

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 63-21063
Date Received: 2/16/1990
Receipt No: M005939
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FERN STREET TRUST, TRUSTEE SERVICES, INC. Phone:
TRUSTEE #311
967 E. PARKCENTER BLVD
BOISE ID USA 83706

2. Date of Priority: 12/07/1930

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	34	SW NW NE	CANYON	

5. Description of diverting works:

WELL ARTESIAN AND 1/2HP PUMP, PIPED TO BUILDINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.03	
DOMESTIC	1/01	12/31	0.06	

7. Total Quantity Appropriated is:
0.09 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	02W	34	NW NE	DOMESTIC	
			NW NE	COMMERCIAL	

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 WAS ORIGINALLY ESTABLISHED AS DOMESTIC WITH LAWN IRRIG OF 1/2 ACRE. IN 1970 THE THE HOUSE WAS MODIFIED INTO A DUPLEX AND 2 SMALL BUILDINGS WERE ADDED ONE FOR A 2 WASHER LAUNDRY FOR USE BY SEVERAL HOMES AND ONE FOR AN OFFICE WITH A BATHROOM. THE USE OF WATER ON THIS PROPERTY HAS REMAINED AT APPROXIMATELY THE SAME AMOUNT WITH THE IRRIGATION WATER USE BEING TRANSFERRED TO COMMERCIAL USE IN 1970. ADDRESS CHANGE REC'D 04/11/1994 SS.

CHANGE IN OWNERSHIP LG 7/11/06

15. Basis of Claim: Beneficial Use

OK-VLM

**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
	<u>A63-21063</u>				

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

- A. The appropriate FILING FEE. See instructions for fee amounts. 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) Ken A. MARRS (previous owner/owners)
Alva G. Borders (claimant)
4. New Owner/Claimant(s) Fern Street Trust, Trustee Services, Inc.
Name Connector (Check one: ☐ and, ☐ or, ☐ and/or Trustee
- New Mailing Address 967 E. Parkcenter Blvd, #311
- City, State and ZIP Code Boise, ID 83706
- New Telephone Number (208) 846-9648
5. Date you acquired the property 12-1-04
Deed recorded 12-10-04

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)

[Handwritten Signature]
D. D. M. V.P., 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 <i>[Signature]</i>	Date <i>March 14</i>	Fee <i>_____</i>	
Received by <i>[Signature]</i>	Date <i>7-11-06</i>	Receipt No. <i>_____</i>	
Processed by <i>[Signature]</i> AJ	Date <i>7-11-06</i>	WR <i>_____</i>	Date <i>_____</i>

200467863

RECORDED

2004 DEC 10 PM 4 10

G NOEL HALES

CANYON CNTY RECORDER

[Signature]

PIONEER-CALDWELL

REQUEST

DE DUE FEE 900

Cal Western

WHEN RECORDED MAIL TO:

PACIFIC NORTHWEST TRUST SERVICES
967 E PARK CENTER BLVD NO, 311
BOISE ID 83706

PC 54944

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Loan No: 1940519
Parcel No:

T.S. No: 1060953-09

2023412 / PC54944

TRUSTEE'S DEED

FIRST AMERICAN TITLE INSURANCE COMPANY, (herein called Trustee) as TRUSTEE under the Deed of Trust hereinafter particularly described, does hereby BARGAIN, SELL AND CONVEY, WITHOUT WARRANTY, TO:

PACIFIC NORTHWEST TRUST SERVICES CORPORATION AS TRUSTEE FOR
THE FERN STREET TRUST

(herein called GRANTEE)

whose address is:
967 E PARK CENTER BLVD NO, 311
BOISE ID 83706

all of the real property situated in the County of CANYON, State of Idaho described as follows:

A PORTION OF THE EAST HALF OF VACATED BLOCK 134, AMENDED PLAT OF KURTZ ADDITION TO NAMPA, MORE COMPLETELY DESCRIBED IN ATTACHED EXHIBIT A. *TRUST COMPANY OF CALIFORNIA, N.A. AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF SEPTEMBER 1, 1999, BEAR-STEARN'S ASSET BACKED**

This conveyance is made pursuant to the powers conferred upon Trustee by Deed of Trust between KEN A. MARRS, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY

as Grantor, PIONEER TITLE COMPANY OF CANYON COUNTY as trustee and
ACCUBANC MORTGAGE CORPORATION, DBA ACCUMORTGAGE CORPORATION

as Beneficiary, recorded April 05, 1999 as Instrument No. 9913043 in CANYON county, Idaho Mortgage Records, and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

(a) Default occurred in the obligations for which such Deed of Trust was given as security and the Beneficiary made demand upon the said Trustee to sell said property pursuant to the terms of said Deed of Trust. Notice of Default was recorded as Instrument No. 200438978

(b) After recordation of said Notice of Default, Trustee gave notice of the time and place of the sale of said property by registered or certified mail, by personal service upon the occupants of said real property, by posting in a conspicuous place on said property and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to date of sale as Instrument No. (a):

Affidavit of mailings 200456062

Affidavit of posting and service 200456063

Affidavit of publishing 200456064 recorded in CANYON County, Idaho Mortgage records.

TDUSID.DOC

Rev. 11/16/04

Page 1 of 2

Loan No: 1940519
Parcel No:

T.S. No: 1060953-09

2623492

TRUSTEE'S DEED, Continued

- (c) The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) supra and of the Affidavits referred to in paragraph (b) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth herein at length.
- (d) All requirements of law regarding the mailing, personal service, posting, publication and recording of Notice of Default, and notice of sale and of all other notices have been complied with.
- (e) Not less than 120 days elapsed between the giving of notice of sale by registered or certified mail and the sale of said property.
- (f) Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to the Grantee, being the highest bidder therefore, the property herein described, for the sum of \$65,701.00 subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances, and costs.

Dated: December 03, 2004

First American Title Insurance Company


KATHLEEN M. MAYERLE, ASST SEC

STATE OF CA
COUNTY OF Orange

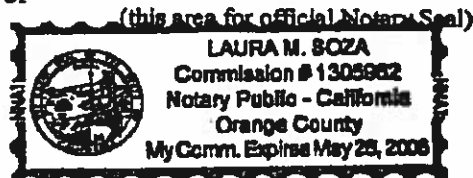
On 12/8/04 before me, the undersigned,
a Notary Public in and for said State, personally
appeared Kathleen M. Mayerle

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature


LAURA M. SOZA



A portion of the East Half of vacated Block 134, Amended Plat of KURTZ ADDITION TO NAMEA, Canyon County, Idaho, according to the plat filed in Book 2 of Plats, Page 37, records of said County, and being more particularly described as follows:

COMMENCING at the Northeast corner of vacated Block 134; thence South along the Easterly boundary of said Block 134, 150 feet to the REAL POINT OF BEGINNING, thence continuing South along the said East

South along the said Easterly boundary 55 feet to a point;

West parallel to the South boundary of said Block 134, 150 feet to point in the centerline of the vacated alley in said Block 134; thence

North along the center of said vacated alley 55 feet to a point; thence

East 150 feet to the REAL POINT OF BEGINNING.

TRUSTEE SERVICES, INC.
967 E. Parkcenter Blvd., Suite 311
Boise, Idaho 83706
Phone: 208-846-9647
Fax: 208-846-9649

F A C S I M I L E

TO: VICKY MUSIC
FAX NUMBER: 208-334-2348
FROM: JOEY PRESTWICH
DATE: March 14, 2006
NO. PAGES: 6

Attached is the Notice of Change in Water Right Ownership and our Trustee's Deed. Trustee Services, Inc. was formerly known as Pacific Northwest Trust Services Corporation.

Please let me know if you have any questions or if there is anything else you need to keep the domestic water rights for this property.

Thanks!

NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail. Thank you.

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: A63-21063
Date Received: 2/16/1990
Receipt No: M005939
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVA G BORDERS
Address: 1312 S 6TH ST
LAS VEGAS NV 89104-1623

2. Date of Priority: DEC 7, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	34	SW	NW	NE		CANYON

5. Description of diverting works:
WELL ARTESIAN AND 1/2HP PUMP, PIPED TO BUILDINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		
COMMERCIAL	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 DUPLEX CULINARY WATER ONLY; C/ LAUNDRY RM & OFFICE RESTROOMS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	34	NW	NE		DOMEST	
			NW	NE		COMMER	

MICROFILMED

JUL 27 1994

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:
NAMPA-MERIDIAN IRRIGATION FOR LAWN

14. Remarks:

THIS RIGHT WAS ORIGINALLY ESTABLISHED AS DOMESTIC WITH LAWN IRRIG
OF 1/2 ACRE. IN 1970 THE THE HOUSE WAS MODIFIED INTO A DUPLEX
AND 2 SMALL BUILDINGS WERE ADDED ONE FOR A 2 WASHER LAUNDRY FOR
USE BY SEVERAL HOMES AND ONE FOR AN OFFICE WITH A BATHROOM. THE
USE OF WATER ON THIS PROPERTY HAS REMAINED AT APPROXIMATELY THE
SAME AMOUNT WITH THE IRRIGATION WATER USE BEING TRANSFERRED TO
COMMERCIAL USE IN 1970.
ADDRESS CHANGE REC'D 04/11/1994 SS.

15. Basis of Claim: BENEFICIAL USE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the
foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____ **MICROFILMED**
My Commission Expires **JUL 27 1994**

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: A63-21063

Date Received: 2/16/1990

Receipt No: MO5939

Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVA G. BORDERS 208-467-1778
Address: 1223 8TH STREET SOUTH
NAMPA, ID 83651

2. Date of Priority: DEC 07, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02W	34	SW	NW	NE		CANYON

5. Description of diverting works:
WELL ARTESIAN AND 1/2HP PUMP, PIPED TO BUILDINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		
COMMERCIAL	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 DUPLEX CULINARY WATER ONLY; C/ LAUNDRY RM & OFFICE RESTROOMS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02W	34	NW	NE		DOMEST	
			NW	NE		COMMER	

A63-21063

Page 1

Date: 02/16/90

MICROFILMED

SEP 03 1992

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:
NAMPA-MERIDIAN IRRIGATION FOR LAWN

14. Remarks:
THIS RIGHT WAS ORIGINALLY ESTABLISHED AS DOMESTIC WITH LAWN IRRIG
OF 1/2 ACRE. IN 1970 THE THE HOUSE WAS MODIFIED INTO A DUPLEX
AND 2 SMALL BUILDINGS WERE ADDED ONE FOR A 2 WASHER LAUNDRY FOR
USE BY SEVERAL HOMES AND ONE FOR AN OFFICE WITH A BATHROOM. THE
USE OF WATER ON THIS PROPERTY HAS REMAINED AT APPROXIMATELY THE
SAME AMOUNT WITH THE IRRIGATION WATER USE BEING TRANSFERRED TO
COMMERCIAL USE IN 1970.

15. Basis of Claim: BENEFICIAL USE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Julia S. Borden Date: 2-16-90

Date: _____

State of Idaho)
County of Blaine Canyon) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of February 1990

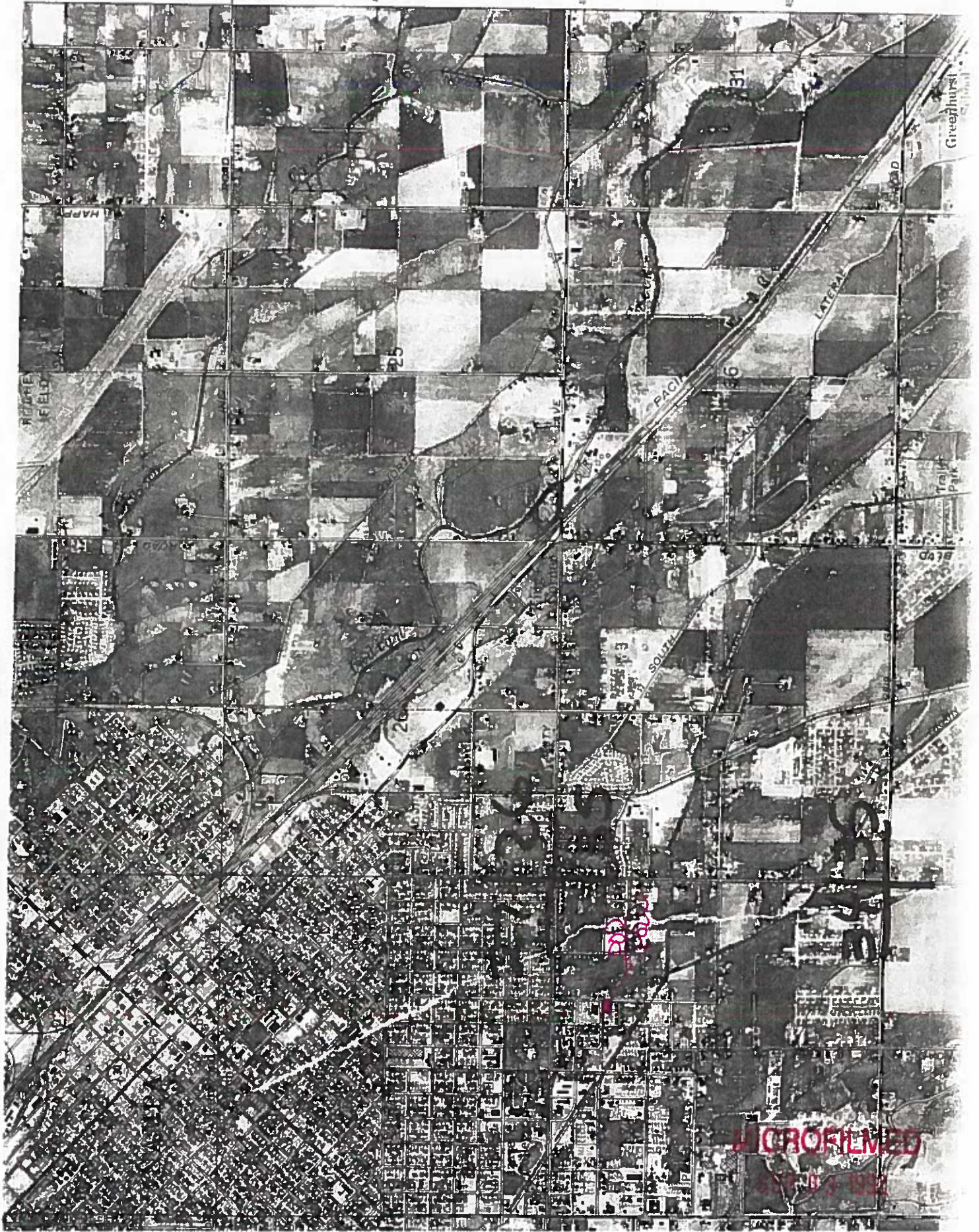
Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

3N 2W

ALB-21063



T2
T2

07/12/2006

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

RIGHT NUMBER: 63-21063

NAME AND ADDRESS: FERN STREET TRUST, TRUSTEE SERVICES, INC.
TRUSTEE #311
967 E. PARKCENTER BLVD
BOISE ID 83706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
1.200 AFY

PRIORITY DATE: 12/07/1930

POINT OF DIVERSION:

T03N R02W S34 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.060 CFS
1.20 AFY

Domestic use is for internal use for 2 households in a duplex.

PLACE OF USE: DOMESTIC Within CANYON County

T03N R02W S34 NWNE

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

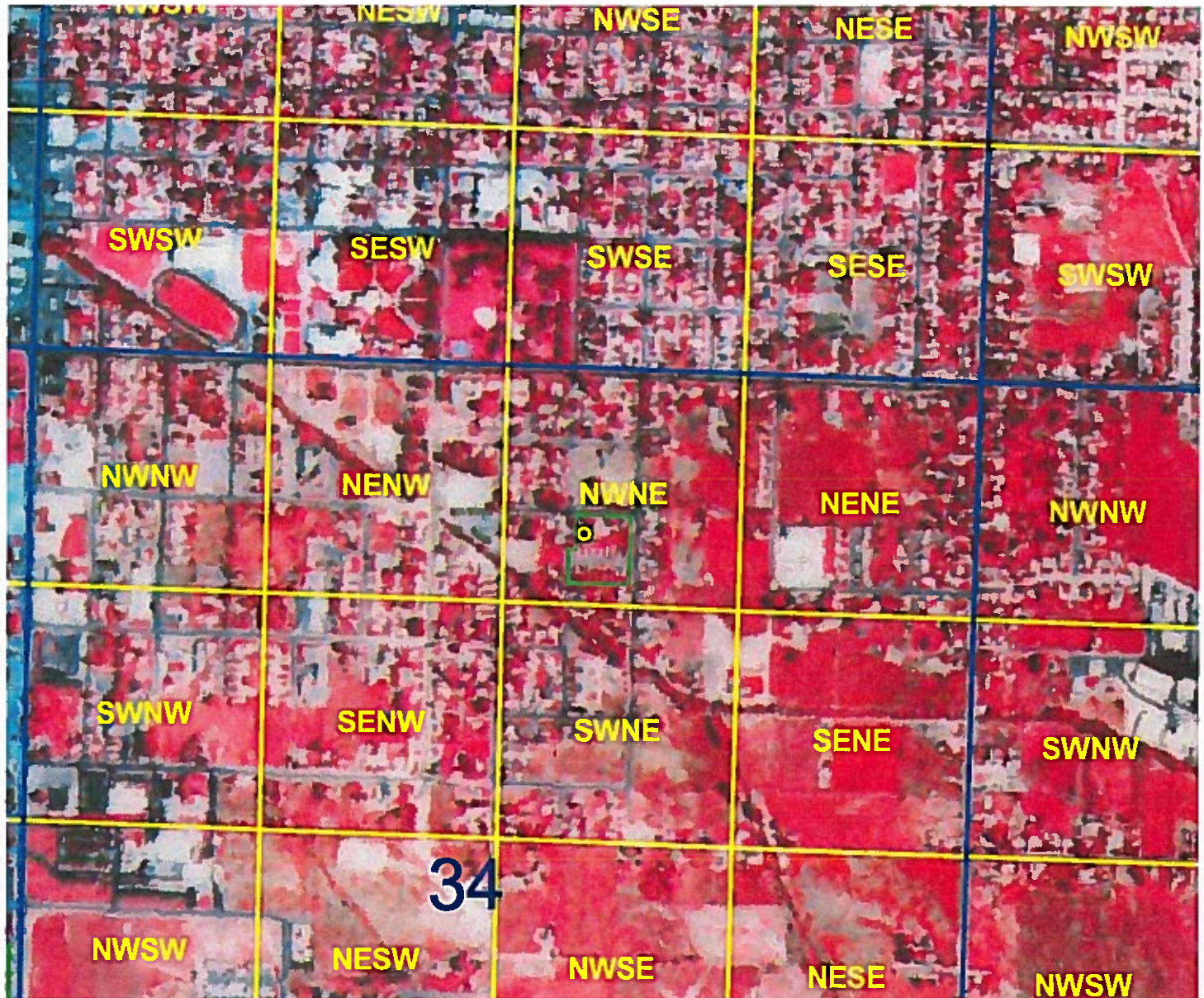
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

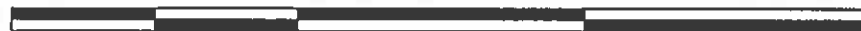


State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 34
Water Right (s): 63-21063



1320 0 1320 2640 Feet



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: March 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 11, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Fern Street Trust, Trustee Services, Inc.
Trustee #311
967 E Parkcenter Blvd
Boise, ID 83706

Notice of Claim to a Water Right No. 63-21063

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure



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

September 3, 2002

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Water Works, Inc., to assist us with this task.

The purpose of this letter is to advise you that Water Works, Inc. might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Water Works, Inc. with access to your water diversion system so that their personnel can conduct this field examination. Water Works, Inc. will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Water Works, Inc. to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 13, 1994

WILLIAM A AND ALVA G BORDERS
1312 S 6TH ST
LAS VEGAS NV 89104-1623

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim No. A63-21063, A63-21065,
A63-21066 & A63-21067
Change of Address Notification

Dear Claimants:

IDWR has received your notice of the change of address of the water right claim(s) referenced above. Our records have been changed accordingly.

If you sold the property, please contact our office toll-free at 1/800-451-4129.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

MICROFILMED

JUL 27 1994

SO:region

POOR ORIGINAL

As soon as you know your new address, mail this card to all of the people, businesses, and publications who send you mail. 45917, 53182

For publications, tape an old address label over name and old address sections and complete new address. 46334, 45857, 53629, 53170

Your Name (Print or type. Last name, first name, middle initial.) <u>BORDERS WILLIAM A & ALVA G</u>				
Old Address	No. & Street <u>1223 8th St South</u>	Apt./Suite No.	PO Box	RR No.
	City <u>Niameya</u>	State <u>ID</u>	ZIP + 4 <u>83651</u>	Rural Box No.
New Address	No. & Street <u>1312 S 6th St</u>	Apt./Suite No.	PO Box	RR No.
	City <u>LAS Vegas, NV</u>	State <u>NV</u>	ZIP + 4 <u>89104-1623</u>	Rural Box No.
Sign Here <u>William G. Borders</u>		Date new address in effect <u>Imed</u>	Keyline No. (if any) <u>A63-21063, 66, 67</u>	

PS Form 3576, November 1990

RECEIVER: Be sure to record the above new address.
changed records 4-13-94

CONVERSATION MEMORANDUM

TO: CLAIM FILE NO. 63-21063

FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR /
WESTERN REGION

SUBJECT: PHONE CALL FROM JOEY PRESTWICH/ TRUSTEE SERVICES

DATE: 3/14/2006

CC:

She called in response to an evidence of priority letter I sent to the Fern Street Trust. They bought the property at a foreclosure sale. The prior owner was Ken Marrs.

We talked about priority - she does not have any idea what the commercial use was for though she mentioned that there is a house and an old building on site and she thinks there were washing machines in the old building. She also has no way to get evidence of priority.

Joey said that they are not interested in the commercial use at all. They just want irrigation and domestic. I told her that irrigation was not claimed because irrigation water per the claim is provided by NMID. She confirmed that.

So, I told her that I could delete the commercial use and recommend it for domestic. That is fine - it is all the new owners want.

She will submit a change of ownership for the property. Her phone no. is 846-9648.

VLM



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

February 27, 2006

FERN ST TRUST
C/O PACIFIC NW TRUST SVC TRUSTEE
967 E PARKCENTER BLVD, NO 311
BOISE, ID 84706

RE: EVIDENCE OF PRIORITY, COMMERCIAL USE, FIELD EXAM -
Snake River Basin Adjudication Claim No(s): A63-21063

Dear FERN ST TRUST:

In the past, ALVA G BORDERS submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. You may be the owner of this water right claim. Enclosed is a computer generated printout of the claim(s) for your reference only. ALVA G BORDERS indicated, when this claim was filed, that the water right(s) was based on a "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. This claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

Additionally, ALVA G BORDERS claimed a commercial use. Information is needed about this commercial use. If no evidence of this priority date or the commercial use is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 17, 2006. Please call me as soon as possible if you think you may own a portion of this claim, to let me know if you may not be able to submit proof of priority or if you have any questions not covered by this letter and the enclosed pamphlet.

In addition, since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. Therefore, either Ms. Sandy Hemenway, Ms. Merlaine Bishop or Mr. Burke Scholer will be contacting you within the next few weeks to schedule a field exam.

Lastly, Idaho statutes require that the Idaho Department of Water Resources (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter and intend to pursue the claim file by ALVA G BORDERS in the SRBA, please fill out the change of ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise, ID 83705. Please call me at (208) 334-2190 if you have questions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Vicky Music". The signature is fluid and cursive, with a large loop at the end.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim Report A63-21063 and map
Change of ownership form
Commercial Use Worksheet

03/30/2006

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

RIGHT NUMBER: 63-21063

NAME AND ADDRESS: ALVA G BORDERS
1312 S 6TH ST
LAS VEGAS NV 89104-1623

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
1.200 AFY

PRIORITY DATE: 12/07/1930

POINT OF DIVERSION:

T03N R02W S34 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.060 CFS
1.20 AFY

Domestic use is for internal use for 2 households in a duplex.

PLACE OF USE:

DOMESTIC Within CANYON County

T03N R02W S34 NWNE

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-21063

03/30/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-2787	Claim	03N	02W	34	NW	NE		GROUND WATER	CITY OF NAMPA
63-21063	Claim	03N	02W	34	NW	NE		GROUND WATER	ALVA G BORDERS
63-2787	Water Right	03N	02W	34	NW	NE		GROUND WATER	CITY OF NAMPA

desktop review/vm

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

Disallowed only to down

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-21063

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Kenneth Mairs, 901 E Colorado Ave
Nampa 83686
Address change / renumbering of 921 013
1015 Fern St? NA 83686

Accompanied by: _____

R 115560000

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

house seen in 1939 aerial - north 1/2 of property

Source: _____ Tributary to _____

- ☐ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

well location unknown – estimated POD location
near house seen in 1939 aerial.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

all claim**OVERLAP REVIEW**Other water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☐ No change☒ Different Uses delete commercial per new owner

Use dom From 1-1 To 12-31 Amount .06 CFS 1.2 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:☒ No change☒ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

- Archwin
- (1) Canyon Co Assessors has no addresses of 921 & 923 E Colorado. Address of record not claimed POU address. Assessor: Kenneth Adams is owner - no results on website search for maps.
 - (2) letter sent to Fern St Trust - owner has no info re Commercial ^{see memo}
 - (3) no well log info at work
 - (4) house seen in 1939 aerial.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU *not required*

DATE EXAM CONDUCTED:

3/24/06

FIELD EXAMINER:

Wick Unacc

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21063

WATER RIGHT NUMBER: 63-21063

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALVA G BORDERS 1312 S 6TH ST LAS VEGAS, NV 89104-1623

Priority Date: 12/07/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.060 CFS	
COMMERCIAL	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4NE1/4	Sec. 34, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

DOMESTIC

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	02W	34		X															

COMMERCIAL

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	02W	34		X															

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21063

1. THIS RIGHT WAS ORIGINALLY ESTABLISHED AS DOMESTIC WITH LAWN IRRIG OF 1/2 ACRE. IN 1970 THE THE HOUSE WAS MODIFIED INTO A DUPLEX AND 2 SMALL BUILDINGS WERE ADDED ONE FOR A 2 WASHER LAUNDRY FOR USE BY SEVERAL HOMES AND ONE FOR AN OFFICE WITH A BATHROOM. THE USE OF WATER ON THIS PROPERTY HAS REMAINED AT APPROXIMATELY THE SAME AMOUNT WITH THE IRRIGATION WATER USE BEING TRANSFERRED TO COMMERCIAL USE IN 1970.
ADDRESS CHANGE REC'D 04/11/1994 SS.

Remarks:

Comments:

Water Supply Bank:

NWME

SITE ADDRESS: 901 E COLORADO
OWNER - K MARRS

SITE ADDRESS: 921 E COLORADO
OWNER - K MARRS

63-21063 -- 2004 AERIAL - THE ADDRESS OF RECORD IS NOT THE SITE ADDRESS. THERE ARE NO CURRENT ADDRESSES 921 AND 923 E COLORADO PER CANYON CO ASSESSOR - TAX LOTS IN BLACK. NO SEPARATE TAX LOT OF THE CLAIMED POU. KENNETH MARRS OWNS PROPERTY. WELL LOCATION UNKNOWN.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-21063

02/13/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
21063	Claim	03N	02W	34	NW	NE		COMMERCIAL		ALVA G BORDERS
21063	Claim	03N	02W	34	NW	NE		DOMESTIC		ALVA G BORDERS

REAL PROPERTY INQUIRY

+++++

01 6R11550-000- -0 002-00 SCH131+ 20 18,900 .19

+++++ 41 69,000

FERN STREET TRUST +

% PACIFIC NW TRUST SVC TRUSTEE +

+

+

+

967 E PARKCENTER BLVD NO 311 +

BOISE ID 83706 +

+++++

34-3N-2W NE KURTZ ADD 5075 + TOTAL 87,900 .19

TX 9 OF BLK 134 & E 1/2 OF VAC

ADJ ALLEY

+++++ SURVEY INST 200531376

+ DRAIN DR VALUE APPR DDS

+ CLASS R2 REAP 03 MAN 02 UNIT 1

+ PARCEL 6RN5075134000J H/O N C/B N

+ PRIOR ACCOUNT 5R11550-000- -0

+ 02 MH on Property NO

1015 FERN ST, NA

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R11550000 0 UNIT 001 TOTAL UNITS 1

SITE 1015 FERN ST NA SEC/TWN/RNG 34-3N-2W

ASSESSED VALUE 87,900 ACREAGE .19

SUB/PARK NAME KURTZ ADD YEAR/MAKE

CLASS R2 RENTAL HOUSE CLASS '2' SPACE LOT BLOCK

+++++

YR BUILT 1992 AIR COND MOTEL CARPORT N

STORY 2 STORY HEATING GAS FA CARPORT SQ FT

FIRST SQ FT 1168 EXTERIOR PLYWOOD DECK/PATIO? Y

SECOND SQ FT 880 ROOF COMP POOL? N

BEDS 3 BSMT SQ FT SPA? N

BATHS 1.00 % BSMT FIN LOT SIZE 55 x 150

FRPLC 0 GARAGE B1 NEIGHBORHOOD 0

GARAGE SQ FT 264

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

MODE:F ACTION:

OWNERSHIP TRACT RECORD INQUIRY

TRQK366

Account Number: 11550-000- -0

Instrument Grantor Grantee Remarks

200206835 MARRS MARRS QCD

200467863 MARRS PACIFIC NW TRUST SVC-TRUSTEE TRUSTEE'S DD

200520783 CHURCHILL,MARI CHURCHILL/VALAS AKO/ (FERN ST TRST) NOTE ONLY

200520782 FERN STREET TRST CHURCHILL & VALASOKOS QCD

200531376 VALASAKOS FERN ST TRUST WD

Field Investigation Report

Completed by **Karan Waters**

Claim Number 63-21063

Contact:

Contact Date:

Ken

Marrs

1015 Fern St.

Nampa

ID

83686

☐ **Verified**

☒ **New owner**

Source of Information

county tax records

Contact Comments

Out of state claimant with no phone number on claim, county tax records indicate new owner but no phone number in phone book or information.

Appointment Date:

Appointment Time:

POD id

198274

Legal Description

03N 02W 34 SW NW NE

Desc of Diversion W

Site Tag #

GPS File Name

Motor Make

Pump Make

Horsepower

Pressure gage

pump bowl or static

Depth level

dyn. pump level

0 psi

0 Ft.

0 Ft.

Pressure gage at sprinkler

0 psi

Bucket Measurment (gps)

0

Calc Method:

Flow (cfs)

0.00

Photos

dsc00173 923 and 921 E. Colorado- only duplex in claim area
dsc00174 front pou
dsc00175 back pou

POD Remarks:

4/7/03 did a drive by per claim map and found an old, very dilapidated duplex with address of 921 & 923 E. Colorado. There was no other duplex around that area. It was not a good area, the windows were broken out and the place was very run down but a neighbor said that someone did live there. From the things the neighbor said and the looks of the place I decided not to approach the house for info on the water right. There was a city water fire hydrant on the corner of the property and no evidence of a commercial use at this residence. I called the city to see if this address is on city water and it is not. Unable to find Ken Mars for more info.