

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



2-4022
Preliminary
Report



DEWA
MERRITT
RT 1 E
MARSING ID 83639

Idaho Department of Water Resources

Place of Use Layout 2-4022



0 0.25 0.5 Miles

Township 3N Range 4W Section 18

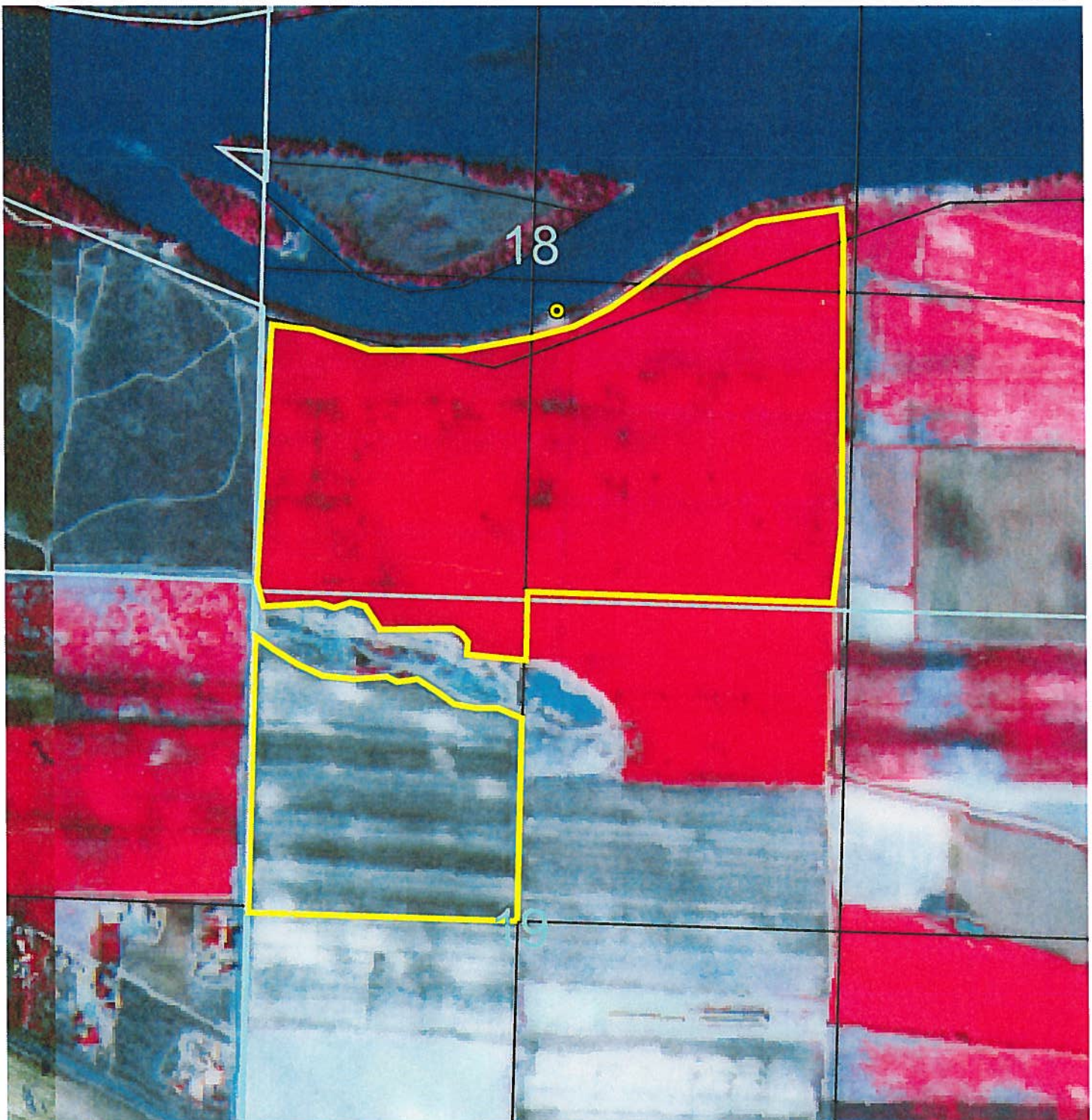


GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: JWilson
Date prepared: Nov. 4, 2005

- | | |
|---|----------------------------|
|  | Point of Diversion |
|  | Place of Use |
|  | PLSS Township |
|  | PLSS Section Lines |
|  | PLSS quarter-quarter lines |

Idaho Department of Water Resources

1987 NAPP Photo



0 0.2 0.4 0.6 Miles

Claim Number: 02-4022
Legal: T03N, R04W, S18 & 19
Reviewed By: BTB 6/30/05

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-04022

Date: 10-4-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	4W	18											-9	-8					51
GIS														28	23					65
														25	40					
Claim			19					-1												9
GIS								9												4
								4												
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 60

Overlapping FOU Claim #'s:

Total GIS Acres: 69

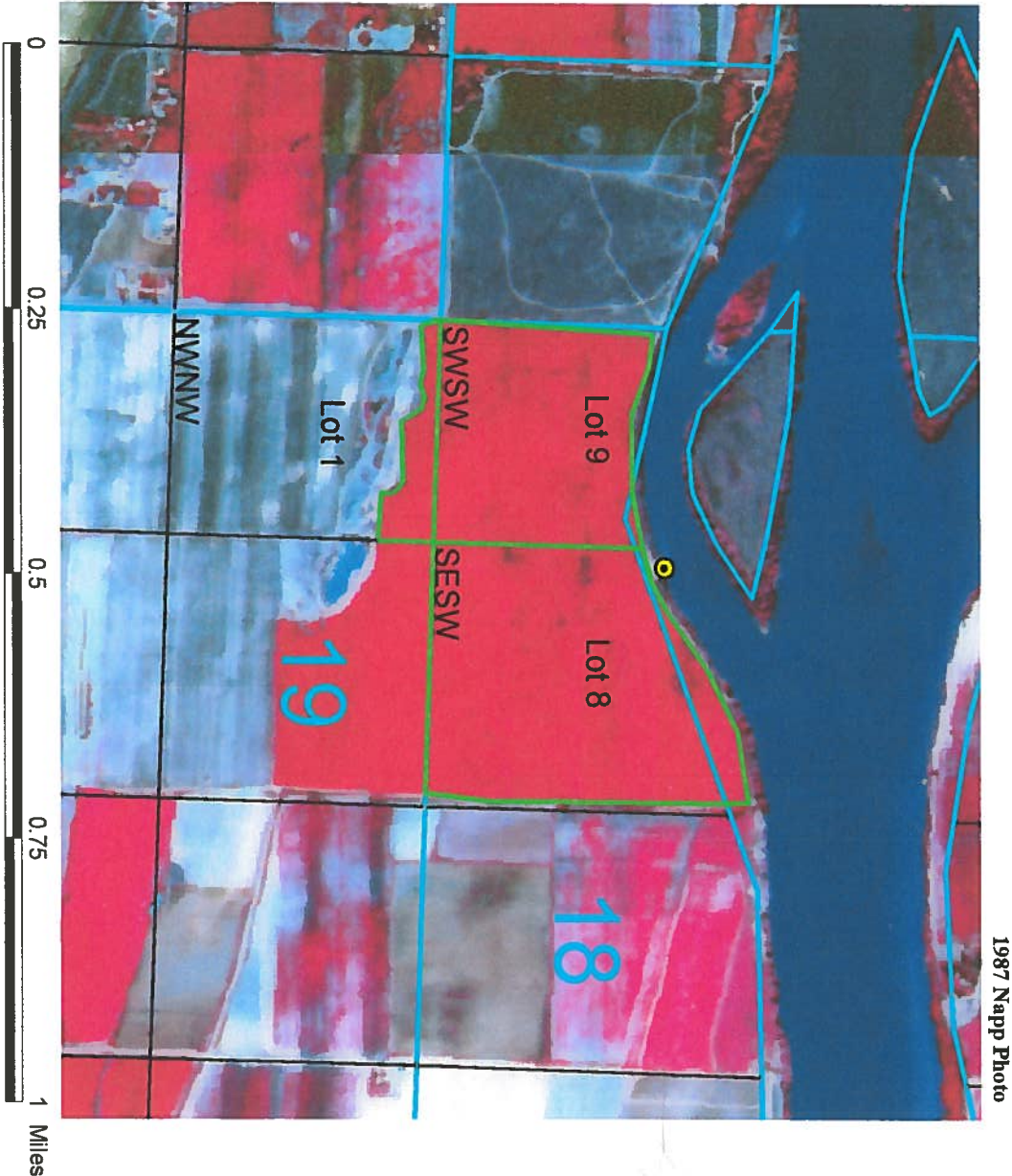
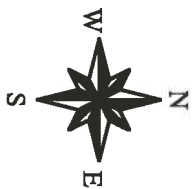
COMMENTS:

Per claim maps.

Idaho Department of Water Resources

Claim Number: 02-04022
Legal: T03N, R04W, S18, 19
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Idaho Department of Water Resources

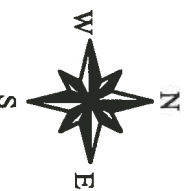
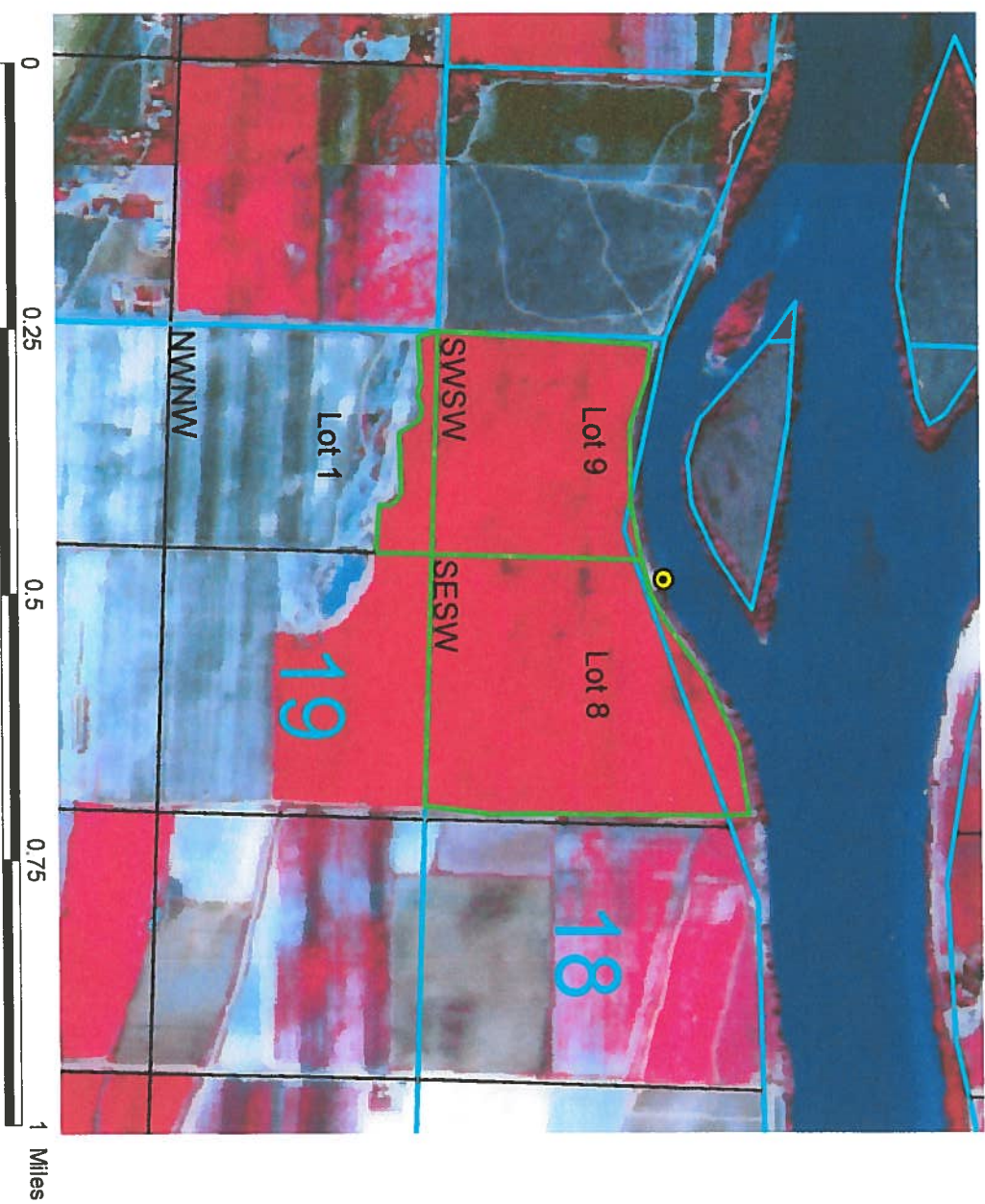
Claim Number: 02-04022

Legal: T03N, R04W, S18, 19

Reviewed By:

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

1987 Napp Photo



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

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

CIVIL CASE NUMBER: 39576

RECEIVED

FEB 20 1990

Ident. Number: A02-04022
Date Received: 12/16/1988
Receipt No: M002249
Received By: _____

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAIR ACRES INC. 208-337-3528
Address: P.O. BOX 506
HOMEDALE, ID 83628

2. Date of Priority: AUG 25, 1970

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	04W	18	NW	SE	SW	8	OWYHEE

5. Description of diverting works:
PUMP, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/14	11/15	1.200		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	04W	18	SW	SW	9	IRR	28.0
			SE	SW	8	IRR	23.0

Section Acres 51.0

A02-04022

Page 1

Date: 01/26/90

MICROFILMED

AUG 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	19	NW	NW	1	IRR	9.0
Section Acres							9.0
Total Acres							60.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A02-07215

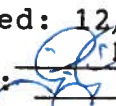
14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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

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Date Received: 12/16/1988
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RECEIVED
JAN 17 1989

Department of Water Resources
Western Regional Office

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1. Name: FAIR ACRES INC. 208-337-3528
Address: P.O. BOX 506
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03N	04W	18	NW		SE		SW	8	OWYHEE
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IRRIGATION	03/14	11/15	1.200		
7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 210.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	04W	18	SW		SW	9	IRR	28.0
			SE		SW	8	IRR	23.0
Section Acres								51.0

A02-04022

Page 1

Date: 12/16/88

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AUG 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	19	NW	NW	1	IRR	9.0
Section Acres							9.0
Total Acres							60.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A02-07215

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Joe Sten
Signature of Authorized Agent
Pais Acres, Inc.
Title and Organization
12-16-88
Date

State of Idaho)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of Dec 19 88

Walter E. Sten
Notary Public

Seal

Residing at Boise, 2d
My Commission Expires 9-2-1994

RECEIVED

FEB 20 1990

CHANGE IN OWNERSHIP

Department of Water Resources
Western Regional Office

[] Water Right Number(s): A02-04022 and A02-07215

[] Name and Address of
Former Claimant: Fair Acres Inc.

P. O. Box 506

Homedale, ID 83628

[] New Claimant(s): DeWayne Merritt and Deva Merritt, h/w

[] New Mailing Address: Route 1 Box 196

Marsing, ID 83639

New Telephone Number: (208) 896 - 4349

[] Does the change in ownership result in a splitting of the
water right claimed? yes XXXX no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Copy of Recorded Warranty Deed

[] Signature of New Claimant(s): DeWayne Merritt
Deva Merritt

Date: _____

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

AUG 07 1992

WARRANTY DEED

THE GRANTOR is FAIR ACRES, INC., an Idaho corporation, (herein called grantor).

THE GRANTEE is DEWAYNE MERRITT and DEVA MERRITT, husband and wife, (herein called grantee) whose current address is Route 1, Box 196, Marsing, ID 83639.

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

IN TOWNSHIP 3 NORTH, RANGE 4 WEST, B. M., OWYHEE COUNTY,
IDAHO

Section 18: Lots 8 and 9

Section 19: E $\frac{1}{2}$ NW $\frac{1}{4}$ and that part of Lot 2 lying NE of the
Nyssa to Marsing Branch of the Union Pacific
Railroad.

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: February 6, 1990.

GRANTOR: FAIR ACRES, INC., an Idaho corporation,

By [Signature]
Joe Itano, Its President

By [Signature]
Tucker Itano, Its Secretary

MICROFILMED
AUG 07 1992

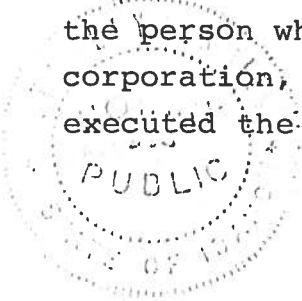
STATE OF IDAHO)
COUNTY OF OWYHEE) ss.

On this 6th day of February in the year 1990, before me,
a Notary Public, personally appeared

JOE ITANO, President of FAIR ACRES, INC., and

TUCKER ITANO, Secretary of FAIR ACRES, INC.

known or identified to me to be the President and Secretary
of the corporation that executed the within instrument or
the person who executed the instrument on behalf of said
corporation, and acknowledged to me that such corporation
executed the same.




Residing at Wilder, Idaho

201670

FILED-RECORDED

FEB 7 1 08 PM '90

BARBARA J. JACO
OWYHEE COUNTY RECORDER
BY C. J. Shubert
DEPUTY

REQUEST OF
OCT
FEB 6, 90

INDEXED

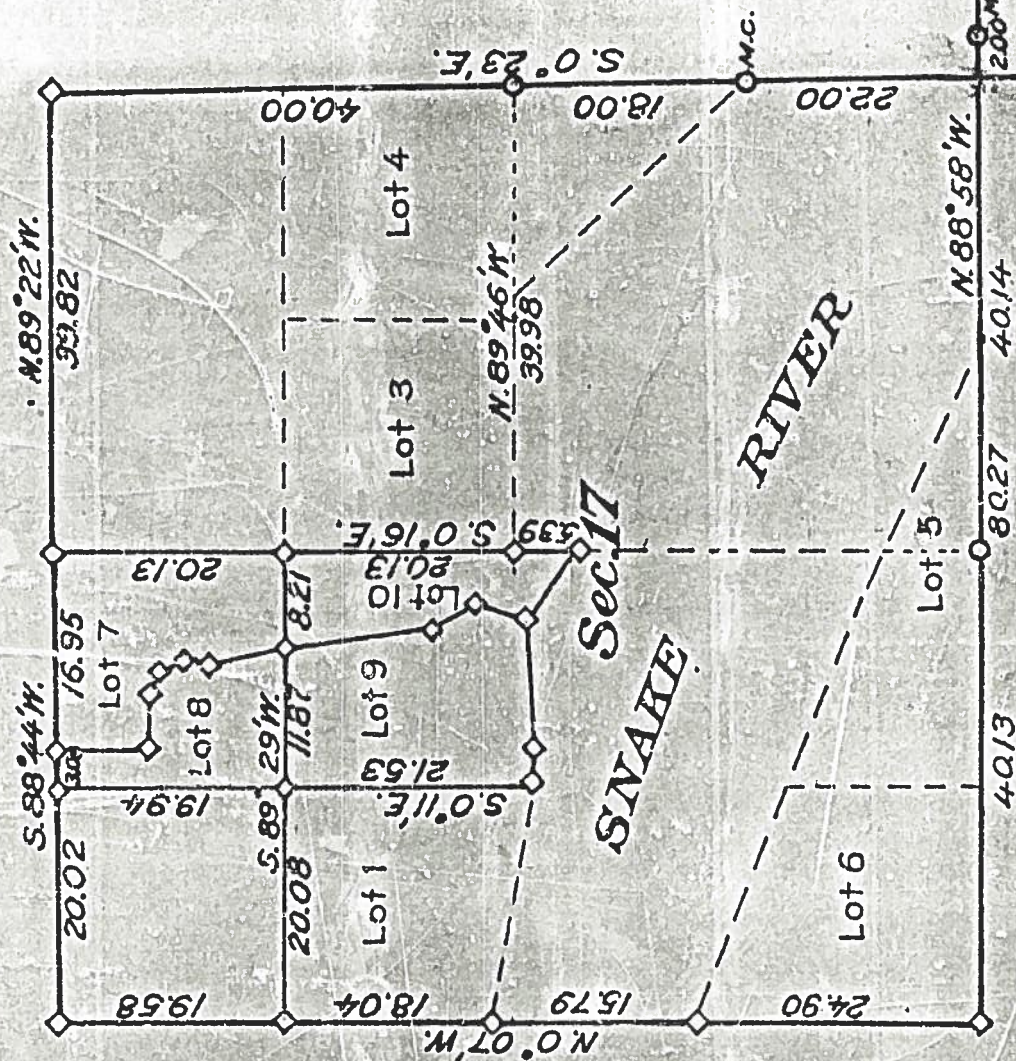
MICROFILMED

MICROFILMED
AUG 07 1992

U. S. Land office at Boise City Idaho

AUG 07 1992

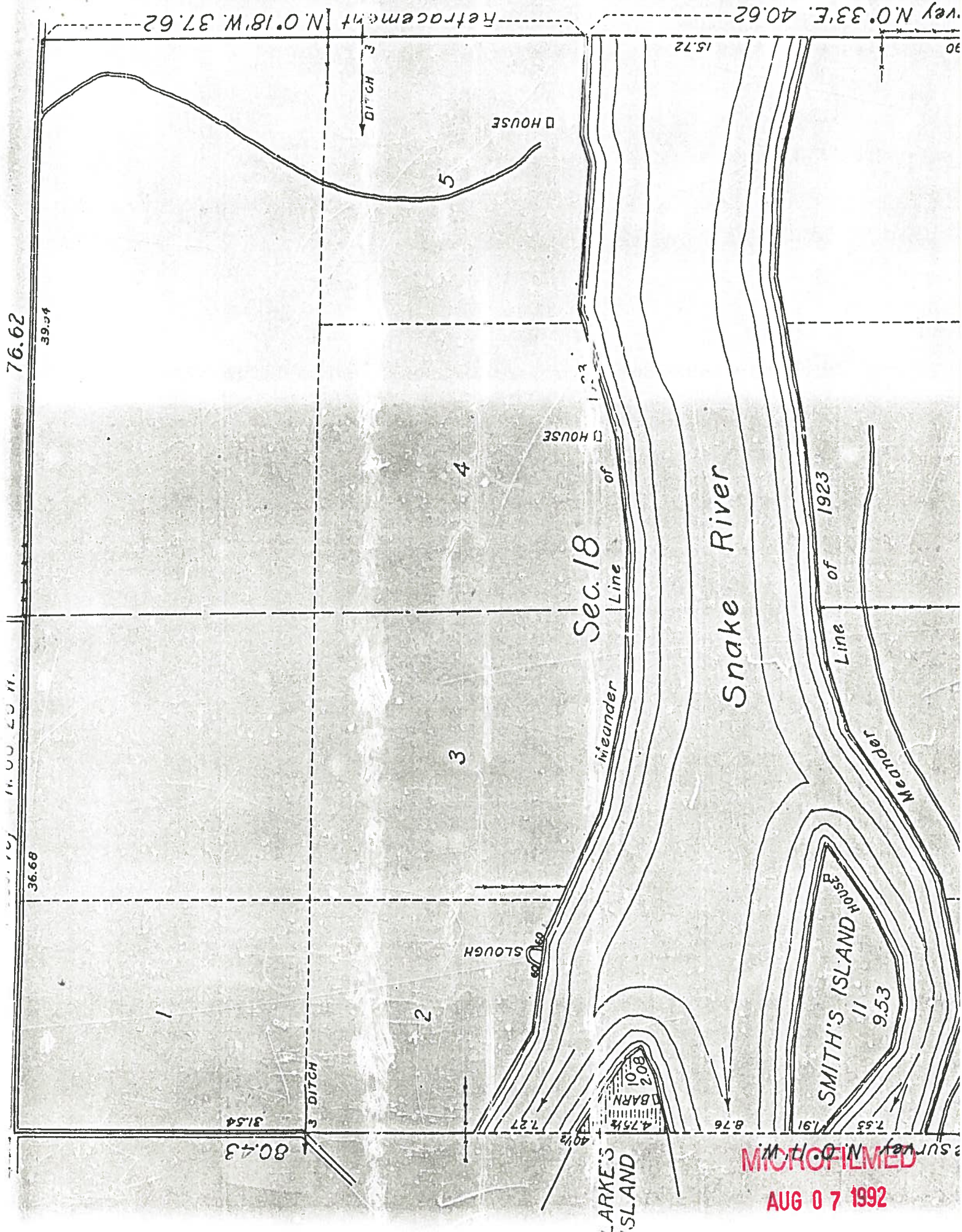
SCALE: 4 INCHES = 1 MILE



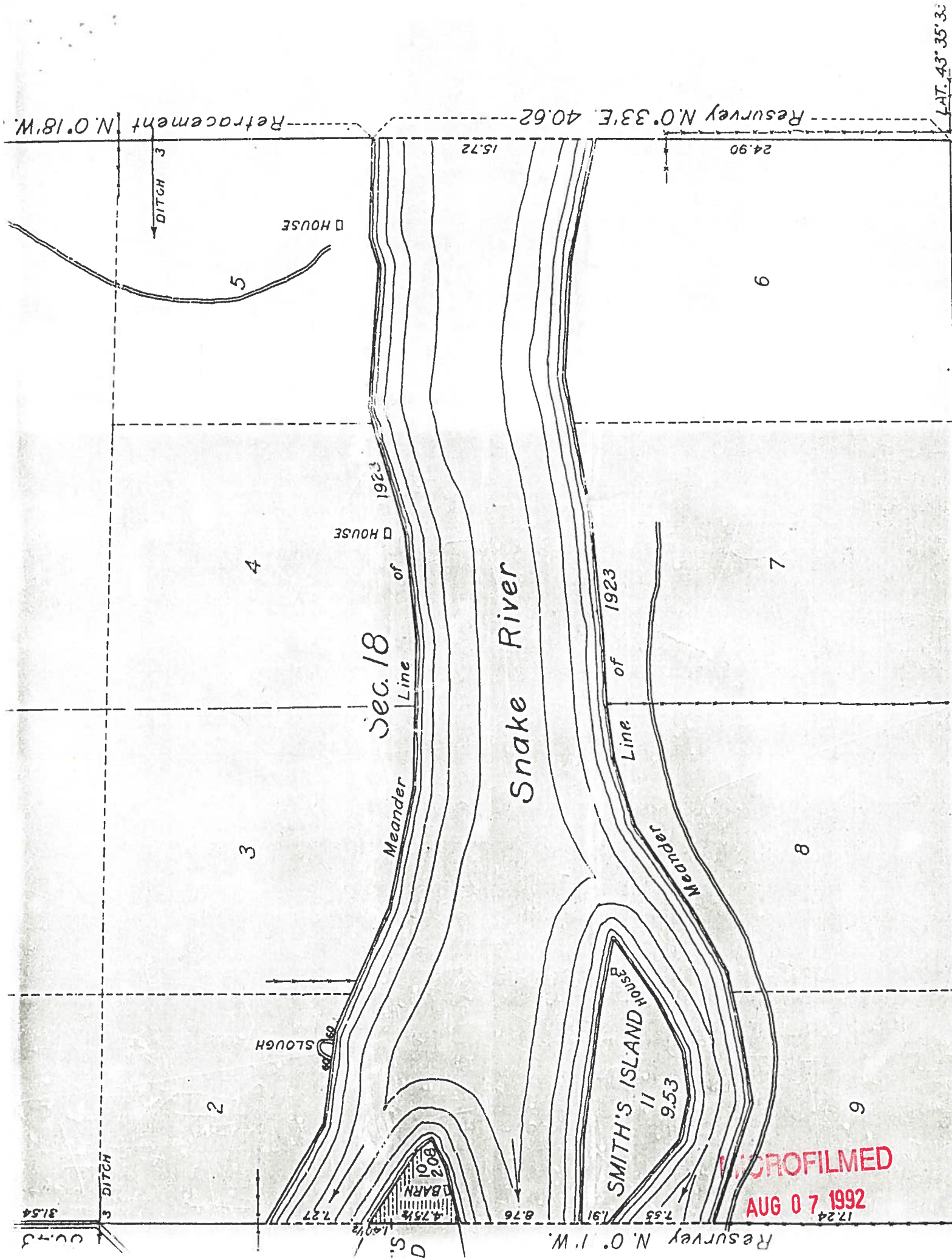
The resurvey represents the purpose of re-locating the ground, the east section 17.

The titles and areas approved, March 5, 1905, for position and description.

MICROFILMED
AUG 07 1992



REMICROFILMED
AUG 07 1992



MICROFILMED
AUG 07 1992

LAT. 43° 35' 33"

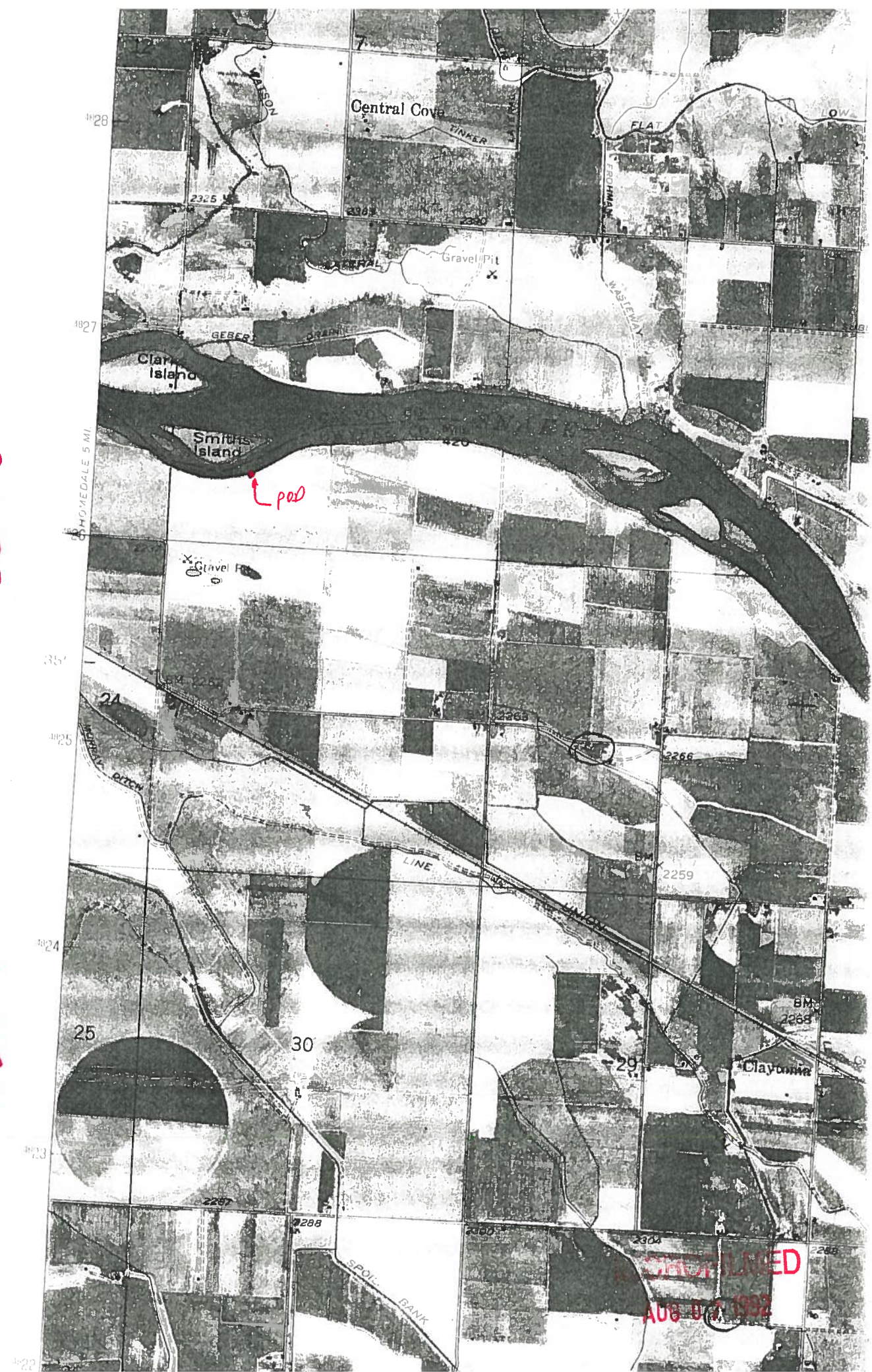
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



02-04022

T 3N R 4W
Section 18

NW SE SW



RECEIVED
AUG 07 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 2-4022

WATER RIGHT NUMBER: 2-4022

<u>Owner Type</u>	<u>Name and Address</u>
Present Owner	DEWAYNE MERRITT RT 1 BOX 196 MARSING, ID 83639 (208)896-4349
Present Owner	SOUTH BOARD OF CONTROL PO BOX 67 HOMEDALE, ID 83628 (208)337-3760
Current Owner	FAIR ACRES INC PO BOX 912 HOMEDALE, ID 83628-0912 (208)337-3087

Priority Date: 08/25/1970

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/14 to 11/15	1.200 CFS	
<u>Total Diversion:</u>		1.200 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	L8 (NW1/4SE1/4SW1/4)	Sec. 18, Twp 03N, Rge 04W, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	18											28.0	23.0					51.0
													L 9	L 8					
03N	04W	19						9.0											9.0
								L 1											

Total Acres: 60

Conditions of Approval:Remarks:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

SEP 21 2000

WATER RESOURCES
WESTERN REGION

RECEIVED

July 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AUG - 2 2000

Department of Water Resources

Fair Acres, Inc.
P.O. Box 912
Homedale, ID 83628-0912

Re: Snake River Basin Adjudication (SRBA)
Water Rights #A02-04022, A02-07215 & 57-02341

Dear Water Right Holder:

We have been advised the address for you presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by August 14, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Clarence Stano

Telephone No.

(208) 337-3087

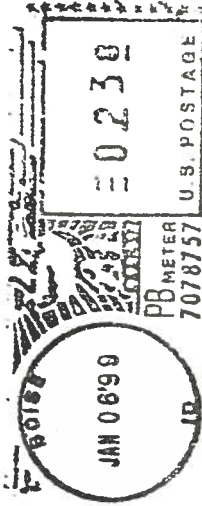
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

A02-64022
✓ - 07215

~~WAD-57-62341 (Sud)~~
is d/c.

RETURN BEING
REQUESTED

PRESORTED
FIRST CLASS



RECEIVED
JAN 13 1999

Department of Water Resources

FAIR ACRES INC
PO BOX 506
HOMEDALE ID 83628

FAIRACRES 836282010 1C98 06 01/13/99
RETURN TO SENDER
: FAIR ACRES
PO BOX 506
HOMEDALE ID 83628-0912

1301 N ORCHARD ST
BOISE, ID 83720



12/22/81

TO: 02-4022
FROM: D. SHAFF

THIS STATUTORY CLAIM FILED BY FAIR ACRES, INC. IN 1976 HAS NOT BEEN REFILED IN THE ADJUDICATION. TO DATE A CLAIM HAS NOT BEEN FILED THAT WOULD COVER THE LAND DESCRIBED IN 02-4022.

THE INTENT OF 02-4022 WAS TO REPLACE 02-7067 (CANCELLED). THE PRIORITY DATE CLAIMED WAS ONLY SLIGHTLY LATER THAN THE DATE THAT WOULD HAVE BEEN ESTABLISHED IF 02-7067 HAD BEEN PROPERLY DEVELOPED. A CLAIM WAS NOT SOLICITED FOR 02-4022, HOWEVER, BECAUSE A REMARK ON 02-7215 THAT INCLUDES THE LAND DESCRIBED ON 02-4022 STATES THE IRRIGATION SYSTEM WAS IN USE SINCE JUNE 5, 1971, TOO LATE TO DEVELOP A WATER RIGHT BY SIMPLE DIVERSION AND BENEFICIAL USE.

THE WATER RIGHT CLAIMED BY 02-4022 WILL BE CONSIDERED INVALID FOLLOWING THE ENTRY OF THE DECREE FOR THE OTHER RIGHT (02-7215). A CLAIM HAS BEEN SOLICITED FOR 02-7215.

MICROFILMED

AUG 16 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42 239a Idaho Code

POOR ORIGINAL

CLAIM TO A WATER RIGHT

Under the provisions of Section 4-2-23a, Idaho Code, a person may file a claim to a right in use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that **PAIR AGEN, Inc.**

(name of claimant)

At 2, Wilder, Idaho 83676
(mailing address)

claim, a right to the diversion and beneficial use of

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe the source of water (name of stream, lake, spring, etc., or ground water) Snake River
tributary to Columbia River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed.

Amount	Use	Period of Use	From	To
1.20 cpa	Irrigation		4-15	10-15
		Period of Use	From	To
		Period of Use	From	To
		Period of Use	From	To
(cfs, gpm or cpi)	(dom., ind. stock, etc.)			(both dates inclusive)

- (1) Total quantity of water claimed: 1.20 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priorly claimed: (the date water was first applied to beneficial use) 6-03-70

A claim is not acceptable on a ground-water source with a priority date March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) Amount of diversion: (give location of point where water is diverted from its source)

Additional points of diversion

- 2) Describe means of diversion of water. (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities, be as specific as possible. Diesel Motors, Pump, sprinklers

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Pursuant to telephone call of 7-17-76 LAG

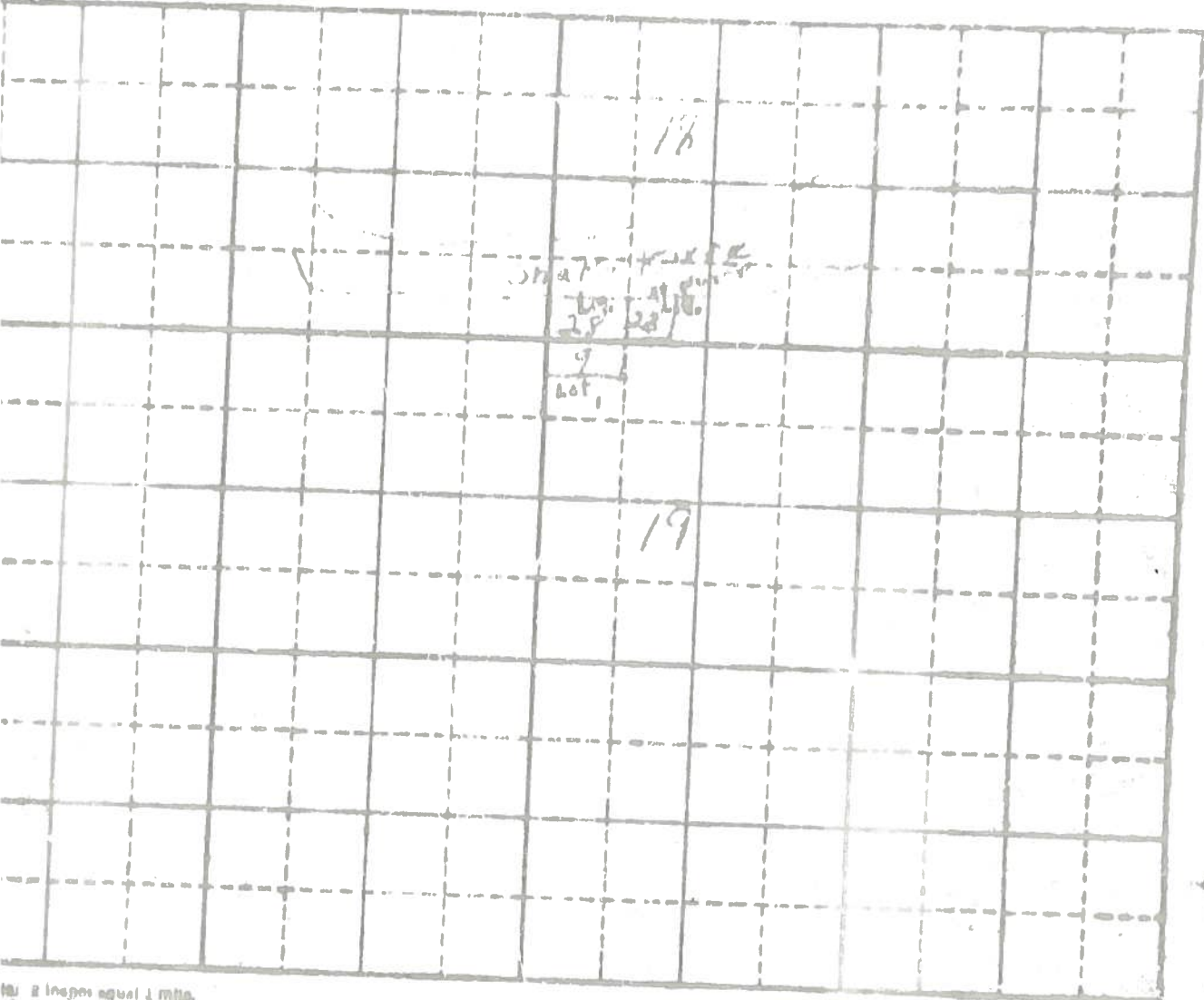
Total No. of cases

- D) If the water is used for other than irrigation, fully describe the dist. use, being as specific as possible.

- (7) If you are electing voter as a member of an organization, list name of organization

POOR ORIGINAL

(8) Remarks Mr. Perron Chase used the water from the Snake River to irrigate this portion that we are now farming. (See cancelled permit No. 02-7067).



1 in. = 1 mile

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Carleton) ss.
City of Carleton)

Do it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing to a water right, together with all attached information, and that the matters and facts therein are true to the best of his knowledge.

Sworn to before me this 1st day of July, 1926
Sherry L. Fisher
Notary Public
Residing at Homestead, Idaho

Expiration expires 6-10-77

For Department Use Only

Filed by 6-10-77 Date 7-16-76 Exception filed by W. S. S. Forwarded to W. S. S.
Checked by 6-10-77 Date 7-16-76
File received by 6-10-77 Date 7-16-76
Filed for publication by 6-10-77 Date 7-16-76
Copy Carleton Chronicle
July 1st & Aug 1st

November 1, 1990

Stan Smith
Owyhee County Title Company
PO Box 8
Murphy, ID 83650

Dear Mr. Smith:

SUBJECT: Notice of Claim to a Water Right
ID Number A02-04022 and A02-07215

We have received the change in ownership request in regard to the above water rights on the property formerly owned by Fair Acres, Inc.

In attempting to make the ownership change I noticed a possible discrepancy in the legal description on the warranty deed versus what is on the water right claims. The discrepancy I found seems to be in section 19, lot 2. The warranty deed lists the E1/2NW1/4 and a part of lot 2; however, the water rights in question are for property in the NE1/4NW1/4 and the NW1/4NW1/4. It appears that these two claims will need to be split.

Would you please clarify these so I can make the necessary ownership changes. Enclosed are copies of the warranty deed and Notices of Claims to a Water Right. Please address your response to my attention.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

1-10-92 - No response

MICROFILMED

AUG 07 1992