

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: 63-20443

ARTHUR E BRAKE
29525 HURTZ RD
PARMA ID 83660
Telephone Number: (208) 722-6030

LINDA F BRAKE
29525 HURTZ RD
PARMA ID 83660
Telephone Number: (208) 722-6030

RECEIVED

OCT 23 2006

**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: 10-14-06

SIGNATURE: Arthur E Brake

Please print your name: Arthur E Brake

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

12/10/2006

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

RIGHT NUMBER: 63-20443
NAME AND ADDRESS: ARTHUR E BRAKE
29525 HURTZ RD
PARMA ID 83660

LINDA F BRAKE
29525 HURTZ RD
PARMA ID 83660

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 03/01/1918

POINT OF
DIVERSION: T06N R05W S30 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.520 CFS

PLACE OF USE: IRRIGATION in CANYON County

T06N R05W S30 NESW 26.00

26 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.



Idaho Department of Water Resources

63-20443

06N 05W S30



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 26.0

400 0 400 Feet



IDWR
Prepared by: Lori Graves
Date: 09-25-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-20443 V1

WATER RIGHT NUMBER: 63-20443 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SUSAN E JONES 29526 E HURTZ RD PARMA, ID 83660 (208)722-5534
Current Owner	ARTHUR E BRAKE 29525 HURTZ RD PARMA, ID 83660 (208) 722-6030
Current Owner	LINDA F BRAKE 29525 HURTZ RD PARMA, ID 83660 (208) 722-6030

Priority Date: 03/01/1918

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.520 CFS	
	<u>Total Diversion:</u>	0.520 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	NE1/4SW1/4	Sec. 30, Twp 06N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	05W	30									26.0								26.0

Total Acres: 26

Conditions of Approval:

1. W24 Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.
2. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-20443 V1

Comments:

1. Igraves 9/23/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3940900000.

2. Igraves 9/23/2006 Overlaps

Comment: This right supplements Farmers Co-op water. The field exam indicates that the unnamed drain is not used for delivery of claimants Farmers Co-op water to the p/u. Wastewater from the p/u is tributary to the drain downstream from the recommended pump p/d. Ground water right 63-20442 is used for the home and stock.

3. Igraves 9/23/2006 P/Ds

Comment: The field exam indicated that two pumps are used for diversion. The 2.5 hp pump is used for irrigation of 1 acre around the home with sprinklers and was added in 2002. This p/d will require a transfer, which the claimant was made aware of per telecon 9/23/06. A theoretical calculation was used to estimate 2.78 cfs capacity for the 12 hp pump that was in place prior to 1987. Acres are limited to .02 cfs/acre.

4. Igraves 9/23/2006 Source

Comment: Source was clarified to Unnamed Drain as indicated on the topo map.

5. Igraves 9/23/2006 Priority

Comment: Priority date was advanced to 1918 based on information Mr. Brake stated in an office visit 7/14/2006. See file for conversation memo.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

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:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-20443

WATER RIGHT NUMBER: 63-20443

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SUSAN E JONES 29526 E HURTZ RD PARMA, ID 83660 (208)722-5534
Current Owner	ARTHUR E BRAKE 29525 HURTZ RD PARMA, ID 83660 (208) 722-6030
Current Owner	LINDA F BRAKE 29525 HURTZ RD PARMA, ID 83660 (208) 722-6030

Priority Date: 01/01/1915

Basis: Beneficial Use

Status: Active

Source

WASTE WATER

*Unnamed Drain*Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate~~0.600~~ CFSAnnual VolumeTotal Diversion:~~0.600~~ CFS*152*Location of Point(s) of Diversion

WASTE WATER

CANYON County

~~NE 1/4~~ NE 1/4 SW 1/4

Sec. 30, Twp 06N, Rge 05W, B.M.

Place of Use

IRRIGATION Within CANYON County

T06N R05W S30 NESW ~~30.0~~Total Acres: ~~30~~*26**26*Conditions of Approval:

1. CHANGE IN OWNERSHIP- LG REVIEW BY VLM -7-17-06

Remarks:Comments:*add w24 - Farmers Co-op*

Field Exam Date 9/11/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED

Prior to Field Exam

SEP 12 2006

WATER RESOURCES
WESTERN REGION

- ☐ 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) 63-20443

Owner: Arthur E. or Linda F. Brake Phone No (208) 722-6030

Current Address: 29525 Huntz Rd, Parma, Id 83660

☒ No change NAME IS THE SAME

☐ NEW OWNER

☒ No change Address

☐ NEW ADDRESS

☐ How long owned property? 2001

Accompanied by: Arthur E. Brake

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: Arthur Brake 1/1/1915

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

Source: waste water Tributary to Snake River

☒ No Change – SAME SOURCE springs (year-round) + waste water

☐ Source found is different than claimed: no point to measure flow from

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change? 4 years ago added POD #2

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

POD#1
POD#2

ADD#1
ADD#2

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
42		NE	NE	SW	30	6N	5W	Canyon	N43°49.652' W116°59.062'
43								Canyon	N43°49.663' W116°59.117'

Description of diverting works

** see attachment*

OVERLAP REVIEW

Other water rights with the same point of diversion: None

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

WATER USES

- ☐ No change
- ☐ Different Uses

Use Irrigation From _____ To _____ Amount _____ CFS _____ AFA _____
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater only

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

NON-IRRIGATION USES:

- ☐ No change
- ☒ Changes Exam found: Domestic # of homes _____ Stock # (1) donkey
 Types _____ Additional comments: _____

PLACE OF USE:

- ☐ 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: _____

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

Delivery System Narrative: ** see attachment*

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
<i>POD#1</i> A0002142	No tag	12	No tag	No tag	10"
<i>POD#2</i> A0002143	Sta Rite	2.5	DS 2H+G-53L	1 phase	2 1/2"

*40 - 60 psi
15' lift
est. 40 psi*

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

There are domestic wells southwest of the house which are used for internal use only & outside faucets attached to the house for hoses if needed. They irrigate their yard, garden, pine trees & fruit trees from a pressurized system pumped from the waste water drain POD #2 solely. They do not co-mingle any well water with ditch water.

Mr. Brake stated that he still owns the 30 acres, but leases it out to someone who farms it now. Since Mr. Brake retired 5 yrs. ago, he has only irrigated solely from the waste water drain the garden, yard, fruit trees, pine trees & donkey (1 acre). He irrigates 29 acres w/ Farmers Union (primary source) & with the drain water (supplemental 29 acres of corn).

Make note in comments that there are (2) POD's.

Directions: I84, Parma/Notus off ramp, thru Parma,
Left on Old Fort Paris Rd, go about 3/4 mile then turn
Right on Apple Valley Rd, go about 1/2 mile, then turn
Left on Hurty Rd, 29525 Hurty (physical address) on the left
Side. POD: from NE corner of 29525 Hurty property, go south

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

(545') then ~50' east to POD#1, 285' east
to POD#2 (further down the drain) POU:

DATE EXAM CONDUCTED: 9-12-06

FIELD EXAMINER:

Judy Hernerway

down drive-way for 29501 Hurty
property east of 29501 & south of drain, &
also NW of 29525 then south to the drain, in
addition to
yard/garden
for
29525
Hurty.

63-20443 Brake

Date of Inspection: 9/11/06

Inspector: Sandy Hemenway

Background Information for Main Source/Farmers Union Irrigation:

The head gate for the Farmers Union is located 205' east of the Northeast corner of the 29525 Hurtz property, on Hurtz Rd. It has buried pipe that goes east to west along the road to a concrete control box at the northeast corner of the 29525 Hurtz property. From the concrete control box, water can either go east into a 278' long dirt ditch that converts into a concrete ditch that turns south along the east boarder of the Northwest corn field (gravity flow east to west with $\frac{3}{4}$ " siphon tubes), or at the concrete control box can continue south on the east boarder of the 29525 Hurtz property to another control box at the northeast corner of the lower corn field, continue going south to the bottom of the field then turn west to the end of the lower corn field (gravity flow south to north with $\frac{3}{4}$ " siphon tubes). At the southeast corner of the northwest corn field, the water is piped south and discharged into the waste water drain (west of both PODs, so this water does not contribute to the capacity of the drain that supplies the PODs, since the drain flow west).

Description of diverting works:

POD#1 is located 545' south of the northeast corner of the 29525 Hurtz property, then west 50' to the drain. It is a 12 Hp pump (no tag), 10" discharge to 10" steel pipe running to a concrete control box located 75' north east of POD#1, with 15' lift. Owner estimated 40 – 60 psi.

POD#2 is located 235' west of POD#1 in the same wastewater drain. It is a Sta Rite, 2.5 Hp, Model No. DS2HHG-53L, single phase, 2 $\frac{1}{2}$ " discharge, 15' lift, owner estimated 40psi.

Delivery System Narrative:

POD#1: The wastewater drain is wastewater to the east, with spring water at POD#1 (no water comes from the east during the winter month, but the spring runs year-round). The wastewater ditch is 12' wide x 2' deep. If POD#1 were used as a "main source" instead of a "back-up/supplemental source," it would divert from POD#1, 10" discharge to 75' of 10" steel pipe to a concrete control box to the northeast. At the control box, the gate on the south side can be closed diverting water south to north up the concrete ditch, divert west across the dirt ditch, then north to south on the east boarder of the northwest corn field (gravity flow east to west with $\frac{3}{4}$ " siphon tubes).

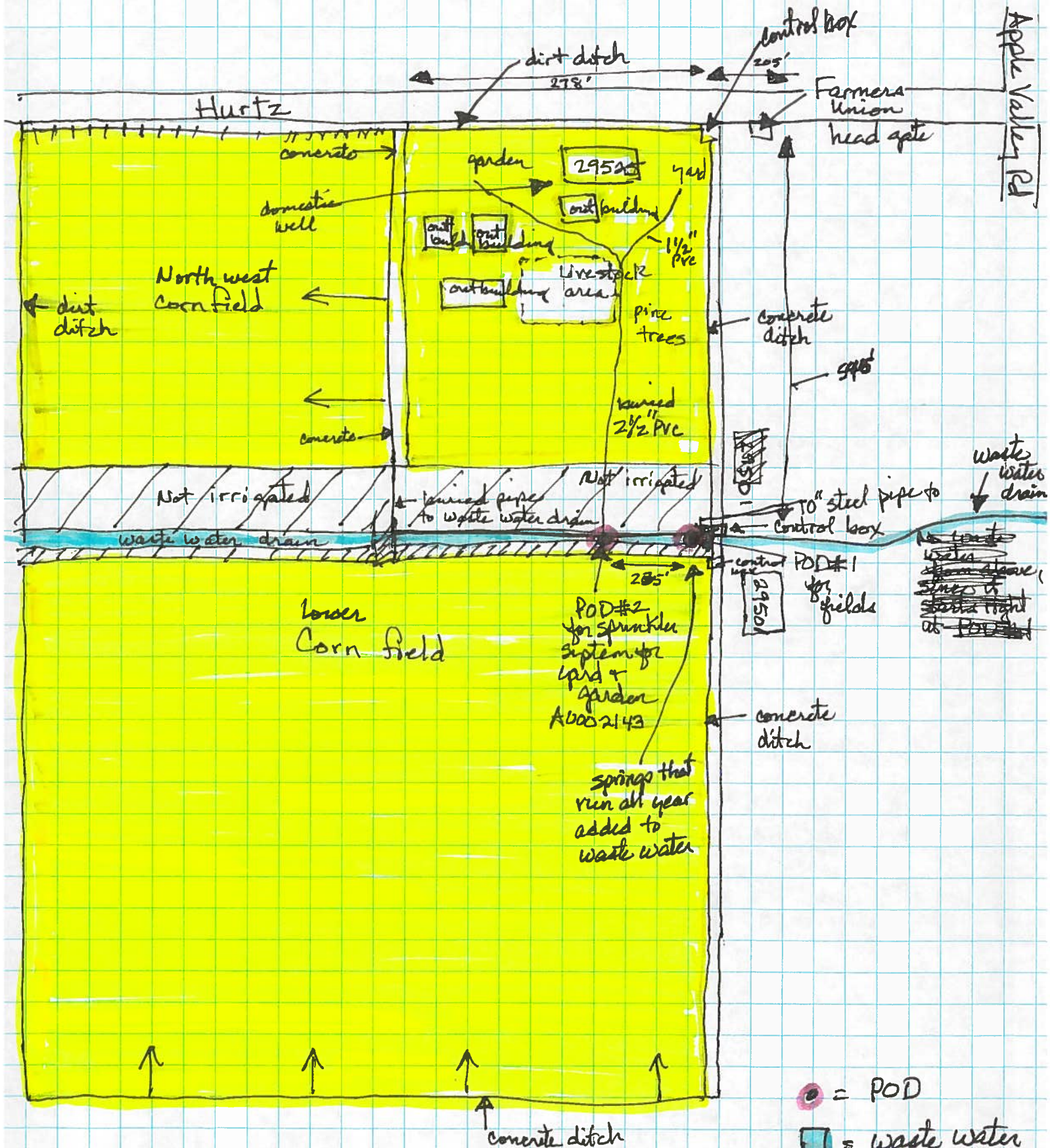
At the concrete control box, the north gate can be closed diverting the water north to south down the concrete ditch, piped under the dirt road crossing the waste water ditch, discharging into another concrete control box, continue moving south to the end of the lower corn field, then turning west to the end of the field (gravity flow south to north with $\frac{3}{4}$ " siphon tubes). At the end of the ditch is a dirt ditch that takes the water and discharges it into the wastewater ditch west of both PODs.

***This system can be run alone, or if needed co-mingled with Farmers Union Irrigation. For the past 5 years, since Mr. Brake retired, this system has ran with Farmers Union Irrigation as the primary source, and POD#1 as the supplemental source. POD#1 has not been used for 5 years now. Prior to retiring, Mr. Brake's primary source was POD#1, with Farmers Union Irrigation as the supplemental source. For 5 years, Mr. Brake has leased out the property, and someone else is farming the property. He still owns the 29 acres that makes up the cornfields.

POD#2: From the 2.5 Hp pump, 2 ½" discharge to 2 ½" buried PVC main going south to north to the garden, fruit trees/grapes, yard, pine trees, and water tank for one donkey. The 2 ½" main converts to 1 ½" buried PVC. There are 4 zones, with a total of 40 nozzles. One area (6 grape vines) has a drip system. (15) – ¾" nozzles run at 1 time, with an average of 20psi. Total of 1 acre irrigated with this system.

Domestic Wells:

The domestic wells are located southeast of the house. They supply internal domestic use, and outside faucets attached to the house for hoses to be attached, if they were ever needed. They are not pumped or diverted into any of the ditches, or co-mingled with Farmers Union Irrigation for irrigation purposes for the cornfields.



N ↑

63-20443 Brake
9-11-2006 S.H.

GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-20443 Brake

DATE: 9/28/2006

BY: Sandy Hemerway

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (\text{HP}) \times (\text{EFF.}))}{\text{TDH}}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster) 12

Eff. = Pumping plant efficiency (assume 70% or 0.70)

$$\text{TDH} = \text{Total dynamic head} = [(\text{LIFT}) + (\text{PSI} \times 2.31)]$$

LIFT = Depth to water in **FEET** from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$$Q = \frac{(8.8) \times (12) \times (0.70)}{[(15) + (5 \times 2.31)]} = \frac{73.92}{26.55} = 2.78 \text{ cfs}$$

LIFT FROM:

Measurement 

Owner ()

Area estimate ()

Well Logs ()

Booster (Y) ~~(N)~~**PSI FROM:**

Measurement ()

Owner ()

Estimate ()

Owner Gage ()

Booster (Y) ~~(N)~~

NOTES ON PUMP:

Motor Make, Serial or ID

No tax

Pump Make, Serial or ID, rating

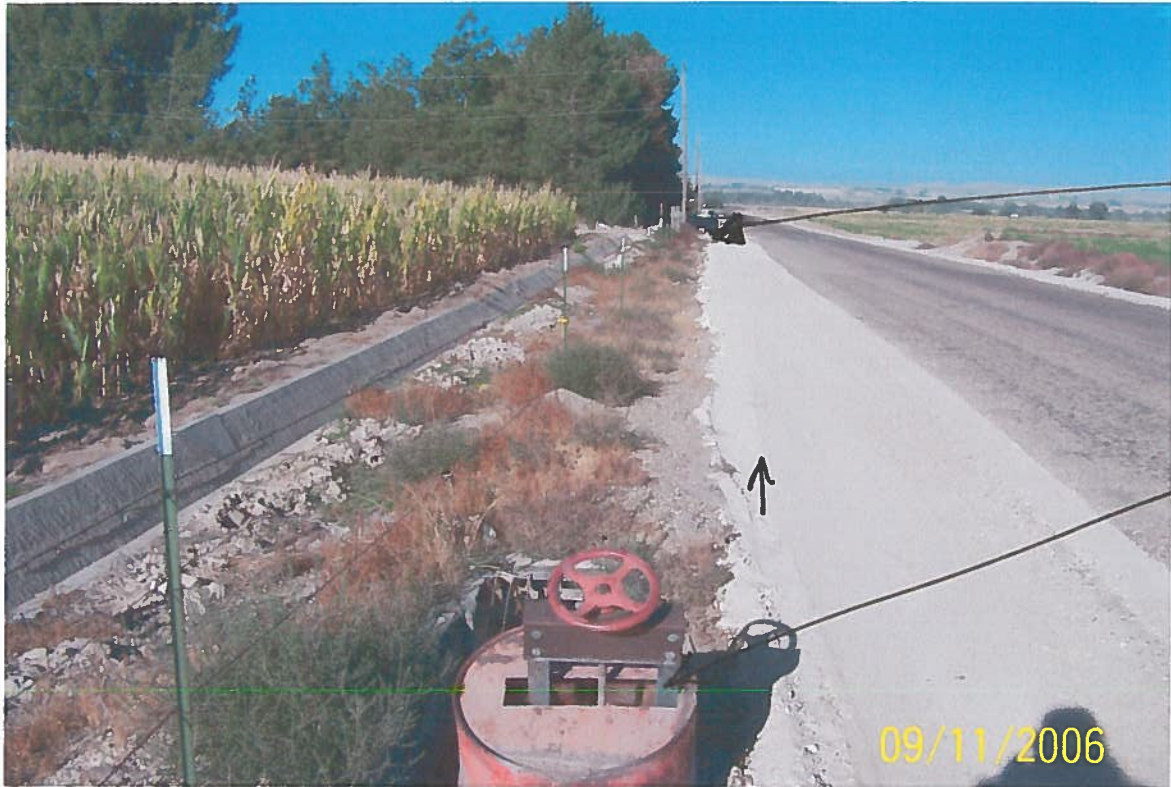
No tax

REMARKS: _____



63-20443-- 2004 AERIAL. BENEFICIAL USE CLAIM FOR 30 ACRES OF IRRIGATION . SOURCE IS WASTEWATER.

∇ = POH



control box

Head gate for Farmers Union Irrigation w/ buried pipe east to west

then piped south, + also continues west in a dirt ditch past Brake's residence



POD NW field

control box

- 545' to the south is POD #1

63-20443 Brake
9-11-06 SH

SH



PDU:

fruit trees

garden

PDU

North west
corn fields

concrete
ditch
running
north to
south.
Sgt w/ gravity
flow
east to
west with
3/4" siphon
tubes

PDU:

garden

(15) 3/4"
nozzles, at
average
20 psi run
at one time
4 zones w/
40 nozzles
throughout
yard +
garden



nozzles on
risers in
garden
area

63-20443 Porake
9-11-2006 Sgt



Pou:
grapes +
fruit trees

SH



Pou:
yard

SH

63-20443 Brake
9-11-2006 SH



POU:
back
yard,
pine trees
(more trees
further
south of
this
picture)

SH



domestic
well used
for internal
use with
outside
faucets
attached
to house
for hoses
if needed

63-20443 Brake
9-11-2006 SH



Stockwater:
1 donkey

SH



POU:

North
West
Corn
field

concrete
ditch goes
into buried
pipe + then
discharges
into waste
water drain
west of
both
POD's

SH

63-20443 Brake
9-11-2006 SH

down
to waste
water
drain



POD #2
(235' to the
east is
POD #1)

waste
water
drain +
springs

where water
is discharged
into waste
water drain
coming
from the
north west
corn field

SH



POD #2
Sta Rite
2.5 Hp
1 phase
2 1/2" discharge
15' lift
per owner
estimate
40 psi

63-20443 Brake
9-11-2006 SH



12' X 2'
drain
feed from
waste
water +
at this
area springs
add in to the
source

POD#1

10" steel
to control
box
12 Hp
(no tag)
10" discharge
est. 40-60 psi
(per owner)
15' lift

235' to the
west is POD#2

SH



12Hp
(no tag)

63-20443 Brake
9-11-2006 SH



- located
75' north
east from
POD#1

- control
box from
10" steel
discharge
from POD#1

This diverts
into concrete
ditch &
can be used
as main
source if
needed by
closing
south gate
& diverting
water north
up concrete
ditch then
west on
the dirt
ditch to
the NW
corn field,
or south
to the
lower
corn field

09/11/2006



POU:

lower
corn field

Concrete
ditch
running
north to
south on
east

border of
lower corn field

- gravity flow south to north
~~east to west~~ 10/3/4" siphon tubes

63-20443 Brake
9-11-2006 Sitt.

09/11/2006



POU:
lower
corn
field

SH



POU:
lower
corn field

Not
irrigated
area
north of
waste water
drain

63-20443 Brake 9/11/2006 SH

MEMORANDUM TO SUBCONTRACTOR

TO: SANDY HEMENWAY
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: 63-20443
DATE: 8/25/2006
CC: CLAIM FILE

This is a beneficial use claim for 30 acres with a wastewater source. The site address is: 29525 Hurtz Rd, Parma ID. The site is 1/2 mile west of Apple Valley Rd and 1/4 mile north of 1st Ave. Contact is Arthur Brake and his phone no. is 722-6030.

Please:

- ✓ 1 – verify the acres irrigated in 1987. 2 – GPS the point of diversion and located it on the 2004 aerial.
- ✓ 2 – gather flow measurements and calculate flow. Describe diversion and delivery system.
- ✓ 3 – find out if the 2 wells referenced on a plat map in the claim file but not claimed as the source are co-mingled in the waste ditch and used for irrigation. The site is also irrigated from Farmers Co-op shares. Discuss with Mr Brake how he distinguishes between the wastewater and the Farmers water.
- ✓ 4 – take pictures of pou, ditch and delivery system.
- ✓ 5 – label what you can on the attached 2004 aerial.

Thanks.

VLM

CONVERSATION MEMORANDUM

TO: CLAIM FILE NO. 63-20443

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

SUBJECT: OFFICE VISIT FROM ARTHUR BRAKE

DATE: 7/14/2006

CC:

Mr. Brake came in the office today in response to a letter from me regarding evidence of priority, change of ownership and field exam. He brought a letter from a neighbor, Dale Morgan, who was born in 1941 and who is familiar with the history of the farm from the time he was a boy.

Mr Brake knows that the house and outbuildings were built in 1918 based on Canyon Co. When the Canyon Co. inspector came out to assess his property for tax purposes, he told Mr. Brake that the house was built in 1918.

Mr. Brake replaced the roof on an old granary building. When he removed the old shingles, he found a magazine cover [no date] showing a World War 1 Soldier advertising war bonds. Also there was a page showing an Exley car ad. Looked like a 1918 automobile.

VLM

Ed Brake

July 9, 2006



ICRC

Integrated Concepts & Research Corporation

www.icrcsolutions.com

Statement of Dale Morgan.

I was born near Parma in 1944.

I was raised near Mr. Ensley's

place on Hartz Rd. That farm is

now owned by Ed and Faye Brake.

As a small child I can recall

playing in and around the drain ditch

running thru that property. For

as long as I can remember a pump

was installed in the drain and moved

water to the irrigation ditch.

My earliest memory of the pump

station was probably the late 1940's

or early 1950's.

The pump is still in place there.

Dale Morgan

28629 Old Fort Boise

Committed to Delivering Superior Technological Solutions

722-5808

Turned Telephone line

NE 1/4 NE 1/4 NW 1/4

WASTE DITCH

Pin Offset
N70°38'01"E
10.00' of corner

Pin Offset
S86°42'51"E
1.00' of corner
Conc. pipe on corner

SOUTH
127.63'

EAST
122.00'

DEED
Inst No 167987

1.60 Acres

*Barbed
Fence*

Ingress-Egress Easement
S 87° 29' 01" W 207.23'

10' Offset
Pins.

S 89° 59' 31" W 206.72'

True Point of
Beginning

SE 1/4 NE 1/4 NW 1/4

IRRIGATION DITCH

N 0° 13' 30" W
385.60'

S 0° 00' 29" E 876.66'

N 0° 00' 29" W 5300.15'

4423.49'

8' 456.43'

20'

*2 wells
hand Pump
+
other*

CONVERSATION MEMORANDUM

TO: CLAIM FILE NO. 63-20443

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

SUBJECT: PHONE CALL FROM ARTHUR BRAKE/ CLAIM REVIEW

DATE: 7/10/2006

CC:

Mr. Brake called in response to an evidence of priority/field exam letter I sent to him. The original claimant was Alva Borders. The claim is for wastewater, priority date of 1915. Farmers co-op water is also used. He asked me why the date was claimed and I explained that what I needed from him. Mr. Brake said he knows that the house was built in 1918 and that he had a neighbor who was born in the area in 1941 and can provide information. I explained to him that the statement needed to distinguish between the wastewater use and the irrigation shares.

At first, Mr. Brake said that he is not using the water for irrigation, only for watering stock but wanted to keep the entire use. I explained to him the concept of forfeiture and that the water right had to be used and that for the adjudication, we looked to use of the water in 1987. He said he was not irrigating 30 acres now, but does use it to irrigate fruit trees.

I reiterated the things I needed from him were a change of ownership [form was sent to him], evidence of priority statement, and a field exam. His phone number is 722-6030. I gave him a 2-week extension to July 24 to provide the statement and told him we would be in touch regarding the field exam.

VLM



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 13, 2006

ARTHUR E BRAKE
29525 HURTZ RD
PARMA, ID 83660

RE: EVIDENCE OF PRIORITY, FIELD EXAM -
Snake River Basin Adjudication Claim No(s): A63-20443

Dear ARTHUR E BRAKE:

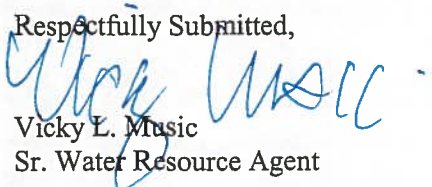
In the past, SUSAN E JONES submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. You may be the owner of this water right claim. Enclosed is a computer generated printout of the claim(s) for your reference. SUSAN E JONES indicated, when this claim was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

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**" The required evidence supporting the priority date(s) requested needs to be submitted by **July 10, 2006.**

In addition, since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. Please call me as soon as possible with a contact phone number so we can schedule this field exam.

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

Respectfully Submitted,


Vicky L. Music
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" pamphlet, Notice of Claim Report A63-20443 and map
Change of ownership form

ACCOUNT NUMBER R39409000 0 UNIT 001 TOTAL UNITS 1

SITE 29525 HURTZ RD PA SEC/TWN/RNG 30-6N-5W

ASSESSED VALUE 102,800 ACREAGE 30.00

SUB/PARK NAME YEAR/MAKE

CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK

+++++

YR BUILT 1917 AIR COND CENTRAL AIR CARPORT N

STORY 1 STORY HEATING CARPORT SQ FT

FIRST SQ FT 924 EXTERIOR HARDBOARD DECK/PATIO? N

SECOND SQ FT ROOF WOOD SHINGLES POOL? N

BEDS 2 BSMT SQ FT SPA? N

BATHS 1.00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS CHIMNEY HEAT MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

REAL ACCOUNT

MODE:F ACTION: COMPANION SHEET INQUIRY TRQK361

01 ACCOUNT: 6R39409-000- -0 AREA 049-00 DRAIN 3 VALUE 649.94 CLASS 2 H/O Y

SEC 30 TWN 6N RNG 5W QTR SW CITY/SUB 0 BLK LOT 4800

OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS

OWNERSHIP C OWNERSHIP P

BRAKE, ARTHUR E JONES, SUSAN E

& BRAKE, LINDA F

MAILING ADDRESS

LEGALS

29525 HURTZ RD

30-6N-5W SW

PARMA ID 83660

NESW LESS TX 17

SITE ADDRESS

29525 HURTZ RD PA

COMMENTS

REMARKS

9016304

PRIOR ACCOUNT 5R39409000 0

PARCEL 06N05W304800 SRVY

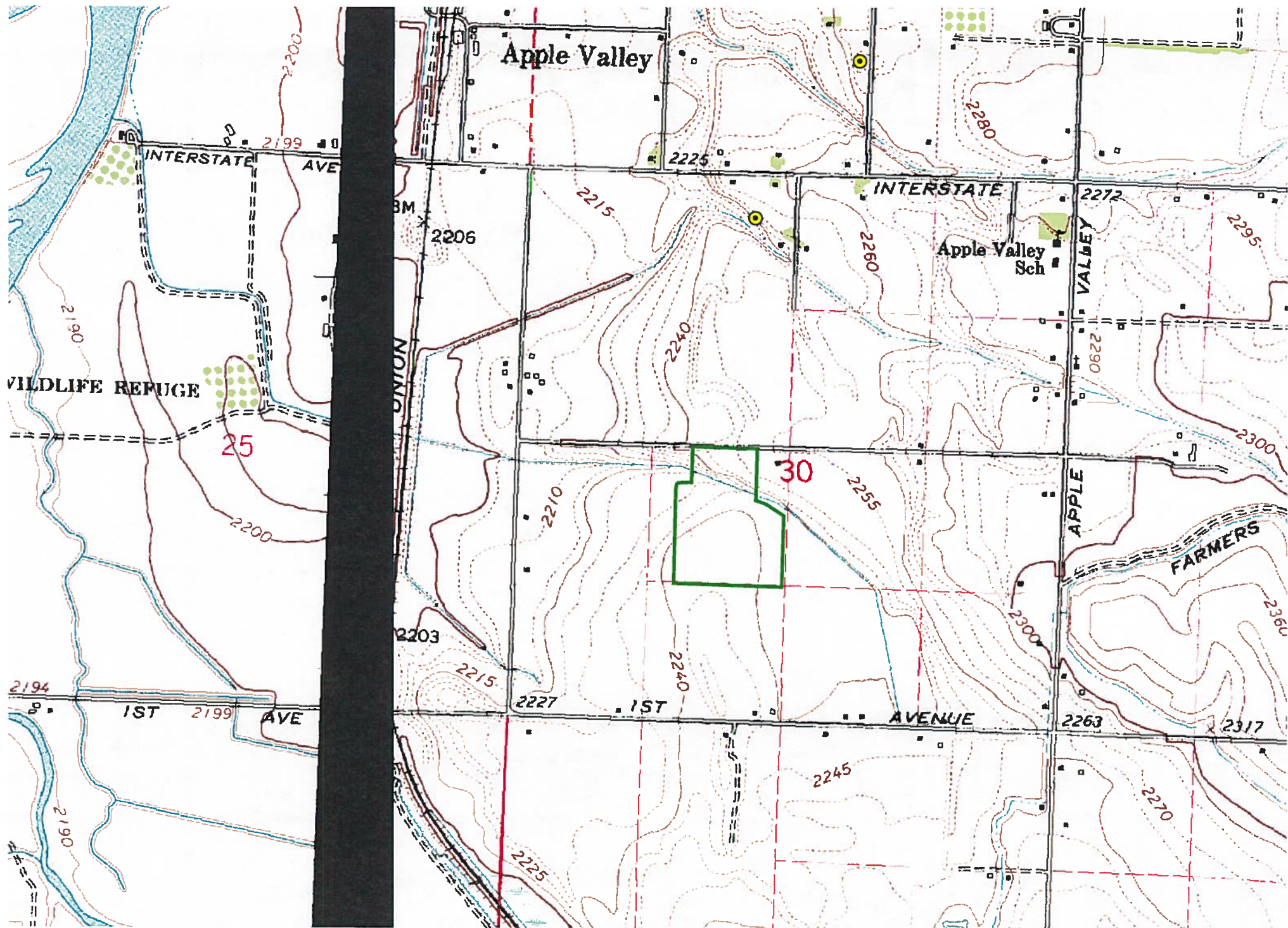
INSTR 200115987 ACRES 30.00

SPLIT YR DOCUMENT DD

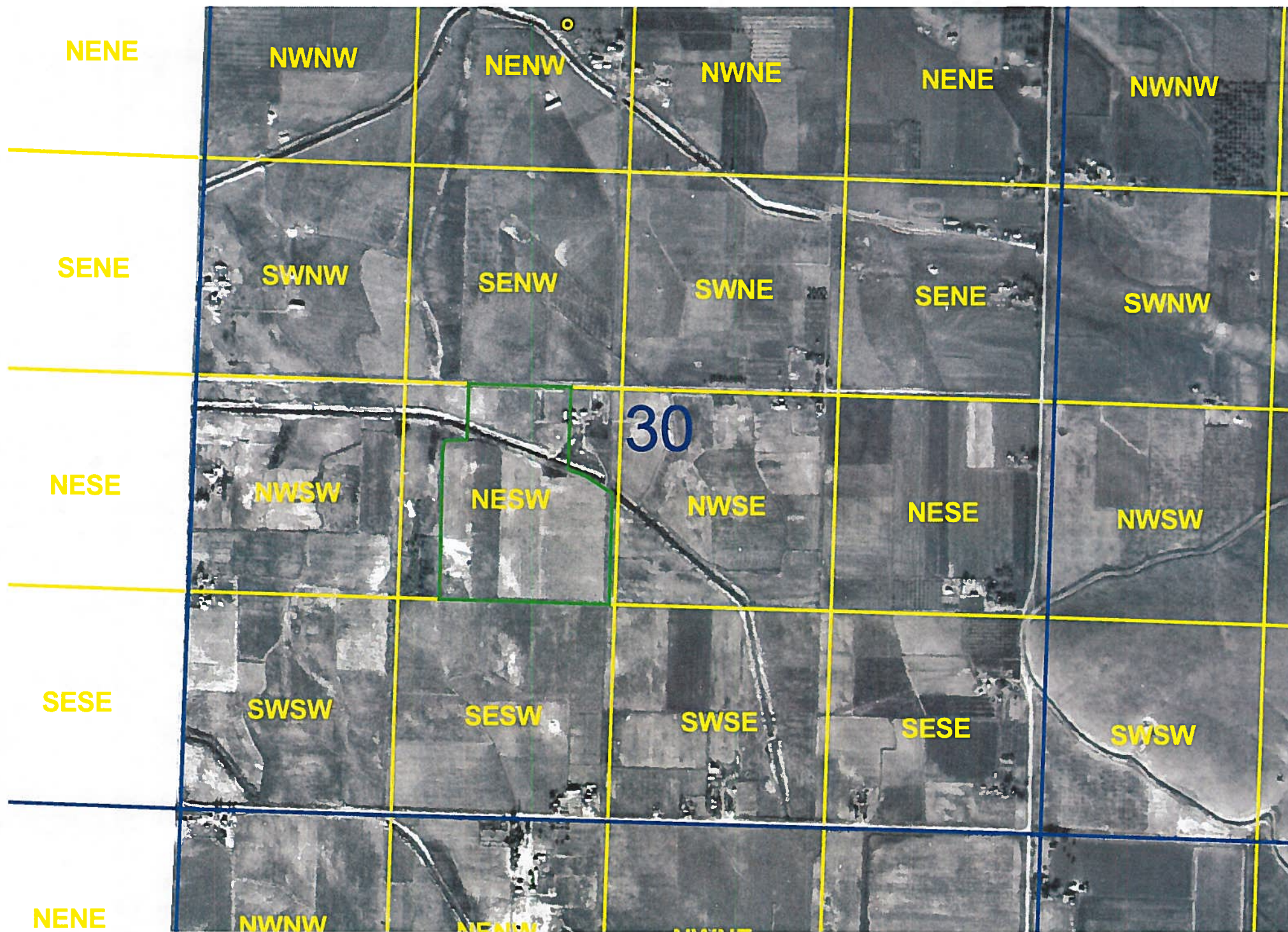
DATE DONE 05/22/2001 INITIALS PG

02 Ownership Tract Record

THIS ACCOUNT HAS OWNERSHIP TRACK RECORD!



63-20443-- 2004 AERIAL. BENEFICIAL USE CLAIM FOR 30 ACRES OF IRRIGATION . SOURCE IS WASTEWATER. TRACED DITCH THAT RUNS THROUGH LOT ON TOPO - NO NAME. EMPTIES INTO THE SNAKE R.



63-20443-- 1939 AERIAL. CLEARLY IRRIGATED IN 39. BENEFICIAL USE CLAIM FOR 30 ACRES OF IRRIGATION . SOURCE IS WASTEWATER. TRACED DITCH THAT RUNS THROUGH LOT ON TOPO - NO NAME. EMPTIES INTO THE SNAKE R.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-20443
Date Received: 3/20/1990
Receipt No: W011506
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ARTHUR E BRAKE Phone: (208) 722-6030
29525 HURTZ RD
PARMA ID USA 83660

LINDA F BRAKE Phone: (208) 722-6030
29525 HURTZ RD
PARMA ID USA 83660

2. Date of Priority: 01/01/1915

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05W	30	NE NE SW	CANYON	

5. Description of diverting works:

PUMP INTO CHECKBOX, TO CEMENT DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.6	

7. Total Quantity Appropriated is:
0.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

06N	05W	30	NE	SW	IRRIGATION	30
					Section Acres	30
					Total Acres	30

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:

CHANGE IN OWNERSHIP- LG REVIEW BY VLM -7-17-06

15. Basis of Claim: Beneficial Use

ok/vmm

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-20443	N			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. — *waived*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Susan Jones - bankruptcy auction
4. New Owner/Claimant(s) A. Ed & Faye Brake
 Name Connector (check one): [] and, [] or, [] and/or
- New Mailing Address 29525 Hartz Rd
- City, State and ZIP Code Parma, Id. 83660
- New Telephone Number () 208-722-6030
5. Date you acquired the property May 24, 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

D. Ed Brink

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by lg Date 7-17-06 Fee 0
 Received by lg N/A Date N/A Receipt No. N/A
 Processed by lg AJ Date 7-17-06 WR _____ Date _____
 reviewed by - VLM



A Pioneer Company

PIONEER TITLE COMPANY

OF ADA COUNTY

821 W. State St. / Boise, Idaho 83702 / (208) 373-3744

May 24, 2001

Arthur Ed Brake and Linda Faye Brake
29526 Hurtz Road
Parma, ID 83660

Re: Escrow No.: 203366
Seller: Susan E. Jones Estate
Buyer: Arthur Ed Brake and Linda Faye Brake, Husband and Wife
Property: 29526 Hurtz Road
Parma, Idaho 83660

The closing of your purchase of the above-noted property has now been completed. Enclosed for your records are your original Trustee's Deed and Title Insurance Policy.

We appreciate having had this opportunity to be of service to you. If you have questions or if we can help you again, please feel free to contact us.

Sincerely,

PIONEER TITLE COMPANY OF ADA COUNTY

for *Janet H.*

Janet Blotch
Senior Commercial Escrow Officer

Enclosures

JB:tjh

INSTRUMENT NO. 200115987

PC 36484

TRUSTEE'S DEED

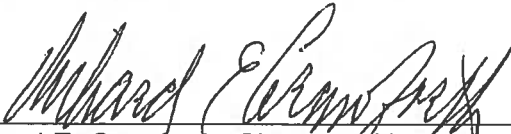
2 THIS TRUSTEE'S DEED is made by RICHARD E. CRAWFORTH, the Chapter 7 Trustee for the bankruptcy estate of Susan E. Jones filed in the U.S. Bankruptcy Court for the District of Idaho, Case No. 00-00627 (the "Bankruptcy Estate"), whose address is 2404 Bank Drive, Suite 312, Boise, Idaho 83705, as Grantor, to and in favor of ARTHUR E. BRAKE and LINDA F. BRAKE, a married couple, whose address is 916 3rd Ave. N. Payette, Idaho 83661, as Grantees

THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor grants, bargains, sells, transfers, and conveys to Grantee all of the Bankruptcy Estate's right, title, and interest in and to the following described real property in Canyon County, Idaho:

See Exhibit A attached hereto.

Together with all water rights and appurtenances thereto.

EXECUTED this 26th day of April, 2000.


Richard E. Crowth, Chapter 7 Trustee

STATE OF IDAHO)
 : ss
COUNTY OF Ada)

On this 26th day of April, 2000, before me, the undersigned, a notary public in and for said state, personally appeared, RICHARD E. CRAWFORTH, known or identified to me to be the person whose name is subscribed to the within instrument, as the Chapter 7 Trustee of the Bankruptcy Estate of Susan E. Jones, and acknowledged to me that he executed the same as such Trustee.

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



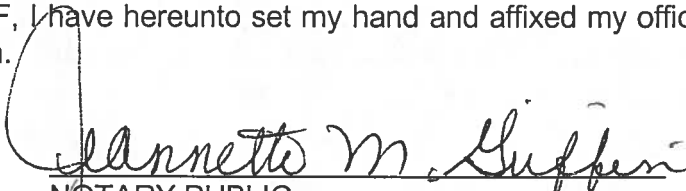

NOTARY PUBLIC
Residing at: Boise, Id
My Commission Expires: 2-5-2002

Exhibit "A"

The Northeast Quarter of the Southwest Quarter, Section 30, Township 6 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

A part of the Northeast Quarter of the Southwest Quarter of Section 30, Township 6 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Northwest corner of the said Northeast Quarter of the Southwest Quarter, the INITIAL POINT of this description; thence North 89° 35' 15" East a distance of 436.68 feet along the North line of the Northeast Quarter of the Southwest Quarter; thence South 0° 10' 55" East a distance of 355.92 feet parallel with the West line of the said Northeast Quarter of the Southwest Quarter; thence South 88° 19' 07" West a distance of 140.54 feet; thence South 0° 39' 40" West a distance of 965.39 feet to a point on the South line of the Said Northeast Quarter of the Southwest Quarter; thence South 89° 36' 26" West a distance of 281.98 feet along the said South line; thence North 0° 10' 55" West a distance of 1,324.16 feet along the said West line to the INITIAL POINT of this description.

200115987

RECORDED

01 APR 26 PM 4 34

G NOEL HALES

CANYON COUNTY RECORDER

BY

Shoppin

REQUEST PIONEER - CALDWELL

TYPE *Deed* FEE *10.00*



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

PIONEER TITLE COMPANY
Caldwell Office
610 So. Kimball
P. O. Box 610
Caldwell, Idaho 83605-0610

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, 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, sustained or incurred by the insured by reason of:

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

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY

Gary L. Keruett

PRESIDENT

ATTEST

Mark R. Arnesen

SECRETARY

Elaine D. Arnesen

J 1381736

This policy not valid unless countersigned
by Pioneer Title Company.

SCHEDULE A

Order No.: PC 36484
Policy No.: J 1381736

Amount of Insurance:	\$129,000.00
Premium:	\$ 692.00
Endorsement 126.1	\$ 60.00

Date of Policy: April 26, 2001 as of 4:34 p.m.

1. Name of Insured:

ARTHUR E. BRAKE and LINDA F. BRAKE, a married couple

2. The estate or interest in the land which is covered by this policy is: **Fee simple**

3. Title to the estate or interest in the land is vested in:

ARTHUR E. BRAKE and LINDA F. BRAKE, a married couple

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

See attached Exhibit "A"

PC 36484

Exhibit "A"

The Northeast Quarter of the Southwest Quarter, Section 30, Township 6 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

A part of the Northeast Quarter of the Southwest Quarter of Section 30, Township 6 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Northwest corner of the said Northeast Quarter of the Southwest Quarter, the INITIAL POINT of this description; thence
North 89° 35' 15' East a distance of 436.68 feet along the North line of the Northeast Quarter of the Southwest Quarter; thence
South 0° 10' 55" East a distance of 355.92 feet parallel with the West line of the said Northeast Quarter of the Southwest Quarter; thence
South 88° 19' 07" West a distance of 140.54 feet; thence
South 0° 39' 40" West a distance of 965.39 feet to a point on the South line of the Said Northeast Quarter of the Southwest Quarter; thence
South 89° 36' 26" West a distance of 281.98 feet along the said South line; thence
North 0° 10' 55" West a distance of 1,324.16 feet along the said West line to the INITIAL POINT of this description.

SCHEDULE B

Order No.: PC 36484
Policy No.: J 1381736

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**PART I
SECTION I**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

1. General taxes for the year 2001, which are a lien, payable on or before December 20 of said year and not delinquent until after said date. (R39409)
2. Liens and assessments of Drainage District No. 3, and the rights and powers of said District as by law provided; said assessments are collected with the general taxes.
3. Liens and assessments, if any, of Farmers Co-Operative Ditch Co. Paid current.
4. Taxes and assessments, if any, on water rights for irrigation and drainage, the lands not being in any regularly organized irrigation district. Paid current.
5. Rights of way for irrigation and drainage ditches and canals and roads.

(continued)

6. Right of Way Deed by E.G. JOHNSON, ROBERT H. WEED, C.W. REBERGER, GEORGE C. MILLER, ANDREW NELSON, J.I. BOSTON, C.M. WILLIS, and J.N. JUDD to the public, recorded May 17, 1919 as Instrument No. 95842, records of Canyon County, Idaho.
7. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded June 13, 1942 as Instrument No. 271201, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
8. Conditions found in Warranty Deed recorded July 24, 1981 as Instrument No. 926138, records of Canyon County, Idaho. See copy attached.
9. Deed of Trust with a Fixed/Adjustable Rate Rider to secure an indebtedness in the amount shown below, and any other amounts and/or obligations secured thereby:

Amount: \$75,000.00
Dated: April 25, 2001
Grantor: ARTHUR ED BRAKE and LINDA FAYE BRAKE, husband and wife
Trustee: PIONEER TITLE COMPANY OF ADA COUNTY
Beneficiary: MOUNTAIN WEST BANK
Recorded: April 26, 2001 as Instrument No. 200115988

ENDORSEMENT

Attached to Policy No.: J 1381736
Order No.: PC 36484

Issued by
FIRST AMERICAN TITLE INSURANCE COMPANY

1. This endorsement shall be effective only if at Date of Policy there is located on the land described in the policy a one-to-four family residential structure, in which the insured owner resides or intends to reside. For the purpose of this endorsement the term "residential structure" is defined as the principal dwelling structure located on the land together with all improvements thereon related to residential use of the property except plantings of any nature, perimeter fences and perimeter walls, and the term "insured owner" is defined as any insured named in Schedule A and, subject to any rights or defenses the Company may have under the policy and all endorsements, such insured owner's heirs, distributees, devisees, survivors, personal representatives or next of kin.
2. The Company hereby insures the insured owner of the estate or interest described in Schedule A against loss or damage which the insured owner shall sustain by reason of:
 - a. the existence at Date of Policy of any statutory lien for labor or materials attaching to the estate or interest referred to in Schedule A arising out of any work of improvement on the land, in progress or completed at Date of Policy, except those liens arising out of a work of improvement for which the insured owner has agreed to be responsible.
 - b. the removal of the residential structure or the interference with the use thereof for ordinary residential purposes as the result of a final court order or judgment, based upon the existence at Date of Policy of:
 - (1) any encroachment of said residential structure or any part thereof onto adjoining lands, or onto any easement shown as an exception in Part II of Schedule B of the policy, or onto any unrecorded subsurface easement;
 - (2) any violation on the land of enforceable covenants, conditions or restrictions, provided that this coverage shall not refer to or include the terms, covenants and conditions contained in any lease, sub-lease, or contract of sale referred to in the policy;

(continued)

- (3) any violation of applicable zoning ordinances to the extent that such ordinances regulate (a) area, width or depth of the land as a building site for the residential structure; (b) floor space area of the residential structure; (c) set back of the residential structure from the property lines of the land; or (d) height of the residential structure.
- c. damage to the residential structure resulting from the exercise of any right to use the surface of the land for the extraction or development of the minerals excepted from the description of the land or shown as a reservation in Schedule B.

For purposes of this endorsement, the words "covenants," "conditions" or "restrictions" shall not be deemed to refer to or include any covenants, conditions or restrictions relating to environmental protection, except to the extent that a notice of a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy and is not excepted in Schedule B.

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

Dated: April 26, 2001 as of 4:34 p.m.

FIRST AMERICAN TITLE INSURANCE COMPANY
by PIONEER TITLE COMPANY OF CANYON COUNTY

Title Officer



DOCUMENT NO 926138

QUITCLAIM DEED

THE PARTIES hereto are SUSAN E. JONES, a single woman (herein called grantor) and RODNEY O. JONES, a single man (herein called grantee) whose current address is 718 N.W. 3rd, Ontario, Oregon, 97914.

FOR VALUE RECEIVED, the grantor hereby releases, remises and forever quitclaims unto the grantee those premises situated in Canyon County, Idaho, and described as follows:

A part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Twp. 6 N, Rge. 5 W, B.M. in Canyon County, Idaho, more particularly described to-wit:

Commencing at the NW corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$, the INITIAL POINT of this description;

Thence North 89 degrees 35 minutes 15 seconds East 436.68 feet, along the North line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South 0 degrees 10 minutes 55 seconds East 355.92 feet, parallel with the West line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South 88 degrees 19 minutes 07 seconds West 140.54 feet;

Thence South 0 degrees 39 minutes 40 seconds West 965.39 feet, to a point on the South line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South 89 degrees 36 minutes 26 seconds West 281.98 feet, along the said South line to the SW corner thereof;

Thence North 0 degrees 10 minutes 55 seconds West 1324.16 feet, along the said West line, to the INITIAL POINT of this description.

This tract contains 10.00 acres, more or less and is subject to a road right of way on the North 25 feet, and to all other existing rights of way and easements.

TOGETHER with five shares of stock in the Farmers Co-operative Ditch Company and all ditch rights appurtenant thereto or used in connection therewith.

SUBJECT however to the condition that ingress to and egress from the above described premises shall not be effected through other adjoining lands owned by the grantor herein.

DATED: 7.9.81

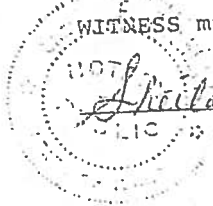
SIGNED: Susan E. Jones
Susan E. Jones, Grantor.

STATE OF IDAHO, County of Owyhee) ss

On this date, before me the undersigned notary public for such state, personally appeared SUSAN E. JONES, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

JUL 13 1991

WITNESS my hand and seal on _____



Sheila A. Kushlian Notary Public for Idaho.

926138

FILED

JUL 24 9 21 AM '81

BILL A. STAKER
HYGHER CITY RECORDER

C. L. Staker

RECORDED

AT THE REQUEST OF

Susan E. Jones

OF

Owyhee

FEE

4.00

GRANTOR

Jones, Susan E.

GRANTEE

Jones, Rodney &

RETURN TO

Deed

Coventry

Send
\$80

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: A63-20443
Date Received: 1/30/1990 3-20-90
Receipt No: W011506
Received By: *rat*

RECEIVED

MAR 20 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUSAN E. JONES 208-722-5534
Address: 29526 E. HURTZ RD.
PARMA, ID 83660

2. Date of Priority: JAN 01, 1915

3. Source: WASTEWATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	05W	30	NE	NE	SW		CANYON

5. Description of diverting works:
PUMP INTO CHECKBOX, TO CEMENT DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	05W	30	NE	SW		IRR	30.0

Section Acres 30.0

Total Acres 30.0

A63-20443

Page 1

Date: 01/30/90

MICROFILMED
SEP 03 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
FARMERS CO-OP

14. Remarks:

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): X Susan E Jones Date: X 1.30.90

Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of January 19 90

Helen Harrington
Notary Public

Seal

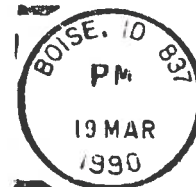
Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

SEP 03 1992

MICROFILMED



29526 E Hurtz
Parna Idaho 83660



Idaho Dept Water Resources
2735 Airport Way
Boise Idaho 83705

MICROFILMED
SEP 03 1992

Receipt Details for ID W011506

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/21/1990 8:57:05 AM	3/21/1990	Western	\$80.00	Check
Payer		JONES, SUSAN E.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
475			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$80.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	20443		\$80.00	Claim

[Print Report](#)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 17, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

A. Ed & Faye Brake
29525 Hurtz Rd
Parma, ID 83660

Notice of Claim to a Water Right No. 63-20443
Dear Claimant(s):

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

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

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

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure