

Page 1 of 5STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 73926

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JUL 12 2005

PART 1

WATER RESOURCES
WESTERN REGIONName of applicant ARNOLD & VAN BERKEL Phone 559 972 5050
Post Office address 4407 W NICHOLAS AVE VISALIA, CA 93291

A. PURPOSE OF 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 the reason for the proposed changes

EXISTING POINT OF DIVERSION IS FOUND TO BE
ON ADJOINING PROPERTY. IRRIGATION WELL AND PUMP
HOUSE ON PROPERTY OWNED BY ANOTHER PERSON

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-32138</u>	<u>7/13/1967</u>		<u>IRRIGATION</u>	<u>3/15</u> to <u>11/15</u>
				to
				to
				to

2. Total amount of water being transferred 1276 cubic feet per second and/or 13429 acre-feet per annum.3. Source of water GROUND WATER tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>NW</u>	<u>NW</u>		<u>15</u>	<u>2N</u>	<u>3W</u>	<u>CANYON</u>	<u>WELL/GROUND WATER</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>3W</u>	<u>15</u>					<u>35</u>												<u>35</u>

DAVE RUSSELL
CONTACT FOR
QUESTIONS

208 938-3061
208 890-2613 CELL

Total acres 35

PART 1**6. General Information:**

a. Description of diversion system EXISTING Pump & well used for DIVERSION
IS ON ADJOINING PROPERTY NOT OWNED BY ME

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

ONLY SOURCE OF WATER CURRENTLY TO IRRIGATE MY
FARM LAND IS FROM WELL ON ADJOINING PROPERTY
AND THIS OWNER REFUSES TO WORK WITH ME AND
HAS TURNED POWER TO WELL OFF.

d. Remarks:

I WANT TO PUT IN A NEW WELL ON MY
PROPERTY AND TRANSFER MY WATER RIGHTS FROM
WELL NOT ON MY PROPERTY TO NEW WELL

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 39576 Decreed to ARNOLD J VAN BERKEL
 In case of _____ vs. _____
 dated 7/7/2005 in STATE OF IDAHO county of WINN FALLS
- b. License No. 63-32138 Issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 63-3597M which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☒ Warranty Deed ☒ Other TRUSTEE'S DEED

3. Source of water GROUND WATER tributary to _____

4. Date of priority 4/13/1967

5. Water is used for the following purpose:

amount 276 cfs for IRRIGATION purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right 1,276 cubic feet per second and/or 134.29 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW		15	2N	3W	Canyon	GROUND WATER/Well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
~~15~~	~~3W~~	~~15~~																	
2N	3W	15							35										35

Total acres 35

9. Describe any other water rights used for the same purpose as described above

NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1276 cfs for 2226710W purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW		15	2N	3W	Canyon	Ground water/well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	15						35											35

Total acres 35**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1024 cfs for 2226710W purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW		15	2N	3W	Canyon	WELL/GROUND WATER

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	15						3											3

Total acres 3

Page 5 of 5

Transfer No. _____

PART 3**8. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>NO CHANGES</u>			_____ to _____ _____ to _____

2. Quantity and quality of return flows and location of discharge:**3. Describe effects on other water uses resulting from the proposed change:**

NONE

CHANGE OF DIVERSION IS ONLY TO PUT A WELL ON MY
PROPERTY. NO DIFFERENCE IN AMOUNT OF WATER PUMPED
FROM GROUND

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 original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Armed J. M. Berkel
(Signature of Applicant)

Subscribed and sworn to before me this

07th

day of

July

19 2005

Dorrie L. Tobita
(Notary Public)

My commission expires _____
Expiration Date: September 26, 2007

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 4 attachments

Received by DB Date 7-12-05

Protest filed by _____

Prelim. check by KW Fee \$100 - *

Received by DB W033162 Date 7-12-05

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd.

by _____

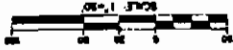
Copy of transfer sent to lien holder _____

* additional \$150 - paid 3/3/08 DB # W036187

RECORD OF SURVEY FOR HOMES ONLINE

A PORTION OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 2 NORTH, RANGE 3 WEST, B.M.,
CANYON COUNTY, IDAHO -2005-

RECORDED
23 MAR 9 PM 2:38
CANYON CITY RECORDER
"DUL 45"



- LEGEND**
- RECORDED SECTION COR. MONUMENT AS NOTED
 - NOTED PER COR. MONUMENT AS NOTED
 - NOT SURVEALED BY CIP PER 1998
 - EXISTING WELL LOCATION
 - BOUNDARY LINE
 - EDGE OF CANAL
 - EXISTING FENCE LINE
 - SECTION LINE
 - RIGHT-OF-WAY LINE

CERTIFICATE

I, KENNETH H. COOK, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE REQUEST OF HOMES ONLINE.
2. THE LATEST SURVEYED LOT WITHIN SECTION 15, TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN, AND THE SURVEY WAS COMPLETED ON MARCH 8, 2005.
3. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER, NUMBER, AND OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY, AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT, STATE OF IDAHO, CODE SS-1801 THROUGH SS-1812.



RECORD DATA DCEC No. 100440004 NARRATIVE

This survey was made at the request of Homes Online to locate the boundary of the 2004-00000000 and is intended to certify the parcel width and hold as written on deed.

BASIS OF BEARING

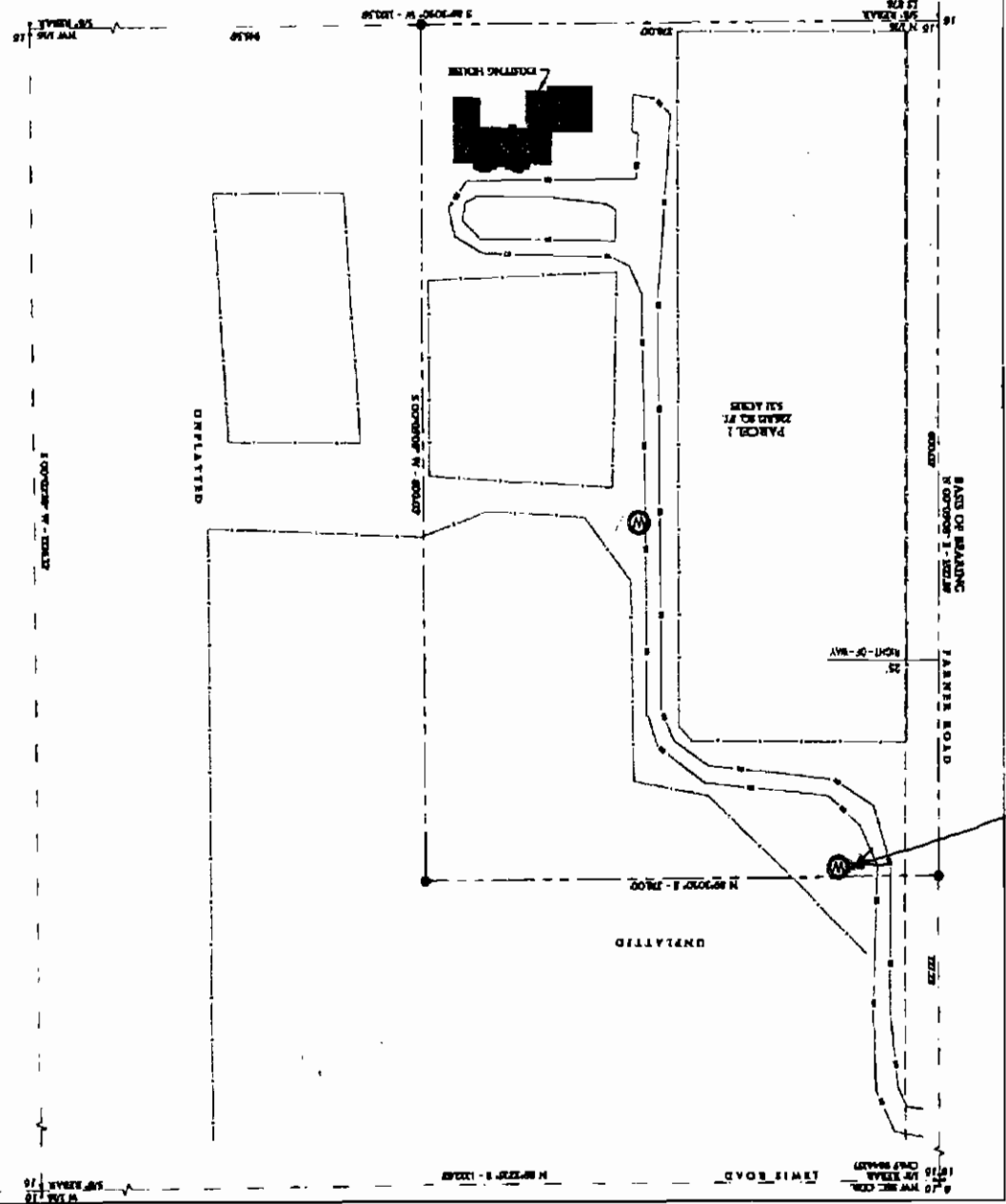
The first line of the Northwest 1/4 of the Northwest 1/4 of Section 15, Township 2 North, Range 3 West, Boise Meridian, Idaho is North 00°00'00" East.



151212151

Wednesday, March 16, 2005.max

Existing well
on 2nd bylines
Property





Idaho Department of Water Resources

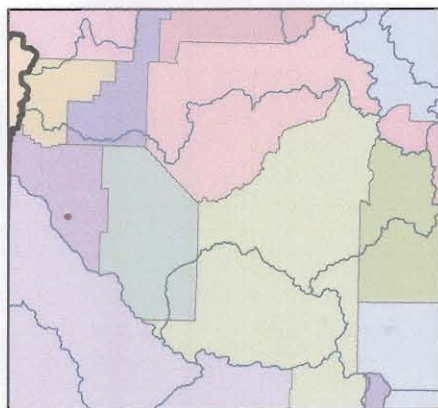
SRBA Recommendation

63-32447

(IRRIGATION)

Legend

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



Canyon County
IDWR Basin 63

Prepared by Kay Walker
On Wednesday, March 26, 2008
2004 Aerial Photography



RECEIVED

APR 08 2008

WATER RESOURCES
WESTERN REGION

Attachment 1a

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-32138
Date Received: 7/7/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Arnold J. Van Berkel Phone: (208)938-3061

C/O DAVID RUSSELL
1268 S WATER MARK AVE
EAGLE ID USA 83616

2. Date of Priority: 04/13/1967

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	15	NW NW	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.276	134.29

7. Total Quantity Appropriated is:

0.276 C.F.S. and/or 134.29 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Attachment 2

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03W	15	NW	NW	IRRIGATION	35
Section Acres						35
Total Acres						35

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM NO. A63-03597J, FEE PAID UNDER NO. N003518.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5270 IN FILE.

CLAIM AMENDED PER TRANSFER NO. 5270 APPROVED 11/12/1998.

THIS CLAIM IS A RESULT OF SPLITTING A63-03597J PER APPROVED TRANSFER 5270. 12/31/1998. SB.

THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.

This right is a split from former right 63-3597m.

15. Basis of Claim: License

451846

Pioneer Lender Trustee Services, Inc.

8151 W. Riffean St., Boise, ID 83704
PLTS #6 Order #PN79628

This space for recording purposes

PIONEER-NAIPA
FEE-6

MMMD

TY RECORDER

L IIALES

PM 3 50

ORDER

TRUSTEE'S DEED

PIONEER LENDER TRUSTEE SERVICES, LLC, an Idaho corporation (herein called Trustee) under the Deed of Trust hereinafter particularly described, does hereby Bargain, Sell and Convey, without warranty, to Arnold J. Van Berkel whose current address is c/o David L. Russell at 1268 S. Watermark Ave., Eagle, ID 83616 all of the real property situated in Canyon County, Idaho, and described as follows:

The Northwest Quarter of the Northwest Quarter of Section 15, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho. EXCEPTING THEREFROM The South 600 feet of the West 370 foot of the Northwest Quarter of the Northwest Quarter of Section 15, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

This conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust between LAWRENCE L. LEACH AND KITTY M. LEACH, HUSBAND AND WIFE (herein called Grantor), the Trustee herein, and DBL Company, Inc. as Beneficiary, recorded 10-17-2001, as Instrument No. 200142741, records of Canyon County, Idaho, and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

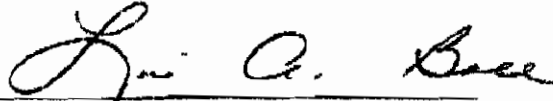
- (a) Default occurred in the obligations for which such Deed of Trust was given as security and the Beneficiary made demand upon the said Trustee to sell property pursuant to the terms and said Deed of Trust. Notice of Default was recorded 5/7/2004 as Instrument No. 200424530, records of Canyon County, Idaho and in the office of the Recorder of each other county in which the property described in said Deed of Trust, or any part thereof, is situated, the nature of such default being as set forth in said Notice of Default. Such default still existed at the time of sale.
- (b) After recordation of said Notice of Default, Trustee gave notice of the time and place of the sale of said property by registered or certified mail, by personal service upon the occupants of said real property, by posting in a conspicuous place on said premises and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to the date of sale as Instrument No. 200434215, Instrument No. 200434217, and as Instrument No 200434216, records of Canyon County, Idaho.
- (c) The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) supra and of the Affidavits referred to in paragraph (b) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth herein at length.
- (d) All requirements of law regarding the mailing, personal service, posting publication and recording of the notice of default, and notice of sale and for all other notices have been complied with.
- (e) Not fewer than 120 days elapsed between the giving of notice of sale by registered or certified mail and the sale of said property.
- (f) Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to Grantee, being the highest bidder thereof, the property herein described for the sum of \$49,813.62, subject

Attachment 3

however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporation name to be hereunto subscribed by its Assistant Secretary.

PIONEER LENDER TRUSTEE SERVICES, LLC

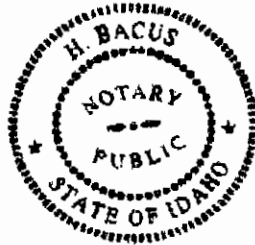


LORI A. BALL, ASSISTANT SECRETARY

ACKNOWLEDGEMENT- CORPORATE

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

On this 15th day of September, in the year 2004, before me, the undersigned, a Notary Public in and for the said state, personally appeared Lori A. Ball known to me to be the Assistant Secretary of the corporation, and acknowledged to me that such corporation executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




NOTARY PUBLIC FOR THE STATE OF IDAHO
RESIDING AT: BOISE
EXPIRATION DATE: 8-30-2008

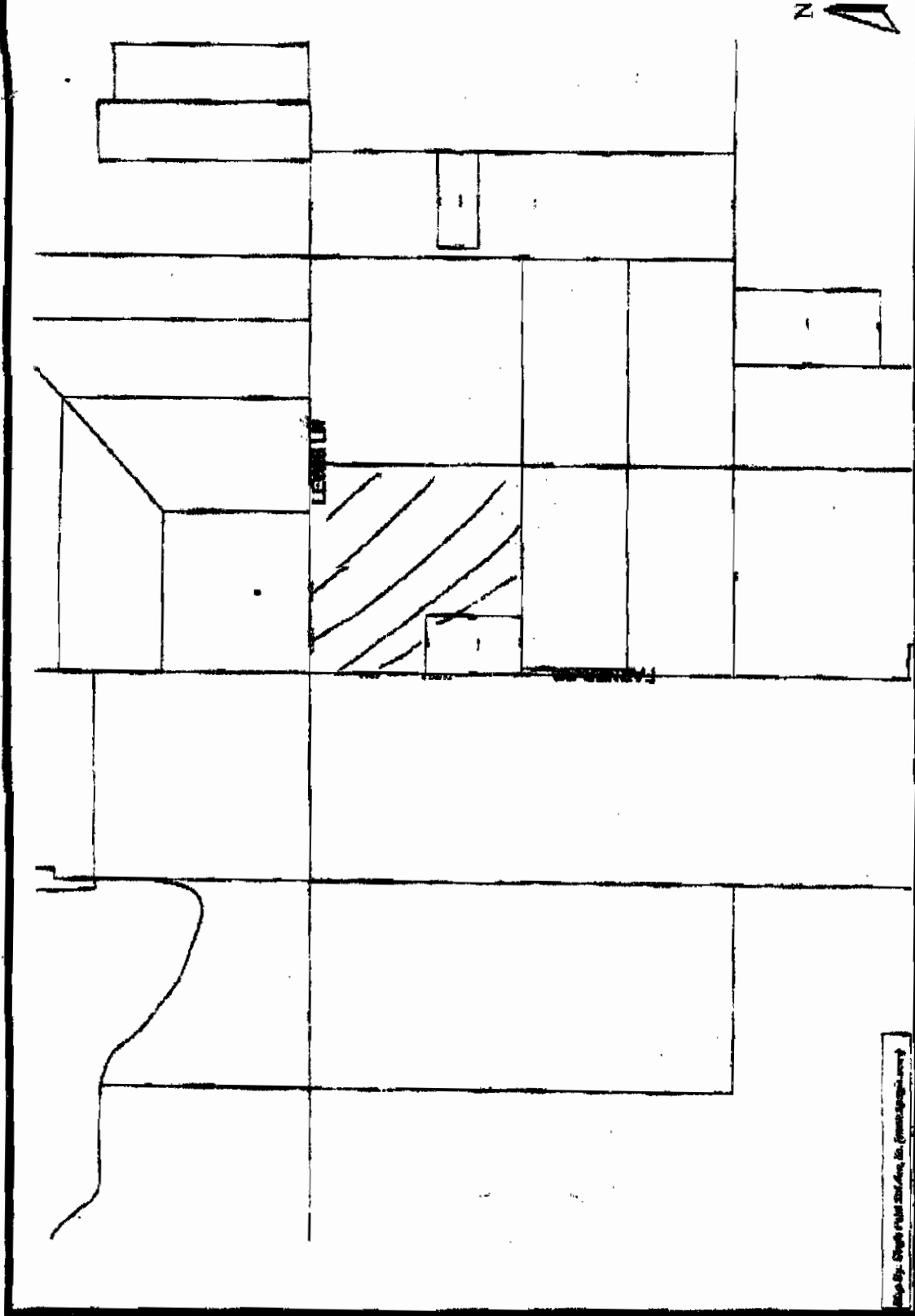
TRUSTEE'S DEED - PLOTS # 6

Oct. 11 2004 09:14PM P1

FAX NO. : 2085393062

FROM : David L Russell

Attachment 3a



Map by: State of Idaho, Dept. of Lands, Boise, Idaho



CALDWELL, J.	CANYON	MARTIN
6000 N. Main St.	500 E. 1st St.	100 N. 1st St.
Boise, ID 83725	Boise, ID 83725	Boise, ID 83725
Ph: 208/465-1600	Ph: 208/465-1600	Ph: 208/465-1600
Fax: 208/465-1600	Fax: 208/465-1600	Fax: 208/465-1600

Map Complete August 13, 2004

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CANYON COUNTY

ACCOUNT NO.

TAX NOTICE FOR CALENDAR YEAR

2004 Real Property

4R30124-014- -0

*** LENDER HAS BEEN NOTIFIED OF TAXES DUE ***

7500

4R30124-014- -0

PARCEL NO. 02N03W153001

15-2N-3W NW

NW NW LS TX 99530

VAN BERKEL, ARNOLD J
% RUSSELL, DAVID L %
1268 S WATERMARK AVE
EAGLE ID 83616-6337

9770 FARNER RD, NA

BILL NUMBER 2004058899

CODE AREA
LAND

055-00

22,800 QTY

34.90

TAXING DISTRICT

RATE

AMOUNT

TOTAL VALUE

22,800

APPLICABLE VALUE

22,800

PEST

0.000054328

1.24

AMBULANCE

0.000217196

4.96

NA HWY 1

0.001186418

27.06

FIRE UDF

0.000644838

14.70

SCH 139 VV

0.007872503

179.50

COUNTY

0.004821916

109.94

BANK LOAN NUMBER

F90

Year

Taxable FCV

Tax Amount

2003

13,900

205.26

2004

22,800

337.40

TOTAL LEVY

0.014797199

IMPORTANT

PLEASE READ BOTH FRONT AND BACK

MONTHLY PAYMENTS ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR

KEEP TOP PORTION FOR YOUR RECORDS.

TRACIE LLOYD

(208) 454-7354

Please Make Checks Payable To:

CANYON COUNTY TAX COLLECTOR

1115 ALBANY ST., ROOM 342

P.O. BOX 1010

CALDWELL, IDAHO 83606

TOTAL TAX

337.40

TOTAL DUE

337.40

Attachment 4