

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 63-31984
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)

FRED CHADWICK Phone: (208)250-2331
19355 HUSKY LN
CALDWELL ID USA 83607

JANIE BURKE Phone: (208)764-3153
2725 ALLEN LN
BOISE ID USA 83716

2. Date of Priority: 01/15/1963

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	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	0.07	15.8

7. Total Quantity Appropriated is:
0.07 C.F.S. and/or 15.8 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	3.5
Section Acres						3.5
Total Acres						3.5

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:

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.

This right does not grant any right-of-way or easement across the land of another.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 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 and after 10/15 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.

This right is a split from former right 63-31765.

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71490

This is to certify that: FRED CHADWICK
19355 HUSKY LN
CALDWELL ID 83607
(208)250-2331

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>
63-31765	AJC/License	01/15/1963	0.14 cfs	32.1 af	N/A	7.0	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>
63-31765	YES	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>
63-31765	63-31984	0.07 cfs	15.8 af	N/A	3.5	63-31983	0.07 cfs	13.5 af	N/A	3.0
COMBINED										
TOTALS		0.07 cfs	15.8 af	N/A	3.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of February, 2005


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63 - 31765

WATER RIGHT NO. 63-31983
As Modified by Transfer No. 71490

In accordance with the approval of Transfer No. 71490, Water Right No. 63-31983 is now described as follows.

Right Holder: CLARENCE D COOK
 9610 OAKRIDGE DR
 SUN CITY AZ 85351

Priority Date: January 15, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/15	0.07 CFS	13.5 AF
			0.07 CFS	13.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE 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 26																	3.0

Total Acres: 3

CONDITIONS OF APPROVAL

- 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.

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 2nd day of February, 20 05


 Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31984
As Modified by Transfer No. 71490

In accordance with the approval of Transfer No. 71490, Water Right No. 63-31984 is now described as follows.

Right Holder: FRED CHADWICK
 19355 HUSKY LN
 CALDWELL ID 83607

And

JANIE BURKE
 2725 ALLEN LN
 BOISE ID 83716

Priority Date: January 15, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/15	0.07 CFS	15.8 AF
			0.07 CFS	15.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER 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																3.5	3.5

Total Acres: 3.5

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. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 63-31984
As Modified by Transfer No. 71490

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 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 and after 10/15 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.
7. 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 2nd day of February, 2005


Chief, Water Allocation Bureau

63-31984

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SEP 17 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s):

FRED CHADWICK

[] Old Mailing Address:

2725 ALLEN LN

BOISE ID 83716

[] New Mailing Address:

19355 HUSKY LN

CALDWELL ID 83607

Telephone Number:

(1250 - 2331

[]

Signature(s)

(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)

Fred Chadwick

(include your title if on behalf of company or organization)

Date:

9/15/04

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348
ATTN: LORI GRAVES

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

(Internet)

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71490

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Call 250-2331
764-3153Name of applicant Fred Chadwick Phone _____
Post Office address 2725 Allen Ln. Boise ID 83716

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other SPLIT Right
2. Describe the reason for the proposed changes change p/d to shared well for my portion of water right

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 63-31765 Priority 1/15/1963 Amount (cfs/ac-ft) .07/16 Nature of Use IRR Period of Use 4/1 to 10/15
(Portion) _____ to _____
_____ to _____
_____ to _____
2. Total amount of water being transferred .09 cubic feet per second and/or 16 acre-feet per annum.
3. Source of water ground water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW SE	35	4N	4W	canyon	well (Existing)

5. Lands irrigated or place of use: My Portion

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	4W	35															3.5		3.5

Total acres 3.5

PART 1

6. General Information:

a. Description of diversion system 2 Hp 2" Line 8" case well

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes NO 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:

N/A

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 63-31765

Priority Date: 01/15/1963

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/15	0.14 CFS	32.1 AFA	
Total Diversion		0.14 CFS	32.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNE 04N 04W 35 CANYON

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 28												3.0					3.0
04N 04W 35														4.0			4.0

Total Acres: 7

Conditions/Remarks:

1. 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.
2. 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.

No other rights are used.

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount .07 for FRR purposes from 4/1 10/15 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: N/C

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

3. Lands irrigated or place of use: My portion

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4N</u>	<u>4W</u>	<u>35</u>															<u>3.5</u>		<u>3.5</u>

Total acres 3.5

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

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

3. Lands irrigated or place of use:

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

Total acres _____

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

PART 3 *See maps*

- 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.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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 11th day of May, 2004.

 Lori Graves
(Notary Public)

My commission expires 6/18/04

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by g Date 5/11/04 Protest filed by _____

Prelim. check by _____ Fee \$100

Received by g Date 5/11/04 # W031683

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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 63-31765
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)

CLARENCE D COOK Phone: (602)933-2264
9610 OAKRIDGE DR
SUN CITY AZ USA 85351

2. Date of Priority: 01/15/1963

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	

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	0.14	32.1

7. Total Quantity Appropriated is:
0.14 C.F.S. and/or 32.1 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	26	SW	SW	IRRIGATION	3
					Section Acres	3
04N	04W	35	NW	SE	IRRIGATION	4
					Section Acres	4
					Total Acres	7

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:

This claim is the result of a split due to change in ownership for a portion of 63-31252. Refer to recommendation for this number. DH 9/9/2003

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.

15. Basis of Claim: License

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OCT 01 2003

WATER RESOURCES
WESTERN REGION

Snake River Basin Adjudication
Change in Address of Notice of Claim

31765

Claim Number(s):

103-31765, 103-31442, 103-21312

Previous Mailing Address:

14614 Bolivar Dr

SUN CITY, AZ 85351

New Mailing Address:

9610 Oak Ridge Dr

SUN CITY, AZ 85351

Telephone Number:

(623) 933-2264

Signature of Claimant(s):

Clarence D. J. Cook

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31765

WATER RIGHT NUMBER: 63-31765

Owner Type Name and Address
 Current Owner CLARENCE D COOK
 14614 BOLIVAR DR N
 SUN CITY, AZ 85351
 (602)933-2264

OK

63-31767

Priority Date: 01/15/1963
 Basis: License
 Status: See Remarks

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/15	0.150 CFS	34.60 AF
	<u>Total Diversion:</u>	0.150 CFS	34.60 AF

14.8
13.74Location of Point(s) of Diversion

GROUND WATER
 CANYON County

OK

SW1/4NE1/4

.06 OK

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

per review of Syme
 claims on OLS visit
 1/30/04

Place of UseIRRIGATION Within CANYON County

T04N R04W S26 SWSW 3.0

T04N R04W S35 NWSE 4.0

Total Acres: 7

3 total

Conditions of Approval:

1. C18 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.
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.

Remarks:

1. General This claim is the result of a split due to change in ownership for a portion of 63-31252. Refer to recommendation for this number. DH 9/9/2003

Comments:Dates and Other Information:

20 03897

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SEP 05 2003 PC32697

WATER RESOURCES
WESTERN REGION

"READ AND APPROVED"

By Coe

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

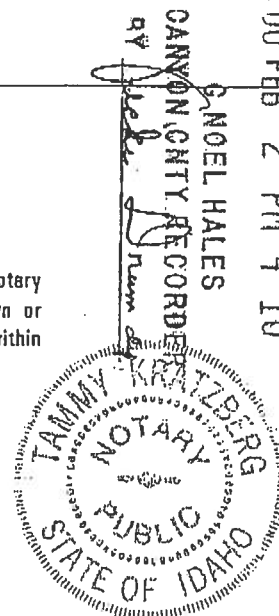
Patti N. Syme
Patti N. Syme

STATE OF IDAHO

COUNTY OF CANYON

On this 2nd 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 Kralberg
Notary Public
Residing at Caldwell
My commission expires 2/3/04



2000003897

REQUEST PIONEER - CALDWELL
TYPE *Att Dy T* FEE *6.00*

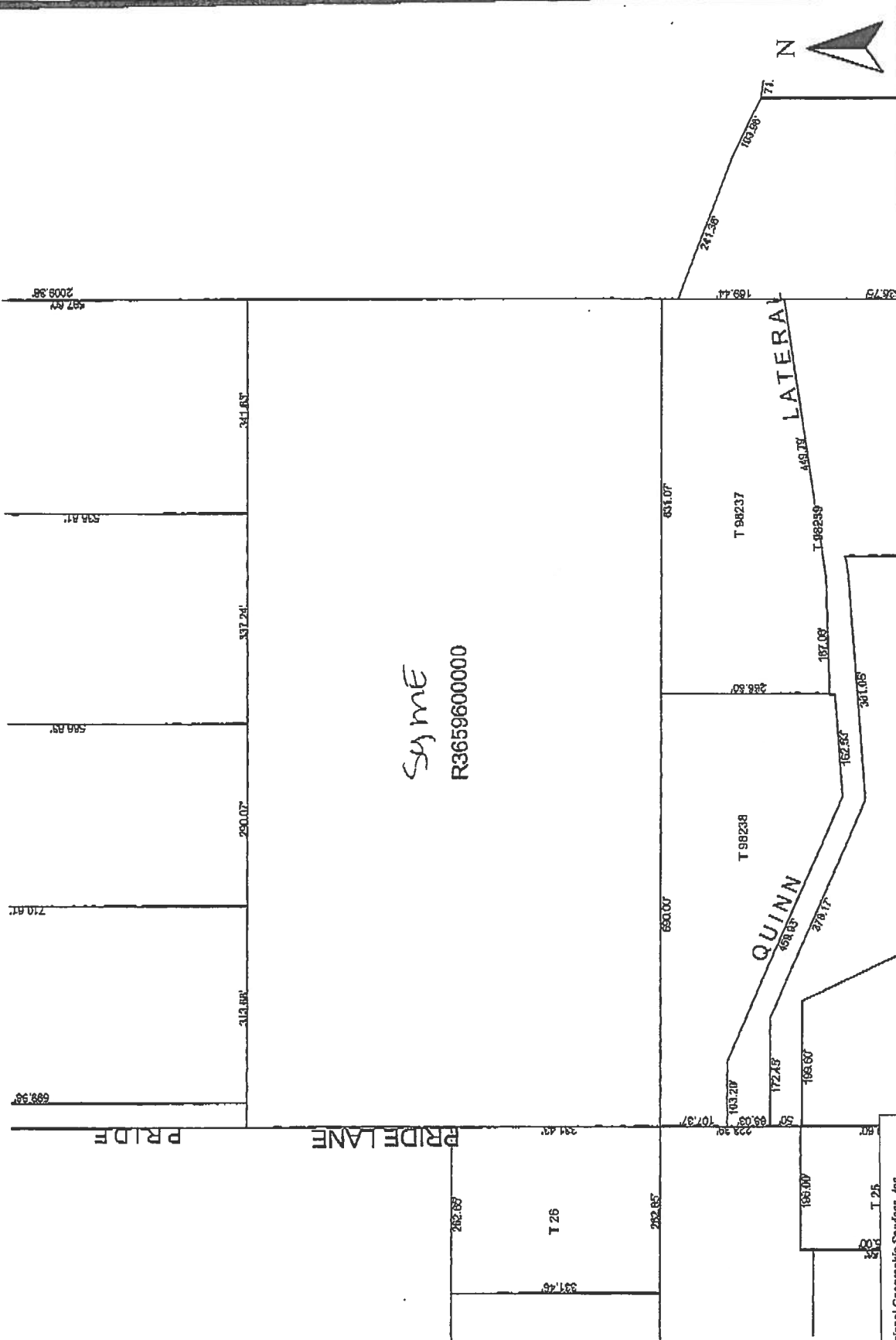


CALDWELL
610 S. Kimball
Caldwell, ID 83405
Ph: 208.459.1651
Fax: 208.459.6635

CANYON
5680 E. Franklin St., 150
Nampa, ID 83686
Ph: 208.465.6635
Fax: 208.465.6556

NAMPA
100 10th Ave. South
Nampa, ID 83651
Ph: 208.465.6100
Fax: 208.465.3248

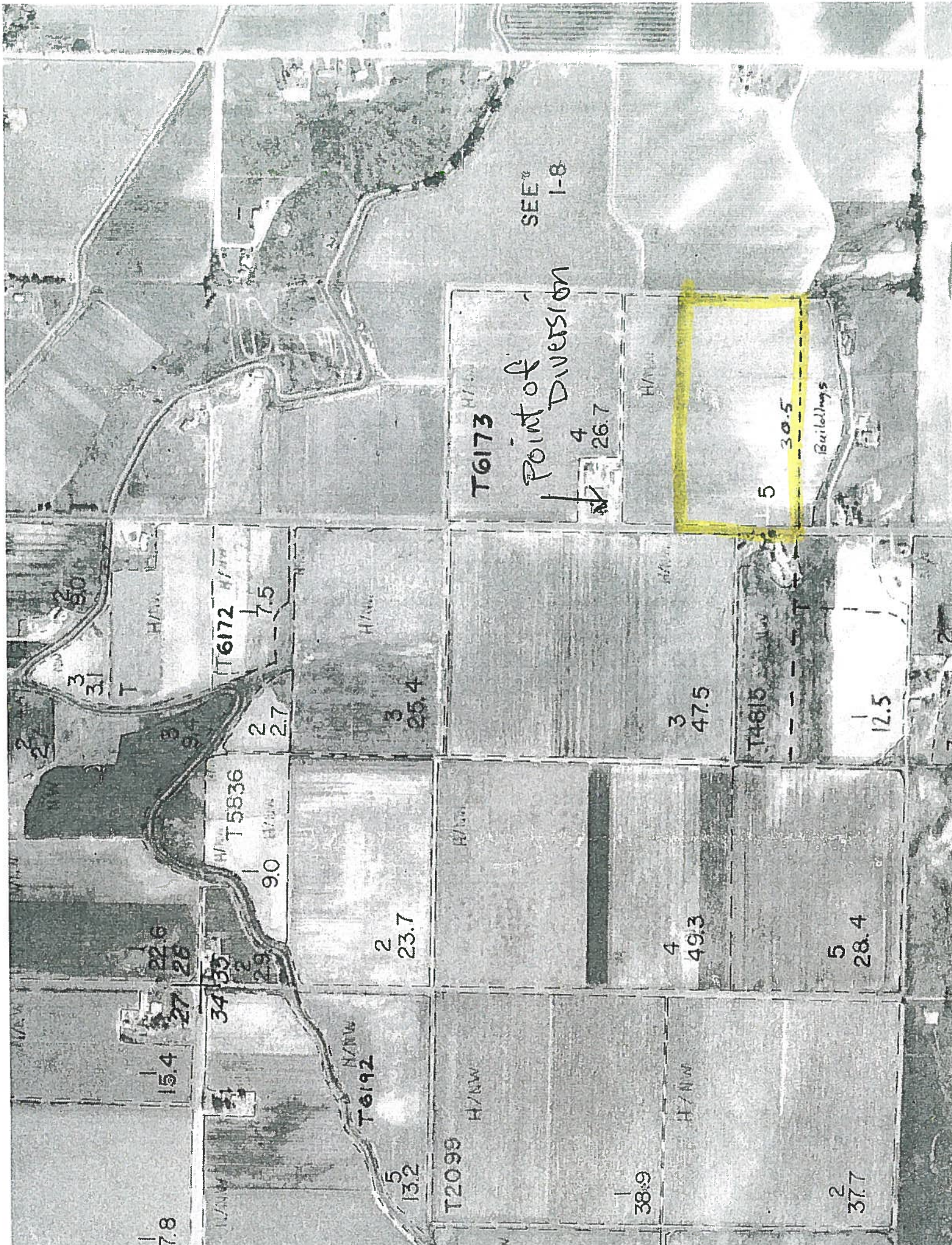
Map By: Regional Geographic Services, Inc.



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. 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

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T6173

Point of
Diversion

SEE 1-8

4
26.7

5

30.5

Buildings

T6172

2
2.7

T5836

9.0

3
25.4

2
23.7

T6192

5
13.2

T2099

3
47.5

4
49.3

5
28.4

2
37.7

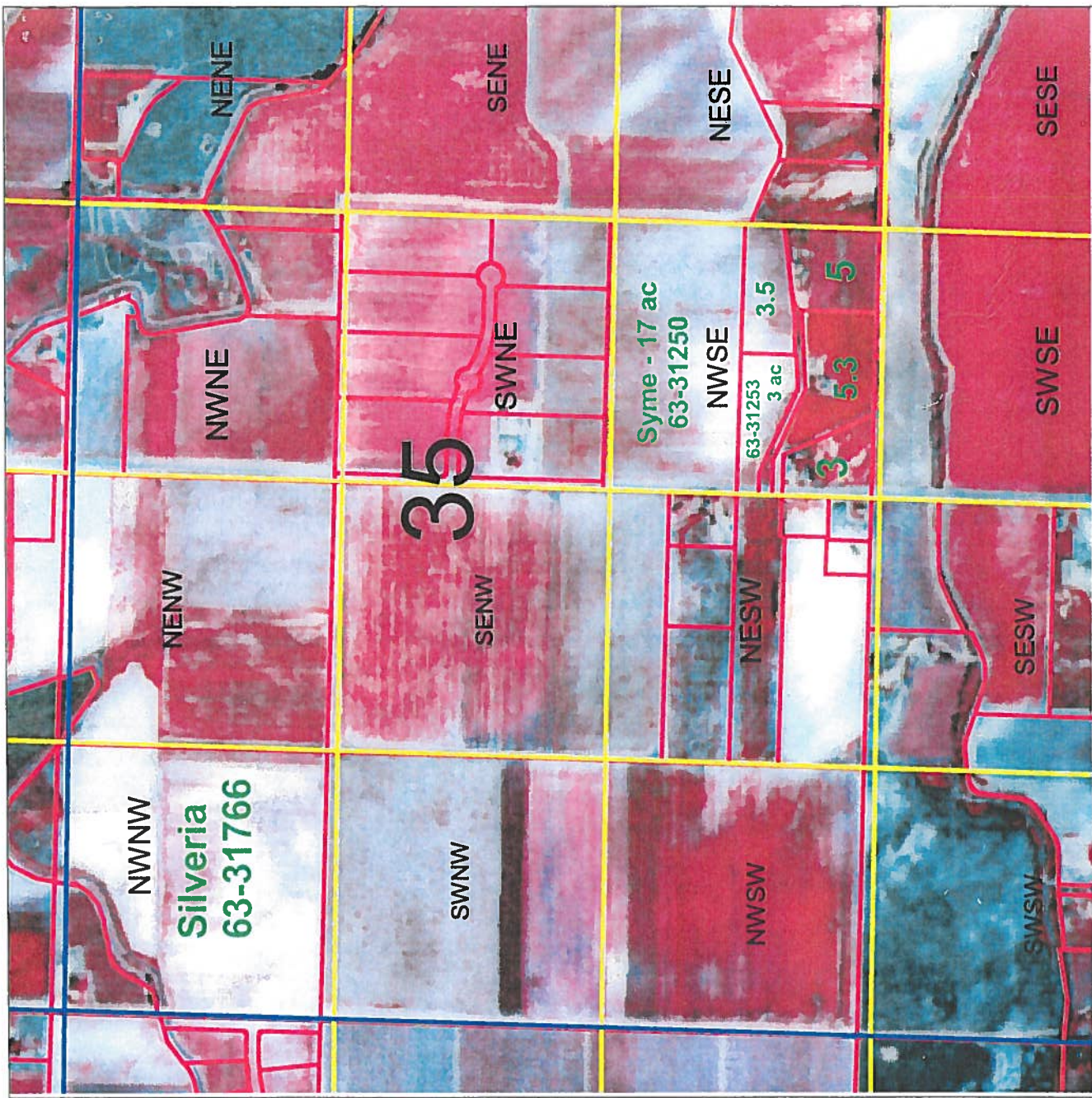
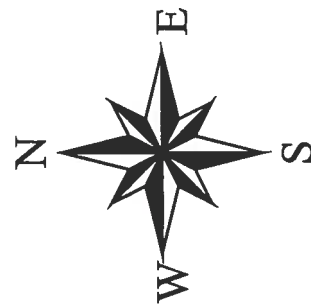
T4815

1
12.5

Syme

4N 4W

-  Owner name & acres
-  Section Line
-  QQ Line
-  Tax Lot data



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 63-31765
Date Received: 3/1/1990
Receipt No:
Received By:

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

1. Name of Claimant(s)

CLARENCE D COOK
14614 BOLIVAR DR N
SUN CITY AZ USA 85351

Phone: (602)933-2264

2. Date of Priority: 01/15/1963

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	

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	0.15 14	34.6 32.1

7. Total Quantity Appropriated is:
0.15 C.F.S. and/or 34.6 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	26	SW	SW	IRRIGATION	3
					Section Acres	3
04N	04W	35	NW	SE	IRRIGATION	4

*See remarks in
63-31765
(mis calculated during split)*

Section Acres 4

Total Acres 7

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:

This claim is the result of a split due to change in ownership for a portion of 63-31252. Refer to recommendation for this number. DH 9/9/2003

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.

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.

15. Basis of Claim: License

RECEIVED

RECEIVED

MAR 21 2000

MAR 21 2000

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

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

1. Water Right No(s): 63-03074, 63-02790, 63-02873, 63-02846, 63-02751, 63-03326
Adjudication Claim No(s): A-63-03074, A-63-02790, A-63-02873, A-63-02846, A-63-02751, A-63-03326

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s).
(These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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

Clarence D. Cook

4. New Owner/Claimant(s)

14614 N. Bolivar Drive

New Mailing Address

Sun City, AZ 85351 / Daniel J. Silveria
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
19850 Ustick Candy K Silveria

City, State and ZIP Code

Caldwell, ID 83607

New Telephone Number

(208) 455-1128

5. Date you acquired the property

1995 + 1999

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right 204 Number and type of stock 600

Diversion rate in CFS 4.9 Number of homes you acquired 0 Other uses cropland irrigation

7. Signature of New Owner(s)
or Claimant(s)

Daniel J. Silveria

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

63-3324



split for X-fer to
63-31252 + 63-31253.

63-31252 "Cook"



Cook keeps

63-31765

new #

S-26 3AC SWSW

S-35 4AC NWSE

7 total

~~15~~ acs
(14)

~~34.6~~ acs
(32.1)

* (See remarks on 63-31765)

Syme obtains ~~the~~ the acres in 63-31250
from Cook.

63-31766

Silveria gets

new #

S-35

35 AC NWNL

~~75~~ acs (70)
~~173~~ acs
(160.4)

* Need to determine if Syme obtains
any from 63-31252^{split} also.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31252 V1

WATER RIGHT NUMBER: 63-31252 V1

Owner Type

Current Owner

Name and Address

CLARENCE D COOK
14614 BOLIVAR DR N
SUN CITY, AZ 85351
(602)933-2264

Priority Date: 01/15/1963

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

04/01 to 10/15

Diversion Rate

0.840 CFS

Annual Volume

192.50 AF

Total Diversion:

0.840 CFS

192.50 AF

Location of Point(s) of Diversion

GROUND WATER

CANYON County

SW 1/4 NE 1/4

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

GROUND WATER

CANYON County

NW 1/4 SE 1/4

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

Place of Use

IRRIGATION

per OD visit + review of Snake claims 1/30/04

Twp Rge Sec	NE	NW	SW	SE	Totals
04N 04W 26	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	3.0
04N 04W 35		35.0		4.0	39.0

Conditions of Approval:

1. 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.

Remarks:

NWSW

NESW

S-26

2.98 ac

SWSW

18.5 ac

24 ac

63-31765

2.89 ac

SESW

NWNW

NENW

Silveria
35 ac

63-31766

3
PC 32345
9949498

WARRANTY DEED

CLARENCE D. COOK, a married man dealing with his sole and separate property, Grantor, hereby conveys, grants and warrants to DANIEL J. SILVERIA and CANDACE K. SILVERIA, husband and wife, Grantees, whose address is 19850 Wustic Rd Caldwell ID 83605, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

TOGETHER WITH 3 electric motors and 3 turbine irrigation pumps.

SUBJECT TO taxes and assessments for the year 1995 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantees that he is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that he will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 5 day of July, 1995.

Clarence D. Cook
Clarence D. Cook

DISCLAIMER

The undersigned is the spouse of CLARENCE D. COOK. The undersigned acknowledges the above-described real property and fixtures are the sole and separate property of CLARENCE D. COOK and disclaims any interest in or rights to said property.

^{COE}
Clarence Elizabeth M. Cook
Cook

STATE OF ARIZONA)
County of Maricopa) :ss

On this 2 day of July, in the year 1995, before me, KATHLEEN HOWARD NICHOLAS, a Notary Public, personally appeared ELIZABETH M. COOK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Kathleen Howard Nicholas
Notary Public for
Commission expires: My Commission Expires Jan. 1, 1999

STATE OF ARIZONA)
County of MARICOPA) :ss

On this 2 day of July, in the year 1995, before me, KATHLEEN HOWARD NICHOLAS, a Notary Public, personally appeared CLARENCE D. COOK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Kathleen Howard Nicholas
Notary Public for
Commission expires My Commission Expires Jan. 1, 1999

EXHIBIT "A"

PARCELS:

4 acres
 The Southeast Quarter of the Northwest Quarter and the North Half of the North Half of the Northeast Quarter of the Southwest Quarter; all in Section 35, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho;

P.S. C.S.

INITIAL



009949498

RECORDED

99 DEC 22 PM 1 16

G NOEL HALES

CANYON COUNTY RESORDER

BY

REQUEST PIONEER — CALDWELL

TYPE

9.2

PC 32345

9949499

WARRANTY DEED

CLARENCE D. COOK, a married man dealing with his sole and separate property, Grantor, hereby conveys, grants and warrants to DANIEL J. SILVERIA and CANDACE K. SILVERIA, husband and wife, Grantees, whose address is 19850 W Ustick Rd Caldwell ID 83605, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

TOGETHER WITH 3 electric motors and 3 turbine irrigation pumps.

SUBJECT TO taxes and assessments for the year 1995 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantees that he is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that he will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 1 day of July, 1995.

Clarence D. Cook
Clarence D. Cook

DISCLAIMER

The undersigned is the spouse of CLARENCE D. COOK. The undersigned acknowledges the above-described real property and fixtures are the sole and separate property of CLARENCE D. COOK and disclaims any interest in or rights to said property.

Elizabeth M. Cook
Cook

STATE OF ARIZONA)
County of MARICOPA) :ss

On this 5 day of July, in the year 1995, before me, KATHLEEN HOWARD NICHOLAS, a Notary Public, personally appeared ELIZABETH M. COOK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Kathleen Howard Nicholas
Notary Public for
Commission expires: My Commission Expires Jan. 1, 1999

STATE OF ARIZONA)
County of MARICOPA) :ss

On this 5 day of July, in the year 1995, before me, KATHLEEN HOWARD NICHOLAS, a Notary Public, personally appeared CLARENCE D. COOK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Kathleen Howard Nicholas
Notary Public for
Commission expires: My Commission Expires Jan. 1, 1999

EXHIBIT "A"PARCEL II:

The Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter in Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

V.S.
CSC

009949499

RECORDED

99 DEC 22 PM 1 16

G NOEL HALES

CANYON CNTY RECORDER

BY

[Signature]

REQUIRE

PIONEER — CALDWELL

TYPE

[Signature]

FILE

9-03

[Signature]

PC 32345

9949500

WARRANTY DEED

CLARENCE D. COOK, a married man dealing with his sole and separate property, Grantor, hereby conveys, grants and warrants to DANIEL J. SILVERIA and CANDACE K. SILVERIA, husband and wife, Grantees, whose address is 19850 W 1st St Rd Caldwell, ID 83605, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

TOGETHER WITH 3 electric motors and 3 turbine irrigation pumps.

SUBJECT TO taxes and assessments for the year 1995 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantees that he is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that he will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 5 day of July, 1995.

Clarence D. Cook
Clarence D. Cook

DISCLAIMER

The undersigned is the spouse of CLARENCE D. COOK. The undersigned acknowledges the above-described real property and fixtures are the sole and separate property of CLARENCE D. COOK and disclaims any interest in or rights to said property.

Elizabeth M. Cook
Cook

STATE OF ARIZONA)
County of MARICOPA) :ss

On this 5 day of July, in the year 1995, before me, KATHLEEN HOWARD NICHOLS, a Notary Public, personally appeared COOK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Kathleen Howard Nichols
Notary Public for
Commission expires My Commission Expires Jan. 1, 1999

STATE OF ARIZONA)
County of MARICOPA) :ss

On this 5 day of July, in the year 1995, before me, CLARENCE D. COOK, a Notary Public, personally appeared CLARENCE D. COOK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Kathleen Howard Nichols
Notary Public for
Commission expires My Commission Expires Jan. 1, 1999

EXHIBIT "A"PARCEL III:

All that part of the Northwest Quarter of the Northwest Quarter lying South and East of Deer Flat North Canal as now located and constructed in Section 35, Township 4 North, Range 4 West, Boise, Meridian, Canyon County, Idaho.

AS. CB. CAC

009949500

RECORDED

99 DEC 22 PM 1 16

G NOEL HALES

CANYON COUNTY RECORDER

BY



REQUEST

PIONEER — CALDWELL

TYPE



FEE

9.00

pd OK

PC32345

WARRANTY DEED

FOR VALUE RECEIVED CLARENCE D. COOK, a married man

the Grantor, does hereby grant, bargain, sell and convey unto DANIEL J. SILVERIA and CANDACE K. SILVERIA, husband and wife

the Grantees, whose address is 19850 Ustic Road, Caldwell, ID, 83605

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1999 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

DATED: January 5, 2000

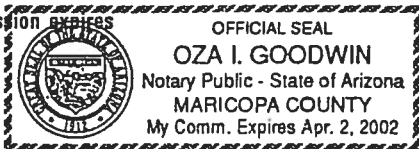
Clarence D. Cook
CLARENCE D. COOK

STATE OF ARIZONA

COUNTY OF MARICOPA

On this 11 day of January in the year 2000, before me, a Notary Public, personally appeared Clarence D. Cook known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Oza I. Goodwin
Notary Public
Residing at
My commission expires



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PARCEL III

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

EXCEPTING THEREFROM

The following described tract situated in the South Half of the Southwest Quarter of Section 26 and the East Half of the Northwest Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 26; thence

East a distance of 807.00 feet along the North boundary of the South Half of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence continuing

East a distance of 727.10 feet along the North boundary of the South Half of said Southwest Quarter; thence

South 36° 41' East a distance of 299.78 feet; thence

South 15° 11' West a distance of 61.36 feet to a point on the centerline of the Deer Flat North Irrigation Canal; thence traversing the centerline of said irrigation canal as follows: Continuing

South 15° 11' West a distance of 219.59 feet; thence

South 27° 54' West a distance of 158.27 feet; thence

South 7° 30' West a distance of 207.06 feet; thence

South 9° 10' East a distance of 293.15 feet; thence

South 19° 38' East a distance of 365.87 feet; thence

South 66° 51' West a distance of 90.76 feet; thence

North 57° 00' West a distance of 366.57 feet; thence

North 50° 14' West a distance of 444.76 feet; thence

North 89° 10' West a distance of 127.56 feet; thence leaving the centerline of said irrigation canal and running

North 2° 15' West a distance of 1,041.19 feet to the TRUE POINT OF BEGINNING.

200001917

RECORDED

00 JAN 18 PM 3 56

G NOEL HALES

CANYON CNTY RECORDER

BY

[Signature]

RECEIVED PIONEER CADWELL
TYPE *[Signature]* D. CO

3326

300

454-7431

63-3074-20

20
35 X 25.0

3326-30

63-2790

2433074-24

40 X 33

- 63-03074
- 63-02751
- 63-02873
- 63-03326
- 63-02790

63-2873

40 X

40 2751-40.3

47.8

2751-40
Bediolo 27.4

40
63-2873

26.2

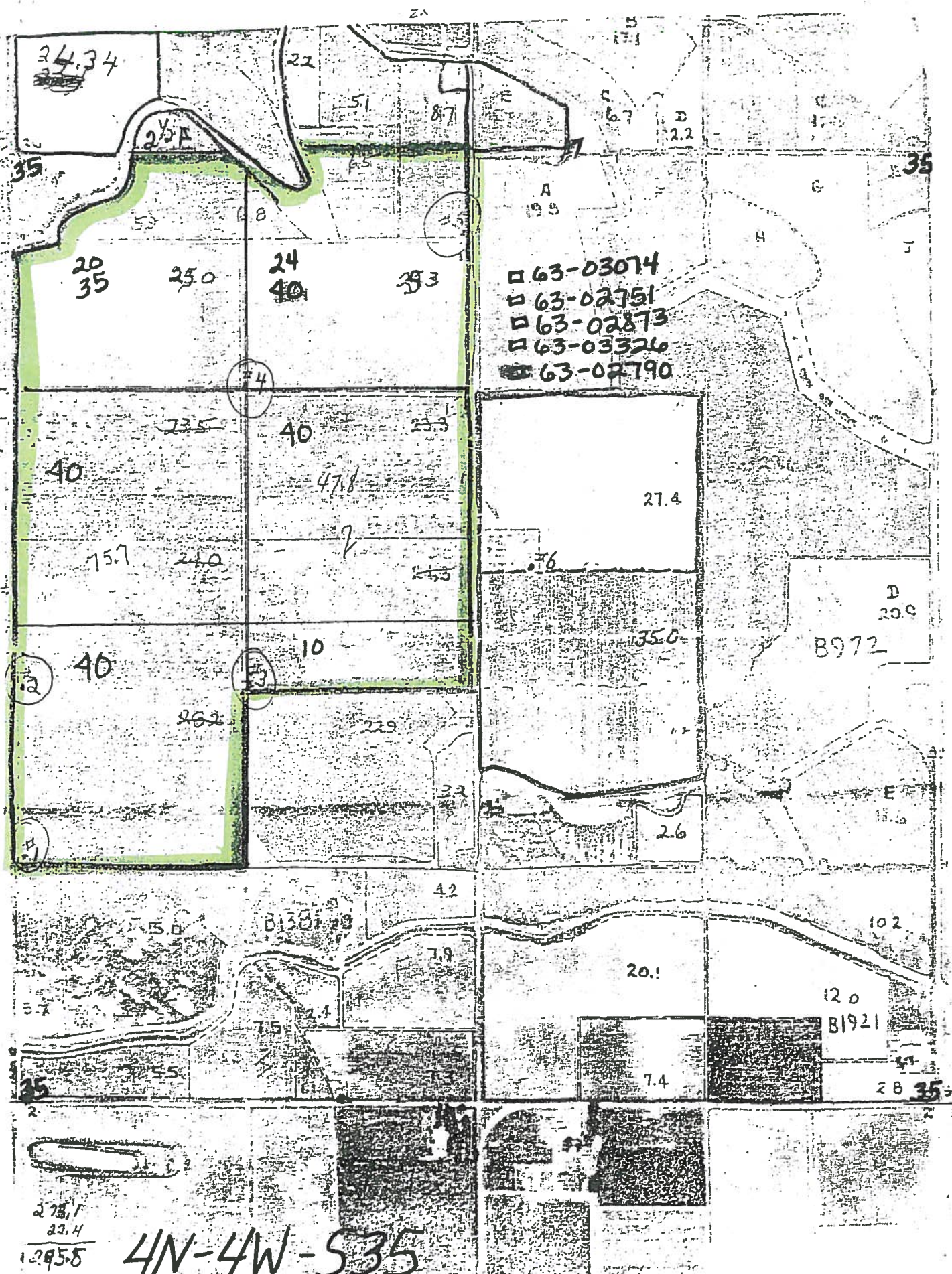
10.5 X

Yungson
3326-7
2846-20

B972

278.1
22.4
295.5

4N-4W-535



MEMORANDUM

DATE: June 13, 2001

FROM: Lori Graves 

TO: Transfer File No. 69220

RE: 63-2846, 63-3326

Brief

Applicant proposes to change the ownership and add an existing point of diversion to his portion of the above listed water rights.

Attachments

- A. Aerial Photos
- B. Tax Notice
- C. Survey Map

Review

The rights were claimed in the SRBA as licensed. Applicant provided 1997, 1998, and 1999 FSA photos of the property showing the progression of development. Irrigation of applicant's portion was evident in the 1997 photo.

Applicant's 3 acre portion is located in the NWSE S35. Right 63-2846 was licensed for 20 acres in the NWSE and right 63-3326 was licensed for 7 acres in the NWSE. After researching the files, it was evident, per the original maps, that the acres licensed on both rights included applicant's 3 acres.

No overlaps were found except for surface water right 63-2388. Applicant stated that the property in question was high ground and that surface water had never been used. Applicant stated that they do not have or use canal shares.

Recommendations

Approve the transfer as filed.

Applicant's portion of 63-2846 is 63-31251.

Applicant's portion of 63-3326 is 63-31253.

When combined, applicant's three acres are limited to .06 cfs.

IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant Anderson Transfer No. 69220
Reviewed by g Date 6/13/01
Data entered by g

1. Right number(s) 63-2846, 63-3326

2. Type of right ☐ Decree ☒ License ☐ Stat. Claim ☐ BU Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Period ☒ Split Right
☐ Other: _____

4. Check Existing
Right

☒ Source	☒ Priority	☒ Amount
☒ Purpose	☒ Period	☒ SRBA Claim
☒ Description of original point(s) of diversion		
☒ Description of original place of use		
☒ Overlapping rights for original P/D &/or P/U		

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo – always include unless justify why not needed
- b. ☒ All of right
- c. ☒ Part of right – Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee – see Transfer Memo #23 about fees if necessary
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.
- j. ☒ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

k. ☒ Overlapping rights for current & proposed scenarios

Current 63-2388

Proposed "

l. ☒ SRBA Claim(s) "

m. ☒ Comment letters ☒ No ☐ Yes as follows:
 Water District # IDFG Other per attached

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on _____, received on _____

Other comment letters received ☐ Yes ☐ No

2. Affidavit of publication received: ☐ Yes

3. Published correctly: ☒ Yes ☐ No

If No, re-publication required: ☐ Yes ☐ No

4. Protests received: ☐ Yes ☒ No ☐ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions of Approval standards

4. Recommended by Loi Brewer Date 7/31/01

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): ☒ Yes

2. File forwarded to S.O. by JS Date 7-31-01

RECEIVED

JUL 13 2001

WATER RESOURCES
WESTERN REGION

e0100285 04504275
1 Idaho Dept. of Water Resources
2735 Airport Way
BOISE ID 83705

**NOTICE OF PROPOSED
CHANGE OF WATER**

RIGHTS, TRANSFER NO. 69220

DANA L ANDERSON of 19385
Husky Ln, Caldwell ID 83607 has
applied to the Department of Water
Resources to add a Point of Diver-
sion pursuant to I.C. § 42-222 for
ground water rights recorded as fol-
lows in T4N R4W Canyon County:
LICENSE 63-2846, priority
1/30/1951, .20 cfs, diverted in the
SWNE, NESW for irrigation of 20
acres and stockwater in the NWSE
S35.

LICENSE 63-3326, priority
1/15/1963, .9 cfs, diverted in the
SWNE, NWSW for irrigation of 45
acres in the SWSW S26 and NW
S35.

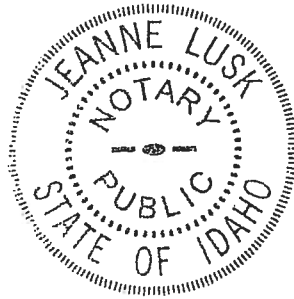
PROPOSED CHANGE

Add and use a separate existing
well for stockwater and irrigation
uses on applicant's 3 acre portion of
the licenses in the NWSE S35.

Any protest against approval of the
proposed change must be filed with
the Department of Water Resources,
Western Region, 2735 Airport Way,
Boise, ID 83705-5082, together with
a protest fee of \$25 for each applica-
tion on or before July 23, 2001. The
protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director
July 5, 12, 2001.

4275



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Canyon) SS.

Patrica D. Admire
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
07/05/2001, 07/12/2001

Patricia D. Admire

STATE OF IDAHO)
County of Canyon)

On the 12th day of July in the year of 2001
before me, a Notary Public, personally appeared.
Patrica D. Admire,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

Jeanne Lusk

Notary Public for Idaho
Residing at Nampa
My commission expires June 21, 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31252

WATER RIGHT NUMBER: 63-31252

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLARENCE D COOK 14614 BOLIVAR DR N SUN CITY, AZ 85351 (602)933-2264

Priority Date: 01/15/1963

Basis: License

Status: Active

<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>
IRRIGATION	04/01 to 10/15	0.840 CFS	192.50 AF
	<u>Total Diversion:</u>	0.840 CFS	192.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	26											3.0						3.0
04N	04W	35						35.0								4.0			39.0

Total Acres: 42

Conditions of Approval:

1. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31252

Comments:

1. psdaggs 6/20/2002 9:30:48 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 69220

Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

WATER RIGHT NO. 63-31252
As Modified by Transfer No. 69220

In accordance with the approval of Transfer No. 69220, Water Right No. 63-31252 is now described as follows.

Right Holder: CLARENCE D COOK
 14614 BOLIVAR DR N
 SUN CITY AZ 85351

Priority Date: 01/15/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/15	0.84 CFS	192.5 AF
			0.84 CFS	192.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 35 Twp 04N Rge 04W CANYON County

GROUND WATER NWSW 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 26											3.0						3.0
04N 04W 35						35.0								4.0			39.0

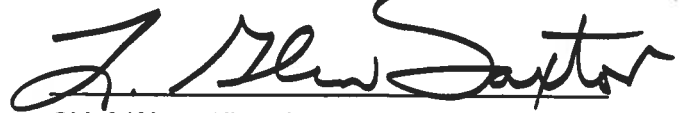
Total Acres: 42

CONDITIONS OF APPROVAL

1. 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.

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 20th day of June, 2002


 Chief, Water Allocation Bureau

RECEIVED

JUN 21 2002

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 69220

This is to certify that: DANA L ANDERSON
19385 HUSKY LN
CALDWELL ID 83607
(208)455-8933

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. 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

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-2846	AJC/License	01/30/1951	0.20 cfs			20.0	GROUND WATER
63-3326	AJC/License	01/15/1963	0.90 cfs	206.0 af		45.0	GROUND WATER

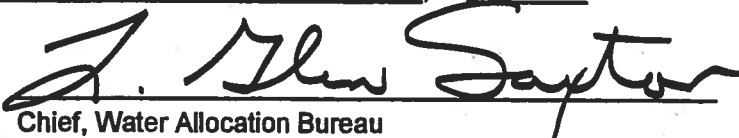
Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-2846	YES	YES	NO	NO	NO	NO
63-3326	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-2846	63-31251	0.03 cfs	13.9 af	N/A	3.0	63-31250	0.17 cfs	N/A	N/A	17.0
63-3326	63-31253	0.06 cfs	13.5 af	N/A	3.0	63-31252	0.84 cfs	192.5 af	N/A	42.0
TOTALS		0.09 cfs	13.9 af	N/A	3.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of June, 2002

 Chief, Water Allocation Bureau

(Internet)

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69220

RECEIVED

MAY 25 2001

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant DANA L ANDERSON Phone (208) 455-8933
Post Office address 19385 HUSKY LANE CALDWELL ID 83607

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other SPLIT RIGHT
2. Describe the reason for the proposed changes CHANGE OF OWNERSHIP AND USE
OF SANY WELL FOR IRRIGATION.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|------------|-----------------------|------------------|---------------|
| 63-2846 | 01/30/1951 | .03 | IRR | 4/1 to 10/15 |
| 63-2846 | 01/30/1951 | .01/.3 | STOCK WTR | 1/1 to 12/31 |
| 63-3326 | 01/15/1963 | .06/13.7 | IRR | 4/1 to 10/15 |
| | | | | to |
| 2. Total amount of water being transferred <u>.07</u> cubic feet per second and/or <u>14</u> acre-feet per annum | | | | |
| 3. Source of water <u>EXISTING WELL</u> tributary to _____ | | | | |
| 4. Point(s) of Diversion: _____ | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1**6. General Information:**

a. Description of diversion system 1 1/2 HP PUMP, 2" LINE IN 8" CASE WELL

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

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

NO CHANGE.

d. Remarks:

DUE TO DIVISION OF PROPERTY, LAND WILL BE DRY
IF RIGHTS ARE NOT TRANSFERED.

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____.

pg 3 of 8

05/22/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 63-2846

Owner Type Name and Address
Current Owner CLARENCE D COOK
 14614 BOLIVAR DR N
 SUN CITY, AZ 85351
 (602)933-2264

Original Owner R C FISHER

Priority Date: 01/30/1951
Basis: License
Status: Active

Source Tributary to
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/15	0.2 CFS		
STOCKWATER	1/01	12/31	0.05 CFS		
Total Diversion			0.2 CFS		

Location of Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 35	Township 04N	Range 04W	CANYON County
GROUND WATER	NESW	Sec. 35	Township 04N	Range 04W	CANYON County

IRRIGATION Use:
 Acre Limit: 20

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	04W	35		NWSE	20									

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 20

Remarks:

1. General TRANS. 1639.
 ADDRESS CHANGE BY CLAIMANT NOTE 2/9/99 88.

Dates:

Licensed Date: 08/28/1979
 Claim Received Date:
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:

Water Right 63-2846

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 63-2846

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

1. amount .03 for IRRIGATION purposes from 4/1 to 10/15
 (cfs/ac-ft)
 amount .01/.3 for STOCK WATER purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: N/C

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4N</u>	<u>4W</u>	<u>35</u>														<u>3</u>			<u>3</u>
																<u>5</u>			

Total acres 3

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

1. amount .17 for IRRIGATION purposes from 4/1 to 10/15
 (cfs/ac-ft)
 amount .04 for STOCK WATER purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: N/C

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4N</u>	<u>4W</u>	<u>35</u>														<u>17</u>			

Total acres 17

Pg 5 of 8

05/22/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 63-3326

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLARENCE D COOK 14614 ROJVAR DR N SUN CITY, AZ 85351 (602)933-2264

Priority Date:	01/15/1963
Basis:	License
Status:	Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/15	0.9 CFS	206 AFA	
Total Diversion			0.9 CFS	206 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 35	Township 04N	Range 04W	CANYON County
GROUND WATER	NWSW	Sec. 35	Township 04N	Range 04W	CANYON County

IRRIGATION Use:
Acre Limit: 45

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	04W	26		SWSW	3									
		35		NWNW	35									
				NWSE	7									

Total Acres: 45

Remarks:

1. General TRANS. 1638.
ADDRESS CHANGE BY CLAIMANT NOTE 2/9/99 SS.

Dates:

Licensed Date:	08/28/1979
Claim Received Date:	
Decreed Date:	
Enlargement Use Priority Date:	
Enlargement Statute Priority Date:	

Other Information:

Receipt Number(s): S011360

Water Right 63-3326

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

N

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 63-3326

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

1. amount .06/13.7 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: N/C

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

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4N</u>	<u>4W</u>	<u>35</u>														<u>3</u>			<u>3</u>

Total acres 3

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

1. amount .84/192.3 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: N/C

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

3. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4N</u>	<u>4W</u>	<u>26</u>										<u>3</u>							<u>3</u>
		<u>35</u>					<u>35</u>								<u>4</u>				<u>39</u>

Total acres 42

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.

The grid is a 10x10 square grid. Handwritten labels are as follows:

- R-4W**: Located in the upper middle section, spanning approximately the 4th and 5th columns from the left.
- T-4N**: Located on the left side, spanning approximately the 4th and 5th rows from the top.
- 35**: Located in the center-right area, spanning approximately the 6th and 7th columns from the left.
- PD**: Located to the right of the '35' label, with a small arrow pointing towards it.

PART 3**B. CHANGES IN NATURE OF USE** *N/C.*

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

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

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

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

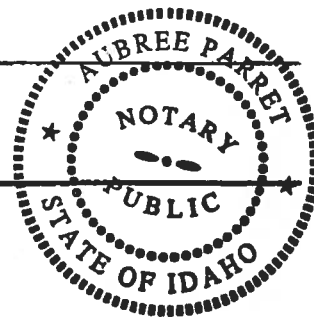
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 24th day of May, 19 2001

(Signature of Applicant)

My commission expires 02/07/06

(Notary Public)

**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and _____ attachmentsReceived by LM Date 5-25-01

Protest filed by _____

Prelim. check by Ly Fee \$100.00Receipted by LM Date 5-25-01W027815Published in PRESS TRIBUNE

Copies of protest forwarded by _____

Pub. dates 7-5+12-01

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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: A63-03326
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 15, 1963

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	35	SW	NE			CANYON
			NW	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	0.900		206.00

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

206.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	26	SW	SW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	3.0
		35	NW	NW		IRR	35.0
			NW	SE		IRR	7.0
						Section Acres	42.0
						Total Acres	45.0

11. Place of use in counties: CANYON

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

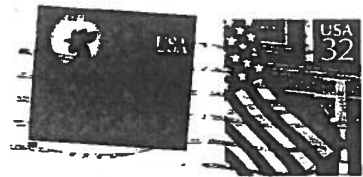
13. Other Water Rights Used:
A63-03074

14. Remarks:
TRANS. 1638.
ADDRESS CHANGE BY CLAIMANT NOTE 2/9/99 SS.

15. Basis of Claim: LICENSE

Water Right Number: 30908

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



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



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

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

A6302790 cc: W.A.

A63-02846

A63-02873 - 63-21312

A63-03074

A63-03326

A63-02751

RECEIVED

FEB 08 1999

Department of Water Resources

modified records
NAP prepared.
2-9-99, m

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: A63-03326
Date Received: 3/01/1990
Receipt No: S011360
Received By: _____

RECEIVED
MAR 8 1990

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

2. Date of Priority: JAN 15, 1963

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

County
CANYON
CANYON

602-933-2264
RECEIVED
MAR 12 1990

Department of Water Resources.
Western Regional Office

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	0.900		206.00

7. Total Quantity Appropriated is:
0.900 C.F.S. (and/or) 206.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	26	SW	SW		IRR	3.0
Section Acres							3.0

A63-03326

Page 1

Date: 03/01/90

MICROFILMED
AUG 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	35	NW	NW		IRR	35.0
			NW	SE		IRR	7.0
					Section Acres		42.0
					Total Acres		45.0

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:
A63-03074

14. Remarks:
TRANS. 1638.

15. Basis of Claim: LICENSE
Water Right Number: 30908

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): Clarence 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 1990

Charles J. Becica
Notary Public

Seal



Residing at _____
My Commission Expires _____

#50445

Water Right Number - 63-03326

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 30908

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

*** C - CURRENT OWNER ***
COOK

CLARENCE D.

1 - RT. 3
2 -
3 -

City- CALDWELL State- ID Zip- 83605
Phone -

+ - - - - Priority Date - - + + - - - - Region - - - + + - - - - Stage - - - + + - - - - Status - - - - +
01/15/1963 14 L - LICENSE

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

+ - - - - Twn Rng Sec Tract Lot RFlg County Point of Diversion - - - - - + + - - - - Status - - - - - +

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

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/15 0.900 206.00

+ - - - - Total Div. Rate - + + - - - - Total Div. Volume - + + - - - - Total Div. Capacity - +
0.900 206.00

+ - - - - Twn Rng Sec Tract Lot Acres Code Description County
04N 04W 26 SW SW 3.0 01 IRRIGATION (27) CANYON
04N 04W 35 NW NW 35.0 01 IRRIGATION (27) CANYON
04N 04W 35 NW SE 7.0 01 IRRIGATION (27) CANYON

Total Acres: 45.0

+ - - - - Diversion Means -

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - TRANS. 1638. Remarks - - - - - +

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

MICROFILMED

AUG 19 1992

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

WR0728NP
(OD-124)

Water right number - 63-03326 Adj. flag translation: Standard Water Right Number

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

+ - - Audit Fields -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 08/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 00/00/0000				

MICROFILMED

AUG 19 1992

06/15/2006

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

RIGHT NUMBER: 63-31984

NAME AND ADDRESS: FRED CHADWICK
19355 HUSKY LN
CALDWELL ID 83607

JANIE BURKE
2725 ALLEN LN
BOISE ID 83716

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
15.800 AFY

PRIORITY DATE: 01/15/1963

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	04/01 10/31	0.070 CFS 15.80 AFY
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S35 NWSE 3.50

3.5 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

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

This right is a split from former right 63-31765.

This right does not grant any right-of-way or easement across the land of another.

Right No. 63-31253 is also diverted through point of diversion described above.

06/15/2006

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

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.

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

The right holder shall accomplish the change authorized by Transfer 71490 within one year of the date of the approval.



Idaho Department of Water Resources

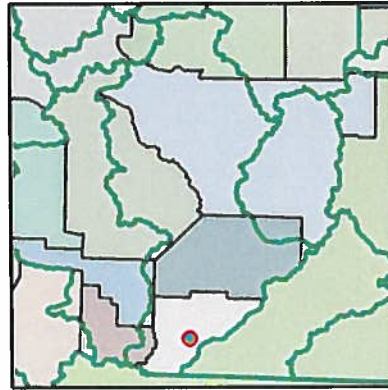
SRBA Recommendation:

63-31984

Acres = 3.5

Legend

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



Canyon County
IDWR Basin 63

Prepared by K. Walker
On Friday, June 16, 2006
1987/88 Aerial Photography

R04W

35

T04N

NWSE

NESB

0.2 Miles

0.1

0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31984

WATER RIGHT NUMBER: 63-31984

Owner Type Name and Address

Current Owner FRED CHADWICK ✓

19355 HUSKY LN ✓

CALDWELL, ID 83607 ✓

(208)250-2331 ✓

Current Owner

JANIE BURKE ✓

2725 ALLEN LN ✓

BOISE, ID 83716 ✓

(208)764-3153 ✓

Priority Date: 01/15/1963 ✓

Basis: License ✓

Status: Active ✓

Source

GROUND WATER ✓

Tributary

Beneficial Use

IRRIGATION ✓

From To

04/01 to 10/15 ✓

Diversion Rate

0.070 CFS ✓

Annual Volume

15.80 AF ✓

Total Diversion:

0.070 CFS ✓

15.80 AF ✓

Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

NW1/4SE1/4 ✓

Sec. 35, Twp 04N, Rge 04W, B.M. ✓

Place of Use

IRRIGATION ✓

Twp Rge Sec

04N 04W 35 ✓

NE

NE | NW | SW | SE

NW

NE | NW | SW | SE

SW

NE | NW | SW | SE

SE

NE | NW | SW | SE

3.5

Totals 3.5 ✓

Total Acres: 3.5 ✓

Conditions of Approval:

1. ~~X01~~ The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 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 and after 10/15 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.
2. ~~P21~~ This right is a split from former right 63-31765.
3. ~~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.
4. ~~046~~ Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

*added original owner
Clarence D. Cook*

*in office
review by
KW
6/15/04*

*per
transfer
71490*

S39

*EXP
EXP
delete*

F05(63-31253)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31984

- 5 ~~004~~ This right does not grant any right-of-way or easement across the land of another.
- exp 6 T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- exp 7 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.
- Exp 8 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. psdaggs 2/2/2005 7:35:35 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 71490

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3326

WATER RIGHT NUMBER: 63-3326

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLARENCE D COOK RT 3 CALDWELL, ID 83605

Priority Date: 01/15/1963

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>
IRRIGATION	4/01 to 10/15	0.900 CFS	206.00 AF
	<u>Total Diversion:</u>	0.900 CFS	206.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County		
GROUND WATER	NW1/4SW1/4	Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	26											3.0						3.0
04N	04W	35							35.0								7.0		42.0

Total Acres: 45

Conditions of Approval:

1. TRANS. 1638.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3326

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.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31984

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

NO OL

same well as 63-31253 - use
F05

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

OK

MEMORANDUM

TO: Transfer File No. 71490

FROM: Lori Graves

DATE: 8/19/2004

RE: Evaluation of Sufficiency of Information Submitted

Brief: The purpose of the transfer is to split the right and use a proposed existing well to irrigate applicants separate parcel resulting from the split instead if using the original well that served the entire acreage.

The property and proposed existing well are located approximately 2 ½ miles southeast of Greenleaf.

Authority to File: Applicant attached a quitclaim deed and a Warranty Deed in his name and Janie Burke's name.

Water Right Validity: Right presumed to be valid based on pending SRBA recommendation.

Injury to Other Water Rights: None anticipated. The proposed, existing well is also shared by Dana and Joseph Tilmant. They will be sent notice.

Enlargement of Use: No change in nature of use has been proposed.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.

Note { **Additional Information:** Applicant submitted a warranty deed in his name and Janie Burke's name as single persons. He also submitted a quitclaim deed from him and Janie Burke as single persons to him a Janie Burke as husband and wife. Applicant was notified that because the deeds are in both his and Janie's names, Janie would have to be included as an applicant to the transfer. Both Fred and Janie were fine with that. Pam Skaggs confirmed that we could add Janie's name without her signature on the application because of the nature of the transfer.

→ As mentioned above, the existing, proposed well is shared with Dana and Joseph Scott Tilmant. The Tilmants filed a similar transfer in 2001, no. 69220. According to the

applicant, the well is shared between the two properties, but each use a separate pump (the well consists of two pumps). Applicant stated that the well was drilled when the two homes were built (Tilmants and applicants). The Tilmants will be sent notice.

Discussion: The validity of the right was verified in 2001 for the Tilmant transfer no. 69220, resulting in an SRBA recommendation. Parent right 63-3326 was for 45 acres. Transfer 69220 split the right into 63-31252 (42 ac) and 63-31253 (3 ac). A change in ownership split 63-31252 into 63-31765 (7 ac) and 63-31766 (35 ac). The SRBA recommendation for 63-31765 lists 4 acres in the NWSE S35 and 3 acres the SWSW S26. Applicants own the NWSE S35portion, however their lot size is actually 3.5 acres. The remaining ½ acre licensed and recommended in that tract will go away due to non-use.



The shared well was drilled as a domestic well in 1998, drilling permit no. 63-98-0345-000. It does not appear that an upgrade fee was paid on the shared well when the Tilmants transfer no. 69220 was approved in 2002. Regardless, applicant was informed 5/11/04 that he will need to pay an upgrade fee on the well upon approval of this transfer.

No other rights are used.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.

B

INSTRUMENT NO. 200039407

PC35925

WARRANTY DEED

3

JE

FOR VALUE RECEIVED Bank One National Association, as trustee
the Grantor, does hereby grant, bargain, sell and convey unto

Fred Chadwick, a single person and ^{Janie} ~~Janie~~ Burke, a single person
the Grantees, whose address is 19378 Pride Lane, Caldwell, ID 83607

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part
hereof and is comprised of two (2) pages

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns
forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in the right of said premises;
that said premises are free from all encumbrances; except for general taxes and assessments for the year and subsequent year,
covenants, conditions, restrictions and easements of record; and that he will warrant and defend the said premises against all lawful claims
whenever.

DATED: 11-6-00

Bank One National Association, as trustee
by Scott W. Anderson Bank FSB, attorney in fact
Vice President

STATE OF Florida
COUNTY OF Dade

On this 6 day of November in the year 2000, before me, a Notary Public,
personally appeared Scott W. Anderson known or identified to me to be
the Vice President of Ocean Federal Bank, FSB, and attorney in fact
of Bank One National Association that executed the within instrument or the
person who executed the instrument on behalf of said Bank One National
Association and acknowledged to me that each Ocean Federal Bank FSB
executed the same on behalf of Bank One National Association.

Joanne A. Stratton
Notary Public

Residing at Palm Beach

My commission expires 8/8/2003



NAMPA, IDAHO 83651

PIONEER TITLE COMPANY
OF CANYON COUNTY

610 SOUTH KIMBALL
CALDWELL, ID 83605

334-2348

B1

Am No. 1943 (1982)
ATA Plain Language Comparison

PC 35925

Exhibit "A"

PARCEL 2

A part of the Northwest Quarter of the Southeast Quarter, Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

COMMENCING at the Northeast corner of said Northwest Quarter of the Southeast Quarter (CN 1/1/6 corner); thence

South 0° 44' 14" West a distance of 662.74 feet along the Easterly boundary of said Northwest Quarter of the Southeast Quarter to the POINT OF BEGINNING, said point monumented with a 5/8-inch diameter iron pin; thence

North 89° 16' 12" West a distance of 631.07 feet along the Southerly boundary of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter to 1/2-inch diameter iron pin; thence

South 0° 43' 47" West a distance of 274.99 feet to a point on the centerline of the Quinn Lateral, said point monumented with a 1/2-inch diameter iron pin; thence along the centerline of the Quinn Lateral the following courses and distances; thence

North 86° 14' 14" East a distance of 187.61 feet to a 5/8 inch diameter iron pin; thence

North 82° 25' 04" East a distance of 448.72 feet to a point on the Easterly boundary of said Northwest Quarter of the Southeast Quarter, said point monumented with a 5/8-inch diameter iron pin; thence leaving the centerline of said Quinn Lateral

North 0° 44' 14" East a distance of 195.43 feet along the Easterly boundary of said Northwest Quarter of the Southeast Quarter to the POINT OF BEGINNING.

EXCEPTING THEREFROM

A part of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter, Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

COMMENCING at the Northeast corner of said Southeast Quarter of the Northwest Quarter of the Southeast Quarter (1/64 corner), said corner monumented with a 5/8 inch diameter iron pin; thence

South 0° 44' 14" West, a distance of 187.43 feet along the Easterly boundary of said Southeast Quarter of the Northwest Quarter of the Southeast Quarter to the POINT OF BEGINNING; thence continuing

South 0° 44' 14" West, a distance of 8.00 feet along the Easterly boundary of said Southeast Quarter of the Northwest Quarter of the Southeast Quarter to a 5/8 inch diameter iron pin; thence

South 82° 25' 04" West, a distance of 448.72 feet to a 5/8 inch diameter iron pin; thence

South 86° 14' 14" West, a distance of 187.61 feet to a 1/2 inch diameter iron pin; thence

North 0° 43' 47" East, a distance of 8.47 feet; thence

North 88° 12' 49" East, a distance of 187.06 feet; thence

North 81° 39' 42" East, a distance of 449.79 feet more or less to the POINT OF BEGINNING.

(continued)

Form No. 1243 (3/98)
ALTA Plain Language Conveyance

PARCEL 2E

An easement, for reasonable vehicular and pedestrian access created by Declaration of Easement recorded May 11, 1998 as Instrument No. 9817102.

A part of the Northwest Quarter of the Southeast Quarter, Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, ID.

A 28.00 foot wide easement lying 14.00 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of said Northwest Quarter of Southeast Quarter (Central Quarter corner) said corner monumented with a 1/2 inch diameter iron pin; thence

South 0° 39' 37" West a distance of 676.86 feet along the Westerly boundary of said Northwest Quarter of the Southeast Quarter to the BEGINNING POINT of said easement; thence parallel with the Northerly boundary of said Northwest Quarter of the Southeast Quarter

South 89° 16' 12" East 689.98 feet along the centerline of said easement; thence

South 0° 43' 47" West 46.00 feet to the radius point of a 60.00 foot radius temporary cul-de-sac also being TERMINUS POINT of said easement.

200039407

RECORDED

NOV 9 PM 12 27

C NOEL HALE

CANYON COUNTY RECORDER

BY *Amel Hales*

REQUEST PIONEER - CADDWELL

TYPE *Red* FEE *9.00*

THIS FORM FURNISHED COURTESY OF:

ALLIANCE TITLE & ESCROW CORP.

READ & APPROVED BY GRANTEE(S): _____

{6010}

SPACE ABOVE THIS LINE FOR RECORDING DATA _____

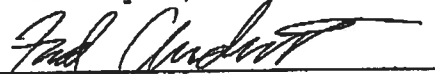
Order No.:01026079 SK/CP

QUITCLAIM DEEDFOR VALUE RECEIVED **FRED CHADWICK**, A single person and **JANIE BURKE**, A single persondo(es) hereby CONVEY, RELEASE, REMISE and FOREVER QUIT CLAIM unto **FRED CHADWICK** GRANTOR(S)
AND **JANIE BURKE**, Husband and Wifewhose current mailing address is: 19355 HUSKY LANE, CALDWELL, ID 83607 GRANTEE(S)
the following described property located in CANYON County, State of Idaho,
more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by reference becomes a part hereof.

together with their appurtenances.

Dated: July 16, 2001


FRED CHADWICK
JANIE BURKESTATE OF IDAHO
COUNTY OF CANYONOn this 16th day of July, in the year of 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared **FRED CHADWICK and JANIE BURKE**

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Signature: _____

Name: **MARK C. JOHNSTON**

(type or print)

Residing at: **NAMPA, IDAHO**My Commission Expires: **07/16/01**

EXHIBIT "A"

PARCEL I

A portion of the Northwest Quarter of the Southeast Quarter, Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

COMMENCING at the Northeast corner of said Northwest Quarter of the Southeast Quarter (CE 1/16 corner); thence
South 0 degree 44'14" West a distance of 662.74 feet
along the Easterly boundary of said Northwest Quarter of the Southeast Quarter to the POINT OF BEGINNING, said point monumented with a 5/8 inch diameter iron pin; thence
North 89 degrees 16'12" West a distance of 631.07 feet
along the Southerly boundary of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter to Half inch diameter iron pin; thence
South 0 degree 43'47" West a distance of 274.99 feet to a point on the centerline of the Quinn Lateral, said point monumented with a Half inch diameter iron pin; thence along the centerline of the Quinn Lateral the following courses and distances; thence
North 86 degrees 14'14" East a distance of 187.61 feet to a 5/8 inch diameter iron pin; thence
North 82 degrees 25'04" East a distance of 448.72 feet to a point on the Easterly boundary of said Northwest Quarter of the Southeast Quarter, said point monumented with a 5/8 inch diameter iron pin; thence leaving the centerline of said Quinn Lateral
North 0 degree 44'14" East a distance of 195.43 feet along the Easterly boundary of said Northwest Quarter of the Southeast Quarter to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A part of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter, Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

COMMENCING at the Northeast corner of said Southeast Quarter of the Northwest Quarter of the Southeast Quarter (1/64 corner), said corner monumented with a 5/8 inch diameter iron pin; thence
South 0 degree 44'14" West, a distance of 187.43 feet along the Easterly boundary of said Southeast Quarter of the Northwest Quarter of the Southeast Quarter to the POINT OF BEGINNING; thence continuing
Continued on next page

CONTINUATION OF EXHIBIT "A"

Order No.: AT-01026079 SK/CP

South 0 degree 44'14" West, a distance of 8.00 feet along the Easterly boundary of said Southeast Quarter of the Northwest Quarter of the Southeast Quarter to a 5/8 inch diameter iron pin; thence
South 82 degrees 25'04" West, a distance of 448.72 feet to a 5/8 inch diameter iron pin; thence
South 86 degrees 14'14" West, a distance of 187.61 feet to a Half inch diameter iron pin; thence
North 0 degree 43'47" East, a distance of 8.47 feet; thence
North 88 degrees 12'49" East, a distance of 187.06 feet; thence
North 81 degrees 39'42" East, a distance of 449.79 feet more or less to the POINT OF BEGINNING.

PARCEL II

An easement for reasonable vehicular and pedestrian access created by Declaration of Easement recorded May 11, 1998, as Instrument No. 9817102.

A part of the Northwest Quarter of the Southeast Quarter, Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

A 28.00 foot wide easement lying 14.00 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of said Northwest Quarter of Southeast Quarter (center Quarter corner) said corner monumented with a Half inch diameter iron pin; thence
South 0 degree 39'37" West a distance of 676.86 feet along the Westerly boundary of said Northwest Quarter of the Southeast Quarter to the BEGINNING POINT of said easement; thence parallel with the Northerly boundary of said Northwest Quarter of the Southeast Quarter
South 89 degrees 16'12" East 689.98 feet along the centerline to said easement; thence
South 0 degree 43'47" West 46.00 feet to the radius point of a 60.00 foot radius temporary cul-de-sac also being TERMINUS POINT of said easement.

Basis of Bearings

5 0° 39' 37" W 1325.73

5 0° 39' 37" W

PRIDE LN.

107.37

555.50

662.86

C 1/4 Cor.

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

Survey Sketch

T4N R4W
S35 NWSE

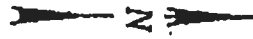
N 89° 15' 54" W

1321.86

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

C 1/16 Cor.

Scale: 1"=200'



EXHIBIT

a

MICROFILMED

JUL 10 2002

State of Idaho

WATER LICENSE

Water License No. G-30908/63-3326 Priority January 15, 1963 Amount 0.9 c.f.s.

THIS IS TO CERTIFY, that CLARENCE D. COOK
of Caldwell, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated January 15, 1963; that Permit G-30908/63-3326 was issued pursuant
to said application; that the proposed works were completed on or about April 1963
with a storage/or carrying capacity of 1.22 c.f.s., said works consisting of
well, pump, motor, and earth ditches; and that on December 20, 1967
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 206
acre feet per season, with a maximum rate of diversion of 0.9 cubic feet per second of the waters
of ground-water, tributary of _____,
for the purpose of Irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 4 N, R. 4 W, B.M., and
other additional points _____, in the County of
Canyon; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 206 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>4 N</u>	<u>4 W</u>	<u>26</u>											<u>3</u>						<u>3</u>
		<u>35</u>						<u>35</u>								<u>7</u>			<u>42</u>

Total number of acres irrigated 45

The right to the use of the water 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

22nd day of December, 19 69.

[Signature]
State Reclamation Engineer

30908
63-3326
63-3326

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

Permit No. G-30908 -

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

1. Name of applicant Clarence D. Cook

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the NW 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:

70 HP V.S. ELEC MOTOR # 678516
LAUNE & BOWLER VERT TURBINE PUMP
8" DISCHARGE - THROUGH EARTH DITCHES -
GRAVITY IRRIGATION

5. Water is used for: irrigation

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):

SW 1/4, sec. 26; NW 1/4, NW 1/4, sec. 35, T. 4 N, R. 4 W, B.M.

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

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

Remarks:

SPRING METER USED

$Q = \frac{100 \text{ c.f.}}{82 \text{ sec}} = 1.22 \text{ c.f.s.}$

Q measured by pump water lifter Co. 1.25 c.f.s.

IRRIGATION REQUIREMENT = 1.5 AC-FT / ACRE / SEASON

This examination was made on the _____ day of JULY, 1968

(Signed) _____

Examiner.

30908 plat -

63-3326 mll

ORR

SECTIONS 26 & 35, Twp. 4N, Rge. 4W, E.M.

SEC. 26

DEER FLAT NORTH CANAL

SOUTH LINE OF N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

SEC. 35

QUINN LATERAL

WELL

WELL 10' SOUTH & 10'
EAST OF NW CORNER
OF NW $\frac{1}{4}$ SW $\frac{1}{4}$

Permit Map No.

30908

As Approved

JAN 17 1963

GEO. N. CARTER

State Registration Engineer

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

ADDRESS SERVICE
REQUESTED

FIRST CLASS



RECEIVED
OCT 25 2006
WATER RESOURCES
WESTERN REGION

63-31984