

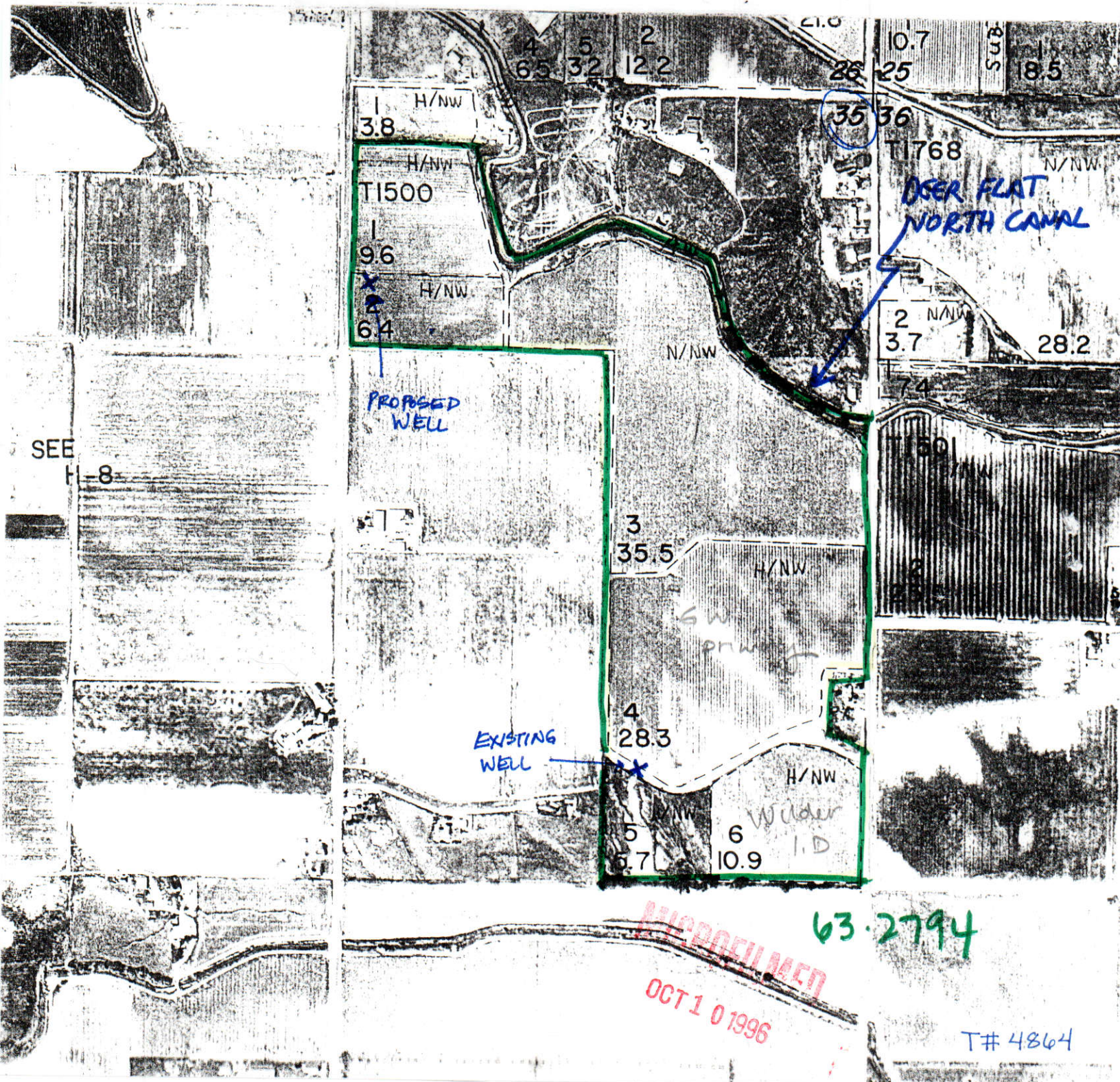
546

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) SS.  
County of Canyon )

Carolyn Spath

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Twice

— in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

July 17, 24, 1996

*Carolyn Spath*

STATE OF IDAHO )  
 )  
COUNTY OF CANYON )

On this 24th day of July  
in the year of 1996, before me, a Notary Public, personally appeared Carolyn Spath, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

*Janne Lusk*  
Notary Public for Idaho  
Residing at Nampa

MY COMMISSION EXPIRES  
JUNE 21st, 1997

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 63-02794**

Notice is hereby given that Robert and Linda Stephens, 26104 Don Ln, Parma, ID 83660, has applied to the Department of Water Resources to add a point of Diversion to the following water right pursuant to section 42-222 of Idaho Code.

**WATER RIGHT AS LICENSED**

|                  |                                        |
|------------------|----------------------------------------|
| No.              | 63-02794                               |
| Basis            | License                                |
| Date of Priority | 01/19/1950                             |
| Source           | Ground Water                           |
| Amount           | 1.32 cfs                               |
| Use              | Irrigation                             |
| Point of Div     | NESE, TO4N, RO4W, Sec 35               |
| Place of Use     | N1/2NE, SENE, NESE, TO4N, RO4W, Sec 35 |

**THE ABOVE WATER RIGHT TO BE CHANGED AS FOLLOWS PURSUANT TO TRANSFER NO. 4864**

|              |                                                                      |
|--------------|----------------------------------------------------------------------|
| No.          | 63-02794                                                             |
| Point of Div | TO4N, RO4W, Sec 35, Existing NESE, TO4N, RO4W, Sec 35, Proposed NWNE |

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before August 5, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director  
July 17, 24, 1996

4038

RECEIVED

JUL 25 1996

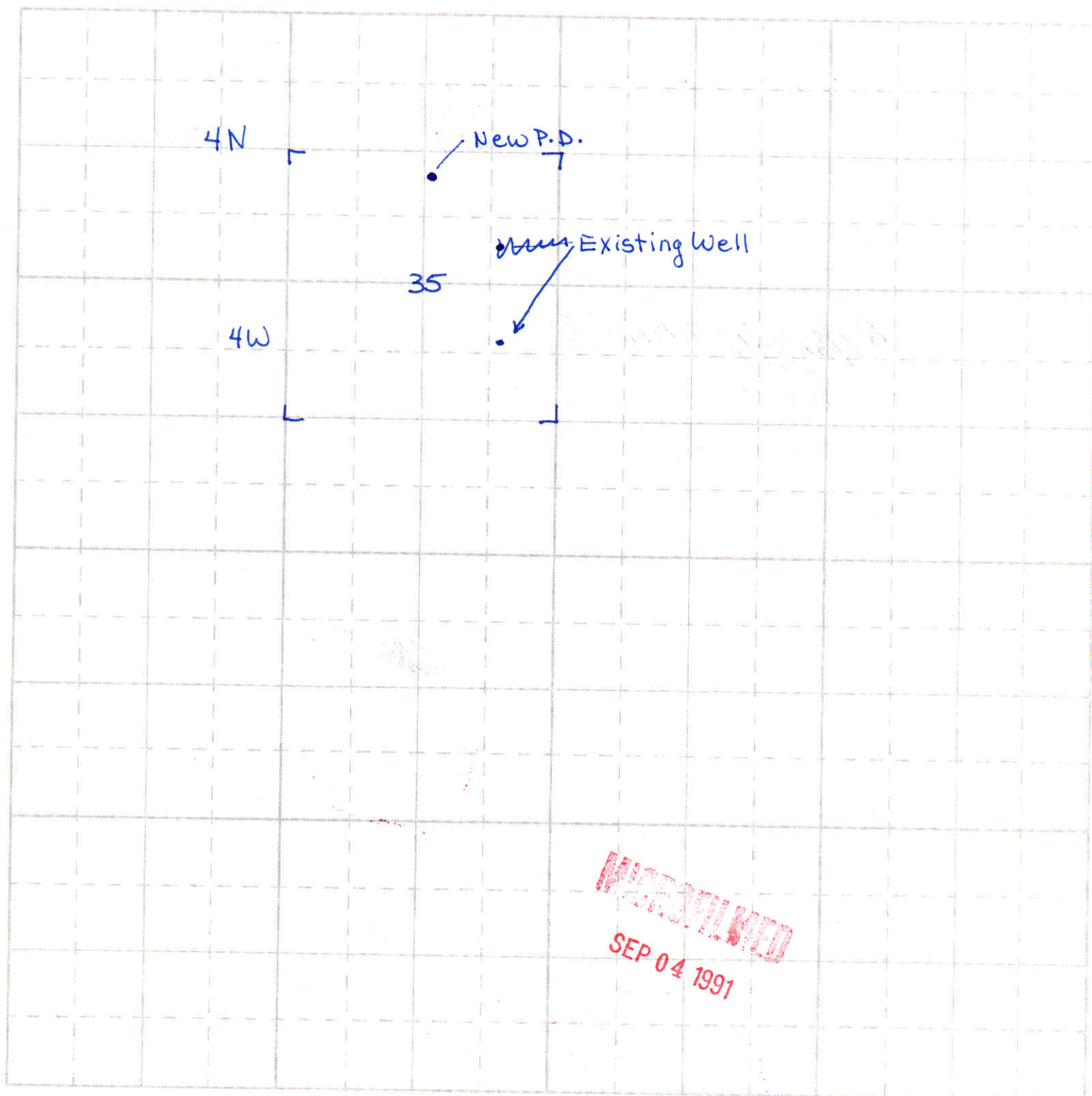
WATER RESOURCES  
WESTERN REGION

RECEIVED

OCT 10 1996

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

NO. 63-02794

Amount: 1.32 cfs  
Priority: 1/19/1950

The water is used for irrigation purposes on 100 acres in T4N R4W S35 N½ NE¼, SENE, NESE.

Amount 1.32 cfs

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before February 25, 1991.

R. KEITH HIGGINSON  
Director  
February 6, 13, 1991

## STATE OF IDAHO )

) SS.

County of Canyon )

Sharla O'Krakel

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

two times

—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

**4. That said notice was published the following dates:**

February 6, 13, 1991

Sharla O'Kraheal

STATE OF IDAHO )

COUNTY OF CANYON )

On this 13th day of February in the year of 1991, before me, a Notary Public, personally appeared Sharla O'Krakel, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Idaho  
Residing at Nampa

MY COMMISSION EXPIRES  
JULY 12th, 1991

RECEIVED  
FEB 14 1991

Department of Water Resources  
Western Regional Office

SEP 04 1991

34' over 2' Cypalatti Weir 1.32 cfs. ~ 66 inches

R-4W.

#1 Relift.

TO CALDWELL →

#2 Relift.

35

P.D.

41

36

23

100

TO NAMPA →

N↑

und-  
Red shaded area Deer Flot. with Deer Flot.

Subdivisions

4

Area

100 acres

Q

1.32 cfs. or 66 inches

RECEIVED  
JAN 24 1961  
Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Canyon. ) ss.

NOTICE FOR PUBLICATION  
NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE  
Notice is hereby given that at 12:30 p.m. on the 4th day of January, 1961, at Caldwell, County of Canyon, State of Idaho, before George Vogt, 709 Arthur, proof will be submitted of the application to beneficial use of 2.0 cubic feet per second of the waters of subterranean flow in accordance with the terms and conditions of Permit No. 21326 heretofore issued by the Department of Reclamation of the State of Idaho.  
The name and postoffice address of the person or corporation holding said permit are: Benjamin R. Huston, Rt. No. 6, Box 68, Caldwell, Idaho.  
The use to which said water has been applied is irrigation.  
The amount applied to beneficial use is 2.0 cubic feet per second.  
The place where said water is used, give full and accurate legal description: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 35, T4N, R4W, BM.  
The right to take water from such works is based upon Permit No. 21326.  
The source of supply from which such water is diverted is subterranean flow.  
Point of Diversion (legal description) NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 35, T4N, R4W, BM.  
The date of priority which said user is prepared to establish is Jan. 3, 1950.  
GEO. N. CARTER  
State Reclamation Engineer  
Nov. 26, Dec. 3, 10 & 17, 1960

Hazel Davis  
of Caldwell, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the principal clerk of the News-Tribune, a daily, (except Sunday) newspaper published in the City of Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

November 26, December 3, 10 and 17, 1960

Subscribed and sworn to before me this

day of

Notary Public, Residing at

MY COMMISSION EXPIRES JUNE 23, 1963

21326

NAME OF APPLICANT \_\_\_\_\_

FORM No. 0

[illegible]

**SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.**

T. 4 N., R. 4 W.

34

35

36

Point of Diversion — Well

Permit Map No. **21326**  
As Approved  
JAN 7 1950  
**MARK R. KULP**  
State Reclamation Engineer

7134 +

## State of Idaho License and Certificate of Water Right

Water License No. 21326

Amount 1.32 c.f.s.

Water District No.

Priority Jan. 19, 1950

THIS IS TO CERTIFY that BENJAMIN R. HUSTON  
of Caldwell, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated January 3, 1950; that Permit No. 21326  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
2.0 second feet, was issued thereunder on January 6, 1955, showing that said works  
were completed on the 5th day of January, 1955; and that on the 23rd  
day of January, 1961,

BENJAMIN R. HUSTON

of Caldwell, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of subterranean flow, for the purpose of irrigation  
, under Use Permit No. 21326 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
11 of Licenses at page 7134, on the 9 day of August, 1961;

The right hereby confirmed dates from January 19, 1950;

The Point of Diversion is located  
in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 35, Tp. 4 N, R. 4 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed 1.32 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                       | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|----------------------------------------|----------------------------------|---------------------------------|
| 4 N. | 4 W.  | 35   | NE $\frac{1}{4}$ NE $\frac{1}{4}$      | 40                               | 10                              |
|      |       |      | NW $\frac{1}{4}$ NE $\frac{1}{4}$      | 40                               | 31                              |
|      |       |      | SE $\frac{1}{4}$ NE $\frac{1}{4}$      | 40                               | 36                              |
|      |       |      | NE $\frac{1}{4}$ SE $\frac{1}{4}$      | 23                               | 23                              |
|      |       |      | Total number of acres to be irrigated: |                                  | 100                             |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place  
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

9th day of August, 1961.

ALP. W. JONES  
Deputy State Reclamation Engineer.

(SEAL)

63-2794 N<sup>o</sup> 21326

# APPLICATION FOR PERMIT

## To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29015  
PERMIT No. 21326  
DISTRICT No.

1. Name of Applicant: BENJAMIN R. HUSTON

Postoffice address: Box 713, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 100 inches or 2

cubic feet per second.

3. Source of water supply: Subterranean flow from a well

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$  SE $\frac{1}{4}$   
of Section 35 , T. 4 N. , R. 4 W. , B.M., County of Canyon

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the  
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 7,000.00

8. Kind of works: Drilled 12" well, electric pump, and concrete pipe lines,

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe 10 - 12 inches; length of conduit 1600 feet miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:  
 (b) Name of Reservoir and number of Storage Permit:  
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

BENJAMIN R. HUSTON

***Applicant.***

**By**

*Agent.*

Date of first receipt at Department of Reclamation: 5:00 P. M. January 3, 1950

Returned to applicant for correction:

**Corrected application received:**

## Approval of State Reclamation Engineer

The number of this permit is 21326

Recorded in Book 76 Page 21326 Approved January 7, 1950

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ \_\_\_\_\_ to be filed on or before \_\_\_\_\_

Work to begin on or before March 7, 1950 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 7, 1952

The whole of said work to be completed on or before January 7, 1955

Beneficial use of water appropriated in accordance herewith, to be made on or before January 7, 1961

WITNESS My hand this 7th day of January, 1950

MARK R. KULP

*State Reclamation Engineer.*

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7<sup>th</sup>.....

day of January, 1950.

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

## REMARKS:

14.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 4 N.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 4 W.  | 35   | 40               | 40               |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 23               | 143    |
| <p style="text-align: center;">Permit No. 21326<br/>           CERTIFICATE OF COMPLETION OF WORKS</p> <p>TO ALL WHOM IT MAY CONCERN:</p> <p>This is to certify that BENJAMIN R. HUSTON of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 21326, issued upon Application No. 29015 bearing date of priority of January 3, 1950, authorizing the diversion of Two (2) second feet of the waters of subterranean flow from a well County of Canyon, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Two (2) second feet of the waters of said well; that the point of diversion of said waters is in the NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 35, Township 4 North, Range 4 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: N<math>\frac{1}{2}</math> NE<math>\frac{1}{4}</math>, SE<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math>, NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 35, Township 4 North, Range 4 West, B.M.</p> <p>Witness my hand this 6th day of January, A. D. 1955.</p> <p style="text-align: right;">MARK R. KULP<br/>           State Reclamation Engineer</p> <p>Proof of Completion of Works Made January 5, 1955<br/>           Certificate of Completion of Works issued January 6, 1955</p> <p style="text-align: right;">LICENSE ISSUED FOR 1.32 SEC. FT.<br/> <i>Page 7134</i></p> |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

**TRANSFER NO. 4864**  
**WATER RIGHT NO. 63-02794**

This is to certify that: **ROBERT K STEPHENS**  
**LINDA J STEPHENS**  
**26104 DON LANE**  
**PARMA ID 83660**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | * 1.32 CFS            | 450.0 AF             |

SOURCE

GROUNDWATER

Priority: 01/19/1950

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 35, Township 04N, Range 04W  
NESE , Sec. 35, Township 04N, Range 04W  
CANYON County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u>                     | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|----------------------------------|--------------|--------------|
| 04N 04W 35         | NENE 10      | NWNE 31                          | SENE 36      |              |
|                    | NESE 23      |                                  |              | 100          |
|                    |              | Total number of acres irrigated: |              | 100          |

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

OCT 10 1996

TRANSFER NO. 4864  
WATER RIGHT NO. 63-02794

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- \* 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4864 shall not exceed 1.32 cfs, nor total combined annual volume of 450.0 af.

Dated this 3<sup>rd</sup> day of October, 1996

  
Chief, Water Alloc. Bureau

RECEIVED

OCT 10 1996

Page 1 of 6

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

Transfer No. 4864

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

RECEIVED

SEP 23 1996

Name of applicant ROBERT K & LINDA J. STEPHENS  
Post Office address 26104 DON LN PARMA ID 83660 Phone 208-722-6587

**A. PURPOSE OF TRANSFER**

- ☐ Change point of diversion
 ☒ Add diversion point(s)
 ☐ Change place of use  
☐ Change nature of use
 ☐ Change period of use
 ☐ Other \_\_\_\_\_
- Describe the reason for the proposed changes Add a well to make up for lost well production and make irrigation more efficient.

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

- | Right Number   | Priority         | Amount (cfs/ac-ft) | Nature of Use | Period of Use               |
|----------------|------------------|--------------------|---------------|-----------------------------|
| <u>63.2794</u> | <u>1/19/1950</u> | <u>1.32</u>        | <u>IRR</u>    | <u>3/15</u> to <u>11/15</u> |
| _____          | _____            | _____              | _____         | _____ to _____              |
| _____          | _____            | _____              | _____         | _____ to _____              |
| _____          | _____            | _____              | _____         | _____ to _____              |
- Total amount of water being transferred 1.32 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
- Source of water ground water tributary to \_\_\_\_\_
- Point(s) of Diversion: \_\_\_\_\_

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NE  | SE  | 35   | 4N   | 4W   | Canyon | Existing Well            |
|     |     | NW  | NE  | 35   | "    | "    |        | Proposed Well            |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

5. Lands irrigated or place of use: NO CHANGE

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
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OCT 10 1996

**PART 1**

**6. General Information:**

a. Description of diversion system Existing well drilled for B. Huston. New well proposed 8-10" casing, 250' depth. All open discharge to gravity irrigation

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

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

NONE

**d. Remarks:**

Ground water is primary source. No surface water has ever been used on this land.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**RECORDED**

OCT 10 1996

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-02794

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | to                   | 1.32 CFS              |

SOURCE

GROUNDWATER

Priority: 01/19/1950

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 35, Township 04N, Range 04W  
CANYON CountyPLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u>                     | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|----------------------------------|--------------|--------------|
| 04N 04W 35         | NENE 10      | NWNE 31                          | SENE 36      | 100          |
|                    | NESE 23      |                                  |              | 100          |
|                    |              | Total number of acres irrigated: |              | 100          |

CONDITIONS/REMARKS:

OCT 10 1996

Page \_\_\_\_\_ of \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_

## 3. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

## 4. Date or priority \_\_\_\_\_

## 5. Water is used for the following purpose:

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

## 6. Total amount of water under right \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
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|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

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

**PART 2**

Transfer No. \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
NO If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED** N/A

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

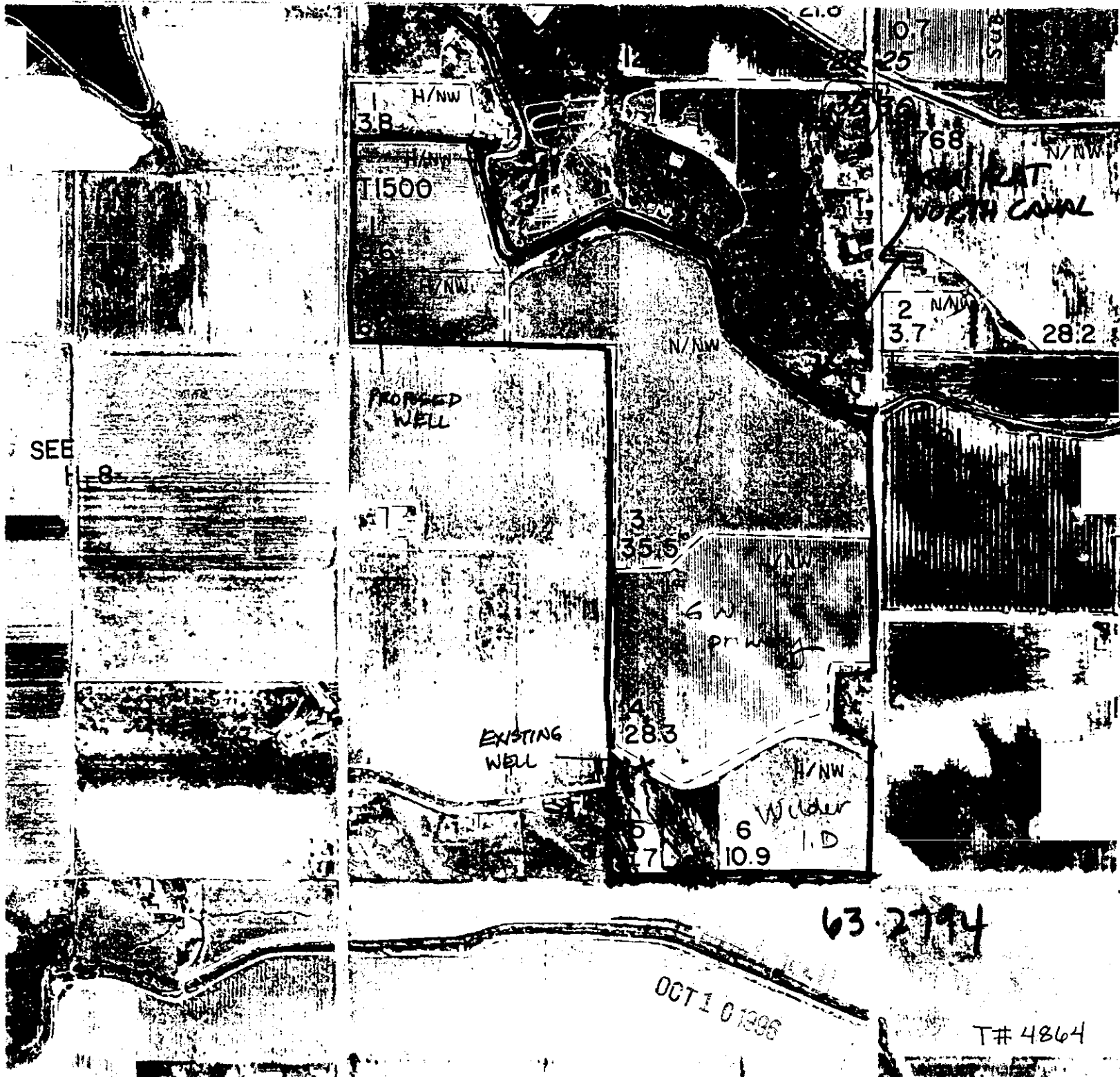
| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

OCT 10 1996

Total acres \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



### PART 3

#### B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use  |
|---|-------------------|-----------------------|-----------------|----------------|
|   | _____             | _____                 | _____           | _____ to _____ |
|   | _____             | _____                 | _____           | _____ to _____ |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

x Linda Stephens  
(Signature of Applicant)

Subscribed and sworn to before me this 26 day of June, 19 96.

Lori Harris  
(Notary Public)

My commission expires 12-8-2000

#### FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by CJH Date 6/26/96 Protest filed by \_\_\_\_\_

Prelim. check by SL for LG Fee \$100 \_\_\_\_\_

Receipted by CJH W021100 Date 6/26/96 \_\_\_\_\_

Published in Press-tribune Copies of protest forwarded by \_\_\_\_\_

Pub. dates 7-17 & 24-1996 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by SL Sept 9/17/96

Copy of transfer sent to lien holder \_\_\_\_\_



OCT 1 0 1996

INSTRUMENT NO. 9616217

PC16655

RS  
JD

## WARRANTY DEED

FOR VALUE RECEIVED Rosabelle Root, as her sole and separate property and Dorothy Sayler, who acquired title as Dorothy Starr, as her sole and separate property

the Grantors, do hereby grant, bargain, sell and convey unto Robert K. Stephens and Linda J. Stephens, husband and wife

the Grantees, whose address is 26104 Don Lane, Parma, ID 83660

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

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 the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 29, 1996

*Rosabelle Root 5/14/96*

Rosabelle Root

*Dorothy M. Sayler*

Dorothy M. Sayler

*Rosabelle Root*

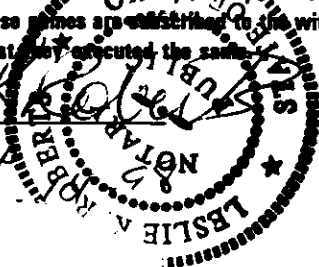
STATE OF IDAHO

*Dorothy M. Sayler*

COUNTY OF CANYON

On this 30 day of April in the year 1996, before me, a Notary Public, personally appeared Rosabelle Root and Dorothy M. Sayler 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  
Residing at  
My commission expires



CANYON COUNTY RECORDER

96 MAY 1 PM 11 01

RECORDED

9613818

REQUEST PIONEER — CALDWELL

PIONEER TITLE COMPANY  
OF CANYON COUNTY

TYPE *Deed* FEE *6.00*

100 10TH AVE SOUTH  
NAMPA, IDAHO 83651

423 SOUTH KIMBALL  
CALDWELL, ID 83605

COPIED 010006

ATTACH. A

Exhibit "A"

The North Half of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

All that portion lying North and East of the centerline of the Deer Flat North Canal.

ALSO EXCEPTING THEREFROM

BEGINNING at the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence

South 89° 53' East along the North boundary of said Northwest Quarter of the Northeast Quarter a distance of 755 feet to a point in the centerline of Deer Flat North Canal; thence

South 22° 15' 05" East along the centerline of said canal a distance of 311.43 feet; thence

North 89° 53' West parallel with the North boundary of said Northwest Quarter of the Northeast Quarter a distance of 873 feet to a point on the West boundary of said Northwest Quarter of the Northeast Quarter; thence

North along the West boundary of said Northwest Quarter of the Northeast Quarter a distance of 288 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

A part of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

South 89° 46' 00" East (formerly called South 89° 53' 00" East) a distance of 25 feet to a point in the County road East right of way boundary; thence continuing along the said right of way

South 0° 08' 20" West (formerly called South) a distance of 25 feet to a witness corner brass cap; thence continuing along the said right of way

South 0° 08' 20" West a distance of 263 feet to a 1/2-inch rebar; thence leaving the said right of way

South 89° 46' 00" East (formerly called South 89° 53' 00" East) a distance of 751 feet along a line parallel to the North boundary of the said Northwest Quarter of the Northeast Quarter to the INITIAL POINT; thence continuing along the said line

South 89° 46' 00" East a distance of 81.89 feet to a point in the West 15-foot right of way boundary of the Deer Flat North Canal; thence meandering along the said 15-foot right of way boundary

(continued)

00110-11

South 28° 06' 00" West a distance of 38.96 feet; thence  
South 67° 04' 00" West a distance of 38.95 feet; thence  
South 84° 55' 00" West a distance of 33.16 feet; thence leaving the  
said 15-foot right of way boundary  
North 5° 48' 30" East a distance of 53.08 feet to the INITIAL POINT.

**ALSO EXCEPTING THEREFROM**

A part of the Northeast Quarter of the Southeast Quarter of Section 35,  
Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho,  
more particularly described, to-wit:

COMMENCING at the East Quarter corner of Section 35, Township 4 North,  
Range 4 West, Boise Meridian, Canyon County, Idaho; thence  
South 0° 00' East a distance of 250 feet along the East line of said  
Section 35 to the INITIAL POINT of this description; thence continue  
South 0° 00' East a distance of 175 feet; thence  
South 90° West a distance of 200 feet; thence  
North 0° 00' West a distance of 175 feet parallel to and 200 feet  
West of the said East line; thence  
North 90° East a distance of 200 feet to the INITIAL POINT of this  
description.

**ALSO EXCEPTING THEREFROM**

A part of the Northeast Quarter of the Southeast Quarter of Section 35,  
Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho,  
more particularly described, to-wit:

COMMENCING at the East Quarter corner of Section 35, Township 4 North,  
Range 4 West, Boise Meridian, Canyon County, Idaho; thence  
South 0° 00' East a distance of 425 feet along the East line of said  
Section 35 to the INITIAL POINT of this description; thence continuing  
South 0° 00' East a distance of 225 feet; thence  
South 90° West a distance of 100.09 feet; thence  
North 54° 59' 00" West a distance of 121.99 feet; thence  
North 0° 00' West a distance of 155 feet parallel to and 200 feet  
West of the said East line; thence  
North 90° East a distance of 200 feet to the INITIAL POINT of this  
description.

OCT 1 6 1950

# WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

Log No. \_\_\_\_\_  
Rec'd \_\_\_\_\_, 19\_\_\_\_  
Well No. \_\_\_\_\_  
Permit No. 21326

(DO NOT FILL IN)

Owner Benjamin E. Huston Address Huston, Idaho  
Driller A. E. Hosack & Son Address Nampa, Idaho Lic. No. 27  
Location of Well: \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Sec. \_\_\_\_\_ T. \_\_\_\_\_ N. \_\_\_\_\_ R. \_\_\_\_\_ W. \_\_\_\_\_ Canyon \_\_\_\_\_ County,  
and \_\_\_\_\_ feet N/S, and \_\_\_\_\_ feet E/W from \_\_\_\_\_ Corner of \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Sec. \_\_\_\_\_  
Size of Drilled Hole 12" Total depth of Well 175' 8"  
Give depth of standing water from surface \_\_\_\_\_ Water Temp. \_\_\_\_\_ °Fahrenheit  
On pumping test delivery was 900 g.p.m. or \_\_\_\_\_ c.f.s. total lift 96 feet.  
Size of pump and motor used to make the test \_\_\_\_\_  
Length of time pumped during check was 12 hr. \_\_\_\_\_ minutes.  
If flowing well, give flow in c.f.s. \_\_\_\_\_ or g.p.m. \_\_\_\_\_ and shut in pressure \_\_\_\_\_  
If flowing well, describe control works \_\_\_\_\_  
(TYPE AND SIZE OF VALVE, ETC.)  
Water will be used for irrigation Weight of casing per linear foot 43.773  
Thickness of casing .330 Casing material Steel  
E.S., PIPE, CONCRETE, WOOD.  
Diameter, length and location of casing 12-3/4" O.D., 175' from 0 to 175'  
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;  
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)  
Number and size of perforations 534, 3/16" x 3" located 70' to 92' feet to 154' to 169'  
from surface of ground.  
Other perforations \_\_\_\_\_  
Date of commencement of well Aug. 18, 1949 Date of completion of well Sept. 11, 1949  
Type of well rig Cable Tools

## CASING RECORD

| DIAM<br>CASING | FROM<br>FEET | TO<br>FEET | LENGTH  | REMARKS -- SEALS, GROUTING, ETC.                |
|----------------|--------------|------------|---------|-------------------------------------------------|
| 12-3/4"        | plus 8"      | 175'       | 175'-8" | The 12" casing was drove 5' into the blue shale |

## GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

The 12" casing was sealed with dry yard of gravel by means of a 6" hole  
drilled and grouted inside the 12" casing.

OCT 10 1996

ATTACH. B

[illegible]

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

By Clifford E. Horack

License No. 27

OCT 10 1996

AJ5809NP  
No. A63-02794

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/17/96  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS                                                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|--------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | DOROTHY M STARR<br>19372 LOWER PLEASANT RIDGE<br>CALDWELL ID 83605<br>(208) 459-3943 | 01/19/1950       | IRRIGATION | 03-15 11-15           | 1.32 CFS          |                     |
|               |                                                                                      |                  |            |                       | TOTAL DIVERSION:  | 1.32 CFS            |
|               |                                                                                      |                  |            |                       | CONSUMPTIVE USE:  | 350.00 AFA          |

C ROSABELLE ROOT  
2010 NW CASCADE VIEW  
BEND OR 97701  
(503) 382-8142

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T04N R04W S35 NWNE NWNESE CANYON County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |      |      |      |             |       |
|-----|-----|----|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------------|-------|
| T   | R   | S  |   | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE        | SUM   |
| 04N | 04W | 35 | : | 10   | 31   |      | 36   |      |      |      |      |      |      |      |      | 23   |      |      |             | 100.0 |
|     |     |    |   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | TOTAL ACRES | 100.0 |

POU County: CANYON

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion and Source:

A63-21090 - D/I Well (unrelated)

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

SD-4104  
INQUIRY

Idaho Department of Water Resources  
Adjudication Screen 2

Date: 09/17/96  
Time: 15:10:04

Water Right Number: A63-02794

2. Priority Date: 1/19/1950

3. Source: Trib:

4. Point of Diversion:: PoD County  
TWP Range Sect 1/4 1/4 1/4 Lot Flag Code Name

5. Description of Diverting Works:  
WELL, 12" X 180', 30 HP TURBINE PUMP, 5 HP RELIFT PUMP FROM POND.

6. Water Uses:  
Use Code Description From To CFS (00701) AFA 01996

7. Total Diversion Rate: 1.320 8. Total Diversion Volume:  
9. Consumptive Use: 350.0 Kilowatts:

CLAIM  
Essentially  
Equals license  
-82  
9/17/96  
Attch. C

# ZIONS AGRICULTURAL FINANCE

RECEIVED  
JUN 11 2001  
Department of Water Resources

500 Fifth Street  
Ames, Iowa 50010-6065  
Facsimile: (515) 232-3002  
Telephone: (515) 232-7310  
(800) 641-9619  
[www.zionsag.com](http://www.zionsag.com)

June 6, 2001

Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

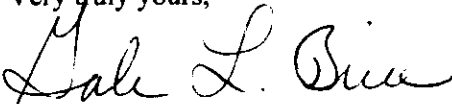
Dear Ladies and Gentlemen:

Re: Paid Loan 397287 to Robert K. Stephens, et ux. - Canyon County, Idaho

This letter is to notify you that Zions First National Bank hereby releases its interest in all licenses, permits and/or leases for water rights pertaining to the real property in the above captioned loan.

For your information, we have enclosed a copy of our original notification letter dated August 14, 1997, and a copy of your October 2, 1997, letter to us.

Very truly yours,



(Mrs.) Gale L. Brice  
Loan Servicing Group Manager

glb

Encs.

cc: Robert K. Stephens

# ZIONS BANK

Zions Agricultural Finance

500 Fifth Street

Ames, Iowa 50010-6065

Facsimile: (515) 232-3002

Telephone: (515) 232-7310

(800) 641-9619

COPY

August 14, 1997

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Jim Johnson  
Water Rights Supervisor  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, Idaho 83706

*Handwritten notes:*  
10/23  
9/14  
Special  
U.S. map

Dear Mr. Johnson:

Re: Zions' Loan 397287 to Robert K. Stephens, et ux. - Canyon County, Idaho

This letter is given to notify the Department of Water Resources that Robert K. Stephens and Linda J. Stephens of Parma, Idaho, have executed a Mortgage (see attached copy) in favor of ZIONS FIRST NATIONAL BANK covering certain land in Canyon County, Idaho, together with all their right to the licenses, permits and/or leases set out in Exhibit "C" of the enclosed copy of the recorded Mortgage.

Our security interest is in all licenses, permits and/or leases for water rights pertaining to the real property listed in Exhibit "A" of the enclosed copy of the signed Mortgage. Please file this notice and copy of the Mortgage with your records of the above referenced water rights, and direct notification of any intended change which materially affects Zions First National Bank's security interest to the address noted above.

This interest is to be continuous until notification is given by Zions First National Bank in writing of any changes or release.

Because Zions First National Bank is considering these water rights as collateral security for a loan, we would appreciate your acknowledgment of our loan by signing the enclosed copy of this letter and returning it to us in the enclosed stamped, self-addressed envelope.

Thank you for your assistance. Should more information be necessary, please contact us.

Very truly yours,

*Gale L. Brice*  
Gale L. Brice  
Loan Documentation Supervisor

glb  
Encs.

cc: Mr. and Mrs. Robert K. Stephens  
Mr. Michael J. Evans

Acknowledged and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

IDAHO DEPARTMENT OF WATER RESOURCES

By: \_\_\_\_\_

(Please Type or Print Name and Title)

*See 10-2-97  
letter from  
Dept. of Water  
Resources!*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 2, 1997

RECEIVED OCT 06 1997

COPY

GALE L BRICE  
ZIONS BANK  
500 FIFTH STREET  
AMES IA 50010-6065

RE: Zions' Loan 397287 to Robert K Stephens, et ux.-Canyon  
County, Idaho

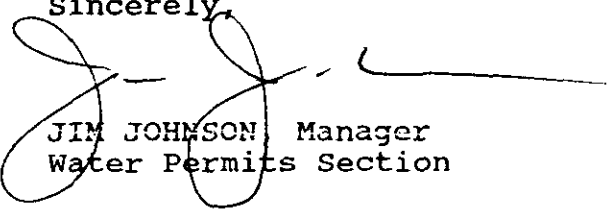
Dear Ms. Brice:

*We have the Certified Receipt in this file.*  
I am in receipt of your letter of September 25, 1997 in which you state you are sending a duplicate copy of a notice dated August 14, 1997. Unfortunately, I have no record of having received the original notice dated August 14, 1997.

It is not within the jurisdiction of our Section (Water Permits) to act as a monitoring agent for lending institutions on water right matters. Therefore I must decline acceptance of your request, however your letter will remain in the file as a reference.

If you have any questions regarding this matter, you may call me at (208) 327-7947.

Sincerely,

  
JIM JOHNSON, Manager  
Water Permits Section

JJ:klt

*PC K said to file this letter.*

# ZIONS BANK

Zions Agricultural Finance

RECEIVED

AUG 18 1997

Department of Water Resources

500 Fifth Street

Ames, Iowa 50010-6065

Facsimile: (515) 232-3002

Telephone: (515) 232-7310

(800) 641-9619

August 14, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RECEIVED

OCT 03 1997

DEPARTMENT OF WATER RESOURCES

*Water Permits  
Section*

Mr. Jim Johnson  
Water Rights Supervisor  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, Idaho 83706

Dear Mr. Johnson:

Re: Zions' Loan 397287 to Robert K. Stephens, et ux. - Canyon County, Idaho

This letter is given to notify the Department of Water Resources that Robert K. Stephens and Linda J. Stephens of Parma, Idaho, have executed a Mortgage (see attached copy) in favor of ZIONS FIRST NATIONAL BANK covering certain land in Canyon County, Idaho, together with all their right to the licenses, permits and/or leases set out in Exhibit "C" of the enclosed copy of the recorded Mortgage.

Our security interest is in all licenses, permits and/or leases for water rights pertaining to the real property listed in Exhibit "A" of the enclosed copy of the signed Mortgage. Please file this notice and copy of the Mortgage with your records of the above referenced water rights, and direct notification of any intended change which materially affects Zions First National Bank's security interest to the address noted above.

This interest is to be continuous until notification is given by Zions First National Bank in writing of any changes or release.

Because Zions First National Bank is considering these water rights as collateral security for a loan, we would appreciate your acknowledgment of our loan by signing the enclosed copy of this letter and returning it to us in the enclosed stamped, self-addressed envelope.

Thank you for your assistance. Should more information be necessary, please contact us.

Very truly yours,

*Gale L. Brice*

Gale L. Brice  
Loan Documentation Supervisor

glb  
Encs.

cc: Mr. and Mrs. Robert K. Stephens  
Mr. Michael J. Evans

Acknowledged and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

IDAHO DEPARTMENT OF WATER RESOURCES

By: \_\_\_\_\_

(Please Type or Print Name and Title)

# ZIONS BANK

Zions Agricultural Finance

500 Fifth Street  
Ames, Iowa 50010-6065  
Facsimile: (515) 232-3002  
Telephone: (515) 232-7310  
(800) 641-9619

August 14, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Jim Johnson  
Water Rights Supervisor  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, Idaho 83706

Dear Mr. Johnson:

Re: Zions' Loan 397287 to Robert K. Stephens, et ux. - Canyon County, Idaho

This letter is given to notify the Department of Water Resources that Robert K. Stephens and Linda J. Stephens of Parma, Idaho, have executed a Mortgage (see attached copy) in favor of ZIONS FIRST NATIONAL BANK covering certain land in Canyon County, Idaho, together with all their right to the licenses, permits and/or leases set out in Exhibit "C" of the enclosed copy of the recorded Mortgage.

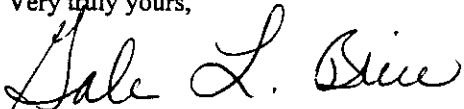
Our security interest is in all licenses, permits and/or leases for water rights pertaining to the real property listed in Exhibit "A" of the enclosed copy of the signed Mortgage. Please file this notice and copy of the Mortgage with your records of the above referenced water rights, and direct notification of any intended change which materially affects Zions First National Bank's security interest to the address noted above.

This interest is to be continuous until notification is given by Zions First National Bank in writing of any changes or release.

Because Zions First National Bank is considering these water rights as collateral security for a loan, we would appreciate your acknowledgment of our loan by signing the enclosed copy of this letter and returning it to us in the enclosed stamped, self-addressed envelope.

Thank you for your assistance. Should more information be necessary, please contact us.

Very truly yours,

  
Gale L. Brice  
Loan Documentation Supervisor

glb  
Encs.

cc: Mr. and Mrs. Robert K. Stephens  
Mr. Michael J. Evans

**PLEASE SIGN  
& DATE**

Acknowledged and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

IDAHO DEPARTMENT OF WATER RESOURCES

By: \_\_\_\_\_

(Please Type or Print Name and Title)

**RECORDATION REQUESTED BY:**

Zions First National Bank  
Zions Agricultural Finance, Ames, Iowa Office  
P.O. Box 26416  
Salt Lake City, UT 84126

**WHEN RECORDED MAIL TO:**

ZIONS AGRICULTURAL FINANCE  
500 FIFTH STREET  
AMES, IA 50010-6065

**SEND TAX NOTICES TO:**

ROBERT K. STEPHENS and LINDA J. STEPHENS  
26104 DON LANE  
PARMA, ID 83660

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**MORTGAGE**

THIS MORTGAGE IS DATED JUNE 26, 1997, between ROBERT K. STEPHENS and LINDA J. STEPHENS, husband and wife, whose address is 26104 DON LANE, PARMA, ID 83660 (referred to below as "Grantor"); and Zions First National Bank, whose address is Zions Agricultural Finance, Ames, Iowa Office, P.O. Box 26416, Salt Lake City, UT 84126 (referred to below as "Lender").

**GRANT OF MORTGAGE.** For valuable consideration, Grantor mortgages, grants, bargains, sells and conveys to Lender all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, located in CANYON County, State of Idaho (the "Real Property"):

Real estate located in the COUNTY OF CANYON, STATE OF IDAHO, described in Exhibit "A" attached hereto and incorporated herein by reference just as if it had been fully set forth in this Mortgage or Deed of Trust.

In addition to the above described real estate, it is agreed that this Mortgage or Deed of Trust shall specifically create a first lien in favor of Lender on the irrigation equipment listed in Exhibit "B" and the water rights listed in Exhibit "C" attached hereto and incorporated herein by reference just as if they had been fully set forth in this Mortgage or Deed of Trust.

Grantor presently assigns to Lender all of Grantor's right, title, and interest in and to all leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

**DEFINITIONS.** The following words shall have the following meanings when used in this Mortgage. Terms not otherwise defined in this Mortgage shall have the meanings attributed to such terms in the Uniform Commercial Code. All references to dollar amounts shall mean amounts in lawful money of the United States of America.

**Grantor.** The word "Grantor" means ROBERT K. STEPHENS and LINDA J. STEPHENS. The Grantor is the mortgagor under this Mortgage.

**Guarantor.** The word "Guarantor" means and includes without limitation each and all of the guarantors, sureties, and accommodation parties in connection with the Indebtedness.

**Improvements.** The word "Improvements" means and includes without limitation all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

**Indebtedness.** The word "Indebtedness" means all principal and interest payable under the Note and any amounts expended or advanced by Lender to discharge obligations of Grantor or expenses incurred by Lender to enforce obligations of Grantor under this Mortgage, together with interest on such amounts as provided in this Mortgage.

**Lender.** The word "Lender" means Zions First National Bank, its successors and assigns. The Lender is the mortgagee under this Mortgage.

**Mortgage.** The word "Mortgage" means this Mortgage between Grantor and Lender, and includes without limitation all assignments and security interest provisions relating to the Personal Property and Rents.

**Note.** The word "Note" means the promissory note or credit agreement dated June 26, 1997, in the original principal amount of \$150,000.00 from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement. The maturity date of this Mortgage is January 1, 2013.

**Personal Property.** The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

**Property.** The word "Property" means collectively the Real Property and the Personal Property.

**Real Property.** The words "Real Property" mean the property, interests and rights described above in the "Grant of Mortgage" section.

**Related Documents.** The words "Related Documents" mean and include without limitation all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

**Rents.** The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

**THIS MORTGAGE, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (1) PAYMENT OF THE INDEBTEDNESS AND (2) PERFORMANCE OF ALL OBLIGATIONS OF GRANTOR UNDER THIS MORTGAGE AND THE RELATED DOCUMENTS. THIS MORTGAGE IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:**

**PAYMENT AND PERFORMANCE.** Except as otherwise provided in this Mortgage, Grantor shall pay to Lender all amounts secured by this Mortgage as they become due, and shall strictly perform all of Grantor's obligations under this Mortgage.

**POSSESSION AND MAINTENANCE OF THE PROPERTY.** Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

**Possession and Use.** Until in default, Grantor may remain in possession and control of and operate and manage the Property and collect the Rents from the Property.

**Duty to Maintain.** Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

**Hazardous Substances.** The terms "hazardous waste," "hazardous substance," "disposal," "release," and "threatened release," as used in this Mortgage, shall have the same meanings as set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or other applicable state or Federal laws, rules, or regulations adopted pursuant to any of the foregoing. The terms "hazardous waste" and "hazardous substance" shall also include, without limitation, petroleum and petroleum by-products or any fraction thereof and asbestos. Grantor represents and warrants to Lender that: (a) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any hazardous waste or substance by any person on, under, about or from the Property; (b) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (i) any use, generation, manufacture, storage, treatment, disposal, release, or threatened release of any hazardous waste or substance on, under, about or from the Property by any prior owners or occupants of the Property or (ii) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (c) Except as previously disclosed to and acknowledged by Lender in writing, (i) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of, or release any hazardous waste or substance on, under, about or from the Property and (ii) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation those laws, regulations, and ordinances described above. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Mortgage. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for hazardous waste and hazardous substances. Grantor hereby (a) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws, and (b) agrees to indemnify and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Mortgage or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Grantor's ownership or interest in the Property, whether or not the same was or should have been known to Grantor. The provisions of this section of the Mortgage, including the obligation to indemnify, shall survive the payment of the Indebtedness and the satisfaction and reconveyance of the lien of this Mortgage and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.

**Nuisance, Waste.** Grantor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to the Property or any portion of the Property. Without limiting the generality of the foregoing, Grantor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), soil, gravel or rock products without the prior written consent of Lender.

**Removal of Improvements.** Grantor shall not demolish or remove any Improvements from the Real Property without the prior written consent of Lender. As a condition to the removal of any Improvements, Lender may require Grantor to make arrangements satisfactory to Lender to replace such Improvements with Improvements of at least equal value.

**Lender's Right to Enter.** Lender and its agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Property for purposes of Grantor's compliance with the terms and conditions of this Mortgage.

**Compliance with Governmental Requirements.** Grantor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Grantor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Grantor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Grantor to post adequate security or a surety bond, reasonably satisfactory to Lender, to protect Lender's interest.

**Duty to Protect.** Grantor agrees neither to abandon nor leave unattended the Property. Grantor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are reasonably necessary to protect and preserve the Property.

**DUE ON SALE - CONSENT BY LENDER.** Lender may, at its option, declare immediately due and payable all sums secured by this Mortgage upon the sale or transfer, without the Lender's prior written consent, of all or any part of the Real Property, or any interest in the Real Property. A "sale or transfer" means the conveyance of Real Property or any right, title or interest therein; whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Real Property, or by any other method of conveyance of Real Property interest. If any Grantor is a corporation, partnership or limited liability company, transfer also includes any change in ownership of more than twenty-five percent (25%) of the voting stock, partnership interests or limited liability company interests, as the case may be, of Grantor. However, this option shall not be exercised by Lender if such exercise is prohibited by federal law or by Idaho law.

**TAXES AND LIENS.** The following provisions relating to the taxes and liens on the Property are a part of this Mortgage.

**Payment.** Grantor shall pay when due (and in all events prior to delinquency) all taxes, payroll taxes, special taxes, assessments, water charges and sewer service charges levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Mortgage, except for the lien of taxes and assessments not due, and except as otherwise provided in the following paragraph.

**Right To Contest.** Grantor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Grantor shall within fifteen

(15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Grantor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and reasonable attorneys' fees or other charges that could accrue as a result of a foreclosure or sale under the lien. In any contest, Grantor shall defend itself and Lender and shall satisfy any adverse judgment before enforcement against the Property. Grantor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

**Evidence of Payment.** Grantor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

**Notice of Construction.** Grantor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialmen's lien, or other lien could be asserted on account of the work, services, or materials. Grantor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Grantor can and will pay the cost of such improvements.

**PROPERTY DAMAGE INSURANCE.** The following provisions relating to insuring the Property are a part of this Mortgage.

**Maintenance of Insurance.** Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all Improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption and boiler insurance as Lender may require. Policies shall be written by such insurance companies and in such form as may be reasonably acceptable to Lender. Grantor shall deliver to Lender certificates of coverage from each insurer containing a stipulation that coverage will not be cancelled or diminished without a minimum of ten (10) days' prior written notice to Lender and not containing any disclaimer of the insurer's liability for failure to give such notice. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property at any time become located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance for the full unpaid principal balance of the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

**Application of Proceeds.** Grantor shall promptly notify Lender of any loss or damage to the Property. Lender may make proof of loss if Grantor fails to do so within fifteen (15) days of the casualty. Whether or not Lender's security is impaired, Lender may, at its election, apply the proceeds to the reduction of the indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If Lender elects to apply the proceeds to restoration and repair, Grantor shall repair or replace the damaged or destroyed Improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Grantor from the proceeds for the reasonable cost of repair or restoration if Grantor is not in default hereunder. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Mortgage, then to prepay accrued interest, and the remainder, if any, shall be applied to the principal balance of the indebtedness. If Lender holds any proceeds after payment in full of the indebtedness, such proceeds shall be paid to Grantor.

**Unexpired Insurance at Sale.** Any unexpired insurance shall inure to the benefit of, and pass to, the purchaser of the Property covered by this Mortgage at any trustee's sale or other sale held under the provisions of this Mortgage, or at any foreclosure sale of such Property.

**Grantor's Report on Insurance.** Upon request of Lender, however not more than once a year, Grantor shall furnish to Lender a report on each existing policy of insurance showing: (a) the name of the insurer; (b) the risks insured; (c) the amount of the policy; (d) the property insured, the then current replacement value of such property, and the manner of determining that value; and (e) the expiration date of the policy. Grantor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

**EXPENDITURES BY LENDER.** If Grantor fails to comply with any provision of this Mortgage, or if any action or proceeding is commenced that would materially affect Lender's interests in the Property, Lender on Grantor's behalf may, but shall not be required to, take any action that Lender deems appropriate. Any amount that Lender expends in so doing will bear interest at the rate provided for in the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses, at Lender's option, will (a) be payable on demand, (b) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (i) the term of any applicable insurance policy or (ii) the remaining term of the Note, or (c) be treated as a balloon payment which will be due and payable at the Note's maturity. This Mortgage also will secure payment of these amounts. The rights provided for in this paragraph shall be in addition to any other rights or any remedies to which Lender may be entitled on account of the default. Any such action by Lender shall not be construed as curing the default so as to bar Lender from any remedy that it otherwise would have had.

**WARRANTY; DEFENSE OF TITLE.** The following provisions relating to ownership of the Property are a part of this Mortgage.

**Title.** Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Mortgage, and (b) Grantor has the full right, power, and authority to execute and deliver this Mortgage to Lender.

**Defense of Title.** Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Grantor's title or the interest of Lender under this Mortgage, Grantor shall defend the action at Grantor's expense. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of Lender's own choice, and Grantor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

**Compliance With Laws.** Grantor warrants that the Property and Grantor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

**CONDEMNATION.** The following provisions relating to condemnation of the Property are a part of this Mortgage.

**Application of Net Proceeds.** If all or any part of the Property is condemned by eminent domain proceedings or by any proceeding or purchase in lieu of condemnation, Lender may at its election require that all or any portion of the net proceeds of the award be applied to the indebtedness or the repair or restoration of the Property. The net proceeds of the award shall mean the award after payment of all reasonable costs, expenses, and attorneys' fees incurred by Lender in connection with the condemnation.

**Proceedings.** If any proceeding in condemnation is filed, Grantor shall promptly notify Lender in writing, and Grantor shall promptly take such steps as may be necessary to defend the action and obtain the award. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Grantor will deliver or cause to be delivered to Lender such instruments as may be requested by it from time to time to permit such participation.

**IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES.** The following provisions relating to governmental taxes, fees and charges are a part of this Mortgage:

**Current Taxes, Fees and Charges.** Upon request by Lender, Grantor shall execute such documents in addition to this Mortgage and take whatever other action is requested by Lender to perfect and continue Lender's lien on the Real Property. Grantor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Mortgage, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Mortgage.

**Taxes.** The following shall constitute taxes to which this section applies: (a) a specific tax upon this type of Mortgage or upon all or any part of the Indebtedness secured by this Mortgage; (b) a specific tax on Grantor which Grantor is authorized or required to deduct from payments on the Indebtedness secured by this type of Mortgage; (c) a tax on this type of Mortgage chargeable against the Lender or the holder of the Note; and (d) a specific tax on all or any portion of the Indebtedness or on payments of principal and interest made by Grantor.

**Subsequent Taxes.** If any tax to which this section applies is enacted subsequent to the date of this Mortgage, this event shall have the same effect as an Event of Default (as defined below), and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Grantor either (a) pays the tax before it becomes delinquent, or (b) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

**SECURITY AGREEMENT; FINANCING STATEMENTS.** The following provisions relating to this Mortgage as a security agreement are a part of this Mortgage.

**Security Agreement.** This instrument shall constitute a security agreement to the extent any of the Property constitutes fixtures or other personal property, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.

**Security Interest.** Upon request by Lender, Grantor shall execute financing statements and take whatever other action is requested by Lender to perfect and continue Lender's security interest in the Rents and Personal Property. In addition to recording this Mortgage in the real property records, Lender may, at any time and without further authorization from Grantor, file executed counterparts, copies or reproductions of this Mortgage as a financing statement. Grantor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Grantor shall assemble the Personal Property in a manner and at a place reasonably convenient to Grantor and Lender and make it available to Lender within three (3) days after receipt of written demand from Lender.

**Addresses.** The mailing addresses of Grantor (debtor) and Lender (secured party), from which information concerning the security interest granted by this Mortgage may be obtained (each as required by the Uniform Commercial Code), are as stated on the first page of this Mortgage.

**FURTHER ASSURANCES; ATTORNEY-IN-FACT.** The following provisions relating to further assurances and attorney-in-fact are a part of this Mortgage.

**Further Assurances.** At any time, and from time to time, upon request of Lender, Grantor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (a) the obligations of Grantor under the Note, this Mortgage, and the Related Documents, and (b) the liens and security interests created by this Mortgage as first and prior liens on the Property, whether now owned or hereafter acquired by Grantor. Unless prohibited by law or agreed to the contrary by Lender in writing, Grantor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

**Attorney-in-Fact.** If Grantor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Grantor and at Grantor's expense. For such purposes, Grantor hereby irrevocably appoints Lender as Grantor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

**PARTIAL RELEASES.** Lender shall execute partial releases of the lien of this Mortgage upon the following conditions: Lender will receive written requests for consideration of partial collateral releases. Approval will be subject to Lender's credit and collateral underwriting standards. A prepayment penalty may exist.

**FULL PERFORMANCE.** If Grantor pays all the Indebtedness when due, and otherwise performs all the obligations imposed upon Grantor under this Mortgage, Lender shall execute and deliver to Grantor a suitable satisfaction of this Mortgage and suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Grantor will pay, if permitted by applicable law, any reasonable termination fee as determined by Lender from time to time.

**DEFAULT.** Each of the following, at the option of Lender, shall constitute an event of default ("Event of Default") under this Mortgage:

**Default on Indebtedness.** Failure of Grantor to make any payment when due on the Indebtedness.

**Default on Other Payments.** Failure of Grantor within the time required by this Mortgage to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

**Compliance Default.** Failure of Grantor to comply with any other term, obligation, covenant or condition contained in this Mortgage, the Note or in any of the Related Documents.

**False Statements.** Any warranty, representation or statement made or furnished to Lender by or on behalf of Grantor under this Mortgage, the Note or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished.

**Defective Collateralization.** This Mortgage or any of the Related Documents ceases to be in full force and effect (including failure of any collateral documents to create a valid and perfected security interest or lien) at any time and for any reason.

**Death or Insolvency.** The death of Grantor or the dissolution or termination of Grantor's existence as a going business, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

**Foreclosure, Forfeiture, etc.** Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor or by any governmental agency against any of the Property. However, this subsection shall not apply in the event of a good faith dispute by Grantor as to the validity or reasonableness of the claim which is the basis of the foreclosure or forfeiture proceeding, provided that Grantor gives Lender written notice of such claim and furnishes reserves or a surety bond for the claim satisfactory to Lender.

**Breach of Other Agreement.** Any breach by Grantor under the terms of any other agreement between Grantor and Lender that is not remedied within any grace period provided therein, including without limitation any agreement concerning any indebtedness or other obligation of Grantor to

Lender, whether existing now or later.

**Events Affecting Guarantor.** Any of the preceding events occurs with respect to any Guarantor of any of the Indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness. Lender, at its option, may, but shall not be required to, permit the Guarantor's estate to assume unconditionally the obligations arising under the guaranty in a manner satisfactory to Lender, and, in doing so, cure the Event of Default.

**Adverse Change.** A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

**Right to Cure.** If such a failure is curable and if Grantor has not been given a notice of a breach of the same provision of this Mortgage within the preceding twelve (12) months, it may be cured (and no Event of Default will have occurred) if Grantor, after Lender sends written notice demanding cure of such failure: (a) cures the failure within fifteen (15) days; or (b) if the cure requires more than fifteen (15) days, immediately initiates steps sufficient to cure the failure and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

**RIGHTS AND REMEDIES ON DEFAULT.** Upon the occurrence of any Event of Default and at any time thereafter but subject to any limitation in the Note or any limitation in this Mortgage, Lender, at its option, may exercise any one or more of the following rights and remedies, in addition to any other rights or remedies provided by law:

**Accelerate Indebtedness.** Lender shall have the right at its option without notice to Grantor to declare the entire Indebtedness immediately due and payable, including any prepayment penalty which Grantor would be required to pay.

**UCC Remedies.** With respect to all or any part of the Personal Property, Lender shall have all the rights and remedies of a secured party under the Uniform Commercial Code.

**Collect Rents.** Lender shall have the right, without notice to Grantor, to take possession of the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the Indebtedness. In furtherance of this right, Lender may require any tenant or other user of the Property to make payments of rent or use fees directly to Lender. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not the apparent value of the Property exceeds the Indebtedness by a substantial amount. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

**Appoint Receiver.** Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the Indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the Indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

**Judicial Foreclosure.** Lender may obtain a judicial decree foreclosing Grantor's interest in all or any part of the Property.

**Nonjudicial Sale.** If permitted by applicable law, Lender may foreclose Grantor's interest in all or in any part of the Personal Property or the Real Property by nonjudicial sale.

**Deficiency Judgment.** If permitted by applicable law, Lender may obtain a judgment for any deficiency remaining in the Indebtedness due to Lender after application of all amounts received from the exercise of the rights provided in this section.

**Tenancy at Sufferance.** If Grantor remains in possession of the Property after the Property is sold as provided above or Lender otherwise becomes entitled to possession of the Property upon default of Grantor, Grantor shall become a tenant at sufferance of Lender or the purchaser of the Property and shall, at Lender's option, either (a) pay a reasonable rental for the use of the Property, or (b) vacate the Property immediately upon the demand of Lender.

**Other Remedies.** Lender shall have all other rights and remedies provided in this Mortgage or the Note or available at law or in equity.

**Sale of the Property.** To the extent permitted by applicable law, Grantor hereby waives any and all right to have the property marshalled. In exercising its rights and remedies, Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

**Notice of Sale.** Lender shall give Grantor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least ten (10) days before the time of the sale or disposition.

**Waiver; Election of Remedies.** A waiver by any party of a breach of a provision of this Mortgage shall not constitute a waiver of or prejudice the party's rights otherwise to demand strict compliance with that provision or any other provision. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or take action to perform an obligation of Grantor under this Mortgage after failure of Grantor to perform shall not affect Lender's right to declare a default and exercise its remedies under this Mortgage.

**Attorneys' Fees; Expenses.** If Lender institutes any suit or action to enforce any of the terms of this Mortgage, Lender shall be entitled to recover such sum as the court may adjudge reasonable as reasonable attorneys' fees at trial and on any appeal. Whether or not any court action is involved, all reasonable expenses incurred by Lender that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest from the date of expenditure until repaid at the rate provided for in the Note. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's reasonable attorneys' fees and Lender's legal expenses whether or not there is a lawsuit, including reasonable attorneys' fees for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, and title insurance, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

**NOTICES TO GRANTOR AND OTHER PARTIES.** Any notice under this Mortgage, including without limitation any notice of default and any notice of sale to Grantor, shall be in writing, may be sent by telefacsimile, and shall be effective when actually delivered, or when deposited with a nationally recognized overnight courier, or, if mailed, shall be deemed effective when deposited in the United States mail first class, certified or registered mail, postage prepaid, directed to the addresses shown near the beginning of this Mortgage. Any party may change its address for notices under this Mortgage by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. All copies of notices of foreclosure from the holder of any lien which has priority over this Mortgage shall be sent to Lender's address, as shown near the beginning of this Mortgage. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address.

**MISCELLANEOUS PROVISIONS.** The following miscellaneous provisions are a part of this Mortgage:

**Amendments.** This Mortgage, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Mortgage. No alteration of or amendment to this Mortgage shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

**Annual Reports.** If the Property is used for purposes other than Grantor's residence, Grantor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Grantor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.

**GOVERNING LAW.** This Mortgage shall be governed by, construed and enforced in accordance with the laws of the State of Idaho.

**Caption Headings.** Caption headings in this Mortgage are for convenience purposes only and are not to be used to interpret or define the provisions of this Mortgage.

**Merger.** There shall be no merger of the interest or estate created by this Mortgage with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

**Multiple Parties.** All obligations of Grantor under this Mortgage shall be joint and several, and all references to Grantor shall mean each and every Grantor. This means that each of the persons signing below is responsible for all obligations in this Mortgage.

**Severability.** If a court of competent jurisdiction finds any provision of this Mortgage to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Mortgage in all other respects shall remain valid and enforceable.

**Successors and Assigns.** Subject to the limitations stated in this Mortgage on transfer of Grantor's interest, this Mortgage shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Mortgage and the indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Mortgage or liability under the Indebtedness.

**Time is of the Essence.** Time is of the essence in the performance of this Mortgage.

**Waiver of Homestead Exemption.** Grantor hereby releases and waives all rights and benefits of the homestead exemption laws of the State of Idaho as to all Indebtedness secured by this Mortgage.

**Waivers and Consents.** Lender shall not be deemed to have waived any rights under this Mortgage (or under the Related Documents) unless such waiver is in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by any party of a provision of this Mortgage shall not constitute a waiver of or prejudice the party's right otherwise to demand strict compliance with that provision or any other provision. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or any of Grantor's obligations as to any future transactions. Whenever consent by Lender is required in this Mortgage, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required.

**EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MORTGAGE, AND EACH GRANTOR AGREES TO ITS TERMS.**

GRANTOR:

x Robert K. Stephens  
ROBERT K. STEPHENS

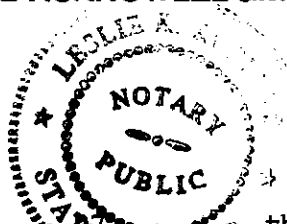
x Linda J. Stephens  
LINDA J. STEPHENS

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF IDAHO

COUNTY OF CANYON

) ss



On this 1st day of July, in the year 1998, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared ROBERT K. STEPHENS and LINDA J. STEPHENS, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Residing at Nampa

Leslie A. Stephens  
Notary Public for Idaho

My commission expires 7-14-98

## EXHIBIT "A"

Real estate located in the County of Canyon and State of Idaho, to-wit:

### PARCEL I

The North Half of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

### EXCEPTING THEREFROM

All that portion lying North and East of the centerline of the Deer Flat North Canal.

### ALSO EXCEPTING THEREFROM

BEGINNING at the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence

South 89° 53' East along the North boundary of said Northwest Quarter of the Northeast Quarter a distance of 755 feet to a point in the centerline of Deer Flat North Canal; thence

South 22° 15' 05" East along the centerline of said canal a distance of 311.43 feet; thence

North 89° 53' West parallel with the North boundary of said Northwest Quarter of the Northeast Quarter a distance of 873 feet to a point on the West boundary of said Northwest Quarter of the Northeast Quarter; thence

North along the West boundary of said Northwest Quarter of the Northeast Quarter a distance of 288 feet to the POINT OF BEGINNING.

### ALSO EXCEPTING THEREFROM

A part of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

South 89° 46' 00" East (formerly called South 89° 53' 00" East) a distance of 25 feet to a point in the County road East right of way boundary; thence continuing along the said right of way

South 0° 08' 20" West (formerly called South) a distance of 25 feet to a witness corner brass cap; thence continuing along the said right of way

South 0° 08' 20" West a distance of 263 feet to a 1/2-inch rebar; thence leaving the said right of way

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South 89° 46' 00" East (formerly called South 89° 53' 00" East) a distance of 751 feet along a line parallel to the North boundary of the said Northwest Quarter of the Northeast Quarter to the INITIAL POINT; thence continuing along the said line

South 89° 46' 00" East a distance of 81.89 feet to a point in the West 15-foot right of way boundary of the Deer Flat North Canal; thence meandering along the said 15-foot right of way boundary

South 28° 06' 00" West a distance of 38.96 feet; thence

South 67° 04' 00" West a distance of 38.95 feet; thence

South 84° 55' 00" West a distance of 33.16 feet; thence leaving the said 15-foot right of way boundary

North 5° 48' 30" East a distance of 53.08 feet to the INITIAL POINT.

ALSO EXCEPTING THEREFROM

A part of the Northeast Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the East Quarter corner of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

South 0° 00' East a distance of 250 feet along the East line of said Section 35 to the INITIAL POINT of this description; thence continue

South 0° 00' East a distance of 175 feet; thence

South 90° West a distance of 200 feet; thence

North 0° 00' West a distance of 175 feet parallel to and 200 feet West of the said East line; thence

North 90° East a distance of 200 feet to the INITIAL POINT of this description.

ALSO EXCEPTING THEREFROM

A part of the Northeast Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the East Quarter corner of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

South 0° 00' East a distance of 425 feet along the East line of said Section 35 to the INITIAL POINT of this description; thence continuing

South 0° 00' East a distance of 225 feet; thence

South 90° West a distance of 100.09 feet; thence

North 54° 59' 00" West a distance of 121.99 feet; thence

North 0° 00' West a distance of 155 feet parallel to and 200 feet West of the said East line; thence

North 90° East a distance of 200 feet to the INITIAL POINT of this description.

ALSO EXCEPTING THEREFROM

A portion of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

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COMMENCING at the Southeast corner of the said Northwest Quarter of the Northeast Quarter; thence

West along the South boundary of the said Northwest Quarter of the Northeast Quarter a distance of 210 feet to the TRUE POINT OF BEGINNING; thence

North and parallel to the East boundary of the said Northwest Quarter of the Northeast Quarter a distance of 515 feet, more or less, to a point in the centerline of the Deer Flat North Canal; thence

South and Westerly along the said canal centerline a distance of 295 feet, more or less, to a point in the centerline of said canal, which point is 495 feet West and perpendicular to the East boundary of the said Northwest Quarter of the Northeast Quarter; thence

South and parallel to the East boundary of the said Northwest Quarter of the Northeast Quarter a distance of 420 feet, more or less, to the South boundary of the said Northwest Quarter of the Northeast Quarter; thence

East along the South boundary of the said Northwest Quarter of the Northeast Quarter a distance of 285 feet to the TRUE POINT OF BEGINNING.

An ingress-egress easement more particularly described as follows:

The South 28 feet of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the Easterly 495 feet.

An ingress-egress easement more particularly described as follows:

BEGINNING at a point 28 feet North and 523 feet West of the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North and parallel to the East boundary of the said Northwest Quarter of the Northeast Quarter a distance of 420 feet, more or less, to the centerline of the Deer Flat North Canal; thence

Southeasterly along the said canal centerline to a point in the centerline of said canal, which point is 495 feet West and perpendicular from the East boundary of the said Northwest Quarter of the Northeast Quarter; thence

South and parallel with the East boundary of the said Northwest Quarter of the Northeast Quarter a distance of 392 feet, more or less, to a point 28 feet North of the South boundary of the said Northwest Quarter of the Northeast Quarter; thence

West and parallel with the South boundary of the said Northwest Quarter of the Northeast Quarter a distance of 28 feet to the POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM

A part of the Northeast Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

J.S. R

BEGINNING at the Southeast corner of said Northeast Quarter of the Southeast Quarter (South 1/16 corner), said corner monumented with a 1/2-inch diameter iron pin; thence

North 89° 16' 32" West a distance of 1,320.57 feet along the Southerly boundary of said Northeast Quarter of the Southeast Quarter to the Southwest corner of said Northeast Quarter of the Southeast Quarter, said corner being the Southeast 1/16 corner and monumented with a 1/2-inch diameter iron pin; thence

North 0° 44' 14" East a distance of 636.75 feet along the Westerly boundary of said Northeast Quarter of the Southeast Quarter to a 5/8-inch diameter iron pin; thence

South 68° 02' 00" East a distance of 241.38 feet to a 5/8-inch diameter iron pin; thence

South 63° 34' 30" East a distance of 103.96 feet to a 5/8-inch diameter iron pin; thence

South 81° 59' 59" East a distance of 71.57 feet to a 5/8-inch diameter iron pin; thence

North 62° 38' 18" East a distance of 569.05 feet to a 1/2-inch diameter iron pin; thence

South 84° 54' 13" East a distance of 230.36 feet to a 5/8-inch diameter iron pion; thence

South 54° 11' 10" East a distance of 121.99 feet to a 5/8-inch diameter iron pin; thence

South 89° 12' 10" East a distance of 100.09 feet to a point on the Easterly boundary of said Northeast Quarter of the Southeast Quarter, said point monumented with a 5/8-inch diameter iron pin; thence

South 0° 47' 50" West a distance of 675.25 feet along the Easterly boundary of said Northeast Quarter of the Southeast Quarter to the POINT OF BEGINNING.

SUBJECT TO all easements and rights of way of record or implied.

#### PARCEL II

The Southwest Quarter of the Southwest Quarter of Section 20, Township 5 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

JS. RJ

## EXHIBIT "B"

### IRRIGATION EQUIPMENT

All fixtures (including trade fixtures), supplies, equipment and inventory used for the production of water on the Real Property or for the irrigation or drainage thereof, whether now owned or hereafter acquired, and whether now existing or hereafter arising, and all accessions, parts, additions, replacements and substitutions for any of such Property, and all proceeds (including insurance proceeds) from the sale or other disposition of any of such Property. Said fixtures, supplies, equipment and inventory include, but are not limited to, the following:

|                                 |                |
|---------------------------------|----------------|
| <b>WELL DATA:</b>               |                |
| Depth of well in feet           | 175.0          |
| Diameter and gauge of casing    | 12-3/4"        |
| <b>PUMP DATA:</b>               |                |
| Serial number                   | 15888          |
| Make, type                      | Tae Layne      |
| Size of column                  | 12"            |
| Length of column                | 175'           |
| Diameter of discharge pipe      | 12"            |
| Rated capacity of bowls or pump | 1760 RPM       |
| <b>POWER DATA:</b>              |                |
| Type of fuel:                   | Electric       |
| Motor - Make:                   | GE             |
| Rated horsepower:               | 40 hp          |
| Motor - serial number:          | CCJ315348      |
| <b>SURFACE DELIVERY SYSTEM:</b> |                |
| Type of surface delivery system | Gravity        |
| Make, type                      | Concrete Ditch |

S.S. RA

# EXHIBIT "C"

## WATER RIGHTS

All water, water rights, ditches and ditch rights, any permits, licenses, certificates or shares of stock evidencing any such water or ditch rights, and any such rights acquired in the future, which entitle Beneficiary to use water for any purpose upon the Real Property. The above includes, but is not limited to, the following:

License No. 63-02794

9721525

RECORDED

'97 JUL 3 PM 12 43

NED J KERR

CANYON CNT RECORDER

BY *Heke D. Huerdy*

REQUEST PIONEER -- CALDWELL

TYPE W. D. T. FEE 36.00

SS

RS

**CERTIFIED**

Z 685 188 545

**MAIL**

Zions Ag Finance

500 Fifth St.

Ames, Iowa 50010-6065

MR JIM JOHNSON  
WATER RIGHTS SUPERVISOR  
IDAHO DEPARTMENT OF WATER RESOURCES  
1301 N. ORCHARD ST.  
BOISE, ID 83706



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 2, 1997

GALE L BRICE  
ZIONS BANK  
500 FIFTH STREET  
AMES IA 50010-6065

RE: Zions' Loan 397287 to Robert K Stephens, et ux.-Canyon  
County, Idaho

Dear Ms. Brice:

I am in receipt of your letter of September 25, 1997 in which you state you are sending a duplicate copy of a notice dated August 14, 1997. Unfortunately, I have no record of having received the original notice dated August 14, 1997.

It is not within the jurisdiction of our Section (Water Permits) to act as a monitoring agent for lending institutions on water right matters. Therefore I must decline acceptance of your request, however your letter will remain in the file as a reference.

If you have any questions regarding this matter, you may call me at (208) 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON, Manager  
Water Permits Section

JJ:klt

# ZIONS BANK

Zions Agricultural Finance

RECEIVED

SEP 29 1997

Department of Water Resources

500 Fifth Street

Ames, Iowa 50010-6065

Facsimile: (515) 232-3002

Telephone: (515) 232-7310

(800) 641-9619

September 25, 1997

Mr. Jim Johnson  
Water Rights Supervisor  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, Idaho 83706

Dear Mr. Johnson:

Re: Loan 397287 to Robert K. Stephens, et ux. - Canyon County, Idaho

Enclosed is a duplicate copy of a notice we sent to you on August 14, 1997. We would appreciate it if you would sign the acknowledgment on the bottom of the enclosed notice and return it to the above address. Thank you.

Very truly yours,



(Mrs.) Gale L. Brice  
Loan Documentation Supervisor

glb

Enc.

# ZIONS BANK

Zions Agricultural Finance

500 Fifth Street  
Ames, Iowa 50010-6065  
Facsimile: (515) 232-3002  
Telephone: (515) 232-7310  
(800) 641-9619

August 14, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Jim Johnson  
Water Rights Supervisor  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, Idaho 83706

Dear Mr. Johnson:

Re: Zions' Loan 397287 to Robert K. Stephens, et ux. - Canyon County, Idaho

This letter is given to notify the Department of Water Resources that Robert K. Stephens and Linda J. Stephens of Parma, Idaho, have executed a Mortgage (see attached copy) in favor of ZIONS FIRST NATIONAL BANK covering certain land in Canyon County, Idaho, together with all their right to the licenses, permits and/or leases set out in Exhibit "C" of the enclosed copy of the recorded Mortgage.

Our security interest is in all licenses, permits and/or leases for water rights pertaining to the real property listed in Exhibit "A" of the enclosed copy of the signed Mortgage. Please file this notice and copy of the Mortgage with your records of the above referenced water rights, and direct notification of any intended change which materially affects Zions First National Bank's security interest to the address noted above.

This interest is to be continuous until notification is given by Zions First National Bank in writing of any changes or release.

Because Zions First National Bank is considering these water rights as collateral security for a loan, we would appreciate your acknowledgment of our loan by signing the enclosed copy of this letter and returning it to us in the enclosed stamped, self-addressed envelope.

Thank you for your assistance. Should more information be necessary, please contact us.

Very truly yours,



Gale L. Brice  
Loan Documentation Supervisor

glb  
Encs.

cc: Mr. and Mrs. Robert K. Stephens  
Mr. Michael J. Evans

Acknowledged and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

IDAHO DEPARTMENT OF WATER RESOURCES

By: \_\_\_\_\_

(Please Type or Print Name and Title)

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*' ARE ADJUDICATION CLAIMS)  
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

| WR-NUMBER | SOURCE                    | NE |    |    |    |    |    |    |    | NW |    |    |    |    |    |    |    | SW |    |    |    |    |    |    |     | SE  |  |  |  |  |  |  |  | SUM |
|-----------|---------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|--|--|--|--|--|--|--|-----|
|           |                           | NE |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |     |     |  |  |  |  |  |  |  |     |
|           |                           | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac  |     |  |  |  |  |  |  |  |     |
| 6302794   | T04N R04W S35 GROUNDWATER |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |  |  |  |  |  |  |  |     |
|           | :                         | 10 |    | 31 |    |    |    | 36 | :  |    |    |    |    |    |    |    |    |    |    | :  | 23 |    |    |    |     | 100 |  |  |  |  |  |  |  |     |
| 6302388   | BOISE RIVE :              |    |    |    |    |    |    |    | :  |    |    |    |    |    |    |    |    |    |    | :  |    |    |    |    | :   |     |  |  |  |  |  |  |  |     |
| A6302388  | BOISE RIVE :              |    |    |    |    |    |    |    | :  |    |    |    |    |    |    |    |    |    |    | :  |    |    |    |    | :   |     |  |  |  |  |  |  |  |     |
| 6302751   | GROUNDWATE :              |    |    |    |    | 40 |    |    | :  |    |    |    |    | 40 | :  | 10 |    |    |    | :  |    |    |    |    | 90  |     |  |  |  |  |  |  |  |     |
| A6302751  | GROUNDWATE :              |    |    |    |    | 40 |    |    | :  |    |    |    |    | 40 | :  | 10 |    |    |    | :  |    |    |    |    | 90  |     |  |  |  |  |  |  |  |     |
| 6302790   | GROUNDWATE :              |    |    |    |    |    |    |    | :  | 40 |    |    |    |    | :  |    |    |    |    | :  |    |    |    |    | 40  |     |  |  |  |  |  |  |  |     |
| A6302790  | GROUNDWATE :              |    |    |    |    |    |    |    | :  | 40 |    |    |    |    | :  |    |    |    |    | :  |    |    |    |    | 40  |     |  |  |  |  |  |  |  |     |
| A6302794  | GROUNDWATE :              | 10 |    | 31 |    |    |    | 36 | :  |    |    |    |    |    | :  |    |    |    |    | :  | 23 |    |    |    | 100 |     |  |  |  |  |  |  |  |     |
| 6302846   | GROUNDWATE :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  |    |    |    |    | :  |    |    | 20 |    | 20  |     |  |  |  |  |  |  |  |     |
| A6302846  | GROUNDWATE :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  |    |    |    |    | :  |    |    | 20 |    | 20  |     |  |  |  |  |  |  |  |     |
| 6302873   | GROUNDWATE :              |    |    |    |    |    |    |    | :  |    |    | 40 |    |    | :  |    | 40 |    |    | :  |    |    |    |    | 80  |     |  |  |  |  |  |  |  |     |
| A6302873  | GROUNDWATE :              |    |    |    |    |    |    |    | :  |    |    | 40 |    |    | :  |    | 40 |    |    | :  |    |    |    |    | 80  |     |  |  |  |  |  |  |  |     |
| 6302876   | GROUNDWATE :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  | 08 |    |    |    | :  |    |    |    |    | 8   |     |  |  |  |  |  |  |  |     |
| 6303074   | GROUNDWATE :              |    |    |    |    |    |    |    | :  | 24 |    |    |    |    | :  |    |    |    |    | :  |    |    |    |    | 24  |     |  |  |  |  |  |  |  |     |
| A6303074  | GROUNDWATE :              |    |    |    |    |    |    |    | :  | 24 |    | 20 |    |    | :  |    |    |    |    | :  |    |    |    |    | 44  |     |  |  |  |  |  |  |  |     |
| 6303326   | GROUNDWATE :              |    |    |    |    |    |    |    | :  |    |    | 35 |    |    | :  |    |    |    |    | :  |    |    | 07 |    | 42  |     |  |  |  |  |  |  |  |     |
| A6303326  | GROUNDWATE :              |    |    |    |    |    |    |    | :  |    |    | 35 |    |    | :  |    |    |    |    | :  |    |    | 07 |    | 42  |     |  |  |  |  |  |  |  |     |
| 6304248   | LOWER EMBA :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  |    | 22 | 14 | :  |    |    |    |    |    | 36  |     |  |  |  |  |  |  |  |     |
| A6304248A | LOWER EMBA :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  |    | 22 |    | :  |    |    |    |    |    | 22  |     |  |  |  |  |  |  |  |     |
| A6304248B | LOWER EMBA :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  |    |    | 14 | :  |    |    |    |    |    | 14  |     |  |  |  |  |  |  |  |     |
| 6304256   | LOWER EMBA :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  | 30 |    |    | :  |    |    |    |    |    | 30  |     |  |  |  |  |  |  |  |     |
| A6304256C | LOWER EMBA :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  | 20 |    |    | :  |    |    |    |    |    | 20  |     |  |  |  |  |  |  |  |     |
| A6304256D | LOWER EMBA :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  | 05 |    |    | :  |    |    |    |    |    | 5   |     |  |  |  |  |  |  |  |     |
| A6304256E | LOWER EMBA :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  | 05 |    |    | :  |    |    |    |    |    | 5   |     |  |  |  |  |  |  |  |     |
| 6310160   | GROUNDWATE :              |    |    |    |    |    |    |    | :  |    |    |    |    |    | :  |    |    |    | 0  | :  |    |    |    |    |     |     |  |  |  |  |  |  |  |     |



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 3, 1996

ROBERT K. STEPHENS  
LINDA J. STEPHENS  
26104 DON LANE  
PARMA ID 83660

RE: Transfer of Water Right No. 63-02794

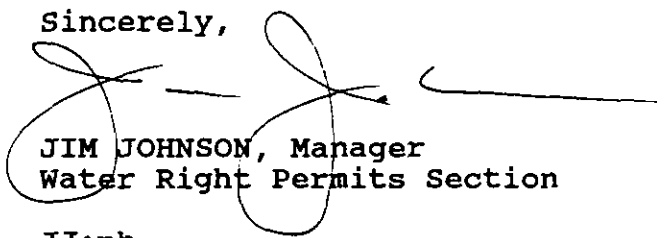
Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4864). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Also, 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 to the department. If you have acquired a water right or have changed your mailing address PRIOR to July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:ph

Enclosure

RECEIVED

OCT 10 1996

**MEMORANDUM**

**TO:** FILE NO. 63-02794

**FROM:** PAM SKAGGS/STATE OFFICE

**SUBJECT:** TRANSFER NO. 4864

**DATE:** September 25, 1996

=====

Transfer No. 4864 was filed to add a second point of diversion under Right No. 63-02794. The original well has lost well production and the new owners of the property want to add a second well to the system.

Season of use and diversion volume were adjusted to current standards. Review of the records reflect development of this right as the sole source of the irrigated acres. Even though there is a general inclusion of the section under BOR surface Right No. 63-02388, this groundwater right does not appear to be for supplemental use.

Recommended conditions include drilling permit requirements, irrigation overlap, multiple points of diversion/measuring devices and standard transfer conditions.

RECEIVED

OCT 10 1996

Approval Cover Letter      Standard ☒ Preliminary Order ☐

WR0749NP  
No. T63-02794

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 09/25/96  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | ROBERT K STEPHENS | 01/19/1950       | IRRIGATION | 03/15 11/15           | 1.320 CFS         | 450.00 AFA          |
| C                | LINDA J STEPHENS  |                  |            |                       |                   |                     |
|                  | 26104 DON LANE    |                  |            |                       |                   |                     |
|                  | PARMA ID 83660    |                  |            |                       |                   |                     |
|                  | (208) 722-6587    |                  |            |                       |                   |                     |
| TOTAL DIVERSION: |                   |                  |            |                       | 1.320 CFS         | 450.00 AFA          |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T04N R04W S35 NWNE NESE CANYON County

Place of use Legal Description for: IRRIGATION

| NE          |     |      |         | NW    |       |       |         | SW    |       |       |         | SE    |       |       |       |         |       |       |       |       |
|-------------|-----|------|---------|-------|-------|-------|---------|-------|-------|-------|---------|-------|-------|-------|-------|---------|-------|-------|-------|-------|
| NENE        |     | NWNE | SWNE    | SENE  | NENW  |       | NWNW    | SWNW  | SENW  | NESW  |         | NWSW  | SWSW  | SESW  | NESE  |         | NWSE  | SWSE  | SESE  | SUM   |
| T           | R   | S    | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | : Lt Ac | Lt Ac | Lt Ac | Lt Ac |       |
| 04N         | 04W | 35   | :       | 10    | 31    | 36    | :       |       |       |       | :       |       |       |       | 23    | :       |       |       |       | 100.0 |
| TOTAL ACRES |     |      |         |       |       |       |         |       |       |       |         |       |       |       |       |         |       |       | 100.0 |       |

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion and Source:  
63-02794

Other Water Rights Listing Overlapping Place(s) of use:  
63-02794

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4864 shall not exceed 1.32 cfs, nor total combined annual volume of 450.0 af.

WR0749NP  
No. T63-02794

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 09/25/96  
PAGE: 2

=====  
Dates: App. Received: Priority Date: 01/19/1950  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/25/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4864  
Transfer No. 4864 was filed to add a second well to the existing  
system under Right No. 63-02794.

Audit: 07/03/96 LGRAVES 09/25/96 PSKAGGS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN 'W' ARE ADJUDICATION CLAIMS)  
(QUARTER-QUARTERS WITH A 'Q' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

| WR-NUMBER  | SOURCE                    | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | NE |    |    |    | NW |    |    |    | SW |    |     |    | SE |    |     |  | SUM |
|------------|---------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|----|-----|--|-----|
|            |                           | NE |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    |    |    |     |    |    |    |     |  |     |
|            |                           | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |     |    |    |    |     |  |     |
| 6302794    | T04N R04W S35 GROUNDWATER |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |     |  |     |
|            |                           |    | 10 |    | 31 |    |    |    | 36 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 23 |    |    | 100 |    |    |    |     |  |     |
| 6302388    | BOISE RIVE :              |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |     |  |     |
| A6302388   | BOISE RIVE :              |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |     |  |     |
| 6302751    | GROUNDWATE :              |    |    |    |    |    |    | 40 |    |    |    |    |    | 40 |    | 10 |    |    |    |    |    |    |    |    |    |    | 90 |     |    |    |    |     |  |     |
| A6302751   | GROUNDWATE :              |    |    |    |    |    |    | 40 |    |    |    |    |    | 40 |    | 10 |    |    |    |    |    |    |    |    |    |    | 90 |     |    |    |    |     |  |     |
| 6302790    | GROUNDWATE :              |    |    |    |    |    |    |    |    | 40 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 40 |     |    |    |    |     |  |     |
| A6302790   | GROUNDWATE :              |    |    |    |    |    |    |    |    | 40 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 40 |     |    |    |    |     |  |     |
| A6302794   | GROUNDWATE :              |    | 10 |    | 31 |    |    |    | 36 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 23 |    |    | 100 |    |    |    |     |  |     |
| T6302794   | GROUNDWATE :              |    | 10 |    | 31 |    |    |    | 36 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 23 |    |    | 100 |    |    |    |     |  |     |
| 6302846    | GROUNDWATE :              |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 20 |    | 20 |     |    |    |    |     |  |     |
| A6302846   | GROUNDWATE :              |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 20 |    | 20 |     |    |    |    |     |  |     |
| 6302873    | GROUNDWATE :              |    |    |    |    |    |    |    |    |    | 40 |    |    |    |    | 40 |    |    |    |    |    |    |    |    |    |    | 80 |     |    |    |    |     |  |     |
| A6302873   | GROUNDWATE :              |    |    |    |    |    |    |    |    |    | 40 |    |    |    |    | 40 |    |    |    |    |    |    |    |    |    |    | 80 |     |    |    |    |     |  |     |
| 6302876    | GROUNDWATE :              |    |    |    |    |    |    |    |    |    |    |    |    |    | 08 |    |    |    |    |    |    |    |    |    |    |    | 8  |     |    |    |    |     |  |     |
| 6303074    | GROUNDWATE :              |    |    |    |    |    |    |    | 24 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 24 |     |    |    |    |     |  |     |
| A6303074   | GROUNDWATE :              |    |    |    |    |    |    |    | 24 |    | 20 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 44 |     |    |    |    |     |  |     |
| 6303326    | GROUNDWATE :              |    |    |    |    |    |    |    |    | 35 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 07 |    | 42 |     |    |    |    |     |  |     |
| A6303326   | GROUNDWATE :              |    |    |    |    |    |    |    |    | 35 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 07 |    | 42 |     |    |    |    |     |  |     |
| 6304248    | LOWER EMBA :              |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 22 | 14 |    |    |    |    |    |    |    |    |    | 36 |     |    |    |    |     |  |     |
| A6304248A  | LOWER EMBA :              |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 22 |    |    |    |    |    |    |    |    |    |    | 22 |     |    |    |    |     |  |     |
| 6304256    | LOWER EMBA :              |    |    |    |    |    |    |    |    |    |    | 30 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 30 |     |    |    |    |     |  |     |
| A6304256C  | LOWER EMBA :              |    |    |    |    |    |    |    |    |    |    | 20 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 20 |     |    |    |    |     |  |     |
| A6304256D  | LOWER EMBA :              |    |    |    |    |    |    |    |    |    |    | 05 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 5  |     |    |    |    |     |  |     |
| A6304256E  | LOWER EMBA :              |    |    |    |    |    |    |    |    |    |    | 05 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 5  |     |    |    |    |     |  |     |
| 6310160    | GROUNDWATE :              |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0  |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |     |  |     |
| --86 MAP-- | C27Q-X 4 :                |    | 23 |    | 38 |    |    | 34 |    | 37 |    | 37 |    | 37 |    | 36 |    | 40 |    | 39 |    | 40 |    | 40 |    | 41 |    | 42  | 42 | 39 | 42 | 607 |  |     |

770 Overlaps. - Right developed as side source.

| S<br>E<br>L | Water<br>Right No. | Name<br>Last, First                 | O<br>W<br>N | Priority<br>Date | STG/<br>STS | Source      | Use<br>Desc | S<br>Y<br>S |
|-------------|--------------------|-------------------------------------|-------------|------------------|-------------|-------------|-------------|-------------|
| -           | 63-02794           | HUSTON, BENJAMIN R.                 | C           | 01/19/1950       | L/          | GROUNDWATER | IRR         | WR          |
| -           | T63-02794          |                                     |             | 01/19/1950       | L/          | GROUNDWATER | IRR         | WR          |
| -           | A63-02794          | STARR, DOROTHY M<br>ROOT, ROSABELLE | C<br>C      | 01/19/1950       | L/          | GROUNDWATER | IRR         | AJ          |

```
(Enter=Continue)      (GOLD7=This Query)      (GOLD8=Cancel)      (Menu _____)
Natural 2.1/7V      OVR      LIB=PRODLIBS      Last key was ENTR
```

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

RECEIVED  
SEP 23 1996

Department of Water Resources

APPLICANT ROBERT + LINDA STEPHENS

TRANSFER NO. 4864

INITIAL ALLOCATION REVIEW BY [Signature]  
SRBA SUPERVISOR REVIEW BY [Signature]

DATE 7/2/96  
DATE 7-3-96

1. Right number(s) 63-02794

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim  
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other: \_\_\_\_\_

4. Check Existing Right:  
☒ Source ☒ Priority ☒ Amount ☒ Purpose  
☒ Period ☐ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

☐ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: \_\_\_\_\_

Attachment A  
to change SRBA  
claim if  
transfer  
approved  
-82  
9/17/96

i. N/A Existing rights from same source, on land water is being transferred to; right number(s): \_\_\_\_\_

j. / SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) AG3-02794 claimed as licensed (attachment C)

k. / Comment letters \_\_\_\_\_ Yes / No  
If yes \_\_\_\_\_ Water District #  
\_\_\_\_\_ Other, see #2 below for name and address

**PUBLICATION REVIEW BY** \_\_\_\_\_

1. Legal Notice electronically sent to DWR03::VAULT / Yes

**2. COMMENT LETTERS**

Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_

Other comments letters - send to the following name(s) & address(es):  
\_\_\_\_\_

3. Transfer published correctly? / Yes \_\_\_\_\_ No  
4. Affidavit of publication received? / Yes \_\_\_\_\_ No  
5. Protests received? \_\_\_\_\_ Yes / No; Acknowledgement sent? \_\_\_\_\_ Yes  
6. Copies made for Region file (see attached supplemental page)? / Yes

**RECOMMENDED ACTION**

RECEIVED

1. / Approve

SEP 23 1996

2. \_\_\_\_\_ Deny due to \_\_\_\_\_ Department of Water Resources

3. Conditions (special conditions in Water Districts) WM control N/A for W.D.s.  
Per AJQ4 appears Irrig. dist. serves tracts although # acres/tract not identified  
for surface water via Basin Project. Add condition c. retain use surface water etc.  
D.P., and std. Transfer conditions suggested (1 yr., SRBA review still applies,  
etc.). Use approved transfer to amend ownership of SRBA claim AG3-02794.

4. By Steve Lath Date 9/17/96

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO     )  
                              ) SS.  
County of Canyon    )

Carolyn Spath

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Twice

— in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

July 17, 24, 1996

*Carolyn Spath*

STATE OF IDAHO     )  
                              )  
COUNTY OF CANYON    )

On this 24th day of July  
in the year of 1996, before me, a Notary Public, personally appeared Carolyn Spath, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

RECEIVED

JUL 25 1996

WATER RESOURCES  
WESTERN REGION

OCT 10 1996

*Janne Lusk*

Notary Public for Idaho  
Residing at Nampa

MY COMMISSION EXPIRES  
JUNE 21st, 1997

**NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT NO. 63-02794**

Notice is hereby given that Robert and Linda Stephens, 26104 Don Ln, Parma ID 83660, has applied to the Department of Water Resources to add a point of diversion to the following water right pursuant to section 42-222 of Idaho Code.

**WATER RIGHT AS LICENSED**

|                  |                                       |
|------------------|---------------------------------------|
| No.              | 63-02794                              |
| Basis            | License                               |
| Date of Priority | 01/19/1950                            |
| Source           | Ground Water                          |
| Amount           | 1.32 cfs                              |
| Use              | Irrigation                            |
| Point of Div     | NESE, T04N R04W, Sec 35               |
| Place of Use     | N1/2NE, SENE, NESE, T04N R04W, Sec 35 |

**THE ABOVE WATER RIGHT TO BE CHANGED AS FOLLOWS PURSUANT TO TRANSFER NO. 4864**

|              |                                                                        |
|--------------|------------------------------------------------------------------------|
| No.          | 63-02794                                                               |
| Point of Div | NESE, T04N R04W, Sec 35, Existing<br>NWNE, T04N R04W, Sec 35, Proposed |

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before August 5, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher  
Director

Published in the Press Tribune on July 17 and 24, 1996.

OCT 10 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

October 29, 1991

Dorothy Starr  
19372 Lower Pleasant Ridge Rd.  
Caldwell, ID 83605

Dear Mrs. Starr:

Enclosed is a check for \$250 for refund of the filing fees you submitted earlier this year for a drilling permit and an application for transfer of a water right.

I apologize for any inconvenience we may have caused you with this delay.

Sincerely,

A handwritten signature in cursive script that reads 'Sharla Curtis'.

SHARLA CURTIS  
Technical Records Specialist

Enclosure

MICROFILMED

OCT 10 1996

WHITE - State Auditor  
YELLOW - Remittance Advice  
PINK - State Auditor then Agency  
GOLDENROD - Agency Copy

# EXPENDITURE VOUCHER

AUDITOR USE

## STATE OF IDAHO Office of State Auditor

AGENCY USE

|                  |
|------------------|
| 6878             |
| Date<br>10/21/91 |
| Code<br>193002   |

**VENDOR:** If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME:

DEPT. OF WATER RESOURCES

|              |      |
|--------------|------|
| Document No. |      |
| Pre-Audit    | Date |
| Warrant No.  |      |

CHECK ONE:

PAY

DOROTHY STARR

TO

RETURN WARRANT TO FISCAL

( 1 ) MISCELLANEOUS EXPENDITURE

( ) STATE CONTRACT

( ) PURCHASE ORDER

( ) MISCELLANEOUS  
ENCUMBRANCE REQUISITION

Encumbrance Reference No.

PAYMENT: ( ) PARTIAL ( ) FINAL

| LINE No. | PROGRAM   | FUND | ACCT. |     | DESCRIPTION       | LINE AMOUNT | AGENCY USE |
|----------|-----------|------|-------|-----|-------------------|-------------|------------|
|          |           |      | Maj   | Min |                   |             |            |
| 1        | 05 30 350 | 1238 | 8831  |     | REFUNDS           | 200.00      |            |
| 2        | 05 10 199 | 1238 | 8831  |     | REFUNDS           | 50.00       |            |
|          |           |      |       |     | PER SHARLA CURTIS |             |            |
|          |           |      |       |     | RECEIPT #C019411  |             |            |
|          |           |      |       |     | 8/29/91 250.00    |             |            |
| TOTAL    |           |      |       |     |                   | 250.00      |            |

NOTE: Final payment must be accompanied by a receiving copy

TOTAL

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are no other state treasury and balances in appropriation accounts out of which the same may be paid.

Date

Head of Agency or Institution

State Auditor

OCT 1 0 1996

Oct. 1991  
**RECEIVED**  
OCT 15 1991

Dear Mr. Shifka,

Department of Water Resources

In January 1991, my husband and I applied for a permit to drill an irrigation well on property belonging to my sister and myself. (Rosabelle Root and Dorothy Starr) This property was inherited from my father, Benj. R. Huston, and already had an irrigation well - permit # 21326.

After lowering the pump deeper in the original well we were able to get enough water without drilling another well.

We have talked to you two times in the summer. Both times you assured us we were entitled to a refund for the well drilling permit we did not use. I paid you a check in the amount of \$250<sup>00</sup>.

I would appreciate your reply.

**RECEIVED**  
OCT 10 1996

Thank you.

Dorothy M. Starr (Mrs. Harlan Starr)  
19372 Lower Pleasant Ridge Rd.  
Caldwell, Idaho 83605

**MEMORANDUM**

**TO: FILE**

**FROM: TIM LUKE**

**DATE: September 3, 1991**

**RE: TRANSFER NO. 3817**

=====

The transfer applicants visited the state office last week and met with Mark Slifka about the drilling permit which had been authorized in connection with transfer no. 3817. The applicants told Mark they have decided to abandon their plans for drilling a new well and requested a refund of their drilling permit fee. Mark accepted the drilling permit withdrawal request and has authorized a refund.

Since the drilling permit has been withdrawn, the transfer application is now void.

SEP 04 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: SL

1. Right number 63-02794 Applicant Dorothy M. Stene s/or Rosabeta Root
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Other \_\_\_\_\_
4. Check:
  - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
  - b. ☒ Description of original point of diversion. *see 1/25/91 comm memo, recommend 3/15-11/15 season*
  - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
  - a. ☒ All of right.
  - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
  - c. ☒ Check description of point(s) of diversion.
  - d. ☐ Check description of place of use. *N/A for pg. 1 of transfer (no change)*
  - e. ☒ Check map (shows p.d. and p.u. after transfer).
  - f. ☒ Check for correct signature, notarization, and fee.
  - g. ☐ Check proof of ownership of right &/or land from which water is transferred. *N/A*
  - h. ☒ Check for expansion in use of right. Comments NOT anticipated with  
old addition
  - i. ☐ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) N/A
  - j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No  
If yes, what district? \_\_\_\_\_ Comment letter sent ☐ Yes ☐ No

FINAL PROCESSING REVIEW BY: Dar

1. Watermaster recommendation requested on N/A Received on \_\_\_\_\_
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions\* \_\_\_\_\_
4. By Dar Date 3/6/91

\* All uses within Watermaster Districts require special conditions.

RECEIVED  
MAR 08 1991  
Department of Water Resources

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 63-02794

Notice is hereby given that Dorothy M. Starr and/or Rosabelle Roat of Caldwell has applied to the Department of Water Resources for a change of point of diversion of groundwater. The right sought to be changed is evidenced by license and is recorded as follows:

Amount: 1.32 cfs

Priority: 1/19/1950

Point(s) of Diversion: T4N R4W S35 NESE

The water is used for irrigation purposes on 100 acres in T4N R4W S35 N1/2NE1/4, SENE, NESE.

TO BE CHANGED AS FOLLOWS

Amount 1.32 cfs

Point(s) of Diversion: T4N R4W S35 NWNE and NESE. The water will be used for irrigation purposes on same 100 acres.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before February 25, 1991.

R. Keith Higginson  
Director

Published in the Press-Tribune on ~~2/16~~ and ~~2/13~~ 1991.

SEP 04 1991

Transfer No. 3817

JAN 17 1991 AP

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Department of Water Resources  
Western Regional Office

Name of applicant Dorothy M. Starr &/or Rosabelle Root Phone 459-3943

Post Office address 19372 Lower Pleasant Ridge, Caldwell, ID 83605

**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion      ☒ Add diversion point(s)      ☐ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes Adding a new well to existing system.

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

| 1. Right Number | Priority | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use |
|-----------------|----------|-----------------------|------------------|---------------|
|-----------------|----------|-----------------------|------------------|---------------|

|                    |                      |                  |                |                |               |                |
|--------------------|----------------------|------------------|----------------|----------------|---------------|----------------|
| * 63-2794          | 1-19-1950            | 1.320            | IRR            | 4-1            | to            | 9-1            |
| <del>63-2794</del> | <del>1-19-1950</del> | <del>1.320</del> | <del>IRR</del> | <del>4-1</del> | <del>to</del> | <del>9-1</del> |
|                    |                      |                  |                |                | to            |                |
|                    |                      |                  |                |                | to            |                |

2. Total amount of water being transferred 1.32 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Point(s) of Divergence:

**5. Lands irrigated or place of use:**

| Twp.                                                                                                                                                                                                                                 | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|                                                                                                                                                                                                                                      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 4N                                                                                                                                                                                                                                   | 4W   | 35   | 10   | 31   |      | 36   |      |      |      |      |      |      |      |      | 23   |      |      |      | 100    |
| <div style="position: absolute; left: 0; top: 50%; transform: rotate(-45deg); font-weight: bold;">DETHRAUN</div> <div style="position: absolute; right: 0; top: 50%; transform: rotate(45deg); font-weight: bold;">SEP 04 1988</div> |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

\* CC OF TRANSFER TO SRBA FILE A63-02794 after  
Final decision

Total acres 100

**PART 1**

6. General Information:

a. Description of diversion system Well & Pump

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

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

d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

SEP 04 1991

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 63-2794 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date or priority 1-19-1950

5. Water is used for the following purpose:

amount 1.32 for IRR purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 1.32 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| —   | —   | NE  | SE  | 35   | 4N   | 4W   | Canyon |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 4W   | 35   | 10     | 31     |        | 36     |        |        |        |        |        |        |        |        | 23     |        |        |        | 100    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 100

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

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

NO If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

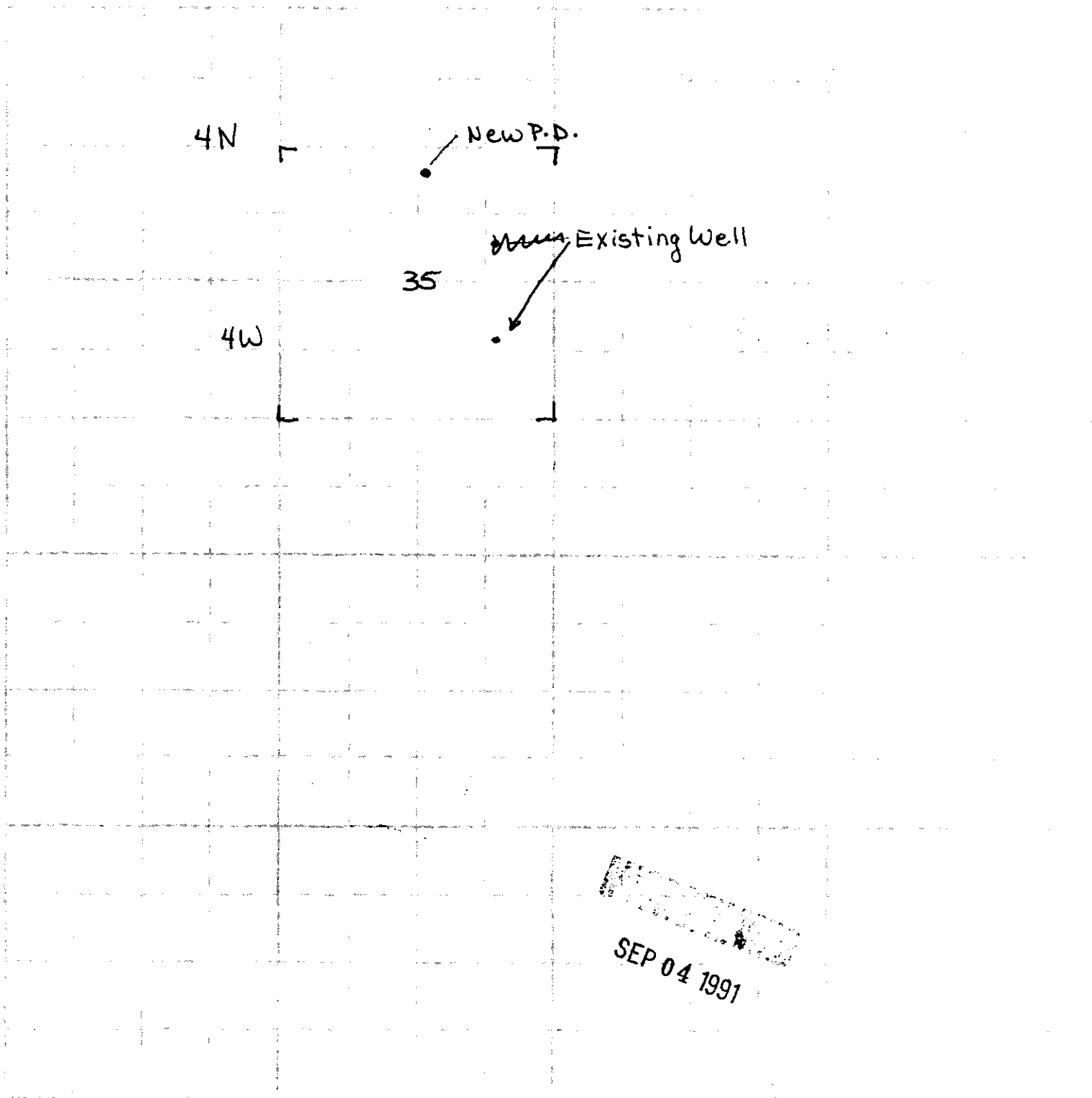
3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SEP 04 1991

**PART 3**

**B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Dorothy M. Starr  
(Signature of Applicant)

Subscribed and sworn to before me this 15<sup>th</sup> day of January, 19 91.

Deanne McCarthy  
(Notary Public)

My commission expires \_\_\_\_\_

Deanne McCarthy, Notary Public  
Residing at Idaho City, Idaho  
My Commission Expires May 16, 1996.

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 1 attachments

Received by 38 Date 1-15-91 Protest filed by \_\_\_\_\_

Prelim. check by RL Fee \$50.00

Receipted by RIF Date 1-15-91 # C019411

Published in Press-Tribune Copies of protest forwarded by \_\_\_\_\_

Pub. dates 2/6 & 2/13/91 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by DBT

Copy of transfer sent to lien holder \_\_\_\_\_

SEP 04 1991

NOTICE OF WATER RIGHTS  
NO. 88-02784 ✓  
Notice is hereby given that Dorothy  
M. Star and/or Ranchella Root of  
Caldwell has applied to the Department  
of Water Resources for a change of  
point of diversion of groundwater. The  
right sought to be changed is  
owned by Ranchella and is recorded as  
follows:

Amount: 1.00 cfs  
Priority: 1/1/1980

(Point) of Diversion: T4N R4W S35

The water is used for irrigation  
purposes on 100 acres in T4N S35  
R4W E35, BLM, NEDE.

BE CHANGED AS FOLLOWS:

Amount: 1.00 cfs

(Point) of Diversion: T4N R4W S35  
R4W E35, BLM, NEDE. The water will be  
used for irrigation purposes on same  
land.

Notice is hereby given of the  
change of water right  
amounting to 1.00 cfs in  
Department of Water Resources, 2700  
Airport Way, Boise, ID 83705 on or  
before February 28, 1991.

R. W. HALL, JUNIOR

Notary Public

Boise, Idaho

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) ss.  
County of Canyon )

Sharla O'Krakel

of Nampa, Canyon County, Idaho, being first duly sworn, deposes  
and says:

1. That I am a citizen of the United States of America, and at all  
times hereinafter mentioned was over the age of eighteen years,  
and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a  
daily, (except Saturday) newspaper published in the City of  
Nampa and Caldwell, in the County of Canyon, State of Idaho;  
that the said newspaper is in general circulation in the said  
County of Canyon, and in the vicinity of Nampa and Caldwell, and  
has been uninterruptedly published in said County during a period  
of seventy-eight consecutive weeks prior to the first publication of  
the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was  
published in said newspaper

two times

—in the regular and entire issue of said paper, and was printed in  
the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 6, 13, 1991

Sharla O'Krakel

STATE OF IDAHO )  
 )  
COUNTY OF CANYON )

On this 13th day of February in the  
year of 1991, before me, a Notary Public, personally  
appeared Sharla O'Krakel, known  
or identified to me to be the person whose name subscribed to the  
within instrument, and being by me first duly sworn, declared  
that the statements therein are true, and acknowledged to me that  
he/she executed the same.

James D. Lusk  
Notary Public for Idaho  
Residing at Nampa

MY COMMISSION EXPIRES  
JULY 12th, 1991

RECEIVED  
FEB 14 1991

Department of Water Resources  
Western Regional Office

SEP 04 1991

WITHDRAWN

State of Idaho  
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) Dorothy Starr & Rosabelle Root  
2. Mailing Address 12372 Lower Pleasant Ridge  
Caldwell, ID 83605 Telephone 459-3243  
☒ Well Owner ( ) Well Operator ( ) Other, specify \_\_\_\_\_

3. Proposed well location NE 1/4 NE 1/4, or Gov't Lot No. \_\_\_\_\_  
Sec. 35, Twp. 4N, Rge. 4W, County Canyon  
Street Address of Well Site \_\_\_\_\_  
Lot, block and subdivision Well located on East side of Pride Road

4. Proposed use of well:

- ( ) Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

- ☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

- ( ) Injection

- ( ) Monitoring - A well bore schematic and map is required for each well.  
No. of proposed wells: \_\_\_\_\_

5. Well construction information:

- A. ☒ New well ( ) Deepen ( ) Replace - See Condition 9

B. Proposed Surface Diameter 12" Proposed Maximum Depth 200'

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)  
( ) 85°F to 212°F (Low temp. geothermal well)  
( ) 212° or more (Geothermal well)

6. Construction Start Date March 1991

7. Anticipated Well Driller Unknown  
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Dorothy M. Starr Date 1-15-91

Title Owner  
(Owner, Firm Representative, Other)

Attachment A  
OF TRANSFER APPL.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is **APPROVED**

Date 1-15-91

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Stuart A. Reed  
Signature of Authorized Department Representative

MANAGER  
GROUNDWATER PROTECTION SECTION  
Title

Receipt No. C019411 Received by RM Fee 200.00 Date 1-15-91

EXTENSION OF DRILLING PERMIT

Extension approved by \_\_\_\_\_ Approval Date 1-15-91

This extension is good for 60 days beyond the above extension approval date.

SEP 04 1991

## CONVERSATION MEMORANDUM

DATE 1/25/91  
FILE 63-02794NAME OF PARTY Dorothy Starr  
EMPLOYEE Starr LasterRE: SEASON OF USE

I called the applicant to discuss the 4/1 - 9/1 season shown on pg. 1 of the transfer application. The license was issued without a stated season. SPBA claim A63-02794 was filed with ~~traditional~~ traditional 3/15 - 11/15 season.

There is nothing in the license file to suggest interpreting the season to be anything less than the 3/15 - 11/15 one.

She stated that she does not want to restrict the license to a shorter season.

If the transfer is approved with a season on it, recommend using 3/15 - 11/15.

ALSO - Assume 450 nfa if added to transfer on pg. 1, see proof report, attached.

SEP 04 1991

63-2794

RECEIVED

JUN 1 1967

REPORT OF WELL DRILLER  
State of Idaho

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

## WELL OWNER:

Name Ben Huston rt5Address R.T. 5 Caldwell Ida.Owner's Permit No. 21326 7134NATURE OF WORK (check): Replacement well ☐New well ☒ Deepened ☐ Abandoned ☐Water is to be used for: IrrigationMETHOD OF CONSTRUCTION: Rotary ☐ Cable ☒  
Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☐

10 "Diam. from 162 ft. to 193 ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

Thickness of casing: 1 Material:Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type ofperforator used: yes grinderSize of perforations 3/16-3" by 3"perforations from 165 ft. to 190 ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐No. ☐ size of gravel 1" Gravel

placed from ft. to ft. Surface seal

provided? Yes ☐ No ☒ To what depth?

ft. Material used in seal:

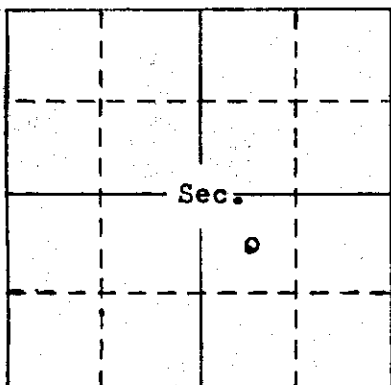
Did any strata contain unusable water? Yes ☐No. ☒ Type of water:

Depth of strata ft. Method of sealing

strata off:

Surface casing used? Yes ☒ No. ☐Cemented in place? Yes ☐ No ☒

Locate well in section

LOCATION OF WELL: County CanyonNW ☒ SE ☒ Sec. 35 T. 4 N. ☒ R. 4 E. ☒ W

Use other side for additional remarks

Size of drilled hole: 12" Total  
depth of well: 193 Standing water  
level below ground: 46' Temp.  
Fahr. 55f ° Test delivery: 21700 gpm  
or cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:

15bowel 8" colum 10 hp Daisel MotorLength of time of test: 18 Hrs. Min.Drawdown: to 110 ft. Artesian pressure: ft.

above land surface Give flow cfs

or gpm. Shutoff pressure:

Controlled by: Valve ☐ Cap ☐ Plug ☐No control ☐ Does well leak around casing?Yes ☐ No ☒

DEPTH MATERIAL WATER

FROM TO 168' to 178' soft clay YES OR NO

FEET FEET 178 to 190 tuff shale yes

178 190 no water

190 193 sand (packing gravel broke in) yes

*Placed 10" Perforated pipe  
as casing to hold out  
the gravel which had  
been placed behind the  
upper part of well  
Casing 193'*

Work started: Feb 25Work finished: Mar. 25Well Driller's Statement: This well was  
drilled under my supervision and this report  
is true to the best of my knowledge.Name: C.F. BakerAddress: Box 41 Middleton Ida. 83644Signed by: C.F. BakerLicense No. 175 Date: April 24 1967

63-2794

21326

August 9, 1961

Re: Permit No. 21326

Benjamin R. Huston  
Route #6, Box 68  
Caldwell, Idaho

Dear Mr. Huston:

We enclose License and Certificate of Water  
Right issued on Permit No. 21326.

Departmental Receipt No. 30578 was given to  
you in this office covering fees of \$8.00.

Very truly yours,

GEO. W. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Kule  
Chief Clerk

EPR:ew

Enc. certificate

21326

June 19, 1961

RE: Permit No. 21326

Benjamin R. Huston  
Rt 6, Box 68  
Caldwell, Idaho

Dear Mr. Huston:

You paid the \$8.00 fee for the License and Certificate of Water Right in response to our letter to you dated April 28, 1961.

You claimed your pump had been delivering 100 miners inches regular instead of the 66 miners inches measured by our field engineer.

It was agreed to hold issuance of the certificate until we heard from you after you had checked the pump.

We have not heard from you and will have to issue the certificate for 66 miners inches if we do not hear from you by July 5, 1961.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Ralph W. Thomas  
Deputy State Reclamation Engineer

RWT:mf

21326

April 28, 1961

Re: Permit No. 21326

Benjamin R. Huston  
Rt. 6, Box 68  
Caldwell, Idaho

Dear Sir:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 21326 shows the well is capable of conveying 66 miner's inches, or 1.32 c.f.s. of water for the irrigation of 100 acres.

Upon receipt of the statutory fee of \$8.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of January 19, 1950 to the use of 1.32 second feet of surface water with the point of diversion in NE 1/4, Sec. 35, to irrigate 100 acres in NE 1/4, SE 1/4, NW 1/4, Sec. 35, T. 4 N., R. 4 W., B. M.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

21326

RT

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. 21326

This proof is for Beneficial Use

In Water District No. \_\_\_\_\_

1. Name of applicant Benjamin R. Huston

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the NE<sup>1</sup>SE<sup>1</sup> of Section 35

Description of works for Permit No. 21326

G. E. Motor, 30 HP, 220V, Model-5K365XA2A. Layne-Bowler Pump No. 15888. 8"X4' disch. North into 13" X 13" X 48" steel box Tee, 10" X 1" disch. West into open ditch. 12" X 420' North through steel pipe into 4' X 4' X 2" concrete box then into open ditches N.W., 8" X 20' vert-  
icle stand pipe. AB Controll w/Bulldog safty switch on pole 4' East.  
Pump set on top of 12" well casing, no protection. Well- 12" X 178', cased 12" X 170'. h: 38'.

No. 1 Relift Pump.

Located in center NW<sup>1</sup> NE<sup>1</sup> Sec 35. GE Motor, 3HP, 220V, Model 5KC225XA47A. Centrifical Pump (no name or number) mounted horizontally to bottom of motor, set top concrete sump 3'x6'x 4'. 5" inlet, 4" discharge west into 6"x 20' steel pipe then to 8"x 730' concrete pipe to open ditches north and south.

No. 2 Relift Pump.

Located NE cor. NW<sup>1</sup> NE<sup>1</sup> Sec.35. Delco Motor, 2HP, 220V, 5" single V belt pulley. Parma Water Lifter Pump (No number or size plate) 18" pulley, 4" discharge east to 4"x 40' steel pipe then to 6"x 300' into open ditches NW and SE.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? \_\_\_\_\_

Remarks: Mr. Ben S. Huston along, (son)

Relift pump #1 + 2 reclaim wastewater and apply it back to higher ground not reached by direct flow from well

Measurement over 2' Cipolletti weir (.34 = 1.32 cfs.)

This examination was made on the

26<sup>th</sup>

day of

April

, 1961

(Signed)

Lynn Johnson

Examiner.

21326

Demand  
S.V.C.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF ENGINEER

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 35, T. 4 N., R. 4 W., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Ben S. Huston along, (son)

Relift pump #1 + 2 reclaim wastewater and apply it back to higher ground not reached by direct flow from well

Measurement over 2' Cipolletti weir (.34 = 1.32 cfs.)

This examination was made on the 26<sup>th</sup> day of April, 1961

(Signed)

Layne Johnson

Examiner.

21326

# INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

APR 27 1961

Department of Reclamation

Benjamin R. Huston  
Rt 6, Box 68  
Caldwell, Idaho  
Permit No. 21326

Examination for Beneficial Use

County Canyon

Sec. 35 T. 4N. R. 4W

Quantity: 2.0 c.f.s

Source: Well

P.D.: NE. SE., Sec. 35, T. 4N. - R. 4W

Use: Irrigation

Filed: 1-3-50

Due: 1-7-61

Extension:

Completion of Works: 1-6-55

Other Rights: none

Driller Allen Hosack

Protests none.

GE Motor 30HP, 220V  
Model 5K365XA2A,

Leysie Bunker Pump #15888  
8" X 4" disc N. int. 13' X 13' X 48  
Steel Box Tee (10" disc into  
open ditch west. 12' X 4' 20' North  
through steel pipe  
into 4' X 4' X 2 Concrete Box  
then into open ditch N. west.  
8' X 20' Vertical steel pipe.  
At Control 1/4 Bulldog N. 1/4 Sec. 35  
on pole 4' East.

Pump set on top of 12" well  
casing. No Protection

#1 - Re-lift.

GE Motor 3HP 220V  
Model 5K225XA47A

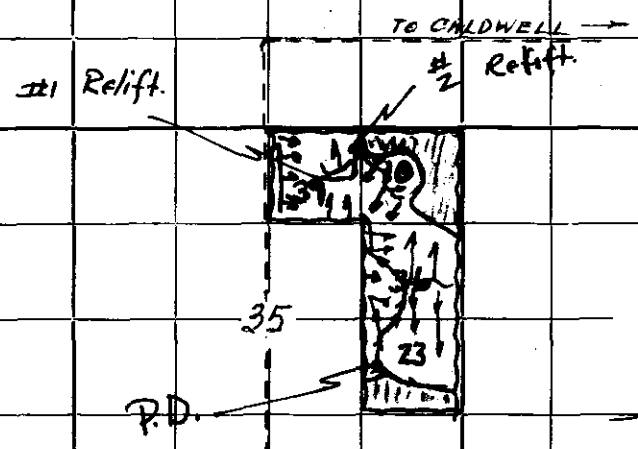
Centrifugal pump 5" inlet  
4" disc to 6" X 20' then 8" X 730'  
west into open ditch. No 50

#2 Delco Motor 2HP 220V  
5" pulley single V belt.

Drawn water left pump. No  
Number - 4" disc X 46' east  
into 6" concrete X 300' into  
open ditch.

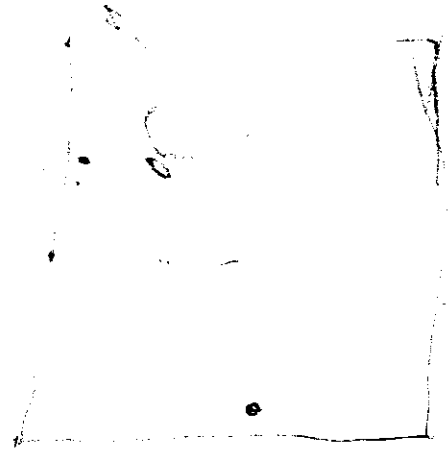
34' over 2' capalletti: air 1.32 cfs ~ 66 inches

R-4W.



41  
36  
23  
100

T.  
4  
N.



Red shaded area <sup>Unit</sup> ~~ADDER~~ <sup>FLOR</sup>

Subdivisions

4

Area

100 acres

Q

1.32 cfs or 66 inches

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 21326

REPORT ON PROOF OF Beneficial Use  
Benjamin R. Huston  
Rt 6, Box 68  
Caldwell, Idaho

January 30, 1961

RE: Permit No. 21326

Benjamin R. Huston  
Rt 6, Box 68  
Caldwell, Idaho

Dear Mr. Huston:

We acknowledge receipt of the Deposition of Helder and two witnesses, correctly executed, also affidavit of publication in the News-Tribune, all submitted in proof of beneficial use of water on Permit No. 21326.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:mr

Enc. statement

P.S. We enclose statement of cost of publication as we have no need of it in this office.

21326

RECEIVED  
JAN 24 1961  
Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Canyon. ) ss.

Hazel Davis  
of Caldwell, Canyon County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the principal clerk of the News-Tribune, a daily, (except Sunday) newspaper published in the City of Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

November 26, December 2, 10 and 17, 1960

Subscribed and sworn to before me this

day of

1960

Adam Skau  
Notary Public, Residing at Idaho, Idaho.

21336

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
JAN 24 1961  
Department of Reclamation

Permit No. 21326

## Proof of Application of Water to Beneficial Use

### Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Benjamin R. Huston, Caldwell Idaho R.R. #6, Box 68  
(On the farm residence) (Farmer occupation)

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Self owner

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 21326, Jan 3, 1950, ~~Jan 3, 1950~~ Apr. 15, 1949 priority

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Underground or well, NE 1/4 SE 1/4, SEC. 35 T4N, R4W, B.M.  
well located 40 feet north of quinn lateral 150 feet east of west  
line of 40 acres.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. well pump motor and ditch capacity 2 second  
feet.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The map you have on this is correct.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. Allen Hosack, 707-6 Ave S. Nampa Idaho.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. for irrigation only

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 2 second feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \_\_\_\_\_

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. used on all land stated season of 1949 and every season since

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. The land mentioned or stated has been irrigated from water from this well only.

(Sign) Bert R. Hunter

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Caldwell, County of Canyon

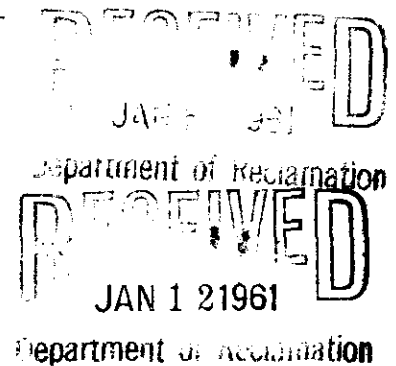
State of Idaho, on this 23rd day of January, A. D. 1961.

George L. Vogt

My commission expires Aug 12 - 61

21326

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO



Permit No. 21326

**Proof of Application of Water to Beneficial Use**

**Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Harlin F. Star

Ques. 2. Are you acquainted with Benj. R. Huston, the holder of Permit No. 21326? How long have you known him and where does he reside?

Ans. 35 years Rt. 6 Box 68 Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 21326 yes, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well Normall irrigation ditch- all on said farm

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Two second feet

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 100 inch 24 inch open weir

21326

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. ....Irrigation.....approximate.....100 acres of the 160 acres.....

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. ....All irrigation.....

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. ....Sagebrush.....100 inches.....

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. ....No.....

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. ....Three year crop lease, cleared land and constructed ditches the years of 1949 - - 1950 - and 1951.....

(Signed).....

*Irvin Corning*  
*Horton Starr*

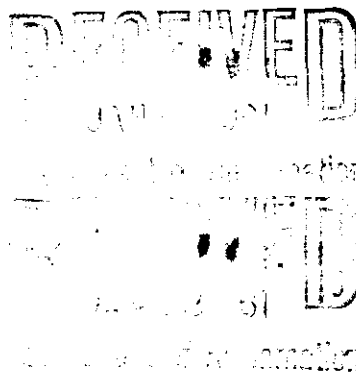
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person<sup>they</sup> he represents<sup>them</sup> himself to be, and that said testimony was subscribed and sworn to before me in *Caldwell*, County of *Canyon*, State of Idaho, on this *21<sup>st</sup>* day of *January*, A. D. 19*61*.

*George W. DeFur*  
Notary Public.

My commission expires.....  
Commission Expires Sept. 1 1964

21336

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO



Permit No. \_\_\_\_\_

**Proof of Application of Water to Beneficial Use**

**Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Irvin Corning

Ques. 2. Are you acquainted with Benj. R. Huston, the holder of Permit No. 21326? How long have you known him and where does he reside?

Ans. 25 Years Rt. 6 Box 68 Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 21326, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well Normal irrigation ditch - all on said farm

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Two second feet

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 100 inch 24 inch open weir

21326

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation Approximate 100 acres of the 160 acres

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. All Irrigation

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sagebrush 100 inches

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Three year crop lease, cleared land and constructed ditches  
the years 1949 - 1950 - and 1951

(Signed)

Irvin Corning  
Harrison Starr

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person <sup>they</sup> represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell,  
County of Canyon, State of Idaho, on this 11<sup>th</sup> day of January 1961  
A. D. 1961.

George M. Dufur  
Notary Public.

My commission expires Sept. 1, 1964

21326

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO**

**RECEIVED**  
JAN 5 1961

Department of Reclamation

**RECEIVED**  
JAN 12 1961  
Department of Reclamation

Permit No. \_\_\_\_\_

## Proof of Application of Water to Beneficial Use

### Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Benj. R. Huston

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. None

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 21326 1-7-50 1-3-50  
May 1949

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Well within NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  Sec 35 4 N 4 W of B.M. ✓

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Depth of well 178 172 feet of 12 inch casing  
38 feet of water 88 inches of water measured by the Federal Land  
Bank open weir

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation of approximate 100 acres farm is located in the

NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Sec. 35 T 4 N R 4 W of B.M.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. Mr. Hossick Nampa, Idaho

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. All Irrigation

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. The person

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. To fully irrigate the said 100 acres

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Irrigate

(Sign)

Benj. R. Huston

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person <sup>they</sup> he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Callwell, County of Canyon.

State of Idaho, on this 47<sup>th</sup> day of January, A. D. 1961

1173

George M. Cluser

My Commission Expires Sept. 1, 1964

My commission expires

21326

January 12, 1961

RE: Permit No. 21326

Benjamin R. Huston  
Rt 6, Box 68  
Caldwell, Idaho

Dear Mr. Huston:

We received your deposition and depositions of two witnesses of beneficial use of water. Enclosed is a blank form, Deposition of Holder.

None of the depositions answered the questions properly. We must request you to complete your deposition fully on the enclosed form. This time be sure you answer all parts of each question. Our letter of January 5 omitted one affidavit we should have. We should have an affidavit from you showing why you did not make the depositions before the Notary Public as shown in the legal notice.

No further action will be taken in this matter until we receive from you:

1. Fully completed Deposition of Holder
2. Affidavit of reason for change in Notary Public
3. Affidavit of Publication

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Ralph W. Thomas  
Deputy State Reclamation Engineer

RWT:mr  
Enc. form 16

21326

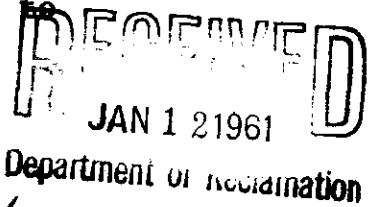
January 11, 1961

I the undersigned, George Vogt, declare that my office was open all day January 4, 1961 and that no protests were received in regard to proof of application of water to beneficial use under Permit No. 21326.

Signed

*George Vogt*

George Vogt



On this 11th day of January in the year 1961  
before me \_\_\_\_\_  
a Notary Public in and for the State of Idaho county of  
Canyon, personally appeared George Vogt  
known to me to be the person whose name is subscribed  
to above affidavit, and acknowledge to me that he executed  
the same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year in this certificate first  
above written

*George M. Ogden*

Notary Public for the State of Idaho  
Residing in Canyon County, Caldwell

21326

January 5, 1961

RE: Permit No. 21326

Benjamin R. Huston  
Rt 6, Box 68  
Caldwell, Idaho

Dear Mr. Huston:

Returned herewith is our notice to you of the legal notice and Forms 16 and 17A, Depositions of Holder and two witnesses. The three deposition forms are blank except all three were signed by the same two people, and they were notarized by a different Notary Public than that shown in the legal notice.

Kindly note the paragraph marked in red pencil on the notice sent to you. You, as holder, must complete all answers to the Deposition of Holder, and each of the two witnesses must complete separate depositions, answering all questions. Each question must be read carefully and all parts answered. The Notary Public, George W. Dufur, can cross out the date and insert the date of the signing of the full depositions.

We also will need an affidavit from George Vogt, Notary Public, that his office was open January 4, 1961 and that no protests were received in regard to proof of application of water to beneficial use under Permit No. 21326 were received.

When you return the depositions kindly enclose the affidavit of publication from the paper.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

RT:EPR:ar  
Enc. depositions  
notice

21326

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

November 23, 1960

Re: Permit No. 21326

Mr. Benjamin R. Huston,  
Rt. #6, Box 68,  
Caldwell, Idaho.

Dear Mr. Huston:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 21326. The proofs are to be made at 12:30 o'clock P.M., on the 4th day of January, 1961, ~~1960~~ before George Vogt, 709 Arthur, Caldwell, Idaho, Notary Public.

As of this date we have mailed the Notice to the Caldwell-News Tribune with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. <sup>Rule</sup> ~~Kittling~~  
Chief Clerk

Encl.  
EPR: <sup>mk</sup>  
cc: Notary

21326

500  
8-15-60

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
Boise, Idaho

Re: Permit No. 21326  
Benjamin R. Huston

Date: Nov. 23, 1960

Caldwell News Tribune,  
Caldwell, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **January 4, 1961** the date set for proof; the expense of the publication is to be paid by the applicant

**Benjamin R. Huston** of **Rt. #6, Box 68, Caldwell, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.\*\*

Very truly yours,

  
GEO. N. CARTER  
State Reclamation Engineer

\*\* If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.

21326

RECEIVED  
NOV 23 1960  
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Nov 23 - 1960

(P.O.) Caldwell Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the the Caldwell News Tribune of Caldwell published in the county in which the works are situated.

Canyon Co.

Benz A. Huston

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

noting S.

21326

Notice for Publication  
NOTICE OF PROOF OF APPLICATION OF WATER  
TO BENEFICIAL USE

RECEIVED  
NOV 2 3 1960  
Department of Reclamation

Notice is hereby given that at **12:30 P. M.** ~~1959~~ on the **4th** . . . . day of  
. . . . **January** . . . . , **1961** ~~1959~~, at **Caldwell, Idaho** . . . . , County of  
**Canyon** . . . . , State of Idaho, before **George Vogt, 702 Arthur** . . . .  
. . . . , proof will be submitted of the application to beneficial use of  
**2.0** ✓ cubic feet per second of the waters of **subterranean flow** ✓ . . . .  
. . . . in accordance with the terms and conditions of Permit No. **21326** ✓  
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are:  
✓ **Benjamin R. Huston, Rt. #6, Box 68, Caldwell, Idaho** . . . .

The use to which said water has been applied is **irrigation** . . . .

The amount applied to beneficial use is **2.0 cubic feet per second** . . . .

The place where said water is used, give full and accurate legal description: . . . .  
✓ **N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> Sec. 35, T<sup>1</sup>/<sub>2</sub>N, R<sup>1</sup>/<sub>2</sub>W BM** . . . .

The name of the canal or ditch or other works by which said water is conveyed to the  
place of use is ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

The right to take water from such works is based upon Permit No. **21326** . . . .

The source of supply from which such water is diverted is **subterranean flow** . . . .

Point of Diversion (legal description) **NE<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> Sec. 35, T<sup>1</sup>/<sub>2</sub>N, R<sup>1</sup>/<sub>2</sub>W BM** . . . .

The date of priority which said user is prepared to establish is **Jan. 3, 1950** ✓ . . . .

GEO. N. CARTER

State Reclamation Engineer

21326

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

RE: Permit No. 21326

Date Nov. 1, 1960

Benjamin R. Huston  
P. O. Box 68  
Caldwell, Idaho

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 21326 is due not later than Jan. 7, 1961. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a Notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated—by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

Enc. Form 10-11-instructions

21326

✓  
January 6, 1955

RE: Permit No. 21326

Mr. Benjamin R. Huston  
Route 6, Box 68  
Caldwell, Idaho

Dear Mr. Huston:

We enclose Certificate of Completion of Works issued on Permit No. 21326 for the diversion of 2 second feet of water from a well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 35, Township 4 North, Range 4 West, B.M. for irrigation of land in the N $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section.

We also enclose departmental receipt No. 27131 for the \$5.00 fee paid in connection with completion of works proof.

We note that you will be prepared to make proof of beneficial use in the Spring and we shall be glad to send you the necessary forms and instructions upon request.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:hl1  
Enc.

21326

Permit No. 21326STATE OF IDAHO  
Department of Reclamation

## Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Canyon

SS.

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. \_\_\_\_\_, and that his postoffice address is RT 6 Box 68 Caldwell Idaho  
State of Idaho

Second: That the name of the stream from which said water is to be diverted is a Well which is located on this place, and is a 12 in. diam. and 123 ft. deep.

Third: That the point of diversion of said water is around 300 ft. North and W. which is the No. 1 Ditch from a 12 in. Pipeline and the No. 2 outlet is 350 or 400 ft. North out of a 12 in. Pipe

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan 7 1953, 1953

Fifth: That the use for which said water is intended is \_\_\_\_\_

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Well and 30 H.P. Electric Motor and 1850 ft. Pipeline 12 in. 8 in. 6 in. Concrete  
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: all of Pipeline is in the ground 3 ft. deep and covered and is formed area

(a) Height of dam \_\_\_\_\_ feet, length of dam at top \_\_\_\_\_ feet, length of dam at bottom \_\_\_\_\_ feet. Material used in construction \_\_\_\_\_

I have a pick-up ditch on the upper side of the 10 ft. db. which the water is pumped through a 8 in. Concrete line 750 ft. in  
The main line of this place which runs a 3 H.P. Electric Motor and is a Electric. This setup is for 11 Acres  
(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir \_\_\_\_\_ acre feet.

(c) Size of headgate: Width \_\_\_\_\_ feet, height \_\_\_\_\_ feet.

(d) Conduit \_\_\_\_\_ width at bottom \_\_\_\_\_ feet, width at water line \_\_\_\_\_  
(State whether ditch, flume or pipe)

feet, depth of water \_\_\_\_\_ feet; diameter of pipe \_\_\_\_\_ inches, average grade per mile is \_\_\_\_\_ feet. Length of conduit is \_\_\_\_\_ miles.

Seventh: That said works are capable of conducting to the place of intended use \_\_\_\_\_  
2 second feet of water.

Eighth: That water appropriated under said permit is available for 100 Acres of land  
acres of land described as follows Sec. 35 - T 4 N. R 4 W. Boise Mer.

In NE 1/4 NW 1/4 SW 1/4 SE 1/4 NE 1/4 NW 1/4 SW 1/4 SE 1/4  
NE 1/4 SW 1/4 SE 1/4 N 2 NE 4, SE 4 NE 4, NE 4 SE 4 -

Ninth: Remarks: That this setup will irrigate 101 Acres out of my 160 Acres, and has been under irrigation in 1950 and every year there after

Benj. R. Austin  
(Sign Here)

Subscribed and sworn to before me this 5 day of Jan, 1953

My commission expires June 12 - 58 George T. Vogt Notary Public.

**State of Idaho**  
**DEPARTMENT OF RECLAMATION**  
**BOISE**  
**November 1, 1954**

RE: Permit No. 21326

**INSTRUCTIONS**

**PROOF OF COMPLETION OF WORKS**

**Mr. Benjamin R. Huston**  
**Box 713**  
**Caldwell, Idaho**

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 21326 you are required to complete your diversion works on or before January 7, 1955. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,  
**MARK R. KULP**

State Reclamation Engineer

21326

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 21326

Date January 9, 1950

We enclose herewith the above numbered permit. BE SURE AND  
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the  
State Reclamation Engineer, on the fourth page.

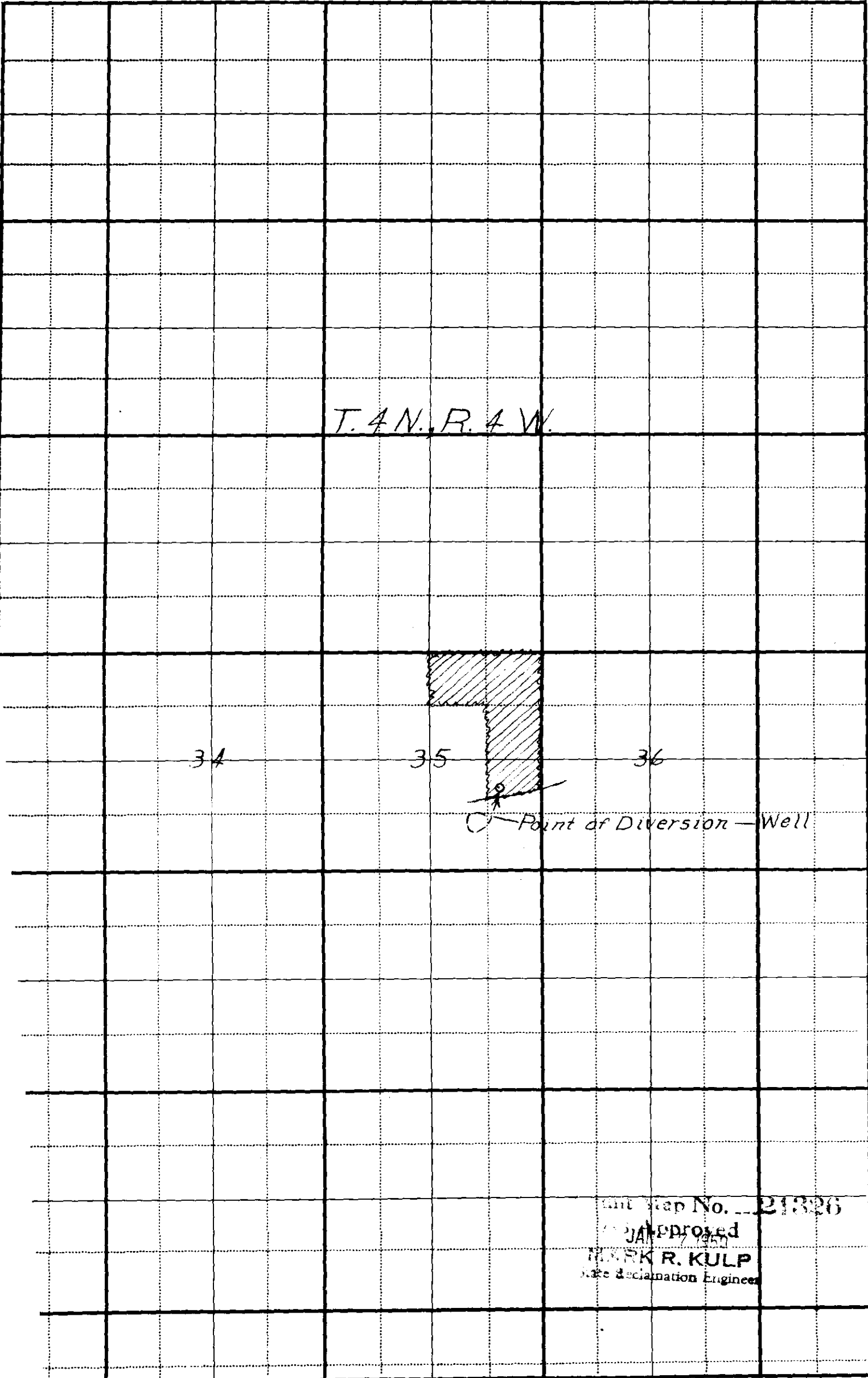
Mr. Benjamin R. Huston  
Box 713  
Caldwell, Idaho

MARK R. KULP  
State Reclamation Engineer

Enc. Departmental Receipt No. 22000.

21326





**NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 12:30 p.m. on the \_\_\_\_\_ day of January, 1961, at Caldwell, County of Canyon, State of Idaho, before George Vogt, 709 Arthur, proof will be submitted of the application to beneficial use of 2.0 cubic feet per second of the waters of subterranean flow in accordance with the terms and conditions of Permit No. 21326 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Benjamin R. Huston, Rt. No. 6, Box 68, Caldwell, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 2.0 cubic feet per second.

The place where said water is used, give full and accurate legal description:

N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 35, T4N, R4W BM.

The right to take water from such works is based upon Permit No. 21326.

The source of supply from which such water is diverted is subterranean flow.

Point of Diversion (legal description) NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 35, T4N, R4W, BM.

The date of priority which said user is prepared to establish is Jan. 3, 1950.

GEO. N. CARTER  
State Reclamation Engineer  
Nov. 26, Dec. 3, 10 & 17, 1960