

T4N R2E Sec. 31

25

30

29

36

31

32

1

6

5

63-17608

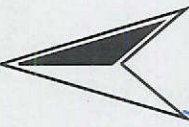
PLSS Section Lines



Ada Taxlots



N



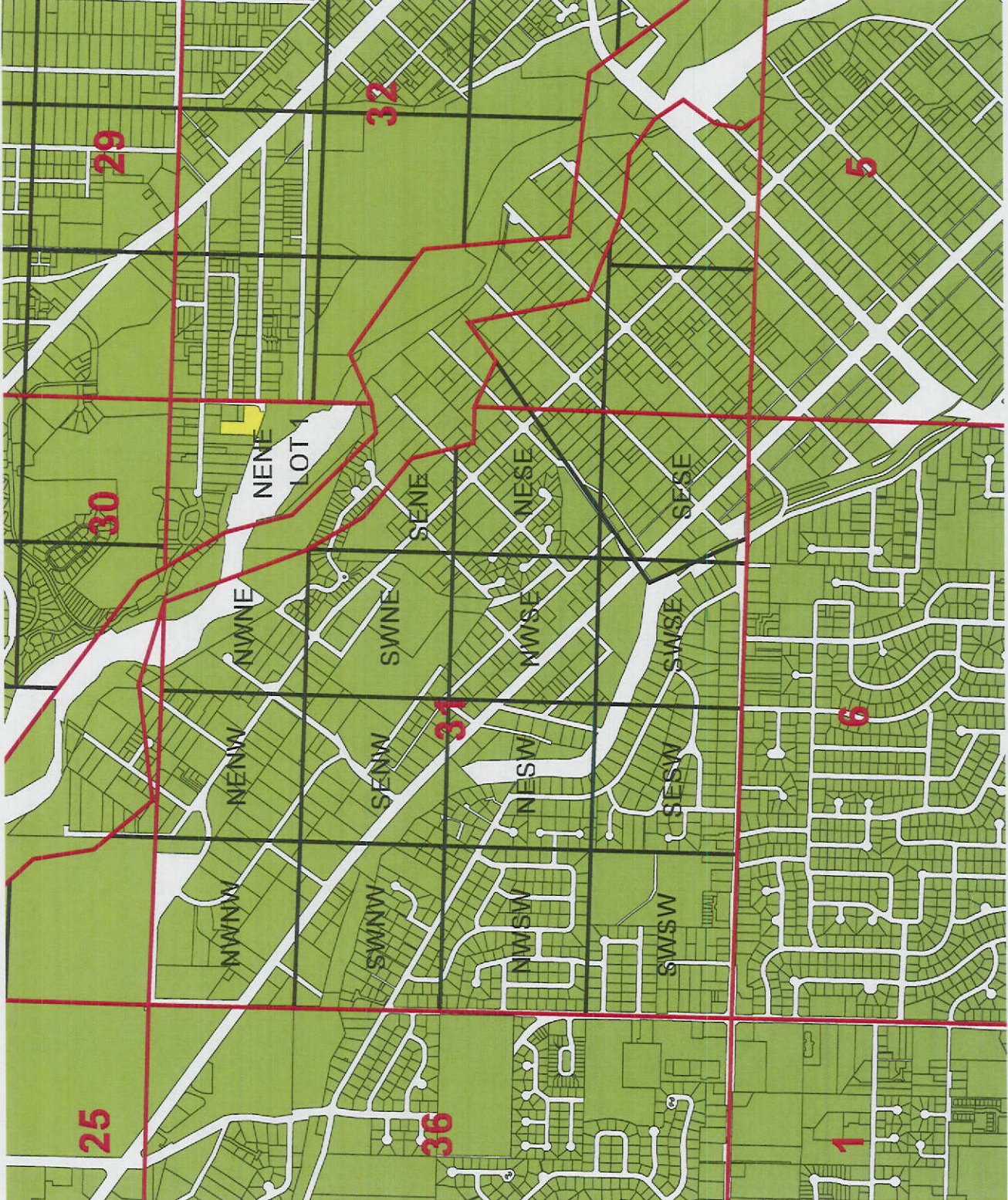
~~COPY~~

0.6

0

0.6

1.2 Miles



RECEIVED

JAN 3 2003

RECEIVED

DEC 30 2002

Department of Water Resources

RECEIVED

DEC 31 2002

WATER RESOURCES
WESTERN REGION

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.

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
63-17609	63-17609	—			—
63-17608	63-17608	☒			—
		—			—
		—			—
		—			—

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

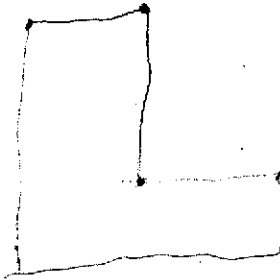
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either 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) Ben H. Boyd or Ruth M. Boyd
3643 Hill Road, Boise, ID 83703
4. New Owner/Claimant(s) ☒ Boyd Family Trust U/T/A May 13, 1996
 Name Connector (Check one: ☐ and, ☐ or, ☐ and/or)
Ben H. Boyd or Ruth M. Boyd Trustees
 New Mailing Address 3645 Hill Road
 City, State and ZIP Code Boise, ID 83703
 New Telephone Number (208) 336 0060
5. Date you acquired the property August 9, 1989

*Boyd Family Trust



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) _____ Trustee
(include title if applicable) _____ Trustee

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 DH Date 12-31-02 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____, AJ Date _____ WR _____ Date _____

RECEIVED

WATER RIGHT #63-17608

JAN 26 2006

DEPARTMENT OF Search
WATER RESOURCES

Document Center

Search

L

Sign In

**RELATED
CONTRACTS**

Warranty Deed

Bill of Sale

Sales Agreement

**FREQUENTLY
ASKED
QUESTIONS**

Quitclaim Deed FAQ

**NAVIGATION
MENU**

Help

Contact Us

View Results

**Quitclaim Deed**Simply complete the Quitclaim Deed form below then click on **View Results** to see your completed cont**Contract Features:**

- ▶ Transfers the entire interest that a person has in real property. It does not warrant that there are no encumbrances other than those listed on the deed.
- ▶ Transfer property between people well-known to each other, such as family members or divorcing spouses.
- ▶ Clear up questions of full title when a person has a possible, but undetermined interest in property.

Try our Warranty Deed if you wish to fully warrant good clear title free from any encumbrances that are on the deed.

We regularly maintain this contract. Last Modified: December 2005

Water Right #63-17608

Quitclaim Details

Transfer water right #63-17608 from
Grantor to Grantee

Property is located in:

Idaho

Grantor's Information

Number of Grantors

One

Grantor's Information

Type:

Individual

Name:

RUTH M. BOYD

Address:

3645 Hill Rd, Boise, Idaho 83703

Marital Status:

☒ Married ☐ Not Married

Are you transferring the title entirely to your spouse?

No

(e.g. from you to your spouse)

Are you transferring property to your spouse and others?

No

(e.g. from you to you and your spouse.)

If you are transferring the property to your spouse and others, enter the recipients' information, including your own, in the Grantee section below.

Spouse's Information

Name:

Address: **Grantee's Information**

Number of Grantees

One

Grantee's Information

Type:

Individual

Name:

Boyd Family Trust

Address:

3645 Hill Rd, Boise, Idaho 83703

Marital Status:

☒ Married ☐ Not Married**Consideration** (the amount that the Grantor is selling the property to the Grantee for.)

Cash value:

(e.g. 145,000.00, 10.00, etc.)

If the property is being transferred as a gift or for a nominal amount, then use \$10.00 consideration.

Property Info

County:

ADA

Street Address:

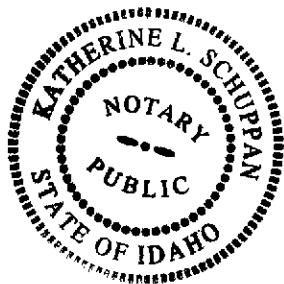
2801 James St., Boise, Idaho 83701

Legal Description

Legal Description:

SEE ATTACHED

(e.g. Lot A, Block 3, Boise, Idaho)



January 25, 2006

Boyd Family Trust,
Ruth M. Boyd Trustee

Katherine L. Schupp
a Notary Public
COMM EXP 9-27-07
1810 W. State St
Boise ID 83702

1/25/06

STARTING AT THE SOUTHEAST CORNER OF LOT 33, BLOCK 2 OF AMES SUBDIVISION AS SHOWN BY THE PLAT THEREOF, FILED IN BOOK 5 OF PLATS AT PAGE 212, ON RECORD IN THE COUNTY RECORDER'S OFFICE OF ADA COUNTY, IDAHO, THE POINT OF BEGINNING THENCE NORTH 98 FEET TO A POINT, THENCE WEST 150 FEET TO A POINT; THENCE NORTH 207 FEET TO A POINT; THENCE WEST 112 FEET TO A POINT ON THE EAST LINE OF LOT 29; THENCE SOUTH ALONG THE EAST LINE OF LOT 29 A DISTANCE OF 305 FEET; THENCE EAST TO THE POINT OF BEGINNING.

ALSO ALL OF LOT 36 IN BLOCK 2 OF AMES SUBDIVISION IN ADA COUNTY, IDAHO.

EXCEPT THE WESTERLY 50 FEET OF THE EASTERLY 55 FEET CONVEYED TO ADA COUNTY HIGHWAY DISTRICT FOR PUBLIC RIGHT OF WAY BY DEED NO. 8114836 RECORDED APRIL 10, 1981.

ALSO EXCEPT THE EAST 5 FEET OF SAID LOT 36 IN BLOCK 2 OF AMES SUBDIVISION.

ALSO A PARCEL OF LAND, MORE COMMONLY KNOWN AS A PORTION OF ALAMOSA AVENUE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 2 EAST, OF THE BOISE-MERIDIAN, IN ADA COUNTY, IDAHO; AND BEING A PORTION OF AMES SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF, AS FILED IN BOOK 5 OF PLATS AT PAGE 212, RECORDS OF ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 33 OF SAID AMES SUBDIVISION; THENCE WESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF ALAMOSA AVENUE, A DISTANCE OF 275.00 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 35 OF SAID AMES SUBDIVISION; THENCE SOUTH ALONG THE EASTERLY PROPERTY LINE OF LOT 29 OF SAID AMES SUBDIVISION TO THE SOUTHEASTERLY CORNER OF SAID LOT 29; THENCE SOUTHEASTERLY TO A POINT; SAID POINT BEING THE WESTERLY CORNER OF LOT 36 OF SAID AMES SUBDIVISION; THENCE EASTERLY ALONG THE NORTHERLY PROPERTY LINE OF LOT 36, A DISTANCE OF 175.00 FEET MORE OR LESS TO A POINT; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, AND A CENTRAL ANGLE OF 90°00'00" TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF LOT 33 OF SAID AMES SUBDIVISION, ALSO SAID POINT BEING THE POINT OF BEGINNING.

MAY 14 1996

J. DAVID NAVARRO, CI
By WENDY K. LEWIS
DEPUTY

SUSAN M. GRAHAM LAW OFFICES
Susan M. Graham
Attorney at Law
104 S. Capitol Blvd.
Boise, Idaho 83702

Client Number: 96-04-17

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF **ADA**

In the matter of the)

BOYD FAMILY)
TRUST)

Case No. **SP OT 9600232M**

REGISTRATION OF TRUST
Under Idaho Code Sections
15-7-101 and 102

It is the desire of the undersigned to register this Trust in the
ADA County Courthouse, State of Idaho.

1. Name. The name of the Trust to be registered is the THE BOYD
FAMILY TRUST.

2. Trustees. The name and current address of each original Trustee
and Successor Trustee are as follows:

RUTH M. BOYD, 3643 Hill Road, Boise, Idaho 83703, Original
Trustee

BEN H. BOYD, 3643 Hill Road, Boise, Idaho 83703, Original
Trustee

BEN HARLAN BOYD, 7703 E. Marietta, Spokane, Washington
99211, Successor Trustee

ROBERT GRAHAM BOYD, 3643 Hill Road, Boise, Idaho 83703,
Successor Trustee

3. Registration. The Trust has not been registered or filed
elsewhere.

4. Intervivos. This Trust is an intervivos, Revocable Trust.

5. Grantors. The names of the Grantors, or Settlers of the Trust are BEN H. BOYD and RUTH M. BOYD of 3643 Hill Road, Boise, Idaho 83703.

6. Date. The date of the execution of THE BOYD FAMILY TRUST instrument is the 13th day of May, 1996.

7. Powers of Trustee. To carry out the purposes of the Trust created under this Trust Agreement, and subject to any limitations stated elsewhere herein, the Trustee is vested with all of the powers and authority as set forth in the Uniform Trustees' Powers Act, being Chapter 1 of Title 68, Idaho Code, as now in effect and as it may hereafter from time to time be amended.

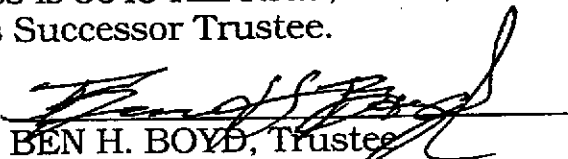
8. Power of Co-Trustees to Act Independently. Notwithstanding any other provision to the contrary, the Grantors specifically authorize either of the original Co-Trustees, namely, BEN H. BOYD and RUTH M. BOYD, during their joint lives and while serving as Co-Trustees, to act independently of the other and have the authority to perform all powers and acts as granted under the BOYD FAMILY TRUST, except as affects an interest in real property, by example, but not limited thereto, to sell, transfer, assign, mortgage, hypothecate or otherwise encumber the real property of the Trust Estate, which will necessitate the concurrence of both original Co-Trustees as long as both are alive. As to separate property of a Grantor, be it real or personal, only a single signature of the Grantor owner of the separate property shall be required as provided under section 2.3 of this Trust.

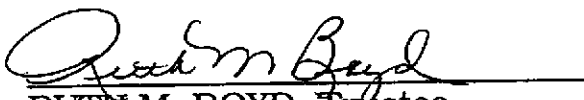
9. Original Trustees. The original Trustees under this Registration of Trust shall be BEN H. BOYD and RUTH M. BOYD, to serve with all of the obligation, powers, and authority contained within the Trust Agreement.

10. Death, Incapacity or Resignation of Original Trustee. In the event of the death, or incapacity of BEN H. BOYD, or if for any reason whatsoever he ceases to serve as Trustee hereunder, the Grantors nominate and appoint RUTH M. BOYD, to serve as Trustee hereunder without the approval of any Court.

In the event of the death, or incapacity of RUTH M. BOYD, or if for any reason whatsoever she ceases to serve as Trustee hereunder, the Grantors nominate and appoint BEN H. BOYD, to serve as Trustee hereunder without the approval of any Court.

11. Selection of Successor Trustee. Upon the death, resignation or disability of both Grantors, **BEN HARLAN BOYD**, whose current address is 7703 E. Marietta, Spokane, Washington 99211 is appointed to be the sole Trustee. If BEN HARLAN BOYD is not available to serve as Successor Trustee, then **ROBERT GRAHAM BOYD**, whose current address is 3643 Hill Road, Boise, Idaho 83703, shall be appointed as Successor Trustee.

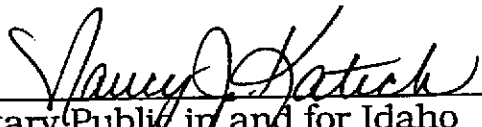

BEN H. BOYD, Trustee

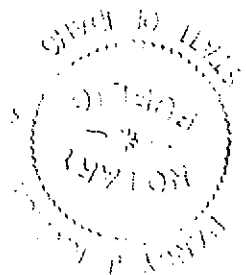

RUTH M. BOYD, Trustee

STATE OF IDAHO)
 : ss.
County of Ada)

On this 13th day of May, 1996 before me personally appeared **BEN H. BOYD** and **RUTH M. BOYD**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.

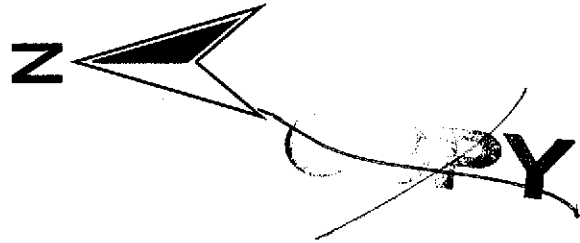

Notary Public in and for Idaho
Residing at Boise, Idaho.
My commission expires 8/26/2000.



T4N R2E Sec. 31

63-17608

PLSS Section Lines
Ada Taxlots



1.2 Miles

0.6

0

0.6

RECEIVED
JUL 08 2005
Department of Water Resources

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 7 2005

By _____ Clerk
Deputy Clerk

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)
ORDER OF AMENDED PARTIAL DECREE
For Water Right: 63-17608

On May 25, 2005, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 7, 2005.

John M. Melanson
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

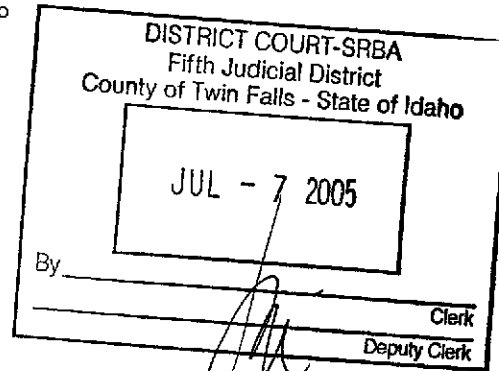
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-17608

In Re SRBA)
)
Case No. 39576)
)



NAME AND ADDRESS: BEN H BOYD
RUTH M BOYD
3645 HILL RD
BOISE, ID 83703

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 04/30/1938

POINT OF DIVERSION: T04N R02E S31 NENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.06 CFS

PLACE OF USE: Domestic Within Ada County
T04N R02E S31 NENE

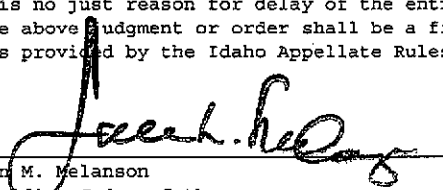
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on July 07, 2005, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BEN H BOYD
RUTH M BOYD
3645 HILL RD
BOISE, ID 83703
Phone: 208-336-0060

ORDER

Page 1 7/07/05

FILE COPY FOR 011 ~~SCANNED~~ Deputy Clerk

JUL 11 2005

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 63-17608

NAME AND ADDRESS: BEN H BOYD
RUTH M BOYD
3643 HILL RD
BOISE, ID 83703

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 04/30/1938

POINT OF DIVERSION: T04N R02E S31 NESENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.06 CFS

PLACE OF USE: Domestic Within Ada County
T04N R02E S31 SENE

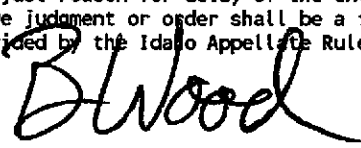
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2006

BOYD FAMILY TRUST UTA
BEN H OR RUTH M BOYD TRUSTEES
3645 HILL RD
BOISE ID 83703

RE: Change of Ownership for Water Right 63-17608

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right 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,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

4/28/2005
DWS

SF5 Right No. 63-17608

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-17608

NAME AND ADDRESS:

BEN H BOYD
3645 HILL RD
BOISE ID 83704

RUTH M BOYD
3645 HILL RD
BOISE ID 83704

NBS

RB

SOURCE: GROUNDWATER Tributary:

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 04/30/1938

POINT OF DIVERSION:

~~T04N R02E S31 NENE~~
Within ADA County

T04N R02E S31 NENE
Within ADA County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	DOMESTIC	01/01 12/31	0.060 CFS

PLACE OF USE: DOMESTIC within ADA County

~~T04N R02E S31 SENE~~

T04N R02E S31 NENE

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY ALSO KNOWN AS LOTS 33 & 34 AMES SUBDIVISION.

SF5 Right No. 63-17608

MEMORANDUM

DATE: January 14, 2005
FROM: JUSTIN ALDRIDGE
TO: FILE 63-17608
RE: Met with customer

=====

Mr. and Mrs. Boyd came in because they received the "failure to reply" letter I sent them on January 11, 2005 with all their documentation. Apparently they had been corresponding with AJ about the issue, but never let me know about. All their original documentation was re-acquired and will be in this file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 11, 2005

BOYD FAMILY TRUST
3643 HILL RD
BOISE ID 83703

RE: Change of Ownership for Water Right 63-17608

Dear Mr. & Mrs. Boyd:

Our letter of July 21, 2004 (copy enclosed) remains unanswered. Therefore, I am returning the ownership change request, your Warranty Deeds, Deed of Trust, and all other documentation that you submitted. A copy of your ownership change information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required fee and we will be happy to complete the request for you.

If you have any questions regarding this matter, please call Kari Lynn Townsend at 208-287-4952.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Aldridge'.

E. Justin Aldridge
Technical Review

Enclosures

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED

OCT 25 2004

DEPARTMENT OF
WATER RESOURCES

Water Right Number(s): 63-17608

Previous Mailing Address: 7722 Long Dr

Boise ID 83704

RECEIVED

OCT 26 2004

WATER RESOURCES
WESTERN REGION

New Mailing Address: 3643 Hill Rd

Boise ID 83703

OCT 28 2004

RECEIVED

OCT 28 2004

Department of Water Resources

Telephone Number: (208) 336-0060

Signature of all Claimant(s): Ruth Boyd

Please print your name below your signature.

RUTH BOYD

BEN H. BOYD

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

SCANNED

OCT 26 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

July 21, 2004

BOYD FAMILY TRUST
3643 HILL RD
BOISE ID 83703

October 20, 2004

2nd Request

RE: Change in Ownership for Water Right 63-17608

Dear Ben H. and Ruth M. Boyd:

The Department of Water Resources acknowledges receipt of the Notice of Change in Water Right Ownership filed in December, 2002 for the water right referenced above. During review of the notice and supporting documents, the Department identified a discrepancy between the recorded water right and the legal description you provided. The Snake River Basin Adjudication (SRBA) Court issued a partial decree in January, 2000 describing the water right with a place of use different than your property as described in the documentation you submitted. We have enclosed a copy of the decree and a map showing the location of the place of use of the water right and the property described by the documents submitted with your notice.

The documents that you submitted are sufficient to change the ownership from your names to the Boyd Family trust, however we cannot do so until we receive the required filing fee of \$25. Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed.

We will process the ownership change when the filing fee is received. However, the legal description listed on the decreed water right cannot be changed without some action on your part. If you believe that the SRBA Court issued the partial decree with an error in the description of the place of use, you may be able to pursue the following with the Court.

Motion to set-aside -- a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.

Danni Smith

287-4910

Please contact Rosanne Brown of this office at 327-7900 if you have questions related to the SRBA. Ms. Brown can assist you with the SRBA Court's processes.

As an additional alternative, you could pursue the following option with the Department.

Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description.

Please contact staff from the Water Right Permits section of this office if you have additional questions related to the application described above.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Aldridge", with a horizontal line drawn through the middle of the signature.

E. Justin Aldridge
Technical Review

Enclosures

MEMORANDUM

DATE: Aug 13, 2004
FROM: JUSTIN ALDRIDGE
TO: FILE 63-17608
RE: Telephone conversation

=====

I spoke with Ben Boyd about his ownership change. He seemed to think that the error was on the Deed and not the decree. I explained that we were pretty sure that the error is on the decree, but that we could still process his notice if he sent us the \$25 fee because it is essentially only a name change (they are moving the property to the Boyd Family Trust). I explained that if the error on the deed was not fixed now, the next person to own the property will have to go through the process of fixing it before the water right is in their name. He seemed agreeable with my explanation, although he did not say which course of action he would take.

I think that Kay Walker also had a conversation with Ben^N on August 2nd. The conversation was on the same subject matter.



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

July 21, 2004

BOYD FAMILY TRUST
3643 HILL RD
BOISE ID 83703

RE: Change in Ownership for Water Right 63-17608

Dear Ben H. and Ruth M. Boyd:

The Department of Water Resources acknowledges receipt of the Notice of Change in Water Right Ownership filed in December, 2002 for the water right referenced above. During review of the notice and supporting documents, the Department identified a discrepancy between the recorded water right and the legal description you provided. The Snake River Basin Adjudication (SRBA) Court issued a partial decree in January, 2000 describing the water right with a place of use different than your property as described in the documentation you submitted. We have enclosed a copy of the decree and a map showing the location of the place of use of the water right and the property described by the documents submitted with your notice.

The documents that you submitted are sufficient to change the ownership from your names to the Boyd Family trust, however we cannot do so until we receive the required **filing fee of \$25**. Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed.

We will process the ownership change when the filing fee is received. However, the legal description listed on the decreed water right cannot be changed without some action on your part. If you believe that the SRBA Court issued the partial decree with an error in the description of the place of use, you may be able to pursue the following with the Court.

Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.

Please contact Roxanne Brown of this office at 327-7900 if you have questions related to the SRBA. Ms. Brown can assist you with the SRBA Court's processes.

As an additional alternative, you could pursue the following option with the Department.

Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description.

Please contact staff from the Water Right Permits section of this office if you have additional questions related to the application described above.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Aldridge", with a stylized flourish at the end.

E. Justin Aldridge
Technical Review

Enclosures