

HEATHER HAVEN ESTATES BLOCKS 1 & 2

A PORTION OF THE N $\frac{1}{2}$ OF SEC. 31, T.5N, R.1E., B.M.
ADA COUNTY, IDAHO
1974

0 300 600 900
FEET

UNPLATTED

25/30
36/31

ROAD-589°47'46"W-969.8'-0"225.00'

NORTH QUARTER CORNER SECTION 31

N

MICROFILMED

NOV 26 2003

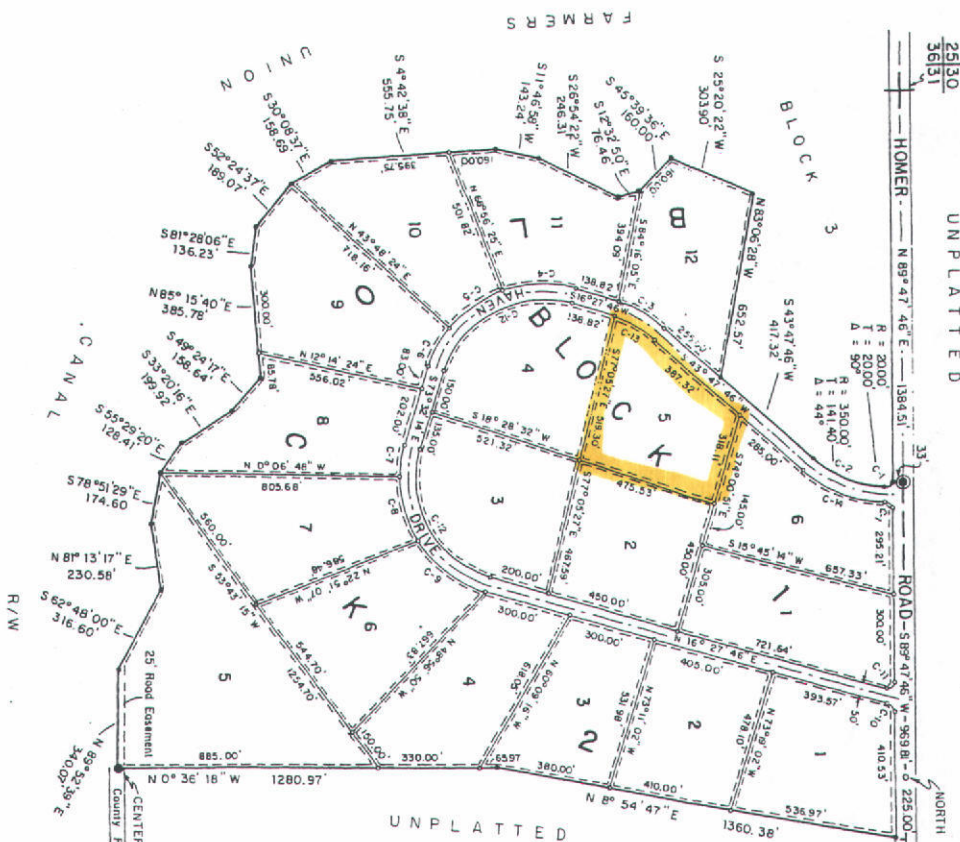
This plat is included solely for the purpose of assisting and locating said premises and the Company assumes no liability for variations, if any, in dimensions and locating ascertained by actual survey.



STEWART TITLE COMPANY
OF IDAHO, INC.

CURVE DATA

CURVE	R	L	T	Δ	Ch
C-1	20'	31.42'	20.00'	90°	28.28'
C-2	350'	288.71'	141.40'	44°	262.23'
C-3	400'	190.82'	97.26'	27°20'	189.02'
C-4	400'	245.00'	-	35°05'39"	241.19'
C-5	400'	243.31'	-	34°51'07"	239.56'
C-6	400'	140.00'	-	20°03'14"	139.25'
C-7	400'	110.00'	-	15°45'24"	109.66'
C-8	400'	238.31'	-	34°08'08"	234.80'
C-9	400'	280.00'	-	42°06'28"	274.32'
C-10	20'	25.59'	14.89'	73°20'	23.89'
C-11	20'	37.23'	28.86'	106°40'	32.08'
C-12	350'	549.77'	350.00'	90°	494.38'
C-13	350'	166.57'	85.10'	27°20'	165.39'
C-14	400'	307.16'	161.60'	44°	299.69'



LEGEND

- POINT OF BEGINNING
- 5/8" x 30" Steel Pin
- 1/2" x 24" Steel Pin
- 2 LOT NUMBER
- 10' Utility, Irrigation & Drainage Easement

Each dwelling shall construct a septic system consisting of a 1000 gallon tank and a drain field of 300 square feet per bedroom unless otherwise approved by the Department of Health.

ALLRED & DUNN ENGINEERS
11530 Wildrose Court
Boise, Idaho

Revised 11/15/74
11/15/74

T5N R1E SEC. 31 NWNW

1987

A hand-drawn diagram of a parallelogram divided into two triangles by a diagonal line. The top triangle is labeled "Lawn" and the bottom triangle is labeled "Pasture".

A hand-drawn diagram of a parallelogram divided into two triangles by a diagonal line. The top triangle is labeled "Lawn" and the bottom triangle is labeled "Pasture".

T5N R1E SEC. 31 NENW

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Summer of 1989 —
Evidence of irrigation of
pasture land.



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NOV 26 2003

11/99

RECEIVED

NOV 10 2003

For Office Use Only
\$25 filing fee 25.00
Receipt # 2071557
Date 11-10-03

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Alfred AND/OR Margaret Wolfgram hereby assign to Bill Tiffany and Barb Jekel
of, 2862 Haven Drive, Eagle, ID, 83616 362-1372
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 63-9983 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for Permit No. 63-9983 to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 5th day of November, 2003.

Alfred Wolfgram
Permit Holder(s)
Margaret Wolfgram

State of Idaho)
County of BEM)ss

On this 5th day of November, 2003, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Tenna M. Turner
Notary Public residing at Star, IDAHO

SEAL

My commission expires: 11/06/07

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NOV 20 2003

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)	
63-9983 IN THE NAME OF ALFRED)	REINSTATEMENT ORDER
WOLFGRAM AND/OR MARGARET)	
WOLFGRAM)	
_____)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On March 17, 1983, the Department issued Permit No. 63-9983 to Earl S. and/or Connie Murray ("permit holder") authorizing the diversion of 0.15 cubic feet per second (cfs) of water from groundwater to be diverted for irrigation from a well located within the NW1/4NW1/4, Section 31, Township 5 North, Range 1 East, Ada County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before March 1, 1988.
2. On December 31, 1987, the Department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit Proof of Beneficial Use or a Request for Extension of Time ("extension request").
3. On February 18, 1988 the Department granted a Request for Extension of Time extending the filing of the proof of beneficial use for this permit to March 1, 1990.
4. On December 31, 1989, the Department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit Proof of Beneficial Use or a Request for Extension of Time ("extension request").
5. On March 14, 1990, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension request.
4. On September 17, 2003, the department received an Assignment of Permit from Earl S. and Connie L. Murray assigning the permit to Alfred and/or Margaret Wolfgram.
5. On September 17, 2003, the permit holder submitted Proof of Beneficial Use to the Department. The permit holder submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting sufficient information to show that water was beneficially used during the authorized development period.

3. The Department should reinstate the permit with the priority advanced to the date that proof was received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 63-9983 in the name of Earl S. and/or Connie Murray is assigned to Alfred and/or Margaret Wolfgram and is **REINSTATED** with the priority advanced to **September 17, 2003**.

Dated this 24th day of October, 2003.



Gary Spackman

SEP 17 2003

Department of Water Resources

2002-6-2003

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
OCT 22 2003
2071360
Department of Water Resources

I, Earl S. Murry and Connie Murray, hereby assign to Alfred and/or Margaret Wolfgram
of P.O. Box 100 Eagle, Idaho 83616
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 63-9983
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

*Made this 6th day of October, 1988.

Earl S. Murry
Permit Holder

Connie L. Murry
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 6th day of October, 19 88, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Valerie A. Anderson

Notary Public residing at
Boise

seal

My commission expires:
6/93

Comm Exp 6/93

MICROFILMED

OCT 20 2003

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]:

For Reinstatement Purposes.

Darla J. Black
Person Recreating File

10/29/2003
Date

Form 204
4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

For Office Use Only
\$15 FEE Received by 14
Date 2-16-88
Receipt # 48424
FEB 16 1988

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 63-9983

Name(s) of Permit Holder: Earl S. &/or Connie Murray

Post Office Address: 2770 Christine St., Boise, ID 83704

Telephone No. 327-0469

Date Proof is Due: 3-1-88

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Water use has been developed. Irrigating 4.5 of the 5 acres.

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

In the process of selling the property. I would like the new owners to have the responsibility
to submit proof and filing fee. I would like 2 year extension in case these buyers are not
able to purchase the property and I would have time to get other buyers.

Permit holder(s) request an extension to 3-1, 19 90.
(1 yr. minimum)

Earl S. Murray
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 1990.

Signed this 18th day of February, 19 88.

A. Glen Saylor
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant EARL S. &/OR CONNIE MURRAY Phone 939-7118

Post office address 2862 Haven Dr., Eagle, ID 83616

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31 Township 5N

Range 1E B.M. Ada County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 15 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.15 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well with pump and sprinkler
system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

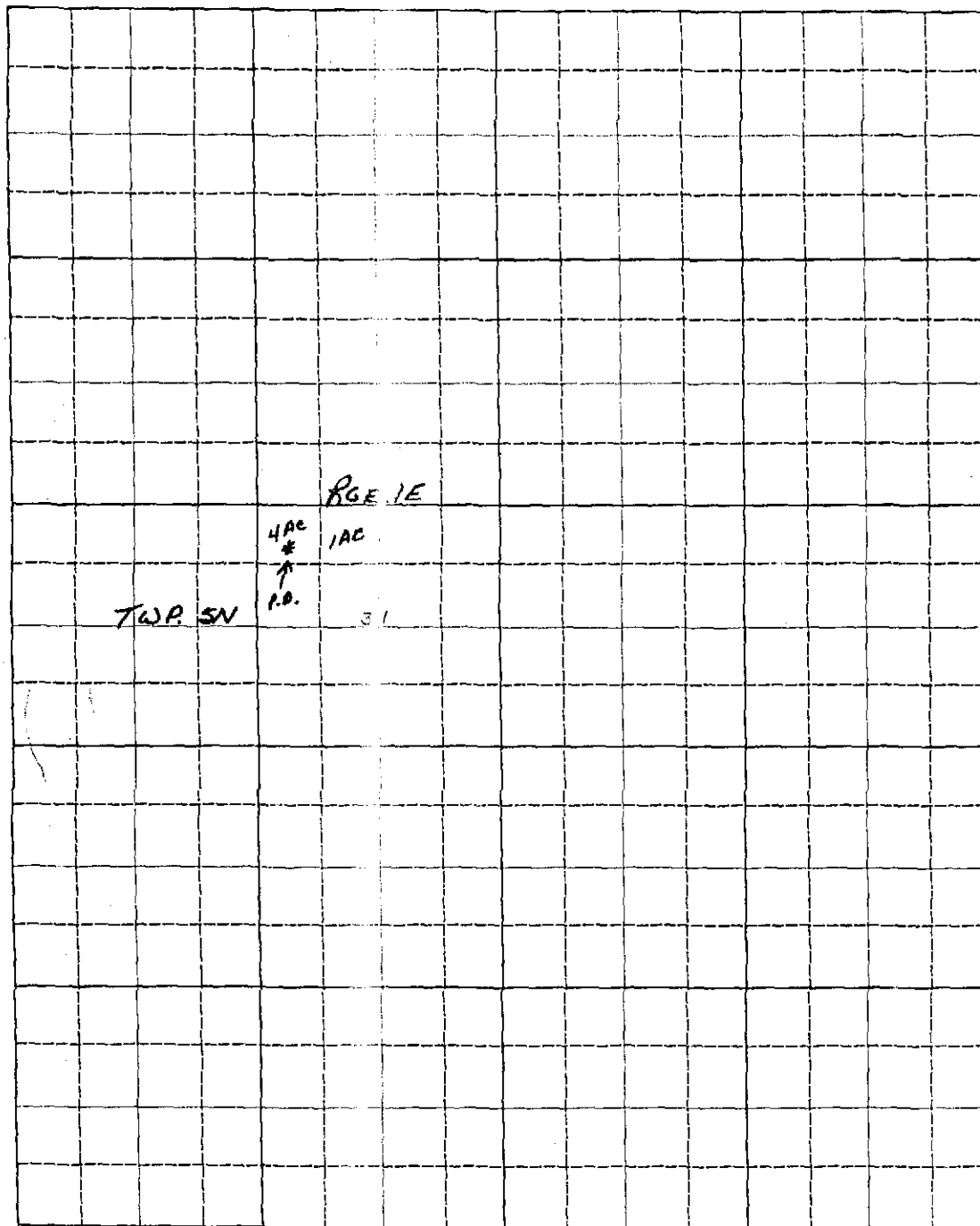
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Earl S. McCreary
(Applicant)

Proposed Priority 2/3/1983

Received by CLS Date 2/3/83 Time 2:40
Preliminary check by Y Fee \$ 30.00 #23167
Receipted by CLS Date 2/3/83
Publication prepared by jp Date 2/10/83
Published in The Idaho Statesman
Publication dates 2/17 & 2/24/83
Publication approved JP Date 2-15-83
Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9983, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 17 th day of March, 1983.

L. Glen Saxton
Chief, Operations Bureau



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

November 10, 2003

BILL TIFFANY
BARB JEKEL
2862 HAVEN DR
EAGLE ID 83616

RE: Change of Ownership for Water Right Permit 63-9983

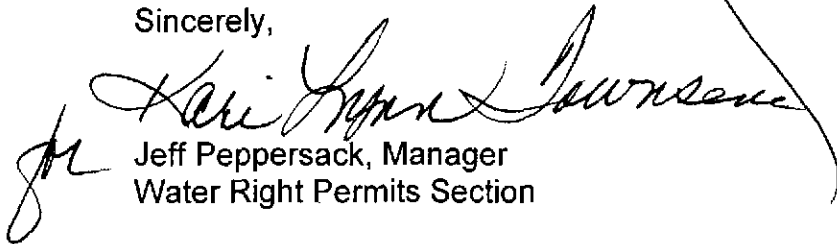
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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NOV 28 2003

MEMORANDUM

Date: October 31, 2003
To: Water Right File 63-9983
From: Shelley Keen *SWK*
Re: Ownership Change

This morning Barb Jekel submitted an ownership change notice for this right even though it is still a permit. She purchased the place of use, but she has not been successful in getting the permit holders to assign the permit to her. I told her that the ownership change notice could be processed in connection with the issuance of a license once the field exam is done.

Barb Jekel would like to be contacted by the field examiner. Her address and phone number are:

2862 Haven Dr.
Eagle, ID 83709
208-362-1372

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NOV 26 2003

RECEIVED

OCT 31 2003

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
63-9983		No			

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

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

OR

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

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

ALFRED WOLFGRAM (MARGARET)

5448 W. BLACK CANYON HWY., EMMETT, ID.

4. New Owner/Claimant(s)

BARB JEKEL^{AWP} & BILL TIFFANY

83617

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

New Mailing Address

2862 HAVEN DR.

City, State and ZIP Code

EAGLE, ID. 83709

New Telephone Number

(208) 362-1372

5. Date you acquired the property

Sept. 24, 2003

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NOV 26 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Barbara Jukel October 31, 2003
(include title if applicable)

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

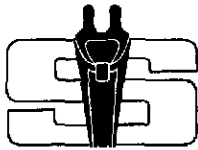
For Office Use Only
 Received by [Signature] Date 10/31/03 Fee \$25.00
 Received by [Signature] Date 10/31/03 Receipt No. 2071434
 Processed by _____ AJ Date _____ WR _____ Date _____

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NOV 26 2003

ADA COUNTY RECORDER J. DAVID [REDACTED] RO
BOISE IDAHO 09/25/03 03:44 PM
DEPUTY Michelle Turner
RECORDED - REQUEST OF
Stewart Title Company
AMOUNT 3.00



1



WJT Bg

030262844m/Lm

WARRANTY DEED

For Value Received **ALFRED C WOLFGRAM AND MARGARET I WOLFGRAM, HUSBAND AND WIFE**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **WILLIAM TIFFANY AND BARBARA JEKEL, HUSBAND AND WIFE**

the Grantee whose current address is: **2862 HAVEN DRIVE, EAGLE, ID 83616**

the following described premises, to-wit:

LOT 5 IN BLOCK 1 OF HEATHER HAVEN ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 33 OF PLATS AT PAGE 2054, AND AMENDED BY AFFIDAVIT RECORDED JUNE 27, 1974 AS INSTRUMENT NO. 890808, RECORDS OF ADA COUNTY, IDAHO.

Parcel Number: **R3533180025**

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: **September 24, 2003**

ALFRED C. WOLFGRAM

MARGARET WOLFGRAM

State of **IDAHO**

ss.

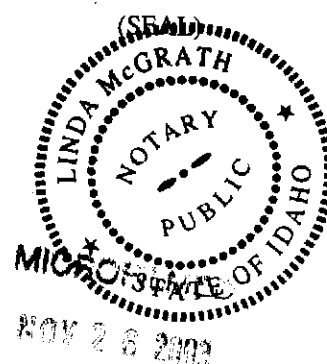
County of **ADA**

On this 24th day of September, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared **ALFRED C. WOLFGRAM AND MARGARET WOLFGRAM**

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

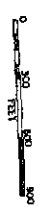
Notary Public **LINDA MCGRATH**
Residing at: **BOISE, IDAHO**
Commission Expires: **May 28, 2005**



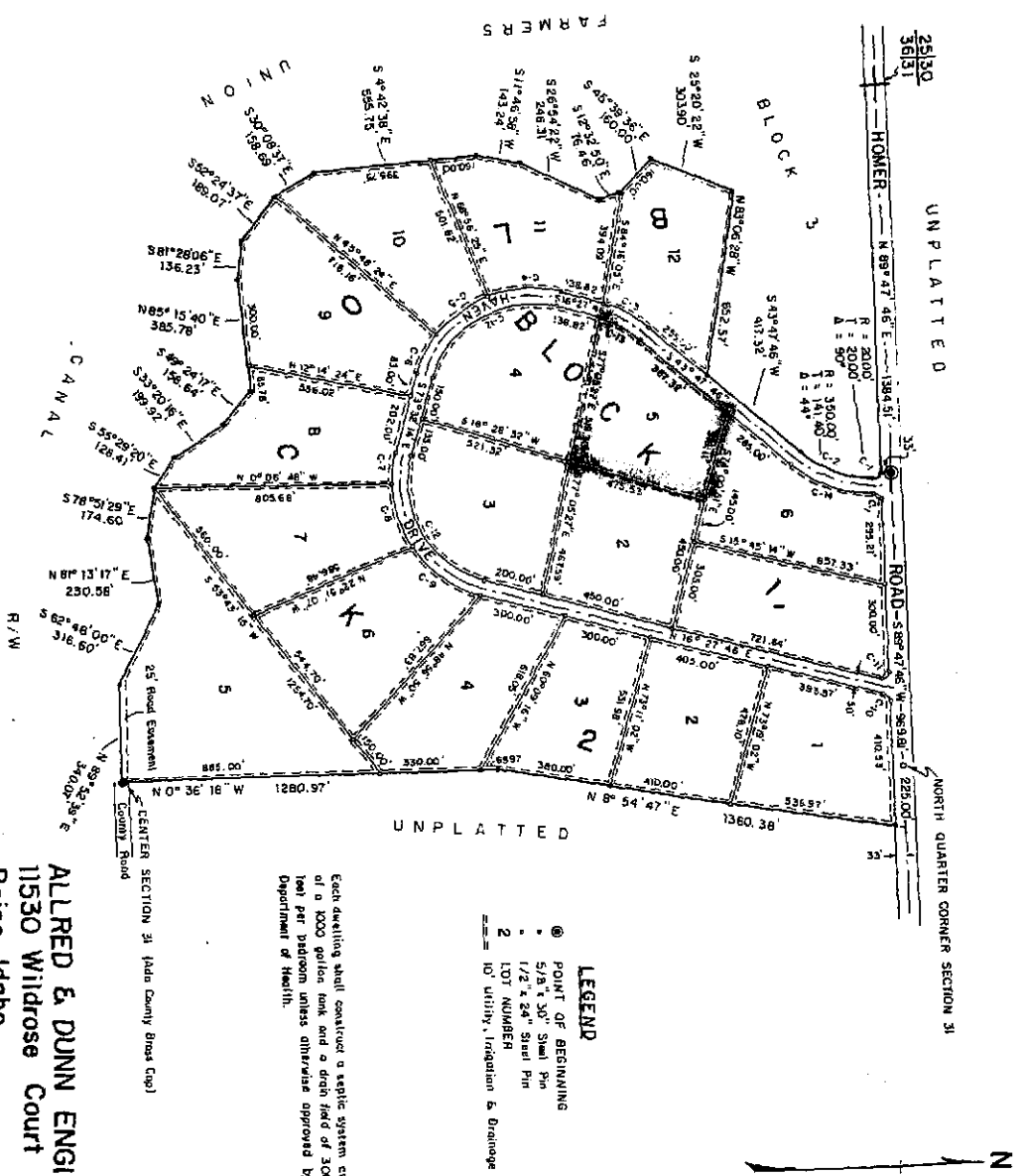
HEATHER HAVEN ESTATES

BLOCKS 1&2

A PORTION OF THE N $\frac{1}{2}$ OF SEC. 31, T.5N., R.1E., B.M.
ADA COUNTY, IDAHO
1974



UNPLATTED



- LEGEND**
- POINT OF BEGINNING
 - 5/8" x 30" Steel Pin
 - 1/2" x 24" Steel Pin
 - 2 LOT NUMBER
 - == 10' utility, Irrigation & Drainage Easement

Each dwelling shall construct a septic system consisting of a 1200 gallon tank and a drain field of 300 square feet per bedroom unless otherwise approved by the Department of Health.

ALLRED & DUNN ENGINEERS
11530 Wildrose Court
Boise, Idaho



STEWART TITLE COMPANY
OF IDAHO, INC.

This plat is included solely for the purpose of assisting and locating said premises and the Company assumes no liability for variations, if any, in dimensions and locating ascertained by actual survey.

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C-5	400'	243.31'	-	34° 51' 07"	239.54'
C-6	400'	140.00'	-	20° 03' 14"	139.29'
C-7	400'	110.00'	-	15° 45' 24"	109.66'
C-8	400'	228.31'	-	34° 08' 08"	224.80'
C-9	400'	280.00'	-	40° 05' 28"	274.32'
C-10	20'	25.59'	14.89'	73° 20'	23.89'
C-11	20'	37.23'	26.86'	105° 40'	32.08'
C-12	350'	543.77'	350.00'	90°	494.96'
C-13	350'	166.97'	85.10'	27° 20'	165.39'
C-14	400'	307.16'	181.60'	44°	299.69'

POLICY OF TITLE INSURANCE ISSUED BY

STEWART TITLE GUARANTY COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, STEWART TITLE GUARANTY COMPANY, a Texas corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused this policy to be signed and sealed by its duly authorized officers as of the Date of Policy shown in Schedule A.

STEWART TITLE GUARANTY COMPANY

[Signature]
Chairman of the Board



[Signature]
President

Countersigned:

[Signature]

Authorized Countersignature
STEWART TITLE
Agent ID #120023

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws; that is based on:
 - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure: (i) to timely record the instrument of transfer; or (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

Serial No. O-9701-286948

MICROFILMED

APR 2 8 2003

ALTA OWNER'S POLICY

SCHEDULE A

Order Number: 03026284

Policy No.: O-9701-286948

Date of Policy: September 25, 2003 @ 3:44 PM

Amount of Insurance: \$ 302,000.00

Premium: \$ 1,210.00

1. Name of Insured:

WILLIAM TIFFANY AND BARBARA JEKEL

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:

WILLIAM TIFFANY AND BARBARA JEKEL, HUSBAND AND WIFE

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

LOT 5 IN BLOCK 1 OF HEATHER HAVEN ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 33 OF PLATS AT PAGE 2054, AND AMENDED BY AFFIDAVIT RECORDED JUNE 27, 1974 AS INSTRUMENT NO. 890808, RECORDS OF ADA COUNTY, IDAHO.

MICROFILMED

NOV 25 2003

ALTA OWNER'S POLICY

SCHEDULE B

Order Number: 03026284

Policy No.: O-9701-286948

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:

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. Proceedings by a public agency which may result in taxes or assessments.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, 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 the 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.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
8. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attached subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this policy.
9. GENERAL TAXES FOR THE YEAR 2003, A LIEN NOT YET DUE AND PAYABLE.
10. GENERAL TAXES WHICH MAY BE ASSESSED AND EXTENDED ON ANY "SUBSEQUENT" OR "OCCUPANCY" TAX ROLL FOR THE CURRENT TAX YEAR AND PREVIOUS TAX YEARS WITH RESPECT TO IMPROVEMENTS COMPLETED DURING CURRENT AND PREVIOUS YEARS WHICH MAY ESCAPE ASSESSMENT OF THE REGULAR TAX ROLL; WHICH ARE A LIEN NOT YET DUE OR PAYABLE.
11. WATER RIGHTS, CLAIMS OR TITLE TO WATER.
12. UNPATENTED MINING CLAIMS; RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF.
13. LIENS AND ASSESSMENTS OF THE FARMERS IRRIGATION DISTRICT, AND THE RIGHTS, POWERS AND EASEMENTS OF SAID DISTRICT AS BY LAW PROVIDED. WHICH ARE PAID CURRENT.

Continued on next page

MICROFILMED

NOV 25 2003

Continuation of Schedule B - ALTA Owner's Policy
Policy Number: O-9701-286948

14. LIENS AND ASSESSMENTS OF DRAINAGE DISTRICT NO. 2, AND THE RIGHTS, POWERS AND EASEMENTS OF SAID DISTRICT AS BY LAW PROVIDED. WHICH ARE PAID CURRENT.
15. EASEMENTS, RESERVATIONS, RESTRICTIONS AND DEDICATIONS, IF ANY, AS SHOWN ON THE OFFICIAL PLAT OF SAID SUBDIVISION.
16. AN EASEMENT AND THE TERMS AND CONDITIONS THEREOF;
IN FAVOR OF : IDAHO POWER COMPANY, A CORPORATION
PURPOSE : POWERLINES AND INCIDENTAL PURPOSES
RECORDED : JULY 1, 1930 IN BOOK 12 OF MISCELLANEOUS RECORDS,
RECORDS OF ADA COUNTY, IDAHO
17. AN EASEMENT AND THE TERMS AND CONDITIONS THEREOF;
IN FAVOR OF : IDAHO POWER COMPANY, A CORPORATION
PURPOSE : POWERLINES AND INCIDENTAL PURPOSES
RECORDED : MARCH 22, 1937 IN BOOK 15 OF MISC AT PAGE 235,
RECORDS OF ADA COUNTY, IDAHO
18. TERMS AND CONDITIONS CONTAINED IN AN AGREEMENT BY AND BETWEEN FARMERS UNION DITCH COMPANY, LIMITED, A CORPORATION AND EDWARD D. PARKINSON AND BETH A. PARKINSON RECORDED MAY 28, 1951 AS INSTRUMENT NO. 318236, RECORDS OF ADA COUNTY, IDAHO.
19. TERMS, PROVISIONS, COVENANTS, CONDITIONS AND RESTRICTIONS, EASEMENTS, CHARGES, ASSESSMENTS AND LIENS PROVIDED IN THE COVENANTS, CONDITIONS OR RESTRICTIONS,
RECORDED : SEPTEMBER 30, 1974 AS INSTRUMENT NO. 901059,
RECORDS OF ADA COUNTY, IDAHO
- BUT OMITTING ANY COVENANT, CONDITION OR RESTRICTION, IF ANY, BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT THE COVENANT, CONDITION OR RESTRICTION (A) IS EXEMPT UNDER TITLE 42 OF THE UNITED STATES CODE, OR (B) RELATES TO HANDICAP, BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PERSONS.
20. AN EASEMENT AND THE TERMS AND CONDITIONS THEREOF;
IN FAVOR OF : IDAHO POWER COMPANY
PURPOSE : POWER LINE AND INCIDENTAL PURPOSES
RECORDED : JUNE 3, 1980 AS INSTRUMENT NO. 8026150,
RECORDS OF ADA COUNTY, IDAHO
21. A DEED OF TRUST
AMOUNT : \$241,600.00
DATED : SEPTEMBER 18, 2003
TRUSTOR : WILLIAM TIFFANY AND BARBARA JEKEL,
HUSBAND AND WIFE
TRUSTEE : STEWART TITLE COMPANY
BENEFICIARY : MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
RECORDED : SEPTEMBER 25, 2003 AS INSTRUMENT NO. 103163215,
RECORDS OF ADA COUNTY, IDAHO

MICROFILMED

NOV 25 2003



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

October 24, 2003

ALFRED WOLFGRAM
MARGARET WOLFGRAM
5448 W BLACK CANYON HWY
EMMETT ID 83617-9609

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-9983

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use documents submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **September 17, 2003**, as provided in Section 42-218a(2), Idaho Code.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Western Regional Office** of the department in Coeur d'Alene at (208) 769-1450.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

NOV 25 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-9983

Reviewed By: dgibson

Date: October 9, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C070937	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	09/17/2003
Date proof due	- 03/01/1990
Lapse notice sent	- 03/14/1990
No. of days late	= 4935
Holiday allowance	+
Priority date	+
New priority date	= 09/17/2003

Deficiencies of Actions Items

Acknowledge proof. Reinstate permit and advance priority to 9/17/2003. Update ownership information for the permit. —

Held for filing fee for Assignment of Permit. (\$25). Letter requesting fee mailed 10/10/03. dg.

Assignment fee paid & Change of Address filed on 10/22/03.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 22 2003

Department of Water Resources

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s):

Permit No.
63-9983

[] Name(s):

Alfred Woeppgen
Margaret Woeppgen

[] Old Mailing Address:

2862 Haven Dr.
Eagle, Id 83616

[] New Mailing Address:

5448 W. Black Canyon Highway
Emmett, Id 83607

Telephone Number:

(208) 365 - 3327

[] Signature(s) of Owner(s)

Margaret Woeppgen

(Include your title if on behalf of company or organization)

Date: 10-22-03

MICROFILMED

NOV 26 2003

Entered in database 10/23/03. dg



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

October 10, 2003

ALFRED WOLFGRAM
MARGARET WOLFGRAM
2862 HAVEN DRIVE
EAGLE ID 83616

Re: Permit No. 63-9983

Dear Mr. and Mrs. Wolfgram:

I received the Proof of Beneficial Use, the Assignment of Permit and the supporting documents for reinstatement of the above referenced permit. However, I cannot process these documents until I receive the filing fee for the Assignment of Permit (assignment). I have tried to contact you by calling the phone number on the proof you filed, and I found that that number is no longer in service. Therefore, this letter is to request \$25.00 to process the assignment, in order to process the Proof of Beneficial Use for reinstatement in your names.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Therefore, I am enclosing a Change in Address and Assignment of Permit forms for your use to update your information, and the ownership of this permit when you sell the property. Additional forms are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have any questions, please do not hesitate to contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl. (2)

MICROFILMED
NOV 28 2003

September 13, 2003

Department of Water Resources
1301 N. Orchard
Boise, ID 83706-2237

Re: Original Permit
No. 63-09983

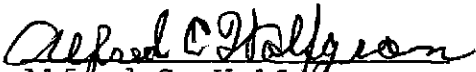
Gentlemen:

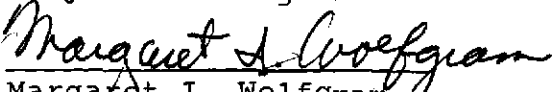
Alfred C. Wolfgram and Margaret I. Wolfgram purchased subject property (as evidenced by copy of Warranty Deed dated July 11, 1988) from Earl S. Murray and Connie L. Murray. At the time of closing Mr. Murray refused to transfer the water permit until he was paid in full. We still owed him a considerable amount of money and were unable to pay the real estate off. Since we were not going to use the water under subject permit to irrigate the former pasture land, we did not pursue negotiating with Mr. Murray at that time. In later years, we did refinance the place and paid Mr. Murray in full. Mr. Murray passed away right after that and we did receive the signed Assignment of Permit in the mail. We don't know who mailed it.

We are in the process of selling this property and the new buyers definitely will need to irrigate the property involved. We are requesting the Reinstatement of the above subject permit. We have lived on this property 15 years and only used the well water for domestic use, watering the livestock, and watering the lawn and trees around the house.

Since we were unable to negotiate with Mr. Murray at the time of purchase to have the water permit transferred in our name, please consider the Reinstatement of the subject permit as the sale of the property is dependent upon being able to use the water on the agricultural portion of this place.

Thank you for taking this under consideration.


Alfred C. Wolfgram


Margaret I. Wolfgram

MICROFILMED

NOV 26 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

For Office Use Only
\$15 FEE Received by
Date 2-16-88
Receipt # 48474

FEB 16 1988

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 63-9983

Name(s) of Permit Holder: Earl S. &/or Connie Murray

Post Office Address: 2770 Christine St., Boise, ID 83704

Telephone No. 327-0469

Date Proof is Due: 3-1-88

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Water use has been developed. Irrigating 4.5 of the 5 acres.

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

In the process of selling the property. I would like the new owners to have the responsibility
to submit proof and filing fee. I would like 2 year extension in case these buyers are not
able to purchase the property and I would have time to get other buyers.

Permit holder(s) request an extension to 3-1, 19 90.
(1 yr. minimum)

Earl S. Murray
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 1990.

Signed this 18th day of February, 19 88.

A. Blus Saylor
Chief, Operations Bureau

MICROFILMED

NOV 26 2003

WARRANTY DEED

FOR VALUE RECEIVED EARL S. MURRAY and CONNIE L. MURRAY, husband and wife,

the Grantors, do hereby grant, bargain, sell and convey unto ALFRED C. WOLFGRAM and MARGARET I. WOLFGRAM, husband and wife,

the Grantees, whose address is 2862 Haven Drive, Eagle, Idaho, 83616, the following described premises, to-wit:

Lot 5 in Block 1 of HEATHER HAVEN ESTATES, According to the Plat thereof, filed in Book 33 of Plats at Page 2054, and Affidavit of Plat recorded June 27, 1974 as Instrument No. 890808, Records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except existing Deed of Trust to Washington Federal Savings and Loan Association

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 11, 1988.

Earl S. Murray
Connie L. Murray

ACKNOWLEDGMENT — Individual

STATE OF IDAHO, County of ADA, ss.

On this 11th day of July, in the year of 1988, before me

, a notary public, personally appeared EARL S. MURRAY and CONNIE L. MURRAY, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public: Robert A. Anderson
Residing at: Boise, Idaho
EXPIRATION DATE: 7/24/91

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at minutes past o'clock m., this day of 19, in my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:

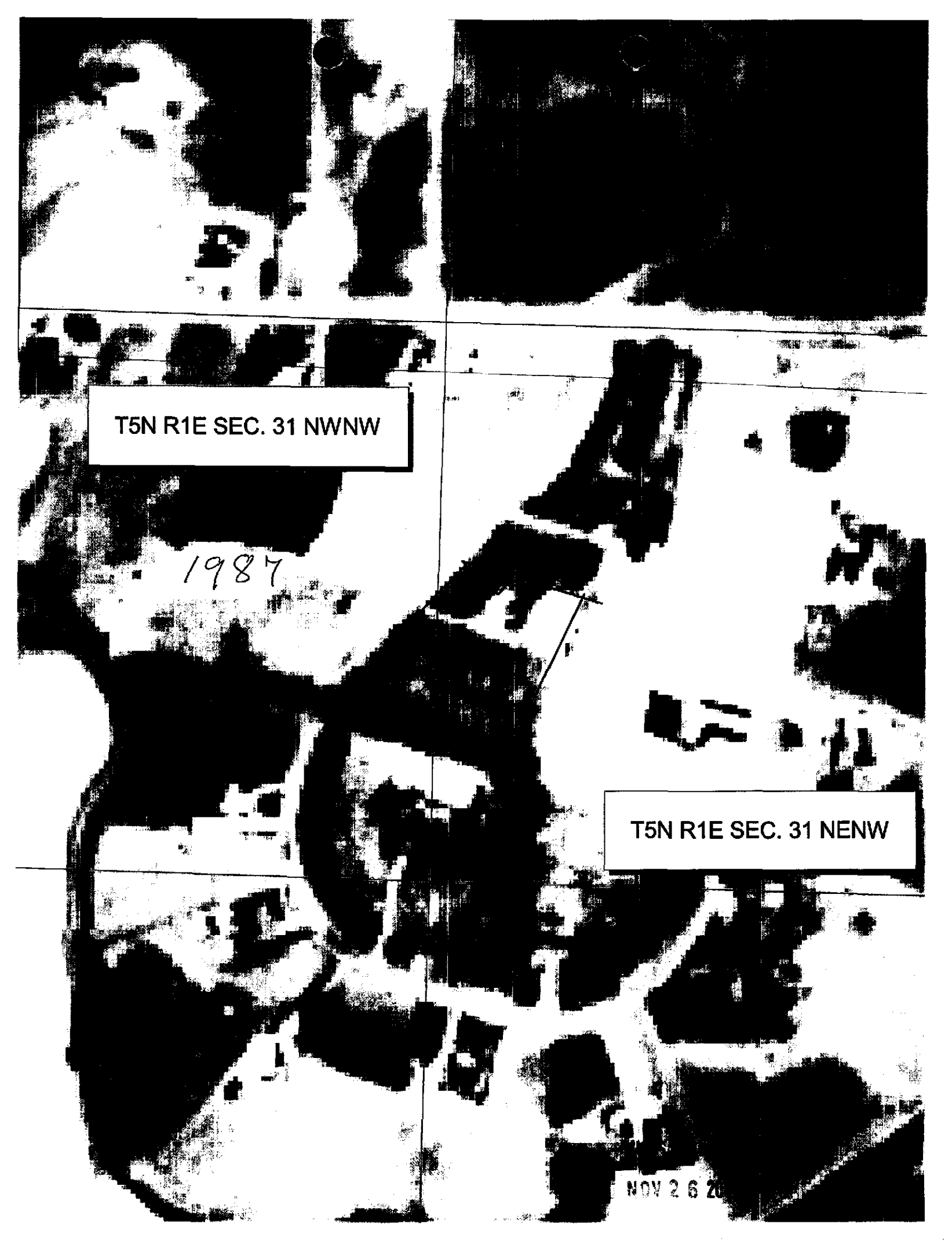


PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702 / (208) 336-6700
888 North Cole Road / Boise, Idaho 83704 / (208) 336-2700

MICROFILMED

NOV 2 8 2003



T5N R1E SEC. 31 NWNW

1987

T5N R1E SEC. 31 NENW

NOV 26 20

Summer of 1989 —
Evidence of irrigation of
pasture land.



MICROFILMED

NOV 26 2003

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For Reinstatement Purposes.

Darla J. Block
Person Recreating File

10/29/2003
Date

I certify that file No. 63-9983 has been
reviewed and is ready to be **MICROFILMED**
and **DESTROYED**.

Don Skaggs
Signature

21 Feb 91
Date

Water Right Number - 63-09983

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MURRAY

EARL S.

1 - 2770 CHRISTINE ST.
2 -
3 -

City- BOISE

State- ID Zip- 83704

Phone - 208-000-0000

MURRAY

CONNIE

1 - 2770 CHRISTINE ST.

2 -

3 -

City- BOISE

State- ID Zip- 83704

Phone - 208-000-0000

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/03/1983 14 WESTERN P - PERMIT

+ - - Source - - - - - + - - - Tributary - - - - - +
GROUNDWATER

+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)
05N 01E 31 NW NW (1) ADA

+ - - Code Description Period From Water Use Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.150

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.150

+ - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05N 01E 31 NE NW 1.0 01 IRRIGATION (1) ADA
05N 01E 31 NW NW 4.0 01 IRRIGATION (1) ADA

Total Acres: 5.0

+ - - Diversion Means - WELL, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
No Remarks found.

+ - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

WR5808NP.
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

02/21/91 09:19:49
Page 2

Water right number - 63-09983

Prefix translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - - + - - - - Decree Defendant - - - - + - - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 02/26/88 05/01/88 CONVERT 01/02/90 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 03/01/1990	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 03/17/1983	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

March 14, 1990

EARL S. MURRAY
CONNIE MURRAY
2770 CHRISTINE ST.
BOISE, ID 83704

LAPSE NOTICE

RE: PERMIT NO. 63-09983

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated December 31, 1989. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

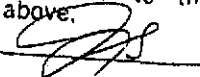
L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 3/15/90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



138994

December 31, 1989

Earl S. and/or Connie Murray
2770 Christine St.
Boise, ID 83704

PROOF DUE NOTICE

RE: PERMIT NO. 63-09983

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

Form 204-p
8-82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 63-9983

Name(s) of Permit Holder(s): Earl L. + Connie Murray

Post Office Address: 2862 Hansen Drive
Engle, Idaho Tel. No. 9397118

☒ I hereby certify that construction of diversion works for the above referenced permit began on March 1, 1981 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is
not an acceptable reason.

5/23/83
Date

Earl L. Murray
Signature of Permit Holder

Earl Muel ^{BOISE, ID}
2862 Haven Drive
Eagle, Idaho 83621



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



MAY 24 1983
United States of America

February 19, 1988

Earl S. and/or Connie Murray
2770 Christine St.
Boise, ID 83704

Dear Mr. and Mrs. Murray:

Re: Permit No. 63-9983

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to March 1, 1990.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 63-9983Reviewed by NDate 2-18-1988

BASIC INFORMATION

Y Date stamp received
Y Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
Y Fee received and receipted
Y Name and signature same as permit
Y Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

Y Has adequate work been completed to demonstrate due diligence?
Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
N/A Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

N/A Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN - *Recommended approval based on due diligence for 2 years*

Special conditions or remarks:

N/A Reinstate Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

Y Prepare coding sheet
Y Change rolodex cardf

138171
CERTIFIED MAIL
December 31, 1987

MURRAY, EARL S. & CONNIE
2862 HAVEN DR.
EAGLE, ID 83616

PROOF DUE NOTICE

RE: Permit No. 63-9983

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MURRAY, CARL S. & CONNIE
2862 HAVEN DR.
EAGLE, ID 83616

MARCH 29, 1983

RE: PERMIT NO. 63-9983

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT NUMEROUS PRIOR APPLICATIONS FOR PERMIT HAVE BEEN FILED TO APPROPRIATE WATER FROM YOUR SOURCE, TO BE USED ON DESERT LAND ENTRY AND/OR CAREY ACT LANDS. DEVELOPMENT OF THESE WATER RIGHTS IS CURRENTLY PREVENTED BY THE U.S. BUREAU OF LAND MANAGEMENT. HOWEVER, IF THE LANDS ARE RELEASED FOR DEVELOPMENT, THE ASSOCIATED WATER RIGHTS WILL RECEIVE WATER PRIOR TO YOUR WATER RIGHT ENCLOSED. THEREFORE BE SURE TO ANALYZE THE FUTURE IMPACT OF THESE RIGHTS BEFORE MAKING A MAJOR INVESTMENT IN A WATER SUPPLY SYSTEM.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

LET PERMIT 63-9980

PAGE 01
MARCH 29, 1983

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jane Gower

APPLICATION NUMBER: 7-0983

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

☒ Yes ☒ No

Field check required.

☐ Yes ☒ No

Critical groundwater area.

☐ Yes ☒ No

Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☒ No

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☒ Idaho Department of Lands.
☒ U.S. Bureau of Land Management.
☒ U.S. Forest Service.
☒ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

☐ Yes ☒ No

Platted by: _____ Map No. _____

☐ Yes ☒ No

Other rights on same place of use. _____

☒ Yes ☐ No

In form for advertising.

☐ Yes ☐ No

Final date for protests: 3/9/83

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 2/25/83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 20/23/67
☒ Publication dates and paper, recorded on application. 2/17 & 2/24/83 Idaho Statesman
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
2/25/83 Date of priority recommended.
☒ Special conditions of approval or cover letter. J.P. G.W. letter.

By: D.B.S.

Date: 3/2/83

STATE OFFICE REVIEW:

☐ See attached sheet for more information.

By: [Signature]

Date: 3/11/83

RECEIVED
MAR 08 1983

Department of Water Resources

63-9982

MURRAY, EARL S. &/or CONNIE

2862 HAVEN DR., EAGLE, ID 83616

Source: GROUNDWATER

Date Filed: 02/03/1983

Diversion Pt: N4NW Sec 31 T 05N R 01E

Use: IRRIGATION (0.15 CFS)

In: N4NW N4NW Sec 31 T 05N R 01E FOR 5 ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 18, 1983

The Idaho Statesman
Box 40
Boise, ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MARCH 7, 1983.

Yours truly,

JUDY FENSE
Secretary

Encl.

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Susan K. Mayer

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two

insertions, beginning with the

issue of February 17, 19 83, and ending with the issue of February 24, 19 83.

Susan K. Mayer

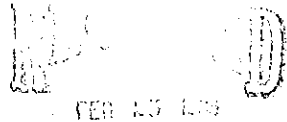
Subscribed and sworn to before me this 24th

day of February, 19 83.

Dorothy E. Egan

Notary Public for Idaho, Residing at Boise, Idaho

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The following application(s) have been filed to appropriate the public waters of the State of Idaho.
63-9983 - 3P
MURRAY, EARL S. &/or CONNIE
2842 HAVEN DR. EAGLE, ID 83416
Source: GROUNDWATER
Date Filed: 02/03/1983
Diversion Point: NWNW Sec 31 T 05N R 01E
Use: IRRIGATION (0.15 CFS)
In: NENW NWNW Sec 31 T 05N R 01E
FOR 3 ACRES
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Department of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before MARCH 7, 1983.
A. KENNETH DUNN
Director
Pub. Feb. 17, 24, 1983 5314



Department of Water Resources
Western Regional Office