

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: **A63-09179B**
Date Received: 2/14/1990
Receipt No: X777777
Received By: _____

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

1. Name: BEN CHOUTCHOURROU 208-459-1898
Address: 6020 SE 10TH AVENUE
CALDWELL ID 83605
AND/OR
Name: TONI CHOUTCHOURROU 208-459-1898
Address: 6020 SE 10TH AVE
CALDWELL ID 83605

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	03W	19	SW	SW	SW	4	PAYETTE

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.160		17.50
STOCKWATER	01/01	12/31	0.160		17.50

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) 35.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 1000 DAIRY CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	03W	19	SW		SW		STOCK	
			SW		SW		COMMER	
		30	NW		NW		COMMER	
			SW		NW		COMMER	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THREE POINTS OF DIVERSION LOCATED IN T06N, R03W, S19, LOT 4 (SWSW).
OWNERSHIP CHANGED BY LH 5/21/96.
CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.
OWNERSHIP CHANGE BY MTS 10/18/1999.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

ACKNOWLEDGEMENT

Through signing of this acknowledgement, Mr. Carlos Post agrees to convey ten (10) acres of irrigation water right to Ben and Toni Choutchourrou, 6020 SE 10th Avenue, Caldwell, Idaho 83605. Conveyance of the water right will be for the sum of [REDACTED] per acre of transferred water right. Payment in full [REDACTED] will be provided to Mr. Post upon approval of an application for transfer of water right by the Idaho Department of Water Resources which will include a change in the point of diversion, place of use, nature of use and period of use for the ten (10) acre portion of the right to the Choutchourrou Dairy. The application for transfer will be prepared by Sheri L. Chapman Consulting, Inc. with filing fees and professional services and expenses to be shared equally between Mr. Post and Mr. and Mrs. Choutchourrou. I hereby acknowledge agreement with the above-described conditions.

8/27/97
Date

Sheri L. Chapman
Sheri L. Chapman, President

Date

Carlos Post
Carlos Post

8/28/97
Date

Ben Choutchourrou
Ben & Toni Choutchourrou
Toni Choutchourrou

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

RECEIVED

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

MAY 28 1999

Incomplete forms will be returned.

WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) 63-09179B
- Adjudication Claim Number(s) A63-09179B
2. The following **REQUIRED** information must be submitted with this form. ATTACHMENT "A"
- A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE**, or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- AND
- B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a **USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Carlos Post
- 6000 Little Freezeout Road, Caldwell, ID 83605
4. New Owner/Claimant(s) Ben and/or Toni Choutchourrou
- Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
- New Mailing Address 6020 SE 10th Avenue
- City, State and ZIP Code Caldwell, ID 83605
- New Telephone Number (208) 459 - 1898
5. Date you acquired the property 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated N/A Number and type of stock 1,000 Dairy Cows
- Diversion rate in CFS 0.16 Number of homes --- Other uses Commercial
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Bernard Choutchourrou Date 5/27/99
- Toni Choutchourrou Date 5/27/99
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MAKE CHECK PAYABLE TO:
 PAYETTE COUNTY TAX COLLECTOR
 RANDA COLLINGWOOD, TREASURER
 130 3RD AVENUE NORTH
 PAYETTE, ID 83661
 PHONE: (208)642-6004

TAX YEAR 1998 CODE AREA 15
 PROPERTY TAX RECEIPT
 COUNTY OF PAYETTE
 STATE OF IDAHO

CHOUTCHOURROU, BERNARD & TONI
 6020 SE 10TH AVE
 CALDWELL ID 83605

TAXING DIST	*PH
COUNTY	642
RODENT DIST.	64
RECREATION	45
ROAD & BRIDGE	2
SCHOOL #372	2
PARKVIEW CEM.	
SAND HOLLOW F.	

TAX 17 OF LOTS 3 & 4
 SEC 19-6-3 20409 20301-87
 20576 20860 20886 20409
 20576 20860 20886 DAIRY

SUBTOTAL
 NEW LANDFILL FEE
 LANDFILL BOND

LOC: 6020.0 S E 10 AV
 TOTAL ACRES: 41.33

TOT TAX,
 -CIRCUIT

TAXES DELINQUENT FOR

BOB MACKENZIE
PAYETTE COUNTY ASSESSOR
1130 3RD AVE N
PAYETTE ID 83661

ASSESSMENT NOTICE

48- 1-0

POSTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
PAYETTE ID 83661
PERMIT NO 46

RETURN SERVICE REQUESTED

CATEGORY DESCRIPTION

Tax Code
LOTS/ACRES 15

MARKET VALUE

02 IRRGTD PASTURE 17.25
05 DRY GRAZING 15.30
10 RUR.HMSIT-CAT 1-9 3.00
13 RURAL COMMERCIAL 3.36
19 WASTE 2.42
31 IMP. ON CAT. 10
32 IMP. ON CAT. 1-12
46 MOBILE HOME

1999
Taxes are based on the
valuation listed on this statement.
1,090
570
29,700
1,680
74,290
313,100

FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE

JUN 25, 1999

*****CONTINUED ON NEXT CARD*****

PARCEL #

PROPERTY ADDRESS

VALUE: PRIOR YEAR CURRENT YEAR Mail To:

TAX: PRIOR YEAR ESTIMATED

See back for details.

DO NOT RY ESTIMATE

ASSESSMENT NOTICE

CATEGORY DESCRIPTION Tax Code LOTS/ACRES MARKET VALUE
*****CONTINUED FROM PREVIOUS CARD*****
46 MOBILE HOME
46 MOBILE HOME

Taxes are based upon the valuation listed on this statement
FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE

CORRECTED NOTICE

TOTALS 41.33* 508,970
LESS HOMEOWNERS: 37,145- 48- 1-0
TAX 17 OF LOTS 3 & 4 ST#: 06N03W19S820
SEC 19-6-3 20576 20301-87 20886 20409 20860 21407
DAIRY

PROPERTY ADDRESS 6020 S E 10 AV C
PRIOR YEAR CURRENT YEAR Mkt To:
VALUE 328,115 471,825
PRIOR YEAR ESTIMATED
TAX: 4,356.98 6,217.95
DO NOT PAY ESTIMATE

CHOUTCHOURROU, BERNARD & TOM
6020 SE 10TH AVE
CALDWELL ID 83605

See back for details.

ASSESSMENT NOTICE

48- 1-0

CATEGORY DESCRIPTION	Tax Code LOTS/ACRES	15	MARKET VALUE	1999
02 IRRGTD PASTURE	17.25		1,090	
05 DRY GRAZING	15.30		570	
10 RUR.HMSIT-CAT 1-9	3.00		29,700	
13 RURAL COMMERCIAL	3.36		1,680	
19 WASTE	2.42			
31 IMP. ON CAT. 10			74,290	
32 IMP. ON CAT. 1-12			401,640	
46 MOBILE HOME				
*****CONTINUED ON NEXT CARD*****				PARCEL #

1999
Taxes are based on the
valuation listed on this statement
FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE
JUN 25, 1999

CORRECTED NOTICE

PROPERTY ADDRESS

PRIOR YEAR CURRENT YEAR Mail To:

PRIOR YEAR ESTIMATOR

DO NOT PAY ESTIMATE

MAKE CHECK PAYABLE TO:
 PAYETTE COUNTY TAX COLLECTOR
 JANDA COLLINGWOOD, TREASURER
 1130 3RD AVENUE NORTH
 PAYETTE, ID 83661
 PHONE: (208)642-6004

TAX YEAR 1998 CODE AREA 15
 PROPERTY TAX RECEIPT
 COUNTY OF PAYETTE
 STATE OF IDAHO

PARCEL: 48 1
 STATE #:06N03W19S820
 REAL PROPERTY
 VALUATION
 LAND 33,581
 IMPRVMENTS 327,102
 PERS.PROP.
 MOBILE HM
 SUBTOTAL 360,683
 -HM EXEMP 32,568
 TOTAL 328,115

CHOUTCHOURROU, BERNARD & TONI 6020 SE 10TH AVE CALDWELL ID 83605	**TAXING DIST**	*PHONE*	**RATE**	**AMOUNT**
	COUNTY	642-6000	.003974762	1,304.19
	RODENT DIST.	642-6021	.000116638	38.27
	RECREATION	452-3542	.000400501	131.41
	ROAD & BRIDGE	278-3402	.000859295	281.95
	SCHOOL #372	278-5740	.006820180	2,237.80
	PARKVIEW CEM.	452-3127	.000209372	68.70
	SAND HOLLOW F.	459-6514	.000568894	186.66
	SUBTOTAL		.012949642	4,248.98
	NEW LANDFILL FEE	642-6036		108.00
	LANDFILL BOND			.00

TAX 17 OF LOTS 3 & 4
 SEC 19-6-3 20409 20301-87
 20576 20860 20886 20409
 20576 20860 20886 DAIRY

DC: 6020.0 S E 10 AV
 TOTAL ACRES: 41.33

TAXES DELINQUENT FOR:

TOT TAX, SPECIALS, FEES	4,356.98
-CIRCUIT BREAKER EXEMPTION	.00
SUBTOTAL	4,356.98
-PREPAID TAX AS OF 11/16/1998	4,356.98
NET TAX, SPECIALS, FEES	.00

IMPORTANT
 PLEASE READ BOTH FRONT AND BACK
 MONTHLY PAYMENTS ARE ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.
 TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.
 KEEP TOP PORTION FOR YOUR RECORDS.
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

ATTACHMENT A
WATER RIGHT #63-09179B

A portion of this water right was transferred to Ben and Toni Choutchourrou for an existing dairy. The Choutchourrou's acquired a portion of the right to provide stockwater and commercial water for an expansion of the dairy. The land from which the water right was transferred remains in the Post ownership but has been dried up and no irrigation water will be applied to it in the future.

20

WARRANTY DEED

FOR VALUE RECEIVED, HILLSDALE FARMS, an Idaho general partnership, Grantor, does hereby grant, bargain, sell and convey unto WILLOWBROOK DEVELOPMENT, INC., Grantee, whose address is 210 Murray Street, Boise, Idaho 83714, that certain real property situate in Ada County more particularly described in Exhibit "A", attached hereto and made a part hereof, and which conveyance is subject to that certain Mortgage from Grantor to the Travelers Insurance Company, recorded on the 22nd day of August, 1979, as Instrument No. 7946481, and Modification thereof recorded as Instrument No. 8755226, Records of Ada County.

TO HAVE AND TO HOLD the said premises with their appurtenances, unto said Grantee, its successors and assigns.

The said Grantor does hereby covenant to and with the said Grantee that they are owners in fee simple of said premises, and that they are free and clear of all encumbrances except as set forth herein, and that they will warrant and defend the same from all lawful claims whatsoever, subject, however, to easements, reservations, restrictions, assessments and encumbrances of record.

IN WITNESS WHEREOF, Grantor has hereinto executed this Warranty Deed this 14th day of May, 1993.

GRANTOR:

HILLSDALE FARMS,
an Idaho general partnership

By:

H. Dale Hobson
H. DALE HOBSON
General Partner

338170
9338170

ADA COUNTY, ID. FIRST AMERICAN TITLE CO.
J. DAVID NAVARRO
RECORDER BY K. Larson

WARRANTY DEED, p. 1

27.0
'93 MAY 20 PM 3 54

By: Norma Hobson

NORMA HOBSON,
General Partner

By: Russell A. Relyea

RUSSELL A. RELYEA,
General Partner

By: Maureen Relyea

MAUREEN RELYEA,
General Partner

By: Hazel N. Dixon P.R.

HAZEL N. DIXON, in her capacity
as Personal Representative of
the Estate of Henry R. Dixon,
General Partner

H. Dale Hobson
H. DALE HOBSON, Individually

Norma Hobson
NORMA HOBSON, Individually

Russell A. Relyea
RUSSELL A. RELYEA, Individually

Maureen Relyea
MAUREEN RELYEA, Individually

Hazel N. Dixon
HAZEL N. DIXON, Individually, and
as Personal Representative of the
Estate of Henry R. Dixon

EXHIBIT A

ATTACHED TO WARRANTY DEED

PARCEL I

The Southeast quarter of the Southwest quarter AND the Southwest quarter of the Southeast quarter AND the Southeast quarter of the Southeast quarter all lying in Section 30, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho

The Southwest quarter of the Southeast quarter AND the Northwest quarter of the Southeast quarter AND the Southwest quarter of the Northeast quarter AND the Southeast quarter of the Northeast quarter AND the Southwest quarter of the Southwest quarter all lying in Section 29, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho

The West half of the Southwest quarter of the Northwest quarter AND the Northwest quarter of the Southwest quarter AND the Southwest quarter of the Southwest quarter all lying in Section 28, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho

The Northwest quarter of the Northeast quarter and the North half of the Northwest quarter, all lying in Section 32, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho

EXCEPT ditch and road rights-of-way.

PARCEL II

The Southwest quarter of the Northwest quarter AND the Southwest quarter of the Northeast quarter AND the Southeast quarter of the Northwest quarter AND The Southeast quarter of the Northeast quarter AND the Northeast quarter of the Southwest quarter AND the Northeast quarter of the Southeast quarter AND the Northwest quarter of the Southeast quarter of Section 30, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho

The Southeast quarter of the Southwest quarter AND the Southeast quarter of the Northwest quarter AND the Southwest quarter of the Northwest quarter AND the Northwest quarter of the Southwest quarter AND the Northeast quarter of the Southwest quarter of Section 29, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho

EXCEPT ditch and road rights-of-way.

continued

EXHIBIT A CONTINUED

TOGETHER WITH an easement right of way for road extending West from Highway 16 to property currently owned by HILLSDALE FARMS, more particularly described as follows:

The South 30 feet of the North 35 feet of the Northeast quarter of the Southwest quarter AND the Northwest quarter of the Southeast quarter, lying West of and adjacent to the West line of Highway 16 all in Section 28, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho.

PARCEL III

Government Lot 4 and the Southeast quarter of the Southwest quarter of Section 19, Township 5 North, Range 1 West, of the Boise Meridian, Ada County Idaho.

EXCEPT ditch and road rights of way.

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: **A63-09179B**
Date Received: 2/14/1990
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CARLOS POST 208-482-7777
Address: 6000 LITTLE FREEZEOUT RD
CALDWELL ID 83605

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
06N	03W	19	SW		SW		SW	4	PAYETTE

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.160		17.50
STOCKWATER	01/01	12/31	0.160		17.50

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) 35.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 1000 DAIRY CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	03W	19	SW		SW		STOCK	
			SW		SW		COMMER	
		30	NW		NW		COMMER	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	30	SW	NW		COMMER	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THREE POINTS OF DIVERSION LOCATED IN T06N, R03W, S19, LOT 4 (SWSW).

OWNERSHIP CHANGED BY LH 5/21/96.

CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

Western AS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5285
WATER RIGHT NO. 63-09179B

RECEIVED

APR 15 1999

WATER RESOURCES
WESTERN REGION

This is to certify that: **CARLOS POST**
6000 LITTLE FREEZEOUT RD
CALDWELL ID 83605

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.16 CFS	17.5 AF
COMMERCIAL	01/01 to 12/31	0.16 CFS	17.5 AF
	Totals	* 0.16 CFS	* 35.0 AF

SOURCE

GROUNDWATER

Priority: 09/29/1978

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (SWSW), Sec. 19, Township 06N, Range 03W
PAYETTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

06N 03W 19 SWSW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06N 03W 19 SWSW

30 NWNW

SWNW

CONDITIONS OF APPROVAL AND REMARKS

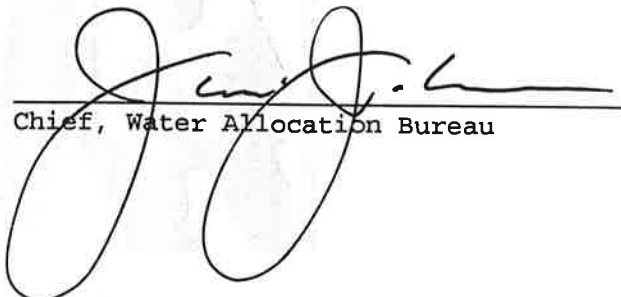
1. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
2. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5285
WATER RIGHT NO. 63-09179B

CONDITIONS OF APPROVAL AND REMARKS

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5285 shall not exceed 0.16 cfs, nor a total combined annual volume of 35.0 af.
8. Commercial use is for a dairy.
9. The water diverted for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by the water right.
10. Three (3) points of diversion are located within Lot 4 (SWSW), S19, T06N, R03W.

Dated this 25TH day of MARCH, 1999.

for 
Chief, Water Allocation Bureau

MEMORANDUM

TO: File 63-09179 *OS*
FROM: Pam Skaggs/State Office
SUBJECT: Transfer 5285
DATE: March 18, 1999

Transfer 5285 changes and adds points of diversion, changes the nature, season and place of use under a portion of Right 63-09179, splitting the right into Parts A and B. The applicant is selling a portion of his irrigation right to provide for an expansion of an existing dairy that is not currently covered by a water right. An ownership change will occur following the approval of this transfer and completion of the sale.

Region staff completed a thorough review of the irrigation right prior to the change, confirming irrigation of the 10 acres proposed for the transfer. Adjustment to the remaining irrigation right will occur through the SRBA process. The 10.0 acres irrigation under this right more than adequately provides for the existing expansion at the dairy, with the balance of water available for future growth. Volume for the dairy uses is limited to the consumptive use volume for the 10.0 acres or 35.0 af. No expansion of the original use occurs through this transfer.

Season of use was adjusted to year round stockwater and commercial use. Recommended conditions include land application limits, water quality, county zoning, multiple points of diversion/measuring devices and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div.Vol./C.U.Vol.</u>
63-09179	4.90 cfs	IRR	303.0	1363.5 af/1060.5af
Original	0.12 "	STOCK	-----	6.7 " / -----
	4.90 cfs		303.0	1370.2 af/1060.5 af
Part A	4.74 cfs	IRR	293.0	1318.5 af/1025.5af
Unchanged	0.12 "	STOCK	-----	6.7 " / -----
	4.74 cfs			1325.2 af/1025.5 af
Part B	0.16 cfs	STOCK	(10.0)	17.5 af/ 17.5 af
Transferred	0.16 cfs	COMMER	"	17.5 af/ 17.5 af
	0.16 cfs			35.0 af/ 35.0 af
	4.90 cfs		293.0	1360.2 af/1060.5 af

RECEIVED
MAY 23 1998

STATE OF IDAHO

Transfer No. 5265

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Changes Approved by Sherl Chapman
for Applicant 6/17/98

Name of Applicant Carlos Post Phone 459-4534
Postal address 6000 Little Freezeout Road City Caldwell St ID 83605 Zip 83605

A. PURPOSE OF THE TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe reason for the proposed changes: Transfer of 10 acres of irrigation water right to a different P/U and P/D and to change the nature of use from irrigation to year round dairy use (commercial).

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1. Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
<u>63-9179B</u>	<u>9/29/1978</u>	<u>.16</u>	<u>Commercial (dairy)</u>	<u>1/1 to 12/31</u>
_____	_____	<u>.16</u>	<u>5.704 cfs</u>	<u>1/1 to 12/31</u>
_____	_____	_____	_____	to _____
_____	_____	_____	_____	to _____

2. Total diversion rate/volume being transferred: .16 cfs and/or 48.4 ac-ft per annum

3. Source of water: Groundwater, tributary to: N/A (or ☐ see Attachment _____)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
<u>6N</u>	<u>3W</u>	<u>19</u>	<u>SW</u>	<u>SW</u>	<u>SW</u>	<u>4</u>	<u>Payette</u>	<u>Choutchourrou - 3 wells</u>
_____	_____	_____	_____	_____	_____	_____	_____	<u>in RR.</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

5. Lands irrigated or place of use (or ☐ see Attachment _____):

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>6N</u>	<u>3W</u>	<u>19</u>											<u>C/S</u>						
<u>6N</u>	<u>3W</u>	<u>30</u>					<u>C</u>	<u>C</u>											
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

Total acres _____

* land application of waste water

PART 1, CONTINUED

Transfer No. _____

6. General information:

a. Description of new diversion system (or ☐ see Attachment _____): Drilled well, submersible turbine pump, plumbing and piping to dairy barn.

b. Remarks (or ☐ see Attachment _____): This portion of 63-9179 is being acquired from Carlos Post by Ben Choutchourou. When the transfer has been approved by IDWR, the transaction will be completed and a change of ownership form will be filed with the Department. Transfer complies 63-12364 to provide complete coverage for existing dairy.

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? Yes XX No

If yes, please complete Part 2, item 6. Attachment "B" See pg 10

Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? Yes XX No

If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

Carlos L. Post
(Signature and Title of Applicant)

Subscribed and sworn before me on this 27th day of February, 19 98.

Terry L. King
(Signature of Notary Public)

(Seal)

My commission expires: April 12, 2002

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 0 attachments

Received by SL Date 3/23/98 Fee \$100

Receipted by SL Date 6/17/98 # W024034

NO - rec'd on 3/23/98

APPLICATION FOR TRANSFER OF WATER RIGHT ADDITIONAL DOCUMENTATION PART 2

ATTACHED (Required)

- XX 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks).

see ps. 6

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- XX 2. Describe any other water rights used for the same purposes described in Part 2, item 1.

- XX 3. Written description of present system and changes required to accommodate the proposed transfer.

4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:

Attachment "A"

XX

- see ps. 7*
(a) proposed water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and

Attachment "B"

XX

- see ps. 8*
(b) unchanged portion of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.

N/A

- (c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).

Attachment "C"

XX

- see ps. 9*
(5) Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right.

- see ps. 10*
✓ N/A (6) Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.

- N/A 7. Comments from county planning and zoning organization for county in which proposed water use will occur.

- ✓* N/A 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

per 6/17/98 office visit by J. Chapman: owner only claims 297 of licensed 303 acres. no other ownership involved.

- continued on reverse side -

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

Attachment "c" - *see ps 8 = 1992 CFSA photo*
a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change

b) pump power records

c) water master records and/or comments if use is within a water district

d) irrigation crop reports

e) reports from other government agencies and/or qualified consultants

f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred

g) describe any defenses to forfeiture - CRP, extension of time, etc

h) other....list other verification documentation for the water right below:

XX **10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.** *see ps 5*

5 **11. Identify any other documentation that clarifies the transfer application:**

APPLICATION FOR TRANSFER OF WATER RIGHT CHANGE IN NATURE OF USE DESCRIPTION PART 3

A. CHANGE IN NATURE OF USE

1. New Nature of Use	Period of Use	Diversion Rate (cfs)	Annual Diversion Volume (acre-feet)	Annual Consumptive Use Volume (acre-feet)
<u>Stockwater</u>	<u>Jan 1 to Dec. 31</u>	<u>0.16</u>	<u>46.1</u>	
	<u>to</u>			
	<u>to</u>			

2. ☐ If present water use is other than irrigation, attach an estimate of the annual volume of water that has been consumptively used. Also, provide justification for the estimate.

3. ☐ Attach copy of design report or system design supporting required water flow rates and volumes for the new use. Describe attachment(s):

Water will be used for approximately 1,000 head of additional dairy stock, both wet and dry. Existing system will provide most of the wash water and cooling needed. New water right will provide makeup water as needed (approximately 1600-2000 gallons/day).

4. If water or waste will be discharged from project, describe quantity, quality and location of the discharge:

Waste water will be pumped into six (6) holding ponds after separation of solids. When necessary ponds are emptied by pumping to fields for land application. Pond dimensions are 120 x 180 feet (2) and 120 x 120 feet (4). All ponds average seven (7) feet deep.

5. Describe measures that will be taken to prevent impacts to other water uses and water users:

Diversion of this water from the aquifer in this area is de minimus and will not be measurable more than a few feet from the well. Well will be operated in an intermittent manner due to type of operation (dairy).

WR5809NP
No.. 63-09179

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/26/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CONNECTICUT GENERAL LIFE INSURANCE CO.	09/29/1978	IRRIGATION	03/15 11/15	4.900 CFS	1363.50 AFA
			STOCKWATER	01/01 12/31	0.120 CFS	6.70 AFA
TOTAL DIVERSION:					4.900 CFS	1370.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R03W S36 SENE 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	
06N	03W	36	:	40		32		32		40								40		39		303.0
																			TOTAL ACRES		303.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: CANYON

Dates: App. Received: Priority Date: 09/29/1978
Proof Due Date: 02/01/1984 Proof Made Date: 01/01/1900
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 04/12/1982

Misc: Water District Number: Field Exam Fee:

Audit: 01/23/86 05/01/88 CONVERT 05/23/89 CURTIS

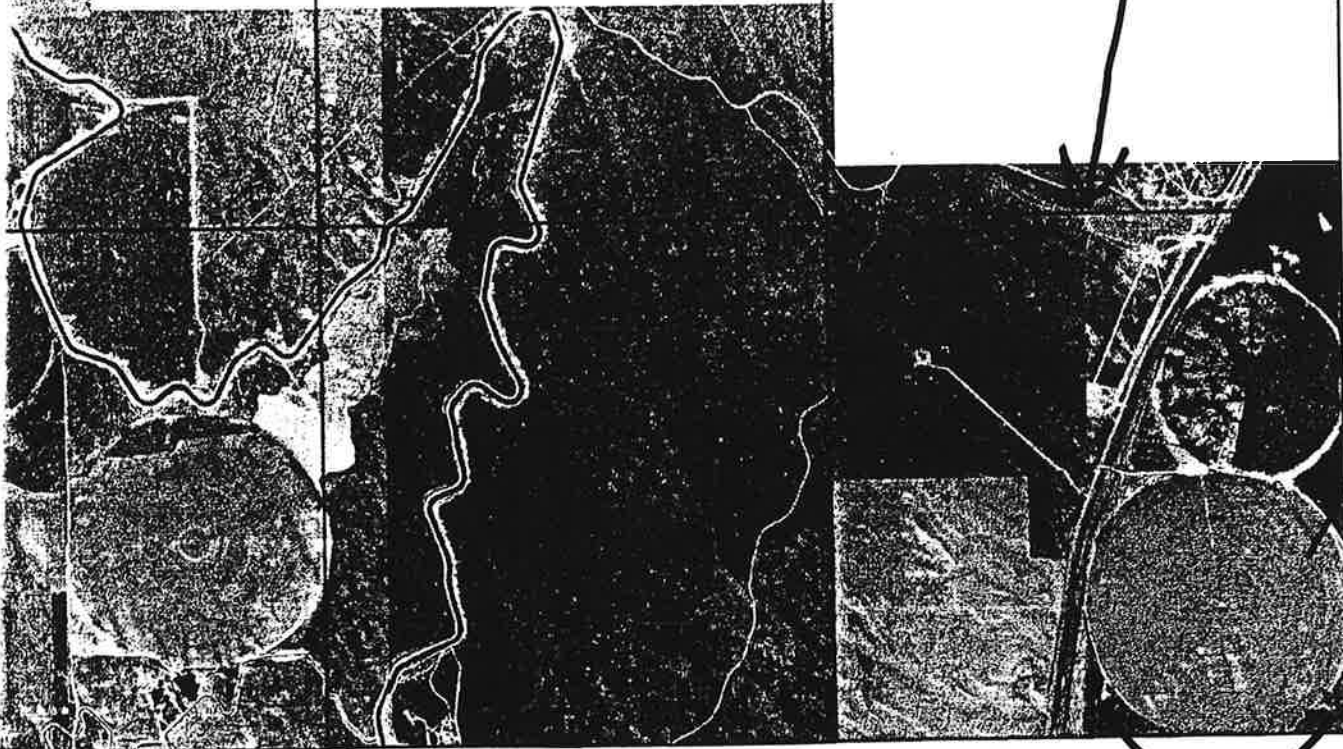
$$\frac{4.9 \text{ cfs}}{303 \text{ ac.}} = .01617 \text{ cfs/Acre} \text{ @ } 3/4" \text{ a/c}$$

$$\frac{1363.5 \text{ AFA}}{303 \text{ ac.}} = 4.5 \text{ sfa/Acre full volume}$$

pg 6 of 10

Appears only irrig signs mid 1994
are the 2 points in E 1/2 S.36

GN 3W
S.36



Irrigated
Circles

F-3 : 7/94 IOWR
Quad : I-R photo
1 Kilometer
1 Mile 7 1/2' scale

CORNERS: NO SIGNS of
irrig



Idaho Department of Water Resources
1301 North Glenview Street
Boise, Idaho 83708
(208) 327-7800

TF 03/26/97

ce_con_olt.ami

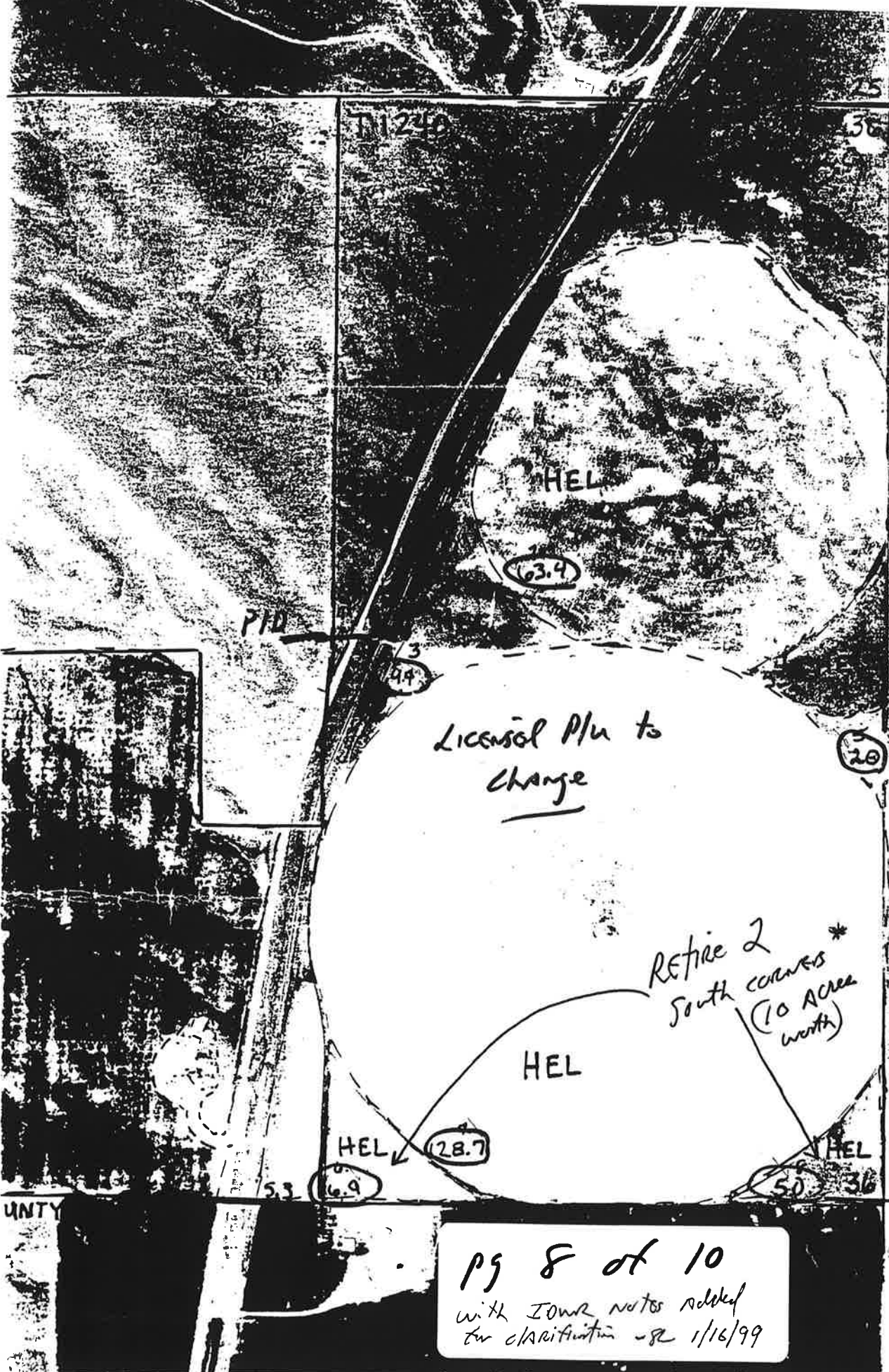


7/87
NAPP
WSS SE

S. 36
shown

Blow up
of
this is
NEXT
document

pg 8
of
10



O = IRRIG
Acres i.d.
by consultant
in 12/14/98
tel. comm
memo
-82

pg 8 of 10
with IOWA notes added
for clarification -82 1/16/99

1992 25 →
6 *
Here
CORNERS =
11.9 Acres total,
ARY up 10 of
them

WARRANTY DEED

GRANTOR, Children's Aid of Idaho, a private Idaho non-profit corporation, also known as Children's Adoption Services, Inc., (CASI), of Boise, County of Ada, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Carlos L. Post and Laura E. Post, husband and wife, whose current address is 27346 Middle Road, Wilder, County of Canyon, State of Idaho, as GRANTEES, and to Grantees' heirs and assigns forever, all of the following described real estate located in Gem County, Idaho:

The E 1/2 of Section 36, Township 6 North, Range 3 West, of the Boise Meridian, in Gem County, Idaho;

EXCEPT the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 36;

ALSO EXCEPT a 100 foot strip of land deeded to the Idaho Northern Railway Company, Limited by Deed recorded July 21, 1903 in Book 9 of Deeds at Page 629, records of Gem County, Idaho;

ALSO EXCEPT those portions of the Northeast quarter of Section 36 and the Southeast quarter of Section 36 lying westerly of Emmett Road, as such road presently exists.

AND ALSO EXCEPT all minerals and geothermal resources, including associated by-products, as reserved by the State of Idaho, by State Deed recorded September 26, 1979 as Instrument No. 130265, records of Gem County, Idaho.

TOGETHER WITH:

Road Easement and Irrigation Pipeline Easement as granted in that certain instrument recorded September 14, 1979 as Instrument No. 130158, records of Gem County, Idaho, over and across the following described property:

The south 100 feet and the west 20 feet of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 36, Township 6 North, Range 3 West of the Boise Meridian, in Gem County, Idaho;

EXCEPT all ditch and road rights-of-way.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

this is a 2-sided pg.

= pg 9 of 10



Children's Adoption Services, Inc.
Bringing Hearts Together

Cheryl Chapman Consulting Inc.
410 S. Orchard
Boise Id. 83705

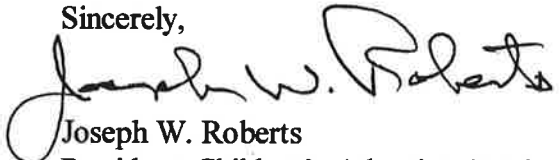
2-18-98

Dear Sirs:

You have our consent, as mortgage holder, to the transfer to Tony And Ben Choutchourrou of 10 acres of water right from the property owned by Carlos Post on Freezeout Road in Gem County, Idaho.

If you have any questions, please call at 376-0558

Sincerely,


Joseph W. Roberts
President, Children's Adoption Service

PS 10
of 10

RECEIVED

MAR 26 1999

WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: Jan Shurte, Western AJ

FROM: Pam Skaggs/State Office

SUBJECT: Transfer Information for Right A63-09179

DATE: March 18, 1999 / 03-26-99 after Transfer Approval

Transfer 5285 was recently processed splitting Right 63-09179. Steve Lester spent considerable time & effort collecting information regarding the irrigation use under the original right prior to the transfer. The transfer approval doesn't address the "unchanged portion" or Part A. I am sending you copies of information from the transfer that may be of assistance in your SRBA review in order not to lose Steve's effort. The full documentation will be available on microfilm eventually.

MEMORANDUM

TO: File 63-09179 *PS*
FROM: Pam Skaggs/State Office
SUBJECT: Transfer 5285
DATE: March 18, 1999

Transfer 5285 changes and adds points of diversion, changes the nature, season and place of use under a portion of Right 63-09179, splitting the right into Parts A and B. The applicant is selling a portion of his irrigation right to provide for an expansion of an existing dairy that is not currently covered by a water right. An ownership change will occur following the approval of this transfer and completion of the sale.

Region staff completed a thorough review of the irrigation right prior to the change, confirming irrigation of the 10 acres proposed for the transfer. Adjustment to the remaining irrigation right will occur through the SRBA process. The 10.0 acres irrigation under this right more than adequately provides for the existing expansion at the dairy, with the balance of water available for future growth. Volume for the dairy uses is limited to the consumptive use volume for the 10.0 acres or 35.0 af. No expansion of the original use occurs through this transfer.

Season of use was adjusted to year round stockwater and commercial use. Recommended conditions include land application limits, water quality, county zoning, multiple points of diversion/measuring devices and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div.Vol./C.U.Vol.</u>
63-09179	4.90 cfs	IRR	303.0	1363.5 af/1060.5af
Original	<u>0.12 "</u>	STOCK	-----	<u>6.7 " / -----</u>
	4.90 cfs		303.0	1370.2 af/1060.5 af
Part A	4.74 cfs	IRR	293.0	1318.5 af/1025.5af
Unchanged	<u>0.12 "</u>	STOCK	-----	<u>6.7 " / -----</u>
	4.74 cfs			1325.2 af/1025.5 af
Part B	0.16 cfs	STOCK	(10.0)	17.5 af/ 17.5 af
Transferred	<u>0.16 cfs</u>	COMMER	"	<u>17.5 af/ 17.5 af</u>
	0.16 cfs			35.0 af/ 35.0 af
	4.90 cfs		293.0	1360.2 af/1060.5 af

MEMORANDUM

TO: FILE

FROM: STEVE LESTER 

DATE: JANUARY 27, 1999

RE: TRANSFER #5285, RIGHT 63-09179

The transfer proposes to retire 10 acres irrigated solely by ground water. The "retired ground water" will be used all year to complete the water right coverage for Choutchourrou's dairy as noted in the extensive file history of 63-12364, a permit issued to cover development through late 1987. The transfer needs to cover 275 milking and 25 replacement cows, which is the dairy development since late 1987 that could not be covered in 63-12364 due to moratorium issues.

The applicant will sell part of the license to Choutchourrou upon transfer approval. Thus, 63-09179B is shown on page 1 and will be the portion sold to the dairy owner. The dairy is about six miles northwest of the licensed P/U. The applicant will retain the balance of the right, which will be 63-09179A.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 10 pages utilizing the *transfer pilot program form*. Note the location of the following application items:

- Pg. 3 & 4 - checklist to advise applicant in filing
- Pg. 5 - nature of use change
- Pg. 6 - water right record
- Pg. 7 & 8 - 1992 CFSA photos for new and licensed P/U
- Pg. 9 - proof of ownership of licensed acres
- Pg. 10 - lienholder's approval

The application was prepared via several contacts involving the applicant's consultant and IDWR.

Other information used in this review includes the following attached items:

transfer reconciliation worksheet, remaining acres plat for "A" part of right, irrigation to dairy worksheet, aerial photo/map information from 1980 to 1994, reviewer's processing notes, P/U overlap information, SRBA claim, and extensive file history from file 63-12364.

CURRENT RECORDS & PROPOSED CHANGE

The licensed well covers 303 acres in E 1/2 S36. The license provides about .75 inch/acre with full volume. The right is claimed in the SRBA as licensed except for slightly fewer acres but slightly more diversion volume (4.59 instead of 4.5 afa/acre). SRBA information was not needed in the legal notice.

The right will be split. The "A" portion for the applicant will include the licensed well and remaining irrigated acres in S36. The "B" portion will be sold to Choutchourrou for the dairy in S19. Use at the dairy will be from three wells authorized under 63-12364. Waste water will be land applied to irrigated acres just south of the dairy; those acres are currently served by Black Canyon Irrigation District water per SRBA P/U query.

VERIFICATION & OTHER ANALYSIS

The 1980 licensing exam showed 303 acres. The 1987 NAPP photo is hard to interpret (in 7.5' scale and enhanced format per ArcView scale), although less beneficial use is found in 1987. The consultant confirmed that 215.4 acres have been irrigated in recent years at the licensed P/U.¹ The 1992 CFSA photo (application page 8) confirms that many acres in that year. The 1994 IR photo includes about 204 acres² in two circles with no corner irrigation.

The transfer was filed in early 1998 at the beginning of the sixth irrigation season after the 1992 maximum verified irrigation. Forfeiture of 87.6 acres (licensed 303 - verified 215.4) has occurred. Therefore, water from ten verified acres at the south end of the large circle (see application page 8) can be retired and moved to the dairy site. The balance of irrigation at Post's property will be 205.4 acres. The consultant indicated the applicant realizes that only 215.4 acres can be verified in the transfer.

See the "remaining acres plat" for a view of the "A" portion's P/U. The acres per tract are a best fit estimate that is not entirely visually satisfying. However, all of the P/U tracts are correctly identified along with the correct total acreage, resulting in an acceptable way to define the "A" P/U.

The dairy worksheet shows that 6.3 acres should be retired to provide 21.9 afa for the balance of the current dairy need. The remaining water, about .06 cfs and 13 afa consumptive use volume, from 3.7 of the ten acres to be retired can be used for dairy growth should the need occur within the one year time frame normally allowed in a transfer. This "extra water" is subject to forfeiture if not put to use by dairy growth or protected under some other water right action.

¹See telephone conversation memo of 12-14-98 in response to IDWR letter dated 10-3-98.

²Calculated area via $\pi \times \text{radius squared}$ per 7.5' map scale.

Note that the consultant is working with Western staff on another Choutchourrou transfer³ that might address dairy expansion beyond transfer #5285. The 3.7 acres of "extra water" might be folded into the other transfer, but that it not a complication in the current transfer.

The transfer reconciliation worksheet attempts to summarize the entire situation for Post's transfer proposal.

RECOMMENDATIONS

1. The transfer looks approvable.
2. The right should be split as follows:

63-09179A, see "A split" on next page for details; P/U is shown in the remaining acres plat;

63-09179B, .16 cfs for commercial and stockwater uses all year, total volume diverted cannot exceed 45 afa and total volume consumed cannot exceed 35 afa.

3. If dairy growth does not occur within one year of the transfer approval, right 63-09179B will be limited to .10 cfs and 21.9 afa total volume (where diversion and consumptive volume both equal 21.9). In that case, the balance of this right will be forfeited unless otherwise protected by an approved water right action.

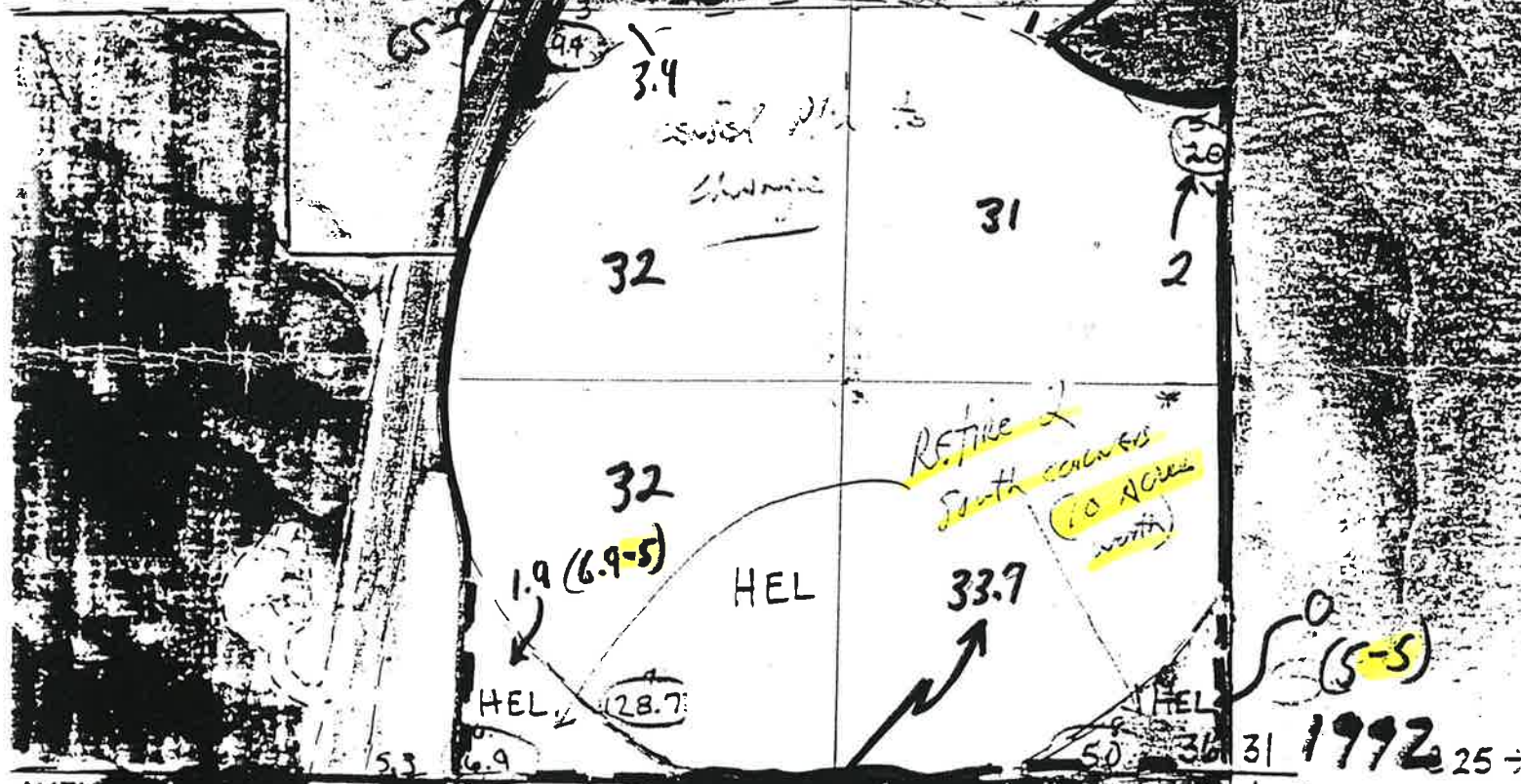
4. Since approval will not specify the number of animals being served, the new use should require flow and volume measurement requirements. The owner should keep these records for IDWR review should such a need occur (this method is preferred to invoking the reporting requirement, in my opinion). IDWR should retain the information about the number of animals in database comments.

³Choutchourrou is working on a transfer of 63-09103 in which transferred water might be placed in the ground water bank for dairy expansion and/or to cover unforeseen regulatory requirements.

QQ	ACRES
NENE	13
NWNE	3
SWNE	17.4
SENE	35
NGSE	34
NWSE	35.4
SWSE	33.9
SESE	33.7
	<u>205.4</u>

Approximate
1/4 by lines
in pencil

O = 1/4
Acres i.d.
by consultant
in 12/14/98
tel. com.
memo
-9



REMAINING ACRES for
63-09179 A = 205.4 total
T. 5285

1992 25-
6
Have
CORNERS =
11.9 Acres total
10
-92 1/20/99

CONVERSATION MEMORANDUM

DATE 12/14/98

FILE J. 5285

NAME OF PARTY Stearl Chapman

EMPLOYEE R

RE: Acres

Replied verbally to my 10/20/98 letter e B.W. -

from 1992 CFSA photo (ps. 8 of transfer appl),
irrig. now are

N. pivot	63.4
S. pivot	128.7
field 3	9.4
" 5	2.0
" 6	6.9
" 8	5.0
TOTAL	215.4

this is total use, no other fields irrig. per
applicant's info to consultant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

October 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

RE: TRANSFER NO. 5285 FOR CARLOS POST

Dear Sherl:

I completed the transfer analysis for the Post transfer. It appears that ten acres will provide enough water to cover the need identified by the transfer.

However, the extent of beneficial use for the licensed place of use in recent years is questionable. As you know, the license was issued for 303 acres, and the right is claimed in the SRBA for 297 acres for the sole owner, Carlos Post. The 1992 CFSA photo shows 210.4 irrigated acres. This includes the two pivots plus field numbers 3 and 5 between the pivots and field numbers 6 and 8 at the south end of the site. The balance of the licensed place of use does not appear to be irrigated based on my review of the CFSA photo.

The 1994 IR photo on file at this office shows only the pivot areas as irrigated. Based on that photo, about 204 acres are irrigated in the licensed place of use.

The transfer was filed this year, and the five year period of verification for the transfer includes the 1993-1997 irrigation seasons. Beneficial use documented for 1992 could be resumed and/or transferred in 1998 without forfeiture, as far as I know. Based on the above information, the maximum extent of beneficial use in recent years is 210.4 acres, which includes the ten acres proposed to be retired at the south end (corners) of the larger pivot area.

This transfer analysis, if correct, will provide ten acres worth of water to the dairy site, leaving 200.4 irrigated acres in the licensed place of use. Please let me know if you have any information to show that beneficial use in excess of 210.4 acres should be recognized. Your reply within thirty (30) days will be helpful.

Sincerely,

Steve Lester
Water Rights Supervisor

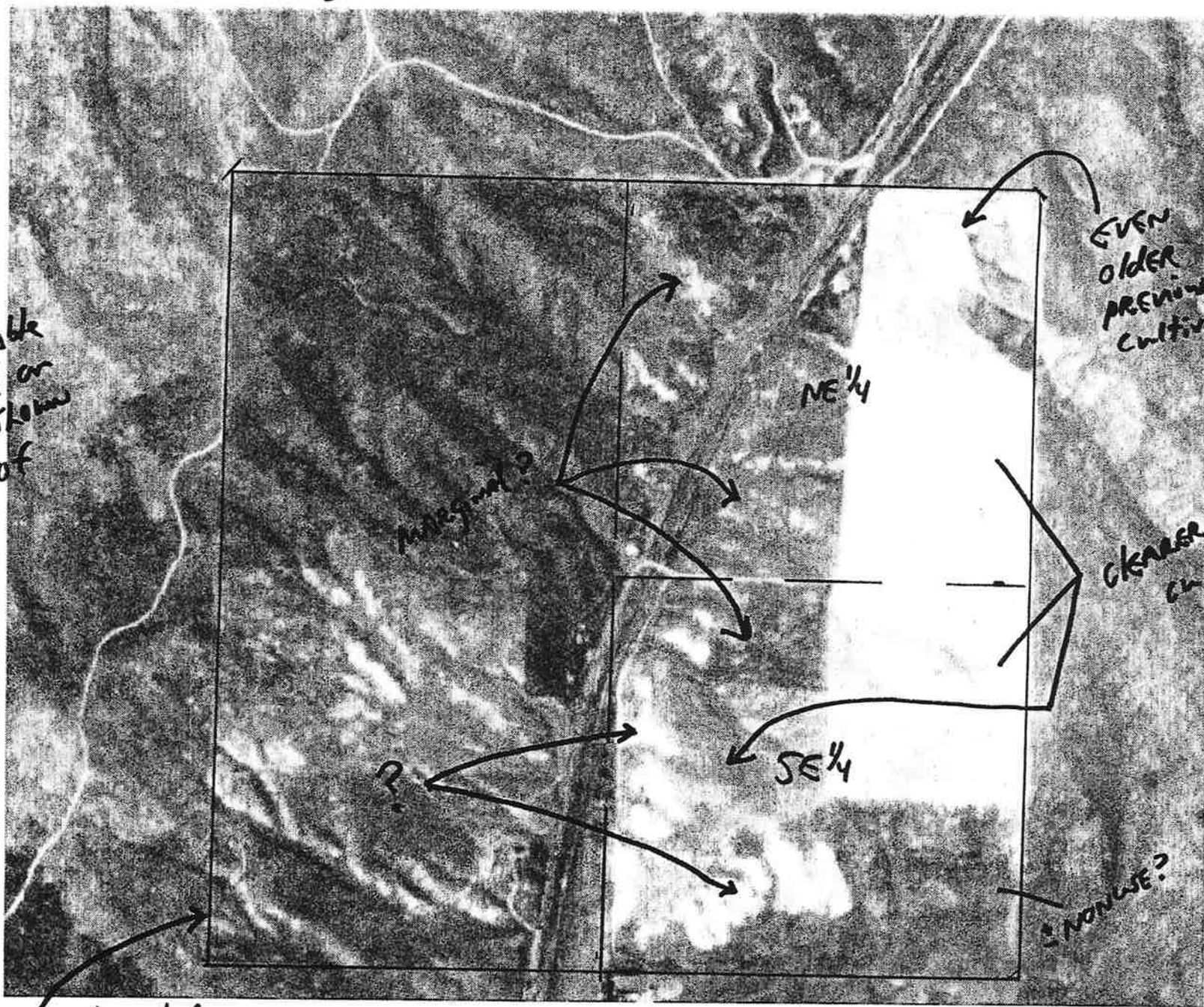
1987 NAPP
(from PC e Mani P.,
J.O.)

T06N R03W, SEC 36 (W55 E $\frac{1}{2}$)

REMOVED

JUN 19 1998

WESTERN REGION



considerable
marginal or
nonuse shown
in E¹/₂ of
section

Even older previous cultivation?

clearer previous cultivation?

NONWE?

Notes
-82
10/29/98

Estimated section lines per 1970 Orthophoto & 1994 IR photo

NOV 03 2006

WATER RESOURCES
WESTERN REGIONNOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-9179B

BEN CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605
Telephone Number: (208)459-1898

TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605
Telephone Number: (208)459-1898

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

(BC)(TC) I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/31/06

SIGNATURE: Bernard Choutchourrou

Please print your name:

Bernard Choutchourrou
Toni Choutchourrou

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



05/30/2006

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

RIGHT NUMBER: 63-9179B

NAME AND ADDRESS: BEN CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.160 CFS
35.000 AFY

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T06N R03W S19 SWSWSW Lot 4 Within PAYETTE County

T06N R03W S19 SWSWSW Lot 4 Within PAYETTE County

T06N R03W S19 SWSWSW Lot 4 Within PAYETTE County

The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.16 cfs, nor a combined annual volume of 35 af.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.160 CFS 17.50 AFY
COMMERCIAL	01/01 12/31	0.160 CFS 17.50 AFY

Commercial use is for a dairy.

PLACE OF USE: STOCKWATER Within PAYETTE County

T06N R03W S19 SWSW

COMMERCIAL Within PAYETTE County

T06N R03W S19 SWSW

T06N R03W S30 NWNW

T06N R03W S30 SWNW

The water diverted for commercial use under this right is applied to and irrigates land listed in the place of use to satisfy water quality requirements.

Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by the water right.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

05/30/2006

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

provide

Prior to diversion of water under this approval, the right holder shall
a means of measurement acceptable to the Department from all authorized
points of diversion which will allow determination of the total rate of
diversion.

Prior to the diversion and use of water under this approval, the right holder
shall comply with applicable county zoning and use ordinances.

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

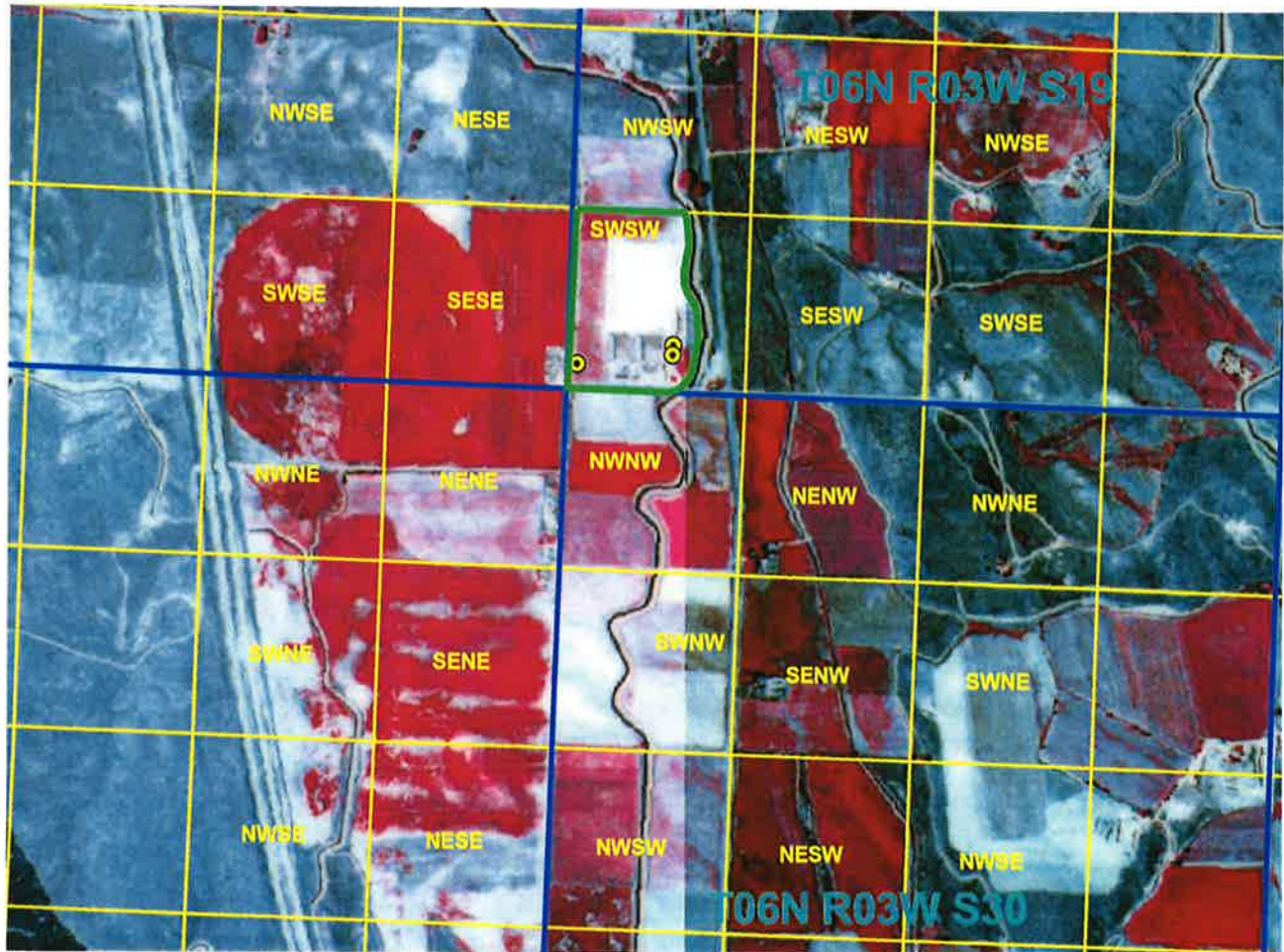
The right holder shall accomplish the change authorized by transfer No.
5285 within one (1) year of the date of approval.

Use of water under this approval shall comply with applicable water quality
standards of the Division of Environmental Quality of the Idaho Department
of Health and Welfare.



State of Idaho
Idaho Department of Water Resources
Western Region

T6N R3W SECTION(S) 19 & 30
WATER RIGHT(S) : 63-9179B
STOCKWATER USE



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

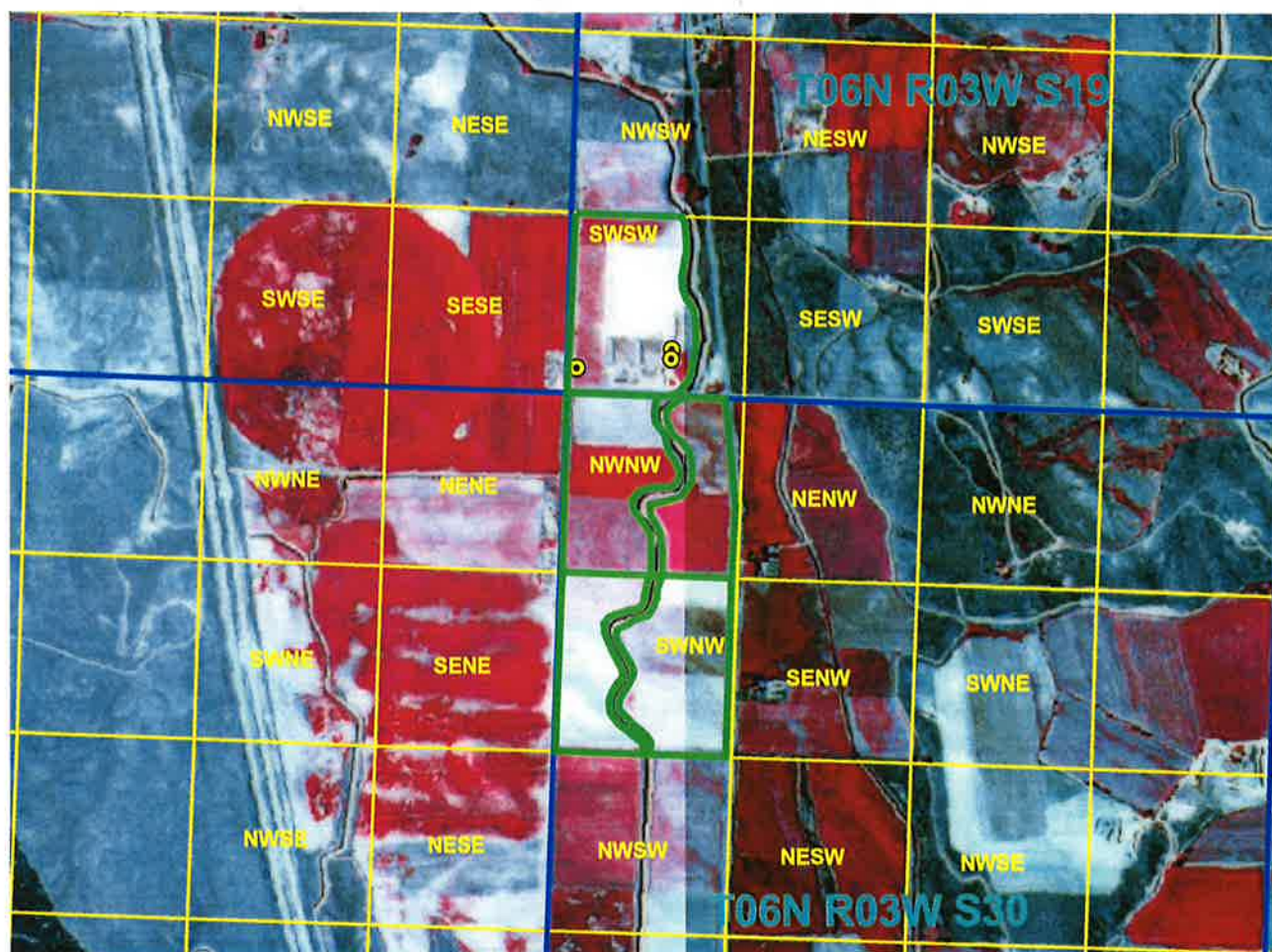
GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: May 2006





State of Idaho
Idaho Department of Water Resources
Western Region

T6N R3W SECTION(S) 19 & 30
WATER RIGHT(S) : 63-9179B
COMMERCIAL USE



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

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



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9179B V1

WATER RIGHT NUMBER: 63-9179B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEN CHOUTCHOURROU 6020 SE 10TH AVE CALDWELL, ID 83605 (208)459-1898
Original Owner	CARLES MONTE POST 6000 LITTLE FREEZEOUT RD CALDWELL, ID 83607 (208)453-8886
Original Owner	JOSEPH W ROBERTS 15032 HOLLOW RD CALDWELL, ID 83605
Current Owner	TONI CHOUTCHOURROU 6020 SE 10TH AVE CALDWELL, ID 83605 (208)459-1898
Original Owner	JOHN CLARK , ZZ
Original Owner	RHODONNA ROBERTS 15032 HOLLOW RD CALDWELL, ID 83605 (208)459-2022
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO C/O CIGNA CORP SOUTH BUILDING S-305 900 COTTAGE GROVE RD BLOOMFIELD, CT 06002

Priority Date: 09/29/1978

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.160 CFS	17.50 AF
COMMERCIAL	01/01 to 12/31	0.160 CFS	17.50 AF
	<u>Total Diversion:</u>	0.160 CFS	35.00 AF

Location of Point(s) of Diversion

GROUND WATER	L4 (SW1/4SW1/4SW1/4)	Sec. 19, Twp 06N, Rge 03W, B.M.
PAYETTE County		
GROUND WATER	L4 (SW1/4SW1/4SW1/4)	Sec. 19, Twp 06N, Rge 03W, B.M.
PAYETTE County		
GROUND WATER	L4 (SW1/4SW1/4SW1/4)	Sec. 19, Twp 06N, Rge 03W, B.M.
PAYETTE County		

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-9179B V1

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	19											X						

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	19											X						
06N	03W	30					X	X											

Conditions of Approval:

1. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
3. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.16 cfs, nor a combined annual volume of 35 af.
4. X01 Commercial use is for a dairy.
5. The water diverted for commercial use under this right is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by the water right.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. The right holder shall accomplish the change authorized by transfer No. 5285 within one (1) year of the date of approval.
9. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-9179B V1

Comments:

1. dnelson 5/30/2006 Text

Comment: OWNERSHIP CHANGED BY LH 5/21/96.

CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF TRANSFER IN ADJUDICATION FILE.

OWNERSHIP CHANGE BY MTS 10/18/1999.

2. dnelson 5/30/2006 Claim Review

Comment: Transfer 5285 was filed on water right 63-9179B, and approved on 3/25/1999. This transfer changed the nature of use of this water right for dairy purposes. This claim was filed on the water right after the transfer was approved. Therefore, this claim will be recommended the same as the transfer approval. A field exam was performed on permit 63-12364, which also suggests that the actual transfer had been completed at that time. Therefore, no further review is necessary to recommend this claim.

Dates and Other Information:

Decree Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/10/2006	scurtis	Active
Contacts	5/30/2006 2:13:57 PM	dnelson			Active
Priority Date	5/30/2006 2:14:48 PM	dnelson			Active
POD	5/30/2006 2:17:13 PM	dnelson			Active
Source	5/30/2006 2:17:31 PM	dnelson			Active
POU	5/30/2006 2:19:21 PM	dnelson			Active
POU	5/30/2006 2:19:50 PM	dnelson			Active
Use	5/30/2006 2:20:02 PM	dnelson			Active
Season	5/30/2006 2:20:39 PM	dnelson			Active
Quantity	5/30/2006 2:21:35 PM	dnelson			Active
Summary			05/30/2006	dnelson	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-9179B V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	5/30/2006 2:14:49 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/30/2006 2:16:54 PM	dnelson	Updated shape
POD	5/30/2006 2:17:14 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (Yes) 10. Is a POD remark and/or condition required?
Source	5/30/2006 2:17:31 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	5/30/2006 2:19:51 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Season	5/30/2006 2:20:39 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	5/30/2006 2:19:09 PM	dnelson	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9179B V1

Quantity	5/30/2006 2:21:35 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Rate and volume taken from transfer approval.
Summary	5/30/2006 2:22:42 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	5/30/2006 2:15:52 PM	dnelson	Updated shape
Summary	4/10/2006 1:16:44 PM	scurtis	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
POD	5/30/2006 2:16:23 PM	dnelson	Updated shape
Contacts	5/30/2006 2:13:57 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This claim is based on a previously licensed water right and a later transfer on that right. No field exam is necessary.
POU	5/30/2006 2:19:22 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	5/30/2006 2:18:39 PM	dnelson	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9179B V1

Use	5/30/2006 2:20:02 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?
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Water Supply Bank:

Adjudication Claim Report 63-9179B

WATER RIGHT NUMBER: 63-9179B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEN CHOUTCHOURROU 6020 SE 10TH AVE CALDWELL, ID 83605 (208)459-1898
Original Owner	CARLES MONTE POST 6000 LITTLE FREEZEOUT RD CALDWELL, ID 83607 (208)453-8886
Original Owner	JOSEPH W ROBERTS 15032 HOLLOW RD CALDWELL, ID 83605
Current Owner	TONI CHOUTCHOURROU 6020 SE 10TH AVE CALDWELL, ID 83605 (208)459-1898
Original Owner	JOHN CLARK , ZZ
Original Owner	RHODONNA ROBERTS 15032 HOLLOW RD CALDWELL, ID 83605 (208)459-2022
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO C/O CIGNA CORP SOUTH BUILDING S-305 900 COTTAGE GROVE RD BLOOMFIELD, CT 06002

OK PER
ownership
change.

Priority Date: 09/29/1978 — OK
Basis: License — OK
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.160 CFS	17.50 AF
COMMERCIAL	1/01 to 12/31	0.160 CFS	17.50 AF
	<u>Total Diversion:</u>	0.160 CFS	35.00 AF

OK PER TRANSFER

OK PER TRANSFER

Location of Point(s) of Diversion

GROUND WATER L4 (SW1/4SW1/4SW1/4) Sec. 19, Twp 06N, Rge 03W, B.M.
PAYETTE County

new 3 PO's.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	03W	19			X		

COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	03W	19			X		
06N	03W	30		X	X		

Conditions of Approval:

1. THREE POINTS OF DIVERSION LOCATED IN T06N, R03W, S19, LOT 4 (SWSW).
2. OWNERSHIP CHANGED BY LH 5/21/96.
CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF TRANSFER IN ADJUDICATION FILE.
OWNERSHIP CHANGE BY MTS 10/18/1999.

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 2/14/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

MOOP

TO

COMMENTS

C-18

Explan

Explan

Explan.

The Right Holder shall accomplish the change authorized by Transfer No. 5285 within one (1) year of the date of approval.

081
082
J 17

XOI commercial use is for a dairy.

PO

The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.16 cfs, nor a combined annual volume of 35.0 af.

POU: - The water diverted for commercial use under this right is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by the water right.

Water Right Report 63-9179B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARLES MONTE POST 6000 LITTLE FREEZEOUT RD CALDWELL, ID 83607 (208)453-8886
Original Owner	JOHN CLARK
	, ZZ

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.160 CFS	17.50 AF
COMMERCIAL	1/01 to 12/31	0.160 CFS	17.50 AF
	<u>Total Diversion:</u>	0.160 CFS	35.00 AF

GROUND WATER L4 (SW1/4SW1/4) Sec. 19, Twp 06N, Rge 03W, B.M.
PAYETTE County

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06N	03W	19											X						

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-9179B

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. The total instantaneous diversion of water from all points of diversion under Transfer 5285 shall not exceed 0.16 cfs, nor a total combined annual volume of 35.0 af.
Commercial use is for a dairy.
The water diverted for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by the water right.
Three (3) points of diversion are located within Lot 4 (SWSW), S19, T06N, R03W.
5. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
6. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
7. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:Comments:

1. STAYLOR 6/24/1998 TRANSFER 5285

Comment: Transfer 5285 changes the point of diversion, place, nature & season of use under a portion of Right 63-09179B, splitting the right into Parts A & B.

Dates and Other Information:

Licensed Date: 4/12/1982
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:

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5285
WATER RIGHT NO. 63-09179B

RECEIVED

MAR 30 1999

WATER RESOURCES
WESTERN REGION

This is to certify that: **CARLOS POST**
6000 LITTLE FREEZEOUT RD
CALDWELL ID 83605

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.16 CFS	17.5 AF
COMMERCIAL	01/01 to 12/31	0.16 CFS	17.5 AF
	Totals	* 0.16 CFS	* 35.0 AF

SOURCE

GROUNDWATER

Priority: 09/29/1978

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (SWSW), Sec. 19, Township 06N, Range 03W
PAYETTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

06N 03W 19 SWSW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06N 03W 19 SWSW
30 NWNW SWNW

CONDITIONS OF APPROVAL AND REMARKS

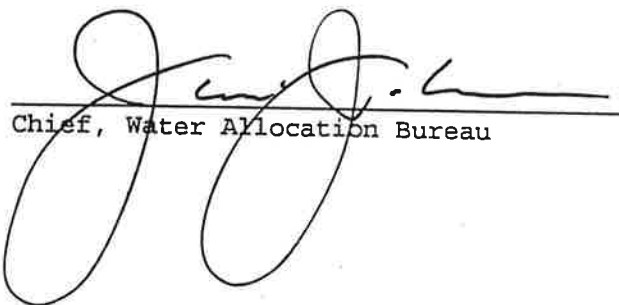
1. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
2. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5285
WATER RIGHT NO. 63-09179B

CONDITIONS OF APPROVAL AND REMARKS

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5285 shall not exceed 0.16 cfs, nor a total combined annual volume of 35.0 af.
8. Commercial use is for a dairy.
9. The water diverted for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by the water right.
10. Three (3) points of diversion are located within Lot 4 (SWSW), S19, T06N, R03W.

Dated this 25TH day of MARCH, 1999.

for 
Chief, Water Allocation Bureau

MEMORANDUM

TO: File 63-09179 *OS*
FROM: Pam Skaggs/State Office
SUBJECT: Transfer 5285
DATE: March 18, 1999

Transfer 5285 changes and adds points of diversion, changes the nature, season and place of use under a portion of Right 63-09179, splitting the right into Parts A and B. The applicant is selling a portion of his irrigation right to provide for an expansion of an existing dairy that is not currently covered by a water right. An ownership change will occur following the approval of this transfer and completion of the sale.

Region staff completed a thorough review of the irrigation right prior to the change, confirming irrigation of the 10 acres proposed for the transfer. Adjustment to the remaining irrigation right will occur through the SRBA process. The 10.0 acres irrigation under this right more than adequately provides for the existing expansion at the dairy, with the balance of water available for future growth. Volume for the dairy uses is limited to the consumptive use volume for the 10.0 acres or 35.0 af. No expansion of the original use occurs through this transfer.

Season of use was adjusted to year round stockwater and commercial use. Recommended conditions include land application limits, water quality, county zoning, multiple points of diversion/measuring devices and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div. Vol./C.U. Vol.</u>
63-09179	4.90 cfs	IRR	303.0	1363.5 af/1060.5af
Original	<u>0.12 "</u>	STOCK	-----	<u>6.7 " / -----</u>
	4.90 cfs		303.0	1370.2 af/1060.5 af
Part A	4.74 cfs	IRR	293.0	1318.5 af/1025.5af
Unchanged	<u>0.12 "</u>	STOCK	-----	<u>6.7 " / -----</u>
	4.74 cfs			1325.2 af/1025.5 af
Part B	0.16 cfs	STOCK	(10.0)	17.5 af/ 17.5 af
Transferred	<u>0.16 cfs</u>	COMMER	"	<u>17.5 af/ 17.5 af</u>
	0.16 cfs			35.0 af/ 35.0 af
	4.90 cfs		293.0	1360.2 af/1060.5 af

MEMORANDUM

TO: File 63-09179
 FROM: Pam Skaggs/State Office
 SUBJECT: Transfer 5285
 DATE: March 18, 1999

Transfer 5285 changes and adds points of diversion, changes the nature, season and place of use under a portion of Right 63-09179, splitting the right into Parts A and B. The applicant is selling a portion of his irrigation right to provide for an expansion of an existing dairy that is not currently covered by a water right. An ownership change will occur following the approval of this transfer and completion of the sale.

Region staff completed a thorough review of the irrigation right prior to the change, confirming irrigation of the 10 acres proposed for the transfer. Adjustment to the remaining irrigation right will occur through the SRBA process. The 10.0 acres irrigation under this right more than adequately provides for the existing expansion at the dairy, with the balance of water available for future growth. Volume for the dairy uses is limited to the consumptive use volume for the 10.0 acres or 35.0 af. No expansion of the original use occurs through this transfer.

Season of use was adjusted to year round stockwater and commercial use. Recommended conditions include land application limits, water quality, county zoning, multiple points of diversion/measuring devices and standard transfer conditions.

Change in Nature of Use Evaluation

	Rate	Use	Acres	Div. Vol./C.U. Vol.
63-09179 Original	4.90 cfs	IRR	303.0	1363.5 af/1060.5 af
	0.12 "	STOCK		6.7 "/
	4.90 cfs		303.0	1370.2 af/1060.5 af
Part A Unchanged	4.74 cfs	IRR	293.0	1318.5 af/1025.5 af
	0.12 "	STOCK		6.7 "/
	4.74 cfs			1325.2 af/1025.5 af
Part B Transferred	0.16 cfs	STOCK	(10.0)	17.5 af/ 17.5 af
	0.16 cfs	COMMER	"	17.5 af/ 17.5 af
	0.16 cfs			35.0 af/ 35.0 af
	4.90 cfs		293.0	1360.2 af/1060.5 af

Water Right Report 63-12364

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEN CHOUTCHOURROU 6020 SE 10TH AVE CALDWELL, ID 83605 (208)459-1898
Current Owner	TONI CHOUTCHOURROU 6020 SE 10TH AVE CALDWELL, ID 83605 (208)459-1898

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.220 CFS	19.70 AF
COMMERCIAL	01/01 to 12/31	0.220 CFS	15.10 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>	0.220 CFS	36.00 AF

GROUND WATER	L4 (SW1/4SW1/4)	Sec. 19,	Twp 06N,	Rge 03W, B.M.
PAYETTE County				
GROUND WATER	L4 (SW1/4SW1/4)	Sec. 19,	Twp 06N,	Rge 03W, B.M.
PAYETTE County				
GROUND WATER	L4 (SW1/4SW1/4)	Sec. 19,	Twp 06N,	Rge 03W, B.M.
PAYETTE County				

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
06N	03W	19											X						
													L 4						

COMMERCIAL

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12364

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 03W 19											X						
											L 4						

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 03W 19											X						
											L 4						

Conditions of Approval:

1. X36 Right 63-09179B is also diverted through the points of diversion described above.
2. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. X01 Domestic use is for 1 home.
4. Commercial use is for a dairy.

Remarks:Comments:

1. kwalker 6/25/2004 License Review

Comment: Sherl Chapman contacted me today requesting we expedite the license for this permit. The property is being sold and the permit holders want to be able to tell potential buyers what the water rights consist of on their property. This exam is lacking in information regarding the dairy use. However, the permit was issued for pre-1987 development and there is a lot of information concerning use in place prior to permit issuance. The permit was conditioned that the total annual volume diverted was limited to 36.0 af. The limit was based on 400 dairy cattle at 70 gallons per day per head (35 gpd for drinking and 35 gpd for dairy use), 300 range cattle at 12 gpd per head and use for 1 home. In my review I determined that the stockwater should be licensed at 19.7 afa, domestic 1.2 afa and then recommend we apply the remainder of the 36 af to commercial use which will result in 15.1 af. Although this determination is not consistent with other dairies we have recently licensed I think this would be the best route since the exam was submitted to us in September of 1998 and Sherl is now retired.

I did discuss with Sherl the legal description of the place of use that he recommended be licensed. He said the place of use is in the same location as the wells but on the face of the exam he recommended we license the place of use in the SWNE, S19. After our discussion I requested he submit a topographical map or aerial photo showing the location of the place of use and some sort of documentation that he had erred on the location description on the face of the exam. He said he would do that so we could proceed with licensing.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-12364

Dates and Other Information:

Licensed Date: 7/1/2004

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: Or

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:

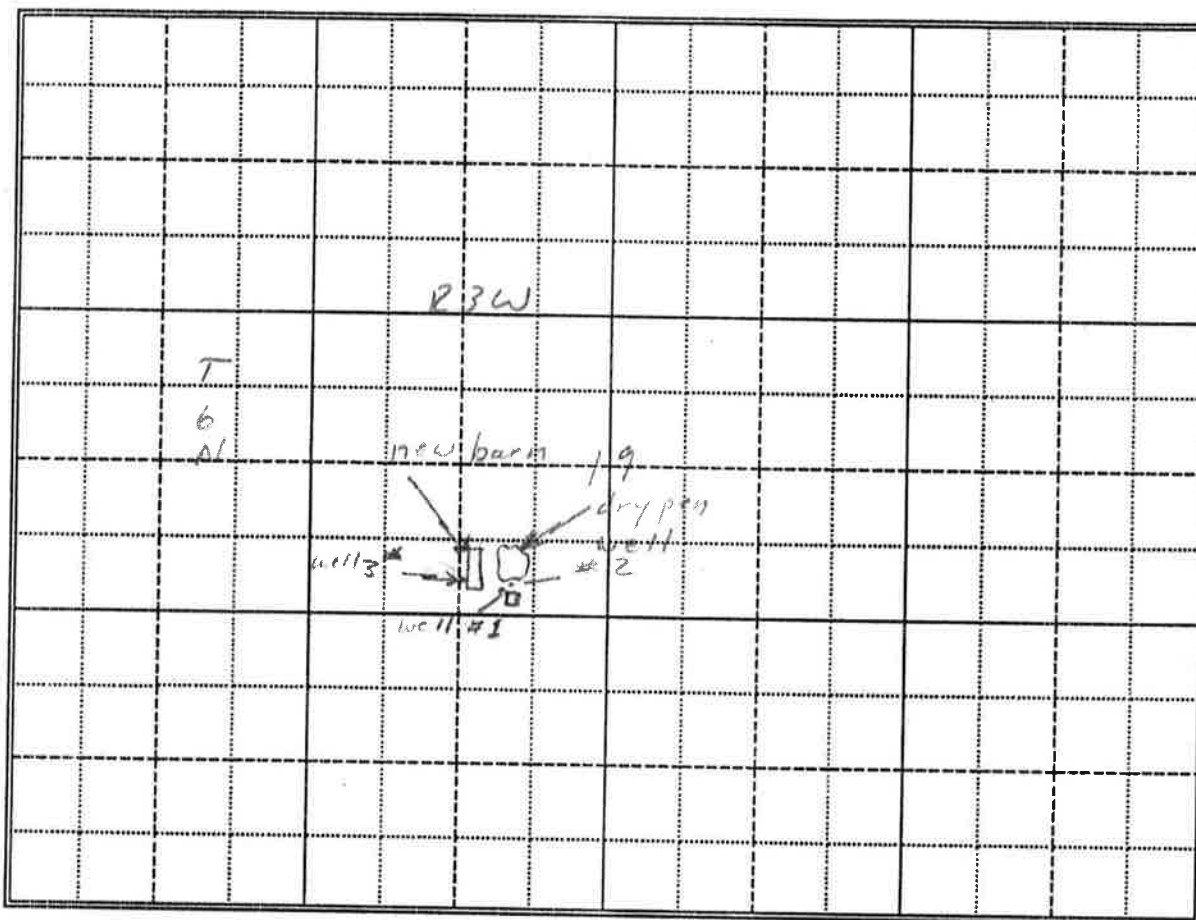
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

[illegible]

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	Franklin	1.5	unknown	Myers	1"
#2	Franklin	1.5	unknown	Myers	1"
#3 (2 pumps)	Franklin	2.5	unknown	Gould	2"

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

D. FLOW MEASUREMENTS

1. Calculated

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Well #1 & 2 measured with stop watch and 5 gal bucket. Well #3 flow was calculated using a pumping level measurement, assumed efficiency and measured pressure.

E. NARRATIVE/REMARKS/COMMENTS

Examination made on 9/1/98. System consists of Three (3) wells. The oldest (#1 & #2) are 6" in diameter. The third (#3) is a new well drilled under the permit in January, 1998. The system is set up so water can be provided by any well or wells for any or all purposes. However, #3 is considered the primary source for the dairy barn and milking parlor. Waste water is pumped to the primary waste pond for collection and then north to 4 collection ponds for disposal.

Water from well #2 is primarily stock water for both milking and dry cows as well as replacement stock

Water from well #1 is primarily for the residence

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

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

#1 $5 \text{ gal} / 16 \text{ sec} = 199 \text{ ppm}$

#2 $5 \text{ gal} / 14 \text{ sec} = 219 \text{ ppm}$

#3 $41 \text{ psi @ surface, PL 63' HP 7.5}$

$Q = \frac{HP \cdot 2.772}{1.58} = 1319 \text{ ppm}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stock</u>	<u>1-1</u>	<u>12-31</u>	<u>.22</u>	_____
<u>Commercial</u>	<u>1-1</u>	<u>12-31</u>	<u>.22</u>	_____
<u>Domestic</u>	<u>1-1</u>	<u>12-31</u>	<u>.04</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>.22</u>	_____

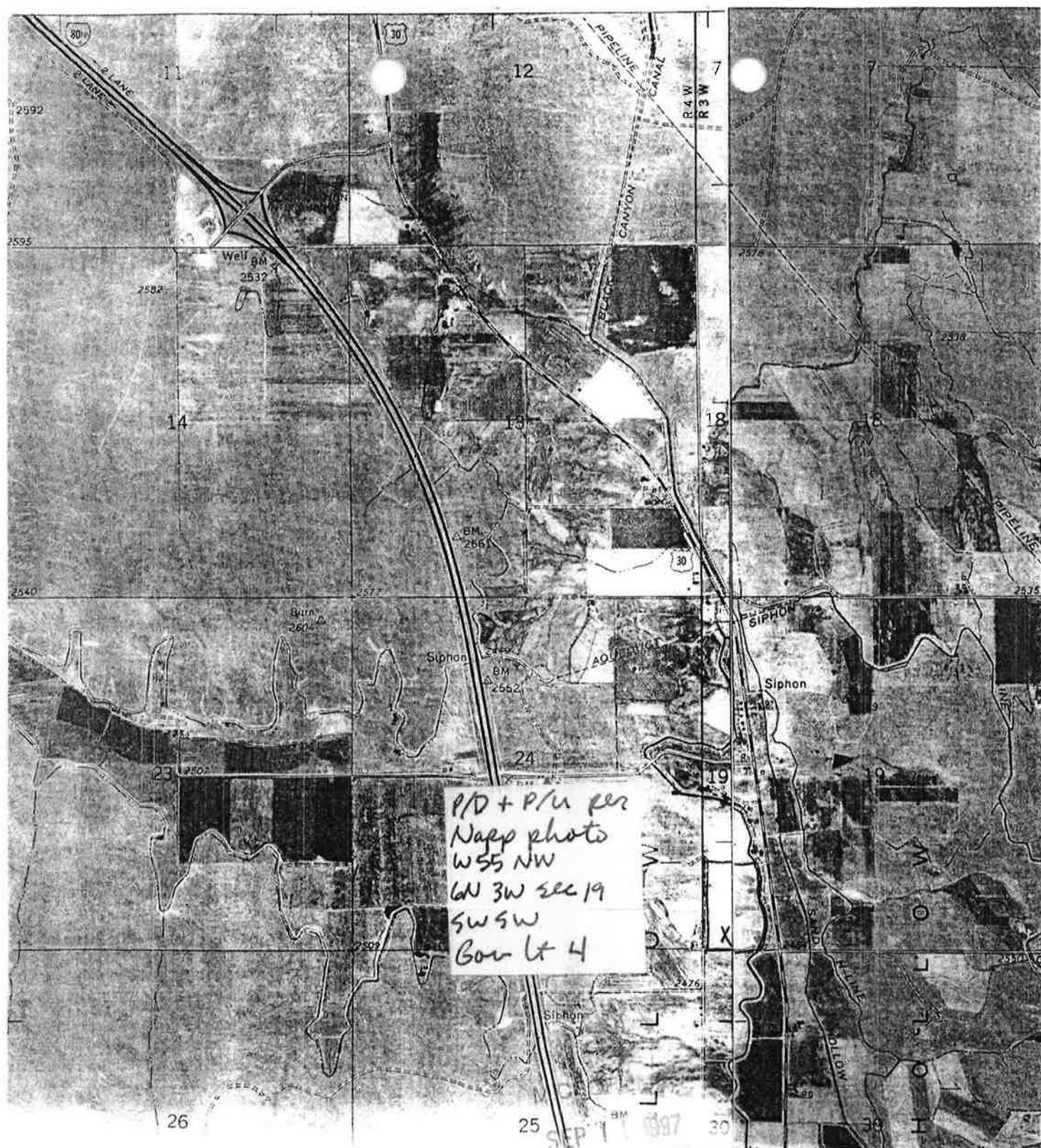
2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name Sher L. Chapman Date 9/8/98

Reviewer _____ Date _____





1-20-1999

WORKSHEET TO CONVERT FROM IRRIGATION TO DAIRY USE

GOAL

Based on daily water needs identified in the application, determine the total diversion volume and consumptive volume needed for the dairy. Then determine the total number of irrigated acres that must be retired to meet this need. The total number of acres to be retired will almost always be based on the consumptive use per acre factor. Document any variations from that presumed standard at the bottom of this page.

ASSUMPTIONS

- * All water used for commercial uses (washing/processing etc.) at dairy is fully consumptive due to land application of waste water.
- * All water used for stockwater (drinking water) is also fully consumptive for the same reasons.
- * Volume attributed to milk production and to lagoons is covered by the above assumptions and does not need to be addressed separately (the fully consumptive assumptions therefore supersede portions of SRBA Admin. Memo #36).
- * Dairy use is 365 days/year.
- * Rate of flow for stockwater and commercial uses is normally based on the rate of flow provided by the retired acres of irrigation. Limit the rate of flow for stockwater to IDWR standards for milking plus dry cows if the rate supplied from the retired acres exceeds IDWR stockwater standards.

METHOD

Complete the calculations shown on the next page. Use those calculations to complete the summary table that follows the worksheet.

UNUSUAL RATE &/OR VOLUME FACTORS

TOTAL DAIRY NOW	WST	DES	TOTAL
CURRENT	675	225	1000
- 63.12364 *	400	300	700
T. 5285 to cover:	275	25	300

8
1/20/99

* cover development to Nov. 1987

T. 5285

DAIRY WORKSHEET

1. Calculate the total amount of water per year for stockwater use where diversion and consumptive volume are equal:

(a) 275 milkers x 35 g/d/milker x 365 d/yr = 3,513,125 g/yr

(b) 25 dry x 12 g/d/dry x 365 d/yr = 109,500 g/yr

(c) $\frac{3,513,125}{a} + \frac{109,500}{b} / 325850 \text{ g/af} = \underline{11.1} \text{ afa}$

2. Calculate the total amount of water per year for commercial use (washing, processing etc.) where diversion and consumptive volume are equal:

(9625 g/d x 365 d/yr) / 325850 g/af = 10.8 afa

3. Lagoons - this information is not needed to analyze the water use but must be documented for other issues that might occur (local ordinances etc.):

total surface area in acres for lagoons = 2.3 acres

average depth of lagoons = 7 ft

volume = 2.3 acres x 7 ft. = 16.1 af ponds capacity

* Drinking - 35 gpd/milker
Washing etc - 35 gpd/milker
per F&H 63-12364

DAIRY SUMMARY TABLE

	CFS RATE	ACRE - FEET - ANNUM DIV VOLUME	CON VOLUME
NORMALLY would be - 10 for 6.3 acres this right but see analysis above			
STOCKWATER	<u>.16</u>	<u>11.1</u>	<u>11.1</u>
COMMERCIAL	<u>.16</u>	<u>10.8</u>	<u>10.8</u>
TOTAL	<u>.16</u>	<u>21.9</u>	<u>21.9</u>

ACRES TO RETIRE:

total div volume / standard div volume per acre = 4.9 acres required

total con volume / standard con volume per acre = 6.3 acres required

greater of the two values must be selected = 6.3 acres retired

NOTE: CFS is usually based on # of retired acres.

if Retire 10 ac = 3.5 Afa/ac = 35.0 Afa

minus amount to cover credit = 21.9 Afa

13.1 Afa left for future growth or other water action

Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST,	ELIJAH DRAIN, WILSON DRAIN	06N03W19	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	06N03W19	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	0
Claim	63 21478	BEN CHOUTCHOURROU,	GROUND WATER	06N03W19																	0
Claim	63 21478	BEN CHOUTCHOURROU,	GROUND WATER	06N03W19																	0
Claim	63 26912	DOREEN L COMPTON, DARRELL SCOTT COMPTON,	GROUND WATER	06N03W19												X					0
Claim	63 8027	CARRIE DE GRAW,	GROUND WATER	06N03W19							3										3
Claim	63 9179B	BEN CHOUTCHOURROU, TONI CHOUTCHOURROU,	GROUND WATER	06N03W19											X						0
Claim	63 9179B	BEN CHOUTCHOURROU, TONI CHOUTCHOURROU,	GROUND WATER	06N03W19											X						0
Permit	63 31178	ROD & MAUREEN FRISBY FAMILY LTD PARTNERSHIP,	GROUND WATER	06N03W19	38	38															76
Permit	63 31505	ROD & MAUREEN FRISBY FAMILY LTD PARTNERSHIP,	GROUND WATER	06N03W19	38	38															76
Rec	63 10785	MAUREEN FRISBY, ROD FRISBY,	GROUND WATER	06N03W19	35	35															70
Rec	63 21478	BEN CHOUTCHOURROU,	GROUND WATER	06N03W19																	0
Rec	63 21478	BEN CHOUTCHOURROU,	GROUND WATER	06N03W19																	0
Rec	63 9179B	BEN CHOUTCHOURROU, TONI CHOUTCHOURROU,	GROUND WATER	06N03W19											X						0

[illegible]

Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST,	ELIJAH DRAIN, WILSON DRAIN	06N03W19	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	06N03W19	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	0
Claim	63 21478	BEN CHOUTCHOURROU,	GROUND WATER	06N03W19																	0
Claim	63 21478	BEN CHOUTCHOURROU,	GROUND WATER	06N03W19																	0
Claim	63 26912	DOREEN L COMPTON, DARRELL SCOTT COMPTON,	GROUND WATER	06N03W19												X					0
Claim	63 8027	CARRIE DE GRAW,	GROUND WATER	06N03W19							3										3
Claim	63 9179B	BEN CHOUTCHOURROU, TONI CHOUTCHOURROU,	GROUND WATER	06N03W19											X						0
Claim	63 9179B	BEN CHOUTCHOURROU, TONI CHOUTCHOURROU,	GROUND WATER	06N03W19											X						0
Permit	63 31178	ROD & MAUREEN FRISBY FAMILY LTD PARTNERSHIP,	GROUND WATER	06N03W19	38	38															76
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Rec	63 21478	BEN CHOUTCHOURROU,	GROUND WATER	06N03W19																	0
Rec	63 9179B	BEN CHOUTCHOURROU, TONI CHOUTCHOURROU,	GROUND WATER	06N03W19											X						0

[illegible]

4/10/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page3

[illegible]

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

September 15, 1999

RECEIVED

SEP 16 1999

WATER RESOURCES
WESTERN REGION

Mrs. Jan Shurte
Idaho Department of Water Resources
2735 Airport Road
Boise, ID 83705

Dear Jan:

Recently Ben and Toni Choutchourrou received a letter from the Adjudication Section relating to a change of water right ownership form we've submitted. The letter was dated August 25th and the acknowledgement at the bottom shows that it was typed by somebody with the initials "DB". Mr. and Mrs. Choutchourrou acquired the portion of the water right A63-09179B through direct purchase of the water right without acquiring the land. Therefore, there will be no change of title showing transfer of ownership of the land from Mr. Carlos Post to Ben and Toni Choutchourrou. I spoke with Steve Lester about this issue since I didn't know who DB was and he suggested that I provide you with a copy of the purchase letter between Mr. Post and the Choutchourrou's and a copy of the tax notice showing Choutchourrou's ownership of the property to which the water right was transferred. Ownership of the water right, of course, was demonstrated in the Application for Transfer before a decision was made to approve it. Hopefully this will give you enough information to complete the change of water right ownership as requested. If not, please contact me in order that we might complete the process. Because of the inability of people to acquire new water resources there are many transfers occurring of this nature now and I would expect the Department will be faced with this problem more often in the future. If the enclosures I've noted are not adequate, I believe the Department will have to adopt a policy relating to these types of water acquisitions.

If you have any questions, please don't hesitate to contact me.

Sincerely yours,



Sherl L. Chapman
President

SLC:kje
Enclosures
cc:Mr. Ben Choutchourrou



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1999

BEN CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

RE: Notice of Change of Water Right Ownership Claim No. A63-09179B

Dear Property Owners:

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (enclosed), however, we are unable to complete this ownership change due to the fact there is no record of the property being transferred from the former owner, Carlos Post, to yourselves. The Warranty Deed submitted indicates the property being transferred from Hillsdale Farms to Willowbrook Development Inc.

In addition, the Places of Use listed on the deed submitted do not match those on the referenced claim. The deed indicates property located in Township 5 North, Range 1 West. The claim was filed for property located in Township 6 North, Range 3 West.

If you could submit a copy of the Warranty Deed(s) for this property transfer, showing the chain of title from the former owner to yourselves, or a tax notice in your name, which includes a description of the property by 1/4 1/4, Section, Township and Range, then we could complete the ownership change.

Thank you for your patience and cooperation. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region

DB:db

Enclosures