

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 47-7663H
Date Received: 2/14/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ADRIAN LEKKERKERK Phone: (208)280-2857
2027 E 3950 N
FILER ID 83328

LISA LEKKERKERK Phone: (208)280-2857
2027 E 3950 N
FILER ID 83328

2. Date of Priority: 08/21/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	15E	12	NE SW	TWIN FALLS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.24	35.7
COMMERCIAL	1/01	12/31	0.24	35.7

7. Total Quantity Appropriated is:
0.24 C.F.S. and/or 35.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	15E	12	NW	SW	STOCKWATER	
			NE	SW	STOCKWATER	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

The total instantaneous diversion of water from all points of diversion under Transfer 5511 shall not exceed 0.24 cfs, nor a total combined annual volume of 35.7 af under Right 47-07663H.

After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.

Commercial use is for a dairy located within NESW, S12, T10S, R15E.

Two (2) points of diversion are located within NESW, S12, T10S, R15E.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

15. Basis of Claim: License

filing fee waived
during adjudication
get chain of title

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 09 2006 NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
47-7663H		no			

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)

Nolan Branch
2027 E. 3950 N., Filer, ID 83328

4. New Owner/Claimant(s)

Adrian & Lisa Lekkerkerk
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2027 E. 3950 N., Filer, Idaho 83328

City, State and ZIP Code

New Telephone Number

(208) 280 2857

- X 5. Date you acquired the property

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	N/A	_____
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	N/A	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Adrian Lebbell
(include title if applicable) _____

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Order No. T060159

WARRANTY DEED

For Value Received

ANTONIO H. AZEVEDO AND FILOMENA AZEVEDO, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

ADRIAN LEKKERKERK and LISA LEKKERKERK, Husband and Wife

the grantee(s), whose current address is

16195 S Mountain Avenue, Chino, CA. 91710

the following described premises, to-wit:

See Attached Exhibit "A"

TWIN FALLS COUNTY
RECORDED FOR:
TWIN FALLS TITLE
2:28:16 pm 04-19-2006
2006-009326
NO. PAGES: 2 FEE: \$6.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: COUNBAR

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: 4-17-06

Antonio H. Azavedo
ANTONIO H. AZEVEDO

Filomena Azavedo
FILOMENA AZEVEDO

STATE OF IDAHO

: ss

COUNTY OF TWIN FALLS

On This 17th day of April, in the year 2006, before me, a Notary Public in and for said State, personally appeared **ANTONIO H. AZEVEDO and FILOMENA AZEVEDO**, 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.

WITNESS my hand and official seal.

Lori Williamson
Notary Public of Idaho
Residing at Filer, ID
Commission Expires: January 26, 2010



EXHIBIT A
T060159

PARCEL 1.

Township 10 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho.

Section 12: A parcel of land in the N $\frac{1}{2}$ SW $\frac{1}{4}$, more particularly described as follows:

COMMENCING at the West quarter corner of Section 12 a distance of 1323.37 feet on a bearing of South 89°48'00" East along the North boundary of said N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 to the West one-sixteenth corner center to center, said corner being the REAL POINT OF BEGINNING;

THENCE from the Real Point of Beginning and along the boundary line common to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 12 a distance of 693.94 feet on a bearing of South 00°11'15" West;

THENCE a distance of 45.96 feet on a bearing of South 70°10'41" West;

THENCE a distance of 97.21 feet on a bearing of South 57°33'46" West;

THENCE a distance of 126.21 feet on a bearing of South 44°05'13" West;

THENCE a distance of 118.18 feet on a bearing of South 30°32'25" West;

THENCE a distance of 76.74 feet on a bearing of South 16°37'42" West;

THENCE a distance of 120.03 feet on a bearing of South 1°03'15" East;

THENCE a distance of 85.27 feet on a bearing of South 14°34'02" East;

THENCE a distance of 103.09 feet on a bearing of South 22°42'50" East;

THENCE a distance of 691.69 feet on a bearing of South 89°30'21" East to the center line of Twin Falls Canal Company's Lateral Number 3;

THENCE along said centerline of Twin Falls Canal Company's Lateral Number 3 the following courses and distances;

North 35°48'55" East 243.51 feet;

North 00°41'19" West 198.58 feet;

North 8°45'52" West 71.50 feet;

THENCE from the centerline of said Lateral Number 3 a distance of 865.73 feet on a bearing of North 00°27'20" West to the North boundary of the said N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12;

THENCE along this North boundary of the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 a distance of 580.16 feet on a bearing of North 89°48'00" West to the REAL POINT OF BEGINNING.

PARCEL 2.

Township 10 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho.

Section 12: A parcel of land located in a portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 12 and being the REAL POINT OF BEGINNING;

THENCE North 00°01'56" East 1325.59 feet along the West Boundary of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12 to the Northwest corner thereof;

THENCE North 89°57'51" East 1784.07 feet along the North boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ to the center of an irrigation lateral;

THENCE along the center of said of said irrigation lateral as follows:

South 40°56'29" West 58.49 feet;

South 44°50'27" West 121.64 feet;

South 43°16'48" West 363.00 feet;

South 45°49'30" West 114.64 feet;

South 27°23'08" West 42.41 feet;

South 08°40'04" West 146.79 feet;

South 03°11'12" East 49.27 feet;

South 09°55'24" East 64.97 feet;

South 13°37'03" East 571.48 feet to a point on the South boundary of Section 12;

THENCE South 89°58'13" West 1436.49 feet along the South boundary of Section 12 to the REAL POINT OF BEGINNING.

EXCEPT the South 25 Feet Thereof.

SUBJECT TO: A 25.00 foot wide county Roadway Easement parallel with and adjoining the West and South boundaries along the Section lines of the above described parcel.

Case No. 46052RG
TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

Twin Falls County, Idaho

Recorded for:
TITLEFACT

04:26pm Oct.01,2001
2001-017827

No. of Pages: 1 Fee: \$3.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN

**** SPACE ABOVE FOR RECORDER ****

WARRANTY DEED

FOR VALUE RECEIVED **NOLAN BRANCH and LuANN BRANCH, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **ANTONIO H. AZEVEDO, a single man**, hereinafter called Grantee, whose address is: 2064 EAST 3900 NORTH, FILER, IDAHO 83328, the following described premises in Twin Falls County, Idaho; to-wit:

Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho

Section 12: A parcel of land in the N $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

COMMENCING at the West quarter corner of Section 12 a distance of 1323.37 feet on a bearing of

South 89°48'00" East along the North boundary of said N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12 to the West one-sixteenth corner center to center; said corner being the REAL POINT OF BEGINNING;

THENCE from the REAL POINT OF BEGINNING and along the boundary line common to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 12 a distance of 693.94 feet on a bearing of South 00°11'15" West;

THENCE a distance of 45.96 feet on a bearing of South 70°10'41" West;

THENCE a distance of 97.21 feet on a bearing of South 57°33'46" West;

THENCE a distance of 126.21 feet on a bearing of South 44°05'13" West;

THENCE a distance of 118.18 feet on a bearing of South 30°32'25" West;

THENCE a distance of 76.74 feet on a bearing of South 16°37'42" West;

THENCE a distance of 120.03 feet on a bearing of South 1°03'15" East;

THENCE a distance of 85.27 feet on a bearing of South 14°34'02" East;

THENCE a distance of 103.09 feet on a bearing of South 22°42'50" East;

THENCE a distance of 691.69 feet on a bearing of South 89°30'21" East to the centerline of Twin Falls Canal Company's Lateral Number 3;

THENCE along said centerline of Twin Falls Canal Company Lateral Number 3 the following courses and distances:

North 35°48'55" East 243.51 feet;

North 00°41'19" West 198.58 feet;

North 8°45'52" West 71.50 feet;

THENCE from the centerline of said Lateral Number 3 a distance of 865.73 feet on a bearing of North 00°27'20" West to the North boundary of the said N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12;

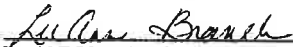
THENCE along this North boundary of the N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12 a distance of 580.16 feet on a bearing of North 89°48'00" West to the REAL POINT OF BEGINNING

EXCEPTING AND EXCLUDING ANY AND ALL APPURTENANT WATER SHARES

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

Dated: October 1, 2001

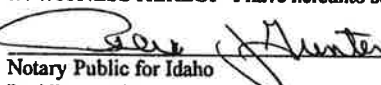

NOLAN BRANCH


LuANN BRANCH

STATE OF IDAHO
County of Twin Falls

On this 1st day of October, 2001, before me, a Notary Public in and for said State, personally appeared **NOLAN BRANCH and LuANN BRANCH, husband and wife**, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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


Notary Public for Idaho
Residing at Filer
Commission expires 04-28-04

REVA J. GUNTER
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

TWIN FALLS COUNTY, IDAHO
RECORDED FOR:

TITLEFACT, Inc.

***** SPACE ABOVE FOR RECORDER *****
38467ml

1996 MAY 15 P 1:37

1996008375

WARRANTY DEED

FOR VALUE RECEIVED HARRY DeHAAN AND SUSAN DeHAAN, husband and wife, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto NOLAN BRANCH AND LUANN BRANCH, husband and wife, hereinafter called grantee, whose address is: 3950 N. 2027 E. FILER, IDAHO 83328, the following described premises, in Twin Falls County, Idaho, to-wit:

Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho

Section 12: A parcel of land in the N $\frac{1}{2}$ SW $\frac{1}{4}$, more particularly described as follows:

COMMENCING at the West quarter corner of Section 12, a distance of 1323.37 feet on a bearing of South 89°48'00" East along the North boundary of said N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12 to the West one-sixteenth corner center to center; said corner being the REAL POINT OF BEGINNING;

THENCE from the REAL POINT OF BEGINNING and along the boundary line common to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 12 a distance of 693.94 feet on a bearing of South 00°11'15" West;

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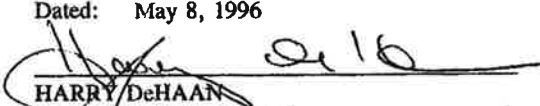
North 8°45'52" West 71.50 feet;

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THENCE along this North boundary of the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12, a distance of 580.16 feet on a bearing of North 89°48'00" West to the REAL POINT OF BEGINNING.

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

Dated: May 8, 1996


HARRY DeHAAN


SUSAN DeHAAN

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 15th day of MAY, 1996, before me, a Notary Public in and for said State, personally appeared HARRY DeHAAN AND SUSAN DeHAAN, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Marta R. Lemoine

Notary Public for Idaho
Residing in: Buhl, Idaho
Commission Expires: 9-8-99



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 47-7663H
Date Received: 2/14/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NOLAN BRANCH Phone: (208)326-4578
2027 E 3950 N
FILER ID 83328

2. Date of Priority: 08/21/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	15E	12	NE SW	TWIN FALLS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
STOCKWATER	1/01 12/31	0.24	35.7
COMMERCIAL	1/01 12/31	0.24	35.7

7. Total Quantity Appropriated is:
0.24 C.F.S. and/or 35.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	15E	12	NW	SW	STOCKWATER	
			NE	SW	STOCKWATER	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer 5511 shall not exceed 0.24 cfs, nor a total combined annual volume of 35.7 af under Right 47-07663H.

After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

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Commercial use is for a dairy located within NESW, S12, T10S, R15E.

Two (2) points of diversion are located within NESW, S12, T10S, R15E.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

November 15, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

ADRIAN LEKKERKERK
LISA LEKKERKERK
2027 E 3950 N
FILER ID 83328

Re: SRBA Claim(s) 47-7663H

Dear Mr. and Mrs. Lekkerkerk:

Pursuant to the change in ownership request that was submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

October 31, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

ANTONIO AZEVEDO
2064 E 3900 N
FILER ID 83328

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM #47-7663H

Dear Claimant:

The Department has been notified that you are the current owner of the property to which the above adjudication claim is appurtenant. In order for our records to be changed, however, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please complete it per the instructions (pages 3 and 4), include the required information listed under item 2 and return everything to the Department. Once this packet is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact Jim Stanton.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn'.

Carrie Hahn
Clerk

LeKker Eric

Am

08/22/2006

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

RIGHT NUMBER: 47-7663H
NAME AND ADDRESS: NOLAN BRANCH
2027 E 3950 N
FILER ID 83328

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS
35.700 AFY

The total instantaneous diversion of water from all points of diversion under Transfer 5511 shall not exceed 0.24 cfs, nor a total combined annual volume of 35.7 af under Right 47-07663H.

After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

provide Prior to diversion of water under this approval, the right holder shall
a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 08/21/1980

POINT OF DIVERSION:

T10S R15E S12 NWNESE Within TWIN FALLS County
T10S R15E S12 NWNESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01/01 12/31	0.240 CFS 35.70 AFY
STOCKWATER	01/01 12/31	0.240 CFS 35.70 AFY

Commercial use is for a dairy located within NESW and NWSW, S12, T10S, R15E.

PLACE OF USE: STOCKWATER Within TWIN FALLS County

T10S R15E S12	NESW	T10S R15E S12	NWSW
<u>COMMERCIAL Within TWIN FALLS County</u>			
T10S R15E S12	NESW	T10S R15E S12	NWSW

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

08/22/2006

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

The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Failure of the right holder to comply with the conditions of transfer 5511 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.



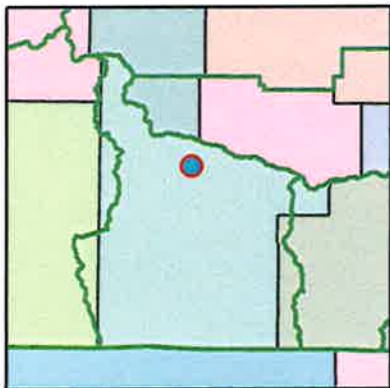
Idaho Department of Water Resources

SRBA Recommendation:

47-7663H

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Twin Falls County
IDWR Basin 47



0 0.1 0.2 Miles

Prepared by A. Merritt
On Tuesday, August 22, 2006
2004 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 22, 2006

ANTONIO H AZEVEDO
2064 E 3900 N
FILER ID 83328

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM #47-7663H

Dear Mr. Azevedo,

The Department has been notified that you are the current owner of the property to which the above adjudication claim is appurtenant. In order for our records to be changed, however, it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please complete it per the instructions (pages 3 and 4), include the required information listed under item 2 and return everything to the Department. Once this packet is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn', is written over a vertical line.

Carrie Hahn
Clerk

8/22/06

Cavie

Clzin 47-7663H appears to have
changed ownership from Nolan Drueck
to : Antonio^H Azevedo
2064 E 3900 N
File ID 8332B

Please seek an ownership change

Thanks

AD~

excel
bain 37

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 5511
WATER RIGHT NO. 47-07663H

AMENDED

RECEIVED

NOV 19 1999

This is to certify that: NOLAN BRANCH
2027 E 3950 N
FILER ID 83328

Department of Water Resources
Southern Region

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.24 CFS	35.7 AF
COMMERCIAL	01/01 to 12/31	0.24 CFS	35.7 AF
Totals		* 0.24 CFS	* 35.7 AF

SOURCE

GROUNDWATER

Priority: 08/21/1980

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 12, Township 10S, Range 15E
TWIN FALLS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10S 15E 12

NESW

NWSW

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

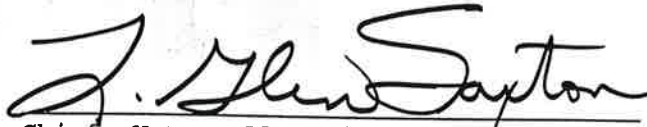
TRANSFER NO. 5511
WATER RIGHT NO. 47-07663H

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5511 shall not exceed 0.24 cfs, nor a total combined annual volume of 35.7 af under Right 47-07663H.
9. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
10. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.
11. Commercial use is for a dairy located within NESW, S12, T10S, R15E.
12. Two (2) points of diversion are located within NESW, S12, T10S, R15E.

Dated this 18th day of

November, 1999.


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5511
WATER RIGHT NO. 47-07663H

RECEIVED

NOV 03 1999

Department of Water Resources
Southern Region

This is to certify that: **NOLAN BRANCH**
2027 E 3950 N
FILER ID 83328

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.24 CFS	26.5 AF
COMMERCIAL	01/01 to 12/31	0.24 CFS	9.2 AF
Totals		* 0.24 CFS	* 35.7 AF

SOURCE

GROUNDWATER

Priority: 08/21/1980

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 12, Township 10S, Range 15E
TWIN FALLS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10S 15E 12

NESW

NWSW

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5511
WATER RIGHT NO. 47-07663H

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5511 shall not exceed 0.24 cfs, nor a total combined annual volume of 35.7 af under Right 47-07663H.
9. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
10. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.
11. Commercial use is for a dairy located within NESW, S12, T10S, R15E.
12. Two (2) points of diversion are located within NESW, S12, T10S, R15E.

Dated this 29th day of October, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 47-07663E

FROM: Pam Skaggs^{PS}/State Office

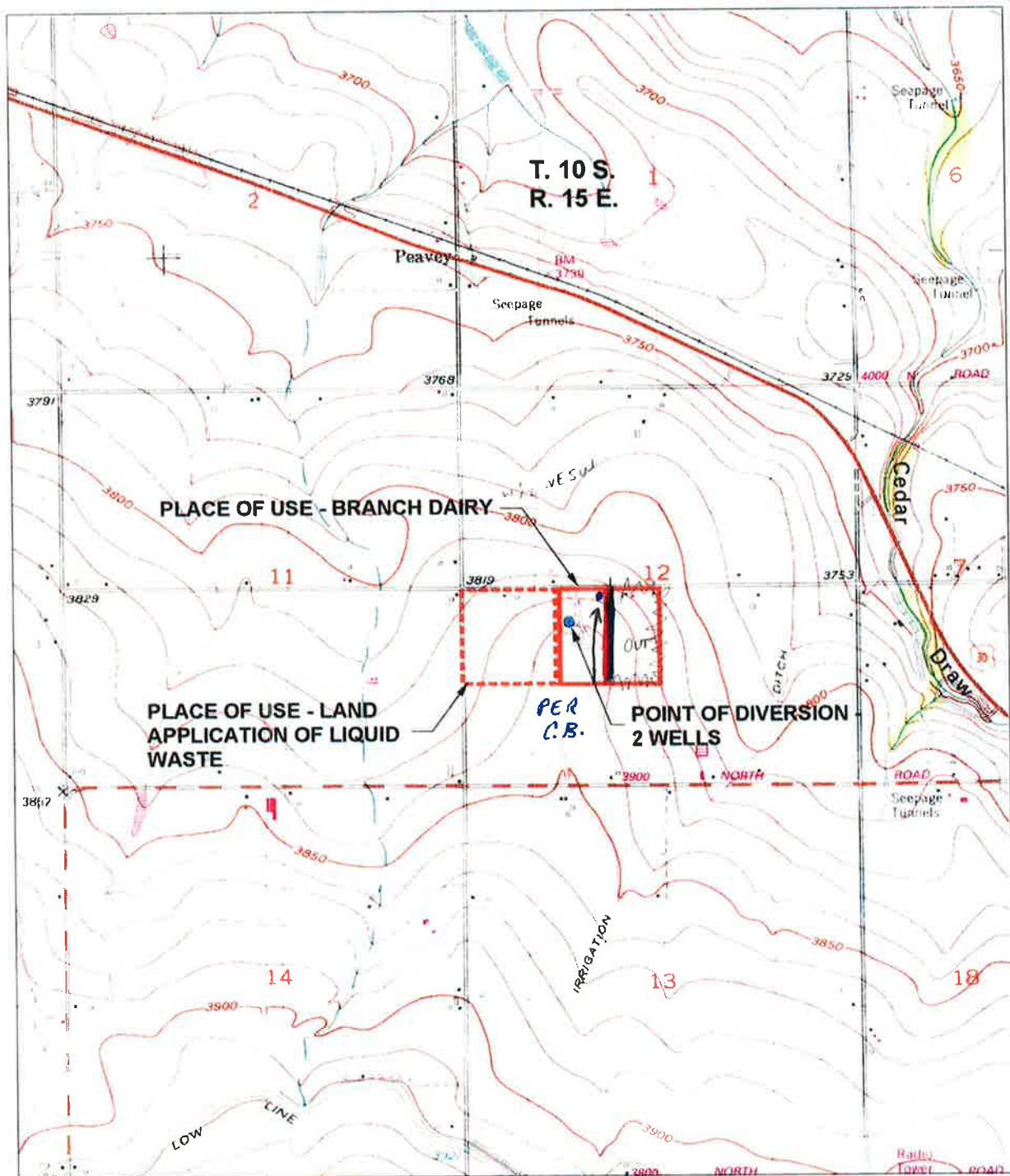
SUBJECT: Transfer 5511

DATE: October 29, 1999

Transfer 5511 changes and adds points of diversion, changes place, nature and season of use under a portion of Right 47-07663E, splitting the right into Parts G and H. The applicant is transferring water to provide for expansion of a dairy.

The applicant is removing 11.9 acres from irrigation to provide stockwater and commercial uses at the dairy. A dairy worksheet provided by Chuck Brockway identified the 26.3 af for stockwater and 9.1 af for commercial requirements for the proposed dairy expansion. The transferred portion of the water right provides just slightly more volume than the proposal, or 26.5 af stockwater and 9.2 af for commercial use, allowing for a margin of error or additional growth.

No expansion in use occurs through the proposed change in nature of use, and the net result is a reduction of diversion volume. Recommended conditions include drilling permit requirements, water quality standards, county zoning, multiple points of diversion/measuring device, future annual reporting, land application of wastewater and standard transfer conditions.



VICINITY MAP FOR WATER RIGHT TRANSFER
Bruce Kunkel to Branch Dairy - Water Right No. 47-07663

Brockway Engineering, PLLC 5/4/99

MICROFILMED
DEC 01 1999

RECEIVED

MAY 11 1999

Department of Water Resources
Southern Region

T5511

TRANSFER

irrigation and 0.12 cfs q_s stockwater

NEW PLACES OF USE

PETTER

Section 28 (T10S, R14E)

TFCC claims overlap on entire place of use * 47-08252D

* 47-12606

* 47-12607

ORMONDE

Section 33 (T10S, R14E)

TFCC claims overlap on entire place of use

47-14787 ?

Signed by Antonio Ormonde

47-08391 } APPLICATIONS
47-08390 } HELD DUE TO
47-04341 } MORATORIUM
not claimed in SRBA

CARDOZO

Section 26 (T10S, R14E)

~~47-13716~~ WOOD D/S in ^{NE} NENW

47-04328 not claimed in SRBA

LAND
APPLICATION
AREAS

TFCC claims overlap on entire place of use

~~47-13717~~ WOOD D/S in ^{NW} SWNW

* 47-14200 CARDOZO D/S in NWSW

BRANCH

Section 12 (T10S, R15E)

NE NESW

different times
same well

47-13486 Andrews Domestic in NESW

~~47-13485~~ Andrews Domestic in NESW

no overlap
(map revision)

no overlapping
records

TFCC claims overlap on entire place of use.

> 47-10207 Leonard Domestic in NWSW

LAND
APPLICATION AREA

SEAPAC

Section 01 (T10S, R15E)

TFCC CLAIMS OVERLAP ENTIRE PLACE OF USE

47-07092 SEAPAC (FISH) SURFACE WATER

PRISTINE SPRINGS
L 47-08074 FISH PERMIT surface water
47-07092

* 47-13957 PRISTINE SPRINGS DOMESTIC

~~47-11573~~ MOORE D/S

~~47-04286~~ MOORE STOCK

~~47-04286~~

~~47-12822A~~ RAND DOMESTIC

~~47-04287~~ MOORE IRRIGATION STOCK

~~47-04287~~

~~47-12822B~~ MOORE DOMESTIC

47-04288 MOORE (STOCK)

47-04288

MEMO

FROM: Allen Merritt *AM*

DATE: September 26, 1999

TO: <u>Transfer File No.</u>	<u>Proposed Water Right</u>	<u>In the Name of</u>
5506	47-07663B	Jack Petter
5507	47-07663D	Antonio Ormonde
5509	47-07663F	John Cardoza
5511	47-07663H	Nolan Branch
5512	47-07663J	Seapack of Idaho***

***Protested

SUBJECT: Review and Recommendation

These five transfers have been filed which split up portions of right 47-07663 owned by Bruce Kunkel. The right originally irrigated 117 acres and was licensed for 2.46 cfs and limited to 234 afa. The above five transfers dry up 71.9 acres leaving Kunkel 0.90 cfs left. This remainder may be transferred by the owner in the future to consolidate on lands owned by Kunkel (a transfer has been drafted but not filed). The first four transfers were processed without protest. These four transfers are associated with expansion of existing dairies in Twin Falls County generally down gradient of the site of the Kunkel land.

In talking with Corey Skinner, he observed that the land was irrigated this year so forfeiture does not appear to be an issue. There is an expansion claim associated with the base right (A47-11030) which also has Salmon River Canal Co. shares associated with these same claimed lands. The expansion claim should be limited by SRBA when they do their analysis. The other issue is that of the allowed consumptive use for this right. The right is located in the area with the current standard for 4.0 afa at the field headgate or 3.0 afa consumptive use. The right was licensed with a field headgate limit of 3.5 afa. This appears to be an error. I recommend that in analysis of the allowance for the consumptive use for change in the nature of use that the 3.0 afa standard for the area be used (that being the one the transfers are based).

Transfer 5506 in the name of Petter dries up 14.1 acres and uses the water for expansion of an existing dairy were other water rights exist. (See Skinner's memo dated 6/28/99). The site of the dairy is covered by SRBA recommendations 47-12606 & 47-12607 and permit 47-08252D. A licensing exam has been completed for the permit. The field exam is being forwarded to the state office with this transfer so licensing can occur concurrently with processing of this transfer.

Transfer 5507 in the name of Ormonde dries up 14.1 acres and uses the water for expansion of an existing dairy were other water rights exist. (See Skinner's memo dated 6/28/99)

Transfer 5509 in the name of Cardozo dries up 11.8 acres and uses the water for expansion of an existing dairy were other water rights exist. (See Skinner's memo dated 6/28/99)

1155 #1

Transfer 5511 in the name of Branch dries up 11.9 acres and uses the water for use at a dairy.
(See Skinner's memo dated 6/28/99)

RECOMMENDATION

I recommend that these transfers be approved with the following conditions of approval:

Transfer 5506

- No new wells authorized to be drilled with this approval.
- When rights 47-12606, 47-12607 & 47-08252D are combined with right 47-07663B the rate of diversion is limited to 0.57 cfs (existing 0.29 cfs measured + 0.28 cfs from 47-07663B) and the annual volume is limited to 79.4 afa (14.6 + 42.3 + 22.5).
- Measuring device(s) must be installed to measure use from the three wells and use reported as may be directed by department in future.
- Permit 47-08252D should be licensed while processing this transfer a limited accordingly.

Transfer 5507

- No new wells authorized to be drilled with this approval.
- When right 47-14787 is combined with right 47-07663D the rate of diversion is limited to 0.32 cfs (0.28 + 0.04) and the annual volume is limited to 56.9afa (14.6 + 42.3).
- Measuring device(s) must be installed to measure use from the two wells and use reported as may be directed by department in future.

Transfer 5509

- No new wells authorized to be drilled with this approval.
- When rights 47-14200 is combined with right 47-07663F the rate of diversion is limited to 0.39 cfs (0.24 + 0.15) and the annual volume is limited to 50.0 afa (14.6 + 35.4).
- Measuring device(s) must be installed to measure use from the two wells and use reported as may be directed by department in future.

Transfer 5511

- No new wells authorized to be drilled with this approval.
- Right 47-07663H is limited to 0.24 cfs and the annual volume is limited to 35.7 afa.
- Measuring device(s) must be installed to measure use from the two wells and use reported as may be directed by department in the future.

The remainder of Right is subject to protested transfer 5512 and outcome will dictate remainder however in any event the original Kunkel pump system must be modified to reflect remaining allowed CFS and annual volume and use may be subject to reporting as directed by department in future.

PROPOSED TRANSFERS
T-5506 THRU T-5512
Preliminary notes Re: Adjudication review

43-11030

Gis confirms an approximate 93 acres for the P/U under this claim.

Recommending this place of use independent of 47-07663(?) (no PP/U) is acceptable. The right requires combined diversion rate and diversion volume limits.

Calculations

1. Assuming no PP/U and that the preliminary data for 43-07663 is correct the recommended diversion rate for this right should be;
 - $0.90 \text{ cfs} / (93 \text{ ac} + 45.1 \text{ ac}) = 0.0065 \text{ cfs/acre}$ or $93 \text{ ac} * 0.0065 \text{ cfs/ac} = \underline{0.61 \text{ cfs}}$ (the current rate calculation)
 - $0.90 \text{ cfs} * 1.98 \text{ af/day} * 246 \text{ days} = \underline{438.4 \text{ afa}}$ (system capacity for irrigation season.)
 - $(93 \text{ ac} + 45.1 \text{ ac}) * 4 \text{ af/ac} = 552.4 \text{ afa}$ (combined diversion volume legal limit)
2. **system capacity is the limiting factor.**

43-07663

The 1987/88 NAPP photography does not clearly show active irrigation as of the photo date. However, it does show that the ground has been farmed and that three center pivots were used on the property. It appears that the corners were irrigated at that time. A small pond is visible in the SW corner of the place of use.

I have not conducted nor reviewed any information concerning forfeiture from 1987 to today. Assuming that allocations has recognized that no forfeiture issues exist I accept their analysis and calculations as correct.

There is a warranty deed in the review file showing a change of ownership for property that includes the original licensed place of use for 47-07663. The change is from Duck Springs Hereford Ranch Inc to Bruce C Kunkel and Joan Kunkel dated Feb 28, 1998. Adjudication will accept this and the subsequent splits to complete change of ownerships in the adjudication process.

A47-11030 appears to be owned by a different individual.

3. Combined diversion rate limitation of 0.90 cfs is required.
4. Combined diversion volume of 438.4 afa is required.

PREPARED BY: Kelly K Christensen *KKC*

October 7, 1999

D:\Data\basin data\b47\transfer analysis\t-5506--5512 prelim aj review.doc

MEMORANDUM

TO: Nolan Branch Transfer Application File
FROM: Corey Skinner *CS*
DATE: June 28, 1999
SUBJECT: Staff Review

The enclosed transfer application, filed in the name of Nolan Branch, was submitted by Brockway Engineering. The application is one of five transfer applications that have been filed involving licensed water right 47-07663.

Water right 47-07663 was licensed in 1982 for the diversion of water from a well located in the NWSW $\frac{1}{4}$ of Section 22 (T13S, R16E). The license allows for the diversion of 2.34 cfs from the well for irrigation purposes and an additional 0.12 cfs for stockwater purposes. The irrigation use authorized by the license is for 117 acres located in the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NWSW $\frac{1}{4}$ (39 acres per quarter-quarter) of Section 22 (T13S, R16E). The associated property is located along Highway 93, about five miles south of Hollister. The water right was licensed for an annual diversion volume of 409.5 acre-feet for irrigation, and an annual diversion volume of 6.7 acre-feet for stockwater. Note that this licensed diversion volume is based on a 3.5 Afa per acre factor. The current annual diversion volume allowance for irrigation for the area is 4.0 Afa per acre, and the current irrigation consumptive use allowance for the area is 3.0 Afa per acre.

The enclosed transfer application seeks to convert an 11.9 acre (0.24 cfs) portion of water right 47-07663 to stockwater and commercial use in a dairy operation. The dairy is located within the Southwest $\frac{1}{4}$ of Section 12 (T10S, R15E) which is about two miles west of Filer. The transfer proposes a split of 47-07663, a change in the point of diversion, an addition of diversion points, and changes in the place of use, nature of use, and season of use.

As previously mentioned, Brockway Engineering submitted the enclosed application on behalf of their client. Brockway's dairy water requirement analysis revealed that the dairy requires 35.3 acre-feet of water per year. Using information from the Brockway dairy worksheet, the Department's LOTUS program reveals an annual dairy water requirement of 31.9 acre-feet with a manual washing value, and 38 acre-feet if an automatic washing value is used. For this particular dairy, differences between the final values from the Brockway analysis and the Department's program are small, and the values are comparable.

Page 2
Nolan Branch Transfer Memo
June 28, 1999

The enclosed transfer application is based on a consumptive use allowance of 3.0 acre-feet per acre per year for the 11.9 acre portion of water right 47-07663 involved with the application. Note, as previously mentioned in this memo, the licensed diversion volume was based on a 3.5 acre-feet per acre diversion volume allowance.

The enclosed transfer application should be fairly straight forward. Examination of the Department's records indicate that there appear to be no overlapping water rights at the proposed dairy place of use. As of this date, the transfer has not yet been GISed. I have written a letter to Bruce Kunkel, who is the gentleman who is conveying the 11.8 acre portion of 47-07663 to the applicant. This letter requests more information about the untransferred portion of right 47-07663.