

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

RIGHT NUMBER: 63-32298

NAME AND ADDRESS: DYVER DEVELOPMENT
PO BOX 369
MERIDIAN ID 83680

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
72.000 AFY

PRIORITY DATE: 04/08/1968

POINT OF DIVERSION:

T03N R01E S34 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	0.320 CFS 72.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 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 Within ADA County

T03N R01E S34 NESE 16.00

16 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 63-7090 .

Use of this right is combined with water from Boise-Kuna 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

Case No. 39576

)
)
)
)
)
**Water Rights: 63-7090 (Split)
63-32297, 63-32298
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

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

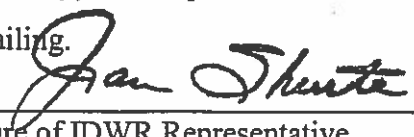
☐ Other

☐ 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: May 12, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 12, 2006, 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
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Dyver Development
PO Box 369
Meridian ID 83680

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

William R King
5625 S Five Mile Rd
Boise ID 83709

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2006

DYVER DEVELOPMENT
PO BOX 369
MERIDIAN ID 83680

Re: Original Notice of Claim to a Water Right No. A63-7090

Renumbered to Notice of Claim to a Water Right No. A63-32298

Dear Sir or Madam:

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 claim has been conveyed to another and the original right has been split, then the original claim 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 claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

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

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: William King

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 63-32298
Date Received: 8/11/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DYVER DEVELOPMENT Phone: (208)288-5560
PO BOX 369
MERIDIAN ID USA 83680

2. Date of Priority: 04/08/1968

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	01E	34	NE SE	ADA	

5. Description of diverting works:

APPROX. 130' WELL W/7.5 HP PUMP & PIPELINE FOR SPRINKLER IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/15	0.32	72

7. Total Quantity Appropriated is:
0.32 C.F.S. and/or 72 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	01E	34	NE	SE	IRRIGATION	16
					Section Acres	16
					Total Acres	16

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-7090 .

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.

Use of this right is combined with water from Boise-Kuna Irrigation District.

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 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.

15. Basis of Claim: License

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

RECEIVED

APR 04 2006

WATER RESOURCES
WESTERN REGION

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
63-7090	63-7090				

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

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

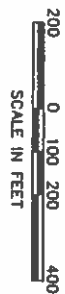
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY**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

3. Name and Address of Former Owner/Claimant(s) LIBERTY DEVELOPMENT
4. New Owner/Claimant(s) 2364 S. TITANIUM PLACE, MERIDIAN, ID 83642
DYER DEVELOPMENT
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 369
- City, State and ZIP Code Meridian, ID 83680
- New Telephone Number (208) 288-5560
5. Date you acquired the property March 10, 2005

SCANNED

APR 03 2006

15. 10723-
Inst. # 105025384 Bk. 91 10727



-

48271 DE/EO
ACCOMMODATION



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

ADA COUNTY RECORDER DAVID NAVARRO
BOISE IDAHO 03/10/05 1:00 / PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Pioneer



CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Liberty Development, Inc.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

Dyver Development LLC

whose address is: 1977 E. Overland, Meridian, ID 83642, grantee, the following described real estate, to-wit:

Block 1 Lots 2 thru 9, Block 2 Lots 2 thru 20 and 22, 23 and 24, Block 3 Lots 1 thru 18, Block 4 Lots 1 thru 9 and 11 thru 16 Cumberland Subdivision, according to the official plat thereof, filed in Book 91 of Plats at Pages 10723 and 10727 records of Ada County, Idaho.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision, restrictions, U.S. patent reservations, easements of record and easements visible upon the said premises.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

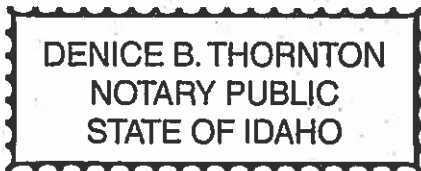
IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its officers this 10th day of March, 2005.

Liberty Development, Inc.

By:
John A. Lauder, Sr. President

STATE OF IDAHO, County of ADA, ss.

On this 10th day of March, in the year of 2005, before me the undersigned, a notary public, personally appeared John A. Lauder, Sr. known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Denice B. Thornton
Notary Public of IDAHO
Residing at Meridian, Idaho
Commission expires: March 9, 2006

SCANNED

APR 03 2006

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 08/09/04 04:10 PM
DEPUTY Bonnie Oberbiller
RECORDED-REQUEST OF
Pioneer
AMOUNT 9.00



WARRANTY

FOR GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, William R. King Revocable Living Trust, by and through its Trustee, William R. King Grantor, does hereby grant, bargain, sell and convey to Liberty Development, Inc., an Idaho corporation, Grantee, whose address is 114 East Idaho, Ste 230, Meridian, Idaho, all that real property located in Ada County, State of Idaho, hereinafter Property, more particularly described in Exhibit 1.

TO HAVE AND HOLD the Property with its appurtenances unto Grantee and its heirs and assigns forever subject to a life estate in William R. King for the life on which the existing residence is located, to include the residence. as described on Exhibit 2. The life estate shall be for such period of time as King resides on the Property. In the event that King vacates the premises for a period exceeding six (6) months, the life estate shall immediately terminate and Liberty, its successors or assigns, who or which then shall have full fee estate in the Property. King agrees that he will pay all utilities, taxes, assessments, repair and upkeep on the improvements associated with the life estate. In the event he fails or refuses to pay such costs and expenses his life estate shall be terminated upon ninety (90) days written notice from Liberty, its successors or assigns. Liberty, its successors or assigns, may elect to pay such costs and expenses.

Grantor hereby warrants that it is the owner in fee simple of the Property and it is free from all encumbrances except those rights-of-way, easements, covenants, restrictions, zoning regulations or other matters or uses that appear of record or by use upon the Property and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of August, 2004.

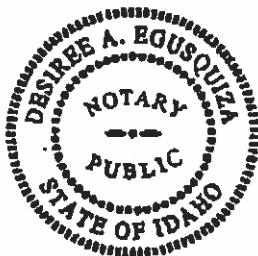
THE WILLIAM R. KING REVOCABLE LIVING TRUST

By: William R. King TR.
William R. King, Trustee

STATE OF IDAHO)
) ss
COUNTY OF Ada)

On this 3rd day of August, 2004, before me, the undersigned, a Notary Public in and for the State of Idaho, before me personally appeared William R. King, known or identified to me to be the Trustee of the above-named Trust and acknowledged that he was authorized to and did execute the same on behalf of the Trust.

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



Desiree A. Egusquiza
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: ampa
My Commission expires: 3-9-2006

SCANNED

APR 03 2006

EXHIBIT # 1

North half of the Northeast quarter of the Southeast quarter of Section 34, Township 3 North,
Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPTING THEREFROM the following described parcel:

Beginning at the Northeast corner of the Southeast quarter of Section 34, Township 3 North,
Range 1 East, Boise Meridian;

Thence North 89 degrees 33' West along the midsection line 415 feet;

Thence South parallel to the East section line 526 feet;

Thence East parallel to the North midsection line 415 feet;

Thence North 526 feet along the section line to the point of beginning.

SCANNED

APR 03 2006

EXHIBIT #2**Life Estate Parcel
Cumberland Subdivision**

A parcel of land located in the NE ¼ of the SE ¼ of Section 34, T. 3N., R. 1E., B.M., Ada County, Idaho, more particularly described as follows: Commencing at the southeast corner of said Section 34, from which the East ¼ corner of said section bears North 00°23'33" West, 2665.48 feet; thence North 00°23'33" West, 1999.17 feet; thence North 89°55'33" West, 65.00 feet to the REAL POINT OF BEGINNING.

Thence continuing North 89°55'33" West, 350.00 feet;

Thence North 00°23'33" West, 140.07 feet;

Thence South 89°57'36" East, 350.00 feet;

Thence South 00°23'33" East, 140.28 feet to the Point of Beginning. Containing 1.13 acres, more or less.

SCANNED

APR 03 2006

15 ACRES SOLD TO LIBERTY
THEN DYER

NWSE

NESE

SW CHRISTIAN CHURCH
4.2 ACRES

NWSW

1 AC WHERE KING LIVES.
DYER OWNS IT BUT KING HAS
LIFE ESTATE

CHANGE OF OWNERSHIP AND SPLIT OF 63-7090
2004 AERIAL WITH TAX LOTS IN BLACK.

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: A63-07090
Date Received: 8/11/1989
Receipt No: W0014358
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM R. KING 208-362-2621
Address: 5625 S. FIVE MILE RD.
BOISE, ID 83709

2. Date of Priority: APR 08, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	34	NE	SE			ADA

5. Description of diverting works:
APPROX. 130' WELL W/7.5 HP PUMP & PIPELINE FOR SPRINKLER IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.400		90.00

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) 90.00 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	01E	34	NE	SE		IRR	20.0
Section Acres							20.0

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
BOISE-KUNA 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: 1

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): William R. King Date: 8-11-89
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of August 19 89
Seal

Jan Shute
Notary Public

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

