

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 63-32469
Date Received: 4/21/1995
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RICHARD LYON FAMILY TRUST Phone: (208) 337-4525

17545 ALLENDALE RD
WILDER ID USA 83676

2. Date of Priority: 02/22/1957

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	05W	1	SE NE	CANYON	

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.19	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	05W	1	SE	NE	DOMESTIC	
			SE	NE	IRRIGATION	9.5
					Section Acres	9.5
					Total Acres	9.5

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:

EXISTING WELL NEEDS TO BE IMPROVED OR REPLACED TO ELIMINATE SAND INTAKE.

This right is a split from former right 63-3101 .

Notice of change in ownership processed 9/19/06 which split claim 63-3101 into 63-32468 and 63-32469.

15. Basis of Claim: License

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.

NF

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

RECEIVED**JUN 07 2006**

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

**DEPARTMENT OF
WATER RESOURCES**

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>A63-03101</u>	_____	_____	_____	_____	_____
<u>A63-05185</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RECEIVED**JUN 22, 2006****DEPARTMENT OF
WATER RESOURCES**

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)

Philip E Batt
P.O. Box

4. New Owner/Claimant(s)

Wilder ID 83676
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Richard Lyon Family Trust

City, State and ZIP Code

17545 Allendale Rd
Wilder ID 83676

New Telephone Number

(208) 337-4525

5. Date you acquired the property

May 6, 1998

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) Vicki R. Lyon
(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 _____ Date _____ Fee N/A
 Received by _____ Date _____ Receipt No. _____
 Processed by KW AJ Date 9-19-06 WR _____ Date _____

WARRANTY DEED

(Residence)

THE GRANTOR is **Richard J. Lyon and Vicki R. Lyon**, husband and wife, (herein called grantor).

THE GRANTEE is **The Richard Lyon Family Trust** created by that trust instrument in writing dated April 7, 2003, wherein Richard J. Lyon and Vicki R. Lyon appear as "settlor" and Richard J. Lyon and Vicki R. Lyon appear as "trustee", (herein called grantee) whose current address is 17545 Allendale Road, Wilder, ID 83676.

FOR VALUE RECEIVED, the grantor hereby grants, bargains, sells and conveys unto the grantee those premises situated in Canyon County, Idaho, and described as follows:

Parcel 1: A portion of the SE ¼ NE ¼ of Section 1, Township 3 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the southeast corner of said SE ¼ NE ¼; thence

South 89°42'54" West along the south boundary of said SE ¼ NE ¼ a distance of 1330.59 feet to the southwest corner of said SE ¼ NE ¼; thence

North 0°51'45" East along the west boundary of said SE ¼ NE ¼ a distance of 407.04 feet; thence

North 89°42'54" East parallel with said south boundary a distance of 651.62 feet; thence

South 0°45'05" West parallel with the east boundary of said SE ¼ NE ¼ a distance of 147.58 feet; thence

North 89°42'54" East parallel with said south boundary a distance of 678.18 feet to a point on said east boundary; thence

South 0°45'05" West along said east boundary a distance of 259.45 feet to the POINT OF BEGINNING.

Subject to a county road right-of-way along the east boundary.

Parcel 2: All that part of the Northeast Quarter of the Southeast Quarter of Section 1, Township 3 North, Range 5 West of the Boise Meridian, lying North of the Mora Canal.

TOGETHER with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

SUBJECT to the following: all current taxes and assessments of every kind whatsoever; all patent and state deed reservations; the bonded debt of all taxing units; all repayment contracts between any irrigation district in which the premises may be situated and the United States; and all rights of way over the premises regardless of how evidenced or acquired and whether the same appear of record or not.

TO HAVE AND TO HOLD the premises and its appurtenances unto the grantee and the grantee's successors and assigns forever and the grantor hereby covenants to and with the grantee as follows: that the grantor is the owner in fee simple of the premises; that the premises are free and clear of all liens and encumbrances except those described above to which this deed is expressly made subject; and that the grantor will warrant and defend the premises from all lawful claims whatsoever.

INTERPRETATION: Singular terms used herein shall be read as if written in the plural when the context so requires or permits. The date this deed is dated immediately below is the date on which it will take effect.

DATED: APR 7 2003

Richard J. Lyon
Richard J. Lyon, Grantor

Vicki R. Lyon
Vicki R. Lyon, Grantor

2003 APR 8 PM 4 42
RECORDED
6 HOLLIFIELD
CANYON CNTY RECORDER
BY Vicki Lyon
REQUEST Richard J. Lyon
TYPE deed FEE 600

RECORDED

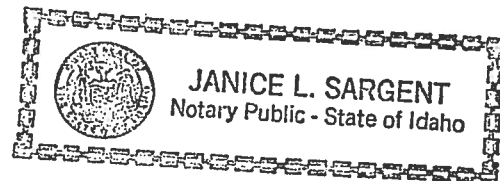
200320953

STATE OF IDAHO, County of Canyon) ss

On this date, before me, the undersigned notary public for such state, personally appeared **Richard J. Lyon** and **Vicki R. Lyon**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and seal on APR 7 2003

Janice L. Sargent Notary Public.
My Commission Expires: 9-25-03



RECEIVED

SEP 11 1995

WESTERN REGION

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: A63-03101
Date Received: 4/21/1995
Receipt No: C032522
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: PHILIP E BATT
Address: PO BOX 428
WILDER ID

208-482-7380

83676

2. Date of Priority: FEB 22, 1957

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	05W	1	SE	of	NE		CANYON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	05W	1	NE	NE	1	IRR	40.0
			SE	NE		IRR	40.0
			SE	NE		DOMEST	

MICROFILMED
OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

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:

14. Remarks:

EXISTING WELL NEEDS TO BE IMPROVED OR REPLACED TO ELIMINATE SAND INTAKE.

15. Basis of Claim: LICENSE

Water Right Number: 26777

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: A63-03101
Date Received: 4/21/1995
Receipt No: C032522
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: PHILLIP E BATT
Address: PO BOX 428
WILDER ID

208-482-7380

83676

2. Date of Priority: FEB 22, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	05W	1		SE	NE		CANYON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	05W	1	NE	NE	1	IRR	40.0
			SE	NE		IRR	40.0
			SE	NE		DOMEST	

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OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

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:

14. Remarks:

EXISTING WELL NEEDS TO BE IMPROVED OR REPLACED TO ELIMINATE SAND INTAKE.

15. Basis of Claim: LICENSE

Water Right Number: 26777

ORIGINAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number AG-03101Date Received 4-21-95 *RME*Receipt Number 0032522

RECEIVED

APR 21 1995

Department of Water Resources

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

APR 21 1995

RECEIVED

JUL 20 1995

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) PHILIP E. BATT Phone (208) 482-7380
Mailing Address P. O. BOX 428, Wilder, ID Zip 83676
2. Date of Priority (Only one (1) per claim) FEBRUARY 22, 1957
3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 3N Range 5W Section 1,
_____ 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CANYON
Additional points of diversion if any: N/A
- 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

JUL 20 1995

Department of Water Resources

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

For IRRIGATION purposes from 3-15 to 11-15 amount 1.6
 For DOMESTIC purposes from 1-01 to 12-31 amount 3.04 or
 For purposes from to amount or
 For purposes from to amount or

7. Total quantity claimed (a) 1.64 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 280 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) DOMESTIC: 1 HOUSEHOLD

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
3N	5W	1				40D													40
3N	5W	1	Lot																40

Total number of acres irrigated 80

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.
 or None (X)

14. Remarks: EXISTING WELL NEEDS TO BE IMPROVED OR REPLACED TO ELIMINATE SAND INTAKE.

Last Name BATT Ident No.

Copies: White State, Yellow-Claimant
 OCT 02 1996

Scale: 2 inches equals 1 mile

JUL 20 1995

Department of Water Resources

R 5 W

T 3 N
 140 ac.
 NE
 SE
 Place of Use
 Point of Diversion

MICROFILMED

OCT 02 1996

Last Name BATT

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number G-26777
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

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

Signature of Claimant (s)

Philip E. Batt
Philip E. Batt

Date APR 17 1995 I V E D

Date JUL 20 1995

Department of _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

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

Subscribed and sworn (or affirmed) before me this

17th

day of

April 19 95

SEAL.

Notary Public

Leslie Corbett

Residing at

Wilder, Idaho

My Commission Expires

5/20/97

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, RICHARD B. EISMANN 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

Richard B. Eismann
Richard B. Eismann

Address 3016 CALDWELL BOULEVARD, NAMPA, ID 83651-6416

Date APR 20 1995

Last Name BATT Ident. Number _____

MICROFILMED

OCT 02 1996

Copies White-State, Yellow-Claimant

09/20/2006

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

RIGHT NUMBER: 63-32469

NAME AND ADDRESS: RICHARD LYON FAMILY TRUST
17545 ALLENDALE RD
WILDER ID 83676

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
43.400 AFY

Rights 63-32464 and 63-32469 when combined shall not exceed the
irrigation of 9.5 acres.

PRIORITY DATE: 02/22/1957

POINT OF DIVERSION:

T03N R05W S1 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.120 CFS 42.80 AFY
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within CANYON County

T03N R05W S01 SENE 9.50

DOMESTIC Within CANYON County

T03N R05W S01 SENE

9.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

This right is a split from former right 63-3101.

Right No. 63-32468 is also diverted through point of diversion described
above.

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



Idaho Department of Water Resources

SRBA Recommendation:

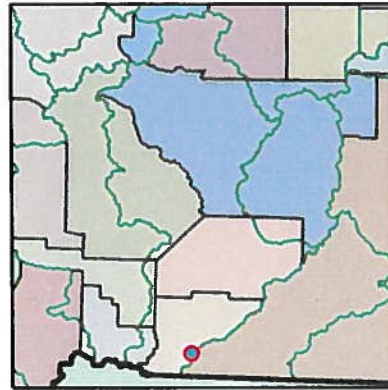
63-32469

(Irrigation)

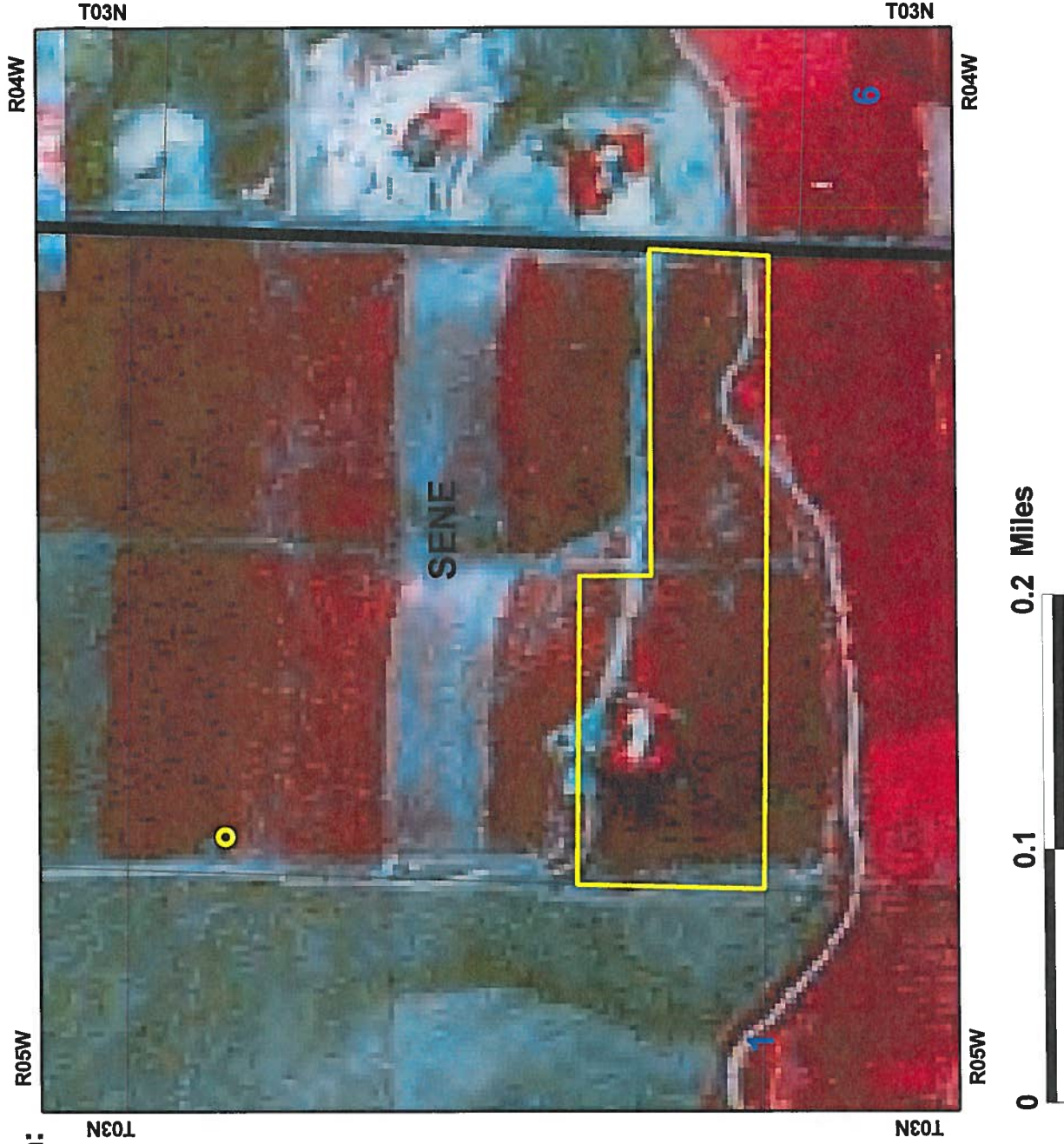
Acres = 9.5

Legend

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



Canyon County
IDWR Basin 63



Prepared by K. Walker
On Wednesday, September 20, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3101

WATER RIGHT NUMBER: 63-3101

Owner Type Name and Address
Current Owner PHILIP E BATT
 PO BOX 428
 WILDER, ID 83676
 (208)482-7380

Priority Date: 02/22/1957
Basis: License
Status: Active

Source
GROUND WATER

Beneficial Use
DOMESTIC
IRRIGATION

From To
1/01 to 12/31
3/15 to 11/15

Diversion Rate
0.040 CFS
~~1.000 CFS~~
1.640 CFS

Annual Volume

Lic 1.0 cfs - limit to licensed amount.
1.0 cfs

Location of Point(s) of Diversion

GROUND WATER
CANYON County

SE1/4NE1/4

Sec. 1, Twp 03N, Rge 05W, B.M.

Place of Use
DOMESTIC

Lyon per 187 photo

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	05W	1	NE	NW	SW	SE	
						X	

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	05W	1	NE	NW	SW	SE	
			40.0			40.0	80.0
			L 1				

Total Acres: 80 ✓

$Lyon = 9.5 \times 4.5 = 42.8 \text{ AFA}$
 $Batt = 30.5$
 $(70.5) \times 4.5 = 317.3 \text{ AFA}$

Conditions of Approval:

- EXISTING WELL NEEDS TO BE IMPROVED OR REPLACED TO ELIMINATE SAND INTAKE.

Remarks:

$80ac / 1.0$
 $0.0125 \text{ cfs/ac} \times 9.5 = 0.12$
 ~~$30.5 = 0.38$~~
 $\times 70.5 = 0.88$
 $0.99 / 1.0 \text{ cfs}$

70.5 ac Batt - 0.88 cfs
split 63-32468 Batt - 0.12 cfs
63-32469 Lyon
9.5 ac 0.12 cfs
1.0

claimed as licensed - in (except. rate of flow) office review by 9/9/06

not on lic to use standard season -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3101

WATER RIGHT NUMBER: 63-3101

Owner Type Name and Address
 Current Owner *Philip* PHILLIP E BATT ✓
 RT 2
 WILDER, ID 83676

Priority Date: 02/22/1957 ✓

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 ✓	/ to /	1.000 CFS ✓	
DOMESTIC ✓	/ to /	0.04	
<u>Total Diversion:</u>		1.000 CFS ✓	

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4 ✓ Sec. 1, ✓ Twp 03N, ✓ Rge 05W, ✓ B.M.
 CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	05W	1	40.0			40.0													80.0

Total Acres: 80 ✓

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3101

03/29/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3101	Water Right	03N	05W	1	NE	NE		IRRIGATION	40/80	PHILLIP E BATT
3101	Claim	03N	05W	1	NE	NE	1	IRRIGATION	40/80	PHILIP E BATT
5185	Claim	03N	05W	1	NE	NE	1	IRRIGATION	40/80	PHILIP E BATT
5185	Water Right	03N	05W	1	NE	NE	1	IRRIGATION	40/80	PHILIP E BATT
3101	Claim	03N	05W	1	SE	NE		IRRIGATION	40/80	PHILIP E BATT
5185	Claim	03N	05W	1	SE	NE		IRRIGATION	40/80	PHILIP E BATT
3101	Water Right	03N	05W	1	SE	NE		IRRIGATION	40/80	PHILLIP E BATT
5185	Water Right	03N	05W	1	SE	NE		IRRIGATION	40/80	PHILIP E BATT
3101	Claim	03N	05W	1	SE	NE		DOMESTIC		PHILIP E BATT
26905	Water Right	03N	05W	1	SE	NE		DOMESTIC		RICHARD J LYON

OL w/63-5185

State of Idaho

License and Certificate of Water Right

Water License No. G-26777Amount 1 c.f.s.

Water District No. _____

Priority FEBRUARY 22, 1957

THIS IS TO CERTIFY that PHILLIP E. BATT

of Wilder, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 22, 1957; that Permit No. G-26777 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1 second feet, was issued thereunder on January 7, 1959, showing that said works were completed on the 30th day of June, 1958; and that on the 30th day of June, 1958, PHILLIP E. BATT

of Wilder, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean, for the purpose of Irrigation and domestic use, under Use Permit No. G-26777 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 11 of Licenses at page 6584, on the 7th day of January, 1959; The right hereby confirmed dates from February 22, 1957;

The Point of Diversion is located

in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 1, Tp. 3 N., R. 5 W., B. M. County Canyon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1 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.	5 W.	1	NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	40 40	40 40
Total number of acres irrigated				- - -	80

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

7th day of January, 1959.

/s/ Geo. N. Carter
State Reclamation Engineer.

(SEAL)

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

Permit No. G-26777This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Phillip E. Batt2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the _____ ~~SE 1/4~~ of Section 1T. 3 North R. 5 West, B.M. County of Canyon RWS

4. Describe works as they exist, giving dimensions and capacities of same: Well 12" x 315'
6" x 290' column. 6" discharge into 6" steel main line buried
the motor 60 HP 440 V # 940720 Jacuzzi vertical turbine
T131B E & M controls H = 200' lift = 255' system has
a booster pump 5' to north of pump 45 motor 25 HP 440 V #
5NS 518003 Jacuzzi centrifugal pump # W1H 380

5. Water is used for: Irrigation and domestic purposes6. 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 Section 1, Twp. 3 North, Rge. 5 West, B. M. RWS

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

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

Remarks: Accompanied by Phillip BattThis examination was made on the 16 day of September, 1958(Signed) David B. Stevenson Examiner.

26777

Philip E. Batt
Route # 2
Wilder, Idaho
Permit No. 8-26777

14-J-3

97L-52
Completion of Mining &
Examination for
Beneficial Use Proof

County

Canyon

1 - 3N - 5W

Q = 1.6

P.D. = SENE 1 - 3N - 5W

Use - Irr. & Dom

Filed Feb. 22, 1957

Due Mar. 1, 1962

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.

RECEIVED
OCT 30 1958

Department of Reclamation

2 1/2 motor 60 HP
440 V 2940720

Jacuzzi pump
71318

6" discharge

E + M controls

12" x 315' well

6" column H = 200

280 column diff 255

5 liner roughly

run 4 1/2 row-runs

6" steel man buried

1320 to the east

Booster

2 1/2 E motor 25 HP 440 V.

5 NJ 518003

Jacuzzi centrifugal

W1H 380

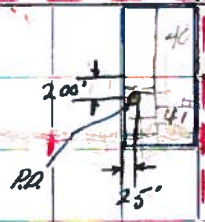
26777

1/4 mile

3 laterals 3/4" x 11" x 64' x 100'

line pressures

line #	main	center	end
1	30	30	30
2	42	25	25
3	51		51
4	44	34	38
5	30	26	30



Homedale

Snake R

4 miles

T
3

R 5 W

Operating 4-1/2 mile lease with 16 nozzles + 1 line with 5 nozzles at time of inspection

land is very steep to the south high pressure line is at the bottom of hill and only running 5 nozzles

5-3" sandbed aluminum laterals with 3/32 x 11/64" sprinkler heads

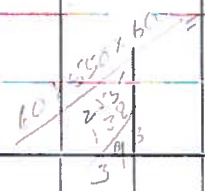
6.1pm	16 nozzles	3/32 x 11/64	@ 30" = 10 1/2"
"	"	"	@ 30" = 10 1/2"
6.78	16 "	"	30" = 12 1/2"
6.9	16 "	"	29" = 10 1/2"
7.87pm	5 "	"	@ 51" = 4
			48"

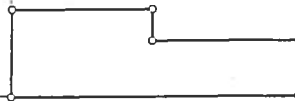
Subdivisions = 2

Area = 80 ac

Q = 550

100%





↑ SESENE

Title:

Date: 06-23-2006

Scale: 1 inch = 896 feet

File: LYON DEED 63-3101.des

Tract 1: 10.130 Acres: 441268 Sq Feet: Closure = n06.3531e 0.01 Feet: Precision = 1/683840: Perimeter = 3474 Feet

001=SE,SE,NE,1,3N,5W

004=N89.4254E 651.62

007=S0.4505W 259.45

002=S89.4254W 1330.59

005=S0.4505W 147.58

003=N0.5145E 407.04

006=N89.4254E 678.18

kw
6/23/06



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 8, 2006

RICHARD LYON FAMILY TRUST
17545 ALLENDALE RD
WILDER ID 83676

RE: Notice of Claim Nos. A63-05185 and A63-03101

Dear Water Users:

We are in receipt of the "Notice of Change in Water Right Ownership" form that you completed and returned to this office. However, the form was not signed as required on Line #7 (page 2). We are returning the ownership change form to you for a signature of one of the officers of the family trust. We have retained the warranty deed that you had attached to the deed. Please sign the form and return it to this office within 2 weeks so we will have time to split these water rights before making our recommendations.

If you have any questions, or feel that you need assistance, please do not hesitate to contact me at 287-4953.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

NP

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

RECEIVED

JUN 07 2006

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

DEPARTMENT OF
WATER RESOURCES

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
A63-03101					
A63-05185					

COPY

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)

Philip E Batt
P.O. Box

4. New Owner/Claimant(s)

Wilder ID 83676
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Richard Lyon Family Trust

City, State and ZIP Code

17545 Allendale Rd
Wilder ID 83676

New Telephone Number

(208) 387-4525

5. Date you acquired the property

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 18, 2006

RICHARD LYON FAMILY TRUST
17545 ALLENDALE RD
WILDER ID 83676

RE: NOTICE OF CLAIM NOS: A63-05185 AND A63-03101

Dear Water Users:

We are currently preparing the above referenced Notice of Claims for the Director's Report in the Snake River Basin Adjudication (SRBA). Enclosed are copies for your convenience. Our research and field examiner indicate there has been a change in the ownership of these claims. IDWR records currently show the following name and address as the owner of the claims listed above:

Philip E. Batt
PO Box 428
Wilder, ID 83676

We need to complete the recommendations for these water rights before the end of July and would appreciate your submittal of a Notice of Change in Water Right Ownership form to us so we can prepare the recommendation in your names, as current owners of a portion of the property. Please note that there is no fee required for the ownership change if it is submitted while these claims are still pending in the SRBA.

If no response is received from you by June 2, 2006, all further legal notices concerning the claims will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please feel free to contact me at 287-4953.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

*5/30/06
Vicky Lyon called
will submit
ownership change
& copy of
deed. KW*

RECEIVED

MAY 26 2008 2008 MAY 23 PM 12:58
DISTRICT COURT - SRBA
DEPARTMENT OF TWIN FALLS CO., IDAHO
WATER RESOURCES FILED

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) ORDER SETTING SUBCASE(S)
Case No. 39576) FOR INITIAL HEARING
_____) SUBCASE NOS: 63-32463 63-32464
63-32468 63-32469

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 03:30 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008 _____,
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

RICHARD LYON FAMILY TRUST

17545 ALLENDALE RD
WILDER, ID 83676
Phone: 208-337-4525

SUZANNE M TAKASUGI

17777 ALLENDALE RD
WILDER, ID 83676
Phone: 208-337-3077

PATRICK A TAKASUGI

17777 ALLENDALE RD
WILDER, ID 83676-5893
Phone: 208-337-3077

MEMORANDUM

TO: Files 63-32464 and 63-32469 - Lyon

FROM: KAY WALKER 

RE: Notice of Error Submittal

Date: November ~~8~~⁶ 2006

.....

While reviewing the notice of error submitted for these claims I find that I recommended all the acres claimed under original rights. The breakdown of these claims is as follows:

Claim 63-3101 claimed irrigation of 80 acres, as licensed. The claim was then split into 2 parts due to change in ownership forms submitted. Recommendations are as follows:

63-32468	70.5 acres
63-32469	<u>9.5 acres</u>
	80 acres recommended

Claim 63-5185 claims irrigation of 80 acres (same lands as 63-3101). The claim was then split into 2 parts due to change in ownership forms submitted. Recommendations are as follows:

63-32463	70.5 acres
63-32464	<u>9.5 acres</u>
	80 acres recommended

Since these claims have been recommended for all the acres claimed, cannot add the additional 3.3 acres requested in NOE. Will leave recommendations as shown on preliminary and claimant will have to file an objection to SRBA Court for us to revisit the additional acres.

I called Mrs. Lyon and left a voice message for her to call me back.

Pursuant to a later phone conversation Mrs. Lyon stated she will try to obtain a statement from Mr. Batt that the additional acres have always utilized the water and if she can obtain the statement will come in to amend her claim on Drew Drain to add the additional acres. Cannot add additional acres to the groundwater right since it was based on a license (however, Mrs. Lyon stated she had no ground water right for irrigation purposes on this property). I tried to explain to her that she did have a portion of the ground water license.

NOTICE OF ERROR
REPLY

09/29/2006
RECEIVED
OCT 30 2006
DEPARTMENT OF
WATER RESOURCES

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: 63-32469

RICHARD LYON FAMILY TRUST
17545 ALLENDALE RD
WILDER ID 83676
Telephone Number: (208) 337-4525

RECEIVED
OCT 26 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):

Actual acres - 12.83 (IRRIGATED)

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

ADD the 333 acres

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

Property line was not drawn CORRECTLY
SEE ENCLOSED MAP & Legal description.

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

DATE: 10/22/06 SIGNATURE: Vicki R. Lyon
Please print your name: Vicki R. Lyon

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

SCANNED
OCT 31 2006

WILDER IRRIGATION DISTRICT

Page 1

Account 511-99-1

Serial # 511-99-1	Owner P O BOX 282	Property 17545 ALLENDALE ROAD
Name LYON RICHARD J	Address	Address
Spouse VICKI	City WILDER	City WILDER
	State ID Zip 83676-0282	State ID Zip
Parcel # R03N05W012249		
Actual Acres 12.83	Billed Acres 12.83	Excess Water 0.00
		Status Within District

Legal Description

Short Description **PT SE NE & PT NE SE**

Section **1** Township **3** N Range **5** W

County **Canyon**

Mortgage Holder

Mortgage Date

Long Description

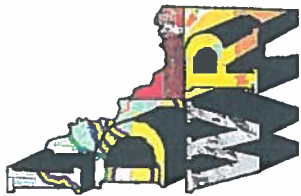
SEC01T3NR5WBM BEG AT SE CORN OF SE QTR OF NE QTR; TH S 89°42'54W A DIST OF 1330.59 FT; TH N 00°51'45 E A DIST OF 407.04 FT; TH N 89° 42'54 E A DIST OF 651.52 FT; TH S 00°45'05 W A DIST OF 147.58 FT; TH N 89°42'54 E A DIST OF 678.18 FT; TH S 00°45'05W A DIST OF 259.45 FT TO THE PT OF BEG. PARCEL II ALL THAT PT OF THE NW QTR OF SE QTR OF SEC01T3NR5W LYING N OF MORA CANAL

Owner History

Serial #	Name	From	To	Comments
511-99-1	LYON RICHARD J	10/12/1998		

SCANNED

OCT 31 2006



Idaho Department of Water Resources

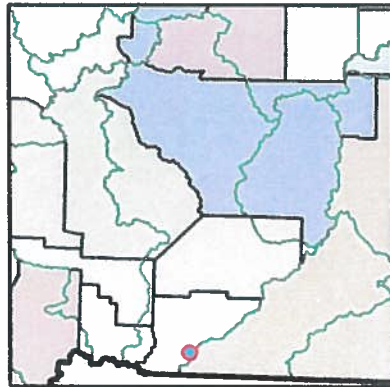
SRBA Recommendation:

63-32469

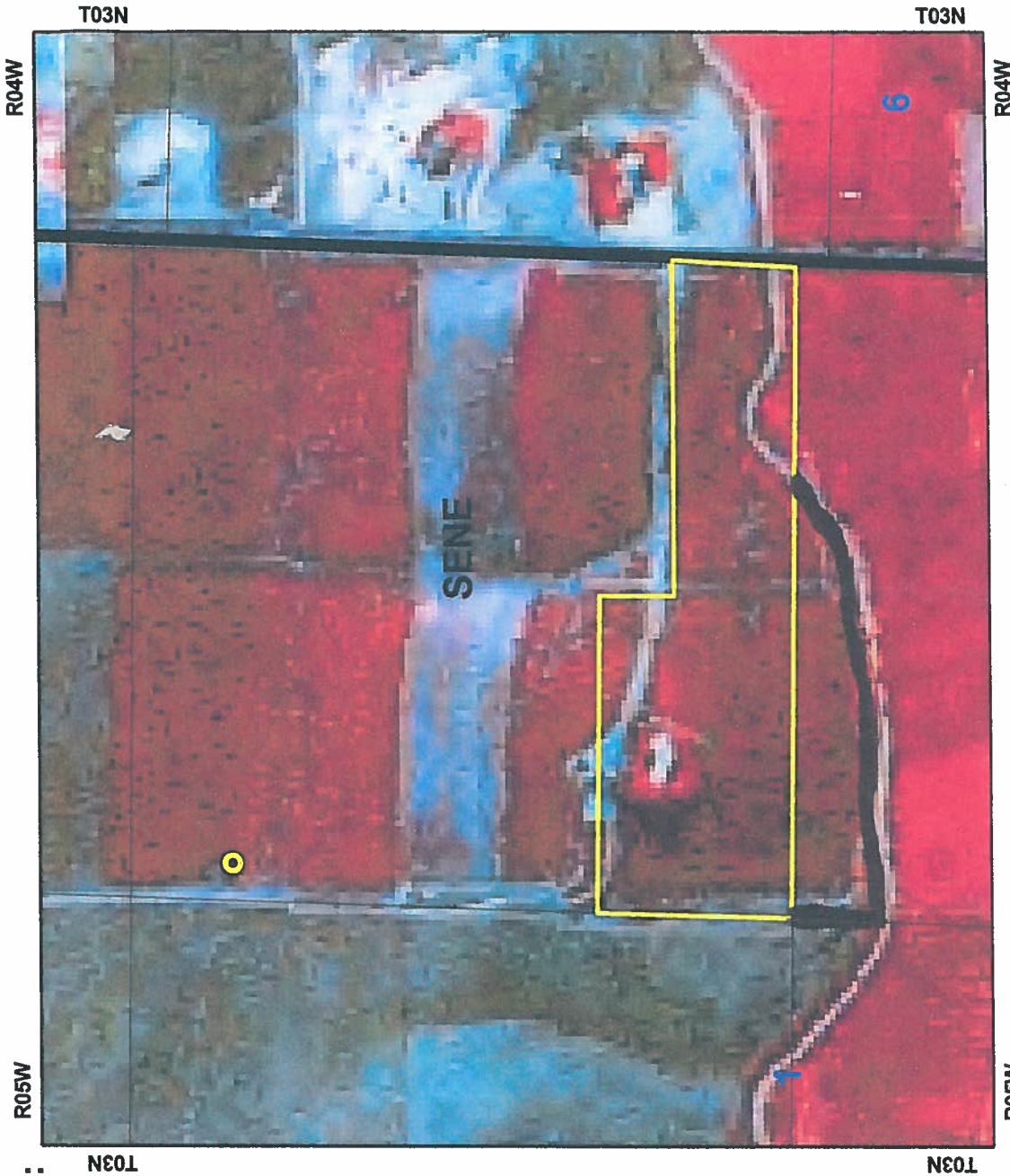
(Irrigation)

Legend

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



Canyon County
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by K. Walker
On Wednesday, September 20, 2006
1987/88 Aerial Photography