

RECEIVED

JUN 13 1996

WATER RESOURCES
WESTERN REGION

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: A63-21489
Date Received: 2/22/1990
Receipt No: W009228
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MUNN LAND COMPANY INC 208-459-1423
Address: MONTE MUNN
1510 DEARBORN ST
CALDWELL ID 83605

2. Date of Priority: MAY 1, 1936

3. Source: STRAIN DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	22	NE	NW	SE		CANYON

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	09/30	0.400		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	22	SW	NW		IRR	10.0
			SE	NW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
A63-04022, A63-21488

14. Remarks:

ITEM 5 CONT'D: WATER SOURCE IS WASTE WATER FROM ROW CROP FIELD AND DRAINAGE. WASTE WATER IS TRANSPORTED LESS THAN 100 YEARS BY DIRT DITCH. *THIS CLAIM IS BEING FILED BASED ON A63-04022 WHICH SHOWS THE DIVERSION AS THE WEST END DRAIN. PER CLAIMANT, ACTUAL SOURCE FOR THIS USAGE IS AND HAS BEEN THE STRAIN DRAIN FROM THE PRIORITY DATE.*L.R.W.

AUTHORITY: CHAIRMAN, BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER.

BEGINNING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE1/4

ENDING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE1/4

ADDRESS CHANGE BY REGISTERED AGENT LETTER.

15. Basis of Claim: BENEFICIAL USE

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: A63-21489
Date Received: 2/22/1990
Receipt No: W009228
Received By: LOW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MUNN LAND COMPANY, INC. 208-459-1423
Address: C/O MONTE MUNN
20082 SIMPLOT BLVD.
CALDWELL, ID 83605

2. Date of Priority: MAY 01, 1936

3. Source: STRAIN DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	22	NE	NW	SE		CANYON

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	09/30	0.400		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	22	SW	NW		IRR	10.0
			SE	NW		IRR	10.0
Section Acres							20.0

A63-21489

Page 1

Date: 03/14/90

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10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
A63-04022, A63-21488

14. Remarks:

ITEM 5 CONT'D: WATER SOURCE IS WASTE WATER FROM ROW CROP FIELD AND DRAINAGE. WASTE WATER IS TRANSPORTED LESS THAN 100 YEARS BY DIRT DITCH. *THIS CLAIM IS BEING FILED BASED ON A63-04022 WHICH SHOWS THE DIVERSION AS THE WEST END DRAIN. PER CLAIMANT, ACTUAL SOURCE FOR THIS USAGE IS AND HAS BEEN THE STRAIN DRAIN FROM THE PRIORITY DATE.*L.R.W.

AUTHORITY: CHAIRMAN, BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER.

BEGINNING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE1/4
ENDING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE1/4

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

T03N	R01W	S07
T03N	R02W	S01
T03N	R02W	S02
T03N	R02W	S03
T03N	R02W	S04
T03N	R02W	S05
T03N	R02W	S06
T03N	R02W	S07
T03N	R02W	S08
T03N	R02W	S09
T03N	R02W	S10
T03N	R02W	S11
T03N	R02W	S12
T03N	R02W	S14
T03N	R02W	S15
T03N	R02W	S16
T03N	R02W	S17
T03N	R02W	S18
T03N	R02W	S19
T03N	R02W	S20
T03N	R02W	S21
T03N	R02W	S22
T03N	R02W	S23
T03N	R02W	S28
T03N	R03W	S01
T03N	R03W	S02
T03N	R03W	S03
T03N	R03W	S04
T03N	R03W	S10
T03N	R03W	S11
T03N	R03W	S12
T03N	R03W	S13
T03N	R03W	S14
T03N	R03W	S24

PLACE OF USE:	Township 04N	Range 04W	Section 23	Tract W2NW
PLACE OF USE:	Township 04N	Range 04W	Section 22	Tract E2NE
PLACE OF USE:	Township 04N	Range 04W	Section 14	Tract SWSW
PLACE OF USE:	Township 04N	Range 04W	Section 15	Tract SESE

WR-NUMBER:
63-4022

CURRENT OWNER:
MUNN LAND CO. INC.
C/O GLEN MUNN
RT. 2
CALDWELL, ID 83605

PRIORITY DATE:
1-May-1936 -

STAGE: -
STATUTORY CLAIM

COUNTY: CANYON

SOURCE: WEST END DRAIN

WATER USE:

IRRIGATION

STOCKWATER

DIVERSION-RATE:

4.800 CFS

0.000 CFS

TOTAL RATE:

4.800 CFS

TRIBUT

JOSE RIVER

DIVERSION-VOLUME:

0.00 AF

0.00 AF

TOTAL VOLUME:

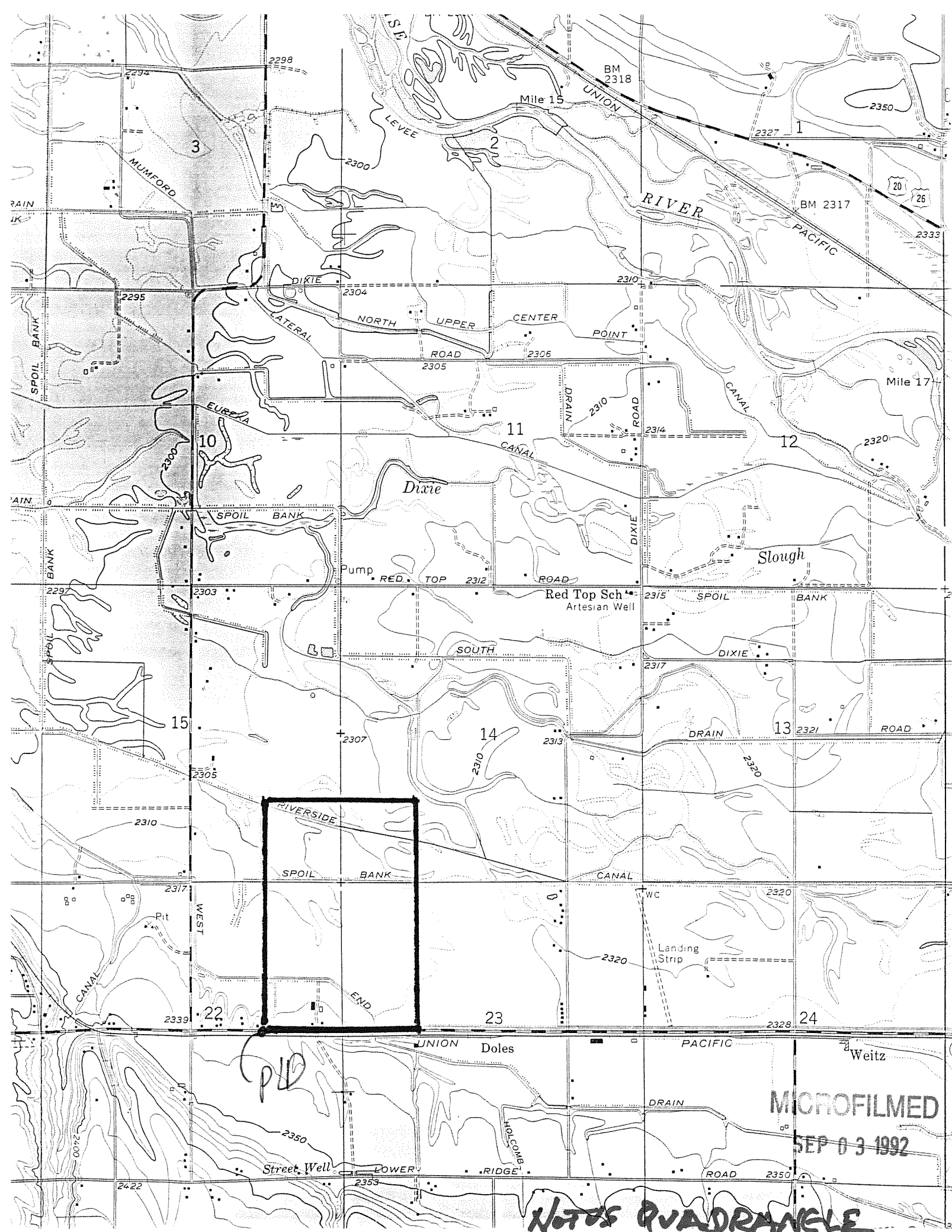
0.00 AF

POINT OF DIVERSION:	T04N	R04W	S23	SWNW
	T04N	R04W	S23	NWSW

PLACE OF USE:	T04N	R04W	S23	NWNW	AC 40
	T04N	R04W	S23	SWNW	AC 40
	T04N	R04W	S14	SWSW	AC 40
	T04N	R04W	S22	NENE	AC 40
	T04N	R04W	S22	SENE	AC 40
	T04N	R04W	S15	SESE	AC 40

TOTAL ACRES: 240

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SEP 03 1992

NOTES QUADRANGLE

MILE



NOTIFIED

SEP 01

T2056

Water Right Number - 63-04022

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
MUNN LAND CO. INC.

1 - C/O GLEN MUNN

2 - RT. 2

3 -

City- CALDWELL

State- ID Zip- 83605

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1936 14 S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WEST END DRAIN BOISE RIVER

+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

04N 04W 23 SW NW (27) CANYON
04N 04W 23 NW SW (27) CANYON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/25 4.800
04 - STOCKWATER 01/01 12/31

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.800

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
04N 04W 14 SW SW 40.0 01 IRRIGATION (27) CANYON
04N 04W 15 SE SE 40.0 01 IRRIGATION (27) CANYON
04N 04W 22 NE NE 40.0 01 IRRIGATION (27) CANYON
04N 04W 22 SE NE 40.0 01 IRRIGATION (27) CANYON
04N 04W 23 NW NW 40.0 01 IRRIGATION (27) CANYON
04N 04W 23 SW NW 40.0 01 IRRIGATION (27) CANYON

Total Acres: 240.0

+ - - Diversion Means -

+ - - Non-Irrigation Use - S/140 RANGE.

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

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Water right number - 63-04022

Adj. flag translation: Standard Water Right Number

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

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 02/05/85

05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 00/00/0000
Decree Date - 00/00/0000

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 12/31/1984
Receipt Number -
Appl Received - 00/00/0000

Field Exam Fee -
Swan Falls -
Temporary Right - P
DLE/Carey Act -
Water District -
Transfer/Amended -

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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

AG3-21489

Date Received

2-22-90

Receipt Number

W9228

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MUNN LAND COMPANY, INC Phone (208) 459-1423Mailing Address 20082 SIMPLOT BLVD, CALDWELL, ID Zip 836052. Date of Priority (Only one (1) per claim) MAY 1, 19363. Source of water supply (a) STRAIN DRAIN
which is tributary to (b) WEST END DRAIN, WHICH IS A TRIBUTARY OF BOISE RIVER4. a. Location of existing point of diversion is: Township 4N Range 4W Section 22,
NE 1/4 of NW 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 4N Range 4W Section 22, SW 1/4 of SE 1/4 of NE 1/4,
Govt. Lot _____ B.M., County of CANYONending point is: Township 4N Range 4W Section 22, SW 1/4 of SE 1/4 of
NE 1/4, Govt. Lot _____ B.M., County of CANYON5. 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. WATER SOURCE IS WASTE
WATER FROM ROW CROP FIELD END DRAINAGE.
WASTE WATER IS TRANSPORTED LESS THAN 100 YARDS
BY DIRT DITCH.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For CROP IRRIGATION purposes from APR 1 to SEP 31 amount 4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4 (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.) _____

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	
4N	46	22								10									
4N	46	22							10										

Total number of acres irrigated 20

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

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks: AUTHORITY = CHAIRMAN BOARD OF DIRECTORS AND
CHIEF EXECUTIVE OFFICER

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-4022
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 3 IDWR LIST, TOPO MAP, ARIAL MAP
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 FEB 22, 1990

For Organizations: I do solemnly swear or affirm that I am CHIEF EXECUTIVE OFFICER
Title
of MUNN LAND COMPANY, INC , that I have signed the foregoing
Organization
document in the space below as CHIEF EXECUTIVE OFFICER of MUNN LAND CO., INC.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization CEO MUNN LAND CO INC Date 22 FEB 1990

State of Idaho/or _____)
County of Ada) SS.
Subscribed and sworn (or affirmed) before me this 22 day of Feb 19 90

SEAL Notary Public Linda Warner
Residing at LINDA WERNER
My Commission Expires RESIDING AT EAGLE, IDAHO
MY COMMISSION EXPIRES DEC. 8, 1994
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 _____

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Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares. Each square contains a crosshair pattern formed by four smaller squares meeting at a central point. The pattern is consistent across all squares in the grid.

SEP 03 1992

Last Name Ident No.

Copies: White-State, Yellow-Claimant

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

RIGHT NUMBER: 63-21489

NAME AND ADDRESS: DJK LLC
824 DEARBORN
CALDWELL ID 83605

~~MUNN LAND CO INC~~
~~C/O MONTE MUNN~~
~~1510 DEARBORN ST~~
~~CALDWELL ID 83605~~

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 03/01/1940

POINT OF DIVERSION:

T04N R04W S22 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.400 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S22	NWNE	12.00	T04N R04W S22	SWNE	8.00
---------------	------	-------	---------------	------	------

20 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - Beneficial Use

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

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

Source known locally as Strain Drain.

**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: 63-21489
	)	
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 22, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 22, 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:

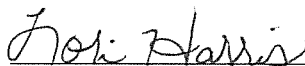
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

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:

DJK LLC	☐	overnight mail
824 Dearborn	☒	regular mail
Caldwell ID 83605	☐	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 22, 2007

DJK LLC
824 DEARBORN
CALDWELL ID 83605

Re: Water Right No. 63-21489

Dear Sir or Madam:

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

RECEIVED

JUN 12 2007

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

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
	A63-21489				

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

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

C EDGAR OR VIRGINIA W. GRIFFITHS
21027 NOTUS RD. CARMEL, ID 83605

4. New Owner/Claimant(s)

DJK, LLC C/O RANDY MILLON

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

New Mailing Address

824 DEARBORN

City, State and ZIP Code

CALDWELL, ID 83605

New Telephone Number

() 208-459-3696

5. Date you acquired the property

1-25-2006

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) DJK, LLC, By Randy S. Million, member
(include title if applicable)

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

For Office Use Only

Received by [Signature] Date 6-12-07 Fee N/A
 Recepted by _____ Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 6-21-07 WR _____ Date _____

PC200600211

200605544

TRUSTEE'S WARRANTY DEED

FOR VALUE RECEIVED, **Virginia W. Griffiths** Trustee of Trust B of the Griffiths Family Trust ("Grantor") hereby grants, bargains sells and conveys unto **DJK, LLC**, an Idaho limited liability company ("Grantee") whose current address is 824 Dearborn, Caldwell, Idaho the following described real property located in Canyon County Idaho (the "Property"):

See Attached Exhibit "A" incorporated herein by this reference

TOGETHER with all appurtenant shares of water from the Pioneer or other Irrigation District, and all water rights located on or appurtenant to the Property, including but not limited to all rights to use ground or surface water on the property whether evidenced by any permit, license, transfer, order, exchange, claim, decree or otherwise, or pursuant to any lease or other agreement, wells and other improvements, well rights, and all mineral rights.

This conveyance includes any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way in anywise appertaining to the Property.

Grantor covenants to Grantee that Grantor is the owner in fee simple of the Property; that the Property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

The Grantor executes this instrument solely in her fiduciary capacity. Any further recourse hereunder is to be only against the above-named trust.

IN WITNESS WHEREOF, the Grantors executed this instrument on this 25th day of January, 2006.

Virginia W. Griffiths Trustee
Virginia W. Griffiths
Trustee of Trust B of the Griffiths Family Trust

200605544

RECORDED

2006 JAN 25 PM 4 27

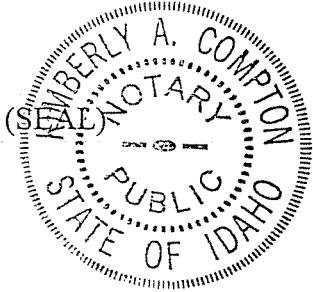
CANYON COUNTY RECORDER

CLERK

PROVIDED BY CALDWELL

County of Orange)

On this 25th day of January, 2006, before me, a notary public, personally appeared VIRGINIA W. GRIFFITHS as Trustee of TRUST B OF THE GRIFFITHS FAMILY TRUST, known to me to be the person whose name is subscribed to the within instrument as Trustee of Trust B of the Griffiths Family Trust, and acknowledged to me that she executed the same as Trustee of Trust B of the Griffiths Family Trust, and was so authorized to do so on behalf of said trust.



Notary Public for Idaho

Commission expires: 1-27-11

EXHIBIT A

PROPERTY DESCRIPTION (Trust B of Griffiths Family Trust Property)

PARCEL 1:

Parcel consisting of 15.57 acres, more or less, located at Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The SW $\frac{1}{4}$ lying North and East of Riverside Canal of Section 15.

PARCEL 2:

Parcel consisting of 80 acres located at Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15.

PARCEL 3:

Parcel consisting of 69.55 acres, more or less, located at Notus Road, Caldwell, Idaho, in Canyon County, more particularly described as follows, to wit:

The East one-half of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, of the Boise Meridian;

Excepting therefrom that part of the Northeast Quarter of the Northwest Quarter of said Section 22 which lies West of the center line of the right-of-way of the Pipeline Gulch Drain (same as the Pipe Gulch Drain).

Also excepting therefrom: A parcel of land being on both sides of the centerline of State Highway No. 19, Project No. S-SG-3712(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the Southeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, Boise Meridian, described as follows, to wit:

Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, Boise Meridian;

Thence South 88°58'02" East along the South line of said Southeast Quarter of the Northwest

Quarter a distance of 1316.0 feet, more or less, to the Southeast corner thereof;
Thence Northerly along the East line of said Southeast Quarter of the Northwest Quarter a distance of 64.0 feet, more or less, to a point in a line parallel with and 50.0 feet Northerly from the centerline of said State Highway No. 19, Project No. S-SG-3712(3) Highway Survey;
Thence North 89°09'24" West along said parallel line 1316.0 feet, more or less, to a point in the West line of said Southeast Quarter of the Northwest Quarter;
Thence Southerly along said West line 60.0 feet, more or less, to the Place of Beginning.

PARCEL 4:

Parcel consisting of 50 acres located at Peckham Road, Caldwell, Idaho, in Canyon County, more particularly described as follows, to wit:

The Northwest Quarter of the Northeast Quarter, and that part of the Southwest Quarter of the Northeast Quarter lying north of the Pioneer Drain, in Section 22, Township 4 North, Range 4 West of the Boise Meridian.

+ 03 Traits 04 Companion Sheet



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 11, 2007

DJK LLC
824 DEARBORN ST
CALDWELL ID 83605

Re: Water Right No. 63-21489

Dear Claimant(s):

This office has received your Notice of Change of Water Right Ownership recently submitted. We also received check No. 1045 in the amount of \$25.00; however, we are returning it to you, as the ownership change fee is not required for this particular water right claim. This claim has not yet been decreed by the Snake River Basin Adjudication Court. The ownership change is being processed and a copy will be mailed to you upon completion.

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

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region

LH:l
Enclosure



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

February 6, 2007

VIRGINIA GRIFFITHS
21027 NOTUS RD
GREENLEAF ID 83626

RE: Snake River Basin Adjudication (SRBA) Claim No. 63-21489

Dear Ms. Griffiths:

We have found through searching the Canyon County tax lot information that you may be the owner of the property under the SRBA Claim referenced above. A claim was filed in the adjudication on this property by Munn Land Company Inc. and was recommended to the SRBA Court as shown on the enclosed report. Also enclosed is a layout of the property. If you are the owner of this property, please complete the enclosed ownership change form so we can update our records.

Before we can modify our records to reflect your ownership of this water right, 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 on or before June 15, 2007. If we don't hear from you by then, the claim will be decreed as shown on the enclosed report. Please note that there is no fee for the change in ownership of this claim as long as it is pending in the adjudication.

If you have any questions regarding this letter, please feel free to contact me at (208)334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

3-5-07
Randy Million (459-3696)
called - they bought
from Virginia
Griffiths - will
submit ownership
change. kw

per visit w/ Monte Munn @ 7/5/07
10:40 AM

Strain Main never used on
land we recommended -
Used on 40 next to it -

Find current owner & request
change in ownership -

7/6/07

per Canyon Co tax lot info

Virginia Griffiths
21027 Notus Rd.

Greenleaf ID 83626

12/10/2006

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

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-21489
NAME AND ADDRESS: MUNN LAND CO INC
C/O MONTE MUNN
1510 DEARBORN ST
CALDWELL ID 83605

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 03/01/1940

POINT OF
DIVERSION: T04N R04W S22 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.400 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S22	NWNE	12.00	T04N R04W S22	SWNE	8.00
---------------	------	-------	---------------	------	------

20 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - Beneficial Use

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

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

Source known locally as Strain Drain.

07/11/2006

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

RIGHT NUMBER: 63-21489

NAME AND ADDRESS: MUNN LAND CO INC
C/O MONTE MUNN
1510 DEARBORN ST
CALDWELL ID 83605

MARK J FLITTON
18997 CHICKEN DINNER RD
CALDWELL ID 83605

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 03/01/1940

POINT OF DIVERSION:

T04N R04W S22 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.400 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S22	NWNE	12.00	T04N R04W S22	SWNE	8.00
---------------	------	-------	---------------	------	------

20 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 - Beneficial Use

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

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

Source known locally as Strain Drain.



Idaho Department of Water Resources

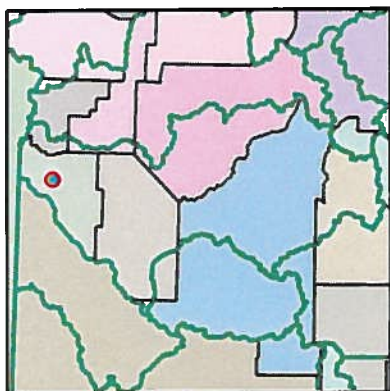
SRBA Recommendation:

63-21489

Acres = 20

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 K. Walker
On Tuesday, July 11, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21489

WATER RIGHT NUMBER: 63-21489

Owner Type

Current Owner

Name and Address

MUNN LAND CO INC
C/O MONTE MUNN
1510 DEARBORN ST
CALDWELL, ID 83605
(208)459-1423

Priority Date: 05/01/1936 **3-1-1940**

Basis: Beneficial Use

Status: Active

Source~~STRAIN DRAIN~~

unnamed

Beneficial Use

IRRIGATION ✓

Tributary

BOISE RIVER

From

4/01-10-9/30

3/1-11/15Total Diversion:Diversion Rate

0.400 CFS ✓

0.400 CFS ✓

Annual VolumeLocation of Point(s) of Diversion~~STRAIN DRAIN~~

CANYON County

NE 1/4 NW 1/4 SE 1/4

Sec. 22, Twp 04N, Rge 04W, B.M.

SWNE

per examiner's map

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	22	12.8	10.0	10.0	20.0	✓

Total Acres: 20

per exam & a/c view - found
more acres but limited to claimed
acres -

Conditions of Approval:

1.

ITEM 5 CONT'D: WATER SOURCE IS WASTE WATER FROM ROW CROP FIELD AND DRAINAGE. WASTE WATER IS TRANSPORTED LESS THAN 100 YEARS BY DIRT DITCH. *THIS CLAIM IS BEING FILED BASED ON A63-04022 WHICH SHOWS THE DIVERSION AS THE WEST END DRAIN. PER CLAIMANT, ACTUAL SOURCE FOR THIS USAGE IS AND HAS BEEN THE STRAIN DRAIN FROM THE PRIORITY DATE. *L.R.W.

AUTHORITY: CHAIRMAN, BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER.

BEGINNING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE 1/4 ENDING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE 1/4 ADDRESS CHANGE BY REGISTERED AGENT LETTER.

Remarks:

Kay Walker, Sr. Agent
7/11/2006

OL w/ Pioneer
per arc view - W40

present owner =
Mark Flitton -
see exam

source unnamed on
topo - we BOI "source"
known locally as...

standard
for area.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21489

Comments:

Dates and Other Information:

Claim Received Date: 2/22/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-21489

07/11/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot #	Purpose of Use	Acres/Total	Name
63-21489	Claim	04N	04W	22	SW	NW		IRRIGATION	10/20	MUNN LAND CO INC
63-21713	Claim	04N	04W	22	SW	NW		IRRIGATION	36.5/219	PIONEER IRRIGATION DISTRICT
63-21489	Claim	04N	04W	22	SE	NW		IRRIGATION	10/20	MUNN LAND CO INC
63-21713	Claim	04N	04W	22	SE	NW		IRRIGATION	36.5/219	PIONEER IRRIGATION DISTRICT

OK w/ Pioneer
- W40

Receipt Details for ID W009228

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/22/1990 9:56:29 AM	2/22/1990	Western	\$70.00	Check
Payer		MUNN, MONTE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2189			
Card Expiration Date	Credit Card Transaction #		

Comment SRBA**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$70.00	SRBA	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	21489		\$70.00	Claims



Field Exam Date 3/30/06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED

JUN 06 2006

WATER RESOURCES
WESTERN REGION

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-21489

CURRENT OWNER MARK FLITTON

Owner: VIRGINIA GRIFFITHS Phone No. 459-6235

Current Address: 21027 NOTUSED

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER MARK FLITTON
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: MONTE MUNN – DISCUSSED W/ MARK FLITTON

PRIORITY DATE VIRGINIA GRIFFITHS IS ON AN EXTENDED TRIP.

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 5/1/36

(If priority date, based on your exam, seems questionable, explain below.)

Source: STRAIN DRAIN & TUNING DRAIN Tributary to WEST END DRAIN

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

POD HAS NO SPECIFIC POINT. THE ENTIRE AREA
OF STRAIN DRAIN IS CHANNELLED TO THE P.O.U.
TUNING DRAIN IS ALSO ALL CHANNELLED TO A
POINT WHICH CAN BE USED W/ STRAIN DRAIN WATER

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SW	23	4N	4W		~~GPS ID~~ NAPP PHOTO
			SW	SW	23	4N	4W		DRAINAGE WATER IS CONSOLIDATED
									INTO CHANNEL SOMEWHERE ABOVE
									THIS AREA - COULD NOT FIND
									DO TO WEEDS & OTHER HEAVY GROWTH

Description of diverting works

ALL DRAINAGE WATER IS CHANNELLED INTO A CONTOUR DITCH WITH
NO SPECIFIC POINT OF DIVERSION.

OVERLAP REVIEWOther water rights with the same point of diversion: 63-21488

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

No**WATER USES**☒ No change☐ Different UsesUse IRRIGATION From 4/1 To 9/30 Amount .4 CFS AFAUse From To Amount CFS AFAUse From To Amount CFS AFA**TOTAL VOLUME – Groundwater only**☐ Incomplete on claim, the total is, Amount CFS AFA☐ Changes found, the new total is, Amount CFS AFA☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes Stock # Types Additional comments: **PLACE OF USE:**☐ No Change☒ Changes shown below:

1987 NAPP PHOTO

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	22		17.8	7.4														25.2

Overlap with other water rights: 63-21488

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

NO - TUNING DRAIN CAN BE USED TO SUPPLEMENT WATER FROM STRAIN- BUT WHEN DOING SO WOULD NOT INCREASE FLOW RATE ABOVE WR FLOW RATE OF DICTS

Delivery System Narrative: WATER FROM THE STRAIN DRAIN IS CONSOLIDATED INTO A DITCH WHICH GOES ALONG THE UPSIDE OF WEST END DRAIN TO THE WEST WHERE IT CAN GO ACROSS WEST END DRAIN THRU A FLUME INTO A CONCRETE HEAD DITCH RUNNING ALONG THE NORTH SIDE OF WEST END DRAIN. SEE PHOTO. WATER ^{FROM} THE TUNING DRAIN CAN CONNECT TO THE FLUME OR IT CAN BE SPILLED INTO THE STRAIN DRAIN AND BECOMES PART OF THE STRAIN DRAIN FLOW.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: MEASUREMENT OF DRAIN WATER NOT POSSIBLE AT THE TIME OF THE FIELD EXAM. THE EARTH DITCHES ARE PLENTY ADEQUATE FOR 4 CFS, ESTIMATED MAX = 44 CFS

NARRATIVE/REMARKS/COMMENTS

THE PLACE OF USE AS DESCRIBED IN CLAIM HAS TO BE WRONG. THERE IS NO PHYSICAL WAY THAT WATER FROM STRAIN DRAIN CAN REACH THIS AREA. MONTE MUNN WAS OWNER OF THIS PROPERTY AND HE ACCOMPANIED ME ON THIS EXAM. HIS OPINION OF THIS THAT THAT ROW WAS MEANT TO BE WHERE I HAVE LOCATED IT ON THE AERIAL PHOTO. VIRGINIA GRIFFITHS + SUBSEQUENT OWNER FROM MONTE HAS SOLD THIS PROPERTY TO MARK FLITTON AN INVESTOR CPA LIVING IN CALDWELL. HE IS OK WITH THIS DECISION.

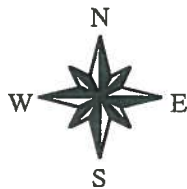
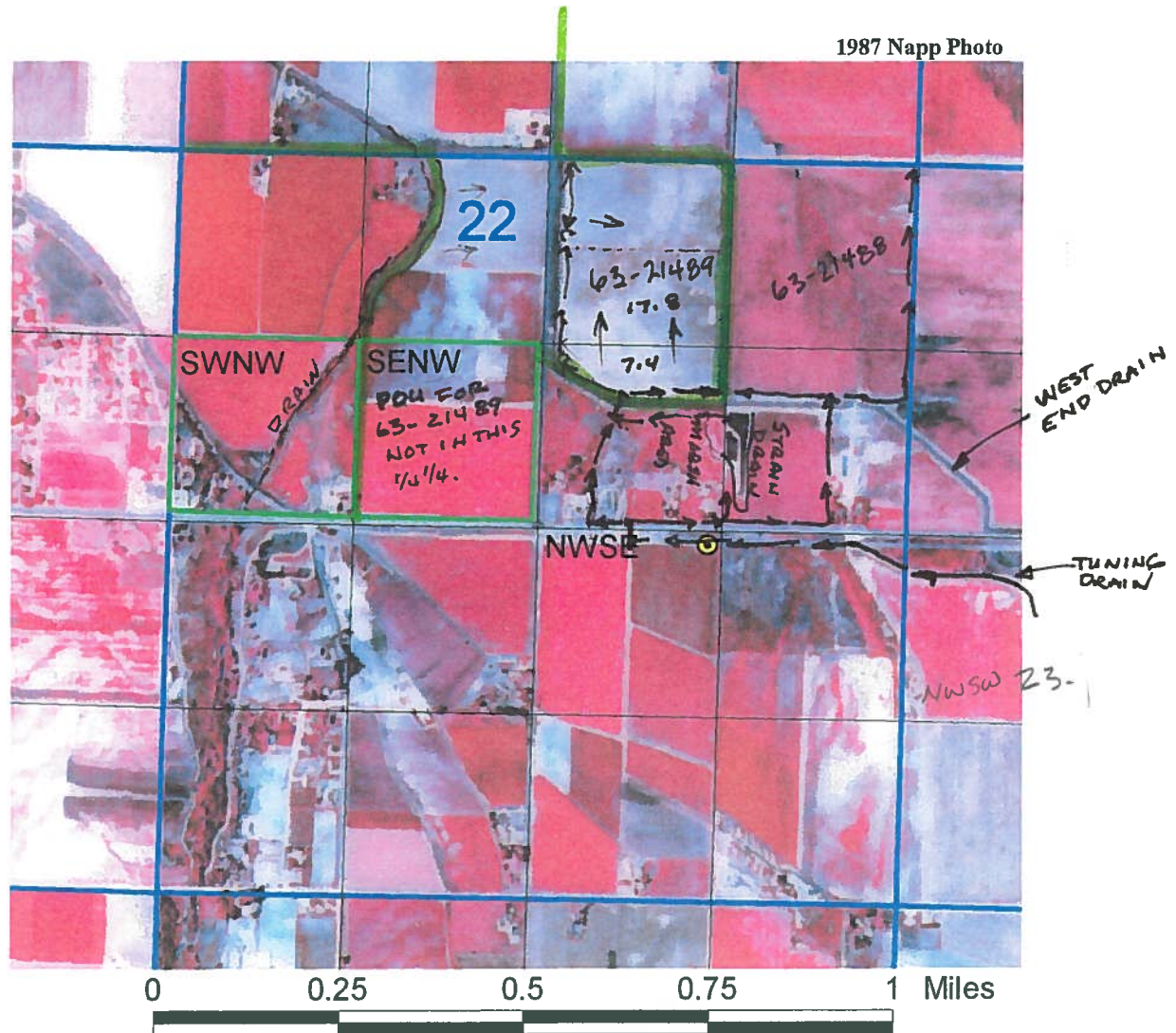
Idaho Department of Water Resources

Claim Number: 63-21489

Legal: T04N, R04W, S22

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



South Drain

THIS ADOPTED MAP
PROVIDED BY MARK FLITTON
WHO HAS PURCHASED THIS
PROPERTY FROM VIRGINIA
GRIFFITHS.

Peckham Rd

POW
FOR WR.
63-21489

WEST END
DRAIN

STRAIN
DRAIN

Greenleaf
greenleaf, id

© 2006 Navteq

© 2006 Google



Main St

Pipe Gulch

10

Pointer 43°40'42.75" N 116°48'18.22" W elev 2311 ft

Streaming 100%

Eye alt 10145 ft

63-21489

P.O.U. ACREAGE
CALCULATIONS

$$\text{SCALE} = 2550 / \frac{1}{2} \text{ MILE} (2640)$$

$$1275' / \frac{1}{4}$$

$$\frac{2550}{2640} = .966$$

$$1.93" / \text{MILE}$$

USING DOT COUNTER

72 DOTS NORTH PORTION

30 DOTS SOUTH PORTION

$$100 = 40 \text{ AC}$$

$$12\frac{1}{2} \times 13 = \frac{162.5}{40} = 4.06 \text{ DOTS/AC}$$

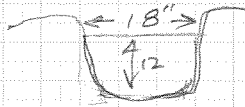
$$\frac{72 \text{ DOTS}}{4.06 \text{ DOTS/AC}} = 17.72 \left(\times \frac{1}{4} \right) = 17.8$$

$$\frac{30}{4.07} = 7.38$$

$$5\frac{1}{4} = 7.4$$

$$\underline{\underline{25.2 \text{ TOTAL}}}$$

DELIVERY DITCH FROM STRAIN DRAIN



$$\text{AREA} = \pi r^2 = 1.5 \text{ SQ FT}$$

$$r = \frac{A}{P} = \frac{1.5}{3.5} = .428$$

$$V = \frac{1.486}{.035} \left(\frac{.428^{.67}}{.57} \right) \left(\frac{.015^{.5}}{.12} \right) = 2.9' / \text{SEC}$$

$$A = 1.5 \times 2.9 = \underline{\underline{4.4 \text{ CFS}}}$$

DITCH IS 15' LONG

Munn did not submit a project map!

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21489

WATER RIGHT NUMBER: 63-21489

Owner Type

Current Owner

Name and Address

MUNN LAND CO INC
C/O MONTE MUNN
1510 DEARBORN ST
CALDWELL, ID 83605
(208)459-1423

Current Owner:

Virginia Griffiths #
21827 Notus Rd.
Greenleaf 83626

Cecil McIndoe

Priority Date: 05/01/1936

Basis: Beneficial Use

Status: Active

OPER.
HEAD TISH
989.0998

Source

STRAIN DRAIN

Tributary

BOISE RIVER

Property Address:
Notus Rd.

Beneficial Use

IRRIGATION

From To

4/01 to 9/30

Diversion Rate

0.400 CFS

Annual Volume

Simple Plot Blvd

Total Diversion: 0.400 CFS

Location of Point(s) of Diversion

STRAIN DRAIN

CANYON County

NE1/4NW1/4SE1/4

Sec. 22, Twp 04N, Rge 04W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	04W	22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	20.0

Total Acres: 20

(*) which 10 acres! ?!
10
= 20 AC

Conditions of Approval:

- ITEM 5 CONT'D: WATER SOURCE IS WASTE WATER FROM ROW CROP FIELD AND DRAINAGE. WASTE WATER IS TRANSPORTED LESS THAN 100 YEARS BY DIRT DITCH. *THIS CLAIM IS BEING FILED BASED ON A63-04022 WHICH SHOWS THE DIVERSION AS THE WEST END DRAIN. PER CLAIMANT, ACTUAL SOURCE FOR THIS USAGE IS AND HAS BEEN THE STRAIN DRAIN FROM THE PRIORITY DATE.*L.R.W.
AUTHORITY: CHAIRMAN, BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER.
BEGINNING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE1/4 ENDING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE1/4 ADDRESS CHANGE BY REGISTERED AGENT LETTER.

Remarks:

need exact 10 + 10 = 20 AC FOR

Bowling

A63-21489 Field Exam Request:
Munn Land Co.

Contact:

02/28/2006

Although the current owner of this claim is: Munn Land Co., Canyon County Tax Lot information lists the current owner as: **Virginia Griffiths** (address: 21027 Notus Rd., Greenleaf). The Canyon Co. phone book lists an Ed Griffiths at this same address - **#459-6235**. However, it may make more sense to just meet with **Dean Oliver (#249-2898)** (who is associated with #63-21488 and is leasing the former Munn/current Craig Gibson land) to set up a field exam for this claim, while doing the #63-21488 field exam. Please talk to Dean Oliver about this while you are setting up a field exam for #63-21488 to see if he also leases these 20.0 acres. *

Property Address:

Notus Rd. and Simplot Blvd., Caldwell

459-4226

NEW OWNER MARK FLITTON 459-3696	CALDWELL
---------------------------------------	----------

9TH 824 DEARBORN

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- GPS the location of the point of diversion on the Strain Drain.
- Is **Irrigation District** water used to supplement this right?

- **1987 Aerial Photo:** Please make a point to draw the **specific 10.0 acres** that are irrigated from the Strain Drain in the **SWNW** and the other **specific 10.0 acres** in the **SENW** on the enclosed **1987 aerial photograph**, since Monte Munn did not submit a project map to delineate the two specific 10 acre parcels. Draw the **diversion works** on the 1987 aerial photo also; along with the **point of diversion**. *
- **Capacity of System:** Calculate the capacity of this system. Verify that the claimed **3.0 cfs** is possible/applicable.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

IMP. *

Burke

A63-4022

A63-21488

A63-21489

Field Exam Request:

Contact:

02/28/2006

Please try to do all of these three claims' field exam at the same time!

Please call Criag Gibson (#585-3006) first and see if you should talk with Dean Oliver (#249-2898) about setting up a field exam. Plus, attorney Susan Wildwood (#383-0390) would also like to be informed of when the field investigation is scheduled, since she may want to join you. Also, check with Mr. Gibson and/or Dean Oliver to see if #63-21489, which tax lot information lists as belonging to Virginia Griffiths, should be done along with these other two claims. Please read the Contact information on each Field Exam Request for these claims if the above information does not make sense.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

A63-21489 Field Exam Request:
Munn Land Co.

Contact:

02/28/2006

Although the current owner of this claim is: Munn Land Co., Canyon County Tax Lot information lists the current owner as: **Virginia Griffiths** (address: 21027 Notus Rd., Greenleaf). The Canyon Co. phone book lists an Ed Griffiths at this same address - **#459-6235**. However, it may make more sense to just meet with **Dean Oliver (#249-2898)** (who is associated with #63-21488 and is leasing the former Munn/current Craig Gibson land) to set up a field exam for this claim, while doing the #63-21488 field exam. Please talk to Dean Oliver about this while you are setting up a field exam for #63-21488 to see if he also leases these 20.0 acres.

Property Address:

Notus Rd. and Simplot Blvd., Caldwell

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- GPS the location of the point of diversion on the Strain Drain.
- Is **Irrigation District** water used to supplement this right?

~~• A 1987 aerial photo of the water right on the Strain Drain and waste water in 1987.~~

- **1987 Aerial Photo:** Please make a point to draw the **specific 10.0 acres** that are irrigated from the Strain Drain in the **SWNW** and the other **specific 10.0 acres** in the **SENW** on the enclosed **1987 aerial photograph**, since Monte Munn did not submit a project map to delineate the two specific 10 acre parcels. Draw the **diversion works** on the 1987 aerial photo also; along with the **point of diversion**.
- **Capacity of System:** Calculate the capacity of this system. Verify that the claimed **3.0 cfs** is possible/applicable.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

no project map!

Property Address:

Ø Hobus Rd. #

Singleplot Blvd.

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21489

WATER RIGHT NUMBER: 63-21489

Owner Type

Current Owner

Name and Address

MUNN LAND CO INC
C/O MONTE MUNN
1510 DEARBORN ST
CALDWELL, ID 83605
(208)459-1423

Current Owner:

Virginia Griffiths

21027 Hobus Rd.

Greenleaf 7 83626

& Cecil McIntosh

Priority Date: 05/01/1936

Basis: Beneficial Use

Status: Active

Source

STRAIN DRAIN

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 9/30

Diversion Rate

0.400 CFS

Annual Volume

Total Diversion:

0.400 CFS

Location of Point(s) of Diversion

STRAIN DRAIN

NE1/4NW1/4SE1/4

Sec. 22, Twp 04N, Rge 04W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	22							10.0	10.0									20.0

Total Acres: 20

* need exact 10 acres for each

Conditions of Approval:

- ITEM 5 CONT'D: WATER SOURCE IS WASTE WATER FROM ROW CROP FIELD AND DRAINAGE. WASTE WATER IS TRANSPORTED LESS THAN 100 YEARS BY DIRT DITCH. *THIS CLAIM IS BEING FILED BASED ON A63-04022 WHICH SHOWS THE DIVERSION AS THE WEST END DRAIN. PER CLAIMANT, ACTUAL SOURCE FOR THIS USAGE IS AND HAS BEEN THE STRAIN DRAIN FROM THE PRIORITY DATE.*L.R.W.
AUTHORITY: CHAIRMAN, BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER.
BEGINNING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE1/4 ENDING POINT OF INSTREAM FLOW: T4N, R4W, SEC. 22; SWSENE1/4 ADDRESS CHANGE BY REGISTERED AGENT LETTER.

Remarks:



MUNN LAND COMPANY, INC.
1510 DEARBORN STREET
CALDWELL, IDAHO 83605 U.S.A
PHONE 208-459-1423



FEBRUARY 21, 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
C/O KIMBERLY BROWN
2735 AIRPORT WAY
BOISE, IDAHO 83705-5082

RE: EVIDENCE OF PRIORITY
SNAKE RIVER BASIN CLAIM No. A63-21489

DEAR WATER RESOURCE AGENT,

PREFACE

I WAS PERSONALLY INVOLVED WITH THE PRIORITY USE OF THIS CLAIM FROM 1940 UNTIL TIME OF SALE IN LATE 1990,S OF THE LAND SERVED BY THE SUBJECT WATER RIGHT. I HELPED BUILD THE DRAIN DITCH AND WAS RESPONSIBLE FOR MAINTENANCE, REPAIR AND CLEANING. ALSO, I NAMED THE DRAIN "STRAIN" BECAUSE IT COLLECTED WASTE WATER FROM THE PROPERTY OF A DEAR FRIEND AND LIFE LONG NEIGHBOR OF MY FATHER, MR. BOB STRAIN. MY FATHER DID NOT NAME DITCHES. I NEEDED NAMES FOR PURPOSES OF IDENTIFICATION AND COMMUNICATIONS.

INTRODUCTION

STRAIN DRAIN WITH TUNING DRAIN AND WEST END DRAIN WAS PART OF A THREE WATER SOURCE IRRIGATION COMPLEX ON THE RANCH WHERE I WAS RAISED FROM THE TIME I WAS TEN YEARS OLD. THE WATER WAS USED TO RAISE FEED FOR CATTLE, SHEEP, AND HORSES. LIVESTOCK WAS THE PRIMARY SOURCE OF INCOME FOR THE LAND. PART OF MY "CHORES" WAS TO KEEP THE WATER FLOWING. THIS INCLUDED REMOVING SILT, CLEANING OUT WEEDS, TRAPPING GOPHERS, AND SHOOTING MUSKRATS.

PRIORITY DATE

STRAIN DRAIN WAS CONSTRUCTED DURING THE SPRING OF 1940. IT CROSSED UNDER A RAILROAD TRACK (WILDER BRANCH OF UNION PACIFIC LINE) AND UNDER STATE HIGHWAY 19 (WILDER HIGHWAY). DURING THE MID 1950.S THE SECTION OF HIGHWAY 19 OVER STRAIN DRAIN WAS REBUILT. STRAIN DRAIN WAS STRAIGHTENED AND ENLARGED.

BENEFICIAL USE

STRAIN DRAIN WITH TUNING DRAIN AND WEST END DRAIN HAVE PROVIDED WATER FOR LIVESTOCK FEED PRODUCTION, A BENEFICIAL USE, CONTINUALLY WITHOUT INTERRUPTION FOR 65 YEARS FROM 1940 TO THE PRESENT TIME.

SINCERELY,

MONTE MUNN
CEO MUNN LAND COMPANY, INC.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MUNN LAND COMPANY INC
C/O MONTE MUNN
1510 DEARBORN ST
CALDWELL ID 83605

*+ sent
shapefile
requesting
exact 20 AC*

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-21489

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 1, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-21489

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

CONVERSATION MEMORANDUM

DATE 1-20-98FILE A63-21489NAME OF PARTY Munn Land Co / GibsonEMPLOYEE Denise Buffington

RE: Spoke w/ Carrie Evans of Transnation
regarding the change of ownership for Munn
Land Co to Craig Gibson.

They had listed A63-21489 on change of
ownership form, but it did not match the
legal descriptions on the deed submitted.
Carrie said that she probably got the
claim #'s mixed up + put the wrong ones on
the form. She indicated that anything
for Munn under those legals was sold. If it
did not match, it wasn't sold.
Therefore, she said A63-21489 wasn't sold.

Note - Place of use on claim is different
than the noted remarks.

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

RECEIVED**DEC 22 1997**

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

WATER RESOURCES
WESTERN REGION

Water Right Number(s) _____

Adjudication Claim Number(s) ~~A63-21489~~ and A63-21488 and A63-04022, A63-21145 and2. The following **REQUIRED** information must be submitted with this form. A63-21146 also.

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 on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

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

1510 Dearborn St., Caldwell, ID 83605

4. New Owner/Claimant(s) Craig Gibson

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address Box 395, Meridian, ID 83680

City, State and ZIP Code _____

New Telephone Number

(208) 585-3006 (atten: Alan Mills)

5. Date you acquired the property 6/12/97

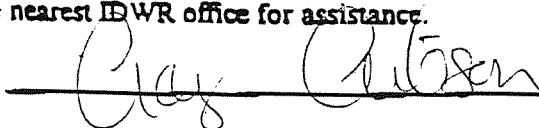
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

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/Claimant(s)



Date 6-12-97

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by you attorney.

EXHIBIT A

PROPERTY DESCRIPTION (Trust B of Griffiths Family Trust Property)

PARCEL 1:

Parcel consisting of 15.57 acres, more or less, located at Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The SW $\frac{1}{4}$ lying North and East of Riverside Canal of Section 15.

PARCEL 2:

Parcel consisting of 80 acres located at Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15.

PARCEL 3:

Parcel consisting of 69.55 acres, more or less, located at Notus Road, Caldwell, Idaho, in Canyon County, more particularly described as follows, to wit:

The East one-half of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, of the Boise Meridian;

Excepting therefrom that part of the Northeast Quarter of the Northwest Quarter of said Section 22 which lies West of the center line of the right-of-way of the Pipeline Gulch Drain (same as the Pipe Gulch Drain).

Also excepting therefrom: A parcel of land being on both sides of the centerline of State Highway No. 19, Project No. S-SG-3712(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the Southeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, Boise Meridian, described as follows, to wit:

Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, Boise Meridian;

Thence South 88°58'02" East along the South line of said Southeast Quarter of the Northwest

Quarter a distance of 1316.0 feet, more or less, to the Southeast corner thereof;
Thence Northerly along the East line of said Southeast Quarter of the Northwest Quarter a distance of 64.0 feet, more or less, to a point in a line parallel with and 50.0 feet Northerly from the centerline of said State Highway No. 19, Project No. S-SG-3712(3) Highway Survey;
Thence North 89°09'24" West along said parallel line 1316.0 feet, more or less, to a point in the West line of said Southeast Quarter of the Northwest Quarter;
Thence Southerly along said West line 60.0 feet, more or less, to the Place of Beginning.

PARCEL 4:

Parcel consisting of 50 acres located at Peckham Road, Caldwell, Idaho, in Canyon County, more particularly described as follows, to wit:

The Northwest Quarter of the Northeast Quarter, and that part of the Southwest Quarter of the Northeast Quarter lying north of the Pioneer Drain, in Section 22, Township 4 North, Range 4 West of the Boise Meridian.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 1, 1997

Mr. Monte Munn
CEO, Munn Land Company, Inc.
1510 Dearborn St.
Caldwell, ID 83605

Re: Snake River Basin Adjudication ("SRBA")

Dear Mr. Munn:

I apologize for the delay in responding to your letter of last August regarding your frustration with the Snake River Basin Adjudication and the Department of Water Resources. I have investigated the matters which you described and have not found the actions of the Department of Water Resources to be inappropriate. The following explanations are offered for your consideration.

Regarding the Department contacting your attorney to obtain a current address for the Munn Land Company, I have reviewed the files for water right claims numbered A63-04022, A63-21145, A63-21146, A63-21488, and A63-21489, all of which were filed in the SRBA by yourself on behalf of the Munn Land Company. The first claim and the last two claims were for irrigation use based on claimed water right number 63-4022 which was filed by Glen B. Munn and approved by the Department in September of 1968. The remaining two claims filed in the SRBA were for domestic and stockwater uses. All five notices of claim in the SRBA were signed by yourself on either February 21 or 22, 1990, and all five claims listed the mailing address for the Munn Land Company as being "20082 Simplot Blvd, Caldwell, ID 83602." I have enclosed a copy of the first page of claim A63-04022 for your reference.

Pursuant to state laws and court rules, there are a variety of legal notices that must be sent to the claimants in the SRBA by the Department, other claimants, and the SRBA Court. To ensure that the required legal notices are sent to the correct claimants at the correct addresses, all claimants are required by state law to notify the Department of any change in ownership or address. Unfortunately, a significant number of claimants do not comply with this requirement, and as a result, they do not receive notices that may be important regarding issues that may affect their water rights. Consequently, when the Department has good reason to believe that a change in address or ownership has occurred but has not been provided such information, the Department will use reasonable means to attempt to determine current information.

Mr. Monte Munn
March 1, 1997
Page 2 of 3

For the specific situation involving the water rights claimed by the Munn Land Company, the Department mailed legal notices to the Munn Land Company, as well all other claimants in the SRBA, to inform them that the Department had filed a report with the SRBA Court that included abstracts of all nonconsumptive (or instream) claims of the United States and the Indian tribes. These claims have the potential to substantially affect the rights of other claimants in the SRBA, and the notice was important. The notice to the Munn Land Company was mailed to "20082 Simplot Blvd, Caldwell, ID 83602" which was the address you provided on the notice of claim forms for all water rights claimed by the Munn Land Company. Apparently, someone acting on behalf of the "Munn Family Partnership" had filed a forwarding address with the post office because the legal notice was returned to the Department marked "Forwarding Time Expired". For your reference, I have enclosed a copy of the page from the notice showing the mailing address and response from the post office. Given these circumstances, the Department had good reason to believe that the mailing address for the Munn Land Company had changed.

At this point, the Department could have attempted to use the phone book for Caldwell to determine the published address for the Munn Land Company. Although the phone book contains a listing for you personally, there is no such listing for the Munn Land Company. Therefore, the Department instead contacted the Office of the Secretary of State to obtain the name of the registered agent for the Munn Land Company. This was reasonable and appropriate since all corporations are required to have a registered agent on file with the Secretary of State. The Department was informed that the registered agent for the Munn Land Company was William Gigray III. As you know, Mr. Gigray was subsequently contacted by the Department to obtain the current address for the Munn Land Company. Mr. Gigray informed the Department that the address for the Munn Land Company was in fact different than the address you had provided on the notices of claim for the water rights. Consequently, I can not find that the Department was in error at any time during this process.

In your letter this past August, you also referred to the Department having lost your water rights records. I have checked with Department staff to determine why you might have this perception. I have not found any indication that the Department ever lost any of its records pertaining to water rights claimed or filed by the Munn Land Company. When I recently examined the Department's files for water rights claimed by the Munn Land Company in preparation of this letter, I found the files for all five of the water right claims filed in the SRBA, as well as for the previously approved water right claim number 63-4022, to be complete and in order. Similarly, I have not found any basis for your concern that the Department did not know how to handle your filing since the Munn Land Company was not part of an irrigation district. More than 175,000 water right claims have been filed in the SRBA, and many of the claims are for irrigation uses outside of areas covered by irrigation districts. The Department has routinely processed such claims. In this regard, I believe it may be worth noting that when Glen Munn first applied to claim the water right numbered 63-4022 in 1968, it was Department staff that provided

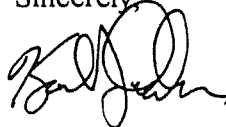
Mr. Monte Munn
March 1, 1997
Page 3 of 3

assistance to the Munn Land Company and its attorney at the time, Gerlad L. Weston, in preserving the priority date for the right of May 1, 1936, rather than a priority date in 1968 that would have resulted had the Department processed the first application as signed by Glen Munn.

Unquestionably, the SRBA has been a difficult and lengthy process for all involved. I believe that the SRBA is a worthwhile effort, not because I seek to maintain a bureaucracy, but because I believe that efficient water management cannot occur absent accurate documentation that confirms the nature and extent of all water rights in the Snake River Basin, many of which are now based solely on actual use of water without any documentation. Unfortunately, such a complex process will undoubtedly include inconvenience and expense, both to the claimants in the SRBA and to the Department of Water Resources. However, no taxes or tax increases have been levied solely because of the SRBA.

Regarding your concern that your artesian well has gone dry after 40 years of use because the Department issued too many water rights for irrigation, your letter did not provide sufficient detail for me to investigate this matter. I am willing to address this issue if you can provide me with more detailed information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', written over a horizontal line.

Karl J. Dreher
Director

Enclosures (2)

copy w/enclosures to: Governor Philip E. Batt
copy w/o enclosures: Water Right File No. 63-4022

RECEIVED

MAR 07 1997

WATER RESOURCES
WESTERN REGION

AUG 09 1996

MUNN LAND COMPANY, INC.

1510 Dearborn St.
Caldwell, Idaho 83605 USA
phone:(208)459-1423
fax:(208)459-7820

August 7, 1996

27 waterb-1.ltr

Mr. KARL J. DREHER, Director
State of Idaho
Department of Water Resources
1301 North Orchard Street,
Statehouse Mail,
Boise, Idaho 83720-9000

S.M.I

Re: Your letter, Snake River Basin Adjudication (SRBA)

Dear Mr. Dreher:

I have worked with your bureaucracy for years. I helped you when you lost my water rights records. I helped train your people and worked through the water rights filings because you didn't know how to handle my filing since I was not part of an irrigation district. I suffered through the problems of you issuing too many irrigation well permits in my area resulting in my artisan well going dry after 40 years of use. I suffered through the never ending tax increases and delays of the Snake River Basin Adjudication process.

Further, I have been at the same address and phone number for more years than your Department of Water Resources has been a bureaucracy. Why did you not call or write to me if you wanted to know if I had changed my address??? Instead you wrote my attorney who answered you that yes he is still at the same address. Then my attorney charged me \$20 dollars for answering your unnecessary question.

I think your action was short sighted and inappropriate. Our relationship has reached the point it just takes too much time and expense to work with you for free. Therefore, I am enclosing an invoice to you for reimbursement for my legal fee of \$20 plus \$100 for my time at my standard billing rate.

- ②
- ③
- ⑤
- ④
- ①

I realize it is difficult, but will you, please, try to introduce some common sense into your bureaucracy.

Sincerely,

Monte Munn, CEO

cc: WILLIAM F. GIGRAY III; PHILIP E. BATT, Governor; BILL DEAL, State Representative; HELEN CHENOWETH, MC; LARRY CRAIG, MS.

enclosures: Dreher letter, Gigray III letter.

we rec'd cc: copy - went to foot

WHITE, PETERSON, PRUSS, MORROW & GIGRAY, P. A.

WM. F. GIGRAY, III
DANIEL R. HARDEE
JOHN D. HARRINGTON
WILLIAM A. MORROW
CHRISTOPHER S. NYE
PHILIP A. PETERSON
STEPHEN L. PRUSS
ERIC S. ROSSMAN
TODD A. ROSSMAN
TERRENCE R. WHITE

ATTORNEYS AT LAW
104 NINTH AVENUE SOUTH
POST OFFICE BOX 247
NAMPA, IDAHO 83653-0247
(208) 466-9272 (208) 888-1482
FAX (208) 466-4405

E-Mail via InterNet: law@micron.net

June 7, 1996

RECEIVED

JUN 11 1996

State of Idaho
Department of Water Resources
1301 North Orchard Str.
Statehouse Mail
Boise ID 83720-9000

Department of Water Resources

'A' Records Modified 6-11-96 - OR'
Records. ss

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim #A63-04022, A63-21145, A63-21146, A63-21488 &
A63-21489
Change of Address - Munn Land Company, Inc.

Dear Sirs:

In response to your letter of May 28, 1996 requesting a change of address, please be advised that I am the Registered Agent and my address is as follows:

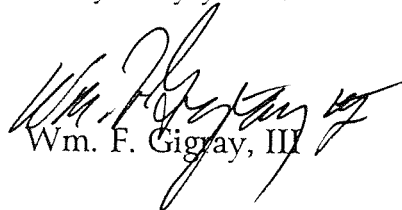
White, Peterson, Pruss, Morrow & Gigray, P.A.
104 Ninth Avenue S.
P.O. Box 247,
Nampa, Idaho, 83653-0247

Please note that the principal office of Munn Land Company, Inc. is located at

1510 Dearborn Street
Caldwell, ID 83605

If you need further clarifications regarding this matter, please advise.

Very truly yours,


Wm. F. Gigray, III

cc: Monte Munn with enclosures

ey/watres.ltr

MICROFILMED
OCT 24 1996

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

RECEIVED

JUN - 5 1996

WHITE, PETERSON, PRUSS
BROW & GIGRAY, P.A.

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 28, 1996

MUNN LAND COMPANY INC
C/O WILLIAM GIGRAY III REGISTERED AGENT
11TH AND BLAINE ST
CALDWELL ID 83605

RECEIVED

SEP 05 1996

WATER RESOURCES
WESTERN REGION

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim #A63-04022, A63-21145, A63-21146,
A63-21488 & A63-21489
Change of Address

Dear Registered Agent:

IDWR has been notified the address presently in our claim records for Munn Land Company, Inc., is incorrect. As their Registered Agent, we need you to provide us with their correct mailing address or forward this letter to them. Future notices related to their SRBA claims can be sent only to the address on their claims or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about a claimant's mailing address.

Please sign your name as Registered Agent at the bottom of this letter, print the correct mailing address for Munn Land Company, Inc., and return it to this office.

Please contact this office (800/451-4129) if you have any questions.

Thank you for your help. We hope to assure the claimant receives future notices about SRBA matters.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The claimant's address has changed as follows:

Registered Agent

MICROFILMED

OCT 24 1996

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

In Re Snake River Basin Adjudication Case)
No. 39576)

Notice of Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH
THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT.
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PRO-
CEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

40190
Idaho Department of water Resources
Statehouse Mail
Boise, Idaho 83720

RECEIVED
JUN 04 1996
WATER RESOURCES
WESTERN DIVISION

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

MUNN082 836052010 1093 04/20/95
FORWARDING TIME EXPIRED
:MUNN FAMILY PARTNERSHIP
PO BOX 177
MC CALL ID 83605-0177
RETURN TO SENDER

RECEIVED
APR 21 1995
Department of Water Resources

|||||

MUNN LAND COMPANY INC
MONTE MUNN
20082 SIMPLOT BLVD
CALDWELL ID ~~83602~~ 83605

*Sec. of State paid: Om. G. Gray III is R.A.
117th & Blaine St.
Caldwell ID 83605*

63-04022 ✓
-21145 ✓
-21146 ✓
-21488 ✓
-21489 ✓

MICROFILMED
OCT 24 1996