

10/23/2006

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

RIGHT NUMBER: 67-14748

NAME AND ADDRESS: AMERICAS WHOLESALE LENDER
5220 LAS VIRGENES RD MS AC-11
CALABASAS CA 91302

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right and right 67-14740 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/20/1998

POINT OF DIVERSION:

T17N R02W S15 NESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within ADAMS County

T17N R02W S15 NESE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parce #: RP17N02W157300A



Idaho Department of Water Resources

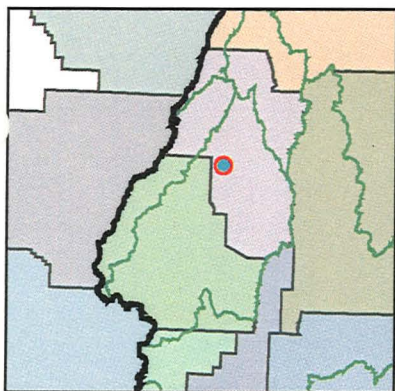
SRBA Recommendation:

67-14748

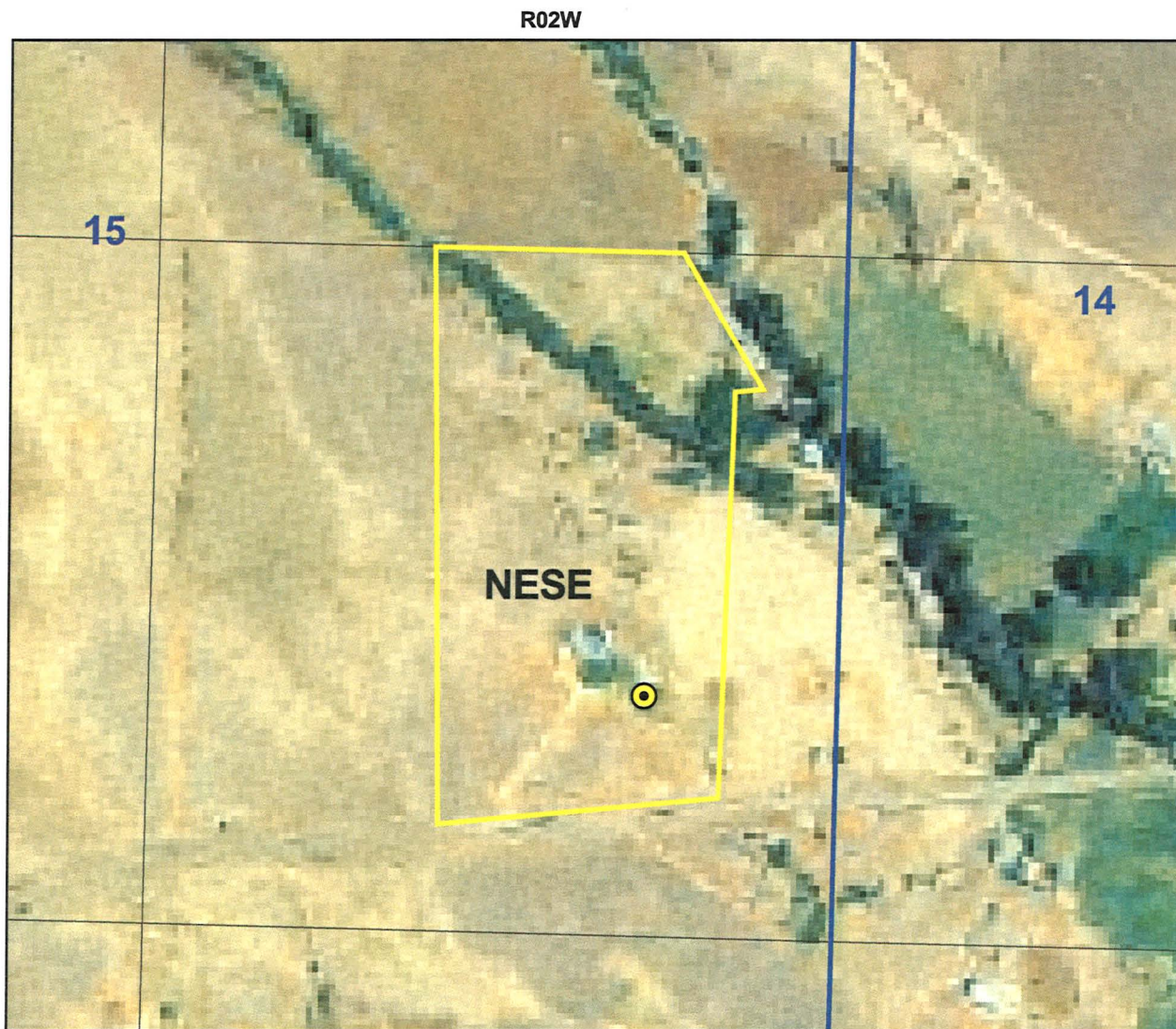
(Domestic)

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by C. Saxton
On Monday, October 23, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14748 V1

WATER RIGHT NUMBER: 67-14748 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMERICAS WHOLESALE LENDER 5220 LAS VIRGENES RD MS AC-11 CALABASAS, CA 91302 (818)871-4079

Priority Date: 03/20/1998

Basis: Beneficial Use

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>
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 15, Twp 17N, Rge 02W, B.M.
ADAMS County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	02W	15																	X

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. X01 Domestic use is for 1 home.
4. N13 The quantity of water under this right and right 67-14740 shall not exceed 13,000 gallons per day.
5. Parce #: RP17N02W157300A

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14748 V1

Comments:

1. csaxton 10/23/2006 Two Domestic Claims

Comment: The current owner of the property filed a D&S claim with a 1976 priority date for this property. Then, a little later, the mortgage lender filed just a domestic claim with a 1998 priority date for this property. Both appear to be for the same domestic use, but since there are different uses and different priority dates, our procedure is to recommend both rights and limit the two to 13,000 gpd.

2. csaxton 10/23/2006 From Claim (1)

Comment: HOLD DEED OF TRUST TO PROPERTY CURRENTLY IN FORECLOSURE.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
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			10/23/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/23/2006 3:44:22 PM	csaxton	Updated shape
POD	10/23/2006 3:44:39 PM	csaxton	Updated PLS
POU	10/23/2006 3:45:10 PM	csaxton	Updated PLS for Active POU
POU	10/23/2006 3:44:59 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14748 V1

Summary	10/23/2006 3:58:26 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 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? (No) 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?
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Water Supply Bank:

JUST LAW

IDAHO ATTORNEYS AT LAW

381 SHOUP AVE., SUITE 211 • P.O. BOX 50271 • IDAHO FALLS, ID 83405-0271
PH: 208-523-9106 TOLL-FREE: 1-800-923-9106 • FX: 208-523-9146 • E-MAIL: justlaw@justlawidaho.com

July 13, 2006

RECEIVED
JUL 18 2006
DEPARTMENT OF
WATER RESOURCES

Sally Sherman
Idaho Department of Water Resources
322 E. Front St
PO Box 83720
Boise, Idaho 83720-0098

Re: In Re: The General Adjudication of Rights to the Use of
Water From the Snake River Basin Water System
America's Wholesale Lender
Debtor: David M. Kaupanger and Rosalie F. Kaupanger

Gentlemen:

Per your letter of July 11, 2006, enclosed is our check in the amount of \$75.00 and our
Notice of Claim to a Water Right.

If you have any questions, feel free to contact this office.

Very truly yours,



Linda M. Larsen
Legal Assistant

Enclosure
cc: Client

SCANNED

JUL 28 2006

CHARLES C. JUST • KIPP L. MANWARING • STEVEN W. BOYCE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 11, 2006

KIPP MANWARING
JUST LAW
PO BOX 50271
IDAHO FALLS ID 83405-0271

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right – Adams County

Dear Mr. Manwaring:

I am returning the Notice of Claim to a Water Right that you filed for your client, America's Wholesale Lender. I have enclosed your receipt #C081596. Please retain your receipt for your records.

Effective July 1, 2006 the filing fee for claims was increased (*Idaho Code* §42-1414). I have enclosed a copy of the filing fees structure for your information. Before we can process your client's claim, we need additional filing fees in the amount of \$75.00.

Please contact me if you have any questions at 800/451-4129.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:state

Enclosures:

Notice of Claim to a Water Right (Returned)
Receipt #C081596
Copy of Filing Fees Structure

SCANNED

JUL 28 2006

JUST LAW

IDAHO ATTORNEYS AT LAW

381 SHOUP AVE., SUITE 211 • P.O. BOX 50271 • IDAHO FALLS, ID 83405-0271
PH: 208-523-9106 TOLL-FREE: 1-800-923-9106 • FX: 208-523-9146 • E-MAIL: justlaw@justlawidaho.com

June 29, 2006

RECEIVED

JUL 5 2006

Department of Water Resources

Idaho Department of Water Resources
322 E. Front St
PO Box 83720
Boise, Idaho 83720-0098

Re: In Re: The General Adjudication of Rights to the Use of
Water From the Snake River Basin Water System
America's Wholesale Lender
Debtor: David M. Kaupanger and Rosalie F. Kaupanger

Gentlemen:

Enclosed lease find a Notice of Claim to a Water right, together with our check in the amount of \$25.00 to cover the filing fee.

If you have any questions, feel free to contact this office.

Very truly yours,


Linda M. Larsen
Legal Assistant

Enclosure
cc: Client

SCANNED

JUL 28 2006

CHARLES C. JUST • KIPP L. MANWARING • STEVEN W. BOYCE

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 67-14748
Date Received: 7/3/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

AMERICAS WHOLESALE LENDER Phone: (818)871-4079

5220 LAS VIRGENES RD MS AC-11
CALABASAS CA USA 91302

2. Date of Priority: 03/20/1998

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	15	NE SE	ADAMS	

5. Description of diverting works:

APPROXIMATELY 100 FEET DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	02W	15	NE	SE	DOMESTIC	

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

HOLD DEED OF TRUST TO PROPERTY CURRENTLY IN FORECLOSURE.

15. Basis of Claim: Beneficial Use

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

Identification No

Date Received

Receipt Number

d.e. 07-28-06

67-14748

7/3/06

C081596

+ C081692

RECEIVED

JUL 18 2006

NOTICE OF CLAIM

TO A

WATER RIGHT

RECEIVED

JUL 5 2006

Department of Water Resources

ACQUIRED UNDER STATE LAW

Department of Water Resources

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) America's Wholesale Lender Phone: (818) 871-4079

Mailing Address 5220 Las Virgenes Road, Mail Stop AC-11, Calabasas, CA Zip: 91302

2. Date of Priority (Only one per claim) March 20, 1998
Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____

Name or kind of source
which is tributary to (b) _____

4. Location of point of diversion is: Township 17 N Range 2 W. Boise Meridian

Section 15, NE 1/4 SE 1/4, Govt. Lot , BM.,

County of Adams

Additional points of diversion if any: none

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Approximately 100 feet deep

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

Month/Day

Month/Day

(cfs)

For Domestic purposes from January 1 to December 31 amount .04

(Both dates are inclusive)

For purposes from to amount

7. Total quantity claimed .08 (cfs)

8. Total consumptive use claimed is de minimus

SCANNED

JUL 28 2006

9. Non uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic - 1 home

10. Place of use is: Township 17 N Range 2 W. Boise Meridian

Section 15, NE 1/4 SE 1/4, Govt. Lot , BM.,

County of Adams

Additional points of diversion if any: none

11. In which county(ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. NA

14. Remarks: Hold Deed of Trust to property currently in foreclosure

15. Basis of Claim (Circle One) Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court Decree Date Plaintiff vs Defendant

If applicable provide 1DWR Water Right Number.

16. Signature (s)

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

Number of Attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Date
 Date

For Organizations: I do solemnly swear or affirm that I am the attorney
Title

for America's Wholesale Lender, that I have signed the foregoing
Organization
document in the space below as Attorney of America's Wholesale Lender
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Kipp Mannerly* Date June 29, 2006

Title and Organization Attorney America's Wholesale Lender

State of Idaho/or)

County of Bonneville : ss

Subscribed and sworn (or affirmed) before me this 29th day of June, 2006

SEAL **LINDA M. LARSEN**
NOTARY PUBLIC
STATE OF IDAHO

Notary Public *Linda M. Larsen*
Residing at *Bocatello*
My Commission Expires 2-12-2010

Last Name America's Wholesale Lender

Ident No. 67-14748

SCANNED

JUL 7 8 2006