

TSN 53W

MICROFILMED
JUL 17 2004



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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-20895

NAME AND ADDRESS: EVERETT BOYLE
13623 GOODSON RD
CALDWELL, ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/17/1956

POINT OF DIVERSION: T03N R02W S22 NENWSE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Canyon County
T03N R02W S22 NWSE

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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JUL 15 2004

MEMORANDUM

DATE: April 26, 2004
FROM: KARI LYNN TOWNSEND
TO: FILE 63-20895
RE: Telephone conversation

=====

Cindy Fillmore called this morning to discuss the discrepancy in the legal description of the land she purchased from Everett Boyle and the land described in the decreed water right.

After further review of the deed she has for her property it was determined that water right 63-20895 should NOT have been included on their Notice of Change of Water Right Ownership form.

At Cindy Fillmore's request, no further action will be taken for change of ownership on water right 63-20895.

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JUL 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 16, 2004

STEVE FILLMORE
CINDY J FILLMORE
13623 GOODSON RD
CALDWELL ID 83605

RE: Change in Ownership of Decreed Water Right 63-208295

Dear Mr. & Mrs. Fillmore:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

 X Legal Description of Property

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. The legal description on the support data you furnished does not match the described land on the water right. Please furnish an appropriate legal description of the property described in the decreed water right so that we may complete the processing of your request. I have enclosed a copy of the decreed water right for your information and convenience.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within **30 days** we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call Kari Lynn Townsend at 208-327-7941.

Sincerely,

E. Justin Aldridge
Technical Review

EJA:klt

Enclosures

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

RECEIVED

APR 11 2000

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

RECEIVED

MAR 19 2002

Department of Water Resources

1. Water Right No(s):

63-20895ALB3-07511-AJ

Adjudication Claim No(s):

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

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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

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

3. Name and Address of Former
Owner/Claimant

Everett BoylePaul Stephen Fillmore13623 Goodson Road Caldwell ID 83605

4. New Owner/Claimant(s)

Steve and Cindy J. FillmoreName Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

13623 Goodson Road

City, State and ZIP Code

Caldwell ID 83605

New Telephone Number

(208) 585-2585

5. Date you acquired the property of

E. Boyle12-8-99

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right 20 Number and type of stock 0

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s)
or Claimant(s)

Steve FillmoreCindy J. Fillmore

the well services one home of which Fillmore's
already own. Mr.
Boyle's land was/is
bare ground only

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

This groundwater right was formerly a joint ownership. Half of the right was for approximately 12 acres owned by Everett Boyle; the other half was for approximately 12 acres owned by Paul Stephen Fillmore. We Steve and Cindy Fillmore have purchased the

approximately 12 acres from Everett Boyle
and would like the entire water right
ownership in our names only.

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JUN 9 5 2004

SCHEDULE B

Order No.: **PC 32550**
Policy No.: **J 1146932**

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**PART I
SECTION I**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

1. Liens and assessments of the Black Canyon Irrigation District, and the rights and powers of said district as by law provided. Paid current..
2. Provisions, reservations and restrictions as shown by the several contracts between the United States of America and Black Canyon Irrigation District, and the amendments thereto, or between the present owner or past owners of the real property herein described and the Black Canyon Irrigation District or the United States of America, whether said contracts be of record in the office of the Recorder of Canyon County, Idaho, or on file with the Secretary of Black Canyon Irrigation District.
3. Rights of way for irrigation and drainage ditches and canal.

(continued)

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4. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded July 5, 1957 as Instrument No. 445835, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
5. Right of access to and from land, if any, is not established of record and assurance of such right of access is excluded from coverage of this Policy.

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1994 9 5 2004

SCHEDULE A

Order No.: PC 32550
Policy No.: J 1146932

Amount of Insurance: \$30,000.00
Premium: \$ 270.00

Date of Policy: December 8, 1999 as of 4:27 p.m.

1. Name of Insured:

STEVEN FILLMORE and CINDY J. FILLMORE, husband and wife

2. The estate or interest in the land which is covered by this policy is: Fee simple

3. Title to the estate or interest in the land is vested in:

STEVEN FILLMORE and CINDY J. FILLMORE, husband and wife

4. The land referred to in this policy is described as follows:

See attached Exhibit "A"

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PC 32550

Exhibit "A"

BEGINNING at the West 1/16 corner on the Northern boundary of Section 23, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho and bearing South 0° 1' 40" East 665.38 feet along the West 1/16 line to the TRUE POINT OF BEGINNING; thence

East 834.81 feet; thence

South 8° 34' 52" West 100.63 feet; thence

South 38° 42' 9" West 402.60 feet; thence

South 7° 43' 47" West 64.19 feet; thence

South 20° 53' 27" East 191.70 feet; thence

North 89° 51' 27" West 293.96 feet; thence

South 0° 21' 13" East 134.17 feet; thence

South 64° 24' 0" West 370.55 feet; thence

North 0° 1' 40" West 295.82 feet along the West 1/16 line of said Section 23 to the Northwest 1/16 corner monument of 1936; thence

North 0° 1' 40" West 654.69 feet to the TRUE POINT OF BEGINNING.

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1716

G.O.O.D.S.O.N

683.47'

R37963

T 1

668.35'

631.80'

634.81'

54.82'

100.63'

R37964

T 2

634.80'

402.80'

84.19'

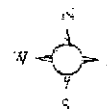
80.161'

293.96'

124.17'

370.55'

285.82'



R37962

MICRO - THIS MAP IS ATTACHED SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING THE
LAND AND THE COMPANY ASSUMES NO
LIABILITY FOR VARIATIONS, IF ANY

75N 53W

MICH

