

PLAT OF
THE WILSON SUBDIVISION
 OF
 THE W. 1/2 OF NE 1/4 OF SEC. 32, T. 4 N., R. 2 E., B. M.
 SCALE 200 FT. TO 1 INCH.
 A. TOLMAN C. E.

JUN 11 2002
 MICROFILM

Know All Men By These Presents, That the F. J. Garver Company, Limited, a corporation, organized and existing under and by virtue of the laws of the State of Idaho, is the owner of the N. 1/2 of the N.E. 1/4 of Sec. 32, Twp. 4 N., R. 2 E., B. M. with the exception of several tracts of land designated by the letters "C", "D", "E" and "H", respectively, as shown upon this plat, and the said Corporation acting by and through its President and Secretary do hereby subdivide and plat the said land as shown herein, with the exception of all tracts designated by the letters "A", "B", "F", "G" and "I", and we do hereby set apart and dedicate the streets and alleys as shown herein to the use of the public forever.

The F. J. Garver Company, Ltd.
 by *E. J. Garver* President.

Attest: *E. J. Ostrom*
 Secretary

I hereby certify that this plat has been drawn from actual surveys made by me upon the ground, and that the same is correct.

Edw. R. Edmonson
 Surveyor

State of Idaho } s.s.
 County of Ada }
 On this 19th day of April in the year 1910, before me *W. H. Fryer*, a Notary Public in and for said County, personally appeared *E. J. Garver* and *E. J. Ostrom*, known to me to be the President and Secretary respectively of the Corporation that executed the within instrument, and acknowledged to me that such Corporation executed the same.

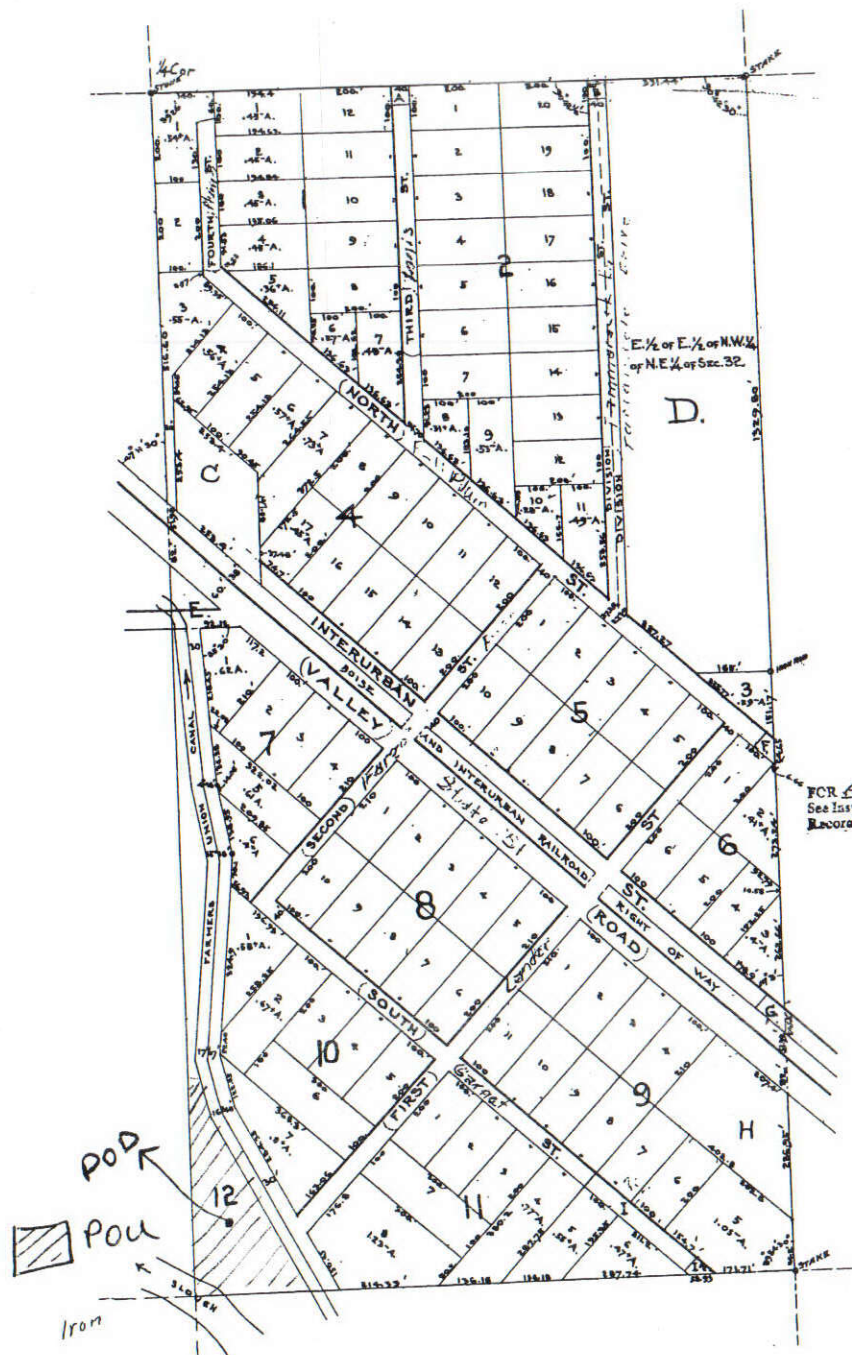
In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Wilbert H. Fryer
 Notary Public

State of Idaho } s.s.
 County of Ada }
 29654
 I hereby certify that this instrument filed for record at request of *E. J. Ostrom* at 3:55 minutes past 2 o'clock P.M. this 21 day of April 1910, in my office, and duly recorded in book 5 of Plat Books at page 201.

W. L. Condit
 Ex. Office Recorder
Maudie Miller
 Deputy

Fee \$3.60



FOR Annexation by Boise City --
 See Instrument No. 359327 : May 17-1914
 Recorded Book 27, page 47-48 of 171 C. n. l. 1-3

COPY

POOR
 POOR

Iron

2000 MAR 31 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-21814

NAME AND ADDRESS: LYNNE Z BALL
RAYMOND DALE BALL
891 LANDER
BOISE, ID 83703

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 05/16/1951

POINT OF DIVERSION: T04N R02E S32 SESENW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 4 HOMES	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Ada County
T04N R02E S32 SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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


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

MICROFILMED

JUN 1 1 2002

MEMORANDUM

DATE: May 28, 2002
FROM: KARI LYNN TOWNSEND
TO: FILE 63-21814
RE: Telephone conversation

=====

I phoned Beth Baird at City of Boise, Public Works Dept. today regarding the intentions of the City regarding their Notice of Change in Water Right Ownership request that was received on October 12, 2001 at Western Region.

Beth stated that their legal department was looking into the problem of non-matching legal descriptions as designated in our letter of May 22, 2002 and that they will reach a conclusion sometime in the future. She felt that it would be appropriate for us to return their ownership change request and any related paperwork.

I return the ownership change by mail today and included an Application for Transfer with instructions.

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JUN 11 2002

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

RECEIVED

OCT 12 2001

WATER RESOURCES
WESTERN REGION

RECEIVED

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

OCT 15 2001

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-21814				

COPY

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

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

OR

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

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

Lynne & Raymond Ball
891 Linden St Boise, ID 83703

4. New Owner/Claimant(s)

City of Boise Public Works Dept.
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 500

City, State and ZIP Code

Boise, ID 83701

New Telephone Number

208 384-3901

5. Date you acquired the property

6/6/2001

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JUN 11 2002

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

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

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

7. Signature of New Owner(s) or Claimant(s) W. J. Arnold
(include title if applicable) Public Works Department Director

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

For Office Use Only

Received by DS Date 10-12-01 Fee \$25-
 Received by DS Date 10-12-01 Receipt No. W028404
 Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED

JUN 11 2002

WARRANTY DEED

Order No.:01092555

FOR VALUE RECEIVED

Superior Value Construction and Development, L.L.C., an Idaho limited liability company
the grantor(s), do(es) hereby grant, bargain, sell and convey unto

The City of Boise, a municipal corporation
whose current address is 150 North Capitol Blvd.; Boise, ID 83702

the grantee(s), the following described premises, in Ada County, Idaho, TO WIT:

Per Exhibit "A" attached hereto and made a part hereof

The premises should be exempt from the lien of property taxes levied, assessed or imposed after the date of delivery and recording of this Deed, pursuant to Idaho Code Section 63-602-A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 13, 2001

Superior Value Construction & Development, L.L.C.

By: James S. Gibson, Manager

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

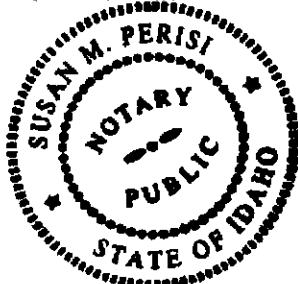
2001 JUN 15 PM 3:34

RECORDED - REQUEST OF
ALLIANCE TITLE
FEE \$600 DEPUTY *[Signature]*
101058462

State of Idaho }
} ss.
County of Ada }

On this 13th day of June in the year 2001, before me, Susan M. Perisi, a Notary Public in and for said state, personally appeared James S. Gibson known or identified to me to be the Manager of the Limited Liability Company known as Superior Value Construction and Development, L.L.C who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

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



[Signature]
Notary Public for the State of Idaho

Residing at: Boise

Commission Expires: 10 22 05

MICROFILM

JUN 15 2002

NWNE
SWNE

EXHIBIT "A"

A parcel of land situate in the West Half of the Northeast Quarter of Section 32, Township 4 North, Range 2 East, Boise Meridian, Boise City, Ada County, Idaho, being a portion of Block 12 of WILSON SUBDIVISION, as shown on the official plat thereof in Book 5 of Plats at Page 201 in the office of the Ada County Recorder, lying Northwesterly of Lander Street, more particularly described as follows:

BEGINNING at the Center Quarter corner of said Section 32, which is the REAL POINT OF BEGINNING; thence
North 00 degree 13'30" West, 229.00 feet along the North-South Quarter Section line of said Section 32; thence
North 89 degrees 46'30" East, 94.48 feet to a point 20 feet Southwesterly of the Southwesterly boundary of the Farmers Union Canal; thence
South 28 degrees 33'02" East, 168.94 feet along a line parallel to the Southwesterly boundary of the Farmers Union Canal to the Northwesterly boundary of Lander Street; thence
South 42 degrees 33'51" West, 111.21 feet along the Northwesterly boundary of Lander Street to a point on the East-West Quarter Section line of said Section 32; thence
North 89 degrees 27'30" West, 99.10 feet along the East-West Quarter Section line of said Section 32 to the REAL POINT OF BEGINNING.

COPY

MICROFILMED

JUN 11 2002

WARRANTY DEED

Order No.: 01092535

FOR VALUE RECEIVED

Raymond Dale Ball and Lynne Z. Ball, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto
Development

Superior Value Construction & Development, L.L.C., an Idaho limited liability company

whose current address is: 337 N. 30th #M-102; Boise, ID 83702

the grantee(s), the following described premises, in Ada County, Idaho, TO WIT:

Per Exhibit "A" attached hereto and made a part hereof

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 6, 2001

Raymond Dale Ball
Raymond Dale Ball

Lynne Z. Ball
Lynne Z. Ball

RECORDED - REQUEST OF
ALLIANCE TITLE
FEE 600 DEPUTY
101058461

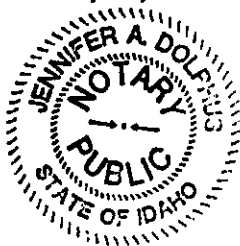
ADA COUNTY RECORDER
J. DAVID NAVARRO
BRISF. IDAHO

State of Idaho

County of

2001 JUN 15 PM 3:34
2001

On this 7 day of June, 2001, before me, a Notary Public in and for said state, personally appeared Raymond Dale Ball and Lynne Z. Ball known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed 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.



Jennifer A. Dolan
Notary Public for the State of Idaho
Residing at: Nampa
Commission Expires: 11-12-2004

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JUN 11 2002

COPY

EXHIBIT "A"

COPY

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INITIAL HERE

R. D. B.

INITIAL HERE

L. Z. B.

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JUN 11 2002

PLA1 Ur.

THE W. $\frac{1}{2}$ OF NE $\frac{1}{4}$ OF SEC. 32, T. 4 N., R. 2 E., B. M.

SCALE 200 FT. TO 1 INCH.
- A. TOLMAN C. E.

MICRO

LINE 1

[illegible]

Attest, 1900.

Secretary

I hereby certify that this plot has been drawn from actual
surveys made by me upon the ground, and that the same is
true.
Fred R. Ebbeson
Surveyor

State of Idaho } S.S.
C. J. C.

camp office). On this 19th day of April in the year 1910, before me, H. K. Tapp, a Notary Public in and for said County, personally appeared J. B. Brier and G. S. Atham, known to me to be the President and Secretary respectively of the Corporation that executed the last-mentioned instrument and they acknowledged to me that such Corporation executed the same.

for witness thereof, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written. Wm. S. Hall

Wilbert H. Eyer
Notary Public

29654

State of Illinois } S.S.
County of Cook }
City of Chicago }

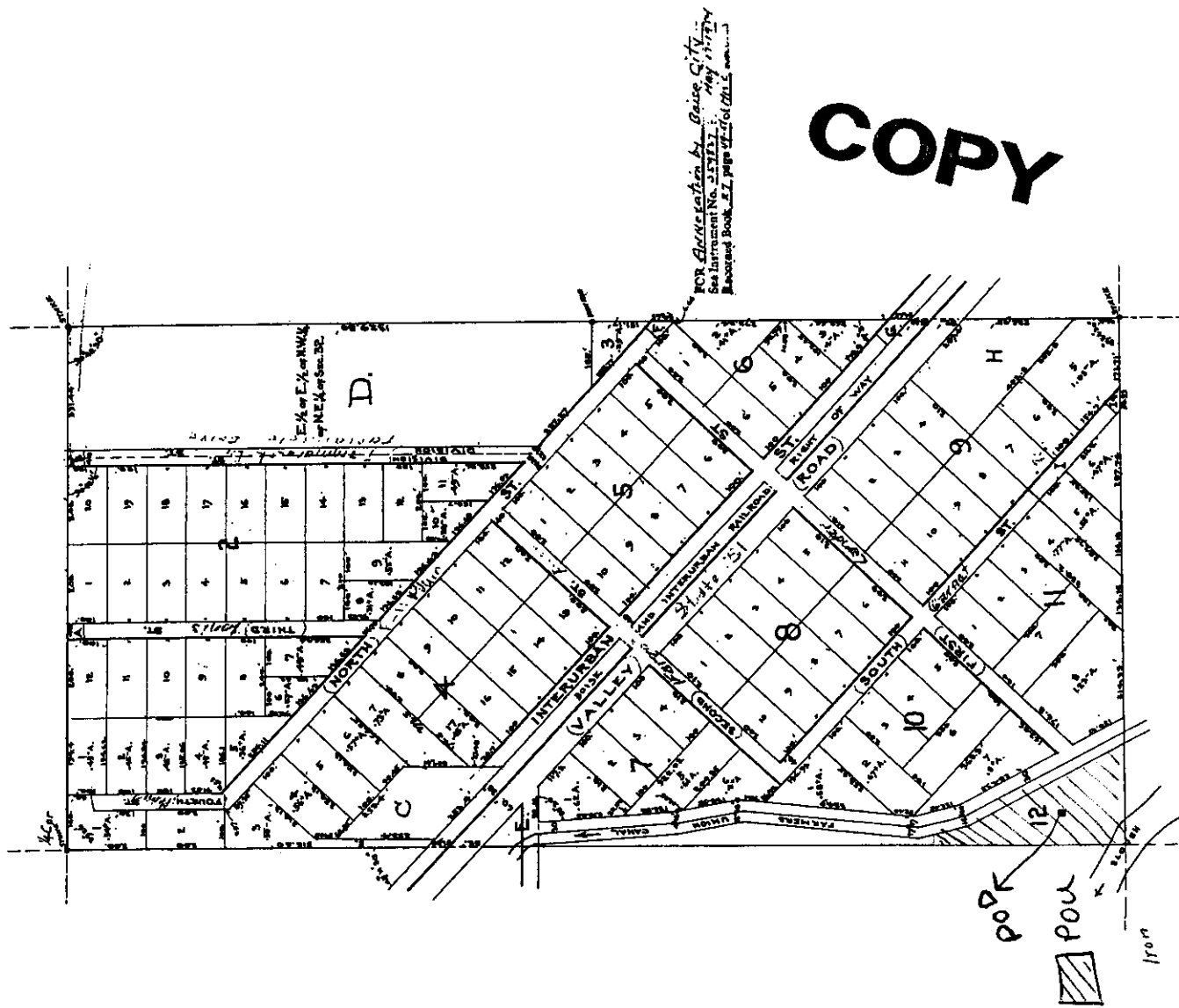
I hereby certify that this instrument filed for record at request of the Petition at 35 minutes past 2 o'clock P.M., this 1st day of April 1910, in my office, and duly recorded in book 5 of Deeds Book at page 241.

Feb 23 60

Ex Officio Coordinator
Maude Miller Deputy

Depository

COPY





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 22, 2002

CITY OF BOISE PUBLIC WORKS DEPT
ATTN BETH BAIRD
PO BOX 500
BOISE ID 83701-0500

RE: Change in Ownership of Decreed Water Right 63-21814

Dear Ms. Baird:

The Department of Water Resources acknowledges receipt of the information you submitted in support of your Notice of Change in Water Right Ownership filed on October 12, 2001 for the water right referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right(s) with a place of use different than your property as described in the documentation you originally submitted. We have reviewed your information and found that it is not sufficient to resolve the place of use discrepancy. The legal description you provided shows land in the **Northeast (NE)** quarter and the partial decree indicates the property as being in the **Northwest (NW)** quarter. A copy of the partial decree is enclosed for your information.

In order to process your change in ownership, we need documentation to show that you own the water right(s) or the property described as the place of use for the water right(s). If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

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

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JUN 11 2002

As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source.
- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,



Kari Lynn Townsend
Secretary

Enclosure(s)

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JUN 11 2002

ACTION CHECKLIST

Subcase No.:

[illegible]

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JUN 11 2002

Check Date: Oct 3, 2001

Check No. 081036

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discount Available	Paid Amount
63-21814	Sep 1, 2001	00182502	25.00	0.00	25.00

W028404 *eg* 10/12/01
\$25-

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OCT 11 2002
Vendor Name

Vendor Number	Vendor Name		Total Discounts		
0000012333	STATE OF IDAHO DEPT OF WATER RESOURCES		\$0.00		
Check Number	Date		Total Amount	Discounts Taken	Total Paid Amount
081036	Oct 3, 2001		\$25.00	\$0.00	\$25.00

PUBLIC WORKS DEPARTMENT
CITY HALL



H. BRENT COLES
MAYOR

COUNCIL MEMBERS

CAROLYN TERTEILING-PAYNE
COUNCIL PRESIDENT

MIKE WETHERELL
COUNCIL PRO TEM

SARA BAKER
PAULA B. FORNEY
M. JEROME MAPP
JON MASON

IDWR Western Region
2735 Airport Way
Boise, ID 83705-2190

To Whom it May Concern:

Please find the enclosed form and attachments for a change in water right ownership to the City of Boise, Public Work Department. Please call me at 384-3984 if you have any questions. Thanks you.

Sincerely,

Beth K. Baird
Environmental Programs Coordinator

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JUN 11 2002