

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 63-8725
Date Received: 3/15/1990
Receipt No: C015627
Received By:

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

1. Name of Claimant(s)

BROWN FAMILY FARMS LP Phone:
23818 WAGNER ROAD
CALDWELL ID USA 83605

2. Date of Priority: 04/22/1977

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	03W	32	SE NE SW	CANYON	
05N	03W	32	NW NE SW	CANYON	

5. Description of diverting works:

2 WELLS, PUMPS, FURROW OR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.05	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	03W	32	NE SW	IRRIGATION	37
			NW SW	IRRIGATION	38

SW	SW	4	IRRIGATION	35
SE	SW	3	IRRIGATION	38
Section Acres				148
Total Acres				148

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

WELLS #6 AND #7

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

CHANGE IN OWNERSHIP LG- 7-13-2006 REVIEWED BY LORI G.

15. Basis of Claim: License

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

RECEIVED**APR 24 2006****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
<u>63-8725</u>	<u>63-8725</u>	☐	_____	_____	☐
<u>63-31219</u>	<u>63-31219</u>	☐	_____	_____	☐
<u>63-21435</u>	<u>63-21435</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

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) Enrose Farms Inc
23955 Wagner Road, Caldwell, ID 83605
4. New Owner/Claimant(s) Brown Family Farms LP
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 23818 Wagner Road
- City, State and ZIP Code Caldwell, ID 83605
- New Telephone Number (208) 454-8456
5. Date you acquired the property Dec 8th 1994

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	_____	_____

N/A

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) Brown Family Farm L P
(include title if applicable) Lesla Joy Brown

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

For Office Use Only

Received by lg Date 4/24/06 Fee _____
 Receipted by lg Date _____ Receipt No. _____
 Processed by lg AJ Date 7-14-06 WR _____ Date _____

reviewed by - Lori G

200585755

RECORDED

2005 DEC 22 AM 9 57

C NOEL HALE

CANYON COUNTY RECORDER

By *[Signature]*

REQUESTED BY *[Signature]*
TYPE *Deed* FEE *9.00*

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP
3101 W. MAIN, SUITE 200
POST OFFICE BOX 7156
BOISE, ID 83707-1156
208-344-8600

(SPACE ABOVE LINE FOR RECORDER'S USE)

STATUTORY WARRANTY DEED

FOR VALUE RECEIVED, LEOLA JOY BROWN, AS THE SURVIVING TRUSTEE OF THE BILLIE AND LEOLA JOY BROWN FAMILY TRUST, Grantor, does hereby grant, bargain, sell and convey to LEOLA JOY BROWN, a single woman, whose current address is 23818 Wagner Road, Caldwell, Idaho 83605, Grantee, all of Grantor's right, title and interest in and to certain real property located in Canyon County, Idaho, more particularly described on Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such other rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee and Grantee's successors and assigns forever. Grantor hereby covenants to and with the said Grantee that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; AND subject to reservations, restrictions, dedications, easements, rights of way and agreements, if any, of record, and general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable.

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

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument effective the first day of November, 2005.

GRANTOR:

BILLIE AND LEOLA JOY BROWN FAMILY TRUST

BY: Leola Joy Brown
LEOLA JOY BROWN, SURVIVING TRUSTEE

STATE OF IDAHO)
 ss.
COUNTY OF ADA)

On this 29th day of November, 2005, before me, the undersigned Notary Public in and for said State, personally appeared LEOLA JOY BROWN, known or identified to me to be the Surviving Trustee of the BILLIE AND LEOLA JOY BROWN FAMILY TRUST, the within named Grantor, and the person whose name is subscribed to the within instrument, and acknowledged to me that said Trust executed the same for the uses and purposes therein mentioned.

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

 Nicholas Marshall
NOTARY PUBLIC, State of Idaho
Residing at Boise, Idaho
Commission expires: 3/5/2010

EXHIBIT A

APN R3456900000 - 23181 WAGNER ROAD:

Lot 4 (being the same as the Northwest Quarter of the Northwest Quarter) of Section 5, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

SUBJECT TO:

- 1) Liens and assessments of the Black Canyon Irrigation District, and the rights and powers of said district as by law provided.
- 2) Provisions, reservations and restrictions as shown by the several contracts between the United States of America and Black Canyon Irrigation District, and the amendments thereto, or between the present owner or past owners of the real property herein described and the Black Canyon Irrigation District or the United States of America, whether said contracts be of record in the office of the Recorder of Canyon County, Idaho, or on file with the Secretary of Black Canyon Irrigation District.
- 3) Rights of way for irrigation and drainage ditches and canals and roads.
- 4) Water rights.
- 5) Any right, title or interest in any minerals, gravel, mineral rights or related matters, including, but not limited to, oil, gas, coal and other hydrocarbons. Matters may appear of record affecting said rights, but neither this deed nor the forthcoming title policy covers an examination or of insurance as to the ownership or condition of minerals.

200585754

RECORDED

DEC 22 AM 9 57

G NOEL HALES

CANYON CNTY RECORDER

BY *CMC Laughlin* sp.

REQUEST *Thornton Byron*
TYPE *Deed* FEE *27.00*

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP
3101 W. MAIN, SUITE 200
POST OFFICE BOX 7156
BOISE, ID 83707-1156
208-344-8600

(SPACE ABOVE LINE FOR RECORDER'S USE)

STATUTORY WARRANTY DEED

FOR VALUE RECEIVED, LEOLA JOY BROWN, AS THE SURVIVING TRUSTEE OF THE BILLIE AND LEOLA JOY BROWN FAMILY TRUST, Grantor, does hereby grant, bargain, sell and convey to BROWN FAMILY FARMS LP, an Idaho limited partnership, whose current address is 23818 Wagner Road, Caldwell, Idaho 83605, Grantee, all of Grantor's right, title and interest in and to certain real property located in Canyon County, Idaho, more particularly described on Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such other rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee and Grantee's successors and assigns forever. Grantor hereby covenants to and with the said Grantee that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; AND subject to reservations, restrictions, dedications, easements, rights of way and agreements, if any, of record, and general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable.

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

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument effective the first day of November, 2005.

GRANTOR:

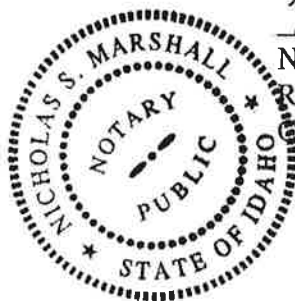
BILLIE AND LEOLA JOY BROWN FAMILY TRUST

BY: Leola Joy Brown
LEOLA JOY BROWN, SURVIVING TRUSTEE

STATE OF IDAHO)
 ss.
COUNTY OF ADA)

On this 29th day of November, 2005, before me, the undersigned Notary Public in and for said State, personally appeared LEOLA JOY BROWN, known or identified to me to be the Surviving Trustee of the BILLIE AND LEOLA JOY BROWN FAMILY TRUST, the within named Grantor, and the person whose name is subscribed to the within instrument, and acknowledged to me that said Trust executed the same for the uses and purposes therein mentioned.

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



Nicholas Marshall
NOTARY PUBLIC, State of Idaho
Residing at Boise, Idaho
Commission expires: 3/5/2010

EXHIBIT A

APN R34578010A0 - MINK ROAD:

A portion of the Northwest Quarter of the Southeast Quarter and of the Northeast Quarter of the Southwest Quarter of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of said Northwest Quarter of the Southeast Quarter; thence

North 89° 35' 44" East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 29.05 feet to the TRUE POINT OF BEGINNING; thence continuing

North 89° 35' 44" East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 1,295.21 feet to the Northeast corner of said Northwest Quarter of the Southeast Quarter; thence

South 1° 04' 29" West along the East boundary of said Northwest Quarter of the Southeast Quarter a distance of 1,326.58 feet to the Southeast corner of said Northwest Quarter of the Southeast Quarter; thence

South 89° 29' 56" West along the South boundary of said Northwest Quarter of the Southeast Quarter a distance of 850.07 feet to a point on the Northerly right-of-way for the Sebree Canal; thence traversing said right-of-way as follows:

North 47° 27' 54" West a distance of 55.98 feet; thence

North 62° 04' 30" West a distance of 110.06 feet; thence

North 71° 18' 49" West a distance of 282.92 feet; thence

North 78° 43' 06" West a distance of 187.65 feet; thence

North 62° 16' 27" West a distance of 81.35 feet; thence

North 30° 51' 05" West a distance of 60.56 feet; thence

North 6° 31' 02" West a distance of 253.38 feet; thence

North 35° 17' 22" West a distance of 94.33 feet; thence leaving

said right-of-way and bearing

North 21° 26' 24" East a distance of 501.34 feet; thence

North 47° 19' 56" East a distance of 242.81 feet; thence

North 5° 07' 15" West a distance of 58.34 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 15.00-foot-wide irrigation pipe easement.

This easement lies in the Northwest Quarter of the Southeast Quarter and in the Northeast Quarter of the Southwest Quarter of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho and the centerline is described as follows:

COMMENCING at the Northwest corner of said Northeast Quarter of the Southwest Quarter; thence

North 89° 35' 44" East along the North boundary of said

APN R34578010A0 - MINK ROAD (CONT'D):

Northeast Quarter of the Southwest Quarter a distance of 143.59 feet; thence

South 0° 31' 26" West a distance of 3.23 feet to the TRUE POINT OF BEGINNING for said centerline; thence

South 79° 32' 41" East a distance of 955.56 feet; thence

South 46° 32' 16" East a distance of 745.70 feet to the TERMINATION POINT for said centerline.

SUBJECT TO a 15.00 foot wide irrigation easement.

This easement lies in the Northwest Quarter of the Southeast Quarter of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and the centerline is described as follows:

COMMENCING at the Northeast corner of said Northwest Quarter of the Southeast Quarter; thence

South 89° 35' 44" West along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 7.50 feet to the TRUE POINT OF BEGINNING for said centerline; thence continuing

South 89° 35' 44" West along said North boundary a distance of 470.00 feet; thence

South 37° 48' 39" West a distance of 890.94 feet to the TERMINATION POINT for said easement.

APN R3812500000 - 16992 WILLIS ROAD:

All of the Southwest Quarter of Section 32, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho;

EXCEPTING THEREFROM that portion known as the personal residence of Norma E. Batt and thereof described as

All of that certain parcel of real property situate in the Southeast Quarter of the Southwest Quarter of Section 32, T5N, R3W, B.M. being more particularly described as follows:

Beginning at a point on the south line of said Section 32, from which the southwest corner of said Section 32 bears

S89°10'00"W, 1839.22 feet,

THENCE, N00°14'27"W, 349.73 feet,

THENCE, N89°32'15"E, 212.49 feet,

THENCE, S00°09'46" E, 348.36 feet, to a point on said south line of section 32,

THENCE, S89°10'00"W, 212.02 feet, to the point of beginning.

The above described parcel of real property contains 1.701 acres, more or less, and is subject to all easements and reservations.

THE BASIS OF BEARING for this description is said south line of Section 32, i.e. N89°10'00"E.

APN R3812500000 - 16992 WILLIS ROAD (CONT'D):

SUBJECT TO:

- 1) Liens and assessments of the Black Canyon Irrigation District, and the rights and powers of said district as by law provided.
- 2) Provisions, reservations and restrictions as shown by the several contracts between the United States of America and Black Canyon Irrigation District, and the amendments thereto, or between the present owner or past owners of the real property herein described and the Black Canyon Irrigation District or the United States of America, whether said contracts be of record in the office of the Recorder of Canyon County, Idaho, or on file with the Secretary of Black Canyon Irrigation District.

APN R3461800000 - HWY 44:

The Northeast Quarter of the Northwest Quarter and that part of the Northwest Quarter of the Northeast Quarter lying Southwesterly of the centerline of the right of way of the Notus Canal, also known as the Black Canyon Canal, in Section 9, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

A parcel of land being on both sides of the centerline of said Interstate 80N, Project No. I-80N-1(19)25 Highway Survey, and being a portion of the Northwest Quarter of the Northeast Quarter of Section 9, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 9, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence

Westerly along the South line of said Northwest Quarter of the Northeast Quarter a distance of 427.0 feet, more or less, to a point in a line parallel with and 120 feet Westerly from the centerline of said Interstate 80N, Project No. I-80N-1(19)25 Highway Survey and being the REAL POINT OF BEGINNING; thence

North 1° 59' 40" West along said parallel line 220.0 feet, more or less, to a point in the centerline of the Black Canyon Canal (Notus Canal); thence

Southeasterly along the centerline of said canal 380.0 feet, more or less, to a point in the South line of said Northwest Quarter of the Northeast Quarter; thence

Westerly along said South line 300.0 feet, more or less, to the REAL POINT OF BEGINNING.

Highway Station Reference: 133+75 to 1336+87.

APN R3461800000 - HWY 44 (CONT'D):

ALSO EXCEPTING THEREFROM

This parcel is a portion of the Northeast Quarter of the Northwest Quarter and of the Northwest Quarter of the Northeast Quarter of Section 9, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

BEGINNING at the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence

North 89° 39' 16" East along the Northerly boundary of said Northwest Quarter of the Northeast Quarter a distance of 92.88 feet (formerly shown of record as 95 feet) to a point in the centerline of the Notus Canal; thence traversing said centerline as follows:

South 28° 25' 23" East a distance of 227.68 feet; thence

South 36° 07' 18" East a distance of 98.17 feet; thence leaving said centerline and bearing

South 89° 38' 14" West parallel with the Northerly boundary of the said Northeast Quarter of the Northwest Quarter a distance of 419.82 feet; thence

North 0° 06' 54" West a distance of 280.61 feet to a point on said Northerly boundary of said Northeast Quarter of the Northwest Quarter; thence

North 89° 38' 14" East along said Northerly boundary a distance of 161.26 feet to the POINT OF BEGINNING.

APN R3457400000 - MINK ROAD:

The Northeast Quarter of the Southeast Quarter of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

This parcel is situated in the Northeast Quarter of the Southeast Quarter of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

BEGINNING at the Southeast corner of said Northeast Quarter of the Southeast Quarter; thence

South 88° 19' 30" West along the South boundary of said Northeast Quarter of the Southeast Quarter a distance of 250 feet; thence

North 0° 04' 00" East along a line parallel with the East boundary of said Northeast Quarter of the Southeast Quarter a distance of 230 feet; thence

North 88° 19' 30" East along a line parallel with said South boundary a distance of 250 feet to a point on said East boundary; thence

South 0° 04' 00" West along said East boundary a distance of 230 feet to the POINT OF BEGINNING.

WARRANTY
W
APN R3457000000 - WILLIS ROAD:

Lot 1 (which is the same as the Northeast Quarter of the Northeast Quarter) of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

That part of Lot 1 of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the REAL POINT OF BEGINNING; thence
South 1° 6' West 172.4 feet along the East line of said Section 6; thence
South 89° 12' West 170.3 feet on a line parallel to the North line of said Section 6;
thence
North 1° 6' East 172.4 feet on a line parallel to the East line of said Section 6;
thence
North 89° 12' East 170.3 feet along the North line of said Section 6 to the REAL POINT OF BEGINNING,

ALSO EXCEPTING THEREFROM

That part of Lot 1 of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and running thence
South 1° 6' West 172.4 feet along the East boundary line of said Section 6 to the REAL POINT OF BEGINNING; thence continue
South 1° 6' West 263.2 feet along the East line of said Section 6; thence
South 89° 12' West 300 feet on a line parallel with the North boundary line of said Section 6; thence
North 1° 6' East 435.6 feet on a line parallel with the East boundary line of said Section 6 to a point in the North boundary line of said Section 6; thence
North 89° 12' East 129.7 feet along the North line of said Section 6; thence
South 1° 6' West 172.4 feet on a line parallel with the East boundary line of said Section 6; thence
North 89° 12' East on a line parallel with the North boundary line of said Section 6 a distance of 170.3 feet to the REAL POINT OF BEGINNING.

SUBJECT TO:

- 1) Liens and assessments of the Black Canyon Irrigation District, and the rights and powers of said district as by law provided.
- 2) Provisions, reservations and restrictions as shown by the several contracts between the United States of America and Black Canyon Irrigation District, and the amendments thereto, or between the present owner or past owners

APN R3457000000 - WILLIS ROAD (CONT'D):

of the real property herein described and the Black Canyon Irrigation District or the United States of America, whether said contracts be of record in the office of the Recorder of Canyon County, Idaho, or on file with the Secretary of Black Canyon Irrigation District.

- 3) Rights of way for irrigation and drainage ditches and canals and roads.
- 4) Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded July 21, 1958 as Instrument No. 459256, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
- 5) Water rights.
- 6) Any right, title or interest in any minerals, gravel, mineral rights or related matters, including, but not limited to, oil, gas, coal and other hydrocabrons. Matters may appear of record affecting said rights, but neither this deed nor the forthcoming title policy covers an examination or of insurance as to the ownership or condition of minerals.

APN R3457200000 - WAGNER ROAD:

5 63-21436

That part of Lot 1 of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the REAL POINT OF BEGINNING; thence
South 1° 6' West 172.4 feet along the East line of said Section 6; thence
South 89° 12' West 170.3 feet on a line parallel to the North line of said Section 6;
thence
North 1° 6' East 172.4 feet on a line parallel to the East line of said Section 6;
thence
North 89° 12' East 170.3 feet along the North line of said Section 6 to the REAL
POINT OF BEGINNING.

AND

That part of Lot 1 of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

APN R3457200000 - WAGNER ROAD (CONT'D):

BEGINNING at the Northeast corner of Section 6, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and running thence

South 1° 6' West 172.4 feet along the East boundary line of said Section 6 to the REAL POINT OF BEGINNING; thence continue

South 1° 6' West 263.2 feet along the East line of said Section 6; thence

South 89° 12' West 300 feet on a line parallel with the North boundary line of said Section 6; thence

North 1° 6' East 435.6 feet on a line parallel with the East boundary line of said Section 6 to a point in the North boundary line of said Section 6; thence

North 89° 12' East 129.7 feet along the North line of said Section 6; thence

South 1° 6' West 172.4 feet on a line parallel with the East boundary line of said Section 6; thence

North 89° 12' East on a line parallel with the North boundary line of said Section 6 a distance of 170.3 feet to the REAL POINT OF BEGINNING.

SUBJECT TO:

- 1) Liens and assessments of the Black Canyon Irrigation District, and the rights and powers of said district as by law provided.
- 2) Provisions, reservations and restrictions as shown by the several contracts between the United States of America and Black Canyon Irrigation District, and the amendments thereto, or between the present owner or past owners of the real property herein described and the Black Canyon Irrigation District or the United States of America, whether said contracts be of record in the office of the Recorder of Canyon County, Idaho, or on file with the Secretary of Black Canyon Irrigation District.
- 3) Rights of way for irrigation and drainage ditches and canals and roads.
- 4) Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded July 21, 1958 as Instrument No. 459256, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
- 5) Water rights.
- 6) Any right, title or interest in any minerals, gravel, mineral rights or related matters, including, but not limited to, oil, gas, coal and other hydrocarbons. Matters may appear of record affecting said rights, but neither this deed nor the forthcoming title policy covers an examination or of insurance as to the ownership or condition of minerals.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument effective the first day of November, 2005.

GRANTOR:

BILLIE AND LEOLA JOY BROWN FAMILY TRUST

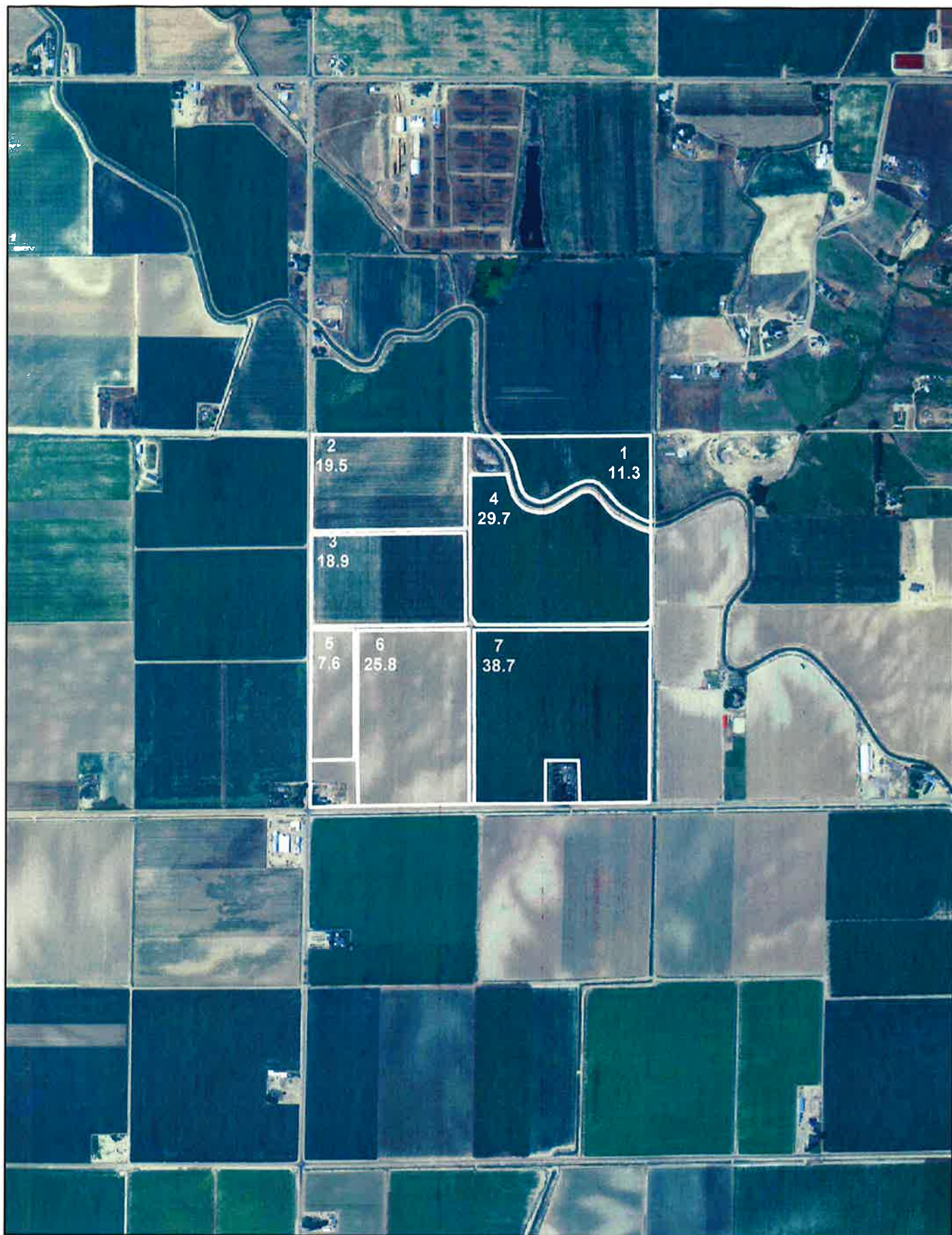
BY: Leola Joy Brown
LEOLA JOY BROWN, SURVIVING TRUSTEE

STATE OF IDAHO)
 ss.
COUNTY OF ADA)

On this 29th day of November, 2005, before me, the undersigned Notary Public in and for said State, personally appeared LEOLA JOY BROWN, known or identified to me to be the Surviving Trustee of the BILLIE AND LEOLA JOY BROWN FAMILY TRUST, the within named Grantor, and the person whose name is subscribed to the within instrument, and acknowledged to me that said Trust executed the same for the uses and purposes therein mentioned.

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

 Nicholas Marshall
NOTARY PUBLIC, State of Idaho
Residing at Boise, Idaho
Commission expires: 3/5/2010



Canyon County, ID



Farm 8533
Tract 1218



Prepared by FSA
April 03, 2006

Tract #1218



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: A63-08725
Date Received: 3/09/1990
Receipt No: C015627
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ENROSE FARMS INC. 208-459-7155
Address: 23955 WAGNER RD.
CALDWELL, ID 83605

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
05N	03W	32	NW	NE	SW		CANYON
			SE	NE	SW		CANYON

5. Description of diverting works:
2 WELLS, PUMPS, FURROW OR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.050		

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

8. Total consumptive use is 518.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	32	NE	SW		IRR	37.0
			NW	SW		IRR	38.0
			SW	SW	4	IRR	35.0

A63-08725

Page 1

Date: 03/09/90

MICROFILMED
AUG 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	03W	32	SE SW	3	IRR	38.0

Section Acres 148.0

Total Acres 148.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

BLACK CANYON IRRIGATION DISTRICT, 63-07553

14. Remarks:

WELLS #6 AND #7

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

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Secretary of Enorse Farms, Inc. Title

Organization, that I have signed the foregoing document in the space below as Secretary of Title

Enorse Farms, Inc. and that the statements contained in the Organization foregoing document are true and correct.

Linda M. Lobitaille
Signature of Authorized Agent

Secretary, Enorse Farms, Inc.
Title and Organization

March 12, 1990
Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of March 19 90

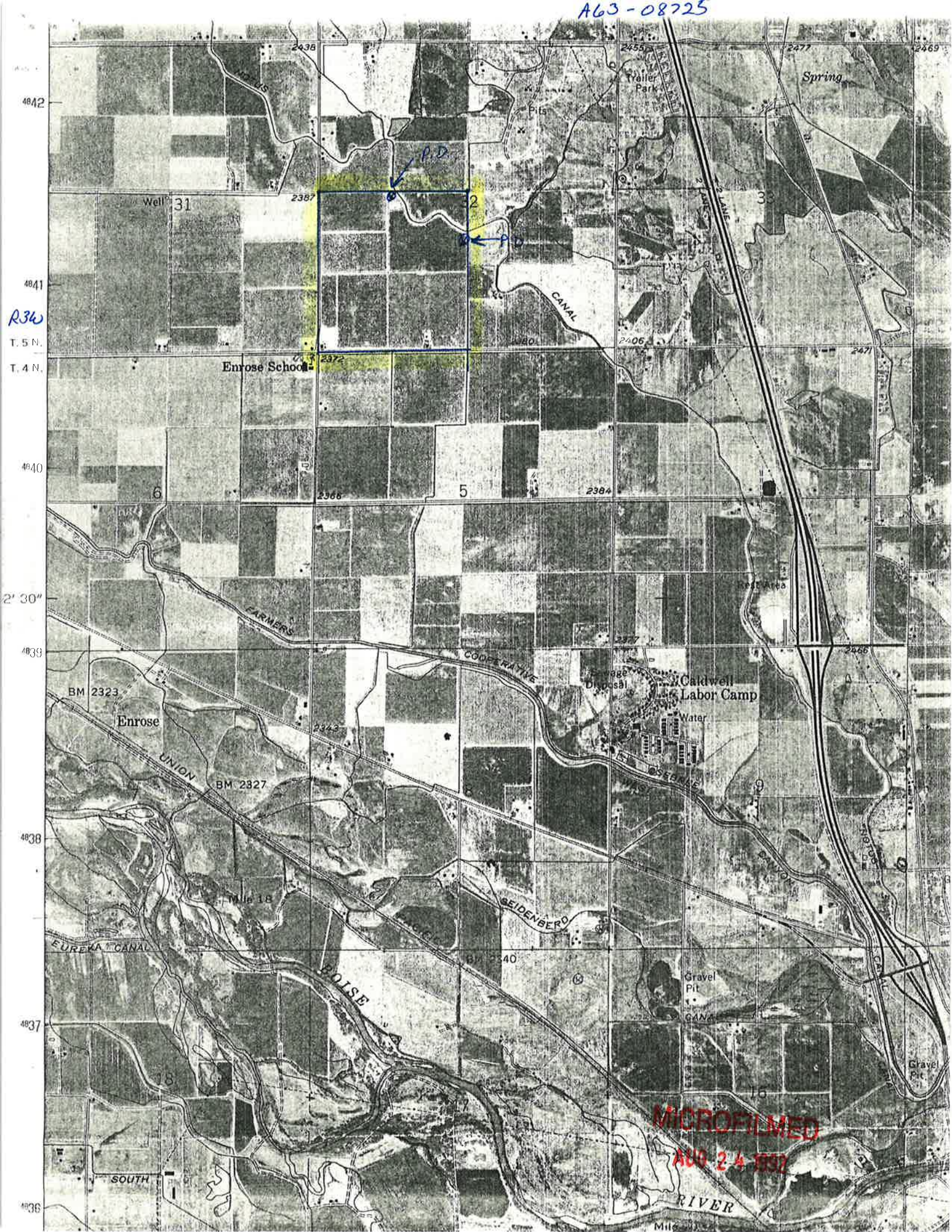
Jane R. Cook
Notary Public

Seal

Residing at Nampa, Idaho

My Commission Expires 6-10-1993

A63-08725



4842

4841

T. 5 N.

T. 4 N.

4840

2' 30"

4839

4838

4837

4836

R34

P.D.

P.D.

MICROFILMED
AUG 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 14, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Brown Family Farms LP
23818 Wagner Road
Caldwell, ID 83605

Notice of Claim to a Water Right No. 63-8725, 63-21435, 63-31219

Dear Claimant(s):

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

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

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

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

June 10, 1996

KARL J. DREHER
DIRECTOR

RECEIVED

JUN 10 1996

WATER RESOURCES
WESTERN REGION

ENROSE FARMS
16652 WILLIS RD
CALDWELL ID 83605

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A63-07553, ~~A63-08725~~, A63-08981,
A63-21434, A63-21435 & A63-21436
Change of Address

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim(s) or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

MICROFILMED
OCT 08 1996

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

In Re Snake River Basin Adjudication Case
No. 39576

Notice of Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

40961
Idaho Department of water Resources
Statehouse Mail
Boise, Idaho 83720

RECEIVED

JUN 10 1996

WATER RESOURCES
WESTERN REGION

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

RECEIVED

APR 21 1995

Department of Water Resources

AG-01553 ✓
- 08725 ✓
- 08981 ✓
- 21434 ✓
- 21435 ✓
- 21436 ✓

ENROSE FARMS INC
23955 WAGNER RD
CALDWELL ID 83605

send to 16652 Willis Rd.
Cldwl, 83605
(address from P.A.I.S. 5-28-96)

ENROSE 836052010 1345 04/20/95

ENROSE FARMS
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

|||||

MICROFILMED
OCT 08 1996

09/29/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-8725

BROWN FAMILY FARMS LP
23818 WAGNER ROAD
CALDWELL ID 83605

RECEIVED

OCT 20 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-18-06 SIGNATURE: Brown Family Farms LP L. Joy Brown
Please print your name: L Joy Brown

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

Music, Vicky

From: Music, Vicky
Sent: Thursday, January 22, 2009 1:04 PM
To: Shurte, Jan; 'tbooth@srba.state.id.us'
Subject: RE: 63-8725

Tracking:	Recipient	Delivery
	Shurte, Jan	Delivered: 1/22/2009 1:04 PM
	'tbooth@srba.state.id.us'	

TYPO in Q combined use remark. Corrected in database to **63-31219**.

From: Shurte, Jan
Sent: Thursday, January 22, 2009 9:21 AM
To: Music, Vicky
Subject: FW: 63-8725

From: Ted Booth [mailto:tbooth@srba.state.id.us]
Sent: Wednesday, January 21, 2009 2:50 PM
To: Shurte, Jan
Subject: 63-8725

Jan,

This right has a combined use limitation with 63-31216, but a combined acreage limitation with 63-31219.
Ted

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

1/22/2009

07/17/2006

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

RIGHT NUMBER: 63-8725

NAME AND ADDRESS: BROWN FAMILY FARMS LP
23818 WAGNER ROAD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.050 CFS
510.300 AFY

Right Nos. 63-8725 and 63-31216 are limited to a total combined annual diversion volume of 666.0 AF.

PRIORITY DATE: 04/22/1977

POINT OF DIVERSION:

T05N R03W S32 NWNESW Within CANYON County

T05N R03W S32 NESWSW Lot 4 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.050 CFS
510.30 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S32 NESW 35.00 T05N R03W S32 NWSW 36.00

T05N R03W S32 Lot 4 SWSW 37.00 T05N R03W S32 Lot 3 SESW 40.00

148 ACRES TOTAL

Right Nos. 63-8725 and 63-31219 are limited to the irrigation of a combined total of 148 acres 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

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

Right No. 63-31219 is also diverted through points of diversion described above.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

63-8725

05N 03W Section 32



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 148

1000 200 Feet




IDWR
Prepared by: Lori Graves
Date: 07-14-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8725 V1

WATER RIGHT NUMBER: 63-8725 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NORMA E BATT PO BOX 189 CALDWELL, ID 83606 (208)459-3441
Current Owner	BROWN FAMILY FARMS LP 23818 WAGNER ROAD CALDWELL, ID 83605
Original Owner	VERNON M BATT PO BOX 189 CALDWELL, ID 83606
Original Owner	ENROSE FARMS INC 23955 WAGNER RD CALDWELL, ID 83605 (208)459-7155

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	03/15 to 11/15	1.050 CFS	510.30 AF
	<u>Total Diversion:</u>	1.050 CFS	510.30 AF

Location of Point(s) of Diversion

GROUND WATER	L4 (NE1/4SW1/4SW1/4)	Sec. 32, Twp 05N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4NE1/4SW1/4	Sec. 32, Twp 05N, Rge 03W, B.M.
CANYON 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	
05N	03W	32									35.0	36.0	37.0	40.0					148.0
													L 4	L 3					

Total Acres: 148

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8725 V1

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2. F05 Right No. 63-31219 is also diverted through points of diversion described above.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. E55 Right Nos. 63-8725 and 63-31219 are limited to the irrigation of a combined total of 148 acres in a single irrigation season.
5. W14 Use of this right is combined with water from Black Canyon Irrigation District.
6. E53 Right Nos. 63-8725 and 63-31216 are limited to a total combined annual diversion volume of 666.0 AF.
7. 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.
8. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
9. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Remarks:Comments:

1. Igagnon 7/14/2006 CHANGE IN OWNERSHIP

Comment: THE DATA IN THE NAME FIELD HAS BEEN CHANGED TO SHOW THAT THIS RIGHT HAS AN OWNERSHIP CHNAGE.

2. Igraves 7/14/2006 P/Ds

Comment: The NESWSW well was drilled and added prior to 1987 per teleconversation with Leola Joy Brown 7/18/06. The well is also evidenced on the 1987 aerial photo.

3. Igraves 7/14/2006 Overlaps

Comment: This right directly overlaps right 63-31219, which uses the same wells for 142 of the same acres. When combined, the acres have been licensed at full volume but not flow rate resulting in condition E53. See comments for recommendation 63-31219 for additional p/d details. Irrigation from ground water is supplemental to surface water from BCID.

4. Igraves 7/20/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3812500000.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8725 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8725

WATER RIGHT NUMBER: 63-8725

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NORMA E BATT PO BOX 189 CALDWELL, ID 83606 (208)459-3441
Current Owner	BROWN FAMILY FARMS LP 23818 WAGNER ROAD CALDWELL, ID 83605
Original Owner	VERNON M BATT PO BOX 189 CALDWELL, ID 83606
Original Owner	ENROSE FARMS INC 23955 WAGNER RD CALDWELL, ID 83605 (208)459-7155

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	3/15 to 11/15	1.050 CFS /	510.3
	<u>Total Diversion:</u>	1.050 CFS	510.3

3.48 af/ac
↑

(per lic)

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4SW1/4	Sec. 32, Twp 05N, Rge 03W, B.M.
CANYON County		

GROUND WATER	LIC WELL - NW1/4NE1/4SW1/4 /	Sec. 32, Twp 05N, Rge 03W, B.M. /
CANYON 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	
05N	03W	32																	148.0

Total Acres: 148

35 36 37 40

Conditions of Approval:

1. WELLS #6 AND #7

2. CHANGE IN OWNERSHIP LG- 7-13-2006 REVIEWED BY LORI G.

expl — 3. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

add W14 BCID
C03 P/D add-on
C05 P/H change
E53 val limit
S39 3/1 - 11/15

ESS limited to 148 ac
when combined
w/ 63-31219
FOS overlapping P/D



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 21, 2006

Billie Brown
23818 Wagner Rd
Caldwell ID 83607

RE: NOTICE OF CLAIM NO(S): A63-8725, A63-21435, A63-21436, A63-31219

Dear Mr. Brown:

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim(s) for your reference. Our research indicates there may have been a change in the ownership for the above claim(s). Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim(s) listed above:

**ENROSE FARMS INC.
23955 WAGNER RD
CALDWELL ID 83605**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lori Graves', is written over a horizontal line.

Lori Graves
Sr. Water Resource Agent
Department of Water Resources
Western Region

Enclosures

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-8725

Priority: April 22, 1977 Amount: 1.05 CFS 510.3 AFA

This is to certify, that VERNON M. BATT
NORMA E. BATT

P.O. BOX 189
CALDWELL, ID 83606

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 April 21, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.05 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	03/15 to 11/15	1.05 cfs	510.3 afa

LOCATION OF POINT OF DIVERSION(S): NESW , Sec. 32, Township 5N, Range 3W
Canyon 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>
5N	3W	32	NESW 37	NWSW 38	LOT 4(SWSW)35	LOT 3(SESW)38	148

Total number of acres irrigated: 148

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

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 16th day of October, 1987.

MAR 14 1988

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

KEYPUNCHED

A. GENERAL INFORMATION

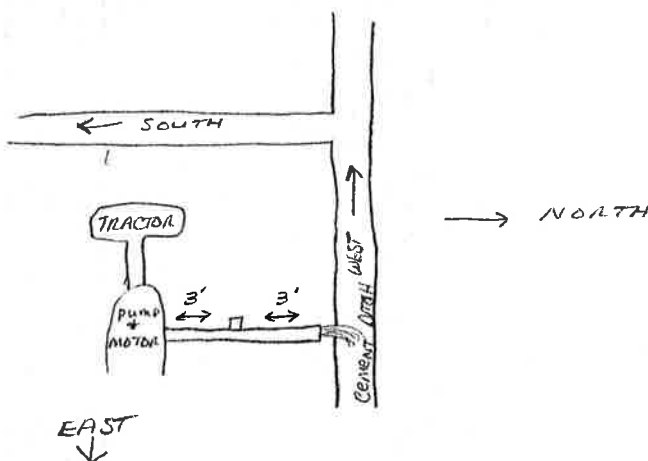
1. Owner: VERNON BATT Permit No. 63-8725
Current Address: P.O. BOX 189, CALDWELL, ID 83605 Phone No. 459-3441
2. Accompanied by: BALTASER GOMEZ EXAM. DATE: 7/3/86
Address: _____ Phone No. _____
Relationship to Permit Holder: CREW SUPERVISOR
3. Source: G.W. tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-7553 FOR 142 ACRES IN THE SW 1/4, S. 32, T. 5N, R. 3W FOR 176 CFS. ☐ Copies Attached
2. Other water rights with same point of diversion: NONE (63-7553 IS FOR A WELL IN THE SWSE, S. 32, T. 5N, R. 3W) ☐ 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



MAINTAINED

MAR 14 1988

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).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

8" MAINLINE FROM PUMP & MOTOR W/ OPEN DISCHARGE INTO CEMENT DITCH. TRACTOR DRIVEN. SYPHON TUBE IRRIGATION AS SHOWN ON AERIAL PHOTO. NO PRESSURE DUE TO OPEN DISCHARGE SO CULVERT MATERIAL SECURED BY A WOODEN BLOCK PLACED IN PIPE AT END TO RESTRICT FLOW FOR BACK PRESSURE FOR ACCURATE MEASURING. THIS WELL NORMALLY IRRIGATES ONLY THE W 1/2 SW 1/4, S. 32; HOWEVER, IT IS USED AS A BACK-UP ON THE E 1/2 SW 1/4, S. 32 FOR THE WELL COVERED UNDER 63-7553.

☐ 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
	DIESEL	40	540A	JOHNSTON	17636
	AMARILLO		114181		

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					NE SW 32	SW	3W		AERIAL PHOTO

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

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	3W	32									37	38	35	38					148
													1.4	1.3					
																			148

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Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
HALL METER					8"	
W/MANOMETER						

2. Measurements:

10" DIFFERENTIAL W/7 3/4" I.D. = 470 GPM $\div$ 448.8 = 1.05 CFS.
 (PER VELOCITY TO QUANTITY SLIDE RULE) OR THE FOLLOWING FORMULA:
 $AREA = \pi \left(\frac{7.75}{2}\right)^2 = \frac{3.14(4.75)}{4} = .327 ft^2$ THEN $V = MANOMETER READING \times .32 = ft/sec$
 SO $V = 10" \times .32 = 3.2 ft/sec$. THEN $V = ft/sec \times ft^2 = ft^3/sec$ OR CFS.
 SO $V = 3.2 ft/sec \times .327 ft^2 = 1.046$ OR 1.05 CFS.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

SEE ABOVE

2. Alternate Method for Checking Purposes:

70 - 1" SYPHON TUBES SET NORMALLY + 1" TUBES USUALLY DELIVER 3/4" OF H₂O.
 SO: 3/4" x 70 = 52.5" OR 1.05 CFS. (AMAZINGLY CLOSE!)

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) $\div$ 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:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 148 \times 4.5 = 666 \text{ AF}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 509.4 \text{ AF}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 509.4 \text{ AF}$

2. Volume Calculations for Other Uses:

Microfilm

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

SINCE THIS RIGHT & 63-7553 ARE DIFFERENT WELLS,
BUT SOME SAME LAND, THE TOTAL CFS DOES NOT EXCEED 1"
PER ACRE WHEN BOTH ARE COMBINED A 1" PER ACRE LIMITATION
IS NOT NEEDED. HOWEVER, THE ANNUAL AMOUNT IS EXCEEDED,
THEREFORE, COND. # R-27 SHOULD BE USED.
ALSO HAVE SOME PLAIN CANYON WATER.

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	1.05 CFS	509.4 AFA
Totals:			1.05 CFS	509.4 AFA

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name Jan Shute

Signature JAN SHUTE

Certification Date _____

Field Report Preparation Date 7/3/86

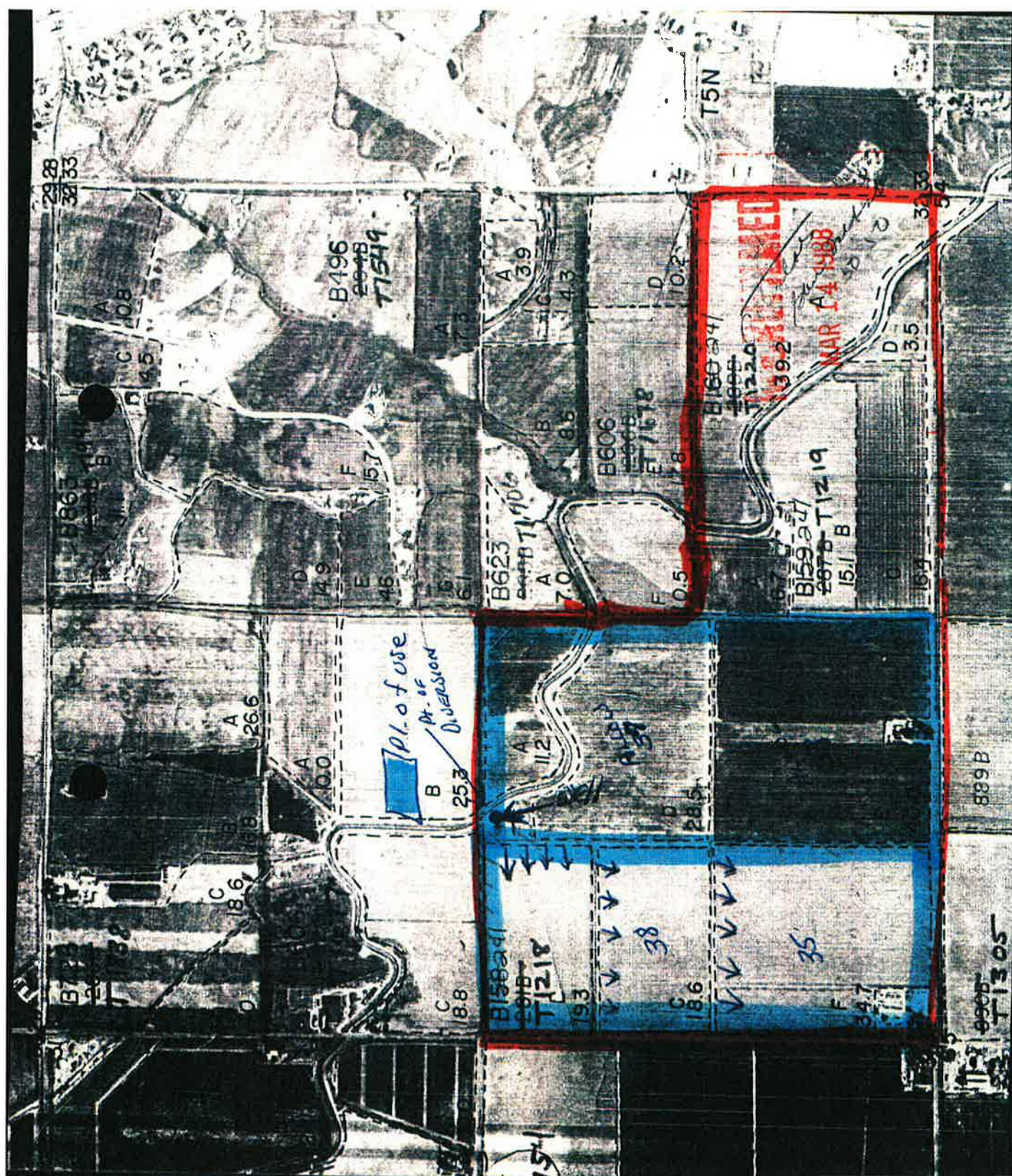
DWR 5/13/87

CONSULTANT SEAL

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

MICROFILMED

MAR 14 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{IR} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.5 = 666.0} \\ V_{DR} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{510.3 \text{ AF}} \\ V &= \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{\hspace{2cm}} \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: 63-2878, 63-2322, 63-7553

- b) Other water rights with same point of diversion: none

- c) Analysis: Recommend R32

RECORDED

MAR 14 1988

10 day

Date 8/24/87

Idaho Dept. of Water Resources

Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	63 2878	BLACK CANYON IRRIGATION DIST.	ELIJAH DRAIN, WILSON DRAIN,	05N03W32							19		23	40	47	46		10	37	9	231
Rec	63 2878	BLACK CANYON IRRIGATION DIST.	ELIJAH DRAIN, WILSON DRAIN	05N03W32	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Right	63 2878	BLACK CANYON IRRIGATION DIST.	ELIJAH DRAIN, WILSON DRAIN	05N03W32																	0
Claim	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	05N03W32							15		15	40	46	46		10	25		197
Claim	63 2322A	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	05N03W32							15		15	40	46	46		10	25		197
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	05N03W32	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Right	63 2322	US DEPT OF INTERIOR,	ELIJAH SLOUGH, WILSON SLOUGH	05N03W32							15		15	40	46	46		10	25	5	202
Claim	63 11275	NIMAN RANCH INC.	GROUND WATER	05N03W32					X	X											0
Claim	63 11275	NIMAN RANCH INC.	GROUND WATER	05N03W32					25												25
Claim	63 11275	NIMAN RANCH INC.	GROUND WATER	05N03W32					X	X											0
Claim	63 20388	NIMAN RANCH INC.	GROUND WATER	05N03W32					X	X											0
Claim	63 20388	NIMAN RANCH INC.	GROUND WATER	05N03W32					X	X											0
Claim	63 21431	DAVID W GLASER, SANDY JONES,	GROUND WATER	05N03W32														X			0
Claim	63 21435	ENROSE FARMS INC.	GROUND WATER	05N03W32											1						1
Claim	63 21435	ENROSE FARMS INC.	GROUND WATER	05N03W32										X							0
Claim	63 31219	ENROSE FARMS INC.	GROUND WATER	05N03W32									29	38	35	40					142
Claim	63 31220	GREG S PAYNE,	GROUND WATER	05N03W32															35	10	45
Claim	63 8702A	NIMAN RANCH INC.	GROUND WATER	05N03W32					37	29											66
Claim	63 8702A	NIMAN RANCH INC.	GROUND WATER	05N03W32					X												0
Claim	63 8725	ENROSE FARMS INC.	GROUND WATER	05N03W32									37	38	35	38					148
Rec	63 21431	SANDY JONES, DAVID W GLASER,	GROUND WATER	05N03W32														X			0
Rec	63 21435	ENROSE FARMS INC.	GROUND WATER	05N03W32											X						0
Rec	63 21435	ENROSE FARMS INC.	GROUND WATER	05N03W32												1					1
Rec	63 8702A	NIMAN RANCH INC.	GROUND WATER	05N03W32					37	29											66
Rec	63 8702A	NIMAN RANCH INC.	GROUND WATER	05N03W32					X												0
Rec	63 8725	ENROSE FARMS INC.	GROUND WATER	05N03W32									37	38	35	38					148

Page2

[illegible]

Pages

Pages3

[illegible]

REAL PROPERTY INQUIRY

```
+++++
01 6R38125-000- -0 082-00 SCH135+ 01 161,900 164.55
+++++
10 26,000 1.00
BROWN, BILLIE + 19 5.46
& BROWN, LEOLA JOY FAM TRUST + 32 500
% BROWN, BILLIE W & +
% BROWN, LEOLA JOY-TRUSTEES +
+
23818 WAGNER RD +
CALDWELL ID 83607 +
+++++
32-5N-3W SW + TOTAL 188,400 171.01
SW 1/4 LS TX 12 ++++++
+ SURVEY INST 200432195
+ DRAIN DR VALUE APPR DYW
+ CLASS DR REAP 04 MAN 03 UNIT 0
16992 WILLIS RD, CA + PARCEL 6R05N03W324850 H/O N C/B N
+ PRIOR ACCOUNT 5R38125-000- -0
+ 02 MH on Property YES
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