

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: **A63-03120A**
Date Received: 11/24/1989
Receipt No: X777777
Received By: _____

AMENDED

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

AMENDED

1. Name: ROGER WILLIAMS 208-343-1803
Address: 3522 IMMIGRANT PASS
BOISE ID 83705

2. Date of Priority: FEB 5, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03W	26		SW	NE		CANYON

5. Description of diverting works:
GRAVITY FLOW, SIPHON TUBES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.880		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 217.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/RESIDENCE, 1 FAMILY

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	03W	26	NW	NE		IRR	27.0
			SW	NE		IRR	35.0
			SW	NE		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	62.0
					Total Acres	62.0

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:
A6304085, DEER FLAT CANAL

14. Remarks:
THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP OF A PORTION O
OF CLAIM A63-03120, FEE PAID UNDER RECEIPT W006785.

15. Basis of Claim: LICENSE

Water Right Number: 27231

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Split Tree (A) 63-03120

A63-03120 N/O Roger Williams, et al

DR: In 1.44 cfs CU: 357 of
Dom. .04

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWNE - 27

SWNE - 35 + Domestic

NWSE - 40

-03120A N/O Roger Williams, et al

DR: In - .88 cfs CU: 217 of
Dom. - .04 cfs

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWNE - 27

SWNE - 35 + Domestic

-03120B N/O Kevin & Phyllis Bailey

DR: .56 cfs CU: 140 of

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWSE - 40

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

RECEIVED

AUG 29 1997

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A63-03120
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) C. Roger Williams, Anita Williams
3522 Immigrant Pass, Boise, ID 83716
4. New Owner/Claimant(s) Kevin W. Bailey Phyllis M. Bailey
Name connector (Check one): ☐ AND, (☐ OR, ☒ AND/OR
New Mailing Address 1300 Lake Lowell
City, State and ZIP Code Nampa ID 83686
New Telephone Number (208) 467-4717
5. Date you acquired the property April 3, 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Kevin W. Bailey Date 8-27-97
Phyllis M. Bailey Date 8-27-97
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Enclosed - deed, title policy, agreement of sale (with conveyance of water rights stated)

State

1600
PMB

8114

RECEIVED

9614159

WARRANTY DEED

AUG 29 1997

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED ROGER L. WILLIAMS, ANITA L. WILLIAMS, VIRGINIA M. FULTON, RONALD DEAN FULTON, SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA, GOREE TRUKSA

the Grantors, do hereby grant, bargain, sell and convey unto **KEVIN W. BAILEY and PHYLLIS M. BAILEY, husband and wife**

the Grantees, whose address is , 1300 LAKE CAVELL, NAMPA, ID 83686

the following described premises, to-wit:

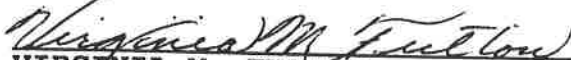
THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO.

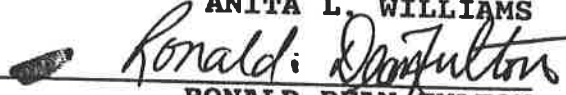
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 3, 1996


ROGER L. WILLIAMS


ANITA L. WILLIAMS

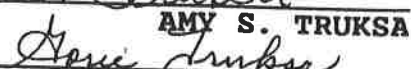

VIRGINIA M. FULTON


RONALD DEAN FULTON


SCOTT TRUKSA


AMY S. TRUKSA


MARC TRUKSA


GOREE TRUKSA

STATE OF IDAHO
COUNTY OF CANYON

On this 3 day of April, 1996, before me a notary public, personally appeared SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA AND GOREE TRUKSA, known or identified to me to be the person(s) who (se) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they have executed the same.


Notary Public
Residing at GREENLEAF, Idaho
My commission expires: 9-1-99

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

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AUG 29 1997

WATER RESOURCES
WESTERN REGION

TRANS TYPE	SI IND.	INF END.	CODE	CODE	CODE	CODE	CODE	CODE	REISSUE AMOUNT
6	7	8	9	10	11	12	13	14	15

OWNERS SCHEDULE A

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	PREMIUM AMOUNT
1 PN 38114	2 13 4034 106 01591	3 May 2, 1996 @ 4:08 p.m.	4 \$142,000.00	5 \$681.00

1. Name of Insured:
KEVIN W. BAILEY and PHYLLIS M. BAILEY
2. The estate or interest in the land which is covered by this policy is **FEE SIMPLE**.
3. The title to the estate or interest in the land is vested in:
KEVIN W. BAILEY and PHYLLIS M. BAILEY, husband and wife
4. The land referred to in this policy is described as follows:
The Northwest Quarter of the Southeast Quarter of Section 26, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

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AUG 29 1997

WATER RESOURCES
WESTERN REGION

EXCEPTIONS FROM COVERAGE

File No: PN 38114

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

GENERAL EXCEPTIONS

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises including, but not limited to, insufficient or impaired access and matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

SPECIAL EXCEPTIONS:

1. General taxes for the year 1996, which are a lien, payable on or before December 20 of said year and not delinquent until after said date.
2. Liens and assessments of Wilder Irrigation District, and the rights and powers of said district as by law provided. Paid Current.
3. Power line easement as granted by HERSCHELL D. BARBER and GLADYS W. BARBER, his wife to IDAHO POWER COMPANY, a corporation, by instrument recorded January 10, 1952, as Instrument No. 384555, 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. (Affects: Centerline described as follows: Beginning 1330 feet more or less North of the South Quarter corner of Section 26, thence East 1315 feet more or less to the East boundary of the Northwest Quarter of the Southeast Quarter, Section 26)

4. Right of Way for Roosevelt Avenue along the North 25 feet as set out in Right of Way Deed recorded September 12, 1966 as Instrument No. 585881 and September 5, 1968 as Instrument No. 616821, records of Canyon County, Idaho.
5. Right of Way for Caldwell Canal.
6. Power line easement as granted by ERNEST RUPERT and MARY R. RUPERT, his wife to IDAHO POWER COMPANY, a corporation, by instrument recorded July 13, 1971, as Instrument No. 664229, 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. (Affects: Part of Section 26, Township 3 North, Range 3 West)
7. A Mortgage to secure an indebtedness as shown below, and any other obligation secured thereby

Amount:	\$92,000.00
Dated:	April 3, 1996
Mortgagor:	KEVIN W. BAILEY and PHYLLIS M. BAILEY, husband and wife
Mortgagee:	ROGER L. WILLIAMS and ANITA L. WILLIAMS, VIRGINIA M. FULTON, RONALD DEAN FULTON, SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA and GOREE TRUKSA
Recorded:	May 2, 1996 as Instrument No. 9614160

"NOTHING FURTHER"

RECEIVED

AUG 29 1997

WATER RESOURCES
WESTERN REGION

AGREEMENT FOR SALE OF REAL ESTATE

THIS AGREEMENT, made and entered into this 3rd day of April, 1996, by and between ROGER L. WILLIAMS and ANITA L. WILLIAMS, formerly husband and wife, VIRGINIA M. FULTON, RONALD DEAN FULTON, SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA, and GOREE TRUKSA, hereinafter referred to collectively as Sellers, and KEVIN W. BAILEY and PHYLLIS M. BAILEY, husband and wife, hereinafter referred to as Buyers.

WITNESSETH

In consideration of the mutual covenants and agreements hereinafter contained, Sellers agree to sell and Buyers agree to buy that certain parcel of real property, together with its improvements and fixtures, situated in Canyon County, Idaho, and more particularly described as follows, to-wit:

The Northwest Quarter of the Southeast Quarter of Section 26, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

PURCHASE PRICE AND TERMS OF PAYMENT: Buyers agree to pay as the total purchase price for said property the sum of ONE HUNDRED FORTY TWO THOUSAND AND NO/100THS DOLLARS (\$142,000.00) payable under the following terms and conditions:

a. The sum of FIFTY THOUSAND AND NO/100THS DOLLARS (\$50,000.00) cash, receipt of which is hereby acknowledged by Sellers.

b. The remaining unpaid balance of NINETY-TWO THOUSAND AND NO/100THS DOLLARS (\$92,000.00) shall be payable in two (2) annual installments of

84
INITIAL  FORTY-SIX THOUSAND AND NO/100THS DOLLARS (\$46,000.00) each, plus interest at 8 % per annum ^{ON \$42,000.00 Note} with the first installment due on or before the 1st day of June, 1997, but not before January 1, 1997, and the second and final installment due on or before the 1st day of June, 1998, but not before January 1, 1998.

CONVEYANCE: Contemporaneously herewith, Sellers shall execute and deliver a good and sufficient Warranty Deed to the above described real property in favor of Buyers.

NOTE AND MORTGAGE: Contemporaneously herewith, Buyers shall execute a Promissory Note and Mortgage in favor of Sellers and covering the above described real property and the balance owing thereon under this Agreement. PROVIDED HOWEVER, said Mortgage shall not be secured by the southerly 1000 feet of the westerly 350 feet of the above described real property.

RELEASE OF MORTGAGE: Contemporaneously herewith, Sellers shall execute two (2) Release of Mortgage documents, releasing Buyers from the mortgage pursuant to the following terms:

a. Upon payment of the first \$46,000.00 installment plus interest at 8 % per annum due on or before June 1, 1997, but not before January 1, 1997, Sellers agree to release to Buyers, via the First Release of Mortgage executed contemporaneously herewith, the westerly 700 feet of the subject real property described above.

b. The balance of the property covered by the mortgage shall be released to the Buyers from Sellers upon payment of the final \$46,000.00 installment plus interest at

8 % due on or before June 1, 1998, but not before January 1, 1998, via the Second Release of Mortgage executed contemporaneously herewith.

ESCROW HOLDER: The parties agree that they will place in escrow with Pioneer Title Company of Canyon County of Nampa, Canyon County, Idaho, an executed copy of this Agreement, the Promissory Note and Mortgage, the First Release of Mortgage, and the Second Release of Mortgage, all described above. The escrow holder is hereby instructed to deliver the First Release of Mortgage to the Buyers upon Sellers receipt of the first \$46,000.00 installment, together with interest, due on or before June 1, 1997, and to deliver the Second Release of Mortgage to Buyers upon the Sellers receipt of the final \$46,000.00 installment, together with interest, due on or before June 1, 1998. It is understood and agreed that the parties hereto are executing contemporaneously herewith escrow instructions authorizing said escrow holder to act as their agent herein, and in the event of a conflict between the terms of this Agreement and the terms of said escrow instructions, the terms of this Agreement shall prevail.

TAXES AND ASSESSMENTS: Sellers agree to pay and discharge all taxes, dues and assessments, including irrigation charges, to and including December 31, 1995, and for all prior years and Buyers agree to pay and discharge as the same become due and before any delinquency all taxes, dues and assessments, including irrigation charges, after December 31, 1995 and for all subsequent years during the continuance of this Agreement. PROVIDED HOWEVER, that said taxes, dues and assessments, due for the year 1996 shall be adjusted and prorated between the parties as of April 3, 1996.

POSSESSION:

The parties agree that Buyers shall be entitled to possession of the said premises April 3, 1996, and shall be entitled to continue in possession thereof so long as all covenants and conditions required hereunder are properly performed by Buyers.

COVENANT AGAINST WASTE AND DESTRUCTION:

Buyers covenant and agree wit Sellers that they will wholly refrain from the waste, strip or destruction of the above described property and shall keep the same free from the accumulation of weeds, trash and debris.

LIENS AND ENCUMBRANCES:

Buyers agree that they will not allow any new liens or encumbrances of any kind to become established on or to stand against the above described real property which would take precedence over, or be superior to, the rights of the Sellers herein. Buyers shall not allow any mechanic, materialman, or labor lien to be established on or to stand against the above premises, and shall promptly pay for all alterations or improvements made on the above real property. PROVIDED, HOWEVER, that the southerly 1000 feet of the westerly 350 feet, that portion of the above described real property excluded from the mortgage at the inception of this Agreement, shall not be subject to the terms and provisions of this paragraph.

EXISTING LEASE:

The parties hereto acknowledge the existence of a farm lease held by Redding Brothers. Pursuant to the terms of said lease, Redding Brothers have agreed to pay \$130.00 per farmable acre in exchange for the right to farm the above described real property during the calendar year of 1996. Buyers hereby agree to take the property subject to the lease

and perform all obligations incumbent upon Sellers under the terms of said lease. Furthermore, Buyers agree not to begin construction of any buildings, or in any other way materially alter the number of farmable acres without a written release from Lessee, Redding Brothers. Payments due under the terms of said lease shall be payable to the Buyers herein.

WATER RIGHTS: This transaction shall include a transfer from the Sellers to the Buyers the proportionate share of any and all water rights to the above described property. The Buyers shall have no right to water from the well on the adjoining property retained by Seller; provided, however, that Buyers shall pay \$35.00 per farmable acre per year for the use of water produced by the existing well, for a period of time not to exceed two (2) years

EVIDENCE OF TITLE: Sellers shall furnish upon execution of this Agreement, a policy of title insurance in the usual form issued by a title insurance company authorized to do business in the State of Idaho, which policy of title insurance shall show sufficient marketable title to vest in Sellers, free and clear of all encumbrances, except any encumbrance hereinabove mentioned and set forth, any right of way or easement of public road, current taxes and assessments, any United States patent restrictions and usual printed exceptions in said policies and Buyers shall have the right to have said policy of title insurance examined by their legal representative for any defects which might or could affect marketability of title. In the event of such defect, Sellers shall have a reasonable time to cure such defect.

MISCELLANEOUS PROVISIONS:

1. Any assent, express or implied, to any waiver of any condition, agreement or covenants herein contained shall operate as such only in the specific instance and shall not be deemed to apply to any subsequent breach of any term, condition or covenant herein contained.

2. Buyers have inspected said premises and are satisfied with the condition thereof and no representations or warranties have been made to Buyers unless the same are set forth herein.

3. Any notice required between the parties as to any matter or thing pursuant to this Agreement shall be made between the parties by the escrow holder, and such notice shall be deemed duly and properly served upon each of the respective parties if mailed by the escrow holder by certified mail and to the last known address of Sellers or Buyers as respectively furnished to such escrow holder.

4. In the event that notice of default is sent by Sellers, it shall include the amount expended by Sellers for reasonable attorney's fees in the preparation of said notice and before Buyers may cure the defaults set forth in said notice, they must pay to escrow holder the amount indicated in said notice for said attorney's fees and also pay the escrow holder's costs of mailing said notice.

5. In the event that any suit or action is necessary to enforce any of the terms of this Agreement, the prevailing party shall be entitled to recover a reasonable attorney's fee.

ESCROW FEES: The initial escrow fee and monthly collection fee shall be paid equally by the parties.

BINDING EFFECT: This Agreement is binding upon the parties hereto, their heirs, personal representatives, assigns and successors in interest. This Agreement, however, may not be assigned by Buyers without the written consent of Sellers, which consent will not be unreasonably withheld.

ATTORNEY REPRESENTATION: It is understood by the parties hereto that this Agreement and the documents related to this transaction are being prepared by the firm of Hamilton & Michaelson at the request of Roger L. Williams, one of the Sellers. The Buyers and other Sellers have been advised that they have the right to have this Agreement reviewed by independent counsel of their own choice should they so desire.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year in this Agreement first above written.


ROGER L. WILLIAMS


ANITA L. WILLIAMS


VIRGINIA M. FULTON


RONALD DEAN FULTON

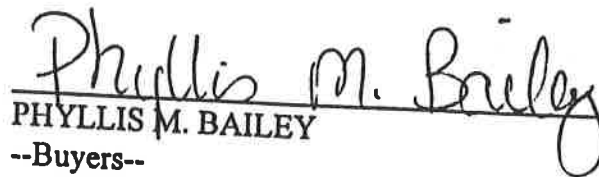

SCOTT TRUKSA


AMY S. TRUKSA


MARC TRUKSA


GOREE TRUKSA
--Sellers--


KEVIN W. BAILEY


PHYLLIS M. BAILEY
--Buyers--

STATE OF IDAHO)
County of Canyon) ss.

On this 8th day of April, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared ROGER L. WILLIAMS, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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



*SEAL

STATE OF IDAHO)

County of CANYON) ss.

On this 30th day of April, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared ANITA L. WILLIAMS, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

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



*SEAL

STATE OF IDAHO)

County of CANYON) ss.

AGREEMENT FOR SALE OF REAL ESTATE

09/14/2006

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

RIGHT NUMBER: 63-3120A

NAME AND ADDRESS: ROGER WILLIAMS
3522 IMMIGRANT PASS
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
279.000 AFY

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

PRIORITY DATE: 02/05/1958

POINT OF DIVERSION:

T03N R03W S26 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/15	0.880 CFS 279.00 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 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S26	NWNE	27.00	T03N R03W S26	SWNE	34.00
T03N R03W S26	SENE	1.00			

DOMESTIC Within CANYON County

T03N R03W S26	SWNE
---------------	------

62 ACRES TOTAL

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

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

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP OF A PORTION
O OF CLAIM A63-03120, FEE PAID UNDER RECEIPT W006785.

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.

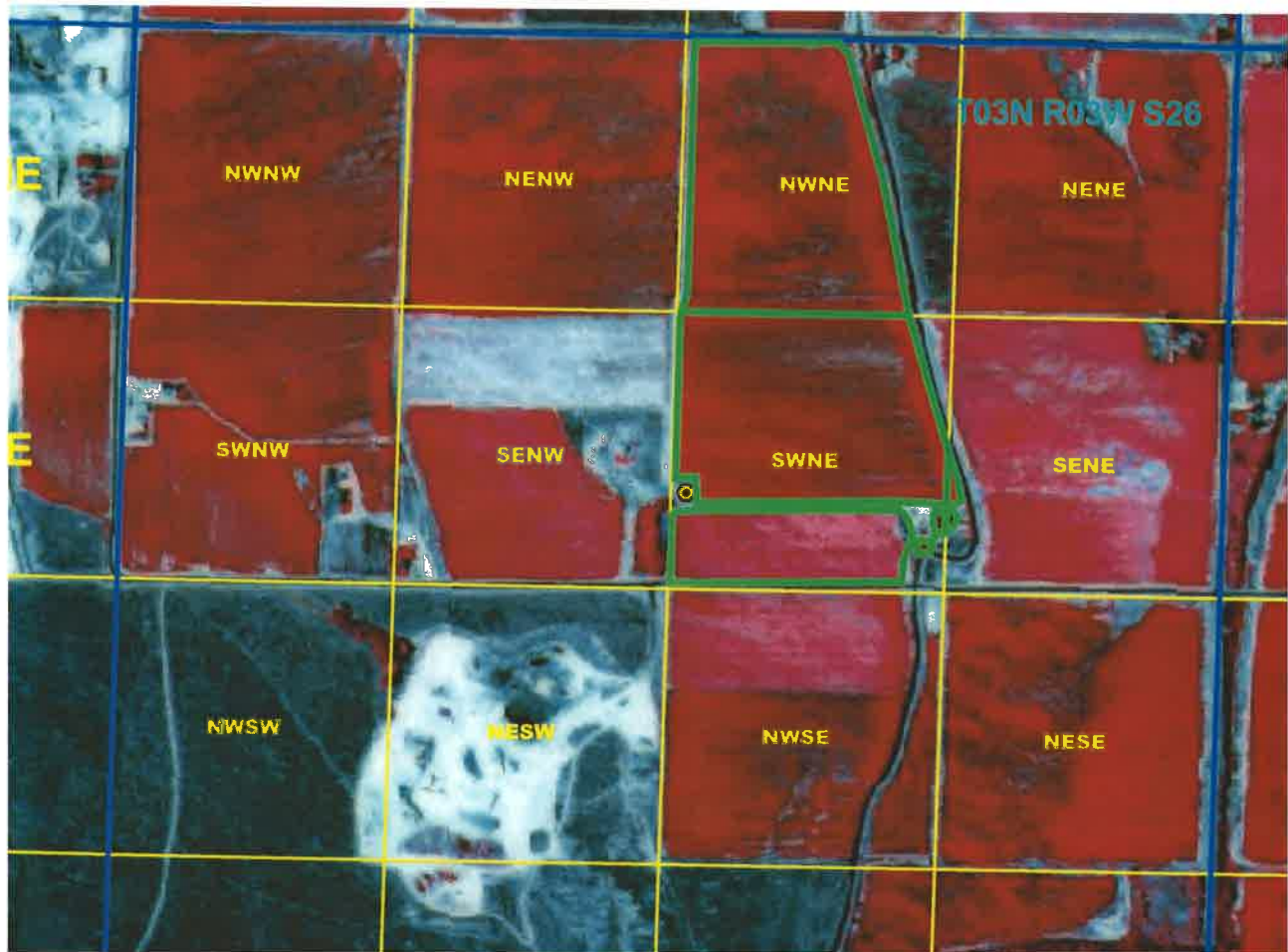
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R3W SECTION(S) 26
WATER RIGHT(S) : 63-3120A
IRRIGATION USE



0.5 0 0.5 1 Miles

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

Total Irrigated Acres = 62 acre(s)

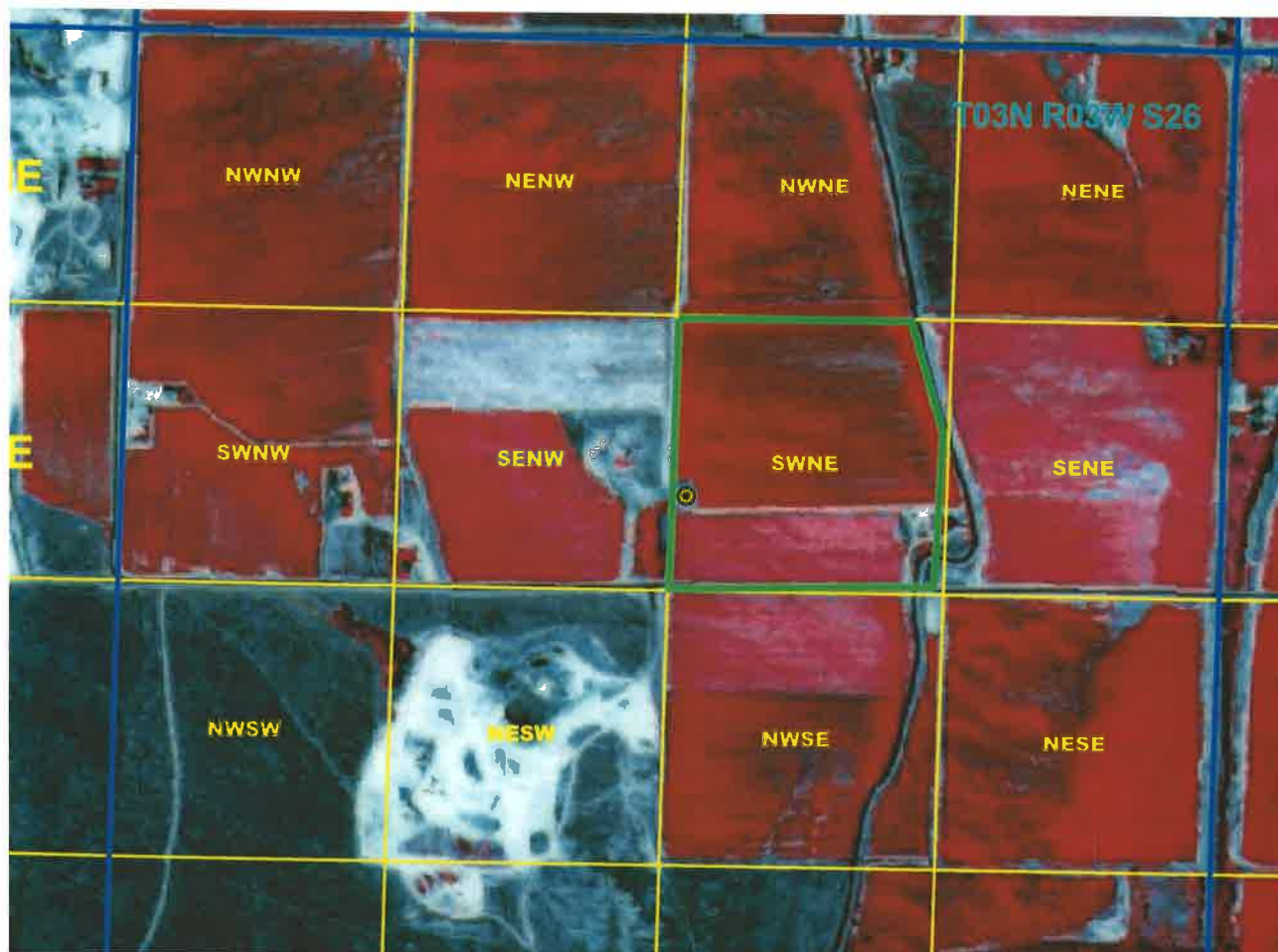
GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: September 2006





State of Idaho
Idaho Department of Water Resources
Western Region

T3N R3W SECTION(S) 26
WATER RIGHT(S) : 63-3120A
DOMESTIC USE



- 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



MEMORANDUM

TO: ADJUDICATION FILES 63-3120A

FROM: DANIEL A. NELSON

DATE: 9/14/06

SUBJECT: CLAIM REVIEW

The claim mentioned above is based on a licensed right. The Canyon County tax records available to our office show that Mr. Williams is still the owner of the property, but his current address is 11970 Tioga, Boise, ID 83705. Everything on the license is similar to original licensed amounts except for 40 acres in the SESE that was transferred to a new owner in 1998 under transfer 5189. The remaining portion of this right was claimed as licensed.

New mapping abilities showed that one acre of the 62 acres claimed is actually in the SENE of S26. Therefore, the acres amongst the 40 acres tracts were adjusted to cover this portion of land in the SENE. There are 62 acres total being irrigated for this farm.

The volume of the irrigation component was not listed on the original license, so the standard 4.5 af per acre was applied for a total of 279 afa for the 62 acres. The claimant did not pay for additional domestic use, so the domestic component of this claim will be limited to the standard 13,000 gpd limitation, with no annual volume limitation. The diversion rate for the domestic use was also claimed and licensed as a cumulative with the irrigation use. Therefore the diversion rate of the irrigation use of 0.88 cfs will also be the total diversion rate allowed. There no longer seems to be a residence on the property, so the only point of diversion mentioned in the license and this claim is the irrigation well in the SWNE. This right is a supplemental right to Wilder Irrigation District water.

The remainder of the claim was recommended as licensed and the associated transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3120A V1

WATER RIGHT NUMBER: 63-3120A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROGER WILLIAMS 3522 IMMIGRANT PASS BOISE, ID 83705 (208)343-1803
Original Owner	ERNEST RUPERT PO BOX 9074 NAMPA, ID 83652 (208)466-5541

Priority Date: 02/05/1958

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>
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	04/01 to 10/15	0.880 CFS	279.00 AF
	<u>Total Diversion:</u>	0.880 CFS	279.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 26, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	03W	26	NE	NW	SW	SE	
					X		

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	03W	26	NE	NW	SW	SE	
			27.0	34.0	1.0		62.0

Total Acres: 62

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3120A V1

Conditions of Approval:

1. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
2. W59 Use of this right is combined with water from Wilder Irrigation District.
3. THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP OF A PORTION O OF CLAIM A63-03120, FEE PAID UNDER RECEIPT W006785.
4. S39 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 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
6. 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.

Remarks:

Comments:

1. dnelson 9/14/2006 Claim Review

Comment: The claim mentioned above is based on a licensed right. The Canyon County tax records available to our office show that Mr. Williams is still the owner of the property, but his current address is 11970 Tioga, Boise, ID 83705. Everything on the license is similar to original licensed amounts except for 40 acres in the SESE that was transferred to a new owner in 1998 under transfer 5189. The remaining portion of this right was claimed as licensed.

New mapping abilities showed that one acre of the 62 acres claimed is actually in the SENE of S26. Therefore, the acres amongst the 40 acres tracts were adjusted to cover this portion of land in the SENE. There are 62 acres total being irrigated for this farm.

The volume of the irrigation component was not listed on the original license, so the standard 4.5 af per acre was applied for a total of 279 afa for the 62 acres. The claimant did not pay for additional domestic use, so the domestic component of this claim will be limited to the standard 13,000 gpd limitation, with no annual volume limitation. The diversion rate for the domestic use was also claimed and licensed as a cumulative with the irrigation use. Therefore the diversion rate of the irrigation use of 0.88 cfs will also be the total diversion rate allowed. There no longer seems to be a residence on the property, so the only point of diversion mentioned in the license and this claim is the irrigation well in the SWNE. This right is a supplemental right to the Wilder Irrigation District shares.

The remainder of the claim was recommended as licensed and the associated transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3120A 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/09/2006	lharris	Active
Contacts	9/14/2006 2:52:34 PM	dnelson			Active
Priority Date	9/14/2006 2:54:40 PM	dnelson			Active
POD	9/14/2006 2:55:51 PM	dnelson			Active
Source	9/14/2006 3:00:13 PM	dnelson			Active
POU	9/14/2006 3:01:58 PM	dnelson			Active
Use	9/14/2006 3:02:37 PM	dnelson			Active
Season	9/14/2006 3:03:36 PM	dnelson			Active
Quantity	9/14/2006 3:04:41 PM	dnelson			Active
Summary			09/14/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/14/2006 2:52:34 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This claim is based on a licensed right with adequate information to recommend the adjudication claim.
Summary	3/9/2006 9:11:57 AM	lharris	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
POU	9/14/2006 3:01:28 PM	dnelson	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3120A V1

POD	9/14/2006 2:55:52 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Quantity	9/14/2006 3:04:42 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - I used the standard 4.5 af per acre for the 62 acres for a total of 279 afa.
POD	9/14/2006 2:55:27 PM	dnelson	Updated shape
Summary	9/14/2006 3:05:55 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	9/14/2006 2:54:40 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3120A V1

Source	9/14/2006 3:00:13 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/14/2006 3:01:50 PM	dnelson	Updated shape for Active POU
POU	9/14/2006 3:01:59 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	9/14/2006 3:02:37 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	9/14/2006 3:03:37 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3120A

WATER RIGHT NUMBER: 63-3120A

Owner Type Name and Address
Current Owner ROGER WILLIAMS
3522 IMMIGRANT PASS
BOISE, ID 83705
(208)343-1803
Original Owner ERNEST RUPERT
PO BOX 9074
NAMPA, ID 83652
(208)466-5541
Priority Date: 02/05/1958
Basis: License
Status: Active

11920 Tioga
↑
PER
CANYON
COUNTY
TAX
RECORDS.

Source Tributary
GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
DOMESTIC 1/01 to 12/31 0.040 CFS — OK
IRRIGATION 4/01 to 10/15 0.880 CFS — OK
Total Diversion: 0.880 CFS — OK

3/1 TO 11/15
279 AFA
4.5
x 62
229

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4 Sec. 26, Twp 03N, Rge 03W, B.M.
CANYON County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	03W	26	X				

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	03W	26	27.0	35.0			62.0

Total Acres: 62

W 59
Dom NOT
Aid - 0
N - 10
N - 12
39 -
S - 39
PERIOD
OF USE
40 acres
TRANSFERRED TO
Bailey in 1998
under XFER
5189

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3120A

Conditions of Approval:

1. THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP OF A PORTION O OF CLAIM A63-03120, FEE PAID UNDER RECEIPT W006785.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3120A

WATER RIGHT NUMBER: 63-3120A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ERNEST RUPERT PO BOX 9074 NAMPA, ID 83652 (208)466-5541

Priority Date: 02/05/1958

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	/ to /	0.880 CFS	
DOMESTIC	/ to /		
<u>Total Diversion:</u>		0.880 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 26, Twp 03N, 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	
03N	03W	26			27.0	35.0													62.0

Total Acres: 62

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:

1. PSKAGGS 1/27/1998 TRANSFER NO. 5189

Comment: Transfer 5189 adds a point of diversion under a portion of Right 63-03120, splitting the right into Parts A & B.

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3120A**

03/09/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3120A	Claim	03N	03W	26	NW	NE		IRRIGATION	27/62	ROGER WILLIAMS
4085	Claim	03N	03W	26	NW	NE		IRRIGATION	20/40	ROGER WILLIAMS
3120A	Water Right	03N	03W	26	NW	NE		IRRIGATION	27/62	ERNEST RUPERT
4085	Water Right	03N	03W	26	NW	NE		IRRIGATION	20/40	ERNEST RUPERT
3120A	Claim	03N	03W	26	SW	NE		IRRIGATION	35/62	ROGER WILLIAMS
4085	Claim	03N	03W	26	SW	NE		IRRIGATION	20/40	ROGER WILLIAMS
3120A	Water Right	03N	03W	26	SW	NE		IRRIGATION	35/62	ERNEST RUPERT
4085	Water Right	03N	03W	26	SW	NE		IRRIGATION	20/40	ERNEST RUPERT
3120A	Claim	03N	03W	26	SW	NE		DOMESTIC		ROGER WILLIAMS

Receipt Details for ID W006785

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
11/24/1989 2:41:46 PM	11/24/1989	Western	\$202.00	Check
Payer		WILLIAM, ROGER		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4671			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$202.00	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	3120		\$152.00	Claim
63	4085		\$50.00	Claim

Print Report

WATER RIGHT
NUMBER

NAME

CFS

63-03120

RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 5189.

63-03120A RUPERT , ERNEST

0.88

63-03120B BAILEY , KEVIN W
BAILEY , PHYLLIS M

0.56

MICROFILMED
FEB 25 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5189
WATER RIGHT NO. 63-03120B

This is to certify that: **KEVIN W BAILEY**
PHYLLIS M BAILEY
1300 LAKE LOWELL
NAMPA ID 83686

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.56 CFS	180.0 AF

SOURCE

GROUNDWATER

Priority: 02/05/1958

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 26, Township 03N, Range 03W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 03W 26	NWSE 40			40

Total number of acres irrigated: 40

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED

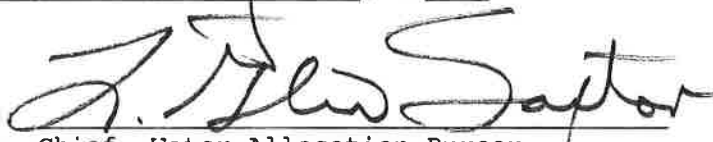
FEB 25 1998

TRANSFER NO. 5189
WATER RIGHT NO. 63-03120B

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 28th day of January, 1998.


Chief, Water Allocation Bureau

MICROFILMED

FEB 25 1998

State of Idaho
License and Certificate of Water Right

Water License No. G-27231 Amount 1.44 c.f.s.
Water District No. Priority February 5, 1958

THIS IS TO CERTIFY that ERNEST RUPERT
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 5, 1958; that Permit No. G-27231
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.44 second feet, was issued thereunder on September 15, 1958, showing that said works
were completed on the 25th day of March, 1958; and that on the 25th
day of March, 1958, ERNEST RUPERT

of Nampa, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean, for the purpose of Irrigation and domestic
use, under Use Permit No. G-27231 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6421, on the 15th day of September, 1958;
The right hereby confirmed dates from February 5, 1958;

The Point of Diversion is located
in the SW 1/4 NE 1/4, Sec. 26, Tp. 3 N., R. 3 W., B. M. County Canyon.
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.44 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	3 W.	26	NW 1/4 NE 1/4 SW 1/4 NE 1/4 NW 1/4 SE 1/4	27 40 40	27 35 40
Total number of acres irrigated				- - -	102

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of September, 1958.

/s/ Geo. N. Carter
State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35155
Permit No. G- 27231
District No.

Brandt Agency
204 Twelfth Ave. So.,
Nampa, Idaho
Att: John H. Brandt

1. Name of Applicant: ERNEST RUPERT
Postoffice address: Rt. 1, Nampa County: Canyon State: Idaho
2. Quantity of water claimed: 1.6 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second. 1.6 or Idaho
Miners' inches 80 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: subterranean flow - well
4. Location of point of diversion or well is in the SW 1/4 of the NE 1/4 of Section 26
Twp. 3 N. , Rge. 3 W. , B.M., County of Canyon
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump and ditches
8. Estimated cost of works: \$ 12,000
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Water right for 13 acres under Nampa-Meridian Irrigation District.
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This filing is supplemental to existing water rights.

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

/s/ Ernest Rupert
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M. February 5, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-27231

Recorded in Book 9 Page 27231 Approved February 6, 1956

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 6, 1960

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 6, 1963

Witness my hand this 6th day of February, 1956

/s/ MARK R. KULP
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 6th day of February, 1956.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ JAS. H. YOUNG
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3 N.	3 W.	26	27	40											40				107

Permit No. G-27231

Certificate of Completion of Work

TO ALL WHOM IT MAY CONCERN:

This is to certify that ERNEST RUPERT of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. G-27231, issued upon Application No. G-35155 bearing date of priority of February 5, 1956, authorizing the diversion of 1.6 second feet of waters of subterranean flow - well County of Canyon, State of Idaho for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.44 second feet of the waters of subterranean flow - well that the point of diversion of said waters SW 1/4 Section 26, Township 3 North, Range 3 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 102 acres in W 1/4 NE 1/4, NW 1/4 SE 1/4 Section 26, Township 3 North, Range 3 West, B.M. Proof of Completion of Works made: March 25, 1956

Witness my hand this 15th day of September, A.D. 1956

/s/ Geo. N. Carter
State Reclamation Engineer

Proof of Completion of Works made: March 25, 1956
Certificate of Completion of Works issued: September 15, 1956.

LICENSE ISSUED FOR 1.44 SEC. FL.

6421

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-26231

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Ernest Rupert, Route #1, Nampa, Idaho

2. Source of water supply: Subterranean flow - well

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26

T. 3 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:

30 hp Smith Motor #60444
Byron Jackson Turbine #265975
Delivery to west into short stand pipe and divider box.
To fields by gravity.

5. Water is used for: Irrigation and domestic purposes

6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Township 3 North, Range 3 West, B.M.

Section 26 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ (27), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (40), total number of acres 107

Filing 2-5-58 Q = 1.6 cfs PD. SW NE 26 - 3 N - 3 W irr. R.J.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: _____

Crops are hay - grain - row crops

Mr. Rupert along

This examination was made on the 22 day of May, 1958

(Signed) E. M. Humphrey Examiner.

Route #1, Nampa, Idaho

66057 Nampa

Permit No. G-27231

Examination for C/W & Beneficial Use

County Canyon

26-3N.-3W.

Q = 1.6 c.f.s.

S = Well

P.D. = SW 1/4 Sec 2 T.3 N.31W

Use = Irrigation

Filed - Feb 3 1958

Dec - Feb 6 1963

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
MAY 23 1958

Department of Reclamation

300 y in 3 m. 32.8
72" $\frac{180}{21} = 8.57^\circ$

O U Smith 30 hrs.
60444

B. J. Lamb

265975

1 KH 5.5 days

Small shed roof
walls on S. & W.

Where controls
on S. wall

del. thru 6" to 8" 40'
to west in ditches
3 1/2' stand pipe 13' h.

6' x 12" x 240' h = 180' ?

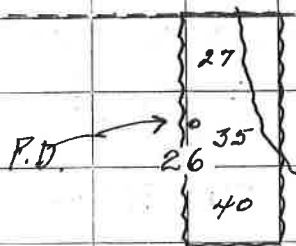
27231

R-3W.

Trigate 900.

TO NAMPA →

T.
3
N.



Subdivisions = 3

Area = 102 acres.

Q = 72 inches.

1.44 cfs.

Q = by Sparling meter

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27231

REPORT ON PROOF OF Completion of Works & Beneficial Use

Ernest Rupert -
Route #1, Nampa, Idaho

Brandt Agency - see note in file -

Appl. 1.6

*Sub 3
acres 102*

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5189

RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1
JAN 23 1998

Department of Water Resources
Name of applicant Kevin W. Bailey +/or Phyllis M. Bailey Phone 208-467-4717
Post Office address 1300 Lake Lowell NAMPA ID 83686

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The previous point of diversion is not located on the 40 acres I purchased. I want to drill my own well and split the water right so that my portion is in my name.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-03120 R</u>	<u>02/05/1958</u>	<u>.56</u>	<u>irrigation</u>	<u>march 15</u> to <u>Nov 15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .56 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	<u>26</u>	<u>3N</u>	<u>3W</u>	<u>BM Canyon</u>	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>3W</u>	<u>26</u>														<u>40</u>			<u>40 acres</u>

MICROFILMED
FEB 25 1998

PART 1

6. General Information:

a. Description of diversion system well, main line, and sprinkler system.

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

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

No change in place of use. I just want my own well

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

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FEB 25 1998

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03120

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.44 CFS
DOMESTIC	to	
	Totals	1.44 CFS

SOURCE

GROUNDWATER

Priority: 02/05/1958

LOCATION OF POINT(S) OF DIVERSION:SWNE , Sec. 26, Township 03N, Range 03W
CANYON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 03W 26	NWNE 27	SWNE 35	NWSE 40	102
Total number of acres irrigated:				102

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:MICROFILMED
FEB 25 1998

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount .56 for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	26	3N	3W	Canyon	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	3W	26														40			40

Total acres 40

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

1. amount .88 for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft)
amount .04 for Domestic purposes from 1-1 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	26	3N	3W		

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	3W	26			27.35														62

Total acres 62

MICROFILMED
FEB 25 1998

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

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

see attachment c

MICROFILMED
FEB 25 1998

PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

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

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

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

Subscribed and sworn to before me this 26th day of November, 19 97.

Kevin W. Bailey
(Signature of Applicant)

Melvin T. Schutte
(Notary Public)

My commission expires 7-24-2001

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by MTS Date 11-26-97 Protest filed by _____

Prelim. check by _____ Fee \$ 100 #W023272

Receipted by MTS Date 11-26-97

Published in Press Tribune Copies of protest forwarded by _____

Pub. dates 1-1 & 8-98 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED
FEB 25 1998

State

NEW
PMB

RECEIVED

AUG 29 1997

WATER RESOURCES
WESTERN REGION

9614159

WARRANTY DEED

FOR VALUE RECEIVED ROGER L. WILLIAMS, ANITA L. WILLIAMS, VIRGINIA M. FULTON, RONALD DEAN FULTON, SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA, GOREE TRUKSA

the Grantors, do hereby grant, bargain, sell and convey unto **KEVIN W. BAILEY and PHYLLIS M. BAILEY, husband and wife**

the Grantees, whose address is , 1300 LAKE COWELL, NAMPA, ID 83686

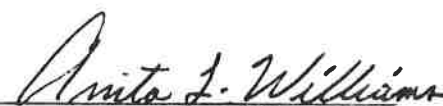
the following described premises, to-wit:

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO.

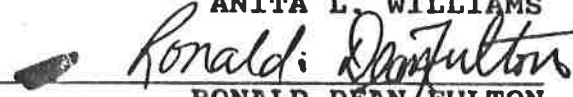
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 3, 1996


ROGER L. WILLIAMS


ANITA L. WILLIAMS

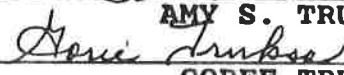

VIRGINIA M. FULTON


RONALD DEAN FULTON


SCOTT TRUKSA

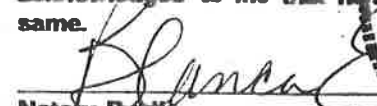

MARC TRUKSA


AMY S. TRUKSA


GOREE TRUKSA

STATE OF IDAHO
COUNTY OF CANYON

On this 3 day of April, 1996, before me a notary public, personally appeared SCOTT TRUKSA, AMY S. TRUKSA, MARC TRUKSA and GOREE TRUKSA known or identified to me to be the person(s) who(she, him, she) is/are subscribed to this instrument and acknowledged to me that he/she/they have executed the same.


Notary Public

Residing at GREENLEAF, Idaho

My commission expires: 9-1-99

PIONEER TITLE COMPANY

OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

RECORDED
FEB 25 1998

423 SOUTH KIMBALL
CALDWELL, ID 83605

ATTACHMENT A

DATE: 12/10/97
PAGE: 1

ATTACHMENT B1

Split Tree (A) 63-03120

A63-03120 N/O Roger Williams, etal

DR: In 1.44 cfs CU: 357 of
Dom. .04

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWNE - 27

SWNE - 35 + Domestic

NWSE - 40

-03120A N/O Roger Williams, etal

DR: In. - .88 cfs CU: 217 of a
Dom. - .04 cfs

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWNE - 27

SWNE - 35 + Domestic

-03120B N/O Kevin & Phyllis Bailey

DR: .56 cfs CU: 140 of

POB: 3N, 3W, S26, SWNE

POU: 3N, 3W, S26, NWSE - 40

MICROFILM

FEB 25 1966

ATTACHMENT B2

T3N, R3W

see
no gov lts

22

Gravel Pit

Well 2537

LONE

AVIS

PHYLLIS

ROAD

27

26

Gravel Pit

New Pond

DEER

THACKER

Well

Flume

LEEDS

Fig. 100
VDEM 2605

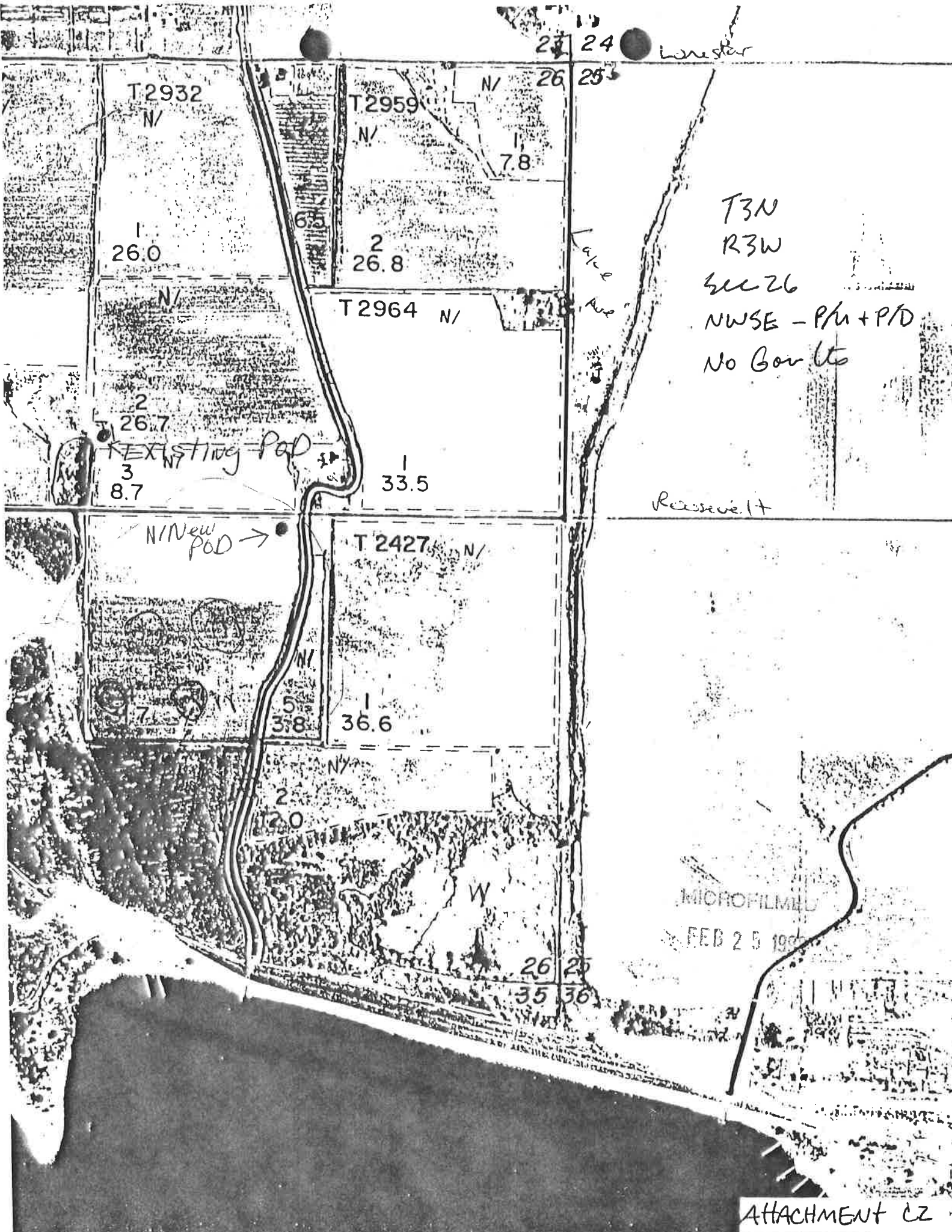
Gotts Point

2

1

MICROFILM

ATTACHMENT C1



T3N
R3W
Sec 26
NWSE - PM + PD
No Gov Lts

Russell

MICROFILMED
FEB 25 1997

An aerial photograph of a rural landscape, likely agricultural land, with a grid overlay. The grid consists of rectangular sections, some of which are shaded differently, possibly indicating different land uses or ownership. A large, dark, irregularly shaped area is visible in the lower-left corner, possibly a body of water or a large field. The overall image has a grainy, high-contrast appearance typical of older aerial photography.

T3N, R3W
1994

SCALE 1:24,000

MICROFILMED

FEB 25 1998

ATTACHMENT C3



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 2, 1997

PHILIP E. BATT
GOVERNOR

ROGER WILLIAMS
3522 IMMIGRANT PASS
BOISE ID 83705

KARL J. DREHER
DIRECTOR

RE: A63-03120A

Dear Mr. Williams:

Enclosed is a copy of Snake River Basin Adjudication claim A63-03120A. This claim was created by a change of ownership filed by Mr. & Mrs. Kevin Bailey that resulted in splitting claim A63-03120 that you filed in 1989. The enclosed claim is for your records.

A63-03120A reflects your portion of the original claim after a prorated share was split into the names of Mr & Mrs Bailey. There claim has been assigned number A63-03120B.

Please review the enclosed claim form and call me at the number below if you have any questions. There is nothing else you need to do at this time. When your claim receives its final review we will contact you if we need additional information at that time.

Sincerely,

A handwritten signature in cursive script that reads 'Mel Schulte'.

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-04085 Date: 12-7-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	3W	26		20	20														40
GIS					29	35														64
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1 (SENW 26)

Total Claimed Acres: 40

Overlapping POU Claim #'s:

Total GIS Acres: 64

63-03120A

COMMENTS:

Per claim #63-03120A license map (see remarks), POD estimated
No map showing a POD in SENW.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROGER WILLIAMS
3522 IMMIGRANT PASS
BOISE ID 83705

3 RETURNED
COPY

RE: EVIDENCE OF PRIORITY

Snake River Basin Adjudication Claim No(s): A63-4085

Dear Claimants,

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. You indicated, when this claim was filed, that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water.

Water rights of this type are established by historical beneficial use of the water, 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."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence 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.

Page 2
Williams

The required evidence supporting the priority date(s) requested to be returned to me by April 17, 2006. 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.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible. Department of Water Resource personnel are now conducting field exams in this area to verify various adjudication claims. In the near future, you will be receiving a call from department staff in order to set-up an appointment for a field exam.

If you have any questions or concerns, please contact me at the above address.

Respectfully,

A handwritten signature in cursive script that reads "Daniel A. Nelson". The signature is fluid and extends to the right with a long, sweeping underline.

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4085

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.