

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 63-31956
Date Received: 3/15/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RANDY UPSON
18149 USTICK RD
CALDWELL ID USA 83605

Phone: (208) 459-1297

KELLY UPSON
18149 USTICK RD
CALDWELL ID USA 83607

Phone: (208) 459-1297

2. Date of Priority: 12/12/1949

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	6	SW	NW	5	CANYON	
03N	03W	6	NE	NW	3	CANYON	
03N	03W	6	NW	NW	4	CANYON	

5. Description of diverting works:

3 WELLS; 2 ABOUT 200ft & 1 ABOUT 250ft DEEP, GRAVITY & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.05	10

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 10 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	04W	1	NE	NE	1	IRRIGATION	3
Section Acres							3
Total Acres							3

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-2791A. DB 6/23/04

AC. IRR.=190.

INDICATED THE NUMBER OF ACRES IN THE E1/2NE1/4 OF SECTION 1.

CLAIM AMENDED PER TRANSFER NO. 5463 APPROVED 10/01/99.

FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: License

Form 42 248/42-1409(6) July, 2000

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

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

RECEIVE
 FEB 26 2004
 WATER RESOURCE
 WESTERN REGION

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
21308	A63-02791D				
	A63-2791A	split			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) CHARLES AND HARRIET STEWERT
17734 Lonkey Ln, CALDWELL IDAHO 83607
4. New Owner/Claimant(s) RANDOLPH AND KELLY UPSON
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 18149 Ustick Rd
- City, State and ZIP Code CALDWELL, IDAHO 83607
- New Telephone Number 208 459-1297
5. Date you acquired the property APRIL 11 2003

Cell#:

859-1924

between 8-4 pm

SCANNED
 JUN 23 2004

Form 42-249/42-1409(6) July, 2000

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>21308 / A63-02791D</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>12 Acre Ft per Annum</u>	<u>3 Acres</u>
Stock	<u>4 Acre Ft per Annum</u>	<u>3 CATTLE</u>
Domestic		<u>Home in the Future</u>
Other		
Total	<u>16 PLUS Acre Ft.</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>103-2791A</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		<u>3 acres</u>
Stock		
Domestic		
Other		
Total		

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

Randolph J. Upson
Attorney

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 DP Date 2.26.04 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
JUN 23 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2791A

WATER RIGHT NUMBER: 63-2791A

Owner Type Name and Address
Current Owner CHARLES SIEWERT
 17734 LONKEY LN
 CALDWELL, ID 83605
 (208)459-4739
 Original Owner GEORGE A WEITZ
 1102 W LINDEN
 CALDWELL, ID 83605
 (208)459-8361
Current Owner HARRIET SIEWERT
 17734 LONKEY LN
 CALDWELL, ID 83605
 (208)459-4739
 Original Owner GEORGE A WEITZ INC
 RT 6
 CALDWELL, ID 83605

63-31956

Upson portion

Priority Date: 12/12/1949

Basis: License

Status: Active

SourceTributary

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	3.270 CFS .05	638.00 AF
		<u>Total Diversion:</u> 3.270 CFS	638.00 AF

.05 cfs total

10 total AF

Location of Point(s) of Diversion

GROUND WATER	L5 (SW1/4NW1/4) Sec. 6,	Twp 03N,	Rge 03W, B.M.	CANYON County
GROUND WATER	L3 (NE1/4NW1/4) Sec. 6,	Twp 03N,	Rge 03W, B.M.	CANYON County
GROUND WATER	L4 (NW1/4NW1/4) Sec. 6,	Twp 03N,	Rge 03W, B.M.	CANYON County

Place of UseIRRIGATION Within CANYON County

~~T03N R03W S06 Lot 3 NENW 40.0~~	~~T03N R03W S06 Lot 4 NWNW 40.0~~
~~T03N R03W S06 Lot 5 SWNW 37.0~~	~~T03N R03W S06 SENW 40.0~~
~~T03N R04W S01 lot 1 NENE 17.0~~	~~T03N R04W S01 SENE 10.0~~

3

Total Acres: 184

3 total

Conditions of Approval:

SCANNED
JUN 23 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2791A

Remarks:

1. General AC. IRR.=190.
INDICATED THE NUMBER OF ACRES IN THE E1/2NE1/4 OF SECTION 1.
CLAIM AMENDED PER TRANSFER NO. 5463 APPROVED 10/01/99.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF TRANSFER
IN ADJUDICATION FILE.

Comments:Dates and Other Information:

Claim Received Date: 3/15/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

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

Verification Log:

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

SCANNED
JUN 23 2004

INSTRUMENT NO.

200321745

WARRANTY DEED

FOR VALUE RECEIVED CHARLES F. SIEWERT and HARRIET A. SIEWERT, the Grantors, do hereby grant, bargain, sell and convey unto RANDOLPH LYNN UPSON and KELLY O. UPSON, the Grantees, whose address is 18149 Ustick Road, Caldwell, Idaho 83607, the following described premises, including any homestead claim pursuant to the Idaho Homestead Law, Idaho Code, Section 55-1001, et seq., to-wit:

This parcel is a portion of Government Lot 1 ^{NENE} of Section 1, Township 3 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 1;

thence North 89°33'07" West along the North boundary of said Government Lot 1 a distance of 274.77 feet;

thence South 00°23'38" West along the West boundary of a 28.00-foot wide Ingress-Egress easement, as shown on Record of Survey Instrument No. 9816445, on file in the Office of the Recorder, Canyon County, Idaho, a distance of 401.84 feet to the TRUE POINT OF BEGINNING;

thence continuing South 00°23'38" West along said ingress-egress easement a distance of 553.13 feet;

thence North 89°33'07" West parallel with the North boundary of said Government Lot 1 a distance of 234.37 feet to the Southeast corner of Parcel 3 as shown on Record of Survey Instrument No. 9615493, on file in said Office of the Recorder;

thence North 00°31'09" West along the east boundary of said Record of Survey a distance of 553.21 feet;

thence South 89°33'07" East parallel with the North boundary of said Government Lot 1 a distance of 243.19 feet to the TRUE POINT OF BEGINNING.

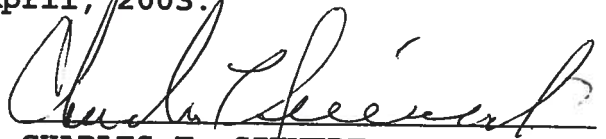
SUBJECT TO United States patent restrictions and/or State of Idaho deed restrictions;

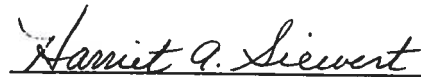
SUBJECT TO all taxes and assessments for the year 2003 and all subsequent years;

SUBJECT TO any easements or rights-of-way of record and/or usage.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns, forever. And the Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that said premises are free from all encumbrances save and except as above set forth; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 11th day of April, 2003.


CHARLES F. SIEWERT


HARRIET A SIEWERT

STATE OF IDAHO)
 : ss
County of Canyon)

On this 11th day of April, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES F. SIEWERT and HARRIET A. SIEWERT, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Alaire Christensen
Notary Public for Idaho
Residing at Greenleaf, Idaho

RECORDED

2003 APR 11 PM 3 32

NOEL HALE
CANYON CNTY RECORDER
BY *Joelle Down*

REQUEST *John + Joelle*
TYPE *Wed* FEE *900*

WARRANTY DEED - 3

SCANNED
JUN 23 2004

AGREEMENT

RANDOLPH LYNN UPSON and KELLY G. UPSON will purchase from CHARLES F. SIEWERT and HARRIET A. SIEWERT for Fifteen Thousand One Hundred and Fifty Dollars (\$15,150.00), the following described real property, to-wit:

This parcel is a portion of Government Lot 1 of Section 1, Township 3 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 1;

thence North $89^{\circ}33'07''$ West along the North boundary of said Government Lot 1 a distance of 274.77 feet;

thence South $00^{\circ}23'38''$ West along the West boundary of a 28.00-foot wide Ingress-Egress easement, as shown on Record of Survey Instrument No. 9816445, on file in the Office of the Recorder, Canyon County, Idaho, a distance of 401.84 feet to the TRUE POINT OF BEGINNING;

thence continuing South $00^{\circ}23'38''$ West along said ingress-egress easement a distance of 553.13 feet;

thence North $89^{\circ}33'07''$ West parallel with the North boundary of said Government Lot 1 a distance of 234.37 feet to the Southeast corner of Parcel 3 as shown on Record of Survey Instrument No. 9615493, on file in said Office of the Recorder;

thence North 00°31'09" West along the east boundary of said Record of Survey a distance of 553.21 feet;

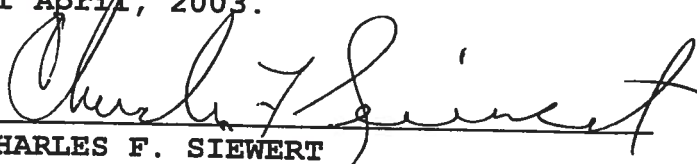
thence South 89°33'07" East parallel with the North boundary of said Government Lot 1 a distance of 243.19 feet to the TRUE POINT OF BEGINNING.

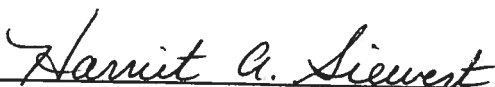
The purchase price will be paid in cash.

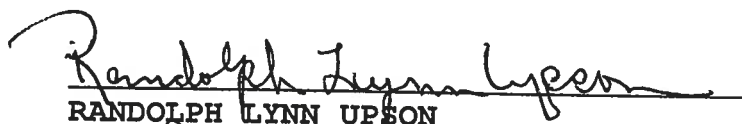
RANDOLPH LYNN UPSON and KELLY G. UPSON will pay to CHARLES F. SIEWERT and HARRIET A. SIEWERT one-third (1/3) of the survey costs of \$824.00 which one-third (1/3) share is \$274.66.

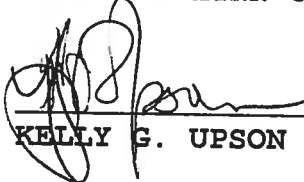
There will be no proration of the real property taxes. CHARLES F. SIEWERT and HARRIET A. SIEWERT will pay all property taxes for the year 2002 and all prior years. RANDOLPH LYNN UPSON and KELLY G. UPSON will assume all taxes for the year 2003 and then will also pay all taxes and assessments accruing for all subsequent years.

Dated this 9 day of April, 2003.


CHARLES F. SIEWERT


HARRIET A. SIEWERT

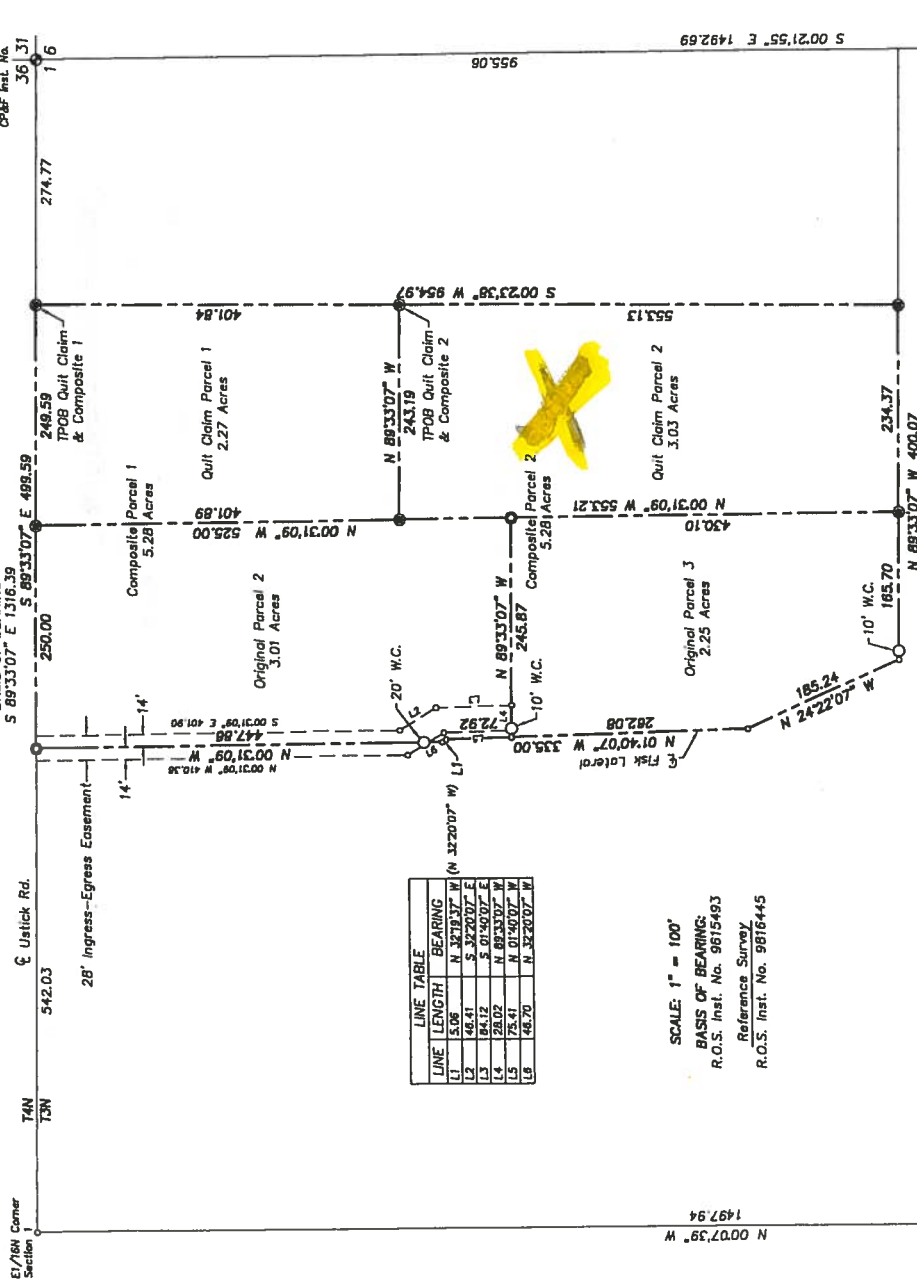

RANDOLPH LYNN UPSON


KELLY G. UPSON

RECORD OF SURVEY

A PORTION OF GOVERNMENT LOT 1 OF SECTION 1
TOWNSHIP 3 NORTH, RANGE 4 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO

28' Ingress-Egress Easement



LINE	LENGTH	BEARING
L1	5.08	N 32°07' W
L2	46.41	S 82°07' E
L3	84.12	S 01°40'07' E
L4	28.02	N 88°33'07' W
L5	78.41	N 01°40'07' W
L6	46.70	N 32°07' W

SCALE: 1" = 100'
BASIS OF BEARING:
R.O.S. Inal. No. 9615493
Reference Survey
R.O.S. Inal. No. 9816445

GOV'T. LOT 1

NE NE

LEGEND

- BRASS CAP MONUMENT - FOUND
- 5/8" REBAR - FOUND
- 5/8" x 30" REBAR - SET
- 1/2" REBAR - FOUND
- 1/2" x 24" REBAR - SET
- PK NAIL & BRASS WASHER
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- FENCE LINE
- W.C. WITNESS CORNER
- () DATA OF RECORD

CERTIFICATION

I, Fritz Brownell, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Perpetuation Act, Idaho Code 55-1601 through 55-1612.



INDEX No. 344-01-1-0-00-00

SURVEY FOR

CHARLES SIEWERT

Drawn By: W.F.J.

Date: April 1, 2003

Revised:

Skinner Land
Survey Co. Inc.

2512 S. Georgia Ave.
Boise, Idaho

SCANNED

JUN 23 2004

63-31956

3N 4W
Sec. 1

Section Line



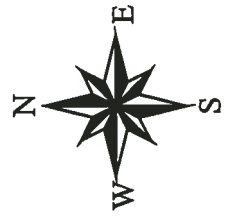
QQ Lines



Tax Lot Data



Metes & bounds description



SCANNED

JUN 23 2004



0.04 Miles

0.02

0

0.02

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: **A63-02791A**
Date Received: 3/15/1990
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHARLES SIEWERT 208-459-4739
Address: 17734 LONKEY LN
CALDWELL ID 83605
OR
Name: HARRIET SIEWERT 208-459-4739
Address: 17734 LONKEY LN
CALDWELL ID 83605
2. Date of Priority: DEC 12, 1949
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	6		NE	NW	3	CANYON
				NW	NW	4	CANYON
				SW	NW	5	CANYON
5. Description of diverting works:
3 WELLS; 2 ABOUT 200' & 1 ABOUT 250' DEEP, GRAVITY & SPRINKLERS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.270		638.00
7. Total Quantity Appropriated is:
3.270 C.F.S. (and/or) 638.00 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

SCANNED
JUN 23 2004

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03N	03W	6	NE	NW	3	IRR	40.0
			NW	NW	4	IRR	40.0
			SW	NW	5	IRR	37.0
			SE	NW		IRR	40.0
						Section Acres	157.0
	04W	1	NE	NE		IRR	17.0
			SE	NE		IRR	10.0
						Section Acres	27.0
						Total Acres	184.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

AC. IRR.=190.

INDICATED THE NUMBER OF ACRES IN THE E1/2NE1/4 OF SECTION 1.
CLAIM AMENDED PER TRANSFER NO. 5463 APPROVED 10/01/99.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

Water Right Number: 21308

SCANNED
JUN 23 2004

Western A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5463
WATER RIGHT NO. 63-02791B

RECEIVED

OCT 08 1999

WATER RESOURCES
WESTERN REGION

This is to certify that: **HEIDI SIEWERT**
JAMES C SIEWERT
17977 LONKEY LN
CALDWELL ID 83605

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.11 CFS	27.0 AF

SOURCE

GROUNDWATER

Priority: 12/12/1949

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENE), Sec. 1, Township 03N, Range 04W *
SENE, Sec. 1, Township 03N, Range 04W *
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>TOTAL</u>
03N	04W	1	Lot 1 (NENE) 4	SENE 2		6
Total number of acres irrigated:						6

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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 determine the amount of water diverted from power records and shall annually report the information to the department.
3. 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.

SCANNED
JUN 23 2004

TRANSFER NO. 5463
WATER RIGHT NO. 63-02791B

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 7. A single point of diversion is located on or near the line between Lot 1 (NENE) and SENE, S01, T03N, R04W.

Dated this 1st day of October, 1999


Chief, Water Allocation Bureau

SCANNED
JUN 23 2004

MEMORANDUM

TO: Files 63-02791

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5463

DATE: October 1, 1999

Transfer 5463 changes the point of diversion under a portion of Right 63-02791, splitting the right into Parts A and B. The applicant's have purchased a portion of the original land under this right and want to drill their own well on their parcel.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include drilling permit requirements, future measuring & annual reporting, irrigation overlap, and standard transfer conditions.

SCANNED
JUN 23 2004

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant JAMES C & PR HEIDI SIEVERT Phone 459-0958
Post Office address 17977 LONKEY LN, CALDWELL, ID 83605

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes APPLICANT PURCHASED 0.54 ACRES
OF THIS RIGHT & PLANS TO DRILL OWN WELL FOR IRRIGATION
OF APPROX. 6 ACRES. WELL LOCATION CLOSE TO LINE
BETWEEN NENE & SENE, SEC. 1, TWP. 3N, RGE. 4W.

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 |
|--|------------|-----------------------|------------------|---------------|
| 623-02791B | 12-12-1949 | 11 CFS | IRRIGATION | 3-15 to 11-15 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>11 CFS</u> cubic feet per second and/or <u>21</u> acre-feet per annum. | | | | |
| 3. Source of water <u>GROUND WATER</u> tributary to _____ | | | | |
| 4. Point(s) of Diversion: _____ | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

SCANNED
JUN 23 2004

Transfer No. _____

Information:

Proposed 8" well with 3 HP pump
in SPREADER & some quality (Drip) IRRIGATION.

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

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, certify that I have examined Application for Transfer of Water Rights No. _____, subject to the following limitations and conditions:

Hand this _____ day of _____ 1961.

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 11 CFS for IRRIGATION purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:
- (ADDING DIVERSION POINT (1 WELL))

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>4W</u>	<u>1</u>	<u>4</u>			<u>2</u>													<u>6</u>

Total acres 6**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 3.27 for IRRIGATION purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>3</u>		<u>NE</u>	<u>4W</u>	<u>4</u>	<u>3N</u>	<u>3W</u>	<u>CANYON</u>	
<u>4</u>		<u>NE</u>	<u>4W</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	
<u>5</u>		<u>NE</u>	<u>4W</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>3W</u>	<u>4</u>					<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>									<u>157</u>
<u>3N</u>	<u>4W</u>	<u>1</u>	<u>17</u>			<u>10</u>													<u>27</u>

Total acres 184

SCANNED

JUN 23 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

(Attach one copy for each right)

1. Right evidenced by:

- [illegible]

[illegible]

Total acres

374

8. Describe any other water rights used the same purpose as described above 7

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

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

See MAP : Aeria!
photo pg. 9
Attachment A.

SCANNED JUN 3 3 50PM

PART 3

B. CHANGES IN NATURE OF USE

N/A

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

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

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

NONE

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

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

Subscribed and sworn to before me this 13th day of April, 1999.

(Signature of Applicant)

(Notary Public)

My commission expires 9-14-2000.

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 3 attachments * DAV 5-28-89

Received by [Signature] Date 4-13-99

Prelim. check by DAV Fee 100.00 DAV For J.S.

Received by [Signature] Date 4-13-99

Published in [Signature] Pub. dates 6-3-10-99

Watermaster recommendation requested on [Signature]

Recommended for [Signature] ☐ approval ☐ denial

by [Signature] rec'd. [Signature]

Copy of transfer sent to lien holder [Signature]

CANYON COUNTY

TAX NOTICE FOR CALENDAR YEAR 1998 Real Property

H

SIEWERT, JAMES C
& SIEWERT, HEIDI L-H/W
17977 LONKEY LN
CALDWELL ID 83605

PARCEL NO. 03N04U010599
01-3N-4W NE
TX 98383 IN GOVT LT 1 IN NENE & IN
SENE-E OF FISK LATERAL

USTICK RD, CA

ACCOUNT NO.

8R33130-012- -0

CODE AREA 059-00 QTY 6.54
LAND 4,600

TOTAL VALUE 4,600

TAXING DISTRICT	RATE	AMOUNT
APPLICABLE VALUE	4,600	
PEST	.000057613	.26
AMBULANCE	.000194475	.90
CAN HWY 4	.001080222	4.96
FIRE CA	.001190368	5.48
SCH 139 VV	.007233957	33.28
COUNTY	.004693118	21.58

TOTAL LEVY .014449753

IMPORTANT
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

KEEP TOP PORTION FOR YOUR RECORDS.

TRACIE LLOYD

Please Make Checks Payable To:
CANYON COUNTY TAX COLLECTOR
P.O. BOX 1010
CALDWELL, IDAHO 83606
(208) 454-7354

TOTAL TAX 66.46

TOTAL DUE 66.46

SCANNED

JUN 23 2004

WR5809NP
No. 63-02791

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE A. WEITZ INC. CALDWELL ID 83605	12/12/1949	IRRIGATION	00/00 00/00	3.380 CFS	
TOTAL DIVERSION:					3.380 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T03N R03W S06 Lot 03(NENW) Lot 04(NWNW) Lot 05(SWNW) CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
03N	03W	6	:	03N	04W	1	:	03N	03W	6	:	03N	04W	1	:	157.0
TOTAL ACRES															157.0	

Pou County: CANYON

Remarks: GEN AC. IRR.=190.

Dates: App. Received: Priority Date: 12/12/1949
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/18/85 05/01/88 CONVERT 06/27/89 CURTIS

SCANNED
JUN 23 2004

PAGE 910 OF 912

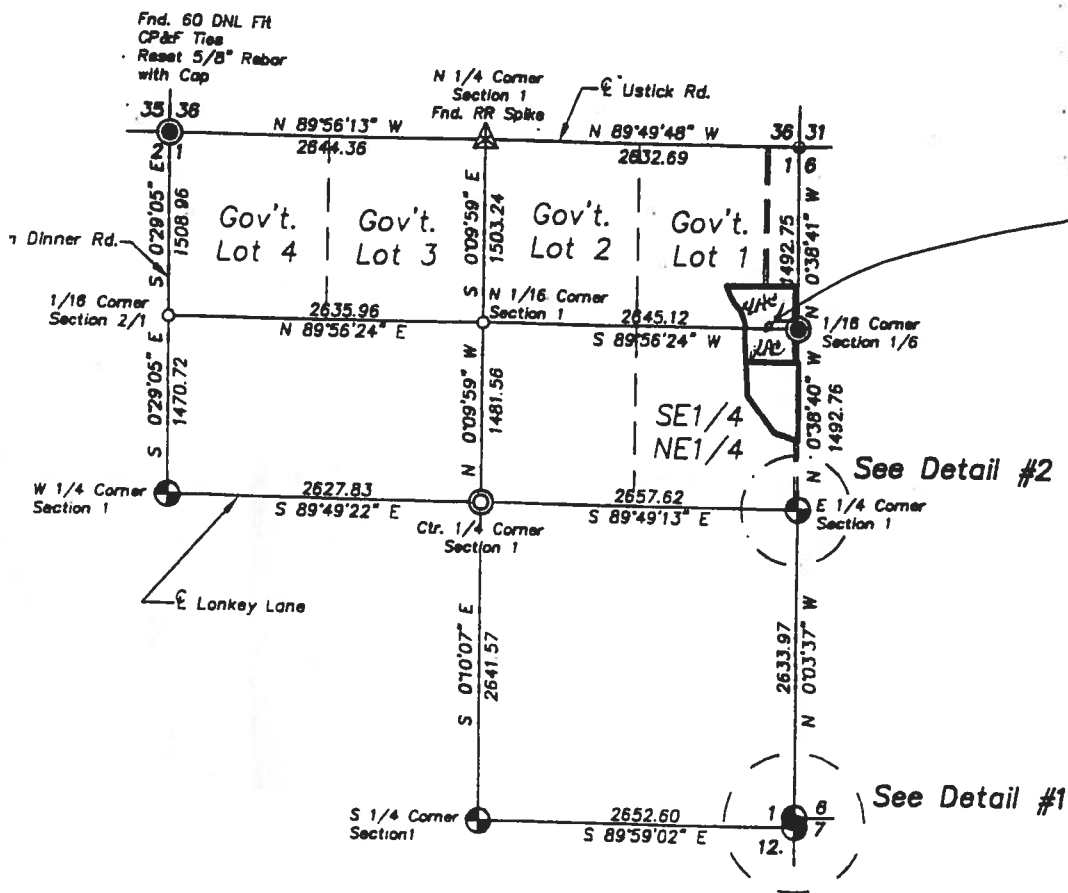
63-02791B

RECORD C

A PORTION OF GOVERNMENT LOT
TOWNSHIP 3 NORTH, RANGE 10
CANYON COUNTY

Ustick Rd.

N 89°49'48" W
2632.69



APPROX.
WELL LOCATION

2645.12
S 89°56'24" W

SCANNED
JUN 23 2004

Detail #1

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: A63-02791
Date Received: 3/15/1990
Receipt No: W011146
Received By: hw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES SIEWERT 208-459-4739
Address: 17734 LONKEY LN.
CALDWELL, ID 83605
OR
Name: HARRIET SIEWERT 208-459-4739
Address: 17734 LONKEY LN.
CALDWELL, ID 83605

2. Date of Priority: DEC 12, 1949

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	6	NE	NW		3	CANYON
			NW	NW		4	CANYON
			SW	NW		5	CANYON

5. Description of diverting works:
3 WELLS; 2 ABOUT 200' & 1 ABOUT 250' DEEP, GRAVITY & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.380		

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

8. Total consumptive use is 665.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A63-02791

Page 1

Date: 03/15/90

SCANNED
JUN 23 2004

MICROFILMED
AUG 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	6	NE	NW	3	IRR	40.0
			NW	NW	4	IRR	40.0
			SW	NW	5	IRR	37.0
			SE	NW		IRR	40.0
			Section Acres				157.0
	04W	1	NE	NE		IRR	21.0
			SE	NE		IRR	12.0
			Section Acres				33.0
			Total Acres				190.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

AC. IRR.=190.

INDICATED THE NUMBER OF ACRES IN THE E1/2NE1/4 OF SECTION 1.

15. Basis of Claim: LICENSE
Water Right Number: 21308

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: 4

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): Charles Weirant Date: 3-15-90
_____ Date: _____

State of Idaho)
County of Ada) SS.

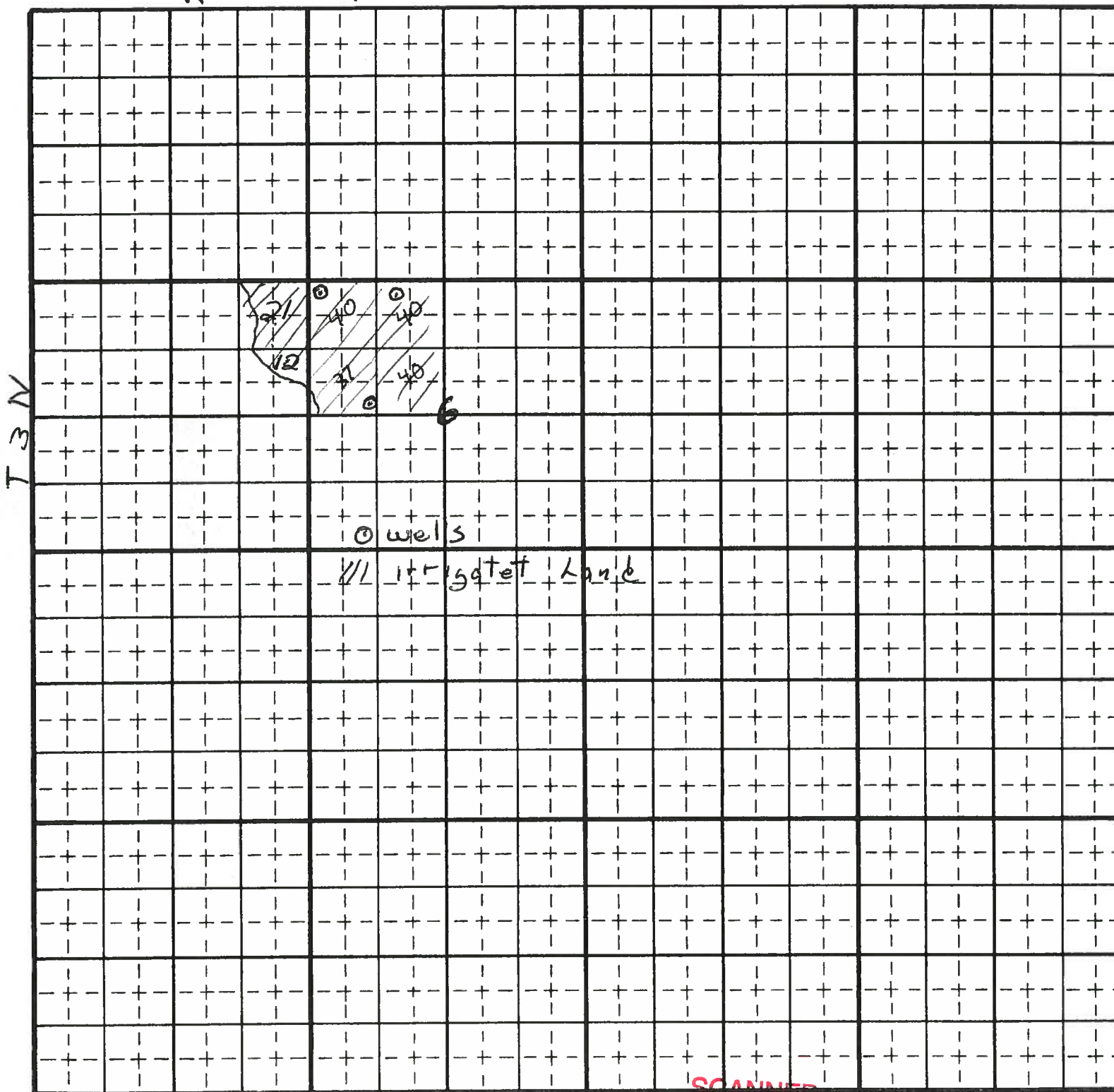
Subscribed and sworn (or affirmed) before me this 15 day
of March 19 90 Linda Werner
Notary Public

Seal

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

Scale: 2 inches equals 1 mile

R4W R3W



~~SCANNED~~

JUN 23 2004

~~MICROFILMED~~

~~AUG 18 1992~~

Last Name

Siewert

Ident No. ^{55#} 558480566

Copies: White-State, Yellow-Claimant

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

WR0728NP
(OD-124)

Water Right Number - 63-02791 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 21308

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

*** C - CURRENT OWNER ***
GEORGE A. WEITZ INC.

- 1 -
- 2 -
- 3 -

City- CALDWELL
Phone - 208-000-0000

State- ID Zip- 83605

*** O - ORIGINAL OWNER ***
GEORGE A. WEITZ

- 1 -
- 2 -
- 3 -

City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/12/1949 14 L - LICENSE

+ - - - - Source - - - - + + - - - - Tributary - - - - - + + - - - - Diversion Volume - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - + + - - - - Diversion Rate - - - - - + + - - - - Diversion Volume - - - - - +

Twn	Rng	Sec	Tract	Lot	Rflg	County
03N	03W	6	NE NW	3	(27)	CANYON
03N	03W	6	NW NW	4	(27)	CANYON
03N	03W	6	SW NW	5	(27)	CANYON

+ - - - - Description Period From Water Use Diversion Rate Diversion Volume
Code Description Period To Diversion Rate Diversion Volume
01 - IRRIGATION 3.380

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
3.380

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
03N	03W	6	NE NW	3	40.0	01	01	IRRIGATION	(27) CANYON
03N	03W	6	NW NW	4	40.0	01	01	IRRIGATION	(27) CANYON
03N	03W	6	SW NW	5	37.0	01	01	IRRIGATION	(27) CANYON
03N	03W	6	SE NW		40.0	01	01	IRRIGATION	(27) CANYON
03N	04W	1	NE NE		21	01	01	IRRIGATION	(27) CANYON
03N	04W	1	SE NE		12	01	01	IRRIGATION	(27) CANYON

Total Acres: 157.0

+ - - Diversion Means -

MICROFILMED
AUG 18 1992
SCANNED
JUN 23 2004

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Start Work Date	-	00/00/0000	Verified Date	-	06/18/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	08/28/1979	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000					

JUN 23 2004

06/06/2006

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

RIGHT NUMBER: 63-31956

NAME AND ADDRESS: RANDY UPSON
18149 USTICK RD
CALDWELL ID 83607

KELLY UPSON
18149 USTICK RD
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
13.500 AFY

PRIORITY DATE: 12/12/1949

POINT OF DIVERSION:

T03N R03W S6 NENW Lot 3 Within CANYON County

T03N R03W S6 NWNW Lot 4 Within CANYON County

T03N R03W S6 SWNW Lot 5 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.050 CFS
13.50 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R04W S01 Lot 1 NENE 3.00

3 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

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

Right Nos. 63-2791D and 63-31955 are also diverted through points of diversion described above.

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

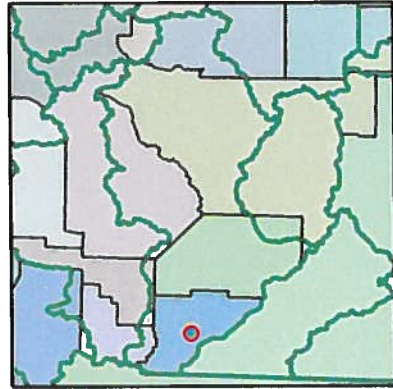
SRBA Recommendation:

63-31956

Acres = 3

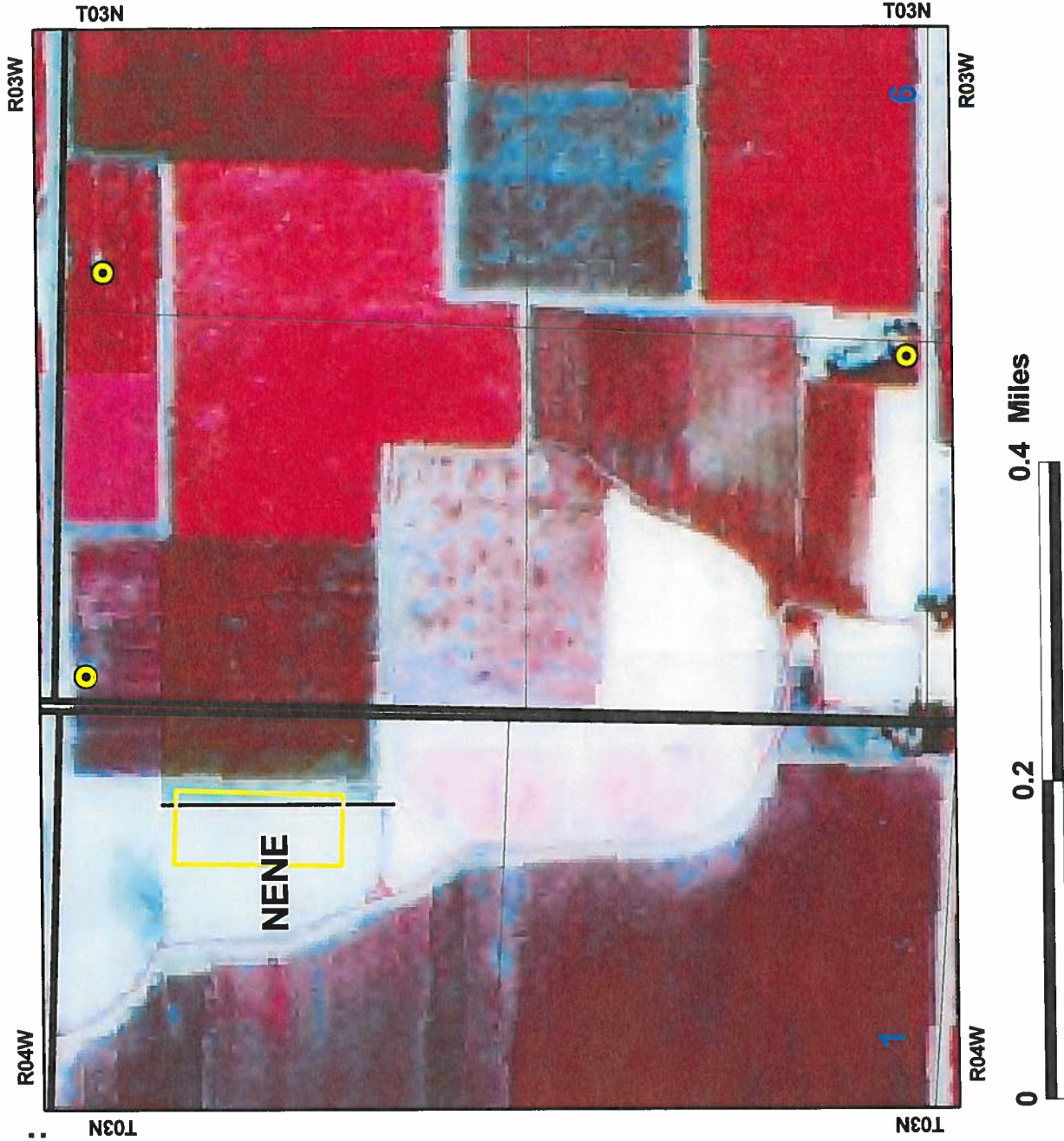
Legend

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



Canyon County
IDWR Basin 63

Prepared by K. Walker
On Tuesday, June 6, 2006
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31956

WATER RIGHT NUMBER: 63-31956

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE A WEITZ 1102 W LINDEN CALDWELL, ID 83605 (208)459-8361
Original Owner	CHARLES SIEWERT 17734 LONKEY LN CALDWELL, ID 83605 (208)459-4739
Current Owner	RANDY UPSON 18149 USTICK RD CALDWELL, ID 83605 (208) 459-1297
Original Owner	GEORGE A WEITZ INC RT 6 CALDWELL, ID 83605
Original Owner	HARRIET SIEWERT 17734 LONKEY LN CALDWELL, ID 83605 (208)459-4739
Current Owner	KELLY UPSON 18149 USTICK RD CALDWELL, ID 83607 (208)459-1297

83607

*in office review
by pw 5/6/06*

Priority Date: 12/12/1949 ✓
Basis: License ✓
Status: Active ✓

Source ✓ Tributary ✓
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 ✓	0.050 CFS ✓	
	<u>Total Diversion:</u>	0.050 CFS ✓	

<u>Location of Point(s) of Diversion</u>			
GROUND WATER ✓ CANYON County	L5 (SW1/4NW1/4) ✓	Sec. 6, ✓	Twp 03N, Rge 03W, B.M. ✓
GROUND WATER ✓ CANYON County	L3 (NE1/4NW1/4) ✓	Sec. 6, ✓	Twp 03N, Rge 03W, B.M. ✓
GROUND WATER ✓ CANYON County	L4 (NW1/4NW1/4) ✓	Sec. 6, ✓	Twp 03N, Rge 03W, B.M. ✓

Place of Use
IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31956

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	04W	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	3.0
			3.0																
			L 1																

Total Acres: 3

Conditions of Approval:

1. This claim is the result of a split due to change in ownership for a portion of 63-2791A. DB 6/23/04
2. AC. IRR.=190.
INDICATED THE NUMBER OF ACRES IN THE E1/2NE1/4 OF SECTION 1.
CLAIM AMENDED PER TRANSFER NO. 5463 APPROVED 10/01/99.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF TRANSFER IN
ADJUDICATION FILE.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 3/15/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Idaho Dept. of Water Resources
Place of Use Comparison Report

6/6/2006

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NWSE	SWSE	SESE	Total
Claim	63 2791P	KELLY UPSON, RANDY UPSON.	GROUND WATER	03N04W1	2															2
Rec	63 191D	KELLY UPSON, RANDY UPSON.	GROUND WATER	03N04W1	3															3
Claim	63 31956	RANDY UPSON, KELLY UPSON.	GROUND WATER	03N04W1	3															3
Rec	63 31956	RANDY UPSON, KELLY UPSON.	GROUND WATER	03N04W1	4															4
Claim	63 2791B	JAMES C SIEWERT, HEIDI SIEWERT.	GROUND WATER	03N04W1	4															4
Rec	63 2791B	JAMES C SIEWERT, HEIDI SIEWERT.	GROUND WATER	03N04W1	4															4
Claim	63 2791B	JAMES C SIEWERT, HEIDI SIEWERT.	GROUND WATER	03N04W1	12															12
Rec	63 2791B	JAMES C SIEWERT, HEIDI SIEWERT.	GROUND WATER	03N04W1	10															10
Claim	63 1955	CHARLES SIEWERT, HARRIET SIEWERT.	GROUND WATER	03N04W1	14															14
Rec	63 1955	CHARLES SIEWERT, HARRIET SIEWERT.	GROUND WATER	03N04W1	14															14
Right	63 2791A	GEORGE A WEITZ INC.	GROUND WATER	03N04W1	X															X
Right	63 11497	DIRK R JOHNSON, KIMBERLY A JOHNSON.	GROUND WATER	03N04W1	X															X
Rec	63 198AJ	NAMPA & MERIDIAN IRRIGATION DISTRICT.	BOISE RIVER, MORES CREEK	03N04W1	X															X
Rec	63 199B	NAMPA & MERIDIAN IRRIGATION DISTRICT.	BOISE RIVER, MORES CREEK	03N04W1	X															X
Rec	63 199C	NAMPA & MERIDIAN IRRIGATION DISTRICT.	BOISE RIVER	03N04W1	X															X
Rec	63 200B	NAMPA & MERIDIAN IRRIGATION DISTRICT.	BOISE RIVER, MORES CREEK	03N04W1	X															X
Rec	63 2109	UNITED STATES OF AMERICA ACTING THROUGH	MASON CREEK	03N04W1	X															X
Right	63 2205	JNO F PEMBERTON.	UNNAMED STREAM	03N04W1																
Claim	63 2388	UNITED STATES OF AMERICA ACTING THROUGH.	BOISE RIVER	03N04W1																
Right	63 2388	US DEPT OF INTERIOR.	BOISE RIVER	03N04W1																
Rec	63 2392B	NAMPA & MERIDIAN IRRIGATION DISTRICT.	BOISE RIVER	03N04W1	X															X
Rec	63 30181	NAMPA & MERIDIAN IRRIGATION DISTRICT	BOISE RIVER, MORES CREEK	03N04W1	X															X
Claim	63 8556	HUSTON FARMS INC.	GROUND WATER	03N04W1																
Rec	63 8556	HUSTON FARMS INC.	GROUND WATER	03N04W1																
Right	63 8556	HUSTON FARMS INC.	GROUND WATER	03N04W1																

no OL

State of Idaho License and Certificate of Water Right

Water License No. 21306

Amount 3.38 second feet

Water District No.

Priority December 12, 1949

THIS IS TO CERTIFY that GEORGE A. WEITZ
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 12, 19 49; that Permit No. 21308
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.04 second feet, was issued thereunder on October 28, 19 53, showing that said works
were completed on the 19th day of October, 19 53; and that on the 28th
day of September, 19 55,

GEORGE A. WEITZ, INC., Assignee,
of Caldwell, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of three wells
~~subterranean flow~~ (subterranean flow), for the purpose of irrigation

, under Use Permit No. 21308 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5549, on the 11th day of October, 19 55;

The right hereby confirmed dates from December 12, 19 49;

The Point of Diversion ^{are} located in Lots 3, 4 and 5, Section 6,

~~Section 6~~, Tp. 3 N., R. 3 W., B. Mc Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purpose
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.38 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	3 W.	6	Lot 3	45	40
			Lot 4	46	40
			Lot 5	37	37
			SE 1/4 NW 1/4	40	40
3 N.	4 W.	1	E 1/4 NW 1/4 (Metes and bounds description)	34	33
			Number of acres actually irrigated - - 190		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
11th day of October, 19 55.

(SEAL)

MARK R. KULP

State Reclamation Engineer.

63 2791

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

Permit No. 21308This proof is for Beneficial Use In Water District No. _____

1. Name of applicant George A. Weitz, Inc., Caldwell, Idaho
2. Source of water supply: Subterranean from wells
225 ft. E. and 150 ft. S. of the corner between Lots 1 & 5
3. Location of point of diversion: Is in the Lots 1 & 5, and a point / of Section 6
T. 3 N. R. 3 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Well #1: 40 hp
Westinghouse motor, serial no. 919 V 72 and a Fairbanks Morse Pomona Turbine pump
serial no. PM 8021. There is an aluminum sheet covered pump house 12' by 8' by 8'
high. Delivery of this well was measured at 63" through a Sparling meter. Temp. 62°
Delivery is to the West then North through 6" by 55' pipe into an open ditch to the
fields by gravity. Well #2: Fairbanks Morse 40 hp Motor serial No. PM 3433. Fairbanks
Morse Pomona Turbine Pump same number. Concrete curb 3' by 3' square no protection.
Delivery through a 6" pipe 40' long to the South to open ditch. It goes to the fields
by gravity. There is, however, a 6" pipe line that leads to the West then North to
an 8" pipe line to a high point in the field, to the fields by gravity. Measured at
5. Water is used for: Irrigation (Con't below under remarks)
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):

Lots 3, 4, 5 & SE $\frac{1}{4}$ NW $\frac{1}{4}$ (All NW $\frac{1}{4}$) Section 6, Twp. 3 N., Range 3 W., B.M.

Apprx. 34 acres described by metes and bounds in Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1,

Twp. 3 N., Range 4 W., B.M.

See the map

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

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

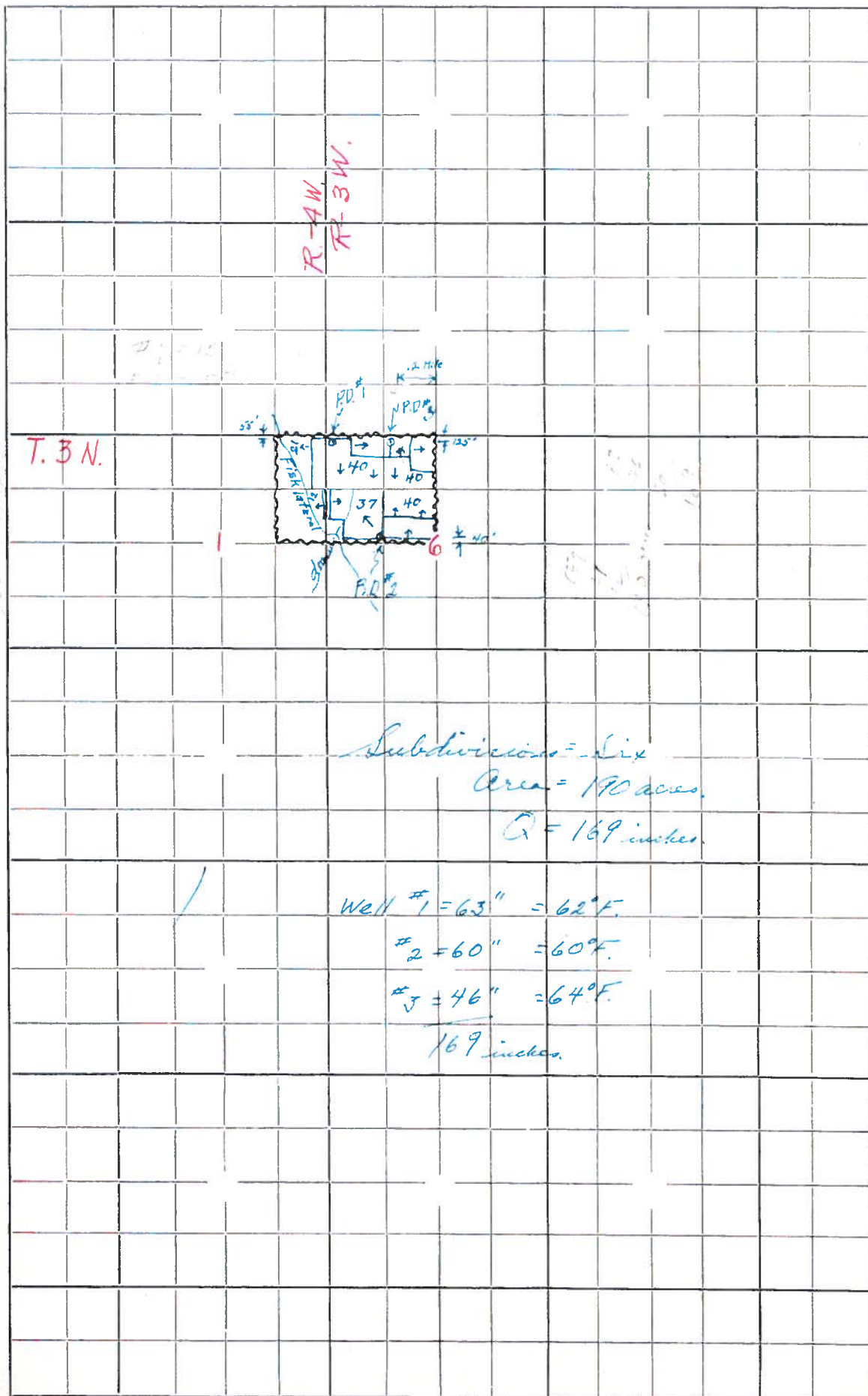
Remarks: 60" Temp. 60°. Well #3: 40 hp Westinghouse motor serial No. 20-19 V 74
Fairbanks Morse Pomona Turbine Pump, serial No. PM 6839. Delivery to the South
through an 8" pipe approximately 200' long to fields by gravity. Measured at
46", Temp. 64°.

Accompanied by Larry Blickenstaff

Well specifications not known by Mr. Blickenstaff.

This examination was made on the 20 day of Sept, 1953

(Signed) E. H. Humphrey Examiner.



APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28995
 PERMIT No. 21308
 DISTRICT No.

R. I. Troxel & C. R. Donaldson
 Box 2325- Boise, Idaho

1. Name of Applicant: GEORGE A. WEITZ

Postoffice address: Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: 4.04 -Well # 1-2.50-Well # 2-1.54 cubic feet per second.

3. Source of water supply: Subterranean flow (two wells) which is a tributary of

4. Location of point of diversion: feet distant from the
 corner of Section , T. , R. , B.M., and is in the Lot 4 and Lot 5
 of Section 6 , T. 3 N. , R. 3 W. , B.M., County of Canyon

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

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

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

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

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

(c) Water is to be returned to at a point feet
 distant from the corner of Section , T. , R. , B.M., in the
 of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 8,000.00

8. Kind of works: Wells, deep well turbines pumps and casing, and ditches.

9. Height of dam feet; length of dam at top feet; length of dam at bottom
 feet; material used in dam:

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

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

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is Five (5) additional years.

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

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

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 N.	4 W.	36																17	17
4 N.	3 W.	31																16	16
3 N.	3 W.	6																168	168
		—																201	201
Total Number of Acres to be Irrigated -																			
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 21308.																			
Comes now GEORGE A. WEITZ and represents to the State Reclamation Engineer of the State of Idaho:																			
That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21308.																			
That the points of diversion are described in said permit as being located in Lots 4 and 5, Section 6 Twp. 3 N., Range																			
3 W.	B.M.																		
That he now requests that an additional point of diversion be added at a point 225 ft. E. and 150 ft. South of the corner																			
between Lots 3 and 4, Sec. 6 Twp. 3 N., Rge. 3 W., B.M.																			
That his reasons for desiring to make such change are as follows: Sufficient water was not obtained from the two wells first																			
described.																			
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.																			
Signed at Caldwell, Idaho this day of October, 1953.																			
GEO. A. WEITZ																			
Date of receipt at Department of Reclamation October 21, 1953.																			

APPROVAL STATE RECLAMATION ENGINEER

I, E. N. HUMPHREY, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21308. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

E. N. HUMPHREY
Deputy State Reclamation Engineer

Permit No. 21308

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that GEORGE A. WEITZ of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 21308, issued upon application No. 28995 bearing date of priority of December 12, 1949, authorizing the diversion of 4.04 second feet of the waters of three wells (subterranean flow) County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.04 second feet of the waters of said wells; that the points of diversion of said waters are located as follows: Lots 4 and 5, and 225 feet East and 150 feet South of the corner between Lots 3 and 4; all in Section 6, Township 3 North, Range 3 West, B.M., and that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 4 North, Range 4 West, B.M., SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, Township 4 North, Range 3 West, B.M., Northwest Quarter Section 27, Township 3 North, Range 3 West, B.M.

Witness my hand this 28th day of October, A. D. 1953.

E. N. HUMPHREY
Deputy State Reclamation Engineer

Proof of Completion of Works made October 19, 1953
Certificate of Completion of Works issued October 28, 1953.

ASSIGNMENT OF PERMIT TO APPROPRIATE PUBLIC
WATER OF THE STATE OF IDAHO
PERMIT NO. 21308

WHEREAS, one of the undersigned, Geo. A. Weitz, is the owner and holder of Permit No. 21308 issued by the State Reclamation Engineer on the 19th day of December, 1949; and

WHEREAS, all of the real property referred to in the Application for Permit to appropriate the public waters of the State of Idaho, and upon which said permit was issued, have been conveyed by Geo. A. Weitz and Gertrude E. Weitz, husband and wife, to Geo. A. Weitz, Inc., an Idaho corporation, which Deed has been recorded in the office of the Recorder of Canyon County, State of Idaho;

NOW, THEREFORE, for valuable consideration had and received, the undersigned, Geo. A. Weitz and Gertrude E. Weitz, husband and wife, do hereby assign, transfer and set over to Geo. A. Weitz, Inc., an Idaho corporation, all of their right, title and interest under and by virtue of said Permit No. 21308 and all water rights incident thereto.

DATED this 1st day of December, 1954.

GEO. A. WEITZ
GERTRUDE E. WEITZ

STATE OF IDAHO)
County of Canyon)ss.

On this 1st day of December, 1954, before me, a Notary Public in and for the State of Idaho, personally appeared Geo. A. Weitz and Gertrude E. Weitz, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

ROBERT L. TROXELL
Notary Public for Idaho
Residence: Boise, Idaho

Received and filed for record in the Department of Reclamation,
at Boise, Idaho, December 11, 1954.

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21308

Comes now GEO. A. WEITZ, INC., A CORPORATION, and represents to the Commissioner of Reclamation of the State of Idaho.

That it is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21308, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: Lots 3, 4, & 5, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, all in Sec. 6, Twp. 3 N., R. 3 W. B. M.; also the following described real property situated in Lot 1 and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 1, Twp. 3 N., R. 4 W. B. M. in Canyon County, State of Idaho, to-wit: Beginning at the NE corner of Sec. 1, Twp. 3 N., R. 4 W. B. M., running S. 2420 ft. along the E line of said Sec. 1 to the center line of the Fisk Lateral; thence meandering along the said center line of the Fisk Lateral N. 70° 7' W. 200 ft; thence N. 56° 49' W. 230 ft; thence N. 13° 38' W. 170 ft. thence N. 2° 14' W. 655 ft; thence N. 32° 11' W. 240 ft; thence N. 23° 57' W. 468 ft.; thence N. 1° 15' W. 335 ft. p thence N. 31° 55' W. 91 ft; thence N. 55° 8' W. 175 ft; thence N. 32° 22' W. 332 ft; to a point in the N. line of said Sec. 1; thence S. 89° 8' E., 1141 ft. along the said N. line to the point of beginning. making a total of 194 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Caldwell, Idaho this 8th day of December, 1954.

ATTEST: G. L. REHUREN
Secretary

GEO. A. WEITZ, INC.
By GEO. A. WEITZ
President

Date of receipt at Office of Department of Reclamation December 11, 1954

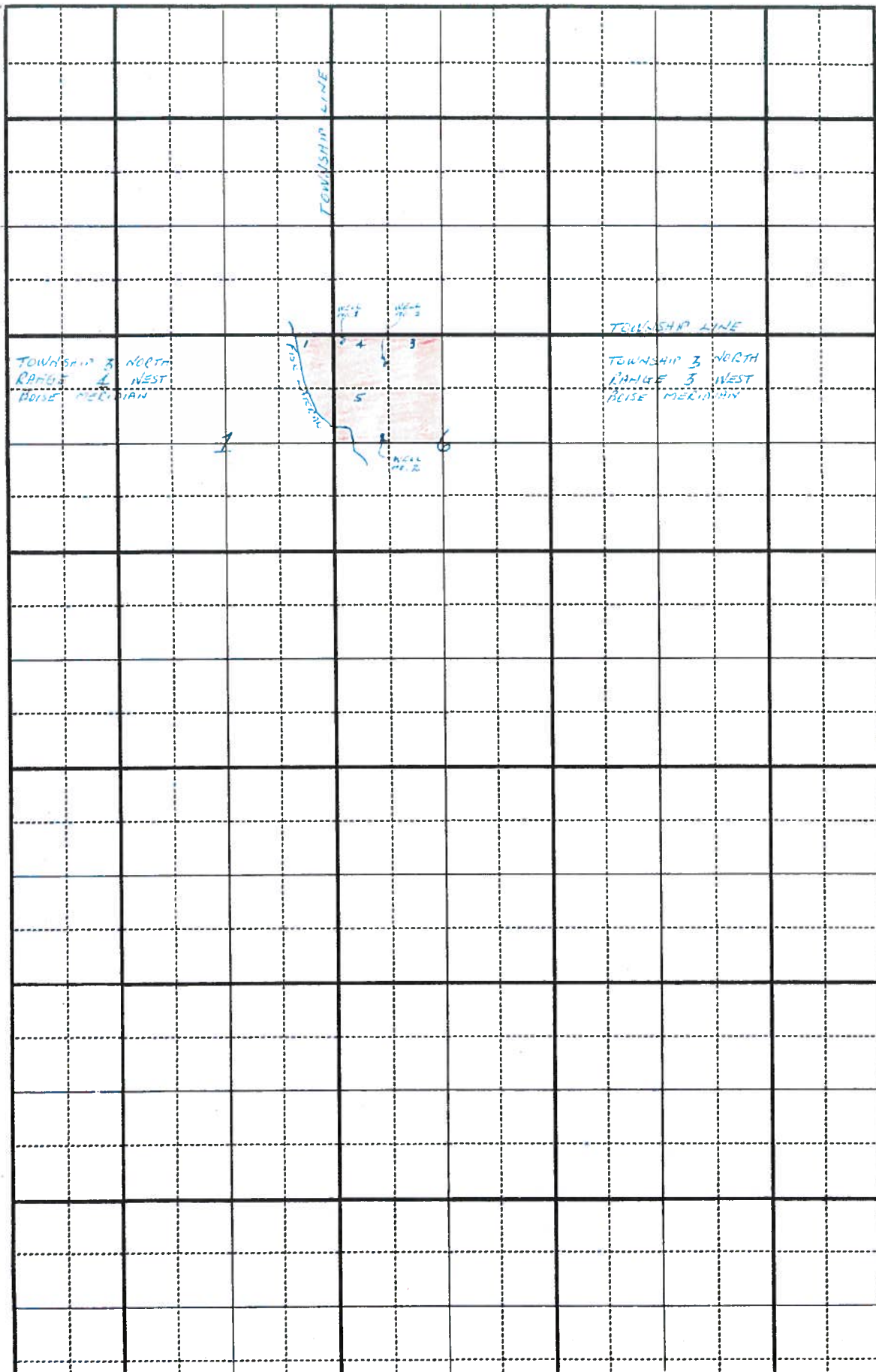
APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21308. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

License issued for 3.32 SEC. FT.
P. 5549

NAME OF APPLICANT GEO. A. WEITZ, INC. ASSIGNEE OF GEORGE A. WEITZ Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 23, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RANDY UPSON
KELLY UPSON
18149 USTICK RD
CALDWELL ID 83605

Re: Original Notice of Claim to a Water Right No. 63-02791A

Renumbered Notice of Claim to a Water Right No. 63-31956

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

DB: db

Enclosure

SCANNED
JUN 23 2004

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-31956

RANDY UPSON
18149 USTICK RD
CALDWELL ID 83607
Telephone Number: (208) 459-1297

KELLY UPSON
18149 USTICK RD
CALDWELL ID 83607
Telephone Number: (208) 459-1297

RECEIVED

OCT 23 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED

OCT 19 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

4 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-16-06 SIGNATURE: Randy Upson

Please print your name: Randy Upson

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

Vkw