

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-161BJ

DONALD K BRANDT
203 11TH AVE S
NAMPA ID 83651
Telephone Number: (208)466-7821

JOAN M BRANDT
203 11TH AVE S
NAMPA ID 83651
Telephone Number: (208)466-7821

MARILYN I BRANDT
203 11TH AVE S
NAMPA ID 83651

1. Describe the portion of the proposed recommendation with which you disagree (e.g., priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE:

10-23-06

SIGNATURE:

Don Brandt

Please print your name:

Don Brandt

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

09/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-161BJ
NAME AND ADDRESS: DONALD K BRANDT
203 11TH AVE S
NAMPA ID 83651

JOAN M BRANDT
203 11TH AVE S
NAMPA ID 83651

MARILYN I BRANDT
203 11TH AVE S
NAMPA ID 83651

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 1.000 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 05/01/1866
POINT OF DIVERSION:
T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.000 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights

for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within ADA County

T03N R04W S07	NENE	20.00	T03N R04W S08	NENW	37.00
T03N R04W S08	NWNW	36.00			

09/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

93 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered via the New York Irrigation District Canal.

This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 27, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Donald, Marilyn & Joan Brandt
203 11th Ave. S.
Nampa, ID 83651

Notice of Claim to a Water Right No. 63-161BJ

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in blue ink that reads 'L. Gagnon'. The signature is fluid and cursive, with the first letter 'L' being particularly large and stylized.

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

09/04/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-161BJ

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:

T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.000 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within ADA County

T03N R04W S07	NENE	20.00	T03N R04W S08	NENW	37.00
T03N R04W S08	NWNW	36.00			

93 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered via the New York Irrigation District Canal.

This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.

Water Right(s)

63-161BJ

IDAHO DEPT OF WATER RESOURCES

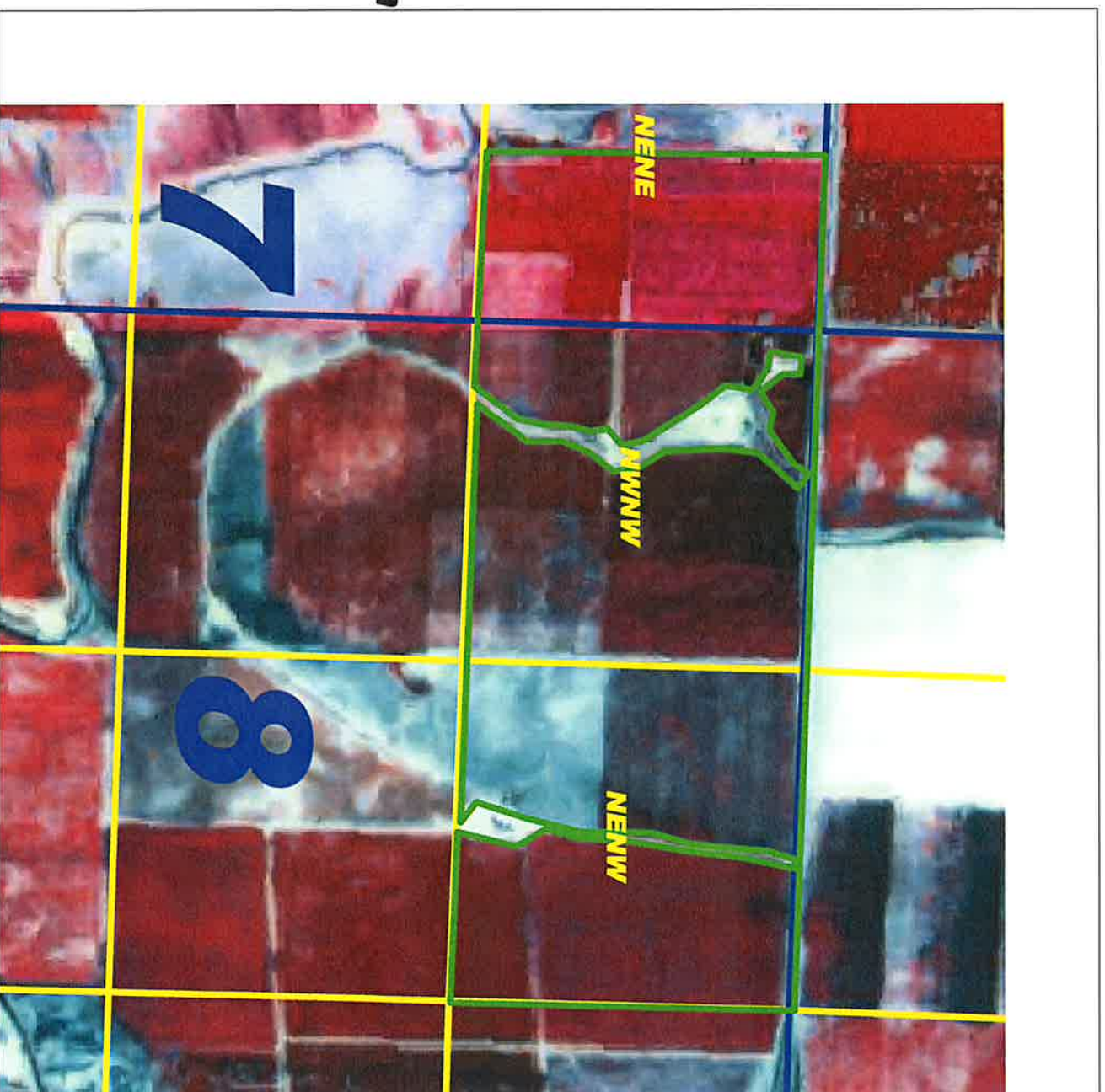
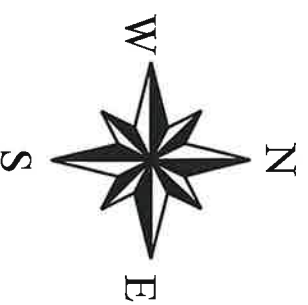
1987/1988 NAPP Photo
Prepared by: J. Shurte
Date: September, 2006

● Point of Diversion

View 1

114114 Lines

Section Lines



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-161BJ
Date Received: 7/28/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DONALD K BRANDT Phone: (208)466-7821
203 11TH AVE S
NAMPA ID USA 83651

JOAN M BRANDT Phone: (208)466-7821
203 11TH AVE S
NAMPA ID USA 83651

MARILYN I BRANDT Phone:
203 11TH AVE S
NAMPA ID USA 83651

2. Date of Priority: 05/01/1866

3. Source: BOISE RIVER , BOISE RIVER Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03E	3		CANYON	
03N	02E	24		CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	250	500

7. Total Quantity Appropriated is:
250 C.F.S. and/or 500 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	04W	7	NE	NE	IRRIGATION	20
					Section Acres	20
03N	04W	8	NW	NW	IRRIGATION	40
			NE	NW	IRRIGATION	40
					Section Acres	80
					Total Acres	100

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This is a Cruzon water right, transferred in 1963 from Consumers Water Corp. to Glenn Draper Tract. This tract and water rights were purchased by Symms Fruit Ranch in 1965.

CHANGE IN OWNERSHIP LG 9-27-2006

15. Basis of Claim: Decreed

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

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

RECEIVED
 RECEIVED
 SEP 15 2006
 WATER RESOURCES
 WESTERN REGION

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
63-161BJ					
63-28944					

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)

Symms Fruit Ranch Inc
14068 Sunnyslope Rd Caldwell ID

4. New Owner/Claimant(s)

* Donald K. Brandt & 83607
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

203 11th Ave S

City, State and ZIP Code

Nampa, ID - 83651

New Telephone Number

208 466-2821

5. Date you acquired the property

12-7-05

* Marilyn I. Brandt & Joan M. Brandt

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)
(include title if applicable)

Don Brundt

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 lg Date 9-15-06 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by lg AJ Date 9/27/06 WR _____ Date _____
reviewed by J. Shurte

PN 88408 INSTRUMENT NO. 200584019

WARRANTY DEED (CORPORATE FORM)

SYMMS FRUIT RANCH, INC., a corporation organized and existing under the laws of the State of Idaho, with its principal office at NAMPA of County of CANYON grantor, hereby CONVEYS or GRANTS and WARRANTS TO **DONALD E. BRANDT** and **MARILYN I. BRANDT** and **JOAN M. BRANDT** all unmarried persons, whos mailing address is 203 11th Ave S, Nampa, ID 83401 for the sum of —TEN AND OTHER GOOD AND VALUABLE CONSIDERATION DOLLARS, the following described tract(s) of land in Canyon County, State of Idaho:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

Location of above described property _____

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this December 7, 2005.

BY R.A. Symms **SYMMS FRUIT RANCH, INC.**
ITS PRESIDENT

STATE OF IDAHO

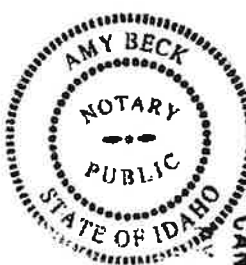
County of Canyon

On this 12 day of DECEMBER, 2005, before me, a Notary Public in and for the State, personally a R.A. Symms a President

known to me to be the President of SYMMS FRUIT RANCH, INC., a corporation and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors a R.A. Symms a id did duly acknowledge to me that said corporation executed the same.

Notary Public residing at: _____
My commission expires: _____

Residing in Nampa, Idaho
My Commission Expires 4/21/06



PIONEER - NAMPA
REQUEST Deed
TYPE Deed FEE 12.00

2005 DEC 15 PM 4 11
G NOEL HALES
CANYON CNTY RECORDER

RECORDED

200584019

PN88408

Exhibit "A"

TRACT I

The East Half of the Northeast Quarter of the Northeast Quarter of Section 7, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

Excepting therefrom that portion conveyed to GOLDEN GATE HIGHWAY DISTRICT NO. 3, described as follows:

A parcel of land being on the right side of the center line of Homedale Road, Project No. 3724(100), road survey as shown on the plans thereof now on file with the Golden Gate Highway District and being a portion of the Northeast Quarter, Section 7 and of the Northwest Quarter, Section 8, Township 3 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and more particularly described as follows:

Commencing at a brass cap marking the Northeast corner of said Section 7; thence South 00° 23' 17" West, 24.58 feet to a point on the Southerly right of way of Homedale Road as shown on F.A.P. S-262(1), being the POINT OF BEGINNING; thence along said right of way

South 88° 12' 00" East, 845.10 feet to a point; thence continuing along said right of way

South 88° 19' 00" East, 473.33 feet to a point on the Easterly boundary of the Northwest Quarter of the Northwest Quarter of said Section 8; thence leaving said right of way and along the said Easterly boundary

South 00° 18' 34" West, 17.65 feet to a point; thence

North 88° 08' 45" West 1,318.51 feet to a point on the Easterly boundary of said Section 7; thence continuing

South 88° 08' 45" West, 56.02 feet to a point; thence

North 01° 51' 15" East, 15.38 feet to a point on the Southerly right of way of Homedale Road; thence along said right of way

South 88° 12' 00" East, 55.63 feet to the POINT OF BEGINNING.

TRACT II

A part of the Northwest Quarter of the Southwest Quarter of Section 8, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

BEGINNING at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 8, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho, the INITIAL POINT of this description; thence

South 0° 35' West 243.73 feet along the West line of the said Northwest Quarter of the Southwest Quarter to a point on the centerline of the Deer Flat Low Line Canal; thence meandering along said centerline

North 53° 08' 30" East 221.79 feet; thence

North 79° 57' East 181.07 feet; thence

South 73° 31' 25" East 195 feet; thence

South 77° 38' 40" East 258.02 feet; thence

South 84° 05' 25" East 85.85 feet; thence
North 82° 23' 30" East 171.34 feet; thence
North 58° 07' 30" East 251.16 feet; thence
South 76° 10' East 65.43 feet to a point on the East line of the said Northwest Quarter of the Southwest Quarter; thence leaving said centerline
North 0° 37' 37" East 28.50 feet along the said East line to the Northeast corner thereof; thence
North 88° 59' 50" West 1,319.89 feet along the North line of the said Northwest Quarter of the Southwest Quarter to the INITIAL POINT of this description.

TRACT III

The West Half of the Northwest Quarter of Section 8, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

Excepting therefrom that portion conveyed to GOLDEN GATE HIGHWAY DISTRICT NO. 3, described as follows:

A parcel of land being on the right side of the center line of Homedale Road, Project No. 3724(100), road survey as shown on the plans thereof now on file with the Golden Gate Highway District and being a portion of the Northeast Quarter, Section 7 and of the Northwest Quarter, Section 8, Township 3 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and more particularly described as follows:

Commencing at a brass cap marking the Northeast corner of said Section 7; thence
South 80° 23' 17" West, 24.58 feet to a point on the Southerly right of way of Homedale Road as shown on F.A.P. S-262(1), being the POINT OF BEGINNING; thence along said right of way
South 88° 12' 00" East, 845.10 feet to a point; thence continuing along said right of way
South 88° 19' 00" East, 473.33 feet to a point on the Easterly boundary of the Northwest Quarter of the Northwest Quarter of said Section 8; thence leaving said right of way and along the said Easterly boundary
South 00° 18' 34" West, 17.65 feet to a point; thence
North 88° 08' 45" West 1,318.51 feet to a point on the Easterly boundary of said Section 7; thence continuing
South 88° 08' 45" West, 56.02 feet to a point; thence
North 01° 51' 15" East, 15.38 feet to a point on the Southerly right of way of Homedale Road; thence along said right of way
South 88° 12' 00" East, 55.63 feet to the POINT OF BEGINNING.

TRACT IV

This parcel is a portion of the SE 1/4 NE 1/4 of Section 7, Township 3 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the southeast corner of said SE 1/4 NE 1/4;

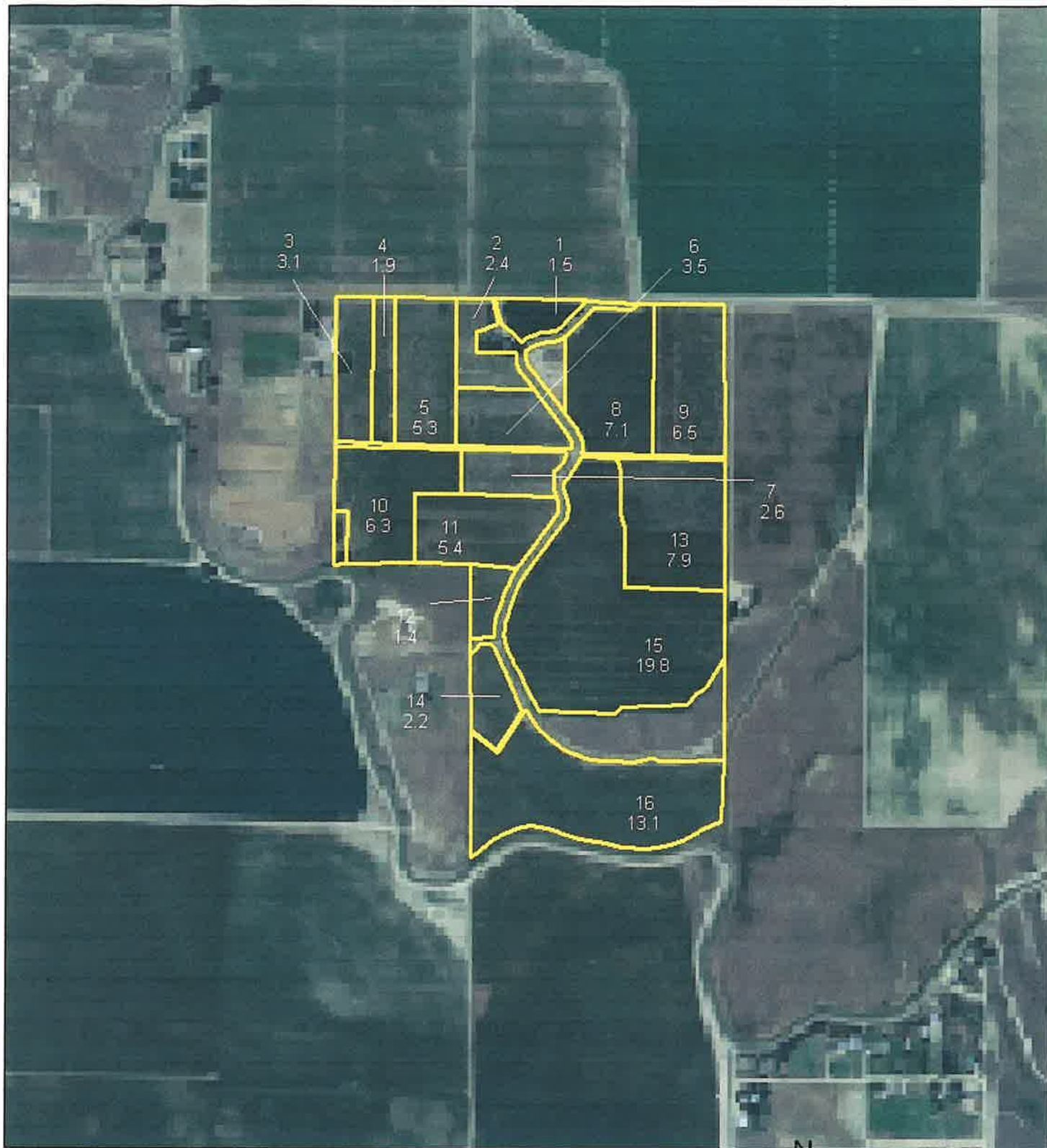
thence North 1° 1'03" West along the east boundary of said SE 1/4 NE 1/4 a distance of 1284.70 feet to the TRUE POINT OF BEGINNING;

thence North $88^{\circ} 53' 12''$ West a distance of 658.90 feet;

thence North $1^{\circ} 15' 11''$ West a distance of 45.24 feet to a point on the north boundary of said SE $1/4$ NE $1/4$;

thence South $89^{\circ} 39' 14''$ East along said north boundary a distance of 658.56 feet to the north east corner of said SE $1/4$ NE $1/4$;

thence South $1^{\circ} 17' 03''$ East along the east boundary of said SE $1/4$ NE $1/4$ a distance of 54.06 feet to the TRUE POINT OF BEGINNING.



United States Department of Agriculture
Farm Service Agency
Canyon County, ID

September 12, 2006



Tract 2793

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-161BJ
Date Received: 7/28/2004
Receipt No: W032058
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SYMMS FRUIT RANCH INC Phone: (208)459-4821
14068 SUNNY SLOPE RD
CALDWELL ID USA 83607

2. Date of Priority: 05/01/1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03E	3		CANYON	
03N	02E	24		CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	250	500

7. Total Quantity Appropriated is:
250 C.F.S. and/or 500 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03N	04W	7	NE	NE		IRRIGATION	20
						Section Acres	20
03N	04W	8	NW	NW		IRRIGATION	40
			NE	NW		IRRIGATION	40
						Section Acres	80
						Total Acres	100

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This is a Cruzon water right, transferred in 1963 from Consumers Water Corp. to Glenn Draper Tract. This tract and water rights were purchased by Symms Fruit Ranch in 1965.

15. Basis of Claim: Decreed

RECEIVED

JUL 28 2004

WATER RESOURCES
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

A63-161BJ

7-28-04

W032058

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) SYMMES FRUIT RANCH INC Phone (208) 459-4821Mailing Address 14068 SUNNY SLOPE RD CAIDWELL IDAHO Zip 836072. Date of Priority (Only one (1) per claim) MAY 1 18663. Source of water supply (a) SURFACE - BOISE PROJECT
which is tributary to (b) BOISE RIVER4. a. Location of existing point of diversion is: Township 3N Range 2E Section 24
T-2N R-3E Sec-3
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____Additional points of diversion if any: N/A

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

SCANNED

AUG 10 2004

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from MARCH to NOVEMBER amount 1/DAY or 2/DAY

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 250 (cfs) and/or (b) 500 (acre feet)

8. Total consumptive use claimed is 500 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>3N</u>	<u>4W</u>	<u>7</u>	<u>20</u>																<u>20</u>
<u>3N</u>	<u>4W</u>	<u>8</u>					<u>40</u>	<u>40</u>											<u>80</u>

Total number of acres irrigated 100

11. In which county (ies) are lands listed above as place of use located? CANYON

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: THIS IS A CRUZON WATER RIGHT - TRANSFERRED
IN 1963 FROM CONSUMERS WATER CORP TO GLENN DRAPER
TRACT. THIS TRACT & WATER RIGHTS WERE PURCHASED
BY SYMMS FRUIT RANCH IN 1965

Last Name SYMMS Ident No. A 63-161-BJ

SCANNED

AUG 10 2004

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number A 63-161-BJ

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT

of SYMMES FRUIT RANCH INC. Title _____ that I have signed the foregoing

document in the space below as PRESIDENT Title _____ of SYMMES FRUIT RANCH Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent RA Symmes

Title and Organization PRESIDENT Date 26 July 2004

State of Idaho/or Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 26th day of July 19 2004

Notary Public Eileen M. Berkenbile

Residing at Caldwell, Id 83605

My Commission Expires 7-11-06

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

SCANNED

AUG 10 2004

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

Canyon County

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 15, 2004

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

RE: Notice of Claim to a Water Right No. 63-161BJ

Dear Property Owner(s):

Enclosed you will find a Notice of Claim to a Water Right form, along with a copy of the Notice of Change in Water Right Ownership you recently submitted. Department records show that this right has not been previously filed on. In order to complete the process of filing this claim in your name, please review the claim attached, sign in front of a notary, and initial any changes that were made.

The appropriate filing fee for this claim is \$50, plus \$1 per acre claimed. Please submit the completed claim and filing fee at your earliest convenience.

Thank you again for your patience and cooperation. If you have any questions concerning this matter, please feel free to contact this office at any time.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosures

SCANNED
JUL 15 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161BJ

WATER RIGHT NUMBER: 63-161BJ

Owner Type Name and Address
 Current Owner CONSUMERS WATER CORP

BOISE, ID
 Original Owner RICHARD Z JOHNSON

BOISE, ID
 Original Owner JOSEPH PERRAULT

BOISE, ID

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.000 CFS

Annual VolumeTotal Diversion:

1.000 CFS

Location of Point(s) of Diversion

BOISE RIVER

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	7	X																
03N	04W	8					X	X											

acres?

Conditions of Approval:Remarks:

- General TRANS. 1007.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161BJ

Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------



SYMMS FRUIT RANCH, INC.

14068 Sunny Slope Road • Caldwell, Idaho 83607

Telephone: (208) 459-4821 • LD: (208) 459-8064

Fax: (208) 459-6932 • e-mail: SFR@SymmsFruit.com

RECEIVED
JUN 23 2004
WATER RESOURCES
WESTERN REGION

June 21, 2004

Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: E1/2 of NE 1/4 of NE 1/4 Section 7 3N 4W (W-333)
And W 1/2 of NW 1/4 Section 8 3N 4W (W-333)

Dear Sir;

The following documents are enclosed with the explanation as follows:

1. Notice of change of water right ownership
2. Water right report
3. Copy of official transfer of this water right, and adjudication filed in 1989

The above referenced property was purchased from Glenn Draper by Symms Fruit Ranch in 1965. This Cruzon water right was transferred with this land purchase and adjudication filed on February 28, 1989. Please officially change the title of this water right to Symms Fruit Ranch.

Sincerely,

R. A. Symms

Cc: Wilder Irrigation District

SCANNED
JUN 24 2004



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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-161BJ					

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)

CONSUMERS WATER CORP

4. New Owner/Claimant(s)

SYMMES FRUIT RANCH INC
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

14068 Sunny Slope Road

City, State and ZIP Code

CALDWELL IDAHO 83607

New Telephone Number

208 459-4821

5. Date you acquired the property

1965

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JUN 24 2004

SCANNED

JUN 29 2004

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) _____
(include title if applicable)

R. A. Symms - PRESIDENT

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 *DB* Date *6.23.04* Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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JUN 24 2004

SCANNED

JUN 29 2004

RECEIVED

JUN 23 2004

WATER RESOURCES
WESTERN REGION

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Transfer of Water Right
Transferred Right No. 1007

THIS IS TO CERTIFY, That Consumers Water Corporation, through G.S. Taylor, President, 414 First National Bank Building, Boise, Idaho, is the owner of and using a certain water right for 2500 inches or 50 cubic feet per second, of the waters of the Boise River, with priority of May 1, 1866, decreed to Joseph Perrault and Richard Johnson, by Judge George H. Stewart of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Ada, in the case of

FARMERS COOPERATIVE DITCH CO.

a corporation,

Plaintiff

vs.

RIVERSIDE IRRIGATION DISTRICT, Ltd.,

a corporation, etaal

Defendants

said decree bearing date of January 18, 1906, and being appurtenant to the following described lands, to-wit:

Town lots and agricultural lands lying under what is known as the Walling Ditch or Consumers Canal, in Sections 11, 12, 13 and 14, Township 3 North, Range 2 East, B.M., and Sections 28, 29, 32, 33 and 34, Township 4 North, Range 2 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at Page 410 thereof;

That said Consumers Water Corporation has become the owner of said water right through mesne conveyance;

And that now, upon the application of the Consumers Water Corporation through G.S. Taylor, President, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 50 miners inches, or 1 cubic foot per second of the waters of Boise River upon the above described lands is hereby abandoned, and the lands to be irrigated under such right and to which the water right HEREBY CONFIRMED, shall become appurtenant by this Certificate for irrigation and domestic purposes is described as follows, to-wit:

E 1/2 of the NE 1/4 of the NE 1/4, Section 7, and the
W 1/2 of the NW 1/4, Section 8, Township 3 North, Range
4 West, B.M. known as the W. Glenn Draper Tract; (W-333)

SCANNED

JUN 24 2004

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

50 inches, or 1 cubic foot per second, with priority of May 1, 1866;

That the water right hereby transferred has heretofore been conducted to the first above described lands through the Consumers Canal with point of diversion in Section 24, Township 3 North, Range 2 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the New York Canal with point of diversion in Section 3, Township 2 North, Range 3 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of April, 1963.

/s/

Carl E. Tappan
Assistant State Reclamation Engineer

(Seal)

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JUN 23 2004
WATER RESOURCES
WESTERN REGION

Filed 2-28-89

180

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
Consumers Water Corporation, through)
G.S. Taylor, President, of Boise,)
Idaho)
)
For a Transfer of Water Right in)
Water District No. 12-A, County of)
Ada)

ORDER GRANTING TRANSFER

No. 1007

WHEREAS, On the 18th day of March, 1963, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Consumers Water Corporation, through G.S. Taylor, President, of Boise, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is hereby granted, and that a certificate of transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of April, 1963.

/s/

Carl E. Tappan
Assistant State Reclamation Engineer

(Seal)

SCANNED
JUN 24 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 24, 2004

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

RE: Notice of Change of Water Right Ownership No. 63-161BJ

Dear Claimants:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was recently submitted to our office. However, we cannot continue to process the ownership change without a **signature**. Please sign and return this form at your earliest convenience.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region
(208) 334-2190

DB: db

Enclosures

SCANNED

JUN 24 2004