

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 63-2397
Date Received: 3/13/1990
Receipt No: W010890
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ USA 85020

Phone: (602) 230-7518

2. Date of Priority: 05/29/1926

3. Source: MAMMEN GULCH CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	05W	11	SW	SW		CANYON	

5. Description of diverting works:

WELL AND PUMP INTO LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 22 2008

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	05W	11	NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	20
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	140
					Total Acres	140

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 8/5/2003

15. Basis of Claim: License

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: A63-02397
Date Received: 3/13/1990
Receipt No: W010890
Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. W. PAULSEN 208-482-7588
Address: 25270 RED TOP ROAD
WILDER, ID 83676
2. Date of Priority: MAY 29, 1926
3. Source: MAMMON GULCH Trib. to: BOISE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N | 05W | 11 | SW | SW | | | CANYON |
5. Description of diverting works:
WELL AND PUMP INTO LATERALS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.000 | | |
7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 490.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NA
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	05W	11	NE	SE		IRR	40.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0

A63-02397

Page 1

Date: 03/13/90

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	05W	11	SE	SE		IRR	40.0

Section Acres 140.0

Total Acres 140.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
WILDER IRR. DIST.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 16489

(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.

AUG 18 1954

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

RECEIVED
 APR 29 2002
 WATER RESOURCES
 WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-2397					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) A.W. Paulsen
25270 Red Top Rd, Wilder, ID 83676
4. New Owner/Claimant(s) Diller Miller LAND Company, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 451 E. Glendola Avenue
- City, State and ZIP Code Phoenix, AZ 85020
- New Telephone Number (602) 230-7518
5. Date you acquired the property 21 Dec 01

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Stephen J. Miller, Management Representative
(include title if applicable) Miller, Miller Land Company, LLC

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

For Office Use Only

Received by JF Date 4/29/02 Fee 25⁰⁰
 Received by JF Date 4/29/02 Receipt No. W029096
 Processed by _____ AJ Date _____ WR _____ Date _____

Parcel IB

A parcel of land being a portion of the Southwest Quarter of the Southeast Quarter of Section 11,

Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, as shown on record of

Survey, filed for record in the office of the Canyon County recorder, Caldwell, Idaho, under

Instrument No. 200143939 and more particularly described as follows:

Commencing at a brass cap marking the

Southeast corner of said Section 11; Thence along the South boundary of said Section 11 South 89

18' 33" West 1321.82 feet to the Southeast corner of the Southwest Quarter of the Southeast Quarter

of Section 11 marking the Point of BEGINNING: .

Thence continuing South 89 18' 33" West 5.46 feet to a PK nail and washer;

Thence leaving said South boundary North 00 37' 00" West 257.00 feet to an iron pin;

Thence South 89 46' 00" West 170.48 feet to an iron pin:

Thence South 00 30' 00" East 258.36 feet to a PK nail and washer on said South boundary of

Section 11;

Thence along said South boundary South 89 18' 33" West 1145.36 feet to an iron pin marking the

South Quarter of said Section 11;

Thence along the North-South centerline of said Section 11 North 00 06' 53" West 1136.71 feet to a

point, said point bears South 00 06' 53" West 1532.00 feet from the center of said Section 11;

Thence leaving said West boundary North 68 52' 26" East 564.65 feet to a point on the North

boundary of said Southwest Quarter of the Southeast Quarter of Section 11;

→ Thence along said North boundary North 89 21' 44" East 795.32 feet to the Northeast corner of said

Southwest Quarter of the Southeast Quarter of Section 11;

Thence along the East boundary of said Southwest Quarter of the Southeast Quarter of Section 11

South 00 05' 14" East 1333.14 to the Point of Beginning.

Together with a shared water right for irrigation and domestic water use under Water License and

Certificate of Water Right No. 63-2397 (formerly Water License No. 16489).

B. Property commonly called "Grandma Paulsen's Farm" (Parcel IIA and IIB) containing 73.15 acres more or less.

Parcel IIA

That part of the Southeast Quarter in Section 11, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, described as follows:

A parcel of land being a portion of the Southeast Quarter of Southeast Quarter of Section 11, Township 4 North, Range 5 West, Boise Meridian, Canyon county, Idaho, as shown on Record of Survey, filed for record in the office of the Canyon County Recorder, Caldwell, Idaho under Instrument No. 200143939 and more particularly described as:

Commencing at a brass cap marking the Southeast corner of said Section 11;
Thence along the South boundary of said Section 11 South 89° 18' 33" West 404.00 feet to a PK nail and washer marking the
Point of BEGINNING:

Thence continuing South 89° 18' 33" West 917.82 feet to the Southeast corner of said Southeast Quarter of the Southeast Quarter of Section 11;
Thence along the West boundary of said Southeast Quarter of the Southeast Quarter of Section 11 North 00° 05' 14" West 1333.14 feet to the Northwest corner of said Southeast Quarter of the Southeast Quarter of Section 11;
Thence along the North boundary of said Southeast Quarter of the Southeast Quarter of Section 11 North 89° 21' 44" East 1322.44 feet to an iron pin marking the Northeast corner of said Southeast Quarter of the Southeast Quarter of Section 11;
Thence along the East boundary of the Southeast Quarter of the Southeast Quarter of Section 11 South 00° 03' 36" East 974.92 feet to a PK nail and washer;
Thence leaving said East boundary South 89° 18' 33" west 406.01 feet to an iron pin;
Thence South 00° 23' 00" East 356.98 feet to the Point of Beginning.

AND

That part of The Northeast Quarter of The Southeast Quarter of Section 11, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho,

~~That part of the Northeast Quarter of the Southeast Quarter~~ bounded as follows:
BEGINNING at the Southwest corner of the Northeast Quarter of the Southeast Quarter;
Thence North 385 feet;
Thence Southeasterly to a point on the Southerly line of said Quarter Quarter 723 feet East of the
Point of beginning;
Thence West to the point of Beginning.

Together with a 20-foot non-exclusive ingress-egress easement lying 10.00 feet left of and 10.00 right

of the following described centerline lying in the Southeast Quarter of the Southeast Quarter of Section

11, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, as shown on Record of

Survey, filed for record in the office of the Canyon County Recorder, Caldwell, Idaho, under

Instrument No. 200143939 and more particularly described as follows:

Commencing at a brass cap marking the Southeast corner of said Section 11;
Thence along the South boundary of said Section 11 South 89° 18' 33" West 364.00 feet to the Point of
Beginning of said centerline;
Thence leaving said South boundary North 00° 23' 00" West 45.00 feet to a point;
Thence South 89° 18' 33" West 40 feet to the Point of Ending of the above described centerline.

Parcel IIB *That part of The North Half of The Southeast Quarter of Section 11, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho,*

~~That part of the North Half of the Southeast Quarter~~ bounded as follows:
BEGINNING at a point on the North line of the Southeast Quarter 848.92 feet East of the Northwest
corner thereof;
Thence East to the Northeast corner of the Southeast Quarter;
Thence South to the Southeast corner of the Northeast Quarter of the Southeast Quarter;
Thence West on the South Quarter Quarter line 597 feet;
Thence Northwesterly to a point on the West Quarter Quarter line 383 feet North of the Southwest
corner of the Northeast Quarter of the Southeast Quarter;
Thence North on the West Quarter Quarter corner line 127 feet;
Thence Northwesterly to the point of Beginning.

Together with a shared water right for irrigation and domestic use under Water License and Certificate of Water Right No. 63-2397 (formerly water License No. 16489).

C. Property commonly known as the "Perrot Farm" (Parcel III) containing 61.67 acres more or less.

Parcel III

A parcel of land being a portion of the North Half of the Southwest Quarter of Section 12, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, as shown on record of Survey, filed for record in the office of the Canyon County recorder, Caldwell, Idaho, under Instrument No. 200143939 and more particularly described as follows:

BEGINNING at an iron pin marking the West Quarter corner of said Section 12;
Thence along the East-West centerline of said Section 12 South 89° 44' 57" East 2382.65 feet to an iron pin;
Thence along a line West of and parallel to the North-South centerline of said Section 12 South 00° 04' 25" East 672.38 feet to a point;
Thence North 89° 42' 51" East 300.00 feet to a point on said North-South centerline of Section 12;
Thence along the North-South centerline South 00° 04' 25" East 660.79 feet to an iron pin marking the Southeast corner of said North Half of the Southwest Quarter of Section 12;
Thence along the South boundary of the said North Half of the Southwest Quarter of Section 12 North 89° 46' 57" West 2682.96 feet to an iron pin marking the Southwest corner of said North Half of the Southwest Quarter of section 12;
Thence along the West boundary of said North Half of the Southwest Quarter of Section 12 North 00° 03' 36" West 360.12 feet to a PK nail and washer;
Thence leaving said West boundary North 88° 18' 00" East 302.00 feet to an iron pin;
Thence North 48° 26' 27" East 22.72 feet to an iron pin;
Thence North 00° 18' 00" East 176.00 feet to an iron pin;
Thence North 89° 54' 00" West 320.00 feet to a PK nail and washer on said West boundary of the North Half of the Southwest Quarter of Section 12;
Thence along said West boundary North 00° 03' 36" West 771.21 feet to the Point of Beginning.

EXCEPT that portion commencing at an axle marking the West Quarter corner of said Section 12;

Thence along the East-West centerline of said Section 12 South 89 44' 57" East 2311.28 feet to a

PK nail and washer marking the point of BEGINNING;

Thence continuing South 89 44' 57" East 71.37 feet to an iron pin marking the Northwest corner of

a record of Survey filed under Instrument No. 9322487 (commonly known as Craig Paulsen place);

Thence along the West boundary of said Record of Survey South 00 04' 25" East 672.38 feet to a

point marking the Southwest corner of said Record of Survey;

Thence along the South boundary of said Record of Survey North 89 42' 51" East 300.00 feet to a

point marking the Southeast corner of the said Record of Survey on the North-South centerline of said Section 12;

Thence along said North-South centerline South 00 04' 25" east 660.79 feet to an iron pin marking

the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 12;

Thence along the South boundary of said Northeast Quarter of the Southwest Quarter of Section 12

North 89 46' 57" West 378.55 feet to an iron pin:

Thence leaving said South boundary North 00 14' 07" East 1330.56 feet to the point of Beginning.

Together with a 20-foot non-exclusive ingress-egress easement lying 10.00 feet left of and 10.00

right of the following described centerline lying in the Northwest Quarter of the Southwest Quarter

of Section 12, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, as shown

on Record of Survey, filed for record in the office of the Canyon County Recorder, Caldwell, Idaho,

under Instrument No. 200143939 and more particularly described as follows:

Commencing at a brass cap marking the Southwest corner of said Section 12;

Thence along the West boundary of said Section 12 North 00 03' 36" West 1709.67 feet to the

Point of BEGINNING;

Thence leaving said West boundary North 88 18' 00" East 68.00 feet to a point;

Thence at right angles South 01 42' 00" West 17.62 feet to the point of ENDING of the above

described centerline.

TOGETHER with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

TAXES PRORATED BY DATE: The term "taxes" when used in this deed means all general and special taxes levied against the premises and the improvements and fixtures thereon by any taxing unit for any purpose and includes, but is not limited to, those for bonds and special improvements, but excludes those for which other provisions are herein expressly made. All taxes, whether paid or unpaid, shall be, prorated between the grantor and the grantee on a time basis as of the date of October 29, 2001, The grantor shall pay before delinquency all taxes prorated for the period of time before such date and the grantee shall pay all taxes prorated for the period of time of and after such date.

IRRIGATION CHARGES PRORATED BY IRRIGATION SEASON: The term "irrigation charges" when used in this deed means all general and special taxes and assessments levied against the premises by any irrigation or drainage unit for any purpose and includes but is not limited to bonds, construction charges, special improvements, irrigation, and drainage. For the purposes of prorating irrigation charges, the irrigation season shall be deemed to be the calendar year. The grantor shall pay before delinquency all irrigation charges levied for the irrigation season of 2001 and all irrigation seasons prior thereto. The grantee shall pay before delinquency all irrigation charges levied for the irrigation season of 2002 and all irrigation seasons subsequent thereto. The irrigation district assessment billed in December, 2001, will contain the Fall assessment for 2001 which shall be paid by the grantor and the Spring assessment for 2002 which shall be paid by the grantee.

SUBJECT TO each of the following:

(Taxes to be paid by grantee) All taxes herein expressly agreed to be paid by the grantee.

(Irrigation charges herein agreed to be paid by grantee) All irrigation charges herein expressly agreed to be paid by the grantee.

(Patents or state grants) All reservations in patents or state grants or in the laws authorizing the issuance thereof,

(Bonded debt of taxing units) The bonded debt of all taxing units.

(Local improvements) Any taxes for local improvements not now completed,

(Zoning requirements, etc.) All zoning requirements and restrictions imposed by any governmental unit.

(Building codes, etc.) All requirements and restrictions provided by any fire, building, plumbing, electrical, and other similar codes imposed by any governmental unit.

(Irrigation district contracts) All repayment contracts between the Wilder Irrigation District and the United States.

(Restrictions, etc. of record) All restrictions, covenants, servitudes, limitations, conditions, and prohibitions of record or provided by law.

(All rights of way) All rights of way under, over, and across the premises regardless of how evidenced or acquired and whether the same are or are not recorded in the recorder's office of the county in which the premises are situated.

(Discrepancies, etc.) Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which at correct survey would disclose, and which are not shown by public records.

(Unpatented mining claims, etc.) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in acts authorizing the issuance thereof: (3) water rights, claims or title to water, whether or not the matters excepted under (1), (2) or (3) are shown by the public records.

TO HAVE AND TO HOLD the premises and its appurtenances unto the grantee and the grantee's successors and assigns forever and the grantor hereby covenants to and with the grantee as follows. that the grantor is the owner in fee simple of the premises; that the premises are free and clear of all liens and encumbrances except those described above to which this deed is expressly made subject; and that the grantor will warrant and defend the premises from all lawful claims whatsoever.

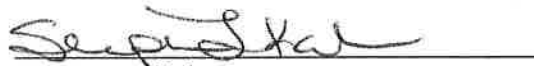
POSSESSION: The grantor shall retain possession of the premises until the effective date of this deed on which date the grantor shall deliver and the grantee shall accept possession of the premises in as good condition as they now exist, ordinary wear and tear excepted.

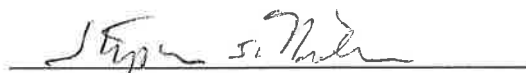
INTERPRETATION: Singular terms used herein shall be read as if written in the plural when the context so requires or permits. The date this deed is dated immediately below is the date on which it will take effect.

DATED: Dec 22, 2001

SIGNED BY THE GRANTOR:


Richard Dee Miller


Stephanie Kahne


Stephen John Miller

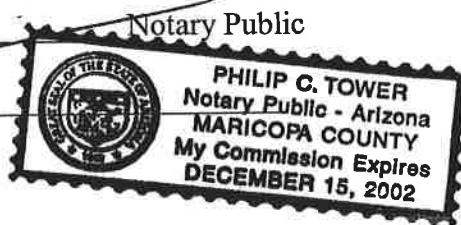
Jacqueline Louise Miller
Jacqueline Louise Miller

STATE OF ARIZONA, County of Maricopa) ss

On this date, before me, the undersigned notary public for such state, personally appeared Richard D. Miller, Stephanie Kahne, Stephen John Miller and Jacqueline Louise Miller, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and seal on Dec 21, 2001

[Signature]
My Commission Expires: _____



200218308

RECORDED

2002 APR 22 AM 10 15

JO NOEL HALES
CANYON CNTY RECORDER
BY *Jackie Drum*

REQUEST *Stephen Miller*
TYPE *Deed* FEE *27.00*

REQUEST *Stephen Miller*
TYPE *Deed* FEE *27.00*

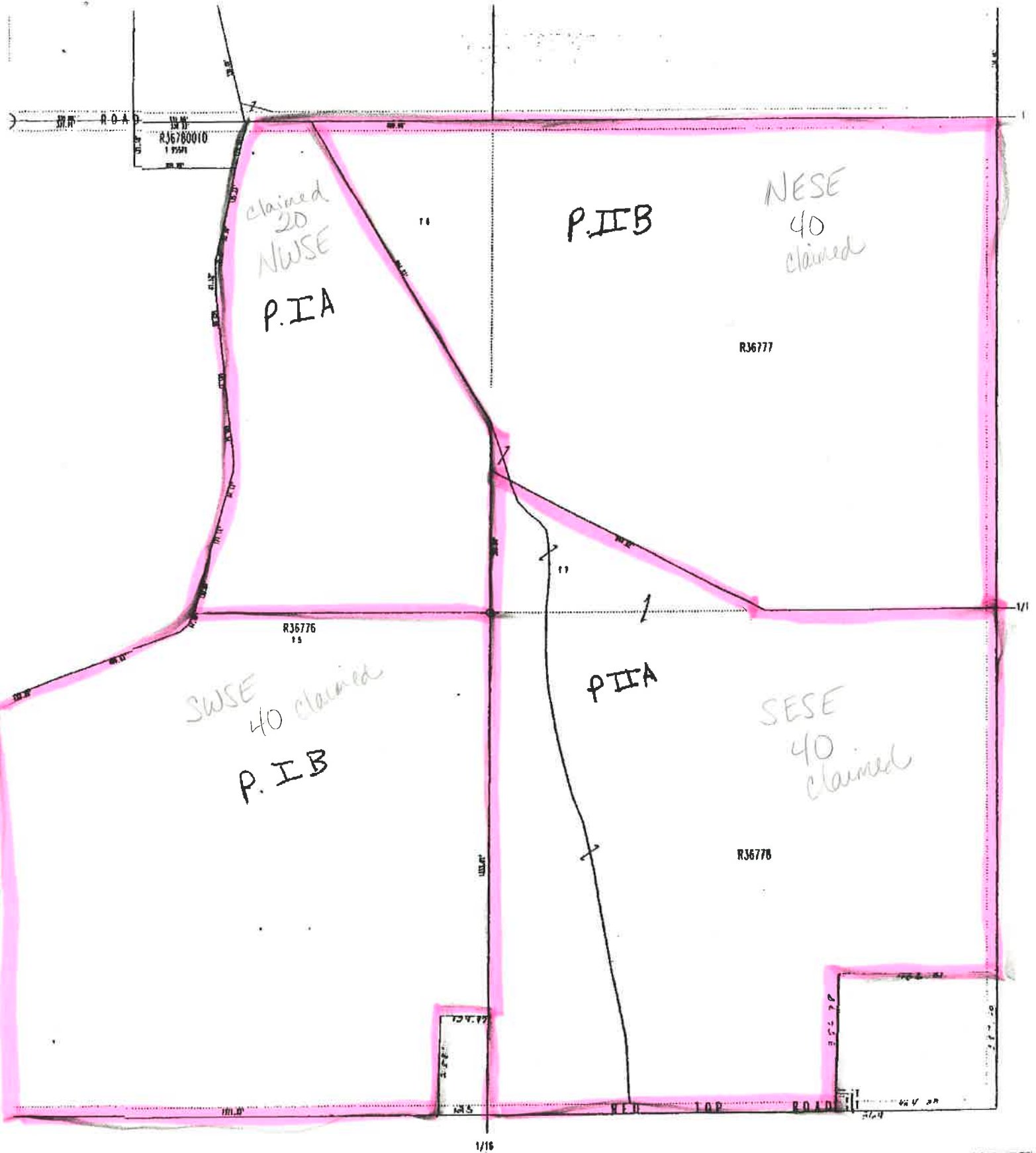
JO NOEL HALES
CANYON CNTY RECORDER
BY *Stephan*

2001 DEC 28 PM 1 26

RECORDED

200154790

Sec 11



SW 1/4 Sec 12

Parcel III

INSTRUMENT NO. _____

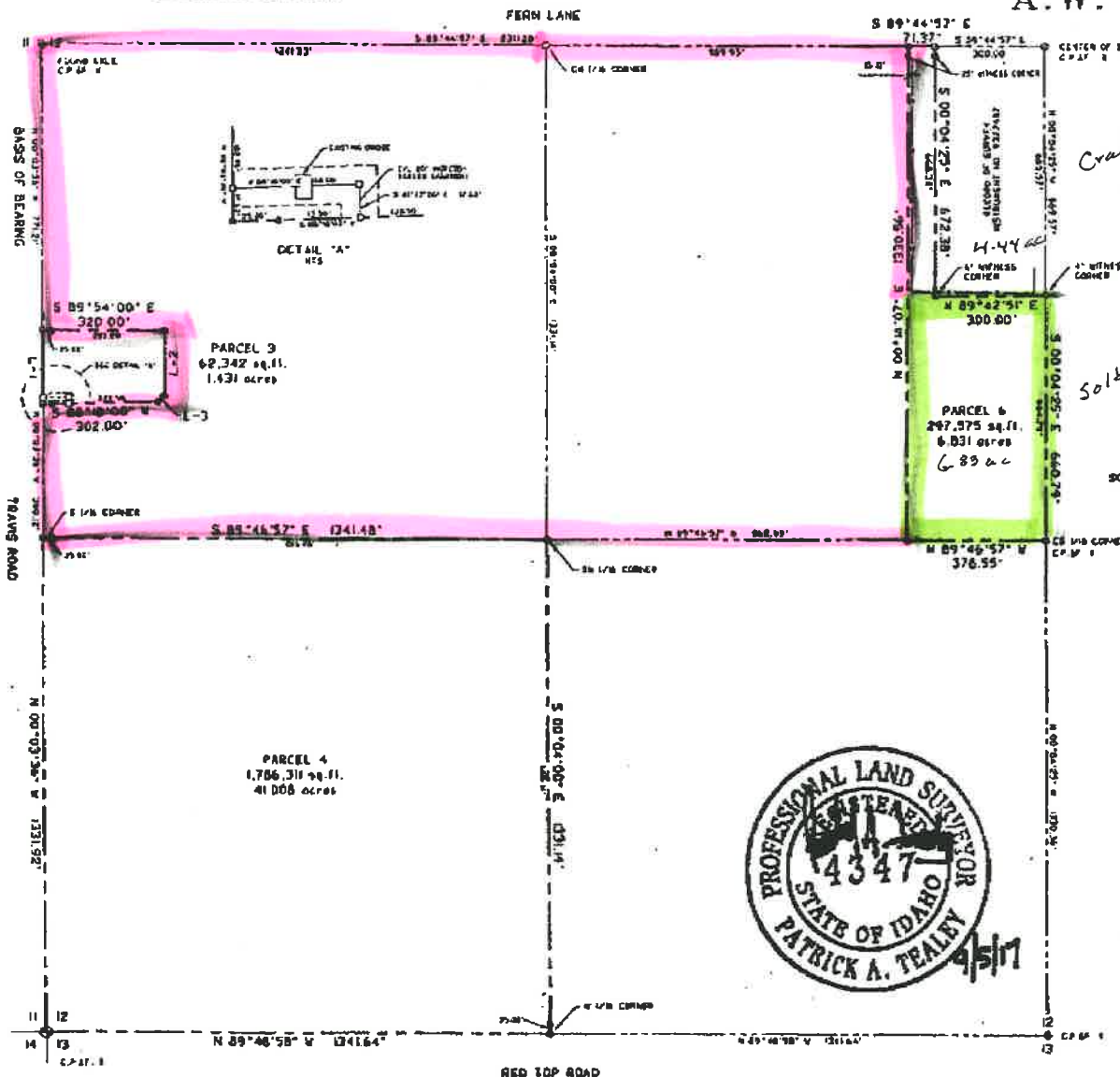
NOT OFFICIAL DOCUMENT

RECORD OF SURVEY

FOR
A.W. PAULSEN JR. ESTATE

A PORTION OF THE SW 1/4, SECTION 12,
T.4N., R.5W., B.M.,
CANYON COUNTY, IDAHO

LINE	BEARING	LENGTH
L-1	N 89°46'52" E	1340.94
L-2	S 89°46'52" E	174.50
L-3	S 89°46'52" E	23.22



*Craig Paulsen
Home*

*Sold back to
Craig Paulsen*

SCALE: 1" = 200'

LEGEND

- BOUNDARY LINE
- SECTION LINE
- EXISTING FENCE LINE
- FOUND BRASS CAP
- FOUND 3/8" IRON PIN
- SET 3/8" X 30" IRON PIN W/ CAP
- FOUND 1/2" IRON PIN
- CALCULATED POINT
- SET PE NAIL AND WASHER

CERTIFICATE OF SURVEYOR

I, PATRICK A. TEALEY, PLS NO. 4347, STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS AND SURVEYS AND THE CORNER PERPETUATION AND PLACING ACT.

RECORDER'S CERTIFICATE

STATE OF IDAHO 1
COUNTY OF CANYON, SS
Filed for Record in the Register of _____
_____ day of _____, 2001
By _____ Recorder
For _____ County

SHEET 2 OF 2



TEALEY'S LAND SURVEYING

2201 BOWEN BLVD. SUITE 100 BOZEMAN, IDAHO 83725

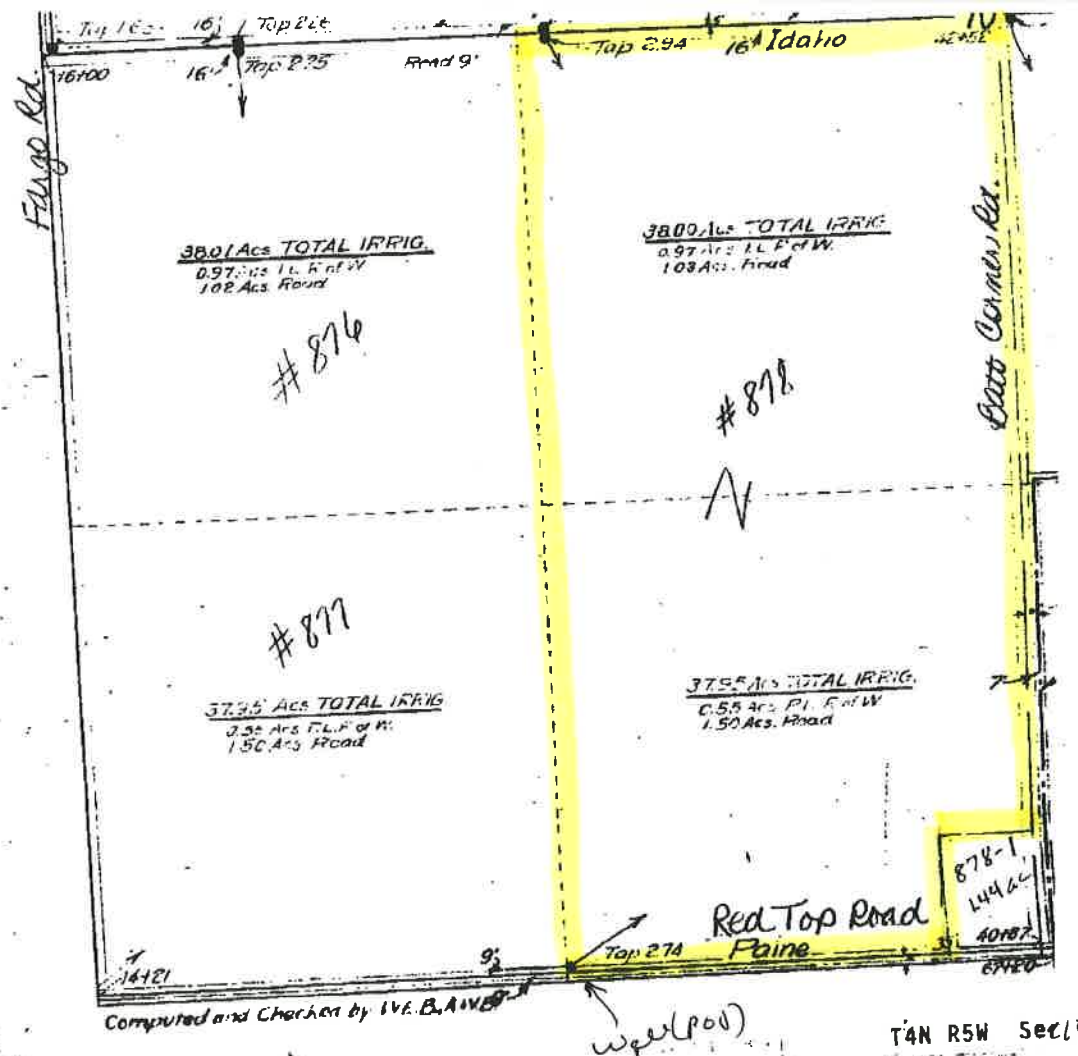
DATE:
AUGUST, 2001

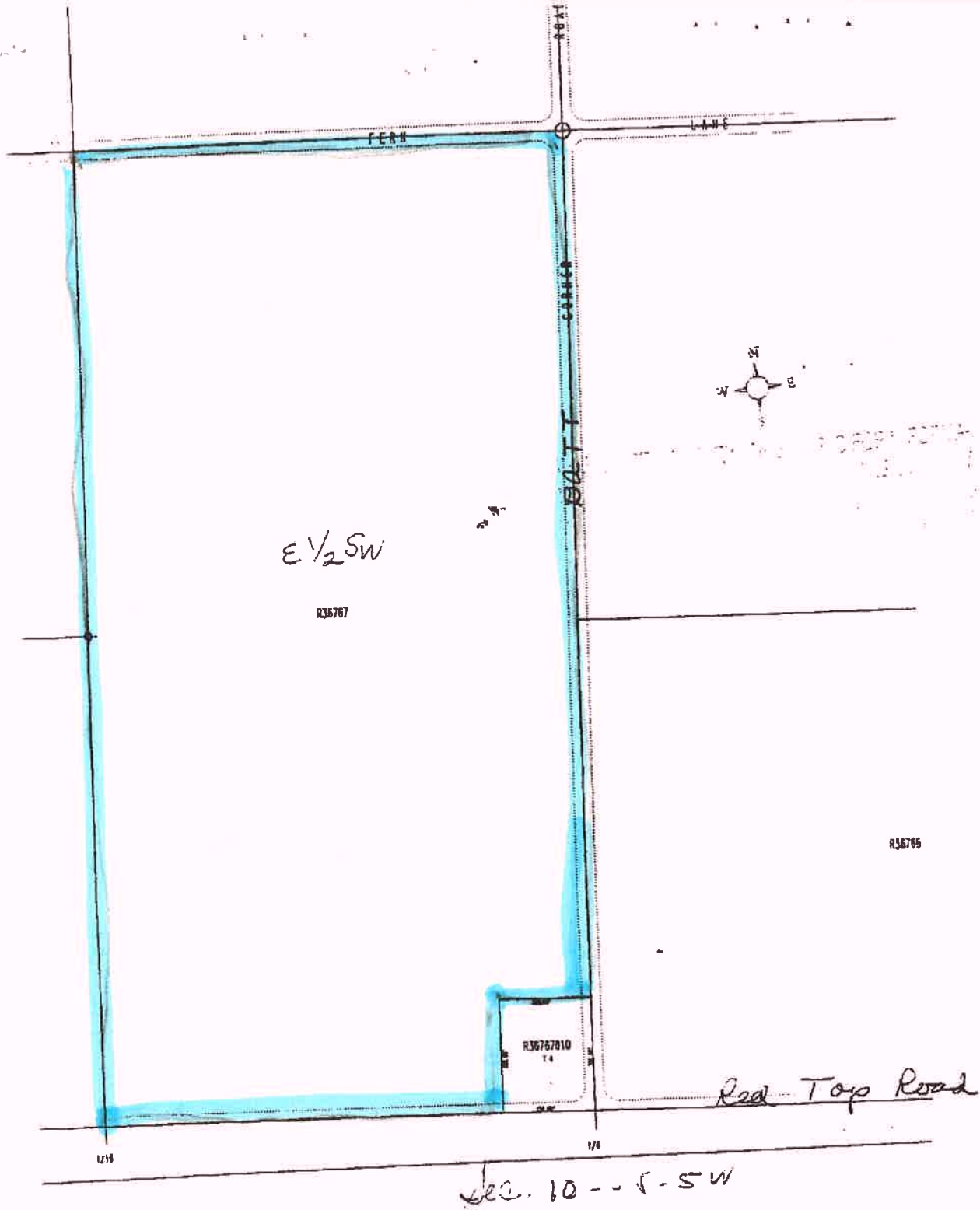
DRAWING NO.:
2354

RECORDING INDEX NO. 454-12-3-0-0-00-0000



200.136.299





11

Parcel IA

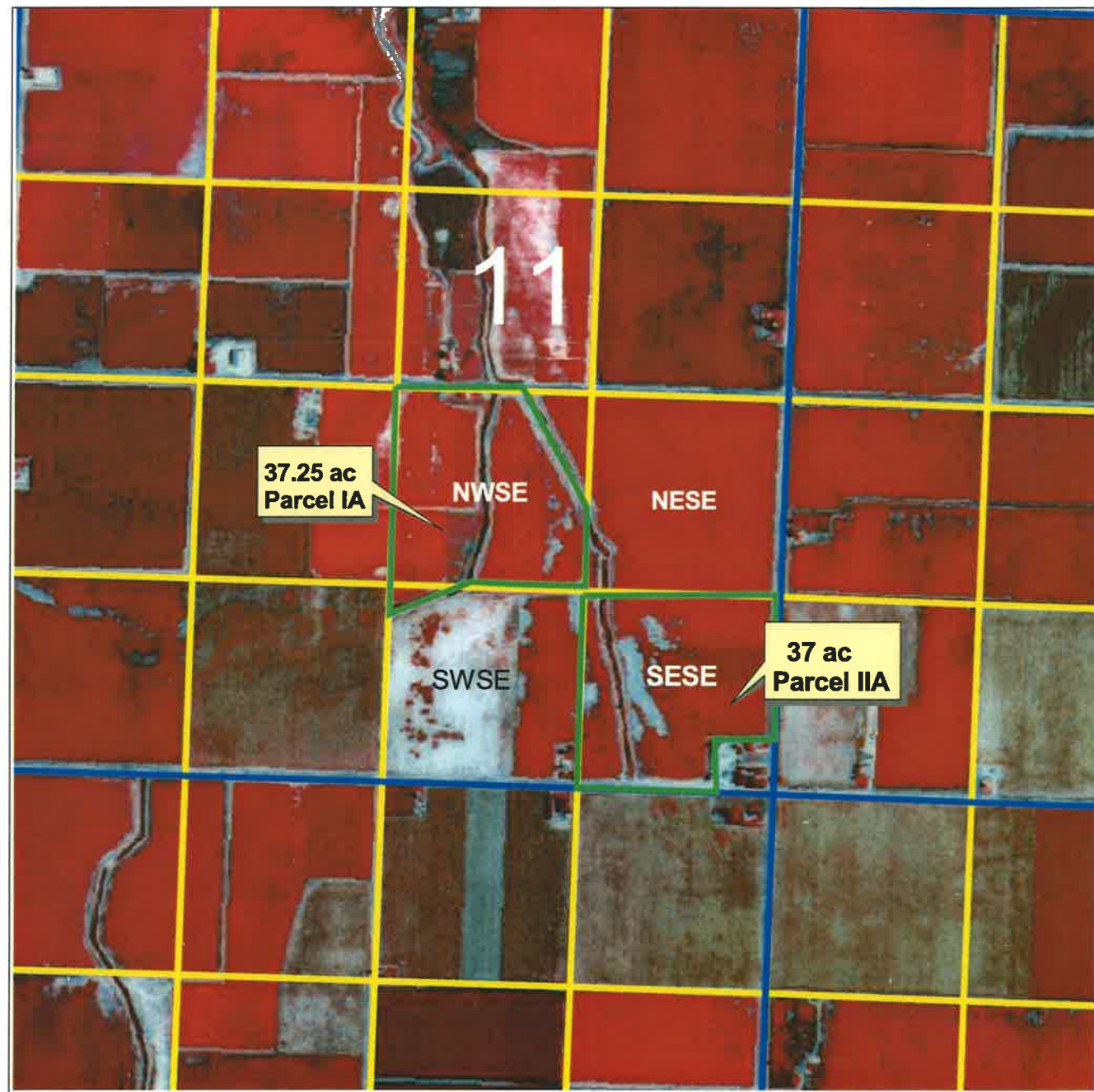
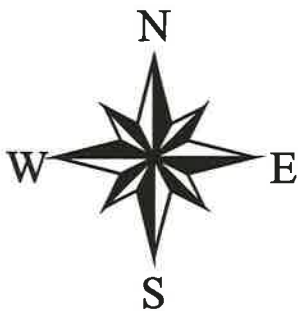
Parcel IIB

Parcel IIA

63-2397

T 4N
R 5W
S-11

-  **Parcels listed on deed**
-  **Section Line**
-  **QQ Line**



0 0.6 1.2 Mile

RECEIVED

OCT 16 2008

DEPARTMENT OF
WATER RESOURCES

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

OCT 15 2008

By _____
Clerk _____

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

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-02397

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

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report* asserting that the source of water should be described as wastewater. On October 9, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-02397 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Oct 15, 2008

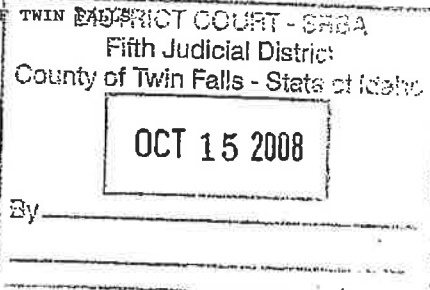

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-02397



NAME AND ADDRESS: DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX, AZ 85020

SOURCE: MAMMEN GULCH TRIBUTARY: BOISE RIVER

The source of this right is waste water. The wasting of water may
be discontinued at any time.

QUANTITY: 2.00 CFS
630.00 AFY

This right when combined with Right No. 63-11698 shall provide
no more than .02 cfs per acre.

PRIORITY DATE: 05/29/1926

POINT OF DIVERSION: T04N R05W S11 SWSE Within Canyon County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.00 CFS
		630.00 AFY

The use of water for irrigation under this right may begin as
early as March 1, provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early
irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE: Irrigation Within Canyon County
T04N R05W S11 NESE 40.0 NWSE 20.0
SWSE 40.0 SESE 40.0
140.0 Acres Total

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

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



Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 15 2008

By _____ Clerk
Deputy Clerk

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

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

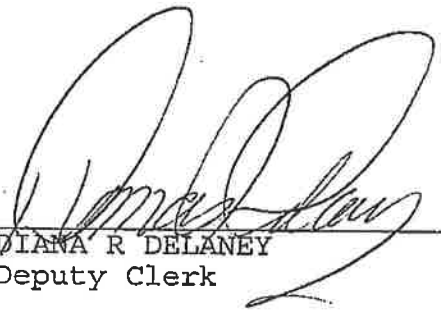
Water Right(s): 63-02397

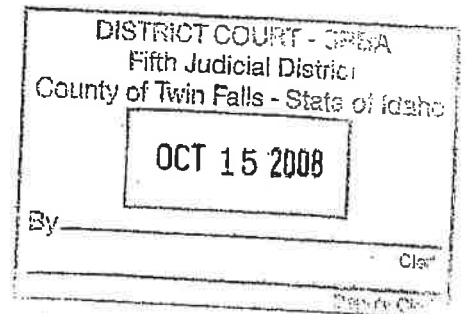
On October 15, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED October 15, 2008.


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

CERTIFICATE OF MAILING

Water Right(s): 63-02397

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 15, 2008, with sufficient first-class postage prepaid to the following:

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

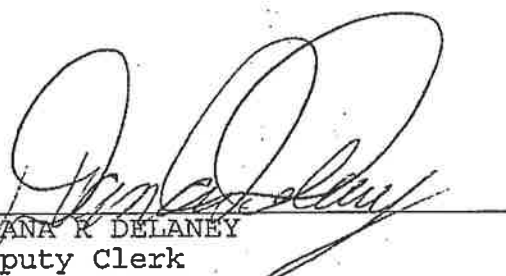
WILDER IRRIGATION DISTRICT
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

DILLER MILLER LAND COMPANY LLC
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

CERTIFICATE OF MAILING

PAGE 1
10/15/08

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2
10/15/08

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

SUBCASE: 63-02397

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER
RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Diller Miller Land Company, LLC
451 E. Glendale Ave.
Phoenix, AZ 85020

Stephen J. Miller 15 Jun 08
Stephen J. Miller Date
Managing Rep.

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605

Albert P. Barker 6/6/08
Albert P. Barker Date

RESPONDENT: Bureau of Reclamation

[Signature] 9/22/08
Date

IDWR CONCURRENCE:

Jan Shute 10-1-08
Date

12/14/2006

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

RIGHT NUMBER: 63-2397
NAME AND ADDRESS: DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ 85020

SOURCE: MAMMEN GULCH

TRIBUTARY: BOISE RIVER

QUANTITY: 2.000 CFS
630.00 AFY

The source of this right is waste water. The wasting of water may be discontinued at any time. *SDM FWA RCP*

This right when combined with Right No. 63-11698 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/29/1926

POINT OF
DIVERSION: T04N R05W S11 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
2.000 CFS
630.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S11	NESE	40.00	T04N R05W S11	NWSE	20.00
T04N R05W S11	SWSE	40.00	T04N R05W S11	SESE	40.00

140 ACRES TOTAL.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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

Attorneys for Diller Miller Land Company LLC

Scott L. Campbell, ISB No. 2251
Dylan B. Lawrence, ISB No. 7136
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
23388.0000

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

Subcase No. 63-02397

NOTICE OF APPEARANCE

COMES NOW Scott L. Campbell of the law firm MOFFATT THOMAS BARRETT
ROCK & FIELDS, CHTD., and hereby makes an appearance in the above-referenced matter on
behalf of Diller Miller Land Company LLC, and requests that all notices, correspondence,
pleadings, filings, or other communication be directed to the undersigned at the address and
telephone number listed above.

DATED this 17th day of September, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell - Of the firm
Attorneys for Diller Miller Land
Company LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of September, 2008, I caused a true and correct copy of the foregoing NOTICE OF APPEARANCE to be served by the method indicated below, and addressed to the following:

Albert P Barker
BARKER ROSHOLT & SIMPSON
1010 W Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Fax (208) 344-6034
Representing: Wilder Irrigation District

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

UNITED STATES DEPARTMENT OF JUSTICE
Environment & Natural Resources
MSC 033
550 West Fort Street
Boise, ID 83724
Fax: (208) 334-1414
Representing: USDI Bureau of Reclamation

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720
Fax: (208) 287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Scott L. Campbell
Scott L. Campbell

2008 JUN 23 AM 11:26
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 STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-02397

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, SEPTEMBER 30, 2008 at 09:30 AM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JUNE 23, 2008

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

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JUNE 23, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

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

DILLER MILLER LAND COMPANY LLC

451 E GLENDALE AVE
PHOENIX, AZ 85020
Phone: 602-230-7518

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:34
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 NO: 63-02397

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

THURSDAY, JUNE 19, 2008 at 11:00 AM (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 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(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:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

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

DILLER MILLER LAND COMPANY LLC

451 E GLENDALE AVE
PHOENIX, AZ 85020
Phone: 602-230-7518

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 63-2397

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Diller Miller Land Company LLC

Address: 451 E. Glendale Ave.

Phoenix, AZ 85020

RECEIVED
JUN 19 2017
DEPARTMENT OF
WATER RESOURCES

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: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District. Should be Mammon Gulch Drain.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

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 OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

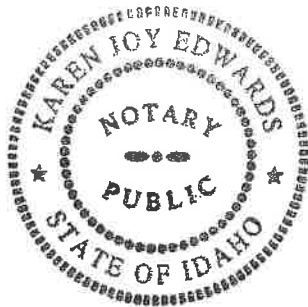
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200__, 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. One copy to the claimant of the water right at the following address:

Name: Diller Miller Land Company LLC
Address: 451 E. Glendale Ave.
Phoenix, AZ 85020

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

10/26/2006

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

RIGHT NUMBER: 63-2397

NAME AND ADDRESS: DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ 85020

SOURCE: MAMMEN GULCH

TRIBUTARY: BOISE RIVER

QUANTITY: 2.000 CFS
630.000 AFY

This right when combined with Right No. 63-11698 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/29/1926

POINT OF DIVERSION:

T04N R05W S11 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.000 CFS
630.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T04N R05W S11 NESE 40.00

T04N R05W S11 NWSE 20.00

T04N R05W S11 SWSE 40.00

T04N R05W S11 SESE 40.00

140 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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

Idaho Department of Water Resources

**T04N, R05W,
SEC 11**

Claim No: 63-2397

Prepared By: Kimberly Brown

Date: October 26, 2006



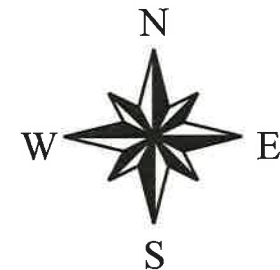
 Place of Use

 Section Lines

 1/4 1/4

 Point of Diversion

Irrigated Acres = 140



0.006448 Miles

1987 NAPP

09/29/2006

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: October 31, 2006

Water right number: 63-2397

DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ 85020
Telephone Number: (602)230-7518

RECEIVED

OCT 23 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *point of Diversion. The current point of diversion is ~~at~~ at the intersection of Mammion Gulch and the west boundary of TOWN R05W S11 SWSE. This change was made in the mid-1980s according to Mr. Craig Paulsen, previous property owner.*
2. Describe the changes you wish to make in the proposed recommendation: *Change point of diversion to current place. The point of diversion was made when the Mammion Gulch was tiled and covered in the SE SW of Section 11. According to Mr Paulsen his father, A.W. Paulsen, Jr. and brother Davis had made this*
3. Give a brief explanation as to why you disagree with these portions: *Change in mid-1980s. See attached map for current pool location.*

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

DATE: 18 OCT 06 SIGNATURE: Stephen J. Miller, managing Rep
Diller-Miller Land Co., LLC

Please print your name: STEPHEN J. MILLER

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

09/29/2006

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

RIGHT NUMBER: 63-2397

NAME AND ADDRESS: DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ 85020

SOURCE: MAMMEN GULCH

TRIBUTARY: BOISE RIVER

QUANTITY: 2.000 CFS
630.00 AFY

This right when combined with Right No. 63-11698 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/29/1926

POINT OF DIVERSION:
T04N R05W S11 SWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.000 CFS 630.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date

a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T04N R05W S11	NESE	40.00	T04N R05W S11	NWSE	20.00
T04N R05W S11	SWSE	40.00	T04N R05W S11	SESE	40.00

140 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

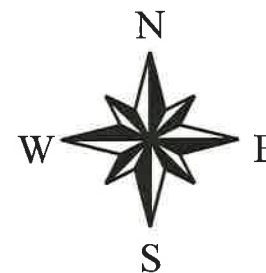
Idaho Department of Water Resources

**T04N, R05W,
SEC 11**

Claim No: 63-2397
Prepared By: Kimberly Brown
Date: May 30, 2006



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



1987 NAPP

0 0.04 Miles



09/29/2006

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

RIGHT NUMBER: 63-2397

NAME AND ADDRESS: DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ 85020

SOURCE: MAMMEN GULCH

TRIBUTARY: BOISE RIVER

QUANTITY: 2.000 CFS
630.000 AFY

This right when combined with Right No. 63-11698 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/29/1926

POINT OF DIVERSION:

T04N R05W S11 SWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.000 CFS
630.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T04N R05W S11 NESE 40.00

T04N R05W S11 NWSE 20.00

T04N R05W S11 SWSE 40.00

T04N R05W S11 SESE 40.00

140 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

Idaho Department of Water Resources



**T04N, R05W,
SEC 11**

Claim No: 63-2397

Prepared By: Kimberly Brown

Date: May 30, 2006

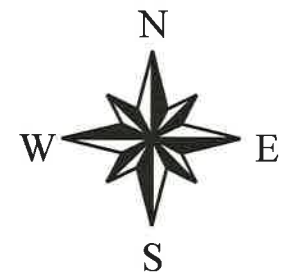
 Place of Use

 Section Lines

 1/4 1/4

 Point of Diversion

Irrigated Acres = 140



0 0.04 Miles



1987 NAPP

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-2397
Notice of Error Reply**

October 17, 2006

Steve Miller called in response to the Preliminary Recommendation/Notice of Error packet of information he received in the mail. Mr. Miller said that the point of diversion (POD) changed several years ago. He spoke with the previous owner, Craig Paulson, and it's true that the wash used to come to the point shown on the shapefile I sent him; but the POD is now located in the upper-portion of the SWSE, Sec. 11. When I asked when that changed occurred, Mr. Miller replied that Mr. Paulson told him that it happened in the "early '80s."

Since the change occurred previous to 1987, I will be able to change the make the necessary changes. I asked Mr. Miller to draw the correct location of the POD on the shapefile, to fill-out the Notice of Error Reply regarding this new POD location, and send this information to me so that I may make the recommendation more accurate.

Kimberly Brown
Senior Water Resource Agent
Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2397

WATER RIGHT NUMBER: 63-2397

Owner Type Name and Address

Original Owner G M PAULSEN ✓

WILDER, ID 83676

Original Owner A W PAULSEN
25270 RED TOP RD
WILDER, ID 83676
(208)482-7588

Current Owner DILLER MILLER LAND COMPANY LLC ✓
451 E GLENDALE AVE
PHOENIX, AZ 85020
(602)230-7518

Property Address:
Red Top Rd.

Priority Date: 05/29/1926 ✓

Basis: License

Status: Active

Source

MAMMEN GULCH CREEK ✓

~~Mammon~~

Tributary

BOISE RIVER ✓

Beneficial Use

IRRIGATION ✓

From To

3/15 to 11/15 ✓

Diversion Rate

2.000 CFS ✓

Annual Volume

630.0 AF

630.0 AF

Lic. - ~~DOMESTIC~~

Total Diversion:

2.000 CFS ✓

Location of Point(s) of Diversion

MAMMEN GULCH CREEK

CANYON County

SW1/4SW1/4 ✓

Sec. 11, Twp 04N, Rge 05W, B.M. ✓

Place of Use

IRRIGATION ✓

+ ~~DOMESTIC~~

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	05W	11	40.0	20.0	40.0	40.0	140.0

Total Acres: 140 ✓

Conditions of Approval:

1. Ownership changed by DM 8/5/2003

Remarks:

ADD E62 - This right when combined with #63-11698 shall provide no more than 0.02 cfs per acre.

ADD C04 - Purpose of Use Accomplished Transfer

ADD W59 - Use combined with Wilder Irr. Dist. water.

ADD 839 - Season of use is 3/1 to 11/15.

(+) a portion of R36780011A0
R3677801000, R3677600000, R3677800000,
Parcel Nos: R3677700000, R3677601100, R3677601000,

Field Exam Date 5.31.06

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$50.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in S11
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-2397

Owner: Miller Miller Land Co. Phone No. (602) 230-7518

Current Address: 451 E. Glendale Ave. Phoenix, AZ 85020

- ☒ No change NAME IS THE SAME
- ☒ NEW OWNER + Paulsen, Albert → owns Parcel # R3667780-0000
- ☒ No change Address 24886 Peckham Rd., Wilder
- ☒ NEW ADDRESS
- ☐ How long owned property? \$ + Western ID Development → owns 19630 Friends Rd., Greenleaf small portion of SWS, S11

Accompanied by: N/A

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 5/29/26

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

Source: Mammen Gulch Creek *63-4008 is the only other w.r. claiming Mammen G. Creek
Tributary to Boise River

- ☐ No Change – SAME SOURCE
- ☒ Source found is different than claimed: Mammen Gulch was claimed & licensed, but the proper spelling is "Mammen."

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

(See USGS map in file).

The Field Examiner's project map depicts the POD as being located in the SE 1/4, S11. However, the SW 1/4, S11 was claimed & licensed. The 1939 NAPP (see file) shows Mammen

Gulch running through the SW 8W, S11; even though it seems to have disappeared from the 8ESW & SWSW, S11 by 1987. The 1981 orthophotogrid (see file) shows the Gulch running continually through Section 11.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

well # pump into laterals

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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

WATER USES

- ☐ No change
- ☐ Different Uses

Use Irrigation From 3/1 To _____ Amount 2.0 CFS 630.0 AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only

- ☒ Incomplete on claim, the total is, Amount _____ CFS 630.0 AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
- ☒ Changes Exam found: Domestic # of homes 1 Stock # _____
 Types _____ Additional comments: _____

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

Season of use is 3/1 to 11/15. (ADD 839)

CFS FACTOR = 0.014285714 cfs

Ambiguous License
 REMOVE DOMESTIC USE

140 acres x 4.5 af / acre = 630.0 af / annum $\checkmark$ 2.0 cfs x 1.9835 x 246 days = 975.9 af / annum

Domestic was licensed, but not claimed.

ADD C04 - Purpose of Use Accomplished Trans fer.

Since #63-21467 covers the home located in the SWSE, S11's I am assuming that this right is for the home built in 1918 and located in the SESE, S11 (Parcel No: R3677800000).

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-11698 , 63-12329 , 63-21467
 (+) Wilder Irrigation Dist. water

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

* 63-12329 is currently on hold due to the Moratorium → no overlap.
 * 63-21467 covers domestic use in SWSE, no overlap. Overlap with #63-11698 because
a field exam has been completed.
 Delivery System Narrative: See Report of Engineer and Application

For Permit No. 16489.

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

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Season of use is 3/1 to 11/15.

Use of this right is combined with Wilder Irr. Dist. water.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 5.31.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

3512

State of Idaho

License and Certificate of Water Right

Water License No. 16489
Water District No.

Amount 2.0 sec. ft.
Priority 5-29-1926.

THIS IS TO CERTIFY that G. M. Paulsen,
of Wilder, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 29, 1926; that Permit No. 16489
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on March 11, 1927, showing that said works
were completed on the 10th day of March, 1927; and that on the 16th
day of April, 1927,

G. M. Paulsen,
of Wilder, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Mammon
Gulch, a tributary of Boise River, for the purpose of irrigation and
domestic use, under Use Permit No. 16489 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3512, on the 11th day of June, 1928;

The right hereby confirmed dates from May 29, 1926;

The Point of Diversion is located
in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Tp. 4 N., R. 5 W., B. M. Canyon County;

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 2.0
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	5 W.	11	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	20
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
					Total 140

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 11th day of June, 1928.

GEO. N. CARTER

Commissioner of Reclamation

(SEAL)

63 2297

APPLICATION FOR PERMIT 63-2397

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 23339
Permit No. 16489
District No.

1. Name of Applicant: G. M. Paulsen

Postoffice address: Wilder County: Canyon State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 2.0 cubic feet per second.

3. Source of water supply: Main fork of Mammom Gulch which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
of Section 11 , T. 4N , R. 5 W , B. M., County of Canyon

5. Water is to be used for: irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 300.00 to \$400.00

8. Kind of works: electric motor and pump. Lift about 13 ft.

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet

Paine lateral of U.S.R.S. to our headgate.

11. Ditch: / Width at bottom feet; width at water line feet; depth of water

feet; dimensions of flume

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet

12. The time required for the completion of such work is one years.

13. The time required for the complete application of the water to the proposed use is none additional years.

14. The land to be irrigated is described in the following tabulation: See Remarks.

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
(b) Name of reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

G. M. Paulsen Applicant.

By

Agent.

Date of first receipt at Department of Reclamation. 9 A. M., May 29, 1926

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16489

Recorded in Book 59 Page 16489 Approved June 2, 1926

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

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

Work to begin on or before August 1, 1926 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 2, 1926

The whole of said work to be completed on or before June 2, 1927

Beneficial use of water appropriated in accordance herewith, to be made on or before June 2, 1927

Witness my hand this 2nd day of June, 1926.

W. G. SWENDSEN
Commissioner of Reclamation.

Remarks:

BY GEO. N. CARTER
Assistant

14 Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 N	5 W	11													40	20	40	40	140

Proof of Completion of Works made, March 10, 1927.

Certificate issued March 11, 1927. PERMIT NO. 16489

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that G. M. Paulsen, of Wilder, County of Canyon, and State of Idaho, the holder of Permit No. 16489, issued upon Application No. 23339, bearing date of priority of May 29, 1926, authorizing the diversion of 2.0 second feet of the waters of main fork of Mammon Gulch, County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.0 second feet of the waters of the said main fork of Mammon Gulch; that the point of diversion of said waters is in the SW¼SW¼, Sec. 11, Twp. 4 N., R. 5 W., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southeast quarter (SE¼), Section 11, Township 4 North, Range 5 West, Boise Meridian.

Witness my hand this 11th day of March, A. D. 1927.

GEO. N. CARTER,
Commissioner of Reclamation.

2.0 second feet
R 3512
License issued 1927

STATE OF IDAHO DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16489

This proof is for Beneficial Use

In Water District No.

1. Name of applicant: G. M. Paulsen
2. Source of water supply: Main Fork of Marmion Gulch
3. Location of point of diversion: Is in the SW 1/4 of Section 11
T. 4 N. R. 5 W B M. County of Canyon

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

*Applicant has installed Puma Water Lifter Motor
Driven which raises water to a lateral of U. S. R. S.
Govt. project, and divides same thru his service ditches
to land. Copy of pump 2 1/2 inch ft.*

5. Water is used for: Irrigation

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SE 1/4, Sec. 11, Twp. 4 N., R. 5 W., B.M.

Land Irrigated - NE 1/4 SE 1/4 Sec 11 - T. 4 N. R. 5 W. B. M. 40 acres.

NW 1/4 SE 1/4 " " " " 20 "

SW 1/4 SE 1/4 " " " " 40 "

SE 1/4 SE 1/4 " " " " 40 "

Total 140 "

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

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

Remarks:

*This farm presents an appearance of fertility
and good husbandry which is exceptional in comparison
to the average farm in Boise Valley. Use of this
water supply has no doubt contributed materially to
the thrifty appearance which the place presents.*

This examination was made on the 27 day of June

1917

(Signed)

Examiner.

16489

G. M. Paulsen
Wilder

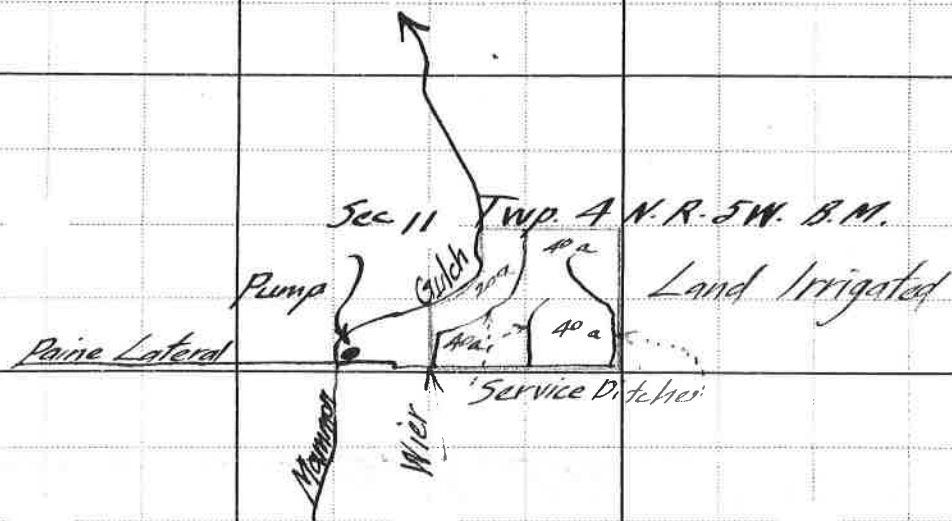
Permit No. 16489

Examination for Beneficial Use

County CANYON

INSTRUCTIONS TO EXAMINERS

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



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 16489

REPORT ON PROOF OF Beneficial Use, L. M. Paulsen

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2397

01/26/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~2397~~	~~Claim~~	~~04N~~	~~05W~~	~~11~~	~~NE~~	~~SE~~		~~IRRIGATION~~	~~40/140~~	~~DILLER MILLER LAND COMPANY LLC~~
~~2397~~	~~Water Right~~	~~04N~~	~~05W~~	~~11~~	~~NE~~	~~SE~~		~~IRRIGATION~~	~~40/140~~	~~G M PAULSEN~~
~~2397~~	~~Claim~~	~~04N~~	~~05W~~	~~11~~	~~NW~~	~~SE~~		~~IRRIGATION~~	~~20/140~~	~~DILLER MILLER LAND COMPANY LLC~~
~~2397~~	~~Water Right~~	~~04N~~	~~05W~~	~~11~~	~~NW~~	~~SE~~		~~IRRIGATION~~	~~20/140~~	~~G M PAULSEN~~
~~2397~~	~~Claim~~	~~04N~~	~~05W~~	~~11~~	~~SW~~	~~SE~~		~~IRRIGATION~~	~~40/140~~	~~DILLER MILLER LAND COMPANY LLC~~
~~2397~~	~~Water Right~~	~~04N~~	~~05W~~	~~11~~	~~SW~~	~~SE~~		~~IRRIGATION~~	~~40/140~~	~~G M PAULSEN~~
~~21467~~	~~Water Right~~	~~04N~~	~~05W~~	~~11~~	~~SW~~	~~SE~~		~~DOMESTIC~~		~~ALBERT W PAULSEN~~
~~2397~~	~~Claim~~	~~04N~~	~~05W~~	~~11~~	~~SE~~	~~SE~~		~~IRRIGATION~~	~~40/140~~	~~DILLER MILLER LAND COMPANY LLC~~
~~2397~~	~~Water Right~~	~~04N~~	~~05W~~	~~11~~	~~SE~~	~~SE~~		~~IRRIGATION~~	~~40/140~~	~~G M PAULSEN~~

- supplemental to Wilder Irr. Dist.
water

- #63-21467 covers domestic use
at 25270 Red Top Rd. in
SWSE, S11 (no overlap).

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-11698

WATER RIGHT NUMBER: 63-11698

Owner Type

Current Owner

Name and Address

PAULSEN FARMS
22009 TRAVIS RD
WILDER, ID 83676
(208)482-7588

Priority Date: 03/06/1992

Basis:

Status:

PERMIT

Active

ACTIVE

Field Exam? - Yes

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

2.700 CFS

Annual VolumeTotal Diversion:

2.700 CFS

Location of Point(s) of Diversion

GROUND WATER

CANYON County

SE1/4SW1/4

Sec. 10, Twp 04N, Rge 05W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	05W	10									40.0				40.0				80.0
04N	05W	11													15.0	38.0	2.0		55.0

Total Acres: 135

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
2. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. This right 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.
This permit does not authorize the development and irrigation of land not previously irrigated under prior temporary approval of this application.
Water bearing zone to be appropriated is 100 to 600 feet.
4. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-11698

5. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. 066 Prior to diversion of water under this right, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to use power records to determine the amount of water diverted from each point of diversion listed under this right.
7. 069 Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.

Remarks:Comments:

1. GRAVES 3/6/1992 CORPORATE OFFICER

Comment: The sole corporate officer of Paulsen Farms is: A. W. Paulsen, President.

2. SCURTIS 3/27/1996 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 5/1/1996

Permit Proof Made Date: 3/25/1996

Permit Approved Date: 1/18/1996

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Field Exam Date: 11/3/1999

Date Sent to State Office: 8/2/2000

Date Received at State Office: 8/3/2000

State or Federal:

Owner Name Connector:

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/di size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

YES Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P/D	GENERAL ELECTRIC	150 Hp	DJJ418106	AURORA VERTILINE	16" MAINLINE
RELIFT PUMP	PARMA WATER LIFTER 60	20 Hp	U17056	PARMA WATER LIFTER 60	U17056

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: The pump was not operating at the time of the exam. This is a supplemental well, so it was not reasonable to force the applicant to turn on the well and pay high demand charges. Therefore, a theoretical calculation was done on the well.

E. NARRATIVE/REMARKS/COMMENTS

The water for this permit is pumped from a well located in the Southwest corner of the SESW Section 10. From the well the water can be sent 3 directions. The first direction is due west to a cement ditch that irrigates the 37 acre field in the SESW S10. The second direction is due north through a mainline to the northwest corner of the NESW S10. The mainline then open discharges into a ditch that irrigates the 37 acre field in the NESW S10. The third direction the water can travel is due south to the Wilder Irrigation District lateral that runs parallel to Red Top Road.

The water flows east in the lateral for 1¼ miles to a distribution box located in the southwest corner of the SWSE S11. At this distribution box the water can be sent in two directions. A re-lift pump has been installed at the distribution box to pump water through a buried mainline that travels north to a lateral then northeast to a ditch that runs along the northern border of the SWSE S11. This ditch irrigates the land in the N ½ of the SE S11. The water at the junction box can also be turned into a ditch that travels east parallel along Red Top Road to irrigate the lands in the S ½ SE S11.

OVERLAPPING

RIGHTS:

Water right 63-02397 overlaps this place of use. This right is a surface water right that is owned by the applicant. Wilder Irrigation District water is also used on this ground. These rights are for same ground, but from a different source. This permit was filed for supplemental water to these irrigation rights, so they should not be a problem. Application for permit 63-12329 has been filed from the same point of diversion and same place of use. This permit is currently on holding pending backlog reduction. If this permit is allowed to be processed then our department will need to ensure that these lands are not allowed more than .02 cfs per acre.

RECOMMENDATION:

I recommend that this permit be licensed for a diversion rate of 2.66 cfs and annual volume of 598.5 afa to irrigate 133 acres of ground. When combined with all other rights this permit should be limited to .02 cfs per acre and 4.5 per acre annual volume. Both surface water rights should be used to their full extent prior to diverting water from the well. I also recommend that the new season of use standards be applied to this permit of 3/1 to 11/15.

Have conditions of permit approval been met? ☒ yes* ☐ no

* This well can easily be measured and recorded using power records and a PCC.

F. FLOW CALCULATIONSYes Additional Computation Sheets Attached

Measured Method:

2.93 cfs capacity per theoretical calculation (see attached worksheet).

The diversion rate can be limited by the permit that allows 2.70 cfs or the number of acres multiplied by the maximum rate per acre of .02 cfs or 2.66 cfs (133 acres X .02 = 2.66 cfs). The maximum allowable diversion rate is 2.66 cfs and that is what will be recommended for this permit.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (133) \times (4.5) = 598.5 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (2.66) \times (260) \times (1.9835) = 1371.79$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 598.5 \text{ afa}$$

B

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>03/01</u>	<u>11/15</u>	<u>2.66 cfs</u>	<u>598.5 afa</u>
Totals:			<u>2.66 cfs</u>	<u>598.5 afa</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

DANIEL A. NELSON – SENIOR AGENT

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____

SEAL

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-12329

WATER RIGHT NUMBER: 63-12329

Owner Type Name and Address
 Current Owner PAULSEN FARMS
 22009 TRAVIS RD
 WILDER, ID 83676
 (208)482-7588

Priority Date: 03/25/1996

Basis:

Status: Active

Source Tributary
 GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 3/15 to 11/15 3.800 CFS
 Total Diversion: 3.800 CFS

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4SW1/4 Sec. 10, Twp 04N, Rge 05W, B.M.
 CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	05W	11													38.0	2.0		30.0	70.0
04N	05W	12									40.0	40.0	40.0						120.0

Total Acres: 190

Conditions of Approval:

1. Water bearing zone to be appropriated is 140 to 160 feet, 331 to 351 feet, 365 to 385 feet, and 545 to 565 feet.

Remarks:Comments:

Water Application -
 Active
 ⇒ Moratorium Hold

Apps. List

Apps. List -

Parker, Richard &/or Robin	79-07267	2-1-99	LG	
Parker, Richard &/or Robin	79-07268	8-2-01		
Parkinson, Joseph	57-07631	2-5-97	AMENDMENT	
see Permit file, SL has for field exam 4-8-97				
Parma, City of	63-32221	10-7-05	SC	SO 1-12-06
Parson, J.B. Co		2-18-00		
Dba City Transfer Ready Mix				
Partridge, William &/or Marlene	65-22794	5-7-03	TRANSFER	LG
Pascoe, Ronald	65-22758	6-3-02	HOLD to 1-2005 WD SO 7-5-05	SL
Paterson, Alex &/or Barbara	63-12321	2-13-96		
Paterson, Alex &/or Barbara	63-12320	2-13-96		
Patton, Bret	65-11392	5-24-05	TRANSFER	LG
Paulsen Farms	63-12329	3-25-96		
Pavelek, Richard A.	63-12208	5-11-95		
Peachtree Hill LLC		12-14-05	SC	
Pearson, Joyce	61-00371A 61-372	3-14-05	TRANSFER 72547	DN
Pedroza, Mario &/or Maria	61-07757	1-3-00	HOLD	
Peer, Bonnie &/or Dennis	63-12262	8-22-95		
Peregrine Springs LLC	63-7194 Split portion	7-22-05	TRANSFER	HOLD ADV
Perkins, John		1-3-06		
Peterson, Barry &/or	61-4002A	1-26-05	EXT OF TIME	SL

overlap review -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-21467

WATER RIGHT NUMBER: 63-21467

Owner Type

Current Owner

Name and Address

ALBERT W PAULSEN
C/O ALBERT PAULSEN
24886 PECKHAM RD
WILDER, ID 83676-5221
(208)482-7588

located at:

25270 Red Top
in SWSE, S11

Priority Date: 01/01/1911

Basis: Decreed

Status: Active

V. 1918 (#63-2397)
Domestic

(different Pou)

Source

GROUND WATER

Tributary

Beneficial Use

DOMESTIC

From To

1/01 to 12/31

Diversion Rate

0.040 CFS

Annual Volume

Total Diversion:

0.040 CFS

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4

Sec. 11, Twp 04N, Rge 05W, B.M.

CANYON County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	05W	11															X		

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. PARCEL NO. IR 36776-000-0
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-21467

Comments:

1. DUNN1 8/20/1993 COPIED FROM REMARKS

Comment: SW1/4 SE1/4 SOUTH OF MAMON DRAIN

2. SSHERMAN 4/14/1999 ADDRESS CHANGE

Comment: ADDRESS CHANGE BY CLAIMANT LETTER.

Water Supply Bank:

REAL PROPERTY INQUIRY

+++++

01 5R36778-000- -0 025-00 SCH133+ 12 22,500 1.00

+++++ 2A 13,900 2.32

PAULSEN, ALBERT W JR-TRUST + 32 116,400

% PAULSEN, ALBERT W JR-TRUSTEE + 34 109,300

+

+

+

24886 PECKHAM RD +

WILDER ID 83676 +

+++++

11-4N-5W SE + TOTAL 262,100 3.32

SESESE LS TX 01659

+++++

+ SURVEY INST 9806438

+ DRAIN DR VALUE APPR MKB

+ CLASS R2 REAP 04 MAN 03 UNIT 2

+ PARCEL 5R04N05W119000 H/O N C/B N

+ PRIOR ACCOUNT 4R36778-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R36778000 0 UNIT 001 TOTAL UNITS 2

SITE 22009 RED TOP RD WI SEC/TWN/RNG 11-4N-5W

ASSESSED VALUE 262,100 ACREAGE 3.32

SUB/PARK NAME YEAR/MAKE

CLASS R2 RENTAL HOUSE CLASS '2' SPACE LOT BLOCK

+++++

YR BUILT 1918 AIR COND AIR - NONE CARPORT N

STORY 2 STORY HEATING OIL CARPORT SQ FT

FIRST SQ FT 1328 EXTERIOR UNKNOWN DECK/PATIO? N

SECOND SQ FT 620 ROOF WOOD SHINGLES POOL? N

BEDS 1 BSMT SQ FT 1152 SPA? N

BATHS 1.00 % BSMT FIN LOT SIZE

FRPLC 1 GARAGE D1 NEIGHBORHOOD 0

GARAGE SQ FT 360

+++++

COMMENTS (1 OF 2) 2 UNITS/EXT - SIDING MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

REAL PROPERTY INQUIRY

+++++

01 5R36777-000- -0 025-00 SCH133+ 01 38,100 39.29

+++++ 19 2.50

DILLER MILLER LAND CO LLC

+

+

+

+

+

451 E GLENDALE AVE

+

PHOENIX AZ 85020

+

+++++

11-4N-5W SE

+ TOTAL 38,100 41.79

TX 6 & NESE LS TX 7

+++++

+ SURVEY INST 200218308

+ DRAIN DR VALUE APPR MKB

+ CLASS REAP 03 MAN UNIT 0

+ PARCEL 5R04N05W117200 H/O N C/B N

+ PRIOR ACCOUNT 4R36777-000- -0

+ 02 MH on Property NO

FERN LN, WI

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R36777000 0 UNIT 001 TOTAL UNITS

SITE FERN LN WI SEC/TWN/RNG 11-4N-5W

ASSESSED VALUE 38,100 ACREAGE 41.79

SUB/PARK NAME YEAR/MAKE

CLASS NO BUILDING CLASS SPACE LOT BLOCK

+++++

YR BUILT 0 AIR COND AIR - NONE CARPORT N

STORY NO BLDG HEATING CARPORT SQ FT

FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N

SECOND SQ FT ROOF UNKNOWN POOL? N

BEDS 0 BSMT SQ FT SPA? N

BATHS .00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

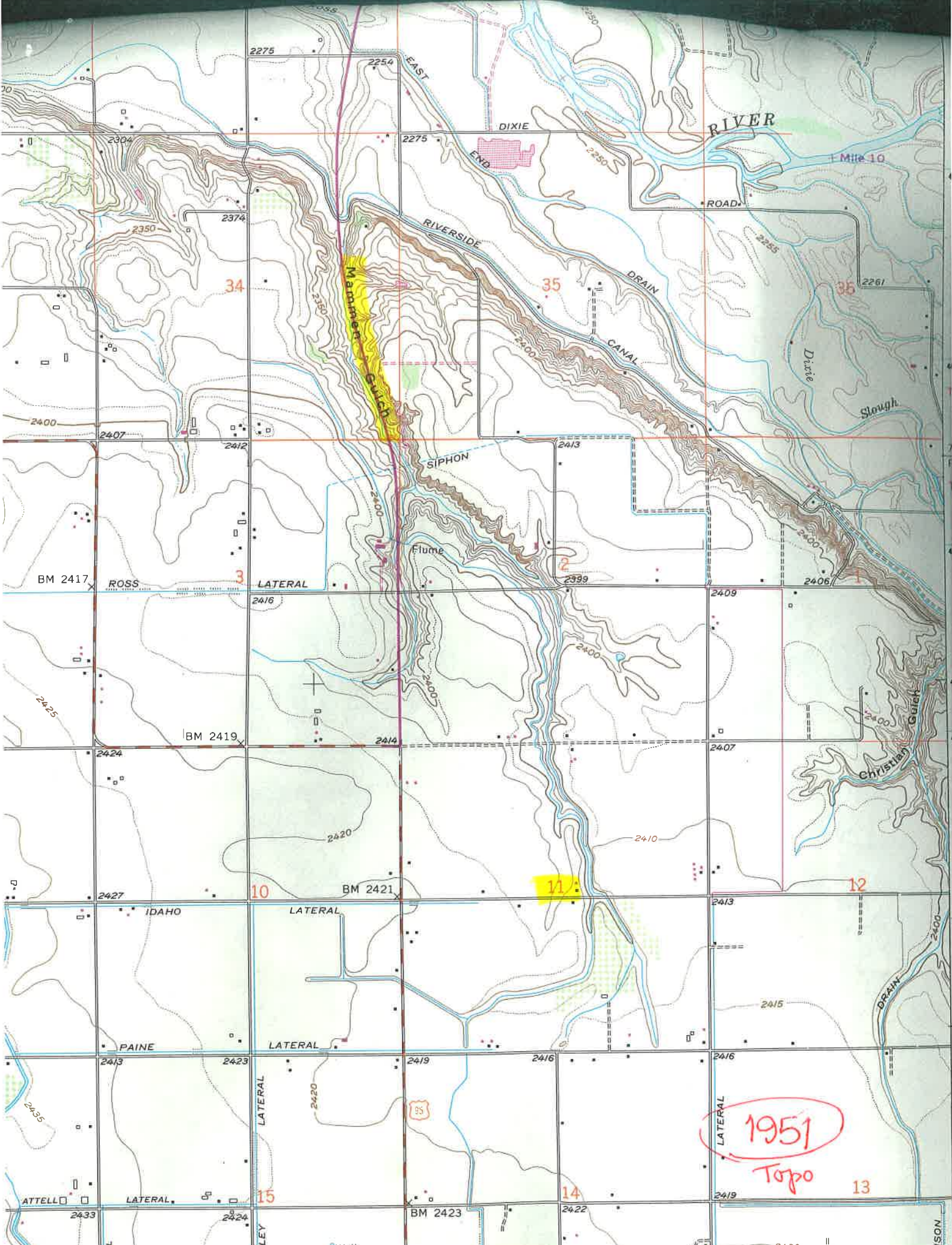
GARAGE SQ FT

+++++

COMMENTS MOBILE HOME ONLY

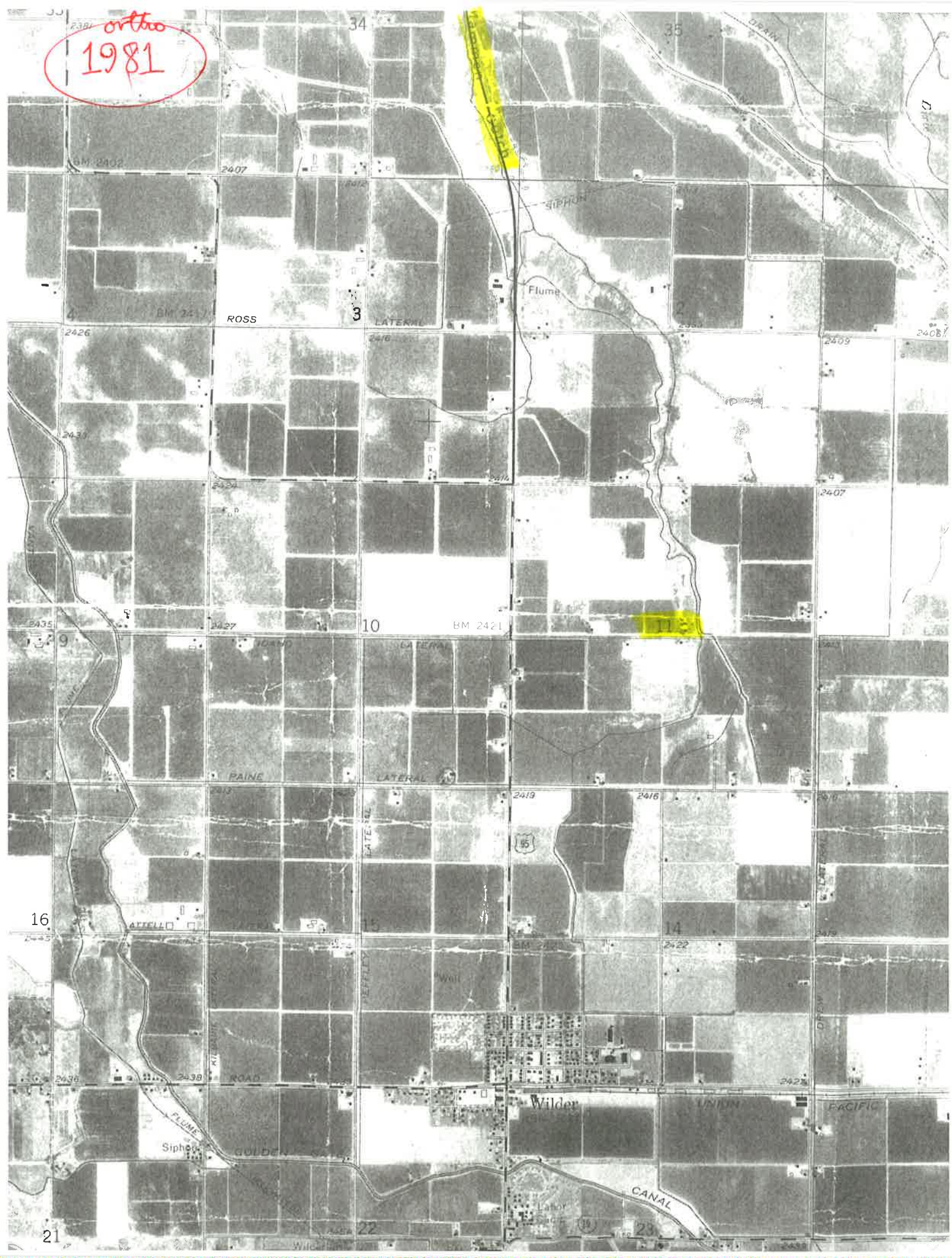
WIDTH/LENGTH

EXPANDO



1951
Topo

ortho
1981





Receipt Details for ID W010890

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/13/1990 10:47:33 AM	3/13/1990	Western	\$175.00	Check
Payer		PAULSEN BROS.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4509			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$175.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	21470		\$25.00	Claim
63	2397		\$50.00	Claim
63	21467		\$25.00	Claim
63	21468		\$25.00	Claim
63	21469		\$25.00	Claim
63	21471		\$25.00	Claim

Print Report

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right Nos. A63-2397

February 7, 2006

Since I have questions regarding this claim, I spoke with Craig Paulsen (#208-573-2470), the Authorized Agent for Paulsen Farms. When I asked Mr. Paulsen about the source – Mammen Gulch Creek, he said that it is actually called “Mammen Drain.” Regarding the domestic use that was licensed, but not claimed; Mr. Paulsen said that I should delete the homes, the domestic use, from the claim “since the land is only irrigated land.” When I asked if this change occurred prior to 1987, Mr. Paulsen assured me that it most definitely had. When I asked which house was built first, Mr. Paulsen ended this conversation by informing me that he has sold the property to “Diller Miller” and suggested that I talk to Steve Miller since he has “sold this land.”

Kimberly Brown
Senior Water Resource Agent
Western Region



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

August 5, 2003

DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ 85020

Re: Notice of Claim to a Water Right No. 63-2397

Dear Claimant(s):

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

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

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(s), please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

DILLER MILLER LAND Co., LLC
451 E. Glendale Avenue, Phoenix, AZ 85020

RECEIVED
OCT 25 2002

Department of Water Resources

22 October 2002

State of Idaho
Department of Water Resources
Att'n: Kay Walker, Sr. Water Resource Agent
1301 North Orchard Street
Boise, ID 83706

RECEIVED
JUL 23 2003

WATER RESOURCES
WESTERN REGION

Ref: 1. DWR ltr 3 October 2002 Re: Permit 63-11698 and 63-12329
2. Telecon K. Walker & Stephen Miller, 9 Oct 2002

Dear Ms. Walker;

I am attaching a packet of information relative to the purchase of farm land from the Paulsen family and estates which transferred the referenced water permits to the Diller Miller Land Co., LLC. As we discussed in our phone conversation I am including a letter from Mr. Craig Paulsen certifying that land sold to other parties, including Mr. Craig Paulsen, did not convey and was exclusive any of the groundwater rights for irrigation even though it was included in these permits.

We also discussed the history of the land transactions relative to the permits. The purchase was made by the Diller and Miller families in two separate contracts primarily because an IRS 1031 exchange was involved. Mr. James Diller and his wife Helen purchased the land in Section 10 which included the irrigation well (point of discharge) and permits. The Miller family, Stephen and Jacqueline Miller (daughter of James Diller) and children, Stephanie Kahne and Richard Miller purchased property in Section 11 and 12. The land purchased was farmable acreage and excluded any farmyards and houses or buildings or shop areas. The Warranty Deeds for these transactions and maps of the property are included.

The Diller Miller Land Co., LLC was formed in Arizona on 5 October 2001 for the purpose of holding and operating the lands purchased in a single entity. A copy of the Certificate of Good Standing and evidence that it was filed with the Idaho Secretary of State is attached.

The Miller family contracted to sell to Mr. Craig Paulsen 6.83 acres south of his existing farmstead and house. This sale did not include the groundwater rights in the permits. With this purchase Mr. Paulsen holds 11 acres more or less on the east side of the northeast quarter of the southwest quarter of Section 12. The Warranty Deed for this transfer is included.

Following the sale to Mr. Paulsen, the Diller and Miller families then transferred in Dec 2001 by Warranty Deed the property and the permits into the Diller Miller Land Co., LLC. A copy of the deeds are attached. Based on this transaction the application was made to transfer ownership of the water permits to the LLC.

The Paulsen family sold to another party the 40 acres in the southwest quarter of the southwest quarter of section 12 included in the permits. Mr. Craig Paulsen's letter certifies the sale was exclusive of groundwater rights in the permits.

I have also included a copy of the permits with suggested corrections to be made as the result of the sales.

Please contact me if you have any questions at 602-230-7518.

Sincerely


Stephen J. Miller
Managing Representative

- Atchs; 1. Ltr, 15 Oct 2002 – Mr. Craig Paulsen (original)
2. Maps of parcels
 3. Acreages in transactions to Diller and Miller families.
 4. Warranty Deed - Paulsen family to Miller family.
 5. Warranty Deed - Paulsen family to Diller family.
 6. Warranty Deed - Miller family to Craig Paulsen (6.83 acres)
 7. Warranty Deed – Miller family to Diller Miller Land Co. LLC
 8. Warranty Deed – Diller family to Diller Miller Land Co. LLC
 9. Certificate of Good Standing, Diller Miller Land Co. LLC
 10. Idaho Sec. of State ltr. Undated.
 11. DWR water application reports, w/suggested corrections

24549 Fern Road
Wilder, ID 83676

15 October 2002

Idaho Department of Water Resources
Att'n: Ms. Kay Walker, Sr. Water Resource Agent
1301 North Orchard Street
Boise, ID 83706

Dear Ms. Walker;

As the Authorized Agent of Paulsen Farms I am providing information concerning water rights, No. 63-11698 and 63-12329, for ground water used for irrigation. These rights were transferred by the owners and agents of Paulsen Farms in November 2001 by warranty deed to new owners in a sale of agricultural land. The majority of land identified in the water rights was sold to James L. Diller and wife and to his daughter, Jacqueline L. Miller, her husband, Stephen J. Miller and their two children.

The real estate property transferred in this sale included only farmable lands. No home sites, buildings, or other structures were included. Therefore, acreage figures in the deeds may differ from those shown in the original water rights. The sale included the existing well, and pump at the point of diversion in Section 10, T4N, R5W, and associated ditches and piping used for conveying the irrigation water to all land identified in the water rights that the Diller's and Miller's purchased.

In December 2001, after the sale was completed I personally bought back 6.83 acres in Section 12, T4N, R5W, from the Millers that adjoined the south side of my home site property on Fern Road. I did not purchase any portion of the subject water right in this sale. My property now consists of 10 acres more or less in Section 12 T4N, R5W, described as the E1/4 NE 1/4 SW1/4.

In addition, Paulsen Farms sold to a separate buyer the 40 acres identified in the water right 63-12329 as Section 12, T4N, R5W, SW 1/4 SW1/4. No portion of this water right was conveyed or transferred to this buyer as the result of this sale.

An additional water right (which has not yet been decreed) was transferred to the Miller's by warranty deed. This is No. 63-2397 (formerly water license 16489).

Questions may be directed to me at 208-573-2470.

Sincerely,



Craig A. Paulsen



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 3, 2002

DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ 85020

RE: Permit No. 63-11698

Gentlemen:

We are in receipt of the "Notice of Change in Water Right Ownership" form that was submitted in regard to the above referenced permit. In a review of the ownership change form, the permit and the warranty deed you submitted, we find that we need more information before we can take any action towards this change.

The warranty deed submitted shows Diller Miller Land Company purchased 73.54 acres, more or less. The warranty deed also states "Together with all water rights for irrigation use under Permit to appropriate water No. 63-11698 and all water rights for irrigation use under Application for permit No. 63-12329." Permit No. 63-11698 was issued for the irrigation of 135 acres of land and Application for Permit No. 63-12329 includes irrigation of 190 acres.

In order to resolve this matter, we request that you submit either 1.) a chain of title which describes the transfer of property from Paulsen Farms, any intermediate owners, to James and Helen Diller or 2.) An "Assignment of Permit" form and an "Assignment of Application for Permit" form that must be signed by an authorized agent of Paulsen Farms. I have included both of these forms for your convenience. I am also enclosing computer-generated reports of the permit and application as they are recorded for your information.

We cannot process the ownership change form as it was submitted. Please submit the additional information requested above so we can proceed with this change. If you have any questions in this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

10-9-02
Steve Miller called
from AZ - will
send in additional
deeds & letter from
Paulsen re: lands
not sold to Miller
but sold without
water - KW

RECEIVED

MAY - 3 2002

Department of Water Resources

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: D. Shaff/D. Allen
 FROM: Western Region Date: 5/1/2002
 SUBJ: Receipt No. W029096 (Please attach ARQ2 Receipt copy immediately behind blue form)

RECEIVED

RE: PayOR Diller Miller Land Company
 Address 451 E Glendale Ave
Phoenix AZ 85020

MAY 15 2002

WATER RESOURCES
 WESTERN REGION

Claimant(s) if NOT Payor _____
 Refund Amount \$ 25.00 Claim Location (Region) Claimant _____
 Extension Filed? Y/N NA Copy Attached? Y/N NA
 Late Fees Paid? Y/N NA Late Fee Receipt # _____
 S.O. Verified Ext. by _____ on _____ D.B. Query by _____
 Refund Generated By ☒ Agent () Claimant
 Refund Category:
 insufficient fees / claim incomplete / withdrawn (o-pmt)

Date of Last Correspondence (copy attached) _____

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>A63-02397</u>	<u>Irrigation</u>	<u>\$25.00</u>	<u>0</u>	<u>W029096</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
Total		\$ _____	\$ _____	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N

No fee required for change of ownership - still pending in SRBA.

Region AJ Spvsr. Approval _____ S.O. AJ Spvsr. Approval _____
 Don Shaff Approval 5/6/02 Hold _____ To Fiscal 5-7-02
 Logged 5-6-02
 Data Base Modified? Y/N NA A &/or R Records By _____ on _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 6, 2002

DILLER MILLER LAND COMPANY
451 E GLENDALE AVE
PHOENIX AZ 85020

RE: Snake River Basin Adjudication (SRBA)
Notice of Change of Water Right Ownership Fees
Notice of Claim #63-2397

Dear Claimant:

The water right claim referenced above is still pending in the SRBA; therefore, no fees are due. The refund process has been initiated with the State Auditor's Office for the \$25.00 fee you paid on receipt #W029096. You should receive a check in the near future.

For future reference, you can determine if a water right claim has been decreed by checking the SRBA Court's site at www.srba.state.id.us. Scroll to IWATRS Reports, then scroll down to Display a Subcase Summary Sheet, enter the adjudication claim number (xx-xxxxx). This will tell you if and when a partial decree was issued. If it HAS been decreed, there is a \$25.00 ownership change fee due with each water right. If it has NOT been reported or decreed yet, and is therefore still pending in the SRBA, there is no fee due.

Sincerely,

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:ss:ref

Receipt Details for ID W029096

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/29/2002 3:32:43 PM	4/30/2002 2:52:27 PM	WESTERN	\$25.00	Check
Payer		DILLER MILLER LAND COMP		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
106			
Card Expiration Date	Credit Card Transaction #		

Comment CHANGE IN WATER RIGHT OWNERSHIP, 63-2397

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	62140	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
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IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-02397

Date: 12-10-01

	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	4N	5W	11													40	20	40	40	140
GIS																40	20	40	40	140
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1 (SWSW)

Total Claimed Acres: 140

Overlapping POU Claim #'s:

Total GIS Acres: 140

COMMENTS:

Per license map.

Idaho Department of Water Resources

Claim Number: 63-02397

Legal: T04N, R05W, S11

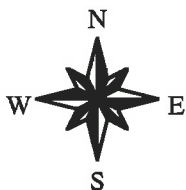
Reviewed By:

1987 Napp Photo

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



0 0.25 0.5 Miles



* The POD is claimed and licensed in the SWSW, S11 (not the SESW).