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 63-2968
Date Received: 9/8/1989
Receipt No: W005707
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): NAMPA MERIDIAN IRRIGATION DISTRICT Phone: (208) 466-7861
   1503 1ST ST S
   NAMPA ID USA 83651

2. Date of Priority: 11/19/1953

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
03N	01E	19	NE SE		ADA	

5. Description of diverting works:

   8O' DEEP, 8" CASING, SUB. PUMP, GATED PIPE, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.46	103.5

7. Total Quantity Appropriated is:
   0.46 C.F.S. and/or 103.5 A.F.A.

8. Total consumptive use:

SCANNED
APR 2 9 2008

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
03N	01E	19	NE	SE		IRRIGATION	11
						Section Acres	11
03N	01E	20	NW	SW		IRRIGATION	12
						Section Acres	12
						Total Acres	23

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Farwest had intent to give all rights to Nampa Meridian Irrigation Dist, although deed may show different. If there are any questions, call Justin Martin or Marty Goldsmith @ Farwest 388-0189 or 890-0451. Per contact by agent during review. 10/2001.

Ownership changed by DB 10/9/2001

OWNERSHIP CHANGED BY LH 5/22/95
CLAIM AMENDED BY TRANSFER NO 4610 APPROVED 6/22/95
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO 4610 IN FILE
THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS, TO THE EXTENT THEY ARE AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT
THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE WITHOUT THE APPROVAL OF THE DEPARTMENT
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR EXCEED A COMBINED ANNUAL DIVERSION VOLUME OF 103.5 AF FOR THE LANDS ABOVE

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.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

15. Basis of Claim: License

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
DEC 11 1998
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.

RECEIVED
DEC 09 1998
DEPARTMENT OF WATER RESOURCES

1. Water Right Number(s) 63-02968

   Adjudication Claim Number(s) A 63-02968

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) Farwest, LLC

   4550 W. State St., Boise, Idaho 83703

4. New Owner/Claimant(s) Nampa & Meridian Irrigation District

   Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR

   New Mailing Address 1503 First Street South

   City, State and ZIP Code Nampa, Idaho 83651

   New Telephone Number (208) 466-7861

5. Date you acquired the property August 28, 1998

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 _____ (cubic feet per second) Number of homes _____ Other uses _____

   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) Daren R Coon Daren R Coon Date 4 Dec 98

   _____ Date _____

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. 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.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1998 AU 28 PM 2:58

RECORDED - REQUEST OF
Wilson McColl
FEE 0 00 DEPUTY

98082568

WARRANTY DEED

FARWEST L.L.C., a limited liability company, hereafter referred to as "Grantor", hereby conveys, grants, bargains, sells and warrants to NAMPA & MERIDIAN IRRIGATION DISTRICT whose address is 1503 First Street South, Nampa, Idaho 83651, hereinafter called "Grantee", the following described premises situated in Ada County, Idaho, to wit:

Lot 5, Block 7, SALMON RAPIDS SUBDIVISION NO. 4, according to the official plat thereof.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's successors and assigns forever, and the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor has hereunto signed its name this 28 day of August, 1998.

FARWEST L.L.C., a Limited Liability Company

By Marty Goldsmith, member
Marty Goldsmith, Member Re-Record

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1998 SP 17 AM 9:05

RECORDED - REQUEST OF
FEE 6.00 DEPUTY

98088990

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 28th day of August, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MARTY GOLDSMITH, known to me to be a member of FARWEST L.L.C., the limited liability company that executed the foregoing instrument and acknowledged to me that such limited liability company 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.

Susan Livingston
Notary Public for Idaho
Residing at: Emmett, Idaho
My commission expires: 6-7-03

NAMPA & MERIDIAN IRRIGATION DISTRICT
RECORDED - REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

FEE 12.00 DEPUTY J Cooper

1998 SP 17 AM 9:04

98088989

WELL AGREEMENT

1. **DEFINITIONS.** In this Agreement certain words appear which have the following meaning:

"Farwest" means Farwest, L.L.C., a Limited Liability Company, the developer of Salmon Rapids Subdivision No. 4.

"Prior Agreements" means the written and signed Agreements (contracts) between Farwest and Owner and Nampa & Meridian Irrigation District as more particularly described in paragraph 3 herein.

2. **STATUTORY AUTHORITY.** This Agreement is made under the authority of Idaho Code § 43-330A.

3. **PRIOR AGREEMENTS.** Farwest and Nampa & Meridian Irrigation District have entered into a Construction Contract for Urban Irrigation System in Salmon Rapids Subdivision No. 4 on the 15th day of July, 1997, recorded in the records of Ada County, Idaho as instrument number 9705876 and Addendum to Construction Contract for Urban Irrigation System in Salmon Rapids Subdivision No. 4 on the 2nd day of September, 1997, recorded in the records of Ada County, Idaho on September 4, 1998 as instrument number 97072271. The parties hereby affirm as unchanged the terms, conditions and requirements set forth in the Prior Agreements.

4. **OWNERSHIP, OPERATION AND MAINTENANCE OF DISTRIBUTION SYSTEM.** The pressurized irrigation system located in Salmon Rapids Subdivision Nos. 1, 2, 3 and 4 and Los Alamitos Park Subdivision Nos. 1, 2 and 3 is the property of, and is owned, operated and maintained by Nampa & Meridian Irrigation District under the terms of the Prior Agreements and other agreements previously entered into between Farwest and Nampa & Meridian Irrigation District.

5. **SUPPLEMENTAL WATER AND WELL LOT.** Supplemental water (water provided both before and after the regular irrigation season) is provided to Salmon Rapids

Subdivision Nos. 1, 2, 3 and 4 and Los Alamitos Park Subdivision Nos. 1, 2 and 3, in part, from a well located at Lot 5, Block 7, Salmon Rapids Subdivision No. 4 (hereafter "the well"). The well is designed to operate as a supplemental water source for the pressurized irrigation system owned and operated by Nampa & Meridian Irrigation District.

6. REQUIREMENTS OF THE CITY OF MERIDIAN. The well is has been and continues to be subject to certain Findings of Fact and requirements of the City of Meridian. These Findings of Fact were amended by the City of Meridian to require the following:

a. The well shall be monitored twice per year, being once in early March and once in early November;

b. Monitoring of the well shall cease on June 1, 2003.

7. TRANSFER OF WELL LOT. Farwest agrees to transfer the well and all pump(s) and fittings pertaining to operation of the well to Nampa & Meridian Irrigation District for use as part of the pressurized irrigation system in Salmon Rapids Subdivision Nos. 1, 2, 3 and 4 and Los Alamitos Park Subdivision Nos. 1, 2 and 3.

8. RESPONSIBILITY FOR MONITORING. INDEMNIFICATION. Farwest agrees to be responsible for all monitoring requirements of the City of Meridian until the requirements of the City of Meridian are satisfied or completed. Farwest agrees to indemnify and hold Nampa & Meridian Irrigation District harmless from all requirements and costs involved with the monitoring requirement of the City of Meridian.

9. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties hereto with respect to the subject matter of this Agreement.

10. GOVERNING LAW. This Agreement shall be construed under, and governed by, the laws of the State of Idaho.

11. BINDING EFFECT. This Agreement shall bind the parties hereto and their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto caused their names to be subscribed this 15th day of September, 1998.

FARWEST L.L.C., a Limited Liability Company

By Marty Goldsmith member
Marty Goldsmith, Member

NAMPA & MERIDIAN IRRIGATION DISTRICT

By Henry D Luick

ATTEST:

STATE OF IDAHO)
) ss:
COUNTY OF Ada)

On this 28 day of August, 1998, before me, the undersigned, a notary public in and for said state, personally appeared MARTY GOLDSMITH, known to me to be the a member of FARWEST L.L.C., the limited liability company that executed the foregoing instrument and acknowledged to me that such limited liability company 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.

SUSAN LIVINGSTON NOTARY PUBLIC STATE OF IDAHO

Susan Livingston
Notary Public for the State of Idaho
Residing at Emmett, Idaho
My commission expires: 6-7-03

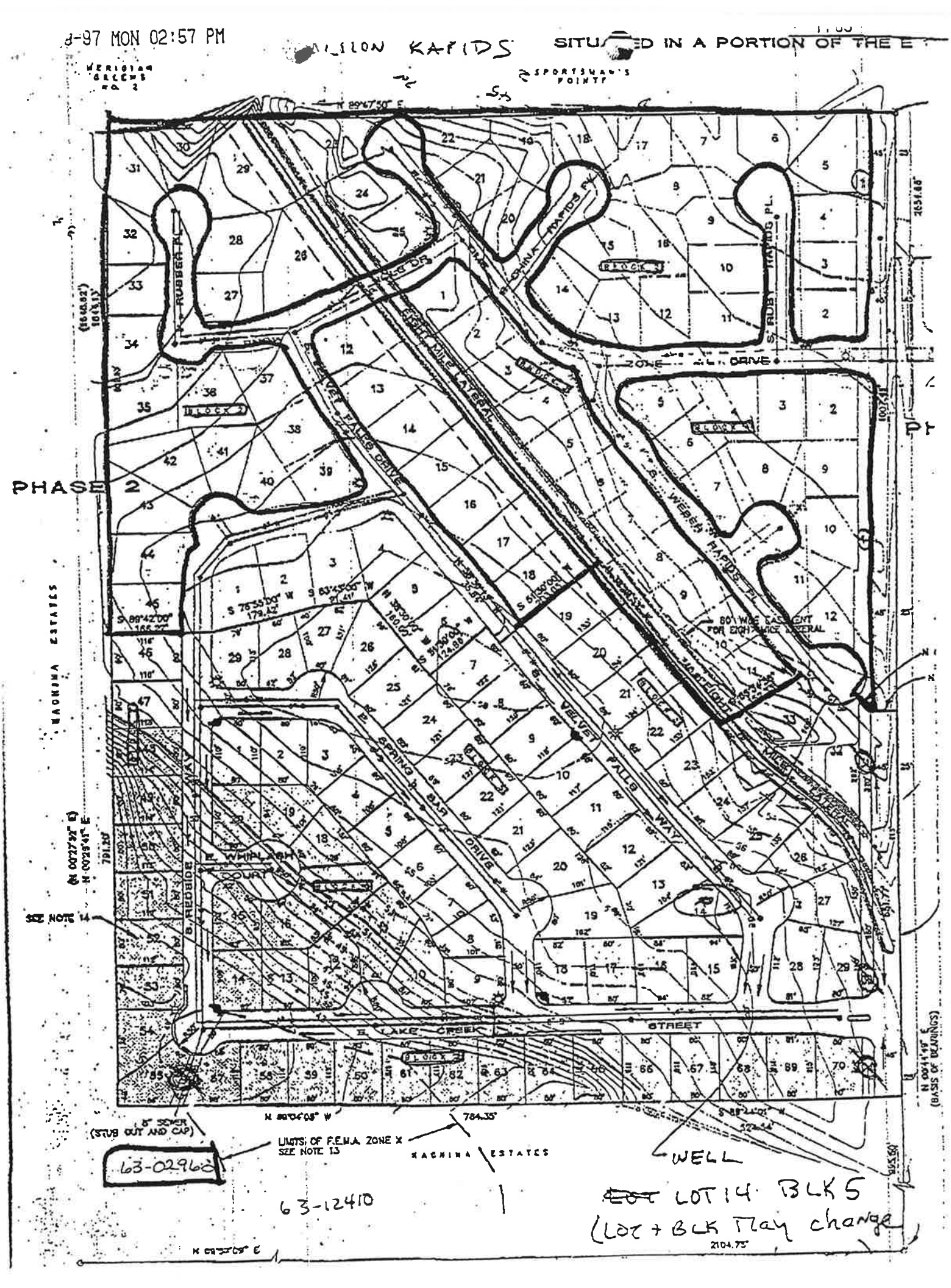
STATE OF IDAHO)
) ss:
County of Canyon)

On this 15th day of September, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Henry Weick and Warren R Cook, known to me to be the President and Secretary, respectively, of NAMPA & MERIDIAN IRRIGATION DISTRICT, the irrigation district that executed the foregoing instrument and acknowledged to me that such irrigation district 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.

DONNA N. MOORE NOTARY PUBLIC STATE OF IDAHO

Donna N. Moore
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 11/04/2000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SITUATED IN A PORTION OF THE E
PHASE 2
KACHINA ESTATES
RUBBER WAY
VELVET FALLS DRIVE
EIGHT MILE LATERAL
SPRING BAR DRIVE
WHIPLASH COURT
LAKE CREEK STREET
ST RUBY RAPIDS PL.
ZONE DRIVE
80' WIDE EASEMENT FOR EIGHT MILE LATERAL
8" SEWER (STUB OUT AND CAP)
LIMITS OF F.E.M.A. ZONE X SEE NOTE 13
WELL
63-02962
63-12410
LOT 14 BLK 5
(LOT + BLK May change

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: **A63-02968**
Date Received: 9/ 8/1989
Receipt No: W005707
Received By: _____

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

1. Name: FARWEST LLC 208-338-9708
   Address: 4550 W STATE ST
   BOISE ID 83703

2. Date of Priority: NOV 19, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	01E	19	NE SE		ADA

5. Description of diverting works:
   80' DEEP, 8" CASING, SUB. PUMP, GATED PIPE, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		103.50

7. Total Quantity Appropriated is:
   0.460 C.F.S. (and/or) 103.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	19	NE SE		IRR	11.0

MICROFILMED
OCT 0 2 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	11.0
		20	NW SW		IRR	12.0
					Section Acres	12.0
					Total Acres	23.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-18714

14. Remarks:
OWNERSHIP CHANGED BY LH 5/22/95.
CLAIM AMENDED BY TRANSFER NO 4610 APPROVED 6/22/95.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO 4610 IN FILE.
THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS, TO THE EXTENT THEY ARE AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE WITHOUT THE APPROVAL OF THE DEPARTMENT.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR EXCEED A COMBINED ANNUAL DIVERSION VOLUME OF 103.5 AF FOR THE LANDS ABOVE.

15. Basis of Claim: LICENSE

Water Right Number: 24584

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: _____

MICROFILMED
OCT 0 2 1996

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 _____

MICROFILMED
OCT 0 2 1996

✓ Roxanne
AJ

RECEIVED
JUN 2 7 1995
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4610
WATER RIGHT NO. 63-02968

This is to certify that: **FARWEST LLC**
4550 W STATE ST
BOISE ID 83703

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	0.46 CFS	103.5 AF

SOURCE

GROUNDWATER

Priority: 11/19/1953

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 19, Township 03N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
03N	01E	19	NESE	11			11
		20	NWSW	12			12
					Total number of acres irrigated:		23

CONDITIONS/REMARKS:

01M* 1. 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.

TO4 2. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

TO7 3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

MICROFILMED
OCT 0 2 1996

TRANSFER NO. 4610
WATER RIGHT NO. 63-02968

CONDITIONS/REMARKS:

T08 4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

T09 5. 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.

* 6. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.

* 7. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

* 8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 103.5 af for the lands above.

Dated this 22nd day of June, 1995.

L. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED
OCT 02 1996

MEMORANDUM

TO: FILE NO. 63-02968

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4610

DATE: June 21, 1995

==========

Transfer No. 4610 was filed to change a portion of the described place of use to a new location. The originally licensed acres have been subdivided reducing the total irrigation. The now surplus portion of the right is being transferred to the neighboring section for irrigation of a second subdivision being developed.

Nampa-Meridian Irrigation District water is also used on both the original and new place of use. The groundwater right was developed to supplement the surface right and transfer approval conditions should address that continued combined use.

Other recommended conditions include future measuring and reporting, right-of-way, irrigation overlap and standard transfer conditions.

MICROFILMED
OCT 02 1996

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

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

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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FARWEST LLC 208-338-9708
   Address: 4550 W STATE ST
   BOISE ID 83703

2. Date of Priority: NOV 19, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	01E	19	NE SE		ADA

5. Description of diverting works:
   80' DEEP, 8" CASING, SUB. PUMP, GATED PIPE, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	19	NE SE		IRR	23.0

MICROFILMED
OCT 02 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	23.0
					Total Acres	23.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-18714

14. Remarks:
OWNERSHIP CHANGED BY LH 5/22/95.

15. Basis of Claim: LICENSE

Water Right Number: 24584

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: _____

MICROFILMED
OCT 0 2 1996

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 _____

MICROFILMED
OCT 0 2 1996

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
APR 24 1995
WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 1E
Section 19, NE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: A63-02968/18714

[ ] Name and Address of Former Owner/Claimant(s)(Seller): JG OR FAYE McDERMOTT
2705 S. LOCUST GROVE RD
MERIDIAN, ID. 83642

[ ] New Owner/Claimant (Purchaser): FARWEST LLC

[ ] New Mailing Address: 4550 W. STATE ST.
BOISE, ID. 83703

[ ] New Telephone Number: (208) 338-9708

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ___yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[ ] Attach proof of ownership, describe proof attached: COPY OF QUITCLAIM DEED AND COPY OF RECORDED WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) X Marty Goldsmith MANAGER FOR FARWEST LLC Date 4-21-95
~~Date~~

[ ] Signature of Former Owner/Claimant(s): X _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 5-22-95 **By:** JH
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: 5-22-95 **By:** JH
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
OCT 02 1996

RECEIVED
APR 24 1995
WATER RESOURCES
WESTERN REGION

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is ESSENTIAL and should be available from the documents that will be present at the time of closing. The first two lines of the legal description MUST be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is NOT a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for BOTH the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

P 123672 CB

WARRANTY DEED

J. G. McDermott aka

FOR VALUE RECEIVED, JOHN MCDERMOTT, a widower,/*** as to an undivided one-half interest, and RONALD HUFFAKER, Personal Representative of the estate of Leona Faye McDermott, of King County, Washington, as to an undivided one-half interest, the Grantors, do hereby grant, bargain, sell and convey unto MARTY GOLDSMITH, whose current address is: 4550 West State Street, Boise, Idaho 83703, the following described premises, in Ada County, State of Idaho, to-wit:

NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, IN ADA COUNTY, STATE OF IDAHO.

EXCEPT THAT PORTION LYING WITHIN THE LOCUST GROVE RIGHT OF WAY.

AND SUBJECT TO TAXES FOR 1994; EASEMENTS AND RIGHTS OF WAY FOR ROADS AND DITCHES; AND ALL OTHER EXCEPTIONS SET FORTH ON SCHEDULE B, TICOR COMMITMENT FOR TITLE INSURANCE NO. P123672.

AND EXCEPT THAT PORTION IF ANY LYING WITHIN KACHINA ESTATES SUBDIVISION ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 35 OF PLATS AT PAGE 3016 AND 3017, RECORDS OF ADA COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises, and that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: This 15th day of March, 1994.

J. G. McDermott
JOHN McDERMOTT

ESTATE OF LEONA FAYE McDERMOTT

By Ronald Huffaker
RONALD HUFFAKER,
Personal Representative

***also shown of record J.G. McDermott, a widower

MICROFILMED
OCT 02 1995

94021301

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE ID

PIONEER TITLE

'94 MAR 8 PM 3 58

FEE 6.00 RECORDED

STATE OF IDAHO)
: ss.
County of Ada)

On this 1 day of March, 1994, before me, a Notary Public in and for said State, personally appeared ~~JOHN D.~~ McDERMOTT, known to me to be the person whose name is subscribed to the 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.

NOTARY PUBLIC STATE OF IDAHO LYNN P. BASURA

Lynn P Basura
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5-30-94

STATE OF WASHINGTON)
: ss.
County of KING)

On this 1ST day of March, 1994, before me, a Notary Public in and for said State, personally appeared RONALD L. HUFFAKER, known to me to be the Personal representative of the Estate of Leona Faye McDermott, deceased, and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as such Personal Representative.

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

DAVID M. BEAIL NOTARY PUBLIC COMMISSION EXPIRES 3-28-97 STATE OF WASHINGTON

David M. Beail
Notary Public for WASHINGTON
Residing at SEATTLE
My Commission Expires: 3-28-97

MICROFILMED
OCT 02 1996

PAGE 1 ATTACHMENT A

QUITCLAIM DEED

GRANTOR, MARTY GOLDSMITH of Boise, County of Ada, State of Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto FARWEST DEVELOPERS, INC., whose current address is 4550 W. State, Boise, County of Ada, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate situated in Meridian, County of Ada, State of Idaho, to-wit:

> Northeast quarter of the Southeast quarter and the North half of the North half of the Southeast quarter of the Southeast quarter of Section 19, Township 3 North, Range 1 East, Boise Meridian, in Ada County, State of Idaho.
>
> Except that portion lying within the Locust Grove right of way.
>
> Except that portion if any lying within Kachina Estates Subdivision according to the plat thereof, filed in Book 35 of Plats at Page 3016 and 3017, records of Ada County, Idaho.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 16th day of March, 1994.

Marty Goldsmith
MARTY GOLDSMITH

MICROFILMED
OCT 02 1996

PAGE 2 ATTACHMENT A

STATE OF IDAHO)
) ss:
County of Ada)

On this 16th day of March, 1994, before me the undersigned, a notary public for Idaho, personally appeared MARTY GOLDSMITH, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Notary Public for Idaho
Residing at Emmett, Idaho
Commission expires 6-7-97

94063100
Wilson Carnahan & McCall
BOISE ID

'94 JUL 1 11:3 57
6.00

MICROFILMED
OCT 02 1996

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 336-6700

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

ADA CO RECORDER
J. DAVID NAVARRO
BOISE ID
PIONEER TITLE

'94 SEP 28 PM 1 32

FEE 6.00
RECORDED / ... TEST OF

P133549 CR

SPACE ABOVE FOR RECORDING DATA

WARRANTY DEED

(CORPORATE FORM)

Farwest Developers, Inc. an Idaho Corporation , a corporation organized and existing under the laws of the State of Idaho, with its principal office at 5120 N. Turret, Boise, ID 83703 of County of Ada , State of Idaho, grantor, hereby CONVEYS or GRANTS and WARRANTS TO

Marty Goldsmith, a unmarried man grantee(s)
of 4550 WEST STATE STREET BOISE, ID 83703 for the sum of

DOLLARS,
the following described tract(s) of land in Ada County, State of Idaho:

See Attachment

Location of above described property _____ _____
House No. Street

The officers who sign this deed hereby certify that this deed and the transfer represented hereby are authorized under a resolution adopted by the board of directors of the grantor at a lawful meeting held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23rd day of September , A.D. 1994

Farwest Developers, Inc.
an Idaho Corporation (CORPORATE NAME)

By: Marty Goldsmith president
PRESIDENT

Attest: _____
SECRETARY

STATE OF Idaho , County of Ada , ss.

On this 23rd day of September , in the year of 1994 , before me Tammy Hardaway , a notary public, personally appeared Marty Goldsmith known or identified to me to be the President of the corporation that executed the instrument or the person ___ who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

NOTARY PUBLIC

Notary Public: Tammy Hardaway
Residing at: Boise, Idaho
My Commission Expires: 10-10-95

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OCT 02 1996

1788000180

ATTACHMENT A

This Attachment A is attached to and by this reference is made a part of the Warranty Deed dated September 23, 1994 between Farwest Developers, Inc., an Idaho Corporation as Grantor and Marty Goldsmith, a unmarried man as Grantee.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND STEEL PIN MONUMENTING THE SOUTHEAST CORNER OF SAID SECTION 19,
THENCE ALONG THE EASTERLY LINE OF SAID SECTION 19, SAID LINE ALSO BEING THE CENTERLINE OF SOUTH LOCUST GROVE ROAD, NORTH 00 DEGREE 44'49" EAST A DISTANCE OF 2654.68 FEET TO FOUND 1" SQUARE BAR MONUMENTING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 19,
THENCE LEAVING SAID EASTERLY LINE SOUTH 89 DEGREES 47'50" WEST A DISTANCE OF 25.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID LOCUST GROVE ROAD SAID POINT BEING THE POINT OF BEGINNING.

THENCE ALONG SAID WESTERLY RIGHT OF WAY OF LOCUST GROVE ROAD, SOUTH 00 DEGREE 44'49" WEST A DISTANCE OF 1007.00 FEET TO A SET STEEL PIN,
THENCE LEAVING SAID WESTERLY RIGHT OF WAY NORTH 89 DEGREES 15'11" WEST A DISTANCE OF 20.00 FEET TO SET STEEL PIN,
THENCE NORTH 77 DEGREES 46'14" WEST A DISTANCE OF 62.23 FEET TO A SET STEEL PIN,
THENCE NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, A DISTANCE OF 62.43 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 71 DEGREES 32'14" A CHORD BEARING OF NORTH 49 DEGREES 05'49" WEST A CHORD DISTANCE OF 58.45 FEET TO A SET STEEL PIN,
THENCE NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, A DISTANCE OF 14.97 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 43 DEGREES 10'19" A CHORD BEARING NORTH 33 DEGREES 54'52" WEST A CHORD DISTANCE OF 14.72 FEET TO A SET STEEL PIN,
THENCE SOUTH 58 DEGREES 34'38" WEST A DISTANCE OF 152.73 FEET TO A POINT ON THE CENTERLINE OF EIGHT MILE LATERAL,
THENCE ALONG THE CENTERLINE OF SAID EIGHT MILE LATERAL, NORTH 38 DEGREES 29'53" WEST A DISTANCE OF 556.45 FEET TO A POINT,
THENCE CONTINUING ALONG SAID CENTERLINE NORTH 37 DEGREES 41'29" WEST A DISTANCE OF 477.70 FEET TO A POINT,
THENCE CONTINUING ALONG SAID CENTERLINE NORTH 35 DEGREES 09'47" WEST A DISTANCE OF 248.35 FEET TO A POINT ON THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 19,
THENCE ALONG SAID NORTHERLY LINE NORTH 89 DEGREES 47'50" EAST A DISTANCE OF 1058.71 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

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OCT 02 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-02968**
Date Received: 9/08/1989
Receipt No: 0005707
Received By: RCH

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: J.G. MCDERMOTT 208-888-7770
   Address: 2705 S. LOCUST GROVE RD.
   MERIDIAN, ID 83642
   OR
   Name: FAY MCDERMOTT 208-888-7770
   Address: 2705 S. LOCUST GROVE RD.
   MERIDIAN, ID 83642

2. Date of Priority: NOV 19, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	01E	19	NE SE		ADA

5. Description of diverting works:
   80' DEEP, 8" CASING, SUB. PUMP, GATED PIPE, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	03/15	11/15	0.460	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

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AUG 18 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
03N	01E	19	NE	SE		IRR	23.0
					Section Acres		23.0
					Total Acres		23.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-18714

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 24584

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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 X 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): J. G. McDermott Date: 9-8-89

_____ Date: _____

State of Idaho)
) SS.
County of ADA)

Subscribed and sworn (or affirmed) before me this 8th day of Sept 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho

My Commission Expires: My Commission Expires December 8, 1994

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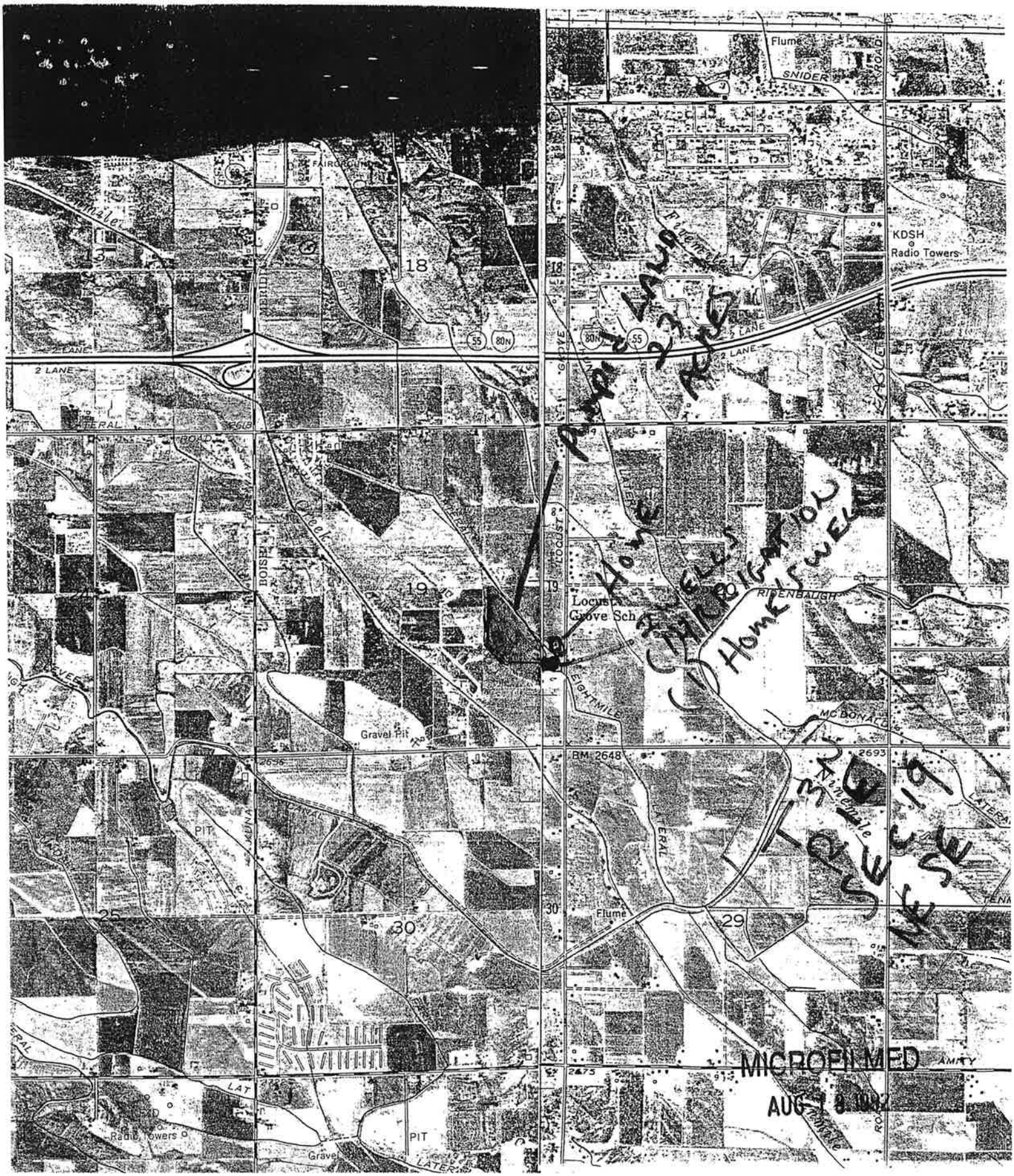
AUG 18 1992


Flume
SNIDER
KDSH
Radio Towers
Proposed Access
Homes
Locust Grove Sch
RIDENBAUGH
EIGHTMILE
MC BONALD
Gravel Pit
PIT
BM 2648
Flume
LATERAL
MICROFILMED
AUG

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2968

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT ~~CLARK~~ LAW
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.460 CFS
103.500 AFY

PRIORITY DATE: 11/19/1953

POINT OF DIVERSION:

T03N R01E S19 NESE Within ADA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.460 CFS 103.50 AFY

PLACE OF USE:

~~69495 ACRES TOTAL~~

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 23 acres within the place of use described above in a single irrigation season.

This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-30181and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

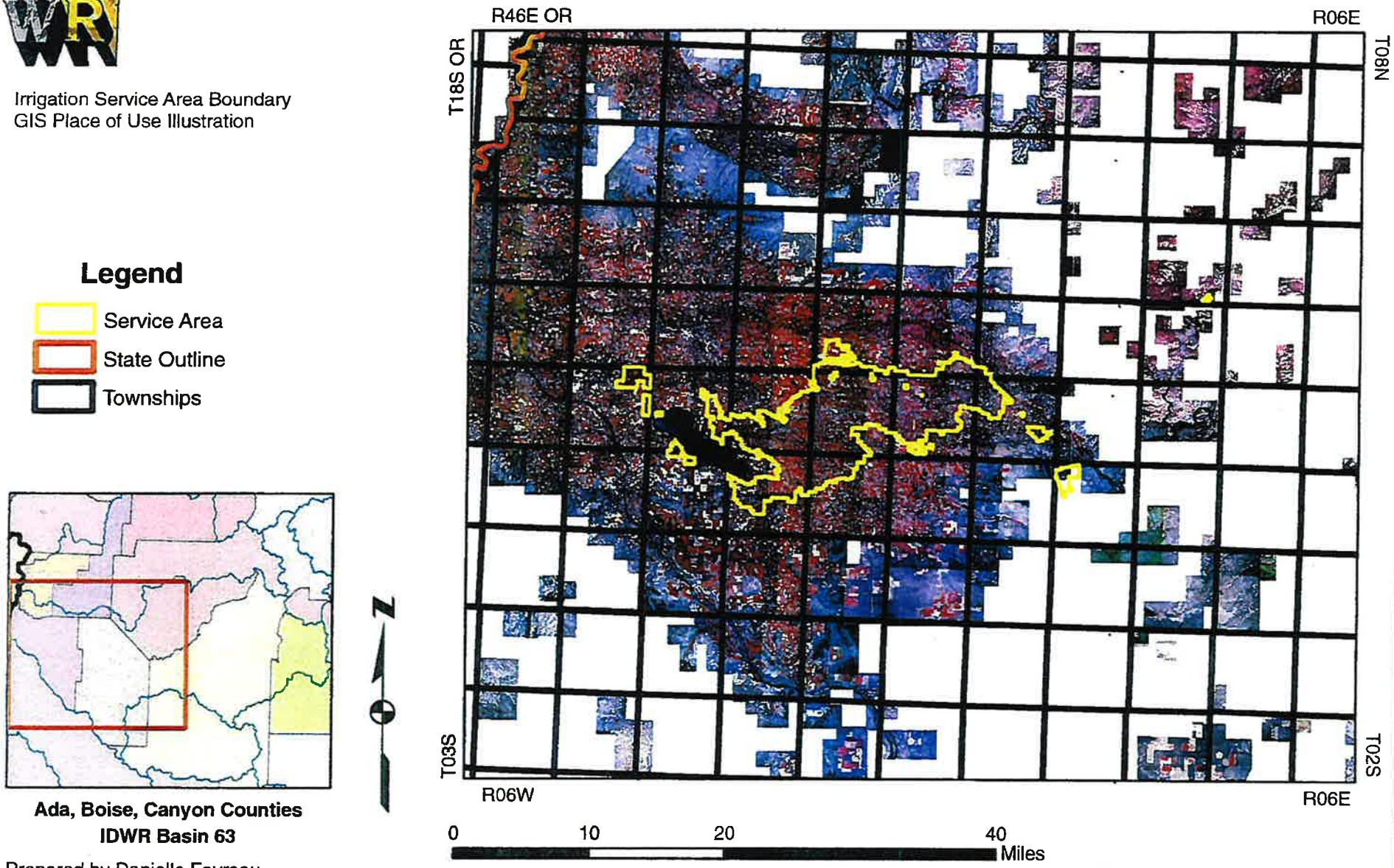
~~Approval of this transfer in no way grants any right of way or easement for use of a delivery system owned by person(s) other than the right owner.~~

See additional info in 63-198AJ

Nampa & Meridian Irrigation District

Adjudication Recommendations: 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181

Irrigation Service Area Boundary
GIS Place of Use Illustration



Legend

- Service Area
- State Outline
- Townships

Ada, Boise, Canyon Counties
IDWR Basin 63

Prepared by Danielle Favreau
On May 21, 2010
1987/88 Aerial Photography

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, May 27, 2010 2:14 PM
To: Harris, Lori
Cc: Shurte, Jan
Subject: DD#2 & Nampa Meridian SF5s
Attachments: img-527124455.pdf

Hi Lori,

Attached are the changes Bryce and I came up with on Right Nos. 63-2392B, 63-31937 & 63-32480. He wanted the season of use remark off of there because the source is not the Boise River. I said ok and then thought – these are credited back up and diverted out of the Boise River questioning whether to leave it or take it off. Then I looked on all the other rights for these credits back up and none of them have the season of use remark. So, please omit it on all of these rights. (I am writing this so I can put it in the file as to why I removed the remarks). Another change is omission of the digital boundary pou language and putting in the other remark as indicated on 63-32480. I did put in digital right before boundary for each ditch company on the remark to be moved. One last change also on 63-31937 is the addition of the name Little Pioneer Canal. Bryce was worried we would mix it up with the Pioneer Irrigation District. I can see his point there.

The name of their firm is Ringert Law. So, on all the rights we need to take out Clark. That will include 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 for NMID also. For NMID's SF5s I have attached an example of the changes on 63-198AJ that will apply to all of them. Omit Clark in the name and cross out the total acres. It is redundant to the condition below it. These rights are boundary changes only, but we still need to print each one out in SF5 form and send with the special boundary change SF5 cover sheet and a copy of the map. Ray has copies of the maps already and will just need to know about the above cover sheet.

Call if you have any questions. Would you please send me a copy of the SF5s so I can review one last time before we send them to Ray.

Thanks,
Jan

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, May 25, 2010 4:39 PM
To: Bryce Farris
Cc: Spencer, Nick; Williams, Ray; Harris, Lori
Subject: 63-31937 DD#2, 63-2392B NMID, 63-32480 DD#2, Digital Boundary Map for NMID and Notes on NMID #s 63-198AJ, etc.
Attachments: Drft SF5s DD2 and NMID.pdf; 63-198AJ_sf5.jpg

Bryce,

Attached are Draft SF5s for the above sub cases. Please review these to insure that the items we agreed upon are included.

You had also requested that I look at the points of diversion listed on 63-31937 to be sure all the ditch companies were covered. This right lists 7 points of diversion for 9 canal companies. The reason for this is that the point of diversion in the SENE, S5, T3N, R2E is the main diversion for the Farmers Union Canal Co. which also carries water for the Boise Valley Irrigation Ditch Co., using the same diversion point. Also, the point of diversion listed in the NESE, Lot 1, S.23, T4N, R1E is the main diversion for the New Dry Creek Ditch Co. which also carries water for the New Union Ditch Co. using the same diversion point. All other points of diversion are single points for the remaining ditch companies. In checking the current decreed acres for each ditch company involved in this right, the total acres had changed from that previously recommended. This was due to objections, etc., on these rights and the decreed total for all companies is 31,536.3 acres rather than the previously recommended 29,309.15 acres. This change has been reflected on the attached draft SF5 for 63-31937. Once the SF5 for 63-31937 is signed by all, I will add the explanatory remark concerning the uncuttable delivery of these credited rights to Drainage District No. 4's Right No. 63-31936 as agreed upon.

Concerning the SF5 for DD#2's Right No. 63-32480, you indicated that you wanted me to look at the conditions on 63-31937 and see if any applied to 63-32480. The only changes I made to 63-32480 were to the name in order to make it the same as 63-31937 for future research of these rights. I also crossed out the total acres per new Department preference and because it is redundant with the other acreage conditions on this right. In the end I did not add any conditions from 63-31937. This 50 cfs right is not listed in the Boise River Water Distribution Report for Water District 63 as having ever been credited back to the point of diversion for these ditch companies. We could only find the 100 cfs under 63-31937 as having been credited. So, I treated this right as a regular waste water beneficial use recommendation.

Also attached is a digital boundary map for the Nampa Meridian Irrigation District. This map reflects the addition of the Creason Lateral irrigated lands and the removal of the BLM lands. Since the addition of the Creason land and the removal of the BLM lands were between 3 and 4 acres each, I decided not to change the total number of acres that can be irrigated within NMID's digital boundary.

There will be no changes to the written recommendations for Nampa Meridian Irrigation District's Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181. The objections in those sub cases were the addition of the Creason Lateral lands and removal of BLM lands. This has been corrected as shown on the digital boundary map. This map will be submitted with the SF5s for these rights and a special cover page for the signatures bringing attention to the boundary changes.

Please let me know if these are ready to go or if you need to discuss these rights. I have a conflict for the June 2nd meeting and would like to get these on their way asap which I know you definitely want to also.

Sincerely,

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:44
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: 63-00198AJ 63-00199B 63-00200B 63-02392B 63-02968 63-30181

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

FRIDAY, JUNE 27, 2008 at 01:00 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 JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: MAY 23, 2008

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

NAMPA & MERIDIAN IRRIGATION
NAMPA & MERIDIAN IRRIGATION DI
DISTRICT
C/O RINGERT CLARK CHTD
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

NAMPA & MERIDIAN IRRIGATION
Represented by:
S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

/S/ DIANA R DELANEY
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	)	A. **Subcase** 63-02968B (Insert water right no.) **STANDARD FORM 2** **RESPONSE TO OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Nampa & Meridian Irrigation District

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: (208) 466-7861

Name & Address of Attorney, if any:
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU ARE RESPONDING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

D. I am responding to the objections to the following elements. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**
2. ☐ **Source**
3. ☐ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☐ **Purpose(s) of Use**
8. ☐ **Period of Year**
9. X **Place of Use**
10. ☐ **Recommendation:**

    ☐ This water right should not exist.

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

E. **VERIFICATION (must be completed)**

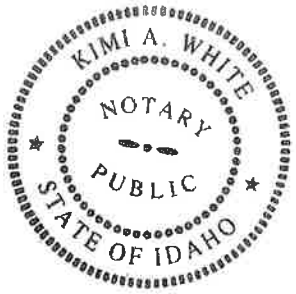
State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

S. Bryce Farris

Subscribed and sworn to before me on: August 10, 2007



Kimi A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/01/10

CERTIFICATE OF MAILING

I certify that on August 10th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States of America acting through the Department of Interior,
Bureau of Land Management
1387 South Vinnell Way
Boise, ID 83709-1657

Signature of Respondent or attorney mailing on Respondent's behalf

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	)	A. **Subcase** 63-2968 (Insert water right no.)
Case No. 39576	)	**STANDARD FORM 1 OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:
Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: Nampa & Meridian Irrigation District

Address: 1503 First Street South
Nampa, Idaho 83651

COPY

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: _____

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   Should be: _____

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7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
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   Should be: See below.

10. ☐ **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 place of use as described in the digital boundary does not include, but should include, certain lands located in Section 30 of Township 4 North, Range 1 West, B.M.

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) ss.
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S. Bryce Farris

Subscribed and sworn to before me on: June 14, 2007

KIMI A. WHITE NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Boise Idaho
My Commission Expires: 04/01/10

INSTRUCTIONS FOR MAILING

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

   Name: Nampa & Meridian Irrigation District

   Address: 1503 First Street South
   Nampa, Idaho 83651

3. Copies to:

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   PO Box 83720
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   United States Department of Justice
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   550 West Fort Street, MSC 033
   Boise, ID 83724

   Chief, Natural Resources Division
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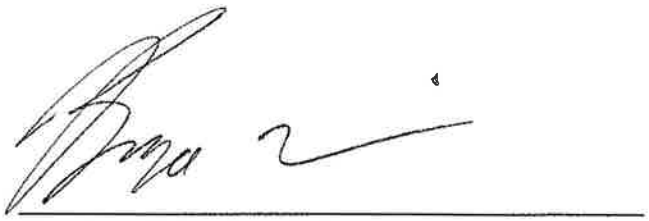

Signature of Objector or attorney
mailing on Objector's behalf

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** 63-02968
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. **NAME AND ADDRESS OF PERSON OBJECTING**

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Nampa & Meridian Irrigation District; attn, Dan Steenson
Address: P.O. Box 2773; Boise, Idaho 83701-2773
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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1. ☐ **Name and Address**
   Should be:

2. ☐ **Source**
   Should be:

3. ☐ **Quantity**
   Should be:

4. ☐ **Priority Date**
   Should be:

5. ☐ **Point(s) of Diversion**
   Should be:

6. ☐ **Instream Flow Description**
   Should be:

7. ☐ **Purpose(s) of Use**
   Should be:

8. ☐ **Period of Year**
   Should be:

9. ☒ **Place of Use**
   Should be: See attached.

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 United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 13 2007

Linda C. Buck

LINDA C. BUCK NOTARY PUBLIC STATE OF IDAHO

Notary Public for State of Idaho
Residing at: Mountain Home, ID.
My Commission Expires: 12-21-2011

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Address: P.O. Box 2773; Boise, Idaho 83701-2773
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

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

Signature of Objector or attorney mailing on Objector's behalf

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

RIGHT NUMBER: 63-2968

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.460 CFS
103.50 AFY

PRIORITY DATE: 11/19/1953

POINT OF DIVERSION: T03N R01E S19 NESE Within ADA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.460 CFS 103.50 AFY

PLACE OF USE:

~~69495 ACRES TOTAL~~ REMOVED

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 23 acres within the place of use described above in a single irrigation season.

This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B and 63-30181 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

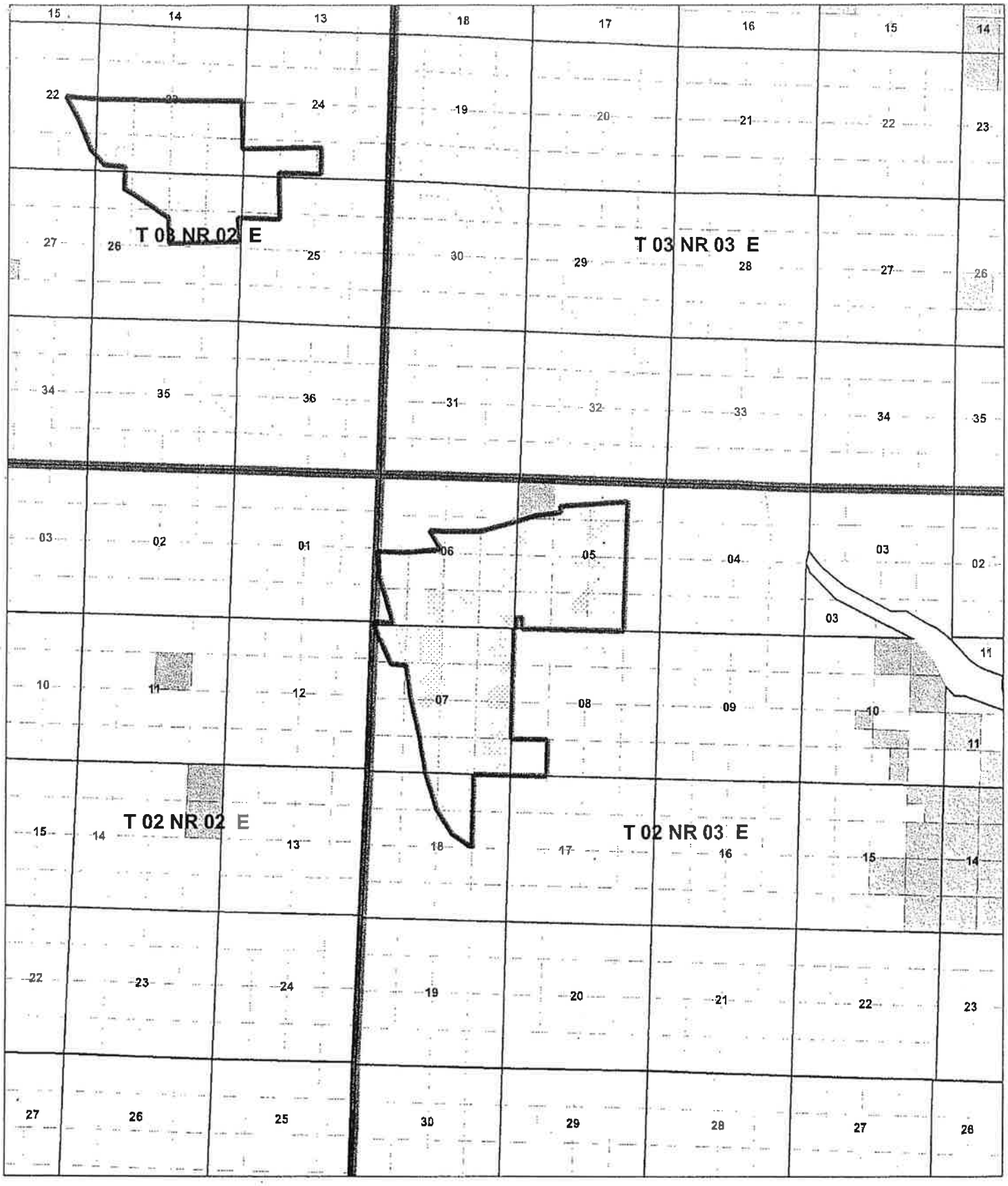
Legend

- BLM
- TOWNSHIPS_ID24_POLY
- nampa_meridian

63-32518 et. al.

0 0.5 1 2 3 4 Miles

N



Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- nampa_meridian

63-32518 et. al.

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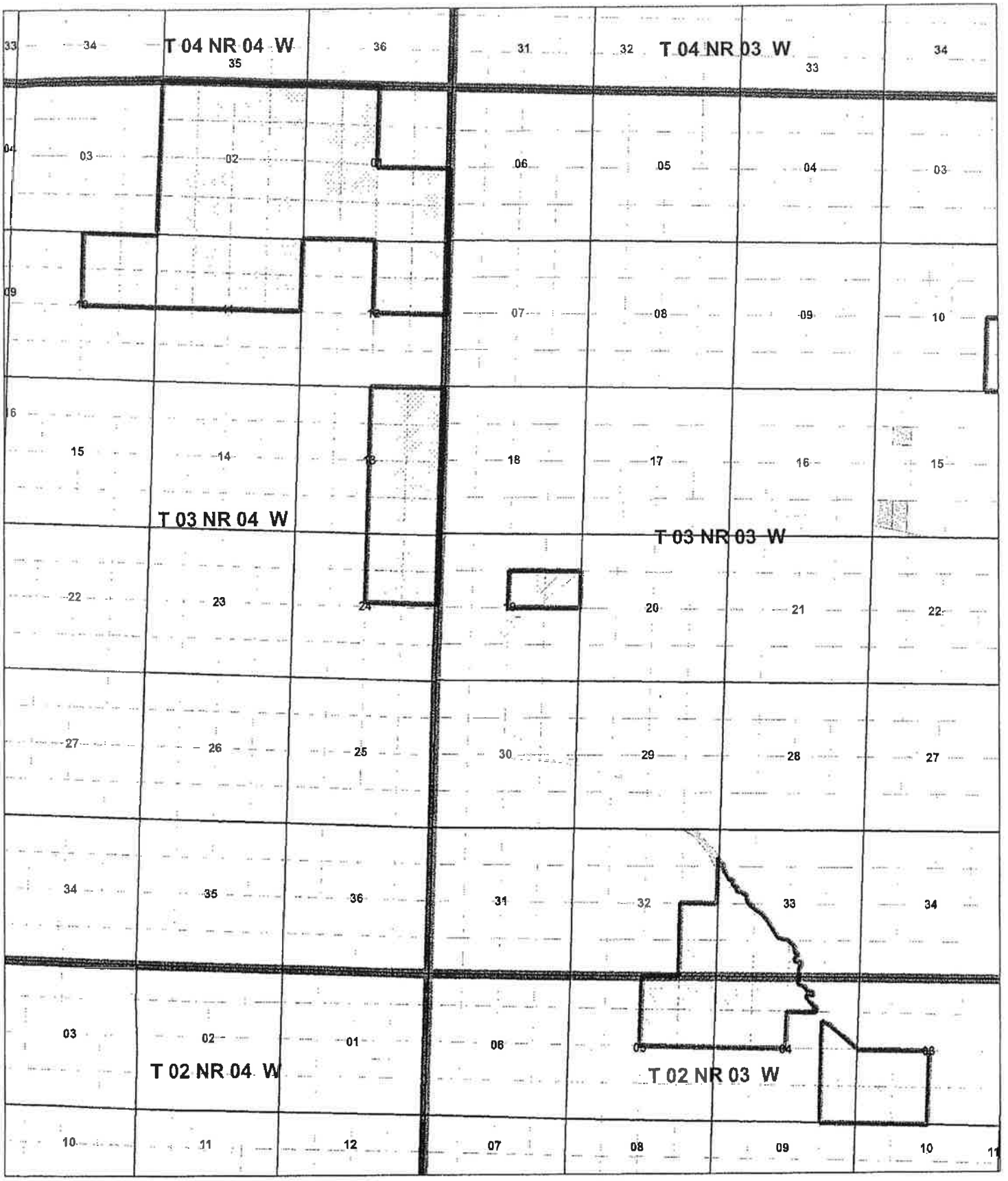

Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- nampa_meridian

63-32516 et. al.

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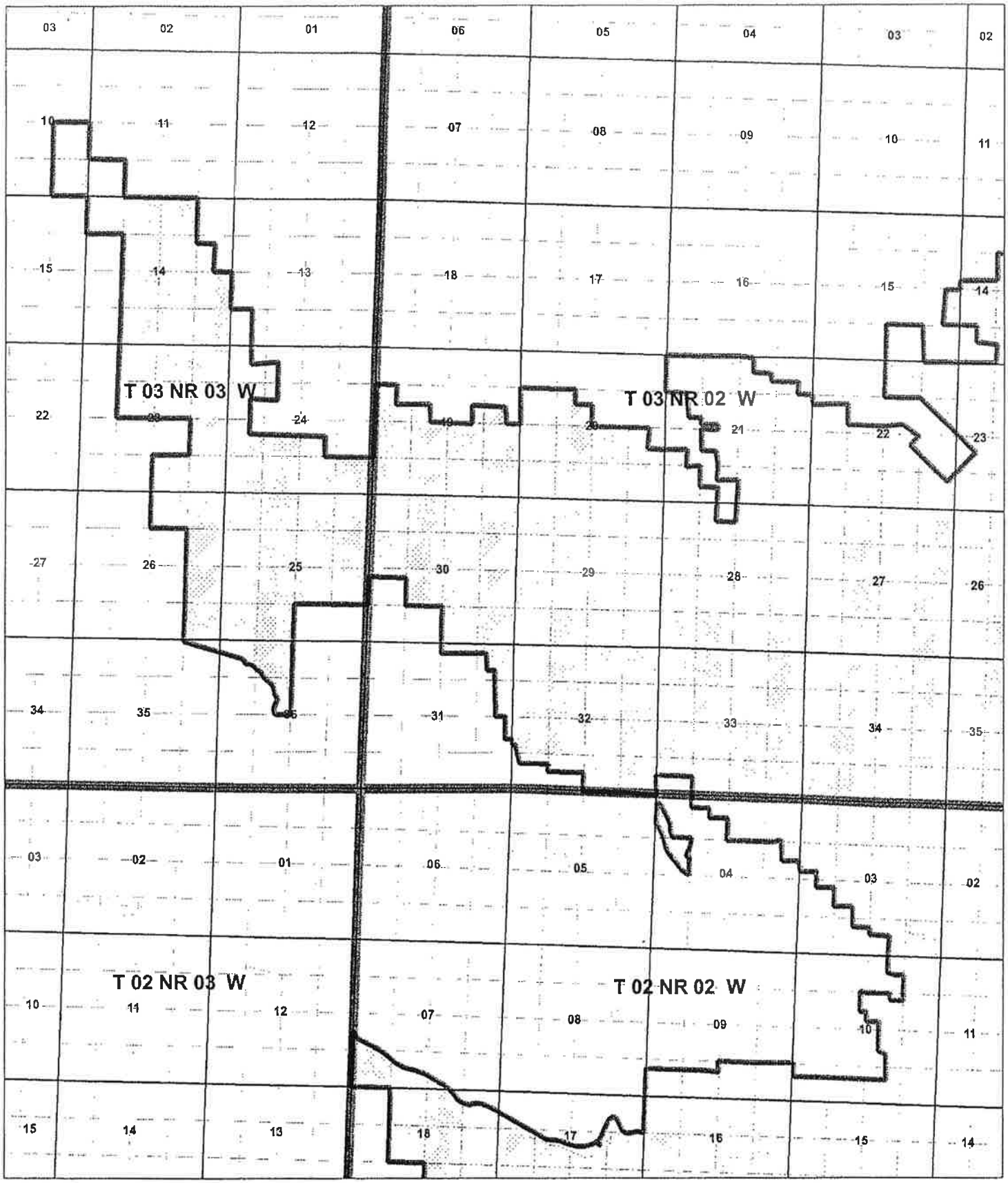
T 03 NR 03 W
T 03 NR 02 W
T 02 NR 03 W
T 02 NR 02 W
Legend
SECTIONS_ID24_POLY
BLM
TOWNSHIPS_ID24_POLY
nampa_meridian
63-32518 et. al.
0 0.10.2 0.4 0.6 0.8
Miles
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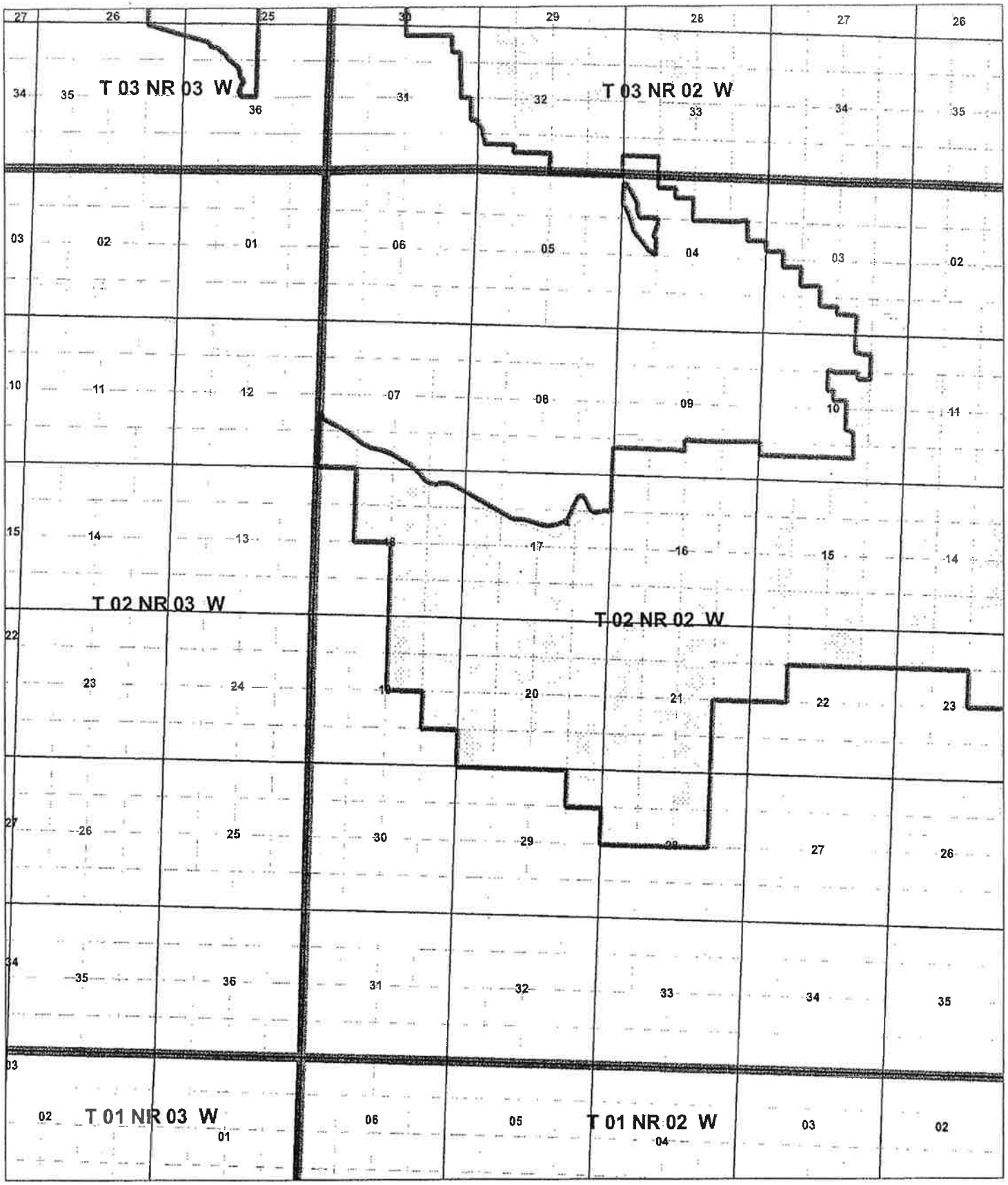

Legend

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63-32518 et. al.

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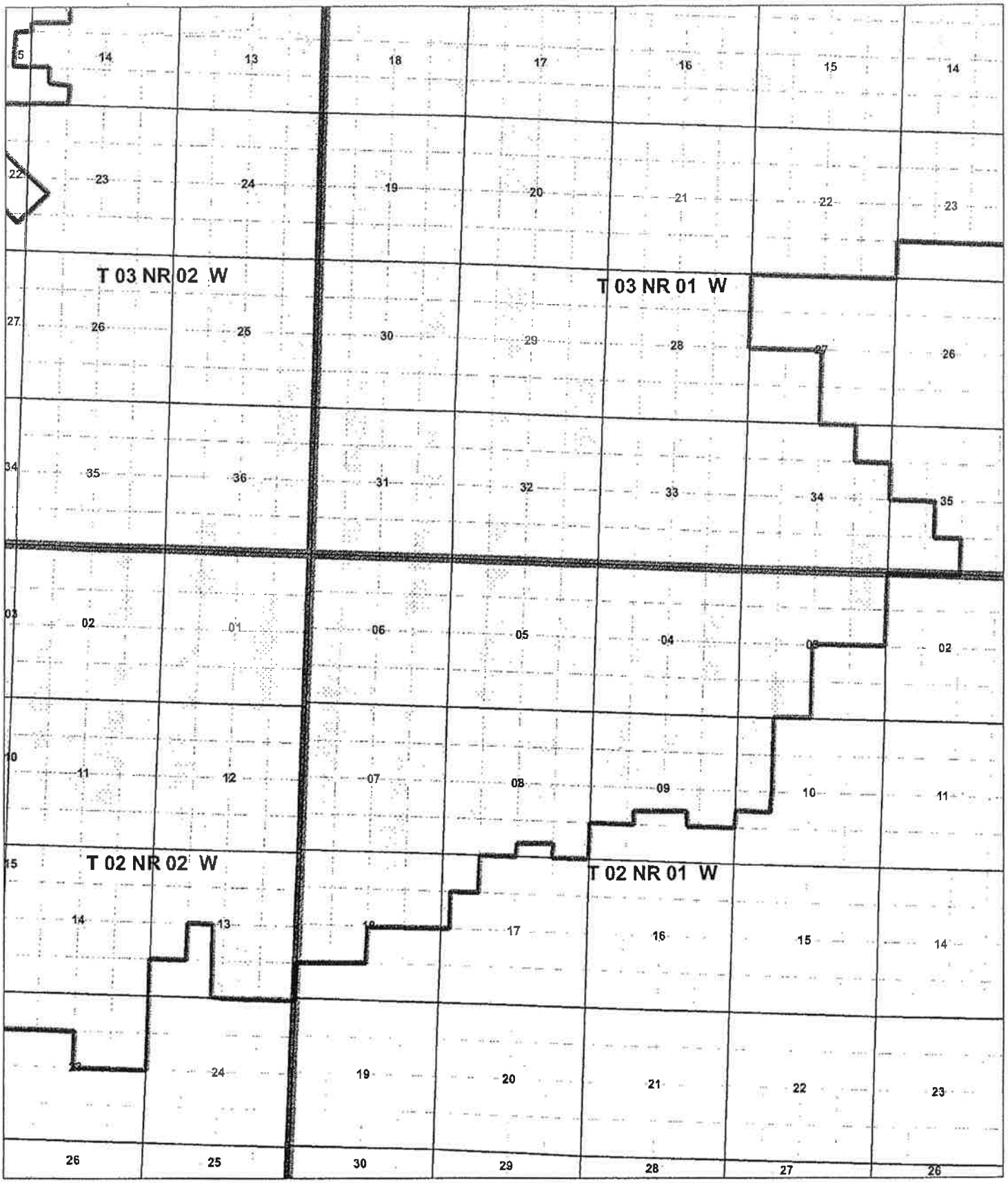
T 03 NR 02 W
T 03 NR 01 W
T 02 NR 02 W
T 02 NR 01 W
Legend
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BLM
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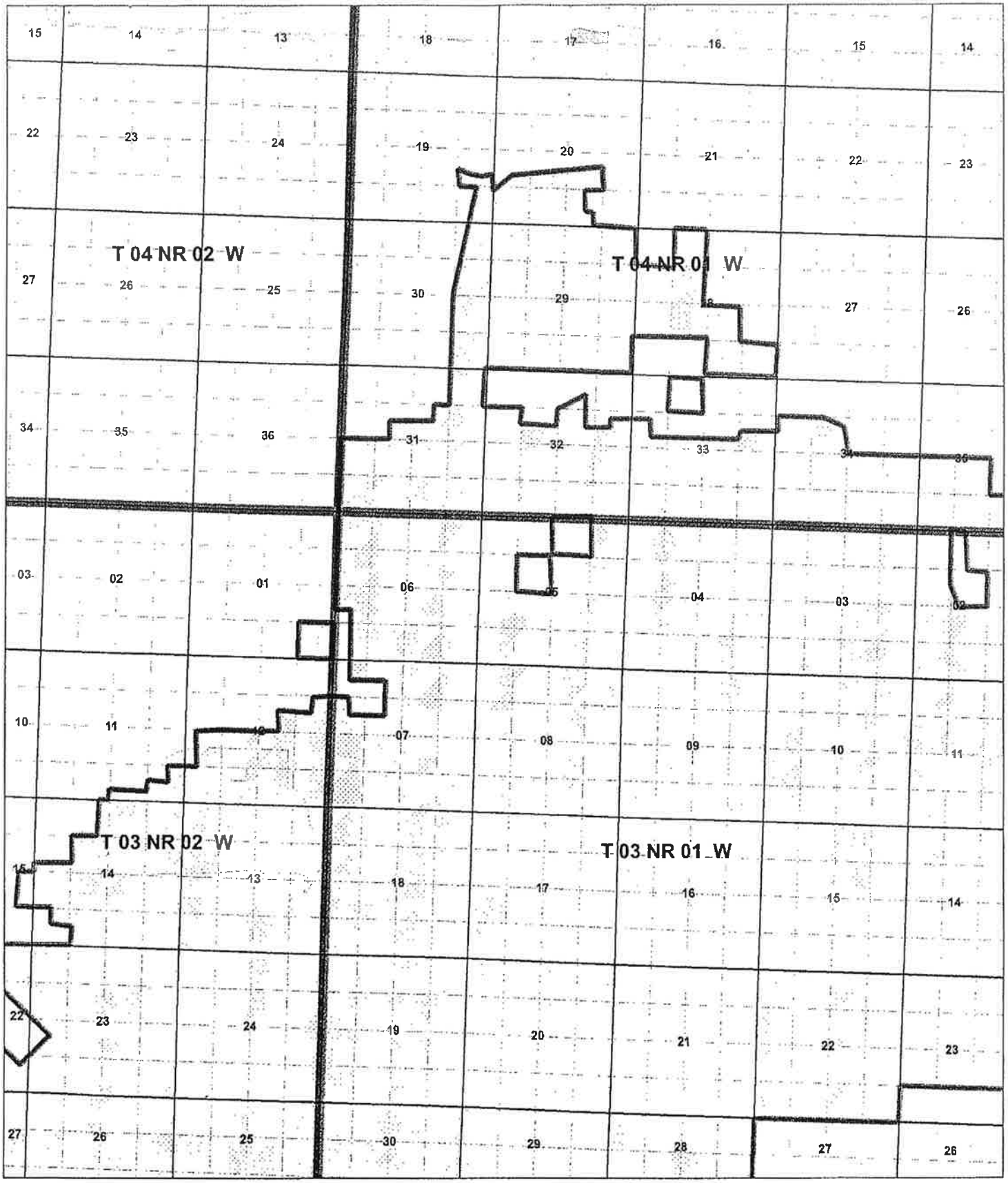
nampa_meridian
63-32518 et. al.
0 0.10.2 0.4 0.6 0.8
Miles
N



Legend

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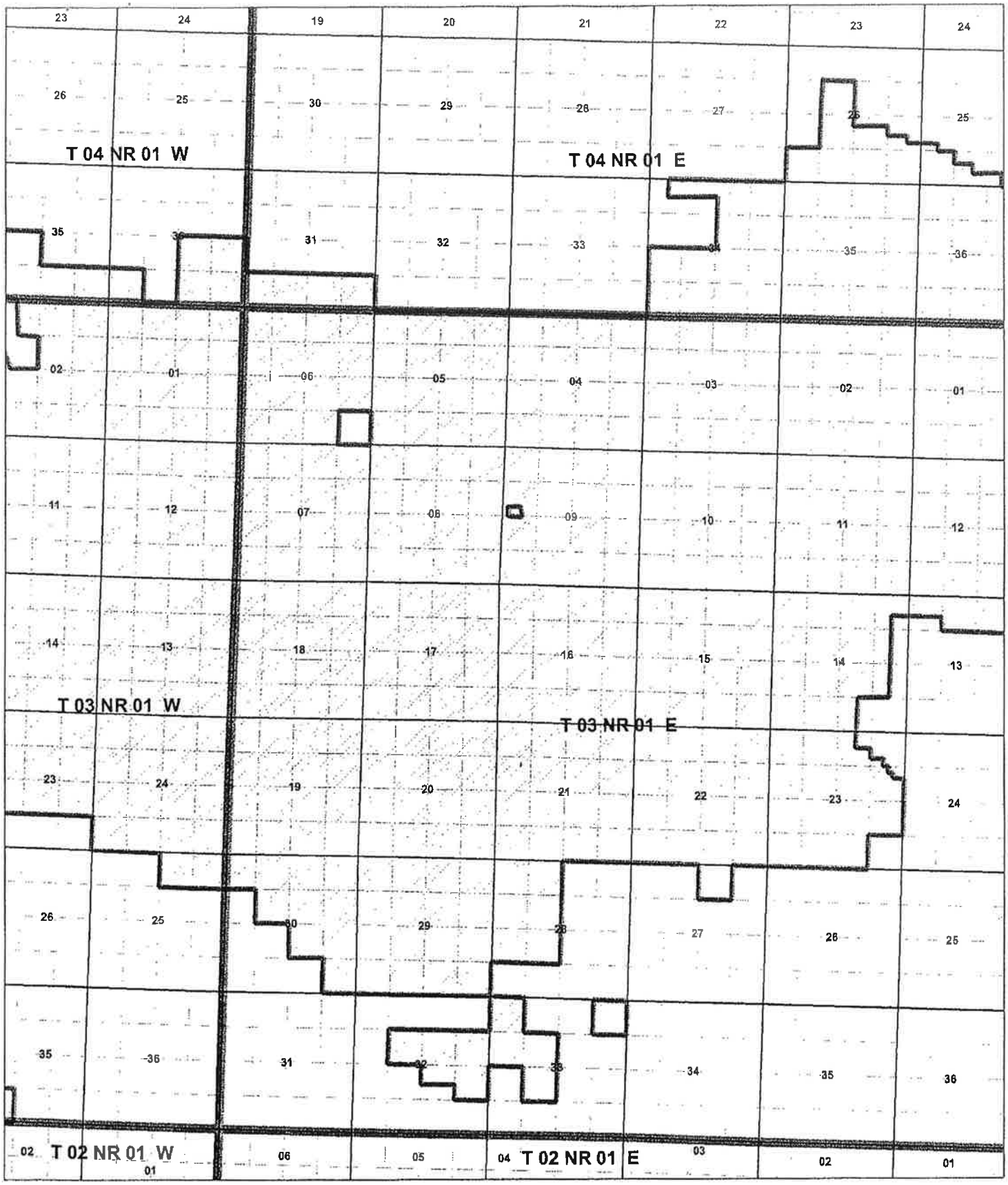
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T 04 NR 01 E
T 03 NR 01 W
T 03 NR 01 E
T 02 NR 01 W
T 02 NR 01 E
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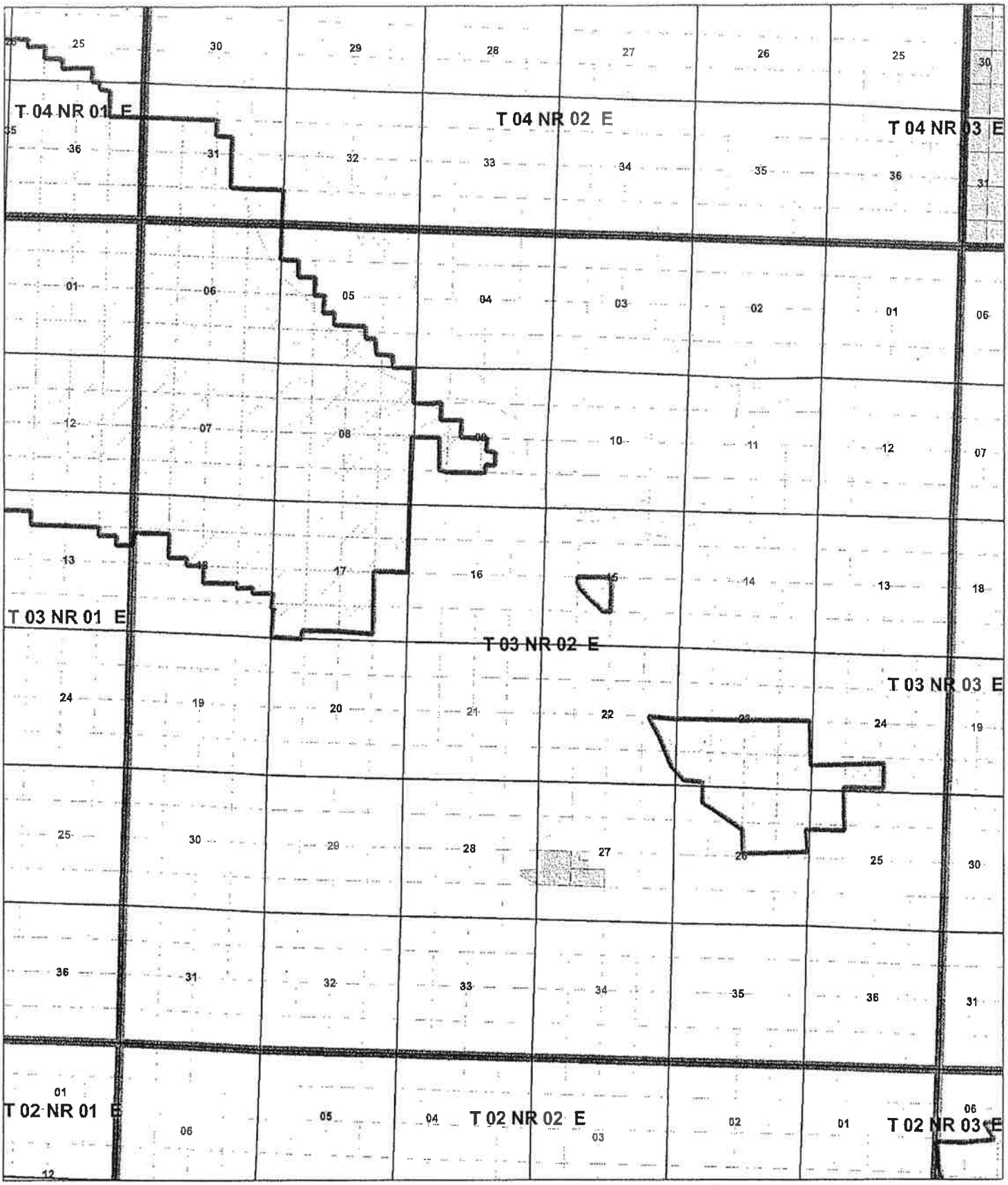

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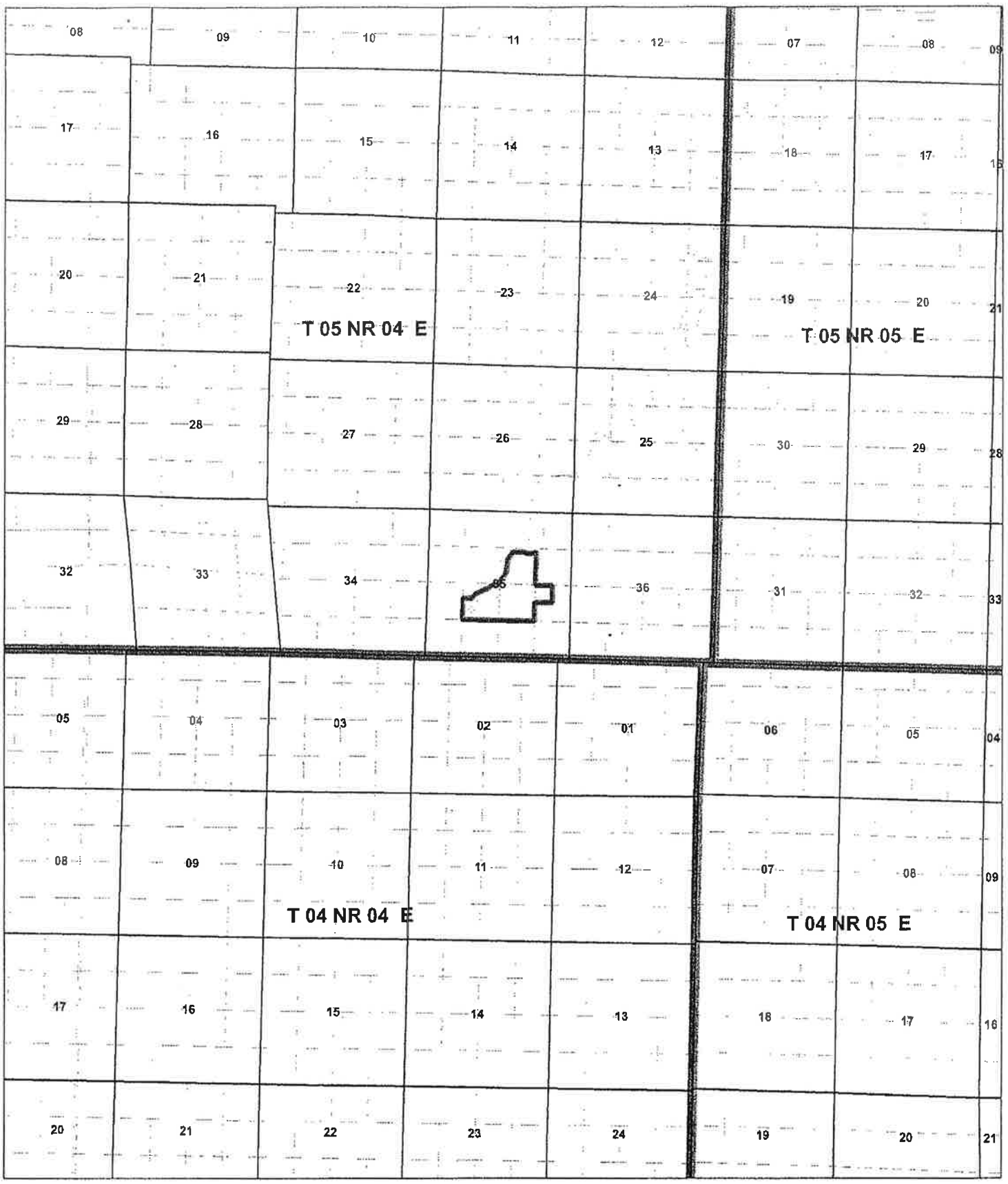

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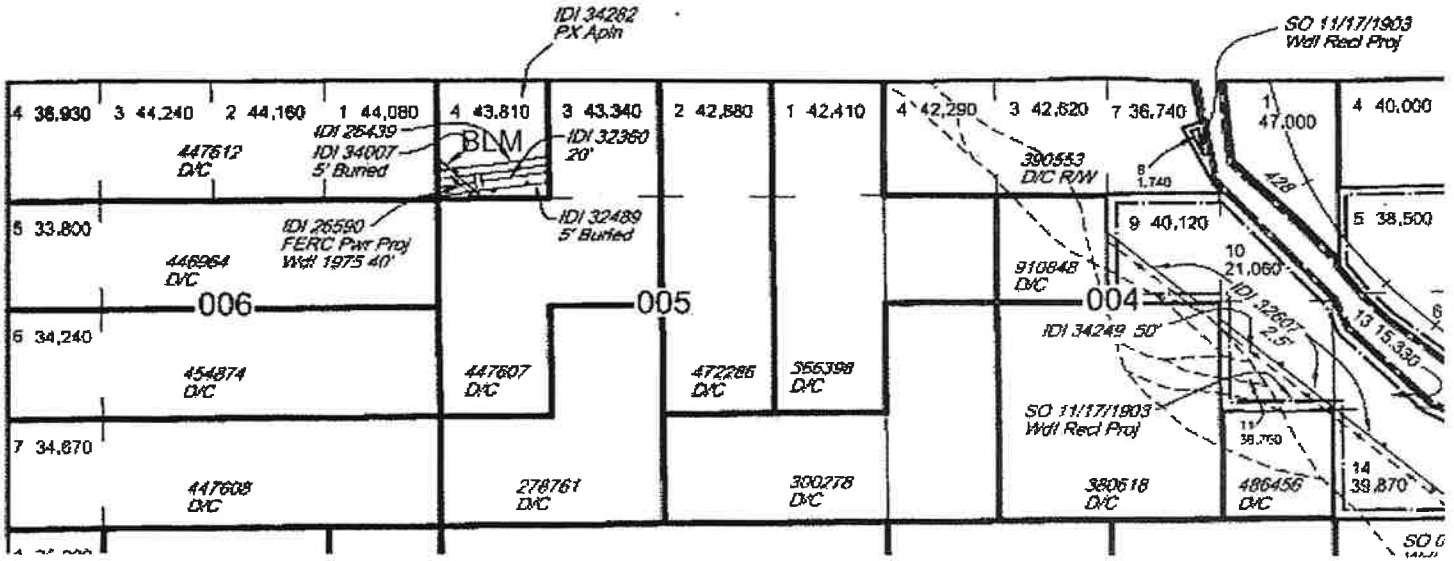
N

TOWNSHIP 2 NORTH RANGE 3 EAST

ADA COUNTY 0

BOISE DISTRICT SEC



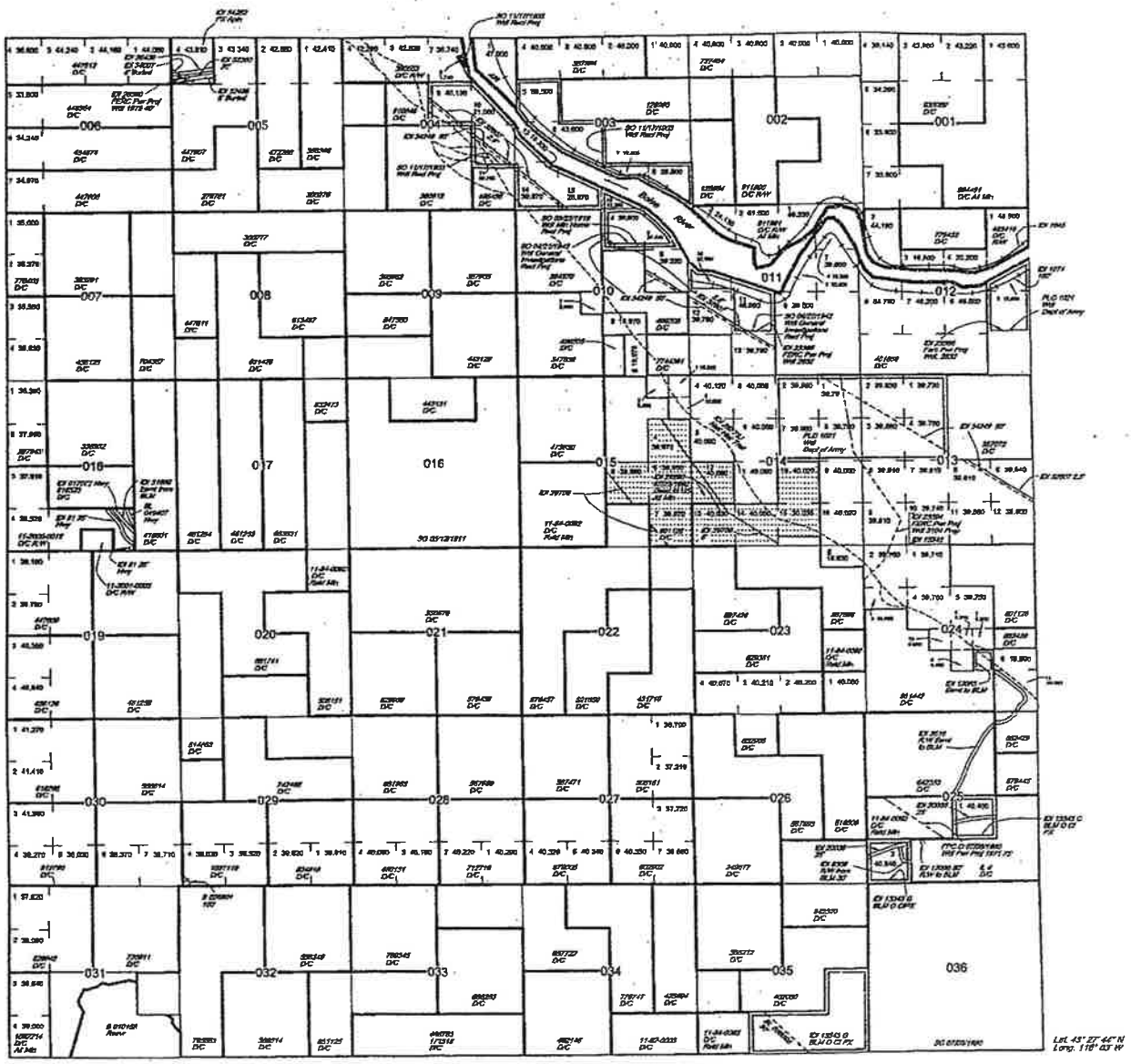
TOWNSHIP 2 NORTH RANGE 3 EAST OF THE BOISE MERIDIAN, IDAHO

ADA COUNTY 001

BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT



Lat. 43° 27' 44" N
Long. 116° 03' W

INDEX TO SEGREGATED TRACTS

SEGREGATED TRACT NO	T	R	SEC	ORIGINAL SURVEY SUBDIVISION

IDI 25873.I Hell Hist Trail
Historical information only, does not denote public access

IDI 34007 Amstr R/W Tele Cable 5' Buried
Sec 5: Within Lot 4

IDI 33896 R/W Trail 2.5'
Sec 5: Within Lot 4

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

FILE REF:	ID0602R003E.eVT0300e.dwg
CONVERTED TIFF:	07/27/2005 BY: PS
LAST UPDATED:	08/11/2005 BY: ST
GAIOC #1:	GAIOC #2:
POSTED TO PUBLIC RECORDS:	BY:
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCDB ACQUIRED:	04/06/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983
NOTES:	
USE PLATS:	

Boise Mer.
T. 2 N
R. 3 E

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

SCALE in chains

SCALE in feet

SCALE in meters

NORTH

DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shows an withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

Shurte, Jan

B63 PRT 2 OBJ. FILES

From: Courtney, Andrea
Sent: Tuesday, July 10, 2007 9:37 AM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: Creason Lateral status conf update on 63-24098 & 63-30424

Jan~
The Special Master set a continued status conference for 2/26/08 at 9am to provide some time to resolve the 6 NMID claims with the NMID and BLM objections (63-198aj, 63-199b, 63-200b, 63-2392b, 63-2968, and 63-30181), which will likely resolve the Creason Lateral concerns as to boundary. He instructed that as soon as Creason Lateral feels confident that its concerns are taken care of through the NMID claims, then it can withdraw its two claims.
Andrea

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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In Re SRBA	)	A. **Subcase** 63-2968 (Insert water right no.)
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Notary Public for Idaho
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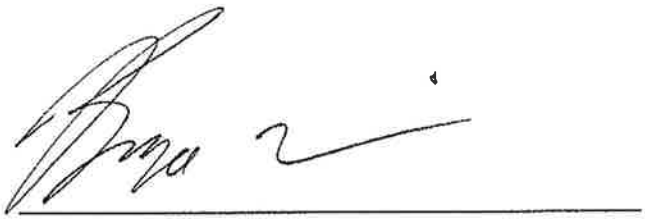
   Office of the Attorney General
   State of Idaho
   PO Box 44449
   Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

08/17/2006

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

RIGHT NUMBER: 63-2968

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.460 CFS
103.50 AFY

PRIORITY DATE: 11/19/1953

POINT OF DIVERSION:
T03N R01E S19 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.460 CFS 103.50 AFY

PLACE OF USE:

69467 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 23 acres within the place of use described above in a single irrigation season.

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

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

This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B and 63-30181 can be used to irrigate up to 69,467 acres within the boundary of the Nampa Meridian Irrigation District.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

08/17/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-2968

NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O RINGERT CLARK CHTD
ATTN DAN STEENSON
PO BOX 2773
BOISE ID 83701-2773
Telephone Number: (208)342-4591

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

   See Notice of Error Reply for 63-198AJ (enclosed) and attached letter.

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

   See Notice of Error Reply for 63-198AJ (enclosed) and attached letter.

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

   See Notice of Error Reply for 63-198AJ (enclosed) and attached letter.

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

DATE: 9-29-01 **SIGNATURE:** Daniel Steenson

Please print your name: **Daniel Steenson**

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

SCANNED
OCT 0 3 2006

RINGERT CLARK
CHARTERED LAWYERS

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

September 28, 2006

BY HAND DELIVERY

Donald Shaff
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Bosie, ID 83720-0098

Re: Preliminary Recommendations for Nampa & Meridian Irrigation District's (NMID) Water Rights

Dear Don:

As we discussed by phone today, enclosed is a letter from Daren Coon, NMID's Secretary/Treasurer, identifying a parcel of land that should be included in the place of use for NMID's water rights.

As we also discussed today, the statement under the quantity element of NMID's water rights related to the Green Ranch diversion should state the amount of water to be used from that diversion as 4.5 afa per acre, rather than 3.5 afa per acre.

Water right 63-30181 has the shorter statement regarding the authorized rate of flow for the Surprise Valley diversion, but does not have the language relating to the amount of water to be used from the Surprise Valley diversion that is in 63-198AJ, 63-199B and 63-200B.

If possible, it would be helpful for future reference if the remarks could be in the same order in each of the water rights.

Today you confirmed that the explanatory material is included in the recommendations for internal IDWR record-keeping purposes only, so that, for ease of reference in IDWR's files, transfer conditions are associated with SRBA decrees. The court will not consider the explanatory material, and it will not be included in NMID's decrees. There is, therefore, no opportunity or need for NMID to object to any of the statements in the explanatory material. Any inaccuracies in those statements can be corrected later at an appropriate time.

SCANNED
OCT 0 3 2006

I have, nonetheless, reviewed the statements in the explanatory material sections of each of the recommendations for NMID's water rights. The following statement in the recommendations for water rights 63-199B and 63-200B concerns me: "The place of use for industrial and groundwater recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Surprise Valley diversion." I recognize that the statement is one of the conditions in the water right as a result of the transfer to add the Surprise Valley diversion and lands served by it. I think the statement is correct as to groundwater recharge, but I think it is not entirely accurate with respect to industrial use in light of I.C. § 43-335, which allows an irrigation district to lease water rights for use on industrial lands within its boundaries under certain circumstances:

> LEASING OF WATER RIGHTS BY IRRIGATION DISTRICT WITHIN THE DISTRICT BY DISTRICT'S WHERE LANDOWNER CAN RECEIVE WATER THROUGH THE DISTRICT'S IRRIGATION SYSTEM. Any irrigation district which has within its boundaries residential, commercial or industrial lands, or any combination of those lands, and which holds water rights for those lands, shall have the right to lease, to any municipality, municipal provider, public utility, domestic water users organization which furnishes water service to those lands, or to any other entity for the distribution of water to those lands for uses other than culinary purposes, those water rights which are held for any residential, commercial or industrial lands for which the owner has elected not to receive his proportionate share of the irrigation district's water through the irrigation system of the district; provided, however, that no water right under which water is delivered through a community ditch shall be leased without the written consent of the ditch users who do not elect not to receive water from the district. For purposes of this chapter, the terms "municipality" and "municipal provider" shall be defined as provided in section 42-202B, Idaho Code; "culinary purposes" shall mean the use of water for direct human consumption, cooking, sanitary purposes, and other such uses. Nothing in this chapter shall be construed as amending or affecting the laws of Idaho pertaining to the control and regulation of public utilities, municipal providers or water corporations.

Since the statements in the explanatory material are not at issue in the SRBA process, this is really an academic issue at this point. The situation contemplated by the statute is, I believe, the only one in which the referenced statement in the explanatory material and the water right is not entirely accurate.

As we discussed over the phone, we are verifying the 40 acre limitation in water right 63-198AJ. Subject to double-checking, it appears that NMID does not have any other concerns with the preliminary recommendations.

SCANNED
OCT 0 3 2006

I will talk to you tomorrow after you have had an opportunity to review this letter and enclosure.

Sincerely,

Daniel V. Steenson

Enclosure
cc: Daren Coon
John Anderson

SCANNED
OCT 0 3 2006

State of Idaho
License and Certificate of Water Right

Water License No. G-24584 Amount .46 c.f.s.

Water District No. Priority November 19, 1953

THIS IS TO CERTIFY that THOMAS P. GRAY - JAMES B. KING, Assignee of Meridian, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 19, 19 53; that Permit No. G-24584 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .46 second feet, was issued thereunder on September 23, 19 57, showing that said works were completed on the 10th day of June, 19 57; and that on the 10th day of June, 19 57, JAMES B. KING

of Meridian, 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, under Use Permit No. G-24584 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 6104, on the 23rd day of September, 19 57;

The right hereby confirmed dates from November 19, 19 53;

The Point of Diversion is located

in the NE ¼ SE ¼, Sec. 19, Tp. 3 N., R. 1 E., B. M. County Ada

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 .46 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.	1 E.	19	NE¼ SE¼	40	23
			Total number of acres irrigated		23

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 23rd day of September, 19 57.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

63 2968

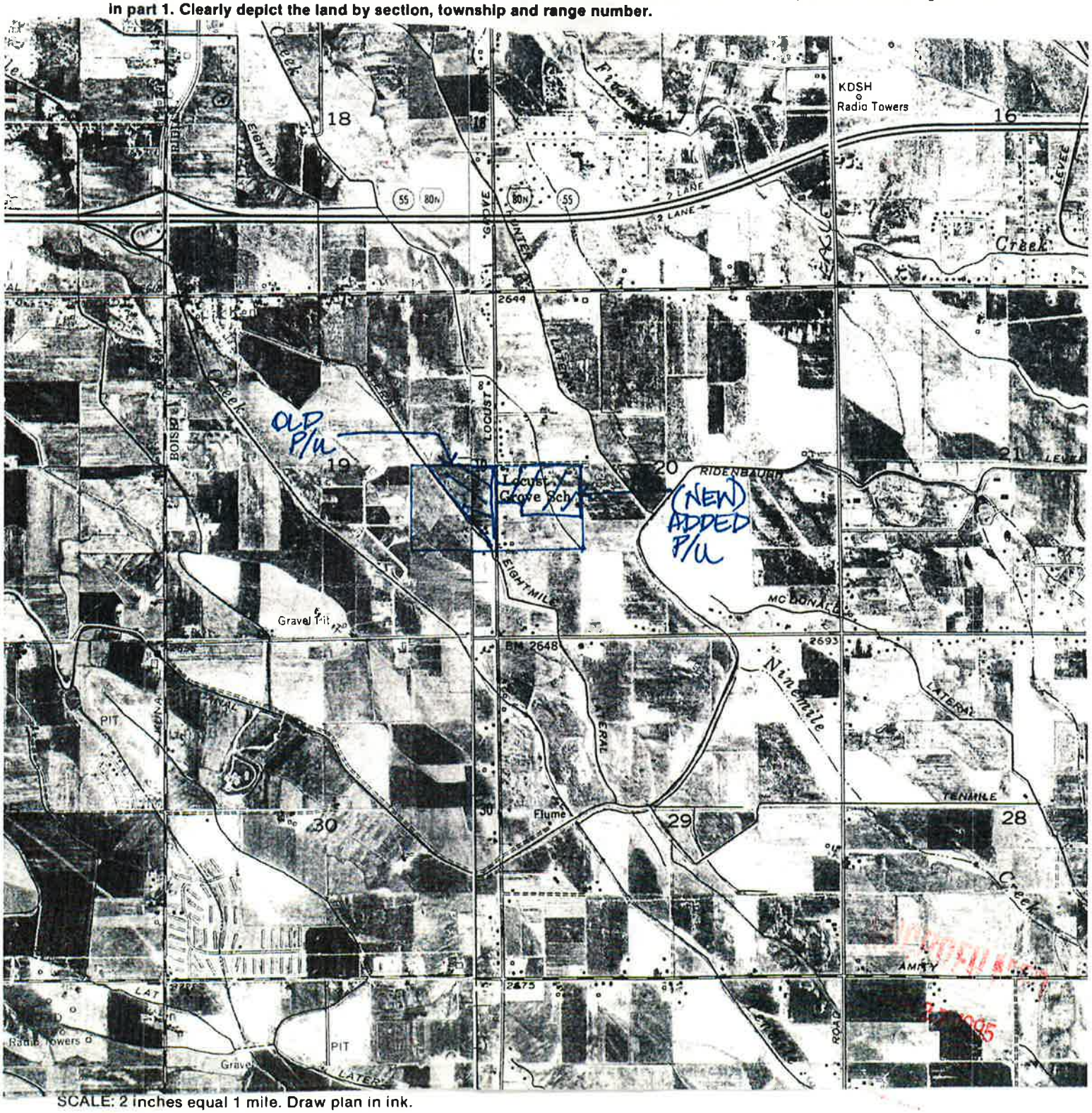
Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

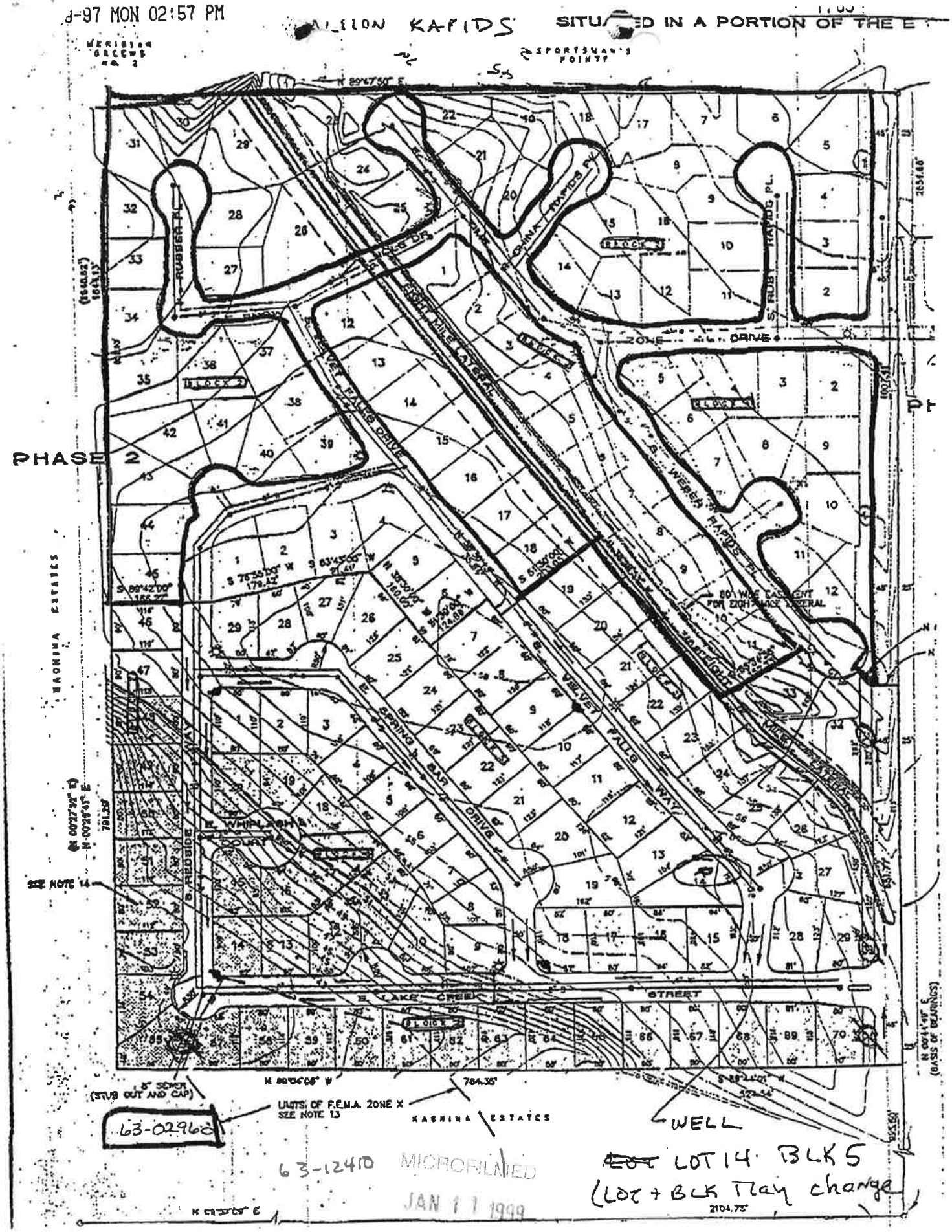
APPLICATION FOR TRANSFER OF WATER RIGHT

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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.


d-97 MON 02:57 PM
ALLION KAPIDS
SITUATED IN A PORTION OF THE E
PHASE 2
KACHINA ESTATES
SPRING BLAZE DRIVE
VELVET FALLS WAY
LAKE CREEK STREET
SEE NOTE 14
8" SEWER (STUB OUT AND CAP)
LIMITS OF F.E.M.A. ZONE X SEE NOTE 13
KACHINA ESTATES
WELL
63-02962
63-12410 MICROFILMED
JAN 11 1999
~~LOT~~ LOT 14 BLK 5
(LOT + BLK May change

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-02968 **Date:** 3-11-01

	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	1E	19													11				11
GIS																23				23
Claim	3N	1E	20										12							12
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's _____ **Total Claimed Acres:** 23

Total GIS Acres: _____

Overlapping POU Claim #'s:

_____

_____

_____

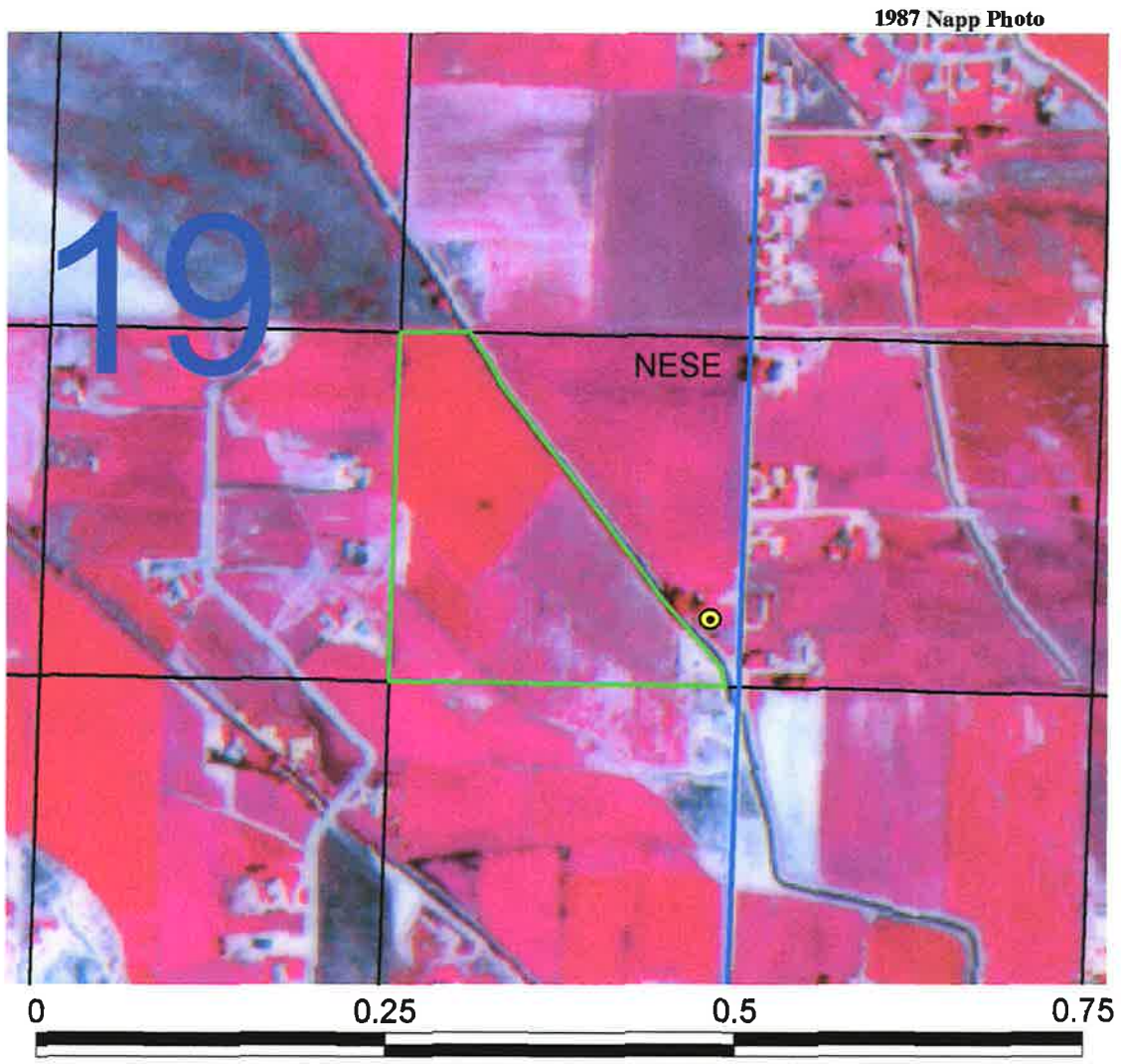
COMMENTS:

per Claim map - nothing shown in Sec. 20

Idaho Department of Water Resources

Claim Number: 63-02968
Legal: T03N, R01E, S19
Reviewed By:

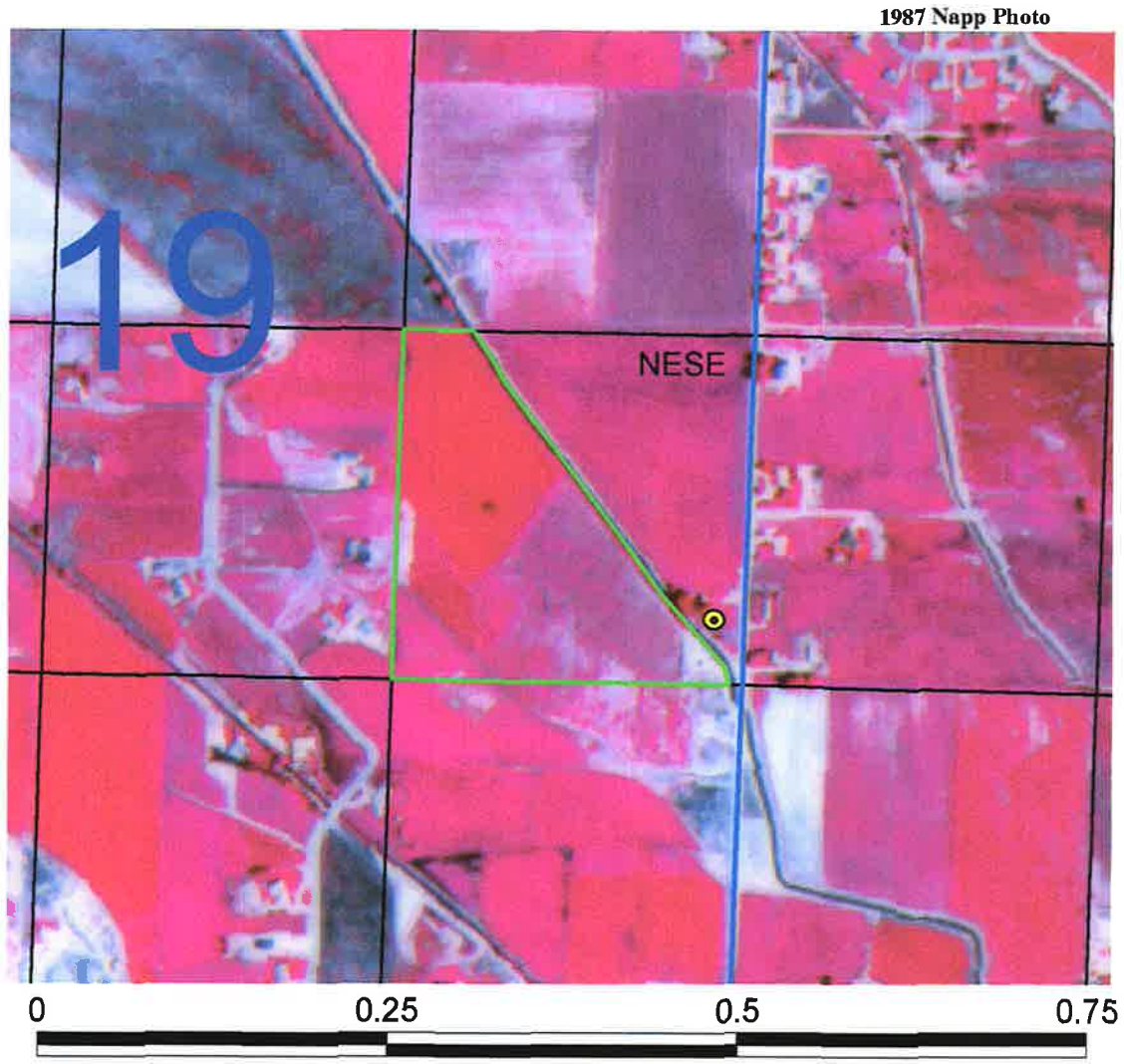
Point of Diversion
Place of Use
Section Lines
Quarter Quarter Lines

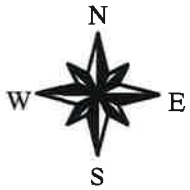


Idaho Department of Water Resources

Claim Number: 63-02968
Legal: T03N, R01E, S19
Reviewed By:

Point of Diversion
Place of Use
Section Lines
Quarter Quarter Lines





State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 9, 2001

NAMPA MERIDIAN IRRIGATION DISTRICT
1503 1ST ST S
NAMPA ID 83651

Re: Notice of Claim to a Water Right No. 63-02968

Dear Claimants:

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

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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

Sincerely,

Denise Buffington

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	FARWEST LLC 4550 W STATE ST BOISE ID 83703 (208) 338-9708	11/19/1953	IRRIGATION	03-15	11-15	0.460 CFS	103.50 AFA
				TOTAL DIVERSION:		0.460 CFS	103.50 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T03N R01E S19 NESE ADA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N	01E	19													11				11.0
03N	01E	20											12						12.0
																	TOTAL ACRES		23.0

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: A63-18714

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-18649 A63-18649 A63-18714 R63-18714

Other Water Rights Listing Overlapping Place(s) of Use:
A63-30181Z0

Conditions of Approval:

O1M - 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.

T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

T09 - 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.

Remarks: GEN OWNERSHIP CHANGED BY LH 5/22/95.

Remarks: CLAIM AMENDED BY TRANSFER NO 4610 APPROVED 6/22/95.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO 4610 IN FILE.
THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS, TO THE EXTENT THEY ARE AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE WITHOUT THE APPROVAL OF THE DEPARTMENT.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR EXCEED A COMBINED ANNUAL DIVERSION VOLUME OF 103.5 AF FOR THE LANDS ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/08/89 HOWERTON 08/29/94 RMCCARTH 03/30/95 POST-STD 05/22/95 LHARRIS
09/26/95 MSCHULTE

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 1995

Re: Notices of Claim to a Water Right Nos. A63-18714, A63-02968

Farwest LLC
4550 W. State St.
Boise, ID 83703

Claimant(s):

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosure

cc: J. G. McDermott

MICROFILMED
OCT 02 1996

Water Right Number - 63-02968 Prefix Translation: WATER RIGHT Old (D) Number - 24584

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
FARWEST LLC		1 - 4550 W STATE ST 2 - 3 - City- BOISE State- ID Zip- 83703 Phone - 208-338-9708
*** O - ORIGINAL OWNER ***		
GRAY	THOMAS P	1 - 2 - 3 - City- State- ID Zip- Phone - 208-000-0000

Priority Date	Region	Stage	Status
11/19/1953	14 WESTERN	L - LICENSE	

Source: GROUNDWATER

Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
03N	01E	19	NE SE			(1) ADA			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	0.460	103.50

Total Div. Rate	Total Div. Volume	Total Div. Capacity
0.460	103.50	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
03N	01E	19	NE SE		11.0	01	IRRIGATION	(1) ADA
03N	01E	20	NW SW		12.0	01	IRRIGATION	(1) ADA

Total Acres: 23.0

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks

The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without

RECEIVED
OCT 02 1995

Water right number - 63-02968 Prefix Translation: WATER RIGHT

Remarks

the approval of the Department.
This right when combined with all other rights shall provide
no more than .02 cfs per acre nor exceed a combined annual
diversion volume of 103.5 af for the lands above.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

01M - 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.
T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.
T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.
T09 - 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.

Decree Plaintiff

Decree Defendant

Decree Date

00/00/0000

Comments

Date: 05/09/1995 User Id: CHODGES Subject: TRANSFER NO. 4610
Filed 4/24/95 to change portion of place of use as a result of subdivision.

Audit Fields - 05/20/85 05/01/88 CONVERT 05/09/95 CHODGES 06/19/95 SCURTIS 06/21/95 PSKAGGS

Water Rights Dates and Flags Area

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Swan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	P
Exam to S.O. Date	00/00/0000	Verified Date	05/20/1985	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number	W019013	Water District	-
Licensed Date	08/28/1979	Appl Received	00/00/0000	Transfer/Amended	D
Decree Date	00/00/0000	Name Connector	-	POU Ownership Flag	Y
Presumption Flag	-				

RECEIVED
OCT 02 1995
WATER RESOURCES