

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-8718
Date Received: 8/14/1989
Receipt No: W004395
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARTY GOLDSMITH Phone: (208)389-0189
C/O FARWEST LLC
4487 N DRESDEN PLACE SUITE 102
BOISE ID USA 83714

2. Date of Priority: 04/22/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	30	SW NE	ADA	

5. Description of diverting works:

Well with electric pump, pipe to pressurized irrigation system

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/31	0.84	236

7. Total Quantity Appropriated is:
0.84 C.F.S. and/or 236 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		
04N	01E	30	SW	NE		IRRIGATION	20		
			SE	NW		IRRIGATION	40		
			NE	SW		IRRIGATION	20		
			SE	SW		IRRIGATION	20		
			NW	SE		IRRIGATION	20		
			SW	SE		IRRIGATION	20		
			Section Acres						140
			Total Acres						140

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one 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 this water right in the ongoing Snake River Basin Adjudication.

After specific notification by the Department, the right holder shall install a suitable measuring device 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 right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Place of use is located within Saguaro Canyon Subdivision.

Use of this right is combined with water from Settlers Irrigation District.

15. Basis of Claim: License

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

RECEIVED

JUN 22 2005

WATER RESOURCES
WESTERN 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
63-8718					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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**.

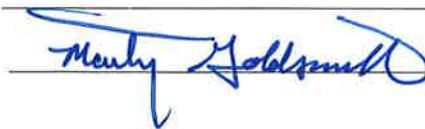
3. Name and Address of Former Owner/Claimant(s) George D. Boyack and Betty L. Boyack
6210 North Meridian Road, Meridian, ID 83642
4. New Owner/Claimant(s) Marty Goldsmith
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address c/o Farwest LLC, 4487 North Dresden Place, Suite 102
- City, State and ZIP Code Boise, ID 83714
- New Telephone Number (208) 389-0189
5. Date you acquired the property 12/28/2004

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

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

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

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



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 N/A
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/28/04 04:42 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Title One

AMOUNT 6.00 2



104163947

WARRANTY DEED

FOR VALUE RECEIVED, GEORGE D. BOYACK, a single man, hereinafter referred to as the Grantor, hereby grants, bargains, sells and conveys unto MARTY GOLDSMITH, an unmarried man, whose address is 4487 N. Dresden Place, Suite #102, Boise, Idaho 83714, Grantee, an undivided one-half interest in the following described premises situated in Ada County, State of Idaho, to-wit:

A parcel of land located in the North half of Section 30, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the West quarter corner of Section 30, Township 4 North, Range 1 East, Boise Meridian; thence South 89°53'36" East 1098.69 feet to the Southwest corner of the Southeast quarter of the Northwest quarter of Section 30; thence

North 00°29'44" East 445.81 feet along the West line of the Southeast quarter of the Northwest quarter of said Section 30 to the REAL POINT OF BEGINNING of this description; thence continuing

North 00°29'44" East 884.37 feet to the Northwest corner of the Southeast quarter of the Northwest quarter of said Section 30; thence

South 89°52'26" East 1318.19 feet to the Northeast corner of the Southeast quarter of the Northwest quarter of said Section 30; thence

South 89°52'38" East 657.92 feet to the Northeast corner of the West half of the Southwest quarter of the Northeast quarter of said Section 30; thence

South 00°32'25" West 1329.07 feet to the Southeast corner of the West half of the Southwest quarter of the Northeast quarter of said Section 30; thence

North 89°54'00" West 657.35 feet to the center quarter corner of said Section 30; thence

North 89°54'41" West 777.73 feet along the South line of the Southeast quarter of the Northwest quarter of Section 30 to a point; thence

North 00°29'44" East 445.46 feet to a point; thence

North 89°52'26" West 540.01 feet to the REAL POINT OF BEGINNING of this description.

SUBJECT, HOWEVER, to all taxes and assessments for the current year and thereafter, and all easements, rights-of-way, covenants, restrictions and reservations, apparent or of record.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity.

TO HAVE AND TO HOLD all and singular the property, together with the appurtenances, unto Grantee as Grantee's sole and separate property together with the income and profits therefrom also as Grantee's sole and separate property, and to Grantee's successors, heirs and assigns forever.

AND Grantor shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, Grantee's successors, heirs and assigns against Grantor and Grantor's successors, heirs and assigns and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto executed this Deed the 28th day of December, 2004.

George D. Boyack
George D. Boyack

STATE OF IDAHO)
 : ss.
County of)

On this 28th day of December, 2004, before me, the undersigned Notary Public in and for said State, personally appeared GEORGE D. BOYACK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Tamera L. Hyde
Notary Public for State of Idaho
Residing at: Boise, ID
My Commission Expires: 12/2/09



ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 06/22/04 04:41 PM
DEPUTY Allen
RECORDED REQUEST OF
Title One
AMOUNT 6.00



Order No.: A0429756

WARRANTY DEED

FOR VALUE RECEIVED,

ROBERT C. RHEAD and MARLENE D. RHEAD, HUSBAND AND WIFE
The Grantor(s), do(es) hereby grant, bargain sell and convey unto

MARTY GOLDSMITH, AN UNMARRIED MAN

whose current address is 4487 N. DRESDEN PALCE BOISE, ID 83714

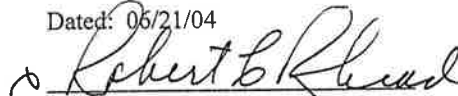
the Grantee(s), the following described premises, in Ada County, Idaho, TO WIT:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

RESERVING HOWEVER, a non-permanent easement for ingress and egress of vehicular traffic to the parcel that is specifically identified on Exhibit A as being excepted from the parcel conveyed (the "Excluded Parcel") on the existing driveway from E. McMillan Rd. to the Excluded Parcel that traverses a portion of the real property granted herein, or by such other reasonable and temporary course that will provide the Excluded Parcel with full ingress and egress access to E. McMillan Rd. Upon the construction of a public street providing full public access to the Excluded Parcel, the easement granted herein shall terminate and be of no further force and effect.

Dated: 06/21/04


ROBERT C. RHEAD


MARLENE D. RHEAD

STATE OF IDAHO
COUNTY OF ADA

ON THIS 18TH OF MAY, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC PERSONALLY APPEARED, ROBERT C. RHEAD, MARLENE D. RHEAD, KNOWN TO ME OR PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.


TAMERA L. HOVDE
NOTARY PUBLIC
RESIDING AT: BOISE
MY COMMISSION EXPIRES:
12/02/09
(SEAL)



EXHIBIT "A"

The East Half of the East Half of the Southwest Quarter and the West Half of the West Half of the Southeast Quarter of Section 30, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPTING THEREFROM

A parcel of land located in the South Half of Section 30, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, being the proposed Lot 4, Block 3, SAGUARO CANYON SUBDIVISION NO. 1, being more particularly described as follows:

Commencing at the Southwest corner of Section 30, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho; thence
South 89°45'44" East along the South line of said Section 30, 2158.97 feet to a point; thence
North 0°14'16" East 297.44 feet to the Southwest corner of proposed Lot 4, Block 3, Saguaro Canyon Subdivision No. 1, the REAL POINT OF BEGINNING of this description; thence continuing around said proposed Lot 4 the following courses and distances; thence
North 0°29'56" East 154.11 feet to a point; thence
South 89°46'01" East 79.00 feet to a point; thence
South 80°28'04" East 43.31 feet to a point; thence
South 89°46'01" East 43.64 feet to a point; thence
South 32°09'17" East 60.85 feet to a point; thence
South 9°39'35" East 27.53 feet to a point; thence
South 69°06'25" East 80.11 feet to a point of curvature; thence along a curve to the right 21.06 feet, said curve having a radius of 312.50 feet, a central angle of 3°51'40", tangents of 10.53 feet, and a chord of 21.06 feet which bears South 39°06'36" West to a point; thence
North 69°06'25" West 62.12 feet to a point; thence
South 5°00'57" West 18.44 feet to a point; thence
South 47°44'47" West 59.70 feet to a point; thence
South 67°35'58" West 48.34 feet to a point; thence
South 23°37'18" West 17.46 feet to a point; thence
North 66°22'42" West 113.04 feet to a point of curvature; thence along a curve to the left 6.70 feet, said curve having a radius of 325.00 feet, a central angle of 1°10'55", tangents of 3.35 feet, and a chord of 6.70 feet which bears North 66°58'10" West to the REAL POINT OF BEGINNING.



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

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[[Get a certificate of existence for FARWEST L.L.C.](#)]

FARWEST L.L.C.

4487 N DRESDEN PL # 102
BOISE, ID 83714

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 01 Feb 2005

State of Origin: IDAHO

Date of 05 Apr 1995

Origination/Authorization:

Current Registered Agent: MARTY GOLDSMITH
4487 N DRESDEN PL # 102
BOISE, ID 83714

File Number: W1038

Date of Last Annual Report: 18 Feb 2005

Amendments:

Amendment filed 05 Apr 1995 ARTICLES OF ORGANIZATION [View Document Online](#)
[Download \(TIFF format\)](#)

Amendment filed 06 Jan 1997 REINSTATEMENT

Amendment filed 16 Jun 1997 OTHER - ADD/DELETE MEMBERS [View Document Online](#)
[Download \(TIFF format\)](#)

Annual Reports:

Report for year 2005 ANNUAL REPORT [View Document Online](#)
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Report for year 1996 REINSTATEMENT [View Document Online](#)
[Download \(TIFF format\)](#)

Report for year 1995 ANNUAL REPORT [View Document Online](#)
[Download \(TIFF format\)](#)

No. W 1038	Due no later than Annual Re									
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address - Corre									
NO FILING FEE IF RECEIVED BY DUE DATE	FARWEST L.L.C. MARTY GOLDSMITH 4487 N DRESDEN PL # 102 BOISE, ID 83714									
4. Limited Liability Companies: Enter Names and Ad <table border="1"> <thead> <tr> <th data-bbox="558 625 737 661"><u>Office held</u></th> <th data-bbox="802 625 899 661"><u>Name</u></th> <th data-bbox="1175 632 1503 667"><u>Street or P.O. Address</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="516 688 711 751">Member</td> <td data-bbox="743 688 1328 751">- Marty Goldsmith</td> <td data-bbox="1344 688 1503 751">- 4487 N.</td> </tr> <tr> <td data-bbox="516 926 760 989">Member</td> <td data-bbox="808 926 1360 989">- Developers Services, Inc.</td> <td data-bbox="1268 1003 1503 1066">420 W. V</td> </tr> </tbody> </table>		<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	Member	- Marty Goldsmith	- 4487 N.	Member	- Developers Services, Inc.	420 W. V
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>								
Member	- Marty Goldsmith	- 4487 N.								
Member	- Developers Services, Inc.	420 W. V								
5. Organized Under the Laws of:	6. Signature <u>M</u> Name (Typed or Printed) <u>M</u>									
IDAHO W 1038										
Issued 02/01/2005	Do Not T									

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-8718
Date Received: 8/14/1989
Receipt No: W004395
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GEORGE D BOYACK Phone: (208)888-6605
6210 N MERIDIAN RD
MERIDIAN ID USA 83642

BETTY L BOYACK Phone: (208)888-6605
6210 N MERIDIAN RD
MERIDIAN ID USA 83642

2. Date of Priority: 04/22/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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IRRIGATION	04/01	10/31	0.84	236

7. Total Quantity Appropriated is:

0.84 C.F.S. and/or 236 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
04N	01E	30	SW	NE	IRRIGATION	20
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	20
			SE	SW	IRRIGATION	20
			NW	SE	IRRIGATION	20
			SW	SE	IRRIGATION	20
					Section Acres	140
					Total Acres	140

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one 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 this water right in the ongoing Snake River Basin Adjudication.

After specific notification by the Department, the right holder shall install a suitable measuring device 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 right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Place of use is located within Saguaro Canyon Subdivision.

Use of this right is combined with water from Settlers Irrigation District.

15. Basis of Claim: License

WATER RIGHT NO. 63-8718
As Modified by Transfer No. 71676

In accordance with the approval of Transfer No. 71676, Water Right No. 63-8718 is now described as follows.

Right Holder: GEORGE D BOYACK And
 BETTY L BOYACK
 6210 N MERIDIAN RD
 MERIDIAN ID 83642

Priority Date: April 22, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.84 CFS	236.0 AF
			0.84 CFS	236.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 30 Twp 04N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	30			20.0				40.0	20.0				20.0			20.0	20.0	140.0

Total Acres: 140

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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WATER RIGHT NO. 63-8718
As Modified by Transfer No. 71676

CONDITIONS OF APPROVAL

6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. Place of use is located within Saguaro Canyon Subdivision.
11. Use of this right is combined with water from Settlers Irrigation District.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of April, 20 05


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71676

This is to certify that: FARWEST LLC
4487 N DRESDEN PL STE 102
BOISE ID 83714
(208)388-0189

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-8718	AJC/License	04/22/1977	0.84 cfs	236 af	N/A	53.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-8718	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-8718	63-8718	0.84 cfs	236 af	53.0	140.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.84 cfs	236 af	53.0	140.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of April, 20 05



Chief, Water Allocation Bureau

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71676

RECEIVED

OCT 01 2004

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGION

Farwest LLC

Phone 208-388-0189Post Office address 4487 North Dresden Place, Suite 102, Boise, ID 83714

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Applicant proposes reconfiguring place of use to allow irrigation of common areas, road right-of-way, and a portion of residential lots within the Saguaro Canyon Subdivision.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-8718</u>	<u>4/22/1977</u>	<u>0.84 / 236</u>	<u>irrigation</u>	<u>4/01</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.84 cubic feet per second and/or 236 acre-feet per annum.

3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	30	4N	1E	Ada	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	30			20					40	20			20		20	20		140

Total Acres 53 acres within a 140-acre permissible place of use

PART 1**6. General Information:**

a. Description of diversion system Well with electric pump, pipe to pressurized irrigation system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Water will be used for supplemental irrigation of common areas, road right-of-way, and a portion of residential lots within the Saguaro Canyon Subdivision. A 140-acre permissible place of use is proposed. The irrigated area of common areas, road right-of-way, and a portion of residential lots total approximately 53 acres. Residenital lots proposed for irrigation are Phases 5 through 10 and a portion of 4. The irrigated portion of Phase 4 is Lots 4 through 7 of Block 24, Lots 1 through 5 of Block 26, and Lots 5 through 10 of Block 25.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (Based on SRBA Recommendation)

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-8718 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water ground water tributary to NA

4. Date or priority 4/22/1977

5. Water is used for the following purposes:

amount 0.84 / 236 for irrigation purposes from 4/01 to 10/31
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.84 cubic feet per second and/or 236 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	30	4N	1E	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	30			20					33									53

Total Acres 53

9. Describe any other water rights used for the same purpose as described above Settlers Irrigation District

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No	If yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

- 2. Point(s) of Diversion:**

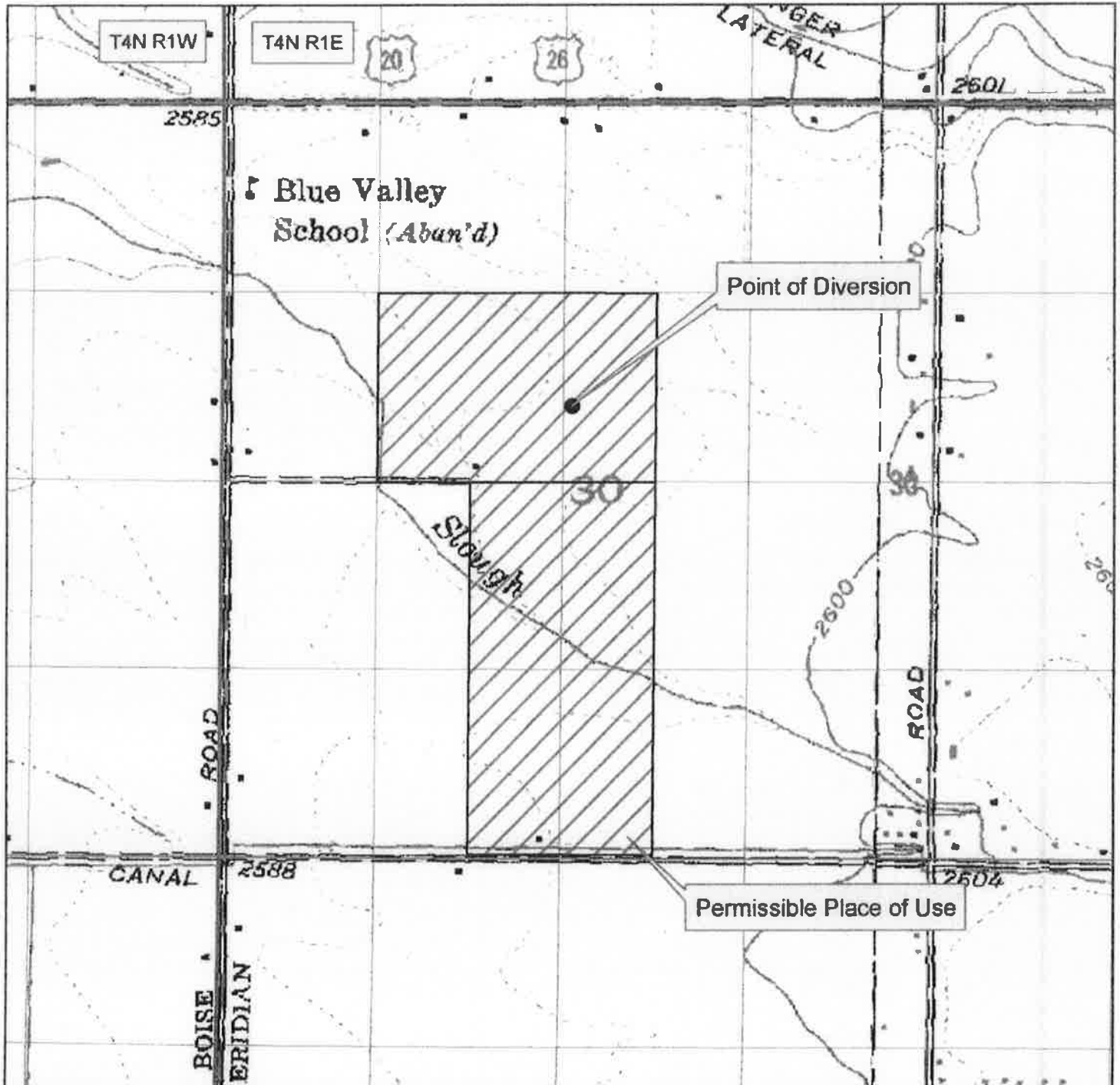
[illegible]

3. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 1 inch equals 1000 feet

PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|--------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | to _____ |
| | _____ | _____ | _____ | to _____ |
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this 29th day of September, 20 04.

Marty Belmont
 (Signature of Applicant)

Traci E. Irvin

(Notary Public)

My commission expires 5/12/06

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 10-1-04 Protest filed by _____

Prelim. Check by _____ Fee \$250-

Received by DB # W0322109 Date 10-1-04

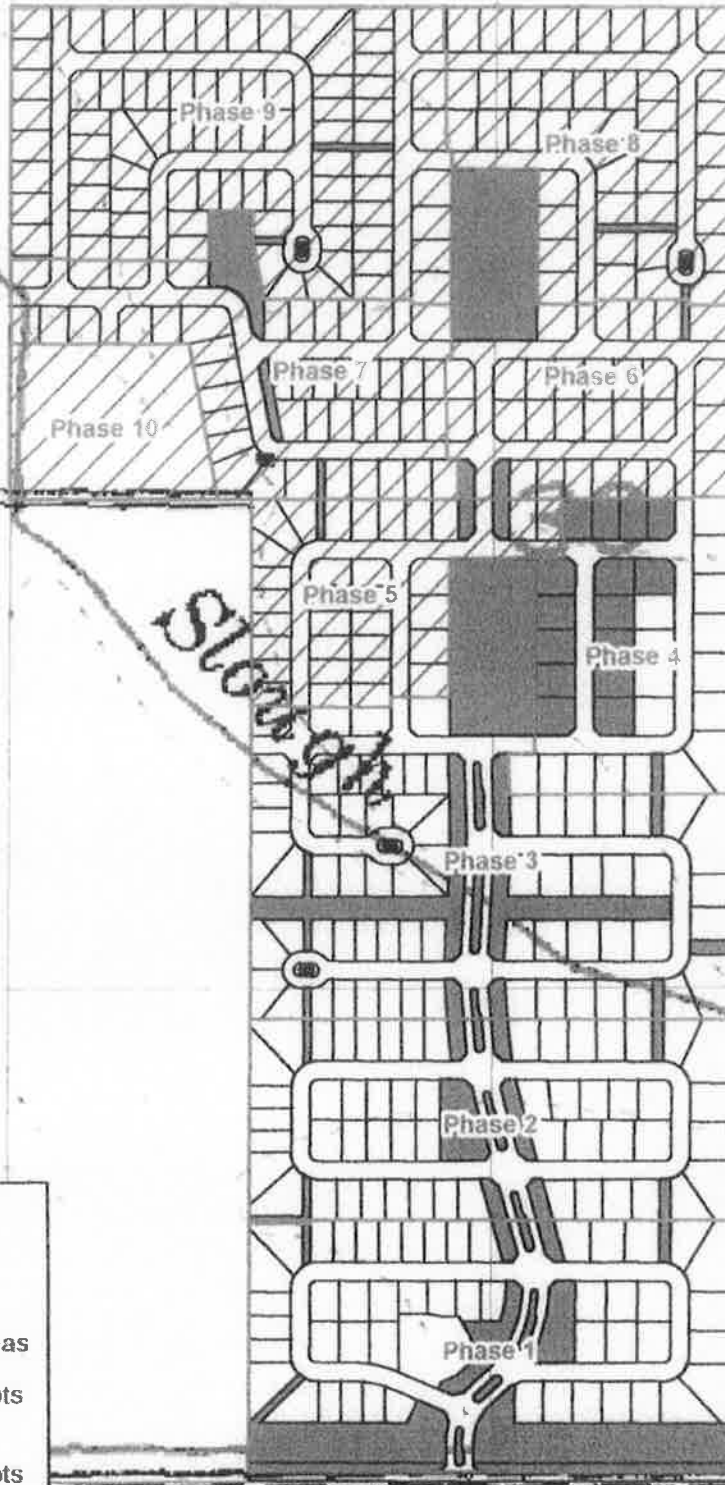
Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

SCHOOL (ACROSS)



EXPLANATION

- Phase boundaries
- Irrigated common areas
- Irrigated residential lots
- Phases 5 - 10
- Irrigated residential lots
in Phase 4
 - Block 24, Lots 4 - 7
 - Block 26, Lots 1 - 5
 - Block 25, Lots 5 - 10

Note: Right-of-way irrigated
areas not shown

Figure 1: Irrigated area for Saguaro
Canyon Subdivision by water right 63-8718.

0 250 500
Feet
September 17, 2004



SPF Water Engineering, LLC
600 E. River Park Lane, Suite 105
Boise, ID 83706
(208) 383-4140

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 06/22/04 04:41 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Title One
AMOUNT 6.00



Order No.: A0429756

WARRANTY DEED

FOR VALUE RECEIVED,

ROBERT C. RHEAD and MARLENE D. RHEAD, HUSBAND AND WIFE
The Grantor(s), do(es) hereby grant, bargain sell and convey unto

MARTY GOLDSMITH, AN UNMARRIED MAN

whose current address is 4487 N. DRESDEN PALCE BOISE, ID 83714

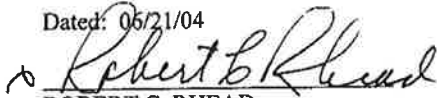
the Grantee(s), the following described premises, in Ada County, Idaho, TO WIT:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

RESERVING HOWEVER, a non-permanent easement for ingress and egress of vehicular traffic to the parcel that is specifically identified on Exhibit A as being excepted from the parcel conveyed (the "Excluded Parcel") on the existing driveway from E. McMillan Rd. to the Excluded Parcel that traverses a portion of the real property granted herein, or by such other reasonable and temporary course that will provide the Excluded Parcel with full ingress and egress access to E. McMillan Rd. Upon the construction of a public street providing full public access to the Excluded Parcel, the easement granted herein shall terminate and be of no further force and effect.

Dated: 06/21/04


ROBERT C. RHEAD


MARLENE D. RHEAD

STATE OF IDAHO
COUNTY OF ADA

ON THIS 18TH OF MAY, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC PERSONALLY APPEARED, ROBERT C. RHEAD, MARLENE D. RHEAD, KNOWN TO ME OR PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

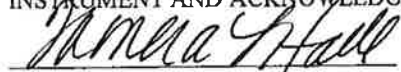

TAMARA L. HOVDE
NOTARY PUBLIC
RESIDING AT: BOISE
MY COMMISSION EXPIRES:
12/02/09
(SEAL)



EXHIBIT "A"

The East Half of the East Half of the Southwest Quarter and the West Half of the West Half of the Southeast Quarter of Section 30, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPTING THEREFROM

A parcel of land located in the South Half of Section 30, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, being the proposed Lot 4, Block 3, SAGUARO CANYON SUBDIVISION NO. 1, being more particularly described as follows:

Commencing at the Southwest corner of Section 30, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho; thence
South 89°45'44" East along the South line of said Section 30, 2158.97 feet to a point; thence
North 0°14'16" East 297.44 feet to the Southwest corner of proposed Lot 4, Block 3, Saguaro Canyon Subdivision No. 1, the REAL POINT OF BEGINNING of this description; thence continuing around said proposed Lot 4 the following courses and distances; thence
North 0°29'56" East 154.11 feet to a point; thence
South 89°46'01" East 79.00 feet to a point; thence
South 80°28'04" East 43.31 feet to a point; thence
South 89°46'01" East 43.64 feet to a point; thence
South 32°09'17" East 60.85 feet to a point; thence
South 9°39'35" East 27.53 feet to a point; thence
South 69°06'25" East 80.11 feet to a point of curvature; thence along a curve to the right 21.06 feet, said curve having a radius of 312.50 feet, a central angle of 3°51'40", tangents of 10.53 feet, and a chord of 21.06 feet which bears South 39°06'36" West to a point; thence
North 69°06'25" West 62.12 feet to a point; thence
South 5°00'57" West 18.44 feet to a point; thence
South 47°44'47" West 59.70 feet to a point; thence
South 67°35'58" West 48.34 feet to a point; thence
South 23°37'18" West 17.46 feet to a point; thence
North 66°22'42" West 113.04 feet to a point of curvature; thence along a curve to the left 6.70 feet, said curve having a radius of 325.00 feet, a central angle of 1°10'55", tangents of 3.35 feet, and a chord of 6.70 feet which bears North 66°58'10" West to the REAL POINT OF BEGINNING.

WATER RIGHT TRANSFER AGREEMENT

This WATER RIGHT TRANSFER AGREEMENT is entered into effective this 28th day of September, 2004 between George D. Boyack, a widower ("Boyack") and Farwest, L.L.C., an Idaho limited liability company ("Farwest"). In consideration of the mutual covenants herein contained, the parties hereby agree as follows:

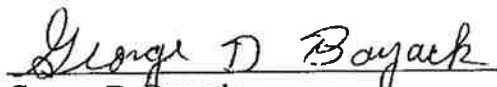
1. Farwest is purchasing approximately 60.3 acres of land with appurtenant water rights from Boyack. The 60.3 acres are located in the W ½ of the SW ¼ NE ¼ and the SE ¼ NW ¼ of Section 30, T4N, R1E, Ada County, Idaho.
2. Farwest will complete the purchase of the 60.3-acre Boyack property in July 2005.
3. Farwest will receive, with the 60.3 acres, water right 63-8718 for irrigation of 53 acres at a diversion rate of 0.84 cfs. That water right is appurtenant to 20 acres in the SW ¼ NE ¼ and 33 acres in the SE ¼ NW ¼ of Section 30.
4. Farwest desires to immediately submit a water right transfer. The transfer would authorize use of the water on the 60.3-acre Boyack property and on properties to the south currently owned by Farwest. In combination, these lands are being developed by Farwest as a residential subdivision to be known as Saguaro Canyon.
5. Boyack hereby consents to the transfer proposed by Farwest. Farwest intends to submit the application for transfer in 2004.
6. Boyack will have full use of water right 63-8718 until the sale is completed.
7. If Farwest does not complete the purchase of the 60.3 acres by August, 2005, the parties agree to rescind the transfer.

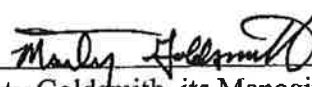
IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the effective day set forth above.

BOYACK:

FARWEST:

FARWEST, L.L.C.

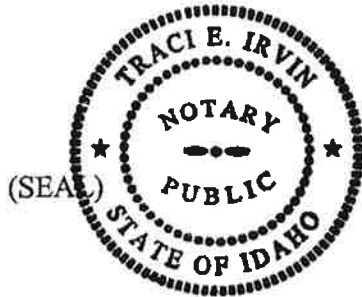

George D. Boyack

By: 
Marty Goldsmith, its Managing Member

STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of September, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE D. BOYACK known or identified to me to be the person who subscribed said name to the foregoing instrument, and acknowledged to me that he 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.



Traci E. Irvin
Notary Public for Idaho
Residing at Eagle, Idaho
Commission expires: 5/12/06

STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of September, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared MARTY GOLDSMITH, known or identified to me to be the Managing Member of FARWEST, L.L.C., and the person who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company, and that such limited liability company executed the same in said company name.

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



Traci E. Irvin
Notary Public for Idaho
Residing at Eagle, Idaho
Commission expires: 5/12/06

REVENUE STAMPS

WARRANTY DEED 5916466

For Value Received CLARA E. DOTY, a widow, 1117001508

the grantor, do es hereby grant, bargain, sell and convey unto GEORGE D. BOYACK and BETTY L. BOYACK, husband and wife, 6210 N. Meridian Rd, the grantee S, the following described premises, to-wit: Meridian, 1st 83642

W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the North 24 feet of Lot 3, all in Section 30, Township 4 North, Range 1 East, Boise Meridian, in Ada County, State of Idaho.

Together with all water, water rights, ditches and ditch rights of way appurtenant thereto or connected therewith.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 21st, 1967.

Clara E. Doty

STATE OF IDAHO, COUNTY OF ADA
On this 21st day of NOV., 1967,
before me, a Notary Public in and for said State, personally
appeared

CLARA E. DOTY, a widow,

known to me to be the person who SE name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

John Bastija
Notary Public
Boise, Idaho
Meridian
General Counsel

John E. 1967

STATE OF IDAHO, COUNTY OF Ada
I hereby certify that this instrument was filed for record at
the request of Betty Boyack
at 38 minutes past 4 o'clock P.M.
this 21st day of Nov.
1967, in my office, and duly recorded in Book
of Deeds at page

JOHN BASTIJA

Ex-Officio Recorder

By *John Bastija*
Fees \$ 300
Mail to:

INSTRUMENT NO.

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: A63-08718
Date Received: 8/14/1989
Receipt No: W004395
Received By: Rdh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE D. BOYACK 208-888-6605
Address: 6210 N. MERIDIAN RD.
MERIDIAN, ID 83642

OR

Name: BETTY L. BOYACK 208-888-6605
Address: 6210 N. MERIDIAN RD.
MERIDIAN, ID 83642

2. Date of Priority: APR 22, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	30	SW	NE			ADA

5. Description of diverting works:
160' DEEP, 12" CASING, DITCHES, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.840		236.00

7. Total Quantity Appropriated is:
0.840 C.F.S. (and/or) 236.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A63-08718

Page 1

Date: 08/14/89

MICROFILMED
AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	30	SW	NE		IRR	10.0
			SW	NW		IRR	6.0
			SE	NW		IRR	37.0
						Section Acres	53.0
						Total Acres	53.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
SETTLER'S IRRIG.

14. Remarks:
LIC. INCORRECTLY DESCRIBES THE ACREAGE IN THE 1/4, 1/4'S AND
HAS BEEN CORRECTED ON THIS CLAIM. THE TOTAL AMOUNT IS STILL
THE SAME.

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Betty L. Boyack Date: 8-14-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 14th day

of Aug 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton

My Commission Expires at Boise, Idaho

My Commission Expires December 8, 1994

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

RIGHT NUMBER: 63-8718

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

MARTY GOLDSMITH
C/O FARWEST LLC
4487 N DRESDEN PLACE SUITE 102
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.840 CFS
236.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/22/1977

POINT OF DIVERSION:

T04N R01E S30 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.840 CFS 236.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in ADA County

T04N R01E S30	SWNE	20.00	T04N R01E S30	SENW	40.00
T04N R01E S30	NESW	20.00	T04N R01E S30	SESW	20.00
T04N R01E S30	NWSE	20.00	T04N R01E S30	SWSE	20.00

140 ACRES TOTAL

This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.

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

After specific notification by the Department, the right holder shall install a suitable measuring device 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.

Place of use is located within Saguaro Canyon Subdivision.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Use of this right is combined with water from Settlers Irrigation District.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

The right holder shall accomplish the change authorized by Transfer 71676 within one year of the date of the approval.

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

In Re SRBA

Case No. 39576

Water Rights: 63-8718

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: October 22, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 22, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

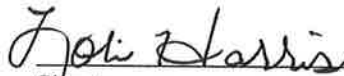
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Settlers Irrigation District	☐	overnight mail
PO Box 7571	☒	regular mail
Boise ID 83707	☐	hand-delivered
	☐	facsimile

Scott L. Campbell	☐	overnight mail
Moffatt Thomas Barrett Rock & Fields	☒	regular mail
PO Box 829	☐	hand-delivered
Boise ID 83701-0829	☐	facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 22, 2008

SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

Re: Water Right No. 63-8718

Dear Sir or Madam:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: Scott L. Campbell

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-8718	63-08718	License			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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**.
 SEE ATTACHMENT A
- 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
 SEE ATTACHMENT B
 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) Marty Goldsmith and Justin Martin
4487 N. Dresden Place, Ste. 102, Boise, Idaho 83714
4. New Owner/Claimant(s) Settlers Irrigation District
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
PO Box 7571
 New Mailing Address Boise, Idaho 83707
 City, State and ZIP Code
 New Telephone Number (208) 344-2471
5. Date you acquired the property January 5, 2005

NO \$

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

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

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

7. Signature of New Owner(s) or Claimant(s) Tom E Davis
(include title if applicable) Tom Davis, President, Settlers Irrigation District

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 [Signature] Date 10-29-06 Fee N/A
 Received by [Signature] Date 11-22-06 Receipt No. N/A
 Processed by [Signature] AJ Date 11-22-06 WR 63-8718 Date 9-15-08
9-15-08

**WELL PARCEL
SAGUARO CANYON
DECEMBER 1, 2004**

A PARCEL OF LAND AROUND A WELL SITUATED IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, T.4N., R.1E, B.M., MERIDIAN, ADA COUNTY, IDAHO; THENCE S 89°45'44" E ALONG SOUTH LINE OF SAID SECTION 30 2410.76 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 30;

THENCE N 2°12'53" E 3099.68 FEET TO THE REAL POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE N 0°00'00" E 10.00 FEET TO A POINT;

THENCE N 90°00'00" E 10.00 FEET TO A POINT;

THENCE S 0°00'00" W 10.00 FEET TO A POINT;

THENCE S 90°00'00" W 10.00 FEET TO THE REAL POINT OF BEGINNING OF THIS DESCRIPTION.

SEE ATTACHED EXHIBIT DRAWING.

WAYNE K. BARBER

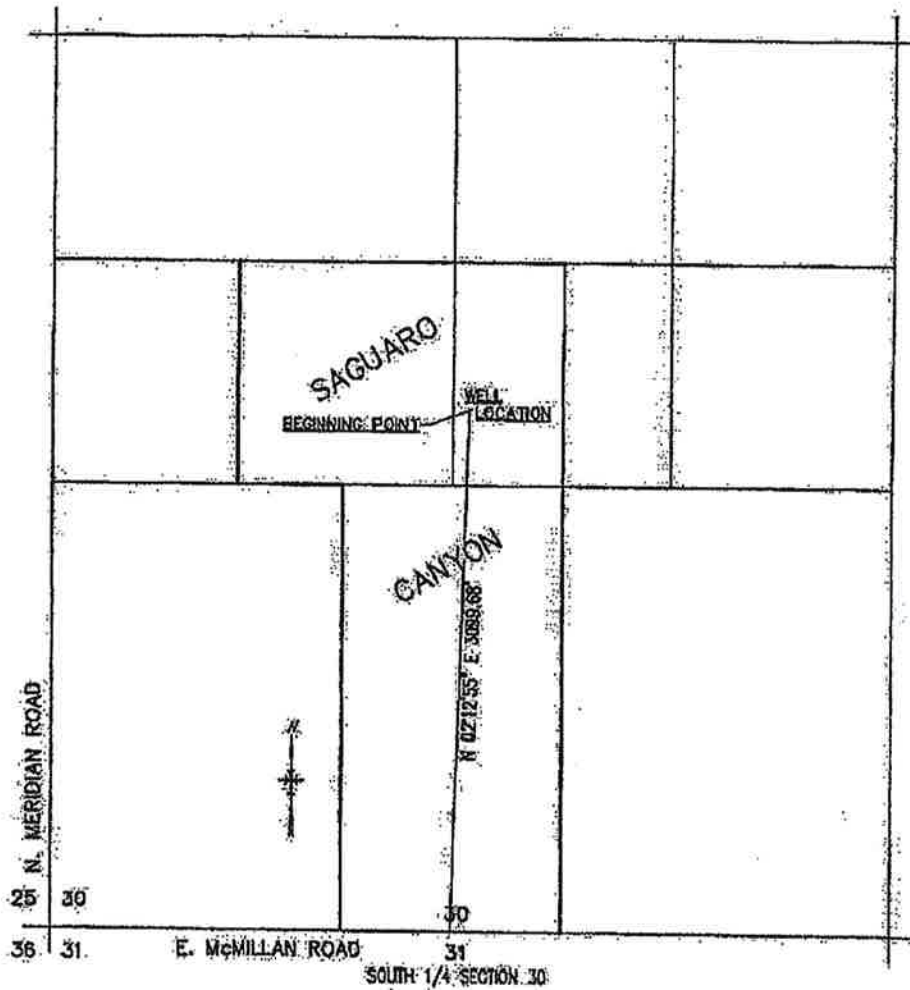


PLS 8444

40206-WELL.doc

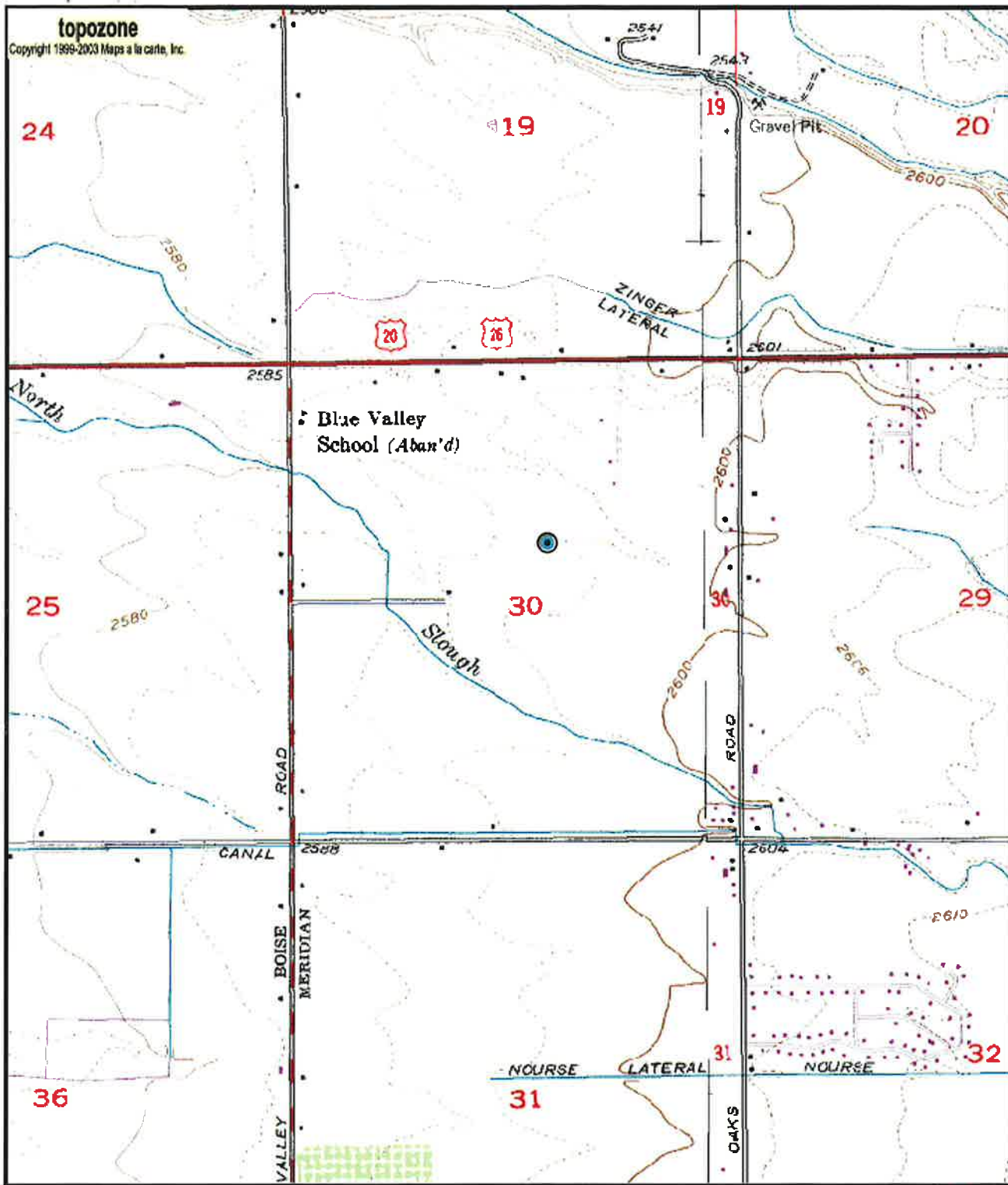
SCANNED
OCT 17 2006

EXHIBIT B



REVISION : BY:	WELL DESCRIPTION SAGUARO CANYON		BRIGGS ENGINEERING, INC.
SHEET : 1 OF 1 SHEET	EXHIBIT B		 ENGINEERS PLANNERS SURVEYORS 1800 W. OVERLAND ROAD • BOISE, IDAHO 83705 • (208) 344-8700
40208-rhwallsh.dwg	DWG DATE 12/01/04 WKB	DWG NO. 40208	SCALE 1" = 1000'
These drawings, or any portion thereof, shall not be used on any Project or extensions of this Project except by written agreement from Briggs Engineering, Inc.			

SCANNED
OCT 17 2006



Township 4N Range 1E
 Ada County, Idaho

SCANNED
 OCT 17 2006

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Moffatt, Thomas, Barrett, Rock &
Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/14/05 04:35 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Moffatt Thomas

AMOUNT 9.00 3



(Space Above For Recorder's Use)

DEED FOR WATER RIGHT NUMBER 63-08718

FOR VALUE RECEIVED, MARTY GOLDSMITH, an individual, whose address is 4487 N. Dresden Place, Suite 102, Boise, Idaho 83714, and JUSTIN MARTIN, a married man dealing with his separate property, whose address is 4487 N. Dresden Place, Suite 102, Boise, Idaho 83714 (hereinafter collectively referred to as "Grantors"), do hereby grant, bargain, sell, and convey to SETTLERS IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Idaho, whose address is P.O. Box 7571, Boise, Idaho 83707 (hereinafter "Grantee"), all of Grantors' right, title, and interest in and to that certain water right identified as 63-08718, as more particularly described herein and as represented in the Combination License and Construction, Operation, and Maintenance Agreement for Saguaro Canyon Subdivision, executed contemporaneously herewith.

Grantors hereby grant, bargain, sell, and convey to Grantee all of Grantors' right, title, and interest in water right number 63-08718. Water right number 63-08518 is appurtenant to that certain real property situated in the West Half of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 30, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, and the diversion point of which is a well situated on said real property.

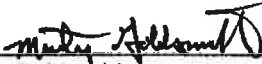
DEED FOR WATER RIGHT NUMBER 63-08718 - 1

BOI_MT2:564200.2

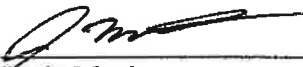
SCANNED
OCT 17 2006

TO HAVE AND TO HOLD said water right number 63-08718 to Grantee and Grantee's successors and assigns forever. Grantors do hereby represent and warrant to and with Grantee that Grantors are the lawful owners of water right number 63-08718 and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 5th day of January, 2005.



Marty Goldsmith



Justin Martin

STATE OF IDAHO)
) ss.
County of Ada)

On this 5th day of January, 2005, before me, a Notary Public in and for said State, personally appeared MARTY GOLDSMITH, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Brian F. McColl
NOTARY PUBLIC FOR IDAHO
Residing at Eagle, Id.
My Commission Expires 5/2/06

STATE OF IDAHO)
) ss.
County of Ada)

On this 5th day of January, 2005, before me, a Notary Public in and for said State, personally appeared JUSTIN MARTIN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Brian F. McColl
NOTARY PUBLIC FOR IDAHO
Residing at Eagle, Id.
My Commission Expires 5/2/06

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

JUL 03 2006

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaefer Kaufmann
Michael W. McGreaham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. Stenquist

Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

June 26, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED

OCT 19 2006

WATER RESOURCES
WESTERN REGION

Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

**Re: Settlers Irrigation District/Change in Water Right Ownership for
Water Right No. 63-8718**
MTBR&F File No. 18955.27

Dear Sir or Madam:

Enclosed please find an original change of water right ownership form for the above-referenced water right, along with the requisite documents establishing ownership of the water right. Please file the original and return the receive-stamped copy in the enclosed, self addressed stamped envelope. ✓ DB

Please note that we are not tendering a filing fee because this water right is pending in the Snake River Basin Adjudication. Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffany M. Hudak
Paralegal

/tmh

Enclosure

cc: Board of Directors (w/encl.)

SCANNED

OCT 17 2006

BOI_MT2:619704.1

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

In Re SRBA

Case No. 39576

Water Rights: 63-8718

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☒ Substitution of Party/Split Water Right

☐ Amended Transfer Pending

IDWR projects the Administrative Proceeding shall be completed not later than:

February 6, 2008

Dated February 6, 2007



Signature of IDWR Representative

INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

CERTIFICATE OF MAILING

I certify that on February 6, 2007, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
2. One copy to Claimant:
Marty Goldsmith
c/o Farwest LLC
4487 N Dresden Pl. Ste. 102
Boise, ID 83714
3. One copy to:
Each party in the subcase, or attorney of record:
Settlers Irrigation District
PO Box 7571
Boise ID 83707



Signature of person or attorney mailing the form

10/26/2005

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

RIGHT NUMBER: 63-8718

NAME AND ADDRESS: MARTY GOLDSMITH
C/O FARWEST LLC
4487 N DRESDEN PLACE SUITE 102
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.840 CFS
236.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/22/1977

POINT OF DIVERSION:

T04N R01E S30 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.840 CFS 236.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S30	SWNE	20.0 ✓	T04N R01E S30	SENW	40.0 ✓
T04N R01E S30	NESW	20.0	T04N R01E S30	SESW	20.0
T04N R01E S30	NWSE	20.0	T04N R01E S30	SWSE	20.0

140 ACRES TOTAL

This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.

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

After specific notification by the Department, the right holder shall install a suitable measuring device 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.

Place of use is located within Saguaro Canyon Subdivision.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Use of this right is combined with water from Settlers Irrigation District.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

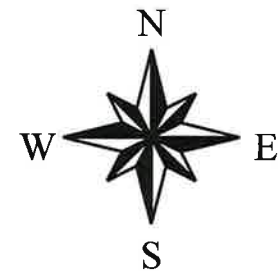
The right holder shall accomplish the change authorized by Transfer 71676 within one year of the date of the approval.

Idaho Department of Water Resources

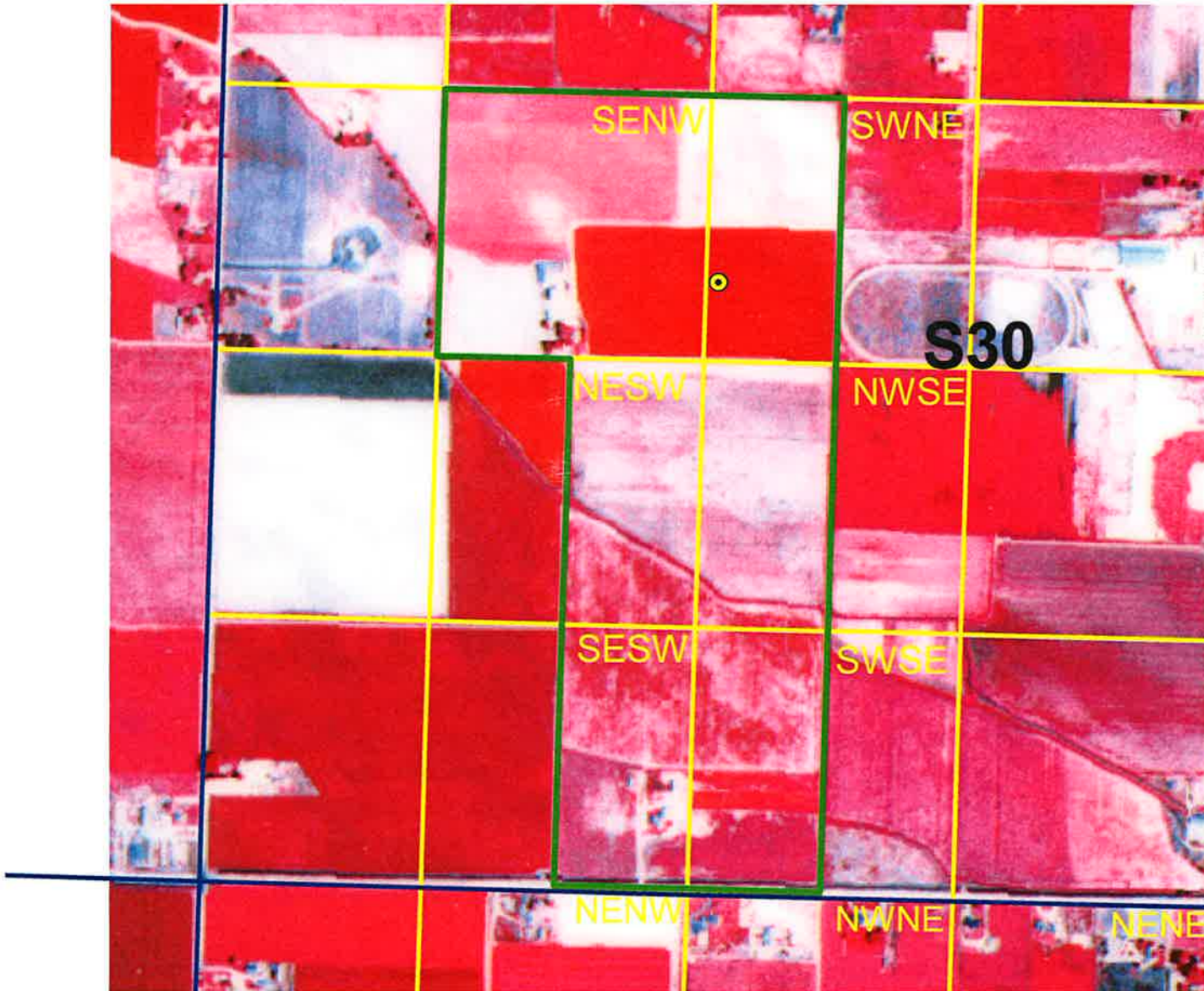
**T04N, R01E,
S30**

**Claim No: 63-8718
Prepared By: Kimberly Brown
Date: May 25, 2005**

-  **Place of Use**
-  **Section Lines**
-  **1/4 1/4**
-  **Point of Diversion**



1987 NAPP



05/19/2005

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

RIGHT NUMBER: 63-8718

NAME AND ADDRESS: BETTY L BOYACK
6210 N MERIDIAN RD
MERIDIAN ID 83642

GEORGE D BOYACK
6210 N MERIDIAN RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.840 CFS
236.000 AFY

PRIORITY DATE: 04/22/1977

POINT OF DIVERSION:

T04N R01E S30 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.840 CFS 236.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S30	SWNE	20.0	T04N R01E S30	SENW	40.0
T04N R01E S30	NESW	20.0	T04N R01E S30	SESW	20.0
T04N R01E S30	NWSE	20.0	T04N R01E S30	SWSE	20.0

140 ACRES TOTAL

This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.

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: License

After specific notification by the Department, the right holder shall install a suitable measuring device 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.

Place of use is located within Saguaro Canyon Subdivision.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Use of this right is combined with water from Settlers Irrigation District.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

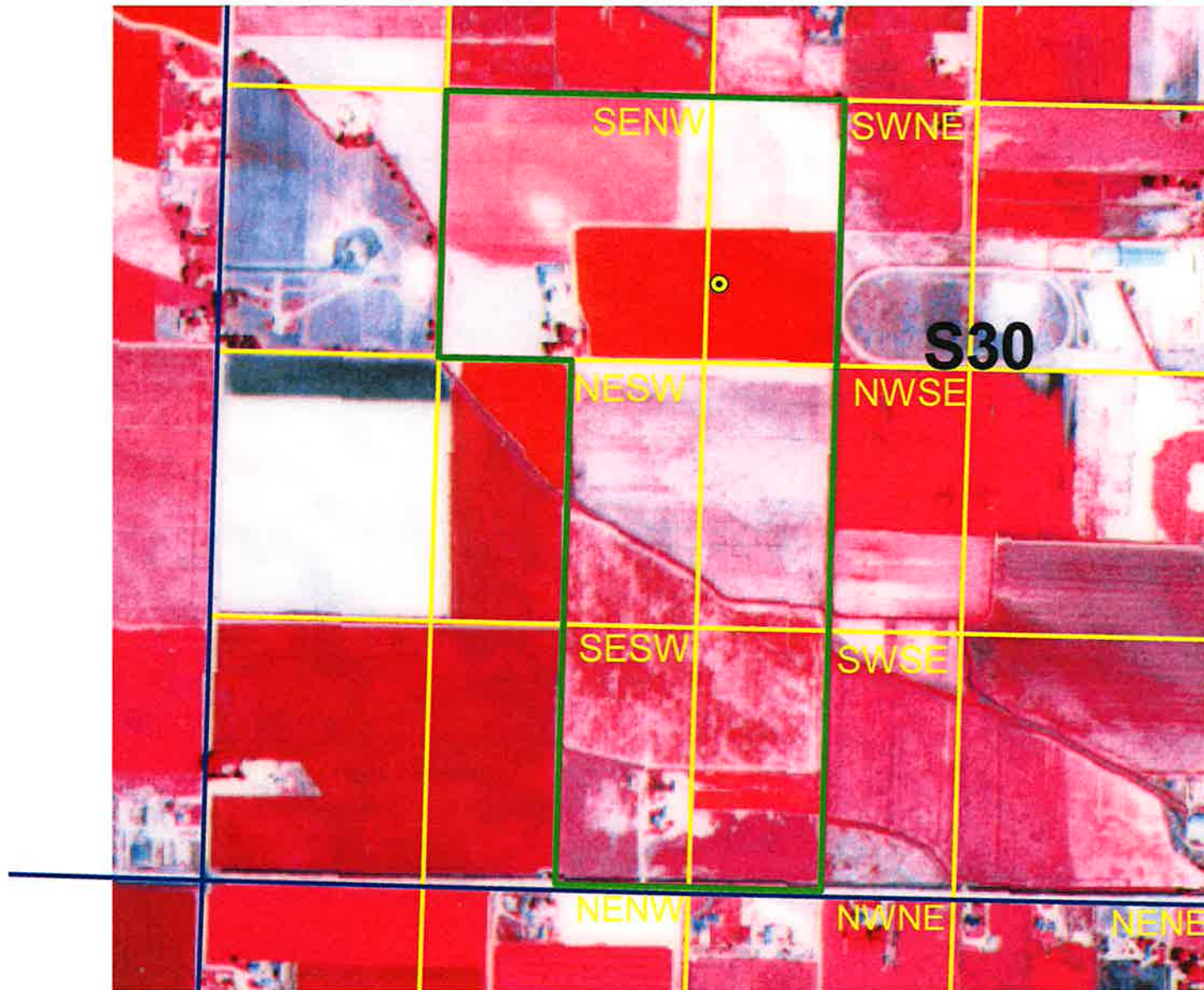
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer 71676 within one year of the date of the approval.

Idaho Department of Water Resources

**T04N, R01E,
S30**

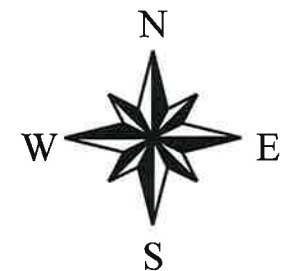
Claim No: 63-8718
Prepared By: Kimberly Brown
Date: May 25, 2005



-  Place of Use
-  Section Lines
-  1/4 1/4

 Point of Diversion

Acres Irrigated = 140



1987 NAPP



RECEIVED

SEP 13 2005

WATER RESOURCES
WESTERN REGION

September 9, 2005

Jan Shurte
Western Region Adjudication Section
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Splitting of Claim No. 63-8718 and Renumbering as Claim 63-32154

Dear Jan:

On behalf of Marty Goldsmith and his company, Farwest LLC, I am responding to the IDWR's letter of August 31, 2005 that describes splitting of claim No. 63-8718 into claims 63-31253 and 63-31254. We believe that claim 63-8718 may have been split in error, and request that you consider recombining the water right.

Water right 63-8718 was originally appurtenant to 53 acres within a 60-acre property owned by George Boyack (i.e., the Boyack Property). A water right transfer (No. 71676) was approved in April 2005 that distributed the 53-acre water right on to both the 60-acre Boyack property and an adjacent 80-acre parcel formerly owned by Robert and Marlene Rhead (i.e., the Rhead Property). The approved transfer allowed for irrigation of 53 acres within this 140-acre permissible place of use. The 140 acres comprise Saguaro Canyon Subdivision. Saguaro Canyon is a residential subdivision being developed by Farwest LLC.

Goldsmith purchased the Rhead property on June 21, 2004. Goldsmith and Justin Martin purchased the Boyack property on December 28, 2004. Thus, Goldsmith has purchased the entire 140-acre permissible place of use. Therefore, there is no need to split the water right. We suggest that you recombine the water right and list both Goldsmith and Martin as owners, with a mailing address c/o Farwest LLC, 4487 North Dresden Place, Boise, ID 83714. Betty Boyack (deceased) and George Boyack are currently shown as owners of the 63-31253 portion of the water right split. The Boyacks should not be listed as owners.

Attached are the following documents to aid in your analysis.

1. Letter of August 31, 2005.
2. Water Right Reports for 63-31253 and 63-31254
3. Transfer 71676 Approval
4. Warranty Deed for the Rhead Property

5. Warranty Deed for the Boyack Property
6. Farwest LLC Business Entity Description and 2005 Annual Report

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Marty Goldsmith – Farwest LLC
Justin Martin – Farwest LLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71676

This is to certify that: FARWEST LLC
 4487 N DRESDEN PL STE 102
 BOISE ID 83714
 (208)388-0189

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-8718	AJC/License	04/22/1977	0.84 cfs	236 af	N/A	53.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

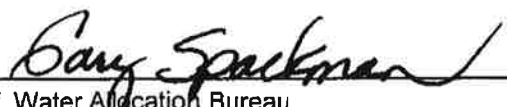
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-8718	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-8718	63-8718	0.84 cfs	236 af	53.0	140.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.84 cfs	236 af	53.0	140.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of April, 20 05


 Chief, Water Allocation Bureau

WATER RIGHT NO. 63-8718
As Modified by Transfer No. 71676

In accordance with the approval of Transfer No. 71676, Water Right No. 63-8718 is now described as follows.

Right Holder: GEORGE D BOYACK And
 BETTY L BOYACK
 6210 N MERIDIAN RD
 MERIDIAN ID 83642

Priority Date: April 22, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.84 CFS	236.0 AF
			0.84 CFS	236.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 30 Twp 04N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	30				20.0				40.0	20.0				20.0			20.0	140.0

Total Acres: 140

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. After specific notification by the Department, the right holder shall install a suitable measuring device 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.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 63-8718
As Modified by Transfer No. 71676

CONDITIONS OF APPROVAL

6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. Place of use is located within Saguaro Canyon Subdivision.
11. Use of this right is combined with water from Settlers Irrigation District.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of April, 20 05


Chief, Water Allocation Bureau

08/06/2003

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

RIGHT NUMBER: 63-8718

NAME AND ADDRESS: BETTY L BOYACK
6210 N MERIDIAN RD
MERIDIAN ID 83642

GEORGE D BOYACK
6210 N MERIDIAN RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.840 CFS
236.000 AFY

PRIORITY DATE: 04/22/1977

POINT OF DIVERSION:

T04N R01E S30 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.840 CFS
236.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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 ADA County

T04N R01E S30 SWNE 20.0

T04N R01E S30 SENW 33.0

53 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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Use of this right is combined with water from Settlers Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8718 V1

WATER RIGHT NUMBER: 63-8718 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BETTY L BOYACK 6210 N MERIDIAN RD MERIDIAN, ID 83642 (208)888-6605
Current Owner	GEORGE D BOYACK 6210 N MERIDIAN RD MERIDIAN, ID 83642 (208)888-6605

Priority Date: 04/22/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.840 CFS	236.00 AF
	<u>Total Diversion:</u>	0.840 CFS	236.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 30, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	30			20.0				33.0										53.0

Total Acres: 53

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. W54 Use of this right is combined with water from Settlers Irrigation District.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8718 V1

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.

Comments:

1. kbrown 6/6/2003 POD & POU

Comment: The POD and POU (excluding NWNW, Lot 1, Sec. 30, T04N R01E) described in the Application For Permit are correct. The Aerial Photo map attached to the Field Report is also correct. Since the Field Examiner incorrectly described the POD and POU in the Field Report, the subsequent Amendment, License, and Claim are incorrect in delineating the POU and the Amendment and License are incorrect in delineating the POD. The Notice of Claim describes the POD correctly. The correct POD: SWNE, Sec. 30. The correct POU: SWNE, Sec. 30 (20 acres) and SENW, Sec. 30 (33 acres).

2. kbrown 6/11/2003 Season of Use

Comment: New Season of Use is 3/1 to 11/15.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

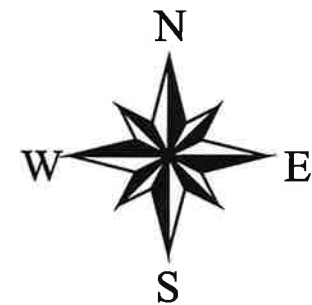
Idaho Department of Water Resources

**T04N, R01E,
S30**

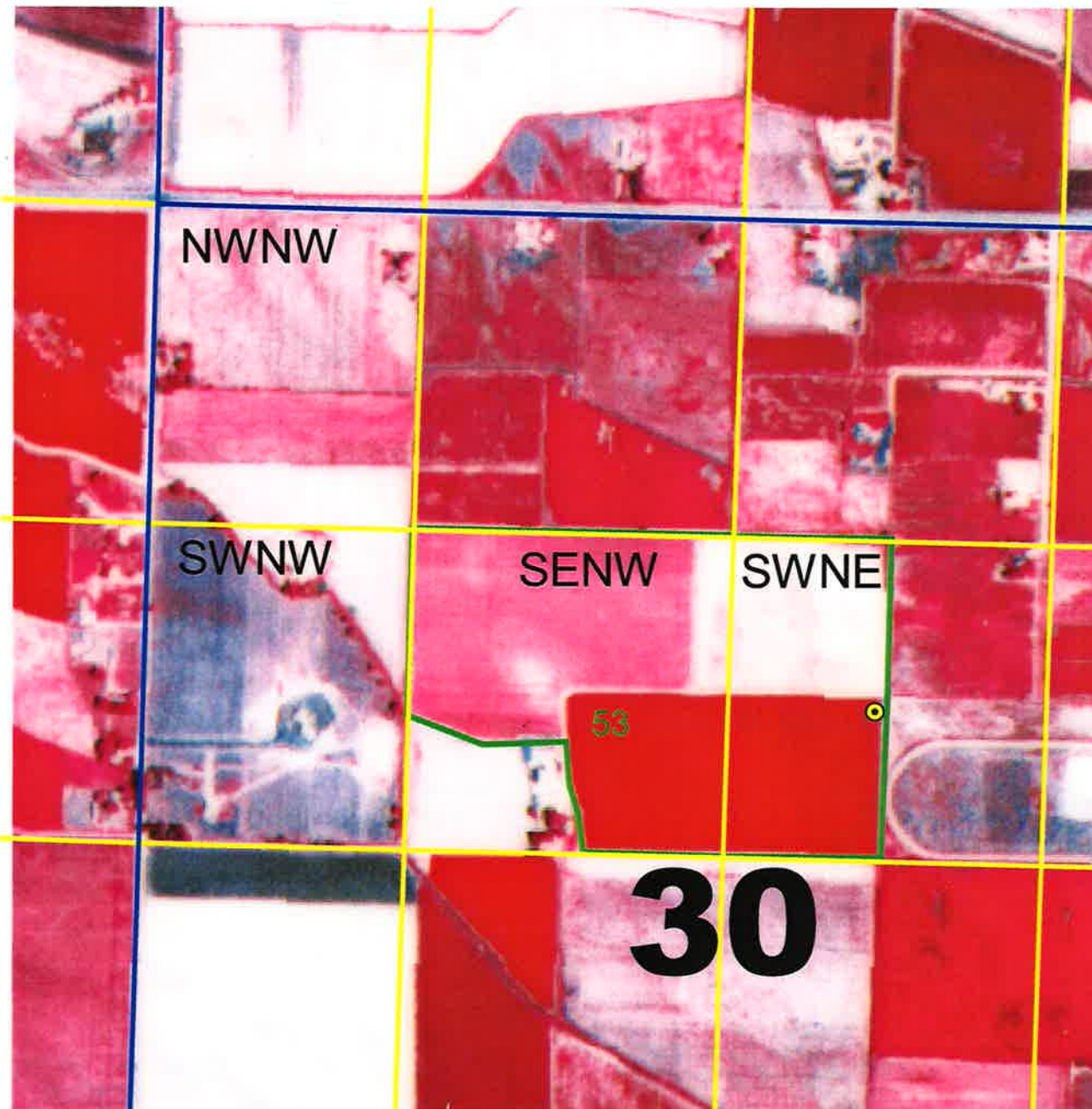
**Claim No: 63-08718
Prepared By: Kimberly Brown
Date: June 6, 2003**

-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **1/4 1/4**

53 acres



1987 NAPP



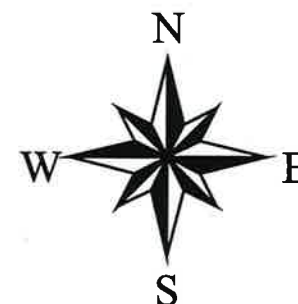
0 0.2 0.4 0.6 0.8 Miles

Idaho Department of Water Resources

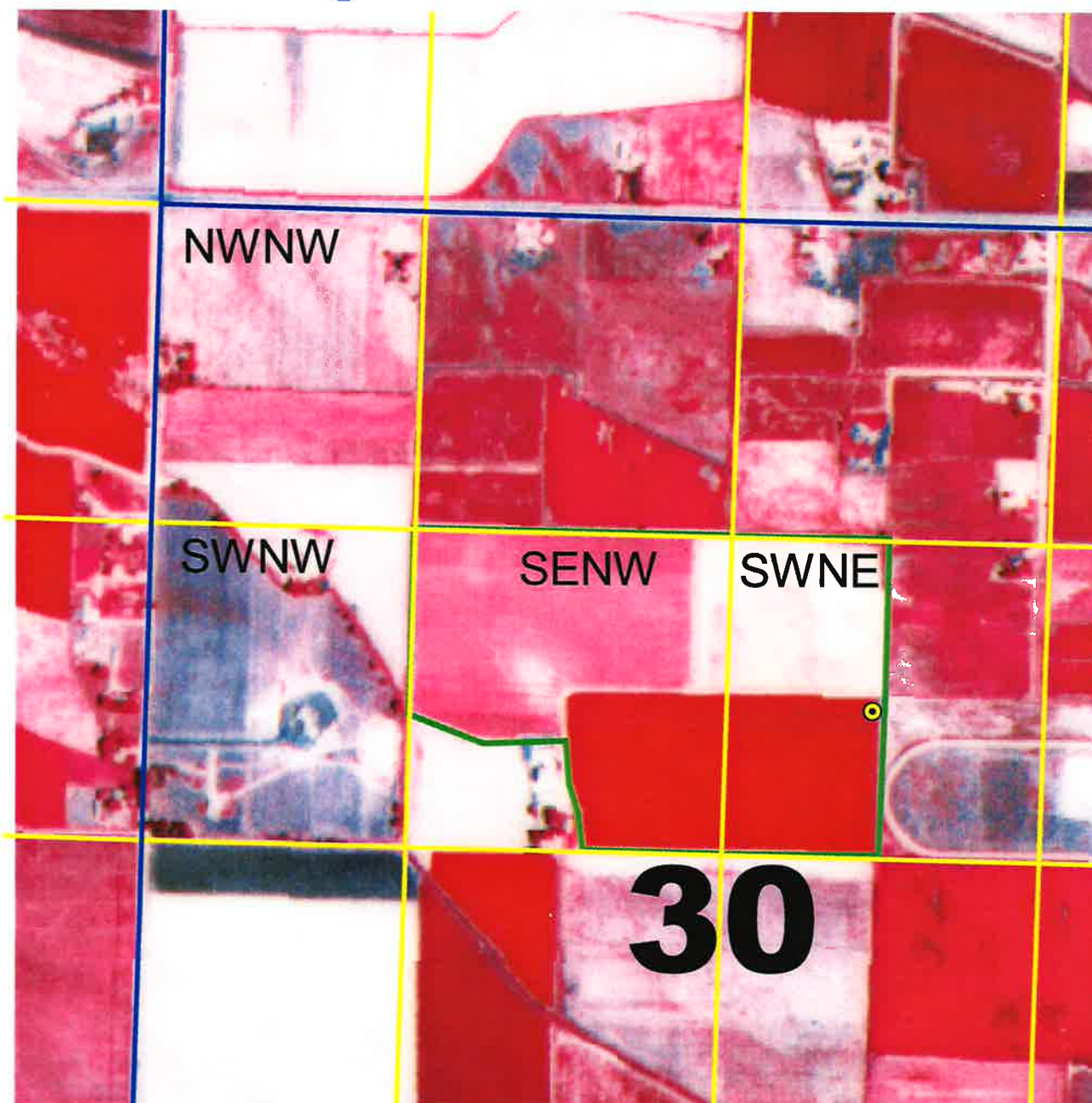
**T04N, R01E,
S30**

**Claim No: 63-08718
Prepared By: Kimberly Brown
Date: June 6, 2003**

-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **1/4 1/4**



1987 NAPP



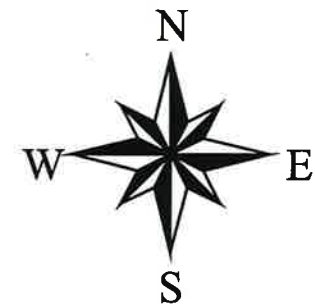
0 0.2 0.4 0.6 0.8 Miles

Idaho Department of Water Resources

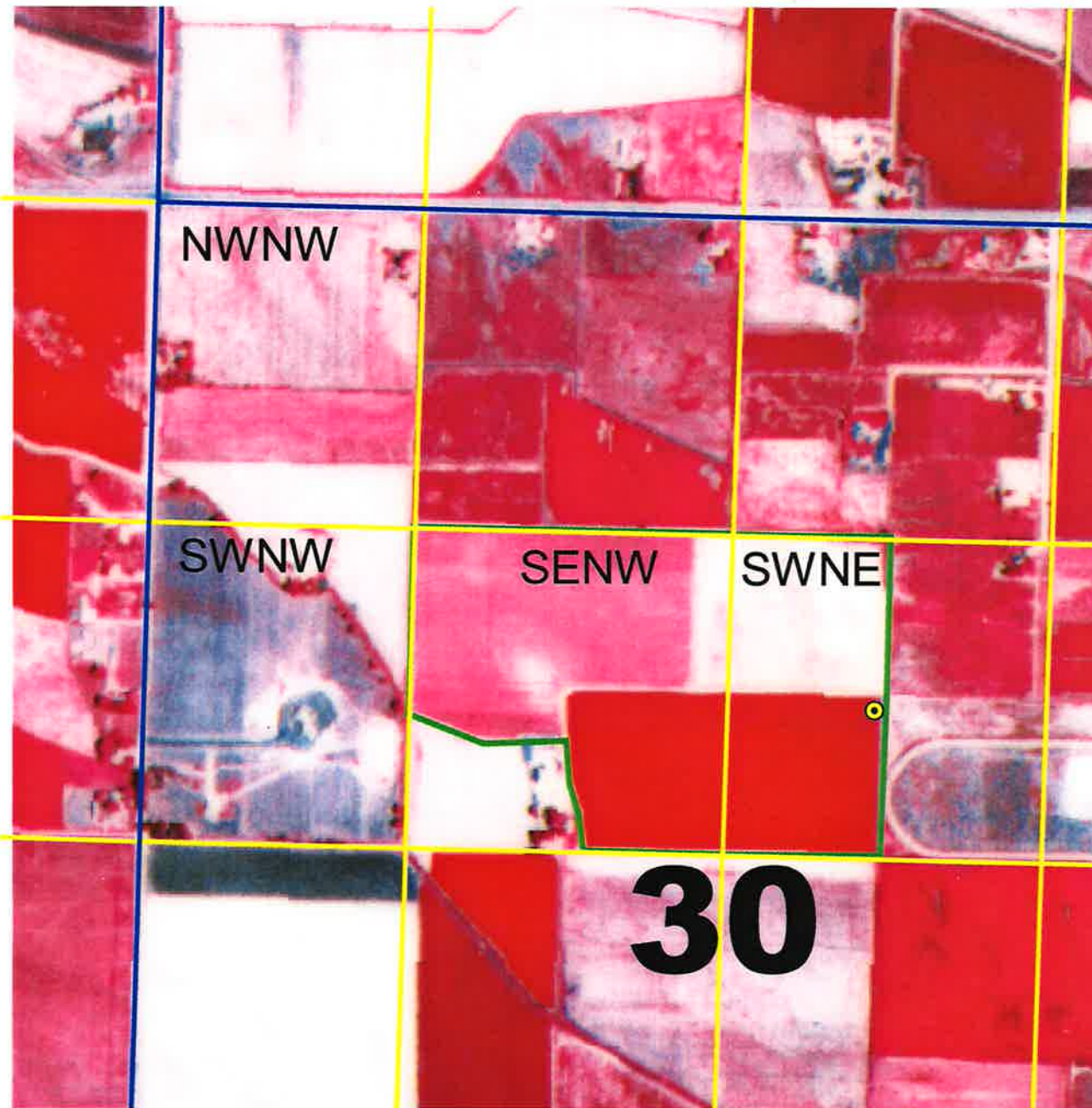
**T04N, R01E,
S30**

**Claim No: 63-08718
Prepared By: Kimberly Brown
Date: June 6, 2003**

-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **1/4 1/4**



1987 NAPP



0 0.2 0.4 0.6 0.8 Miles

(in office)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-08718Owner: Betty & George Boyack Phone No. (208) 888-6605Current Address: 6210 N. Meridian Rd., Meridian 83642

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

Accompanied by: N/A**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 4/22/1977

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

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☒ If different, when did POD change? The Beneficial Use Field Report incorrectly describes the POD and, therefore, the subsequent Amendment and License are incorrect also. However, the Notice of Claim correctly describes the POD.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See attached Field Report.**OVERLAP REVIEW**Other water rights with the same point of diversion: None

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

WATER USESSeason of Use is 3/1 to 11/15 per new IDWR Standards.
See Shoulder Remark.☒ No change☐ Different Uses

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

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

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

TOTAL VOLUME – Groundwater only

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

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

The POU (excluding the 27 acres rented by the claimant in NWNW, lot 1, Sec. 30 T4N R1E) described in the Application For Permit is correct. The Aerial Photo map, which is attached to the Field Report, is also correct. The Field Examiner incorrectly described the POU in the Field Report and, therefore, the subsequent Application For Amendment, Water Right License, and Notice of Claim are incorrect.

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

Overlap with other water rights: Settlers Irrigation District.

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

Delivery System Narrative: See attached Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A (Licensed)

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

The correct POD: SWNE, Sec. 30

The correct POI: SWNE, Sec. 30 (20 acres)
SENE, Sec. 30 (33 acres)

Total: 53 acres

Since the license was issued prior to November 1987, the Permit is (basically) correct, and the Field Examiner's Aerial Photo map is correct, I went with what was claimed on the Permit (excluding the 27 acres in the NWNW of Sec. 30). It appears the discrepancies associated with POD and POI stem from the Government lots associated with Sec. 30 (see attachment).

Accomplished change in Point of Diversion and Place of use is justified by looking at Tax lot information (2003) and reviewing the claim file.

See Shoulder Remark for Season of Use.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU N/A
- ☐ GPS readings N/A
- ☒ Completed map and or GIS layout showing POD's and POU

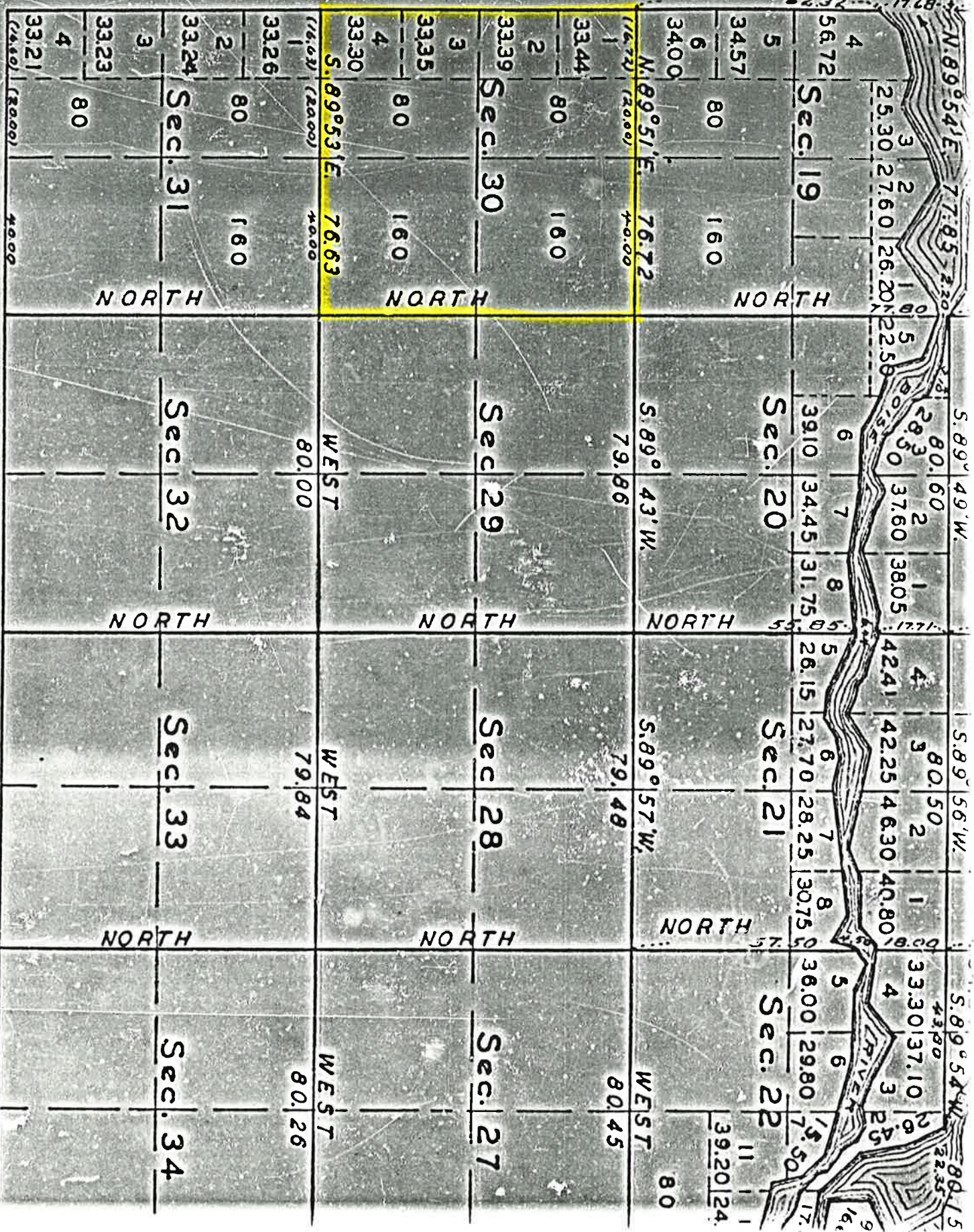
DATE EXAM CONDUCTED: 6.5.03 (in office)

FIELD EXAMINER: Kimberly Brown

80
NCH

NORTH

BOISE



MADE FROM THE OFFICIAL RECORDS OF THE

N. 89° 58' E.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-8718

WATER RIGHT NUMBER: 63-8718

Owner Type Name and Address

Current Owner BETTY L BOYACK ✓
6210 N MERIDIAN RD
MERIDIAN, ID 83642
(208)888-6605

Current Owner GEORGE D BOYACK ✓
6210 N MERIDIAN RD
MERIDIAN, ID 83642
(208)888-6605

Priority Date: 04/22/1977 ✓

Basis: License ✓

Status: Active ✓

Source Tributary

GROUND WATER ✓

Beneficial Use From To Diversion Rate Annual Volume

IRRIGATION ✓ 4/01 to 10/31 ✓ 0.840 CFS ✓ ~~236.00 AF~~ ✓

Total Diversion: 0.840 CFS ✓ ~~236.00 AF~~ ✓

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

SE 1/4 NW 1/4

Sec. 30, Twp 04N, Rge 01E, B.M. ✓

incorrect
SW 1/4 NE 1/4 ✓Place of Use

IRRIGATION ✓

Twp	Rge	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	30			20.				4.0	33.0					53.0 ✓

Total Acres: 53 ✓

Conditions of Approval:

1. R05 The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land. ✓

Remarks:

± 3 other Conditions listed on license

Comments:Dates and Other Information:

53
45
~~238.5~~
keep 236 AF
(field examiner rounded-up)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-8718

Dates and Other Information:

Licensed Date: 9/24/1987 ✓
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

WATER RIGHT LICENSE

WATER RIGHT NO. 63-8718

Priority: April 22, 1977 Amount: .84 CFS 236.0 AFA

This is to certify, that GEORGE D. BOYACK
BETTY L. BOYACK

6210 N. MERIDIAN RD.
MERIDIAN, ID 83642

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 22, 1977, and has submitted proof to the Department of Water Resources on July 1, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .84 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 10/31	.84 cfs	236.0 afa

LOCATION OF POINT OF DIVERSION(S): SENW , Sec. 30, Township 4N, Range 1E
Ada County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
4N	1E	30	SWNW 14	SENW 39			53

Total number of acres irrigated: 53

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24th day of SEPTEMBER, 1987.

RECEIVED

OCT 09 1987

Signature of the Director

Norm Cyong

State of Idaho
Department of Water Resources

AUG 26 1987

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-8718

Department of Water Resources

Date of Priority: April 22, 1977

Comes now GEORGE D. BOYACK
BETTY L. BOYACK
6210 N MERIDIAN RD.
MERIDIAN, ID 83642

APPROVED

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-8718, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 10/31	.84 cfs	236.0 afa

LOCATION OF POINT OF DIVERSION(S): SENW, Sec. 30, Township 4N, Range 1E
Ada County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
4N	1E	30	SWNW 14	SENW 39			53

Total number of acres irrigated: 53

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Meridian, Idaho this 24 day of August, 1987.

MICROFILMED

OCT 03 1987

George D. Boyack
(signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-8718

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Received by 44 Date 8-26-87 # 44498

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. Kenneth Dunn, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-8718 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 24TH day of SEPTEMBER, 1987.

Norman Cyung
Director

RECORDED

OCT 11 1987

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
 3 cylinder detroit diesel engine to US pump. Discharges into a concrete ditch
 for distribution to fields.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	Detroit 3cyl	50	3A0081334	US	8"

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1		SE	SE	NW	30	4N	1E	Ada	Field/aerial photo

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	30							13½	39									52.5

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Do not use this space

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Should questions arise during
processing of this applica-
tion please contact:
SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

A. GENERAL INFORMATION

Permit No. 63-8718
1. Owner: George D. &/or Betty L. Boyack Phone No. 888-6605
Current Address: 6210 N. Meridian Road, Meridian, Idaho 83642
2. Accompanied by: Kenneth Aschenbrenner EXAM. DATE: 6/23/87
Address: Meridian, Idaho Phone No. _____
Relationship to Permit Holder: Lessee
3. Source: Ground water tributary to ----

B. OVERLAP REVIEW

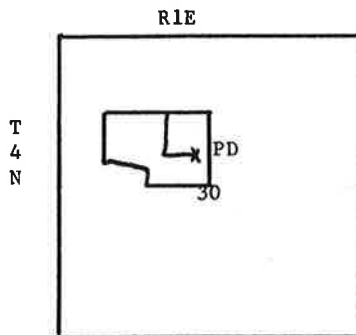
1. Other water rights with same place of use: Settlers Irrigation District

☐ Copies Attached
2. Other water rights with same point of diversion: None

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Cippolletti Weir	2'	Constr.	---	---	2'	---

2. Measurements:

.842 cfs; .25 on staff gage

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 52.5 \times 4.5 = 236$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 408$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 236$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Water is supplemental to Settlers Irrigation District water and is used to irrigate areas which are typically water short or those needing intensive irrigation.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	.842	236
Totals:			.842	236

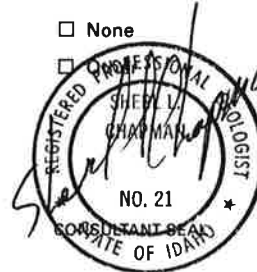
2. Recommended Amendments

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

☐ None

J. AUTHENTICATION

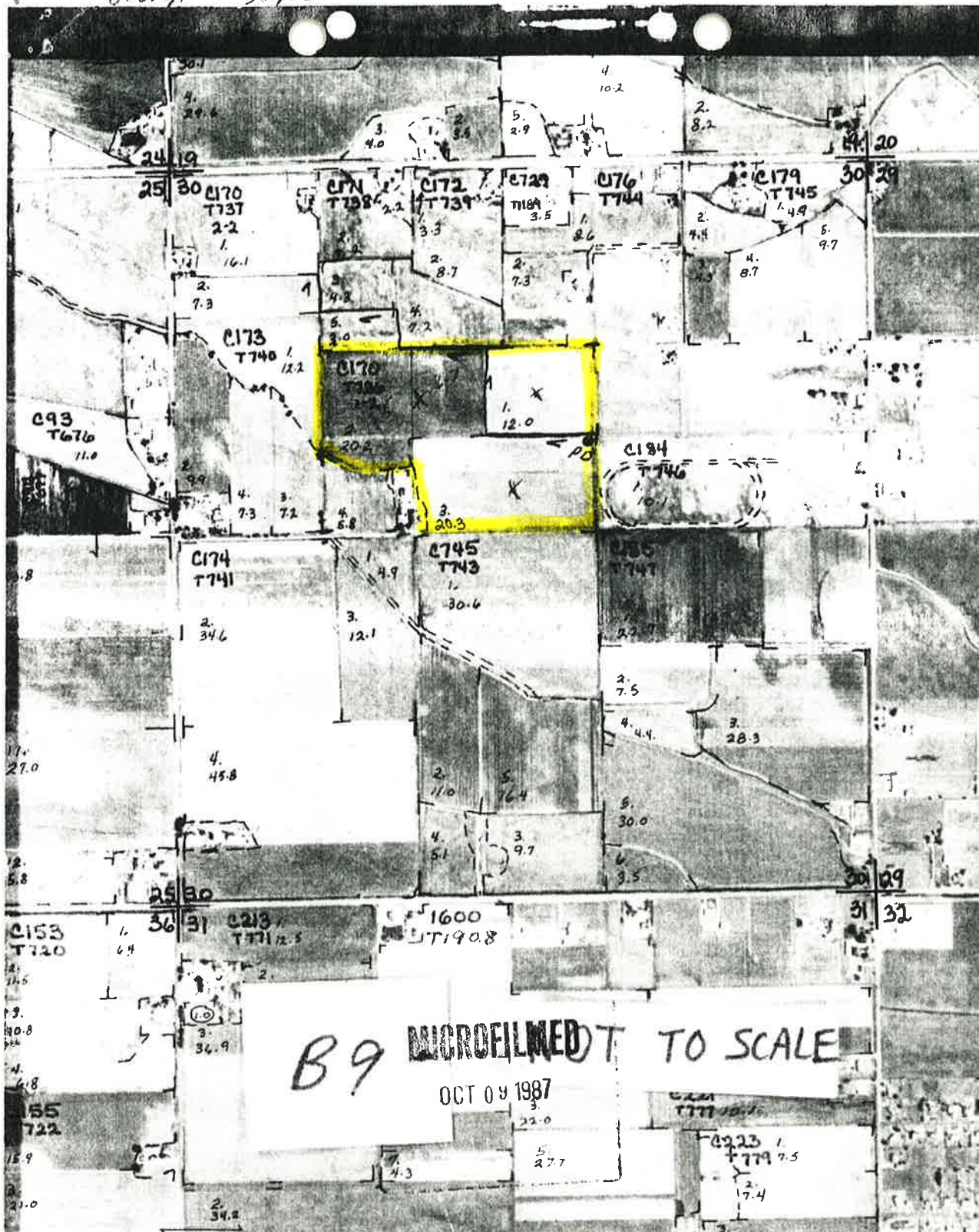
Field Examiner's Name Sheri J. Chapman
Signature Sheri J. Chapman
Certification Date 5/5/87
Field Report Preparation Date 6/24/87



- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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Identification No. _____

Application No. 63-8718

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 GEORGE D. &/or BETTY L. BOYACK Phone: 888-6605
post office address 6210 No. Meridian Road, Meridian, ID
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 30 Township 4N
Range 1E B.M. Ada 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 1.74 for Irrigation purpose from 4-1 to 10-31 (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. 1.74 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump & ditches

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 300 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 \$ 2000.
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: _____

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	
4N	1E	30			20			Lot 1 27	40										87

Total number of acres to be irrigated 87

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

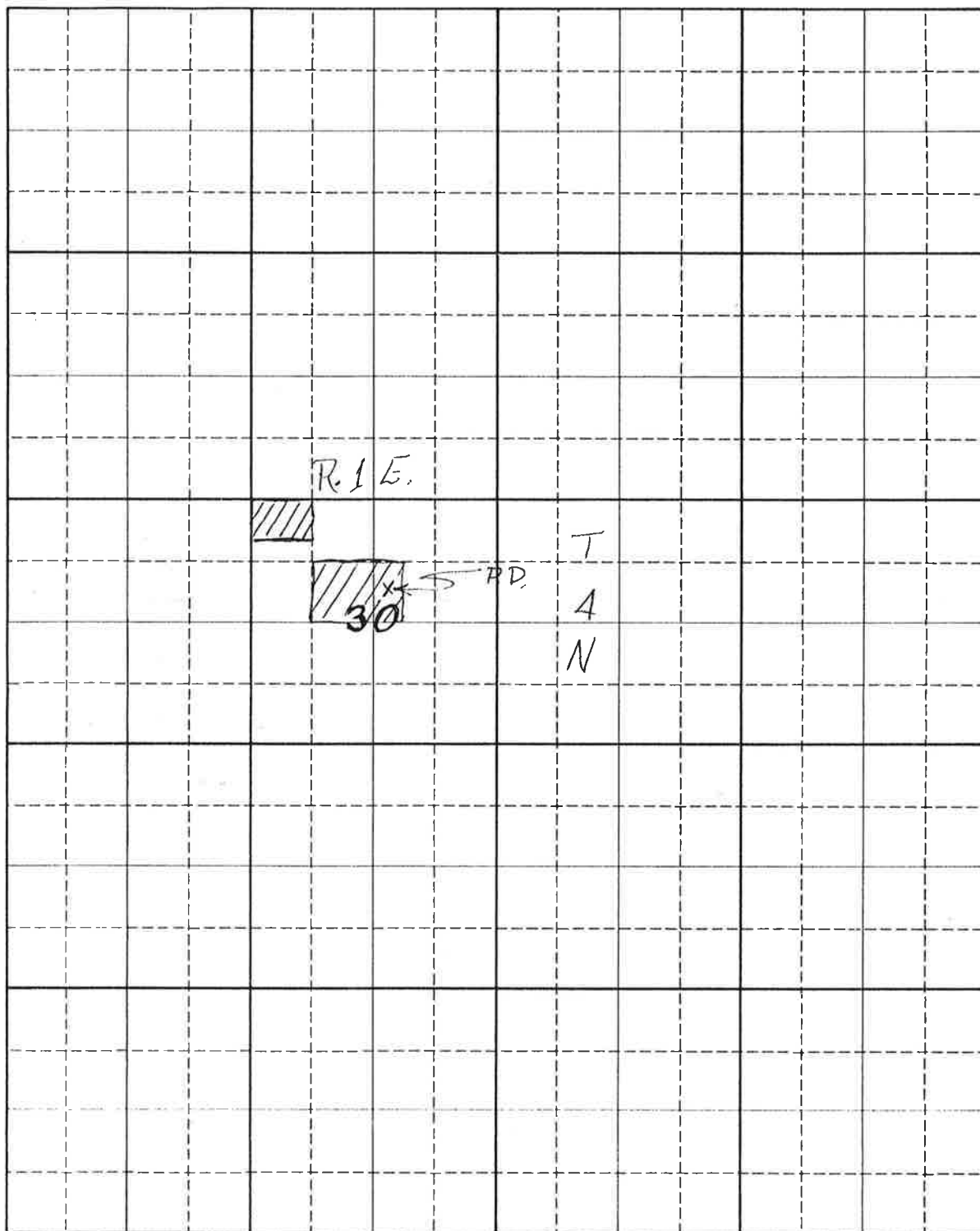
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant in part

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The applicant rents the 27 acres in Lot 1, Sec 30, T4N, R. 1E.

10. Remarks

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.

Petty L. Boyack
(Applicant)

Proposed Priority 4/22/77

Received by B Date 4/22/77 Time 3:30 pm
Preliminary check by PW/H Fee \$ 35.00
Receipted by if Date 4-22-77 # 7609
Publication prepared by if Date 4-28-77
Published in Idaho Statesman
Publication dates May 5+12
Publication approved if Date 5-17-77
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by SSS if

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. 63-8718, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 82.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 12 day of July, 19 77.


Deputy, Director

EXHIBIT A

EXHIBIT A
BOI_MT2:564193.1

SCANNED
OCT 17 2006

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Moffatt, Thomas, Barrett, Rock &
Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/14/06 04:35 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Moffatt Thomas

AMOUNT 18.00 6



(Space Above For Recorder's Use)

DEED FOR INTEREST IN IRRIGATION WELL

FOR VALUE RECEIVED, MARTY GOLDSMITH, an individual, whose address is 4487 N. Dresden Place, Suite 102, Boise, Idaho 83714, and JUSTIN MARTIN, a married man dealing with his separate property, whose address is 4487 N. Dresden Place, Suite 102, Boise, Idaho 83714 (hereinafter collectively referred to as "Grantors"), do hereby grant, bargain, sell, and convey to SETTLERS IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Idaho, whose address is P.O. Box 7571, Boise, Idaho 83707 ("Grantee"), all of Grantors' right, title, and interest in and to the irrigation well which serves as the diversion point for water right number 63-08718, together with the well casings, pumps, motors, electrical connections, and all other appurtenances used in connection therewith, situated in Ada County, Idaho, as more particularly described in Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD said real property and irrigation well, together with its appurtenances, to Grantee and Grantee's successors and assigns forever. Grantors do hereby warrant and represent to and with Grantee that (a) Grantors are the lawful owner of fee simple in the real property and owns One Hundred Percent (100%) interest in said irrigation well; (b) that said premises are free from all encumbrances and liens and subject to reservations, restrictions,

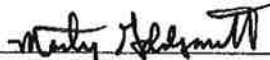
DEED FOR INTEREST IN IRRIGATION WELL - 1

BOI_MT2:564193.1

SCANNED
OCT 17 2006

dedications, easements, rights-of-way and agreements (if any) of record, and general taxes and assessments for the current year are not yet due and payable; and (c) that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 5th day of January, 2005.


Marty Goldsmith


Justin Martin

STATE OF IDAHO)
) ss.
County of Ada)

On this 5th day of January, 2005, before me, a Notary Public in and for said State, personally appeared MARTY GOLDSMITH, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Brian F. McColl
NOTARY PUBLIC FOR IDAHO
Residing at 55 Eagle Ridge
My Commission Expires 5/24/06

STATE OF IDAHO)
) ss.
County of Ada)

On this 5th day of January, 2005, before me, a Notary Public in and for said State, personally appeared JUSTIN MARTIN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Brian F. McColl
NOTARY PUBLIC FOR IDAHO
Residing at Eagle Ridge
My Commission Expires 5/24/06