

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 63-32698  
Date Received: 2/23/1990  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DOUGLAS M COOK Phone: (208)466-2019  
8842 CHERRY LN  
NAMPA ID USA 83687

2. Date of Priority: 02/16/1982

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      | 02W   | 3       | SW SW                 | CANYON |      |

5. Description of diverting works:

10" WELL, 97' DEEP W/10 HP JACUZZI SUBM. PUMP FOR SPRINK. IRRIG.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.06   | 9          |

7. Total Quantity Appropriated is:

0.06 C.F.S. and/or 9 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           | 02W   | 3       | SW         | SW  | IRRIGATION | 2     |
| Section Acres |       |         |            |     |            | 2     |
| Total Acres   |       |         |            |     |            | 2     |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

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

This right is a split from former right 63-9872 .

15. Basis of Claim: License

uA  
RECEIVED  
MAY 10 2007  
DEPARTMENT OF  
WATER RESOURCES

**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 IDWR will produce new water right number(s) for the split(s).

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| AJ 63-9872           |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |

RECEIVED  
MAY 21 2007  
WATER RESOURCES  
WESTERN REGION

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Douglas M. Cook  
8842 Cherry Lane Nampa Id 83687

4. New Owner/Claimant(s)

Edgar or Adena O'Hare

New Mailing Address

8842 Cherry Lane

City, State and ZIP Code

Nampa Id 83687

New Telephone Number

(208) 440-2360

ok-VUM

5. Date you acquired the property

10-26-05

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Edgar O'Hare (title if applicable)  
Adena O'Hare (title if applicable)

**IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.**

**For IDWR Office Use Only:**

Received by \_\_\_\_\_ Date \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_  
 Processed by JH AJ Date 6-27-07

Receipt Amt. N/A  
 Receipt No. \_\_\_\_\_  
 WR \_\_\_\_\_ Date \_\_\_\_\_

SCANNED

MAY 16 2007

PC69004

INSTRUMENT NO. 200571682

## WARRANTY DEED

FOR VALUE RECEIVED Jerry Ellenz and Caffé Ellenz, husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Edgar O'Hare and Adena O'Hare, husband and wife

the Grantees, whose address is 8842 Cherry Ln., Nampa, ID, 83687-9328

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said 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; except for general taxes and assessments for the year 2005 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: October 26, 2005

Jerry Ellenz

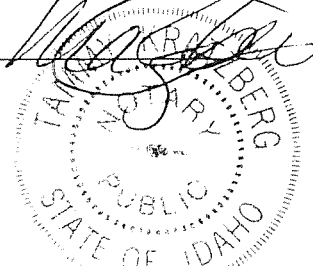
Caffé Ellenz

STATE OF IDAHO

COUNTY OF CANYON

On this 26th day of October in the year 2005, before me, a Notary Public, personally appeared Jerry Ellenz known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public  
Residing at Caldwell  
My Commission Expires 2/3/10



PIONEER TITLE COMPANY  
OF CANYON COUNTY

100 10TH AVE SOUTH  
NAMPA, IDAHO 83651

610 SOUTH KIMBALL  
CALDWELL, ID 83605

SCANNED

MAY 16 2007

200571682

OCT 28 PM 9 10

CANYON CHINA RECORDS

Qua

600

DS

PC 69004

Exhibit "A"

A tract of land located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 3, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more fully described as follows:

BEGINNING at the Southwest corner of Section 3, Township 3 North, Range 2 West, Boise Meridian; thence running

South 89° 46' 26" East a distance of 727.00 feet to the REAL POINT OF BEGINNING; thence continuing to run

South 89° 46' 26" East a distance of 264.90 feet to a point which is the Southeast corner of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter, Section 3, Township 3 North, Range 2 West, Boise Meridian; thence running

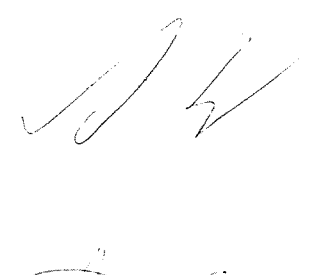
North 00° 01' 34" West a distance of 431.86 feet to a point; thence running

North 89° 49' 14" West a distance of 356.29 feet to a point in the center of a lateral of the Pioneer Irrigation District; thence running

South 11° 58' 51" East along the center of the aforesaid lateral a portion of the total distance of 441.53 feet to the REAL POINT OF BEGINNING.

SCANNED

MAY 16 2007

Handwritten signature and date "MAY 16 2007" in the bottom right corner.

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: A63-09872  
Date Received: 2/23/1990  
Receipt No: W008455  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS M. COOK 208-466-2019  
Address: 8842 CHERRY LN.  
NAMPA, ID 83687

2. Date of Priority: FEB 16, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 02W   | 3       | SW     | SW     |     |     | CANYON |

5. Description of diverting works:  
10" WELL, 97' DEEP W/10 HP JACUZZI SUBM. PUMP FOR SPRINK. IRRIG.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.150  |      | 22.50  |

7. Total Quantity Appropriated is:  
0.150 C.F.S. (and/or) 22.50 A.F.A.

8. Total consumptive use is 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           | 02W   | 3       | SW     | SW  |     | IRR | 5.0   |
| Section Acres |       |         |        |     |     |     | 5.0   |

10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
PIONEER IRRIG. DIST.

14. Remarks:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

**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): Douglas M. Cook Date: 2/23/90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 23rd day  
of February 19 90

Seal

Jan Shute  
Notary Public

Residing at Meridian ID  
My Commission Expires 9-14-94

Commencing at the SW corner of Sec. 3, in Twp. 3, N., R. 2 W.B.M., and bearing E. 727 feet along the S. boundary of the aforesaid Sec. 3 to the Real Point of Beginning. Thence continuing E. 261 feet more or less along the S. boundary of the aforesaid Sec. 3 to the SE corner of the  $W\frac{1}{2}$  of the SE $\frac{1}{4}$  of the NE corner of the  $W\frac{1}{2}$  of the SE $\frac{1}{4}$  of the aforesaid Sec. 3; thence W. 401 feet more or less, along the N. boundary of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the aforesaid Sec. 3; thence S. 12° 01' E. 674.8 feet along the center of the aforesaid lateral to the Real Point of Beginning. Containing 5.02 acres, together with all appurtenant water and ditch rights, subject to the rights of way and easements occupied by the public road and ditch.

MICROFILMED

AUG 24 1992



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

---

RIGHT NUMBER: 63-32698

NAME AND ADDRESS: DOUGLAS M COOK  
8842 CHERRY LN  
NAMPA ID 83687

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS  
9.000 AFY

PRIORITY DATE: 02/16/1982

POINT OF DIVERSION:

T03N R02W S3 SWSW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                 | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                            | 03/15 11/15          | 0.060 CFS<br>9.00 AFY |
| The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. |                      |                       |

PLACE OF USE: IRRIGATION in CANYON County

T03N R02W S03 SWSW 2.00

2 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 is a split from former right 63-9872 .

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

**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     | ) | <b>Water Rights:</b> 63-9872 (Split) |
|                | ) | 63-32698, 63-32699                   |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED</b>           |
|                | ) | <b>ADMINISTRATIVE</b>                |
| _____          | ) | <b>PROCEEDING</b>                    |

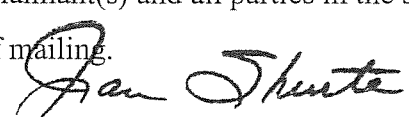
IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
  - ☐ Point of diversion      ☐ Place of use
  - ☐ Period of use              ☐ Nature of use
  - ☐ Split of water right      ☐ Change in ownership
  - ☐ Other
- ☐ IC § 42-219 license

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

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

DATED: June 29, 2007

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on June 29, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

|                                |                                         |
|--------------------------------|-----------------------------------------|
| Clerk of the District Court    | <input type="checkbox"/> overnight mail |
| Snake River Basin Adjudication | XX regular mail                         |
| P.O. Box 2707                  | <input type="checkbox"/> hand-delivered |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/> facsimile      |

### 2. Copies to:

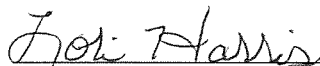
|                                 |                                         |
|---------------------------------|-----------------------------------------|
| Clive Strong                    | <input type="checkbox"/> overnight mail |
| Off ice of the Attorney General | XX regular mail                         |
| P.O. Box 44449                  | <input type="checkbox"/> hand-delivered |
| Boise, ID 83711-4449            | <input type="checkbox"/> facsimile      |

|                                    |                                         |
|------------------------------------|-----------------------------------------|
| United States Dept of Justice      | <input type="checkbox"/> overnight mail |
| Environment & Natural Resource Div | XX regular mail                         |
| 550 West Fort Street MSC 033       | <input type="checkbox"/> hand-delivered |
| Boise ID 83724                     | <input type="checkbox"/> facsimile      |

### 3. Copies to all parties to the subcase:

|                |                                         |
|----------------|-----------------------------------------|
| Douglas Cook   | <input type="checkbox"/> overnight mail |
| 8842 Cherry Ln | XX regular mail                         |
| Nampa ID 83687 | <input type="checkbox"/> hand-delivered |
|                | <input type="checkbox"/> facsimile      |

|                |                                         |
|----------------|-----------------------------------------|
| Edgar O'Hare   | <input type="checkbox"/> overnight mail |
| Adena O'Hare   | XX regular mail                         |
| 8842 Cherry Ln | <input type="checkbox"/> hand-delivered |
| Nampa ID 83687 | <input type="checkbox"/> facsimile      |



Signature of person mailing this document



63-9872 - licensed for 5 acres. O'Hare owns 3 acres.



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

June 29, 2007

DOUGLAS COOK  
8842 CHERRY LN  
NAMPA ID 83687

Re: Original Water Right No. 63-9872

Renumbered to Water Right Nos. 63-32698

Dear Mr. Cook:

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 resulted in a split of the original claim.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

Lori Harris  
Technical Records Specialist 2  
Adjudication Section  
Western Region Office

LH:1  
Enclosures



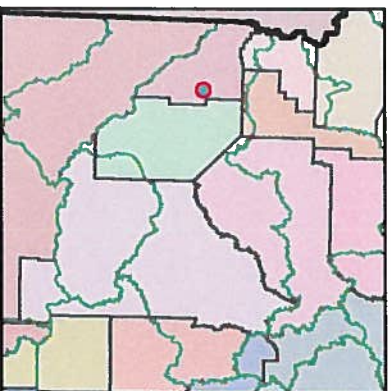
# Idaho Department of Water Resources

SRBA Recommendation:

**63-32698**  
(Irrigation)

## Legend

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



Canyon County  
IDWR Basin 63



T03N



Prepared by V. Music  
On Monday, July 16, 2007  
1987/88 Aerial Photography