

10/17/2006

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

RIGHT NUMBER: 63-8499

NAME AND ADDRESS: KENNETH W COLE
9240 BIGFOOT RD
MELBA ID 83641

MARY BETH COLE
9240 BIGFOOT RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.970 CFS
643.50 AFY

PRIORITY DATE: 02/24/1977

POINT OF DIVERSION:
T01N R02W S9 SESWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.970 CFS 643.50 AFY
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION Within CANYON County

T01N R02W S09	SWNE	33.00	T01N R02W S09	SENW	35.00
T01N R02W S09	NESW	38.00	T01N R02W S09	NWSE	37.00
143 ACRES TOTAL					

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Use of this right is combined with water from Boise-Kuna Irrigation District.



Idaho Department of Water Resources

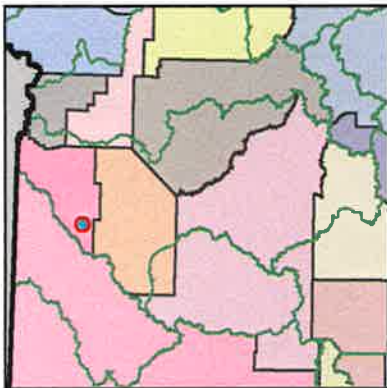
SRBA Recommendation:

63-8499

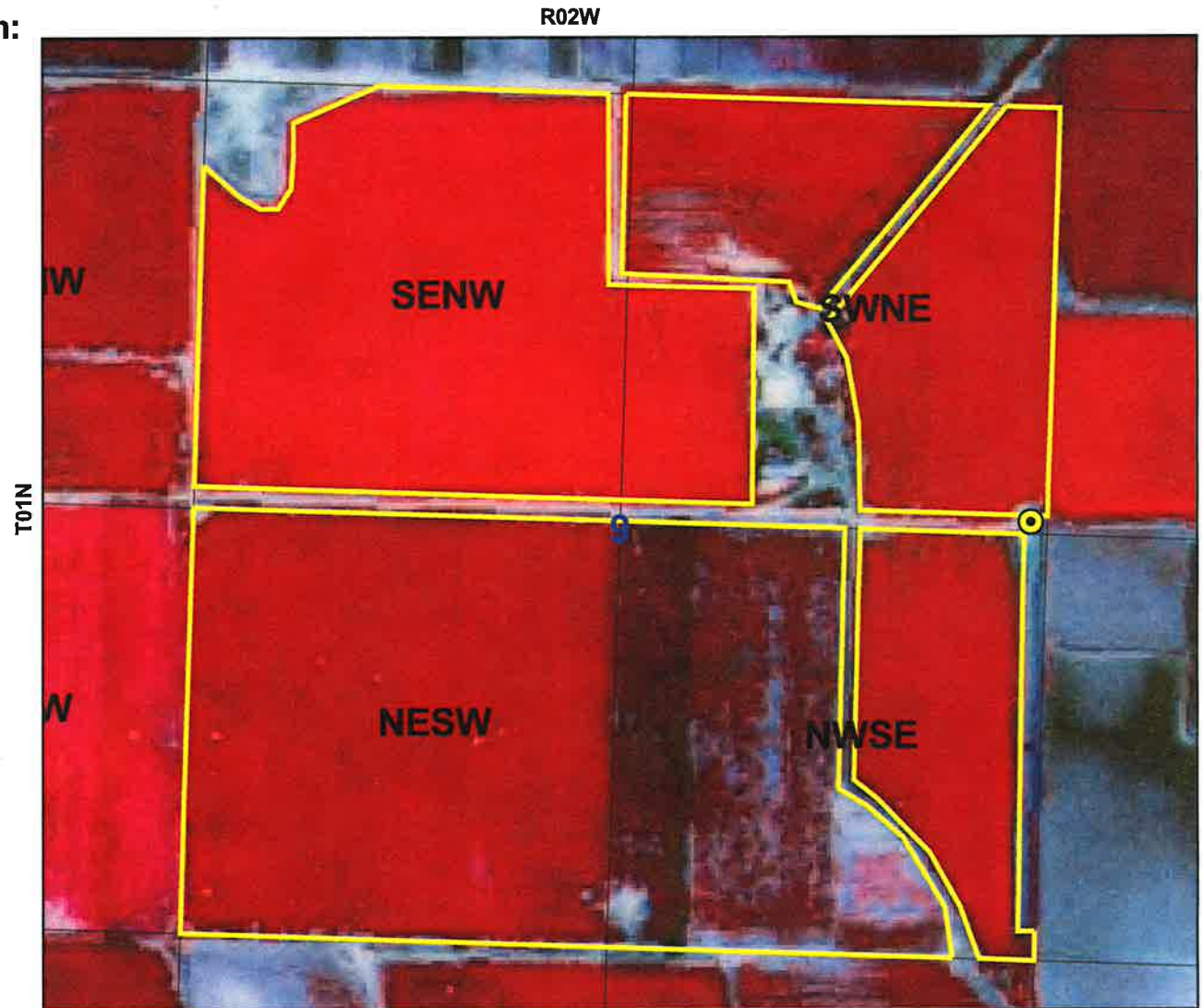
(Irrigation)

Legend

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



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles

Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 63-3110, 3394, 4704A, 4704B, 8499

Previous Mailing Address: 9072 OWYHEE

Nampa, ID 83651 RECEIVED

New Mailing Address:

9240 BIGFOOT RD
MELOBA, ID 83641

*** Telephone Number:**

(208) 495-1260

Signature of all Claimant(s):

Kenneth W. Cole
Please print your name below your signature.
Kenneth W. Cole

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701**

SS
ADDRESS FM.doc
Revised 12/3/04

IDWR Use Only:
Data Entry: _____

Date: _____

SCANNED

MAY 03 2006

AJ5809NP

No. A63-08499

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/29/00

PAGE: 172

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH W COLE	02/24/1977	IRRIGATION	03-15 11-15	1.970 CFS	
C	MARY BETH COLE					
	9072 OWYHEE DR					
	NAMPA ID 83651					
	(208) 466-5784					
				TOTAL DIVERSION:	1.970 CFS	
				CONSUMPTIVE USE:		500.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01N R02W S09

SESWNE

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
01N	02W	9	:				33	:					35	:		38	:				37	:	143.0
																			TOTAL ACRES	143.0			

POU County: CANYON

Non-Irrigation Uses: NA

Other Rights: A63-04704B AND KUNA-BOISE IRR. DIST.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-04704A A63-04704BOther Water Rights Listing Overlapping Place(s) of Use:
A63-04704 A63-04704A A63-04704B

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no
 - more than .02 cfs per acre nor more than 4.5 afa per acre for
 - irrigation of the lands above.

Remarks: GEN OWNERSHIP CHANGED 01/27/1992 BY SF.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:Audit: 05/01/91 SCHOLER 06/03/91 FRAZEE 06/04/91 FRAZEE 07/10/91 FRAZEE
01/27/92 FRAZEE 03/30/95 POST-STD 09/28/95 MMINICUC

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8499 Priority February 24, 1977 Amount 1.97 cfs

THIS IS TO CERTIFY, that NORMAN R. COLE &/or KEN COLE &/or JERRY SUMMERALL
of Kuna, Idaho, has complied with the terms and conditions of Permit
No. 63-8499 issued pursuant to Application for Permit dated February 24, 1977,
and has submitted proof to the Department of Water Resources on December 31, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.97 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>1.97 cfs</u> and <u>643.5 acre feet</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		
(both dates inclusive)			

Subject, however, to the condition that no more than 1.97 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
643.5 acre feet per year, said waters to be diverted within the SW 1/4 NE 1/4, Sec. 9, Twp. 1N,
Rge. 2W, B.M. in the County of _____ Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	2W	9			33					35	38			37	143

Total number of acres irrigated 143

The rate of diversion of water for irrigation under this license and all other
water rights on the same land shall not provide more than 0.02 cubic feet per
second per acre nor more than 4.5 acre feet per acre/annum.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
January, 19 81.



Director

Identification No. _____

Application No. 63-8499

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Norman R. Cole &/or Ken Cole &/or Jerry Summerall 466-6002
post office address Route 1 Kuna, Idaho
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 1N
Range 2W B.M. Canyon County; additional points of diversion if any: _____

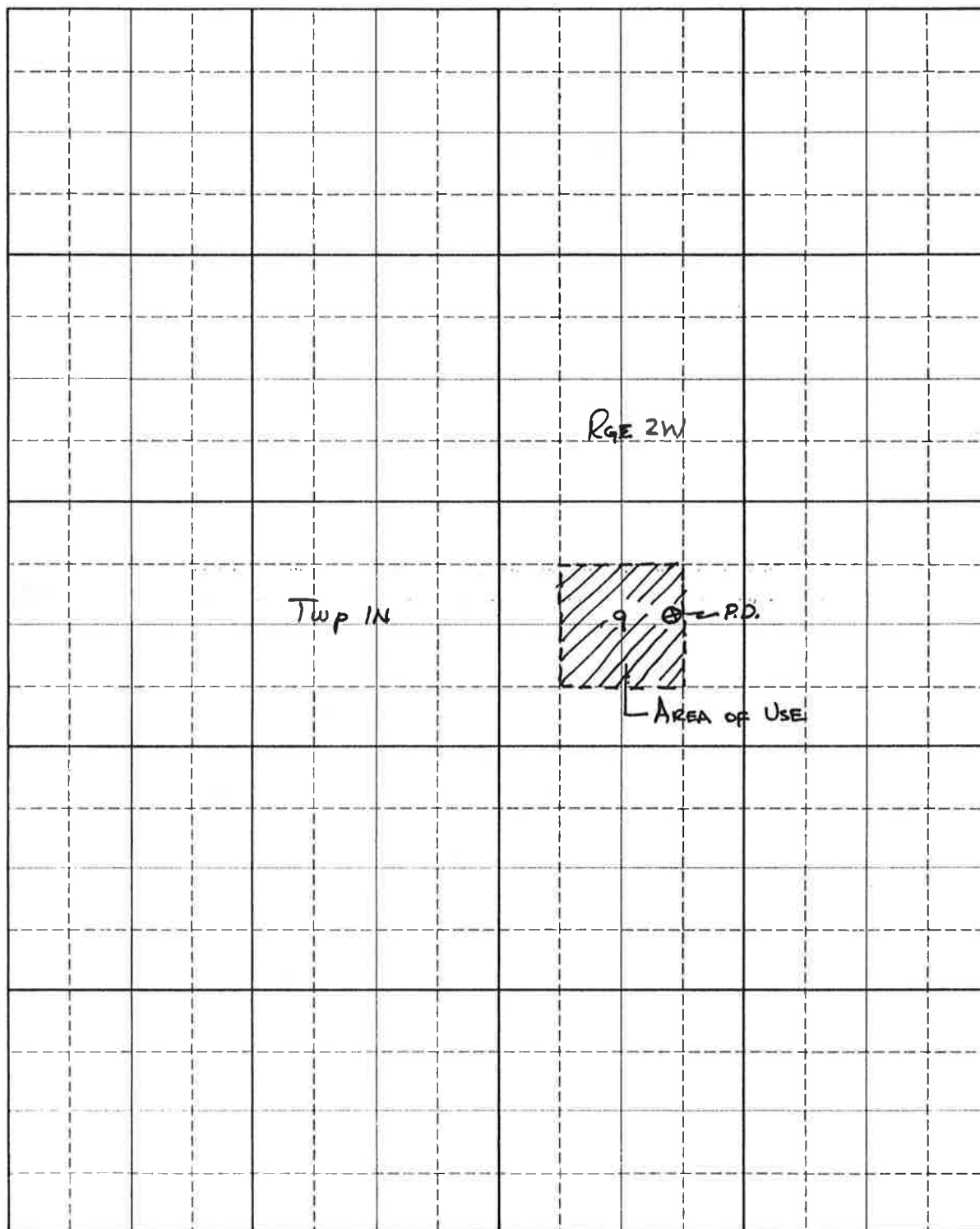
b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.0 cfs for irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.0 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump with sprinklers and gravity
flow.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo., Day) (Mo., Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 400 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 15,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

RECORDED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Norman R. Cole
(Applicant)

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1 mile S WES 63-8499
1/2 SQUAT of ROBINSON blvd Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:	4-3-80	mm	Appt. not made
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 12/14/2008 Accompanied by Ken Cole Total Q measured 1.97 CFS
If source is surface water, estimate total flow of source N.A.
Methods of measurement Piezometer Log Meets Permit requirements? Yes

Measurement calculations: 8" pipe 6" offset 32" head on piezometer tube

$$\frac{= 882 \text{ GPM}}{448.8} = 1.97 \text{ CFS} \checkmark$$

$$V = 1.97 \times 245 \text{ days} \times 1.9835 = 957.33 \quad | \quad 143 \text{ ac} \times 4.5 \text{ in req} = \underline{643.5} \checkmark$$
[illegible]

System Description 165' ROWS 14" 12" ROWS STATIC 110' PUMP INTO
MAINLINE WHICH PUMPS SPRINKLERS

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = 4.5 AFA/Acre

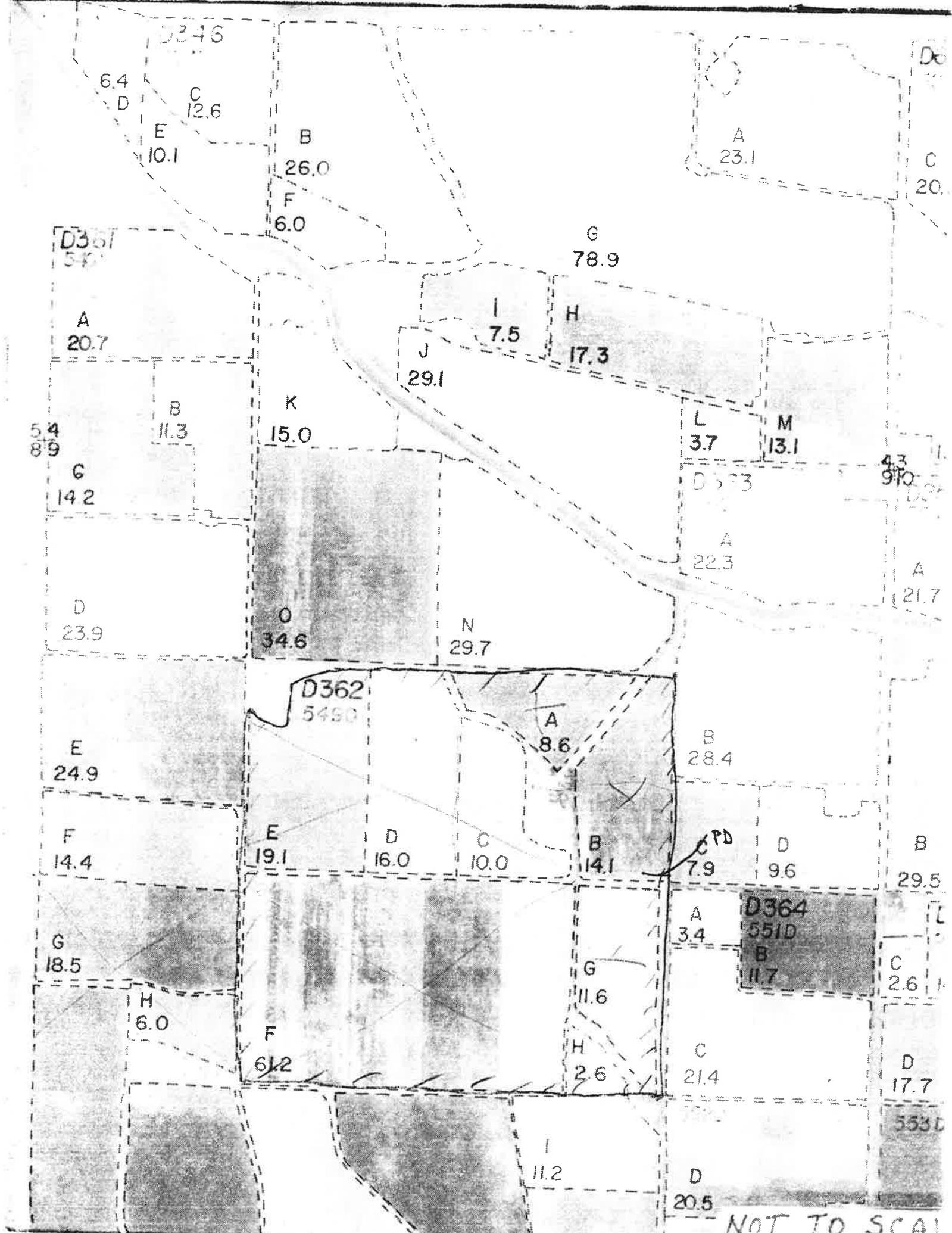
[illegible]

Total 2.97 643.5

Remarks Recommmend beneficial use for irrigation

63-3110 different Well & Tracts > No Overlap R# 1/8/81
63-3394 different Well & Tracts

MICROFILMED



NOT TO SCALE

DATE: 04/07/97
PAGE: 5

Misc: Water District Number: Field Exam Fee:

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 463-08499

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

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

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

COMMENTS: Claimed as licensed

VERIFICATION CODES

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

WR5809NP
No. 63-08499

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/20/95
PAGE: 93

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORMAN R. COLE	✓02/24/1977	✓IRRIGATION	03-15 11-15	✓1.970 CFS	643.50 AFA
C	KEN COLE RT. 1 KUNA RD. KUNA ID 83634			TOTAL DIVERSION:	✓1.970 CFS	643.50 AFA
C	JERRY SUMMERALL					

Water Source: GROUNDWATER✓

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R02W S09✓

SWNE✓

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE														
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM									
01N	02W	9	✓					33	✓					35	✓	38	✓													
																			37	✓										143.0
																			TOTAL ACRES										143.0	✓

Pou County: CANYON

Other Rights: 63-3110, 63-3394 & KUNA-BOISE IRR. DIST.

Other Water Rights Listing Overlapping Place(s) of use:
63-04704

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

Dates:	App. Received:	Priority Date:	02/24/1977
	Proof Due Date: 04/01/1982	Proof Made Date:	01/01/1900
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date: 04/12/1982		

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

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: **A63-08499**
Date Received: 4/29/1991
Receipt No: C020331
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name:	KENNETH W COLE	208-466-5784
Address:	9072 OWYHEE DR	
	NAMPA ID	83651
AND/OR		
Name:	MARY BETH COLE	208-466-5784
Address:	9072 OWYHEE DR	
	NAMPA ID	83651

2. Date of Priority: FEB 24, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	02W	9	SE	SW	NE		CANYON

5. Description of diverting works:
WELL, PUMP, SPRINKLERS & GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.970		

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

8. Total consumptive use is 500.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	02W	9	SW		NE		IRR	33.0
			SE		NW		IRR	35.0
			NE		SW		IRR	38.0
			NW		SE		IRR	37.0

Section Acres 143.0

Total Acres 143.0

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:
A63-04704B AND KUNA-BOISE IRR. DIST.

14. Remarks:
OWNERSHIP CHANGED 01/27/1992 BY SF.

15. Basis of Claim: LICENSE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
JAN 24 1992

DATE OF CLOSING: 12-31-91

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 1 North Range 2 West
Section 9, SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A63-4704B and A63-8499
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Metropolitan Life Insurance Company
Agricultural Investments - Northwest Branch Office
1001 S 24th St W, #103, Billings MT 59102
- ☐ New Owner/Claimant (Purchaser): Kenneth W. Cole and ^{KC}for Mary Beth Cole
- ☐ New Mailing Address: 9072 Owyhee Dr
Nampa ID 83686
- ☐ New Telephone Number: (208) 466 - 5784
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes Xno
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

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

- ☐ Signature of New Owner/Claimant(s) *Kenneth W. Cole* Date 1/23/92
Date
- ☐ Signature of Former Owner/Claimant(s) *Metropolitan Life Insurance Company* Date
by Mary D. Mackin, Asst. Mgr. Date 12/27/91
(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-21-92 By: *A. Hayes*

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

OK JPC A63-08499 > original owner signature. 1/24/92
OK JPC A63-04704B

MICROFILMED

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

AUG 20 1992

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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: A63-08499
Date Received: 4/29/1991
Receipt No: C020331
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: KENNETH COLE 208-466-5784
Address: 9072 OWYHEE DR
Nampa ID 83651

AND/OR

Name: MARY BETH COLE 208-466-5784
Address: 9072 OWYHEE DR
Nampa ID 83651

2. Date of Priority: FEB 24, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	02W	9	SE	SW	NE		CANYON

5. Description of diverting works:
WELL, PUMP, SPRINKLERS & GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.970		

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

8. Total consumptive use is 500.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	02W	9	SW		NE		IRR	33.0
			SE		NW		IRR	35.0
			NE		SW		IRR	38.0
			NW		SE		IRR	37.0

Section Acres 143.0

Total Acres 143.0

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:
A63-04704B AND KUNA-BOISE IRR. DIST.

14. Remarks:

15. Basis of Claim: LICENSE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 12-31-91

LEGAL DESCRIPTION OF PROPERTY: Township 1 North Range 2 West
Section 9, SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A63-4704B and A63-8499
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
Metropolitan Life Insurance Company
Agricultural Investments - Northwest Branch Office
1001 S 24th St W, #103, Billings MT 59102
- ☐ New Owner/Claimant (Purchaser):
Kenneth W. Cole and Mary Beth Cole
- ☐ New Mailing Address:
9072 Owyhee Dr
Nampa ID 83686
- ☐ New Telephone Number: (208) 466 - 5784
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): Kenneth W. Cole Date 1/23/92
Date _____
- ☐ Signature of Former Owner/Claimant(s): Metropolitan Life Insurance Company Date _____
by Mary Beth Cole, Asst. Mgr. Date 12/27/91
(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-27-92 By: [Signature]

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any: _____

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

MICROFILMED
AUG 24 1992

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

RECEIVED
JAN 24 1985

WARRANTY DEED

FOR VALUE RECEIVED, KENNETH W. COLE and MARY BETH COLE, husband and wife, and COLE FARMS, INC., Grantors, do hereby grant, bargain sell and convey unto METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation, the Grantee, whose current address is Creekside One, Suite 103, 1001 South 24th Street West, Billings, MT 59102, the premises situated in the County of Canyon, State of Idaho, more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

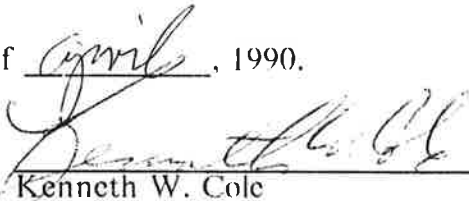
SUBJECT TO the following:

- (a) 1990 real estate taxes;
- (b) Real Estate Mortgage of Metropolitan Life Insurance Company dated October 14, 1983 and recorded November 10, 1983 as Instrument No. 991302, records of Canyon County, Idaho;
- (c) All zoning and building laws, ordinances, maps, resolutions and regulations of all governmental authorities having jurisdiction which affect the real property and the use and improvements thereof;
- (d) Easements, restrictions and reservations of record;

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances except as set forth herein, and that they will warrant and defend the same from all lawful claims whatsoever.

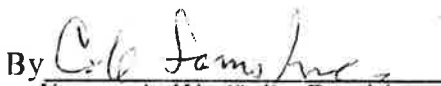
This conveyance does not merge the lien of Metropolitan Life Insurance Company arising from its above-referenced Mortgage with title to said real property.

DATED this 19th day of April, 1990.


Kenneth W. Cole


Mary Beth Cole

COLE FARMS, INC.

By 
Kenneth W. Cole, President

STATE OF IDAHO)
) ss.
County of)

On this 19 day of April, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared KENNETH W. COLE and MARY BETH COLE, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Just M Campbell
Notary Public for Idaho
Residing at: Boise
My commission expires: 7/7/94

STATE OF IDAHO)
) ss.
County of)

On this 19 day of April, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared KENNETH W. COLE, known or identified to me to be the President of COLE FARMS, INC., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Just M Campbell
Notary Public for Idaho
Residing at: Boise
My commission expires: 7/7/94

EXHIBIT "A"

Marathon Electric Motor, 15 HP, Serial Number LC254TDR5060AAW
Berkley Flood Pump, Serial Number 8140943
Yaskawa 75 HP Motor, Serial Number 807698101
Aurora Pump, Serial Number 38070629
G.E. 50 HP Motor, Serial Number ENJS18356
Layne Pump, Serial Number 46132, Bowl #46061
3 Thunderbird wheel lines
1600 ft. gated 10" pipe
1/4 mile of 2-1/2" hand sprinkler lines

Also, all replacements and all other irrigation equipment connected therewith now or hereafter placed or installed on the following described premises:

The Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 9, Township 1 North, Range 2 West of the Boise-Meridian, Canyon County, Idaho.

An easement described as follows: The East 25 feet of the Southwest Quarter of the Southeast Quarter, Section 9, Township 1 North, Range 2 West of the Boise-Meridian, Canyon County, Idaho.

Also, conveying with the herein described land any and all water rights belonging or in anywise appertaining thereto.

Title a Metropolitan Representative began to research the condition of the existing water rights which pertained to the Acquired Farm and discovered the necessary Adjudication claims were not filed by the prior ownership. Therefore a delay in filing the Adjudication claim developed. The necessary applications for Adjudication have now been completed and the Adjudication claims are proceeding.

MICROFILMED

AUG 24 1992

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: A63-08499
Date Received: 4/29/1991
Receipt No: C020331
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: METROPOLITAN LIFE INSURANCE CO.
Address: P.O. BOX 29
WALLA WALLA, WA 99362

509-529-1664

RECEIVED
JUL 09 1991

2. Date of Priority: FEB 24, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Department of Water Resources

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	02W	9	SE	SW	NE		CANYON

5. Description of diverting works:
WELL, PUMP, SPRINKLERS & GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.970		

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

8. Total consumptive use is 500.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	02W	9	SW	NE		IRR	33.0
			SE	NW		IRR	35.0
			NE	SW		IRR	38.0
			NW	SE		IRR	37.0

A63-08499

Page 1

Date: 06/04/91

MICROFILMED
AUG 24 1992

10. Place of Use: Continued

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

					Section Acres	143.0
--	--	--	--	--	---------------	-------

					Total Acres	143.0
--	--	--	--	--	-------------	-------

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:

A63-04704B AND KUNA-BOISE IRR. DIST.

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Northwest Branch Manager of _____ Title

METROPOLITAN LIFE INSURANCE COMPANY,

AGRICULTURAL INVESTMENTS

Organization

, that I have signed the foregoing

document in the space below as

Northwest Branch Manager

of

METROPOLITAN LIFE INSURANCE COMPANY,

AGRICULTURAL INVESTMENTS

Organization

and that the statements contained in the

foregoing document are true and correct.

Robert H. Martin
Signature of Authorized Agent

METROPOLITAN LIFE INSURANCE COMPANY

AGRICULTURAL INVESTMENTS

Title and Organization

June 24, 1991

Date

Montana
State of ~~Idaho~~)
) ss.
County of Yellowstone)

Subscribed and sworn (or affirmed) before me this 24th day
of June 19 91

Sally L. Behrman
Notary Public

Seal

Residing at Billings, Montana

My Commission Expires 9/20/91

17. Notice of Appearance:

Notice is hereby given that I, James R. Gillespie will be
Print Name
acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature *James R. Gillespie*

Address P.O. Box 2337, Boise, ID 83701

Date July 8, 1991

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: A63-08499
Date Received: 3/5/1990 4/29/91
Receipt No: 1020331
Received By: B

APR 29 1991

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: METROPOLITAN LIFE INSURANCE CO. 509-529-1664
Address: P.O. BOX 29
WALLA WALLA, WA 99362

2. Date of Priority: FEB 24, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	02W	9	SE	SW	NE		CANYON

5. Description of diverting works:
WELL, PUMP, SPRINKLERS & GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.970		

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

8. Total consumptive use is 500.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	02W	9	SW	NE		IRR	33.0
			SE	NW		IRR	35.0
			NE	SW		IRR	38.0
			NW	SE		IRR	37.0

A63-08499

Page 1

Date: 01/25/91

MICROFILMED
AUG 24 1992

[illegible]

IDENTIFIED
AUG 3 4 1955

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	143.0
					Total Acres	143.0

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:
A63-04704B AND KUNA-BOISE IRR. DIST.

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Assistant Manager of
Agricultural Investments Title
Metropolitan Life Ins. Co. that I have signed the foregoing
Organization
document in the space below as Assistant Manager of
Agricultural Investments Title
Metropolitan Life Ins. Co. and that the statements contained in the
Organization
foregoing document are true and correct.

James L. Langan
Signature of Authorized Agent

Assistant Manager
Title and Organization
Metropolitan Life Insurance Co.
January 25 1991
Date

MICROFILMED

Aug 3 1985

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day

of Jan. 19 91

John Dale Carlson
Notary Public

Seal

Residing at Boise Id

My Commission Expires 8/3/94

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-4-1985 BY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 1997

DEBBI

US BANK OF IDAHO - NAMPA

PO BOX 220

NAMPA ID 83653

RE: Snake River Basin Adjudication Claims for Cole Farms, Inc.

Dear Debbi:

Enclosed please find reports which summarize the water rights for Cole Farms, Inc., as claimed in the Snake River Basin Adjudication (SRBA). All claims except numbers A63-04704A and A63-04704B are claimed as licensed.

Claim numbers A63-04704A and A63-04704B are based on water right number 63-04704. The claims were filed in the SRBA by two different parties, based on ownership. Water Resources numbered those claims by adding alpha suffixes to each claim. Those claims are now in the names of Cole, Inc. (A63-04704A), and Kenneth W. and Mary Beth Cole (A63-04704B). Together, these claims are for more water and less acres than the originally recorded right (63-04704). This discrepancy must be resolved by the owners.

Water right number 63-04047 was recorded in Department records but never verified by the Department. Consequently the owners are responsible for providing the Department with some documentation which supports the claimed priority date. We requested that information from Cole, Inc. on July 7, 1995, but received no response. The Department cannot recommend these SRBA claims to the court for decree without some evidence which supports the claimed priority date.

If you have any questions or need additional information please do not hesitate to contact me at this office.

Sincerely,

Maria Minicucci

Senior Water Agent

Enc: Profile reports: 63-04704, A63-04704A, A63-04704B, A63-03110
A63-03394, A63-08499

"Water Right Primer" pamphlet



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 7, 1992

Kenneth and Mary Cole
9072 Owyhee Dr.
Nampa, ID 83651

RE: Snake River Basin Adjudication (SRBA)
Canyon County - A63-04704B and A63-08499

Dear Mr. and Mrs. Cole:

Thank you for coming by the office the other day to submit a change of ownership for the above referenced claims. Please review the claims carefully for any errors or omissions.

I would like to bring one item to your attention so that it is not a surprise when we begin reviewing this basins (63) claims for a Directors report.

On December 31, 1979, you filed a Statutory claim to water right 63-04704 for the amount of 2.0 cfs. and 555 acres. The Boise-Kuna Irrigation District filed an exception to your claim on January 29, 1980.

On March 5, 1990, you filed SRBA claim A63-04704 for 2.0 cfs. and 395 acres.

On April 29, 1991 Metropolitan Life Ins. Co. filed an SRBA claim on the same right for .58 cfs and 143 acres. Metropolitan Life was assigned the number A63-04704B and yours was reassigned the number A63-04704A.

Both SRBA filings now represent a greater rate of diversion and three acres greater than you had developed and reported on your 1979 Statutory filing. If you have developed and are utilizing a total of 2.58 cfs, you may wish to consider one of the following:

-Gather information which shows the original filing does represent the actual amount developed in 1957;

-File another SRBA beneficial use claim which shows the additional .58 cfs amount was developed after 1957 but prior to May 20, 1971, or

-File an Application for Permit for the additional diversion rate if the development occurred after May 20, 1971.

MICROFILMED

AUG 24 1992

Kenneth and Mary Cole
February 7, 1992
Page 2 - Canyon County

If you should have any questions on the above, please feel free to contact me. We will contact you at the time your claim is being processed if we have not heard from you.

Sincerely,


John D. Carlson
Adjudication Supervisor

JDC:sf:west

Enclosures:

Copy of A63-04704B & A63-08499

MICROFILMED

AUG 24 1992

CLAIMANT'S NAME: James Tlanaga

DATE: 12/4/91

COUNTY: Canyon

EMPLOYEE: JDC

Met. life is selling land back to Harold Cole,
 at Christmas.

Send change of ownership to Metropolitan Life Ins. Co.
 Agriculture Dept.
 % Bob

10010 South 24th St. West
 # 103

Billings MT, 59102

He will forward claim + change to closing agent and they will (Col.)
 take care of.

12-04-91 Mailed o-change fm to Met. Life & attached
 JDC's card. of T/F 1-15-92
 1-5-92 JDC said T/F 1-31-92

MICROFILMED

AUG 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 15, 1991

James Flanagan
System Manager
Metropolitan Life Insurance Co.
P.O. Box 29
Walla Walla, WA 99362

RE: Snake River Basin Adjudication (SRBA)
Canyon County - #A63-04704B & A63-08499

Dear Mr. Flanagan:

We presently have no record in this office of the two amended water rights referenced above which were sent to us July 8, 1991, by James Gillespie's office.

Would you please have the two enclosed Notices of Claim signed and notarized by Metropolitan Life Insurance, forward them to James Gillespie for signature at Item #17 (Notice of Appearance) and have them returned, once again, to us.

After filing these amended Notices of Claim, all correspondence will be directed to Mr. Gillespie. If Metropolitan wishes to receive all correspondence, it must direct Mr. Gillespie to forward correspondence to Metropolitan.

We apologize for this inconvenience.

Sincerely,

A handwritten signature in cursive script that reads "John D. Carlson".

John D. Carlson
Adjudication Supervisor

JDC:sf:state:tf

Enclosures:

Two Amended Claims Referenced Above
cc: James Gillespie

MICROFILMED
AUG 24 1992

From: DWR03::FRAZEE 11-SEP-1991 10:43:44.85
To: DWR80::HARRIS
CQ: FRAZEE
Subj: A63-04704B, A63-08499/METRO. LIFE

HI LORI. RE THE TWO ABOVE CLAIMS, THEY WERE SUPPOSED TO HAVE AMENDED CLAIMS (WHICH WE SENT 6/4/91) SIGNED, NOTARIZED AND RETURNED TO THIS OFFICE. WE DON'T HAVE THEM. DID THEY SEND THEM TO YOUR OFFICE?
THANK FOR LOOKING.....SAL

attorney ^{James} Gillespie -344-8400-

msg 13⁵ p 9-11-91

9-25-91 Spoke to sec'y Susan. She'll ✓ file + F.U.

FU 10/3

9-26-91 Susan told me she mailed them to this office July 8, 1991 to attn. of 9D Carlson.
Lori Harris said do not have.
John Carlson said does not have.

10-09-91 Danni does not have
Dane S. does not have.

MICROFILMED

AUG 24 1992

JAMES R. GILLESPIE, P.A.

ATTORNEYS AND COUNSELORS AT LAW

512 WEST BANNOCK

POST OFFICE BOX 2337

BOISE, IDAHO 83701

JAMES R. GILLESPIE

TELEPHONE (208) 344-8400

FAX (208) 344-7100

July 8, 1991

RECEIVED
JUL 09 1991

Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Attn: John D. Carlson
Adjudication Supervisor

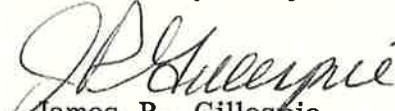
Re: Snake River Basin Adjudication (SRBA)
Canyon County - #A63-04704B & #A63-08499

Dear Sir:

Enclosed for filing please find the above two claims, as amended to add the undersigned as attorney-in-fact for Metropolitan Life Insurance Company.

If anything further is required, please let me know.

Yours very truly,


James R. Gillespie

JRG:sh
Enclosures

cc: Robert N. Morris

MICROFILMED

AUG 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

re-T/F
8-4
7-4
10-3

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 4, 1991

Rec'd 7-27-91
in comes. 9-11-91

James Flanagan
System Manager
Metropolitan Life Insurance Co.
P.O. Box 29
Walla, WA 99362

RE: Snake River Basin Adjudication (SRBA)
Canyon County - #A63-04704B & #A63-08499

Dear Mr. Flanagan:

As you requested, we have amended the two water rights referenced above adding James Gillespie as Attorney-in-fact for Metropolitan Life Insurance Co.

Please have the enclosed Notices of Claim signed and notarized by Metropolitan Life Insurance, forward them to James Gillespie for signature at Item #17 (Notice of Appearance) and have them returned to us.

After filing these amended Notices of Claim, all correspondence will be directed to Mr. Gillespie. If Metropolitan wishes to receive all correspondence, it must direct Mr. Gillespie to forward correspondence to Metropolitan.

Sincerely,

John D. Carlson

John D. Carlson
Adjudication Supervisor

JDC:sf:state:tf
Enclosures:

Two Amended Claims Referenced Above
cc: James Gillespie

MICROFILMED

AUG 24 1992

To Whom It May Concern:

James Gillespie is the attorney-in-fact for Metropolitan Life Insurance Co. We wish to have his name added to the adjudication claim Nos. A63-8499 and A63-4704B as the attorney so that future correspondence will also be directed to him.


System Manager
Metropolitan Life Insurance Co.

James R. Gillespie
512 W. Bannock.
Boise, ID 83702

MICROFILMED
AUG 24 1992

TO: John Carlson
FROM: Rene' Martin
RE: Metropolitan Life Claims No. A63-4704B and A63-8499
DATE: May 31, 1991

This is in response to your question regarding the document whereby the claimant Metropolitan Life requested that an attorney be added to its claim and that future correspondence be directed to that attorney.

I contacted Mr. Flanagan and asked what he intended by the document. He stated that Mr. Gillespie had been retained by Metropolitan to "handle its water rights," but that the claims should remain in the name of Metropolitan. He stated that Mr. Gillespie should receive all correspondence from the Department, but that Metropolitan should receive all correspondence, also.

I discussed this matter with Lynne. As I understand what she told me, what is required under these circumstances is the filing of an amended claim signed and notarized by Metropolitan with a notice of appearance filled out by Mr. Gillespie, the attorney. She said that the amended claim can be prepared by the Department. After Metropolitan has signed and notarized the claim, they should send it to their attorney to fill out the notice of appearance section and then properly file the claim. A cover letter must go with the amended claim to Metropolitan stating that after the filing of the amended claim, all correspondence will be directed to Mr. Gillespie. If Metropolitan wishes to receive all correspondence, it must direct its attorney to forward correspondence to Metropolitan. The Department will apparently not send correspondence to both the attorney and the claimant.

MICROFILMED

AUG 24 1992

Date Received _____

Approved

RECEIVED

MAR 05 1991

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

Department of Water Resources

Western Regional Office

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

Metropolitan Life Insurance Company 509) 529 1664
Name of Claimant Phone Number

Post Office Box 29 Walla Walla Washington 99362
Mailing Address City State Zip

Canyon County, Idaho Sept. 8 1989
County(s) where place of use is located Date claim originally due
Ground Water Right license 63-8499 Cole 0020331
Waste Water Right Claim 63-4704B
Identify water right(s) for which extension is requested

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

Following a rather lengthy period which involved a
bankruptcy by the original land owner, The Metropolitan
Life Insurance Company ultimately acquired title to
this farm in lieu of existing debt on April 19, 1990,
copy of Warrantee Deed attached. upon acquiring
(see attached)

Claimant requests an extension to March 5, 1991

Metropolitan Life Insurance Company January 25, 1991
Signature Date of request

James L. Grayson
Title Assistant Manager

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

and, if granted the filing deadline is extended to March 29, 1991

Signed this 2 day of March, 1991

[Signature]
Director or his designated agent

DAVID B. SHAW

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

MICROFILMED
AUG 24 1992

RECEIVED

MAR 05 1991

Department of Water Resources
Western Regional Office

Title a Metropolitan Representative began to research the condition of the existing water rights which pertained to the Aguirre Farm and discovered the necessary Adjudication claims were not filed by the prior ownership. Therefore a delay in filing the Adjudication claim developed. The necessary applications for Adjudication have now been completed and the Adjudication claims are proceeding.

MICROFILMED

AUG 24 1996

5/89

Date Received

3/5/90

RECEIVED

MAR 06 1990

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

RECEIVED

MAR 13 1990

Department of Water Resources
Western Regional Office

Department of Water Resources

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

Cole Inc. (Ken Cole) () 466-5784
Name of Claimant Phone Number
Route Box 7148 ✓ 9072 Owyhee Dr. Pampa Idaho 83651
Mailing Address City State Zip
Canyon March 1, 1990
County (or where place of use is located) Date claim originally due
A63-3110 A63-8499 A63-4708 A63-3394 W010429
Identify water right(s) for which extension is requested

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

Dave: Mr. Cole and I began work on his claims prior to the
deadline, however on the day we were to complete his work
he became ill. I recommended the extension of time to
wave the late fees. Bruce A. Schuler

Claimant requests an extension to Waiver of Late Fees, 19 90
James W. Cole, Cole Inc., 19 90
Signature Date of request

Press
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

and if granted the filing deadline is extended to March 20, 19 90

Signed this 11 day of March, 19 90

DAVID B. SHAW
Director or his designated agent

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

DAVID B. SHAW

MICROFILMED

AUG 24 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8499 Priority February 24, 1977 Amount 1.97 cfs

THIS IS TO CERTIFY, that NORMAN R. COLE &/or KEN COLE &/or JERRY SUMMERALL of Kuna, Idaho, has complied with the terms and conditions of Permit No. 63-8499 issued pursuant to Application for Permit dated February 24, 1977, and has submitted proof to the Department of Water Resources on December 31, 1979, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.97 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>1.97</u> cfs and	<u>643.5</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 1.97 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 643.5 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, Twp. 1N, Rge. 2W, B.M. in the County of _____ Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1N	2W	9			33					35	38						37		143

Total number of acres irrigated 143

The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not provide more than 0.02 cubic feet per second per acre nor more than 4.5 acre feet per acre/annum.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of January, 19 81.

Director

Identification No. _____

Application No. 63-8499

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Norman R. Cole &/or Ken Cole &/or Jerry Summerall 466-6002
post office address Route 1 Kuna, Idaho
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 1N
Range 2W B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.0 cfs for irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.0 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump with sprinklers and gravity
flow.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 400 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 15,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	2W	9			40					40	40						40		160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above.

63-3110, 63-3394, 63 acres in NWSE & NESW from Kuna-Boise Irrigation Dist.)

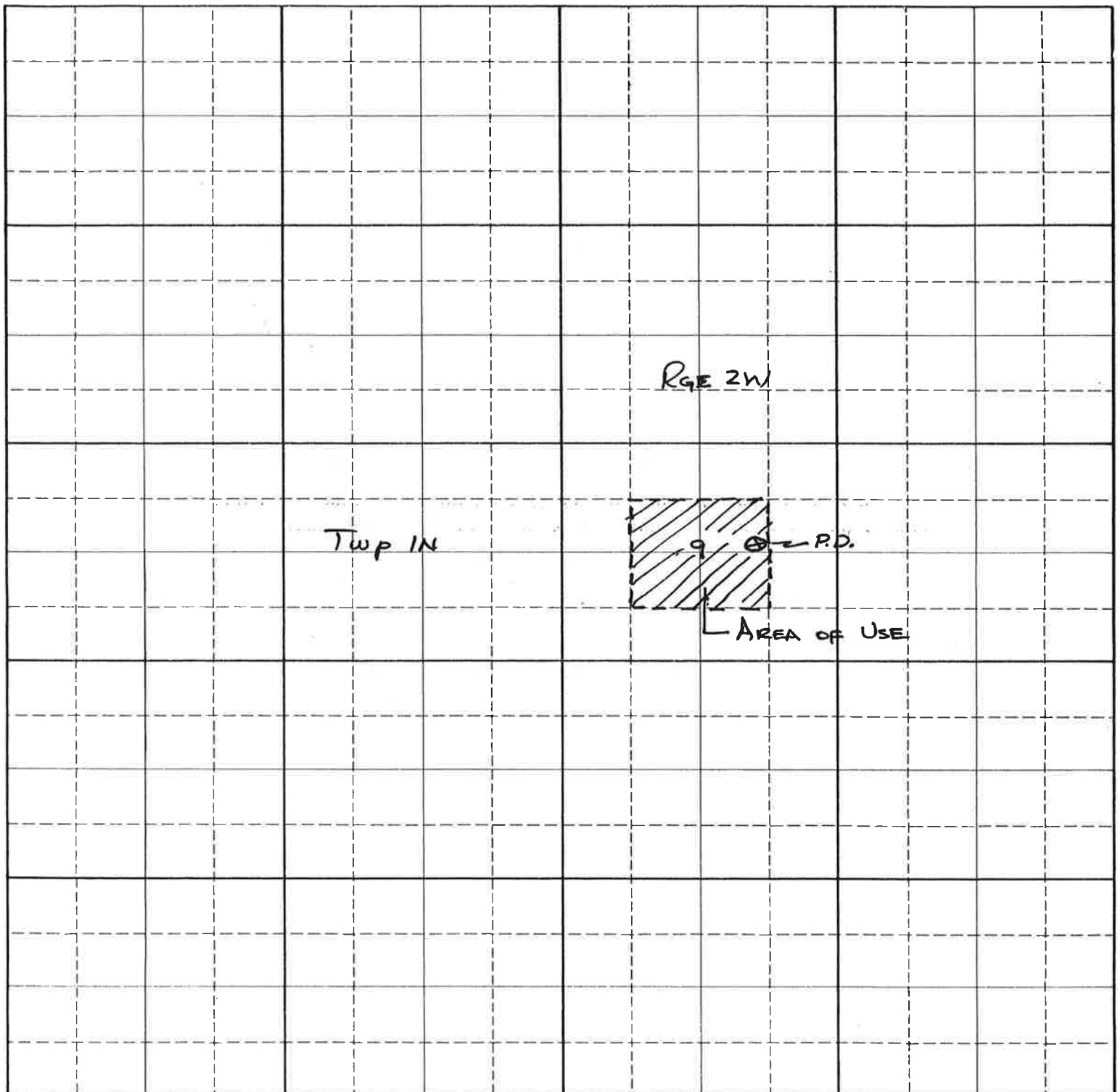
9. a. Who owns the property at the point of diversion Applicants

b. Who owns the land to be irrigated or place of use Applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks This right shall include primary water for 97 acres and secondary water for 63 acres; both uses shall not exceed .02 cfs per acre.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Norman P. Cole
(Applicant)

Proposed Priority 2/24/77

Received by BH Date 2-24-77 Time 3 PM
Preliminary check by YH Fee \$ 45.00
Receipted by YH Date 2-25-77 # 10727
Publication prepared by CS Date 3-2-77
Published in Idaho Tree Press
Publication dates March 10, 1977 March 17, 1977
Publication approved RWH Date 3-21-77
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by YH

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-8499, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 82.
- Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 15 day of April, 19 77.


Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1m 2u

4 miles S WEST 63-8499
1 1/2 SOUTH OF ROBINSON blvd Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:	4-3-80	mm	Appt. not made
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 28 July 1980 Accompanied by Kenn Cole Total Q measured 1.97 CFS
If source is surface water, estimate total flow of source N.A.
Methods of measurement Piezometer tube Meets Permit requirements? Yes

Measurement calculations: $8''$ pipe $6''$ orifice $32''$ head on piezometer tube

$$\frac{= 882}{448.8} \text{ GPM} = 1.97 \text{ CFS} \checkmark$$

$$V = 1.97 \times 245 \text{ days} \times 1.9835 = 957.33 \quad | \quad 143 \text{ ac} \times 4.5 \text{ in req} = 643.5 \checkmark$$
[illegible]

System Description 265' BOWLS 147' 12" BOWLS STATIC 110' PUMP INTO
MAINLINE WHICH RUNS SPRINKLERS

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

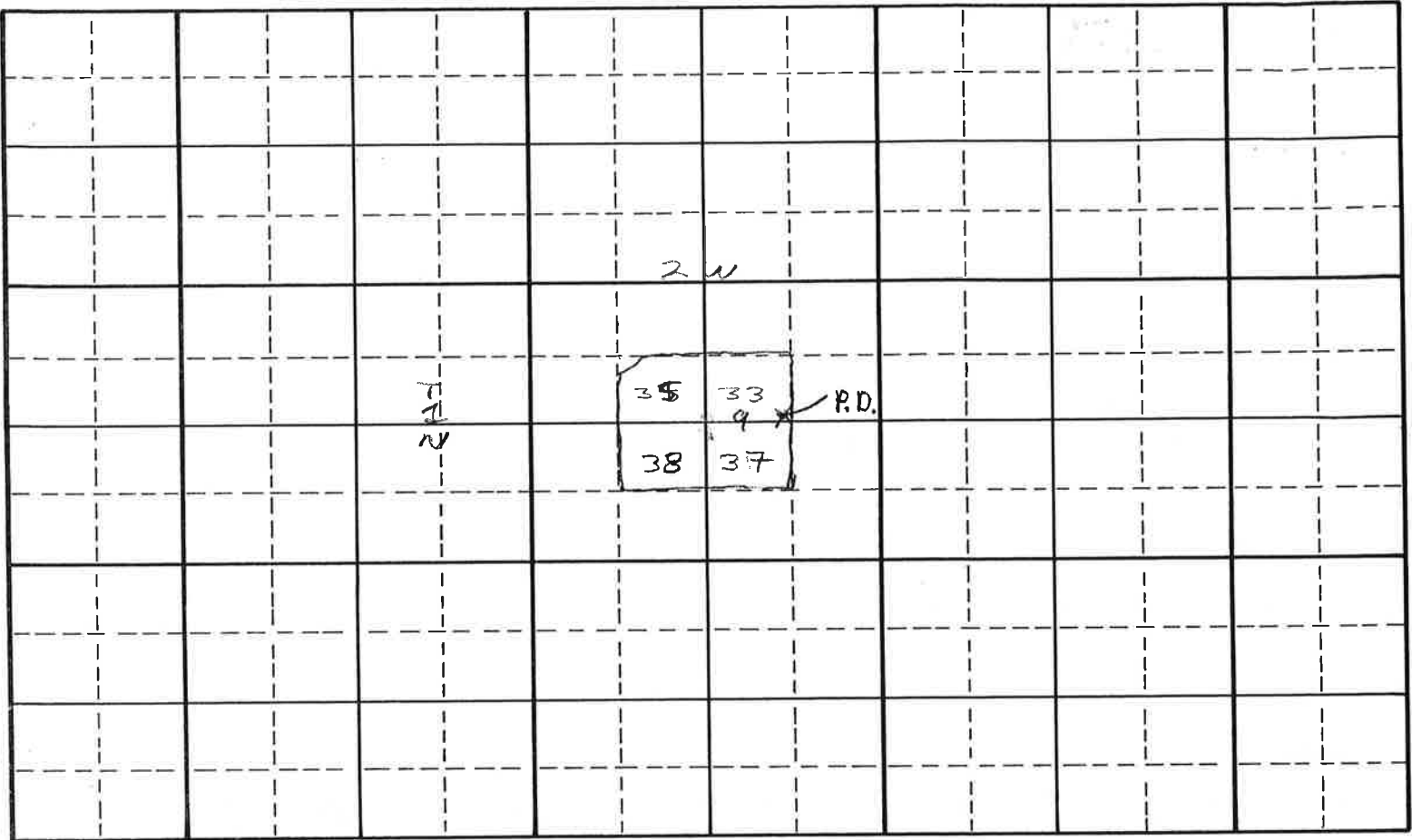
USE	Q (cfs)	V (afa)	FROM	TO
IRP1647101	1.97	648.5	3-15	11-15
Total	1.97	648.5		

Remarks Recommender beneficial use for irrigation

63-3110 different Well & Tracts
63-3394 different Well & Tracts > No Overlap # 1/8/81

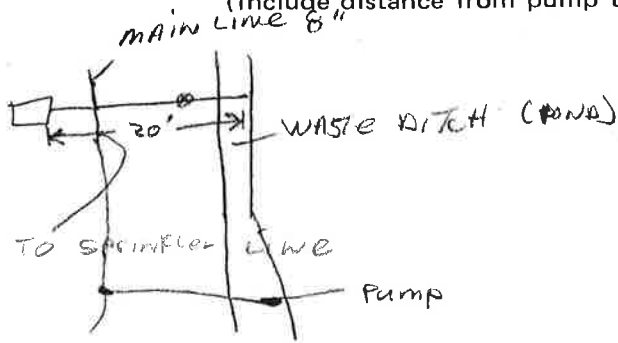
MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SW 1/4 S9 1/4 2W

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	2W	9			33					35	38					37			143

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

Examiner's Signature

Carl E. Mann

Checked by

DBS

Approved by

Robyn

Date 28 July 1980

Date 8/26/80

Date 1/7/81

NOT TO SCALE

Map showing land parcels with labels and values:

- Parcel A: 23.1
- Parcel B: 20.8
- Parcel C: 20.5
- Parcel D: 20.5
- Parcel E: 20.5
- Parcel F: 20.5
- Parcel G: 20.5
- Parcel H: 20.5
- Parcel I: 20.5
- Parcel J: 20.5
- Parcel K: 20.5
- Parcel L: 20.5
- Parcel M: 20.5
- Parcel N: 20.5
- Parcel O: 20.5
- Parcel P: 20.5
- Parcel Q: 20.5
- Parcel R: 20.5
- Parcel S: 20.5
- Parcel T: 20.5
- Parcel U: 20.5
- Parcel V: 20.5
- Parcel W: 20.5
- Parcel X: 20.5
- Parcel Y: 20.5
- Parcel Z: 20.5

2

