

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 63-2630D  
Date Received: 4/13/1990  
Receipt No: C016266  
Received By:

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

1. Name of Claimant(s)

DE HOOG PROPERTIES INC. Phone:  
31156 MARKER ROAD  
PARMA ID USA 83660

2. Date of Priority: 02/21/1946

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County | Type |
|----------|-------|---------|-----------------------|----|----|--------|------|
| 05N      | 06W   | 13      | SW                    | SW | SW | CANYON |      |

5. Description of diverting works:

PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 3.1    |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot |    | Use        | Acres |
|----------|-------|---------|----------------|----|------------|-------|
| 05N      | 06W   | 13      | NW             | SW | IRRIGATION | 40    |
|          |       |         | SW             | SW | IRRIGATION | 40    |
|          |       |         | SE             | SW | IRRIGATION | 35    |
|          |       |         | NE             | SW | IRRIGATION | 40    |

SCANNED

APR 18 2008

Section Acres 155

Total Acres 155

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:

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

CHANGE IN OWNERSHIP LG 11-15-2006

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: A63-02630D  
Date Received: 4/13/1990  
Receipt No: C016266  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: DOWNS DAIRY LIMITED PARTNERSHIP  
Address: 31156 MARKER RD.  
PARMA ID 83660

208-722-6570

2. Date of Priority: FEB 21, 1946

3. Source: UNNAMED STREAM

Trib. to: BOISE RIVER

4. Point of Diversion:

Department of Water Resources  
Western Regional Office

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05N      | 06W   | 13      | SW     | SW     | SW     |     | CANYON |

5. Description of diverting works:  
PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 3.100  |      |        |

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

A.F.A.

8. Total consumptive use is 542.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 05N      | 06W   | 13      | NE     | SW     |     | IRR | 40.0  |
|          |       |         | NW     | SW     |     | IRR | 40.0  |
|          |       |         | SW     | SW     |     | IRR | 40.0  |
|          |       |         | SE     | SW     |     | IRR | 35.0  |

A63-02630D

Page 1

Date: 12/15/92

MICROFILMED

JUL 25 1994

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 155.0 |
|          |       |         |            |     | Total Acres   | 155.0 |

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:  
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 19769

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: A63-02630D  
Date Received: 4/13/1990  
Receipt No: CD16266  
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DOWNS DAIRY LIMITED PARTNERSHIP 208-722-6570  
Address: 31156 MARKER RD.  
PARMA, ID 83660

2. Date of Priority: FEB 21, 1946

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05N      | 06W   | 13      | SW     | SW     | SW     |     | CANYON |

5. Description of diverting works:  
PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 3.100  |      |        |

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

8. Total consumptive use is 542.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 05N      | 06W   | 13      | NE     | SW     |     | IRR | 40.0  |
|          |       |         | NW     | SW     |     | IRR | 40.0  |
|          |       |         | SW     | SW     |     | IRR | 40.0  |
|          |       |         | SE     | SW     |     | IRR | 35.0  |

Section Acres 155.0

A63-02630D

Page 1

Date: 04/13/90

MICROFILMED

JUL 25 1994

10. Place of Use: Continued

Total Acres 155.0

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:  
NONE

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 19769

(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.

I do solemnly swear or affirm that I am General Partner of  
Douns Dairy, that I have signed the foregoing  
Organization document in the space below as General Partner of  
Douns Dairy and that the statements contained in the  
Organization foregoing document are true and correct. Sam Douns

JUL 25 1994

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

RECEIVED

AUG 29 2005

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-26300-AJ           |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

RECEIVED

from W.A.

OCT 6 2005

Department of Water Resources

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

Larry Downs

4. New Owner/Claimant(s)

Fitz De Hoog Properties LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

31156 Marker Rd

City, State and ZIP Code

Parma ID 83660

New Telephone Number

208 722 7348

5. Date you acquired the property

6/16/1997

RECEIVED

OCT 07 2005

WATER RESOURCES  
WESTERN REGION

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

*Amel De Nove*  
manager / member

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 lgagnon Date 8-29-05 Fee 05  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by lgagnon AJ Date 11-15-06 WR \_\_\_\_\_ Date \_\_\_\_\_

## SITE DESCRIPTION

### Location and Area

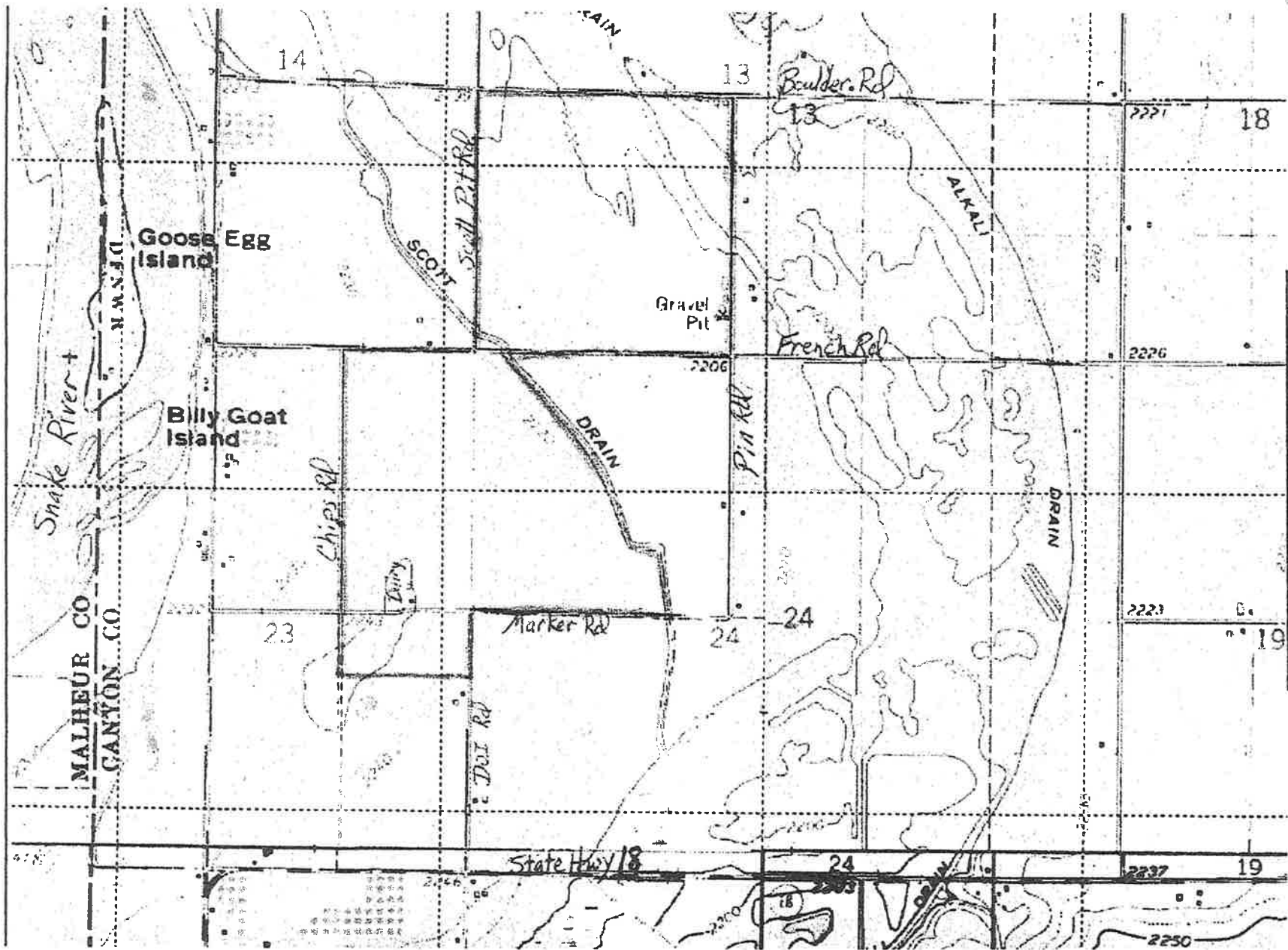
The appraiser was acquired the legal description from Canyon County public records, see legal description in Addenda. The subject is the SW  $\frac{1}{4}$  of Section 13 (160.0 acres), the E  $\frac{1}{2}$  NE  $\frac{1}{4}$  and the N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 23 (100.0 acres), and the portion of the NW  $\frac{1}{4}$  of Section 24 lying westerly of the Scott Drain (80.78 acres), all in Township 5 North, Range 6 West, Boise Meridian. The subject is irregular in shape. Acreage estimates are from Canyon County Assessor's records. Total acreage for subject is 340.78  $\pm$  acres.

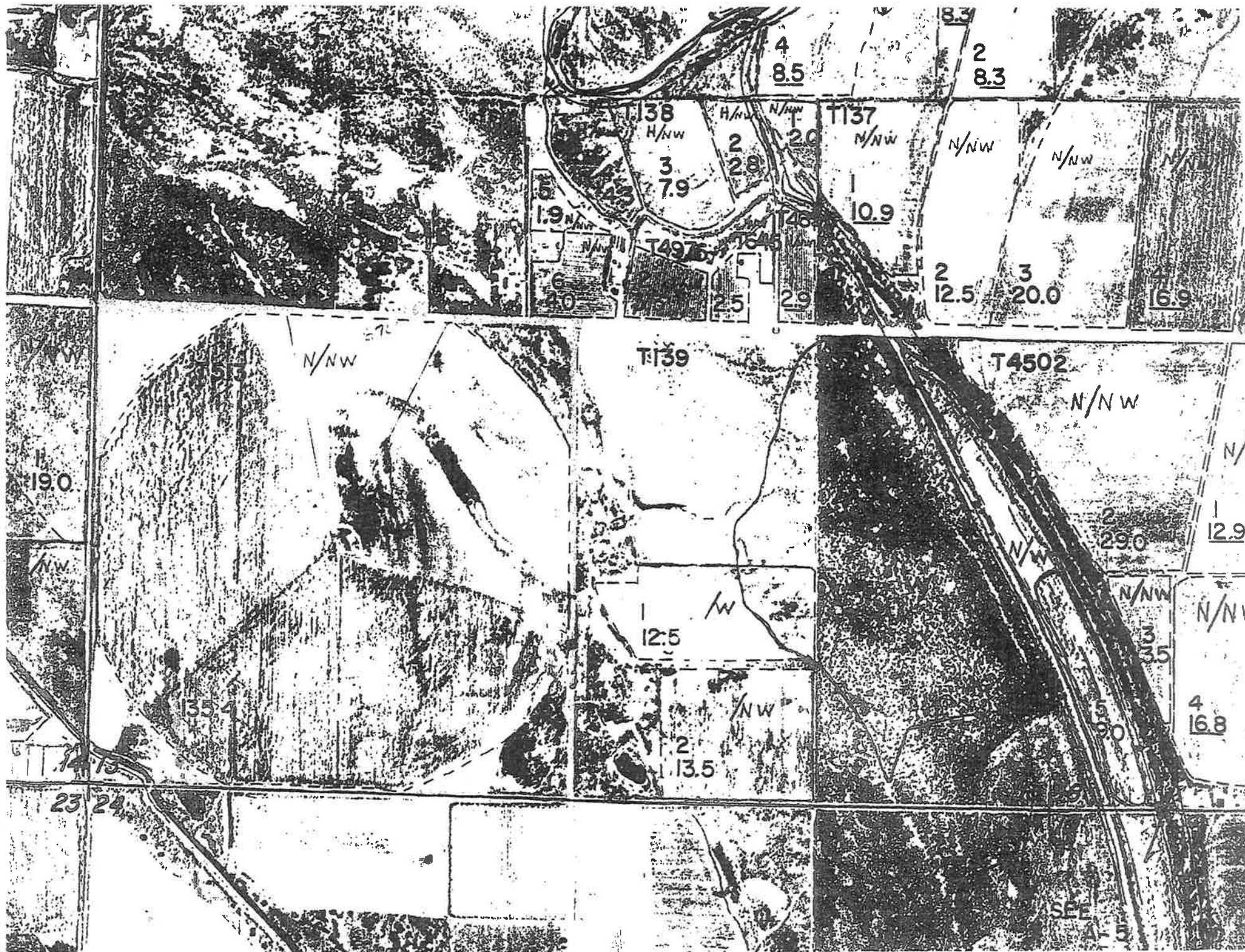
The subject is overlaid on the Roswell Park Fruit Tract subdivision, which was never developed in the area. This subdivision is grandfathered, pre-existing area zoning regulations (see zoning below).

### Topography and Drainage

Elevation on the subject is approximately 2,200 to 2,243 feet above sea level. The subject has a slight hill in the southwest portion, which is the high point. The low points are along the northern border. Most of the subject has gentle slopes (see plat map overlaid on Topographical map). The North Alkali Drain crosses the northeasterly portion of Section 13. The Scott Drain runs from southeast to northwesterly across the subject and intersects the North Alkali Drain. The area predominately drains northwesterly-westerly toward the Snake River.

Subject Overlaid on Topographic Map





PN 43390

Recording Requested By,  
And when recorded return to:  
WELLS FARGO BANK,  
NATIONAL ASSOCIATION  
201 3rd Street, 8th Floor  
San Francisco, CA 94163  
Attention: Loan Documentation #02101

REQUEST  
PIONEER - MAMA  
THE MAMA FEE 415.00

BY  
MED J KERN  
CANYON CITY RECORDER

97 JUL 16 / MON 11 35

RECORDED

9722029

## DEED OF TRUST AND ASSIGNMENT OF RENTS AND LEASES

THIS DEED OF TRUST AND ASSIGNMENT (this "Deed of Trust") is executed as of June 16, 1997, by GEERTJE N. DE HOOG, a single woman ("Grantor"), to WELLS FARGO BANK (ARIZONA), NATIONAL ASSOCIATION ("Trustee"), for the benefit of WELLS FARGO BANK, NATIONAL ASSOCIATION ("Beneficiary").

### ARTICLE I. GRANT IN TRUST

1.01 Grant. For the purposes and upon the terms and conditions in this Deed of Trust, Grantor irrevocably grants, conveys and assigns to Trustee, in trust for the benefit of Beneficiary, with power of sale and right of entry and possession, Grantor's interest in: (a) all real property located in West Canyon County, Idaho, and described on Exhibit A attached hereto and which real property is within a city or village or is 20 acres or less in size; (b) all easements, rights-of-way and rights used in connection with or as a means of access to any portion of said real property; (c) all tenements, hereditaments and appurtenances thereof and thereto; (d) all right, title and interest of Grantor, now owned or hereafter acquired, in and to any land lying within the right-of-way of any street, open or proposed, adjoining said real property, and any and all sidewalks, alleys and strips and gores of land adjacent to or used in connection with said real property; (e) all buildings, improvements and landscaping now or hereafter erected or located on said real property; (f) all development rights, governmental or quasi-governmental licenses, permits or approvals, zoning rights and other similar rights or interests which relate to the development, use or operation of, or that benefit or are appurtenant to, said real property; (g) all mineral rights, oil and gas rights, air rights, water or water rights, including without limitation, all wells, canals, ditches and reservoirs of any nature and all rights thereto, appurtenant to or associated with said real property, whether decreed or undeclared, tributary or non-tributary, surface or underground, appropriated or unappropriated, and all shares of stock in any water, canal, ditch or reservoir company, and all well permits, water service contracts, drainage rights and other evidences of any such rights; and (h) all interest or estate which Grantor now has or may hereafter acquire in said real property and all additions and accretions thereto, and all awards or payments made for the taking of all or any portion of said real property by eminent domain or any proceeding or purchase in lieu thereof, or any damage to any portion of said real property (collectively, the "Subject Property"). The listing of specific rights or property shall not be interpreted as a limitation of general terms.

1.02 Address. The address of the Subject Property (if known) is: 31186 Marker Road, Parma, ID #3660. Neither the failure to designate an address nor any inaccuracy in the address designated shall affect the validity or priority of the lien of this Deed of Trust on the Subject Property as described on Exhibit A. In the event of any conflict between the provisions of Exhibit A and said address, Exhibit A shall control.

## ARTICLE II. OBLIGATIONS SECURED

**2.01 Obligations Secured.** Grantor makes this grant and assignment for the purpose of securing the following obligations (each, a "Secured Obligation" and collectively, the "Secured Obligations"):

- (a) payment to Beneficiary of all sums at any time owing and performance of all other obligations arising under or in connection with that certain promissory note ("Note") dated as of June 16, 1997, in the maximum principal amount of \$910,000.00, with interest as provided therein, executed by GEERTJE N. DE HOOG and payable to Beneficiary or its order on or before August 5, 2004, together with the payment and performance of any other indebtedness or obligations incurred in connection with the credit accommodation evidenced by the Note, whether or not specifically referenced therein; and
- (b) payment and performance of all obligations of Grantor under this Deed of Trust, together with all advances, payments or other expenditures made by Beneficiary or Trustee as or for the payment or performance of any such obligations of Grantor; and
- (c) payment and performance of all obligations, if any, and the contracts under which they arise, which any rider attached to and recorded with this Deed of Trust recites are secured hereby; and
- (d) payment and performance of all future advances and other obligations that the then record owner of the Subject Property may agree to pay and/or perform (whether as principal, surety or guarantor) for the benefit of Beneficiary, when any such advance or other obligation is evidenced by a writing which recites that it is secured by this Deed of Trust; and
- (e) all modifications, extensions and renewals of any of the Secured Obligations (including without limitation, (i) modifications, extensions or renewals at a different rate of interest, or (ii) deferrals or accelerations of the required principal payment dates or interest payment dates or both, in whole or in part), however evidenced, whether or not any such modification, extension or renewal is evidenced by a new or additional promissory note or notes.

**2.02 Obligations.** The term "obligations" is used herein in its most comprehensive sense and includes any and all advances, debts, obligations and liabilities heretofore, now or hereafter made, incurred or created, whether voluntary or involuntary and however arising, whether due or not due, absolute or contingent, liquidated or unliquidated, determined or undetermined, joint or several, including without limitation, all principal, interest, charges, including prepayment charges and late charges, and loan fees at any time accruing or assessed on any Secured Obligation.

**2.03 Incorporation.** All terms of the Secured Obligations are incorporated herein by this reference. All persons who may have or acquire an interest in the Subject Property are hereby deemed to have notice of the terms of the Secured Obligations and to have notice, if provided therein, that: (a) the Note or any other Secured Obligation may permit borrowing, repayment and reborrowing; and (b) the rate of interest on one or more of the Secured Obligations may vary from time to time.

## ARTICLE III. ASSIGNMENT OF RENTS

**3.01 Assignment.** For the purposes and upon the terms and conditions set forth herein, Grantor irrevocably assigns to Beneficiary all of Grantor's right, title and interest in, to and under all leases, licenses, rental agreements and other agreements of any kind relating to the use or occupancy of any of the Subject Property, whether existing as of the date hereof or at any time hereafter entered into, together with all guarantees of and security for any tenant's or lessee's performance thereunder, and all amendments, extensions, renewals and modifications thereto (each, a "Lease" and collectively, the "Leases"), together with any and all other rents, issues and profits of the Subject Property (collectively, "Rents"). This Assignment shall not impose upon Beneficiary any duty to produce Rents from the Subject Property, nor cause Beneficiary to be: (a) a "mortgagee in possession" for any purpose; (b) responsible for performing any of the obligations of the lessor or landlord under any Lease; or (c) responsible for any waste committed by any person or entity at any time in possession of the Subject Property or any part thereof, or for

any dangerous or defective condition of the Subject Property, or for any negligence in the management, upkeep, repair or control of the Subject Property. This is an absolute assignment, not an assignment for security only, and Beneficiary's right to Rents is not contingent upon and may be exercised without possession of the Subject Property. Grantor agrees to execute and deliver to Beneficiary, within five (5) days of Beneficiary's written request, such additional documents as Beneficiary or Trustee may reasonably request to further evidence the assignment to Beneficiary of any and all Leases and Rents.

### 3.02 Protection of Security. To protect the security of this Assignment, Grantor agrees:

(a) At Grantor's sole cost and expense: (i) to perform each obligation to be performed by the lessor or landlord under each Lease and to enforce or secure the performance of each obligation to be performed by the lessor or tenant under each Lease; (ii) not to modify any Lease in any material respect, nor accept surrender under or terminate the term of any Lease; (iii) not to anticipate the Rents under any Lease; and (iv) not to waive or release any lessee or tenant of or from any Lease obligations. Grantor assigns to Beneficiary all of Grantor's right and power to modify the terms of any Lease, to accept a surrender under or terminate the term of or anticipate the Rents under any Lease, and to waive or release any lessee or tenant of or from any Lease obligations, and any attempt on the part of Grantor to exercise any such rights or powers without Beneficiary's prior written consent shall be a breach of the terms hereof.

(b) At Grantor's sole cost and expense, to defend any action in any manner connected with any Lease or the obligations thereunder, and to pay all costs of Beneficiary or Trustee, including reasonable attorneys' fees, in any such action in which Beneficiary or Trustee may appear.

(c) That, should Grantor fail to do any act required to be done by Grantor under a Lease, then Beneficiary or Trustee, but without obligation to do so and without notice to Grantor and without releasing Grantor from any obligation hereunder, may make or do the same in such manner and to such extent as Beneficiary or Trustee deems necessary to protect the security hereof, and, in exercising such powers, Beneficiary or Trustee may employ attorneys and other agents, and Grantor shall pay necessary costs and reasonable attorneys' fees incurred by Beneficiary or Trustee, or their agents, in the exercise of the powers granted herein. Grantor shall give prompt notice to Beneficiary of any default by any lessee or tenant under any Lease, and of any notice of default on the part of Grantor under any Lease received from a lessee or tenant thereunder, together with an accurate and complete copy thereof.

(d) To pay to Beneficiary immediately upon demand all sums expended under the authority hereof, including reasonable attorneys' fees, together with interest thereon at the highest rate per annum payable under any Secured Obligation, and the same, at Beneficiary's option, may be added to any Secured Obligation and shall be secured hereby.

3.03 License. Beneficiary confers upon Grantor a license ("License") to collect and retain the Rents as, but not before, they come due and payable, until the occurrence of any Default. Upon the occurrence of any Default, the License shall be automatically revoked, and Beneficiary or Trustee may, at Beneficiary's option and without notice, either in person or by agent, with or without bringing any action, or by a receiver to be appointed by a court: (a) enter, take possession of, manage and operate the Subject Property or any part thereof; (b) make, cancel, enforce or modify any Lease; (c) obtain and evict tenants, fix or modify Rents, and do any acts which Beneficiary or Trustee deems proper to protect the security hereof; and (d) either with or without taking possession of the Subject Property, in its own name, sue for or otherwise collect and receive all Rents, including those past due and unpaid, and apply the same in accordance with the provisions of this Deed of Trust. The entering and taking possession of the Subject Property, the collection of Rents and the application thereof as aforesaid, shall not cure or waive any Default, nor waive, modify or affect any notice of default hereunder, nor invalidate any act done pursuant to any such notice. The License shall not grant to Beneficiary or Trustee the right to possession, except as provided in this Deed of Trust.

## ARTICLE IV. RIGHTS AND DUTIES OF THE PARTIES

4.01 Title. Grantor warrants that, except as disclosed to Beneficiary prior to the date hereof in a writing which

erroneous under the substantive law of the state of Idaho; and (ii) the parties shall have in addition to the grounds referred to in the Federal Arbitration Act for vacating, modifying or correcting an award the right to judicial review of (A) whether the findings of fact rendered by the arbitrators are supported by substantial evidence, and (B) whether the conclusions of law are erroneous under the substantive law of the state of Idaho. Judgment confirming an award in such a proceeding may be entered only if a court determines the award is supported by substantial evidence and not based on legal error under the substantive law of the state of Idaho.

(f) Real Property. Notwithstanding anything herein to the contrary, no Dispute shall be submitted to arbitration unless: (i) Beneficiary specifically elects in writing to proceed with the arbitration; or (ii) all parties to the arbitration waive any rights or benefits that might accrue to them by virtue of the single action rule statute of Idaho, thereby agreeing that all Secured Obligations, and all mortgages, liens and security interests securing any of the Secured Obligations, shall remain fully valid and enforceable.

(g) Miscellaneous. To the maximum extent practicable, the AAA, the arbitrators and the parties shall take all action required to conclude any arbitration proceeding within 180 days of the filing of the Dispute with the AAA. No arbitrator or other party to an arbitration proceeding may disclose the existence, content or results thereof, except for disclosures of information by a party required in the ordinary course of its business, by applicable law or regulation, or to the extent necessary to exercise any judicial review rights set forth herein. If more than one agreement for arbitration by or between the parties potentially applies to a Dispute, the arbitration provision most directly related to the Documents or the subject matter of the Dispute shall control. This arbitration provision shall survive termination, amendment or expiration of any of the Documents or any relationship between the parties.

IN WITNESS WHEREOF, Grantor has executed this Deed of Trust as of the date first set forth above.

Grantor(s)

Address(es):

*Geertje N. de Hoog*  
 GEERTJE N. DE HOOG

STATE OF WASHINGTON)

(OBTAIN NOTARY ACKNOWLEDGMENTS)

) ss.

COUNTY OF WHATCOM )

I certify that I know or have satisfactory evidence that GEERTJE N. DEHOOG is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: June 27, 1997.



*Lori Holt*  
 NOTARY PUBLIC in and for the State of Washington, residing at Lyndon.

My appointment expires: 3/16/98

200467778

RECORDED

239 DEC 10 PM 2 11

G NOEL HALES

CANYON COUNTY RECORDER

BY *[Signature]*REQUESTED BY *McAnaney & Associates*  
TYPE *Not Fee'd*

WHEN RECORDED, RETURN TO:  
McAnaney & Associates  
1101 W. River Street, Suite 100  
Boise, Idaho 83702

**QUITCLAIM DEED**

GRANTOR, Geertje DeHoog does hereby REMISE, RELEASE and forever QUITCLAIM, unto DeHoog Properties, LLC, an Idaho limited liability company, whose current address is 31156 Marker Road, Parma, Idaho 83660, as GRANTEE, and to Grantee's successors and assigns, all of Grantor's right, title and interest in and to the real property situated in Canyon County, Idaho, more particularly described as follows:

See attached Exhibit A

Commonly known as: 31156 Marker Road, Parma, Idaho 83660

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

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

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument this 19<sup>th</sup> day of November, 2004.

*Geertje De Hoog*  
Geertje DeHoog

QUITCLAIM DEED - 1

[M:\Clients\DeHoog Dairies - 37429\37429.0002 - Formation of LLC\DeHoog Properties, LLC\QCD.DOC]

## NOTARY

STATE OF WA )  
: ss.  
County of Whatcom

On this 19<sup>th</sup> day of November, 2004, before me, the undersigned, a Notary Public, personally appeared Geertje DeHoog, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Katie Vande Hove  
Notary Public for Idaho WASHINGTON  
Residing at: Lynden-Whatcom  
My commission expires: 1-20-08

QUITCLAIM DEED - 2

[M:\Clients\DeHoog Dairies - 37429\37429.0002 - Formation of LLC\DeHoog Properties, LLC\QCD.DOC]

**EXHIBIT A****PARCEL I:**

Blocks 11 and 12 in ROSWELL PARK FRUIT TRACT, according to the Plat filed in Book 3 of Plats, Page 58, recorded in Canyon County, Idaho.

**PARCEL II:**

Blocks 18 and 19, and Tracts 1, 2, 3, and 4, Block 24 in ROSWELL PARK FRUIT TRACT, according to the Plat filed in Book 3 of Plats, Page 58, recorded in Canyon County, Idaho.

EXCEPTING THEREFROM the following described portion of Block 18.

BEGINNING at the Northeast corner of said Block 18 the REAL POINT OF BEGINNING; thence

South 0° 05' East a distance of 1100.71 feet along the East boundary of Block 18 to a point at the center of the drain ditch; thence

North 33° 09' 30" West a distance of 345.02 feet along the center of the drain ditch to a point; thence

North 43° 28' 30" West a distance of 1139.85 feet along the center of the drain ditch to a point on the North boundary of Block 18; thence

South 89° 04' East a distance of 971.45 feet along the North boundary of Block 18 to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described portion of Block 18.

Tracts 14 and 16 and parts of Tracts 11, 12, 13 and 15, all in Block 19 of Roswell Park Fruit Tract, Canyon County, Idaho, according to the plat filed in Book 3 of Plats, Page 58, records of said County, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 04' East 25 feet; thence

North 89° 39' East 25 feet, to the Southwest corner of said Tract 18, the INITIAL POINT; thence continue.

North 80° 39' East 633.5 feet (shown of record as 634.1 feet) along the South line of said Tract 18 to the Southeast corner thereof; thence

North 0° 04' East 45 feet along the East line of said Tract 18, to the Southwest corner of said Tract 15; thence

North 89° 39' East 168.5 feet, along the South line of said Tract 15; thence

North 0° 04' East 781.2 feet; thence

South 89° 39' West 800 feet, to a point in the West line of said Tract 12; thence

South 0° 04' West 826.2 feet along the West lines of Tracts 12, 14, 16 to the INITIAL POINT.

**PARCEL III:**

Tracts 14 and 16 and parts of Tracts 11, 12, 13 and 15, all in Block 19 of Roswell Park Fruit Tract, Canyon County, Idaho, according to the plat filed in Book 3 of Plats, Page 58, records of said County, more particularly described as follows:

## EXHIBIT A CON'T

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 04' East 25 feet; thence

North 89° 39' East 25 feet, to the Southwest corner of said Tract 18, the INITIAL POINT; thence continue

North 89° 39' East 633.5 feet (shown of record as 634.1 feet) along the South line of said Tract 18 to the Southeast corner thereof; thence

North 0° 04' East 45 feet along the East line of said Tract 18, to the Southwest corner of said Tract 15; thence

North 89° 39' East 166.3 feet, along the South line of said Tract 15; thence

North 0° 04' East 781.2 feet; thence

South 89° 39' West 800 feet, to a point in the West line of said Tract 12; thence

South 0° 04' West 628.2 feet along the West lines of Tracts 12, 14, 16 to the INITIAL POINT.

BEGINNING at the Southwest corner of Block 17 of the ROSWELL PARK FRUIT TRACT in the Northwest Quarter of Section 24, Township 5 North, Range 6 West of Boise Meridian, Canyon County, Idaho the REAL POINT OF BEGINNING; thence

North 00° 05' West a distance of 1,422.76 feet along the West boundary of Block 17 to a point at the center of the drain ditch; thence

South 33° 06' 30" East a distance of 86.47 feet along the center of the drain ditch to a point; thence

South 18° 08' 30" East a distance of 717.61 feet along the center of the drain ditch to a point; thence

South 85° 04' 20" East a distance of 310.93 feet along the center of the drain ditch to a point; thence

South 8° 44' 20" East a distance of 880.21 feet along the center of the drain ditch to a point on the South boundary of Block 17; thence

North 89° 14' West a distance of 682.53 feet along the South boundary of Block 17 to the REAL POINT OF BEGINNING.

QUITCLAIM DEED - 4

[M:\C\mba\Dehong Dairies - 37429\37429.0002 - Formation of LLC\DeHong Properties, LLC\QCD.DOC]



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

December 8, 2005

De Hoog Properties LLC  
31156 Marker Rd  
Parma, ID 83660

RE: Notice of Change of Water Right Ownership No. 63-2630D

Dear Claimant(s):

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was previously submitted to our office. However, the Deed of Trust and quitclaim deed submitted is not sufficient proof of ownership. We require a **Warranty Deed** showing a transfer of ownership from Larry Downs to DeHoog Properties LLC to process any changes in ownership.

Please return the Change of ownership with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed (if one exists), will remain in the original owner's name.

Feel free to contact this office if you have any further questions.

Sincerely,

Adjudication Section  
Western Region  
(208) 334-2190

LG: lg

Enclosures

Recording requested by and  
When recorded return to:  
Jane Rakay Nelson  
Lane Powell Spears Lubersky LLP  
1420 Fifth Avenue, Suite 4100  
Seattle, WA 98101-2338

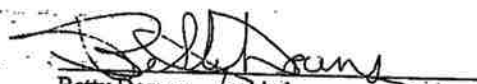
### CORRECTION WARRANTY DEED

For value received Downs Dairy Limited Partnership an Idaho limited partnership, Larry Downs and Betty Downs, husband and wife, and Wilma J Daniels, a married woman as to her sole and separate property (collectively "Grantors"), do hereby GRANT, BARGAIN SELL and CONVEY unto Geertje DeHoog, Grantee, whose current address is 31156 Marker Rd. Parma, ID 83660, that real property located in Canyon County, State of Idaho, which is legally described on Exhibit A attached hereto and incorporated herein by reference. This conveyance is made to correct the legal description contained in that certain Warranty Deed executed by Grantor in favor of Grantee dated July 2, 1997 and recorded July 3, 1997 in the records of the Canyon County Auditor under Canyon County Recording No. 9721579.

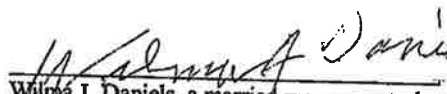
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that Grantors are the owners in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those encumbrances set forth on Exhibit B, attached hereto and incorporated herein by this reference, and those encumbrances made, suffered or done by the Grantee; and subject to general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-15-97, 1997.

  
Larry Downs, a married man

  
Betty Downs, a married woman

DOWNS DAIRY LIMITED PARTNERSHIP,  
an Idaho limited partnership

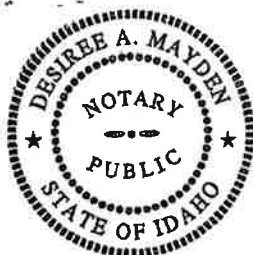
  
Wilma J. Daniels, a married woman as to her  
sole and separate property

By   
Its \_\_\_\_\_

STATE OF IDAHO )  
COUNTY OF CANYON ) ss.

On this 15th day of December, 1997 before me, the undersigned, a Notary Public in and for said State, personally appeared Larry Downs, a married man, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

DATED: 12-15-97



Desiree A. Mayden  
Print Name: Desiree A. Mayden  
NOTARY PUBLIC for the State of Idaho,  
residing at Nampa, ID

My appointment expires:  
3-9-2000

STATE OF IDAHO )  
COUNTY OF CANYON ) ss.

On this 15th day of December, 1997 before me, the undersigned, a Notary Public in and for said State, personally appeared Betty Downs, a married woman, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

DATED: 12-15-97



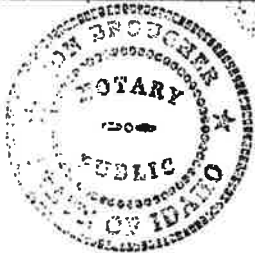
Desiree A. Mayden  
Print Name: Desiree A. Mayden  
NOTARY PUBLIC for the State of Idaho,  
residing at Nampa, ID

My appointment expires:  
3-9-2000

STATE OF IDAHO )  
 ) ss.  
COUNTY OF CANYON )

On this 15th day of December, 1997 before me, the undersigned, a Notary Public in and for said State, personally appeared Wilma J. Daniels, a married woman acting as to her sole and separate property, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

DATED: 12-15-97



[Signature]  
Print Name: JON BROUGNER  
NOTARY PUBLIC for the State of Idaho,  
residing at  
Nampa

My appointment expires:  
5-18-01

STATE OF IDAHO )  
 ) ss.  
COUNTY OF CANYON )

On this 15th day of December, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Larry Downs, a general partner of Downs Dairy Limited Partnership, an Idaho limited partnership, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of said partnership.

DATED: 12-15-97



[Signature]  
Print Name: Desiree A. Mayden  
NOTARY PUBLIC for the State of Idaho,  
residing at  
Nampa, ID

My appointment expires:  
3-9-2000

EXHIBIT "A"

PARCEL I:

Blocks 11 and 12 in ROSWELL PARK FRUIT TRACT, according to the Plat filed in Book 3 of Plats, Page 56, recorded in Canyon County, Idaho.

PARCEL II:

Blocks 18 and 19, and Tracts 1, 2, 3, and 4, Block 24 in ROSWELL PARK FRUIT TRACT, according to the Plat filed in Book 3 of Plats, Page 56, recorded in Canyon County, Idaho.

EXCEPTING THEREFROM the following described portion of Block 18.

BEGINNING at the Northeast corner of said Block 18 the REAL POINT OF BEGINNING; thence

South  $0^{\circ} 06'$  East a distance of 1100.71 feet along the East boundary of Block 18 to a point at the center of the drain ditch; thence

North  $33^{\circ} 06' 30''$  West a distance of 345.62 feet along the center of the drain ditch to a point; thence

North  $43^{\circ} 28' 30''$  West a distance of 1139.86 feet along the center of the drain ditch to a point on the North boundary of Block 18; thence

South  $89^{\circ} 04'$  East a distance of 971.45 feet along the North boundary of Block 18 to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described portion of Block 19.

Tracts 14 and 16 and parts of Tracts 11, 12, 13 and 15, all in Block 19 of Roswell Park Fruit Tract, Canyon County, Idaho, according to the plat filed in Book 3 of Plats, Page 56, records of said County, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho; thence

North  $0^{\circ} 04'$  East 25 feet; thence

North  $89^{\circ} 39'$  East 25 feet, to the Southwest corner of said Tract 16, the INITIAL POINT; thence continue

North  $89^{\circ} 39'$  East 633.5 feet (shown of record as 634.1 feet) along the South line of said Tract 16 to the Southeast corner thereof; thence

North  $0^{\circ} 04'$  East 45 feet along the East line of said Tract 16, to the Southwest corner of said Tract 15; thence

North  $89^{\circ} 39'$  East 166.5 feet, along the South line of said Tract 15; thence

North  $0^{\circ} 04'$  East 781.2 feet; thence

South  $89^{\circ} 39'$  West 800 feet, to a point in the West line of said Tract 12; thence

South  $0^{\circ} 04'$  West 826.2 feet along the West lines of Tracts 12, 14, 16 to the INITIAL POINT.

PARCEL III:

Tracts 14 and 16 and parts of Tracts 11, 12, 13 and 15, all in Block 19 of Roswell Park Fruit Tract, Canyon County, Idaho, according to the plat filed in Book 3 of Plats, Page 56, records of said County, more particularly described as follows:

SCHEDULE B SECTION I  
Commitment

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 04' East 25 feet; thence

North 89° 39' East 25 feet, to the Southwest corner of said Tract 16, the INITIAL POINT; thence continue

North 89° 39' East 633.5 feet (shown of record as 634.1 feet) along the South line of said Tract 16 to the Southeast corner thereof; thence

North 0° 04' East 45 feet along the East line of said Tract 16, to the Southwest corner of said Tract 15; thence

North 89° 39' East 166.5 feet, along the South line of said Tract 15; thence

North 0° 04' East 781.2 feet; thence

South 89° 39' West 800 feet, to a point in the West line of said Tract 12; thence

South 0° 04' West 826.2 feet along the West lines of Tracts 12, 14, 16 to the INITIAL POINT.

SCHEDULE B SECTION 1  
Commitment

PN43390

EXHIBIT "A"

BEGINNING at the Southwest corner of Block 17 of the ROSWELL PARK FRUIT TRACT in the Northwest Quarter of Section 24, Township 5 North, Range 6 West of Boise Meridian, Canyon County, Idaho the REAL POINT OF BEGINNING; thence  
North  $00^{\circ} 06'$  West a distance of 1,422.75 feet along the West boundary of Block 17 to a point at the center of the drain ditch; thence  
South  $33^{\circ} 06' 30''$  East a distance of 86.47 feet along the center of the drain ditch to a point; thence  
South  $18^{\circ} 08' 30''$  East a distance of 717.81 feet along the center of the drain ditch to a point; thence  
South  $89^{\circ} 04' 20''$  East a distance of 310.93 feet along the center of the drain ditch to a point; thence  
South  $8^{\circ} 44' 20''$  East a distance of 680.21 feet along the center of the drain ditch to a point on the South boundary of Block 17; thence  
North  $89^{\circ} 14'$  West a distance of 682.53 feet along the South boundary of Block 17 to the REAL POINT OF BEGINNING.

**EXHIBIT B**  
**Permitted Encumbrances**

1. General taxes for the year 1997 which are a lien, payable on or before December 20 of said year and not delinquent until after said date.
2. Reservations in Warranty Deed dated February 20, 1918 by Roswell Park Fruit Company, Ltd., a corporation, to Mary E. Kirkpatrick, recorded February 8, 1919 as Document No. 93362, records of Canyon County, Idaho, reserving the right of way across the above described land for the laterals and pipe lines constructed or to be constructed and used as part of the lateral system to be constructed by 1st party or its successors. First party and its successors also reserve the right to enter upon said land for purpose of operating, maintaining and repairing said lateral system.
3. An Easement for the purpose shown below and rights incidental thereto as set forth in a document  
Granted to: A.A. Steel  
Purpose: Pumping plant, pipeline and ingress and egress  
Recorded: November 7, 1949 as Instrument No. 355472  
Affects: Tract 2 of Block 18
4. Assessments of Riverside Irrigation District, and the rights and powers of said district as by law provided.
5. Assessments of Roswell Park Lateral Company.

Descriptions of these encumbrances are taken from Pioneer Title Company of Canyon County's Title Commitment dated as of April 28, 1997 and prepared under Order No. PN 43390.

9742766

RECORDED

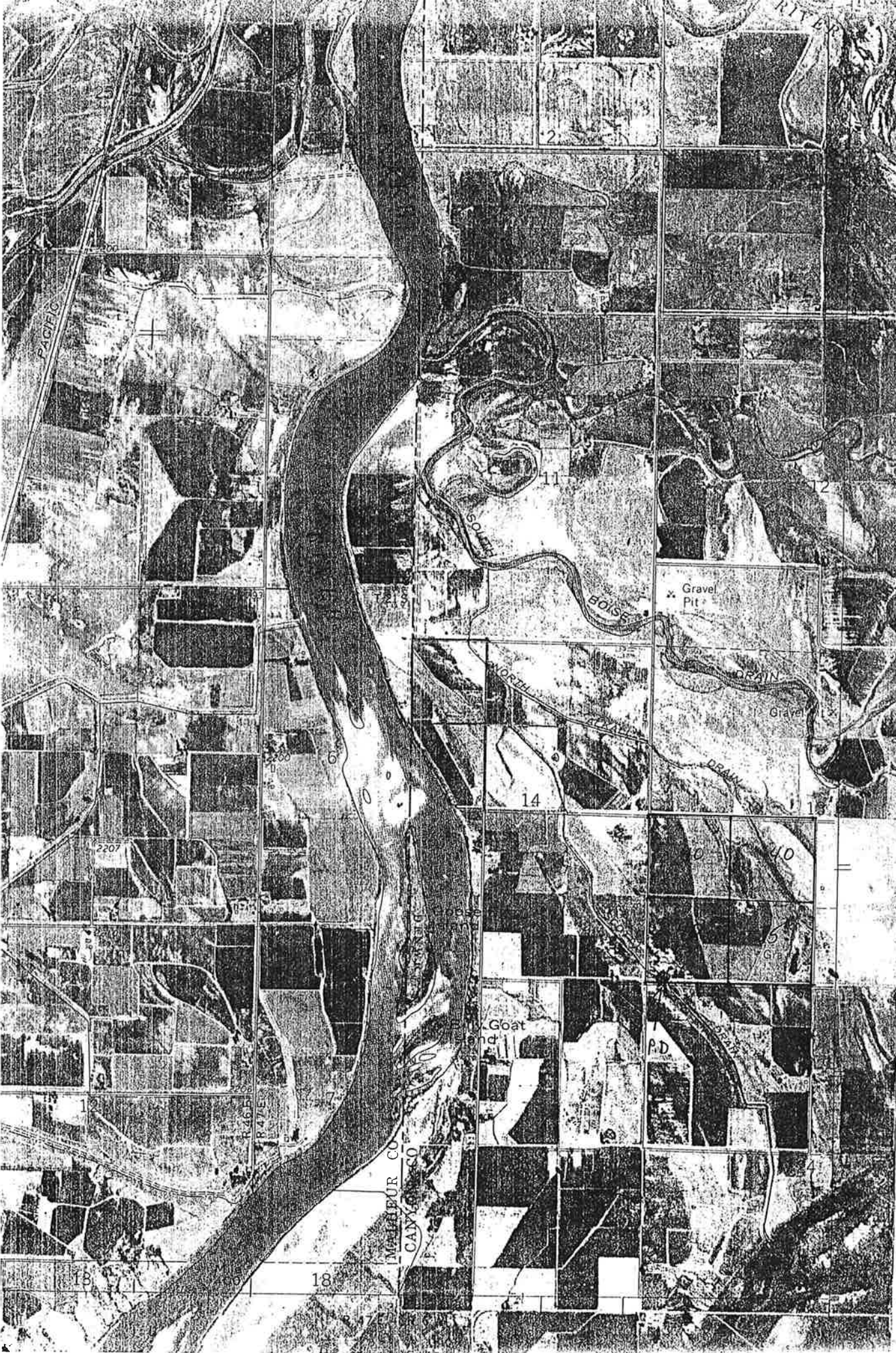
97 DEC 16 PM 11 46

NED J KERR  
CANYON CNTY RECORDER  
BY *J. L. Brown*  
PIONEER - NARPA

REQUESTED  
FEE \$1.00  
TIME 1:00 PM

T5

POOR ORIGINAL



770 000 FEET  
(IDAHO)

T5N  
R6W

48 45000m.N.

MICROFILMED  
23 JUL 52 JNL  
43 45  
26301

**State of Idaho**  
**Department of Water Resources**  
**REQUEST FOR EXTENSION OF TIME**  
**TO FILE ADJUDICATION CLAIM(S)**

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Downs Dairy Limited Partnership <sup>208</sup> 722-6570  
Name of Claimant Phone Number  
31156 Marker Rd. Parma ID 83660  
Mailing Address City State Zip  
CANYON March 22<sup>nd</sup>  
County(s) where place of use is located Date claim originally due  
A63-026301 A63-22023 A63-22024  
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

In February I contacted my attorney to review necessary  
action on this matter. He told me to phone here and  
request certain forms and information. I was in Washington  
D.C. when the information came (on business) upon  
my return I contacted water resources and scheduled

Claimant requests an extension to 4/13/90, 19 this appointment  
Terry Downe 4/13, 19 90  
Signature Date of request  
Limited Partner  
Title

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

The above request for extension of time is hereby [☒ X granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to April 13, 19 90

Signed this 19 day of May, 19 90

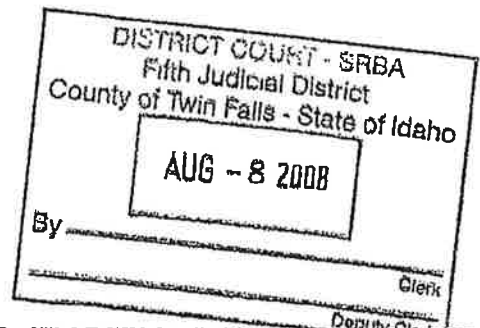
Director or his designated agent

DAVID B. SHAW

**MICROFILMED**

Mail to: Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

**JUL 25 1994**



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

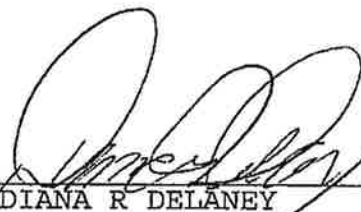
Water Right(s): 63-02630D

On August 08, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED August 08, 2008.

  
\_\_\_\_\_  
DIANA R. DELANEY  
Deputy Clerk

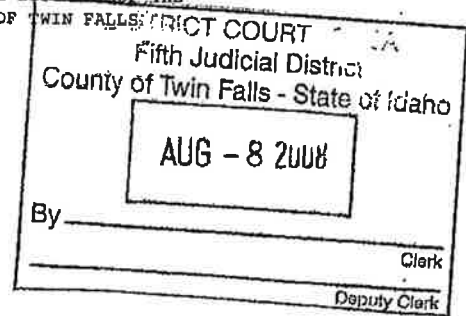
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

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

Water Right 63-02630D



NAME AND ADDRESS: DE HOOG PROPERTIES INC  
31156 MARKER ROAD  
PARMA, ID 83660

SOURCE: SCOTT DRAIN TRIBUTARY: NORTH ALKALI DRAIN

THE SOURCE OF THIS RIGHT IS WASTE WATER. THE WASTING OF WATER MAY  
BE DISCONTINUED AT ANY TIME.

QUANTITY: 3.10 CFS

PRIORITY DATE: 02/21/1946

POINT OF DIVERSION: T05N R06W S13 SWSWS Within Canyon County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------|
| Irrigation     | 04-01 TO 10-31 | 3.10 CFS |

The use of water for irrigation under this right may begin as  
early as March 1 and may continue to as late as November 15,  
provided other elements of the right are not exceeded. The use  
of water before April 1 and after October 31 under this remark  
is subordinate to all water rights having no subordinated early  
or late irrigation use and a priority date earlier than the date  
a partial decree is entered for this right.

| PLACE OF USE: | Irrigation        | Within Canyon County |
|---------------|-------------------|----------------------|
|               | T05N R06W S13     | NWSW 40.0            |
|               |                   | SESW 35.0            |
|               | 155.0 Acres Total |                      |

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

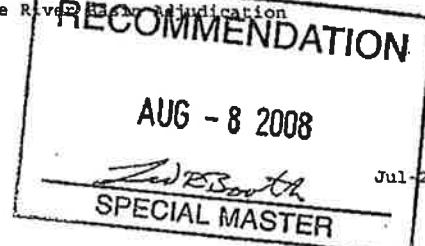
Use of water under this right will be regulated by a watermaster  
with responsibility for the distribution of water among  
appropriators within a water district.

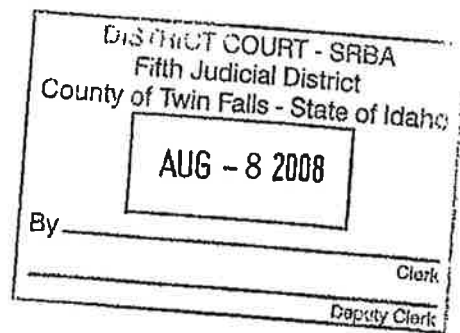
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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): 63-02630D

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 08, 2008, with sufficient first-class postage prepaid to the following:

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

RIVERSIDE 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

CERTIFICATE OF MAILING

PAGE 1  
08/07/08

7  
RECEIVED

AUG 11 2008

DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |       |
|-------------------------------------------------------------------------------------------|-------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |       |
| AUG - 8 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

) SPECIAL MASTER'S REPORT  
)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
) FOR WATER RIGHT 63-02630D

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.

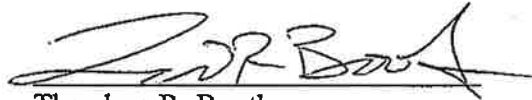
On June 19, 2007, the Riverside Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of water should be described as wastewater. On July 16, 2008, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* 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 63-02630D be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated

Aug. 8, 2008



Theodore R. Booth  
Special Master  
Snake River Basin Adjudication

## Music, Vicky

---

**From:** Music, Vicky  
**Sent:** Thursday, July 24, 2008 4:22 PM  
**To:** 'tbooth@srba.state.id.us'  
**Cc:** Shurte, Jan; Spencer, Nick; Williams, Ray  
**Subject:** regarding your email to Jan re 63-2630B shoulder remark

Spec Master Booth :

Geez – that is messed up. All I can guess is that the agent, who is a sr allocations agent but was new at making recommendations, did not proofread the shoulder remark. Here is what it should be [in underline/strikeout format]:

The use of water for irrigation under this right may begin as early as March 1 ~~April 1~~ and may continue to as late as November 15 ~~October 31~~, provided other elements of the right are not exceeded. The use of water before April 1 ~~March 1~~ and after October 31 ~~November 15~~ under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Vicky L. Music

**Tracking:**

**Recipient**

'tbooth@srba.state.id.us'

Shurte, Jan

Spencer, Nick

Williams, Ray

**Delivery**

Delivered: 7/24/2008 4:22 PM

Delivered: 7/24/2008 4:22 PM

Delivered: 7/24/2008 4:22 PM

COPY

RECEIVED

JUL 17 2008

DEPARTMENT OF DISTRICT COURT - SRCA  
WATER RESOURCES DISTRICT OF THE  
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS CO., IDAHO  
FILED

2008 JUL 16 AM 10 33

In Re SRBA

SUBCASE: 63-02630D

STANDARD FORM 5

Case No. 39576

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:

De Hoog Properties Inc.  
31156 Marker Road  
Parma, ID 83660



5-31-08  
Date

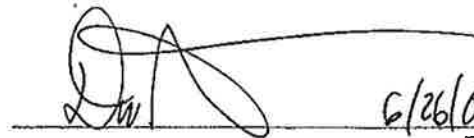
OBJECTOR:

Riverside Irrigation District  
P.O. Box 1080  
Parma, ID 83660



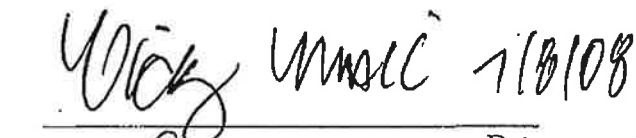
6/17/08  
Date

RESPONDENT: Bureau of Reclamation



6/26/08  
Date

IDWR CONCURRENCE:

  
Date  
  
7-1-08

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

RIGHT NUMBER: 62-2630D  
NAME AND ADDRESS: DE HOOG PROPERTIES INC.  
31156 MARKER ROAD  
PARMA ID 83660

SOURCE: SCOTT DRAIN

TRIBUTARY: NORTH ALKALI DRAIN

QUANTITY: 3.100 CFS

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

PRIORITY DATE: 02/21/1946

POINT OF DIVERSION: T05N R06W S13 SWSWSW within CANYON County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 04/01 10/31   | 3.100 CFS |

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T05N R06W S13 | NESW | 40.00 | T05N R06W S13 | NWSW | 40.00 |
| T05N R06W S13 | SWSW | 40.00 | T05N R06W S13 | SESW | 35.00 |

155 ACRES TOTAL

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

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

This right when combined with all other rights shall provide no more than .02 cfs per acre.

# CERTIFICATE OF MAILING

I certify that on July 14, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P.O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

RIVERSIDE IRRIGATION DISTRICT

Represented by:  
ALBERT P. BARKER  
1010 W. JEFFERSON, STE. 102  
P.O. BOX 2139  
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

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

DE HOOG PROPERTIES, INC.  
31156 MARKER ROAD  
PARMA, ID 83660

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 12:08  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

|                |   |                                  |
|----------------|---|----------------------------------|
| In Re SRBA     | ) | ORDER SETTING SUBCASE(S)         |
|                | ) | FOR INITIAL HEARING              |
| Case No. 39576 | ) |                                  |
| _____          |   | SUBCASE NOS: 63-02630D 63-02904A |
|                |   | 63-02904B 63-04805 63-07429      |

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

THURSDAY, JUNE 19, 2008 at 09:30 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:

RIVERSIDE 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

GJVV LLC

26257 MATTHEWS RD  
PARMA, ID 83660

RANDY JOE WAGNER

SUZANN WAGNER  
27818 PIONEER LANE  
PARMA, ID 83660  
Phone: 208-454-0397

DE HOOG PROPERTIES INC

31156 MARKER ROAD  
PARMA, ID 83660  
Phone: 208-722-7348

LOWELL WITHINGTON

WILLA G WITHINGTON  
368 CORNETT AVE  
MOORPARK, CA 93201  
Phone: 805-485-5538

RECEIVED  
JUN 13 2007  
DEPARTMENT OF  
WATER RESOURCES

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

In Re SRBA ) A. Subcase 63-2630D  
(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: Riverside Irrigation District  
Address: PO Box 1080  
Parma, ID 83660  
Daytime Phone: 208-880-3449

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: De Hoog Properties Inc.  
Address: 31156 Marker Road  
Parma, ID 83660

SCANNED  
APR 08 2008

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 Riverside Irrigation District.

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 Riverside 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 Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)  
)ss.  
County of ADA)

ALBERT D. BARRETT, 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)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 18, 2007

Suzanne Estes  
Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 2012



## INSTRUCTIONS FOR MAILING

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

### G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: De Hoog Properties Inc.  
Address: 31156 Marker Road  
Parna, ID 83660

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

12/10/2006

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

RIGHT NUMBER: 63-2630D

NAME AND ADDRESS: DE HOOG PROPERTIES INC.  
31156 MARKER ROAD  
PARMA ID 83660

SOURCE: SCOTT DRAIN

TRIBUTARY: NORTH ALKALI DRAIN

QUANTITY: 3.100 CFS

PRIORITY DATE: 02/21/1946

POINT OF

DIVERSION: T05N R06W S13 SWSWSW Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.100 CFS

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T05N R06W S13 | NESW | 40.00 | T05N R06W S13 | NWSW | 40.00 |
| T05N R06W S13 | SWSW | 40.00 | T05N R06W S13 | SESW | 35.00 |

155 ACRES TOTAL

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

This right when combined with all other rights shall provide no more than .02 cfs per acre.

11/15/2006

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

RIGHT NUMBER: 63-2630D  
NAME AND ADDRESS: DE HOOG PROPERTIES INC.  
31156 MARKER ROAD  
PARMA ID 83660  
SOURCE: SCOTT DRAIN TRIBUTARY: NORTH ALKALI DRAIN  
QUANTITY: 3.100 CFS  
PRIORITY DATE: 02/21/1946  
POINT OF DIVERSION:  
T05N R06W S13 SWSWSW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                                                                                            | 04/01 10/31          | 3.100 CFS       |
| The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. |                      |                 |

PLACE OF USE:

| <u>IRRIGATION in CANYON County</u> |      |       |               |      |       |
|------------------------------------|------|-------|---------------|------|-------|
| T05N R06W S13                      | NESW | 40.00 | T05N R06W S13 | NWSW | 40.00 |
| T05N R06W S13                      | SWSW | 40.00 | T05N R06W S13 | SESW | 35.00 |

155 ACRES TOTAL

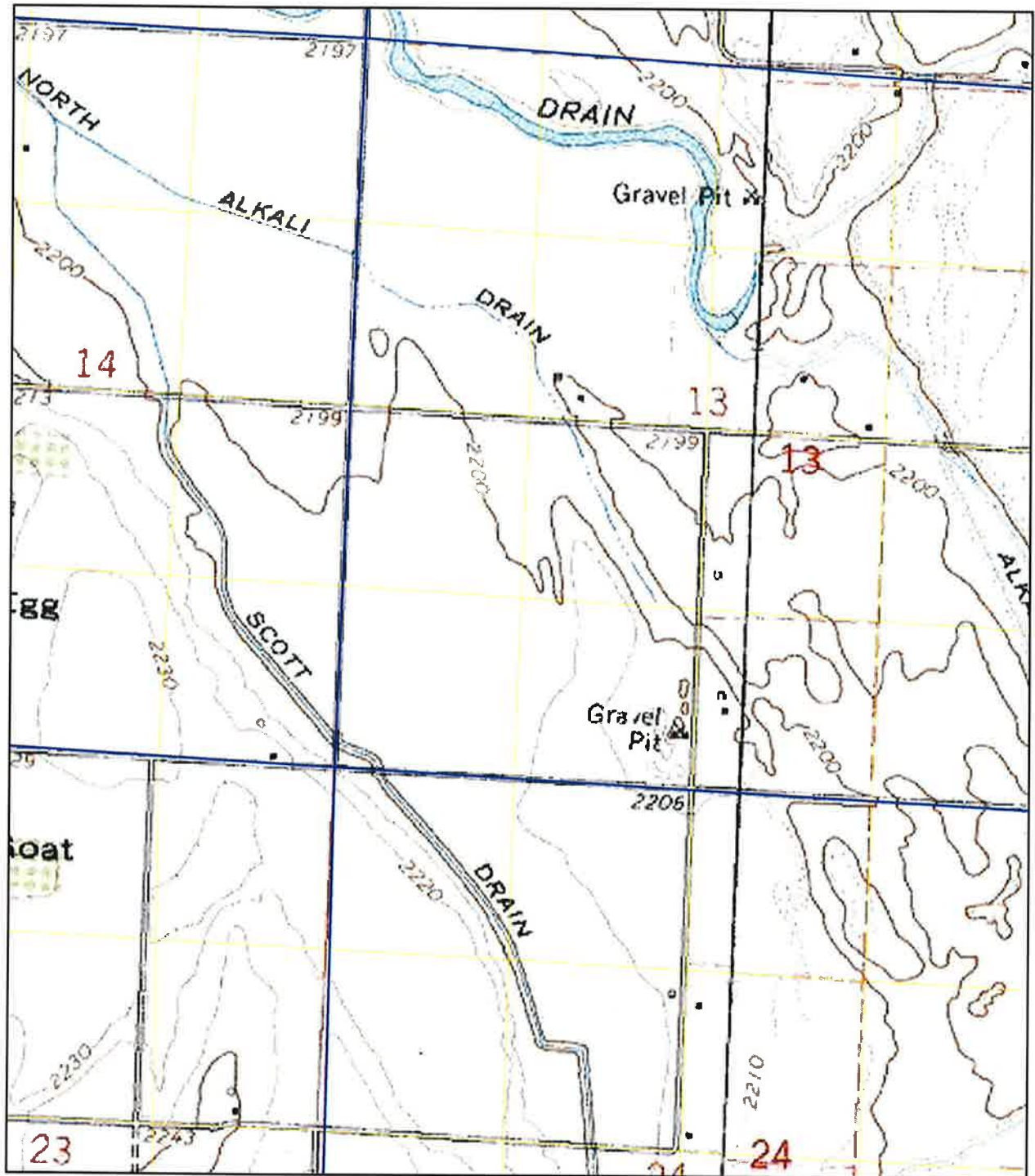
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

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

This right when combined with all other rights shall provide no more than .02 cfs per acre.



Scott drain



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

November 15, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

De Hoog Properties  
31156 Marker Rd  
Parma, ID 83660

Notice of Claim to a Water Right No. 63-2630D

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect 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 final 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 information, please feel free to contact this office.

Sincerely,

Liberty Gagnon  
Office Specialist 1  
Adjudication Section  
Western Region Office

LG: lg

Enclosure

09/28/2006

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

RIGHT NUMBER: 63-2630D  
NAME AND ADDRESS: DOWNS DAIRY LTD PARTNERSHIP  
31156 MARKER RD  
PARMA ID 83660  
SOURCE: SCOTT DRAIN TRIBUTARY: NORTH ALKALI DRAIN  
QUANTITY: 3.100 CFS  
PRIORITY DATE: 02/21/1946  
POINT OF DIVERSION:

T05N R06W S13 SWSWSW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                                                                                            | 04/01 10/31          | 3.100 CFS       |
| The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. |                      |                 |

PLACE OF USE: IRRIGATION Within CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T05N R06W S13 | NESW | 40.00 | T05N R06W S13 | NWSW | 40.00 |
| T05N R06W S13 | SWSW | 40.00 | T05N R06W S13 | SESW | 35.00 |

155 ACRES TOTAL

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within

State

Water District No. 63.

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.

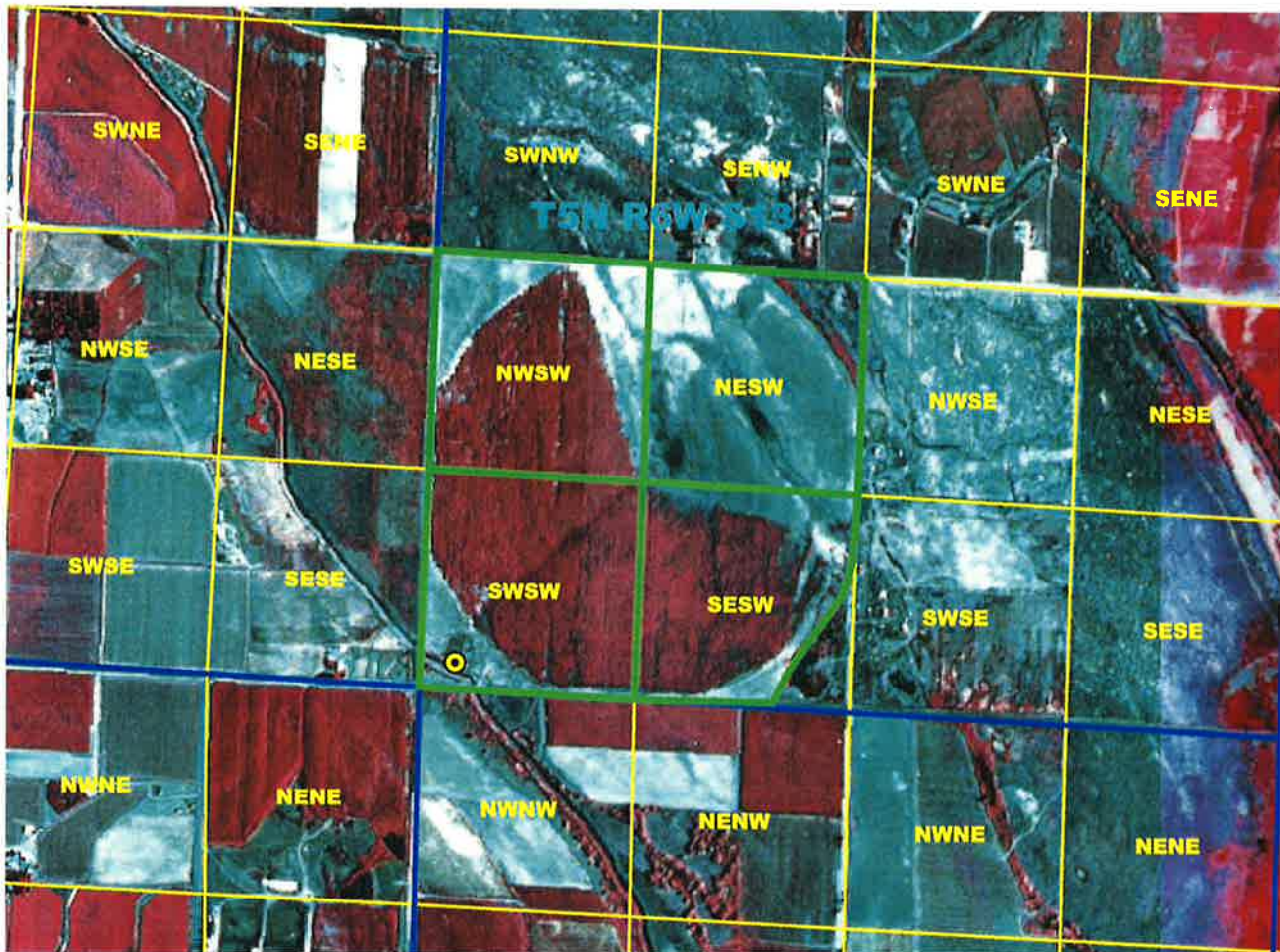
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than .02 cfs per acre.



State of Idaho  
Idaho Department of Water Resources  
Western Region

**T5N R6W SECTION(S) 13**  
**WATER RIGHT(S) : 63-2630D**



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

**Total Irrigated Acres = 155 acre(s)**

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



## MEMORANDUM

TO: ADJUDICATION FILES 63-2630D

FROM: DANIEL A. NELSON

DATE: 9/28/06

SUBJECT: CLAIM REVIEW

This claim is based on a license that was split by transfer number 2629. The claimant filed their adjudication claim on their portion of the original license exactly as it was determined after transfer number 2629. In 1995, Maria Minicucci performed a field exam on this claim, which was the standard practice for recommending adjudication claims at that time. Ms. Minicucci found that full amount of diversion rate and acres irrigated for this portion of the license was not being used at the time of the field exam. However, current practices require that we recommend this claim as determined by the transfer on the original license. Therefore, the acre amounts and diversion rates will reflect that portion of the original license allocated to this right through transfer number 2629.

The source was originally called an unnamed drain tributary to the Boise River. However, these drains have since been named, so the source will be recommended as the Scott Drain tributary to the Alkalai Drain. This can be done, since it simply clarifying the sources due to the newer mapping capabilities.

These lands also appear to fall within the borders of the Riverside Irrigation District. There is no mention of the claimant having any shares or rights to water from Riverside, so I will not include any condition stating that Riverside water is used on this property. I am going to recommend a condition that when this right is used with all other rights is limited to 0.02 cfs per acre to ensure that over irrigation does not occur. I will also carry forward the condition that this right is regulated by the watermaster for water district 63.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-2630D V1

WATER RIGHT NUMBER: 63-2630D V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                            |
|-------------------|------------------------------------------------------------------------------------|
| Original Owner    | LARRY R DOWNS<br>RT 3 BOX 3139<br>PARMA, ID 83660                                  |
| Current Owner     | DOWNS DAIRY LTD PARTNERSHIP<br>31156 MARKER RD<br>PARMA, ID 83660<br>(208)722-6570 |

Priority Date: 02/21/1946

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u>   |
|---------------|--------------------|
| SCOTT DRAIN   | NORTH ALKALI DRAIN |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 3.100 CFS             |                      |
|                       | <u>Total Diversion:</u> | 3.100 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| SCOTT DRAIN   | SW1/4SW1/4SW1/4 | Sec. 13, Twp 05N, Rge 06W, 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 |        |
| 05N | 06W | 13  |    |    |    |    |    |    |    |    | 40.0 | 40.0 | 40.0 | 35.0 |    |    |    |    | 155.0  |

Total Acres: 155

Conditions of Approval:

1. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. S38 The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before March 1 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-2630D V1

4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

## 1. MMINICUC 8/1/1995 SOURCE

Comment: SOURCE IS SCOTT DRAIN, TRIB. TO N. ALKALI DRAIN. NAMES AS PER USGS QUAD (W52, 1974). ACRES RECOMMENDED ACRES BASED ON 1987 ASCS MAP. SYSTEM HAS CHANGED FROM DITCHES (FLOOD IRR) AT TIME OF LICENSING TO CENTER PIVOT (CORNERS ARE NOT NOR EVER HAVE BEEN IRRIGATED, AS PER CLAIMANT S SON).

## 2. dnelson 9/28/2006 Claim Review

Comment: This claim is based on a license that was split by transfer number 2629. The claimant filed their adjudication claim on their portion of the original license exactly as it was determined after transfer number 2629. In 1995, Maria Minicucci performed a field exam on this claim, which was the standard practice for recommending adjudication claims at that time. Ms. Minicucci found that full amount of diversion rate and acres irrigated for this portion of the license was not being used at the time of the field exam. However, current practices require that we recommend this claim as determined by the transfer on the original license. Therefore, the acre amounts and diversion rates will reflect that portion of the original license allocated to this right through transfer number 2629.

The source was originally called an unnamed drain tributary to the Boise River. However, these drains have since been named, so the source will be recommended as the Scott Drain tributary to the Alkalai Drain. This can be done, since it simply clarifying the sources due to the newer mapping capabilities.

These lands also appear to fall within the borders of the Riverside Irrigation District. There is no mention of the claimant having any shares or rights to water from Riverside, so I will not include any condition stating that Riverside water is used on this property. I am going to recommend a condition that when this right is used with all other rights is limited to 0.02 cfs per acre to ensure that over irrigation does not occur. I will also carry forward the condition that this right is regulated by the watermaster for water district 63.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

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:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 9/28/2006 11:30:31 AM     | dnelson         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-2630D V1

|               |                       |         |        |
|---------------|-----------------------|---------|--------|
| Priority Date | 9/28/2006 11:36:16 AM | dnelson | Active |
| POD           | 9/28/2006 11:37:19 AM | dnelson | Active |
| Source        | 9/28/2006 11:37:50 AM | dnelson | Active |
| POU           | 9/28/2006 11:39:12 AM | dnelson | Active |
| Season        | 9/28/2006 11:41:45 AM | dnelson | Active |
| Quantity      | 9/28/2006 11:42:18 AM | dnelson | Active |
| Summary       | 09/28/2006            | dnelson | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 9/28/2006 11:30:32 AM  | dnelson         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Recommending as licensed and split in transfer.                                                                                                                                                                                                                                                                                                            |
| POD            | 9/28/2006 11:36:55 AM  | dnelson         | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                    |
| POD            | 9/28/2006 11:37:20 AM  | dnelson         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                       |
| POU            | 9/28/2006 11:39:03 AM  | dnelson         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                     |
| General        | 9/28/2006 11:36:16 AM  | dnelson         | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required? |
| Source         | 9/28/2006 11:37:50 AM  | dnelson         | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                     |
| POU            | 9/28/2006 11:39:12 AM  | dnelson         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                                                                                     |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-2630D V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 9/28/2006 11:41:45 AM | dnelson | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Period of Use?</p> <p>(Yes) 5. Can the claimed Period of Use be verified using the water right file?</p> <p>(Yes) 14. Is irrigation claimed as a Purpose of Use?</p> <p>(Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?</p> <p>(No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?</p> <p>(Yes) 18. Is a Period of Use remark and/or condition required?</p>               |
| Quantity | 9/28/2006 11:42:18 AM | dnelson | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p>                                                                |
| Summary  | 9/28/2006 11:43:53 AM | dnelson | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-2630D

WATER RIGHT NUMBER: 63-2630D

|                   |                                                                                    |
|-------------------|------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                            |
| Original Owner    | LARRY R DOWNS<br>RT 3 BOX 3139<br>PARMA, ID 83660                                  |
| Current Owner     | DOWNS DAIRY LTD PARTNERSHIP<br>31156 MARKER RD<br>PARMA, ID 83660<br>(208)722-6570 |

Priority Date: 02/21/1946 — OK  
Basis: License — OK  
Status: Active

|                              |                           |
|------------------------------|---------------------------|
| <u>Source</u>                | <u>Tributary</u>          |
| UNNAMED STREAM — SCOTT DRAIN | BOISE RIVER ALKALAI DRAIN |

|                       |              |                  |                       |                      |
|-----------------------|--------------|------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u>  | <u>To</u>        | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 3/15         | 11/15 10/31      | 3.100 CFS             |                      |
| 4/1                   | 71           | Total Diversion: | 3.100 CFS             |                      |
|                       | 3-1 TO 11-15 |                  |                       |                      |

Surface water no volume required

Location of Point(s) of Diversion

UNNAMED STREAM SW1/4SW1/4SW1/4 Sec. 13, Twp 05N, Rge 06W, B.M.  
CANYON County

Place of Use  
IRRIGATION

| Twp | Rge | Sec | NE   | NW   | SW   | SE   | Totals |
|-----|-----|-----|------|------|------|------|--------|
| 05N | 06W | 13  | NE   | NW   | SW   | SE   | 155.0  |
|     |     |     | 40.0 | 40.0 | 40.0 | 35.0 |        |

Total Acres: 155

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

Remarks:

Comments:

Dates and Other Information:

EXPLAN  
USE  
E60  
S38

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2630D

Claim Received Date: 4/13/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

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:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2630D

WATER RIGHT NUMBER: 63-2630D

|                   |                                                   |
|-------------------|---------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                           |
| Current Owner     | LARRY R DOWNS<br>RT 3 BOX 3139<br>PARMA, ID 83660 |

Priority Date: 02/21/1946

Basis: License

Status: Active

|                |                  |
|----------------|------------------|
| <u>Source</u>  | <u>Tributary</u> |
| UNNAMED STREAM | BOISE RIVER      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/01 to 10/31           | 3.100 CFS             |                      |
|                       | <u>Total Diversion:</u> | 3.100 CFS             |                      |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| UNNAMED STREAM | SW1/4SW1/4 | Sec. 13, Twp 05N, Rge 06W, 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 |        |
| 05N | 06W | 13  |    |    |    |    |    |    |    |    | 40.0 | 40.0 | 40.0 | 35.0 |    |    |    |    | 155.0  |

Total Acres: 155

Conditions of Approval:

1. TRANS. 2629.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2630D

Licensed Date: 1/18/1983  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 63  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2630

WATER RIGHT NUMBER: 63-2630

Owner Type                      Name and Address

Priority Date:

Basis:

Status:              See Remarks

Source                                      TributaryBeneficial Use                      From    To                      Diversion Rate                      Annual VolumeTotal Diversion:Location of Point(s) of DiversionPlace of UseConditions of Approval:

1.              SPLIT INTO 63-2630A & 63-2630B.

Remarks:Comments:Dates and Other Information:

Licensed Date:  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan:        False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 63-2630

Water Supply Bank:

AJ0749NP  
No. R63-02630D

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 08/01/95  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | DOWNS DAIRY LIMITED PARTNERSHIP<br>31156 MARKER RD<br>PARMA ID 83660<br>(208) 722-6570 | 02/21/1946       | IRRIGATION | 03-15 11-15           | 2.72 CFS          | 612.00 AFA          |
| TOTAL DIVERSION: |                                                                                        |                  |            |                       | 2.72 CFS          | 612.00 AFA          |
| CONSUMPTIVE USE: |                                                                                        |                  |            |                       |                   | 476.00 AFA          |

Water Source: SCOTT DRAIN

Tributary to: NORTH ALKALI DRAIN

Stage: LICENSE

Point(s) of Diversion: T05N R06W S13 SWSWSW

CANYON County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |       |       |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| T           | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :     | SUM   |
| 05N         | 06W | 13 | : |    |    |    |    |    |    |    |    |    |    | 34 | 34 | 34 | 34 |    |    | :     | 136.0 |
| TOTAL ACRES |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 136.0 |       |

POU County: CANYON

Other Rights: NONE

Dates: Exam Made Date: 07/14/1995 Verified Date:

Misc: Water District Number: 63 Field Inspection Flag:  
Presumption Flag:

Comments: Date: 08/01/1995 User-ID: MMINICUC Subject: ACRES  
RECOMMENDED ACRES BASED ON 1987 ASCS MAP. SYSTEM HAS CHANGED  
FROM DITCHES (FLOOD IRR) AT TIME OF LICENSING TO CENTER PIVOT  
(CORNERS ARE NOT NOR EVER HAVE BEEN IRRIGATED, AS PER CLAIMANT'S  
SON).

Date: 08/01/1995 User-ID: MMINICUC Subject: SOURCE  
SOURCE IS SCOTT DRAIN, TRIB. TO N. ALKALI DRAIN. NAMES AS PER  
USGS QUAD (W52, 1974).

Audit: 08/01/95 MMINICUC

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

08:36:01  
07/10/95

PAGE: 16  
QUICKLOOK INFORMATION

16  
CLAIM NUMBER: A63-02630D

| WR ELEMENT                | DATA<br>DISCREPANCY<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | ELEMENT<br>DOCUMENTED<br>WHOM/DATE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|----------------------------|-------------------------------------------------|----------------------------|------------------------|------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             | N                          | RR<br>02/24/1995                                | RR<br>07/14/1995           | N                      |                                    | RR<br>08/01/1995                 | RR<br>08/01/1995                     |                               |
| POINT OF DIV              | N                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| SOURCE                    | Y                          |                                                 |                            | Y                      |                                    |                                  |                                      |                               |
| PLACE OF USE              | YN                         |                                                 |                            | Y                      |                                    |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | N                          |                                                 |                            | Y                      |                                    |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                          |                                                 |                            | Y                      |                                    |                                  |                                      |                               |
| PURPOSES OF USE           | N                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| PERIOD OF USE             | Y                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| BASIS OF CLAIM            | Y                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| REMARKS                   |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |

BARCODE UPDATED  
WHOM/DATE

RR 08/01/1995

08:37:45  
07/10/95  
17

CLAIM NUMBER: A63-02630D

DIV. V  
612 AFA

[illegible]

**Other Rights: NONE**

**Conditions of Approval:**

- R04 - Use of water under this water right will be regulated by the  
- watermaster of State Water District No. 63.

Dates: Exam Made Date: 07/14/1995 Verified Date: 07/01/1985

Misc:      Water District Number: 63      Field Inspection Flag:  
Presumption Flag:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

08:36:01  
07/10/95

PAGE: 1  
GENERAL INFORMATION

1  
CLAIM NUMBER: A63-02630D

LAST: DOWNS FIRST: LARRY R  
ADDRESS: RT 3 BOX 3139  
CITY: PARMA STATE: ID ZIP: 83660  
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: DOWNS DAIRY LIMITED PARTNERSHIP FIRST:  
ADDRESS: 31156 MARKER RD  
CITY: PARMA STATE: ID ZIP: 83660  
PHONE NUMBER: 208-722-6570

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE  
N

FIELD  
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Terry Downs (son)  
DATE OF FIELD EXAM: 07/14/1995  
ACCOMPANIED BY: Terry Downs  
RELATIONSHIP TO CLAIMANT: son

PHONE NUMBER: (208) 722-6146 → office  
TIME: 10:00 A (X) P ( )  
PHONE NUMBER: (208) 722-6570

DIRECTIONS TO PROPERTY / NOTES:

located out to ?  
201 Grove ST in Parma. X from First Security  
Terry 722-6570. Son & Ranch mgr. Friday 14 July. Call first  
before leaving @.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

A63-02630D  
Adjudication Claim No.

Staff Analysis Sheet For  
SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☐ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)  
Overlap ~~yes~~ ☒ no If yes: ☐ copy of claims & water rights incl?  
Type of Overlap? ☐ Add acres or uses to existing system  
☐ Increase rate of flow or volume  
☒ Other: Riverside Irr
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)  
Overlap ☒ yes ☐ no If yes: ☐ copy of claims & water rights incl?  
Type of Overlap? ☐ Increase rate of flow or volume  
☐ Add P/D's  
☐ Increase number of acres within tracts  
☒ Different source for same acres - Riverside Irr  
☐ Other: \_\_\_\_\_
- ☒ Appointment Letter Sent? 02/24/1995 TTT (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached see CVR PAGE 1

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☐ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

Claim No. submitted for weekly exam completed prog. report? ☐ Yes ☐ No

Exam completed date data entered on claim TTT 08/01/1995 (initial & date)

Claim Verification Report completed TTT 08/01/1995 (initial & date)

Was CVR spot-checked by Supervisor? ☐ Yes ☐ No (initial & date)

R claim file created TTT 08/01/1995 (initial & date)

Recommendations entered on R claim file TTT 08/01/1995 (initial & date)

A. AJ CLAIM: # A63-02630D PRIORITY DATE: 02-21-1946 STAGE: L

B. WR RECORD: # 63-02630D PRIORITY DATE: 02-21-1946 STAGE: L

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(X) N( )

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y( ) N(X)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?  
(IF YES, DESCRIBE BELOW) Y( ) N(X)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(X) Y( ) N( )

FIELD EXAM COMPLETED N/A(X) Y( ) N( )

FIELD EXAM SENT TO STATE OFFICE N/A(X) Y( ) N( )

LICENSE ISSUED N/A(X) Y( ) N( )

\* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,  
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE  
OF THE PRIORITY DATE REQUIRED? N/A(X) Y( ) N( )

\* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,  
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(X) N( )

NOTES: 07/31/1995: Claimed as licensed. No evidence of non use, except reduction  
in no. of acres when pivot was installed. 777

RECOMMENDED PRIORITY DATE:

02-21-1946  
REVIEWED BY [Signature]

DATE 07/31/1995

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT      | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|------------|------|------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
| A63-02630D | 05N  | 06W  | 13   | SW  | SW  | SW  |     |             | CANYON |                |                  |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT  
NONE

SOURCE: UNNAMED STREAM

TRIB: BOISE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|------|------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
| 63-02630D | 05N  | 06W  | 13   |     | SW  | SW  |     |             | CANYON |                |                  |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: UNNAMED STREAM

TRIB: BOISE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y(X) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY  
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A( ) Y(X) N( )

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y( ) N(X)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y(X) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY  
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(X) N(X)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(X) N( )

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 01/07/1954) Y(X) N( )

AJ FIELD EXAM (DATE OF FIELD EXAM 02/14/1955) NAME OF EXAMINER JJ Minicucci Y(X) N( )

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: 07/10/1995: XFER 2629 split 63-02630A into C & D and changed POD of -02630D to SWSW of S-13. Approved 1982. TM  
08/01/1995: Field exam confirmed source as Scott Draw. No change in source - license issued incorrectly on Unnamed Stream. Trib. N. Alkali Draw, as per USGS OQ. TM

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

| TWP.<br>05N | RGE.<br>06W | SEC.<br>13 | 1/4<br>SW | 1/4<br>SW | 1/4<br>SW | LOT | POD<br>FLAG | COUNTY<br>CANYON | DIVERSION NAME | DIVERSION NBR |
|-------------|-------------|------------|-----------|-----------|-----------|-----|-------------|------------------|----------------|---------------|
| 05N         | 06W         | 13         | SW        | SW        | SW        |     |             |                  |                |               |
|             |             |            |           |           |           |     |             |                  |                |               |
|             |             |            |           |           |           |     |             |                  |                |               |
|             |             |            |           |           |           |     |             |                  |                |               |
|             |             |            |           |           |           |     |             |                  |                |               |
|             |             |            |           |           |           |     |             |                  |                |               |
|             |             |            |           |           |           |     |             |                  |                |               |

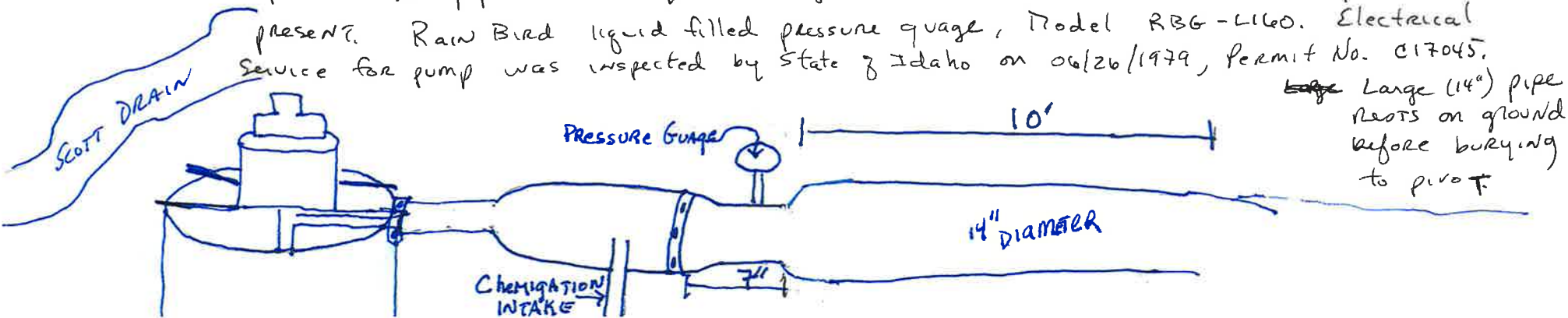
SOURCE: UNNAMED STREAM  
Scott Draw

TRIB: BOISE RIVER  
North Alkali Drain

REVIEWED BY: [Signature] DATE: 07/31/1995

SYSTEM DESCRIPTION: DESCRIBED BELOW (X), SEE LICENSE FILE ( ), OR SEE ATTACHMENT (X)

G.E. 50 H.P. MOTOR, Model SK6252XM502A, Serial No. KNT1019432, 60 cycle, 3 phase, Type K. Four ft culvert placed on end for stilling well. Piped to 14" pipe which goes underground to center pivot. Chemigation present. Rain Bird liquid filled pressure gauge, Model RBG-L160. Electrical service for pump was inspected by State of Idaho on 06/26/1979, Permit No. C17045.



A. ROOT WATER RIGHT NUMBERS: A63-02630D

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                                           | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|------------------------------------------------|------------------|-----------------|-----------------|----------------|------------------|
| 05N | 06W | 13  | NE  | SW  |     | OWNS DAIRY LIMITED PARTNERSHIA63-02630D / 40.0 | 63-02630D / 40.0 | 63-02279 / 13.0 | 41.0            | 34             | 34               |
|     |     |     | NE  | SW  |     | RIVERSIDE IRRIGATION DISTRICT                  |                  |                 |                 |                |                  |
| 05N | 06W | 13  | NW  | SW  |     | OWNS DAIRY LIMITED PARTNERSHIA63-02630D / 40.0 | 63-02630D / 40.0 | 63-02279 / 34.0 | 40.0            | 34             | 40.0 34          |
|     |     |     | NW  | SW  |     | RIVERSIDE IRRIGATION DISTRICT                  |                  |                 |                 |                |                  |
| 05N | 06W | 13  | SW  | SW  |     | OWNS DAIRY LIMITED PARTNERSHIA63-02630D / 40.0 | 63-02630D / 40.0 | 63-02279 / 33.0 | 42.0            | 34             | 34               |
|     |     |     | SW  | SW  |     | RIVERSIDE IRRIGATION DISTRICT                  |                  |                 |                 |                |                  |
| 05N | 06W | 13  | SE  | SW  |     | OWNS DAIRY LIMITED PARTNERSHIA63-02630D / 35.0 | 63-02630D / 35.0 | 63-02279 / 26.0 | 39.0            | 34             | 34               |
|     |     |     | SE  | SW  |     | RIVERSIDE IRRIGATION DISTRICT                  |                  |                 |                 |                |                  |

ADDITIONAL POU FOUND

|             |            |        |        |        |     |
|-------------|------------|--------|--------|--------|-----|
| TOTAL ACRES | A63-02630D | 155.00 | 155.00 | 162.00 | 136 |
|-------------|------------|--------|--------|--------|-----|

POU COUNTY: CANYON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y( ) N(X)

\* IF YES, ARE THESE TRACTS LISTED ABOVE ( ), OR ARE THEY LISTED ON AN ATTACHED SHEET ( )

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y( ) N(X)

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) Y(☒) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A( ) Y( ) N(☒)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N( )

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(☒) N( )

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDWR NO. W52; ( ) TOPOGRAPHIC QUAD, IDWR NO. \_\_\_\_\_;  
( ) NAPP, IDWR NO. W52SE; ☒ ASCS PHOTO; ( ) OTHER \_\_\_\_\_

NOTES: 07/14/1995: Some acres in Federal set-aside program. 35-40 acres.  
CORNERS are not in. May put one corner in next year.  
Advised to contact IDWR before putting in the corner. Corners  
have not been irrigated since pivot was put in, approx. 20  
years ago. As per conv. w/ Terry Downs. rrr  
07/31/1995: NAPP seems to show NESW as unirrigated. Field  
exam to verify acres. When license was issued ditches and flood  
irrigation, now irrigated w/ pivot sprinklers. Corners are not  
in and have not been irrigated since pivot was installed. NE  
corner is alkali - impossible to grow crops (as per Terry Downs).  
SE corner is gravel pit & SW corner is diversion works  
& access road. Discussed partial forfeiture w/ Terry Downs  
and indicated that ASCS acreage determination would probably be  
used for recommendation. rrr

RECOMMENDATIONS:

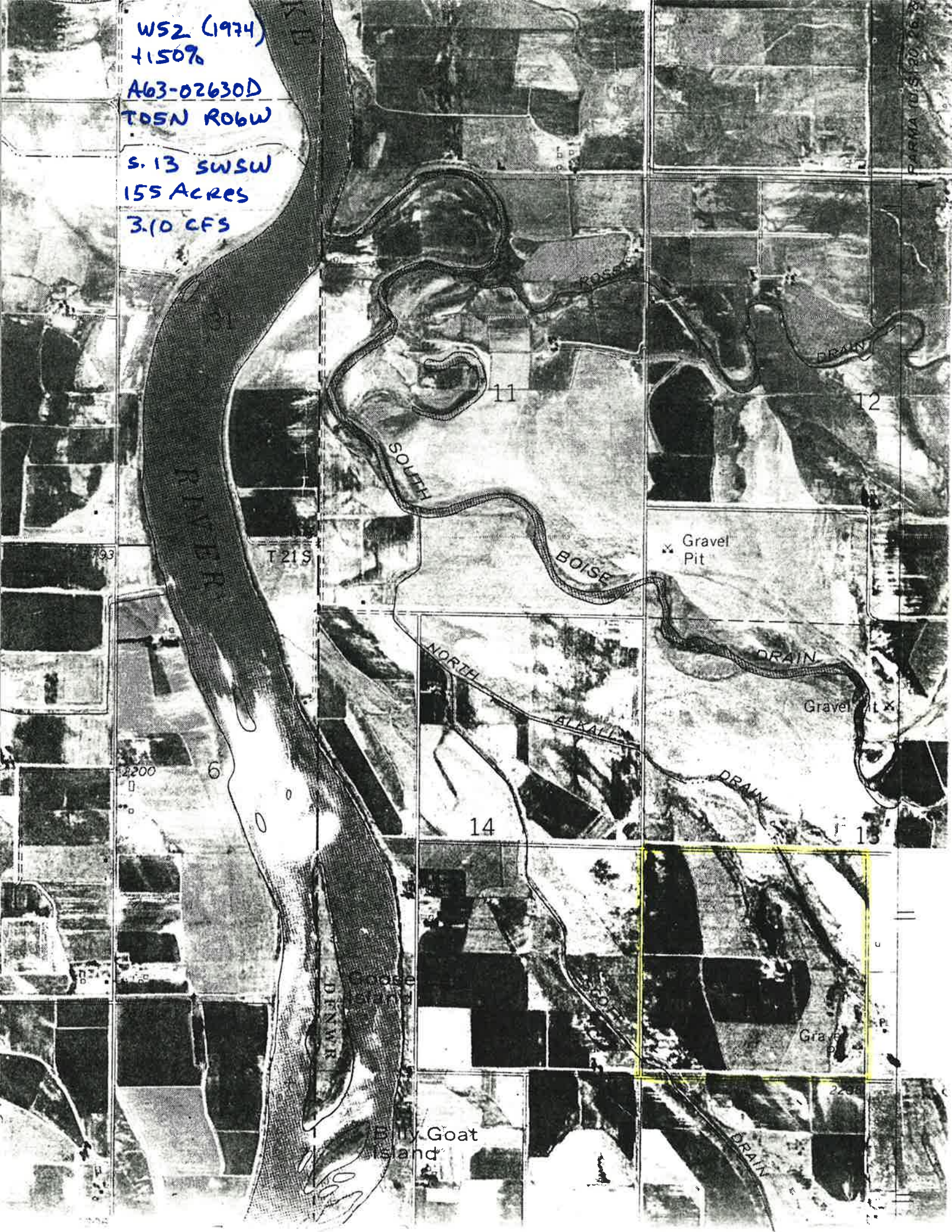
TOTAL ACRES: 135 N/A( )

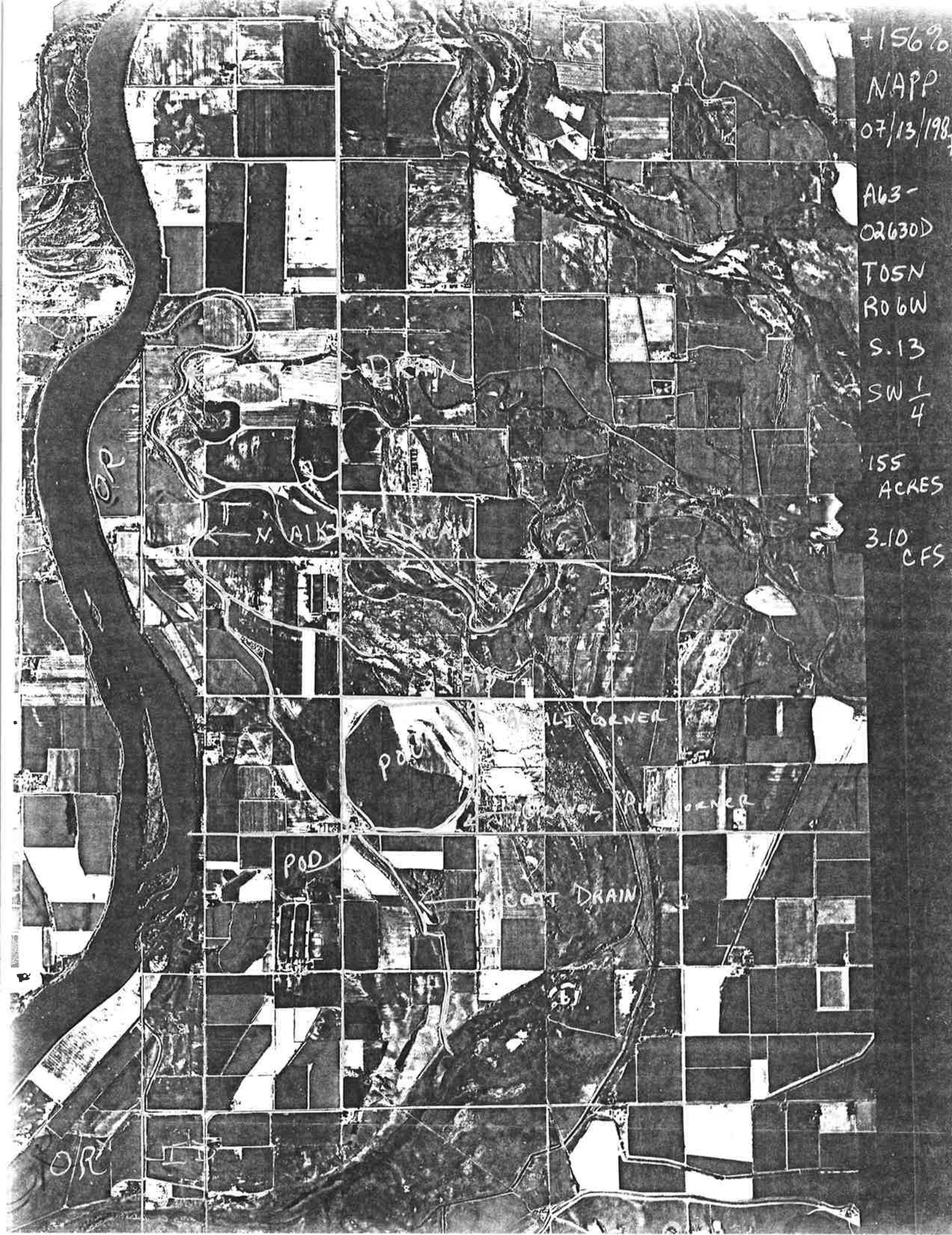
REVIEWED BY: [Signature]

DATE: 07/31/1995



PARMA IV. 5120. 26. 8.





+156%  
NAPP  
07/13/198  
A63-  
02630D  
T05N  
R06W  
S.13  
SW  $\frac{1}{4}$   
155  
ACRES  
3.10  
CFS

A. AJ CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A63-02630D IRRIGATION       | FROM 03-15 TO 11-15       | 3.100 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 3.100 CFS              |                        |

B. WR RECORDED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 63-02630D IRRIGATION        | FROM 04-01 TO 10-31       | 3.100 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 3.100 CFS              |                        |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

\* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

\* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

\* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

\* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

NOTES: 07/31/1995 : License originally issued @ .02 CFS/acre. Transfer  
No. 2629 carried that rate of diversion through to this portion of  
the water right. RM

AJ CLAIM TOTAL DIVERSION RATE: 3.100 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.100 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y(☒) N( )

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A( ) Y(☒) N( )

\* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(☒) N( )

\* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y( ) N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD Theoretical - see below, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 136 x 0.02 CFS/ACRE = 2.72 CFS  
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y( ) N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( )

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 136 x DIVERSION VOL. AF/A FOR AREA 4.5 =

TOTAL DIVERSION VOLUME 612 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 542.5 AF/A

ACRES 136 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 476 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW ( ) OR SEE ATTACHMENT ( )

1b. CALCULATIONS

From IDWR Field Examiner's Handbook

$$Q = \frac{(8.8)(14.1)(2FF)}{6ft * (2.31 * PSI.)}$$

$$= \frac{(8.8)(50)(70)}{6 + (2.31 * 45)}$$

$$= \frac{308}{109.95}$$

$$= 2.80$$

STATIC WATER measured @ 5.5'  
45psi is an estimation

[illegible]

WR RECORD CONDITIONS/REMARKS:  
R04 - Use of water under this water right will be regulated by the  
- watermaster of State Water District No. 63.  
TRANS. 2629.

R04 - Use of water under this water right will be regulated by the  
- watermaster of State Water District No. 63.  
TRANS. 2629.

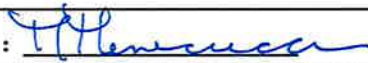
RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

| REC.<br>PURPOSE OF USE | REC. PERIOD  |              | REC. DIV          |             | REC. DIV  |            | REC. CONS.        |            |
|------------------------|--------------|--------------|-------------------|-------------|-----------|------------|-------------------|------------|
|                        | FROM         | TO           | RATE              | CFS         | VOL. AF/A |            | USE               |            |
| IRRIGATION             | 03-15        | 11-15        | DATABASE<br>3.100 | EXAMINER    | DATABASE  | EXAMINER   | DATABASE<br>542.5 | EXAMINER   |
| <u>IRR</u>             | <u>03-15</u> | <u>11-15</u> |                   | <u>2.72</u> |           | <u>612</u> |                   | <u>476</u> |
|                        |              |              |                   |             |           |            |                   |            |
|                        |              |              |                   |             |           |            |                   |            |
|                        |              |              |                   |             |           |            |                   |            |
| TOTAL FOR THIS RIGHT   |              |              | 3.100             | <u>2.72</u> |           | <u>612</u> | 542.5             | <u>476</u> |

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

REVIEWED BY:



DATE:

07/31/1995

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | ( )                    | ( )             |
| FORFEIT/ABANDON _____        | ( )                    | (X)             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-02630

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE  
4.080

EXAMINER  
\_\_\_\_\_

CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - A63                | - 02630B                 | .78               | WITHDRAWN                 |                  | 63-02630D           | 3.100             |
| - A63                | - 02630D                 | 3.10              | -                         |                  | 63-02630            |                   |
| -                    | -                        |                   | -                         |                  | 63-02630A           |                   |
| -                    | -                        |                   | -                         |                  | 63-02630B           | 0.780             |
| -                    | -                        |                   | -                         |                  | 63-02630C           | 0.200             |

TOTAL CFS

3.88

Difference of .20 CFS (63-02630C)

4.080

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW ( ) OR SEE ATTACHMENT ( )?

DATABASE  
N

FIELD  
EXAMINER  
Y(X) N( )

NOTES:

07/31/1995: 63-02630 split into A & B. 63-02630A split into C + D.

A63-02630B (STEEL) has been withdrawn. License 63-02630 was originally licensed in 2 parts - Part A for 3.3 cfs + Part B for .78 cfs. (4.08 TOTAL)  
A was split into C + D by XFER # 2629, which also moved PD for Part D.  
The A63-02630D was filed for the correct amt (3.10 cfs) & 63-02630C has not been filed on in the SRBA. m

=====

AUTHENTICATION:

SIGNATURE:

*[Handwritten Signature]*

DATE:

07/31/1995

NAME OF FIELD EXAMINER:

MARIA MINICUCCI

TITLE:

SR WATER AGENT

=====

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

| TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) | IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION   | COPY INCLUDED IN FILE? |
|-------------------------------------------|----------------------------------------------------------|------------------------|
| (X) ORTHOPHOTOQUAD                        | DATE OF PHOTO <u>1974</u> IDWR ID NO. <u>W52</u>         | Y( <u>X</u> ) N( )     |
| ( ) TOPOGRAPHIC                           | DATE FIELD CHECKED _____ IDWR ID NO. _____               | Y( ) N( )              |
| (X) NAPP                                  | DATE OF PHOTO <u>07/13/1987</u> IDWR ID NO. <u>W5255</u> | Y( <u>X</u> ) N( )     |
| (X) ASCS AERIAL PHOTO                     | DATE OF PHOTO <u>1987 flight</u>                         | Y( <u>X</u> ) N( )     |
| ( ) ASCS COLOR SLIDE                      | DATE OF PHOTO _____                                      | Y( ) N( )              |
| ( ) BLM OR USFS AERIAL PHOTO              | DATE OF PHOTO _____                                      | Y( ) N( )              |
| ( ) TOWNSHIP SURVEY (GOVERNMENT PLAT)     | DATE OF SURVEY _____                                     | Y( ) N( )              |
| ( ) SCS SOIL SURVEY MAP                   | DATE ISSUED _____                                        | Y( ) N( )              |
| ( ) SUBDIVISION PLAT MAP                  | DATE OF MAP _____                                        | Y( ) N( )              |
| ( ) OTHER _____                           | DATE _____                                               | Y( ) N( )              |
| ( ) OTHER _____                           | DATE _____                                               | Y( ) N( )              |
| ( ) OTHER _____                           | DATE _____                                               | Y( ) N( )              |

| LIST OF ATTACHMENTS (CHECK IF ATTACHED) | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF PAGES | NOTES                              |
|-----------------------------------------|---------------------------------------------|--------------|------------------------------------|
| (X) LICENSING FIELD EXAM                | DATE OF FIELD EXAM <u>01/07/1954</u>        | <u>2</u>     |                                    |
| (X) WATER RIGHT LICENSE                 | DATE LICENSE SIGNED <u>02/14/1969</u>       | <u>1</u>     | <u>portion of license.</u>         |
| ( ) IDWR APPROVED TRANSFER              | DATE TRANSFER APPROVED _____                | _____        | _____                              |
| ( ) SYSTEM DESCRIPTION                  | DATE DRAWN _____                            | _____        | _____                              |
| (X) PHOTOGRAPHS                         | DATE(S) PHOTOS TAKEN <u>07/14/1995</u>      | <u>1</u>     | <u>Source is Scott Drain</u>       |
| ( ) SPLIT RIGHT REVIEW                  | DATE REVIEW COMPLETED _____                 | _____        | _____                              |
| ( ) HUBBLE ANALYSIS                     | DATE ANALYSIS COMPLETED _____               | _____        | _____                              |
| ( ) CONVEYANCE LOSS ANALYSIS            | DATE ANALYSIS COMPLETED _____               | _____        | _____                              |
| ( ) FLOW MEASUREMENT CALCULATIONS       | DATE SYSTEM MEASURED _____                  | _____        | _____                              |
| (X) OTHER <u>IDWR ORDER</u>             | DATE <u>02/13/1969</u>                      | <u>1</u>     | <u>Explains 2 parts of license</u> |
| ( ) OTHER _____                         | DATE _____                                  | _____        | _____                              |



PHOTOGRAPHER AND DATE OF PHOTOS TT Minicucci 07/14/1995

FILE NO. A63-02630D T05N R06W S.13 SW SW



- ① Point of diversion is SW corner of SWSW S.13. SCOTT DRAIN is in the background.



- ② SW SWSW corner of S.13, NOT under irrigation. Center pivot does not have the corners irrigated. Looking west toward MAROSTICA property.

# FIELD EXAM PHOTO INDEX SUMMARY

Date: 07/14/1995

Roll No.: 1

Photographer: THINICUCCI

PHOTO NO.

SUBJECT

1  
2  
3  
4  
5  
6  
7

18 A63-02904A New POD (XFER 1991)

19 POD

20 POD Looking S toward Horstica (From POD)

21 POD Looking east Toward Down's PIVOT

22 Bubbler TANK TO 12" gated pipe

23 Sprinkler head risers

24 SW CORNER of Downs A63-02630D u/POD

25 A63-02630D POD

26

17

18

19

20

21

22

23

24

BEFORE THE STATE RECLAMATION ENGINEER  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 19769 }  
IN THE NAME OF ALVIN A. STEEL }

ORDER

WHEREAS, Application for Permit No. 19769 was received by the Department of Reclamation on February 21, 1946, and permit was issued for the diversion of 4.5 cubic feet per second of water from an unnamed stream tributary to Boise River for irrigation of 228 acres, and;

WHEREAS, Proof of Application of the Water to Beneficial Use was to be made on or before February 23, 1954, and was made in fact on January 4, 1954, and;

WHEREAS, an assignment for 40/228 interest was made to John Steel by the executrix of the deceased permit holder on December 23, 1953, and;

WHEREAS, a field examination made January 7, 1954, showed a measured rate of diversion of 4.08 cubic feet per second of water or 204 miners inches of water, and;

WHEREAS, on January 8, 1954, the Department of Reclamation notified the permit holders that two licenses would be issued, one to the assignee for his portion, 39 inches or 0.78 cubic feet per second of water, and one to the estate of the permit holder for the remainder or 165 inches or 3.30 cubic feet per second of water, and;

WHEREAS, on September 14, 1954, a license was issued in error to the estate of the permit holder for 1.65 cubic feet per second of water rather than 3.3 cubic feet per second of water as intended, and;

WHEREAS, the permit holder has petitioned the Department of Reclamation to issue a corrected license, the original having been lost or destroyed, and;

IT IS THEREFORE HEREBY ORDERED, that licensed permit 19769 be recalled and reissued in the amount of 3.3 cubic feet per second of water and that the date of priority established by this permit remain February 21, 1946.

Dated this 13<sup>th</sup> day of February, 1969.

DRS:kh

  
R. KEITH HIGGINSON  
State Reclamation Engineer

WR5809NP  
No. 63-02630D

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 07/10/95  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | LARRY R. DOWNS | ✓02/21/1946      | IRRIGATION | 04-01 10-31           | ✓3.100 CFS        |                     |
| TOTAL DIVERSION: |                |                  |            |                       | ✓3.100 CFS        |                     |

Water Source: UNNAMED STREAM

Tributary to: BOISE RIVER

Stage: LICENSE  
CANYON County

Point(s) of Diversion: T05N R06W S13 ✓ SWSW ✓

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   | NW |    |    |    | SW |    |    |    | SE          |    |    |    |    |    |    |    |    |    |    |   |     |  |  |  |         |
|-----|-----|----|---|----|----|----|----|----|----|----|----|-------------|----|----|----|----|----|----|----|----|----|----|---|-----|--|--|--|---------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt          | Ac | :  | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |  |  |  |         |
| 05N | 06W | 13 | ✓ |    |    |    |    |    |    |    |    |             |    |    |    |    |    |    |    |    |    |    |   |     |  |  |  |         |
|     |     |    |   |    |    |    |    |    |    |    |    | 40          | 40 | 40 | 35 |    |    |    |    |    |    |    |   |     |  |  |  | 155.0   |
|     |     |    |   |    |    |    |    |    |    |    |    | ✓           | ✓  | ✓  | ✓  |    |    |    |    |    |    |    |   |     |  |  |  | 155.0 ✓ |
|     |     |    |   |    |    |    |    |    |    |    |    | TOTAL ACRES |    |    |    |    |    |    |    |    |    |    |   |     |  |  |  |         |

Pou County: CANYON

Other Water Rights Listing Overlapping Place(s) of use:  
63-02279

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 63.

Remarks: TRANS. 2629.

Dates: App. Received:  
Proof Due Date:  
Exam Made Date:  
Licensed Date: 01/18/1983

Priority Date: 02/21/1946  
Proof Made Date:  
Exam Sent to S.O.:

Misc: Water District Number: 63 Field Exam Fee:

Audit: 07/01/85 05/01/88 CONVERT

## State of Idaho

## WATER LICENSE

CORRECTED

Water License No. 19769/63-2630 Partial Prior 1910 Amount 3.3 c.f.s.

THIS IS TO CERTIFY, that ALVIN A. STELLER  
 of Parma, Idaho, made application for a permit to appropriate the public waters of  
 the State of Idaho, dated February 21, 1940, that Permit 19769/63-2630 was issued pursuant  
 to said application; that the proposed works were completed on or about 1946  
 with a storage or carrying capacity of 1.08 c.f.s., said works consisting of  
 pump, motor, and ditch and that on January 4, 1954,  
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 660  
 acre feet per season, with a maximum rate of diversion of 3.3 cubic feet per second of the waters  
 of unnamed stream, tributary of Boise River,  
 for the purpose of irrigation from April 1 to October 31,  
 and for from to, and for  
 from to, and that the use  
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-  
 mation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is  
 located in NW 1/4 NW 1/4, Sec. 24, T. 6 N. R. 6 W. B.M., and  
 other additional points in the County of  
 Canyon, and that the amount of water to which such right is  
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially  
 used for said purposes and shall not exceed 660 acre feet per year.

## Description and location of place of use

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5 N  | 6 W   | 13   |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 35     |        |        |        |        | 155    |
|      |       | 14   |        |        | 10     |        |        |        |        |        |        |        |        |        |        |        |        |        | 10     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 165

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14th day of February, 1969.

*R. Keith Hogg*  
 State Reclamation Engineer

63-600 63-2630

19769

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

Permit No. 19769

This proof is for Beneficial use

In Water District No.

1. Name of applicant: Estate of Alvin A. Steel, C/o John Steel, Route 2, Parma, Idaho
2. Source of water supply: Un-named stream
3. Location of point of diversion: Is in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 24  
T. 5 N. R. 6 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Pump House 6'x8'x16' high, V. type roof. Building painted red. House is tall to permit pulling the pump in the winter time. House has concrete base and there is a concrete base for the pump and motor. Motor is 15 horsepower, U. S. Motor 220 Volts, 40.2 amperes, 3 phase 60 cycle, 12,000 r.p.m. Serial No. 537335. Pump is a Peerless Turbine No. 39738, Single stage, 12 inch bowl, 8 foot column, 12 inches in diameter, enlarges to 14 inches in diameter.
5. Water is used for: Irrigation and domestic purposes contd. on bottom of page.
6. State whether or not water has been turned into works of diversion: Yes

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

SW $\frac{1}{4}$  Section 13;S $\frac{1}{2}$  NE $\frac{1}{4}$  Section 14;SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 14;

Twp. 5 North, Range 6 West, R. M.

See the map.

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

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

Remarks: This water is being pumped from a constructed dam ditch. This examination was made on the 7th day of January, 1954.

(No. 4 Cont.) Total lift is 16 feet. Switch control is in a Square D panel, Type K 13. Meter is mounted on the north side of the pump house, 240 volt, C.E., 300333015. There is approximately 400 feet of buried concrete pipe from the pump house to the main outlet. Ditches are all very large with ample capacity, 4 to 6' w on bottom, 2' to 3' deep. Partly diked ditches

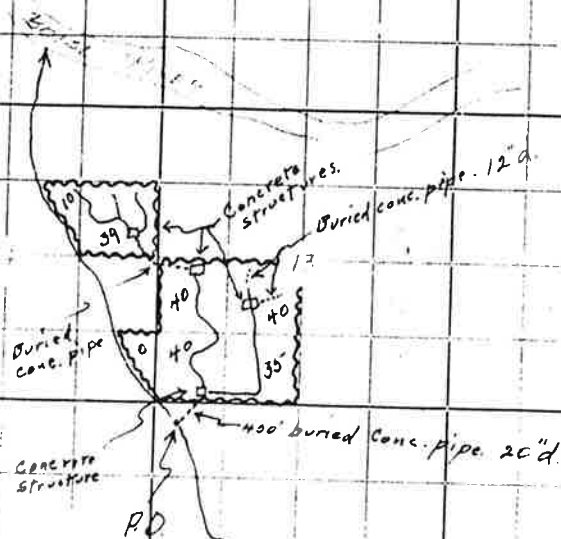
This examination was made on the 7th day of January, 1954

(Signed) E. H. Humphrey

Examiner

19769

R-6 W.



Constructed  
Source = Drain ditch  
6 Subdivisions  
204 acres area  
204" = Q

AJ5809NP  
No. A63-02630D

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/29/00  
PAGE: 6

| OWNER<br>CODE                        | NAME & ADDRESS                                                                         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|--------------------------------------|----------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                                    | DOWNS DAIRY LIMITED PARTNERSHIP<br>31156 MARKER RD<br>PARMA ID 83660<br>(208) 722-6570 | 02/21/1946       | IRRIGATION | 03-15 11-15           | 3.100 CFS         |                     |
| TOTAL DIVERSION:<br>CONSUMPTIVE USE: |                                                                                        |                  |            |                       | 3.100 CFS         | 542.50 AFA          |

Water Source: UNNAMED STREAM

Tributary to: BOISE RIVER

Stage: LICENSE

Point(s) of Diversion: T05N R06W S13 SWSWSW

CANYON County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |       |       |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| T           | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :     | SUM   |
| 05N         | 06W | 13 | : |    |    |    |    |    |    |    |    |    |    | 40 | 40 | 40 | 35 |    |    | :     | 155.0 |
| TOTAL ACRES |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :  | 155.0 |       |

POU County: CANYON

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
R63-02630D

Other Water Rights Listing Overlapping Place(s) of Use:  
R63-02630D

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 63.

Dates: Exam Made Date: 07/14/1995

Verified Date:

Objection Filed Date:

Misc: Water District Number: 63

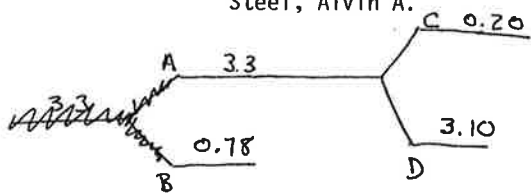
Field Inspection Flag: Y

Presumption Flag:

Audit: 04/13/90 FRITSCHL 03/30/95 POST-STD 08/01/95 MMINICUC

| TRANSFER NO. | NAME | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO. |
|--------------|------|------------------|-------------------|--------------|
|--------------|------|------------------|-------------------|--------------|

|                      |                 |  |      |          |
|----------------------|-----------------|--|------|----------|
|                      | Steel, Alvin A. |  | 3.3  | 63-2630A |
| 2 Licenses<br>Issued | Steel, Alvin A. |  | 0.78 | 63-2630B |
|                      | Downs, Larry R. |  | 3.10 | 63-2630D |
|                      | Steel, Alvin A. |  | 0.20 | 63-2630C |



RECEIVED

R

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E

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

Permit No. 19769

This proof is for Beneficial use In Water District No. \_\_\_\_\_

1. Name of applicant Estate of Alvin A. Steel, C/o John Steel, Route 3, Parma, Idaho
2. Source of water supply: Un-named stream
3. Location of point of diversion: Is in the NW<sup>1</sup><sub>4</sub> NW<sup>1</sup><sub>4</sub> of Section 24  
T. 5 N. R. 6 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Pump House 6'x8'x16' high, v type roof. Building painted red. House is tall to permit pulling the pump in the winter time. House has concrete base and there is a concrete base for the pump and motor. Motor is 15 horsepower. U. S. Motor 220 Volts, 40.2 amperes, 3 phase 60 cycle, 12,000 r.p.m. Serial No. 537335. Pump is a Peerless Turbine No. 39738, Single stage, 12 inch bowl, 8 foot column, 12 inches in diameter, enlarges to 14 inches in diameter, contd. on bottom of page.
5. Water is used for: Irrigation and domestic purposes
6. State whether or not water has been turned into works of diversion: Yes

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

SW<sup>1</sup><sub>4</sub> Section 13;  
S<sup>1</sup><sub>2</sub> NE<sup>1</sup><sub>4</sub> Section 14;  
SE<sup>1</sup><sub>4</sub> SE<sup>1</sup><sub>4</sub> Section 14;  
Twp. 5 North, Range 6 West, B. M.

See the map.

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

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

Remarks: This water is being pumped from a constructed dam ditch. This examination was made on the 7th day of January, 1954.

(No. 4 Cont.) Total lift is 16 feet. Switch control is in a Square D panel, Type K 13. Meter is mounted on the north side of the pump house, 240 volt, G.E., 300333015. There is approximately 400 feet of buried concrete pipe from the pump house to the main outlet. Ditches are all very large with ample capacity, 4' to 6' W. on bottom, 2 1/2' to 3' deep. Partly diked ditches.

2-13-69 IRRIGATION REQUIREMENT = 4.5 AC-Ft / ACRE / Season DR2

This examination was made on the 7th day of January, 1954.(Signed) E. H. Humphrey Examiner.

19769

Estate of Alvin A. Steel  
Rt. 3, Parma, Idaho

Permit No. 19769

Examination for Beneficial Use

County Canyon

### INSTRUCTIONS TO EXAMINERS

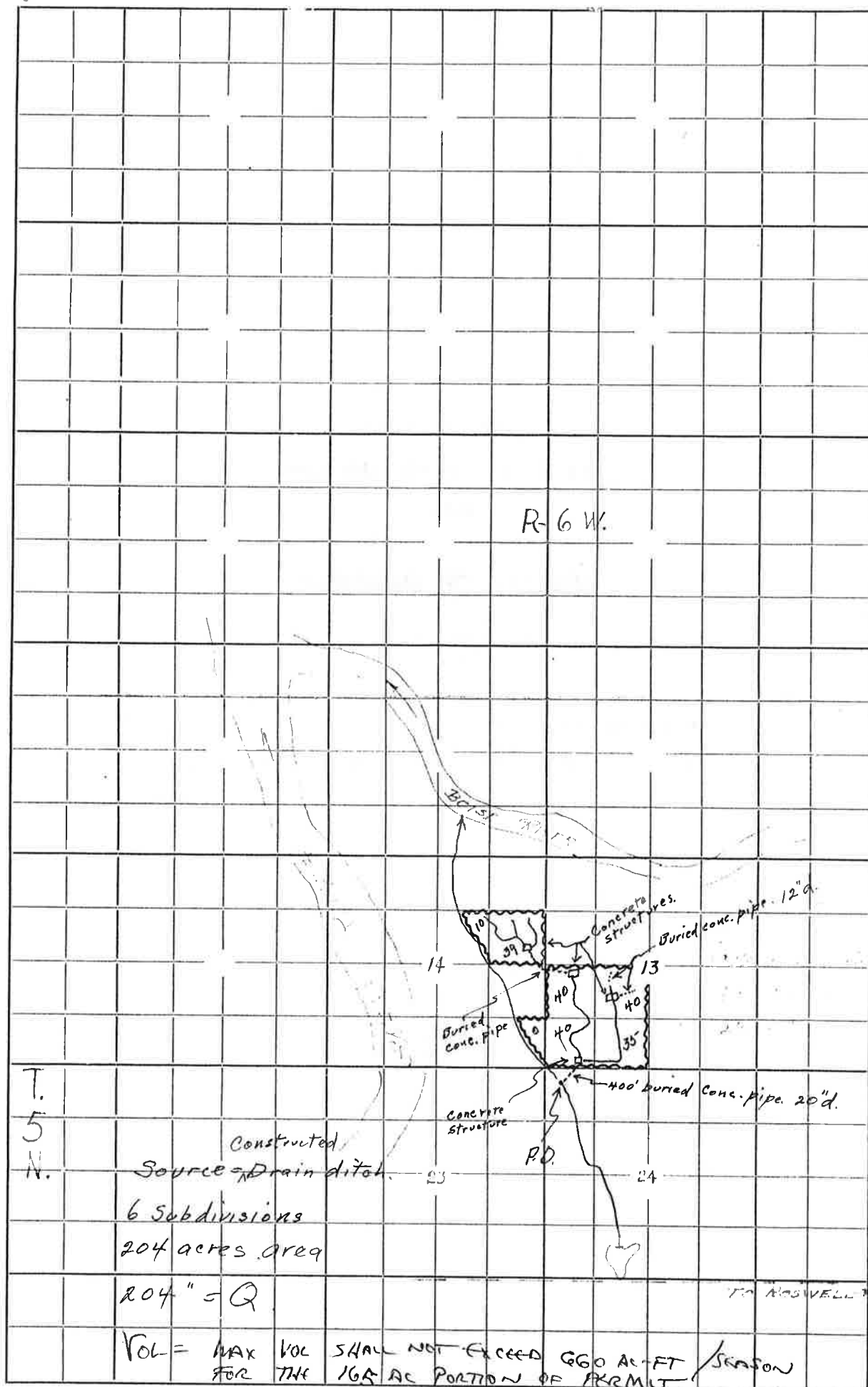
1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated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

157 V. 3 mob.  
# 577550 100 to 402  
1200 yds. 2 ft. 60 ft.  
# 39737 1000  
5.42 ft.  
100 ft. 12"  
16' ditch 8' col. 12" 3/4"  
del pipe concrete in 20"  
6' 10" 11"  
65'

24-69-0  
G = 4.5 2.40  
S = No. 1000 ft.  
Rd = 1000 ft. 2.50-5.00

JAN 7 1964  
Department of Reclamation

11 = 1000 ft.



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

19769

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 19769

REPORT ON PROOF OF Beneficial Use

Estate of ALVIN A. STEEL, C/o John Steel, Rt. 3, Parma, Idaho

*John Steel* 34" .78 cfs  
*Estate* 165 -330 cfs

*4.5 cfs*

*since*

*SEE 111 and 112*

*110/228*

*204 acres*

*6.115*



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

February 24, 1995

[ DOWNS DAIRY LTD ]  
PARTNERSHIP  
31156 MARKER RD  
PARMA ID 83660

[ ]

RE: Claim(s) to a Water Right filed in the Snake River Basin Adjudication

Claim Nos. A63-02630D

Dear Claimants:

The Department of Water Resources will be conducting claim verification field exams in your area beginning in March. An examination is needed to verify your water use in order to complete our report for the court's decree.

The field exams are conducted to gather information about your water right. This information may include the source of water, type of usage, amount of water used, number of acres irrigated, and the legal description of the point of diversion and/or place of use.

Please contact this office by March 10, 1995, in order to make an appointment at a time which is convenient for you. Although it is not mandatory that you accompany IDWR's examiner, it is helpful if someone familiar with the water delivery system is present during the exam. This will help insure that your water right is described accurately for the report to the court.

To make an appointment, or if you have any questions or concerns about the field exam, please contact me at your earliest convenience.

Sincerely,

Maria Minicucci  
Water Agent, Adjudication Bureau

MM:m



Idaho Dept. of Water Resources  
Place of Use Comparison Report

| SESE | Total |
|------|-------|
|      | 218   |
|      | 136   |
|      | 155   |
|      | 155   |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
| X    | 0     |
|      | 23    |
|      | 22.6  |
|      | 27    |
|      | 40    |
|      | 40    |
|      | 40    |
|      | 40    |
|      | 40    |
|      | 40    |
|      | 31    |
|      | 40    |
|      | 40    |
|      | 25    |
|      | 25    |
|      | 25    |
|      | 40    |
|      | 40    |
|      | 31    |
|      | 31    |
|      | 20    |
|      | 20    |
|      | 20    |
|      | 40    |
|      | 40    |
|      | 40    |
|      | 48    |
|      | 2.7   |
|      | 3     |
|      | 4.7   |
|      | 8     |
|      | 4.8   |
|      | 7     |
|      |       |

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

