

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: A63-30479

Date Received: 1/23/1998

Receipt No: W023396

Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEFF M BOOTH 208-463-4346
Address: 16701 MULBERRY CT
Nampa ID 83687

OR

Name: ELIZABETH A BOOTH 208-463-4346
Address: 16701 MULBERRY CT
Nampa ID 83687

2. Date of Priority: JAN 23, 1992

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01W	8	NW	NW			CANYON

5. Description of diverting works:
6" CASING, SUB PUMP, PIPED TO HOME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01W	8	NW NW		DOMEST	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

LOT 4, BLK 5, HILLCREEK SUBD. NO. 2

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 _____

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NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

JAN 23 1998

WATER RESOURCES
WESTERN REGION

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) JEFF M. OR ELIZABETH A. BOOTH Phone (201) 463-4346

Mailing Address 16701 MULBERRY CT. Nampa, Zip 83687

2. Date of Priority (Only one per claim) 1/23/98 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

which is tributary to (b) N/A Name or kind of source

4. Location of point of diversion is: Township T3N Range 21W

Section 8, 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____, BM.,

County of CANYON

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 6" casing, sub pump, piped to house

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/23/98 to _____ amount 0.04 (cfs)

For _____ purposes from _____ to _____ amount _____ (Both dates are inclusive)

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic - 2 Houses

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

RECEIVED

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 3N Range 1W

Section NW 1/4 of NW 1/4, Govt. Lot _____, B.M.,

County of Canyon for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 1-22-98

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Idaho } SS.

County of Canyon }

Subscribed and sworn (or affirmed) before me this 22nd day of Jan. 19 98

SEAL

Notary Public [Signature]

Residing at Nampa

My Commission Expires Nov 2000

Last Name Cook Ident No. _____

Copies: White-State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

10 4852
FILE 9502769
II. AMENDED WELL USER'S AGREEMENT

This amended Agreement modifies and otherwise amends that certain Well User's Agreement dated December 23, 1992, and otherwise filed of record as Instrument Number 9228987, records of Canyon County, Idaho, which said instrument was recorded December 24, 1992.

This agreement made and entered into this 26th day of January, 1993, by and between

THE WESTPARK COMPANY, INC. party of the first part, and THE WESTPARK COMPANY, INC. party of the second part hereinafter referred to as the users.

WITNESSETH:

WHEREAS, party of the first part owns a parcel of real estate described as:

Lot 3 Block 13 Hillcreek Subdivision No. 2 Canyon County Idaho, according to the plat filed in Book 12 of plats, page 28 records of said county.

WHEREAS, party of the second part owns a parcel of real estate described as:

Lot 4 Block 5 Hillcreek Subdivision No. 2 Canyon County Idaho, according to the plat filed in Book 12 of plats Page 28 records of said county.

WHEREAS, there is a water well that does exist along the common boundary of the above described real property; and the users hereto do hereby desire to set in writing their agreement in connection with the said well and the water rights thereunder:

Now, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed as follows:

1. Parties of the first part and parties of the second part, hereby grant and convey an easement to each other over, across, under and throughout the above described property for purposed of ingress, egress and access to that certain drilled water well located upon the described easement so that the said well, may be maintained by the users.

2. That they do each own an equal and undivided interest in and to the said well and in and to the water and water rights emitting therefrom. No user may install more than one pumping system into the well, and it is understood and agreed that each user is to maintain its own system of pumping the water from the said well and each user does own their own pumping system. However, the pumping system is to be designed in such a manner that each user may maintain an independent pumping system in the said

well. Each user is to have its separate source of electrical energy for the said pump and each user is to pay his own cost therefore.

3. Maintenance costs incurred in the maintenance of the well itself are to be equally divided between the users hereto, but each user is to maintain his own pumping system and maintain any and all water distribution systems.

4. In the event that the water supply of one user is hereinafter interrupted for the purposes of maintenance or repair of the water system of the other user, no liability shall accrue except where no prior notice is given of such interruption or where such interruption persists for a period of 24 hours or more.

5. Each user herein does agree that the said well is for domestic purposes and neither party is to use the well in such a manner that it will impair the rights of the other user to one-half of the available and existing water.

6. That the rights and obligations herein set forth shall run with the lands herein described and shall pass without expressly mentioning them to the grantees or purchasers, or to the original purchasers hereafter sold to and all persons, firms or corporations accepting title to or rights in said property described in this instrument.

7. That no person, firm or corporation owning lands outside of the tracts herein described shall be entitled to use water from said water well located on the property described in Paragraph of the First hereof.

8. That this agreement, when recorded, shall be notice to the world of the rights and obligations of the person, firms, or corporations acquiring title or interest in the land described in the above paragraphs hereof and all such persons, firms, or corporations shall be bound by the terms of this agreement.

9. In the event that any landowner or tenant of any landowner, shall fail to pay this prorated share of the costs of upkeep and maintenance of said water system heretofore referred to and located in the land described in Paragraph the First, hereof, the other user may file an affidavit of cost thereof, after ten (10) days written notice to the nonpaying user, and the prorated costs thereof shall be a lien on the land of the nonpaying user, foreclosable in the manner provided for in Labor Lien in State of Idaho, in the office of the County Auditor of Canyon County, Idaho, but no liability or lien shall attach until the filing of such Affidavit of Cost, as herein provided. In addition to the usual cost of foreclosure, that defaulting party shall pay the cost of a title search for suit purposes and a reasonable attorney's fee. Any liens filed pursuant to this paragraph shall be subordinate to any and all deeds of trusts or mortgages filed which may encumber any of the property described herein regardless of the date on which said deeds of trusts or mortgages shall be filed.

10. This agreement shall inure to the benefit of and be binding upon the heirs, devisees, successors, and assigns of the parties to this agreement.

11. Each of the parties hereto does hereby agree to execute all and any instruments necessary to carry out the intent of the Agreement.

IN WITNESS WHEREOF we have placed our hand and seals on this
26th day of January, 1993.

PARTY OF THE FIRST PART

THE WESTPARK COMPANY INC.

BY: Gregory B. Johnson
ITS PRESIDENT

PARTY OF THE SECOND PART

THE WESTPARK COMPANY, INC.

BY: Gregory B. Johnson

STATE OF IDAHO

COUNTY OF CANYON

On this 26th day of January, 1993, before me, a notary public appeared GREGORY B. JOHNSON who being by me duly sworn did say, each for him/herself, that he/she, the said GREGORY B. JOHNSON is the president, of THE WESTPARK COMPANY INC., a corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and said GREGORY B. JOHNSON each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

NOTARY
Debra A. Mayde
Residing at NAMPA, Idaho
My commission expires 3-9-94

REQUEST
PIONEER - NAMPA
Michele m 9:20

FILED
CANYON CH. RECORDER
J. Sweeney, clk

93 FEB 9 PM 4 03

RECORDED

9302769

09/29/2006

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: October 31, 2006

Water right number: 63-30479

ELIZABETH A BOOTH
16701 MULBERRY CT
NAMPA ID 83687
Telephone Number: (208)463-4346

JEFF M BOOTH
16701 MULBERRY CT
NAMPA ID 83687
Telephone Number: (208)463-4346

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: 10-16-06

SIGNATURE: Jeff M Booth

Please print your name: JEFF M BOOTH

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

08/30/2006

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

RIGHT NUMBER: 63-30479

NAME AND ADDRESS: ELIZABETH A BOOTH
16701 MULBERRY CT
Nampa ID 83687

JEFF M BOOTH
16701 MULBERRY CT
Nampa ID 83687

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/23/1992

POINT OF DIVERSION:

T03N R01W S8 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC Within CANYON County

T03N R01W S08 SENW

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

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

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

Property is also known as Lot 3, Blk 5, Hill Creek Sub. #2.

REAL PROPERTY INQUIRY

+++++

01 6R22755-503- -0 009-00 N SCH2 + 15 36,000 .72

+++++ 37 109,000

BOOTH JEFF +

BOOTH ELIZABETH H/W +

+

+

+

+

16701 MULBERRY CT +

NAMPA ID 83687 +

+++++

08-3N-1W NW HILL CREEK SUB #2 3627 + TOTAL 145,000

LT 3 BLK 5 ++++++

+ SURVEY INST 9803407

+ DRAIN DR VALUE APPR DYW

+ CLASS 3 REAP 03 MAN 02 UNIT 1

16701 MULBERRY CT, NA Pg 96A + PARCEL 6R036270050030 H/O Y C/B N

+ PRIOR ACCOUNT 5R22755-503- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R22755503 0 UNIT 001 TOTAL UNITS 1

SITE 16701 MULBERRY CRT NA SEC/TWN/RNG 08-3N-1W

ASSESSED VALUE 145,000 ACREAGE .00

SUB/PARK NAME HILL CREEK SUB #2 YEAR/MAKE

CLASS 3 OWNER / OCCUPIED HOUSE CLASS ' 3' SPACE LOT BLOCK

+++++

YR BUILT 1994 AIR COND CENTRAL AIR CARPORT N

STORY 1 STORY HEATING GAS FA CARPORT SQ FT

FIRST SQ FT 1608 EXTERIOR VNYL SIDING DECK/PATIO? N

SECOND SQ FT ROOF COMP POOL? N

BEDS 3 BSMT SQ FT SPA? N

BATHS 2.00 % BSMT FIN LOT SIZE

FRPLC 1 GARAGE A3 NEIGHBORHOOD 0

GARAGE SQ FT 792

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

