

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-4621
Date Received: 10/26/1989
Receipt No: W006556
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DJK LLC Phone: (208) 459-3696
824 DEARBORN
CALDWELL ID USA 83605

2. Date of Priority: 03/22/1935

3. Source: PIPE GULCH CREEK , RENSHAW CANAL Trib. to: DIXIE DRAIN ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	22	NE NW	CANYON	
04N	04W	22	NE NW	CANYON	

5. Description of diverting works:

CONC. DAM, DITCHES, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.3	

7. Total Quantity Appropriated is:

1.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 22 2008

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04W	15	NW	SW	IRRIGATION	40
			NE	SW	IRRIGATION	25
					Section Acres	65
					Total Acres	65

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

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.

115.
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

RECEIVED

OCT 25 1989

Ident. Number: A63-04621
Date Received: 10-25-89
Receipt No: W006556
Received By: _____

Department of Water Resources
Western Regional Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: C. EDGAR GRIFFITHS 208-459-6325
Address: 21027 NOTUS RD.
CALDWELL, ID 83605

OR

Name: VIRGINIA W. GRIFFITHS 208-459-6325
Address: 21027 NOTUS RD.
CALDWELL, ID 83605

2. Date of Priority: MAR 22, 1935

3. Source: PIPE GULCH Trib. to: DIXIE DRAIN
(RENSHAW CANAL)

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	22	NE		NW		CANYON

5. Description of diverting works:
CONC. DAM, DITCHES, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A63-04621

Page 1

Date: 07/13/89

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04W	15	NE	SW	IRR	25.0
			NW	SW	IRR	40.0
Section Acres						65.0
Total Acres						65.0

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:
A63-04622, A63-04623, A63-04624

14. Remarks:

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): C. Edgar Griffiths Date: 7-13-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13th day

of July 19 89

Ron Howerton

Notary Public

Seal

Residing at Ron Howerton

My Commission Expires Residing at Boise, Idaho
~~My Commission Expires December 8, 1994~~

RECEIVED

AUG 16 2006

DEPARTMENT OF
WATER RESOURCES

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4621 AJ			63-16304 PD		
63-4622 AJ			63-16305 PD		
63-4623 AJ			63-16306 PD		
63-4624 AJ					

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) Virginia W. Griffiths
4. New Owner/Claimant(s) DJK, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 824 Dearborn
- City, State and ZIP Code Caldwell, ID 83605
- New Telephone Number ()
5. Date you acquired the property January 25, 2006

ORIGINAL

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) 2MJ Felt, Member
(include title if applicable)

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

For Office Use Only

Received by _____ Date _____ Fee N/A
 Received by _____ Date _____ Receipt No. _____
 Processed by CEW AJ Date 9-21-06 WR _____ Date _____

WATER RIGHT GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Grantor **Virginia Griffiths**, hereby grants, bargains, sells and conveys unto Grantee, **DJK, LLC** an Idaho limited liability company, whose address is 824 Dearborn, Caldwell, Idaho, all of Grantor's right, title, and interest in and to the following ground water rights, claims and/or decrees:

63-4621
63-4622
63-4623
63-4624
63-16304
63-16305
63-16306

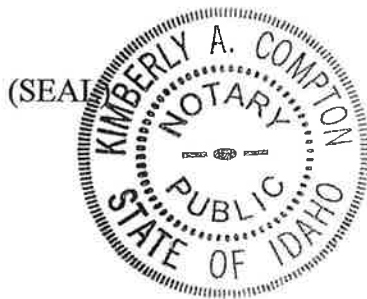
The water rights conveyed by this Deed are subject to all conditions and limitations specified on said licenses or that may be imposed by the Snake River Basin Adjudication Court.

IN WITNESS WHEREOF, the Grantors executed this instrument on this 25th day of January, 2006.

Virginia W. Griffiths
Virginia W. Griffiths

STATE OF IDAHO)
 :SS
County of Canyon)

On this 25th day of January, 2006, before me, a notary public, personally appeared VIRGINIA W. GRIFFITHS, individually, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



[Signature]
Notary Public for Idaho

Commission expires: 1-27-11

PA20060024

INSTRUMENT NO. 200605543

A

WARRANTY DEED

FOR VALUE RECEIVED, Virginia W. Griffiths, ("Grantor") hereby grants, bargains sells and conveys unto DJK, LLC, an Idaho limited liability company ("Grantee") whose current address is 824 Dearborn, Caldwell, Idaho the following described real property located in Canyon County Idaho (the "Property"):

See Attached Exhibit "A" incorporated herein by this reference

TOGETHER with all appurtenant shares of water from the Wilder or other Irrigation District, and all water rights located on or appurtenant to the Property, including but not limited to all rights to use ground or surface water on the property whether evidenced by any permit, license, transfer, order, exchange, claim, decree or otherwise, or pursuant to any lease or other agreement, wells and other improvements, well rights, and all mineral rights.

This conveyance includes any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way in anywise appertaining to the Property.

Grantor covenants to Grantee that Grantor is the owner in fee simple of the Property; that the Property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors executed this instrument on this 25th day of January, 2006.

Virginia W. Griffiths
Virginia W. Griffiths

STATE OF IDAHO)
)
County of Canyon)

On this 25th day of January, 2006, before me, a notary public, personally appeared VIRGINIA W. GRIFFITHS, individually, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

(SEAL)



[Signature]
Notary Public for Idaho

Commission expires: 1-27-11

WARRANTY DEED

EXHIBIT A**PROPERTY DESCRIPTION
(Virginia W. Griffiths Property)**

Residence and parcel consisting of 144.43 acres, more or less, located at 21027 Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The SW ¼ lying South and West of Riverside Canal of Section 15.

200605543

RECORDED

25 JUN 25 PM 4 27

JOEL HALE
CANYON COUNTY RECORDER
Dr. *Joel Hale*

PIONEER-CALDWELL

REQUEST
FEE 10.00

PC200600211

200605544

TRUSTEE'S WARRANTY DEED

FOR VALUE RECEIVED, Virginia W. Griffiths Trustee of Trust B of the Griffiths Family Trust ("Grantor") hereby grants, bargains sells and conveys unto DJK, LLC, an Idaho limited liability company ("Grantee") whose current address is 824 Dearborn, Caldwell, Idaho the following described real property located in Canyon County Idaho (the "Property"):

See Attached Exhibit "A" incorporated herein by this reference

TOGETHER with all appurtenant shares of water from the Pioneer or other Irrigation District, and all water rights located on or appurtenant to the Property, including but not limited to all rights to use ground or surface water on the property whether evidenced by any permit, license, transfer, order, exchange, claim, decree or otherwise, or pursuant to any lease or other agreement, wells and other improvements, well rights, and all mineral rights.

This conveyance includes any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way in anywise appertaining to the Property.

Grantor covenants to Grantee that Grantor is the owner in fee simple of the Property; that the Property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

The Grantor executes this instrument solely in her fiduciary capacity. Any further recourse hereunder is to be only against the above-named trust.

IN WITNESS WHEREOF, the Grantors executed this instrument on this 25th day of January, 2006.

Virginia W. Griffiths Trustee
Virginia W. Griffiths
Trustee of Trust B of the Griffiths Family Trust

PIONEER-CALDWELL

REQUEST

JAN 25 2006

CANYON CNTY RECORDER

JUN 25 PM 4 27

RECORDED

200605544

STATE OF IDAHO)

:ss

County of Carson)

On this 25th day of January 2006, before me, a notary public, personally appeared VIRGINIA W. GRIFFITHS as Trustee of TRUST B OF THE GRIFFITHS FAMILY TRUST, known to me to be the person whose name is subscribed to the within instrument as Trustee of Trust B of the Griffiths Family Trust, and acknowledged to me that she executed the same as Trustee of Trust B of the Griffiths Family Trust, and was so authorized to do so on behalf of said trust.

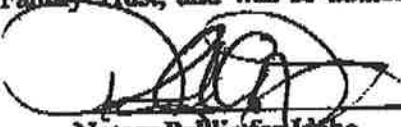

Notary Public for IdahoCommission expires: 1-27-11

EXHIBIT A**PROPERTY DESCRIPTION
(Trust B of Griffiths Family Trust Property)****PARCEL 1:**

Parcel consisting of 15.57 acres, more or less, located at Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The SW $\frac{1}{4}$ lying North and East of Riverside Canal of Section 15.

PARCEL 2:

Parcel consisting of 80 acres located at Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15.

PARCEL 3:

Parcel consisting of 69.55 acres, more or less, located at Notus Road, Caldwell, Idaho, in Canyon County, more particularly described as follows, to wit:

The East one-half of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, of the Boise Meridian;

Excepting therefrom that part of the Northeast Quarter of the Northwest Quarter of said Section 22 which lies West of the center line of the right-of-way of the Pipeline Gulch Drain (same as the Pipe Gulch Drain).

Also excepting therefrom: A parcel of land being on both sides of the centerline of State Highway No. 19, Project No. S-SG-3712(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the Southeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, Boise Meridian, described as follows, to wit:

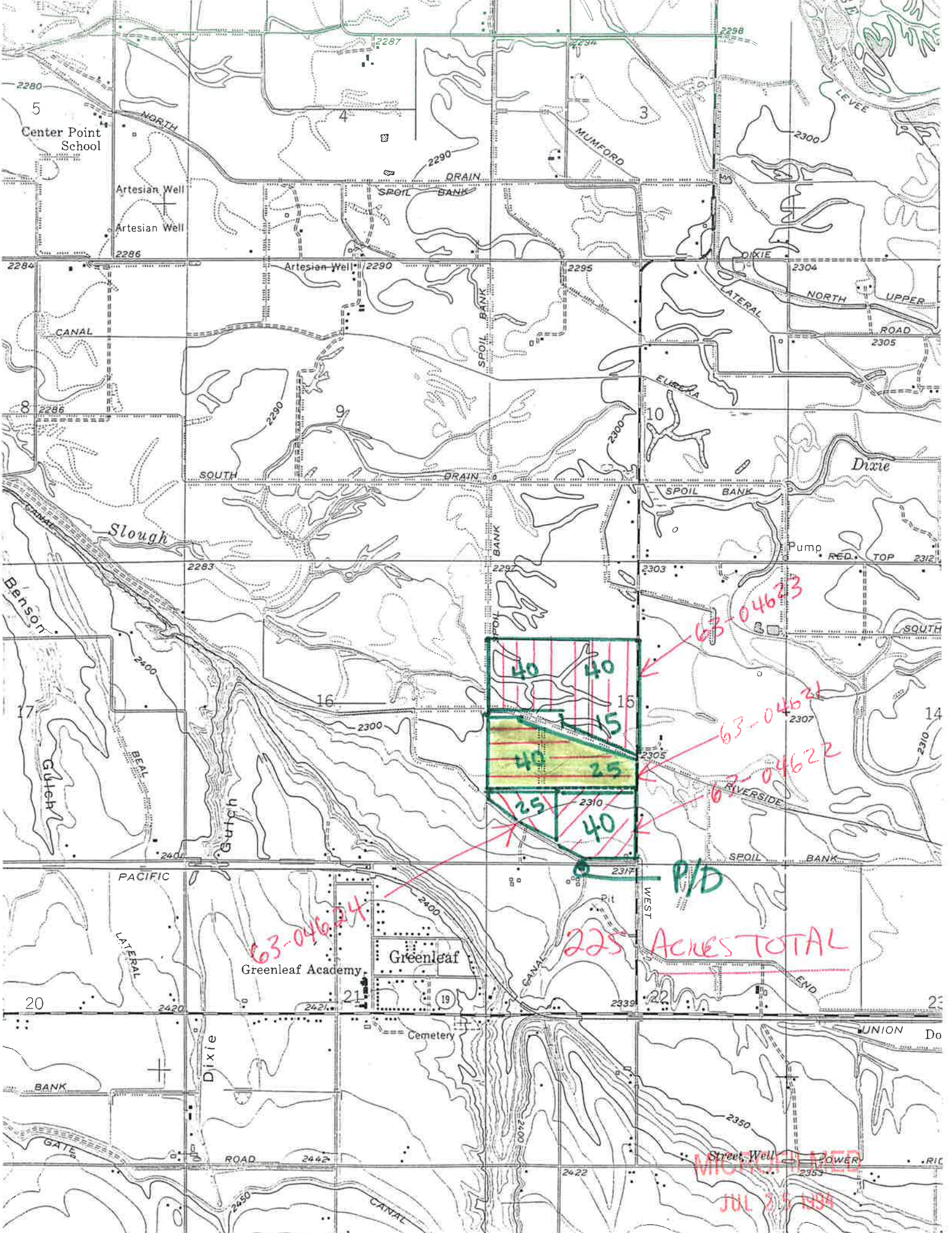
Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, Boise Meridian;
Thence South 88°58'02" East along the South line of said Southeast Quarter of the Northwest

Quarter a distance of 1316.0 feet, more or less, to the Southeast corner thereof;
Thence Northerly along the East line of said Southeast Quarter of the Northwest Quarter a distance of 64.0 feet, more or less, to a point in a line parallel with and 50.0 feet Northerly from the centerline of said State Highway No. 19, Project No. S-SG-3712(3) Highway Survey;
Thence North $89^{\circ}09'24''$ West along said parallel line 1316.0 feet, more or less, to a point in the West line of said Southeast Quarter of the Northwest Quarter;
Thence Southerly along said West line 60.0 feet, more or less, to the Place of Beginning.

PARCEL 4:

Parcel consisting of 50 acres located at Peckham Road, Caldwell, Idaho, in Canyon County, more particularly described as follows, to wit:

The Northwest Quarter of the Northeast Quarter, and that part of the Southwest Quarter of the Northeast Quarter lying north of the Pioneer Drain, in Section 22, Township 4 North, Range 4 West of the Boise Meridian.



5
Center Point
School

Artesian Well
Artesian Well

Greenleaf Academy

Greenleaf

Cemetery

Street Well
POWER

JUL 25 1934

225 ACRES TOTAL

P/D

63-04623

63-04621

63-04622

63-04624

RECEIVED

AUG 19 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 18 2008

By _____
Clerk
Deputy Clerk

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-04621,
) 63-04622, 63-04623, and 63-04624

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

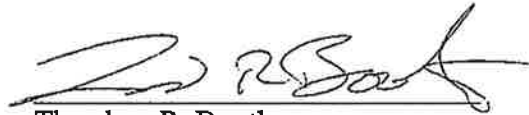
On June 20, 2007, the State of Idaho, Department of Lands, through Deputy Attorney General David Barber, filed an objection to the *Director's Report*, asserting that the place of use should not include land owned by the State of Idaho. Water right claims 63-04622, 63-04623, and 63-04624 were identified by IDWR as uncontested water right claims that may be affected by the outcome of a contested matter. An initial hearing was held on May 30, 2008, at which the claimant failed to appear. An *Order to Show Cause* was issued, and a hearing thereon was held July 29, 2008. Again the claimant failed to appear. Pursuant to the terms of the *Order to Show Cause*, the objection was granted, resulting in the recommendation herein that the right be proportionally reduced in quantity and acreage, and a remark be added stating that the place of use does not include land owned by the State of Idaho.

II. CONCLUSIONS OF LAW

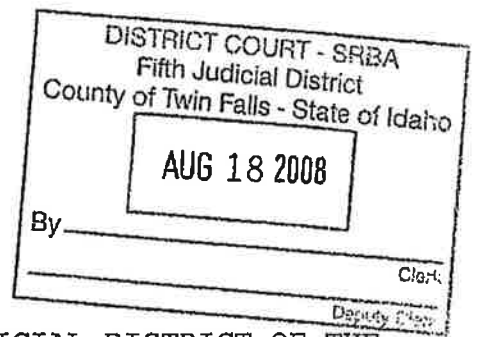
Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-04621, 63-04622, 63-04623, and 63-04624 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

Aug. 18, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication



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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

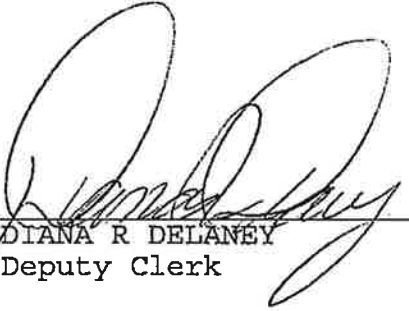
Water Right(s): 63-04621
63-04622 63-04623 63-04624

On August 18, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 18, 2008.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 18 2008	
By _____	Clerk
_____	Deputy Clerk

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)

CERTIFICATE OF MAILING

Water Right(s): 63-04621
63-04622 63-04623 63-04624

CERTIFICATE OF MAILING

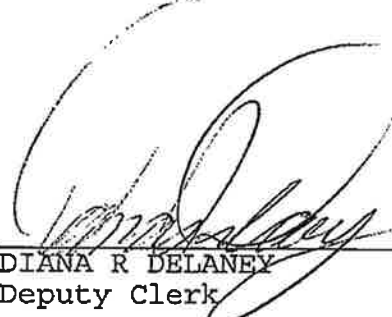
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 18, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DJK LLC
824 DEARBORN
CALDWELL, ID 83605
Phone: 208-459-3696

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
08/18/08

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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 18 2008
By _____ Clerk Deputy Clerk

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-04621

NAME AND ADDRESS: DJK LLC
824 DEARBORN
CALDWELL, ID 83605

SOURCE: PIPE GULCH CREEK TRIBUTARY: DIXIE DRAIN

QUANTITY: 1.03 CFS

PRIORITY DATE: 03/22/1935

POINT OF DIVERSION: T04N R04W S15 SESW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.03 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R04W S15 N35W 19.0	NWSW 32.3
	51.3 Acres Total	

Place of use for this right does not include land owned by
the State of Idaho.

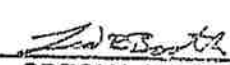
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
AUG 18 2008
 SPECIAL MASTER

Walker, Kay

From: Walker, Kay
Sent: Thursday, July 31, 2008 9:34 AM
To: tbooth@srba.state.id.us
Cc: Walker, Kay
Subject: Revised recommendation for 63-4621
Attachments: 63-4621.RTF

Attached is the revised recommendation for Rt. 63-4621. I have reduced the place of use so that the State Lands are not included. Resulted in 51.3 acres remaining @0.02 cfs per acre=1.026 which rounds up to 1.03 cfs for final recommend. Hope this resolves objection. Thanks! Kay Walker, 334-2190

7/31/2008

07/31/2008

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

RIGHT NUMBER: 63-4621

NAME AND ADDRESS: DJK LLC
824 DEARBORN
CALDWELL ID 83605

SOURCE: PIPE GULCH CREEK TRIBUTARY: DIXIE DRAIN

QUANTITY: 1.030 CFS

PRIORITY DATE: 03/22/1935

POINT OF DIVERSION:

T04N R04W S15 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.030 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S15	NESW	19.00	T04N R04W S15	NWSW	32.30
---------------	------	-------	---------------	------	-------

51.3 ACRES TOTAL

Place of use for this right does not include land owned by the State of Idaho.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 63-4622, 63-4623 and 63-4624 are also diverted through point of diversion described above.



Idaho Department of Water Resources

SRBA Recommendation

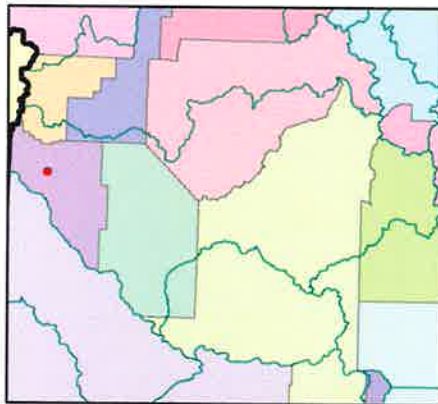
63-4621

(IRRIGATION)

Acres = 51.3

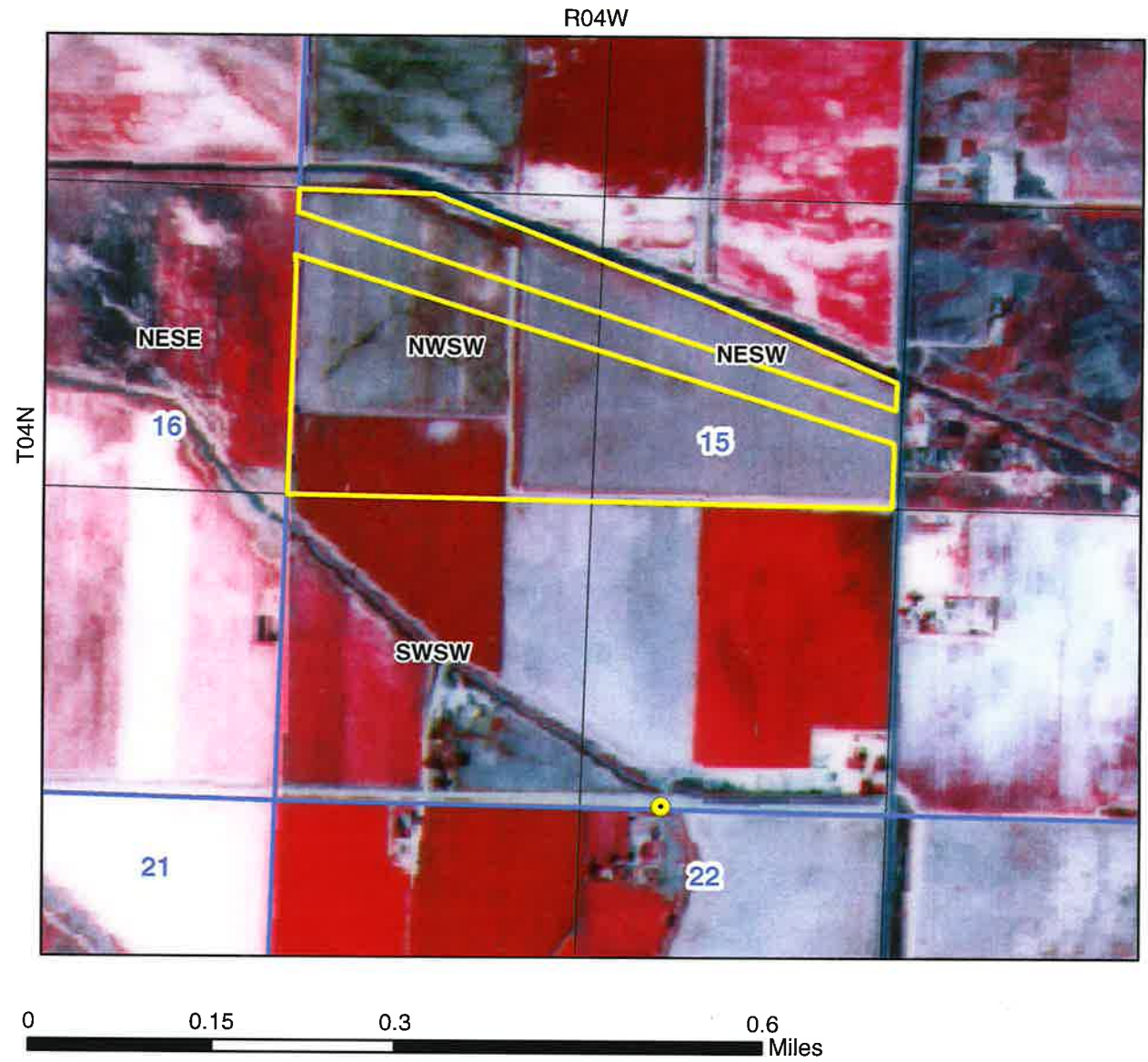
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63

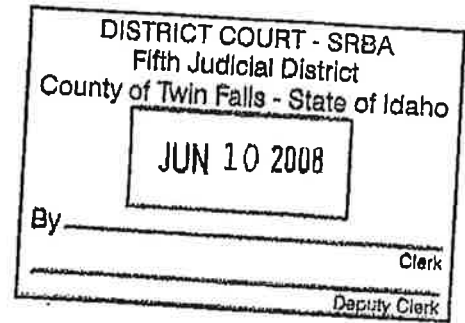
Prepared by Kay Walker ✓
On July 31, 2008
1987/88 Aerial Photography



RECEIVED

JUN 11 2008

DEPARTMENT OF
WATER RESOURCES



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) Subcase 63-04621
Case No. 39576) ORDER TO SHOW CAUSE
_____)

This matter came before this Special Master pursuant to an initial hearing held May 30, 2008. DJK LLC, (hereinafter "Claimant") was notified of the hearing via first class mail sent to its last known addresses. The Claimant failed to appear at the initial hearing.

On June 20, 2007, The State of Idaho, Department of Lands (hereinafter "Objector") filed an objection to the *Director's Report* for this water right claim, asserting that the State of Idaho is the owner of 10.66 acres of the place of use, and accordingly the place of use and quantity of the water right should be reduced accordingly.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **Tuesday, July 29, 2008, at 10:00 A.M.** Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, to show cause why the objection filed by the State of Idaho should not be granted. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to remedy sought by the Objector.** If the Claimant participates in the hearing, it will be expected to notify this Special Master whether it intend to prosecute the case, and accordingly a trial date will be set. In such event, no additional evidence or argument need be presented as the subcase will be

allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(2)(B).

A copy of this *Order to Show Cause* shall be served upon the Claimant and the Objector not less than five (5) days prior to the date herein shown. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated: June 10, 2008

A handwritten signature in black ink, appearing to read 'T. R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

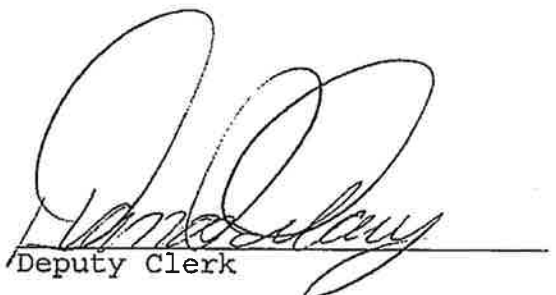
I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on June 10, 2008, with sufficient first-class postage to the following:

STATE OF IDAHO

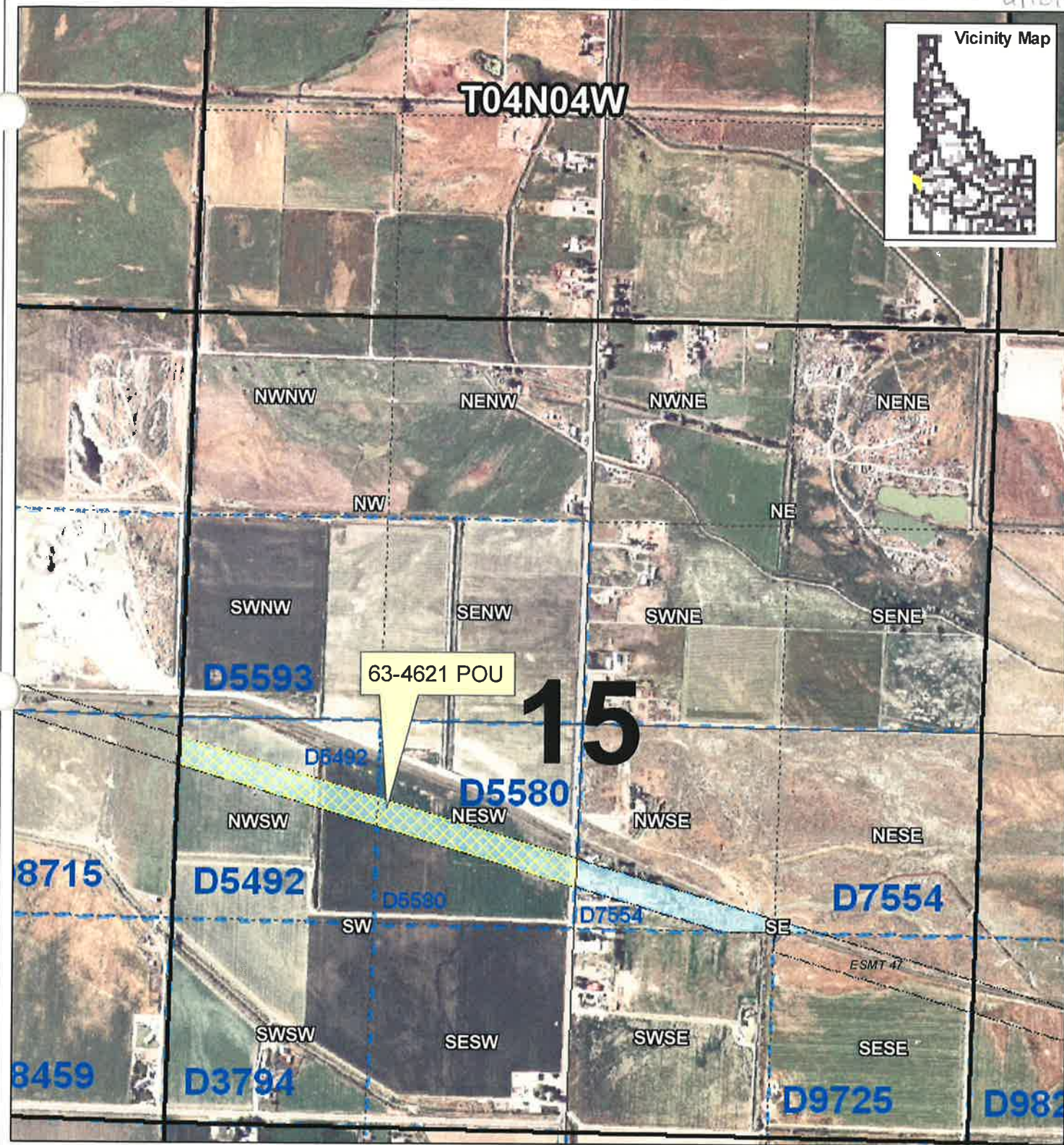
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DJK LLC
824 DEARBORN
CALDWELL, ID 83605
Phone: 208-459-3696

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line.

emailed D3
6/18/07



Legend

- ★ Point of Diversion
- GRAZING LEASE
- Place of Use
- Deeds
- IDL State Land
- Highways
- Easement Lines
- US and State
- Easement
- ⇒ Interstates

Place of Use Basin 63 Part 3 Sequence Number 63-4621 T04N04W SEC 15



Map Notes

Projection: Idaho Transverse Mercator, NAD 27
Map Notes and Data Sources
Place of Use 63-4621 Priority Date 03/22/1935
Idaho Ownership: 01/29/1894
ESMT 47
Grazing Lease: G-XXXX

State Land 05/30/2007
Public Land Survey System (PLSS)
2006 NAIP Imagery

Disclaimer:
This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

RECEIVED

APR 27 2008

DEPARTMENT OF
WATER RESOURCES

2008 APR 18 PM 06:31
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
_____	)	SUBCASE NOS: 63-04621	63-04622
		63-04623	63-04624

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, MAY 30, 2008 at 02:15 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
MAY 27, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: APRIL 18, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

(Order Setting Initial Hearing)

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on APRIL 18, 2008,
with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

DJK LLC

824 DEARBORN

CALDWELL, ID 83605

Phone: 208-459-3696

COPY

RECEIVED

JUN 21 2007

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase Number: 63-04621

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Lands
Address: 954 W. Jefferson
P. O. Box 83720
Boise, Idaho 83720-0050
Daytime Phone: (208) 334-0200

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
JRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: DJK LLC
Address: 824 Dearborn
Caldwell, ID 83605

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: reduced to the total amount of 1.0268 c.f.s.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: Not applicable
7. ☐ **Purpose of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: reduced to the total acreage of 51.34 acres.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The State of Idaho acquired the NW¼SW¼ and NE¼SW¼ of section 15, Twp. 04 North, Rge. 04 West, B.M. by Clear List No. 1 on January 29, 1894. It sold 34.66 acres of the NW¼SW¼ of section 15, Twp. 04 North, Rge. 04 West, B.M. to Elisha N. Hanson by Deed No. 5492 on May 5, 1934. It sold 34.66 acres of the NE¼SW¼ of section 15, Twp. 04 North, Rge. 04 West, B.M. to Elisha N. Hanson by Deed No. 5580 on March 22, 1938. A copy of Deed Nos. 5492 and 5580 are attached as Attachments I. The State of Idaho is informed and believes and therefore alleges the fact to be that claimant DJK LLC is the successor in interest to Elisha N. Hanson. The State of Idaho retains ownership of the 10.66 acres remaining in the NW¼SW¼ and NE¼SW¼ of section 15, Twp. 04 North, Rge. 04 West, B.M. Therefore, the total acreage irrigated should be reduced by the amount of 10.66 acres. The total quantity of the water right for irrigation should be described as 1.0268 c.f.s. A copy of a map that shows the retained lands of the State of Idaho is attached as Attachment II.

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F.

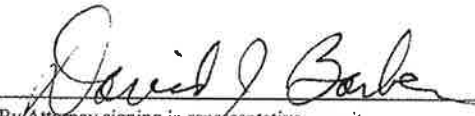
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

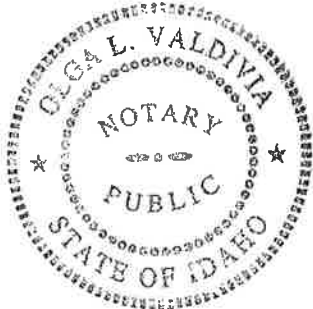
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: June 20, 2007

(Insert Date)




Notary Public for IDAHO

Residing at: BOISE, ID

My commission expires: 2/5/2012

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 20, 2007 I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

HAND DELIVERY

2. One copy to the owner of the water right at the following address:

DJK LLC
824 Dearborn
Caldwell, ID 83605

U.S. MAIL

3. Copies to:

State of Idaho,
Department of Lands
954 W. Jefferson
P. O. Box 83720
Boise, ID 83720—0050

STATEHOUSE MAIL

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

DEED RECORD

STATE OF IDAHO

Deed No. 5492

Certificate No. 12327

Grantee:

Elisha M. Hanson
of Caldwell, Idaho

To All to Whom These Presents Shall Come, Greetings:

Whereas, On the 30th day of March, 1927

all that tract or parcel of State Hospital Land

land of the State of Idaho, hereinafter mentioned and particularly described, was

sold in the manner provided by law to Elisha M. Hanson

of Caldwell

County of Canyon and State of Idaho

for the aggregate price of Five Hundred Eighty nine & 27/100 DOLLARS;

AND WHEREAS, The said sum of Five Hundred Eighty nine & 27/100 DOLLARS

has been fully paid to the proper receiving officer for the State of Idaho, by Elisha M. Hanson

as shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase price for the said tract or parcel of land hereinafter described.

NOW, KNOW YE, That the said State of Idaho, in pursuance of law in such cases made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of Five Hundred Eighty nine & 27/100 DOLLARS to the said State of Idaho paid, doth by these presents GRANT, BARGAIN, SELL, CONVEY and CONFIRM, in fee, unto the said Elisha M. Hanson, his heirs and assigns, all the said tract and parcel of land situated in the County of Canyon and State of Idaho, and described as follows, to-wit:

The Northwest Quarter of the Southwest Quarter
(NW 1/4 SW 1/4) (Less Right of way 5.34 acres)
of Section Fifteen (15) Township Four (4)
North, Range Four (4) West of the Boise
Meridian, containing Thirty four and
sixty six hundredths (34.66) acres, more
or less.

Do Here and to Hold, The said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said Elisha M. Hanson, his heirs and assigns in fee simple forever.

IN WITNESS WHEREOF, I, W. Ben Ross, the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed this 30th day of May, A. D. 1927

[SEAL]

Countersigned:

Franklin Guard
Secretary of State.

Countersigned:

Robert Gault
[SEAL] State Land Commissioner.

STATE OF IDAHO, }
COUNTY OF ADA } ss.

On this 5th day of May, A. D. 1927, before me, a Notary Public in and for said State, personally appeared W. Ben Ross known to me to be the Governor, and Franklin Guard known to me to be the Secretary of State, and Robert Gault known to me to be the Land Commissioner of the State of Idaho, and acknowledged to me that they as such Governor, Secretary of State, and State Land Commissioner, of the State of Idaho, and the State of Idaho executed the foregoing deed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

[SEAL]

A. M. Bly
Notary Public, residing at Boise, Idaho. ATTACHMENT I

DEED RECORD

STATE OF IDAHO

Deed No. 2280

Certificate No. 2253

Grantee: Elisha H. Hanson

Baldwell

Idaho

To All to Whom These Presents Shall Come, Greetings:

Whereas, On the 30th day of March, 1918

all that tract or parcel of Idaho

land of the State of Idaho, hereinafter mentioned and particularly described, was

sold in the manner provided by law to Elisha H. Hanson

of Baldwell

County of Bannock and State of Idaho

for the aggregate price of Three hundred thirty six and 60/100 DOLLARS;

AND WHEREAS, The said sum of Three hundred thirty six and 60/100 DOLLARS

has been fully paid to the proper receiving officer for the State of Idaho, by Elisha H. Hanson

as shown by the records in the office of the State Board of Land Commissioners, the

said sum being the whole amount of the purchase price for the said tract or parcel of land hereinafter described.

NOW, KNOW YE, That the said State of Idaho, in pursuance of law in such cases made and provided, and in consideration of

the premises aforesaid, and of the aforesaid sum of Three hundred thirty six and 60/100 DOLLARS

to the said State of Idaho paid, doth by these presents GRANT, BARGAIN, SELL, CONVEY and CONFIRM, in fee, unto the

said Elisha H. Hanson, his heirs and assigns, all the said tract and parcel of land

situated in the County of Bannock and State of Idaho, and described as follows, to-wit:

The Northeast quarter of the Southwest quarter
of the 1/4 Sec 10 of Twp 14 N. R. 10 E. S. 10 E.
containing thirty six and 60/100 acres
more or less

Or Here and in Hold, The said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said Elisha H. Hanson, his heirs and assigns in fee simple forever.

IN WITNESS WHEREOF, I, Ben Rouse, the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed this 22nd day of March, A. D. 1918

[SEAL]

Countersigned: Franklin Howard
Secretary of State.

Countersigned: Robert C. Smith
[SEAL] State Land Commissioner.

STATE OF IDAHO, } ss.
COUNTY OF ADA

On this 22nd day of March, A. D. 1918, before me, a Notary Public in and for said State, personally appeared Ben Rouse, known to me to be the Governor, and Franklin Howard, known to me to be the Secretary of State, and Robert C. Smith, known to me to be the Land Commissioner of the State of Idaho, and acknowledged to me that they as such Governor, Secretary of State, and State Land Commissioner, of the State of Idaho, and the State of Idaho executed the foregoing deed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

[SEAL]

Wm. B. Bailey
Notary Public, residing at Boise, Idaho.

10/14/2006

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

RIGHT NUMBER: 63-4621

NAME AND ADDRESS: DJK LLC
824 DEARBORN
CALDWELL ID 83605

SOURCE: PIPE GULCH CREEK

TRIBUTARY: DIXIE DRAIN

QUANTITY: 1.240 CFS

PRIORITY DATE: 03/22/1935

POINT OF DIVERSION:

T04N R04W S15 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.240 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S15	NESW	24.00	T04N R04W S15	NWSW	38.00
---------------	------	-------	---------------	------	-------

62 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 63-4622, 63-4623 and 63-4624 are also diverted through point of diversion described above. ✓



Idaho Department of Water Resources

SRBA Recommendation:

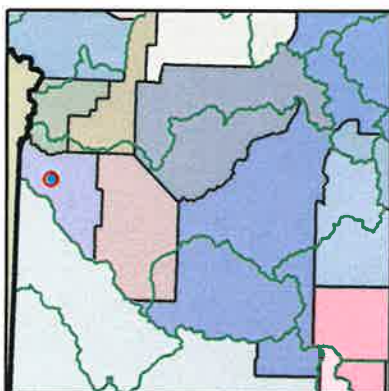
63-4621

(Irrigation)

Acres = 62

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles

Prepared by K. Walker
On Friday, October 13, 2006
1987/88 Aerial Photography

MEMORANDUM

TO: Files 63-4621, 63-4622, 63-4623 and 63-4624

FROM: KAY WALKER 

RE: Notice of Error forms

Date: November 4, 2006

.....

Notice of Error forms submitted for these recommendations discusses bolded items addressed below.

Claimant states the **location of point of diversion** is in error. The location for diversion point was determined through GPS reading by Sandy Hemenway during field exam conducted on 7/4/2006. Sandy was accompanied by Randy Million and Virginia Griffiths during exam, therefore no change will be made to point of diversion location unless they have better information in their records. Mr. Million states point of diversion is located on south side of Peckham Road which is where the diversion is located on GIS image mailed to claimant. Sandy found that both claimed points of diversion were at the same location. Diversion dams piped the water to different locations.

Source: Claim was filed for use of water from Pipe Gulch Creek and Renshaw Canal. However, in review of topographical map X4, the creek and canal appear to be the same water source. Since we cannot recommend man made structures as sources (Renshaw Canal) I have recommended the source as Pipe Gulch Creek for each of these claims.

No changes will be made to recommendations due to NOE. If claimant does not agree with recommendations they can file objection with SRBA court.

Ripley Doorn & Company P.L.L.C.

824 Dearborn • Caldwell, ID 83605

(208) 459-3696

RECEIVED

from the desk of

Randy S. Million, CPA

NOV 03 2006

Kay —

DEPARTMENT OF WATER RESOURCES

I made some notes on these
notices of error. I cannot
tell from the maps if the
Point of diversion is in
Section 15 or Section 22.
The maps I have from the
County are slightly different from
those of IDWR - Thanks, Randy

10/14/2006

NOTICE OF ERROR

REPLY

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

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

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

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

RECEIVED

NOV 03 2006

DEPARTMENT OF WATER RESOURCES

Water right number: 63-4621

DJK LLC
824 DEARBORN
CALDWELL ID 83605
Telephone Number: (208) 459-3696

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

Source

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

Diversion should be designated as from: TOYN ROW 522 NENW

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

Per my review of historical records note the actual diversion is on the south side of PECKHAM RD.

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

DATE: 10-27-06

SIGNATURE:

Randy S. Million, member

Please print your name:

Randy Million

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

10/14/2006

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

RIGHT NUMBER: 63-4621

NAME AND ADDRESS: DJK LLC
824 DEARBORN
CALDWELL ID 83605

SOURCE: PIPE GULCH CREEK TRIBUTARY: DIXIE DRAIN

QUANTITY: 1.240 CFS

PRIORITY DATE: 03/22/1935

POINT OF DIVERSION:
T04N R04W S15 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	1.240 CFS
PLACE OF USE:	<u>IRRIGATION Within CANYON County</u>		
	T04N R04W S15 NESW 24.00	T04N R04W S15 NWSW 38.00	
	62 ACRES TOTAL		

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 63-4622, 63-4623 and 63-4624 are also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4621

WATER RIGHT NUMBER: 63-4621

Owner Type Name and Address
Current Owner EDGAR GRIFFITHS
21027 NOTUS RD
CALDWELL, ID 83605
(208)459-6325
Current Owner VIRGINIA W GRIFFITHS
21027 NOTUS RD
CALDWELL, ID 83605
(208)459-6325

see new owners
DJK

Priority Date: 03/22/1935
Basis: ~~Statutory Claim~~
Status: Active

B/U

Source
PIPE GULCH CREEK
~~RENSHAW CANAL~~

Tributary
DIXIE DRAIN

Boise River

Beneficial Use
IRRIGATION

From To
3/15 to 11/15

Diversion Rate
1.300 CFS

Annual Volume

$62 \times 0.02 = 1.24 \text{ cfs}$

Total Diversion: 1.300 CFS

Location of Point(s) of Diversion

PIPE GULCH CREEK
CANYON County

SESW per GPS 15
NE 1/4 NW 1/4

Sec. 22, Twp 04N, Rge 04W, B.M.

RENSHAW CANAL
CANYON County

NE 1/4 NW 1/4

Sec. 22, Twp 04N, Rge 04W, B.M.

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	15	NE	NW	SW	SE	25.0 40.0 65.0

Total Acres: 65

62 per GIS shape

62

Conditions of Approval:

Remarks:

Pipe Gulch Cr. & Renshaw Canal appear to be one & the same. Cannot recommend man made structure as source - use Pipe Gulch Cr.

F05
Pipe Gulch Cr. Dixie Drain trib. to Boise River. See comments. Fw 10/14/06

topo X4

Cannot recommend canal as source.

Sandy

A63-4621/4622/4623/4624 and A63-16302 Field Exam Request:
EDGAR & VIRGINIA GRIFFITHS

Contact:

05/08/2006

✓ Contact **Ed or Virginia Griffiths** at **459-6235** (per 06/07 phone directory) or 459-6325 (per claims) to set up a field exam. Claims show address as Caldwell but the county assessor's office shows their address as Greenleaf. **Verify mailing address and phone number when conducting exam, please.**

Note: If you cannot get a hold of the claimants at above numbers please let me know and I will contact attorneys office for more information and get that information back to you... *sold to Mark Fliton*

✓ **Property Address:**

Get directions from claimant when setting up appointment.

Requests:

*Please verify **all the elements** of these rights. I have attached copies of each of the claims, 2004 photo (1) and 1987 aerial photos (3) that are for lands in Section 15. I have attached additional photos (2004 & 1987) for the land under 63-16302.

In addition, please verify:

- ✓ • GPS the location of the diversion points.
- **1987 Aerial Photo:** Please draw the **acres** that were irrigated from Pipe Gulch in 1987 on the enclosed **1987 aerial photographs**. Draw the **diversion works** on the 1987 aerial photo along with the **point(s) of diversion**.
- ✓ • **Also, for 63-16302:** I have not received any evidence of priority date for this claim. Please remind claimants that they must submit evidence of the first date of use of the wastewater they are using under this claim. If no evidence is submitted the claim may be disallowed. *Disallow, since this one was never developed.*
- **Capacity of System:** Verify that the claimed **amounts** are possible/applicable.

Kay Walker
287-4953
Sr. Water Resource Agent
IDWR – State Office via Western Region

Exam 7/4/06 7:00 AM
7/4/06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Rec'd 9/29/06

Prior to Field Exam

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

RECEIVED

OCT 04 2006

WATER RESOURCES
WESTERN REGION

Rec'd again.

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-04621, 04622, 04623, + 04624, + 16302

Owner: C. Edgar or Virginia Griffiths Phone No. (208) 459-6325

Current Address: 21027 Lotus Rd, Caldwell, Id 83605

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER DJK, LLC c/o Randy Million
- ☐ No change Address
- ☒ NEW ADDRESS 824 Dearborn, Caldwell, Id 83605
- ☒ How long owned property? 1-21-2006 (208) 459-3696

Accompanied by: Rand Million & Virginia Griffiths

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?
- A63-04621 (3/22/1935), 04622 (6/29/1910), 04623 (4/15/1960)
- Priority date, per claimant, is: 04624 (3/31/1921), 16302 (12/31/1948)

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

Disallow 63-16302 (12/31/1948) since per Virginia Griffiths this system was never developed (no pump or 15" flume installed to deliver water).

Source: Pipe Gulch (Renshaw Canal) Tributary to Dixie Drain

- ☒ 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? _____

* Both POD #1 + 2 at at H are at the same location. Diversion dam pipes them to different locations.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

POD# 1+2

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
								Canon	N43°40.590'W116°48.382'

Description of diverting works

* see attachment**OVERLAP REVIEW**Other water rights with the same point of diversion: A63-04621, 04622, 04623, 04624

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

Adds acres to existing system.**WATER USES**☐ No change☐ Different UsesUse Irrigation From 3/1 To 11/15 Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater onlyN/A☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

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

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: ^{SH} ~~A63-04621, 04622, 046~~

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

Delivery System Narrative: * see attachment

* Entire system is gravity flow.

N/A

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Supplemental: None

Gave ownership change form to Randy Million, to review with his attorney & mail in.

Directions: T.84, Greenleaf off ramp, Hwy 19 (before Greenleaf) turn north on Notus Rd. POD: turn west on Peckham, POD #1 & 2 located east of 20707 Peckham. POU: field north of POD is POU for POD #1 (northwest of 21027 Notus Rd & ending at 21246 Notus Rd). POU for POD #2 begins west of 21246 Notus Rd, going north & west, then ending at property ~~west~~ northwest of 21386 Notus Rd.

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:

10/4/2006

FIELD EXAMINER:

Gandy Hernerway

A63-4621/4622/4623/4624, and A63-16302 Griffiths

Date of Inspection: July 4, 2006

Inspector: Sandy Hemenway

A63-16302: Due to the system never being developed, I recommend disallowing this WR. Virginia Griffiths stated that a pump and 15" flume were never installed to deliver water to this acreage.

Description of Diverting Works:

Background Information: On the 1987 and 2004 maps, some acreage has been indicated that is irrigated **solely** by Wilder Irrigation and Pioneer Irrigation. They are not connected to the following systems, nor are they capable of using water from the following systems.

POD#1: (same GPS as POD#2, since they are located right next to each other)
Concrete diversion dam, splitting flow to 2 ditches (one for POD#1, one for POD#2), piped under the road (south to north), then piped over the ditch through 8" steel pipe within a 20" culvert.

POD#2: (same GPS as POD#1, since they are located right next to each other)
Concrete diversion dam, splitting flow to 2 ditches (one for POD#1, one for POD#2), piped under the road (south to northwest), piped over the ditch through 20" steel pipe.

Delivery System Narrative:

From POD#1: 8" steel pipe within a 20" culvert open discharges to a concrete ditch on the south boarder, running east and west (gravity flow south to north). At the north end, running south to north, it is tiled to a dirt ditch that runs west to east (gravity flow south to north).

From POD#2: 20" steel pipe, then tiled running south to north across the field irrigated by POD#1, to a steel head gate (#1) that diverts the flow either east or west on a dirt ditch (gravity flow south to north), with the dirt ditch running north on the east corner where it is tiled (west of 21246 Notus Rd), then piped under the Riverside Canal then open discharged to a concrete ditch (west of 21386 Notus Rd) with gravity flow east to west. Going back to the #1 steel head gate, the flow can continue south to north (tiled), piped under the dirt road running next to the Riverside Canal to another steel head gate (#2). At #2 head gate, flow can either go east (tiled), west (dirt ditch), or north (concrete ditch) with gravity flow east to west. Along the north boarder the concrete ditch runs into a dirt ditch that runs east and west.

Comment: No supplemental source is used for the acreage irrigated by POD#1 or POD#2. There are no non-irrigation uses.

DJK, LLC c/o Randy Million has plans to develop this property in the near future.

A63-04621, 04622, 04623, 04624, Griffiths

Date of Inspection: 7/4/2006

Inspector: Sandy Hemerway

POD#1 Measurement: Capacity of System N 43°40.590'
W 116°48.382'

Orange peel: 3' wide x 8" deep 7/2 seconds

$$Q = VA = 3.5 \text{ ft/sec} \times 1.98 \text{ ft}^2 = 6.93 \text{ cfs}$$

$$V = 7 \text{ ft} / 2 \text{ seconds} = 3.5 \text{ ft/sec.}$$

$$A = H \times W = 8" \times 3' = 0.66' \times 3' = 1.98 \text{ ft}^2$$

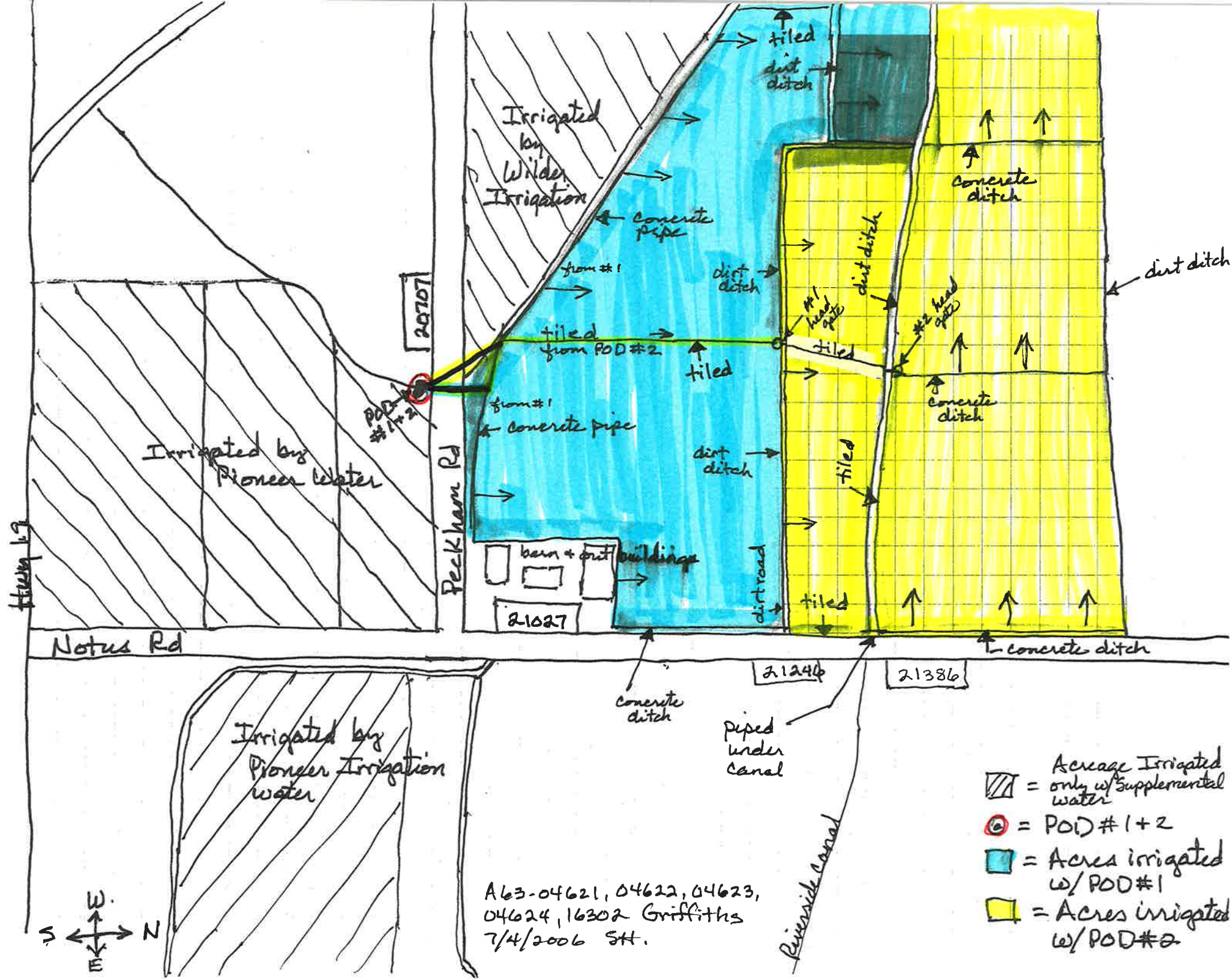
POD#2 Measurement: Capacity of System N 43°40.590'
W 116°48.382'

Orange peel: 52" wide x 9" deep 8'5" / 3 seconds

$$Q = VA = 2.81 \text{ ft/sec} \times 3.25 \text{ ft}^2 = 9.13 \text{ cfs}$$

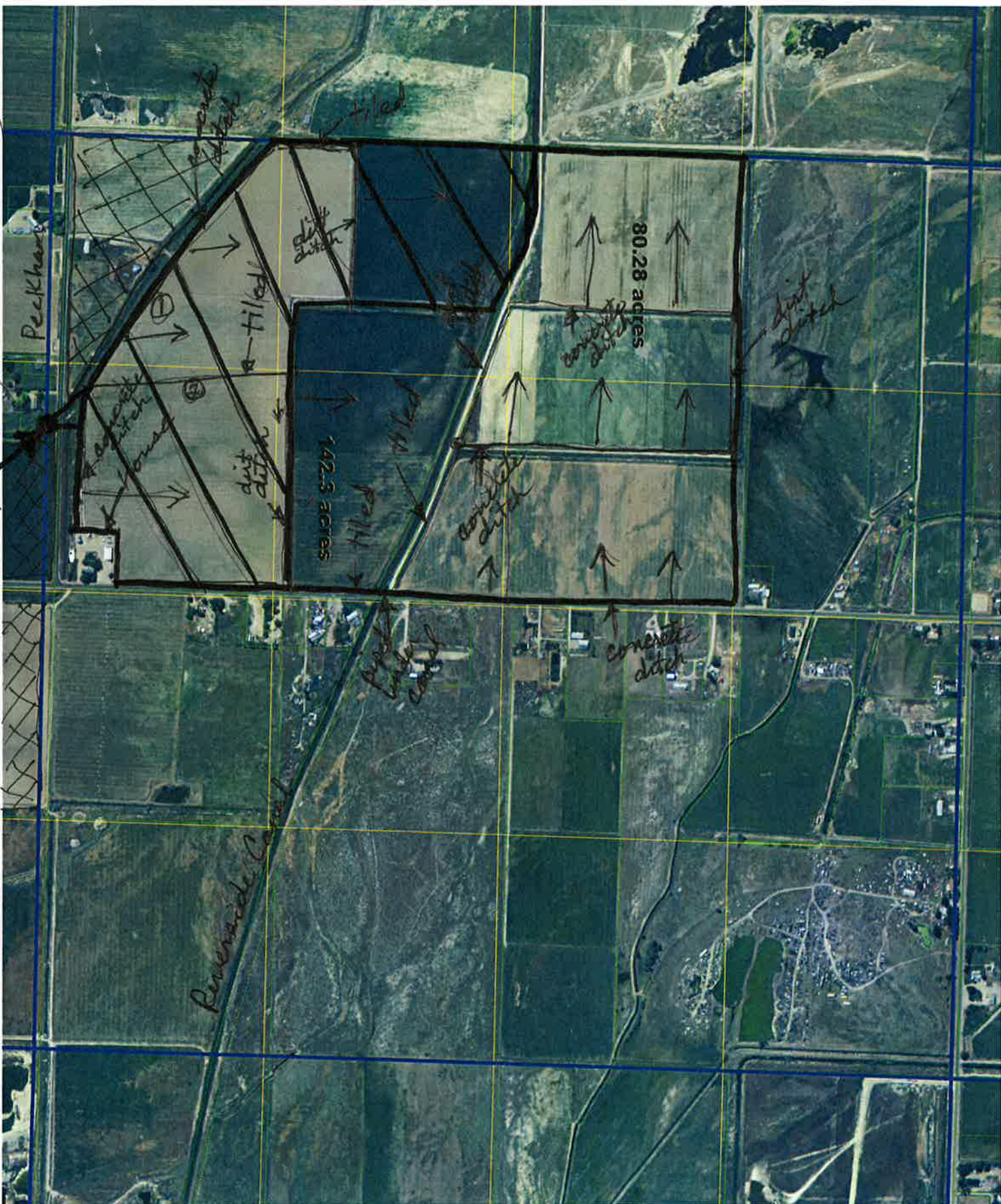
$$V = 8.416 \text{ ft} / 3 \text{ sec.} = 2.81 \text{ ft/sec.}$$

$$A = H \times W = 9" \times 52" = 0.75' \times 4.33' = 3.25 \text{ ft}^2$$



PO (A63-04623)

POD #1 + 2



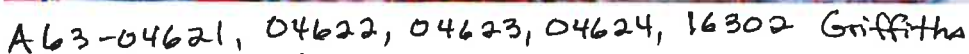
A63-04621, 04622,
04623, = 04624,
16302, 
Griffiths

-  = irrigation water from POD #1
-  = from POD #2
-  = irrigated w/ Pioneer, or Wilder Irrigation

2004 photo

7/4/2006
SH

7/4/2006 SK

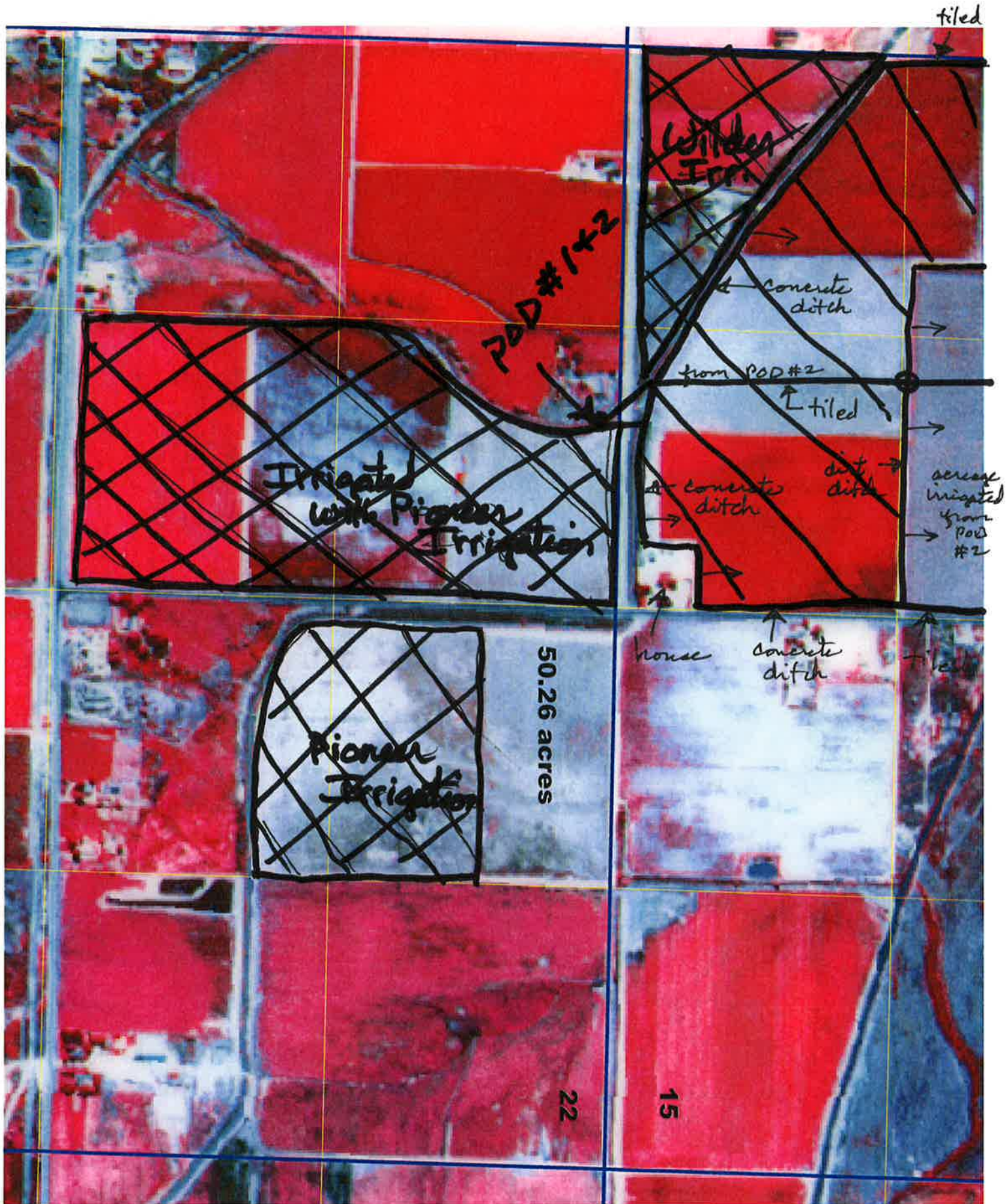


1987
Photo



 = Irrigated from POD #1

☐ = irrigated from POD# 2



A63-04621, 04622, 04623, 04624, 16302 Griffiths

7/4/2006 SH



= Acreage irrigated from POD #2



= Acreage irrigated from POD #1



= Irrigated w/ Pioneer or Wilder Irr. solely



A63-04621, 04622, 04623, 04624, 16302 Griffiths

7/4/2006 SH



☐ = Irrigated w/ Pioneer or
Wilden Irrigation solely



POD:

#2 (piped then tiled across to the furthest fields)

#1 (for closest field)

POD's

east of
20707
Peckham
Rd.

SH
July 4, 2006

N43°40.590' W116°48.382'



from
POD's
piped
under
road
to the
north

July 4, 2006
SH

A63-04621, 04622, 04623, 04624, Griffiths
7/4/2006 SH

POU →



04/07/2006
July 4, 2006 SH

POD #1
pipe
crosses
ditch,
going
south to
north,
open
discharges
to concrete
ditch running
east + west
on south
border
(gravity
flow south
to north)
(20" culvert
w/ 8" steel
inside)



04/07/2006

POU for
POD #1

POD #2
pipe
crosses
ditch,
then is
tiled
across
field
running
south to
north to
a dirt
ditch
running
east +
west
(20" steel
pipe)

A63-04621, 04622, 04623, 04624 Griffiths
7/4/2006 SH



dirt ditch
that runs
east +
west

POD#2
piped
across
ditch
then
tiled
south
to north
across
field
to dirt
ditch on
other side
running
east +
west

04/07/2006

ST July 4, 2006

3' x 8"
7 1/2 sec.
= 6.93 cfs
capacity
for system

Across
very north
boarder,
concrete
turns back
into being
tiled
(running
south to
north)



POU

POD#1
open
discharges
to concrete
ditches
running
east +
west on
south
boarder
(gravity
flow
south to
north)

04/07/2006

A63-04621, 04622, 04623, 04624 Griffiths
7/4/2006 ST



open
discharge
from
POD #1

POU
concrete
ditch
from
POD #1

04/07/2006

July 4, 2006 SH



POU
fields
irrigated
from
POD #1
north end

04/07/2006

Griffiths AL3-04621, 04622, 04623, 04624

July 4, 2006 SH

POU
from
POD #1



POU
from
POD #2

dirt road
separating
field on
left
irrigated
w/ POD #1
& fields
on right
irrigated
from POD
#2

04/07/2006
ST July 4, 2006



— where
tilled
comes
into concrete
ditch
— from POD
#2
52" x 9"
8'5" / 3 sec.
= 9.13 cfs
Capacity
for
System

Griffiths A63-04621, 04622, 04623, 04624 July 4, 2006 ST



POU
from #2

From
POD #2

dirt
ditch
running
east &
west
(gravity
flow
south to
north)

04/07/2006

July 4, 2006 SH



concrete
ditch
running
south to
north (gravity
flow east
to west)

at
south
border
across
from
21246
Notus Rd,
tiled, then
piped
under
Riverside
Canal &
open
discharged
to
concrete
ditch

04/07/2006

SH July 4, 2006

Griffiths A63-04621, 04622, 04623,
04624



21027
Notus Rd
w/ barn
&
out-
buildings

July 4, 2006 SH



concrete
ditch
north of
house
on east
border
running
south to
north

Griffiths A63-04621, 04622, 04623, 04624

July 4, 2006 SH

Sandy
(5/16)

A63-4621/4622/4623/4624 and A63-16302 Field Exam Request:
EDGAR & VIRGINIA GRIFFITHS

Contact:

05/08/2006

Contact **Ed or Virginia Griffiths** at **459-6235** (per 06/07 phone directory) or 459-6325 (per claims) to set up a field exam. Claims show address as Caldwell but the county assessor's office shows their address as Greenleaf. **Verify mailing address and phone number when conducting exam, please.**

Note: If you cannot get a hold of the claimants at above numbers please let me know and I will contact attorneys office for more information and get that information back to you...

Property Address:

Get directions from claimant when setting up appointment.

Requests:

*Please verify **all the elements** of these rights. I have attached copies of each of the claims, 2004 photo (1) and 1987 aerial photos (3) that are for lands in Section 15. I have attached additional photos (2004 & 1987) for the land under 63-16302.

In addition, please verify:

- GPS the location of the diversion points.
- **1987 Aerial Photo:** Please draw the **acres** that were irrigated from Pipe Gulch in 1987 on the enclosed **1987 aerial photographs**. Draw the **diversion works** on the 1987 aerial photo along with the **point(s) of diversion**.
- **Also, for 63-16302: I have not received any evidence of priority date for this claim. Please remind claimants that they must submit evidence of the first date of use of the wastewater they are using under this claim. If no evidence is submitted the claim may be disallowed.**
- **Capacity of System:** Verify that the claimed **amounts** are possible/applicable.

Kay Walker
287-4953
Sr. Water Resource Agent
IDWR -- State Office via Western Region

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4621

WATER RIGHT NUMBER: 63-4621

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VIRGINIA W GRIFFITHS 21027 NOTUS RD CALDWELL, ID 83605 (208)459-6325
Current Owner	C EDGAR GRIFFITHS 21027 NOTUS RD CALDWELL, ID 83605 (208)459-6325

Priority Date: 03/22/1935

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
PIPE GULCH CREEK	DIXIE DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.300 CFS	
	<u>Total Diversion:</u>	1.300 CFS	

Location of Point(s) of Diversion

PIPE GULCH CREEK	NE1/4NW1/4	Sec. 22, Twp 04N, Rge 04W, 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	
04N	04W	15									25.0	40.0							65.0

Total Acres: 65

Conditions of Approval:Remarks:Comments:

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that C. Edgar &/or Virginia W. Griffiths
(name of claimant)
of Route 2, Caldwell, ID 83605, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Pipe Gulch
_____, tributary to, Dixie Drain Ditch
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|--------------|-----|-------------------|---------------------|---------------|----|---------------|
| Amount | <u>1.3</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Mar 15</u> | To | <u>Nov 15</u> |
| Amount | <u>_____</u> | Use | <u>_____</u> | Period of Use: From | <u>_____</u> | To | <u>_____</u> |
| Amount | <u>_____</u> | Use | <u>_____</u> | Period of Use: From | <u>_____</u> | To | <u>_____</u> |
- (cfs, gpm or a/f)
(dom., irri., stock, etc.)
(both dates inclusive)

- (3) Total quantity of water claimed: 1.3 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 3-22-1935

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22 Twp. 4N Rge. 4W B. M. County of Canyon
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. CHECK IN DITCH PER TELECON ALW 7-6-78

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

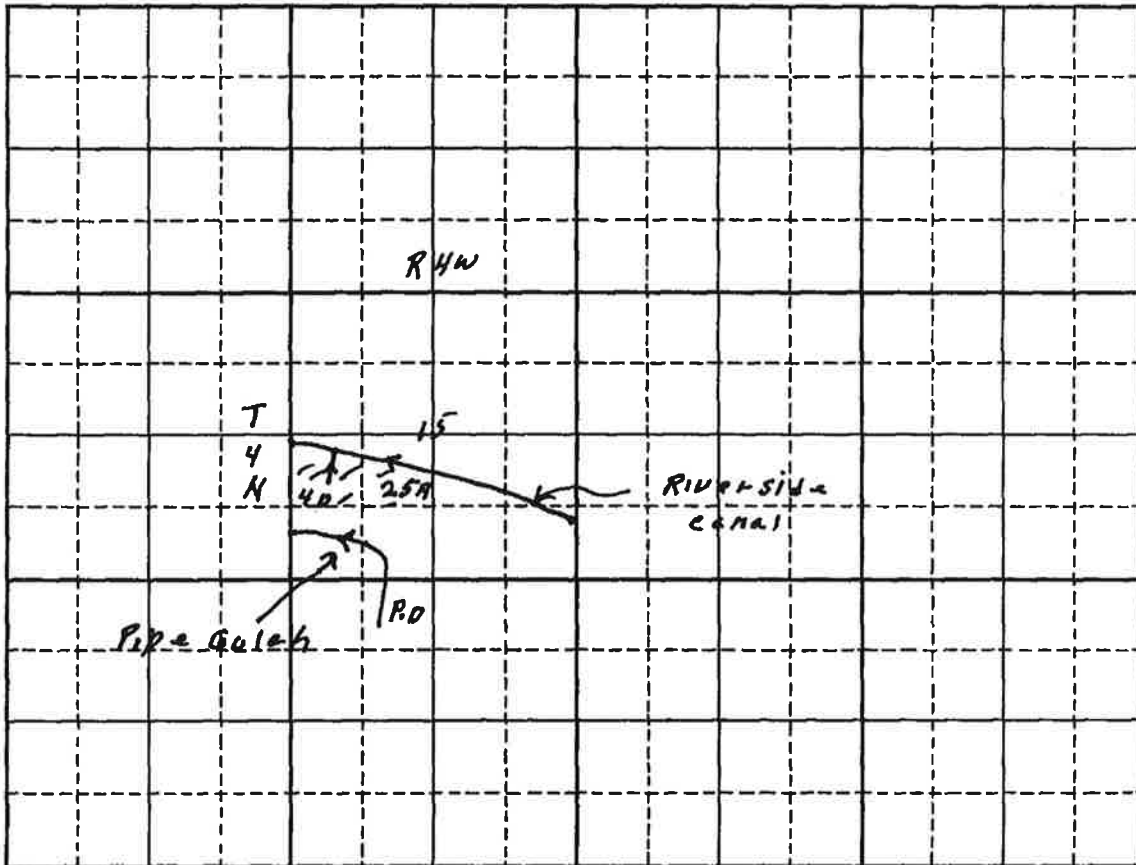
Total No. of acres 65

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 30 day of June

C. Edgar Griffiths
(Claimant)

David R. Tathall
Notary Public
Residing at Boise Id

My commission expires Sept 10, 1980

For Department Use Only

Received by <u>SKN</u>	Date <u>6/30/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R. W. H.</u>	Date <u>7-5-78</u>		claimant by:	
\$10.00 fee received by <u>aku</u>	Date <u>6-30-78 *1157</u>			
Approved for publication by				
Published in <u>Idaho Press, Nampa & Caldwell</u>				
Dates <u>7-13 & 7-20-78</u>				

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Ada)

ALVIN L. BLACK, being first duly sworn upon oath, deposes and says:

That he is a resident of Canyon County, Idaho, and makes this Affidavit in support of an Application by Ed and Virginia Griffiths to the Department of Water Resources, State of Idaho, for a determination of water rights affecting certain described real properties. This affiant was born in 1905 in Canyon County, State of Idaho. That this affiant was acquainted with the property which originally patented to John W. Newland on January 23, 1901. The property is described as the SE 1/4 of SW 1/4 Section 15, T. 4 N., R. 4 W., B.M. consisting of 40 acres. That this affiant has been well acquainted with the property between 1905 and 1911 because this affiant traveled with his family across the 40 acres described to the community to secure supplies and go to church. That at all times during irrigation season, this affiant knows the 40 acres described herein was irrigated for every year from 1911 to the date of this affidavit.

This affiant further states that he at all times from 1921 to the time of this affidavit, has been well acquainted with property that was deeded from the State of Idaho to W. H. Curtis on March 31, 1921. The property is described as the SW 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W. B.M. in Canyon County and lies North of the West End Drain, containing approximately twenty (25) acres. That your affiant knows of his own knowledge that from 1921 to the

date of this affidavit the property, during the crop season, has continuously been irrigated.

63-4621 { This affiant has been acquainted with property deeded by the State of Idaho to Elisha N. Hanson, on May 5, 1934, and described as the NW 1/4 of SW 1/4 of Section 15, T. 4 N., R. 4 W, B.M., Canyon County, lying south of the Riverside Canal, and property deeded by the State of Idaho to Elisha Hanson, on March 22, 1935, described as the NE 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W., B.M. lying South of the Riverside Canal all being in Canyon County, Idaho, and totaling approximately 65 acres. This affiant has been well acquainted with the 65 acres described in this paragraph and knows of his own knowledge that the property has been irrigated continuously since 1935.

63-4623 { This affiant has been acquainted with property deeded from the State of Idaho to Elisha N. Hanson on May 5, 1934, and described as the NW 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W., B.M. lying North of the Riverside Canal in Canyon County, Idaho. That affiant has also been acquainted with property deeded from the State of Idaho to Elisha N. Hanson on March 22, 1935, described as the NE 1/4 of SW 1/4 Section 15, T. 4 N., R 4 W. B.M. lying North of the Riverside Canal, and the property deeded from the State of Idaho to Elisha N. Hanson on August 26, 1935, described as the S 1/2 of the NW 1/4, Section 15, T. 4 N., R. 4 W. B.M. in Canyon County, totaling 95 acres. That this affiant knows of his own knowledge that

the properties described in this paragraph have been irrigated
continuously since 1960.

Alvin L. Black
Alvin L. Black

SUBSCRIBED AND SWORN to before me this 28 day of
April, 1978.

Guanne Erwin
Notary Public for Idaho
Residing at: Laurel, Idaho

AFFIDAVIT - 3

RECORDED

RECEIVED

AUG 11 1992

Department of Water Resources

August 11, 1992

21027 Motor Road

Caldwell, Idaho 83605

To the Water Resource Board,

I receive agricultural water for my land from a diversion in the Benewah Canal, also known as Cape Bush watering, Tracts # 63-4621, # 63-4622, # 63-4623, and # 63-4624.

We were short of water last week and I would protest the operation of a pump that has been placed in the watering above my diversion point by a man named Del Christensen at 19501 Top Road, Caldwell, Idaho 83605, and his neighbors to the east, located south of Greenleaf in Canyon County.

Ed Shippert

R. A. Griffiths,

AGREEMENT.

No. 10

Dated, June 29, 1910.

Recorded, July 12, 1910, 1-20 PM.

Book 4 B & A., page 616.

Owner or owners of the NE¹ of
the SE¹ of Sec. 22, Twp. 4 N.,
R. 4 W. E.M., in Jackson County,
Idaho.

Witnesseth: That whereas, the said party of the 1st part is the owner of the SE¹ of the SW¹ of Sec. 15, Twp. 4 N., R. 4 W. E. M., Canyon County, Idaho, lying adjacent to and N of the 1st above described property and, Whereas, the land of the said 1st party is of a lower altitude than that of the 2nd party, and, Whereas, the 1st party does now receive water for irrigating his said land thro a ditch that runs through the said land of 2nd party, and leaves said 2nd party's land near the middle of the N boundary line thereof.

This agreement witnesseth, that for and in consideration of the license to bring water across said land of 2nd party as aforesaid, the 1st party hereby agrees to and with said 2nd party that he will maintain the said ditch or any ditch through which he may receive water across land of the 2nd party, in a good and safe condition, and will not permit the water therefrom to overflow the land of 2nd party, in any manner or to any extent whatever, and will save and keep the said party of the 2nd part safe and harmless from all damages of every kind that may result to 2nd party or his said land by reason of 1st party running water across the land of said 2nd party as aforesaid. Provided that

Abstract # 9118

Canyon Abstract & Trust Co Bldg.
Caldwell, Idaho

nothing herein contained shall, in any way, interfere with the right of the 2nd party to use the said ditch.

The owners for the time being of the said 1st above described land shall have the benefit of and be bound by this agreement and shall be deemed to be included wherever the names of the said 2nd parties hereto occur.

In Witness Whereof, the said parties have hereunto set their hands and seals the day and year first above written.

Signed: H. A. Griffiths, First Party, J. Jester Jr. & Will Monk, Second Party.

Acknowledged, by H. A. Griffiths, J. Jester Jr., Will Monk, July 9, 1910, before T. A. Walters, Notary Public, Canyon County, Idaho.
(Seal).

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4621

04/25/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4621	Claim	04N	04W	15	NE	SW		IRRIGATION	25/65	C EDGAR GRIFFITHS
4623	Claim	04N	04W	15	NE	SW		IRRIGATION	15/95	C EDGAR GRIFFITHS
4621	Water Right	04N	04W	15	NE	SW		IRRIGATION	25/65	VIRGINIA W GRIFFITHS
4623	Water Right	04N	04W	15	NE	SW		IRRIGATION	15/95	C EDGAR GRIFFITHS
16306	Water Right	04N	04W	15	NE	SW		STOCKWATER		VIRGINIA W GRIFFITHS
4621	Claim	04N	04W	15	NW	SW		IRRIGATION	40/65	C EDGAR GRIFFITHS
4621	Water Right	04N	04W	15	NW	SW		IRRIGATION	40/65	VIRGINIA W GRIFFITHS

OK

Receipt Details for ID W006556

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/26/1989 1:36:20 PM	10/26/1989	Western	\$584.00	Check
Payer		GRIFFITHS, ED		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
231			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$584.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	16304		\$25.00	Claim
63	16305		\$25.00	Claim
63	16306		\$25.00	Claim
63	4624		\$75.00	Claim
63	4623		\$145.00	Claim
63	4622		\$90.00	Claim
63	4621		\$115.00	Claim
63	16302		\$84.00	Claim

REAL PROPERTY INQUIRY

+++++

01 6R36101-010- -0 131-00 SCH135+ 01 4,400 12.84

+++++ 19 2.73

GRIFFITHS FAMILY TRUST +

% GRIFFITHS, VIRGINIA W TRUSTEE +

+

+

+

21027 NOTUS RD +

GREENLEAF ID 83626 +

+++++

15-4N-4W SW + TOTAL 4,400 15.57

SW 1/4 LYING N & E OF RIVERSIDE ++++++

CANAL + SURVEY INST 200567127

+ DRAIN DR VALUE APPR MKB

+ CLASS REAP 04 MAN UNIT 0

NOTUS RD, GR + PARCEL 6R04N04W154800 H/O N C/B N

+ PRIOR ACCOUNT 5R36101-010- -0

SEE R36101-000- -0 + 02 MH on Property NO

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R36101010 0 UNIT 001 TOTAL UNITS

SITE NOTUS RD GR SEC/TWN/RNG 15-4N-4W

ASSESSED VALUE 4,400 ACREAGE 15.57

SUB/PARK NAME YEAR/MAKE

CLASS NO BUILDING CLASS SPACE LOT BLOCK

+++++

YR BUILT 0 AIR COND AIR - NONE CARPORT N

STORY NO BLDG HEATING CARPORT SQ FT

FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N

SECOND SQ FT ROOF UNKNOWN POOL? N

BEDS 0 BSMT SQ FT SPA? N

BATHS .00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 22, 2006

DJK LLC
824 DEARBORN
CALDWELL ID 83605

RE: Snake River Basin Adjudication (SRBA)
Notice of Claims to Water Right Nos. 63-4621, 63-4622, 63-4623 & 63-4624

Gentlemen:

We have processed the change in ownership for the above referenced claims to water rights. Enclosed are copies of the claims for your files.

If your mailing address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water rights. If you have any questions concerning this matter, please do not hesitate to contact me at (208) 287-4953.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures