STATUS CONFERENCE NOTES: **RIGHT NO.** 63-4938

DATE: 6-1-10

Motion to rescind granted, ADR docketed, no objections & ok'd by SM Booth. Master's Rec. coming to rescind partial decree & re-issue w/irrigation.

ADR submitted on 3/31/10

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER S

RIGHT NUMBER: 63-4938

NAME AND ADDRESS: JON WEILMUNSTER
27207 BOISE RIVER RD
PARMA ID 83660

MARY WEILMUNSTER
27207 BOISE RIVER RD
PARMA ID 83660

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.230 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/30/1948

POINT OF DIVERSION:

T05N R05W S11 NWSW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.200 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S11 NWSW 10.00

STOCKWATER in CANYON County

T05N R05W S11 NWSW

10 ACRES TOTAL

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

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

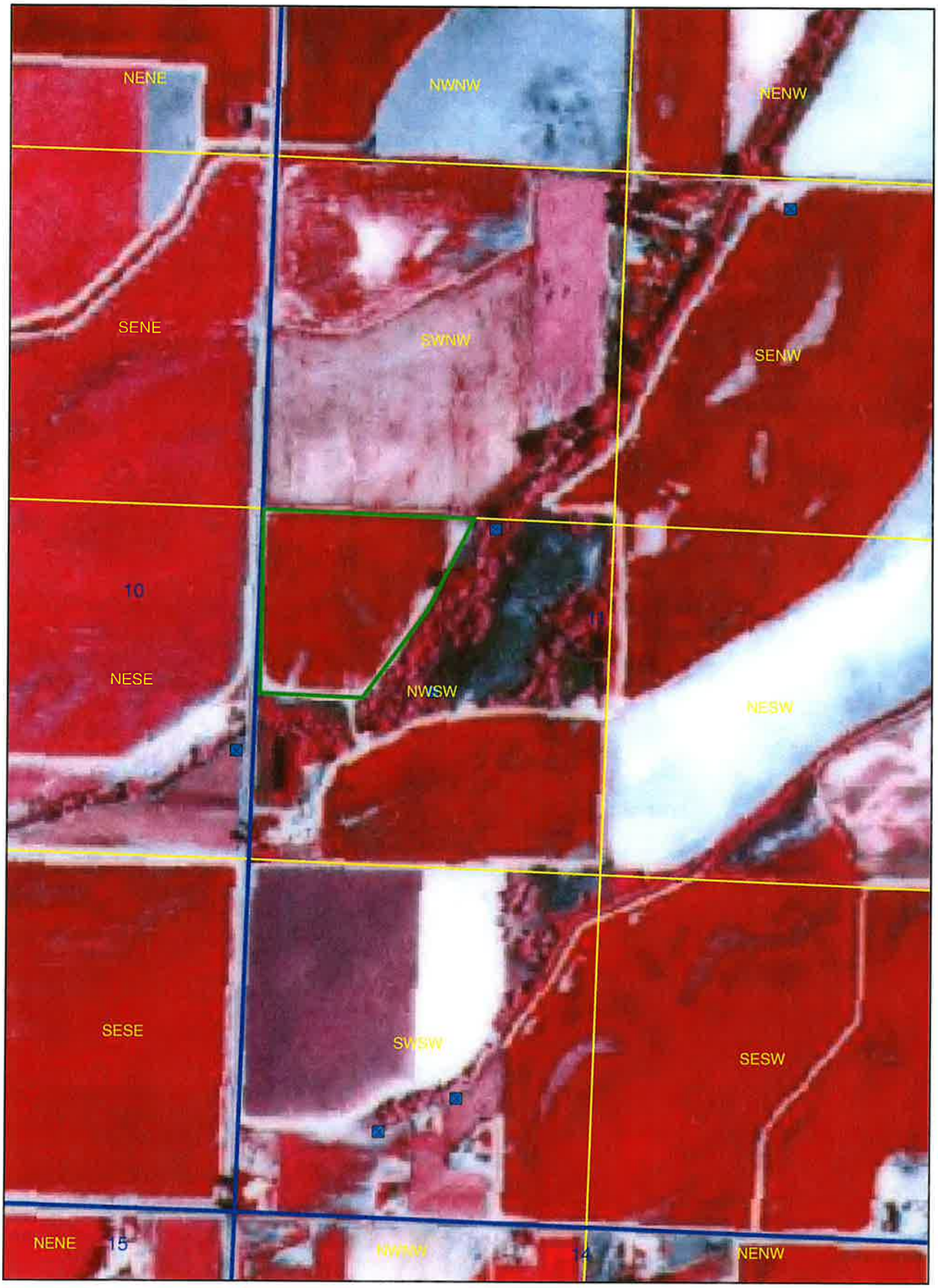
The source of this right is wastewater. The wasting of water may be discontinued at any time.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.

Weilmunster - 63-4938



Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, February 23, 2010 9:05 AM
To: Spencer, Nick; Williams, Ray
Subject: FW: incoming fax - 334-2348

This is what I received from Jon Weilmunster yesterday. This is one where Jon Weilmunster wants to rescind the partial decree. We had a conference on 10-27-09 where SM Booth requested a package be put together on this to see if he has a chance. My problem is that this land is also irrigated with Farmer's Co-Op water. I still need to know if it is Farmer's Co-Op or drain water. I'll try and call Jon sometime before the hearing. I had forwarded information I sent to Jon on 11-4-09 and the first time I heard from him was yesterday.

Jan

From: IDWR Fax Western
Sent: Monday, February 22, 2010 11:51 AM
To: Shurte, Jan
Subject: FW: incoming fax - 334-2348

From: IdwrFaxWest@idwr.idaho.gov [mailto:IdwrFaxWest@idwr.idaho.gov]
Sent: Monday, February 22, 2010 12:39 PM
To: IDWR Fax Western
Subject: incoming fax - 334-2348

image-222123918-0001.pdf

Subject: Continual use of the water claim made by Lyman Reynolds for_____.

From: Joan Reynolds Carpender,
Alden Bruce Carpender
5000 S Cloverdale Rd
Boise, Idaho, 83709

To: Water Resources Board
For and in behalf of Jon Weilmunster

Joan **Reynolds** Carpender is the **daughter** of the **Lyman Reynolds** listed as the applicant of the water claim for which the "continual usage" of the water is in question. Alden B. Carpender is Joan's husband.

We understand that the claim itself is not in question, only the continual usage of the water. A copy of the claim is in the files of the family attorney for the "Lyman and Gertrude Reynolds Family Trust", but not in our hands at the moment for actual dates.

The Reynolds family moved to that area in 1946 and to that particular farm in the early 1950's. Joan helped her family remove the sagebrush from the field in question, was raised on the farm and has been involved with the farm through and including, being the executor for her mother and father's family trust and finally through the sale of the farm to Jon Weilmunster.

I, Alden Bruce Carpender, have been associated with the family and involved with the farm since the mid 1950's.

Since the sale of the "Farm", we have driven by it several times annually to collect old memories, as recently as October of 2009.

Because of this involvement, we feel qualified to, and do testify that:

1. the field, west and north of the drain ditch that supplies the water, has been watered annually since the claim was approved;
2. that the drain ditch has been and is currently the only source of irrigation for that field;
3. that crops have been harvested from that field annually without exception.

Joan R. Carpender Joan R. Carpender date 28 Oct. 2009
Alden B. Carpender Alden B. Carpender date 28 Oct 2009

Attn- Jan

Fax # 208-334-2348

From- Jon K Weilmunster

2pgs including Cover sheet

Water Right No. 63-4938

11-4-09

Jon,

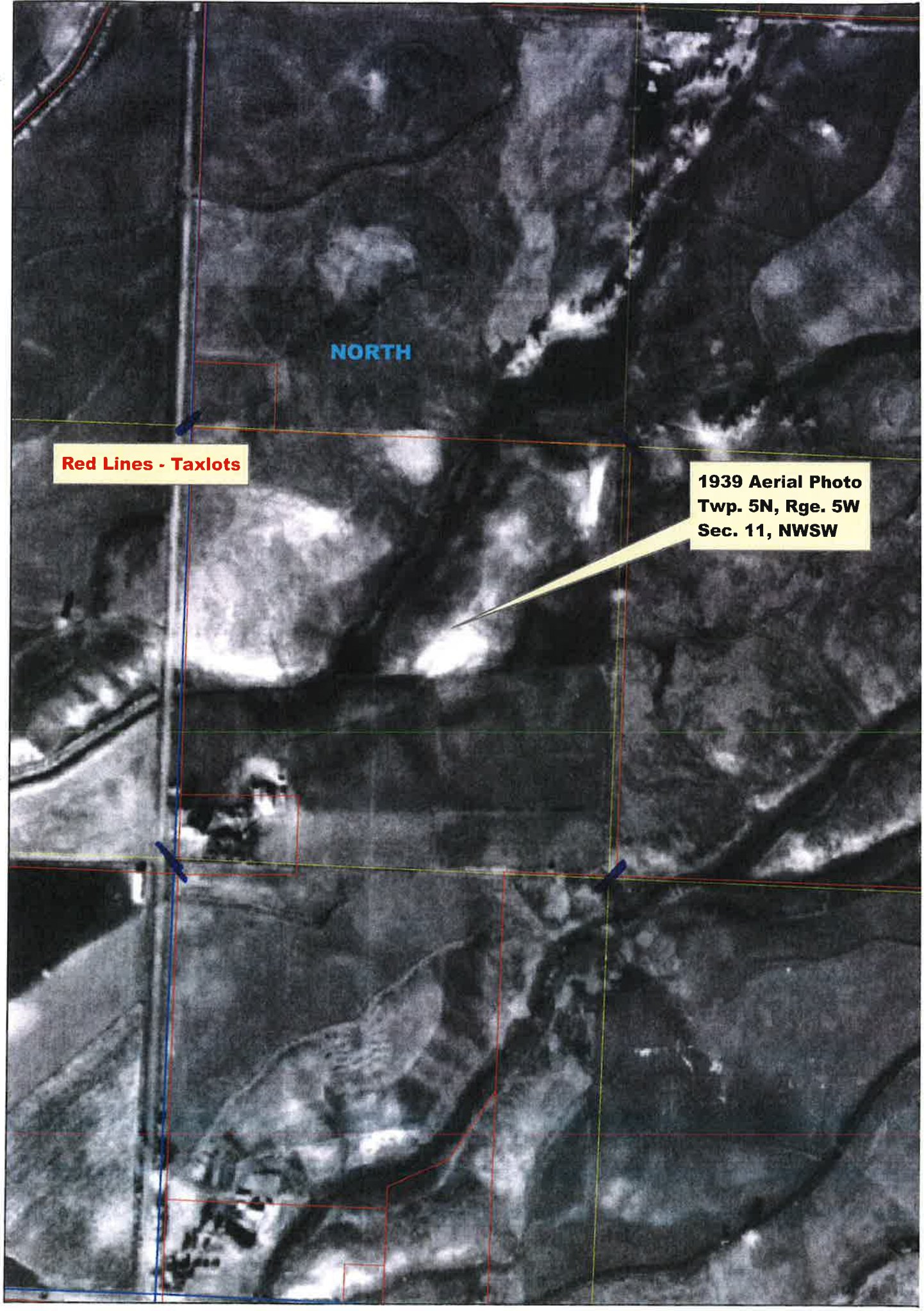
Attached is the 1939 photo of the NWSW, S11, Twp. 5N, Rge. 5W, land that is in question on your motion to set aside the partial decree. If you could look at the map and show the point or points of diversion from the drain, along with how and where it was irrigated that would help move this along. For instance, was it pumped up to the field in the upper NW corner from the drain in 1948 – which is the date of priority on the claim. It appears that the south portion of the land is irrigated – could you outline that also and where water was taken out of the drain for that irrigation.

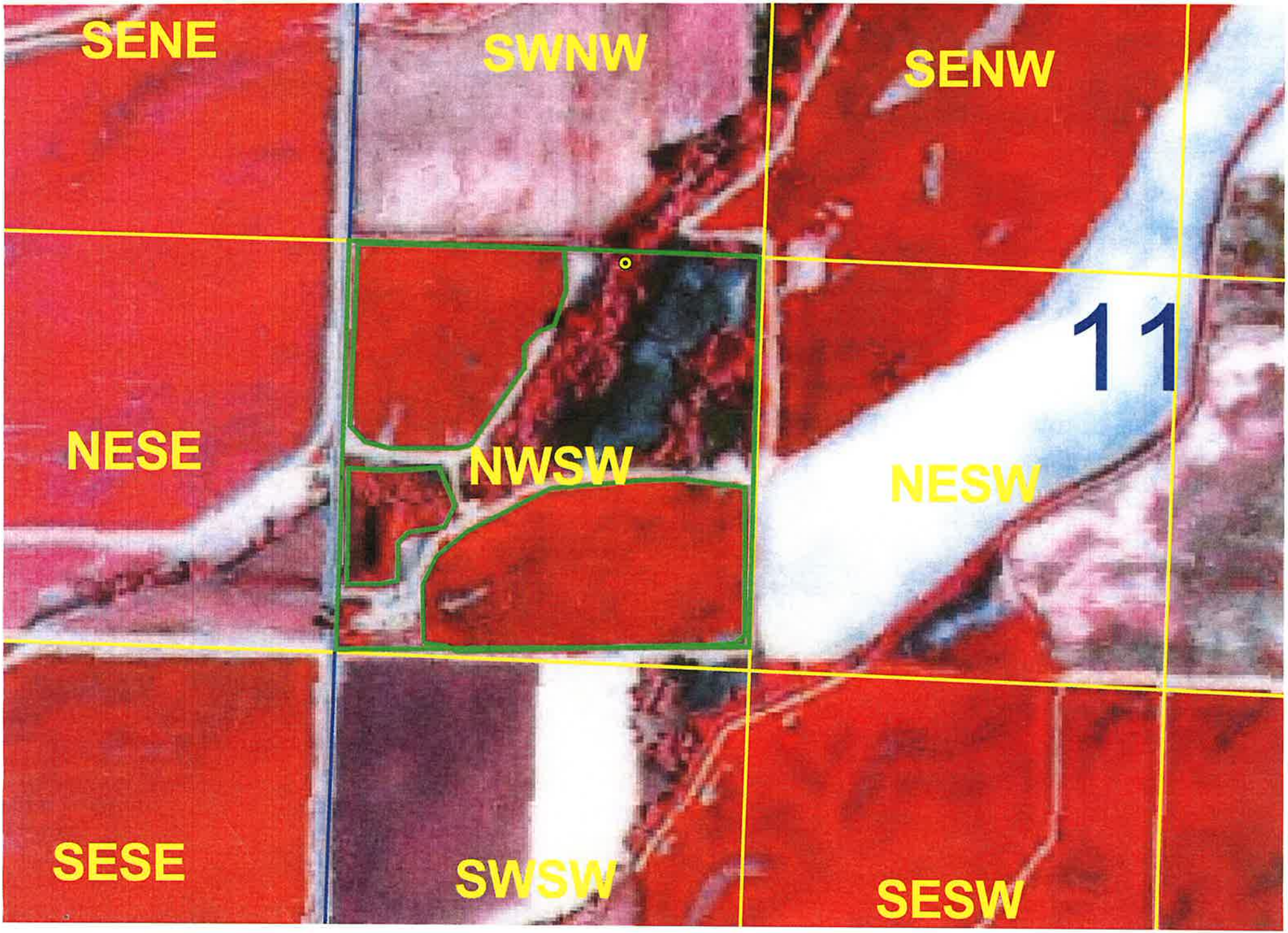
I am also attaching a 1987 aerial photo upon which we were instructed to compute the number of acres irrigated and where they are irrigated. We came up with about 23.1 acres of irrigation. The 1987 date was the beginning of the adjudication and any enlargement after that date would require a new permit. I am sending this to you for reference when looking at the 1939 map.

With the 1939 map showing irrigated ground and an explanation as to how it was irrigated, along with the affidavit we should be able to put this in a package for the Judge as Special Master Booth requested.

Let me know if you have any questions, etc. My phone number is 334-2190 and my email is jan.shurte@idwr.idaho.gov.

Thanks,
Jan


NORTH
Red Lines - Taxlots
1939 Aerial Photo
Twp. 5N, Rge. 5W
Sec. 11, NWSW



63-4938-- 1987 NAPP. CLAIMED 40 ACRES IRRIGATION BUT PER AERIAL REVIEW, THE ENTIRE 40 ACRES HAVE NEVER BEEN IRRIGATED. NO EVICENCE OF PRIORITY SUBMITTED. RECOMMENDED STOCKWATER ONLY.

APPROX. 23.1 acres land

Point of diversion

NWSW

STATUS CONFERENCE NOTES: **RIGHT NO.** 63-4938

DATE: 10-27-09

Farmers Co-Op Irrigation District water is also used to irrigate same lands. Find out differently irrigated land. Is the Farmers Co-Op water mixed with this drain water or is it only wastewater from Farmers Co-Op. Need to get affidavit ✓ Jon ✓ Need to meet to go over the map, possible priority date earlier than 1948.? Ref. 1939 photo. Need to send Jon a copy of the 1939 map. We need to have a package put together by February 23rd for another meeting w/ S.M. Booth.

RECEIVED
JUL 07 2009
WATER RESOURCES
WESTERN REGION

To: 6/22/09

State of Idaho
Department of Water Resources
Western Region, 2735 Airport Way
Boise, ID 83705-5082

From:
Jon K Weilmunster
27207 Boise River Rd
Parma, ID 83660
Claim #63-4938

Attn: Diana

On May 31st, of 2000 I bought a farm from the Reynolds Family Trust. They carried the note on the property until April 2nd, 2002 which is when I refinanced the property. Up until this time they had control of the water rights.

On July 20th, 2008 I received a letter from Department of Water Resources asking me for a change in ownership.

I gathered the information and sent it into the Department of water Resources along with a check for $25.00 with the change of ownership of water rights, copy of warranty deed, legal description, a map showing the area and a copy of my mortgage payoff. (I am including copies.)

On or about March 24th, 2009 I received an "Order of partial decree" for water right #63-04938. I thought everything was all ok, until I closely examined the document. It showed that my water right for stock water from Jan 1st, 2009 to December 31st, 2009 for a diversion rate of .030 CFS. What it left out was my water right for irrigation water from March 15th, 2009 to November 15, 2009 for .80 CFS.

I am asking the Partial decree be set aside until this water right issue can be properly amended.

I have enclosed a copy of the water rights the way it was. If there are any questions please feel free to call me at 208-880-0862 or by mail.

Thank-you

Jon K Weilmunster
Claim #63-4938

DATE:

OBJECTION NOTES:

July 8, 2009

Diana,

Enclosed is a letter and attachments from Jon Weilmunster, regarding Right No. 63-4938. I am assuming that he spoke with you about his Partial Decree, since he had addressed this letter to you, but sent it to our address.

I am also attaching copies of letters that were sent to the previous owner regarding Evidence of Priority, of which Mr. Weilmunster was sent copies of these letters. We did not receive any responses to the letters; therefore the irrigation use was removed from the recommendation and was recommended as stockwater only. I thought this information would be helpful in the decision whether to rescind the Partial Decree or not.

Let me know if you need anything additional from our files.

Thanks,

Lori

Lori Harris

RECEIVED
JUL 14 2009
DEPARTMENT OF
WATER RESOURCES

2009 JUL 10 PM 12:25
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	)	ORDER SETTING HEARING
	)	
Case No. 39576	)	
	)	SUBCASE NO: 63-04938

Please be advised that Special Master THEODORE R. BOOTH has set for hearing the MOTION TO SET ASIDE PARTIAL DECREE.

TUESDAY, SEPTEMBER 01, 2009 at 10:00 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number 225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JULY 10, 2009

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on JULY 10, 2009, with sufficient first-class postage to the following:

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

JON WEILMUNSTER
MARY WEILMUNSTER
27207 BOISE RIVER RD
PARMA, ID 83660

/S/ DIANA R DELANEY
Deputy Clerk

RECEIVED
MAR 11 2009
DEPARTMENT OF
WATER RESOURCES

2009 MAR 10 AM 09:46
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	)	ORDER SETTING STATUS CONFERENCE
Case No. 39576	)	
	)	SUBCASE NO: 63-02322

Please be advised that Special Master THEODORE R. BOOTH has set a Status Conference in the above subcase(s) as follows:

TUESDAY, JUNE 09, 2009 at 09:30 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number 225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: MARCH 10, 2009

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on MARCH 10, 2009, with sufficient first-class postage to the following:

W.O. LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

/S/ DIANA R DELANEY
Deputy Clerk

Form No. 243
9/81

Claim No. 63-4938

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lyman S. Reynolds
(Name of Claimant)

Rt. 1, Box #1025, Parma, ID 83660 Telephone No. 722-6970
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) March 30, 1948

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Drain (Waste from Farmer's Co-op Canal) tributary to Boise River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	Quantity (cfs, af)	Use (Domestic, Irrigation, Stock, Etc.)	Period of Use From (Mo., Day)	To (Mo., Day) (Both dates inclusive)
Quantity	.80 Cfs	Use Irrigation	Period of Use From 3/15	To 11/15
Quantity	.03 Cfs	Use Stockwater	Period of Use From 1/1	To 12/31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .83 Cfs (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 11 Twp. 05N Rge. 05W B.M., County of Canyon
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Sump, Motor, Pump, and Pipeline.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
05N	05W	11										X40							40

No. of acres 40

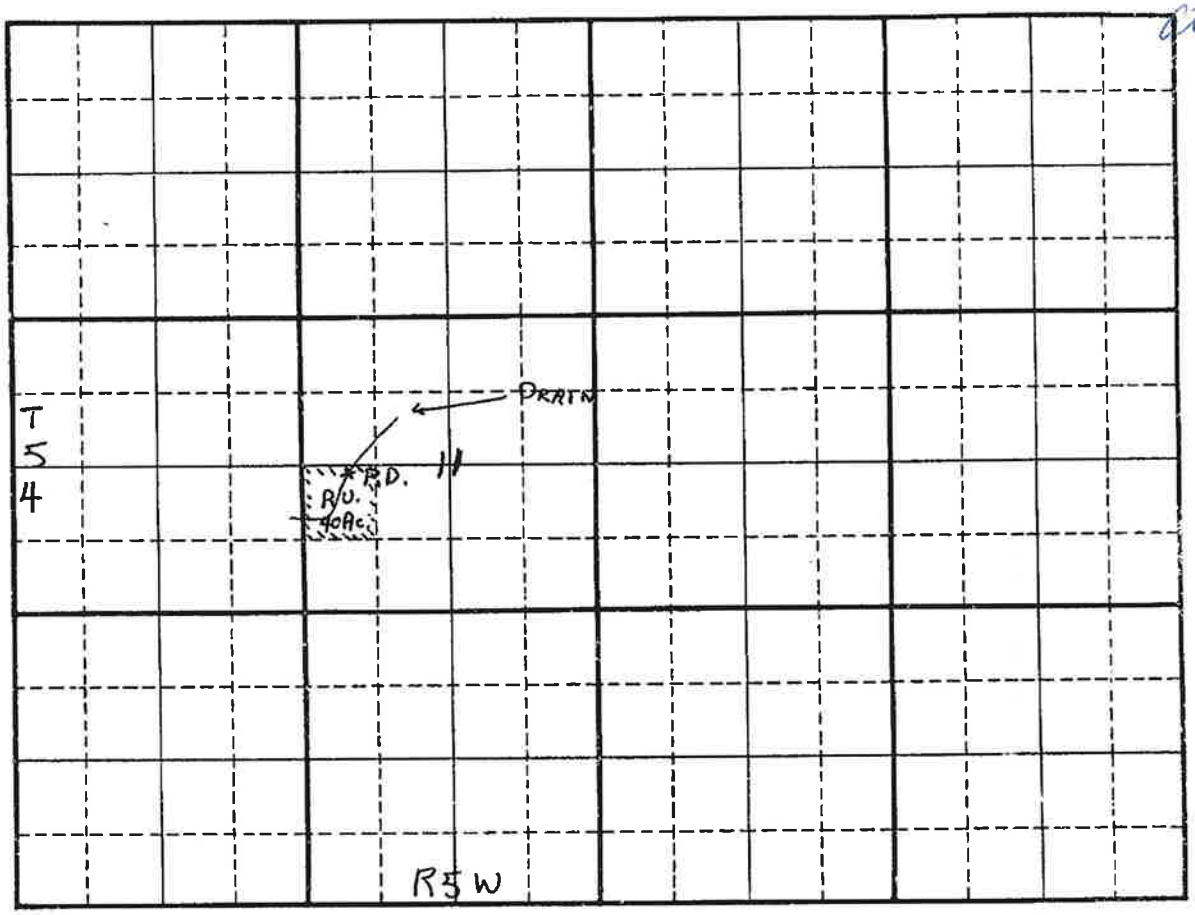
If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for up to 100 head mixed Dairy and Range Cattle.

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks At the time of the first application to beneficial use, water was for supplemental irrigation on 26 acres and new irrigation on 4 acres. See canceled Permit # 20350 for pertinent background information. Subsequently use became as hereon described. Waste may be better described as being from Farmer's Cooperative Sebree Canal.

See attached



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of ADA)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Lyman S. Reynolds
(Claimant)

Sworn to before me this 15 day of DECEMBER, 1982

Notary Public
Residing at BOISE

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by	Date 12/15/82	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by LLS	Date 12/21/82			
$30.00 fee received by	Date R/15/82 #23071			
Published in Rupert Tribune				
Dates 12/30 & 1/6/83				

Idaho as herein set forth.

Applicant

By

Agent

Date of first receipt at Department of Reclamation: March 12, 1948

Returned to applicant for correction:

Corrected application received:

from cancelled permit mentioned in claim (orig.) for 63-4938

Approval of State Reclamation Engineer

The number of this permit is 25550
Recorded in Book 7 Page 25550 Approved March 21, 1948
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 , 19 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 March 21, 1949
The whole of said work to be completed on or before March 21, 1950
Beneficial use of water appropriated in accordance herewith, to be made on or before March 21, 1951

Witness my hand this 21st day of March, 1948

C. A. BOLTZ
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We C. A. BOLTZ, Governor of the State of Idaho, and J. C. "Cy" CROCK, 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 21st day of March, 1948.

Countersigned:

STATE OF IDAHO

(SEAL)

By J. C. "CY" CROCK
Secretary of State.

By C. A. BOLTZ
Governor.

Remarks: To be used as supplemental water for late irrigation on 2½ acres, and for use after on 4 acres.

11

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
4 N.	3 W.	11																	

(illegible) Drainage District No. 4 of the County of Canyon, in the State of Idaho, has and operates a certain ditch in the Southwest quarter of the Southwest quarter of Section 11, Township 4 North, Range 3 West, in Canyon County, Idaho, and within said District; and,

(illegible), Lynn A. Reynolds desires to install a pump for the purpose of raising the water from said ditch; and

(illegible) by the Board of Control of Drainage District No. 4 of the County of Canyon, that Lynn A. Reynolds be and he hereby is authorized to pump from said District ditch a quantity of water to be diverted at a point on said District ditch 330 feet east and 50 feet south of the West quarter corner of Section 11, Township 4 North, Range 3 West, in the Boise Meridian, in Canyon County, Idaho, as set forth in the "Application for Permit" filed with the State of Idaho for the purpose of supplementing said water, and

(illegible) is given with the understanding and agreement that none of the work nor the exercise of said right shall interfere with the drainage works or the drainage of water from lands within the District.

Dated and approved this 9th day of December, 1947.

(Seal)

C. B. ELLIS
Chairman

Attest
Secretary

C. B. ELLIS
Secretary

I hereby certify that the above and foregoing is a full, true and correct copy of a resolution passed at a regular meeting of the Board of Directors of Drainage District No. 4 of the County of Canyon, in the State of Idaho, on the 9th day of December, 1947, the original of which is on file in the office and records of said District.

(Seal)

C. B. ELLIS
Secretary

APPROVAL OF STATE RECLAMATION ENGINEER

I, [illegible], State Reclamation Engineer of the State of Idaho, hereby approve the [illegible] of the application of [illegible] for Public Waters of the State of Idaho, in Power [illegible], I.L.M.

Dated this 30th day of August, 1966.

MARK A. KULP
State Reclamation Engineer

Permit No. 20350
District No.

1. Name of Applicant: [illegible]

Postoffice address: Rt. 1, Parma 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:
(a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:

2. Quantity of water claimed: .46 inches or .46 cubic feet per second.

3. Source of water supply: Drain (Waste from Farmers' Co-op. Canal) which is a tributary of Boise River

4. Location of point of diversion: 2,750 Ft. then 2,500 feet distant from the S. E. corner of Section 11, T. 3 N., R. 3 W., B.M., and is in the SW¼ SW¼ of Section 11, T. 3 N., R. 3 W., B.M., County of Canyon

5. Water is to be used for Irrigation (supplemental)

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: $ 300.00 (approx.)

8. Kind of works: Gasoline pump and motor driven pump and 500 Ft. 6" pipe.

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 6 inches; length of conduit Cement culvert pipe 400 each way from mile. Average grade per mile feet.

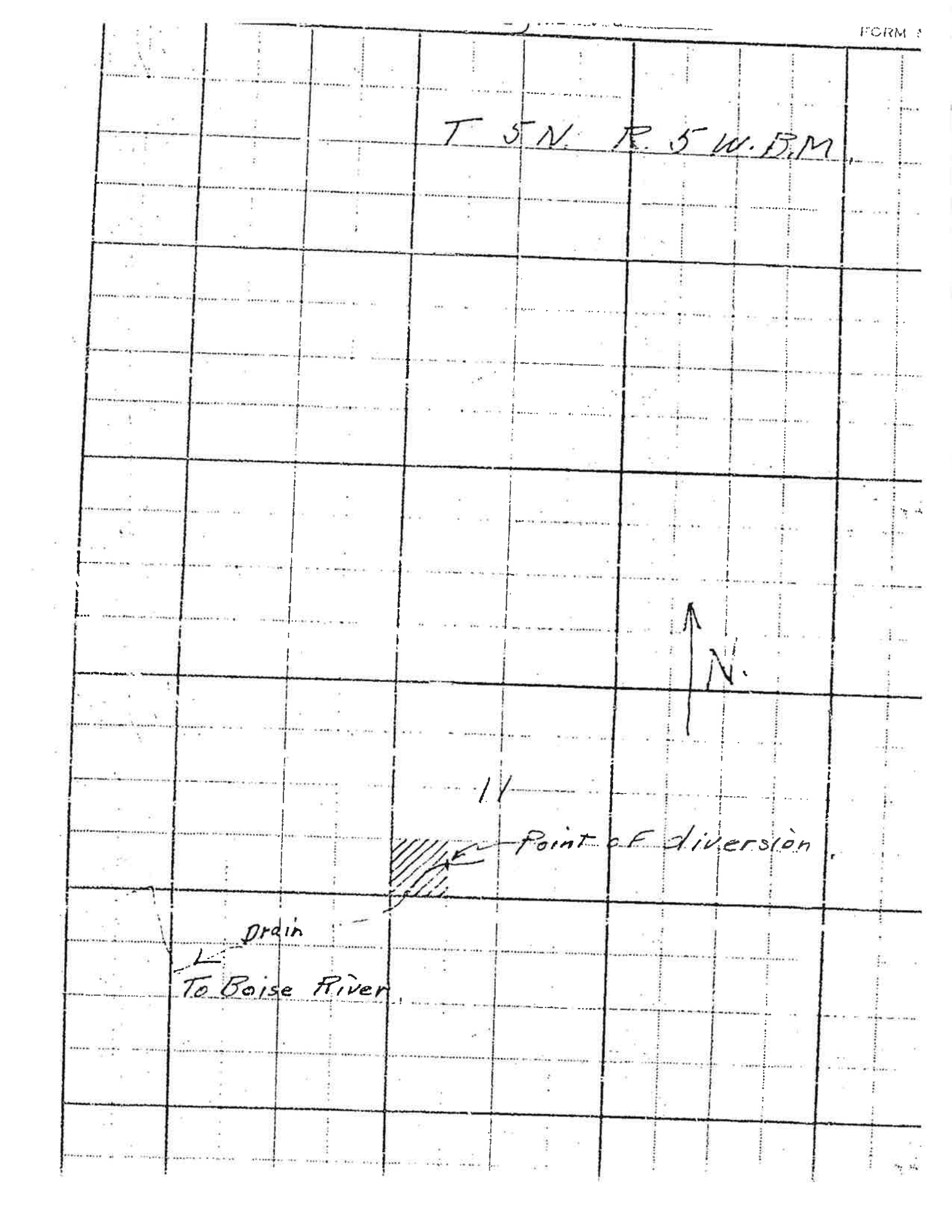
12. The time required for the completion of such work is Two (2) years.

13. The time required for the complete application of the water to the proposed use is One (1) additional years.

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

14A. Existing water rights and or valid permits appurtenant to the lands to be irrigated are: To Sharon Farmers' Co-op. Ditch

T 5 N. R. 5 W. B.M.



Form 24

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

May 15, 1950

Re: Permit No. 20350

To Mr. Lyman S. Reynolds
Route 2
Nampa, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 20350 appropriating the Public Waters of the State of Idaho, have not been complied with as to Completion of works March 21, 1950

You are hereby notified in compliance with Sec. 42-311 (41-311), Idaho Code annotated that said Permit No. 20350 is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 20350 claims the use of [illegible] cubic feet per second of the waters of Drainage Ditch of Drainage District # 4, Canyon Co. with point of diversion located in the SW¼ SW¼ Section 11, Twp. 5 N., Range 5 W., B.M., and was approved March 21, 1949

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the 15th day of May 19 50.

Mark R. Kulp
State Reclamation Engineer.

By E. N. HUMPHREY
Deputy Assistant.

Lyman S. Reynolds, of Parma, Canyon County

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 20350

Under the terms and conditions of said permit, construction work thereunder was required to be completed by March 21, 19 50

That he has heretofore performed the following work described under said permit # 20350

A gasoline driven pump WITH PUMP has been installed, of Size 7½ H. P., together with a six inch cement tile pipeline has been installed, for approximately 400 feet. A tempory sump has also been dug, but more work remains to be done on this. Outlet ditches to carry the water away have also been built.

costing $ 500.00

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

For the reason that Drainage District No. 4 is digging a waste ditch through the "draw" where the waste water now runs, and I cannot complete the sump before this waste ditch has been dug. This waste ditch is expected to be completed by the Spring of 1951.

WHEREFORE, He asks that the State Reclamation Engineer extend the time for the completion of works under said permit to March 21, 1952.

Lyman S. Reynolds

Subscribed and sworn to before me this 3rd day of August, 19 50

Ernest Anderson
Notary Public.

My commission expires February 11, 1954.

Date of receipt at office of Department of Reclamation Aug. 3, 1950

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 20350 to March 21, 1952

Witness my hand this 3rd. day of August, 19 50

Mark R. Kulp
State Reclamation Engineer

20350

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

June 20 19 52

Re: Permit No. 20350

To Mr. Lyman S. Reynolds
Route 2
Parma, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 20350 to Appropriate the Public Waters of the State of Idaho, have not been complied with as to Completion of works March 21, 1952

42-311

you are hereby notified in compliance with Sec. 41-311 Idaho Code annotated that said Permit No. 20350 is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 20350 claims the use of 2.6 cubic feet per second of the waters of a drain (made from Farmers' Co-op. Canal) with point of diversion located in the SW¼ SW¼ Section 12, Twp. 5 North, Range 5 West, B. M., and was approved March 21, 1950

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 20th day of June 19 52

Mark R. Kulp
State Reclamation Engineer.

By
Assistant.

August 3, 1950

Re: Permit No. 20350

Mr. Lyman S. Reynolds
Route 2
Parma, Idaho

Dear Mr. Reynolds:

We enclose Approval of the State Reclamation Engineer of your Application for Extension of Time for Completion of Works under Permit No. 20350 to March 21, 1952.

This should be attached to your original Permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20350

Application for Extension of Time

FOR COMPLETION OF WORKS

Lyman S. Reynolds, of Parma, Canyon County

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 20350

Under the terms and conditions of said permit, construction work thereunder was required to be completed by March 21, 19 50.

That he has heretofore performed the following work described under said permit #20350

A gasoline driven pump has been installed WITH PUMP, of Size 7½ H. P., together with a six inch cement tile pipeline has been installed, for approximately 400 feet. A temporary sump has also been dug, but more work remains to be done on this. Outlet ditches to carry the water away have also been built.

costing $ 500.00

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

For the reason that Drainage District No. 1 is digging a waste ditch through the "draw" where the waste water now runs, and I cannot complete the sump before this waste ditch has been dug. This waste ditch is expected to be completed by the Spring of 1951.

WHEREFORE, He asks that the State Reclamation Engineer extend the time for the completion of works under said permit to March 21, 1952.

Lyman S. Reynolds

Subscribed and sworn to before me this 3rd day of August, 19 50

Ernest Anderson

Notary Public.

My commission expires February 11, 1954.

Date of receipt at office of Department of Reclamation Aug. 3, 1950

STATE RECLAMATION ENGINEER

APPROVAL OF State Reclamation Engineer.

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 20350 to March 21, 1952

Witness my hand this 3rd day of August, 19 50

Mark R. Kulp

State Reclamation Engineer

20350

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

IN THE MATTER OF CANCELLATION OF PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, No. 20350 } ORDER OF CANCELLATION

WHEREAS, Permit No. 20350 lapsed through failure of the holder to make proof of completion of works within the time specified in the Permit, to-wit: March 21, 1952, and

WHEREAS, due notice was given the holder of said Permit that such proof would be due on the date above mentioned, and

WHEREAS, on June 30, 1952, notice was sent to the holder of said Permit to appear before the State Reclamation Engineer on or before 40 days to show cause why such Permit should not be cancelled, and

WHEREAS, the holder of said Permit has failed to comply with the said requirements, and that no showing has been made as to completion of the works under said Permit:

IT IS THEREFORE, hereby ordered that Permit No. 20350 be and the same is hereby cancelled and held for naught.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 11th day of December 19 52

Mark R Kulp
State Reclamation Engineer

20350

Form 24

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

June 20, 19 52

Re: Permit No. 20350

To Mr. Lyman S. Reynolds
Route 2
Parma, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 20350 to Appropriate the Public Waters of the State of Idaho, have not been complied with as to Completion of works March 21, 1952

42-311

you are hereby notified in compliance with Sec. 41-311 Idaho Code annotated that said Permit No. 20350 is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 20350 claims the use of 3.6 cubic feet per second of the waters of a drain (waste from Farmers' Co-op. Canal) with point of diversion located in the SW¼ SW¼ Section 21, Twp. 5 North, Range 5 West, B. M., and was approved March 21, 1946

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the 20th day of June 19 52.

Mark R. Kulp.
State Reclamation Engineer.

By _____
Assistant.

20839

RECEIVED
MAY 20 1950
Department of Reclamation

Cancelled permit

Parma Idaho
May 18, 1950

Dept of Reclamation
Boise Idaho
Attn: E. N. Humphrey
Deputy

Dear Sir:

In reply to your letter of the 15th of May With ref to my file on public Water and the completion of the Works permit no 20350 I have the pump and pipe all installed. It has already been used But I have been waiting for the drainage district #4 to dredge the drain, below

20350

20850

I install a permanent cement
dump at the station. At the
time I filled on the
water they were supposed
to have dryed the drain
within six months. At the
present they are in the drain
next to mine on the North
And I expect they will
be here in the near future
In view of this situation
I request more time
in which to complete the
works. I talked with
the lady there and she
told me this could be
done. Hoping this can
be arranged. I remain.
Respectfully yours, Herman L. Reynolds

In accordance with the foregoing, and despite the fact that no waste water remark was included in the *Director's Report*, for purposes of the administration of both Janicek's right and the NMID's paramount right(s), this Special Master finds and concludes that the partial decree issued for Janicek's water right should contain the following remark:

> The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

This Special Master finds the remark is necessary to define Janicek's right to show that the right is not subject to the same panoply of rights associated with a water right with a source that does not include waste water. Furthermore, such a remark prevents any injury resulting to the paramount appropriator.

3. Was Janicek's claimed water right initiated in trespass and therefore invalid?

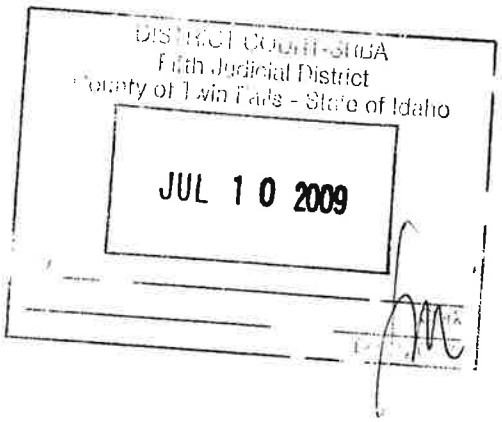
The NMID argues that the Purdam Gulch Creek drain is a "facility owned, operated, and maintained by NMID," and that Janicek's diversion of water constitutes a trespass upon that NMID owned facility. *NMID's Memorandum in Opposition*, p. 6. Under Idaho law, one cannot initiate a water right in trespass. *Idaho Power Co. v. Buhl*, 62 Idaho 351, 111 P.2d 1088 (1941); *Jones v. McIntire*, 60 Idaho 338, 344, 91 P.2d 373 (1939). As explained below, this Special Master holds that Janicek's water right was not initiated in trespass

The affidavits on file in this subcase demonstrate that Janicek is the owner of record, in fee simple, of the real property where his point of diversion is located. *Affidavit of Bradley Janicek*, pp. 1-2. Furthermore, Janicek's diversion works in the Purdam Gulch Creek drain have not interfered with NMID's or BOR use of the drain. *Id.* p.2. The NMID describes the Purdam Gulch Creek drain as a "facility" of the NMID. *NMID's Memorandum in Opposition*, p. 2. There is no question that this facility – the Purdam Gulch Creek drain – is an inseparable component or fixture of the real property

MOTION TO SET ASIDE PARTIAL DECREE TO PUT IRRIGATION BACK ON FROM CLAIM. TAKEN OFF DUE TO LACK OF EVIDENCE OF PRIORITY. 6/22/09

RECEIVED
JUL 07 2009
WATER RESOURCES
WESTERN REGION

To:
State of Idaho
Department of Water Resources
Western Region, 2735 Airport Way
Boise, ID 83705-5082



From:
Jon K Weilmunster
27207 Boise River Rd
Parma, ID 83660
Claim #63-4938

Attn: Diana

On May 31st, of 2000 I bought a farm from the Reynolds Family Trust. They carried the note on the property until April 2nd, 2002 which is when I refinanced the property. Up until this time they had control of the water rights.

On July 20th, 2008 I received a letter from Department of Water Resources asking me for a change in ownership.

I gathered the information and sent it into the Department of water Resources along with a check for $25.00 with the change of ownership of water rights, copy of warranty deed, legal description, a map showing the area and a copy of my mortgage payoff. (I am including copies.)

On or about March 24th, 2009 I received an "Order of partial decree" for water right #63-04938. I thought everything was all ok, until I closely examined the document. It showed that my water right for stock water from Jan 1st, 2009 to December 31st, 2009 for a diversion rate of .030 CFS. What it left out was my water right for irrigation water from March 15th, 2009 to November 15, 2009 for .80 CFS.

I am asking the Partial decree be set aside until this water right issue can be properly amended.

I have enclosed a copy of the water rights the way it was. If there are any questions please feel free to call me at 208-880-0862 or by mail.

Thank-you

Jon K. Weilmunster

Jon K Weilmunster
Claim #63-4938

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

RECEIVED
JUL 07 2009
WATER RESOURCES
WESTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 20, 2006

JON WEILMUNSTER
27207 BOISE R RD
PARMA ID 83660-6939

~~BOB~~ HICKS
28264 SHELTON RD
PARMA ID 83660

RE: NOTICE OF CLAIM NO: A63-4938

Dear Land Owner:

We are currently preparing the Notice of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim for your reference. Our research indicates there may have been a change in the ownership for the above claim. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim listed above:

REYNOLDS FAMILY TRUST
887 STRIKE WAY
KUNA ID 83634

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Enclosures

Form 42-248/42-1409(6) July, 2000

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A63-4938				

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): Reynolds Family Trust
   887 Strikeway Kuna, Idaho 83634

4. New Owner/Claimant(s): Jon & Mary Weichmeister
   Name Connector (Check one): [ ] and, [ ] or, [X] ~~and~~/or

   New Mailing Address: 27207 Boise River Rd

   City, State and ZIP Code: Parma, Idaho 83660

   New Telephone Number: (208) 722-5375 or 208-880-0862

5. Date you acquired the property: May 31st 2000

Form 42-248/42-1409(6) July. 2000

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) _____

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 _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____AJ Date _____ WR _____ Date _____

Copy

INSTRUMENT NO. 2000 19080

PC33724

WARRANTY DEED

FOR VALUE RECEIVED Joan Carpender, Bert Reynolds and Michael Reynolds, sucessor trustees of the Lyman and [redacted] Reynolds Family Trust
Gertrude K.

the Grantors, do hereby grant, bargain, sell and convey unto Jon Weilmunster and Mary Lou Weilmunster, husband and wife

the Grantees, whose address is 27207 Boise River Rd, 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 (2) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2000 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: May 9, 2000

Joan R. Carpender
Joan Carpender, Successor Trustee

Bert Reynolds, Successor Trustee

Michael Reynolds
Michael Reynolds, Successor Trustee

STATE OF IDAHO
COUNTY OF CANYON

On this 20th day of May in the year 2000, before me, a Notary Public, in and for the said State, personally appeared Joan Carpender, Bert Reynolds and Michael Reynolds, known to me to be the person whose name is subscribed to the within instrument as Successor Trustees and acknowledged to me that they executed the same as such Successor Trustees.

Jill Farwell
Notary Public
Residing at Caldwell
My commission expires 6/22/01

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

Copy

NO. 1343 (1982)
ALTA Plain Language Commitment

PC 33724

Exhibit "A"

PARCEL I

A part of the Southeast Quarter of the Southeast Quarter, Section 10, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Southeast Quarter of the Southeast Quarter (East 1/16 corner common to Sections 10 and 15); thence

East 29.24 feet along the South boundary of said Southeast Quarter of the Southeast Quarter to the POINT OF BEGINNING; thence continuing

East 129.82 feet along the South boundary of said Southeast Quarter of the Southeast Quarter to a point which is 1,172.00 feet West of the Southeast corner of said Section 10; thence

North 1,225.00 feet; thence

South 56° 54.00 feet West 154.97 feet along the centerline of a drain; thence

South 1,140.37 feet to the POINT OF BEGINNING.

SUBJECT TO a road right-of-way along the South 25 feet and a drain right-of-way on the North.

PARCEL II

That part of the Southeast Quarter of the Southeast Quarter, Section 10, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, particularly described as follows, to-wit:

BEGINNING at the Southeast corner of Section 10, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and running thence

West 1,172 feet along the South line of said Section 10, aforesaid; thence

North 1,225 feet, at a right angle to the South line of said Section 10, aforesaid, to a point in the centerline of a certain drain ditch; thence

North 44° 20' East 146 feet, to a point in the North line of the Southeast Quarter of the Southeast Quarter of said Section 10, aforesaid, thence

East along the said North line of said Southeast Quarter of the Southeast Quarter 1,070 feet, more or less, to the Northeast Corner of the said Southeast Quarter of the Southeast Quarter; thence

South along the East line of the said Southeast Quarter of the Southeast Quarter, a distance of 1,330.9 feet, more or less, to the POINT OF BEGINNING.

(continued)

Form No. 1343 (1982)
ALTA Plain Language Commitment

copy

PARCEL III

In Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; Section 11, the West Half of the Southwest Quarter,

EXCEPTING THEREFROM, the East Half of the East Half, of the Southwest Quarter of the Southwest Quarter of said Section 11.

FURTHER EXCEPTING THEREFROM, a parcel of land described as follows, to-wit:

COMMENCING at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 11, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, running thence
North 325 feet, thence
East 670 feet, thence
South 325 feet, thence
West 670 feet to the POINT AND PLACE OF BEGINNING.

FURTHER EXCEPTING THEREFROM, a parcel of land described as follows, to-wit:

COMMENCING at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 11; thence
South 89° 54' 00" East along said section line, a distance of 670 feet to the TRUE POINT OF BEGINNING; thence
North 0° 05' 00" East, a distance of 391.90 feet to a point on the centerline of the Parma Drain; thence
North 64° 25' 36" East along said centerline, a distance of 200.76 feet; thence
North 32° 45' 24" East along said centerline, a distance of 253.25 feet; thence leaving said centerline
South 0° 10' 18" West, a distance of 692.18 feet to a point on the South boundary of said Southwest Quarter of the Southwest Quarter; thence
North 89° 54' 00" West along the South boundary of said Southwest Quarter of the Southwest Quarter a distance of 320.56 feet to the TRUE POINT OF BEGINNING.

RECORDED
00 MAY 31 PM 3 44
C NOEL HALES
CANYON CNTY RECORDER
BY [signature]
REQUEST PIONEER - CALDWELL
TYPE Deed FEE 9.00
20001980

MORTGAGE

THIS INDENTURE, Made this 30 day of May, 2000, between JON K. WEILMUNSTER and MARY L. WEILMUNSTER, husband and wife, of 27207 Boise River Road, Parma, Idaho 83660, the party of the first part, and LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, with JOAN CARPENDER, BERT REYNOLDS and MICHAEL REYNOLDS, Surviving Trustees, of 5000 South Cloverdale Road, Boise, Idaho, 83709, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Two Hundred Twenty-five Thousand Dollars ($225,000.00) of the United States of America, to party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does grant, bargain, sell and convey, unto the said party of the second part, and to party of the second part's heirs and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Canyon and State of Idaho, and particularly described as follows:

See Exhibit A, attached hereto and made a part hereof by reference.

TOGETHER With all water, water rights, ditches and rights of way for ditches appurtenant thereto, evidenced by Forty-Seven (47) shares of stock in FARMERS CO-OPERATIVE DITCH COMPANY and Idaho Department of Water Resources License # 3561 and Snake River Basin Adjudication Claim # a63-04938.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS GRANT Is intended as a mortgage to secure the payment of that certain promissory note of even date herewith, executed and delivered by the said party of the first part to the said party of the second part, the contents of which note are in the words and figures following, to wit:

See Exhibit B, attached hereto and made a part hereof by reference

And these presents shall be void if such payment be made. But in case default shall be made in the payments of said principal sum of money, or any part thereof, as provided in said note, or if the interest be not paid as herein specified, then and from thenceforth it shall be optional with the said party of the second part, party of the second part's executors, administrators, or assigns to consider the whole of said principal sum

expressed in said note and declare same as immediately due and payable, although the time expressed in said note for the payment thereof shall not have arrived; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same and all benefit and equity and redemption of the said party of the first part, party of the first part's heirs, executors, administrators or assigns, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said promissory note, together with the costs and charges of foreclosure suit, including counsel fees and also the amounts of all such payments of taxes, assessments, incumbrances, or insurance as may have been made by said party of the second part, party of the second part's heirs, executors, administrators or assigns, by reason of the permission hereinafter given, with the interest on the same hereinafter allowed, rendering the over-plus of the purchase money (if any there shall be) unto the said party of the first part, party of the first part's heirs, executors, administrators or assigns. And the said party of the first part does hereby further covenant, promise and agree, to and with the said party of the second part, to pay and discharge, at maturity, all such taxes and assessments, liens, or other incumbrances now subsisting, or hereafter to be laid or imposed upon said premises or which may be in effect a prior charge thereon to these presents, during the continuance hereof, and in default thereof, the said party of the second part may pay and discharge the same, and may, at party of the second part's option, keep fully insured against all risks by fire and casualty the buildings which are now or may be hereafter erected thereon, at the expense of the said party of the first part and the sums so paid shall bear interest at the rate of Seven and Three Quarters per cent (.0775) per annum until paid, and shall be considered as secured by these presents and be a lien upon said premises, and shall be deducted from the proceeds of the sale thereof, above mentioned, with interest as provided.

The party of the first part agrees, after having obtained possession of the property described herein, that party of the first part shall thereafter keep the same insured from loss by fire or other casualty to the extent of the full insurable value thereof and the policy or policies shall contain conditional riders in favor of the party of the second part as party of the second part's interest may appear from time to time; the party of the first part shall provide a copy of Certificate of Insurance to the party of the second part in compliance with this paragraph within fifteen (15) days after the date hereof, which certificate will verify that the party of the first part has obtained the coverage required, and which will verify that the party of the second part will be provided with thirty (30) days notice prior to cancellation of an such coverage.

IN WITNESS WHEREOF, The said party of the first part has hereunto set party of the first part's hand and seal the day and year first above written.

JON K. WEILMUNSTER

MARY L. WEILMUNSTER

Party of the First Part

STATE OF IDAHO)
: ss.
County of Canyon)

On the 30th day of May, 2000, before me, a notary public for said state, personally appeared before me, JON K. WEILMUNSTER and MARK L. WEILMUNSTER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, who acknowledged to me that they executed the same.

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at:
My commission expires:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4938

WATER RIGHT NUMBER: 63-4938

Owner Type	Name and Address
Original Owner	LYMAN S REYNOLDS RT 1 BOX 1025 PARMA, ID 83660
Current Owner	REYNOLDS FAMILY TRUST 887 STRIKE WAY KUNA, ID 83634 (208)922-3347

Priority Date: 03/30/1948

Basis: Statutory Claim

Status: Active

Source	Tributary
UNNAMED DRAIN	BOISE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	1/01 to 12/31	0.030 CFS	
IRRIGATION	3/15 to 11/15	0.800 CFS	
	Total Diversion:	0.830 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN NW1/4SW1/4 Sec. 11, Twp 05N, Rge 05W, B.M.

CANYON County

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	
05N	05W	11										40.0							40.0

Total Acres: 40

STOCKWATER same as IRRIGATION

Conditions of Approval:

Claim Received Date: 5/11/1998

COPY

LT 3560

INSTRUMENT NO. 200214088

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, That LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, with JOAN CARPENDER, BERT REYNOLDS and MICHAEL REYNOLDS, Surviving Trustees, do hereby certify and declare that a certain mortgage, dated May 30, 2000, made and executed by JON K. WEILMUNSTER and MARY L. WEILMUNSTER, husband and wife of 27207 Boise River Road, Parma, Idaho 83660, the party of the first part therein, to LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, with JOAN CARPENDER, BERT REYNOLDS and MICHAEL REYNOLDS, Surviving Trustees, of 28264 Sheldon Road, Parma, ID the party of the second part therein recorded in the office of the County Recorder of the County of Canyon, State of Idaho, as Instrument number 200019031, on May 31, 2000 together with the debt thereby secured, is fully paid, satisfied and discharged.

IN WITNESS WHEREOF the Surviving Trustee of the LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, JOAN CARPENDER, BERT REYNOLDS and MICHAEL REYNOLDS, have set their hands and seals this 30th day of May, 2000.

TRUSTEES OF THE LYMAN and GERTRUDE REYNOLDS FAMILY TRUST,

Joan R. Carpender
JOAN CARPENDER

BERT REYNOLDS

Michael Reynolds
MICHAEL REYNOLDS

RECORDED
2002 MAR 27 PM 4 21
G NOEL HALES
CANYON CNTY RECORDER
BY C Fossum

PIONEER-CALDWELL
Sat FEE 6.00
Paid

20021408 8

Copy

STATE OF IDAHO)
: ss.
County of Canyon)

On the 30th day of May, 2000, before me, a notary public for said state, personally appeared before me, JOAN CARPENDER, Trustee of the LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, known or identified to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that she executed the same.

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Caldwell
My commission expires: 6-22-01

STATE OF IDAHO)
: ss.
County of Canyon)

On the 30th day of May, 2000, before me, a notary public for said state, personally appeared before me, BERT REYNOLDS, Trustee of the LYMAN and GERTRUDE FAMILY TRUST, known or identified to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that he executed the same.

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Caldwell
My commission expires: 6-22-01

STATE OF IDAHO)
: ss.
County of Canyon)

On the 30th day of May, 2000, before me, a notary public for said state, personally appeared before me, MICHAEL REYNOLDS, Trustee of the LYMAN and GERTRUDE FAMILY TRUST, known or identified to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that he executed the same.

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Caldwell
My commission expires: 6-22-01

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4938

NAME AND ADDRESS: JON WEILMUNSTER
27207 BOISE RIVER RD
PARMA ID 83660

MARY WEILMUNSTER
27207 BOISE RIVER RD
PARMA ID 83660

~~REYNOLDS FAMILY TRUST~~
~~887 STRIKE WAY~~
~~KUNA ID 83634~~

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.030 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/30/1948

POINT OF DIVERSION:

T05N R05W S11 NWSW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: STOCKWATER in CANYON County

T05N R05W S11 NWSW

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

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.

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	)	**Water Rights:** 63-4938
	)	
Case No. 39576	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING**
	)	
	)	

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

- ☐ Point of diversion
- ☐ Place of use
- ☐ Period of use
- ☐ Nature of use
- ☐ Split of water right
- ☐ Change in ownership
- ☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 9, 2007

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 9, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court Snake River Basin Adjudication P.O. Box 2707 Twin Falls, ID 83303-2707	___ overnight mail XX regular mail ___ hand-delivered ___ facsimile

2. Copies to:

Clive Strong Off ice of the Attorney General P.O. Box 44449 Boise, ID 83711-4449	___ overnight mail XX regular mail ___ hand-delivered ___ facsimile
United States Dept of Justice Environment & Natural Resource Div 550 West Fort Street MSC 033 Boise ID 83724	___ overnight mail XX regular mail ___ hand-delivered ___ facsimile

3. Copies to all parties to the subcase:

Jon Weilmunster Mary Weilmunster 27207 Boise River Rd Parma ID 83660	___ overnight mail XX regular mail ___ hand-delivered ___ facsimile
Reynolds Family Trust 887 Strike Way Kuna ID 83634	___ overnight mail XX regular mail ___ hand-delivered ___ facsimile

Lori Harris

Signature of person mailing this document

State of Idaho
DEPARTMENT OF WATER RESOURCES
2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 9, 2007

JON WEILMUNSTER
MARY WEILMUNSTER
27207 BOISE RIVER RD
PARMA ID 83660

Re: Water Right No. 63-4938

Dear Mr. & Mrs. Weilmunster:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

Lori Harris

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: Reynolds Family Trust

Form 42-248/42-1409(6) July, 2000

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A63-4938				

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): Reynolds Family Trust
   887 Strikeway Kuna, Idaho 83634

4. New Owner/Claimant(s): Jon & Mary Weimhoster
   Name Connector (Check one): [ ] and, [ ] or, [x] ~~and~~/or

   New Mailing Address: 27207 Boise River Rd

   City, State and ZIP Code: Parma, Idaho 83660

   New Telephone Number: (208) 722-5375 or 208-880-0862

5. Date you acquired the property: May 31st 2000

RECEIVED
DEC 21 2006
WATER RESOURCES
WESTERN REGION

Copy

A

INSTRUMENT NO. 2000/9080

PC33724

WARRANTY DEED

FOR VALUE RECEIVED Joan Carpender, Bert Reynolds and Michael Reynolds, sucessor trustees of the Lyman and ~~XXXXXXXXX~~ Gertrude Reynolds Family Trust

the Grantors, do hereby grant, bargain, sell and convey unto Jon K. Weilmunster and Mary Lou Weilmunster, husband and wife

the Grantees, whose address is 27207 Boise River Rd., 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 (2) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2000 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: May 9, 2000

Joan R. Carpender

Joan Carpender, Successor Trustee

Bert Reynolds, Successor Trustee

Michael Reynolds, Successor Trustee

STATE OF IDAHO
COUNTY OF CANYON

On this 30th day of May in the year 2000, before me, a Notary Public, in and for the said State, personally appeared Joan Carpender, Bert Reynolds and Michael Reynolds, known to me to be the person whose name is subscribed to the within instrument as Successor Trustees and acknowledged to me that they executed the same as such Successor Trustees.

Jill Farwell

Notary Public
Residing at Caldwell
My commission expires 6/22/01

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

Copy

NO. 1343(1982)
ALTA Plain Language Commitment

PC 33724

Exhibit "A"

PARCEL I

A part of the Southeast Quarter of the Southeast Quarter, Section 10, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Southeast Quarter of the Southeast Quarter (East 1/16 corner common to Sections 10 and 15); thence

East 29.24 feet along the South boundary of said Southeast Quarter of the Southeast Quarter to the POINT OF BEGINNING; thence continuing

East 129.82 feet along the South boundary of said Southeast Quarter of the Southeast Quarter to a point which is 1,172.00 feet West of the Southeast corner of said Section 10; thence

North 1,225.00 feet; thence

South 56° 54.00 feet West 154.97 feet along the centerline of a drain; thence

South 1,140.37 feet to the POINT OF BEGINNING.

SUBJECT TO a road right-of-way along the South 25 feet and a drain right-of-way on the North.

PARCEL II

That part of the Southeast Quarter of the Southeast Quarter, Section 10, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, particularly described as follows, to-wit:

BEGINNING at the Southeast corner of Section 10, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and running thence

West 1,172 feet along the South line of said Section 10, aforesaid; thence

North 1,225 feet, at a right angle to the South line of said Section 10, aforesaid, to a point in the centerline of a certain drain ditch; thence

North 44° 20' East 146 feet, to a point in the North line of the Southeast Quarter of the Southeast Quarter of said Section 10, aforesaid, thence

East along the said North line of said Southeast Quarter of the Southeast Quarter 1,070 feet, more or less, to the Northeast Corner of the said Southeast Quarter of the Southeast Quarter; thence

South along the East line of the said Southeast Quarter of the Southeast Quarter, a distance of 1,330.9 feet, more or less, to the POINT OF BEGINNING.

(continued)

Form No. 1343 (1982)
ALTA Plain Language Commitment

copy

PARCEL III

In Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; Section 11, the West Half of the Southwest Quarter,

EXCEPTING THEREFROM, the East Half of the East Half, of the Southwest Quarter of the Southwest Quarter of said Section 11;

FURTHER EXCEPTING THEREFROM, a parcel of land described as follows, to-wit:

COMMENCING at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 11, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, running thence
North 325 feet, thence
East 670 feet, thence
South 325 feet, thence
West 670 feet to the POINT AND PLACE OF BEGINNING.

FURTHER EXCEPTING THEREFROM, a parcel of land described as follows, to-wit:

COMMENCING at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 11; thence
South 89° 54' 00" East along said section line, a distance of 670 feet to the TRUE POINT OF BEGINNING; thence
North 0° 05' 00" East, a distance of 391.90 feet to a point on the centerline of the Parma Drain; thence
North 64° 25' 36" East along said centerline, a distance of 200.76 feet; thence
North 32° 45' 24" East along said centerline, a distance of 253.25 feet; thence leaving said centerline
South 0° 10' 18" West, a distance of 692.18 feet to a point on the South boundary of said Southwest Quarter of the Southwest Quarter; thence
North 89° 54' 00" West along the South boundary of said Southwest Quarter of the Southwest Quarter a distance of 320.56 feet to the TRUE POINT OF BEGINNING.

RECORDED
00 MAY 31 PM 3 44
C NOEL HALES
CANYON CNTY RECORDER
BY
REQUEST PIONEER-CALDWELL
TYPE Deed FEE 9.00

2000 19080

MORTGAGE

THIS INDENTURE, Made this 30 day of May, 2000, between JON K. WEILMUNSTER and MARY L. WEILMUNSTER, husband and wife, of 27207 Boise River Road, Parma, Idaho 83660, the party of the first part, and LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, with JOAN CARPENDER, BERT REYNOLDS and MICHAEL REYNOLDS, Surviving Trustees, of 5000 South Cloverdale Road, Boise, Idaho, 83709, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Two Hundred Twenty-five Thousand Dollars ($225,000.00) of the United States of America, to party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does grant, bargain, sell and convey, unto the said party of the second part, and to party of the second part's heirs and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Canyon and State of Idaho, and particularly described as follows:

See Exhibit A, attached hereto and made a part hereof by reference.

TOGETHER With all water, water rights, ditches and rights of way for ditches appurtenant thereto, evidenced by Forty-Seven (47) sharesof stock in FARMERS CO-OPERATIVE DITCH COMPANY and Idaho Department of Water Resources License # 3561 and Snake River Basin Adjudication Claim # a63-04938.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS GRANT Is intended as a mortgage to secure the payment of that certain promissory note of even date herewith, executed and delivered by the said party of the first part to the said party of the second part, the contents of which note are in the words and figures following, to wit:

See Exhibit B, attached hereto and made a part hereof by reference

And these presents shall be void if such payment be made. But in case default shall be made in the payments of said principal sum of money, or any part thereof, as provided in said note, or if the interest be not paid as herein specified, then and from thenceforth it shall be optional with the said party of the second part, party of the second part's executors, administrators, or assigns to consider the whole of said principal sum

expressed in said note and declare same as immediately due and payable, although the time expressed in said note for the payment thereof shall not have arrived; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same and all benefit and equity and redemption of the said party of the first part, party of the first part's heirs, executors, administrators or assigns, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said promissory note, together with the costs and charges of foreclosure suit, including counsel fees and also the amounts of all such payments of taxes, assessments, incumbrances, or insurance as may have been made by said party of the second part, party of the second part's heirs, executors, administrators or assigns, by reason of the permission hereinafter given, with the interest on the same hereinafter allowed, rendering the over-plus of the purchase money (if any there shall be) unto the said party of the first part, party of the first part's heirs, executors, administrators or assigns. And the said party of the first part does hereby further covenant, promise and agree, to and with the said party of the second part, to pay and discharge, at maturity, all such taxes and assessments, liens, or other incumbrances now subsisting, or hereafter to be laid or imposed upon said premises or which may be in effect a prior charge thereon to these presents, during the continuance hereof, and in default thereof, the said party of the second part may pay and discharge the same, and may, at party of the second part's option, keep fully insured against all risks by fire and casualty the buildings which are now or may be hereafter erected thereon, at the expense of the said party of the first part and the sums so paid shall bear interest at the rate of Seven and Three Quarters per cent (.0775) per annum until paid, and shall be considered as secured by these presents and be a lien upon said premises, and shall be deducted from the proceeds of the sale thereof, above mentioned, with interest as provided.

The party of the first part agrees, after having obtained possession of the property described herein, that party of the first part shall thereafter keep the same insured from loss by fire or other casualty to the extent of the full insurable value thereof and the policy or policies shall contain conditional riders in favor of the party of the second part as party of the second part's interest may appear from time to time; the party of the first part shall provide a copy of Certificate of Insurance to the party of the second part in compliance with this paragraph within fifteen (15) days after the date hereof, which certificate will verify that the party of the first part has obtained the coverage required, and which will verify that the party of the second part will be provided with thirty (30) days notice prior to cancellation of an such coverage.

IN WITNESS WHEREOF, The said party of the first part has hereunto set party of the first part's hand and seal the day and year first above written.

JON K. WEILMUNSTER

MARY L. WEILMUNSTER

Party of the First Part

STATE OF IDAHO)
: ss.
County of Canyon)

On the 31st day of May, 2000, before me, a notary public for said state, personally appeared before me, JON K. WEILMUNSTER and MARK L. WEILMUNSTER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, who acknowledged to me that they executed the same.

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at:
My commission expires:

COPY

L3360

INSTRUMENT NO. 200214088

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, That LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, with JOAN CARPENDER, BERT REYNOLDS and MICHAEL REYNOLDS, Surviving Trustees, do hereby certify and declare that a certain mortgage, dated May 30, 2000, made and executed by JON K. WEILMUNSTER and MARY L. WEILMUNSTER, husband and wife of 27207 Boise River Road, Parma, Idaho 83660, the party of the first part therein, to LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, with JOAN CARPENDER, BERT REYNOLDS and MICHAEL REYNOLDS, Surviving Trustees, of 28264 Sheldon Road, Parma, ID the party of the second part therein recorded in the office of the County Recorder of the County of Canyon, State of Idaho, as Instrument number 200019081, on May 31, 2000 together with the debt thereby secured, is fully paid, satisfied and discharged.

IN WITNESS WHEREOF the Surviving Trustee of the LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, JOAN CARPENDER, BERT REYNOLDS and MICHAEL REYNOLDS, have set their hands and seals this 30th day of May, 2000.

TRUSTEES OF THE LYMAN and GERTRUDE REYNOLDS FAMILY TRUST,

Joan R. Carpender
JOAN CARPENDER

BERT REYNOLDS

Michael Reynolds
MICHAEL REYNOLDS

RECORDED
2002 MAR 27 PM 4 21
G NOEL HALES
CANYON CNTY RECORDER
BY C Cannon

PIONEER-CALDWELL
Sox
FEE 6.00
Paid

200214088

Copy

STATE OF IDAHO)
: ss.
County of Canyon)

On the 30th day of May, 2000, before me, a notary public for said state, personally appeared before me, JOAN CARPENDER, Trustee of the LYMAN and GERTRUDE REYNOLDS FAMILY TRUST, known or identified to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that she executed the same.

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Caldwell
My commission expires: 6-22-01

STATE OF IDAHO)
: ss.
County of Canyon)

On the 30th day of May, 2000, before me, a notary public for said state, personally appeared before me, BERT REYNOLDS, Trustee of the LYMAN and GERTRUDE FAMILY TRUST, known or identified to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that he executed the same.

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Caldwell
My commission expires: 6-22-01

STATE OF IDAHO)
: ss.
County of Canyon)

On the 30th day of May, 2000, before me, a notary public for said state, personally appeared before me, MICHAEL REYNOLDS, Trustee of the LYMAN and GERTRUDE FAMILY TRUST, known or identified to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that he executed the same.

JILL FARWELL NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Caldwell
My commission expires: 6-22-01

12/10/2006

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

RIGHT NUMBER: 63-4938

NAME AND ADDRESS: REYNOLDS FAMILY TRUST
887 STRIKE WAY
KUNA ID 83634

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.030 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/30/1948

POINT OF DIVERSION: T05N R05W S11 NWSW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: STOCKWATER in CANYON County

T05N R05W S11 NWSW

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

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.

08/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4938

NAME AND ADDRESS: REYNOLDS FAMILY TRUST
887 STRIKE WAY
KUNA ID 83634

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.030 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/30/1948

POINT OF DIVERSION:

T05N R05W S11 NWSW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: STOCKWATER Within CANYON County

T05N R05W S11 NWSW

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4938 V1

WATER RIGHT NUMBER: 63-4938 V1

Owner Type	Name and Address
Original Owner	LYMAN S REYNOLDS RT 1 BOX 1025 PARMA, ID 83660
Current Owner	REYNOLDS FAMILY TRUST 887 STRIKE WAY KUNA, ID 83634 (208)922-3347

Priority Date: 03/30/1948

Basis: Beneficial Use

Status: Active

Source	Tributary
UNNAMED DRAIN	BOISE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	01/01 to 12/31	0.030 CFS	
	Total Diversion:	0.030 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN NW1/4SW1/4 Sec. 11, Twp 05N, Rge 05W, B.M.

CANYON County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	11										X							

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. X02 Stockwater use is for 100 range cattle.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4938 V1

Comments:

1. vmusic 8/15/2006 EVIDENCE OF PRIORITY
Comment: LETTER REQUESTS TO CLAIMANT AND CURRENT OWNERS FOR EVIDENCE. NO RESPONSE AND MAIL NOT RETURNED.

2. vmusic 8/15/2006 BASIS FOR RECOMMENDATION
Comment: NO EVIDENCE OF PRIORITY SUBMITTED AND NOT ABLE TO VERIFY ELEMENTS OF CLAIM WITH FIELD EXAM DUE TO NO CONTACT FROM OWNERS. DELETED IRRIGATION USE AND RECOMMENDED THE STOCKWATER ONLY.

3. vmusic 8/15/2006 SURFACE RTS
Comment: UNKNOWN. IN THE FARMERS CO-OP SERVICE AREA

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Contacts	8/15/2006 4:51:05 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
General	8/15/2006 4:51:29 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	8/15/2006 4:52:01 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4938 V1

POU	8/15/2006 4:54:41 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
POU	8/15/2006 4:55:55 PM	vmusic	Updated shape for Active POU
Use	8/15/2006 4:56:59 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required?
POD	8/15/2006 4:53:24 PM	vmusic	Updated shape
Source	8/15/2006 4:53:57 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (No) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
Season	8/15/2006 4:57:30 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4938 V1

Quantity	8/15/2006 4:57:52 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	4/17/2006 1:54:38 PM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

Water Supply Bank:

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 20, 2006

JAMES E. RISCH
Governor
KARL J. DREHER
Director

REYNOLDS FAMILY TRUST
887 STRIKE WAY
KUNA ID 83634

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-4938

Dear Claimants:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right was based on a "Statutory Claim" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion system as possible. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by August 10, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-4938
Aerial Photo

Cc: JON WEILMUNSTER
27207 BOISE R RD
PARMA ID 83660-6939

BOB HICKS
28264 SHELTON RD
PARMA ID 83660

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

JAMES E. RISCH
Governor
KARL J. DREHER
Director

July 20, 2006

JON WEILMUNSTER
27207 BOISE R RD
PARMA ID 83660-6939

BOB HICKS
28264 SHELTON RD
PARMA ID 83660

RE: NOTICE OF CLAIM NO: A63-4938

Dear Land Owner:

We are currently preparing the Notice of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim for your reference. Our research indicates there may have been a change in the ownership for the above claim. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim listed above:

REYNOLDS FAMILY TRUST
887 STRIKE WAY
KUNA ID 83634

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4938

WATER RIGHT NUMBER: 63-4938

Owner Type	Name and Address
Original Owner	LYMAN S REYNOLDS RT 1 BOX 1025 PARMA, ID 83660
Current Owner	REYNOLDS FAMILY TRUST 887 STRIKE WAY KUNA, ID 83634 (208)922-3347

Priority Date: 03/30/1948 - no ecp submitted

Basis: Statutory Claim

Status: Active

Source	Tributary
UNNAMED DRAIN	BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
STOCKWATER	1/01	12/31	0.030 CFS	
~~IRRIGATION~~	3/15	11/15	0.800 CFS	
		Total Diversion:	0.830 CFS	

no shoulder - 3/1 remark

Location of Point(s) of Diversion

UNNAMED DRAIN NW1/4SW1/4 Sec. 11, Twp 05N, Rge 05W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	11										40.0							40.0

Total Acres: ~~40~~

only ~ 21.1 acres ever irrigated per aerial review

STOCKWATER same as IRRIGATION

Dates and Other Information:

Claim Received Date: 5/11/1998
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

no Q for SW not a dct of this h/u

no Q for SW not to > 13 cfs

SW is for 100 head ~~cattle~~ cattle.

Surface rts - unknown. POU is in the Farmers Coop service area needs field exam

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

April 21, 2006

REYNOLDS FAMILY TRUST
887 STRIKE WAY
KUNA ID 83634

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-4938

COPY

Dear Claimants:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion system as possible. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by May 12, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-4938
Aerial Photo

Cc: JOHN WEILMUNSTER
27207 BOISE RIVER RD
PARMA ID 83660

LEO PELOQUIN
25976 MARKET RD
PARMA ID 83660

ANTHONY INECK
25814 MARKET RD
PARMA ID 83660

LEONARD WEBER
25062 MARKET RD
PARMA ID 83660

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

April 21, 2006

JOHN WEILMUNSTER
27207 BOISE RIVER RD
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25976 MARKET RD
PARMA ID 83660

ANTHONY INECK
25814 MARKET RD
PARMA ID 83660

LEONARD WEBER
25062 MARKET RD
PARMA ID 83660

RE: NOTICE OF CLAIM NO: A63-4938

Dear Land Owner:

We are currently preparing the Notice of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim for your reference. Our research indicates there may have been changes in the ownership on portions of the above claim. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim listed above:

REYNOLDS FAMILY TRUST
887 STRIKE WAY
KUNA ID 83634

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES 08/15/2006

ADJUDICATION CLAIM POU REVIEW REPORT

ADJUDICATION CLAIM NUMBER: 63-4938

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
138C	Claim	05N	05W	11	NW	SW		IRRIGATION	40/16111	FARMERS COOPERATIVE DITCH CO
-188	Claim	05N	05W	11	NW	SW		IRRIGATION	40/16111	FARMERS COOPERATIVE DITCH CO
-189	Claim	05N	05W	11	NW	SW		IRRIGATION	40/16111	FARMERS COOPERATIVE DITCH CO
-190	Claim	05N	05W	11	NW	SW		IRRIGATION	40/16111	FARMERS COOPERATIVE DITCH CO
-191	Claim	05N	05W	11	NW	SW		IRRIGATION	40/16111	FARMERS COOPERATIVE DITCH CO
-296	Claim	05N	05W	11	NW	SW		IRRIGATION	40/16111	FARMERS COOPERATIVE DITCH CO
4851	Claim	05N	05W	11	NW	SW		IRRIGATION	40/16111	FARMERS COOPERATIVE DITCH CO
4852	Claim	05N	05W	11	NW	SW		IRRIGATION	40/16111	FARMERS COOPERATIVE DITCH CO
4938	Claim	05N	05W	11	NW	SW		IRRIGATION	40/40	REYNOLDS FAMILY TRUST
4938	Water Right	05N	05W	11	NW	SW		IRRIGATION	40/40	LYMAN S REYNOLDS
303A	Claim	05N	05W	11	NW	SW		IRRIGATION FROM STORAGE	40/16031	FARMERS COOPERATIVE DITCH CO

IDAHO DEPARTMENT OF WATER RESOURCES 08/15/2006

ADJUDICATION CLAIM POD REVIEW REPORT

ADJUDICATION CLAIM NUMBER: 63-4938 1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-4938	Claim	05N	05W	11	NW	SW		UNNAMED DRAIN BOISE RIVER	REYNOLDS FAMILY TRUST
63-4938	Water Right	05N	05W	11	NW	SW		UNNAMED DRAIN BOISE RIVER	LYMAN S REYNOLDS

System User- IDWRR Date 04/18/2006 Time 9:31

REAL PROPERTY INQUIRY

```
01 7R38868-000- -0  049-00        SCH137+      01        28,400     37.43
+++++++++++++++++++++++++++++++++++++++++      02         5,700     18.11
   REYNOLDS, LYMAN-THE                    +      10        13,000      1.00
 & REYNOLDS, GERTRUDE FAM TRUST           +      19                    5.00
                                          +      31        37,200
                                          +      32         2,000
                                          +
 887 N STRIKE WAY                         +
 KUNA          ID 83634-1819              +
+++++++++++++++++++++++++++++++++++++++++
 11-5N-5W SW                              +   TOTAL        86,300     61.54
 SW 1/4 SW 1/4 LESS E 1/2 E 1/2           ++++++++++++++++++++++++++++++++++++
 & LESS TAX 7 & 10,, NWSW                 + SURVEY            INST
                                          + DRAIN 4 DR VALUE    181.71 APPR MKB
                                          + CLASS R2  REAP 94  MAN 93  UNIT   1
 28264 SHELTON RD, PA                     + PARCEL 7R05N05W115400  H/O N C/B N
                                          + PRIOR ACCOUNT   6R38868-000- -0
                                          + 02 MH on Property NO
```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R38868000 0 UNIT 001 TOTAL UNITS 1

SITE 28264 SHELTON RD PA SEC/TWN/RNG 11-5N-5W
ASSESSED VALUE 75,200 ACREAGE 2.00
SUB/PARK NAME YEAR/MAKE
CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK

YR BUILT	1910	AIR COND	MOTEL	CARPORT	N
STORY	1 STORY	HEATING	COAL	CARPORT SQ FT	
FIRST SQ FT	1092	EXTERIOR	HARDBOARD	DECK/PATIO?	Y
SECOND SQ FT		ROOF	WOOD SHINGLES	POOL?	N
BEDS	2	BSMT SQ FT	1092	SPA?	N
BATHS	1.00	% BSMT FIN		LOT SIZE	
FRPLC	1	GARAGE	N	NEIGHBORHOOD	0
		GARAGE SQ FT			

COMMENTS
MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

MODE:F ACTION: COMPANION SHEET INQUIRY TRQK361

01 ACCOUNT: 6R38868-000- -0 AREA 226-00 DRAIN 4 VALUE 5.91 CLASS 2 H/O Y
SEC 11 TWN 5N RNG 5W QTR SW CITY/SUB 0 BLK LOT 5849
OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS

OWNERSHIP C	OWNERSHIP P
BAYES, TIMOTHY D	WEILMUNSTER, JON K
& BAYES, CANDIS S H/W	& WEILMUNSTER, MARY LOU H/W

MAILING ADDRESS
28264 SHELTON RD
PARMA ID 83660

SITE ADDRESS
28264 SHELTON RD PA

LEGALS
11-5N-5W SW
TX 00450 IN W 1/2 SW

COMMENTS
PRIOR ACCOUNT 5R38868000 0
PARCEL 05N05W115849 SRVY
INSTR 200028226 ACRES 2.00
SPLIT YR 2001 DOCUMENT WD

REMARKS
200019080,SPLIT 59.54AC TO -010
200028226

MEMO

DATE: 7/19/2006

FROM: Lori Graves

TO: Claim Files 63-32348, 63-32349

RE: Changes in Ownership, Claim 63-4938

The W1/2SW S11 was originally owned by the Reynolds Family. Statutory claim 63-4938 was filed by Lyman Reynolds and SRBA claim 63-4938 was filed by the Reynolds Family Trust for irrigation of 40 acres in the NWSW only. Owners of property in the SWSW, Peloquin and Inesk, filed for portions of claim 63-4938 because their properties were originally owned and irrigated by Lyman Reynolds.

Claim 63-4938 was then split, creating 63-32348 for Peloquin and 63-32349 for Inesk. The remainder of the right became 63-32347. After review, it was determined that Peloquin and Inesk could not claim portions of 63-4938 because their properties were not located in the NWSW as listed on the original claim, however, in the process, they had provided enough supporting documentation to have their own beneficial use rights for irrigation. As a result, beneficial use claims 63-32348 and 63-32349 reflect private systems not linked to 63-4938 and remainder right 63-32347 was deleted from the system by Dave Grindle.

The NWSW acres listed on claim 63-4938 are currently owned by Jon Weilmunster and Bobby Hicks per county tax records. Evidence of beneficial use, priority and change in ownership will be requested from these parties.

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: **A63-04938**
Date Received: 5/11/1998
Receipt No: CO42287
Received By: CJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REYNOLDS FAMILY TRUST 208-922-3347
   Address: 887 STRIKE WAY
   KUNA ID 83634

2. Date of Priority: MAR 30, 1948

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	05W	11	NW SW		CANYON

5. Description of diverting works:
   PUMP IN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
   0.830 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   STOCKWATER FOR 100 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	11	NW SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Reynolds Family Trustee of
Title
Reynolds Family Trust, that I have signed the foregoing
Organization
document in the space below as Reynolds Family Trustee of
Title
Reynolds Family Trust and that the statements contained in the
Organization
foregoing document are true and correct.

Mick Reynolds
Signature of Authorized Agent

Trustee Reynolds Family Trust
Title and Organization

11 May 98
Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 11th day of May 19 98

Cathy Litchfield
Notary Public

Seal

Residing at Kuna ID

My Commission Expires 3-21-2000