

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-23519
Date Received: 2/27/1990
Receipt No: W009695
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MATTHEW EELLS Phone: (208)888-3772
6910 N LINDER
MERIDIAN ID USA ID

SUSAN EELLS Phone: (208)888-3772
6910 N LINDER RD
MERIDIAN ID USA 83642

2. Date of Priority: 01/01/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02W	19	NW NW SE	CANYON	

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02W	19	NW	SE	COMMERCIAL	

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:

CHANGE IN OWNERSHIP- 6-21-2006 LG

15. Basis of Claim: Beneficial Use

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

RECEIVED

MAY 22 2006

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>1</u>	<u>63-23519</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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) Wendel Ivie / Kozgro Inc.
2411 Colorado Ave Caldwell 83605
4. New Owner/Claimant(s) Matthew D. Eells Susan R. Eells
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 6910 N. Linder Rd
- City, State and ZIP Code Meridian, Idaho . 83642
- New Telephone Number (208) 888-3772
5. Date you acquired the property 2/14/02

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.

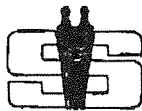
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, 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) Matthew D Ellis
(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 <u>KLB</u>	Date <u>5/22/06</u>	Fee <u>0</u>	
Received by _____	Date _____	Receipt No. _____	
Processed by <u>eg</u> AJ	Date <u>6/21/06</u>	WR _____	Date _____



02002129-ET
0215154 DS

RECEIVED
STEWART-TITLE
FEB 14 9:00

NOEL HALE'S
CANYON CNTY RECORDER
BY *[Signature]*

FEB 14 PM 4 45

RECORDED

200207404

WARRANTY DEED

For Value Received J.R. IVIE, AN UNMARRIED MAN

the Grantor hereby grants, bargains, sells, conveys and warrants unto MATHEW D. BELLS AND SUSAN R. BELLS, HUSBAND AND WIFE

the Grantee whose current address is: 6910 N. LINDER RD., MERIDIAN, ID 83642

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

Parcel Number: R34098

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

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

Dated: February 13, 2002

J R Ivie
J.R. IVIE

BY:

by Wendell J. Ivie
WENDELL J. IVIE, POA

Attorney in fact
ATTORNEY IN FACT

State of IDAHO

ss.

County of CANYON

On this 14th day of February, 2002, before me, the undersigned, a Notary Public, in and for said State, personally appeared _____

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

Notary Public
Residing at:
Commission Expires:

State of IDAHO

ss.

County of CANYON

On this 14TH day of FEBRUARY, 2002, before me, the undersigned, a Notary Public, in and for said State, personally appeared WENDELL J. IVIE

known to me to be the person whose name is subscribed as the Attorney-in-Fact of J.R. IVIE

and known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same on behalf of J.R. IVIE.

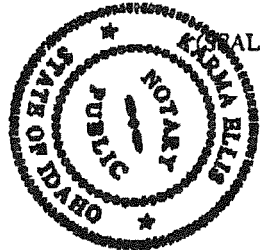
WITNESS MY HAND AND OFFICIAL SEAL.

Karma Ellis

Notary Public

Residing at CALDWELL, IDAHO

Commission Expires: 8/29/2004



FEB-13-2002 WED 08:35 PM STEWART TITLE OF IDAHO

FAX NO. 2083217510

P. 13

LEGAL DESCRIPTION

ME 88.
100
100

Order Number: 02002129

That part of the Northwest Quarter of the Southeast Quarter of Section 19, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, lying South and West of Mason Creek.

EXCEPTING THEREFROM:

A part of the Northwest Quarter of the Southeast Quarter Section 19, Township 4 North, Range 2 West, Boise Meridian, more particularly described as follows:

COMMENCING at the Northwest corner of said Northwest Quarter of the Southeast Quarter (C 1/4 corner); thence

South 0°02'27" West 178.71 feet along the West boundary of said Northwest Quarter of the Southeast Quarter to a point on the center line of the Mason Creek Drain, the POINT OF BEGINNING; thence continuing

South 0°02'27" West 449.10 feet along the West boundary of said Northwest Quarter of the Southeast Quarter; thence

South 89°57'33" East 359.95 feet to a point on the center line of the Mason Creek Drain; thence

North 38°40'13" West 575.55 feet along the center line of said Drain to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A part of the Northwest Quarter of the Southeast Quarter, Section 19, Township 4 North, Range 2 West, Boise Meridian, more particularly described as follows:

COMMENCING at the Southwest corner of said Northwest Quarter of the Southeast Quarter; thence

North 89°38'35" East 543.19 feet along the South boundary of said Northwest Quarter of the Southeast Quarter to the POINT OF BEGINNING; thence continuing

North 89°38'35" East 313.22 feet along the South boundary of said Northwest Quarter of the Southeast Quarter to a point on the center line of the Mason Creek Drain; thence

North 15°04'43" West 108.28 feet along the centerline of said Drain; thence

North 38°40'13" West 143.58 feet along the center line of said Drain; thence

North 88°48'45" West 71.65 feet; thence

South 29°20'20" West 252.46 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A part of the Northwest Quarter of the Southeast Quarter, Section 19, Township 4 North, Range 2 West, Boise, Meridian, more particularly described as follows:

COMMENCING at the Southwest corner of the said Northwest Quarter of the Southeast Quarter (SC 1/16 cor.); thence

North 89°38'35" East 200.68 feet along the South boundary of said Northwest Quarter of the Southeast Quarter to the POINT OF BEGINNING; thence continuing

North 89°38'35" East 342.51 feet along the South boundary of said Northwest Quarter of the Southeast Quarter; thence

North 29°20'20" East 252.46 feet; thence

North 88°48'45" West 335.85 feet; thence

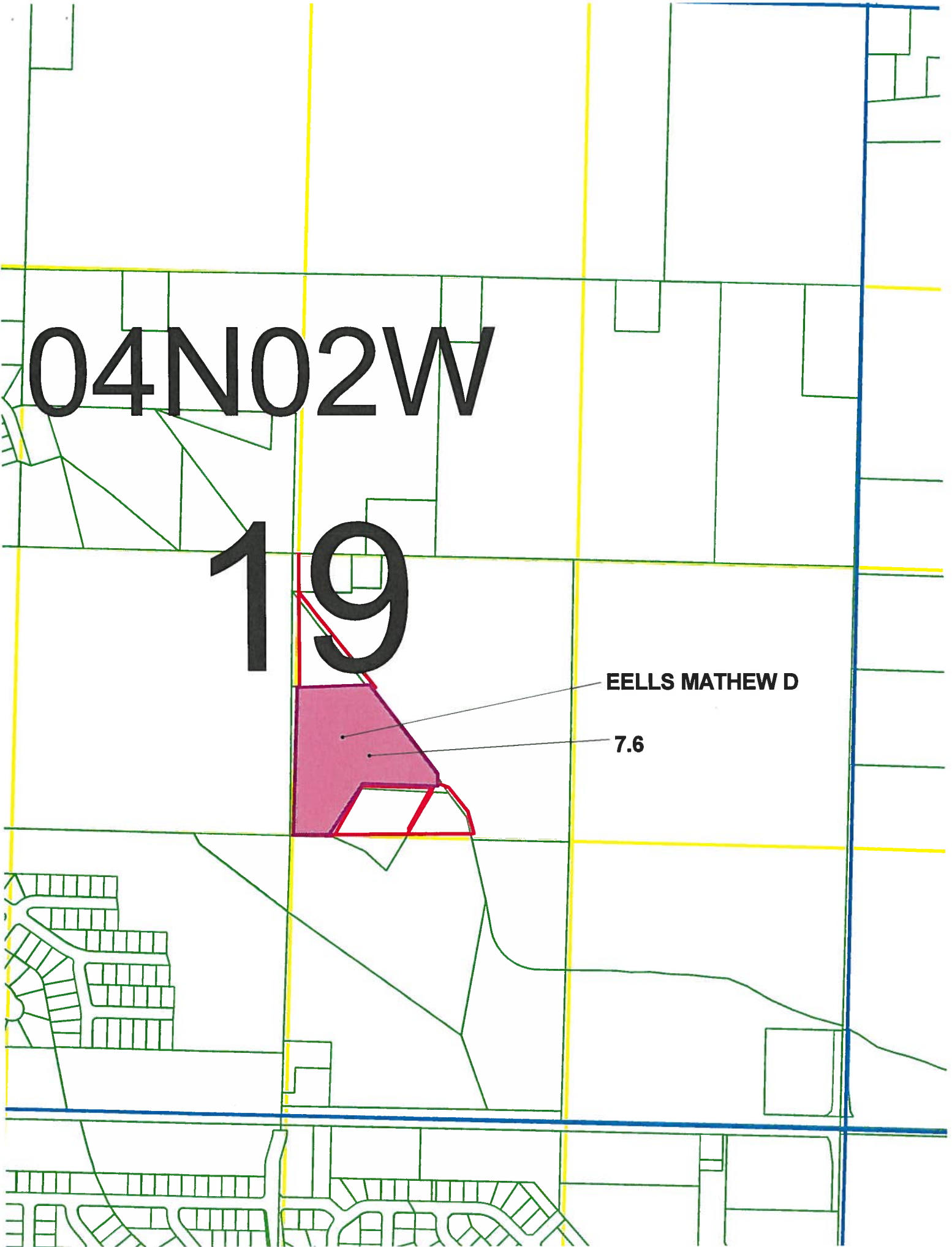
South 29°38'40" West 263.68 feet to the POINT OF BEGINNING.

04N02W

19

EELLS MATHEW D

7.6



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: A63-23519
Date Received: 2/27/1990
Receipt No: W009695
Received By: DE ZID

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KOZGRO, INC.
Address: 28366 HWY. 30
CALDWELL, ID

83605

2. Date of Priority: JAN 01, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02W	19	NW	NW	SE		CANYON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL INDUSTRIAL

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02W	19	NW	SE		COMMER	

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:
NONE

14. Remarks:

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 _____

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 - 23519

Date Received

2-27-90

Receipt Number

W009695

RECEIVED

FEB 27 1990

NOTICE OF CLAIM
TO A

Department of Water Resources
Western Regional Office

WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Kozgro Inc. Phone () _____Mailing Address 28366 Hwy 30 Caldwell Id Zip 836052. Date of Priority (Only one (1) per claim) 1/1/19603. Source of water supply (a) groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 4N Range 2W Section 19,
NW 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of _____

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.

MICROFILMED

SEP 11 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1/1 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (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.) Commercial/Industrial

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	
<u>4N</u>	<u>2W</u>	<u>19</u>														<u>C</u>			<u>C</u>

Total number of acres irrigated C

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

12. Do you own the property listed above as place of use? Yes _____ 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. _____ or None (✓)

14. Remarks:

MICROFILMED

SEP 11 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number _____
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 0

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

Signature of Claimant (s) [Signature] Date [Signature]

_____ Date _____

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

Title

of Kozgro Inc Organization, that I have signed the foregoing document in the space below as President Title of Kozgro Inc. Organization

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

Signature of Authorized Agent [Signature]

Title and Organization President of KOZGRO INC Date 2-23-90

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

Subscribed and sworn (or affirmed) before me this 23 day of February 1990

SEAL

Notary Public [Signature]

Residing at [Signature]

My Commission Expires 7/1/95

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED

SEP 11 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

06/21/2006

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

RIGHT NUMBER: 63-23519

NAME AND ADDRESS: MATTHEW EELLS
6910 N LINDER
MERIDIAN ID ID

SUSAN EELLS
6910 N LINDER RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 01/01/1963

POINT OF DIVERSION:

T04N R02W S19 SWNWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.040 CFS

PLACE OF USE: COMMERCIAL Within CANYON County

T04N R02W S19 NWSE

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

Commercial use is in a manufacturing shop and fish hatchery.

06/15/2006

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

RIGHT NUMBER: 63-23519

NAME AND ADDRESS: KOZGRO INC
28366 HWY 30
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 01/01/1963

POINT OF DIVERSION:

T04N R02W S19 SWNWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.040 CFS

PLACE OF USE: COMMERCIAL Within CANYON County

T04N R02W S19 NWSE

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

Commercial use is in a manufacturing shop and fish hatchery.

Idaho Department of Water Resources

**T04N, R02W,
SEC 19**

Claim No: 63-23519

Prepared By: Kimberly Brown

Date: June 15, 2006

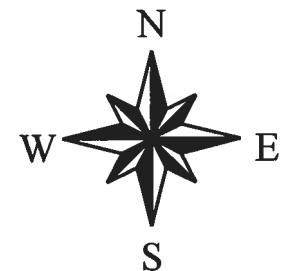


 Place of Use

 Section Lines

 1/4 1/4

 Point of Diversion



00.02 Miles



1987 NAPP

Property Address:20272 Ward Lane
Caldwell

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-23519

WATER RIGHT NUMBER: 63-23519 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KOZGRO INC ✓ 28366 HWY 30 CALDWELL, ID 83605

Current Owner:Mathew D. Eells
6910 N. Linder Rd.
Meridian 83642

Priority Date: 01/01/1960 ✓ 1963

Basis: Beneficial Use ✓

Status: Active

Source
GROUND WATER ✓
Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL ✓	1/01 to 12/31 ✓	0.040 CFS ✓	

Total Diversion: 0.040 CFS ✓Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

3
NW1/4NW1/4SE1/4

Sec. 19, Twp 04N, Rge 02W, B.M. ✓

Place of Use ✓
COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	02W	19					

ADD - Commercial use is for a manufacturing shop and fish hatchery.

Conditions of Approval:Remarks:

Comments: (*) According to the Commercial Use Volume questionnaire, they are using much more water than is being recommended.

ADD NOG - The quantity of water under this right shall not exceed 2,500 gallons per day.

Permit No. a portion of R34098 00000.

42-108. Change in point of diversion, place of use, period of use, or nature of use — Application of act.

Sec. to sec. ref. This section is referred to in §§ 42-222, 42-1425, 42-1763A and 50-1805A.

D & S Appl. - "give number of households served if single ownership"

** 1 well / 2 pumps COVER*

42-111. Domestic purposes defined. — (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:

(a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half ($\frac{1}{2}$) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

(b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

(3) Multiple water rights for domestic uses or domestic purposes, as defined in this section, shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section. The purpose of this limitation is to prohibit the diversion and use of water, under a combination of domestic purposes or domestic uses as defined in this section, to provide a supply of water for a use that does not meet the exemption of section 42-227, Idaho Code, and is required to comply with the mandatory application and permit process for developing a right to the use of water pursuant to chapter 2, title 42, Idaho Code. [1899, p. 380, part of § 12; reen. R.C. & C.L., § 3250; C.S., § 5566; I.C.A., § 41-111; am. 1990, ch. 319, § 1, p. 870; am. 1995, ch. 233, § 1, p. 790.]

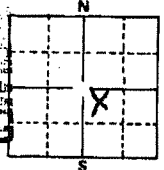
Compiler's notes. Section 2 of S.L. 1995, ch. 233 declared an emergency. Approved March 20, 1995.

Sec. to sec. ref. This section is referred to in § 42-701, 42-1401A.

** but 1 well / 2 pumps requires Dist. Health approval COVER*

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Wendell L. Lue</u> <u>Former Owner</u> Address <u>Callwell</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>25'</u> feet below land surface Flowing? ☐ Yes ☐ No G.P.M. flow _____ Temperature _____ ° F. Quality <u>Good</u> Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																	
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailer ☒ Other Discharge G.P.M. <u>60</u> Draw Down <u>5</u> Hours Pumped <u>2</u>																																																																	
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection		9. LITHOLOGIC LOG 041696																																																																	
4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other		<table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>8</td><td>1</td><td>10</td><td>Topsoil</td><td></td><td>X</td></tr><tr><td>8</td><td>10</td><td>20</td><td>Gravel</td><td></td><td>X</td></tr><tr><td>8</td><td>20</td><td>30</td><td></td><td></td><td>X</td></tr><tr><td>8</td><td>30</td><td>40</td><td></td><td></td><td>X</td></tr><tr><td>8</td><td>40</td><td>50</td><td></td><td></td><td>X</td></tr><tr><td>8</td><td>50</td><td>60</td><td>Clay</td><td></td><td>X</td></tr><tr><td>8</td><td>60</td><td>70</td><td>Sand</td><td>X</td><td></td></tr><tr><td>8</td><td>70</td><td>80</td><td>Clay</td><td></td><td>X</td></tr><tr><td>6</td><td>80</td><td>87</td><td>Clay into sand</td><td>X</td><td></td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	8	1	10	Topsoil		X	8	10	20	Gravel		X	8	20	30			X	8	30	40			X	8	40	50			X	8	50	60	Clay		X	8	60	70	Sand	X		8	70	80	Clay		X	6	80	87	Clay into sand	X	
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8	50	60	Clay		X																																																														
8	60	70	Sand	X																																																															
8	70	80	Clay		X																																																														
6	80	87	Clay into sand	X																																																															
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>87'</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness <u>200</u> inches Diameter <u>6</u> inches From <u>1</u> feet To <u>87'</u> feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal ☐ Cement grout ☐ Pudding clay ☒ Well cuttings Sealing procedure used ☒ Sherry pit ☐ Temporary surface casing ☐ Overbore to seal depth																																																																			
6. LOCATION OF WELL Sketch map location must agree with written location. <u>(63)</u>  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>CANYON</u> <u>NW 1/4 Sec. 19, T. 4N, R. 2W</u>		10. Work started <u>1-26-76</u> finished <u>2-3-76</u>																																																																	
		11. DRILLERS CERTIFICATION Firm Name <u>DTD Drilling</u> Firm No. <u>551</u> Address <u>304 Madison</u> Date <u>5-76</u> Signed by (Firm Official) _____ and _____ (Operator) <u>Dawkins</u>																																																																	

REAL PROPERTY INQUIRY

+++++

01 7Q67258-000- -0 054-00 SCH139+ 61 67,400

+++++

KOZGRO INC

+

% LOTT, HENRY HAMER &

+

% TAYLOR, JACK R

+

+

+

112 S KIMBALL AVE STE 111

+

CALDWELL ID 83605

+

+++++

19-4N-2W SE

+

TOTAL

67,400

S&W OF MASON CREEK DRAIN

+

IN NWSE LESS TX 7,9 & 10 LOT 4

+

+ SURVEY

INST

+

+ DRAIN DR VALUE

APPR JRC

+

+ CLASS CM REAP 97 MAN 96 UNIT 0

+

+ PARCEL 7Q04N02W198102 H/O N C/B N

+

+ PRIOR ACCOUNT 6Q67258-000- -0

+

+ 02 MH on Property NO

20272 WARD LN, CA

SEE R34098



2005 Canyon County tax lot shows this
address as belonging to:

Mathew D. Fells
6910 N. Linder Rd.

Meridian 83642

(Parcel No:

R34098 00000)

REAL PROPERTY INQUIRY

```

+++++
01 5Q67258-000- -0 054-00 SCH139+ 61 67,400
+++++
EELLS, MATHEW D +
& EELLS, SUSAN R H/W +
+
+
+
6910 N LINDER RD +
MERIDIAN ID 83642 +
+++++
19-4N-2W SE + TOTAL 67,400
NWSE-S & W OF MASON CREEK +
DRAIN LS TX 7,9 & 10 + SURVEY INST 9906182
R34098 + DRAIN DR VALUE APPR MKB
+ CLASS CM REAP 02 MAN 01 UNIT 0
+ PARCEL 5Q04N02W198102 H/O N C/B N
+ PRIOR ACCOUNT 4Q67258-000- -0
+ 02 MH on Property NO
MODE:F ACTION: TRAITS INQUIRY TRQK318

```

ACCOUNT NUMBER	UNIT	TOTAL UNITS
SITE	SEC/TWN/RNG	
ASSESSED VALUE	ACREAGE	
SUB/PARK NAME	YEAR/MAKE	
CLASS	SPACE	LOT BLOCK
YR BUILT	AIR COND	CARPORT
STORY	HEATING	CARPORT SQ FT
FIRST SQ FT	EXTERIOR	DECK/PATIO?
SECOND SQ FT	ROOF	POOL?
BEDS	BSMT SQ FT	SPA?
BATHS	% BSMT FIN	LOT SIZE
FRPLC	GARAGE	NEIGHBORHOOD
	GARAGE SQ FT	
COMMENTS	MOBILE HOME ONLY	
	WIDTH/LENGTH	
	EXPANDO	
	REAL ACCOUNT	

```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101
System User- IDWRR Date 04/07/2006 Time 9:48
REAL PROPERTY INQUIRY

```

```

+++++
01 5R34098-000- -0 054-00 SCH139+ 01 4,600 6.33
+++++
EELLS, MATHEW D + 31 70,200
& EELLS, SUSAN R H/W + 32 2,700
+
+
+
6910 N LINDER RD +
MERIDIAN ID 83642 +
+++++
19-4N-2W SE + TOTAL 113,300 7.33
NWSE-S & W OF MASON CREEK +
DRAIN LS TX 7, 9 & 10 + SURVEY INST 200207404
+ DRAIN DR VALUE APPR BWL
+ CLASS R2 REAP 01 MAN 00 UNIT 1
+ PARCEL 5R04N02W198100 H/O N C/B N
20272 WARD LN. CA

```

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-23519

03/01/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2294	Water Right	04N	02W	19	NW	SE		IRRIGATION		PIONEER IRRIGATION DISTRICT
21336	Water Right	04N	02W	19	NW	SE		STOCKWATER		CORDELL LAMMEY
21337	Water Right	04N	02W	19	NW	SE		STOCKWATER		CORDELL LAMMEY
23518	Water Right	04N	02W	19	NW	SE		STOCKWATER		OREE IVIE
~~23519~~	~~Claim~~	~~04N~~	~~02W~~	~~19~~	~~NW~~	~~SE~~		~~COMMERCIAL~~		~~KOZGRO INC~~
21337	Water Right	04N	02W	19	NW	SE		DOMESTIC		CORDELL LAMMEY
23518	Water Right	04N	02W	19	NW	SE		DOMESTIC		OREE IVIE
26187	Water Right	04N	02W	19	NW	SE		DOMESTIC		OLIVIA D BURCH

no overlap

Receipt Details for ID W009695

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/27/1990 1:44:34 PM	2/27/1990	Western	\$79.00	Check
Payer	IVIE, WENDELL			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1837			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$79.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	23518		\$25.00	Claim
63	23519		\$54.00	Claim

Print Report

RECEIVED

MAY 22 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
63-23519)

AFFIDAVIT

State of Idaho)
County of Canyon)

Matt Ellis

deposes and says: I visited with Wendell Ivie when their operation moved to 20272 Ward Ln. He said they moved there in 1960 and the operation needed more water then they currently had and he recalled Knie Well Drilling installing the well around 1963 maybe as late as 1965. The shop that the well resides inside of was constructed late in 1972. Wendell said the well had been in production many years before the shop was built. I spoke to Mrs Oller whose late husband Joel built the shop she recalled in late summer of 1972. The neighbors across the street Dale and Genice Downs said they moved in to their home in 1972 and Kozgro's operation was in full force. She said she may have pictures if needed.

Matt Ellis.
(Signature)

Well Construction Search

Search Criteria:

Township	04N	Range	02W	Section	19	Tag Number		
Address of well site	20274 Ward Lane				Subdivision			
From Month	01	From Year	1960	To Month	12	To Year		
	1973							
Last Name	Ivie							
Organization Name	Kozgro Inc.							
Drilling Company	A & A WELL DRILLING A & I WELL DRILLING A C MORRIS & SONS						 	
City	ABERDEEN ACEQUIA ADAIR ADDIE AGATHA				 	County	ADA ADAMS ASOTIN WA BAKER OR BANNOCK	 

Sort Options:

- ☒ Public Land Survey System
☐ Drilling Company License #
☐ Construction Date

19

#63-23519
2004 NAPP

RECEIVED
MAY 22 2006
WATER RESOURCES
WESTERN REGION

RECEIVED
MAY 22 2006
WATER RESOURCES
WESTERN REGION

NWSE

20272 Ward Ln

Commercial
well
Inside building

Please draw the location of the well and commercial place of use and return this aerial to me with your evidence of priority. Thanks.

RECEIVED

MAY 22 2006

WATER RESOURCES
WESTERN REGION

COMMERCIAL USE VOLUME

* Please keep in mind that these questions pertain only to the use of the water listed on the enclosed **Adjudication Claim Report #63-23519**.

Type of Establishment: (example – camp, church, country club, bar/lounge, boardinghouse, factory, motel, highway rest area, hospital, laundry, office, park, restaurant, school, service station, theater)

Fish hatchery + landscaping operations

Type of Facilities: (example: kitchen facility/cafeteria, lavatory facilities, shower(s), bath(s), sink(s), trailers, flush toilets)

1 Manufacturing shop

2 Fish Ponds 8640 gal size

Aqua Culture

1 Trailer house

Number of Fixtures: (example: number of flush toilets, number of bathtubs, number of bathroom/kitchen sinks, number of showers, etc.)

2 Showers, 4 sinks, 3 toilets, 1 Tub,

How many employees (and/or public individuals) per day use each of the facilities your commercial use is based upon?

10 employees or tenants - 20 clients

How many hours per day is the facility open for this specific use?

10

How many days per week is the facility open for this use?

7

Is this facility open year round? ☒ Yes ☐ No

If not, please indicate the length of time the facility is open during the year.

** Most businesses have a good idea of how many gallons of water per day they use. If this is true in your case, please indicate how many **total gallons of water you use** for the commercial purposes explained above:

68,000 to 70,000 gal a week peak 2.7 mil gal year

Additional information you feel may be pertinent:

The potential of 10 mil gal a year is there however the peak so far has been 2.7 mil a year and currently is less than 3 mil gal a year

Matt Ellis
Your name

(208) 888-5151
Business telephone number

Please return to:

ATTN: Kimberly Brown
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-23519
Evidence of Priority**

April 10, 2006

Matthew Eells called in response to the evidence of priority letter he received. Mr. Eells said that he purchased the property in 2000-2001 and mentioned that this was a guess. He verified that the business was originally Kozgro Inc. and informed me that there are two wells on the property – one is used for commercial purposes and the other is a domestic well. Mr. Eells also informed me that the commercial well is located inside the building (shop) and that the shop was built in 1972. When I asked Mr. Eells if the well was drilled after the building was built, he replied that “the well must have been there before the building.” When I asked what the water is used for commercially, Mr. Eells said it was initially used for mixing organic fertilizers in a concentrate for the government to haul to Indian Reservations. Concerning evidence of priority, Mr. Eells said that the gentleman right across the street could probably fill-out an affidavit. I extended the due date and gave Mr. Eells until April 28th to submit evidence.

April 27, 2006

Mr. Eells called and requested more time to submit evidence. Mr. Eell said that his biggest problem is getting a hold of Mr. Ivie, the previous owner. He added that his neighbor may be able to fill out an affidavit. Mr. Eells requested another two weeks, so his evidence is now due on May 11, 2006.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KOZGRO, INC

~~28366 HWY 30~~

CALDWELL ID 83605

112 S. Kimball Ave

+ sent Confidential
Use Voluntary
Questionnaire

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-23519

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 27, 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-23519

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-23519

WATER RIGHT NUMBER: 63-23519

Owner TypeName and Address

Current Owner

KOZGRO INC

~~28366 HWY 30~~

CALDWELL, ID 83605

112 S. Kimball Ave., Ste 111

Priority Date: 01/01/1960

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

COMMERCIAL

1/01 to 12/31

0.040 CFS

Total Diversion:

0.040 CFS

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4SE1/4

Sec. 19, Twp 04N, Rge 02W, B.M.

CANYON County

Place of Use

COMMERCIAL

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	02W	19														X			

Conditions of Approval:Remarks:Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2006

KOZGRO, INC
28366 HWY 30
CALDWELL ID 83605

RE: Commercial use for Snake River Basin Adjudication claim 63-23519

To Whom It May Concern,

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). During the initial review of this claim, we found that you claimed a commercial use that requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under **Annual Volume**). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the **Commercial Use Volume** sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by March 27, 2006 so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

This review of your claim, in addition to the submittal of our recommendation to the SRBA Court, will result in a decreed right for your property. This water right then remains with the land as long as it is being used. We will give you the opportunity to review our recommendation and provide feedback, if necessary, prior to its submittal to the SRBA Court.

Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

Kimberly Brown
Water Resource Agent

Enclosures



19

#63-23519
2004 NAPP

NWSE

20272 Ward Ln

Please draw the location of the well and commercial place of use and return this aerial to me with your evidence of priority. Thanks.

State of Idaho

County of

(Signature)

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): _____

Previous Mailing Address: _____

New Mailing Address: _____

Telephone Number: () _____

Signature of all Claimant(s): _____

Please print your name below your signature.

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

ATTN: Kim Brown

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 21, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Matthew and Susan Eells
6910 Linder Road
Meridian, ID 83642

Notice of Claim to a Water Right No. 63-23519

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'L. Gagnon', written in black ink.

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2006

4/7/06

Resent to:

KOZGRO, INC
28366 HWY 30
CALDWELL ID 83605

Kozgro, Inc.
112 S. Kimball Ave., Ste. 111
Caldwell 83605

AND to:

Mathew D. Eells
6910 N. Hinder Rd
Meridian
83642

RE: Commercial use for Snake River Basin Adjudication claim 63-23519

To Whom It May Concern,

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). During the initial review of this claim, we found that you claimed a commercial use that requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under Annual Volume). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the Commercial Use Volume sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by March 27, 2006 so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

This review of your claim, in addition to the submittal of our recommendation to the SRBA Court, will result in a decreed right for your property. This water right then remains with the land as long as it is being used. We will give you the opportunity to review our recommendation and provide feedback, if necessary, prior to its submittal to the SRBA Court.

Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent

Enclosures

An aerial photograph of a rural area with fields, trees, and some buildings. A green polygon is drawn on the map, and a small yellow square is located within it. The text '19' is in the top left, '#63-23519' and '2004 NAPP' are in the top right, 'NWSE' is in the center, '20272 Ward Ln' is in a callout box, and a larger text box is in the bottom right.

19

#63-23519
2004 NAPP

NWSE

20272 Ward Ln

Please draw the location of the well and commercial place of use and return this aerial to me with your evidence of priority. Thanks.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KOZGRO, INC

~~28366 HWY 30~~

CALDWELL ID 83605

*112 S. Kimball Ave
+ sent Commercial
Use Voluntary
Questionnaire*

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-23519

IDAHO DEPARTMENT OF WATER RESOURCES

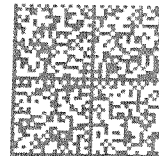
WESTERN REGION

2735 Airport Way
Boise, Idaho 83705-5082

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RETURN SERVICE
REQUESTED

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FIRST CLASS



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WATER RESOURCES
WESTERN REGION

KOZGRO, INC

112 S KIMBALL AVE, STE 111

CALDWELL ID 83605

4/12/06

I resent the evidence of priority letter sent to: 28366 Hwy 30
to 2 different locations: 112 S. Kimball Ave, Ste. 111 & 6910 N. Linder Rd.
The one sent to Mathew D. Fells was received at 6910 N. Linder Rd. &
the letter sent to 112 S. Kimball was returned.

(see 4/10/06 Conver-
sation Memo.)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 21, 2004

KOZGRO, INC
28366 HWY 30
CALDWELL ID 83605

RE: Commercial use for Snake River Basin Adjudication claim 63-23519

COPY

To Whom It May Concern,

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). During the initial review of this claim, we found that you claimed a commercial use that requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under Annual Volume). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the Commercial Use Volume sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by March 27, 2006 so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

This review of your claim, in addition to the submittal of our recommendation to the SRBA Court, will result in a decreed right for your property. This water right then remains with the land as long as it is being used. We will give you the opportunity to review our recommendation and provide feedback, if necessary, prior to its submittal to the SRBA Court.

Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Kimberly Brown'.

Kimberly Brown
Water Resource Agent

Enclosures

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#63-23519
2004 NAPP

NWSE

20272 Ward Ln

