

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: A63-04232
Date Received: 7/06/1989
Receipt No: W003492
Received By: RSL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STANELLE MURPHY
Address: 10711 HWY 55
BOISE, ID 83703 208-939-0120

OR

Name: MIKE MURPHY
Address: 10711 HWY 55
BOISE, ID 83703 208-939-0120

2. Date of Priority: NOV 28, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	10	SE	NE			ADA

5. Description of diverting works:
140' DEEP, 6" CASING, PIPED TO SPRINKLING SYSTEM AND 3 SPIGOTS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME

A63-04232

Page 1

Date: 07/06/89

MICROFILMED
AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	10	SE NE		IRR	1.0
Section Acres						1.0
Total Acres						1.0

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:
FARMERS UNION DITCH

14. Remarks:
AC. IRR.=.77.
STAT. CLAIM INCORRECTLY STATES PRIORITY DATE, CHANGED TO
11-28-1957 AS SHOWN ON WELL LOG.

15. Basis of Claim: STATUTORY CLAIM

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 Individuals:

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

Signature of Claimant(s): Shirley Murphy Date: 7-6-89
_____ Date: _____

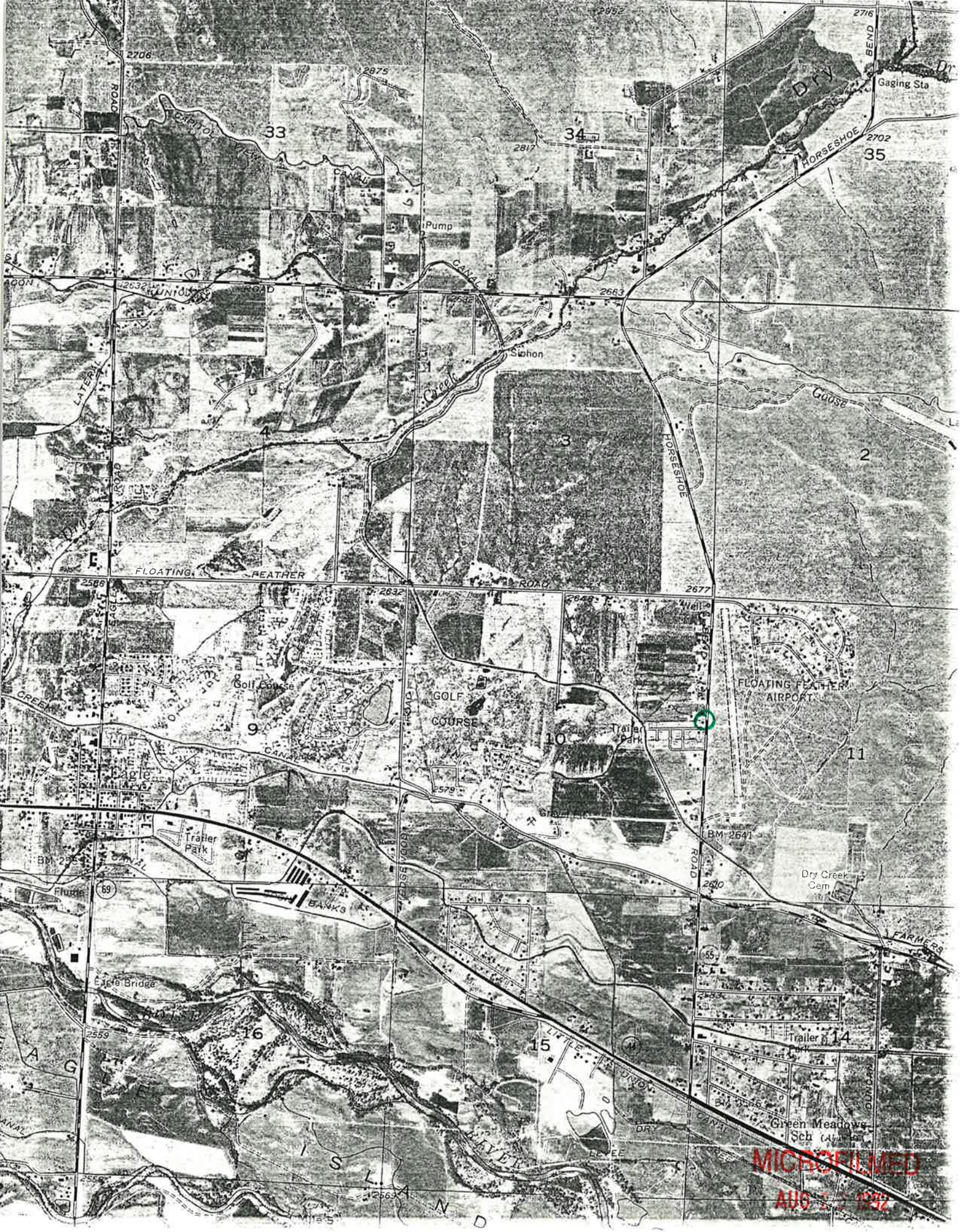
State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of July 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires My Commission Expires December 8, 1994



GRUNDFOS

**5 Year
Performance**



**Submersible Pump
Protection Application**

Dear Grundfos Dealer:

To make certain your customer's Grundfos submersible pump is fully covered under the supplemental *Performance PLUS* protection program, READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY. Please type or print clearly.

Complete this policy application in full. Then sign and date the application.

Your customer should keep the top white copy of the application. Keep the yellow copy for your records and send the two remaining copies (pink and goldenrod) to your Grundfos distributor.

Should the pump fail due to any of the conditions specified under *Performance PLUS* prior to the expiration of the 5-year term of the policy, your customer should contact you. You then pull the pump and determine if the cause of failure is within the terms of the *Performance PLUS* policy. If it is, Grundfos will repair or replace the pump at no charge through your distributor.

***Performance PLUS* does not cover the labor charges involved in pulling and reinstalling the pump. Also, *Performance PLUS* will not cover pumps not applied in accordance with the manufacturer's recommendations, ones used for other than domestic purposes or pumps over 1½ HP in size.**

The *Performance PLUS* protection policy covers all Grundfos submersible pumps up through 1½ HP. It is limited to the original owner of the pump and is non-transferable.

Customer Name Stan Quigley
Address 10711 Horse Shoe Bend Road
City Boise State Idaho Zip 83703

Grundfos Dealer Name Valley Pump & Equipment
Address 608 N. Washington
City Emmett State Id Zip 83617

Pump Model: <u>SP4-14</u>	Serial Number: <u>T8502T</u>
Phase & Volts: <u>230 V 1Ø</u>	Horsepower: <u>1½ HP</u>
Date Installed: <u>April 4 1985</u>	Application: <u>domestic</u>
Pumping Water Level: <u>119</u>	Pump Setting: <u>127</u>
Well Inside Diameter: <u>6</u>	Depth: <u>140'</u>
Flow (GPM): <u>20</u>	Lightning Arrestor Type: <u>FRANKLIN</u>
New Installation or Replacement: <u>Replacement</u>	Brand of Pump Replaced: <u>Gould</u>

I certify that a proper lightning arrestor has been installed with this Grundfos submersible, and that the unit has been installed in accordance with the Grundfos Installation and Operating Instructions.

Dealer Signature: Dennis R. [Signature] Date: 4-15-85

MICROFILMED

SP-SL-007 5-1-84

PRINTED IN U.S.A.

AUG 28 1982

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
Eagle logo
PITNEY BOWES
02 1M
0004270935
\$ 00.33⁵
NOV 19 2010
MAILED FROM ZIP CODE 83702

STANELLE MURPHY
10709 HWY 55
BOISE ID 83702

14

63-4232

NIXIE

637 DU 1

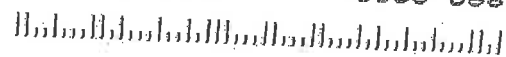
60 11/24/10

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

BC: 837200098

*0636-06010-19-47

83702
837200098



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

RIGHT NUMBER: 63-4232

NAME AND ADDRESS: HILLVIEW DEVELOPMENT CORP
150 E AIKENS STE A
EAGLE ID 83616

~~MIKE MURPHY~~
~~10711 HWY 55~~
~~BOISE ID 83703~~

~~STANELLE MURPHY~~
~~10709 HWY 55~~
~~BOISE ID 83703~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
4.500 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/28/1957

POINT OF DIVERSION:

T04N R01E S10 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.020 CFS 4.50 AFY
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: IRRIGATION in ADA County

T04N R01E S10 SENE 1.00

DOMESTIC in ADA County

T04N R01E S10 SENE

1 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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Farmers Union Ditch Company Ltd.

PARCEL NO: S0510141970.

**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: 63-4232

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

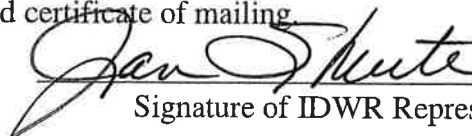
IDWR has completed the following administrative proceeding:

- ☐ 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:



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 19, 2010, 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

Director of IDWR	☒ hand-delivered
PO Box 83720	
Boise ID 83720	

3. Copies to all parties to the subcase:

Hillview Development Corp	☐ overnight mail
150 E Aikens Ste A	☒ regular mail
Eagle ID 83616	☐ hand-delivered
	☐ facsimile

Stanella Murphy	☐ overnight mail
10709 Hwy 55	☒ regular mail
Boise ID 83703	☐ hand-delivered
	☐ facsimile

Mike Murphy
10711 Hwy 55
Boise ID 83703

Jori Harris
Signature of person mailing this document

Should questions arise during the processing of this application please contact:
David Shaw - ERO Resources Corp. (208) 373-7983

RECEIVED

JAN 04 2005

WATER RESOURCES
WESTERN REGION

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
<u>63-4232</u>	<u>A63-4232</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) Stanelle Murphy, 10709 Hiway 55, Boise, ID 83703
Mike Murphy, 10711 Hiway 55, Boise, ID 83703
4. New Owner/Claimant(s) Hillview Development Corporation
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 150 E. Aikens, Suite A
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) 939-2730
5. Date you acquired the property August 13, 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	_____	_____

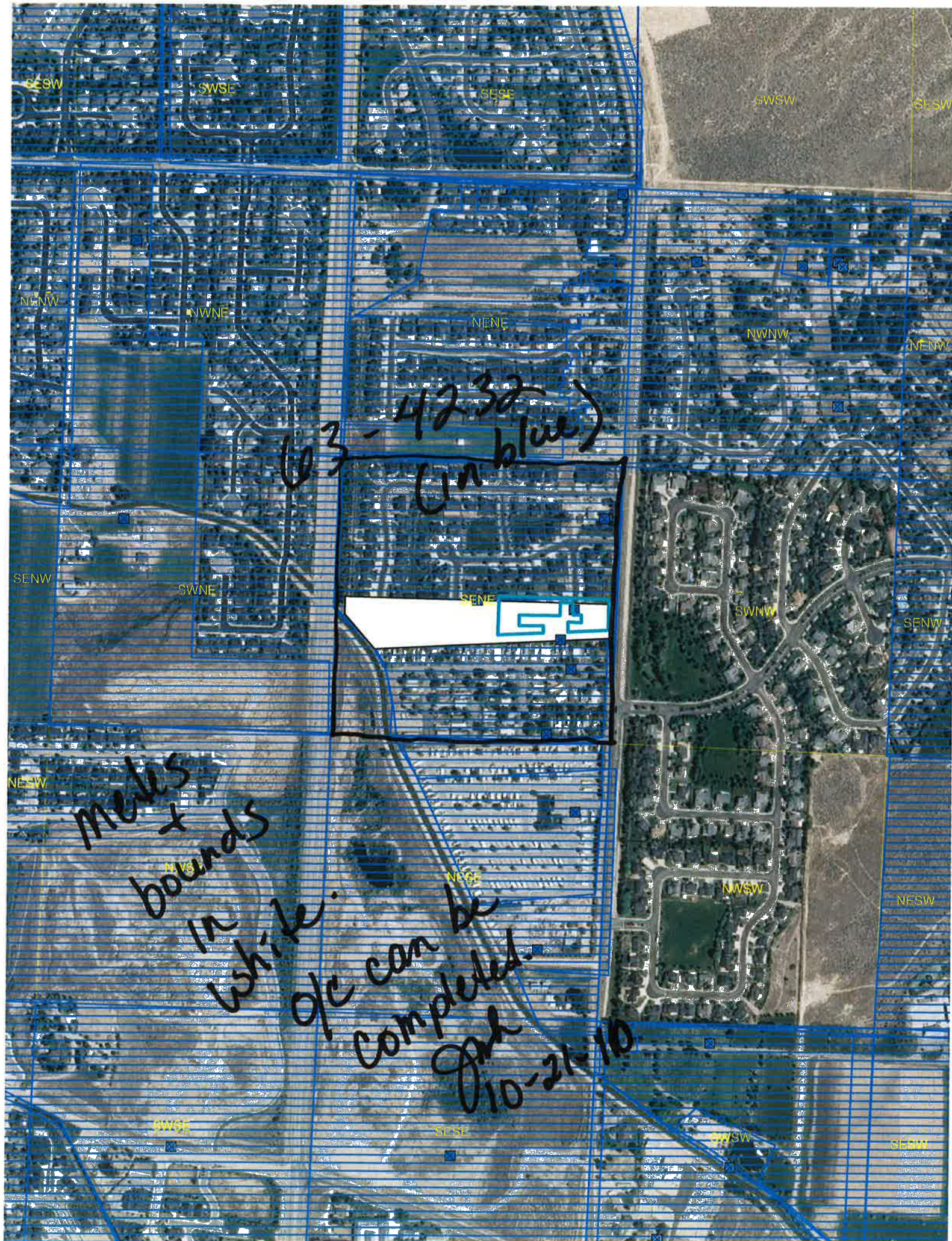
7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature] _____

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 *[Signature]* AJ Date *11-5-10* WR _____ Date _____





A Pioneer Company

PIONEER TITLE COMPANY

OF ADA COUNTY

8151 W. Rifleman Ave. / Boise, Idaho 83704

(208) 377-2700

ADA COUNTY RECORDER J. DAVID NAVARRO

BOISE IDAHO 08/16/04 04:24 PM

DEPUTY NEAVA HANEY

RECORDED - REQUEST OF

Pioneer

AMOUNT 6.00



104105269

2

2

63-4232

240527

"A"

WARRANTY DEED

For Value Received

Dan Fry and Shauna Fry, Husband and Wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto **WHO ACQUIRED TITLE AS DAN FRY AND SHAWNA FRY, HUSBAND AND WIFE**

Hillview Development Corporation, an Idaho corporation

hereinafter referred to as Grantee, whose current address is 150 E. Aikens Suite A, Eagle, Idaho 83616
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

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: August 13, 2004

Shauna Fry

Dan Fry

STATE OF Idaho. County of Ada, ss.

On this 13 day of August, in the year of 2004, before me the undersigned, notary public personally appeared Dan Fry and Shauna Fry 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.



Susan J. Merritt
Notary Public of Idaho
Residing at Caldwell
Commission expires: May 5, 2005

A"

EXHIBIT A

Hillview
D

Commencing at a brass cap over an iron pin marking the section corner common to Sections 2, 3, 10, and 11, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, which brass cap and iron pin lies 33.07 feet Easterly from a U.S.G.L.O. Witness Corner iron pipe with brass cap, and also lies 40.20 feet Easterly from a Highway Department brass cap on a concrete post marked P.C. Sta 88+81 (40); thence N 139°20'09.93" E 2313589.52
On a bearing of South, 1,963.34 feet along the East boundary line of Section 10, which is also along the approximate centerline of Idaho State Highway 55, to a point; thence
North 89 degrees 54'00" West to an iron pipe on the Westerly boundary line of Highway 55, which is the REAL POINT OF BEGINNING; thence continuing
North 89 degrees 54'00" West, 1,276.96 feet along an existing recognized property fence line to an iron pin at a fence intersection; thence
South 00 degree 25'50" East, 85.03 feet along an existing recognized property fence line to an iron pin on the Northeasterly bank of the Farmers Union Canal; thence
South 43 degrees 03'00" East, 216.78 feet along the Northeasterly bank of the Farmers Union Canal, to an iron pin; thence
North 85 degrees 51'00" East, 1,131.30 feet along an existing recognized property line fence as described in a Boundary Agreement dated November 1970, to an iron pin on the Westerly boundary line of State Highway 55; thence
North 159.34 feet along the Westerly boundary line of State Highway 55 to the REAL POINT OF BEGINNING.

EXCEPT ditch and road rights of way.

AND FURTHER EXCEPTING any portion of the above described parcel lying within the following:

That part of the South half of the South half of the North half of the Southeast quarter of the Northeast quarter of Section 10, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho lying East of the Farmers Union Canal.



A 2

The Grantees herein have read and approved the following: _____

WARRANTY DEED

Title File No.: T98-527837413

FOR VALUE RECEIVED

STANELLE L. MURPHY, a Married Woman as Her Sole and Separate Property

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto: DAN FRY AND SHAWNA FRY, husband and wife

GRANTEES(s), whose current address is: 10711 N. Horseshoe Bend Road , Boise, ID 83703
the following described real property in Ada County, State of Idaho,
more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED
(Continued)

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1998 JUL 16 PM 3:59

RECORDED - REQUEST OF

FEE 600 DEPUTY [Signature]

98068365

TRANSACTION TITLE & ESCROW

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) 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(s); 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, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: July 15, 1998

[Signature]
Stanelle L. Murphy

STATE OF Idaho , County of Ada , ss.

On this 15th day of July in the year of 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Stanelle L. Murphy

known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that She executed the same

Signature: Tamera L. Hovde

Name: Tamera L. Hovde

Residing at: Eagle, Id

My commission expires: 11/29/03



Transaction Title & Escrow, Inc.

EXHIBIT "A"

Commencing at a brass cap over an iron pin marking the section corner common to Sections 2, 3, 10 and 11, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, which brass cap and iron pin lies 33.07 feet Easterly from a U.S.G.L.O. Witness Corner iron pipe with brass cap, and also lies 40.20 feet Easterly from a Highway Department brass cap on a concrete post marked P.C. Sta 88+81 (40); thence North 89°54'00" West, 1,963.34 feet along the East boundary line of Section 10, which is also along the approximate centerline of Idaho State Highway 55, to a point; thence North 89°54'00" West to an iron pipe on the Westerly boundary line of Highway 55, which is the REAL POINT OF BEGINNING; thence continuing North 89°54'00" West, 1,276.96 feet along an existing recognized property fence line to an iron pin at a fence intersection; thence South 00°25'50" East, 85.03 feet along an existing recognized property fence line to an iron pin on the Northeasterly bank of the Farmers Union Canal; thence South 43°03'00" East, 216.78 feet along the Northeasterly bank of the Farmers Union Canal, to an iron pin; thence North 85°51'00" East, 1,131.30 feet along an existing recognized property line fence as described in a Boundary Agreement dated November, 1970, to an iron pin on the Westerly boundary line of State Highway 55; thence North 159.34 feet along the Westerly boundary line of State Highway 55 to the REAL POINT OF BEGINNING.

EXCEPT ditch and road rights of way.

AND FURTHER EXCEPTING any portion of the above described parcel lying within the following:

That part of the South half of the South half of the North half of the Southeast quarter of the Northeast quarter of Section 10, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho lying East of the Farmers Union Canal.

File No.: T98-52783 TH13

QUITCLAIM DEED

FOR VALUE RECEIVED

MIKE MURPHY, husband of Stanelle L. Murphy

do hereby convey, release, remise and forever quit claim unto

STANELLE L. MURPHY, a Married Woman as Her Sole and Separate Property

whose current address is: **10711 N. Horseshoe Bend Road Boise, ID 83703**
the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED
(Continued)

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1998 JUL 16 PM 3:59

RECORDED - REQUEST OF

FEE 600 DEPUTY [Signature]

98068364

TRANSACTION TITLE & ESCROW

Dated: July 15, 1998

[Signature]
Mike Murphy

STATE OF Idaho , County of Ada , ss.

On this 15th day of July in the year of
1998, before me, the undersigned, a Notary Public in and
for said State, personally appeared
Mike Murphy

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

Signature: Tamera L. Hovde

Name: Tamera L. Hovde

Residing at: Eagle, Id

My commission expires: 11/29/03



Transnation Title & Escrow, Inc.

EXHIBIT "A"

Commencing at a brass cap over an iron pin marking the section corner common to Sections 2, 3, 10 and 11, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, which brass cap and iron pin lies 33.07 feet Easterly from a U.S.G.L.O. Witness Corner iron pipe with brass cap, and also lies 40.20 feet Easterly from a Highway Department brass cap on a concrete post marked P.C.

Sta 88+81 (40); thence

on a bearing of South, 1,963.34 feet along the East boundary line of Section 10, which is also along the approximate centerline of Idaho State Highway 55, to a point; thence

North 89°54'00" West to an iron pipe on the Westerly boundary line of Highway 55, which is the REAL POINT OF BEGINNING; thence continuing

North 89°54'00" West, 1,276.96 feet along an existing recognized property fence line to an iron pin at a fence intersection; thence

South 00°25'50" East, 85.03 feet along an existing recognized property fence line to an iron pin on the Northeasterly bank of the Farmers Union Canal;

thence

South 43°03'00" East, 216.78 feet along the Northeasterly bank of the Farmers Union Canal, to an iron pin; thence

North 85°51'00" East, 1,131.30 feet along an existing recognized property line fence as described in a Boundary Agreement dated November, 1970, to an iron pin on the Westerly boundary line of State Highway 55; thence

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EXCEPT ditch and road rights of way.

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That part of the South half of the South half of the North half of the Southeast quarter of the Northeast quarter of Section 10, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho lying East of the Farmers Union Canal.

FLOATING FEATHER

POD
63-2634

HWY 55

HORSE SHOE BEND RD

Weber

Fivecoats

Reynolds

Smith

Molenar

POD
63-3177

Ferguson

Renfro

Fry



N

INST. No. 547646

BOOK

23 PAGE 513

TRUST AGREEMENT

THIS TRUST AGREEMENT Entered into by and between the owners of seven different tracts of land, consisting of approximately five acres to each tract, said tracts being herein designated as Tract I to Tract VII, inclusive, the owners who are the parties hereto, described as follows:

TRACT I - NED C. WEYMOUTH and BARBARA B. WEYMOUTH, husband and wife;

From the section corner common to Sections Two, Three, Ten and Eleven, Township Four North, Range One East of the Boise Meridian, running thence South on the Section line Fifty feet; thence West Nine feet; thence North Fifty feet to the section line; thence West along the section line 360 feet to a point; thence South 8°0' West 238.8 feet to a point; thence East 982.9 feet to a point on the section line; thence North 233.8 feet to the point of beginning, containing 5.10 acres more or less.

TRACT II - NED C. WEYMOUTH and BARBARA B. WEYMOUTH, husband and wife;

From the section corner common to Sections Two, Three, Ten and Eleven, Township Four North, Range One East of the Boise Meridian, running thence South on the section line 233.8 feet to the real point of beginning; thence West 982.9 feet to a point; thence South 8°0' West 220.1 feet to a point; thence East 1013.5 feet to a point on the section line; thence North 218 feet to the real point of beginning, containing five acres, more or less.

TRACT III - GEORGE T. TINSLEY and DOROTHY JEAN TINSLEY, husband and wife;

From the section corner common to Sections Two, Three, Ten and Eleven, Township Four North, Range One East of the Boise Meridian, running thence South on the section line 451.8 feet to the real point of beginning; thence West 1013.5 feet to a point; thence South 8°0' West 51.4 feet to a point marked by an iron pin; thence South 89°45' West 286.1 feet to a point marked by an iron pin; thence East 1288 feet to a point on the section line; thence

North 165 feet to the real place of beginning.

TRACT IV - CLARENCE E. WEBER and VIRGINIA D. WEBER, husband and wife.

From the section corner common to Sections Two, Three, Ten and Eleven, Township Four North, Range One East of the Boise Meridian, running thence South along the section line 847.8 feet to the real point of beginning; thence West 1329.4 feet to a point marked by an iron pin; thence South 59° 45' West 68.9 feet to a point marked by an iron pin; thence South 135.8 feet to a point marked by an iron pin; thence East 1329.4 feet to a point on the section line; thence North 165 feet to the real place of beginning.

TRACT V - EARL P. GOODMAN and VELMA E. GOODMAN, husband and wife.

From the section corner common to Sections Two, Three, Ten and Eleven, Township Four North, Range One East of the Boise Meridian, running thence South along the section line 812.8 feet to the real point of beginning; thence West 1329.4 feet to a point marked by an iron pin; thence South 165 feet to a point marked by an iron pin; thence West 1329.4 feet to a point on the section line; thence North 165 feet to the real point of beginning.

TRACT VI - WILLIAM M. GORNIK and DOROTHY M. GORNIK, husband and wife.

From the section corner common to Sections Two, Three, Ten and Eleven, Township Four North, Range One East of the Boise Meridian, running thence South along the section line 977.8 feet to the real point of beginning; thence West 1329.4 feet to a point marked by an iron pin; thence South 165 feet to a point marked by an iron pin; thence East 1329.4 feet to a point on the section line; thence North 165 feet to the real point of beginning.

TRACT VII - FRED EISELE and BETTY EISELE, husband and wife.

From the section corner common to Sections Two, Three, Ten and Eleven, Township Four North, Range One East of the Boise Meridian, running thence South on the section line 1142.8 feet to the real point of beginning; thence West 1329.4 feet to a point marked by an iron pin; thence South 165 feet to a point marked by an iron pin, being the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section Ten; thence East 1329.4 feet to a point on the section line; thence North 165 feet to the real place of beginning. xxx

AND, WHEREAS, all seven tracts of property above described are irrigated by means of irrigation water pumped from a well situate upon the following-described real property of which the owners of said

seven tracts are the beneficial owners, which tract is herein sometimes referred to as the well site, and which property is described as follows:

Commencing at the section corner common to Sections Two, Three, Ten and Eleven, Township Four North, Range One East of the Boise Meridian; thence South along the section line fifty feet; thence West ninety feet; thence North fifty feet; thence East ninety feet to the point of beginning.

AND, WHEREAS, the owners above described of said seven separate tracts of real property desire to provide and establish an irrigation water system, which said system shall include the well site above described on which the well and pump is situate and shall include all pumps, pipes, electrical system, well or wells, conduits, and water ways and equipment used for the pumping of said water and the conveying of said water to the point of delivery to the separate tracts above described, and to provide for the management, maintenance, and delivery of such irrigation water, and the management, maintenance and upkeep of the said irrigation water system;

NOW, THEREFORE, for the purposes aforesaid, the parties to this agreement do hereby set over, assign and transfer to George T. Tingley for a period of one (1) year, Clarence E. Weber for a period of two (2) years, and Ned C. Weymouth for a period of three (3) years, and to their successors, as trustees, all of the property consisting of the water system above described, to be held by said trustees, and their successors, in trust, nevertheless, for the use and benefit of the beneficiaries herein designated in and upon the conditions and terms set up in this agreement.

1. The Trustees hereinabove designated are beneficiaries as heretofore defined and all successors to said Trustees above named shall

BOOK 23 PAGE 516

be qualified beneficiaries as herein defined. The Trustees shall consist of three (3) in number, and in the event of the death, resignation or inability of any trustee now or hereafter serving, the remaining Trustees shall fill any vacancy or vacancies from time to time existing; provided, however, that no vacancy shall prevent the remaining Trustees from effectively carrying on the objectives and purposes of this Trust and their duties as Trustees.

2. Unanimous consent shall not be necessary for the exercise of any powers granted the Trustees herein, and in all cases, concurrence by majority of the then Trustees shall be sufficient to authorize any official act.

3. The Trustees and their successors shall hold, control, and maintain and operate said water system for the use and benefit of the beneficiaries as defined herein, to the end that each of said beneficiaries may, upon compliance with the terms and conditions hereof and the rules and regulations adopted by the Trustees pursuant hereto, receive water from said system for irrigation purposes only; provided that if, through failure of natural supply, major catastrophe, or increase in demand, the water system shall become unusable or inadequate, the Trustees shall be under no obligation to expand, augment or replace said system.

The Trustees shall keep a record of their accounts and proceedings as such, and shall further keep and maintain full, accurate, and adequate books of account, correctly recording all receipts and disbursements and disclosing the financial condition of the trust from time to time, and all such records shall be open to the inspection of the beneficiaries hereunder at reasonable times.

Upon qualification of any person as beneficiary hereunder, the

Trustees shall furnish unto such person a copy of the rules and regulations then in force and affecting and pertaining to said water system and to the furnishing of water to the users thereof.

4. The Trustees hereunder shall have the following powers:

(a) To adopt regulations pertaining to the connecting of existing water service mains to the delivery point of water to the property of the beneficiaries, including the specifications of the size and type of material to be used and the location and depth of service line.

(b) To adopt regulations restricting the use of water by beneficiaries where, in the opinion of the Trustees, such restrictions are necessary to conserve the supply or to permit replacements or repairs.

(c) To adopt such further regulations as may, in the judgment of the Trustees, be deemed necessary for the proper operation of the system.

(d) From time to time to fix an annual rate to be charged the users of the water from the system in an amount sufficient to realize necessary income for operation, repair, and maintenance, including a sufficient amount to permit an accumulation of reserve fund for replacement and repairs or emergencies occurring in the course of operation, and for any other sums that the Trustees may be called upon to pay by reason of a legal liability therefor.

(e) To pay any and all taxes, levies and assessments of any kind or nature, from any governmental or taxing body; provided Trustee shall not be under the obligation to object or contest any tax levy or assessment from a governmental taxing body.

CHICAGO COUNTY

(f) To obtain and pay for such amounts of insurance of such type as Trustees shall deem wise, including any and all liability of the Trustees.

(g) To employ agents, servants, and attorneys or other professional assistance as Trustees may deem reasonable and necessary.

(h) To transfer or lease said water system, either with or without consideration, to any municipal or public corporation or to any legal entity, if, in the judgment of the Trustees, the beneficiaries hereunder will be assured of a constant and equivalent supply of water subject to such transfer or lease.

(i) To abandon said water system upon the advent of any reliable public supply to each of the beneficiaries.

(j) To adopt and enforce regulations necessary to compel compliance by the beneficiaries, and the power given hereunder shall include the right to refuse to furnish water to a beneficiary and to cut off the service thereto in the event of failure of the beneficiary to comply with the regulations of the Trustees or to pay for services of water furnished in the manner provided by the regulations.

(k) To borrow money for the purpose of this trust, if, in the discretion of the Trustees, such action is reasonably necessary.

5. The Trustees hereunder shall serve without compensation, and this trust shall be maintained on a non-profit basis.

6. The Trustees hereunder shall be neither jointly nor severally liable for any accounts or omissions by them or any of them in carrying out the terms and provisions of this trust, except for the failure to properly account for moneys handled by said Trustees; nor, in that respect, shall any Trustee be liable for the debt or default of another

Trustees; and provided further that by no act or omission by said Trustees shall any personal liability be imposed upon said Trustees or any of them, either in law or in equity, in contract or tort, except as in this paragraph specifically provided.

7. Point of delivery as used herein means a point within 10 feet of the NW corner of each tract; as to Tract 1 it means at a point within 10 feet commencing at the corner common to Sections 9, 2, 10 and 11 and running thence south along the section line, and as to all other tracts it means within 10 feet of the real point of beginning as described above in the description of each tract and running thence south along the section line. Water shall be delivered from the water system herein mentioned to each tract of land at the point of delivery to such tract of land, and the delivery at such point of the amount of water allotted for that tract of land shall fulfill the obligation of the trustees and of the water system for the delivery of water for the entire tract; in the event that any tract of land is subdivided, the obligation of dividing, subdividing or diverting such water shall be that of the owner of property at the point of delivery, it being understood that the water system herein defined, and the obligation of the trustees, is only for the maintenance, upkeep, control and regulation of the water system upon and from the well site to the point of delivery of each tract of land herein described.

8. A beneficiary hereunder is hereby defined to be any person who shall, from time to time, be the owner, either equitable or legal or the contract purchaser, and entitled to possession, of any tract of land above described as Tracts I to VII, inclusive, provided, however, that in the event that any tract of land is subdivided, then beneficiary shall mean the owner, as herein defined, of the property at the point of delivery.

9. Title and equitable ownership and interest in and to the said water system is hereby divided into seven (7) equal parts, divided equally between the seven tracts of land above described; in the event that any

tract of land is subdivided, then the one-seventh interest ascribed to such tract of land shall follow the ownership of the land at the point of delivery.

10. The execution of this agreement shall be deemed an acceptance of all the terms and provisions of this trust and an agreement on the part of each beneficiary to abide by the rules, regulations and requirement of the Trustees hereunder.

11. The Trustees hereunder shall be under no obligation to furnish water for the protection of property of the beneficiaries against fire, but are authorized, in their discretion, to make available for such fire protection the facilities presently existing or their equivalent; provided, however, that the Trustees may expand the existing facilities if, in their sole discretion, they deem it expedient to do so.

12. An annual meeting of the beneficiaries shall be held hereafter in Ada County during the month of September of each year. The Trustees, or a majority of all of the beneficiaries, may call a special meeting at any time. Written notice of the time and place of each meeting shall be given by leaving a copy of such notice at each of the seven tracts of land herein described. It shall be the duty of the trustees to give such notice of said annual meeting.

At each annual meeting one trustee shall be elected by a majority of the beneficiaries present for a term of three years. Each successive trustee shall assume and have all of the powers and obligations herein provided.

13. This trust shall terminate 50 years after its date, unless sooner terminated, and upon such termination the Trustees shall cause to be transferred and conveyed to each of the then beneficiaries hereunder an undivided equal interest in and to the water system, including all supplies, tools and equipment, and after paying any and all obligations of the trust, shall pay any and all moneys on hand in equal parts to the then beneficiaries. In the event of any earlier termination of the

trust by transfer or abandonment, the Trustees shall make similar distribution of any balance of moneys in their hands.

WITNESS our hands and seals this 14th day of October, 1962.

Wm. C. Wyman

Barbara B. Heyman

George T. Penick

Dorothy Jean Penick

Clarence B. Weber

Virginia D. Weber

Edith P. Goodman

Velma E. Goodman

William M. Gornik

Dorothy M. Gornik

Fred R. Essie

Betty Essie

CONFIDENTIAL

BOOK 23 PAGE 522

STATE OF IDAHO)

County of Ada)

On this 11 day of October, 1962, before me, the undersigned,
a Notary Public in and for said state, personally appeared NEED C.
WEYMOUTH and BARBARA E. WEYMOUTH, GEORGE T. TINSLEY and
DOROTHY JEAN TINSLEY, CLARENCE B. WEBER and VIRGINIA D.
WEBER and WILLIAM M. GORNIK and DOROTHY M. GORNIK.

known to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.

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

Clark C. Clancy
Notary Public for Idaho
Residing at Boise, Idaho.

STATE OF IDAHO)

County of Ada)

On this 17th day of November, 1962, before me, the undersigned,
a Notary Public in and for said state, personally appeared EARL P.
GOODMAN and VELMA E. GOODMAN

known to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.

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

Clark C. Clancy
Notary Public for Idaho
Residing at Boise, Idaho.

Weymouth Clancy

BOOK

23 PAGE 523

STATE OF COLORADO,)

County of)

On this 22nd day of November, 1962, before me, the undersigned, a Notary Public in and for said state, personally appeared FRED EISELE and BETTY EISELE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Notary Public for Colorado
Residing at: *Colorado Springs*

My Commission Expires:

May 17, 1964

STATE OF COLORADO,)

Filed for record at the request of

29 Min past 2 o'clock

November 29, 1962

Recorded in

Vol. 617

M. T. H. 28 d. y of 1963

VERN THOMAS, Jr.

Recorder

Deputy

517 - 3rd St. Bldg.

**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: 63-4232

**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:

July 13, 2007

Dated July 14, 2006


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 July 14, 2006, 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:
Hillview Development
150 E Aikens Ste A
Eagle ID 83616
3. One copy to:
Each party in the subcase, or attorney of record:



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 14, 2006

HILLVIEW DEVELOPMENT
150 E AIKENS STE A
EAGLE ID 83616

Dear Sir or Madam:

Enclosed is a copy of the Notice of Administrative Proceeding regarding your water right(s) that have been sent to the Snake River Basin Adjudication Court in Twin Falls. This document is required to be filed by the Department in order to notify the Court of any contemplated changes to your water right(s).

The SRBA Court or Water Resources will notify you of any future action on your water right(s).

Please contact this office if you have any questions concerning this notification.

Sincerely,

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

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

LH:l
Enclosure

cc: Dave Shaw-ERO Resources

Harris, Lori

From: David Shaw [dshaw@eroresources.com]
Sent: Monday, May 22, 2006 1:46 PM
To: Harris, Lori
Subject: Additional Deeds for Hillview Development

Lori,

Attached are the deeds to complete the chain of title for the Hillview water rights near Horseshoe Bend Road.

The first file contains deeds from Murphy to Murphy as the husband deeds his interest in the property to his wife. A second deed conveys the property to the Frys. The deed from the Frys to Hillview was contained in the original package of material provided. This should complete the chain of title for 63-4232.

Also included in the first file is the deed from Collins to Hannold. The second file contains the deed from Hannold to Molenaar. The deed from Molenaar to Hillview as included in the original package of information. This should complete the information needed for 63-3177.

Please let me know if you need anything further for this change of ownership.

Thank you,

David Shaw
ERO Resources Corp
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
(208) 373-7985 FAX

5/22/2006

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004310839
MAILED FROM ZIP CODE 83702
\$ 00.83⁰
DEC 16 2005
PITNEY BOWES

RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
RECEIVED
DEC 21 2005
DEPARTMENT OF
WATER RESOURCES

re: Notice of Filing of
Director's Report

RECEIVED
DEC 22 2005
WATER RESOURCES
WESTERN REGION

RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE

resent to:

12/29/05

Dan Fry
P.O. Box 765
Garden Valley

83622

MIKE MURPHY
10711 HWY 55
BOISE ID 83703

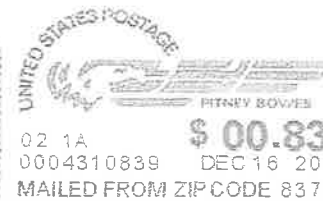
63-4232

MURP709 837032007 1N 12 12/18/05
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

4n 1e

FIRST CLASS



UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE

RECEIVED
DEC 21 2005
DEPARTMENT OF
WATER RESOURCES

RECEIVED
DEC 22 2005
WATER RESOURCES
WESTERN REGION

VIT

STANELLE MURPHY
10709 HWY 55
BOISE ID 83703

63.4232

MURP709 837032007 1N 12 12/18/05
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

101 71 1 6 13 131 1 133 32 4 141 145 148 0 18 13 41 1 1

DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT HWY
BOISE, IDAHO 83705

FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004389393
\$ 00.83⁰
JUL 06 2005
MAILED FROM ZIP CODE 83702

UTP

STANELLE MURPHY
10709 HWY 55
BOISE ID 83703

RETURNED TO
SENDER
UNDELIVERABLE AS ADDRESSED
NO FORWARDING DATA

RETURNED TO
SENDER
UNDELIVERABLE AS ADDRESSED
NO FORWARDING DATA

13260 W Bluebonnet Ct
Boise 83713

RECEIVED

JUN 08 2005

WATER RESOURCES
WESTERN REGION

63-4232

ADDRESS SERVICE
REQUESTED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

Notice of Error
Reply

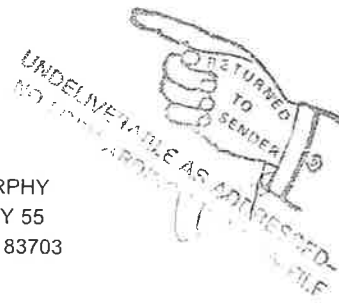
FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00
0004389393 JUN
MAILED FROM ZIP CODE

63-4232
No address found

MIKE MURPHY
10711 HWY 55
BOISE ID 83703



RECEIVED

13260 W Bluebonnet CA JUN 08 2005

Boise 83713

WATER RESOURCES
WESTERN REGION

Resent 6-28-05

03/04/2005

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

RIGHT NUMBER: 63-4232

NAME AND ADDRESS: MIKE MURPHY
10711 HWY 55
BOISE ID 83703

STANELLE MURPHY
10709 HWY 55
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
4.500 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/28/1957

POINT OF DIVERSION:

T04N R01E S10 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.020 CFS

4.50 AFY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE:

IRRIGATION Within ADA County

T04N R01E S10 SENE 1.0

DOMESTIC Within ADA County

T04N R01E S10 SENE

1 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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

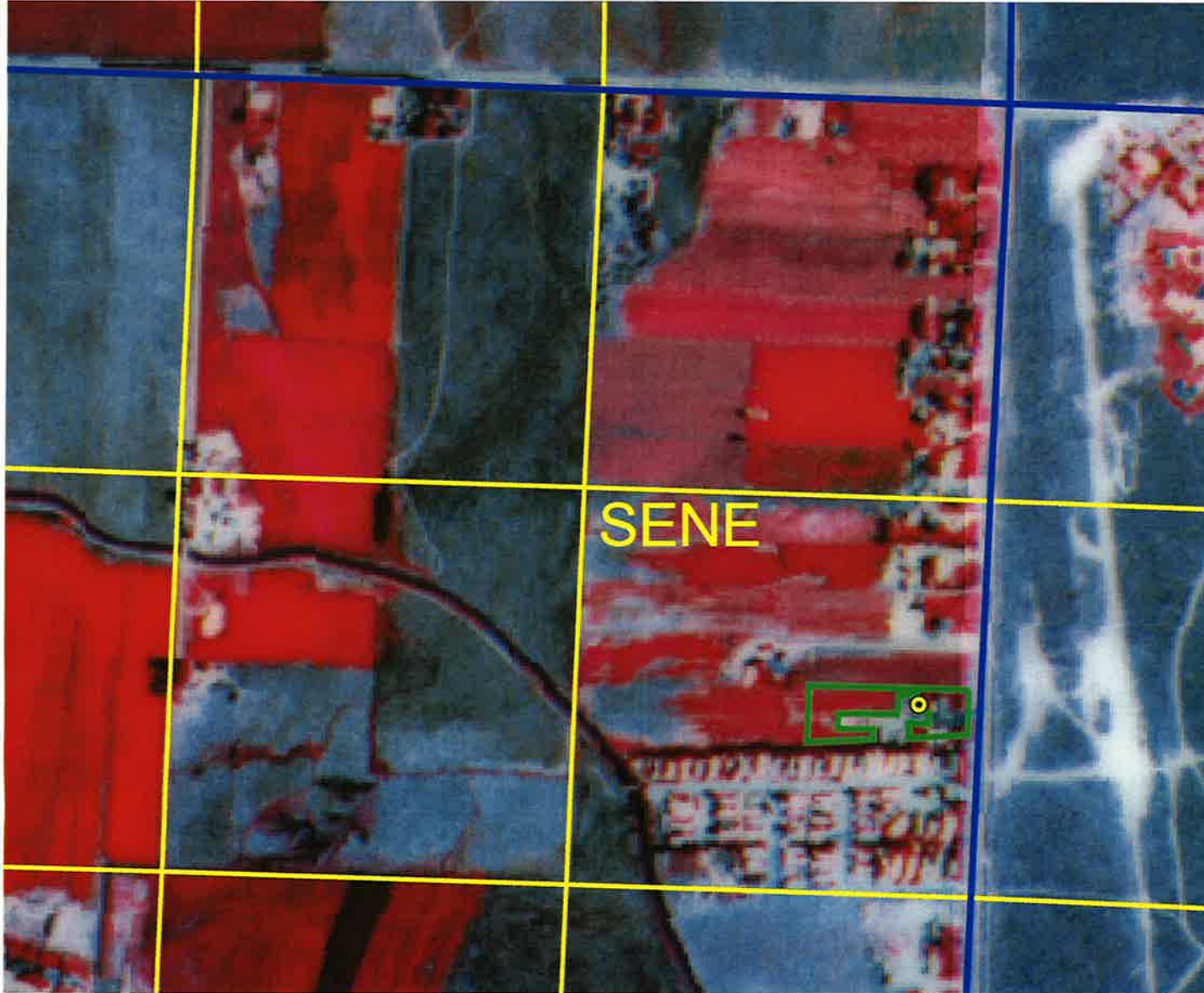
PARCEL NO: S0510141970.

Use of this right is combined with water from Farmers Union Ditch Company Ltd.

Idaho Department of Water Resources

**T04N, R01E,
S10**

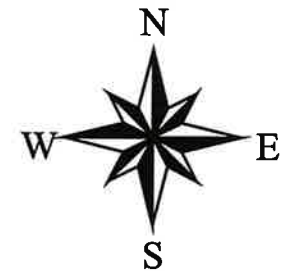
Claim No: 63-4232
Prepared By: Kimberly Brown
Date: March 4, 2005



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

 Point of Diversion

Acres Irrigated = 1.0



0.04 0 0.04 0.08 Miles



1987 NAPP



ERO Resources Corp.
1106 N. Cole Rd. Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985
Denver • Boise
www.eroresources.com
eroboise@eroresources.com

RECEIVED

JAN 04 2005

WATER RESOURCES
WESTERN REGION

December 15 2004

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Gentlemen:

Enclosed are nine Notice of Change in Water Right Ownership forms for water rights acquired by Hillview Development Corporation. The property acquired is located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10, Twp 4N Rge 1E, B.M. and more particularly described on the enclosed deeds. The section corner common to sections 2,3,10 and 11 is in the intersection of Floating Feather and Horseshoe Bend Roads on the attached aerial photo.

The southern parcel was purchased from prior owners Smith, Molenaar, Ferguson, Renfro, and Fry. This land is covered by irrigation water right 63-3177 for 25 acres. Hillview purchased all but about 1.1 acres of the Molenaar property as noted on the attached aerial photo and in the attached deed. The change of ownership form is for the remaining 23.9 acres of irrigation.

The southern parcel also includes four individual water rights, three solely for domestic purposes and one for domestic and one acre of irrigation. Each of these four individual water rights were purchased in their entirety by Hillview as indicated on the attached change of ownership forms and the attached deeds.

The northern parcel was purchased from prior owners Weber, Fivecoats, and Reynolds. This land is covered by water right 63-2834 for 28 acres that was used to irrigate 7 parcels as described in the attached Trust Agreement dated October 11, 1962. Hillview purchased 3 of the 7 parcels as shown on the attached aerial photo and the attached deeds. The change of ownership is for 12 of the 28 acres of irrigation under water right 63-2834.

The northern parcel also includes three individual water rights for domestic purposes. Three change of ownership forms are included for those domestic water rights.

Idaho Department of Water Resources
December 15 2004
Page 2

Please let me know if you need any additional information.

Yours truly,

A handwritten signature in dark ink, appearing to read 'D. Shaw', with a long horizontal flourish extending to the right.

David B. Shaw

Enc.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4232

WATER RIGHT NUMBER: 63-4232 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	STANLEY E QUIGLEY RT 1 HWY 55 N BOISE, ID 83702
Current Owner	MIKE MURPHY ✓ 10711 HWY 55 BOISE, ID 83703 (208)939-0120
Current Owner	STANELLE MURPHY ✓ 10711 - 10709 HWY 55 BOISE, ID 83703 (208)939-0120
Original Owner	ERNESTINE A QUIGLEY 10711 HORSESHOE BEND RD BOISE, ID 83702

Current Owner -

Dan Fry
P.O. Box 765
Garden Valley 83622

Priority Date: 11/28/1957 ✓
Basis: ~~Statutory Claim~~ ✓ Beneficial Use
Status: Active

Property Address -

10711 N. Horseshoe Bend Rd.
Boise 83703

Source

GROUND WATER ✓

TributaryBeneficial Use

IRRIGATION ✓

DOMESTIC ✓

Change to
3/1 to 11/15

From To

3/01 to 11/01

1/01 to 12/31 ✓

Diversion Rate

0.020 CFS ✓

0.040 CFS ✓

Annual Volume

4.5 AFA

Total Diversion:

0.060 CFS ✓

4.5 AFA

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

SE1/4NE1/4 ✓

Sec. 10, Twp 04N, Rge 01E, B.M. ✓

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 04N	01E	10				1.0													1.0

Total Acres: 1

DOMESTIC same as IRRIGATION

ADD X01 - Domestic use is for 1 home.

Conditions of Approval:

ADD W49 - Use is combined with Farmers Union
Ditch Co. water.

Remarks:

ADD N10 & N12 -

Parcel No: S0510141970.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4232

1. General AC. IRR.=.77.
STAT. CLAIM INCORRECTLY STATES PRIORITY DATE, CHANGED TO 11-28-1957 AS
SHOWN ON WELL LOG.

Comments:

(in office review)

**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 \$51.00
- ☒ Well logs (if needed)
- ☒ 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

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-4232

Owner: Stanelle & Mike Murphy Phone No. (208) 939-0120

Current Address: 10711 Hwy. 55, Boise 83703

Property Address:

10711 N.
Horse shoe Bend Rd.,
Boise 83703

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Dan Fry
- ☐ No change Address
- ☒ NEW ADDRESS P.O. Box 765, Garden Valley 83622
- ☐ 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?

Well Driller's Report
dated 11/28/1957.

Priority date, per claimant, is: 11/28/57

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

Statutory Claim incorrectly stated the priority date,
changed to 11/28/57 as shown on well log.

Source: Ground Water 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?

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 Notice of Claim # attached documents - Policy #13225 & Well Driller's Report.

OVERLAP REVIEW

Other water rights with the same point of diversion: see POB overlap review sheet.

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

No overlap

WATER USES

☐ No change

☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount CFS 4.5 AFA

Use Domestic From To Amount CFS AFA

Use From To Amount CFS AFA

1 AC x 4.5 af/acre = 4.5 af/annum (v) 0.02 cfs x 1.9835 x 260 days = 10.3 af/annum

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount CFS 4.5 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:

Parcel No: 80510141970.

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: see POU Overlap review & Farmer's Union Ditch Co.

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

no overlap

Delivery System Narrative: Sprinkler system w/ 3 spigots.

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

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Domestic use is for 1 home.

Use is combined with Farmers Union Ditch Co. water.

Quantity decreed for domestic purposes is not a
determination of historical beneficial use
* shall not exceed 13,000 gal/day.

Parcel No: S0510141970.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 3.4.05

(in office review)

FIELD EXAMINER: Kimberly Brown

**Land Records**
[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)
Property Details for Parcel S0510141970

- [Main Page](#)
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General Information

Property Acres: 5.770
Zone Code: RUT
Primary Code Area: 17 Tax Districts
Group Type: SECT
Subdivision: 4N 1E 10
Section: 4N1E10

Property Description

PAR #1970 OF SE4NE4
 SEC 10 4N 1E
 #141750-R
 #98068365 #98068364

Property Address

10711 N HORSESHOE BEND RD
 BOISE, ID 83703


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Assessor Links

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- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	120-RESIDENTIAL TRACT	5.770	\$132,000	MARKET
Primary	340-RES IMPROVEMENT	0.000	\$122,200	COST

Total Assessed Value: \$254,200

Parcel Valuation History

Assessed value for year 2004 \$254,200
Assessed value for year 2003 \$238,700
Assessed value for year 2002 \$204,000
Assessed value for year 2001 \$197,500
Assessed value for year 2000 \$197,500

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Property Characteristics

Residential
 Land

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Land Records

Characteristics Detail[Go Back to Property](#)

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Residential

Land

Residential Characteristics 1 for Parcel "S0510141970"

Occupancy Date:

No Date Available

Year Built:

1970

Year Remodel:

0

Effective Age:

0

Construction Class:

4

Number of Bedrooms:

4

Number Bathrooms:

2.0

Number of Fireplaces:

1

Air Conditioning:

Y

Car Storage Sq Ft #1:

700

Car Storage Sq Ft #2:

0

General Purpose Building Sq Ft:

100

Porch Sq Ft:

100

Deck Sq Ft:

0

Deck Covered:

N

Patio Sq Ft:

240

Patio Covered:

Y

Pool Sq Ft:

0

Total Sq Ft:

2340

Main Floor Sq Ft:

1220

Upper Floor Sq Ft:

0

Finished Lower Floor Sq Ft:

0

Unfinished Lower Floor Sq Ft:

0

Finished Basement Floor Sq Ft:

1120

Unfinished Basement Floor Sq Ft:

0

Finished Attic Sq Ft:

0

Unfinished Attic Sq Ft:

0

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overlap review -

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4232**

03/04/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-3177	Claim	04N	01E	10	SE	NE		GROUND WATER 1959-5 lots	FARRELL F FERGUSON
63-4232	Claim	04N	01E	10	SE	NE		GROUND WATER	MIKE MURPHY
63-4314	Claim	04N	01E	10	SE	NE	108 67 H. Bend Rd.	GROUND WATER 1966	YVONNE SMITH
63-7530	Claim	04N	01E	10	SE	NE	10845 H. Bend Rd. licenced	GROUND WATER 1971	FLOATING FEATHER RENTAL CO
63-15679 ?	Claim	04N	01E	10	SE	NE		GROUND WATER	LEONARD A COLLINS
63-16450	Claim	04N	01E	10	SE	NE	10735 H. Bend Rd.	GROUND WATER 1975	CATHERINE RENFRO
63-3177	Water Right	04N	01E	10	SE	NE		GROUND WATER	ORVAL HARDEN
63-4232	Water Right	04N	01E	10	SE	NE		GROUND WATER	ERNESTINE A. QUIGLEY
*63-4314	Water Right	04N	01E	10	SE	NE		GROUND WATER	ROBERT H SMITH
63-4319	Water Right	04N	01E	10	SE	NE	10753 H. Bend Rd.	GROUND WATER 1960	FARRELL F FERGUSON
63-7530	Water Right	04N	01E	10	SE	NE	licenced	GROUND WATER 1971	WALTON R FARMER
63-11105	Water Right	04N	01E	10	SE	NE	Commercial	GROUND WATER	FLOATING FEATHER RENTAL CO
63-12414	Water Right	04N	01E	10	SE	NE	licenced	GROUND WATER	FLOATING FEATHER RENTAL CO
63-15679 ?	Water Right	04N	01E	10	SE	NE		GROUND WATER	BETTY L COLLINS
63-16450	Water Right	04N	01E	10	SE	NE	10735 H. Bend Rd.	GROUND WATER	GERALD E RENFRO

no overlap separate PODs.

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4232

03/04/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2406	Claim	04N	01E	10	SE	NE		IRRIGATION	2/29248	DRAINAGE DIST NO 2
3177	Claim	04N	01E	10	SE	NE		IRRIGATION	25/25	FARRELL F FERGUSON
4232	Claim	04N	01E	10	SE	NE		IRRIGATION	1/1	MIKE MURPHY
2406	Water Right	04N	01E	10	SE	NE		IRRIGATION	2/29248	DRAINAGE DIST NO 2
3177	Water Right	04N	01E	10	SE	NE		IRRIGATION	33/33	ORVAL HARDEN
4232	Water Right	04N	01E	10	SE	NE		IRRIGATION	1/1	ERNESTINE A QUIGLEY
11105	Water Right	04N	01E	10	SE	NE		IRRIGATION	1.5/1.5	FLOATING FEATHER RENTAL CO
7530	Claim	04N	01E	10	SE	NE		DOMESTIC		FLOATING FEATHER RENTAL CO
4314	Water Right	04N	01E	10	SE	NE		DOMESTIC		ROBERT H SMITH
4319	Water Right	04N	01E	10	SE	NE		DOMESTIC		FARRELL F FERGUSON
7530	Water Right	04N	01E	10	SE	NE		DOMESTIC		WALTON R FARMER
12414	Water Right	04N	01E	10	SE	NE		DOMESTIC		FLOATING FEATHER RENTAL CO
16450	Water Right	04N	01E	10	SE	NE		DOMESTIC		GERALD E RENFRO

no overlap - separate POUs.

Receipt Details for ID W003492

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/6/1989 2:54:33 PM	7/6/1989	Western	\$51.00	Check
Payer		MURPHY, STANELLE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5401			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$51.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4232		\$51.00	Claim

[Print Report](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

63-4232

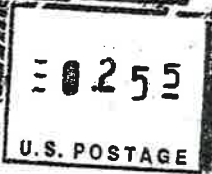


NO SUCH
NUMBER

PRESORTED
FIRST CLASS



PB METER
7110094



RECEIVED

JUN - 5 2002

Department of Water Resources

13260 W. Bluebonnet Ct
Boise 83713

STANLEY MURPHY
10709 HWY 55
BOISE ID 83703

(Mike)

NSW

RECEIVED

JUN 06 2002

WATER RESOURCES
WESTERN REGION

Sent again
6/11/02

83720-0098





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 8, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STANELLE & MIKE MURPHY
13260 W. BLUEBONNET CT
BOISE, ID 83713

RE: EVIDENCE OF PRIORITY

SNAKE RIVER BASIN CLAIM NO(S): A63-4232

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of your priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by October 6, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.



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

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-05048

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.