

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 63-31921
Date Received: 3/1/1990
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES D CROWE Phone: (208)454-0801
18444 PRIDE LN
CALDWELL ID USA 83607

KRISTIN L CROWE Phone: (208)454-0801
18444 PRIDE LN
CALDWELL ID USA 83607

2. Date of Priority: 01/30/1951

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	04W	35	NW SE 2	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/15	0.02	6.8

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 6.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04W	35	NW	SE	IRRIGATION	1.5
Section Acres						1.5
Total Acres						1.5

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:

14. Remarks:

This right is a split from former right 63-2846.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71245

This is to certify that: JAMES D CROWE And/Or
KRISTIN L CROWE
18444 PRIDE LN
CALDWELL ID 83607
(208)454-0801

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31921	AJC/License	01/30/1951	0.02 cfs	N/A	N/A	1.5	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31921	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31921	63-31921	0.02 cfs	6.8 af	N/A	1.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.02 cfs	6.8 af	N/A	1.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28th day of July, 20 04



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31921
As Modified by Transfer No. 71245

In accordance with the approval of Transfer No. 71245, Water Right No. 63-31921 is now described as follows.

Right Holder: JAMES D CROWE And
 KRISTIN L CROWE
 18444 PRIDE LN
 CALDWELL ID 83607

Priority Date: January 30, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/15	0.02 CFS	6.8 AF
			0.02 CFS	6.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (NWSE) Sec. 35 Twp 04N Rge 04W 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 35															1.5		1.5

Total Acres: 1.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 28th day of July, 2004



 Chief, Water Allocation Bureau

PART 1**6. General Information:**

a. Description of diversion system 162' deep 6" cased well with
1.5 HP Pump

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

The licence lists domestic use, The House that the wells
originally served is not located on the subject property. The
SRBA claim lists stockwater use instead of domestic use
Rather than trying to establish priority for the stockwater

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

SCANNED**JUN 03 2003**

use, we did not include stockwater use as part of the
transfer. Any stockwatering that occurs will not exceed
the domestic use requirements.

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

"See Attachment"

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

9. Describe any other water rights used for the same purpose as described above 63-2846 Total acres 63-2846 **SCANNED** JUN 13 2011

3a of 6

02/05/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2846

WATER RIGHT NUMBER: 63-2846

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	R C FISHER
Current Owner	NAMPA, ID CLARENCE D COOK 9610 OAKRIDGE DR SUN CITY, AZ 85351 (602)933-2264

Priority Date: 01/30/1951

Basis: License

Status: Parent

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	
IRRIGATION	4/01 to 10/15	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

<u>Location of Point(s) of Diversion</u>		
GROUND WATER	SW1/4NE1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County		
GROUND WATER	NE1/4SW1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use
IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
04N 04W 35	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	20.0

Total Acres: 20

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

- General TRANS. 1639.
ADDRESS CHANGE BY CLAIMANT NOTE 2/9/99 SS.
- General RECOMMENDED AS RIGHT NOS. 63-31250 & 63-31251.

SCANNED
JUN 03 2003

36 of 6

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2846

Comments:

Dates and Other Information:

Claim Received Date: 3/1/1990
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:

Element Reviewed/Verified Dates:

Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
----------------	---------------------------	-----------------	---------------------------	-----------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

SCANNED
JUN 03 2003

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount .015 for Irrigation purposes from 4/1 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	35	4N	4W	Canyon	
		NE	SW	35	4N	4W	Canyon	

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	4W	35							<u>1.5</u>							<u>1.5</u>			<u>1.5</u>

Total acres 1.5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount Balance of Right for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

SCANNED

Total acres _____ JUN 12 2003

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

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

"see attached map"

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

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

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

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

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

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



Subscribed and sworn to before me this _____

23rd

day of

April, 19 2004Kristin L. Crowe

(Signature of Applicant)

Julie L. Roberts

(Notary Public)

My commission expires 8-29-2008**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 2 attachmentsReceived by sk Date 4-26-04

Protest filed by _____

Prelim. check by g Fee \$100- W031600Received by DB Date 4-26-04Published in PRESS TRIBUNE

Copies of protest forwarded by _____

Pub. dates 7-1 + 8-04

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____

SCANNED

JUN 11 2004

THE N1/2NW1/4SE1/4 OF SECTION 35
TOWNSHIP 4 NORTH, RANGE 4 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO

SCANNED

LEGEND

- 6 BRASS CAP MOVEMENT - FOUND
- 6 4/8" REBAR - FOUND
- 6 4/8" x 30" REBAR - SET
- 1 1/2" REBAR - FOUND
- 1 1/2" x 24" REBAR - SET
- 1 PR MTL & BRASS WASHER
- 1 CALCULATED POINT
- PROPERTY BOUNDARY LINE
- PRICE LINE
- W.C. HENNESSY CORNER
- } DATA OF RECORD

I, THE BOARD, do hereby certify that I am a Participant has been prepared from an actual survey made on the ground under my official supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Publication Act, Idaho Code 55-1601 through 55-1612.



RECORDED

SEP 11 2 03 PM '29

C NOEL HATES
CANYON CNTY, RECORD

rycki-Drum

LINE TABLE		
LINE	LENGTH	REMARKS
11	40.00	5 092535.5 T
12	42.07	4 093601.0 N
13	46.00	5 093132.0 N
14	60.00	5 093932.0 N

331	2017	331
-----	------	-----

11

REQUEST Death Signe

200246608

INDEX No. 44-35-2-1-0-03-00
SURVEY FOR

SCOTT SYME

Preva Bz hifj

Survey Co. Inc.

11/11/11

Bonus:

PALE S. ENO'S Air
Call, Jr. ENO'S
1523-164-3229

Job No. 1150202

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 63-2846
Date Received: 3/1/1990
Receipt No: S011360
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PATRICIA N SYME Phone: (208)337-3030
17498 ALLENDALE RD
WILDER ID USA 83676

SCOTT A SYME Phone: (208)337-3030
17498 ALLENDALE RD
WILDER ID USA 83676

2. Date of Priority: 01/30/1951

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	04W	35	SW	NE		CANYON	
04N	04W	35	NE	SW		CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/15	0.2	
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.2 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	04W	35	NW	SE	IRRIGATION	20
					Section Acres	20
					Total Acres	20

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:

TRANS. 1639.
ADDRESS CHANGE BY CLAIMANT NOTE 2/9/99 SS.

15. Basis of Claim: License

Form 42 34842-1479(6) July, 2000

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

RECEIVED

SEP 05 2003

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
63-31250					
63-31252		Y			

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)

Clarence D. Cook
9610 Oak Ridge Dr, Sun City, AZ 85357

4. New Owner/Claimant(s)

Scott + Patricia Syme

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

New Mailing Address

17498 Allendale Rd

City, State and ZIP Code

Wilder ID 83676

New Telephone Number

208 337-3030

5. Date you acquired the property

02 Feb 2000

Note -

63-31252 split into
 63-31765 + 63-31766.

Then 31765 split into
 - 31767 + - 31768.

Form 42-74842 1402(6) July, 2000

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 <u>63-31252</u>		
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	<u>0.6</u>	<u>cfs</u>
Stock		
Domestic		
Other		
Total	<u>0.6 cfs</u>	

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

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

Scott A. Lyne
Patricia N. Lyne

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 DH Date 9-5-03 Fee 0
Accepted by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

Sep. 3. 2003 11:30AM

PIONEER TITLE CALDWELL

No. 5866 P. 3/4

20 03897

RECEIVED

SEP 05 2003 PC32697

WATER RESOURCES
WESTERN REGION

"READ AND APPROVED"

By Che

DEED OF TRUST

THIS DEED OF TRUST, Made this 24th day of January, 2000 BETWEEN Scott A. Syme and Patti N. Syme, husband and wife herein called GRANTOR, whose address is 17498 Allendale Road, Wilder, ID 83676.

PIONEER TITLE COMPANY OF CANYON COUNTY, an Idaho corporation, herein called TRUSTEE, whose address is 423 SOUTH KIMBALL AVENUE, Caldwell, Idaho 83605, and Clarence D. Cook, a married man, as his sole and separate property herein called BENEFICIARY, whose address is 14614 N. Bolivar Drive, Sun City, AZ 85351.

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of Canyon State of Idaho, described as follows, and containing not more than twenty acres:

Legal → The North Half of the Northwest Quarter of the Southeast Quarter in Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of FIFTY FIVE THOUSAND NINE HUNDRED TWENTY & NO/100 Dollars, (\$ 55,920.00) final payment due January 28th, 2020 and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as a continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey all or any part of paid property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder.

The recitals in any reconveyance executed under this deed of trust, of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of an indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at eight per cent per annum; all other sums then secured hereby; and the remainder, if any, to the persons or persons legally entitled thereto.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledges thereof. In this Deed whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

DATED: January 24, 2000

Scott A. Syme
Scott A. Syme

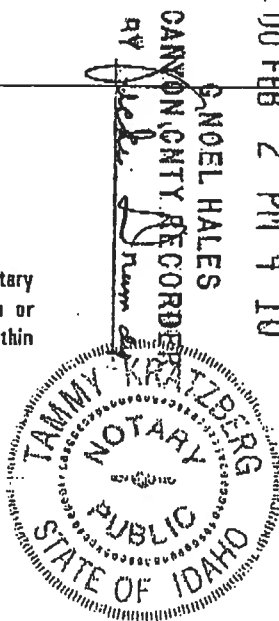
Patti N. Syme
Patti N. Syme

STATE OF IDAHO

COUNTY OF CANYON

On this 24th day of February in the year 2000, before me, a Notary Public, personally appeared Scott A. Syme and Patti N. Syme known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Tammy Kratzberg
Notary Public
Residing at Caldwell
My commission expires 2/3/04

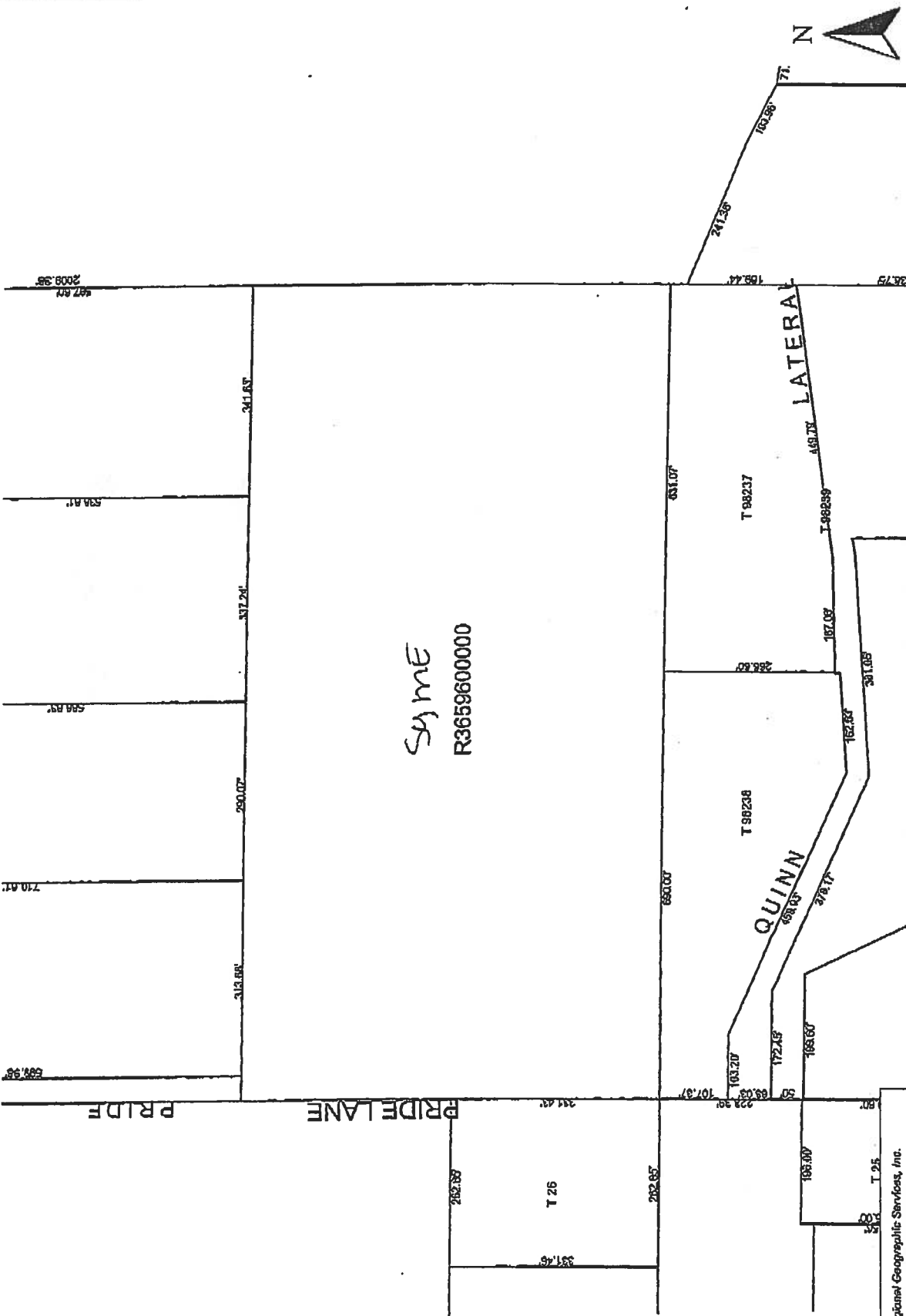


NOEL HALE
CANYON COUNTY RECORDER
BY *[Signature]*
00 FEB 2 PM 4 10

RECORDED

200003897

REQUEST PIONEER - CALDWELL
TYPE *Hyd T* FEE *6.00*



Syme
R3659600000

This Map and data displayed is a graphic representation derived from the Canyon Counties Geographic Information System (GIS) data. It was designed and intended for staff use only. It is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Canyon County and Regional Geographic Services, Inc. Are not liable for errors or omissions resulting from the use of this product for any purpose.

Map Created: September-03-2003

Copyright (c) 2002



CALDWELL	CANYON	NAMPA
610 S. Kimball	5680 E. Franklin, Str. 150	100 10th Ave. South
Caldwell, ID 83405	Nampa, ID 83686	Nampa, ID 83651
Ph: 208.459.1651	Ph: 208.465.6655	Ph: 208.465.6100
Fax: 208.459.6655	Fax: 208.465.6556	Fax: 208.465.3248

Map By: Regional Geographic Services, Inc.



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: A63-02846
Date Received: 3/ 1/1990
Receipt No: S011360
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CLARENCE D COOK
Address: 14614 BOLIVAR DR N
SUN CITY AZ

602-933-2264

85351

2. Date of Priority: JAN 30, 1951

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	35		SW	NE		CANYON
				NE	SW		CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.200		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	35	NW	SE		IRR	20.0

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? YES

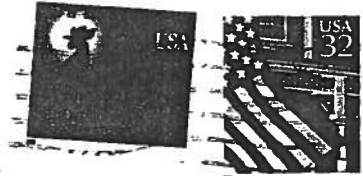
13. Other Water Rights Used:
NONE

14. Remarks:
TRANS. 1639.
ADDRESS CHANGE BY CLAIMANT NOTE 2/9/99 SS.

15. Basis of Claim: LICENSE

Water Right Number: 21899

Mr. Clarence Cook
14614 Bolivar Drive
Sun City, AZ 85351



State of Idaho
Dept of Water Resources
1301 N Orchard St PO 83720
Boise, Id 83720-0098



Please change my
mailing address from:
Clarence Cook
9318 Brearwood Circle
Sun City, Az. 85351

To: Clarence Cook
14614 Bolivar Dr N.
Sun. City, Az 85351

A6302790 cc: W.A.

A63-02846

A63-02873

A63-03074

A63-03326

A63-02751

RECEIVED

FEB 08 1999

Department of Water Resources

modified records
NAP prepared.
2-9-99

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

RECEIVED

MAR 8 1990

Ident. Number: A63-02846
Date Received: 3/01/1990
Receipt No: S011360
Received By: _____

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLARENCE D. COOK
Address: 9318 BRIARWOOD CIRCLE
SUN CITY, AZ

85351

602-933-2264

RECEIVED

MAR 12 1990

2. Date of Priority: JAN 30, 1951

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Department of Water Resources
Western Regional Office
County
CANYON
CANYON

Township	Range	Section	1/4 of	1/4 of	1/4	Lot
04N	04W	35	SW	NE		
			NE	SW		

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.200		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	35	NW	SE		IRR	20.0

Section Acres 20.0

A63-02846

Page 1

Date: 03/01/90

MICROFILMED

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? YES

13. Other Water Rights Used:
 NONE

14. Remarks:
 TRANS. 1639.

15. Basis of Claim: LICENSE
 Water Right Number: 21899

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): Corene D. Cook Date: 3/5/90

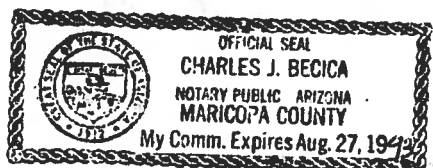
Date: _____

State of ~~Idaho~~ ARIZONA)
County of MARICOPA) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of MARCH 19 90

Charles J. Becica
Notary Public

Seal



Residing at _____

My Commission Expires _____

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

WR0728NP
(OD-124)

Water Right Number - (63-02846)

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 21899

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

*** C - CURRENT OWNER ***
COOK

CLARENCE D.

1 - RT. 3
2 -
3 -
City- CALDWELL
Phone -

State- ID Zip- 83605

*** O - ORIGINAL OWNER ***
FISHER

R. C.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - - +
01/30/1951 14 L - LICENSE

+ - - - - Source - - - - + + - - Tributary - - - - + + - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - + + - - - - + + - - - - +
Twn Rng Sec Tract Lot Rflg County

04N 04W 35 SW NE (27) CANYON
04N 04W 35 NE SW (27) CANYON

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code

01 - IRRIGATION 04/01 11/15 0.200
43 - DOMESTIC 01/01 12/31

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.200

+ - - - - Tract Lot Acres Place of Use Description County
04N 04W 35 NW SE 20.0 01 IRRIGATION (27) CANYON

Total Acres: 20.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

06/19/2006

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

RIGHT NUMBER: 63-31921

NAME AND ADDRESS: JAMES D CROWE
18444 PRIDE LN
CALDWELL ID 83607

KRISTIN L CROWE
18444 PRIDE LN
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
6.800 AFY

PRIORITY DATE: 01/30/1951

POINT OF DIVERSION:

T04N R04W S35 NWSE 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	0.020 CFS 6.80 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S35 NWSE 1.50

1.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by Transfer 71245 within one year of the date of the approval.

This right is a split from former right 63-2846.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



Idaho Department of Water Resources

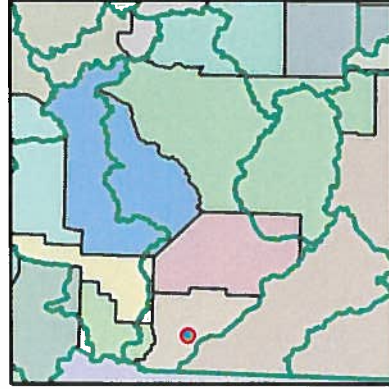
SRBA Recommendation:

63-31921

Acres = 1.5

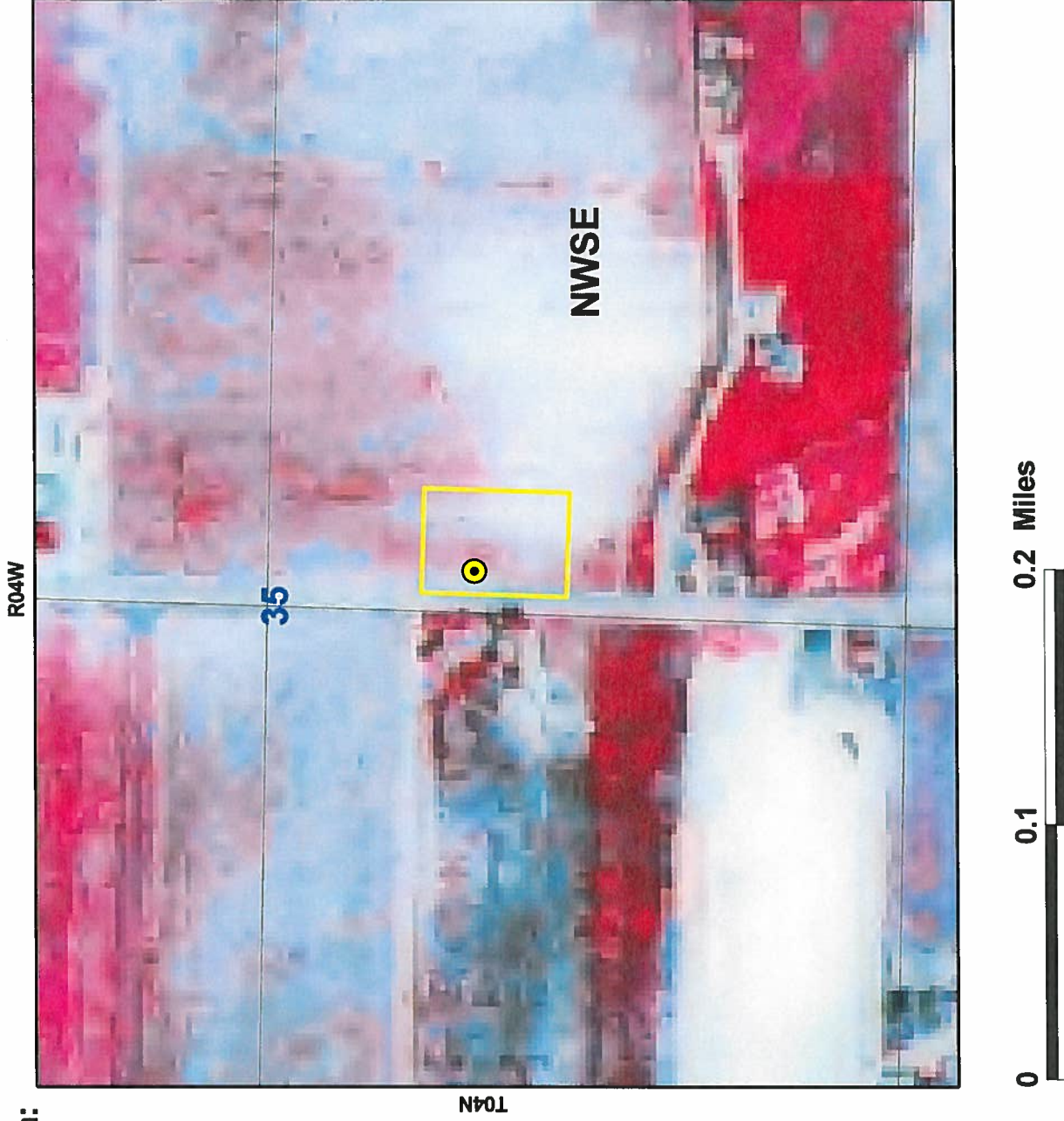
Legend

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



Canyon County
IDWR Basin 63

Prepared by K. Walker
On Monday, June 19, 2006
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31921

WATER RIGHT NUMBER: 63-31921

Owner Type Name and Address

Current Owner

JAMES D CROWE
18444 PRIDE LN
CALDWELL, ID 83607
(208)454-0801

Current Owner

KRISTIN L CROWE
18444 PRIDE LN
CALDWELL, ID 83607
(208)454-0801

Priority Date: 01/30/1951

Basis: License

Status: Active

Source

GROUND WATER

Beneficial Use

IRRIGATION

From To

04/01 to 11/15

Diversion Rate

0.020 CFS

Annual Volume

6.80 AF

Total Diversion:

0.020 CFS

6.80 AF

Location of Point(s) of Diversion

GROUND WATER

CANYON County

L2 (NW1/4SE1/4)

Sec. 35, Twp 04N, Rge 04W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	04W	35																	1.5

Total Acres: 1.5

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
3. P21 This right is a split from former right 63-2846.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

add orig. owner
RC Fisher (on lic)

not on license
on transfer
use standard season

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31921

5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

Comments:

1. pskaggs 7/28/2004 3:28:36 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 71245

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2846

WATER RIGHT NUMBER: 63-2846

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	R C FISHER
Current Owner	NAMPA, ID CLARENCE D COOK RT 3 CALDWELL, ID 83605

Priority Date: 01/30/1951

Basis: License

Status: Active Transferred

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31		
IRRIGATION	4/01 to 11/15	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County		
GROUND WATER	NE1/4SW1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
04N 04W 35	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	20.0

Total Acres: 20

DOMESTIC same as IRRIGATIONConditions of Approval:

1. TRANS. 1639.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2846

Comments:

1. psdaggs 6/20/2002 9:30:39 AM Approved Transfer 69220

Comment: Approved transfer 69220 is associated with all or part of this Right and the following records.

Claim 63-31250 0.17 cfs afa 17 total acres

Claim 63-31251 0.03 cfs 13.9 afa 3 total acres

Claim 63-31252 0.84 cfs 192.5 afa 42 total acres

Claim 63-31253 0.06 cfs 13.5 afa 3 total acres

2. Jpeppers 2/13/2004 transfer amendment

Comment: transfer approval 69220 was amended 2/12/2004 to remove water right 63-2846 and associated splits (63-31250 and 31251). See order for explanation. Status of this right was changed from active transfer to active.

3. psdaggs 7/28/2004 3:24:27 PM Approved Transfer 71242

Comment: Approved transfer 71242 is associated with all or part of this Right and the following records.

Recommendation 63-31918 0.02 cfs 6.8 afa 1.5 total acres

Water Supply Bank:

Receipt Details for ID S011360

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/1/1990 8:49:28 AM	3/1/1990	Southern	\$600.00	Check
Payer		DUNCAN, ARTHUR T.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2730			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$600.00	ADJUDICATION 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	3074		\$50.00	Claim
63	2790		\$90.00	Claim
63	2873		\$130.00	Claim
63	2751		\$140.00	Claim
63	2846		\$70.00	Claim
63	3326		\$95.00	Claim
63	21312		\$25.00	Claim

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31921**

02/06/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
31253	Claim	04N	04W	35	NW	SE		IRRIGATION	3/3	DANA L TILMANT
31918	Claim	04N	04W	35	NW	SE		IRRIGATION	1.5/1.5	MARK L ENGLAND
31919	Claim	04N	04W	35	NW	SE		IRRIGATION	5/5	HEIDI WINKELMAN
31920	Claim	04N	04W	35	NW	SE		IRRIGATION	11/11	REGHINA APAHIDEAN
31921	Claim	04N	04W	35	NW	SE		IRRIGATION	1.5/1.5	JAMES D CROWE
31984	Claim	04N	04W	35	NW	SE		IRRIGATION	3.5/3.5	FRED CHADWICK
28647	Water Right	04N	04W	35	NW	SE		DOMESTIC		DELORAS RUSCO
28882	Water Right	04N	04W	35	NW	SE		DOMESTIC		JAMES DEAN MORRISON

State of Idaho
License and Certificate of Water Right

Water License No. 21899

Amount 0.2 second foot

Water District No.

Priority January 30, 1951

THIS IS TO CERTIFY that R. C. FISHER

of Nampa, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 30, 1951; that Permit No. 21899 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.2 second foot, was issued thereunder on April 26, 1954, showing that said works were completed on the 26th day of January, 1954; and that on the 26th day of January, 1954,

R. C. FISHER

of Nampa, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~underground~~ (subterranean flow), for the purpose of irrigation and

domestic use, under Use Permit No. 21899 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5251, on the 26th day of April, 1954;

The right hereby confirmed dates from January 30, 1951;

The Point of Diversion is located in the N¹/₄ N¹/₂ E¹/₄ SW¹/₄

~~State~~ ¹/₄ Sec. 35, Tp. 4 N., R. 4 W., B. M. County Canyon

-That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	4 W.	35	N ¹ / ₄ N ¹ / ₂ E ¹ / ₄ SW ¹ / ₄	20	20

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 26th day of April, 1954.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

63 2846

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21899This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant B. C. Fisher, Box 240, Nampa, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35
T. 4 N. R. 4 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: No pump house, no protection. Pump and motor set on concrete base 29" by 25" by 12" high. Well depth is 402' by 12" diameter, 190' by 8" diameter balance. Water H is 87', draw-down is 13' pump is 3 stage, 12" set down, 160' x 8" column. Pump is a Layne Bowler No. 15431. Motor is 40 H.P., U. S. Motor No. 878 616. Water is delivered to the West into a shallow pond and from there it is delivered to the fields by gravity. Water was measured over a 2' ciphelety weir. Water measured 100".
5. Water is used for: Irrigation and domestic purposes.
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35. Twp. 4 North, Range 4 West, B. M.

See map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

This well has already been licensed for 1.8 cubic feet per second under license No. 20878.

This examination was made on the 14 day of April, 1954(Signed) E. H. Humphrey Examiner.

21899

APPLICATION FOR PERMIT 63-2846 *ATTN: JOHN HANSON*

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29619
 PERMIT No. 21899
 DISTRICT No.

1. Name of Applicant: R. C. FISHER

Postoffice address: Box 240 Nampa

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 0.40 cubic feet per second.

3. Source of water supply: Subterranean flow from a well which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the $N\frac{1}{2}N\frac{1}{2}E\frac{1}{4}SW\frac{1}{4}$
 of Section 35 , T.4 N. , R. 4 W. , B.M., County of Canyon

5. Water is to be used for Irrigation and domestic purposes.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
 of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 5,000.00

8. Kind of works: Well, pump and ditches.

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Three (3) years.

13. The time required for the complete application of the water to the proposed use is None additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals	
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$		
4 N.	4 W.	35					20	20
Permit No. 21899								
CERTIFICATE OF COMPLETION OF WORKS								
TO ALL WHOM IT MAY CONCERN:								
This is to certify that R. C. FISHER of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 29619 bearing date of priority of January 30, 1951, authorizing the diversion of 0.4 second foot of the waters of A well (subterranean flow) County of Canyon, State of Idaho, for irrigation and domestic purposes has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the intended use, 0.2 second foot of the waters of said well; that the point of diversion of said waters is in the NE $\frac{1}{4}$ of Section 35, Township 4 North, Range 4 West, B. M. and that the lands proposed to be irrigated by the use of said water are as follows, to-wit: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Township 4 North, Range 4 West, B. M.								
Witness my hand this 26th day of April, A. D. 1954.								
MARK R. KULP State Reclamation Engineer								
Proof of Completion of Works made January 26, 1954.								
Certificate of Completion of Works issued April 26, 1954.								
LICENSE ISSUED FOR <u>0.2</u> SEC. <u>FL</u> <u>On 5/25</u>								

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER)
NO. 69220 IN THE NAME OF)
DANA L. ANDERSON)
_____)

**PRELIMINARY ORDER CORRECTING
TRANSFER APPROVAL**

This matter having come before the Department of Water Resources ("Department") as a result of the filing of a petition to correct a transfer approval, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On June 20, 2002, the Department issued an order approving Transfer No. 69220 ("transfer") in the name of Dana L. Anderson ("applicant"). The transfer changed the point of diversion for a portion of water right license nos. 63-2846 and 63-3326.
2. Prior to the transfer, water right license no. 63-2846 authorized irrigation for property in the N1/2 of the NW1/4 of the SE1/4 of Section 35, Township 4N, Range 4W. Department records indicate the property is now owned by Scott A. Syme.
3. Prior to the transfer, water right license no. 63-3326 authorized irrigation for property including 7 acres in the S1/2 of the NW1/4 of the SE1/4 of Section 35, Township 4N, Range 4W. Ownership documentation submitted with the transfer application indicated that the applicant owned 3 acres of the irrigated property in the South 1/2 of the NW1/4 of the SE1/4 of Section 35, Township 4N, Range 4W.
4. On January 30, 2004, the Department received a petition from Scott A. Syme, asking the Department to correct the transfer by removing water right license no. 63-2846 from the transfer approval.
5. On February 2, 2004, the Department received a statement from the applicant acknowledging that water right license no. 63-2846 should not have been included in the transfer approval. The applicant also submitted notice to the Department that ownership of the property in the S1/2 of the NW1/4 of the SE1/4 of Section 35, Township 4N, Range 4W has changed due to her marriage to Joseph Scott Tilmant. The property is now owned by Joseph Scott Tilmant and Dana L. Tilmant.

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.
2. The Department erred by including water right license no. 63-2846 as part of the transfer approval.
3. The Department should correct the transfer approval by removing water right license no. 63-2846, including any associated splits, from the transfer approval.

ORDER

IT IS HEREBY ORDERED that the order approving Transfer No. 69220 issued by the Department on June 20, 2002 is **CORRECTED** as set forth in the amended transfer approval issued in conjunction with this order.

Dated this 12th day of February, 2004.



Gary Spackman
Chief, Water Allocation Bureau

MEMORANDUM

DATE: 2/2/2004

FROM: Lori Graves

TO: ~~Jeff Peppersack~~ File 63-2846

RE: Preliminary Order Correcting Transfer No. 69220

We received a transfer application from Dana Anderson 5/25/2001. The application was processed and approved 6/20/2002. Dana had purchased 3 acres in the NWSE S35 T4N R4W from Clarence Cook and wished to use a private well for irrigation of her property. Prior to the transfer, Mr. Cook had 27 total acres licensed in the NWSE S35 on water rights 63-2846 (20 acres at .01 cfs/acre) and 63-3326 (7 acres at .02 cfs/acre). Mr. Cook filed SRBA claims on the rights as licensed. The transfer was approved with Dana's 3 acre portion of right 63-2846 described as 63-31251 and 3 acre portion of 63-3326 described as 63-31253.

As it turns out, 63-2846 was originally licensed for 20 acres north of Dana's property. Right 63-3326 was later licensed on 7 separate acres below the 20 acres licensed on right 63-2846. All 27 acres are located in the NWSE S35. Please see the attached copies of the original licensing field exams, which indicate Dana's 3 acres are a portion of license 63-3326 only.

Scott Syme purchased the 20 acres above Dana. As a result of Dana's approved transfer, Scott ended up with right 63-31250 for the remaining 17 acres of license 63-2846 and right 63-31768 for the remaining 4 acres in the NWSE S35 of license 63-3326. Scott's 20 acres should not have a portion of right 63-3326 and should have all of right 63-2846.

The problem was brought to my attention by Scott 1/29/04. He wishes to split and add points of diversion to his 20 acres. Before we can process a transfer from Scott, the water right mix-up described above needs to be resolved.

I met with you on 1/30/04 for direction in this matter and learned that transfer no. 69220 can be corrected with a preliminary order. The necessary ingredients for executing the order are a petition requesting the correction from Scott Syme, acknowledgement of the needed correction from Dana Anderson, and this memo explaining the situation from me. I have attached those items. The parties involved have been very cooperative.

Please note that Dana Anderson has since married and is now Dana Tilmant. She and her husband have requested that the adjusted transfer no. 69220 and water right 63-31253 be listed in both their names. They have submitted the necessary documentation for this name change with their signed acknowledgement.

After researching the pedigree tree for right 63-3326, claims 63-31767 and 63-31768 can be removed from the system once the preliminary order is issued. The other splits associated with this right are fine. Right 63-2846 was split only once into claims 63-31250 and 63-31251 as a result of approved transfer no. 69220. Both these claims can also be removed from the system once the preliminary order is issued. Jan Shurte stated 2/2/04 that she would prefer the unnecessary claims be removed from the system (blown away) by Dave Grindle to prevent confusion later in claims processing.

I have attached copies of the pedigrees for rights 63-2846 and 63-3326 with split tree diagrams for visual clarification.

Please let me know if any additional information is needed.

Thanks Jeff.