

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 63-7019
Date Received: 1/22/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TMCO INC Phone: (208)466-8907
PO BOX 1366
NAMPA ID USA 83653

2. Date of Priority: 08/21/1967

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05W	1	NE NW SW	PAYETTE	
06N	05W	1	SE NW SW 2	PAYETTE	
06N	05W	2	SW SE NE	PAYETTE	

5. Description of diverting works:

3 wells and turbine pumps, sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	4.8	1440

7. Total Quantity Appropriated is:
4.8 C.F.S. and/or 1440 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
06N	05W	1	SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
Section Acres						240
06N	05W	12	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
Section Acres						80
Total Acres						320

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used: 63-7956

14. Remarks:

This right is a combination of old Right Nos. 63-7019A & 63-7019B.

15. Basis of Claim: License

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

RECEIVED
OCT 19 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
63-7019B	63-7019B	N			
63-7056B	63-7056B	N			

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

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

waived

☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

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

OR

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

☒ 3. Name and Address of Former Owner/Claimant(s)

Edwin G Nichols

☒ 4. New Owner/Claimant(s)

TMCO, INC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 1366

City, State and ZIP Code

Nampa, Id. 83653

New Telephone Number

(208) 466-8907

☒ 5. Date you acquired the property

12-13-05

warranty
deed

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)

TMCO, INC
Tom Malson (Tom Malson)

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
 Received by _____ Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 10-26-06 WR _____ Date _____



31 SOUTH MAIN STREET
POST OFFICE BOX 345
PAYETTE, IDAHO 83661
(208) 642-3351
(208) 642-3590 FAX
payette@ameri-title.com

December 20, 2005

TMCO, Inc
P. O. BOX 1366
Nampa, Idaho 83653

RE: P-20650 / J 2068596

To whom it may concern:

Enclosed is your original Title Insurance Policy together with your original Personal Representative's Deed which has been recorded with the Payette County Recorder on December 15, 2005 as Instrument No. 331525.

Should you have any questions, please do not hesitate to contact our office.

Thank you for giving us the opportunity to help you with your real estate purchase.

Sincerely yours,


Jay Edwards
Title Officer

Enclosure

P20050

331525

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by EDWIN G. NICHOLS, as personal representative of the estate of BARBARA P. NICHOLS, deceased, Grantor, to TMCO, Inc., whose address is P. O. Box 1366, Nampa, Idaho 83653, as Grantee.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Number SP IE 0500425 in Ada County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee, the following described real property in Payette County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

EXECUTED this 13 day of December, 2005.

Edwin G. Nichols
EDWIN G. NICHOLS,
Personal Representative of the Estate of
BARBARA P. NICHOLS, deceased

STATE OF IDAHO)

County of Ada)

ss.

Instrument # 331525

PAYETTE COUNTY

2005-12-15

04:56:00 No. of Pages: 2

Recorded for : AMERITITLE

BETTY J DRESSEN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: PERSONAL REPR. DEED

On this 13 day of Dec, 2005, before me, the undersigned, a Notary for said State, personally appeared EDWIN G. NICHOLS, known to me to be the personal representative of the estate of BARBARA P. NICHOLS, deceased, and acknowledged to me that he executed the foregoing document as such personal representative.

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

[Signature]
Notary Public for IdahoResiding at DIANA L. HOTTENDORFMy Commission Expires 04-05-07

RESIDING: MERIDIAN, IDAHO

EXHIBIT A

331525

In Township 6 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 1: S $\frac{1}{2}$ SW $\frac{1}{4}$; and

In Section 12: N $\frac{1}{2}$ NW $\frac{1}{4}$.



PioneerTitleCo.

GOING BEYOND

8151 W. Rifleman Ave. / Boise
Idaho 83704 / (208) 377-2700

P20650

331524

Instrument # 331524

PAYETTE COUNTY

2005-12-15

04:54:00 No. of Pages: 1

Recorded for : AMERITITLE

BETTY J DRESSEN

Ex-Office Recorder Deputy

Index to: WARRANTY DEED

Fee: 3.00

WARRANTY DEED

For Value Received

Edwin G. Nichols, an unmarried man

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

TMCO, Inc.

hereinafter referred to as Grantee, whose current address is 3050 Elmore Road, Payette, ID

the following described premises, to-wit:

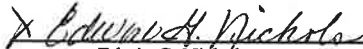
In Twp. 6 N., R. 5 W., B.M., Payette County, Idaho:

In Sec. 1: S1/2SW1/4

In Sec. 12: N1/2NW1/4

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant 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 current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 9, 2005


Edwin G. Nichols

STATE OF IDAHO. County of ADA, ss.

On this 13 day of December, in the year of 2005, before me the undersigned, notary public personally appeared Edwin G. Nichols known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

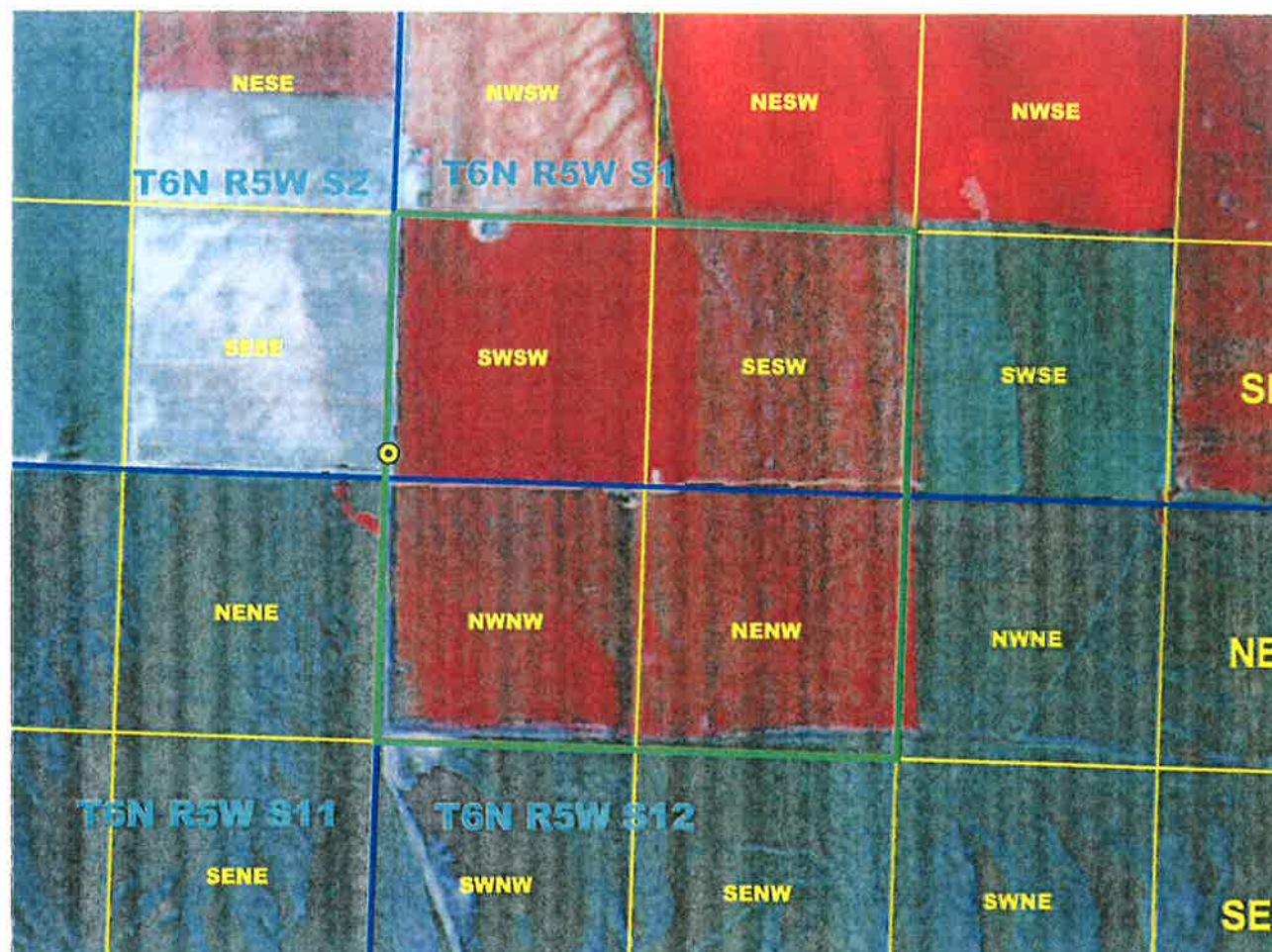



Diana L. Hottendorf
Notary Public of Idaho
Residing at Meridian, ID
Commission expires: April 5, 2007



State of Idaho
Idaho Department of Water Resources
Western Region

T6N R5W SECTION(S) 1 & 12
WATER RIGHT(S) : 63-7019B & 63-7956B



0.5 0 0.5 1 Miles

Total Irrigated Acres = 160 acre(s)

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: September 2006



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

RECEIVED
APR 16 1990

Ident. Number: A63-07019A
Date Received: 4/12/1990
Receipt No: C016294
Received By: Julia

Department of Water Resources

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

1. Name: TMCO, INC.
Address: P.O. BOX R
NAMPA, ID

208-466-8907

83651

2. Date of Priority: AUG 21, 1967

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	05W	1	SE	NW	NE	2	PAYETTE
			NE	NW	SW		PAYETTE
		2	SW	SE	NE		PAYETTE

5. Description of diverting works:
3 WELLS AND TURBINE PUMPS, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

A.F.A.

8. Total consumptive use is 560.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	05W	1	SW	NW		IRR	40.0
			SE	NW		IRR	40.0

A63-07019A

Page 1

Date: 04/12/90

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05W	1	NE	SW		IRR	40.0
			NW	SW		IRR	40.0

Section Acres 160.0

Total Acres 160.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
63-07956

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: -/-

For Organizations:

I do solemnly swear or affirm that I am President of _____
Title

Timco, Inc., that I have signed the foregoing
Organization
document in the space below as President of _____
Title

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

Thomas W. Nelson
Signature of Authorized Agent
President Timco, Inc.
Title and Organization

April 12 1990
Date

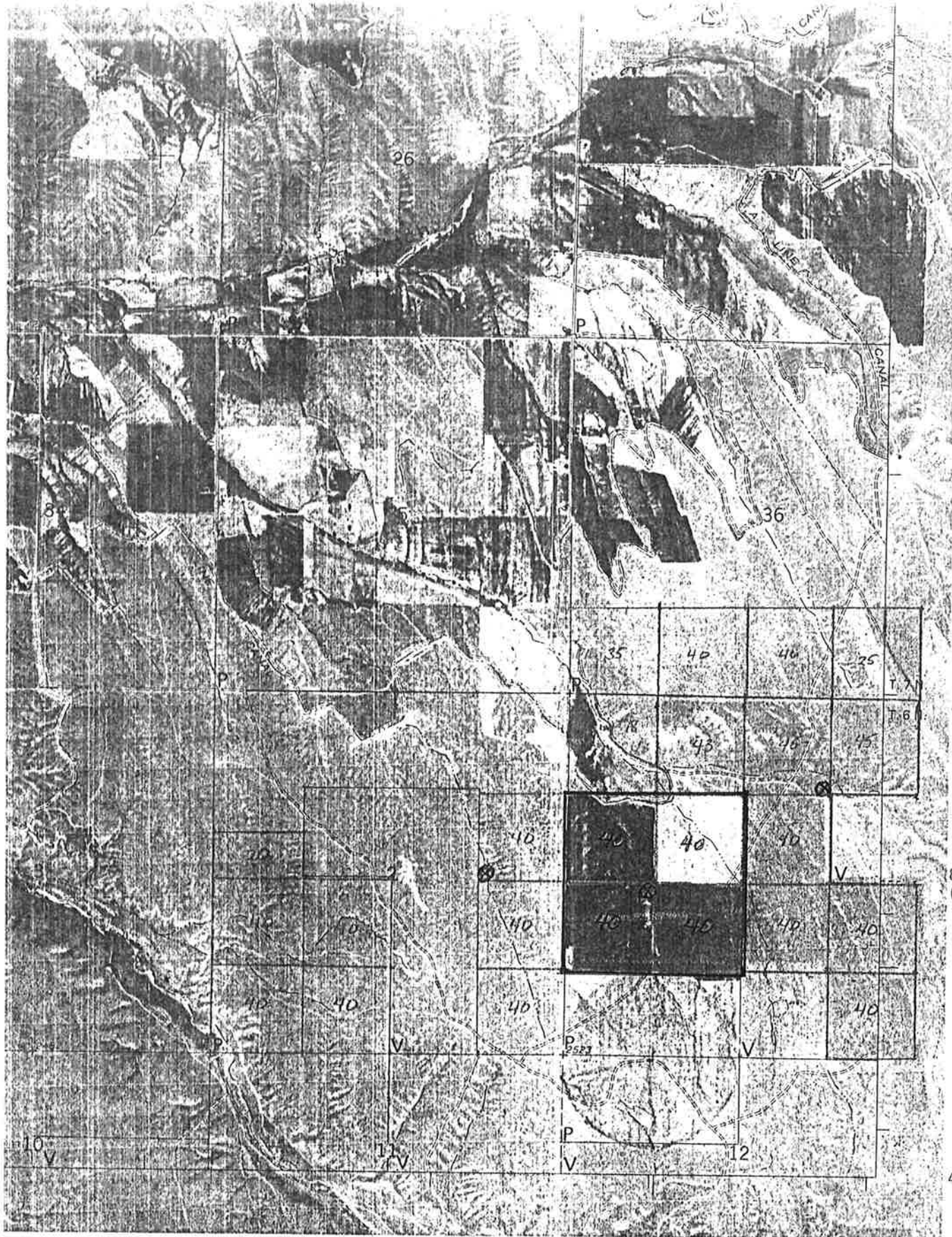
State of Idaho)
County of Ada) SS.

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

Arthur Lutzsch
Notary Public

Seal

Residing at Eagle, Id
My Commission Expires 3-21-94



508000m.E.

2 950 000 FEET (OREG.)

116°52'30"

1 MILE
7000 FEET
KILOMETRE

MICROFILMED

AUG 21 1992

R 5W

A63-07019A

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: A63-07019B
Date Received: ~~1/18/1990~~ 22-90
Receipt No: 6014162
Received By: SSA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDWIN G. NICHOLS
Address: P.O. BOX 325
EMMETT, ID

83617

208-365-3212
RECEIVED
JAN 22 1990

2. Date of Priority: AUG 21, 1967

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Department of Water Resources

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05W	1	NE	NW	SW		PAYETTE

5. Description of diverting works:
DRILLED WELL, APP. 500' DEPTH, PUMP & PIPELINE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.600		

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

A.F.A.

8. Total consumptive use is 560.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05W	1	SW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 80.0

A63-07019B

Page 1

Date: 01/18/90

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05W	12	NE	NW	IRR	40.0
			NW	NW	IRR	40.0
					Section Acres	80.0
					Total Acres	160.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
N/A

14. Remarks:

THIS RIGHT IS SPLIT FROM THE PARENT RIGHT 63-07019 BY THE OWNER OF THE NWNW & NENW SEC.12,T6N,R5W,& SWSW & SESW, SEC 1, T6N,R5W. REMAINING PORTION OF THE LAND TO WHICH THE PARENT RIGHT IS APPURTENANT IS UNDER SALES CONTRACT TO MALSON FARMS.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

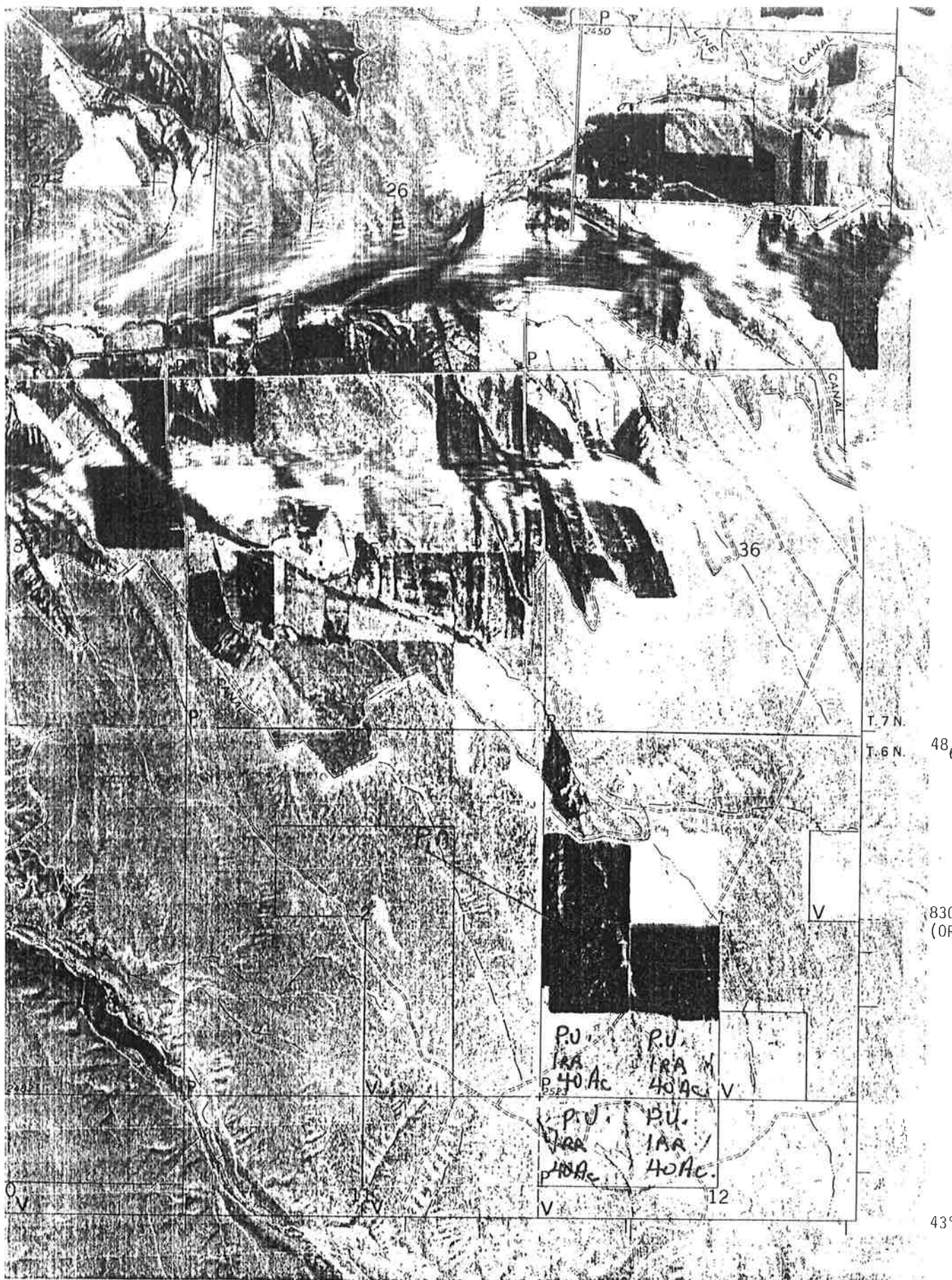
Signature of Claimant(s): Edwin L. Nichols Date: 1/18/1990
_____ Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of JANUARY 19 90 Robert C. Sully
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994



48 60000m.N.

830 000 FEET (OREG.)

43°52'30"

5 08000m.E.

2 950 000 FEET (OREG.)

116°52'30"

MICROFILMED
AUG 21 1992

1 MILE
000 FEET
ETRE

10/26/2006

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

RIGHT NUMBER: 63-7019
NAME AND ADDRESS: TMCO INC
PO BOX 1366
NAMPA ID 83653

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 4.800 CFS
1,440.000 AFY

The rights listed below are limited to a total combined diversion rate of 6.4 cfs and to a total combined annual diversion volume of 1440 AF. Combined Right Nos.: 63-7019 and 63-7956.

The rights listed below are limited to a total combined diversion rate of 16.73 cfs: 63-7019, 63-7956 and 63-11282.

PRIORITY DATE: 08/21/1967

POINT OF DIVERSION:

T06N R05W S1 NWSW Within PAYETTE County
T06N R05W S1 SWSW Within PAYETTE County
T06N R05W S2 SENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	4.800 CFS 1,440.00 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 PAYETTE County

T06N R05W S01	SWNW	40.00	T06N R05W S01	SENW	40.00
T06N R05W S01	NESW	40.00	T06N R05W S01	NWSW	40.00
T06N R05W S01	SWSW	40.00	T06N R05W S01	SESW	40.00
T06N R05W S12	NENW	40.00	T06N R05W S12	NWNW	40.00

320 ACRES TOTAL

Right Nos. 63-7019 and 63-7956 are limited to the irrigation of a combined total of 320 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

10/26/2006

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

Right Nos. 63-7956 and 62-11282 are also diverted through points of diversion described above.

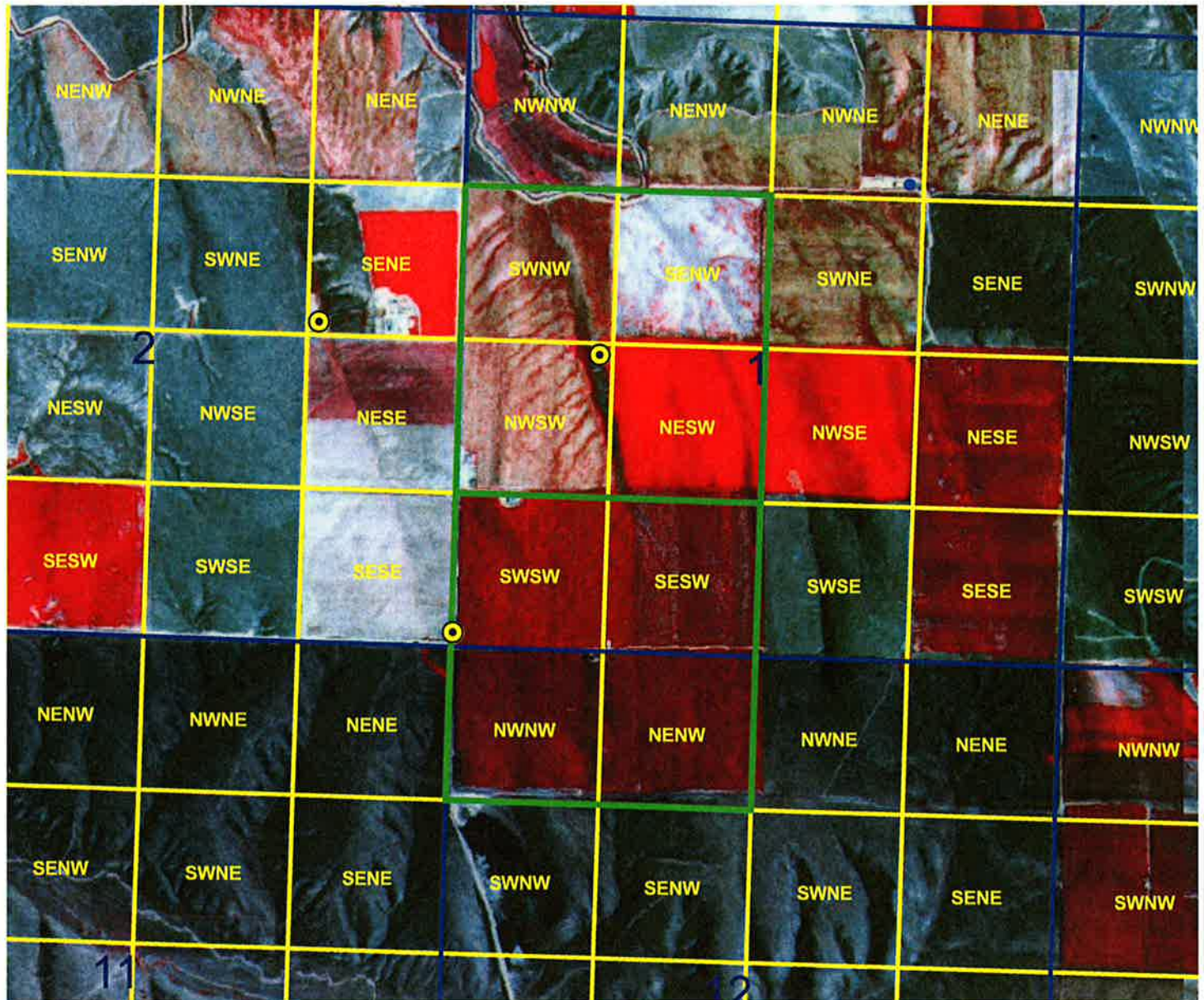
This right is a combination of old Right Nos. 63-7019A & 63-7019B.

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



State of Idaho
Idaho Department of Water Resources
Western Region

T6N R5W SECTIONS 1, 2 and 12
Water Rights: 63-7019 and 63-7956



1320 0 1320 2640 3960 Feet



TOTAL IRRIGATED ACRES = 320



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
2000 Aerial Photography
Prepared By: Vicky Music
Date: October 2006