

05/18/2006

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

RIGHT NUMBER: 2-10307

NAME AND ADDRESS: QUENTIN E HOWARD JR
3690 S COMO AVE
MERIDIAN ID 83642

SHIRLEY K HOWARD
3690 S COMO AVE
MERIDIAN ID 83642

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.457 CFS

The rights listed below are limited to a total combined diversion rate of 2.3 cfs. Combined Right Nos.: 2-73, 2-2436B, 2-10307, and 2-10308.

PRIORITY DATE: 10/21/1907

POINT OF DIVERSION:

T04N R05W S32 NWNESE Lot 3 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	0.457 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R05W S32 Lot 3 NESE 24.70

24.7 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

This right is a split from former right 2-2436A.

Split/Overlap Analysis

Water Right Number: 2-2436

D. Shaff 05/18/06

Diversion Rate: 2.3 CFS

[illegible]

2-2436 (114.68 ac & 2.30 cfs)	2-2436B (41.00 ac & 0.83 cfs)	
	2-10307 (24.7 ac & 0.46 cfs)	
	2-10308 (1.30 ac & 0.06 cfs)	
	2-73 (47.0 ac & 0.94 cfs)	Beneficial Use Right replacing forfeit of part of 2-2436

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
Feb-36	2.300	114.68	0.020
2-2436B	0.830	41	0.020
2-10307	0.457	24.7	0.019
2-10308	0.063	1.3	0.048
2-73	0.940	47	0.020

Sum of Rights	2.29	Sum of Right Acres	114.00
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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 15, 2006

2-2436a split
Paul and Bonnie Kloster
PO Box 2347
Elk Grove, CA 95759

Re: 2-2436a split

Dear Claimants:

As a result of a recent land purchase from Quentin and Shirley Howard, the Kloster Family Trust acquired a 15% portion of water right 2-2436a, which is a diversion amount recognized as .063cfs on 3.15 acres. The original place of use covered under water right 2-2436a specifically covers 26 acres as outlined in green on the enclosed map. The portion of land you bought from the Howard's (as outlined in blue on the enclosed map) also included a portion of water right 2-2436a. The land you bought that is covered under the water right is outlined in yellow. According to our records, of the 3.46 acres you purchased, only an approximate 1.3 acres is actually covered under the water right. The change in ownership and supporting documents you provided enables us to proceed with splitting the water right and entitles you to use .063cfs on the 1.3 acres depicted in yellow on the enclosed map. Although the "change of ownership" documents indicate that you have 3.15 acres upon which to irrigate we cannot recommend 3.15 acres until an approved transfer of the remaining 1.85 acres ($3.15\text{ac} - 1.3\text{ac} = 1.85\text{ac}$) is issued. In order for you to be able to irrigate 3.15 acres on your property either the Howard's or yourself must apply to transfer the extra 1.85 acres. The 1.85 acres must be transferred from water right 2-2436a's original place of use. An application for transfer can be found and downloaded from our website at www.idwr.idaho.gov. The links to direct you to the form are under: Water Management: Water Rights: Application forms, fees: Application for Transfer. If you have any questions please contact this office. Our toll free number is 1-800-451-4129. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Misty Mount', is written over a horizontal line.

Misty Mount
Adjudication



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2006

2-2436a
QUENTIN AND SHIRLEY HOWARD
18039 FISH ROAD
WILDER ID

Re: 2-2436a

Dear Quentin and Shirley:

Your original claim to a water right 2-2436A was for 21 acres at 1 inch per acre. You have the opportunity to amend your claim to 26 acres at 1 inch per acre should you decide to sign, notarize and return the enclosed claim. According to our analysis of the original water right more land was being irrigated in 1987 than was originally claimed. Because approximately 5 acres of the original water right has not been claimed during this adjudication we are giving you the opportunity to claim the extra acres, and by doing so will more accurately reflect the number of acres being irrigated in 1987 as depicted on the enclosed map.

As a result of the sale of land to the Kloster Family Trust (land outlined by the green on the enclosed map) a portion of the water right has been transferred with this sale. The dark blue outline totaling 1.1 acres as shown on the map is the portion of water right 2-2436a that will be transferred to the new claimants. As you can see the 3.46 acres that was purchased did not have a water right covering the entire piece of land.

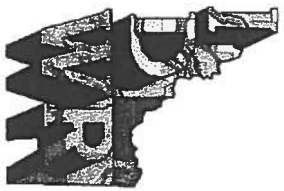
If you have any questions please contact this office 1-800-451-4129 or you may call me direct at 208-287-4940. Please have your claim number, 2-2436A, handy when you call.

Should you decide to return the materials in a mailer different from that enclosed, please include the notation "ATTN: SRBA Claim Number 2-2436A" on the front of the mailer.

Thank you,

Misty Mount
Adjudication

sent on 6-18-06



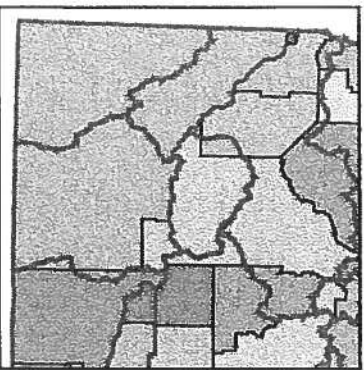
Idaho Department of Water Resources

T04N R05W

Adjudication Claim Number: **2-2436 a**

Legend

- Section Lines
- Quarter Quarte Lines
- 02_02436a_Kloster's_land.shp
- 02_02436a_original place of use.shp

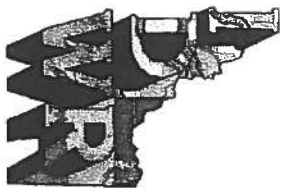


Owyhee County
IDWR Basin 2



0 0.3 0.6 Miles

Prepared by M. Mount
On Wednesday, February 15, 2006
1987/88 Aerial Photography



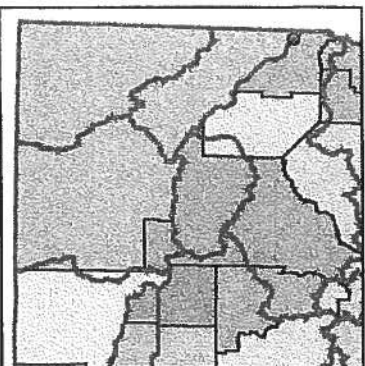
Idaho Department of Water Resources

Adjudication Claim Number: **2-2436 A**

T04N R05W

Legend

-  Deed Exhibit A
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

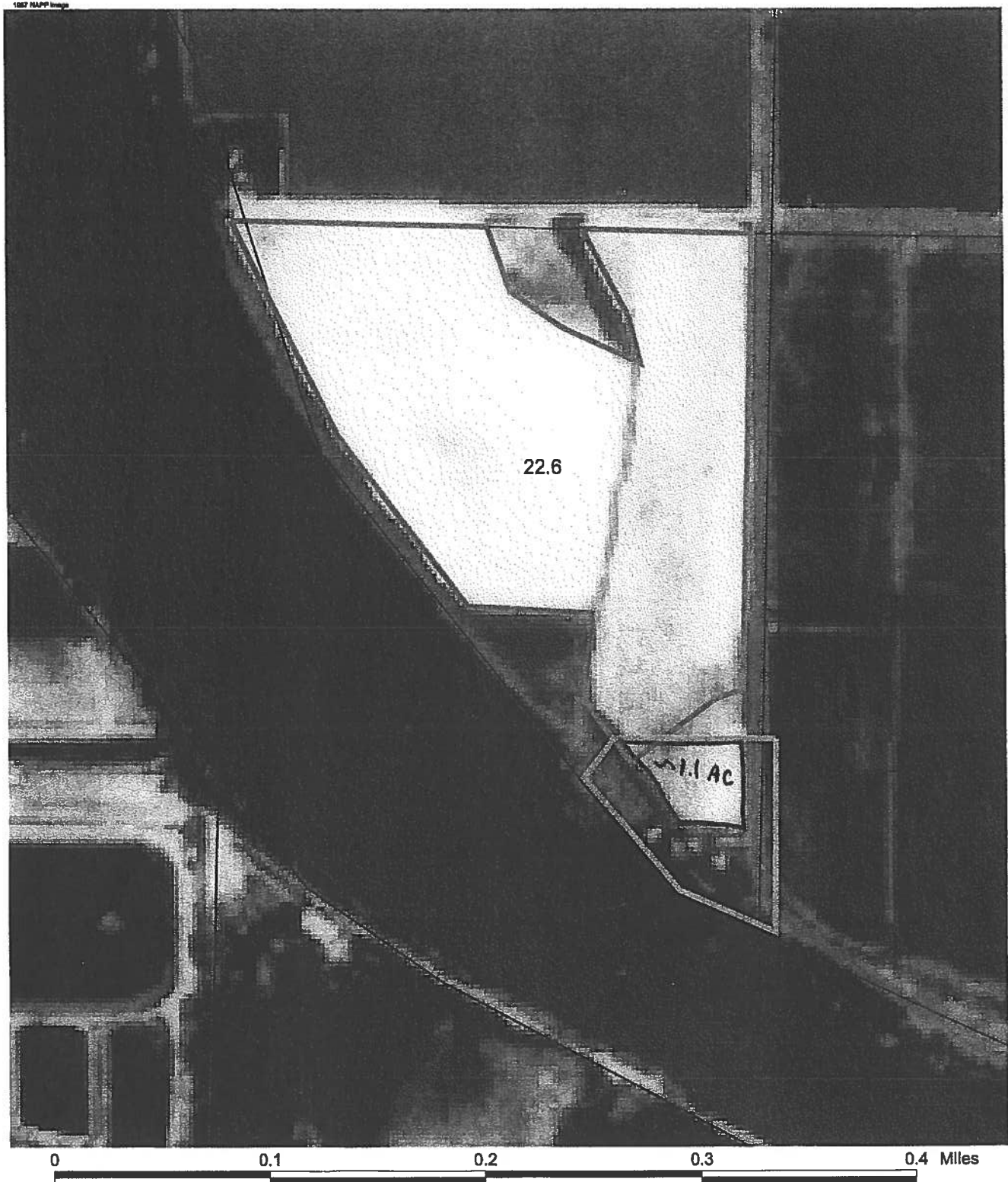


Owyhee County
IDWR Basin 2



Prepared by M. Mount
On Tuesday, January 17, 2006
1987/88 Aerial Photography

Idaho Department of Water Resources



NAPP Image - 1987
Claim Number: 2-2436A Split
Legal: T04N, R05W, S32
Reviewed By: SJR 11/17/05



-  Deed Exhibit A (COGO)
-  Original SRBA Claim POU
-  04N05W GCDB

Split Analysis

Water Right Number: 2-2436a
Diversion Rate: 0.52 CFS
Reviewer Name: Misty Mount
Date: 2/14/2006

[illegible]

Normal split =

$$\frac{56 \text{ AC}}{1.3 \text{ AC}} = 43.08$$

but - because the deed specifies that 1063 cfs is to be transferred in the sale then

$$552 \text{ cfs} (26 \times 0.2)$$

$$- 1063 \text{ cfs} (\text{amt in trust})$$

$$= 457 \text{ cfs}$$

457 cfs is what's left over for the Howards.

2-2436a	Kloster (1.3 ac & ~~0.05~~ cfs) .063	2-10300
(26.0 ac & 0.52 cfs)	Howard (24.7 ac & ~~0.05~~ cfs) .457	2-10307

$$(26 - 3.15 = 22.85 \times .02 = .45)$$

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
2-2436a	0.52	26	0.020
Kloster	0.63 ~~0.63~~	1.3	0.020
Howard	457 ~~0.49~~	24.7	0.020

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MAR - 8 2006

* Only 1.3 acres of the purchased (3.15¹⁵ ac) land is covered under the wr - however, 0.63 cfs was allocated to the kloster's ~~and~~ a transfer must be approved for the remaining 1.85 acres. The cfs for the Howard's is recommended based on the split (ownership change) and reflects an excess of 1.25 ac compared to the diversion (cfs). - 2.16 acres and 0.63 cfs was intended to be a gift & the sale - but not all

**SPF**

Water Engineering, LLC
water resource consultants

September 16, 2005

RECEIVED
SEP 16 2005
Department of Water Resources

Idaho Department of Water Resources
The Idaho Water Center
322 E Front Street
Boise ID 83720

Via hand delivery

Subject: Ownership change for 63-21048; ownership change and split for 2-2436A

On behalf of our client, The Kloster Family Trust (Kloster), enclosed is an ownership change form for the above listed water rights. Kloster has acquired all of water right 63-21048, and a 15% portion of water right 2-2436A per the accompanying water right assignment from Quentin and Shirley Howard to Kloster. Included is a check for \$25 for 63-21048. I understand that there is no fee for 2-2436A as this right is pending in the SRBA.

If you have any questions regarding this submittal, please contact me.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

File: 471.0010

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FEB 02 2006

COPY

*Rec'd from W. A.
- 20*

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.

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
63-21048		N			
2-2436A	2-2436A	Y			

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) Quentin E and Shirley K Howard
18039 Fish Road, Wilder ID 83676
4. New Owner/Claimant(s) The Kloster Family Trust
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 2347
- City, State and ZIP Code Elk Grove CA 95759
- New Telephone Number (208) 899-7890
5. Date you acquired the property June 20, 2005

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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>2-2436A</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>0.063 cfs</u>	<u>3.15 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.063</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 _____		
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)

The Monte-Franco Trust Red Plate Trust
a Bonnie L. Kloster, Trustee

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 P. M. G.

Date

9-16-05

Fee

25.00Received by P. M. G.

Date

9-16-05

Receipt No.

C079127Processed by SMN

AJ

Date

3-8-06

WR

Date

SCANNED

MAR - 8 2006

CS ~~1000~~ - please process according to Split Analysis sheet - Thanks!

Mist

WATER RIGHT ASSIGNMENT

For Value Received, Quentin E. Howard, Jr. and Shirley K. Howard, husband and wife ("Grantors"), hereby assign to the Kloster Family Trust, dated May 13, 1996 ("Grantee"), Grantors' interest in and to license for Water Right No. 63-21048 issued by the Idaho Department of Water Resources, together with any claim for said license filed in Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls ("SRBA"). Grantor also fully assigns to Grantee a portion (.063 cfs) of SRBA claim 2-2436A. The interests conveyed by this Assignment are subject to all conditions and limitations specified on the licenses and/or claims, or that may be imposed by the Idaho Department of Water Resources or SRBA Court.

Grantor makes no guarantees or warranties as to the above-referenced license or claim, their transferability, yield, sufficiency, volume, or status in the SRBA. In accepting this Assignment, Grantee agrees that Grantee is relying wholly upon Grantees own investigation and judgment with respect to the license and claim for water rights referred to herein, and is not relying on any representation or promise by Grantors.

GRANTORS:

Quentin E. Howard Jr.
Quentin E. Howard, Jr.

6/21/05
Date

Shirley K. Howard
Shirley K. Howard

6-21-05
Date

GRANTEES:

Kloster Family Trust

06/22/05
Date

Bonnie L. Kloster

6-22-05

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FEB 02 2006

COPY

PC 6-186

AFTER RECORDING MAIL TO:

Paul Kloster and Bonnie L. Kloster,
PO Box 2347
Elk Grove, CA 95759

REQUEST
PIONEER-CALDWELL
TYPED FEE *90*

CANYON COUNTY RECORDER
G. NOEL MALES
John. Brown

2005 JUN 22 PM 4 17

RECORDED

200535209

WARRANTY DEED

File No.: **4101-582658 (NR)**

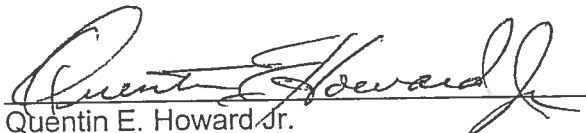
Date: **June 20, 2005**

For Value Received, **Quentin E. Howard, Jr. and Shirley K. Howard, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Paul Kloster and Bonnie L. Kloster, Trustees of the The Kloster Family Trust, dated May 13, 1996**, hereinafter referred to as Grantee, whose current address is **PO Box 2347, Elk Grove, CA 95759**, the following described premises, situated in **Canyon County, Idaho**, to wit:

See Exhibit "A" attached hereto and made a part hereof

APN: **R37218 -000**

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


Quentin E. Howard Jr.


Shirley K. Howard

SCANNED

FEB 02 2006

COPY

File No.: 4101-582658 (NR)
Date: 06/20/2005

COPY

PC 64786

Exhibit "A"

A parcel of land being a portion of Government Lot 3 of Section 32, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3 (East Quarter corner, Section 32) monumented with a 3-inch diameter brass disk; thence

South 00° 22' 50" West, a distance of 1,228.97 feet along the Easterly boundary of said Government Lot 3 to the POINT OF BEGINNING, said point monumented with a 1/2 inch diameter iron pin; thence continuing

South 00° 22' 50" West, a distance of 472.62 feet along the Easterly boundary of said Government Lot 3 to a point on the meander line, said point monumented with a 5/8 inch diameter iron pin; thence along said meander line the following courses and distances; thence

North 66° 21' 03" West, a distance of 256.24 feet to a point monumented with a 1/2 inch diameter iron pin; thence

North 40° 21' 04" West, a distance of 360.00 feet to a point monumented with a 1/2 inch diameter iron pin; thence leaving said meander line,

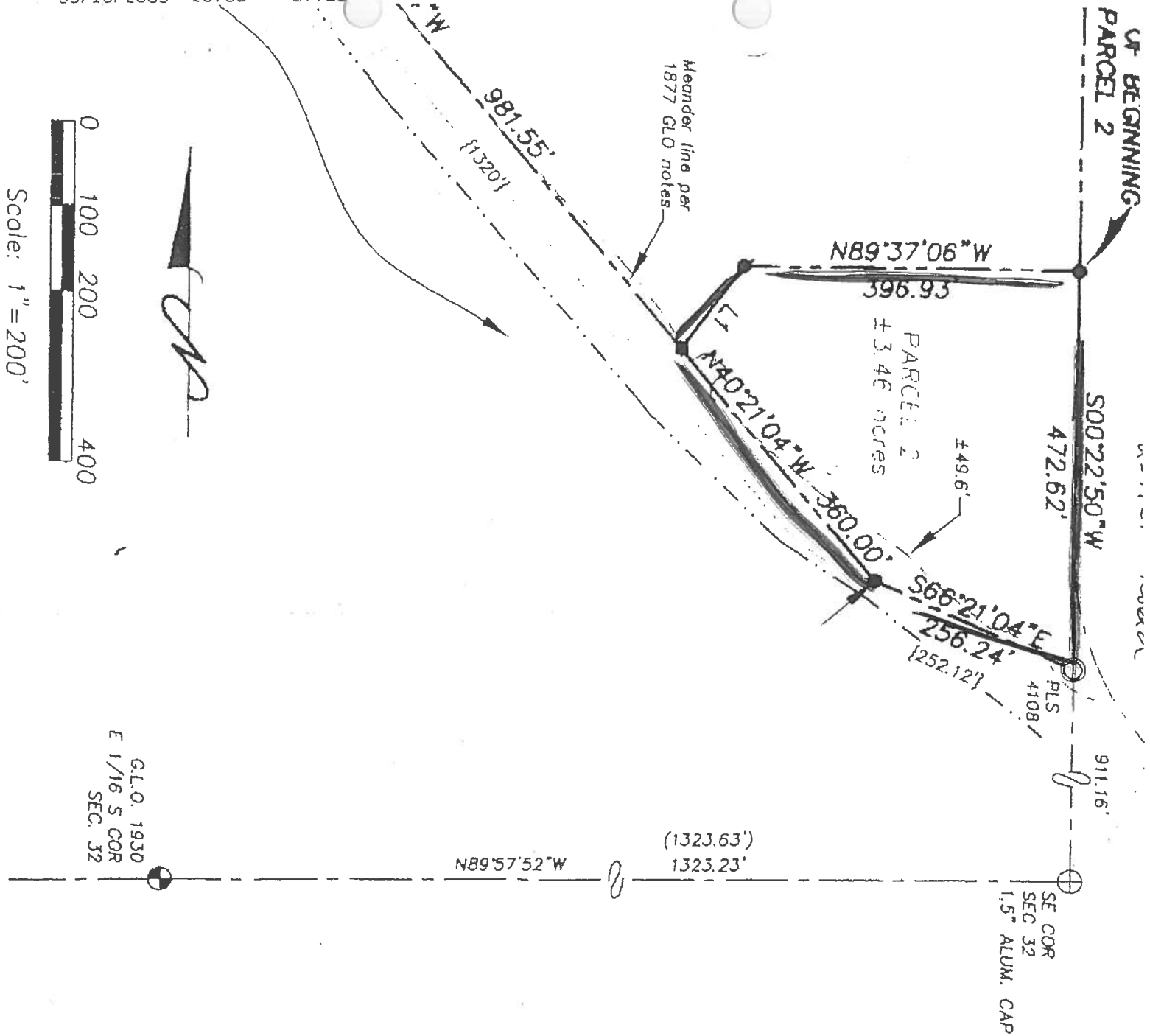
North 37° 02' 11" East, a distance of 122.91 feet to a point monumented with a 1/2 inch diameter iron pin; thence

South 89° 37' 06" East, a distance of 396.93 feet to the POINT OF BEGINNING.

SCANNED

FEB 02 2006

COPY



COPY

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FEB 02 2006



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

March 8, 2006

QUENTIN E AND SHIRLEY K HOWARD
18039 FISH RD
WILDER ID 83676

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #2-10307

Dear Mr. and Mrs. Howard:

As a result of selling a portion of your property and water rights to the Kloster Family Trust, the identification number to your water right has been changed as follows:

From
2-2436A

To
2-10307

Please use the new number in future inquiries or correspondence you may have with our Department. Enclosed is a copy of your water right. Please retain this copy for your file.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Thank you for your patience and cooperation. We have had several water right changes to process. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Notice of Claim to a Water Right Referenced Above

SCANNED

MAR - 8 2006

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 2-10307
Date Received: 2/16/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

QUENTIN E HOWARD JR Phone: (208)880-4898

18039 FISH RD
WILDER ID USA 83676

SHIRLEY K HOWARD Phone: (208)880-4928

18039 FISH RD
WILDER ID USA 83676

2. Date of Priority: 10/21/1907

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	05W	32	NW NE SE 3	CANYON	

5. Description of diverting works:

7.5 HP MOTOR & GRAVITY IRR. SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.457	

7. Total Quantity Appropriated is:
0.457 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
04N	05W	32	NE	SE 3	IRRIGATION	24.7
					Section Acres	24.7
					Total Acres	24.7

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM HAD A \$10.00 CREDIT FROM THE PRVIOUSLY FILED "02" CLAIM. THEREFORE
TOTAL FEES FOR THIS SRBA CLAIM ARE \$61.00.
CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 12/22/93.
OWNERSHIP CHANGED BY LH 6/29/95.

This right is a split from former right 2-2436A.

15. Basis of Claim: License