

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: **A63-22169**  
Date Received: 4/26/1990  
Receipt No: C016550  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: JERRY DURBIN  
Address: PO BOX 38  
KUNA ID

208-888-4408

83634-0038

AND/OR

Name: LINDA DURBIN  
Address: PO BOX 38  
KUNA ID

208-888-4408

83634-0038

2. Date of Priority: MAR 15, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 01W   | 11      | SE     | NW     | NE  |     | ADA    |

5. Description of diverting works:  
WELL AND PUMP, DITCH AND SIPHON TUBES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.070  |      |        |

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

A.F.A.

8. Total consumptive use is 12.3 Acre Feet Per

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 01W   | 11      | NW     | NE  |     | IRR | 3.5   |

← SHOULD BE  
.107 CFS - SEE  
TOTAL UNDER #7  
WITH CORRECT ON  
FINAL VERIFICATION.

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 3.5   |
|          |       |         |            |     | Total Acres   | 3.5   |

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:  
NONE.

14. Remarks:

THIS CLAIM IS FOR IRRIGATION OF LANDS THAT WERE LICENSED UNDER WATER RIGHT 63-02722. HOWEVER, THE ACTUAL IRRIGATION OF THESE LANDS WITH A GROUNDWATER SOURCE OCCURED BEFORE THE PERMIT FOR WATER RIGHT 63-02722 WAS ISSUED IN 1950. THEREFORE, A PRIORITY DATE OF 1938 IS BEING CLAIMED. THIS CLAIM IS FOR 1/12 OF THE WATER PRODUCED BY THE IRRIGATION WELL DESCRIBED IN ADJUDICATION CLAIM A63-17735.

CHANGE OF OWNERSHIP BY MTS 9/12/1995

OWNERSHIP CHANGED BY LH 1/3/97.

PROPERTY ADDRESS: 2135 W COLUMBIA RD, MERIDIAN.

ADDRESS CHANGE BY CLAIMANT LETTER 3/3/99 SS.

15. Basis of Claim: BENEFICIAL USE

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: A63-22169  
Date Received: 4/26/1990  
Receipt No: C016550  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JERRY DURBIN 208-888-4408  
Address: PO BOX 125  
MERIDIAN ID 83680-0125  
AND/OR  
Name: LINDA DURBIN 208-888-4408  
Address: PO BOX 125  
MERIDIAN ID 83680-0125

2. Date of Priority: MAR 15, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 01W   | 11      | SE     | NW     | NE  |     | ADA    |

5. Description of diverting works:  
WELL AND PUMP, DITCH AND SIPHON TUBES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.070  |      |        |

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

8. Total consumptive use is 12.3 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 01W   | 11      | NW     | NE  |     | IRR | 3.5   |

10. Place of Use: Continued

Section Acres 3.5

Total Acres 3.5

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:  
NONE.

14. Remarks:

THIS CLAIM IS FOR IRRIGATION OF LANDS THAT WERE LICENSED UNDER WATER RIGHT 63-02722. HOWEVER, THE ACTUAL IRRIGATION OF THESE LANDS WITH A GROUNDWATER SOURCE OCCURED BEFORE THE PERMIT FOR WATER RIGHT 63-02722 WAS ISSUED IN 1950. THEREFORE, A PRIORITY DATE OF 1938 IS BEING CLAIMED. THIS CLAIM IS FOR 1/12 OF THE WATER PRODUCED BY THE IRRIGATION WELL DESCRIBED IN ADJUDICATION CLAIM A63-17735.

CHANGE OF OWNERSHIP BY MTS 9/12/1995

OWNERSHIP CHANGED BY LH 1/3/97.

PROPERTY ADDRESS: 2135 W COLUMBIA RD, MERIDIAN.

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 )  
 ) SS.  
County of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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: A63-22169  
Date Received: 4/26/1990  
Receipt No: C016550  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JONATHAN CORY HOFFMAN 208-888-3630  
Address: 2135 W COLUMBIA RD  
MERIDIAN ID 83642  
AND/OR  
Name: STACY HOFFMAN 208-888-3630  
Address: 2135 W COLUMBIA RD  
MERIDIAN ID 83642

2. Date of Priority: MAR 15, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 01W   | 11      | SE     | NW     | NE  |     | ADA    |

5. Description of diverting works:  
WELL AND PUMP, DITCH AND SIPHON TUBES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.070  |      |        |

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

8. Total consumptive use is 12.3 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 01W   | 11      | NW     | NE  |     | IRR | 3.5   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 3.5   |
|          |       |         |            |     | Total Acres   | 3.5   |

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:  
NONE.

14. Remarks:

THIS CLAIM IS FOR IRRIGATION OF LANDS THAT WERE LICENSED UNDER WATER RIGHT 63-02722. HOWEVER, THE ACTUAL IRRIGATION OF THESE LANDS WITH A GROUNDWATER SOURCE OCCURED BEFORE THE PERMIT FOR WATER RIGHT 63-02722 WAS ISSUED IN 1950. THEREFORE, A PRIORITY DATE OF 1938 IS BEING CLAIMED. THIS CLAIM IS FOR 1/12 OF THE WATER PRODUCED BY THE IRRIGATION WELL DESCRIBED IN ADJUDICATION CLAIM A63-17735.

CHANGE OF OWNERSHIP BY MTS 9/12/1995

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 \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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: A63-22169  
Date Received: 4-26-90  
Receipt No: C016550  
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL K. ROSSOW 208-888-4330  
Address: 2135 COLUMBIA  
MERIDIAN, ID 83642

OR

Name: TERESA G. ROSSOW 208-888-4330  
Address: 2135 COLUMBIA  
MERIDIAN, ID 83642

2. Date of Priority: MAR 15, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 01W   | 11      | SE     | NW     | NE  |     | ADA    |

5. Description of diverting works:  
WELL AND PUMP, DITCH AND SIPHON TUBES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.070 |      |        |

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

8. Total consumptive use is 12.3 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 01W   | 11      | NW     | NE  |     | IRR | 3.5   |

A63-22169

Page 1

Date: 04/23/90

MICROFILMED  
SEP 08 1992

10. Place of Use: Continued

|               |     |
|---------------|-----|
| Section Acres | 3.5 |
| Total Acres   | 3.5 |

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:  
NONE.

14. Remarks:

THIS CLAIM IS FOR IRRIGATION OF LANDS THAT WERE LICENSED UNDER WATER RIGHT 63-02722. HOWEVER, THE ACTUAL IRRIGATION OF THESE LANDS WITH A GROUNDWATER SOURCE OCCURED BEFORE THE PERMIT FOR WATER RIGHT 63-02722 WAS ISSUED IN 1950. THEREFORE, A PRIORITY DATE OF 1938 IS BEING CLAIMED. THIS CLAIM IS FOR 1/12 OF THE WATER PRODUCED BY THE IRRIGATION WELL DESCRIBED IN ADJUDICATION CLAIM A63-17735.

15. Basis of Claim: BENEFICIAL USE

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree Defendant

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:   -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):   Lura H. Rossow   Date:   4/26/90    
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 26<sup>th</sup> day

of April 19 90

Carter Fritschle  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Carter Fritschle, Notary Public  
Residing at Eagle, Idaho  
My Commission Expires March 21, 1994



0" 544 545 KEDGA 1.3 MI. 547 25' 548

SCALE 1:24 000

A63-22169

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

*RE-NUMBERED TO: A63-22169*

Ident. Number: ~~A63-17735B~~

Date Received: 8/21/1989

Receipt No: W004773

Received By: *AS*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL K. ROSSOW 208-888-4330  
Address: 2135 COLUMBIA  
MERIDIAN, ID 83642

OR

Name: TERESA G. ROSSOW 208-888-4330  
Address: 2135 COLUMBIA  
MERIDIAN, ID 83642

2. Date of Priority: MAR 15, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 02N      | 01W   | 11      | NE     | NE     | NE     |     | ADA    |

5. Description of diverting works:  
SEE REMARKS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.060  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

**MICROFILMED**  
**AUG 26 1992**

10. Place of Use:

|               |       |         |        |     |     |     |       |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
| 02N           | 01W   | 11      | NW     | NE  |     | IRR | 3.5   |
| Section Acres |       |         |        |     |     |     | 3.5   |
| Total Acres   |       |         |        |     |     |     | 3.5   |

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:  
NONE.

14. Remarks:

DESC. OF DIVERTING WORKS - TWO WELLS - NOTE: ORIGINAL IRRIGATION WELL IS NOW USED FOR DOMESTIC/STOCKWATER PURPOSES. AT THE TIME THIS WELL WAS SWITCHED FROM IRRIGATION TO DOMESTIC, A NEW WELL FOR THE SAME IRRIGATED ACRES WAS DRILLED IN THE NENE, SEC. 11. BOTH WELLS ARE NOW USED AS CLAIMED. THE ORIGINAL IRRIGATION WELL WAS FILED ON UNDER LICENSE NO. 63-02722 WITH A 1950 PRIORITY DATE HOWEVER, THE DATE OF FIRST USE WAS ACTUALLY IN 1938, THEREFORE, THIS CLAIM IS BEING FILED CLAIMING THE 1938 DATE. THE DOMESTIC WELL(OLD IRRIG. WELL), NOW HAS A 1.5 HP PUMP WITH PIPELINE TO HOME. THE NEW IRRIGATION WELL IS A 10" CASED WELL APPROX. 200' DEEP WITH PUMP & PIPELINE FOR GRAVITY IRRIGATION VIA SYPHON TUBES A TRANSFER WAS FILED REFLECTING THE DATE THE NEW IRRIGATION WELL WAS DRILLED - 1964. THE ROSSOW'S HAVE AN AGREEMENT WITH JAMES AND CHARLOTTE MILLER OF 1/12 OWNERSHIP AND USAGE OF WATER FOR IRRIGATION PURPOSES. SEE WATER AGREEMENT & PURCHASE AGREEMENT.

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): X Teresa G. Rossow Date: 10-5-89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of AOA ) SS.

Subscribed and sworn (or affirmed) before me this 5<sup>th</sup> day  
of October 19 89

Allen Beardsley  
Notary Public

Seal

Residing at Rathen  
My Commission Expires 7/20/94

# Receipt Details for ID C016550

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

## General Information:

| Date Received        | Date Deposited | Region                    | Total Amount | Payment Type |
|----------------------|----------------|---------------------------|--------------|--------------|
| 4/26/1990 3:49:52 PM | 4/26/1990      | State                     | \$75.00      | Check        |
| <b>Payer</b>         |                | ROSSOW, MICHAEL K/ TERESA |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 4284                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION FEE

## Fee Detail:

| Amount  | Description      | PCA    | Fund | Fund Detail | Subsidiary | Object |
|---------|------------------|--------|------|-------------|------------|--------|
| \$75.00 | ADJUDICATION FEE | 410162 | 9337 | 0           | 0          | 6490   |

## Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

## Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount  | Type  |
|--------------|-----------------|--------------|---------|-------|
| 63           | 22169           |              | \$50.00 | Claim |
| 63           | 22170           |              | \$25.00 | Claim |

Print Report

11/02/2005

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-22169

LINDA DURBIN

PO BOX 38

KUNA ID 83634-0038

Telephone Number: (208)888-4408

JERRY DURBIN

PO BOX 38

KUNA ID 83634-0038

Telephone Number: (208)888-4408

RECEIVED

NOV 16 2005

WATER RESOURCES  
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-11-2005

SIGNATURE:

*Linda Durbin*

Linda Durbin

Please print your name: JERRY L. DURBIN

LINDA DURBIN

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

09/12/2005

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

RIGHT NUMBER: 63-22169  
NAME AND ADDRESS: LINDA DURBIN  
PO BOX 38  
KUNA ID 83634-0038  
JERRY DURBIN  
PO BOX 38  
KUNA ID 83634-0038

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.107 CFS  
15.750 AFY

PRIORITY DATE: 03/15/1938

POINT OF DIVERSION:

T02N R01W S11 NWNE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/01 11/15          | 0.107 CFS<br>15.75 AFY |

PLACE OF USE: IRRIGATION Within ADA County

T02N R01W S11 NWNE 3.5

3.5 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 - Beneficial Use

PARCEL NO. S1311120630.

Property is also known as 2135 W Columbia Rd, Meridian, Idaho.

This right was renumbered from 63-17735B.

This water right is subject to the Water Agreement dated October 30, 1984, recorded with the Ada Co. Recorder, Document No. 8456064.



State of Idaho  
Idaho Department of Water Resources  
Western Region

T2N R1W SECTION 11  
Water Right (s): 63-22169



1320 0 1320 2640 3960 5280 6600 Feet N

TOTAL IRRIGATED ACRES = 3.5



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

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: September 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

RECEIVED

MAR 03 1999

Department of Water Resources

DIRK KEMPTHORNE  
GOVERNOR

February 26, 1999

KARL J. DREHER  
DIRECTOR

JERRY L AND LINDA DURBIN  
PO BOX 38  
KUNA ID 83634-0038

Re: Snake River Basin Adjudication (SRBA)  
Adjudication Claims #63-22169 & 63-22170  
Change of Address

*Records changed, NCAP prepared.  
- 3-3-99*

Dear Claimants:

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

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by March 12, 1999. Thank you for your help.

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

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

*Sally*

Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region

#####

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

*[Signature]*  
Claimant Signature

*(208) 8884408*  
Telephone No.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

January 3, 1997

Re: Notice of Claim to a Water Right No. A63-22169

JERRY DURBIN  
LINDA DURBIN  
PO BOX 125  
MERIDIAN ID 83680-0125

Dear Mr. & Mrs. Durbin:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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

Sincerely,

Lori Harris  
Technical Records Specialist  
Adjudication Section  
Western Region Office

LH:1

Enclosure

**Jerry & Linda Durbin**

---

◆ P.O. Box 125 ◆  
Meridian, ID 83680-0125  
(208) 888-4408 (Voice)  
(208) 888-4719 (Fax )

December 31, 1996

Idaho Department of Water Resources:

Once this has been recorded in our names, please  
send us a "Profile Report" to the address above.

Thank you very much for your assistance in this.



Jerry & Linda Durbin



State Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

September 13, 1995

PHILIP E. BATT  
GOVERNOR

Cory Hoffman  
2135 W Columbia Rd  
Meridian ID 83642

KARL J. DREHER  
DIRECTOR

Dear Cory:

Enclosed for your records are copies of the ownership documents reflecting the change from Rossows to yourselves. There is no other action you need to take at this time concerning this matter. We will, however, need another change of ownership form completed when your pending sale of the property is completed. Let me know if I can be of assistance.

I have completed my field examination of the claim and found no serious concerns. We still need to determine the correct priority date relating to your water right and two other rights from the same system. Unless we receive convincing evidence to support a 1938 priority, it appears the licensed priority of 1950 will stand. It is my intention to use the information we receive for the other claims to determine the priority of your claim. Please let me know if you have any questions or concerns about the priority issue.

Sincerely,

Mel Schulte  
ADJUDICATION BUREAU  
Department of Water Resources  
Western Region Office  
(208) 334-2190

Enc  
OwnerHoffmanA6322169

Mel -

Here is the information  
you requested sorry for the  
delay new owners ~~it~~ should  
~~date~~ take possession and mail  
their copies in October - Hopefully

Thank you  
Cory E. Hoff

RECEIVED

SEP 12 1995

WATER RESOURCES  
WESTERN REGION



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

August 23, 1995

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

Cory Hoffman  
2135 W Columbia Rd.  
Meridian ID 83642

*COPY*

Re: A63-22169 Change of Ownership

Dear Cory:

As a follow up to our telephone conversation on Tuesday, August 22nd, enclosed is a Notice of Change of Water Right Ownership form. Please sign the form as New Owner/Claimant and return it to me with a copy of the Deed conveying the property from the Rossows to you. After we have changed our records to reflect your ownership we will provide you with copies for your records.

When your current sale of the property is final, we will need to change the claim ownership to the names of your buyers. I have included a blank change of ownership form to be used at the time you close the sale. If you or the new owners have any questions concerning these matters please call me at 208-334-2190.

Sincerely,

Mel Schulte  
ADJUDICATION BUREAU  
Department of Water Resources  
Western Region Office  
(208) 334-2190

Enc.  
OwnershipA6322169



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 7, 1995

A63-22169  
MICHAEL K ROSSOW  
TERESA G ROSSOW  
2135 COLUMBIA  
MERIDIAN

ID 83642

Re: Claim No(s) - A63-22169

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your 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 under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

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. If no evidence 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 Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section  
Department of Water Resources  
Western Region Office

lh

Enclosures



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

JAN 02 1997

WATER RESOURCES  
WESTERN REGIONDATE OF CLOSING: 9-29-95

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 1W  
 Section 11 1/4 of NW 1/4 of NE 1/4 Govt. Lot \_\_\_\_\_, BM.  
 Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.  
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)  
Assigned by IDWR: A63-22169
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):  
Jonathan Cory Johnson  
2135 W Columbia Rd  
Meridian Idaho
- ☐ New Owner/Claimant (Purchaser):  
JERRY AND LINDA DURBIN
- ☐ New Mailing Address:  
2135 W. COLUMBIA RD  
P.O. BOX 125  
MERIDIAN, ID 83680-0125
- ☐ New Telephone Number: (208) 888-4408
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☒ Signature of New Owner/Claimant(s): Linda M. Durbin Date 12-31-96  
Jerry R. Durbin Date 12-31-96
- ☐ Signature of Former Owner/Claimant(s): J. Cory Johnson Date \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-3-97 By: JAL

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: 1-3-97 By: JAL

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources  
 Copies to Former Owner and New Owner

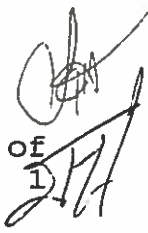
EXHIBIT "A"

A portion of the Northwest Quarter of the Northeast Quarter of Section 11, Township 2 North, Range 1 West, Boise Meridian, in Ada County, Idaho, more particularly described as follows, to-wit:

COMMENCING at the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 11; thence North 89 degrees 51'51" West 363.55 feet, along the North line of the said Northwest Quarter of the Northeast Quarter to THE INITIAL POINT of this description; thence South 0 degrees 07'49" West, a distance of 825.28 feet; thence North 89 degrees 31'38" West, a distance of 289.27 feet; thence North 0 degrees 14'09" East, a distance of 823.58 feet, more or less, to a point in the North line of said Section 11; thence South 89 degrees 51'51" East, a distance of 287.75 feet, to THE INITIAL POINT.

EXCEPT the following described property, to-wit:

COMMENCING at the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 11, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho; thence North 89 degrees 51'51" West, a distance of 651.3 feet, along the North line of the said Northwest Quarter of the Northeast Quarter, to THE INITIAL POINT of this description; thence South 0 degrees 14'09" West, a distance of 210 feet; thence South 89 degrees 51'51" East, a distance of 100 feet; thence North 0 degrees 14'09" East, a distance of 210 feet to a point in the North line of said Section 11; thence North 89 degrees 51'51" West along the North line of said Section 11, a distance of 100 feet to THE INITIAL POINT.



RECEIVED

JAN 02 1997

WATER RESOURCES  
WESTERN REGION



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

RECEIVED

SEP 12 1995

WATER RESOURCES  
WESTERN REGION

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 1W  
 Section 11, 1/4 of NW 1/4 of NE 1/4, Govt. Lot \_\_\_\_\_, BM.  
 Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)  
Assigned by IDWR: A63-22169
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Michael K and/or Teresa Rossow  
2135 Columbia Rd.  
Meridian ID 83642
- ☐ New Owner/Claimant (Purchaser): Jonathan Cory and/or Stacy Hoffman
- ☐ New Mailing Address: 2135 W. Columbia Rd.  
Meridian ID 83642
- ☐ New Telephone Number: (208) 888 - 3630
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- ☐ Attach proof of ownership, describe proof attached: Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☒ Signature of New Owner/Claimant(s) [Signature] Date 9/9/95
- ☐ Signature of Former Owner/Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_
- \_\_\_\_\_ Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: 9-12-95 By: MTS

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

This receipt has been returned to its original condition  
Water right #'s A63-17735A  
& A63-17735B will not be used.  
See claim A63-22169 for  
A63-17735B

File A63-17735

W004773

08/21/89  
14:44:49

MILLER, CHARLOTTE ANN

ADJUDICATION CLAIM FILING FEES

0410162 9337 6490

\$146.00

\$146.00

CHECK 4301

WR/NO: A63-17735 A63-17751

Idaho Department of Water Resources

Region: WESTERN

Signature: \_\_\_\_\_

~~MICROFILMED~~  
~~AUG 28 1992~~

# WARRANTY DEED

FOR VALUE RECEIVED MICHAEL K. ROSSOW AND TERESA G. ROSSOW, husband and wife

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto STACY JENE ROWAN HOFFMAN and J. CORY HOFFMAN, wife and husband

GRANTEE(S), whose current address is: 2135 COLUMBIA ROAD, MERIDIAN, IDAHO 83642 the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

9047282

RECEIVED

SEP 12 1995

ADA COUNTY, IDAHO  
FOR STEWART TITLE

WATER RESOURCES  
WESTERN REGION

'90 AUG 31 PM 4 07

JOHN BASTIDA, RECORDER

BY

*B. Belue*

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 28, 1990

*Michael K. Rossow*  
MICHAEL K. ROSSOW

*Teresa G. Rossow*  
TERESA G. ROSSOW

STATE OF IDAHO, County of ADA, ss.

On this 28th day of August in the year of 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL K. ROSSOW & TERESA G. ROSSOW known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: *Robyn Williams*  
Name: Robyn Williams (type or print)  
Residing at: Boise, ID.  
My commission expires: 1-10-92

STATE OF IDAHO, COUNTY OF

I hereby Certify that this instrument was filed for record at the request of

at minutes past o'clock m., this day of 19, in my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder

By

Deputy.

Fee \$

Mail to:

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



Sanctity of Contract

EXHIBIT "A"

A portion of the Northwest 1/4 of the Northeast 1/4 of Section 11, Township 2 North, Range 1 West, Boise Meridian, in Ada County, Idaho, more particularly described as follows, to-wit:

Commencing at the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 11; thence  
North 89 degrees 51'51" West 363.55 feet, along the North line of the said Northwest 1/4 of the Northeast 1/4, to THE INITIAL POINT of this description; thence  
South 0 degrees 07'49" West a distance of 825.28 feet; thence  
North 89 degrees 31'38" West, a distance of 289.27 feet; thence  
North 0 degrees 14'09" East, a distance of 823.58 feet, more or less, to a point in the North line of said Section 11; thence  
South 89 degrees 51'51" East, a distance of 287.75 feet, to THE INITIAL POINT.

EXCEPT the following described property, to-wit:

Commencing at the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 11, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho; thence  
North 89 degrees 51'51" West, a distance of 651.3 feet, along the North line of the said Northwest 1/4 of the Northeast 1/4, to THE INITIAL POINT of this description; thence  
South 0 degrees 14'09" West, a distance of 210 feet; thence  
South 89 degrees 51'51" East a distance of 100 feet; thence  
North 0 degrees 14'09" East a distance of 210 feet to a point in the North line of said Section 11; thence  
North 89 degrees 51'51" West along the North line of said Section 11, a distance of 100 feet to THE INITIAL POINT.

THIS FORM FURNISHED COURTESY OF:

STEWART TITLE

READ & APPROVED BY GRANTEE(S):

{0630}

95071469  
ADA CO. RECORDER  
J. DAVID NAVARRO  
BOISE ID

STEWART TITLE

'95 SEP 29 PM 2 44

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No 95056259 SIG/RW 070

## WARRANTY DEED

FOR VALUE RECEIVED STACY JENE ROWAN HOFFMAN AND J. CORY HOFFMAN,  
HUSBAND AND WIFE

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto JERRY L. DURBIN  
AND LINDA M. DURBIN, HUSBAND AND WIFE

GRANTEE(S), whose current address is: 2135 COLUMBIA ROAD, MERIDIAN, IDAHO 83642  
the following described real property in ADA County, State of Idaho, more particularly  
described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this  
reference becomes a part hereof.

RECEIVED

JAN 02 1997

WATER RESOURCES  
WESTERN REGION

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and  
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said  
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from  
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered  
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and  
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,  
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend  
the same from all lawful claims whatsoever.

Dated: September 28, 1995

Stacy Jene Rowan Hoffman  
STACY JENE ROWAN HOFFMAN

J. Cory Hoffman  
J. CORY HOFFMAN

STATE OF IDAHO )  
COUNTY OF ADA )

On this 28th day of September, in the year of 1995, before me, the undersigned, a Notary  
Public in and for said State, personally appeared STACY JENE ROWAN HOFFMAN AND J. CORY  
HOFFMAN

known or identified to me 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.



Signature: Robyn Williams

Name: ROBYN WILLIAMS

Residing at: BOISE, IDAHO

My Commission Expires: 01/22/98

A63-22169

Photos 8-18-95

#1  
PID



#1 PID and concrete delivery ditch looking West from well site toward P14.

#2  
P14



#2 P14 looking NW from SE corner.

AJ5809NP  
No. A63-22169

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00  
PAGE: 217

| OWNER<br>CODE | NAME & ADDRESS    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | JERRY DURBIN      | 03/15/1938       | IRRIGATION | 03-15 11-15           | 1.070 CFS         |                     |
| C             | LINDA DURBIN      |                  |            |                       |                   |                     |
|               | PO BOX 38         |                  |            |                       |                   |                     |
|               | KUNA ID 836340038 |                  |            | TOTAL DIVERSION:      | 0.107 CFS         |                     |
|               | (208) 888-4408    |                  |            | CONSUMPTIVE USE:      |                   | 12.30 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T02N R01W S11 SENWNE

ADA County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |     |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-----|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM |
| 02N | 01W | 11 | : |    |    | 03 |    |    |    |    |    |    |    |    |    |    |    |    |    | :           | 3.5 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 3.5 |

POU County: ADA

Other Rights: NONE.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A63-17735

Other Water Rights Listing Overlapping Place(s) of Use:  
A63-02722 A63-02987 A63-17735 A63-17735B A63-18981 R63-02987 R63-17735B

Remarks: GEN THIS CLAIM IS FOR IRRIGATION OF LANDS THAT WERE LICENSED UNDER WATER RIGHT 63-02722. HOWEVER, THE ACTUAL IRRIGATION OF THESE LANDS WITH A GROUNDWATER SOURCE OCCURED BEFORE THE PERMIT FOR WATER RIGHT 63-02722 WAS ISSUED IN 1950. THEREFORE, A PRIORITY DATE OF 1938 IS BEING CLAIMED. THIS CLAIM IS FOR 1/12 OF THE WATER PRODUCED BY THE IRRIGATION WELL DESCRIBED IN ADJUDICATION CLAIM A63-17735.  
CHANGE OF OWNERSHIP BY MTS 9/12/1995  
OWNERSHIP CHANGED BY LH 1/3/97.  
PROPERTY ADDRESS: 2135 W COLUMBIA RD, MERIDIAN.  
ADDRESS CHANGE BY CLAIMANT LETTER 3/3/99 SS.

|        |                                        |                                        |                       |
|--------|----------------------------------------|----------------------------------------|-----------------------|
| Dates: | Exam Made Date:                        | Verified Date:                         | Objection Filed Date: |
| Misc:  | Water District Number:                 | Field Inspection Flag:                 | Presumption Flag:     |
| Audit: | 04/27/90 FRITSCHL<br>03/03/99 SSHERMAN | 03/30/95 POST-STD<br>09/12/95 MSCHULTE | 01/03/97 LHARRIS      |

# ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 463-22169

| WR ELEMENT         | FIELD EXAM<br>Y/N-IF NO,<br>DO OFFICE<br>VERIFICATION | FIELD EXAM<br>OR IN-OFFICE<br>VERIFICATION<br>WHOM/DATE | CLAIM<br>VERIFIED BY<br>CODE<br>(SEE BELOW) | CHANGE<br>CLAIM<br>Y/N | CLAIMANT CONTACT<br>NEEDED - Y/N** | REVIEW<br>COMPLETED<br>WHOM/DATE | "R" RECORD                              |
|--------------------|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|-----------------------------------------|
| PRIORITY*          |                                                       |                                                         |                                             | <u>Y</u>               |                                    |                                  |                                         |
| PT. OF DIV.        |                                                       |                                                         |                                             |                        |                                    |                                  |                                         |
| SOURCE             |                                                       |                                                         |                                             |                        |                                    |                                  | DATA ENTRY COMPLE<br>BY _____ DATE ____ |
| PL. OF USE         |                                                       |                                                         |                                             |                        |                                    |                                  |                                         |
| AMOUNT<br>FS/AF    |                                                       |                                                         |                                             |                        |                                    |                                  | FINAL RECOMMENDAT<br>BY _____ DATE ____ |
| CONSUMPTIVE<br>USE |                                                       |                                                         |                                             |                        |                                    |                                  |                                         |
| NATURE OF<br>USE   |                                                       |                                                         |                                             |                        |                                    |                                  |                                         |
| PERIOD OF<br>USE   |                                                       |                                                         |                                             |                        |                                    |                                  |                                         |
| BASIS OF<br>CLAIM  |                                                       |                                                         |                                             |                        |                                    |                                  |                                         |
| REMARKS            |                                                       |                                                         |                                             |                        |                                    |                                  |                                         |

IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN  
SUBMITTED - YES \_\_\_\_\_ NO \_\_\_\_\_.

\*\*IF CLAIMANT CONTACT IS NEEDED, COMPLETE  
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: priority date should be changed to license priority of 10-11-1950 if  
1938 priority can't be confirmed.

VERIFICATION CODES  
TOPO MAP/ORTHOPHOTO = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER(SEE COMMENTS) = 6

63-02722

OPEN CHANNEL DISCHARGE MEASUREMENT NOTES A63-17735 & A63-22169

1. Name of stream or ditch: WELL  
 2. Location: NWNE, SEC 11, T2N, R1W  
 3. Person conducting measure: RON HOWERTON  
 4. Date and time of measure: 08-18-95 10:00  
 5. Accompanied by: ROD SMITH (CHARLOTTE'S SON IN LAW)  
 6. Measuring device size and ID: PYGMY # 090181  
 7. Spin test OK? Before: Yes After: Yes  
 8. Purpose of measure: IRRIGATION FLOW

| DIST<br>FROM LEW<br>(feet) | WIDTH<br>(feet) | DEPTH<br>(feet) | OBS<br>DEPTH | REVS | TIME<br>(secs) | VELOCITY<br>(ft/sec) | DISCHARGE<br>(cfs) |
|----------------------------|-----------------|-----------------|--------------|------|----------------|----------------------|--------------------|
| 2.0                        |                 |                 |              |      |                |                      |                    |
| 2.3                        | 0.4             | 0.2             | 0.6          | 78   | 40             | 1.95                 | 0.16               |
| 2.5                        | 0.4             | 0.5             | 0.6          | 79   | 40             | 1.98                 | 0.35               |
| 3.0                        | 0.5             | 0.6             | 0.6          | 68   | 40             | 1.70                 | 0.51               |
| 3.5                        | 0.4             | 0.6             | 0.6          | 74   | 40             | 1.85                 | 0.44               |
| 3.8                        | 0.4             | 0.2             | 0.6          | 58   | 40             | 1.45                 | 0.10               |
| 4.0                        |                 |                 |              |      |                |                      |                    |

TOT WIDTH 2.0

TOTAL DISCHARGE: 1.56

A63-22169

3.5ac

P10

T1346

T1347

T1348

C10

Not To Scale

WR5808NP  
(20-26)IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT07/14/95 11:54:09  
Page 1

Water Right Number - 63-02722

Prefix Translation: WATER RIGHT

Old (D) Number - 20681

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
MILLER

MARCUS

1 - RT. 3

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone -

\*\*\* D - ORIGINAL OWNER \*\*\*  
MILLER

MARCUS

1 -

2 -

3 -

City-

State- Zip-

Phone -

DANIEL

L. D.

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
10/11/1950 14 WESTERN L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
GROUNDWATER+ - - - - - - - - - - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.  
02N 01W 11 NW NE ( 1 ) ADA+ - - - - - - - - - - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION  
43 - DOMESTIC 1.280+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
1.280+ - - - - - - - - - - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
02N 01W 11 NE NE 33.0 01 IRRIGATION ( 1 ) ADA  
02N 01W 11 NW NE 18.0 01 IRRIGATION ( 1 ) ADA  
02N 01W 11 SW NE 20.0 01 IRRIGATION ( 1 ) ADA

Total Acres: 71.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -



**IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT**

07/14/95 11:54:09

Page 2

Water right number - 63-02722

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use -

TRANS. 276. Remarks

+ - - - - Old Water Right Numbers - - - - +  
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

| + - - - Decree Plaintiff - - - + | + - - - Decree Defendant - - - + | + - Decree Date - + |
|----------------------------------|----------------------------------|---------------------|
|                                  |                                  | 00/00/0000          |

+ ..... -Comments- ..... +  
 No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88

+ . . . . . Water Rights Dates and Flags Area . . . . . +

|                   |   |            |                 |   |            |                    |   |   |
|-------------------|---|------------|-----------------|---|------------|--------------------|---|---|
| Proof Due Date    | - | 00/00/0000 | Field Exam Made | - | 00/00/0000 | Field Exam Fee     | - |   |
| Approved/Denied   | - | 00/00/0000 | Protested Date  | - | 00/00/0000 | Swan Falls         | - |   |
| Proof Made Date   | - | 00/00/0000 | Hearing Date    | - | 00/00/0000 | Temporary Right    | - | P |
| Exam to S.O. Date | - | 00/00/0000 | Verified Date   | - | 06/03/1985 | DLE/Carey Act      | - |   |
| Order Show Cause  | - | 00/00/0000 | Receipt Number  | - |            | Water District     | - |   |
| Licensed Date     | - | 08/28/1979 | Appl Received   | - | 00/00/0000 | Transfer/Amended   | - | T |
| Decree Date       | - | 00/00/0000 | Name Connector  | - |            | POU Ownership Flag | - |   |
| Presumption Flag  | - |            |                 |   |            |                    |   |   |

WR5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

07/13/95 00:00:49  
Page 1

NO RECORD WAS FOUND FOR 6302722A

63-02722 (Marcus Miller)

DR: 1.28 cfs

P/D: 2N, 1W, S11, NWNE

P/U: 2N, 1W, S11, NENE - 33 ac  
NWNE - 18 "  
SWNE - 20 "

Priority = 10-11-1950

A63-02722A - (Castro)

DR: .15 (6" well - sprinkles)

P/D: 2N, 1W, S11, SENENE

P/U: 2N, 1W, S11, WENE - 5 ac

Priority = 10-11-1950

A63-22169 - Rossow

DR: .107 cfs (well & ditch) ( $\frac{1}{12}$  of capacity)

P/D: 2N, 1W, S11, SENWNE

P/U: 2N, 1W, S11, NWNE - 3.5 ac

Priority = 3-15-1938 ?

A63-17735 (Charlotte Miller)

DR: 1.28 + .04 Dom

P/D: 2N, 1W, S11, NENE - new well  
NWNE - domestic

P/U: 2N, 1W, S11, NENE - 33 ac

NWNE - 18 "

Priority = 3-15-1938

SWNE - 20 "

Water Right Number - A63-22169

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

ROSSOW

MICHAEL K

1 - 2135 COLUMBIA

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone - 208-888-4330

ROSSOW

TERESA G

1 - 2135 COLUMBIA

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone - 208-888-4330

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
03/15/1938 14 WESTERN J - BENEFICIAL USE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
GROUNDWATER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot Rflg County Diversion Name

02N 01W 11 SE NW NE ( 1 ) ADA

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 03/15 11/15 1.070+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.107 12.3+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

02N 01W 11 NW NE 3.5 01 IRRIGATION ( 1 ) ADA

Total Acres: 3.5

+ - - Diversion Means - WELL AND PUMP, DITCH AND SIPHON TUBES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE.

+ - - - - Remarks - - - - - +

THIS CLAIM IS FOR IRRIGATION OF LANDS THAT WERE LICENSED UNDER WATER RIGHT 63-02722. HOWEVER, THE ACTUAL IRRIGATION OF THESE LANDS WITH A GROUNDWATER SOURCE OCCURED BEFORE THE PERMIT FOR WATER RIGHT 63-02722 WAS ISSUED IN 1950. THEREFORE, A PRIORITY DATE OF 1938 IS BEING CLAIMED. THIS CLAIM IS FOR 1/12 OF THE WATER PRODUCED BY THE IRRIGATION WELL DESCRIBED IN ADJUDICATION CLAIM A63-17735.

AJ5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

07/19/95 15:48:18  
Page 2

Water right number - A63-22169

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +      + - - - Decree Defendant - - - +      + - Decree Date - +  
00/00/0000

+ - - Audit Fields - 04/27/90 FRITSCHL 03/30/95 POST-STD

+ - - - - -Comments- - - - - +  
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing   | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date  | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date   | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date   | - 04/26/1990 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date        | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | -       |
| Licensed Date         | - 00/00/0000 | Receipt Number        | - C016550    | Federal/State Indicator | - S     |
| Claims Tape Error Flg | -            | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
| Fee Exempt Flag       | -            | Name Connector        | - OR         | Notice of Error Flag    | -       |

Date Received

RECEIVED

APR 18 1990

State of Idaho  
Department of Water Resources  
REQUEST FOR EXTENSION OF TIME  
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources  
Western Regional Office

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Teresa and Michael Rossow (208) 888-4330  
Name of Claimant Phone Number

2135 W. Columbia Road Meridian ID 83642  
Mailing Address City State Zip

Ada September 8, 1989  
County(s) where place of use is located Date claim originally due

1- domestic well claim  
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The last part of May 1989, Teresa's aunt developed severe cancer, coupled with Mike starting a new job May 18th, the already hectic schedule became more so. With several weekend trips to California and each working a full time job plus a part time job each, the mail was somewhat neglected. When the mail was brought in, the bills were taken out and the rest was put into piles. In the fall when jobs slowed down and the cancer was in remission, we received a notice for some property we own in Council. The Council notice reminded us of a similar paper. Digging through the piles turned up the notice for Columbia Road. At that point in time Teresa went to the Water Resource office and filed for an extension. We did not receive any notice before \*  
Claimant requests an extension to JUNE 30, 19 90

Michael F. Rossow April 5, 19 90  
Signature Date of request

Claimant  
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to May 1, 19 90  
Signed this 16 day of April, 19 90

\*or after receiving denial of extension request  
of November 4, 1989.

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

MICROFILMED

SEP 08 1992

CLAIMANT'S NAME: Rossow, Michael or Teresa DATE: 4-23-90

EMPLOYEE: Carter Fritschle

RE: It has been assumed that the \$1.00 per acre  
variable fee has been paid with claim A63-17735.  
Therefore, Mr & Mrs. Rossow will be charge the  
\$50.00 flat fee for filing this claim.

MICROFILMED

SEP 08 1992



**FIRST FINANCIAL**  
174 N. Orchard  
Boise, Idaho 83706  
(208) 378-4300

**RECEIVED**  
AUG 21 1990

Department of Water Resources  
Western Regional Office

AUGUST 20, 1990

DEPARTMENT OF WATER RESOURCES  
WESTERN REGION  
2735 AIRPORT WAY  
BOISE, IDAHO 83705

ATTN: LINDA WERNER

RE: CIVIL CASE NO: 39576

IDENT NO: ~~A63-177358~~

*NUMBER CHANGED TO:*  
*A63-22169*

DEAR LINDA:

PLEASE FIND ATTACHED A COPY OF WATER RIGHT FILING THAT WE NEED A RECEIPT WITH A CORRESPONDING ID NUMBER. (FOR A VA LOAN). COULD YOU PLEASE SEND A RECEIPT TO US AS SOON AS POSSIBLE?

I HAVE ENCLOSED A SELF ADDRESSED STAMPED ENVELOPE FOR YOUR CONVENIENCE.

IF YOU HAVE ANY QUESTIONS OR PROBLEMS ON THIS PLEASE CAL ME AT 378-4300.

THANK YOU VERY MUCH FOR YOUR HELP.

SINCERELY,

*Linda Stevenson*

FIRST FINANCIAL CORPORATION  
LINDA STEVENSON  
LOAN CLOSER/SHIPPER

*8-23-90 Mailed the receipt to above on 8-23-90 - L.W.*

**MICROFILMED**  
AUG 26 1992

Form 42-1409(10)-1  
89  
RECEIVED

Date Received \_\_\_\_\_

OCT 05 1989

State of Idaho  
Department of Water Resources  
REQUEST FOR EXTENSION OF TIME  
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Teresa + Michael Rossow 208 888-4330  
Name of Claimant Phone Number  
2135 W. Columbia Rd. Meridian ID 83642  
Mailing Address City State Zip  
Ada Sept. 8, 1989  
County(s) where place of use is located Date claim originally due  
1-Domestic and 1-Surface irrigation claim  
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Due to a family crisis and misplacement of the notice. After reviewing our back log of mail, we found the notice. I came in as soon as we found it.

Claimant requests an extension to October 15, 19 89  
Teresa G. Rossow October 4, 19 89  
Signature Date of request  
Claimant  
Title

1 Commencement  
5/11/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [ ] granted [ X ] denied for the following reasons:

and if granted the filing deadline is extended to \_\_\_\_\_, 19 \_\_\_\_\_

Signed this 4 day of November, 19 89

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

MICROFILMED  
AUG 26 1992

DATE 3-30-90

FROM Don  
TO Ron H. - Western  
SUBJECT More A63-17735

Unless Miller has submitted another claim with less acreage, we should not have a A63-17735 A in the AJ data base, despite the overlap with # presence of A63-17735 B for Rossow. Re: W004773 should likewise reflect only what Miller filed, not "B" and Rossow's claim. I agree with your research, Rossow must pay the \$50 flat fee yet.

~~CONFIDENTIAL~~  
AUG 26 1992

DATE 11/22/89

ON DATE

Don

SUBJECT: Rossow Extension

Our records show a good "mailing to this address on 5/11/89. While a family crisis can be

legitimate reason for an extension I need

more information in order to consider whether

"intelligent effort" was made given the crisis

situation. Things like date of crisis, when

resolved, nature need to be careful here — don't

want to invade privacy.

Has not paid \$50 flat fee  
Miller paid variable fee with 463-17735.  
463-17735/7 shows reduced average.

SIGNATURE

MICROFILMED

AUG 26 1992

EXHIBIT "A"

A portion of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West, Boise Meridian, in Ada County, Idaho, more particularly described as follows, to-wit:

Commencing at the Northeast corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 11;

thence North 89°51'51" West 363.55 feet, along the North line of the said NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , to the INITIAL POINT of this description;

thence South 0°07'49" West a distance of 825.28 feet;

thence North 89°31'38" West, a distance of 289.27 feet;

thence North 0°14'09" East, a distance of 823.58 feet, more or less, to a point in the North line of said Section 11;

thence South 89°51'51" East, a distance of 287.75 feet, to the INITIAL POINT;

SAVE and EXCEPT the following described property, to-wit:

Commencing at the Northeast corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho;

thence North 89°51'51" West, a distance of 651.3 feet, along the North line of the said NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , to the INITIAL POINT of this description;

thence South 0°14'09" West, a distance of 210 feet;

thence South 89°51'51" East a distance of 100 feet;

thence North 0°14'09" East a distance of 210 feet to a point in the North line of said Section 11;

thence North 89°51'51" West along the North line of said Section 11, a distance of 100 feet to the INITIAL POINT.

TOGETHER WITH all irrigation water rights appurtenant thereto.

NO E P HAS  
MICROFILMED

EXHIBIT "B"

A part of the  $E\frac{1}{2}$  of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  and part of the  $NE\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West of the Boise Meridian, in Ada County, Idaho, more particularly described, to-wit:

Commencing at the Northeast corner of the  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West, Boise Meridian;

thence North  $89^{\circ} 51' 51''$  West 363.55 feet, along the North line of said  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$ , to the INITIAL POINT of this description;

thence South  $0^{\circ} 07' 49''$  West 825.28 feet;

thence South  $89^{\circ} 31' 38''$  East 294.94 feet;

thence South  $89^{\circ} 24' 58''$  East 535.38 feet;

thence North  $0^{\circ} 00' 00''$  East 44.84 feet;

thence South  $89^{\circ} 52' 28''$  East 59.85 feet;

thence South  $0^{\circ} 00' 00''$  West 280.00 feet;

thence North  $89^{\circ} 52' 28''$  West 59.85 feet;

thence South  $0^{\circ} 00' 00''$  West 260.00 feet, to a point on the South line of the said  $NE\frac{1}{4}$  of the  $NE\frac{1}{4}$ ;

thence North  $89^{\circ} 52' 28''$  West 468.50 feet, along the said South line to the Southwest corner thereof;

thence South  $0^{\circ} 09' 26''$  West 1326.44 feet, along the East line of the said  $E\frac{1}{2}$  of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$ , to the Southeast corner thereof;

thence North  $89^{\circ} 53' 06''$  West 654.95 feet, along the South line of the said  $E\frac{1}{2}$ , to the Southwest corner thereof;

thence North  $0^{\circ} 14' 09''$  East 2653.13 feet, along the West line of the said  $E\frac{1}{2}$ , to the Northwest corner thereof, said corner being South  $89^{\circ} 51' 51''$  East 651.31 feet from the North  $1/4$  corner of said Section 11;

thence South  $89^{\circ} 51' 51''$  East 287.75 feet, along the said North line to the INITIAL POINT of this description.

SAVE and EXCEPT THEREFROM the following:

A portion of the  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Section 11, Township 2 North Range 1 West, Boise Meridian, in Ada County, Idaho, more particularly described as follows, to-wit:

Commencing at the Northeast corner of the  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of said Section 11;

thence North  $89^{\circ} 51' 51''$  West 363.55 feet, along the North line of the said  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$ , to the INITIAL POINT of this description;

thence South  $0^{\circ} 07' 49''$  West a distance of 825.28 feet;

thence North  $89^{\circ} 31' 38''$  West, a distance of 289.27 feet;

thence North  $0^{\circ} 14' 09''$  East, a distance of 823.58 feet, more

EXHIBIT "B" (Continued)

Commencing at the Northeast corner of Section 11, Township 2 North, Range 1 West, Boise Meridian, in Ada County, Idaho, thence North  $89^{\circ}52'$  West along the Section line common to Sections 2 and 11, 837.75 feet to the REAL POINT OF BEGINNING; thence continuing North  $89^{\circ}52'$  West along said section line a distance of 276.82 feet to a point; thence South  $2^{\circ}18'$  West 829.48 feet to a steel pin on the Northerly edge of a certain irrigation ditch; thence South  $89^{\circ}24'58''$  East a distance of 310.12 feet; thence North  $0^{\circ}00'00''$  East a distance of 44.84 feet; thence South  $89^{\circ}52'28''$  East a distance of 59.85 feet; thence in a Northerly direction, and in a straight line, to the REAL POINT OF BEGINNING.

SEP 2 8 1945  
MICROFILMED

EXHIBIT "B" (Continued)

less, to a point in the North line of said Section 11;

thence South 89° 51' 51" East, a distance of 287.75 feet, to  
the INITIAL POINT.

700 5 6 1005  
MICROFILMED

EXHIBIT "C"

A tract of land in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the section corner common to Sections 1, 2, 11 and 12, Township 2 North, Range 1 West, Boise Meridian, thence South along the section line, 266.25 feet to a point; thence North 89°53' West, 837.75 feet to a steel pin; thence North on a line parallel to the Easterly boundary line of said Section 11, 266.49 feet to a point on the section line common to said Sections 2 and 11; thence South 89°52' East along the section line, 837.75 feet to the point of beginning;

ALSO: A tract of land in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at a point on the section line which bears South, 266.25 feet from the section corner common to Sections 1, 2, 11 and 12, Township 2 North, Range 1 West, Boise Meridian, thence South along the section line, 260.00 feet to a point; thence North 89°53' West, 837.75 feet to a steel pin; thence North on a line parallel to the Easterly boundary line of said Section 11, 260.00 feet to a steel pin; thence South 89°53' East, 837.75 feet to the point of beginning;

ALSO: A tract of land in the NE $\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at a point on the section line which bears North 89°52' West, 1114.57 feet from the section corner common to Sections 1, 2, 11 and 12, said township and range, thence South 2°18' West, 829.48 feet to a steel pin on the Northerly edge of a certain irrigation ditch; thence North 89°24'58" West along the Northerly edge of said ditch, 225.26 feet to a steel pin; thence North 2°03'11" East, 827.48 feet to a point on the section line common to Sections 2 and 11, thence South 89°52' East along the section line, 228.89 feet to the point of beginning;

ALSO: A part of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described, to-wit: Commencing at the Northeast corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 11, said township and range; thence North 89°51'51" West 40.85 feet, along the North line of the said NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , to the INITIAL POINT of this description; thence South 2°03'11" West 827.48 feet; thence North 89°31'38" West 294.94 feet; thence North 0°07'49" East 825.28 feet, to a point on the said North line; thence South 89°51'51" East 322.70 feet, along the said North line to the INITIAL POINT of this description.

FILED S E 1985  
MICROFILMED

8456064

Ada County, Idaho, ss.

Recorded at

TIME 10:00 a.m.

DATE 11-9-84

JOHN B. STIDA

RECORDER

By *[Signature]*  
Deputy

## WATER AGREEMENT

THIS AGREEMENT, made and entered into this 30<sup>th</sup> day of October, 1984, by and between DALPHA MILLER, a widow, dealing with her sole and separate property, hereinafter referred to as "Dalpha;" JAMES M. MILLER and CHARLOTTE A. MILLER, husband and wife, hereinafter referred to as "Miller," and EVERETT VASSAR and SANDRA VASSAR, husband and wife, hereinafter referred to as "Vassar;"

## WITNESSETH:

WHEREAS, Dalpha is the record title owner of the real property described in Exhibit "A," attached hereto and made a part hereof, but that Dalpha has sold the said real property to Vassar under a title retaining conditional sales contract, dated the 5th day of May, 1982, held in escrow at Capitol Escrow, in Nampa, Idaho; and

WHEREAS, Dalpha is the record title owner of the real property described in Exhibit "B," attached hereto and made a part hereof, but that Dalpha has sold the said real property to Miller under a title retaining conditional sales contract, dated the 11th day of September, 1984, held in escrow at Capitol Escrow, in Nampa, Idaho; and

WHEREAS, Millers are the owners of the real property described in Exhibit "C," attached hereto, and made a part hereof; and

WHEREAS, there does exist a present existing water well, with pump, motor and other equipment necessary to lift the water from its underground source to the top of the said well. This well is on the real property described in Exhibit "C," and is located approximately 800 feet South of the Northeast corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 11, Township 2 North, Range 1 West, Boise Meridian, in Ada County, Idaho. Water from this well irrigates all of the property described in Exhibits "A," "B," and "C."

The purpose of this agreement is to define the ownership of the

well, the useage of the water, the transportation of the water, the costs of power, maintenance of the well and equipment and ditch, and the costs of replacement of the well and equipment and ditch.

Now therefore, for and in consideration of the mutual promises herein contained, the parties hereto do agree as follows:

That Miller does grant and convey unto Vassar, but appurtenant to the real property described in Exhibit "A," a one-twelfth interest in the said well, pump, equipment and water therefrom.

Miller does further grant and convey unto Vassar, appurtenant to the real property described in Exhibit "A," a right to transport Vassar's water from the well, in a Westerly direction in the present existing ditch that runs from the said well to the Southwest corner of the real property described in Exhibit "A." It is understood and agreed that the said ditch, as it runs from the Southeast-erly corner of the real property described in Exhibit "A," to the Southwesterly corner of the real property described in Exhibit "A," is one-half on Vassars' land and one-half on Millers land. The parties do hereby grant a cross easement to the other for transportation of this well water whether at that time to be Vassars' water, or at that time to be Millers' water. Vassar will transport water from the said ditch in a Northerly direction, and Miller will transport water in a Southerly direction.

It is understood and agreed that Vassars' water right is a full flow of all of the water from the said well for a twenty-four hour period, every twelfth day. Vassars irrigation day shall commence at 8:00 A.M., and run to 8:00 A.M., the next day. When the water is first turned on in the spring Vassars' day to use the water shall be at 8:00 A.M., on the 6th day from the turning on of the water, and thereafter on each twelfth day thereafter at 8:00 A.M.; and running to the following day at 8:00 A.M., Vassar shall have the sole right to use the water from the said well. At all

3.

other times Miller shall have the sole and exclusive right to use of the water from the said well. Miller's water right is appurtenant to the real property described in Exhibit "B," and Exhibit "C."

It is understood and agreed that on demand Vassar will pay one-twelfth of all power bills, one-twelfth of any maintenance on the said well and equipment and ditch, and one-twelfth of any replacement costs on the said well, equipment or ditch. The ditch is defined as that present existing cement ditch running from the said well in a Westerly direction to the Southwest corner of the real property described in Exhibit "A."

Miller shall notify Vassar of any expenditures for the said power, maintenance and/or replacement, and the same shall be delivered to one of the Vassars, or mailed to them at the last known post office address of the Vassars. If such payment is not made in full and in cash within thirty days of such mailing or delivery, then Miller has the right to withhold Vassars water until the said payment is made in full, plus interest thereon at the rate of eighteen (18%) per cent per annum, and such interest shall commence on the 31st day after such delivery or mailing.

It is mutually understood and agreed that this agreement shall bind the heirs, personal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, the day and year first hereinabove written.

Dalphi Miller  
Dalphi Miller

James M. Miller  
James M. Miller

Charlotte A. Miller  
Charlotte A. Miller

Everett Vassar  
Everett Vassar

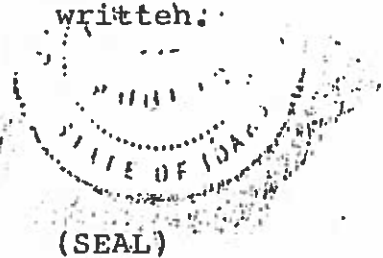
4.

Sandra Vassar  
Sandra Vassar

State of Idaho )  
County of Canyon ) ss

On this 4th day of NOVEMBER, 1984, before me, the undersigned, a notary public in and for said State, personally appeared DALPHA MILLER, a widow, dealing with her sole and separate property, JAMES M. MILLER, husband of CHARLOTTE A. MILLER, and EVERETT VASSAR and SANDRA VASSAR, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

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



[Signature]  
Notary Public for Idaho  
Residence: Nampa, Idaho

STATE OF IDAHO )  
County of ) ss.

On this 20th day of October, 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLOTTE A. MILLER, wife of JAMES M. MILLER, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

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



Anna M. Dawson  
NOTARY PUBLIC FOR IDAHO  
Residence: Parma, Idaho

**State of Idaho**  
**Department of Water Resources**  
**REQUEST FOR EXTENSION OF TIME**  
**TO FILE ADJUDICATION CLAIM(S)**

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Teresa and Michael Rossow (208) 888-4330  
Name of Claimant Phone Number

2135 W. Columbia Road , Meridian ID 83642  
Mailing Address City State Zip

Ada September 8, 1989  
County(s) where place of use is located Date claim originally due

1- domestic well claim  
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The last part of May 1989, Teresa's aunt developed severe cancer, coupled with Mike starting a new job May 18th, the already hectic schedule became more so. With several weekend trips to California and each working a full time job plus a part time job each, the mail was somewhat neglected. When the mail was brought in, the bills were taken out and the rest was put into piles. In the fall when jobs slowed down and the cancer was in remission, we received a notice for some property we own in Council. The Council notice reminded us of a similar paper. Digging through the piles turned up the notice for Columbia Road. At that point in time Teresa went to the Water Resource office and filed for an extension. We did not receive any notice before \*  
Claimant requests an extension to JUNE 30, 19 90

Michael P. Rossow April 15, 19 90  
Signature Date of request  
Teresa S. Rossow  
Title Claimant

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to May 1, 19 90  
Signed this 16 day of April, 19 90

\*or after receiving denial of extension request  
of November 4, 1989.

Director or his designated agent

**DAVID B. SHAW**

Mail to: Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

**MICROFILMED**  
**AUG 26 1992**

Mike <sup>550W</sup> ~~Row~~ 888-1593

Fate

due in Oct.

Why denied?

Claim in computer  
Don well, 5 acres

Western  
A63-177358

W0004773

~~scratched off claim~~  
~~AB~~

1/2 homestead WK  
What's on claim?

11/21

Charlotte Miller A63-17735A

↓ largest landowner

orig. homestead son, died, now deceased

↓ daughter & husband

small place

May have claimed 100% of water.

Rent - help still

MICROFILMED

AUG 26 1992

# STEWART TITLE OF IDAHO, Inc.



- XXX  
☐ 1412 WEST IDAHO, P.O. BOX 7546, BOISE, IDAHO 83707, (208) 336-6515  
☐ 111 AUTO DRIVE, SUITE 130, BOISE, IDAHO 83709, (208) 378-1666  
☐ 517 S. 10th STREET, SUITE C, CALDWELL, IDAHO 83605, (208) 454-1491  
BOISE TO CALDWELL 385-0114

TO: MICHAEL & TERESA ROSSOW  
2135 W. Columbia Road  
Meridian, ID 83642

Escrow No. STE-7359-LF

Re: VASSAR TO ROSSOW

Date: December 17, 1985

In connection with the above numbered escrow, we enclose the following:

- ( ) Our check in the amount of \$
- ( ) Deed recorded as Instrument No. \_\_\_\_\_.
- ( ) Tax Adjustment Notice for your files.
- ( X ) Title Insurance Policy No. 176972
- ( X ) Water Agreement
- ( X ) Addendum to Real Estate Purchase Agreement

Thank you for this opportunity to serve you. If we may be of any further assistance, please do not hesitate to contact the undersigned. Any other documents to which you are entitled will be forwarded as soon as they are available.

Very truly yours,

STEWART TITLE OF IDAHO, Inc.

By: Dee Krahn for Lea Fontaine, Escrow Officer

Enc.

## POLICY OF TITLE INSURANCE ISSUED BY

# STEWART TITLE

## GUARANTY COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, STEWART TITLE GUARANTY COMPANY, a corporation of Galveston, Texas, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Lack of a right of access to and from the land; or
4. Unmarketability of such title

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused this policy to be signed and sealed by its duly authorized officers as of Date of Policy shown in Schedule A.

### STEWART TITLE

#### GUARANTY COMPANY

*Carlson Morris*

Chairman of the Board

Countersigned:

*Clayton Morris*

Authorized Countersignature



*Stewart Morris*

President

### EXCLUSIONS FROM COVERAGE

*Summary of Contract*

The following matters are expressly excluded from the coverage of this policy:

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant, (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.

## CONDITIONS AND STIPULATIONS

### 1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "insured": the insured named in Schedule A, and, subject to any rights or defenses the Company may have against the named insured, those who succeed to the interest of such insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors.

(b) "insured claimant": an insured claiming loss or damage hereunder.

(c) "knowledge": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of any public records.

(d) "land": the land described, specifically or by reference in Schedule A, and improvements affixed thereto which by law constitute real property; provided, however, the term "land" does not include any property beyond the lines of the area specifically described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.

(e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.

(f) "public records": those records which by law impart constructive notice of matters relating to said land.

### 2. CONTINUATION OF INSURANCE AFTER CONVEYANCE OF TITLE

The coverage of this policy shall continue in force as of Date of Policy in favor of an insured so long as such insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from such insured, or so long as such insured shall have liability by reason of covenants of warranty made by such insured in any transfer or conveyance of such estate or interest; provided, however, this policy shall not continue in force in favor of any purchaser from such insured of either said estate or interest or the indebtedness secured by a purchase money mortgage given to such insured.

### 3. DEFENSE AND PROSECUTION OF ACTIONS — NOTICE OF CLAIM TO BE GIVEN BY AN INSURED CLAIMANT

(a) The Company, at its own cost and without undue delay, shall provide for the defense of an insured in all litigation consisting of actions or proceedings commenced against such insured, or a defense interposed against an insured in an action to enforce a contract for a sale of its estate or interest in said land, to the extent that such litigation is founded upon an alleged defect, lien, encumbrance, or other matter insured against by this policy.

(b) The insured shall notify the Company promptly in writing (i) in case any action or proceeding is begun or defense is interposed as set forth in (a) above, (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate

or interest as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy or, (iii) if title to the estate or interest, as insured, is rejected as unmarketable. If such prompt notice shall not be given to the Company, then as to such insured all liability of the Company shall cease and terminate in regard to the matter or matters for which such prompt notice is required; provided, however, that failure to notify shall in no case prejudice the rights of any such insured under this policy unless the Company shall be prejudiced by such failure and then only to the extent of such prejudice.

(c) The Company shall have the right at its own cost to institute and without undue delay prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as insured, and the Company may take any appropriate action under the terms of this policy, whether or not it shall be liable thereunder, and shall not thereby concede liability or waive any provision of this policy.

(d) Whenever the Company shall have brought any action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any such litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

(e) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured hereunder shall secure to the Company the right to so prosecute or provide defense in such action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such insured for such purpose. Whenever requested by the Company, such insured shall give the Company all reasonable aid in any such action or proceeding, in effecting settlement, securing evidence, obtaining witnesses, or prosecuting or defending such action or proceeding, and the Company shall reimburse such insured for any expense so incurred.

### 4. NOTICE OF LOSS — LIMITATION OF ACTION

In addition to the notices required under paragraph 3(b) of these Conditions and Stipulations, a statement in writing of any loss or damage for which it is claimed the Company is liable under this policy shall be furnished to the Company within 90 days after such loss or damage shall have been determined and no right of action shall accrue to an insured claimant until 30 days after such statement shall have been furnished. Failure to furnish such statement of loss or damage shall terminate any liability of the Company under this policy as to such loss or damage.

### 5. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS

The Company shall have the option to pay or otherwise settle for or in the name of an insured claimant any claim insured against or to terminate all liability and obligations of the Company hereunder by paying or tendering payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred up to the time of such payment or tender of payment, by the insured claimant and authorized by the Company.

(continued and concluded on last page of this policy)

MICROFILMED

AUG 26 1956

## SCHEDULE A

Order No.: ST-19916 CP

Policy No.: 0 - 9902 - 176972

Date of Policy: December 5, 1985 at 7:30 a.m.

Amount of Insurance: \$ 50,000.00

## 1. Name of Insured

MICHAEL K. ROSSOW AND TERESA G. ROSSOW, HUSBAND AND WIFE

## 2. The estate or interest in the land described herein and which is covered by this policy is:

FEE SIMPLE

## 3. The estate or interest referred to herein is at Date of Policy vested in:

MICHAEL K. ROSSOW AND TERESA G. ROSSOW, HUSBAND AND WIFE

## 4. The land referred to in this policy is described as follows:

A portion of the NW 1/4 of the NE 1/4 of Section 11, Township 2 North, Range 1 West, Boise Meridian, in Ada County, Idaho, more particularly described as follows, to-wit:

COMMENCING at the Northeast corner of the NW 1/4 of the NE 1/4 of said Section 11; thence  
 North 89°51'51" West 363.55 feet, along the North line of the said NW 1/4 of the NE 1/4, to the INITIAL POINT of this description; thence  
 South 0°07'49" West a distance of 825.28 feet; thence  
 North 89°31'38" West, a distance of 289.27 feet; thence  
 North 0°14'09" East, a distance of 823.58 feet, more or less, to a point in the North line of said Section 11; thence  
 South 89°51'51" East, a distance of 287.75 feet, to the INITIAL POINT;

SAVE and EXCEPT the following described property, to-wit:

COMMENCING at the Northeast corner of the NW 1/4 of the NE 1/4 of Section 11, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho; thence  
 North 89°51'51" West, a distance of 651.3 feet, along the North line of the said NW 1/4 of the NE 1/4, to the INITIAL POINT of this description; thence  
 South 0°14'09" West, a distance of 210 feet; thence  
 South 89°51'51" East, a distance of 100 feet; thence  
 North 0°14'09" East a distance of 210 feet to a point in the North line of said Section 11; thence  
 North 89°51'51" West along the North line of said Section 11, a distance of 100 feet to the INITIAL POINT.

~~MICROFILMED~~  
~~AUG 26 1994~~

**STEWART TITLE**  
 GUARANTY COMPANY

## SCHEDULE B

Policy No.: O-9902-176972

This policy does not insure against loss or damage by reason of the following:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
  5. Taxes or special assessments which are not shown as existing liens by the public records.
  6. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, and claims or title to water.
  7. General Taxes for the year 1985, which are liens; are not yet due and payable. General Taxes for the year 1984, are paid. PARCEL NO. S-1311120630, in the original amount of \$481.14.  
 General Taxes may be assessed and extended on any "subsequent" or "occupancy" tax roll for the current tax year and previous tax years with respect to improvements completed during the current year and previous years, which may escape assessment on the regular tax roll; which are a lien not yet due or payable.
  8. Liens, levies and assessments of the BOISE-KUNA Irrigation District, and the rights, powers and easements of said District as by law provided. No delinquencies appear of record in the office of the Ada County Recorder.
  9. An easement over said land in favor of IDAHO POWER COMPANY, for power line and incidental purposes as set forth in an instrument recorded July 14, 1954, as Instrument No. 362417, Official Records.
  10. Ditch, road and public utility easements as the same may exist over said premises.
  11. A Water Agreement by and between DALPHA MILLER, a widow, dealing with her sole and separate property, JAMES M. MILLER AND CHARLOTTE A. MILLER, HUSBAND AND WIFE and EVERETT VASSAR AND SANDRA VASSAR, HUSBAND AND WIFE, recorded November 9, 1984 as Instrument No. 8456064, records of Ada County, Idaho, for the purpose of defining ownership of well and usage of water.
  12. Right, Title, and Interest of EVERETT VASSOR AND SANDRA VASSOR by virtue of an unrecorded Contract of Sale or otherwise as disclosed by the Ada County records.

~~MICROFILMED~~

~~AUG 26 1992~~

**STEWART TITLE**  
GUARANTY COMPANY

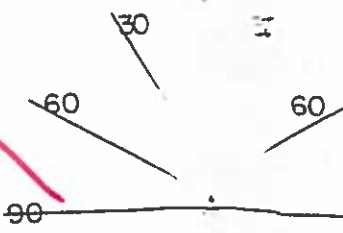


|    |    |    |    |
|----|----|----|----|
| 4  | 3  | 2  | 1  |
| 9  | 10 | 11 | 12 |
| 16 | 15 | 14 | 13 |

1 CHAIN = 66 FT.  
1 ROD = 16.5 FT.

|    |   |    |   |
|----|---|----|---|
| 6  | 5 | 2  | 1 |
| NW |   | NE |   |
| 7  | 8 | 3  | 4 |

**MICROFILMED**  
**AUG 26 1992**



**CONDITIONS AND STIPULATIONS Continued**  
(continued and concluded from reverse side of Policy Face)

**6. DETERMINATION AND PAYMENT OF LOSS**

(a) The liability of the Company under this policy shall in no case exceed the least of:

- (i) the actual loss of the insured claimant; or
- (ii) the amount of insurance stated in Schedule A.

(b) The Company will pay, in addition to any loss insured against by this policy, all costs imposed upon an insured in litigation carried on by the Company for such insured, and all costs, attorneys' fees and expenses in litigation carried on by such insured with the written authorization of the Company.

(c) When liability has been definitely fixed in accordance with the conditions of this policy, the loss or damage shall be payable within 30 days thereafter.

**7. LIMITATION OF LIABILITY**

No claim shall arise or be maintainable under this policy (a) if the Company, after having received notice of an alleged defect, lien or encumbrance insured against hereunder, by litigation or otherwise, removes such defect, lien or encumbrance or establishes the title, as insured, within a reasonable time after receipt of such notice; (b) in the event of litigation until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as insured, as provided in paragraph 3 hereof; or (c) for liability voluntarily assumed by an insured in settling any claim or suit without prior written consent of the Company.

**8. REDUCTION OF LIABILITY**

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto. No payment shall be made without producing this policy for endorsement of such payment unless the policy be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company.

**9. LIABILITY NONCUMULATIVE**

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring either (a) a mortgage shown or referred to in Schedule B hereof which is a lien on the estate or interest covered by this policy, or (b) a mortgage hereafter executed by an insured which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy. The Company shall have the option to apply to the payment of any such mortgages any amount that otherwise would be payable hereunder to the insured owner of the estate or interest covered by this policy and the amount so paid shall be deemed a payment under this policy to said insured owner.

**10. APPORTIONMENT**

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of said parcels but not all, the loss shall be computed and settled on a pro rata basis as

if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each such parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement herein or by an endorsement attached hereto.

**11. SUBROGATION UPON PAYMENT OR SETTLEMENT**

Whenever the Company shall have settled a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which such insured claimant would have had against any person or property in respect to such claim had this policy not been issued, and if requested by the Company, such insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation and shall permit the Company to use the name of such insured claimant in any transaction or litigation involving such rights or remedies. If the payment does not cover the loss of such insured claimant, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss. If loss should result from any act of such insured claimant, such act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against hereunder which shall exceed the amount, if any, lost to the Company by reason of the impairment of the right of subrogation.

**12. LIABILITY LIMITED TO THIS POLICY**

This instrument together with all endorsements and other instruments, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company.

Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or any action asserting such claim, shall be restricted to the provisions and conditions and stipulations of this policy.

No amendment of or endorsement to this policy can be made except by writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

**13. NOTICES, WHERE SENT**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at its main office, P. O. Box 2029, Houston, Texas 77252.

14. The premium specified in Schedule A is the entire charge for acceptance of risk. It includes charges for title search and examination if same is customary or required to be shown in the state in which the policy is issued.

## ADDENDUM TO REAL ESTATE PURCHASE AGREEMENT

In consideration of the execution of a Real Estate Purchase Agreement on December , 1985 by and between Everett and Sandra Vassar, (hereinafter called "Sellers") and Michael and Teresa Rossow (hereinafter called "Purchasers"), the Seller and Purchaser hereby make this Addendum to said Agreement:

WHEREAS, the Sellers wish to sell and the Purchasers wish to purchase a certain parcel of real estate and improvements thereon, situated in the County of Ada, State of Idaho, and more particularly described in said Real Estate Purchase Agreement, and

WHEREAS, the parties hereto are concerned with respect to the insistence of one James M. Miller, the brother of the Seller, Sandra Vassar, in using the driveway serving the home which the Purchasers are purchasing as a means of ingress and egress to land owned by the said James M. Miller, lying to the <sup>EAST SIDE AND</sup> rear of the property being conveyed to the Purchasers, and

WHEREAS, the parties wish to enter into an Agreement with respect to the obligations of the Sellers in the event that the said James M. Miller continues to use or insist upon using said driveway for any purpose without first obtaining the written consent of the Purchasers;

NOW THEREFORE, in consideration of the above and as a further inducement for the execution of said Real Estate Purchase Agreement, the parties hereto agree as follows:

the event that the said James M. Miller uses or to insist that he has rights to use said driveway for purpose without first obtaining the written consent or permission of the Purchasers, the Sellers shall, and hereby do agree, that all costs, expenses and reasonable attorneys fees in connection with any action to quiet title or prosecute or defend any action against the said James M. Miller in connection with his use of said driveway shall be the sole cost and responsibility of the Sellers.

2. The Sellers agree to indemnify, save and hold harmless the Purchasers from and of any loss of or damage to personal property of the Purchasers damaged or destroyed by the said James M. Miller in connection with their attempts to stop the said James M. Miller from using said driveway without first having obtained the written permission of the Purchasers.

This Agreement shall bind and inure to the benefit of the heirs, assigns, executors, administrators, or assignees of the parties hereto.

WITNESS the execution hereof on this 5<sup>th</sup> day of December, 1985.

SELLERS:

Everett Vassar  
EVERETT VASSAR

Sandra Vassar  
SANDRA VASSAR

PURCHASERS:

Michael C. Rossow  
MICHAEL ROSSOW

Teresa Rossow  
TERESA ROSSOW

State of Idaho)  
                  ) .ss  
County of Ada )

On this 5th day of December, 1985, before me, the undersigned Notary Public for said State, personally appeared Everett Vassar and Sandra Vassar, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Dea. Santane  
Notary Public for Idaho  
Residing at Boise  
Commission Expires 10-9-88

State of Idaho)  
                  ) .ss  
County of Ada )

On this 5th day of December, 1985, before me, the undersigned Notary Public for said State, personally appeared Michael Rossow and Teresa Rossow, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Dea. Santane  
Notary Public for Idaho  
Residing at Boise  
Commission Expires 10-9-88

return  
to sender

fee due 50¢

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street  
Boise, Idaho 83706-2237

ADDRESS SERVIC.  
REQUESTED

PRESORTED  
FIRST CLASS

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10



U.S. POSTAL SERVICE  
PS FORM 3547

+ 63-22169

63-22170  
JERRY L DURBIN  
LINDA DURBIN  
PO BOX 125  
MERIDIAN ID 83680-0125

DURB125 836802016 1998 05 11/07/98  
FORM 3547  
DURBIN  
PO BOX 125  
KUNA ID 83634-0036

83680-0125



83706/3338



DESKTOP REVIEW/VMM

**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

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) 63-2264 grit from license 63-2277

Owner: \_\_\_\_\_ Phone No. \_\_\_\_\_

Current Address: \_\_\_\_\_

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

Accompanied by: \_\_\_\_\_

**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.)

\_\_\_\_\_

\_\_\_\_\_

Source: GW 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? \_\_\_\_\_

# **DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

*See claim & field exam*

## **OVERLAP REVIEW**

Other water rights with the same point of diversion:

*03-17735*

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

*no.*

## **WATER USES**

☒ No change

☐ Different Uses

Use *11R* From *3/1* To *11/15* Amount *.107* CFS *15.75* AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

*(.107)(1.4835)(260) = 55.19* *OR (3.5)(4.5) = 15.75 AFA*

**TOTAL VOLUME – Groundwater only**

☒ Incomplete on claim, the total is, Amount *.107* CFS *15.75* 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:**

*split*

☒ No Change

☐ Changes shown below:

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: no

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

see claim, IIC exam for 63-2722  
and Ron Howerton field exam.

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

P# 51311120630.  
physical address  
remembered from 63-1735B  
water rt subject to water agreement dated 10-30-84,  
recorded 11-9-1984 with the Ada C. recorder, Doc#  
4456064.

- (1) This is portion of ILC. 63-2277 but wanted earlier p-date.
- (2) 63-1735 also checked thru POD
- (3) POB it did find action.
- (4) physical address: 2135 W Columbia Rd, Meridian ID.
- (5) Renumbered from 63-1735 B.
- (6) water agreement recorded with CO. recorder 11-9-1984.  
dated 10-20-1984. DOC # 8456064

**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

DATE EXAM CONDUCTED:

~~9-12-05~~ 9-12-05

FIELD EXAMINER:

Wally Wall

# Idaho Department of Water Resources

## CLAIM VERIFICATION NARRATIVE SHEET

Updated: March 12, 2002  
Date of Exam: August 18, 1995  
Field examiner:

Ron Howerton  
Senior Water Right Agent

Water Right Nos.: 63-17735

Contacts: Charlotte Miller & Rod Smith (Rod is the claimant's son in law).  
Rod basically runs the place and eventually will probably own in the future, he says.

Meeting Location: Rods place: 2201 W Columbia Rd. Meridian ID 83642, Phone # 888-3726.  
This is also the domestic home on the claim.

Directions: South on Meridian Kuna Hwy. About 5 miles past Amity, then past Lake Hazel Road, then right on Columbia Road, approximately 1 mile to home, cream color, cinder color roof.

### Narrative:

Met with Rod Smith August 18, 1995. System consists of 2 wells. The West well is primarily used for the Domestic 1-home including internal, external and associated domicile stock uses, both wells can be still be used for irrigation via concrete ditch. See photos. The East well only is used for irrigation, not related to the home's internal or external uses. See remarks on back of inspection form for additional system notes.

This claim was filed in place of licensed right 63-2722 for an earlier date of priority. An affidavit received in our office August 28, 1995 indicates first use was in 3/15/1938 by claimant Charlotte Miller. This claim is being recommended with the beneficial use date of priority and Charlotte Miller is not claiming a portion of the license.

Bruce Castoe has claimed a portion of the original license, right 63-2722A. His claim is for 5 acres, Charlotte Millers was found to be 56 acres and another beneficial use claim by Jerry & Linda Durbin 63-22169 is for 3.5 acres, the total is less than the 71 original acres of the license, and thus no enlargement in acreage. The beneficial use claim from Charlotte Miller can have an inch per acre where the license has to be prorated for Bruce Castoe's claim. A live flow measurement was done with the capacity of 1.56 CFS on the East well.  $(56 \text{ acres}) (0.02) = 1.12 \text{ CFS}$ .

The claimed place of use reflected the area covered by the original license of 71 acres. These are not all claimants' lands now. Rod thought that parts of the original property were sold off around 1969 or 1970. Bruce Castoe claimed that he re-drilled his own well in 1974 for claim 63-2722A. During the field exam Rod and I used an ASCS map to identify the lands they own. I found 56 acres, confirmed this with Rod and sent a letter to him dated August 18, 1995. I also re-confirmed the 56 acres though the use of our 1987 NAPP photos with GIS digitizing. See maps in file.

The East well was drilled in 1964 according to Rod, no well logs were found. I performed a well inspection and it is included in the file folder. Measurements were made here during my exam and the "Open Channel Measurement" form is in the file.

CC: FILE 63-2722A

## Adjudication Claim Report 63-22169

[illegible]

Total Acres: 3.5

Conditions of Approval:

Remarks:

1. General THIS CLAIM IS FOR IRRIGATION OF LANDS THAT WERE LICENSED UNDER WATER RIGHT 63-02722. HOWEVER, THE ACTUAL IRRIGATION OF THESE LANDS WITH A GROUNDWATER SOURCE OCCURED BEFORE THE PERMIT FOR WATER RIGHT 63-02722 WAS ISSUED IN 1950. THEREFORE, A PRIORITY DATE OF 1938 IS BEING CLAIMED. THIS CLAIM IS FOR 1/12 OF THE WATER PRODUCED BY THE IRRIGATION WELL DESCRIBED IN ADJUDICATION CLAIM A63-17735.  
CHANGE OF OWNERSHIP BY MTS 9/12/1995 OWNERSHIP CHANGED BY LH 1/3/97.  
PROPERTY ADDRESS: 2135 W COLUMBIA RD, MERIDIAN.  
ADDRESS CHANGE BY CLAIMANT LETTER 3/3/99 SS.

Comments:

Dates and Other Information:

Claim Received Date: 4/26/1990  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: AND  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

63-17735 also diverted thru pond  
split from 63-2722  
only address = 2135 W Columbia Rd Meridian  
7# 5/31/20630.

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**General Information**

**Property Acres:** 4.880  
**Zone Code:** RR  
**Primary Code Area:** 239 Tax Districts  
**Group Type:** SECT  
**Subdivision:** 2N 1W 11  
**Section:** 2N1W11

**Property Description**

PAR #0630 OF NW4NE4  
 SEC 11 2N 1W  
 #110300-B  
 #95071469

**Property Address**

2135 W COLUMBIA RD  
 MERIDIAN, ID 83642


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**Parcel Valuation Details**

| Assessment Roll | State Category Code   | Acreage | Assessed Value | Valuation Method |
|-----------------|-----------------------|---------|----------------|------------------|
| Primary         | 120-RESIDENTIAL TRACT | 4.880   | \$84,000       | MARKET           |
| Primary         | 340-RES IMPROVEMENT   | 0.000   | \$60,500       | COST             |

Total Assessed Value: \$144,500

**Parcel Valuation History**

Assessed value for year 2004 \$144,500  
 Assessed value for year 2003 \$140,500  
 Assessed value for year 2002 \$139,000  
 Assessed value for year 2001 \$133,600  
 Assessed value for year 2000 \$108,600

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**Property Characteristics**

Residential  
 Land

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**Residential****Land****Residential Characteristics 1 for Parcel "S1311120630"**

|                                  |                   |
|----------------------------------|-------------------|
| Occupancy Date:                  | No Date Available |
| Year Built:                      | 1910              |
| Year Remodel:                    | 1956              |
| Effective Age:                   | 1930              |
| Construction Class:              | 3                 |
| Number of Bedrooms:              | 3                 |
| Number Bathrooms:                | 1.0               |
| Number of Fireplaces:            | 1                 |
| Air Conditioning:                | Y                 |
| Car Storage Sq Ft #1:            | 480               |
| Car Storage Sq Ft #2:            | 0                 |
| General Purpose Building Sq Ft:  | 0                 |
| Porch Sq Ft:                     | 0                 |
| Deck Sq Ft:                      | 0                 |
| Deck Covered:                    | N                 |
| Patio Sq Ft:                     | 224               |
| Patio Covered:                   | Y                 |
| Pool Sq Ft:                      | 0                 |
| Total Sq Ft:                     | 1596              |
| Main Floor Sq Ft:                | 1064              |
| Upper Floor Sq Ft:               | 0                 |
| Finished Lower Floor Sq Ft:      | 0                 |
| Unfinished Lower Floor Sq Ft:    | 0                 |
| Finished Basement Floor Sq Ft:   | 0                 |
| Unfinished Basement Floor Sq Ft: | 532               |
| Finished Attic Sq Ft:            | 0                 |
| Unfinished Attic Sq Ft:          | 0                 |

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IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-22169

04/13/2005

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name               |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|--------------------|
| 17735   | Claim       | 02N | 01W | 11  | NW | NE |     | IRRIGATION     | 18/71       | CHARLOTTE A MILLER |
| 22169   | Claim       | 02N | 01W | 11  | NW | NE |     | IRRIGATION     | 3.5/3.5     | LINDA DURBIN       |
| 31482   | Claim       | 02N | 01W | 11  | NW | NE |     | IRRIGATION     | 17/74.7     | RONALD L DETWEILER |
| 2722    | Water Right | 02N | 01W | 11  | NW | NE |     | IRRIGATION     | 18/71       | MARCUS MILLER      |
| 17735   | Claim       | 02N | 01W | 11  | NW | NE |     | DOMESTIC       |             | CHARLOTTE A MILLER |
| 22170   | Water Right | 02N | 01W | 11  | NW | NE |     | DOMESTIC       |             | LINDA DURBIN       |

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. 20681This proof is for Beneficial Use

In Water District No. \_\_\_\_\_

1. Name of applicant Margus Miller2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the NW 1/4 of Section 11T. 2N R. 1W B. 1N County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: 125 ft. x 10 ft. 30 ft. 440V 3W 923222 - GE Control, Building safety switch 10' NW on Pole at Skitter arm control near over Mutual Johnston Pump - No meter - 8" x 11 9' 9 ft. 6" x 10' ditch to south into 5' x 6' x 2' concrete distribution box then to open ditch east-west. Well 16" x 150', 150' x 10" casing, green pipe. Wood crib type base. The 10" casing is perforated bottom 75'.

5. Water is used for: irrigation and domestic6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4 NE 1/4, NW 1/4 NE 1/4, Sec. 11, Twp. 2 N., Rge. 1 W. B. N.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? \_\_\_\_\_

Remarks: No. Miller along

Permitted for 1.26 cfs

Measured by sparkling meter 3 Rev. - 4 min 5 sec. = 122 x 1000  
1.28 cfs for 64 inch

This examination was made on the 5th day of May, 1961(Signed) L. J. Johnson Examiner

20681

That he intends to divert and convey said second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

#### CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in NW 1/4 of NE 1/4 of Section 11, Township 2N, Range 1W, and thereafter conduct same to the above described land through the private ditch, as per map appended.

That his reasons for desiring to make such change are as follows: cracked hole of present well causes excessive pump repairs. New well to be located approximately 300 feet east of present well.

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Monroe Miller  
Applicant.

Subscribed and sworn to before me this 21 day of April, 1914.

E. H. Brundlett  
Notary Public.

#### APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Subterranean

Where is the diversion point located?

Through what ditch is it now conducted? private

How much land is now irrigated by the water sought to be transferred? 72.5

Give the description: same as above



What is the total amount of water in inches, or second feet, dedicated to said land? 128 CFS

What kind of crops are being raised? hay, pasture, row crops

How much water per acre is now required to irrigate said land? 1" per acre

What will be the effect on the land now irrigated, if the use of water on it is discontinued? none

Give location of new point of diversion, if change is to be made. 300' East of present

Through what ditch will it be conducted after transfer? same

How much water will be required per acre to irrigate the land to which this water is transferred? no change

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source no

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source no

Signed \_\_\_\_\_ Applicant.

STATE OF IDAHO,

County of \_\_\_\_\_ ss.

I, \_\_\_\_\_, Watermaster of \_\_\_\_\_  
Water District No. \_\_\_\_\_, County of \_\_\_\_\_, State of Idaho, whose postoffice address  
is \_\_\_\_\_, have read or heard read the foregoing affidavit and petition  
of \_\_\_\_\_, and, of my own knowledge, believe the same to be true  
as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;  
and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer  
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of  
transfer prayed for) for the following reasons: \_\_\_\_\_

Watermaster, District No. \_\_\_\_\_

Dated at \_\_\_\_\_, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

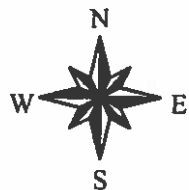
68 2722

# Idaho Department of Water Resources

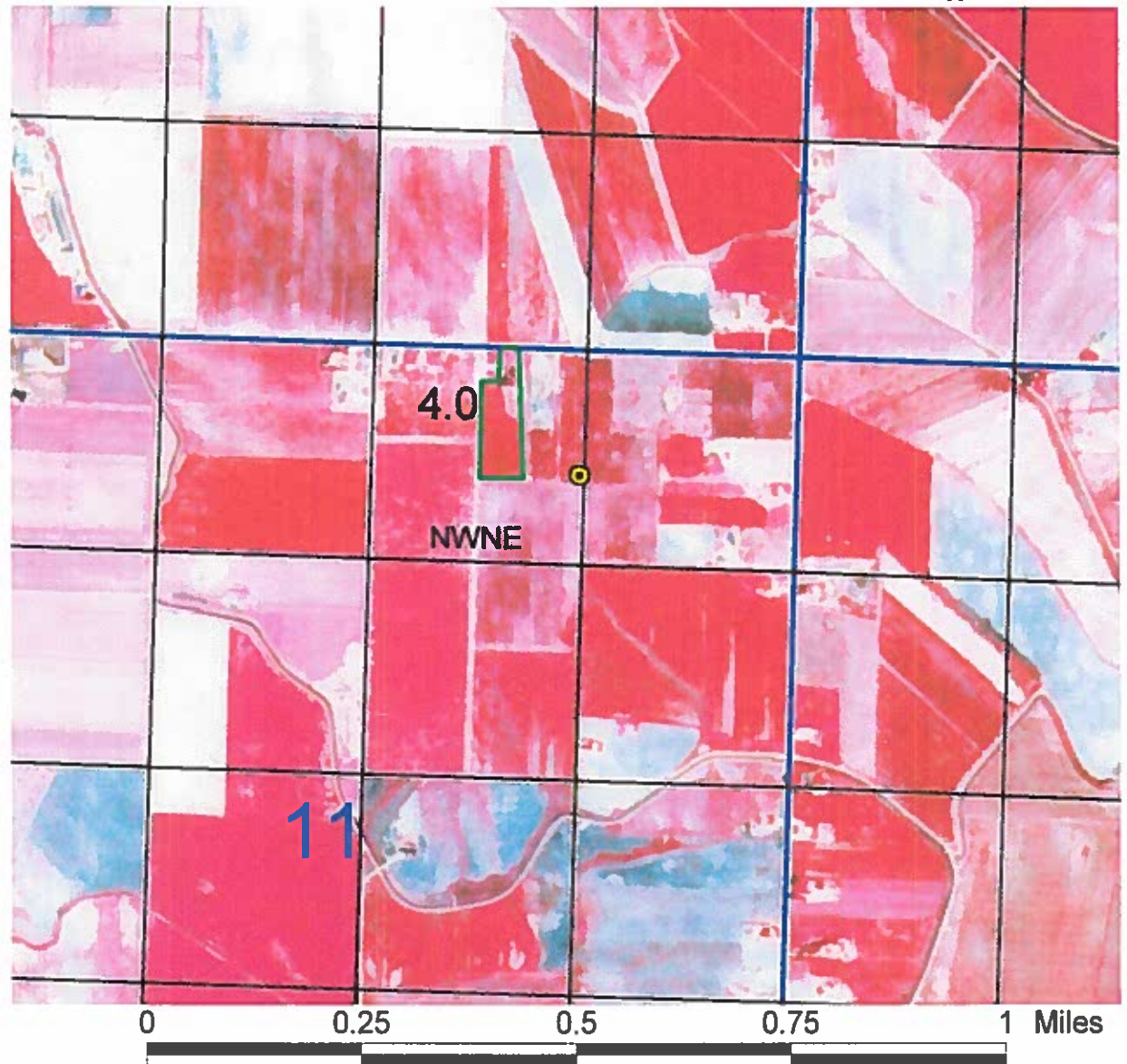
Claim Number: 63-22169  
Legal: T02N, R01W, S11  
Reviewed By:



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



1987 Napp Photo



# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-22169

Date: 12-28-00

|       | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Sum |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
|       |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |     |
| Claim | 2N  | 1W  | 11  |    | 3  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3   |
| GIS   |     |     |     |    | 4  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 4   |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

Total Claimed Acres: 3

Total GIS Acres: 4

Overlapping POU Claim #'s: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

COMMENTS:

per claim map