

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 63-32323
Date Received: 3/19/1991
Receipt No: X777777
Received By:

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

1. Name of Claimant(s)

DYVER DEVELOPMENT Phone: 208-288-5530
1977 E OVERLAND RD
MERIDIAN ID USA 83642

2. Date of Priority: 06/09/1961

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	03W	10	SE NE	CANYON	

5. Description of diverting works:

150' DEEP, APPROX. 12"CS AND 25 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.62	173.25

7. Total Quantity Appropriated is:

0.62 C.F.S. and/or 173.25 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
03N	03W	10	SW NE	IRRIGATION	30
			SE NE	IRRIGATION	8.5
				Section Acres	38.5

Total Acres 38.5

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 right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

This right is a split from former right 63-3243 .

15. Basis of Claim: License

RECEIVED

RECEIVED

MAR 22 2006

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

MAR 21 2006

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3243	63-3243				

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

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

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) MITTS & JOYCE NAITO &
HIROSHI NAITO 5258 "C" HIGHWAY
DYER DEVELOPMENT NAMPA, ID 83686
4. New Owner/Claimant(s) DYER DEVELOPMENT
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1977 E. OVERLAND
- City, State and ZIP Code MERIDIAN, ID 83642
- New Telephone Number 208) 288-5560
5. Date you acquired the property 12/15/2004

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

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

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

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

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

For Office Use Only
 Received by leg Date 3/21/06 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by leg AJ Date 6/12/06 WR _____ Date _____



A Pioneer Company
PIONEER TITLE COMPANY
 OF ADA COUNTY

8151 W. Rifleman Ave. / Boise, Idaho 83704
 (208) 377-2700

RECEIVED
 MAR 21 2006
 DEPARTMENT OF
 WATER RESOURCES

NOEL HALE
 CANYON CNTY RECORDER
 R. Osmond

2004 DEC 21 PM 4 55

RECORDED

200469872

REQUEST PIONEER-NAMPA
 TYPE 2004 FEE 9-

WARRANTY DEED

For Value Received Mitts Naito and Joyce Naito, husband and wife and Hiroshi Naito, a single person

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Dyver Development, LLC

hereinafter referred to as Grantee, whose current address is 1977 E. Overland, Meridian, ID 83642 the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 15, 2004

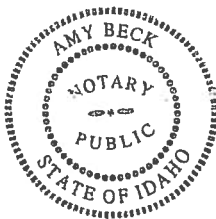
Mitts Naito

 Hiroshi Naito

Joyce Naito

STATE OF IDAHO. County of ADA, ss.

On this 21st day of December, in the year of 2004, before me the undersigned, notary public personally appeared Mitts Naito and Joyce Naito and Hiroshi Naito 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.



Desiree A. Egusquiza
 Notary Public of IDAHO
 Residing at Nampa, Idaho
 Commission expires: March 9, 2006

Residing in Nampa, Idaho
 My Commission Expires 4/21/06

PARCEL DESCRIPTION

December 13, 2004

Project: South Park Subdivision-Remainder (Phases 7,9&10)
Parcel No: 31298

A parcel of land being a portion of the northeast ¼ of Section 10, Township 3 North, Range 3 West of the Boise Meridian, City of Caldwell, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the found 5/8" rebar, Corner Record No. 200451057, marking the southwest corner of the said northeast ¼ (center ¼ corner) of Section 10;

N 1382454.08 E 2283496.03

Thence North 00°27'03" East coincident with the west line of the said northeast ¼ of Section 10, a distance of 110.89 feet to the POINT OF BEGINNING;

Thence North 00°27'03" East coincident with the west line of the said northeast ¼ of Section 10, a distance of 41.11 feet;

Thence South 68°21'58" East, 160.87 feet;

Thence North 00°27'03" East, 465.21 feet;

Thence North 89°57'30" West, 150.00 feet to the west line of the said northeast ¼ of Section 10;

Thence North 00°27'03" East coincident with the said west line of the northeast ¼ of Section 10, a distance of 248.90 feet to the southerly boundary line of South Park 2 Subdivision Unit No. 5;

Thence South 89°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 231.82 feet;

Thence North 00°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 45.63 feet;

Thence North 84°20'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 121.99 feet;

Thence North 52°35'39" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 70.49 feet;

Thence South 89°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 99.42 feet;

Thence North 00°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 62.93 feet;

Thence North 29°10'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 20.00 feet;

Thence North 48°35'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 386.75 feet;

Thence North 40°31'02" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 57.15 feet;

Thence North 49°35'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 125.62 feet to the centerline of the Phyllis Canal;

Thence South 41°24'43" East coincident with the centerline of said Phyllis Canal, 387.08 feet;

Thence South 39°49'36" East coincident with the centerline of said Phyllis Canal, 232.07 feet;

Thence South 51°25'44" East coincident with the centerline of said Phyllis Canal, 57.45 feet;

Thence South 60°03'26" East coincident with the centerline of said Phyllis Canal, 223.66 feet to the beginning of a tangent curve;

Thence coincident with the centerline of said Phyllis Canal, and along the arc of said curve to the right 317.69 feet, with a central angle of 23°43'05", a radius of 767.45 feet, subtended by a chord bearing South 45°45'44" East, 315.43 feet;

December 13, 2004

DSS/ep

PAGE 1 OF 2

I:\Projects\Heartland Development LLC\31298 So Park Subdivision 7\Survey\Legals\Unit No. 9\TOTAL.doc

Thence South 35°29'03" East coincident with the centerline of said Phyllis Canal, 14.12 feet;

Thence South 35°29'13" East coincident with the centerline of said Phyllis Canal, 176.80 feet;

Thence South 38°52'12" East coincident with the centerline of said Phyllis Canal, 21.02 feet to the northeast corner of South Park 2 Subdivision Unit No. 8 as shown on file in Book 35 of Plats at Page 2, Canyon County Records;

Thence South 51°10'00" West coincident with the northwesterly line of said South Park 2 Subdivision Unit No. 8, a distance of 188.56 feet;

Thence South 00°35'12" West coincident with the westerly line of said South Park 2 Subdivision Unit No. 8, a distance of 235.46 feet to the south line of the northeast ¼ of Section 10;

Thence South 89°52'12" West coincident with said south line of the northeast ¼ of Section 10 a distance of 1540.90 feet;

Thence North 56°32'57" West, 98.19 feet;

Thence North 73°31'27" West, 115.90 feet;

Thence North 68°00'27" West, 62.27 feet to the **POINT OF BEGINNING**.

The basis of bearings is North 00°27'03" East from the found 5/8" rebar, Corner Record No. 200417434, marking the center ¼ corner of Section 10 and the found 5/8" rebar, Corner Record No. 200417435, marking the north ¼ corner of Section 10, both in Township 3 North, Range 3 West of the Boise Meridian, City of Caldwell, Canyon County, Idaho.

The above described parcel contains 38.29 acres, more or less.

Together with and subject to covenants, easements and restrictions of record.

David S. Short Jr., P.L.S.
End of Description

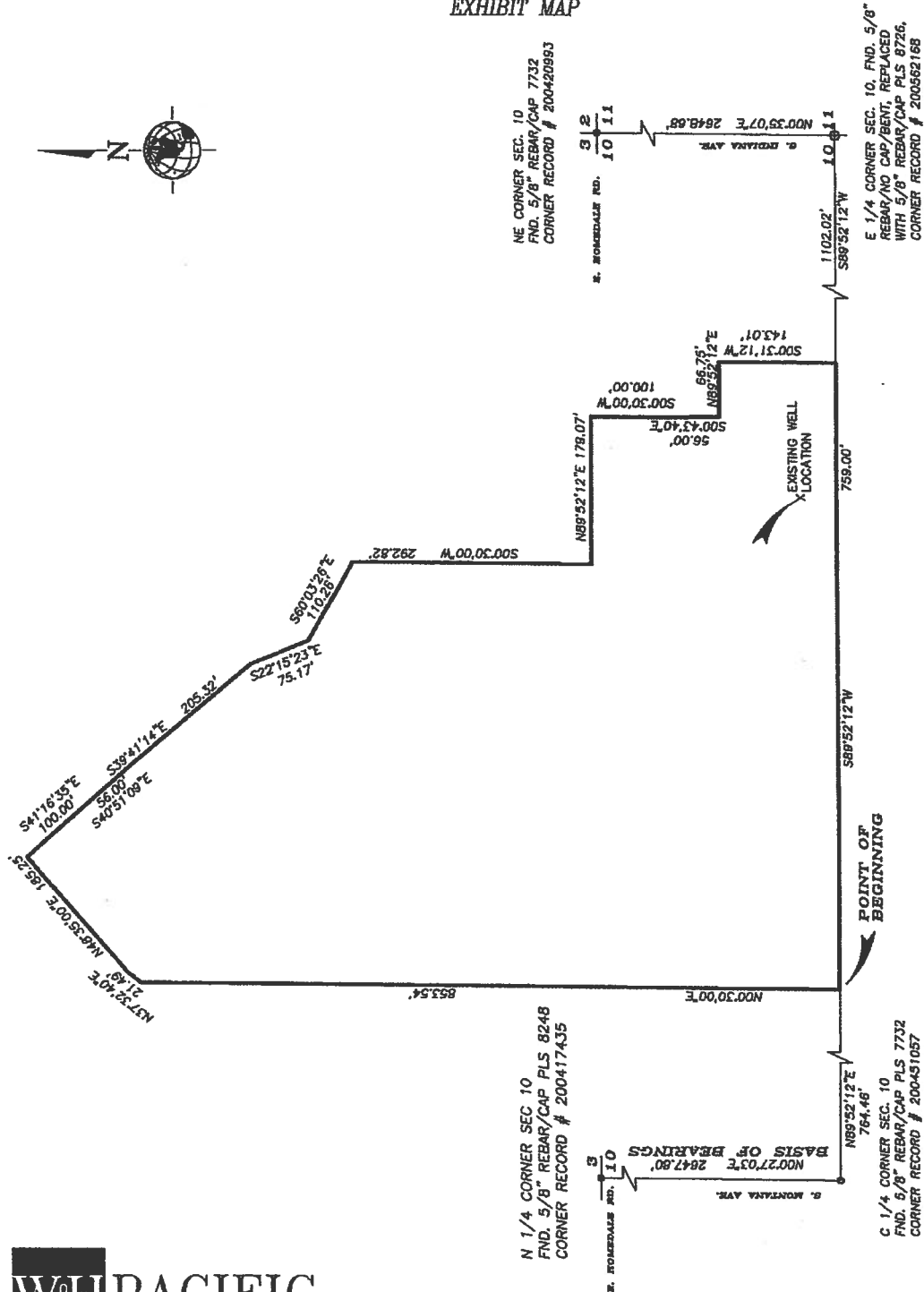
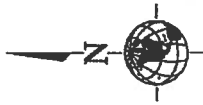


5461 12/12/2004 License No. 5461

SOUTH PARK 2 SUBDIVISION UNIT NO. 10

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 10, T.3N., R.3W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO

2006
EXHIBIT MAP



W&H PACIFIC
3130 S. Owyhee Street
Boise, Idaho 83705
(208) 342-6400
PLANNING • ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

3

03N03W

10

DYVER DEV LLC
38.5 ACRES

1E

63-3243

NAITO
156.0 ACRES
2.5 CFS
702.00 AF

$$2.5 \div 156 = .016 \times 117.5 = 1.88$$
$$.016 \times 38.5 = .62$$

$$702.00 \div 156 = 4.5 \times 117.5 = 528.75$$
$$4.5 \times 38.5 = 173.25$$

63-32322

NAITO
117.5 ACRES
1.88 CFS
528.75 AF

63-32323

DYVER DEVELOPMENT
38.5 ACRES
.62 CFS
173.25 AF

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: A63-03243
Date Received: 5/17/1991
Receipt No: W013129
Received By: SRW

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

1. Name: MITTS NAITO 208-466-3874
Address: 9998 HIGHWAY 45
NAMPA, ID 83686
OR
Name: HIRO NAITO 208-466-3874
Address: 9998 HIGHWAY 45
NAMPA, ID 83686

2. Date of Priority: JUN 9, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	10	SE	NE			CANYON

5. Description of diverting works:
150' DEEP, APPROX. 12"CS AND 25 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		702.00

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) 702.00 A.F.A.

8. Total consumptive use is 546.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	10	NE	NE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	10	NW	NE		IRR	40.0
			SW	NE		IRR	38.0
			SE	NE		IRR	40.0
Section Acres							156.0
Total Acres							156.0

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:
PIONEER AND WILDER IRR. DISTRICT

14. Remarks:
SPLIT INTO A63-03243A AND A63-03243B 3/19/91 - KW.
*THIS CLAIM HAS BEEN RECOMBINED. THE NAITOS NOW OWN ALL OF THE
LAND SHOWN UNDER THIS RIGHT. SEE WARRANTY DEED ATTACHED.
L.R.W., 5/17/91

15. Basis of Claim: LICENSE
Water Right Number: 29793

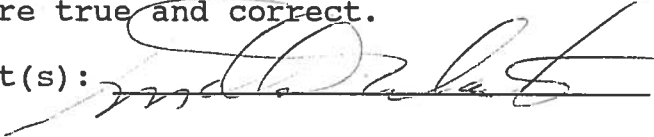
16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):  Date: Aug 17, 1991

Date: _____

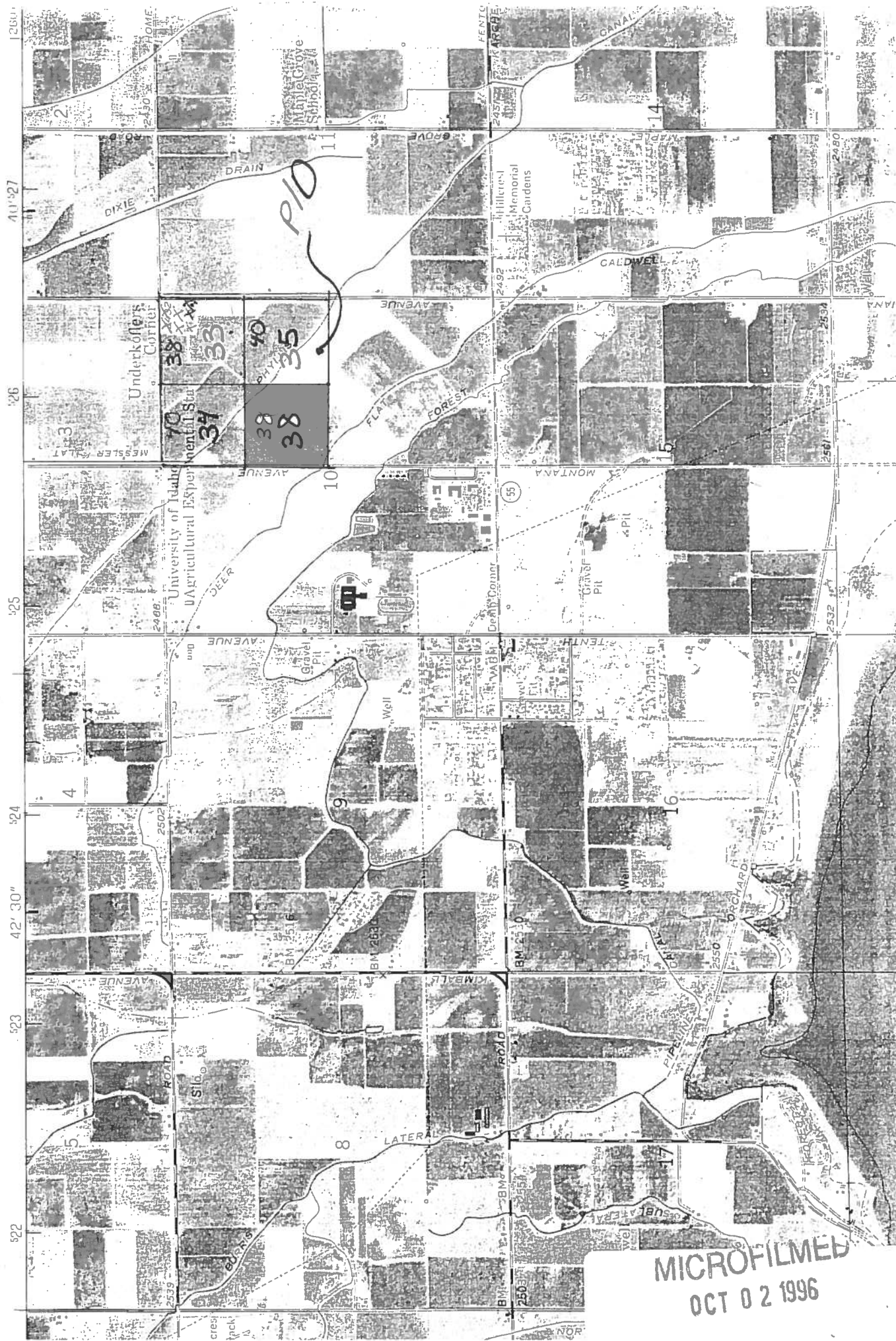
State of Idaho)
County of Aida) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of May 19 91

Seal

Linda Werner
Notary Public

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

TERIOR
TY

Read and approved:

[Signature] 11/21/21

WARRANTY DEED

FOR VALUE RECEIVED, FIRST PRESBYTERIAN CHURCH OF DAVENPORT, IOWA, INC., a corporation, the Grantor, does hereby grant, bargain, sell and convey unto MITTS NAITO and JOYCE S. NAITO, husband and wife, and HIROSHI NAITO, a single man, whose address is 9998 Highway 45, Nampa, Idaho, 83686, the Grantees, the following described premises, including any homestead claim pursuant to the Idaho Homestead Law, Idaho Code, Section 55-1001, et seq., to-wit:

That portion of the Northeast Quarter of Section 10, Township 3 North, Range 3 West, Canyon County, Idaho, lying South and West of the Phyllis Canal;

EXCEPTING THEREFROM:

Commencing at the Southwest Corner of the Southwest Quarter of the Northeast Quarter, Section 10; Township 3 North, Range 3 West of the Boise Meridian; Thence North 0°02'30" East, along the West Boundary of said Southwest Quarter of the Northeast Quarter, a distance of 152.0 feet to the True Point of Beginning; Thence continuing North 0°02'30" East, along said West Boundary, a distance of 406.0 feet; Thence South 89°57'30" East, a distance of 150.0 feet; Thence South 0°02'30" West, parallel with the West Boundary of said Southwest Quarter of the Northeast Quarter, a distance of 465.21 feet to a point on the Northerly Boundary of the Right of Way for the Deer Flat Caldwell Canal; Thence North 68°25' West, along the said Northerly Right of Way Boundary, a distance of 161.26 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM:

Beginning at the Southwest Corner of said Southwest Quarter of the Northeast Quarter;

MICROFILMED

OCT 02 1996

Thence North 0°02'30" East a distance of 110.89 feet along the West Boundary of said Southwest Quarter of the Northeast Quarter to a point on the center line of Deer Flat Canal; Thence South 68°25' East a distance of 68.27 feet along the center line of said canal; Thence South 73°56' East a distance of 116.90 feet along the center line of said canal; Thence South 56°57'30" East a distance of 94.16 feet along the center line of said canal to a point on the South Boundary of said Southwest Quarter of the Northeast Quarter; Thence South 89°32' West a distance of 254.82 feet along the South Boundary of said Southwest Quarter of the Northeast quarter to the Point of Beginning.

SUBJECT TO United States patent restrictions and/or State of Idaho deed restrictions;

SUBJECT TO ditch, road and public utility easements as may exist on the premises;

SUBJECT TO right of way for Deer Flat Canal and Phyllis Canal, Indiana Avenue and South Montana Avenue;

SUBJECT TO power line easements in favor of Idaho Power Company, recorded in the records of Canyon County, Idaho, as Instrument Nos. 237775, 237776, and 9012359;

SUBJECT TO a road right-of-way recorded in the records of Canyon County, Idaho, on March 27, 1987, as Instrument No. 8706537, and re-recorded May 6, 1987, as Instrument No. 8709718.

SUBJECT TO all taxes and assessments for the year 1991 and all subsequent years;

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises;

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: A63-03243A
Date Received: 3/19/1991
Receipt No: W013129
Received By: KW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HIRO NAITO 208-466-3874
Address: 9998 HIGHWAY 45
NAMPA, ID 83686
AND/OR
Name: MITTS NAITO 208-466-3874
Address: 9998 HIGHWAY 45
NAMPA, ID 83686

2. Date of Priority: JUN 9, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03W	10	SE	NE			CANYON

5. Description of diverting works:
WELL & PUMP TO GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.540		

7. Total Quantity Appropriated is:
1.540 C.F.S. (and/or) 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
03N	03W	10	NE	NE		IRR	33.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	10	NW	NE		IRR	26.0
			SE	NE		IRR	25.0
Section Acres							84.0
Total Acres							84.0

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:
PIONEER AND WILDER IRR. DIST.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 29793

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: 1

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): *Erica White* Date: 3/19/91

Date: _____

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	10	NW	NE		IRR	26.0
			SE	NE		IRR	25.0
Section Acres							84.0
Total Acres							84.0

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:
PIONEER AND WILDER IRR. DIST.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 29793

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: 1

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): *Steve White* Date: 3/19/91

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of March 19 91

Kathleen A. Walker
Notary Public

Seal

Residing at Boise, Id.

My Commission Expires 2-14-1993

18.5

3350T

9.0

9.8

T2386
8360

34.9

C153

C219

3340

70 B

16.6

G
C1129
20.9

F

A

17.4

C37

5520

T2578

7A

16B

B

12.8

L

13.2

T4610

M

13.5

3N

E

11.7

D

27.2

S

7.1

T

7.9

U

4.3

F

4.5

G

30.6

P/D

H

4.2

I

26.4

3W

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: A63-03243B
Date Received: 3/19/1991
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRST PRESBYTERIAN CHURCH 319-326-1691
Address: 1702 IOWA ST.
DAVENPORT, IA 52803

2. Date of Priority: JUN 9, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	10	SE	NE			CANYON

5. Description of diverting works:
WELL, PUMP AND GRAVITY FLOW IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.960		

7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 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
03N	03W	10	NW	NE		IRR	8.0
			SW	NE		IRR	33.0
			SE	NE		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	51.0
					Total Acres	51.0

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:
WILDER IRR. DIST.

14. Remarks:

DON BRANDT CAME INTO THE OFFICE TO INITIATE THE FILING OF THIS CLAIM WITH MR. NAITO WHO OWNS THE "A" PORTION. MR. BRANDT HAS TO SEND THIS CLAIM TO IOWA TO GET A SIGNATURE. WILL SUBMIT CLAIM WHEN HE RECEIVES IT BACK. KW

15. Basis of Claim: LICENSE

Water Right Number: 29793

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: _____

MICROFILMED

AUG 18 1992

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	10	NW	NE		IRR	40.0
			SW	NE		IRR	38.0
			SE	NE		IRR	40.0
Section Acres							156.0
Total Acres							156.0

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:
PIONEER AND WILDER IRR. DISTRICT

14. Remarks:

SPLIT INTO A63-03243A AND A63-03243B 3/19/91 - KW.

*THIS CLAIM HAS BEEN RECOMBINED. THE NAITOS NOW OWN ALL OF THE LAND SHOWN UNDER THIS RIGHT. SEE WARRANTY DEED ATTACHED.

L.R.W., 5/17/91

THE NAITOS CAME IN ON 3/19/91 AND FILED ON A PORTION OF RIGHT 63-03243 WHICH I NUMBERED A63-03243A. THEY HAD CLAIMED 1.54 CFS AND 84 ACRES. I ALSO PREPARED CLAIM A63-03243B FOR THE "FIRST PRESBYTERIAN CHURCH" AT THE SAME TIME SINCE DON BRANDT CAME IN WITH THE NAITOS AND REQUESTED A CLAIM BE PREPARED. HE WAS TO SEND THIS CLAIM BACK EAST FOR A SIGNATURE. ON 5/17/91 THE NAITOS CAME BACK TO THE OFFICE AND SUBMITTED CLAIM A63-03243 WHICH COVERED THE ENTIRE LICENSED RIGHT. "TEMPORARY" CLAIM A63-03243B WAS NEVER SUBMITTED BY THE CHURCH AND THE LAND WAS SOLD TO NAITOS SO CLAIM A63-03243A WAS RECOMBINED UNDER THE WHOLE NUMBER AND NOW WE HAVE A63-03243 ONLY. KW 11/20/95

Added then removed. KW 11/20/95

15. Basis of Claim: LICENSE

Water Right Number: 29793

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: _____

Water Right Number - 63-03243 Prefix Translation: WATER RIGHT Old (D) Number - 29793
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CHAPMAN

EDGAR

1 - C/O EDWARD D. AHRENS, ATTY.

2 - P.O. BOX 247

3 -

City- NAMPA

Phone - 208-000-0000

State- ID Zip- 836530000

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/09/1961 14 WESTERN L - LICENSE

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

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

03N 03W 10 SE NE (27) CANYON

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

01 - IRRIGATION 03/15 11/15 2.500 702.00

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - + +
2.500 702.00 2.500

+ - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code

| | | | | | | | |
|-----|-----|----|-------|------|----|------------|-------------|
| 03N | 03W | 10 | NE NE | 38.0 | 01 | IRRIGATION | (27) CANYON |
| 03N | 03W | 10 | NW NE | 40.0 | 01 | IRRIGATION | (27) CANYON |
| 03N | 03W | 10 | SW NE | 38.0 | 01 | IRRIGATION | (27) CANYON |
| 03N | 03W | 10 | SE NE | 40.0 | 01 | IRRIGATION | (27) CANYON |

Total Acres: 156.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

+ - - - - - - - - - Old Water Right Numbers - - - - - No Old Water Right Numbers found. - - - - - +

+ - - - - - - - - - Conditions of Approval - - - - - R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the - - - - - +

Hay changed 538-50002

*2388
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*Pioneer 40
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*1594.00
34643.00*

MICROFILMED
AUG 1-8 1982

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

RIGHT NUMBER: 63-32323

NAME AND ADDRESS: DYVER DEVELOPMENT LLC
1977 E OVERLAND RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.620 CFS
173.300 AFY ~~173.25 AFY~~

PRIORITY DATE: 06/09/1961

POINT OF DIVERSION:

T03N R03W S10 NESE Within CANYON County

~~T03N R03W S10 SENE Within CANYON County~~

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|--|
| IRRIGATION | 03/15 11/15 | 0.620 CFS
<u>173.30 AFY</u> ~~173.25~~ |

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 March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

| | | | | | |
|--------------------------|-----------------|------------------|--------------------------|-----------------|-----------------|
| <u>T03N R03W S10</u> | <u>NESE</u> | <u>40.00</u> | <u>T03N R03W S10</u> | <u>NWSE</u> | <u>31.00</u> |
| <u>T03N R03W S10</u> | <u>SWSE</u> | <u>11.00</u> | <u>T03N R03W S10</u> | <u>SESE</u> | <u>2.00</u> |
| ~~T03N R03W S10~~ | ~~SWNE~~ | ~~30.00~~ | ~~T03N R03W S10~~ | ~~SENE~~ | ~~8.50~~ |

84 ACRES TOTAL ~~38.5 ACRES TOTAL~~

This right is limited to the irrigation of 38.5 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-3243.

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

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

Point of diversion is located within Kingsview Subdivision.

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

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

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by Transfer 73786 within one year of the date of the approval.



Idaho Department of Water Resources

SRBA Recommendation
63-32323
(IRRIGATION)

R03W

Legend

● Point of Diversion



Place of Use



State Outline



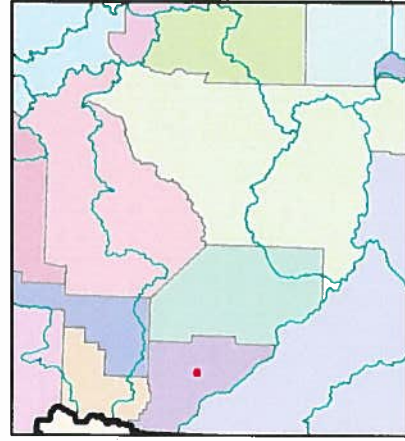
Townships



PLS Sections



Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by Kay Walker
On September 05, 2008
2004 Aerial Photography



T03N



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

| | | |
|----------------|---|------------------------|
| In Re SRBA |) | Water Rights: 63-32323 |
| |) | |
| Case No. 39576 |) | NOTICE OF COMPLETED |
| |) | ADMINISTRATIVE |
| |) | PROCEEDING |

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- XX IC § 42-222 transfer
- | | | | |
|--------------------------|------------------------------|--------------------------|---------------------|
| XX | Point of diversion | XX | Place of use |
| XX | Quantity | ☐ | Nature of use |
| ☐ | Split of water right | ☐ | Change in ownership |
| XX | Other – Conditions & Remarks | | |
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: August 27, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 27, 2008 I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

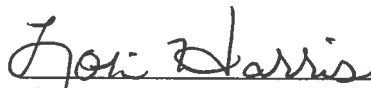
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Dyver Development
1977 E. Overland Rd.
Meridian ID 83642

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

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



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 27, 2008

DYVER DEVELOPMENT
1977 E OVERLAND RD
MERIDIAN ID 83642

Re: Water Right No. 63-32323

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the typed name and title.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73786

This is to certify that: DYVER DEVELOPMENT LLC
 1977 E OVERLAND RD
 MERIDIAN ID 83642
 (208) 288-5560

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-32323 | AJC/License | 06/09/1961 | 0.62 cfs | 173.25 af | N/A | 38.5 | GROUND WATER |

Purpose of Transfer (Changes Proposed)

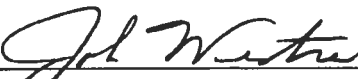
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-32323 | NO | YES | YES | NO | NO | NO |

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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-32323 | 63-32323 | 0.62 cfs | 173.3 af | 38.5 | 84.0 | N/A | N/A | N/A | N/A | N/A |
| COMBINED | | | | | | | | | | |
| TOTALS | | 0.62 cfs | 173.3 af | 38.5 | 84 | N/A | N/A | N/A | N/A | N/A |

Detailed Water Right Description(s) attached

Dated this 26th day of August, 2008


 John Westra, Western Regional Manager

WATER RIGHT NO. 63-32323
As Modified by Transfer No. 73786

In accordance with the approval of Transfer No. 73786, Water Right No. 63-32323 is now described as follows.

Right Holder: DYVER DEVELOPMENT LLC
 1977 E OVERLAND RD
 MERIDIAN ID 83642
 (208) 288-5560

Priority Date: June 09, 1961

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION | 03/15 | 11/15 | 0.62 CFS | 173.3 AF |
| | | | 0.62 CFS | 173.3 AF |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 10 Twp 03N Rge 03W 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 | | |
| 03N | 03W | 10 | | | | | | | | | | | | | | 40.0 | 31.0 | 11.0 | 2.0 | 84.0 |

Total Acres: 84

CONDITIONS OF APPROVAL

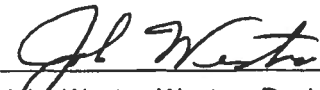
1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

WATER RIGHT NO. 63-32323
As Modified by Transfer No. 73786

5. Use of this right is combined with water from Wilder Irrigation District.
6. Use of this right is combined with water from Pioneer Irrigation District.
7. 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 March 15 and after November 15 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre or more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. This right is limited to the irrigation of 38.5 acres within the place of use described above in a single irrigation season.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. Place of use is located within Kingsview and Quail Ridge Subdivisions.
12. Point of diversion is located within Kingsview Subdivision.
13. This right does not grant any right-of-way or easement across the land of another.

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 26th day of August, 20 08


John Westra, Western Regional Manager

RECEIVED

Form 222 November 30, 1999

JUN 6 2006

Page 1 of 7

WATER RESOURCES STATE OF IDAHO
WESTERN REGION DEPARTMENT OF WATER RESOURCES

Transfer No. 73786

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Dwyer Development (Stawn Brownlee Scott Woods) Phone 208-288-5566

Post Office address 36 E. Pine Meridian, ID 83642

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Diversion point change due to new development at existing location.

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 |
|----------------------|----------|--------------------|-------------------|---------------------------|
| <u>split 63-3243</u> | | <u>2.5 cfs</u> | <u>Irrigation</u> | <u>March 15 to Nov 15</u> |
| <u>63-33323</u> | | <u>0.62</u> | | |
| | | | | |
| | | | | |

2. Total amount of water being transferred 2.5 cubic feet per second and/or 172 acre-feet per annum.

3. Source of water Subterranean tributary to _____

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----------|-----------|-----|-----------|-----------|-----------|---------------|--------------------------|
| | <u>NE</u> | <u>SE</u> | | <u>10</u> | <u>3N</u> | <u>3W</u> | <u>Canyon</u> | <u>Pump Station</u> |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 3N | 3W | 10 | | | | 40 | | | | 31 | | | | 11 | | | | 2 | 84 ± |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total Acres ± 84

PART 1

6. General Information:

a. Description of diversion system Pump Station Supplemental source for irrigation water.

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

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

Land has been developed

d. Remarks:

N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____.

 For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-3243 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Subterranean tributary to N/A4. Date or priority June 9, 1961

5. Water is used for the following purposes:

amount 2.5 cfs/702 ac-ft for Irrigation purposes from March 15 to Nov. 15
(cfs/ac-ft)

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

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

6. Total amount of water under right 2.5 cubic feet per second and/or 702 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
| | SE | NE | | 10 | 3N | 3W | Canyon | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 3N | 3W | 10 | 38 | | | | 40 | | | | 38 | | | | 40 | | | | 156 |
| | | | | | | | | | | | | | | | | | | | |
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Total Acres 1569. Describe any other water rights used for the same purpose as described above N/A

PART 2

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

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

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 | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
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Total Acres _____

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

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)

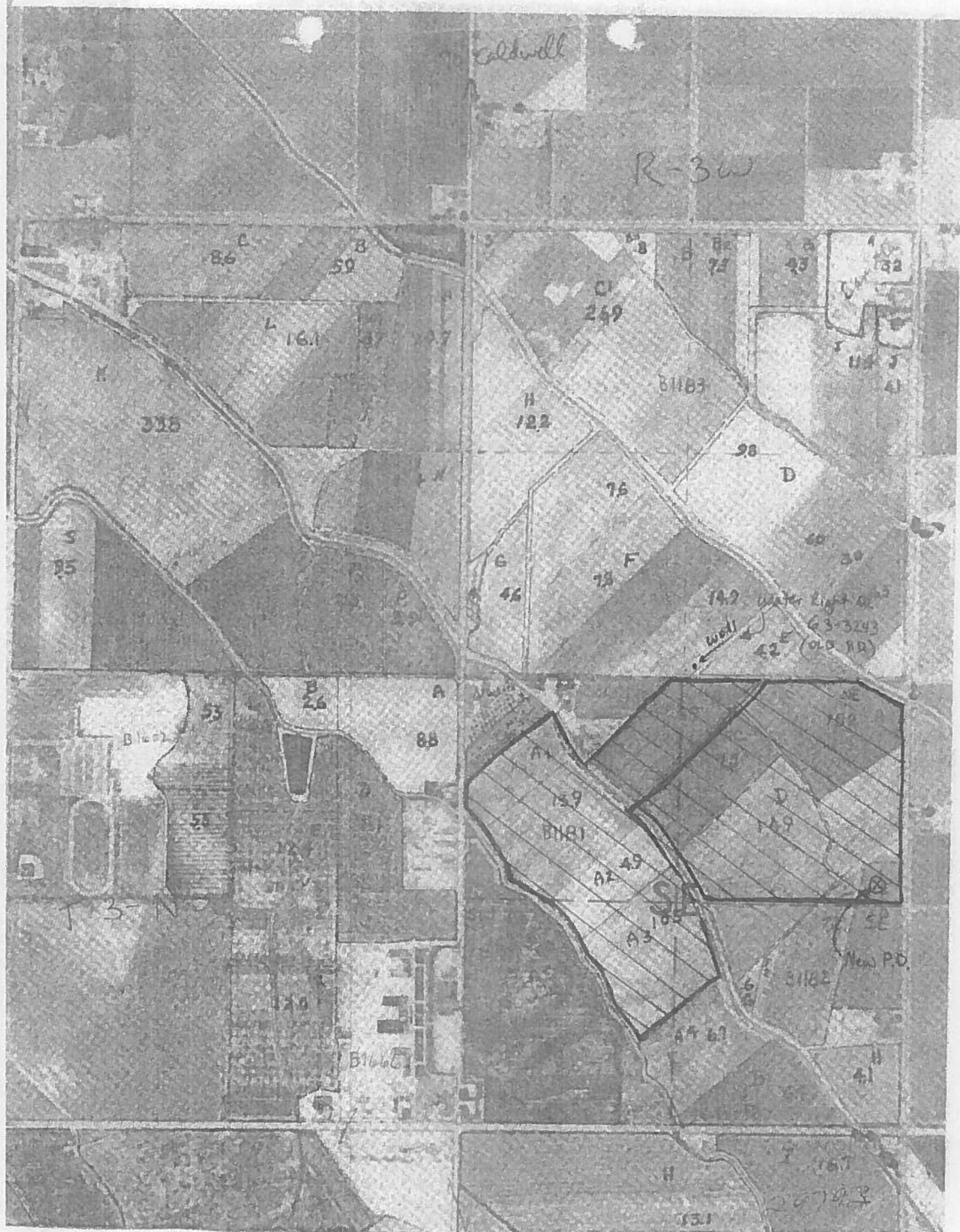
2. Point(s) of Diversion:

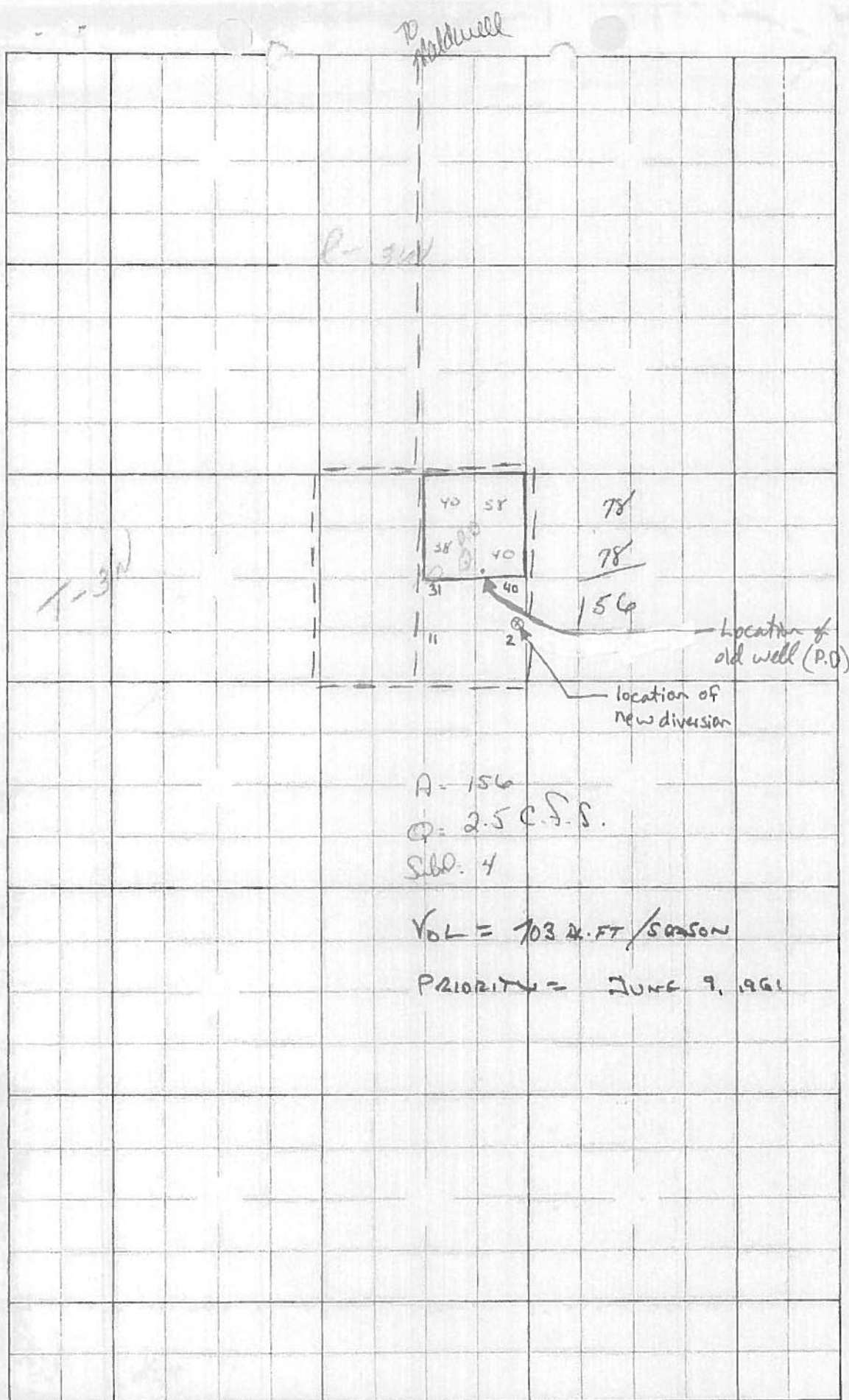
| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total Acres _____





PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
No change in nature 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.

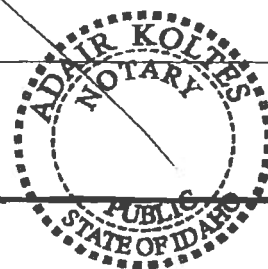
I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 30th day of May, 20 08.

(Notary Public)

My commission expires 6-05-2010



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 6-9-06 Protest filed by _____

Prelim. Check by _____ Fee \$ 330 -

Received by DB W034296 Date 6-9-06

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32323 V1

WATER RIGHT NUMBER: 63-32323 V1

| | |
|-------------------|---|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | DYVER DEVELOPMENT
1977 E OVERLAND RD
MERIDIAN, ID 83642
(208) 288-5560 |

Priority Date: 06/09/1961

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 | 03/15 to 11/15 | 0.620 CFS | 173.25 AF |
| | <u>Total Diversion:</u> | 0.620 CFS | 173.25 AF |

Location of Point(s) of Diversion

| | | |
|---------------|------------|---------------------------------|
| GROUND WATER | SE1/4NE1/4 | Sec. 10, Twp 03N, Rge 03W, B.M. |
| CANYON County | | |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|------|-----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 03N | 03W | 10 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | | | | | 30.0 | 8.5 | | | | | | | | | | | | | 38.5 |

Total Acres: 38.5

Conditions of Approval:

1. F05 Right No. 63-32322 is also diverted through point of diversion described above.
2. This right is a split from former right 63-3243.
3. W40 Use of this right is combined with water from Pioneer Irrigation District.
4. W59 Use of this right is combined with water from Wilder Irrigation District.
5. S39 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 March 15 and after November 15 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.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. 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.

PARCEL I:

All that portion of the West Half of the Southeast Quarter of Section 10, Township 3 North, Range 3 West lying North and East of the center line of the Forest Canal.

EXCEPTING THEREFROM:

A portion of the Northwest Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, more particularly described as follows, to wit:

COMMENCING at the Northeast corner of the said Northwest Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, and running South along the East line of the said Northwest Quarter of the Southeast Quarter 433.2 feet to the INITIAL POINT; thence continuing South along the said East line, 654.0 feet; thence North $35^{\circ}08'$ West, 328.2 feet; thence North $51^{\circ}30'$ West, 140 feet; thence North 45° East, 422.0 feet to the Initial Point.

EXCEPTING THEREFROM:

A portion of the West Half of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, more particularly described as follows to wit:

COMMENCING at the Southeast corner of said Section 10, Township 3 North, Range 3 West of the Boise Meridian, and running North $89^{\circ}39'$ West 1307.9 feet along the South line of said Section 10 to the INITIAL POINT; thence North $0^{\circ}43'$ East 703.7 feet; thence South $50^{\circ}32'$ West 349.8 feet; thence South $32^{\circ}28'$ East 93 feet; thence South $1^{\circ}04'$ East 90.5 feet; thence South $54^{\circ}21'$ East 107.3 feet; thence South $26^{\circ}07'$ East 278.2 feet to the INITIAL POINT.

df C7

EXCEPTING THEREFROM:

Beginning at the Northwest corner of the Southeast Quarter of Section 10; thence North $89^{\circ}32'$ East, along the North boundary of said Southeast Quarter, a distance of 150.0 feet; thence South $0^{\circ}02'30''$ West, parallel to the West boundary of said Southeast Quarter, a distance of 125.0 feet; thence South $89^{\circ}32'$ West, parallel to the North boundary of said Southeast Quarter to a point on the West boundary of said Southeast Quarter, a distance of 150.0 feet; thence North $00^{\circ}02'30''$ East, along the West boundary of said Southeast Quarter, a distance of 125.0 feet to the POINT OF BEGINNING; located and situated in Canyon County in the Northwest Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian.

EXCEPTING THEREFROM:

Parcel situated in the Northwest Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, and is more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 10; thence North $89^{\circ}32'$ East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 310.18 feet to the TRUE POINT OF BEGINNING; thence continuing North $89^{\circ}32'$ East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 977.11 feet; thence South $44^{\circ}36'45''$ West a distance

85 C7

of 741.85 feet to the center line of the Deer Flat Caldwell Canal; thence North $37^{\circ}31'30''$ West along the center line of said Canal a distance of 159.44 feet; thence North $28^{\circ}36'15''$ West along the center line of said Canal a distance of 213.97 feet; thence North $51^{\circ}15'15''$ West along the center line of said Canal a distance of 328.89 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

That part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, Township 3 North, Range 3 West of the Boise Meridian, more particularly described as follows:

COMMENCING at the Northwest corner of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); thence North $89^{\circ}32'00''$ East along the North boundary of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 150.00 feet to the TRUE POINT OF BEGINNING; thence continuing North $89^{\circ}32'00''$ East along the North boundary of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 104.82 feet to a point on the center line of an existing irrigation canal; thence South $51^{\circ}15'15''$ East along the center line of said irrigation canal, a distance of 126.16 feet; thence leaving the center line of said irrigation canal and running South $49^{\circ}08'40''$ West a distance of 69.81 feet; thence South $89^{\circ}32'00''$ West parallel with the North boundary of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 150.50 feet; thence North $0^{\circ}02'30''$ East parallel with the West boundary of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 125.00 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

This parcel is situated in the Northwest Quarter of the Southeast Quarter Section 10, Township 3 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

ff C2

COMMENCING at the Northwest corner of said Northwest Quarter of the Southeast Quarter; thence South $0^{\circ}02'30''$ West, along the West boundary of said Northwest Quarter of the Southeast Quarter, a distance of 125.00 feet to the TRUE POINT OF BEGINNING; thence North $89^{\circ}32'00''$ East, parallel with the North boundary of said Northwest Quarter of the Southeast Quarter, a distance of 300.50; thence North $49^{\circ}08'40''$ East, a distance of 69.81 feet to a point on the centerline of an existing irrigation canal; thence South $51^{\circ}15'15''$ East, along the centerline of said irrigation canal a distance of 20.33 feet; thence leaving the centerline of said irrigation canal and running South $49^{\circ}08'40''$ West, a distance of 343.65 feet; thence South $89^{\circ}32'00''$ West, parallel with the North boundary of said Northwest Quarter of the Southwest Quarter a distance of 109.37 feet to a point on the West boundary of said Northwest Quarter of the Southeast Quarter; thence North $0^{\circ}02'30''$ East, along the West boundary of said Northwest Quarter of the Southeast Quarter a distance of 190.30 feet to the TRUE POINT OF BEGINNING.

PARCEL II:

A portion of the Northeast Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, more particularly described as follows, to-wit:

Commencing at the Northwest corner of the said Northeast Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, the INITIAL POINT; thence South along the West line of said Northeast Quarter of the Southeast Quarter 433.2 feet; thence North 45° East, 617.6 feet to a point in the North line of said Northeast Quarter of the Southeast Quarter; thence South $89^{\circ}32'$ West, 436.7 feet to the INITIAL POINT.

AND

A portion of the East Half of the Southeast Quarter of Section 10, Township 3 North,

85 C 2

range 3 West of the Boise Meridian, more particularly described as follows, to-wit:

COMMENCING at the Southeast corner of said Section 10, Township 3 North, Range 3 West of the Boise Meridian and running North $89^{\circ}39'$ West, 1307.9 feet along the South line of said Section 10, Township 3 North, Range 3 West of the Boise Meridian; thence North $0^{\circ}43'$ East 703.7 feet to the INITIAL POINT; thence continuing North $0^{\circ}43'$ East 763.8 feet; thence South $28^{\circ}32'$ East 159.0 feet; thence South $18^{\circ}50'$ East 456.7 feet; thence South $50^{\circ}32'$ West 301.7 feet to the INITIAL POINT. *99 sm*

together with any water rights appurtenant to or used upon Parcel I and Parcel II above described.

200006352

RECORDED

00 FEB 23 AM 10 59

G NOEL MALES

CANYON COUNTY RECORDER

BY

MOVED to the 18.00

CF

2493-2/04



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Riffeum Ave. / Boise, Idaho 83704
(208) 377-2700

2004 DEC 21 PM 4 55
S NOEL HALE
OANON CNTY RECORDER
R. O'CONNOR

RECORDED

200489872

SOUTH PARK No. 10

WARRANTY DEED

For Value Received Mitts Naito and Joyce Naito, husband and wife and Hiroshi Naito, a
single person

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Dyver Development, LLC

hereinafter referred to as Grantee, whose current address is 1977 E. Overland, Meridian, ID 83642
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

REQUEST PIONEER-NAMPA
TYPE A002 FEE 9-

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor
is the owner in fee simple of said premises; that said premises are free from all encumbrances except
current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of
record, and easements visible upon the premises, and that Grantor will warrant and defend the same from
all claims whatsoever.

Dated: December 15, 2004

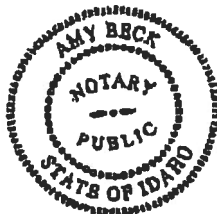
Mitts Naito

Hiroshi Naito

Joyce Naito

STATE OF IDAHO. County of ADA, ss.

On this 21st day of December, in the year of 2004, before me the undersigned, notary public
personally appeared Mitts Naito and Joyce Naito and Hiroshi Naito 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.



Amy Beck
Notary Public of IDAHO
Residing at Nampa, Idaho
Commission expires: March 9, 2006-

Residing in Nampa, Idaho
My Commission Expires 4/21/06

PARCEL DESCRIPTION

December 13, 2004

Project: South Park Subdivision-Remainder (Phases 7,9&10)
Parcel No: 31298

A parcel of land being a portion of the northeast ¼ of Section 10, Township 3 North, Range 3 West of the Boise Meridian, City of Caldwell, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the found 5/8" rebar, Corner Record No. 200451057, marking the southwest corner of the said northeast ¼ (center ¼ corner) of Section 10;

Thence North 00°27'03" East coincident with the west line of the said northeast ¼ of Section 10, a distance of 110.89 feet to the POINT OF BEGINNING;

Thence North 00°27'03" East coincident with the west line of the said northeast ¼ of Section 10, a distance of 41.11 feet;

Thence South 68°21'58" East, 160.87 feet;

Thence North 00°27'03" East, 465.21 feet;

Thence North 89°57'30" West, 150.00 feet to the west line of the said northeast ¼ of Section 10;

Thence North 00°27'03" East coincident with the said west line of the northeast ¼ of Section 10, a distance of 248.90 feet to the southerly boundary line of South Park 2 Subdivision Unit No. 5;

Thence South 89°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 231.82 feet;

Thence North 00°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 45.63 feet;

Thence North 84°20'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 121.99 feet;

Thence North 52°35'39" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 70.49 feet;

Thence South 89°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 99.42 feet;

Thence North 00°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 62.93 feet;

Thence North 29°10'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 20.00 feet;

Thence North 48°35'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 386.75 feet;

Thence North 40°31'02" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 57.15 feet;

Thence North 49°35'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 125.62 feet to the centerline of the Phyllis Canal;

Thence South 41°24'43" East coincident with the centerline of said Phyllis Canal, 387.08 feet;

Thence South 39°49'36" East coincident with the centerline of said Phyllis Canal, 232.07 feet;

Thence South 51°25'44" East coincident with the centerline of said Phyllis Canal, 57.45 feet;

Thence South 60°03'26" East coincident with the centerline of said Phyllis Canal, 223.66 feet to the beginning of a tangent curve;

Thence coincident with the centerline of said Phyllis Canal, and along the arc of said curve to the right 317.69 feet, with a central angle of 23°43'05", a radius of 767.45 feet, subtended by a chord bearing South 45°45'44" East, 315.43 feet;

December 13, 2004

D:\2\sp PAGE 1 OF 2
I:\Projects\Hartland Development LLC\31298 So Park Subdivision 7\Survey\Legal\Unit No. 9\TOTAL.doc

Thence South 35°29'03" East coincident with the centerline of said Phyllis Canal, 14.12 feet;

Thence South 35°29'13" East coincident with the centerline of said Phyllis Canal, 176.80 feet;

Thence South 38°52'12" East coincident with the centerline of said Phyllis Canal, 21.02 feet to the northeast corner of South Park 2 Subdivision Unit No. 8 as shown on file in Book 33 of Plans at Page 2, Canyon County Records;

Thence South 51°10'00" West coincident with the northwesterly line of said South Park 2 Subdivision Unit No. 8, a distance of 188.56 feet;

Thence South 00°35'12" West coincident with the westerly line of said South Park 2 Subdivision Unit No. 8, a distance of 235.46 feet to the south line of the northeast ¼ of Section 10;

Thence South 89°52'12" West coincident with said south line of the northeast ¼ of Section 10 a distance of 1540.90 feet;

Thence North 56°32'57" West, 98.10 feet;

Thence North 73°31'27" West, 115.90 feet;

Thence North 68°00'27" West, 62.27 feet to the POINT OF BEGINNING.

The basis of bearings is North 00°27'03" East from the found 5/8" rebar, Corner Record No. 200417434, marking the center ¼ corner of Section 10 and the found 5/8" rebar, Corner Record No. 200417435, marking the north ¼ corner of Section 10, both in Township 3 North, Range 3 West of the Boise Meridian, City of Caldwell, Canyon County, Idaho.

The above described parcel contains 38.29 acres, more or less.

Together with and subject to covenants, easements and restrictions of record.

David S. Short Jr., P.L.S.
End of Description



License No. 5461

December 13, 2004

DSJ/ep

PAGE 2 OF 2

L:\Projects\Horseland Development LLC\1298 So Park Subdivision 7\Survey\Legal\Unit No. 8\TOTV.L.dwg

08/30/2006

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

RIGHT NUMBER: 63-32323

NAME AND ADDRESS: DYVER DEVELOPMENT
1977 E OVERLAND RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.620 CFS
173.250 AFY

PRIORITY DATE: 06/09/1961

POINT OF DIVERSION:

T03N R03W S10 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.620 CFS
173.25 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 March 15 and after November 15 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

T03N R03W S10 SWNE 30.00 T03N R03W S10 SENE 8.50

38.5 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 No. 63-32322 is also diverted through point of diversion described above.

This right is a split from former right 63-3243.

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

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

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.



Idaho Department of Water Resources

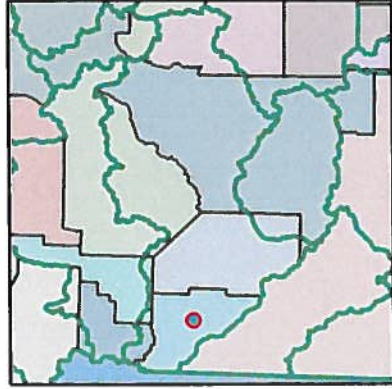
SRBA Recommendation:

63-32323

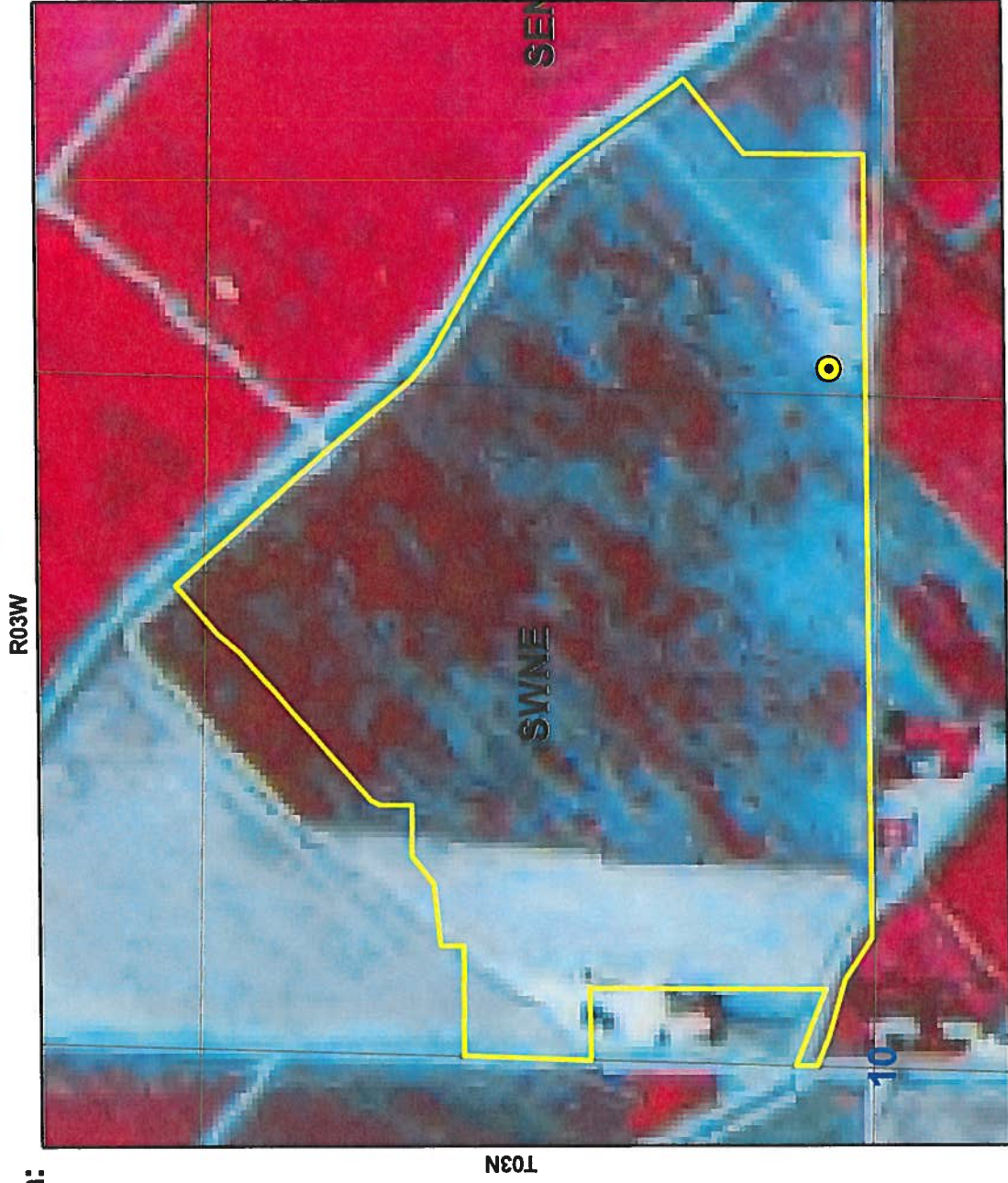
Acres = 38.5

Legend

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



Canyon County
IDWR Basin 63



Prepared by K. Walker
On Wednesday, August 30, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-32323

WATER RIGHT NUMBER: 63-32323

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Original Owner | EDGAR CHAPMAN
C/O EDWARD D AHRENS ATTY
PO BOX 247
NAMPA, ID 83653 |
| Original Owner | HIRO NAITO
9998 HWY 45
NAMPA, ID 83686
(208)466-3874 |
| Original Owner | MITTS NAITO
9998 HWY 45
NAMPA, ID 83686
(208)466-3874 |
| Current Owner | DYVER DEVELOPMENT
1977 E OVERLAND RD
MERIDIAN, ID 83642
208-288-5530 |

*(Portion) claimed as licensed -
in office
verification
by fw 8/30/16*

Priority Date: 06/09/1961

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

539

| <u>From</u> | <u>To</u> |
|-------------|-----------|
| 03/15 | 11/15 |

Diversion Rate

0.620 CFS

Annual Volume

173.25 AF

Total Diversion:

0.620 CFS

173.25 AF

Location of Point(s) of Diversion

GROUND WATER

CANYON County

SE1/4NE1/4

Sec. 10, Twp 03N, Rge 03W, B.M.

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|------|-----|----|----|--------|
| 03N | 03W | 10 | 30.0 | 8.5 | | | 38.5 |

Total Acres: 38.5

Conditions of Approval:

1. *exp* This right is a split from former right 63-3243 *fix*

*W40 R65
W59 F05(63-32322)*

*P/U shape
by metes &
bounds descri-
tion. fw*

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32323

2. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3243

WATER RIGHT NUMBER: 63-3243

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--|
| Current Owner | MITTS NAITO
9998 HWY 45
NAMPA, ID 83686
(208)466-3874 |
| Original Owner | EDGAR CHAPMAN
C/O EDWARD D AHRENS ATTY
PO BOX 247
NAMPA, ID 83653 |
| Current Owner | HIRO NAITO
9998 HWY 45
NAMPA, ID 83686
(208)466-3874 |

Priority Date: 06/09/1961

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 | 3/15 to 11/15 | 2.500 CFS | 702.00 AF |
| | <u>Total Diversion:</u> | 2.500 CFS | 702.00 AF |

Location of Point(s) of Diversion

| | | |
|---------------|------------|---------------------------------|
| GROUND WATER | SE1/4NE1/4 | Sec. 10, Twp 03N, Rge 03W, 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 | |
| 03N | 03W | 10 | 38.0 | 40.0 | 38.0 | 40.0 | | | | | | | | | | | | | 156.0 |

Total Acres: 156

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2. SPLIT INTO A63-03243A AND A63-03243B 3/19/91 - KW.
*THIS CLAIM HAS BEEN RECOMBINED. THE NAITOS NOW OWN ALL OF THE LAND SHOWN UNDER THIS RIGHT. SEE WARRANTY DEED ATTACHED.
L.R.W., 5/17/91



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 12, 2006

Dyver Development
1977 E Overland Rd
Meridian, ID 83642

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Re: Original Notice of Claim to a Water Right No. 63-³²⁴³~~3234~~

Renumbered Notice of Claim to a Water Right No. 63-32323

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

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

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosure

Receipt Details for ID W013129

| Status | Adjustment Type | Version |
|--------|------------------|---------|
| | Adjusted Receipt | 1 |

General Information:

| Date Received | Date Deposited | Region | Total Amount | Payment Type |
|----------------------|----------------|-------------------|--------------|--------------|
| 3/19/1991 4:39:53 PM | 3/19/1991 | Western | \$131.00 | Check |
| Payer | | NAITO FARMS, INC. | | |

Account Information:

| Check # | Account # | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 1851 | | | |
| Card Expiration Date | Credit Card Transaction # | | |
| | | | |

Comment LATE FEE

Fee Detail:

| Amount | Description | PCA | Fund | Fund Detail | Subsidiary | Object |
|---------|------------------|--------|------|-------------|------------|--------|
| \$81.00 | ADJUDICATION FEE | 410162 | 9337 | 0 | 0 | 6490 |
| \$50.00 | LATE 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 | 3243 | A | \$81.00 | Claim |

+ # W013329 = \$35.
116.00

Print Report

Acres under Pioneer &
Wilder per file - condition
to reflect this

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3243

WATER RIGHT NUMBER: 63-3243

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--|
| Current Owner | EDGAR CHAPMAN
C/O EDWARD D AHRENS ATTY
PO BOX 247
NAMPA, ID 83653 |

Priority Date: 06/09/1961

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 | 3/15 to 11/15 | 2.500 CFS | 702.00 AF |
| | <u>Total Diversion:</u> | 2.500 CFS | 702.00 AF |

Location of Point(s) of Diversion

| | | |
|---------------|------------|---------------------------------|
| GROUND WATER | SE1/4NE1/4 | Sec. 10, Twp 03N, Rge 03W, 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 | |
| 03N | 03W | 10 | 38.0 | 40.0 | 38.0 | 40.0 | | | | | | | | | | | | | 156.0 |

Total Acres: 156

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:Comments:

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3243**

03/09/2006

1

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|--------------------|
| 3243 | Claim | 03N | 03W | 10 | NE | NE | | IRRIGATION | 38/156 | MITTS NAITO |
| 3243 | Water Right | 03N | 03W | 10 | NE | NE | | IRRIGATION | 38/156 | EDGAR CHAPMAN |
| 3612 | Water Right | 03N | 03W | 10 | NE | NE | | STOCKWATER | | DE BORHA J MERRITT |
| 3612 | Water Right | 03N | 03W | 10 | NE | NE | | DOMESTIC | | DE BORHA J MERRITT |
| 6670 | Water Right | 03N | 03W | 10 | NE | NE | | DOMESTIC | | EL JAY WAITE |
| 2880 | Claim | 03N | 03W | 10 | NW | NE | | IRRIGATION | 24/92 | GEM STATE ACADEMY |
| 3243 | Claim | 03N | 03W | 10 | NW | NE | | IRRIGATION | 40/156 | MITTS NAITO |
| 3243 | Water Right | 03N | 03W | 10 | NW | NE | | IRRIGATION | 40/156 | EDGAR CHAPMAN |
| 3243 | Claim | 03N | 03W | 10 | SW | NE | | IRRIGATION | 38/156 | MITTS NAITO |
| 3243 | Water Right | 03N | 03W | 10 | SW | NE | | IRRIGATION | 38/156 | EDGAR CHAPMAN |
| 3629 | Water Right | 03N | 03W | 10 | SW | NE | | DOMESTIC | | HARRY MATSUI |
| 3243 | Claim | 03N | 03W | 10 | SE | NE | | IRRIGATION | 40/156 | MITTS NAITO |
| 3243 | Water Right | 03N | 03W | 10 | SE | NE | | IRRIGATION | 40/156 | EDGAR CHAPMAN |

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-3243

Priority: June 9, 1961 Amount: 2.50 CFS 702.0 AFA

This is to certify, that EDGAR CHAPMAN, DEC.
C/O EDWARD D. AHRENS, ATTY.
P.O. BOX 247
NAMPA, ID 83653

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 9, 1961, and has submitted proof to the Department of Water Resources on May 31, 1966, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 2.50 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>VOLUME</u> |
|-----------------------|----------------------|--------------------------|---------------|
| Irrigation | 03/15 to 11/15 | 2.50 cfs | 702.0 afa |

LOCATION OF POINT OF DIVERSION(S): SENE, Sec. 10, Township 3N, Range 3W
Canyon County

PLACE OF USE: Irrigation

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|--------------|
| 3N | 3W | 10 | NENE 38 | NWNE 40 | SWNE 38 | SENE 40 | 156 |

Total number of acres irrigated: 156

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 11th day of June, 1988.

RECORDED

Director

JUN 30 1988



Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-29793

REPORT ON PROOF OF Completion of Works & Beneficial Use

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

Permit No. G-29793This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Edgar Chapman
2. Source of water supply: a well
3. Location of point of diversion: Is in the SW 1/4 of Section 10
T. 3 N R. 3 W., B.M. County of _____ Canyon _____

4. Describe works as they exist, giving dimensions and capacities of same: No Pump
only a drilled and cased well 20" casing on top with 16" perforated
gravel packed casing inside

Drilled under drought act in 1961

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):
NE 1/4, Sec. 10, T. 3 N., R. 3 W., B.M.

The RD is in the SW corner of the SE NE Sec. 10, 3 N. 3 W.
There is a long 1/4 foot on the south side of a concrete
lined ditch just north of the 1/4 mile brace post in the fence.
The well is supposed to measure 42' N and 42' east
of the SW cor. SE NE.

The well used the water this year to finish as the canal
companies are out of water for them.

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

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

Remarks: Mr. Edgar Chapman and Harry Matsui lessee a long

This well has not been used since it was drilled with the exception
of the test pump and a turbine pump that was run with belt
tractor power. stated it was used approximately 6 weeks at that
time which was right after the test pump test.

I told them they would have to have a pump on the well
and use the water beneficially to prove beneficial use.

This examination was made on the 8 day of August, 1966(Signed) Lynn Johnson Examiner.

Caldwell

Rge 3W

Twp 3N

P.D.
40' 40'

Subdivision

AREA

Q

I don't see how we can even issue
a C/W on this

Supplemental

THIS WELL HAS BEEN
 LAPPED PERIODICALLY
 & THE USE OF A
 METABLE PUMP &
 SEPARATE SYSTEM.

NOTE: MR. CHAPMAN
 HAS SUPPLIED EVIDENCE
 TO THIS EFFECT -
 IF PLANS TO COMPLY
 WITH THE CONDITIONS
 OF THE PERMIT THIS
 IRRIGATION SEASON
 1968 - by installing
 - permanent system.

2-21-68
 DR.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

John D. Kelly
 HJ Wood but perused
 left testimony on for 30 days

Edgar Chapman 133
 Rt 3
 Caldwell, Idaho
 Permit No. G-29793

Examination for Completion of Works & Beneficial Use

County Canyon
 Sec. 10 T. 3 N. 3 W. B.M.
 Quantity: 3.2 c.f.s.
 Source: a well
 Use: Irrigation
 Filed: June 9, 1961
 Due: June 15, 1966
 Made: May 31, 1966
 Extension:
 Protest:
 Completion of Works:
 Other Rights: Pioneer & Wilder Irr.

P.D.: SWANEY, Sec. 10, T. 3 N., R. 3 W., B.M.
 20" casing with 16" perfor
 Casinoid and gravel packed

459-4927

65-3243

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37804
Permit No. G- 29793
District No.

1. Name of Applicant: Edgar Chapman
Postoffice address: Rt. #3, Caldwell County: Canyon State: Idaho
2. Quantity of water claimed: 3.2 cubic feet per second
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE 1/4 of the NE 1/4 of Section 10
Twp. 3 N , Rge. 3 W , B.M., County of Canyon
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section. Twp. Rge. B.M.
7. Kind of works: Well, pump and ditches
8. Estimated cost of works: \$ 4500
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
Pioneer and Wilder Irr.
(a) 3.2 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

March 12, 1993

[First Presbyterian Church]
1702 Iowa St.
Davenport, IA 52803
[]

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the items checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you to complete items required that were incomplete on your claim form. **ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S).** Also enclosed is the receipt for the filing fee previously submitted with this claim(s).

☒ Fee - No fee received or inadequate fee received, fee due is _____.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it is computed.

_____ Item No. 2 - Date of priority - month/day/year that water was first put to use, regardless of ownership. If month or day is unknown, the Dept. will recommend 12/31 of the year designated.

_____ Item No. 3 - Source of Water

_____ Item No. 4 - Point of Diversion - must be shown by quarter-quarter (40 acre tract), section, township and range. Lot and block for subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

☒ Item No. 10 - Place of Use - must be listed by quarter-quarter (40 acre tract), section, township, and range. Lot and block for subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

MICROFILMED
OCT 02 1996

Item No. 12 - Ownership of place of use - It appears that the places of use filed on this claim are owned by separate individuals. This claim form can only be used when the places of use are under single ownership, even when all the uses are from one source. Enclosed are claim forms to be used to file on each separately owned place of use. The claim being returned will need to be modified to show one owner, with the changes initialed and dated. The \$25 fee for this claim has been submitted, however, the additional claims returned need to submit a \$25 fee each.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

MAP ENCLOSED: Please mark the location of the well(s) and the location of the place(s) of use on this map. Then return the map with your claim and the additional information requested, if any. We can then determine the quarter-quarter(1/41/4) legal description based on the locations marked on this map.

X Other: Enclosed is a copy of licensed right 63-03243 to assist you in completing item 10. Our records indicate this property has been sold to Hiro Naito. Is this correct?

Please complete the above item(s) on your claim form(s), initial and date any changes or additions, and return the claim(s), with the requested fee(if one was requested), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee, if one was paid previously, will be refunded. Please contact our office listed in the address below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return your claim(s), any other claims, information or fees requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LW:1

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

MICROFILMED
OCT 02 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A63-03243-

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 05 1996

Department of Water Resources
Western Regional Office
210 Clark Street
at

Please type or print clearly

1. Name of Claimant (s) FIRST PRESBYTERIAN Church Phone (319) 326-1691

Mailing Address ~~1702~~ 1702 IOWA ST. DAVENPORT, IA Zip 52803

2. Date of Priority (Only one (1) per claim) 6-9-1961

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

4. a. Location of existing point of diversion is: Township 3N Range 3W Section 10,
NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Well and Pump

MICROFILMED

OCT 02 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount .88 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .88 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 192.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

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

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

| TWP | RNG | SEC | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|--------------------------------------|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
| | | | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | |
| | | | | | | | | | | | | | | | | | | | |
| <u>See ATTACHED Prop Description</u> | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks: See ATTACHED property description
THIS IS A PORTION OF ORIGINAL

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Last Name FIRST Presbyterian Church Ident No. A63-03243-

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

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Last Name FIRST Presbyterian
Church

Ident No. A63-03243-

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-3243
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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

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

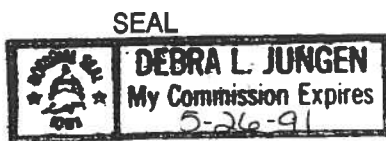
For Organizations: I do solemnly swear or affirm that I am ADMINISTRATIVE MANAGER
Title
of FIRST PRESBYTERIAN Church , that I have signed the foregoing
Organization
document in the space below as ADMINISTRATIVE MGR of FIRST PRESBYTERIAN CH
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Bartholomew A. Slaby

Title and Organization Admin Mgr. First Presbyterian Church Date 3/1/90

State of Idaho/or IOWA)
County of Scott) SS.

Subscribed and sworn (or affirmed) before me this 1st day of March 1990



Notary Public Debra L. Jungen

Residing at 534-16th Ave So, Clinton IA

My Commission Expires 5-26-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name FIRST PRESBYTERIAN Church Ident. Number 63-03243

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Copies White-State, Yellow-Claimant

INSTRUMENT NO. 8822077

FOR YOUR INFORMATION

WARRANTY DEED

JAMES DONAHUE, dealing with his separate property, and JANICE DONAHUE, his wife, Grantors, hereby convey, grant and warrant to FIRST PRESBYTERIAN CHURCH OF DAVENPORT, IOWA, INC., an Iowa corporation not for profit, Grantee, whose address is 1702 Iowa Street, Davenport, Iowa 52803, for no consideration, the following described real property, to-wit:

That portion of the NE1/4 of Section 10, T3N, R3W, Canyon County, Idaho, lying south and west of the Phylis Canal, less the following two exceptions, to-wit:

Exception #1:
The Northeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM the following described parcel:

Commencing at the Southwest corner of Southwest Quarter of the Northeast Quarter, Section 10; Township 3 North, Range 3 West of the Boise Meridian, thence North 0°2'30" East, along the West boundary of said Southwest Quarter of the Northeast Quarter, a distance of 152.0 feet to the TRUE POINT OF BEGINNING, thence continuing North 0°02'30" East, along said West boundary, a distance of 406.0 feet; thence South 89°57'30" East, a distance of 150.0 feet; thence South 0°02'30" West, parallel with the West boundary of said Southwest Quarter of the Northeast Quarter, a distance of 465.21 feet to a point on the Northerly boundary of the right of way for the Deer Flat Caldwell Canal; thence North 68°25' West, along the said Northerly right of way boundary, a distance of 161.26 feet to the TRUE POINT OF BEGINNING.

FOR YOUR INFORMATION.

ALSO EXCEPTING THEREFROM:

Exception #2:

This parcel is situated in the Southwest Quarter of the Northeast Quarter of Section 10; Township 3 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence North $0^{\circ}02'30''$ East, a distance of 110.89 feet along the West boundary of said Southwest Quarter of the Northeast Quarter to a point on the center line of Deer Flat Canal; thence South $68^{\circ}25'$ East a distance of 68.27 feet along the center line of said Canal; thence South $73^{\circ}56'$ East a distance of 116.90 feet along the center line of said Canal; thence South $56^{\circ}57'30''$ East a distance of 94.16 feet along the center line of said Canal to a point on the South boundary of said Southwest Quarter of the Northeast Quarter; thence South $89^{\circ}32'$ West a distance of 254.82 feet along the South boundary of said Southwest Quarter of the Northeast Quarter to the POINT OF BEGINNING.

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ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Loret Prodytson C. Bunch

CLAIM IDENT. NO. AG3-3243

DATE RECEIVED 3-5-90 RECEIPT # FEE PAID \$ FEE REQ'D \$

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

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| | YES | NO |
|---|-------------------------------------|-------------------------------------|
| 23. Is this claim being rejected and returned to claimant? | ☒ | ☐ |
| 24. Can this claim be data entered? | ☐ | ☒ |
| 25. Was claim modified? | ☐ | ☒ |
| If yes, do modifications require notification to claimant? | | |
| Note: Modifications made must be explained in comments stating where the information for any changes was found. | | |

Claim reviewed by: L. W. [signature] Date 2-1-93
 Claim data entered by: _____ Date _____

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: _____

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

AJ0743NP
(00-124)

Old (D) Number - 29793

Water Right Number - A63-032438

Prefix Translation: ADJUDICATION CLAIM

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

*** C - CURRENT OWNER ***
NOT CLAIMED

1 -
2 -
3 -

State- ID Zip- X

City- X
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
CHAPMAN

EDGAR

1 - C/O EDWARD D. AHRENS, ATTY.

2 - P.O. BOX 247

3 -

City- NAMPA

Phone - 208-000-0000

State- ID Zip- 836530000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/09/1961 14 WESTERN N - NOT CLAIMED

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

GROUNDWATER
NOT CLAIMED

SEE REMARKS

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

D3N 03W 10 SE NE (27) CANYON

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

01 - IRRIGATION 03/15 11/15 0.960

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.960 0.0

+ - - - - Place of Use - - - - - County

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|------|-------|------------|-------------|--------|
| 03N | 03W | 10 | NW NE | 8.0 | 01 | IRRIGATION | (27) CANYON | |
| 03N | 03W | 10 | SW NE | 33.0 | 01 | IRRIGATION | (27) CANYON | |
| 03N | 03W | 10 | SE NE | 10.0 | 01 | IRRIGATION | (27) CANYON | |

Total Acres: 51.0

+ - - Diversion Means - WELL, PUMP AND GRAVITY FLOW IRRIGATION.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - WILDER IRR. DIST.

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Water right number - A63-03243B

DOON BRANDT CAME INTO THE OFFICE TO INITIATE THE FILING OF THIS CLAIM WITH MR. NAITO WHO OWNS THE "A" PORTION. MR. BRANDT HAS TO SEND THIS CLAIM TO IOWA TO GET A SIGNATURE. WILL SUBMIT CLAIM WHEN HE RECEIVES IT BACK. KW

THIS CLAIM WAS NEVER SUBMITTED. AFTER MR. BRANDT'S VISIT TO
OUR OFFICE THE PLACE OF USE UNDER THIS CLAIM WAS SOLD TO NAITO/S
AND THEY CAME INTO THE OFFICE AND FILED ON THE ENTIRE LICENSED RT
UNDER A63-03243. KW 11/17/95

+ - - - - - Conditions of Approval - - - - - +
R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

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

| | | | | | | |
|--|--|---------------------------|-------------------|---------------------------|--|--|
| | | + - + - + - + - + - + - + | -Comments- | + - + - + - + - + - + - + | | |
| | | + - + - + - + - + - + - + | No Comments Found | + - + - + - + - + - + - + | | |

+ - - Audit Fields - - + 11/20/95 KWALKER

[illegible]

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