECEIPT

#201131

FEE PAID \$

5000

FEE REQ'D \$

191.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.			
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form?	☒	☐	*
The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.			
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☐	
Is the consumptive use correct?	☒	☐	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☒	☐	*
If multiple domestic, is single ownership indicated?	☒	☐	
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed?	☒	☐	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found?	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim?	☒	☐	
(If yes, attach a proof report & complete number change)			
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid?	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time?	☒	☐	*
(Check ML3 for date mailed-not all were mailed on the planned date)			
If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct?	☒	☐	*

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- Note: Modifications made must be explained in comments stating where the information for any changes was found.

Mr. West assures that all acres are covered by vir. dist. fees



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 8, 1993

Western Farms
1102 W. Linden Rd
Caldwell, ID 83605

Re: Snake River Basin Adjudication (SRBA)
Canyon County - Claim Nos. A63-08455, A63-09939

Dear Claimant,

We are returning the Notices of Claim to a Water Right referenced above. We are also enclosing Receipt No. W011131 in the amount of \$125.00, for a portion of the filing fees. Please retain the receipt for your records. We have noted some problems with your claims which require your attention.

Claim A63-08455 requires your signature. After you have signed the form and obtained the notary public's verification of your signature at the bottom of the last page we may continue to process your claim. Also, the correct filing fee of \$120.00 for this claim was not enclosed. The correct and full filing fees must be submitted with the Notice of Claim in order to include your water right in the report to the court. Please enclose an additional \$70.00 when resubmitting this claim.

The un-numbered claim must be signed by an individual authorized to act on behalf of Western Farms. The individual signature, as it has been done, does not protect the interest of the organization submitting this claim. Please have an officer or designated agent sign in the organization block of the claim form before a notary public.

The correct filing fee of \$191.00 for A63-09939 was not enclosed. Please enclose \$141.00 when resubmitting this claim. (The total fees for A63-09939 and A63-08455 are \$211.00.)

Please return these documents to my attention by February 8, 1993, or late fees will apply. If we do not receive the documents by that date, we will assume you do not wish to continue the filing

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JUL 26 1994

Western Farms
January 8, 1993
Page 2 - Canyon County

process and will begin the refund process of your filing fees. Do not hesitate to contact this office if you have any questions.

Sincerely,



Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:sf:state:tf

Enclosures:

Claim Nos. A63-08455, A63-09939
Un-numbered Claim
Receipt No. W011131

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

RIGHT NUMBER: 63-9939

NAME AND ADDRESS: JOSEPH R WEITZ
16909 MARSING RD
CALDWELL ID 83607

~~WESTERN FARMS~~
~~1102 W LINDEN~~
~~CALDWELL ID 83605~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.070 CFS
634.500 AFY

PRIORITY DATE: 02/22/1977

POINT OF DIVERSION:

T02N R03W S6 SESENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/01	2.070 CFS 634.50 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 October 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 CANYON County

T02N R03W S05	NENW	34.00	T02N R03W S05	NWNW	29.00
T02N R03W S05	SWNW	39.00	T02N R03W S05	SENW	39.00

141 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

Use of this right is combined with water from Wilder Irrigation District.

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	)	Water Rights: 63-8455, 63-9939
	)	
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

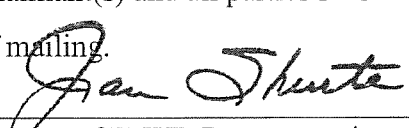
IDWR has completed the following administrative proceeding:

- ☐ 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: June 29, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 29, 2007, 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	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

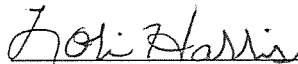
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Joseph R. Weitz	☐	overnight mail
16909 Marsing Rd.	☒	regular mail
Caldwell ID 83607	☐	hand-delivered
	☐	facsimile

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



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

June 29, 2007

JOSEPH R WEITZ
16909 MARSING RD
CALDWELL ID 83607

Re: Water Right No. 63-8455, 63-9939

Dear Mr. Weitz:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. 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 right, 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 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
63-9939					
63-8455					

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**.

3. Name and Address of Former Owner/Claimant(s) Joseph R. Weitz
Western Farms
4. New Owner/Claimant(s) Joseph R. Weitz
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 16909 Marsing Road
- City, State and ZIP Code Caldwell, ID 83607
- New Telephone Number (208) 880-3445
5. Date you acquired the property March 11 2002

RECEIVED

JUN 05 2007

**WATER RESOURCES
 WESTERN REGION**

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

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

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

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

Joseph Weitz
Joseph Weitz

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 *[Signature]*

Date 6-5-07

Fee N/A

Receipted by *[Signature]*

Date 6-26-07

Receipt No. _____

Processed by *[Signature]* AJ

Date 6-26-07

WR _____

Date _____

C
INSTRUMENT NO. 200211668

QUITCLAIM DEED

FOR VALUE RECEIVED Western Farms, an Idaho General Partnership

does hereby convey, release, remise and forever quit claim

unto Joseph R. Weitz, a married man

whose address is 16909 Marsing Road, Caldwell, Idaho 83607

the following described premises, to-wit:

SEE ATTACHED Exhibit "A"

together with their appurtenances.

Dated: March 11, 2002

Joseph R. Weitz
Joseph R. Weitz, Partner

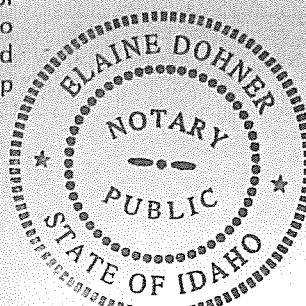
Anthony L. Weitz
Anthony L. Weitz, Partner

STATE OF IDAHO

COUNTY OF CANYON

On this 11th day of March in the year 2002, before me, a Notary Public, personally appeared Joseph R. Weitz and Anthony L. Weitz known or identified to me to be the partners in the partnership of Western Farms, an Idaho General Partnership and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

Elaine Dohner
Notary Public
Residing at Caldwell, Id
My commission expires 4-1-02



PIONEER TITLE COMPANY
OF CANYON COUNTY

610 SOUTH KIMBALL AVENUE
CALDWELL, IDAHO 83605

RECEIVED

JUN 05 2007

WATER RESOURCES
WESTERN REGION

(208) 459-1651
FAX: (208) 455-1138

PC 04965

EXHIBIT "A"

A tract of land located in the Northeast Quarter of the Southeast Quarter, Section 6, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 6; thence
South 2,487.5 feet, more or less, to a point of intersection of the
East boundary of said Section 6 and the centerline of the McCall
Lateral, which is the REAL POINT OF BEGINNING; thence
West 160 feet along the centerline of the McCall Lateral; thence
South 40 feet; thence
East 160 feet; thence
North 40 feet to the REAL POINT OF BEGINNING.

200211668

RECORDED

2002 FEB 12 PM 4 35

G NOEL HALE

CANYON COUNTY RECORDER

BY

McLaughlin

REQUEST PIONEER - CALDWELL

TYPE *Book Fee* - cc

F
INSTRUMENT NO. 200211670

QUITCLAIM DEED

FOR VALUE RECEIVED Western Farms, an Idaho General Partnership
does hereby convey, release, remise and forever quit claim
unto Joseph R. Weitz, a married man
whose address is 16909 Marsing Road, Caldwell, Idaho 83607
the following described premises, to-wit:

SEE ATTACHED Exhibit "A"

together with their appurtenances.

Dated: March 11, 2002

Joseph R. Weitz
Joseph R. Weitz, Partner

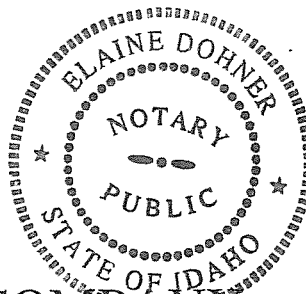
Anthony L. Weitz
Anthony L. Weitz, Partner

STATE OF IDAHO

COUNTY OF CANYON

On this 11th day of March in the year 2002, before me, a Notary Public, personally appeared Joseph R. Weitz and Anthony L. Weitz known or identified to me to be the partners in the partnership of Western Farms, an Idaho General Partnership and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

Elaine Dohner
Notary Public
Residing at Caldwell, Id
My commission expires 4-1-02



PIONEER TITLE COMPANY
OF CANYON COUNTY

610 SOUTH KIMBALL AVENUE
CALDWELL, IDAHO 83605

(208) 459-1651
FAX: (208) 455-1138

Exhibit "A"

Government Lot 4 and the Southwest Quarter of the Northwest Quarter of Section 4, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM:

A Tract of land situated in the Northwest Quarter of Section 4, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho and more particularly described as follows:

COMMENCING at the Southwest corner of said Northwest Quarter (West Quarter corner); thence

North 0° 05' 00" East, a distance of 891.87 feet along the Westerly boundary of said Northwest Quarter to the POINT OF BEGINNING; thence continuing

North 0° 05' 00" East, a distance of 166.50 feet along said Westerly boundary; thence

South 86° 45' 25" East, a distance of 311.64 feet parallel with the Southerly boundary of a concrete field ditch; thence

South 0° 05' 00" West, a distance of 166.50 feet parallel with the Westerly boundary of said Northwest Quarter; thence

North 86° 45' 25" West, a distance of 311.64 feet to the POINT OF BEGINNING.

200211670

RECORDED

2002 MAR 12 PM 4 35

G NOEL HALES

CANYON CNTY RECORDER

BY

[Signature]

REQUEST PIONEER - CALDWELL

TYPE *Deed* *100*

INSTRUMENT NO. 200211669

QUITCLAIM DEED

FOR VALUE RECEIVED Western Farms, an Idaho General Partnership

does hereby convey, release, remise and forever quit claim

unto Joseph R. Weitz, a married man

whose address is 16909 Marsing Road, Caldwell, Idaho 83607

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

together with their appurtenances.

Dated: March 11, 2002

Joseph R. Weitz
Joseph R. Weitz, Partner

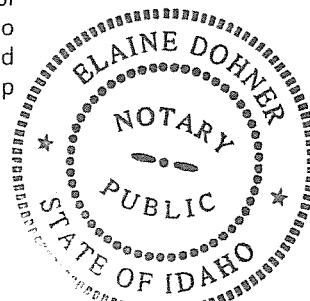
Anthony L. Weitz
Anthony L. Weitz, Partner

STATE OF IDAHO

COUNTY OF CANYON

On this 11th day of March in the year 2002, before me, a Notary Public, personally appeared Joseph R. Weitz and Anthony L. Weitz known or identified to me to be the partners in the partnership of Western Farms, an Idaho General Partnership and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

Blaine Doerner
Notary Public
Residing at Caldwell, ID
My commission expires 4-1-02



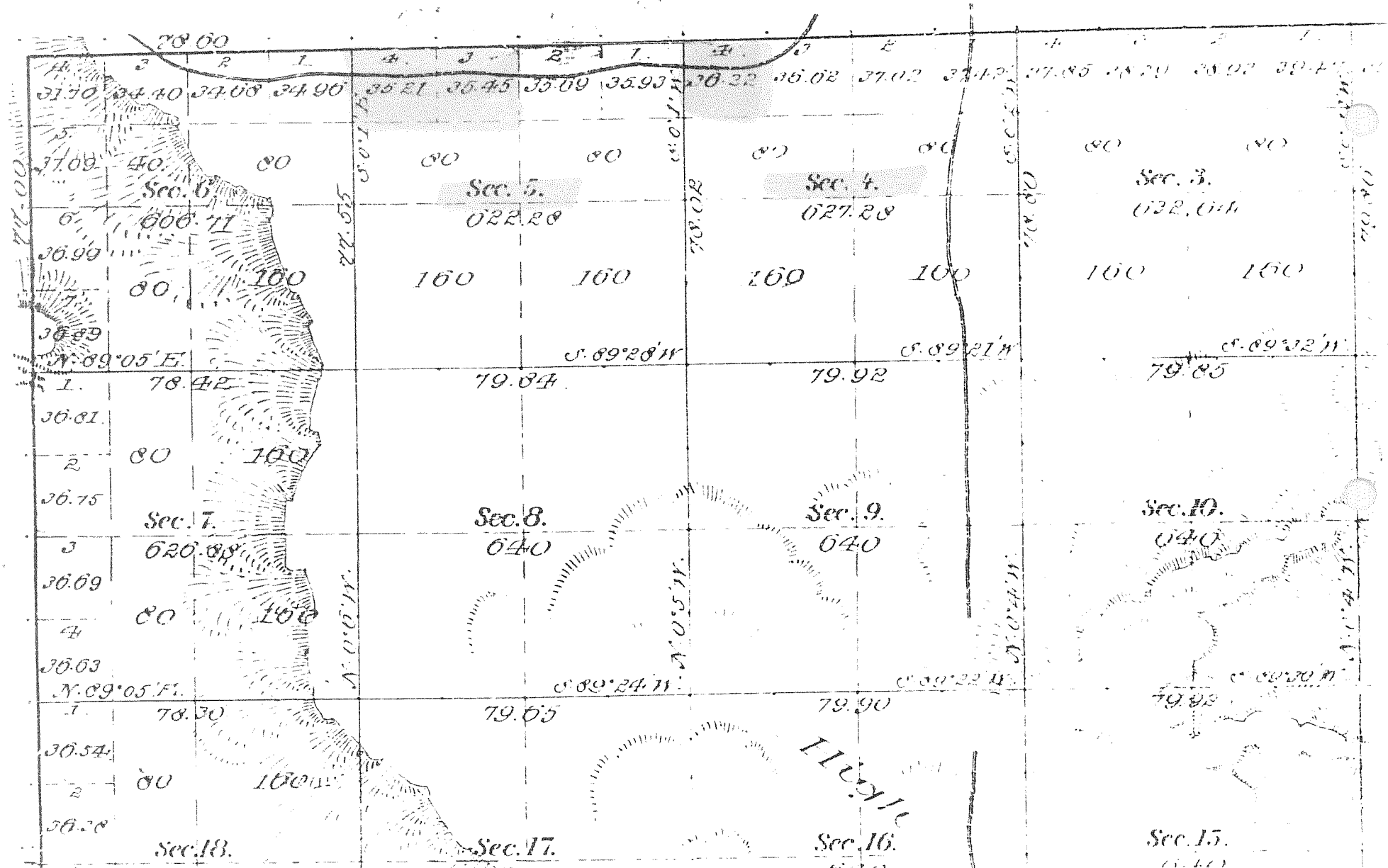
PIONEER TITLE COMPANY
OF CANYON COUNTY

610 SOUTH KIMBALL AVENUE
CALDWELL, IDAHO 83605

(208) 459-1651
FAX: (208) 455-1138

Township N^o 2 North Range N^o 3 West of the Bu

G F E D C





State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 11, 2007

GEO A WEITZ INC
JOSEPH WEITZ
16909 MARSING RD
CALDWELL ID 83605

RE: Snake River Basin Adjudication (SRBA)
Water Right Nos. 63-8455, 63-9939

Dear Sirs:

We have been advised you may be the new owner of the property with the water rights referenced above (see enclosed report).

Before we can modify our records to reflect your ownership of these water rights, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions included with this form and return to our office with all of the required information.

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

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region

LH:1
Enclosures

L PROPERTY INQUIRY

```

+++++
01 6R30010-000- -0 181-00 SCH139+ 01 127,700 145.00
+++++
WEITZ GEO A INC + 19 145.00
WEITZ JOSEPH R + 31 266,900
+ 32 44,300
+
+
16909 MARSING RD +
CALDWELL ID 83605 +
+++++
05-2N-3W NW + TOTAL 473,900 291.00
LTS 3 & 4,, S 1/2 NW ++++++
+ SURVEY INST 200211669
+ DRAIN DR VALUE APPR RET
+ CLASS OR REAP 04 MAN 03 UNIT 2
+ PARCEL 6R02N03W052400 H/O Y C/B N
+ PRIOR ACCOUNT 5R30010-000- -0
+ 02 MH on Property NO
+ 03 Traits 04 Companion Sheet

```

MODE:F ACTION: COMPANION SHEET INQUIRY TRQK361

```

01 ACCOUNT: 6R30010-000- -0 AREA 181-00 DRAIN VALUE CLASS OR H/O Y
SEC 05 TWN 2N RNG 3W QTR NW CITY/SUB 0 BLK LOT 2400
OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS
OWNERSHIP C OWNERSHIP P
WEITZ, GEO A INC WESTERN FARMS, PTNRSH
& WEITZ, JOSEPH R & WEITZ, GEO A INC

```

MAILING ADDRESS

16909 MARSING RD
CALDWELL ID 83605

SITE ADDRESS

16909 MARSING RD CA

COMMENTS

PRIOR ACCOUNT 5R30010000 0
PARCEL 02N03W052400 SRVY
INSTR 200211669 ACRES 149.66
SPLIT YR DOCUMENT DD
DATE DONE 06/02/2005 INITIALS PG

THIS ACCOUNT HAS OWNERSHIP TRACK RECORD!

LEGALS

05-2N-3W NW
LTS 3 & 4,, S 1/2 NW

REMARKS

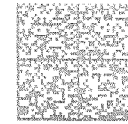
GEO A WEITZ INC 12.5% INT,,
WEITZ, JOSEPH R 87.5% INT,,

02 Ownership Tract Record

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$01.1
0004589383 FEB 02 2
MAILED FROM ZIP CODE 83

RETURNED TO
SENDER
UNDELIVERABLE AS
ADDRESSED
FORWARDING ORDER

RECEIVED
FEB 07 2007
WATER RESOURCES
WESTERN REGION

WESTERN FARMS
1102 W LINDEN
CALDWELL ID 83605

Geo A Weitz
Joseph Weitz
16909 Marsing Rd
Caldwell 83605

63-8455
63-9939

DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES
POSTAL SERVICE
02 14
0004310839
MAILED FROM ZIP CODE 83702
\$ 00.87⁰
CCT 06 2000

RECEIVED

OCT 17 2000

WATER RESOURCES
WESTERN REGION

WESTERN FARMS
1102 W LINDEN
CALDWELL ID 83605

UNDELIVERABLE AS
ADDRESSED
FORM FORWARD ORDER
EX-115

63.8455

~~63.8455~~

9939

03/02/2006

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

RIGHT NUMBER: 63-9939

NAME AND ADDRESS: WESTERN FARMS
1102 W LINDEN
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.070 CFS
634.500 AFY

PRIORITY DATE: 02/22/1977

POINT OF DIVERSION:

T02N R03W S6 SESENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 10/01

2.070 CFS

634.50 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 October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T02N R03W S05	NENW	34.00	T02N R03W S05	NWNW	29.00
T02N R03W S05	SNNW	39.00	T02N R03W S05	SENN	39.00

141 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.

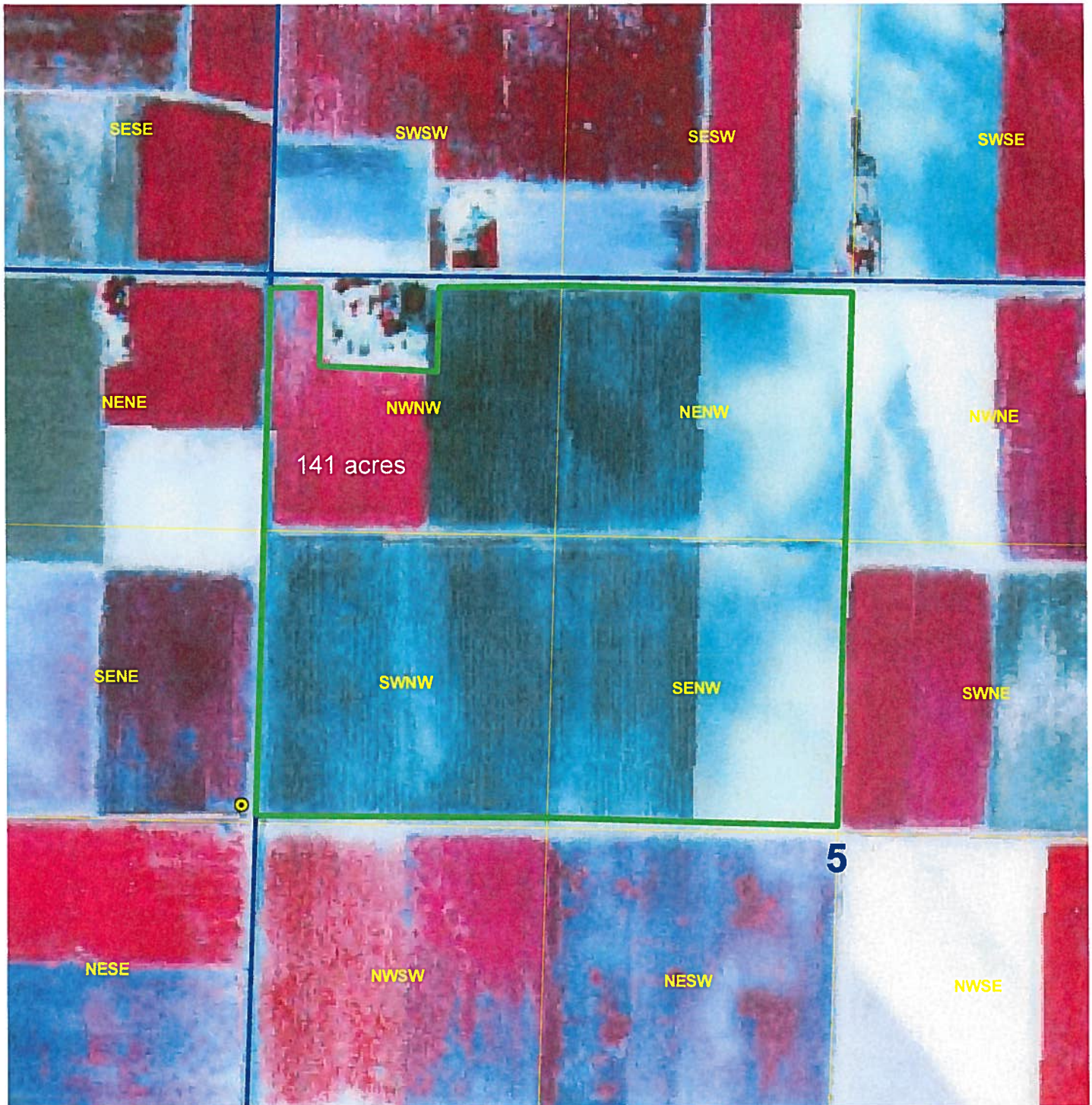
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Wilder Irrigation District.

Idaho Department of Water Resources

63-9939

T02N R03W S5



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



400 0 400 800 1200 1600 Feet

IDWR

Prepared by: Sandy Egbert

Date: March 2, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-9939

02/21/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~9939~~	Claim	02N	03W	5	NE	NW		IRRIGATION	34/141	WESTERN FARMS
9939	Water Right	02N	03W	5	NE	NW		IRRIGATION	34/141	NAFSINGER FARMS INC
9939	Claim	02N	03W	5	NW	NW		IRRIGATION	29/141	WESTERN FARMS
9939	Water Right	02N	03W	5	NW	NW		IRRIGATION	29/141	NAFSINGER FARMS INC
~~9939~~	Water Right	02N	03W	5	NW	NW		STOCKWATER		WESTERN FARMS
~~9939~~	Water Right	02N	03W	5	NW	NW		DOMESTIC		WESTERN FARMS
9939	Claim	02N	03W	5	SW	NW		IRRIGATION	39/141	WESTERN FARMS
9939	Water Right	02N	03W	5	SW	NW		IRRIGATION	39/141	NAFSINGER FARMS INC
~~9939~~	Claim	02N	03W	5	SE	NW		IRRIGATION	39/141	WESTERN FARMS
9939	Water Right	02N	03W	5	SE	NW		IRRIGATION	39/141	NAFSINGER FARMS INC

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-9939 Priority February 22, 1977 Amount 2.07 cfs

THIS IS TO CERTIFY, that Nafsinger Farms, Inc.
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-9939 issued pursuant to Application for Permit dated February 22, 1977,
and has submitted proof to the Department of Water Resources on August 11, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.07 cfs of water from a groundwater 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>October 1</u>	at <u>2.07</u> cfs and	<u>634.5</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.07 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
634.5 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Twp.
2N, Rge. 3W in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	3W	5					34	29	39	39									141

Total number of acres irrigated 141

This right when combined with all other rights shall provide no more than
4.5 afa per acre for the lands above.

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 23rd day of
December, 19 82.

Director

STATE OF IDAHO
Licensing
APPLICATION FOR AMENDMENT OF A PERMITRECEIVED
SEP 21 1982

To change the point of diversion and/or the place of use of water resources

Comes now Nafsinger Farms, Inc. Phone 459-2847
of (address) Box 157, Route #4, Caldwell, Idaho 83605, 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. 63-9939, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 SW 1/4, Section 5, Township 2N, Range 3W, B.M.,
County of Canyon. Other points of diversion: _____

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

Amount 2.07 for irrigation purposes from 4/1 to 10/1 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	5					34	29	39	39									141

Total number of acres to be irrigated = 141

4. a. Who owns the property at the point of diversion? Mildred Nafsinger
b. Who owns the land to be irrigated or the place of use? Nafsinger Farms, Inc.

If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: Mildred Nafsinger is principal
stockholder in Nafsinger Farms Inc.

Not necessary

[illegible]

Scale: 2 inches equal 1 mile.

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

Signed at Caldwell, this 20 day of September, 19 82

Mildred Haffinger -
(Signature) Sec. Treas

FOR DEPARTMENT USE ONLY

Preliminary check by Jan Fee = \$20.00
Publication prepared by W/D Date _____
Publication dates (11-25 & 12-2) 82

Received by HC Date 9-21-82 #24711

Published in IDAHO PRESS TRIBUNE

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby
APPROVE the above Application for Amendment of Permit No. 63-9939.

Witness my hand this 23rd day of December, 1982

Director

Dr

Identification No. 63-9939
Application No. 57-7183

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant NAFSINGER FARMS, INC. Phone: 459-2847, 459-7818
post office address Route 4, Caldwell, ID
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 2N
Range 4W B.M. Canyon Owyhee County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.2 for irrigation purpose from Apr 1 to Oct 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.2 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, & ditches

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 250 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 10,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

RECORDED

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	4W	5					40	40	40	40									160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above.

Demke Lateral and Mora Canal

9. a. Who owns the property at the point of diversion Applicant

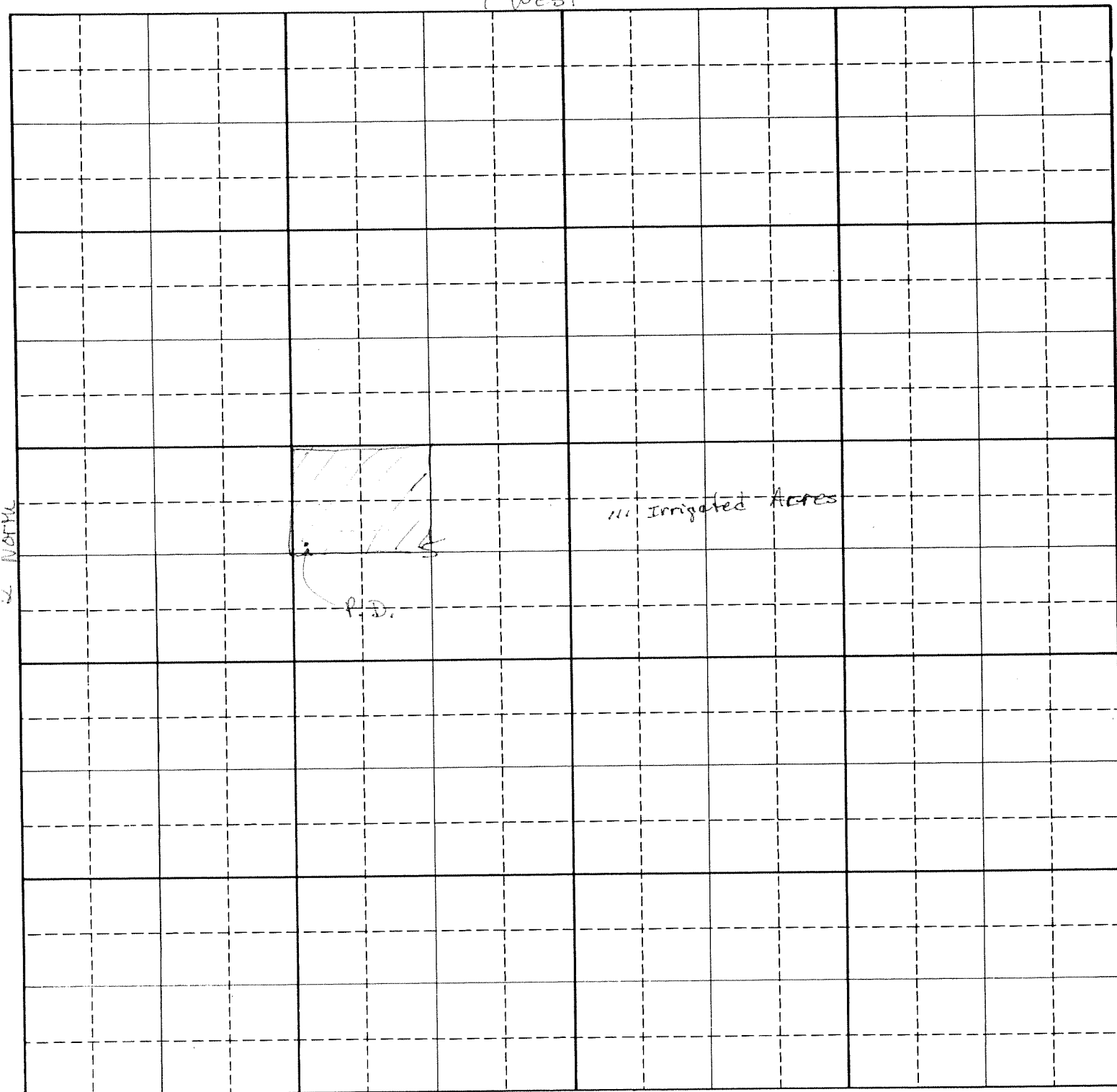
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks This permit and other water rights not be exceed a rate of dieversion of 0.02 c.f.s. per acre or a volume of 4.5 acre feet per acre per year.

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

4 West



Scale: 2 inches equal 1 mile

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

NAFSINGER FARMS, INC.

BY:

Kirk Nafsinger
(Applicant)

Vice President

Proposed Priority 2/22/77

Received by WHE Date 2-22-77 Time 12:00

Preliminary check by CS Fee \$ 55.00 # 6690

Received by CS Date February 22, 1977

Publication prepared by CS Date 2-24-77

Published in E Owyhee Nugget

Publication dates March 3, 1977 + March 10, 1977

Publication approved if Date 3-28-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JH

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 57-7183, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 82.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 15 day of April, 19 77.



Director

Permit No. _____

DATE	INITIALS	REMARKS
------	----------	---------

- a/c Jini

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NE SW 56 2N 3W

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	5					37.5	28.5	39.6	39.6									141.2

round to 141 acres

Recommended Amendments:

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ None

☒ Other

BASIN CHANGE

Examiner's Signature

Checked by DBS

Approved by [Signature]

Date 11 MAY 1981

Date 10/29/81

Date 5/27/82

