

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-5277
Date Received: 10/19/1989
Receipt No: C012393
Received By:

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

1. Name of Claimant(s)

BENITA MURGOITIO Phone: (208)362-2385
2611 S GROOM WAY
MERIDIAN ID USA 83642

2. Date of Priority: 03/15/1943

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	04W	29	NE SE NW	CANYON	

5. Description of diverting works:

WELL, APP. 100' DEPTH, 18" CASING, 240 HP PUMP, IRRIG. & SPRK. LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.2	

7. Total Quantity Appropriated is:
2.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	04W	29	SE NW	IRRIGATION	40
			NE SW	IRRIGATION	30
			NE NW	IRRIGATION	40

Section Acres 110
Total Acres 110

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:

CHANGE IN OWNERSHIP LG 7-11-2006

15. Basis of Claim: Statutory Claim

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
PD 63-19256	63-5277	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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) Larry and Marianne Williams
914 Houston Rd. N
Boise, ID 83704
4. New Owner/Claimant(s) Benita Murgaitis
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2611 S. Groom Way
City, State and ZIP Code Meridian, ID 83642
New Telephone Number () 208-362-2385
5. Date you acquired the property March 19, 2004

200417729

RECORDED

2004 APR 2 PM 2 35

CANYON COUNTY RECORDER

REQUEST *Robert L. Aldridge*
TYPE *Adm Fee* *00*

ROBERT L. ALDRIDGE, CHARTERED
Attorney at Law
1209 North Eighth Street
Boise, Idaho 83702-4297
Telephone: (208) 336-9880
Fax: (208) 336-9882
Idaho State Bar No 1296
Attorney for Personal Representative

Personal Representative's Deed

Effective March 19, 2004, Louise M. Gunderson, the Personal Representative of the Estate of Marie Louise Odiaga, deceased, hereby transfers and assigns the hereinafter described property to Benita R. Murgoitio, 6833 West Amity Road, Boise, Idaho 83709, as her sole and separate property, reserving the income thereof as separate, as follows:

1. The estate of the said deceased was duly and regularly admitted to probate in Ada County, Idaho, as Probate Case Number SP IE 0400088M, and said Personal Representative has been duly appointed and Letters Testamentary issued in proper form.
2. Therefore, in distribution of the said estate, said Personal Representative hereby grants, bargains, and conveys to the above parties, and their heirs and assigns forever, all of the right, title, and interest of the said deceased, including any right, title, and interest which the said estate, by operation of law or otherwise, may have acquired, in and to the following real property and improvements, if any:

The Williams Farm and Farm House, which is:

PARCEL I: The West Half of the Southeast Quarter of the Northwest Quarter in Section Twenty-Nine (29), Township Five (5) North, Range Four (4) West, Boise Meridian, Canyon County Idaho. ALSO, all that part of the West Half of the Northeast Quarter of the Southwest Quarter lying North of the North line of the right-of-way of the Oregon Short Line Railroad Company in Section Twenty-Nine (29), Township Five (5) North, Range Four (4) West of the Boise Meridian, Canyon County, Idaho. ALSO, beginning at the middle of the North line of the Southeast Quarter of the Northwest Quarter, thence South Two Thousand Two Hundred Twenty-One (2,221) feet to the North line of the right-of-way of U.S. Highway, which is One Hundred (100) feet North of the center line of the right-of-way of the Oregon Short Line Railroad Company; thence in a Southeasterly direction along the North line of said public road Seven Hundred Ninety-Three (793) feet; thence North Two Thousand Five Hundred Thirty-Three (2,533) feet; thence West Seven Hundred Thirty-Two (732) feet to the Point of Beginning; all being in Section Twenty-Nine (29), Township Five (5) North, Range Four (4) West of the Boise Meridian, Canyon County, Idaho.

PARCEL II: The Northeast Quarter of the Northwest Quarter in Section Twenty-Nine (29), Township Five (5) North, Range Four (4) West of the Boise Meridian, Canyon County, Idaho.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

IN WITNESS WHEREOF, the said Personal Representative has executed this Deed the day and year in this Deed first above written.


Louise M. Gunderson, Personal Representative

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On March 19, 2004, before me, a Notary Public in and for said State, personally appeared Louise M. Gunderson, known or identified to me to be the Personal Representative of the above referenced estate and to be the person who executed the foregoing Personal Representative's Deed, and acknowledged to me said execution in said capacity.

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





Notary Public for Idaho
Residing at Meridian
Commission expires 7-01-2006

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: A63-05277
Date Received: 10/19/1989
Receipt No: CO12393
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY WILLIAMS 208-383-0000
Address: 914 HOUSTON RD.
BOISE, ID 83706
OR
Name: MARIANNE WILLIAMS 208-383-0000
Address: 914 HOUSTON RD.
BOISE, ID 83706
2. Date of Priority: MAR 15, 1943
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	04W	29	NE	SE	NW		CANYON
5. Description of diverting works:
WELL, APP. 100' DEPTH, 18" CASING, 240 HP PUMP, IRRIG. & SPRK. LINES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		
7. Total Quantity Appropriated is:
2.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 385.0 Acre Feet Per Annum.
9. Non-irrigation uses:

MICROFILMED
AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04W	29	NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	30.0

Section Acres 110.0

Total Acres 110.0

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:
FARMERS COOP DITCH RIGHTS

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: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Marianna Williams Date: 10/19/89

Date: _____

State of Idaho)
County of ADA) SS.

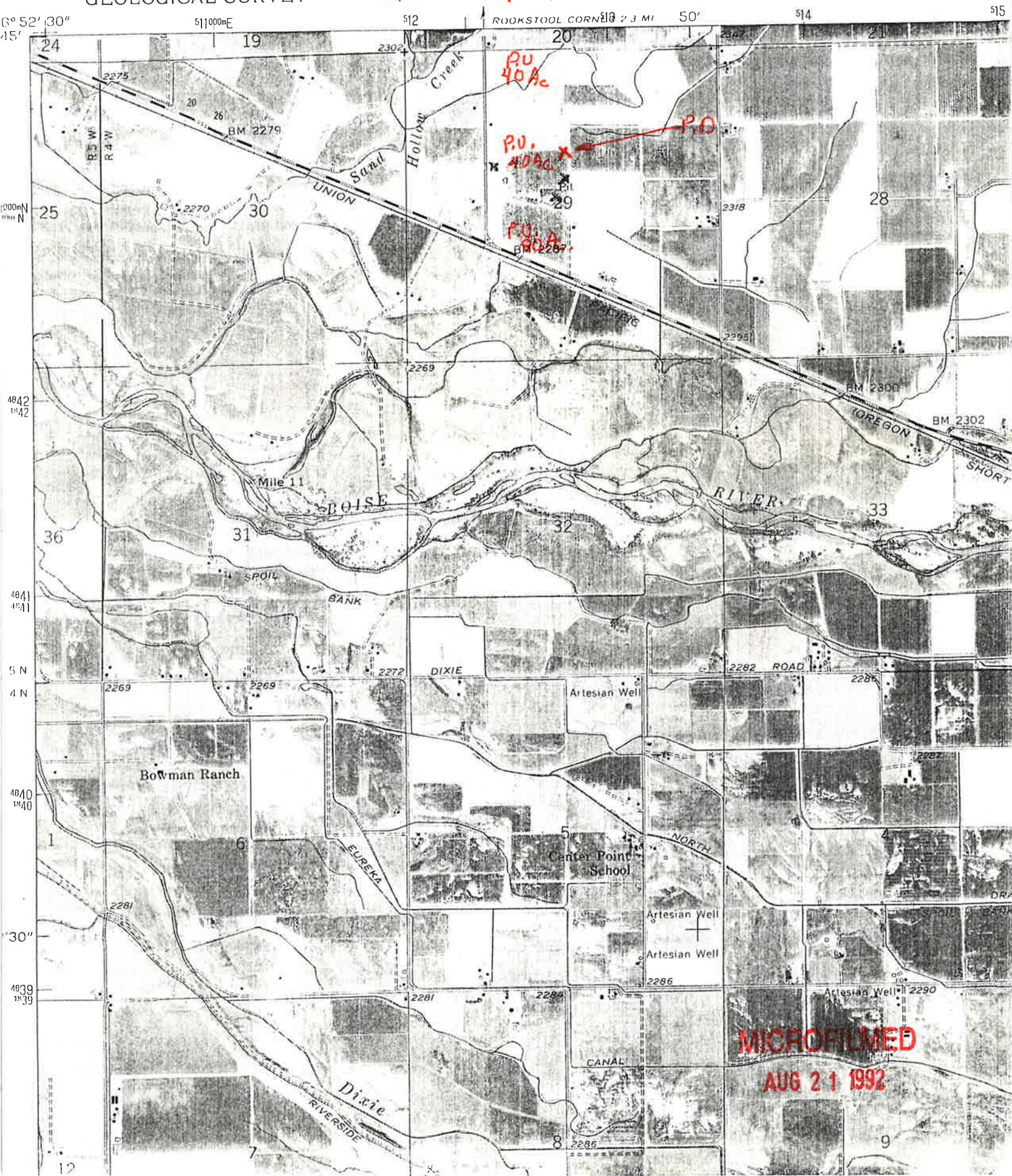
Subscribed and sworn (or affirmed) before me this 19th day
of Oct. 19 89
James E. Sully
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/28/1994

MICROFILMED
AUG 21 1992

T5N R04 W SEC 29



RECEIVED
JUN 04 2007
DEPARTMENT OF
WATER RESOURCES

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

Subcase 63-19256
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Benite Murgatio

My address is 2611 S. Groom Way, Meridian, Idaho 83642

My phone number is: Work _____ Home 863-4501

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

I filed my documents in 2006 with the
Idaho Department of Water Resources for this water
right. I have learned for some reason my documents
are not there! (SEE ATTACHED)

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 50.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday, September 18, 2007 1:30 p.m.
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Benita Murgutio

(Insert name of person filing form)

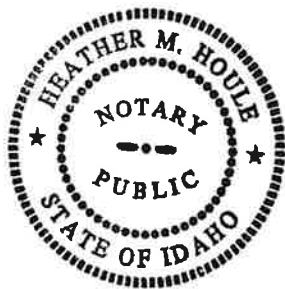
, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Benita Murgutio
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 5.24.07
(Insert Date)



Heather Houle
Notary Public for BOISE ID
Residing at: BOISE ID
My Commission expires: 6/20/2012

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 1, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

RECEIVED

JUN - 4 2007

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Benitz Murgotio Phone () 863-4501Mailing Address 2611 S. Groom Way, Meridian, Idaho Zip 836422. Date of Priority: (Only one per claim) 06/01/1940 Month/Day/Year3. Source of water supply (Check one) Ground Water ~~X~~ or Other () (a) _____
which is tributary to (b) _____4. Location of Point of Diversion is: Township 05N, Range 04W, Section 29,
S, 1/4 of _____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of Canyon County
Additional points of diversion if any: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Well

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1/01 to 12/31 amount 0.040 cfs
For Stockwater purposes from 1/01 to 12/31 amount 0.030 cfs7. Total Quantity claimed 0.040 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) _____

10. Location of Place of Use is: Township 05N, Range 04W, Section 29,
SE, 1/4 of NW, 1/4, Govt. Lot _____, BM.

for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any Stockwater, 100 range cattle Parcel, No. 2R 38507
ADDRESS: 25592 DON LANE, PARMA, ID.

11. Which county (ies) are lands listed above as place of use located? Canyon County

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

None (X) _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court Fifth Judicial Decree Date 2/21/2000 Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 63-19236

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

Number of attachments: _____

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

Signature of Claimant (s) Begita Murgatov Date: May 24, 2007
 _____ Date: _____

For Organizations: I do solemnly swear or affirm that I am _____ Title
 of _____ that I have signed the foregoing document in the space below as
 _____ Organization _____ of _____ Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho)
 County of Ada) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 24th day of May, 2006

Notary Public Heather Houle

Residing at Boise, ID

My commission Expires 6/20/2012



Last Name _____ Identification No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-19256

WATER RIGHT NUMBER: 63-19256

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	MARIANNE WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Previous Owner	LARRY WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Current Owner	BENITA MURGOITIO 2611 S GROOM WAY MERIDIAN, ID 83642

Priority Date: 06/01/1940

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
	Total Diversion:	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4NW1/4 Sec. 29, Twp 05N, Rge 04W, B.M.
CANYON County

Place of Use

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-19256

Conditions of Approval:

1. 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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. STOCKWATER, 100 RANGE CATTLE PARCEL NO. 2R 38507 PROPERTY ALSO KNOWN AS 25592 DON LANE, PARMA.

Remarks:

Comments:

1. AJU10-DS 6/22/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5277 V1

WATER RIGHT NUMBER: 63-5277 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARIANNE WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Original Owner	LARRY WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Current Owner	BENITA MURGOITIO 2611 S GROOM WAY MERIDIAN, ID 83642

Priority Date: 03/15/1943

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.960 CFS	441.90 AF
	<u>Total Diversion:</u>	1.960 CFS	441.90 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 29, Twp 05N, Rge 04W, 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	04W	29			2.4		38.0		33.0		23.0					1.8			98.2

Total Acres: 98.2

Conditions of Approval:

1. W24 Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.
2. 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 63-5277 V1

Comments:

Water Supply Bank:

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

October 12, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED
OCT 16 2006
WATER RESOURCES
WESTERN REGION

Lori Graves
Sr. Water Resource Agent
Idaho Department of Water Resources
Western Region Office, Adjudication Bureau
2735 Airport Way
Boise, Idaho 83705

Re: Water Right 63-5277
MTBR&F File No. 22567.0

Dear Lori:

I am writing to confirm our telephone conference this afternoon concerning the above-referenced water right. As I conveyed to you, Scott Campbell and this firm do not represent the new owner of this water right. Our firm represented the prior owners, Larry and Marianne Williams. Therefore, please remove Mr. Campbell's name and the firm's name from this water right matter.

I have enclosed the preliminary recommendation and related documents for water right 63-5277, so that you may forward it on to the new owner of this water right. Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,


Tiffany M. Hudak
Paralegal

/tmh

Enclosure

cc: Larry Williams (w/o encl.)

RECEIVED
OCT 30 2006
WATER RESOURCES
WESTERN REGION

09/29/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-5277

BENITA MURGOITIO
2611 S GROOM WAY
MERIDIAN ID 83642

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

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

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

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

DATE: 10/30/2006 SIGNATURE: *Benita Murgotio*
Please print your name: Benita Murgotio

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

09/25/2006

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

RIGHT NUMBER: 63-5277

NAME AND ADDRESS: BENITA MURGOITIO
2611 S GROOM WAY
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.960 CFS
441.900 AFY

PRIORITY DATE: 03/15/1943

POINT OF DIVERSION:

T05N R04W S29 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
1.960 CFS
441.90 AFY

PLACE OF USE:

IRRIGATION Within CANYON County

T05N R04W S29	SWNE	2.40	T05N R04W S29	NENW	38.00
T05N R04W S29	SENE	33.00	T05N R04W S29	NESW	23.00
T05N R04W S29	NWSE	1.80			

98.2 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.

09/12/2006

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

RIGHT NUMBER: 63-5277

NAME AND ADDRESS: LARRY WILLIAMS
914 HOUSTON RD
BOISE ID 83706

MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.960 CFS
441.900 AFY

PRIORITY DATE: 03/15/1943

POINT OF DIVERSION:

T05N R04W S29 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.960 CFS 441.90 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T05N R04W S29	SWNE	2.40	T05N R04W S29	NENW	38.00
T05N R04W S29	SENE	33.00	T05N R04W S29	NESW	23.00
T05N R04W S29	NWSE	1.80			

98.2 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.



Idaho Department of Water Resources

SRBA Recommendation:

63-5277

(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63



R04W



0.6 Miles

0.3

0

Prepared by S. Egbert
On Tuesday, September 12, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5277 V1

WATER RIGHT NUMBER: 63-5277 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Current Owner	LARRY WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Current Owner	MARIANNE WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367

Priority Date: 03/15/1943

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.960 CFS	441.90 AF
	<u>Total Diversion:</u>	1.960 CFS	441.90 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 29, Twp 05N, Rge 04W, 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	04W	29			2.4		38.0			33.0		23.0					1.8		98.2

Total Acres: 98.2

Conditions of Approval:

1. W24 Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.
2. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5277 V1

POU	9/12/2006 3:02:58 PM	segbert	(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? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
POU	9/12/2006 3:04:35 PM	segbert	Updated shape for Active POU
Use	9/12/2006 3:04:53 PM	segbert	(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? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Source	9/12/2006 3:02:26 PM	segbert	(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? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
Season	9/12/2006 3:05:16 PM	segbert	(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 administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/12/2006 3:06:28 PM	segbert	(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? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5277

WATER RIGHT NUMBER: 63-5277

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARIANNE WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367
Current Owner	BENITA MURGOITIO 2611 S GROOM WAY MERIDIAN, ID 83642
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Original Owner	LARRY WILLIAMS 914 HOUSTON RD BOISE, ID 83706 (208)880-7367

Priority Date: 03/15/1943 ✓

Basis: Statutory Claim *BCU*

Status: Active ✓

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

<u>Beneficial Use</u> ✓	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	~~3-15~~ to 11/15 <i>3-1</i>	2,200 CFS <i>1.96</i>	<i>441.9 AF</i>
	<u>Total Diversion:</u>	2,200 CFS	

Location of Point(s) of DiversionGROUND WATER
CANYON CountyNE 1/4 SE 1/4 NW 1/4
SW NE

Sec. 29, Twp 05N, Rge 04W, B.M.

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	04W	29			<i>2.4</i>		<i>40.0</i>			<i>40.0</i>	<i>30.0</i>						<i>1.8</i>		<i>110.0</i>
							<i>3.8</i>			<i>33</i>	<i>2.3</i>								<i>98.2</i>

Total Acres: 110

Conditions of Approval:

1. CHANGE IN OWNERSHIP LG 7-11-2006

Farmers Coop

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

1.) Pump information:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P1/D	General Electric	20	1F784	Unknown	10" Discharge

2.) Lift (distance from pump to water) 25 FT

3.) How was lift determined (well log, measurement, owner)? measured

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) 15 psi. Estimated including 20FT Elevation

5.) Was a measurement made? NO If no can a measurement be made at a latter time? NO

6.) What type of measurement device was used? Theoretical

7.) Is there a pump curve available for pump? NO

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

DITCH & SPRINKLERS.

9.) Please outline all acres irrigated on attached aerial photo. _____ DONE

10.) Please clearly mark all points of diversion on map and GPS. _____ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.

_____ DONE

12.) Pictures taken of place of use and point of diversion. _____ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

This is a fairly simple system.
The pump diverts water to a
bubbler north of the pump. The bubbler
is also the point where canal water
enters the property. The water in
the bubbler is either pumped through
a mainline and sprinklers to irrigate
the fields north of the bubbler or
gravity fed to cement ditch system
that irrigate the fields south of the
bubbler.
Farmer's co-op water is the main
source of water, this is a supplemental well.

I suggest the claim be recommended
as follows.

1.96 CFS / 441.9 aFg For supplemental
irrigation of 98.2 Acres.

DATE EXAM CONDUCTED

Daniel A. Nelson

FIELD EXAMINER

7-22-06.

T5N R4W S29

NENW
38 acres

**This is the point of diversion and
place of use for adjudication claim
63-5277. I found 98.2 acres irrigated.**

SENW
33 acres

SWNE
2.4 acres

NESW
23 acres

NWSE
1.8 acres



Mainline for sprinklers

Canal water piped here

Bubbler for canal water and well water everything starts here.

cement ditches

Mainline from well to bubbler.

GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-5277

DATE: 7-22-06

BY: Don Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$(8.8) \times (20) \times (0.70) = 123.2$
 $Q = \underline{\hspace{2cm}} = \underline{2.07 \text{ cfs.}}$

$[(25) + (15 \text{ psi} \times 2.31)] = 59.65$

LIFT FROM:

Measurement ☒

Owner ()

Area estimate ()

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate ☒

Owner Gage ()

Booster (Y) (N)

NOTES ON PUMP:

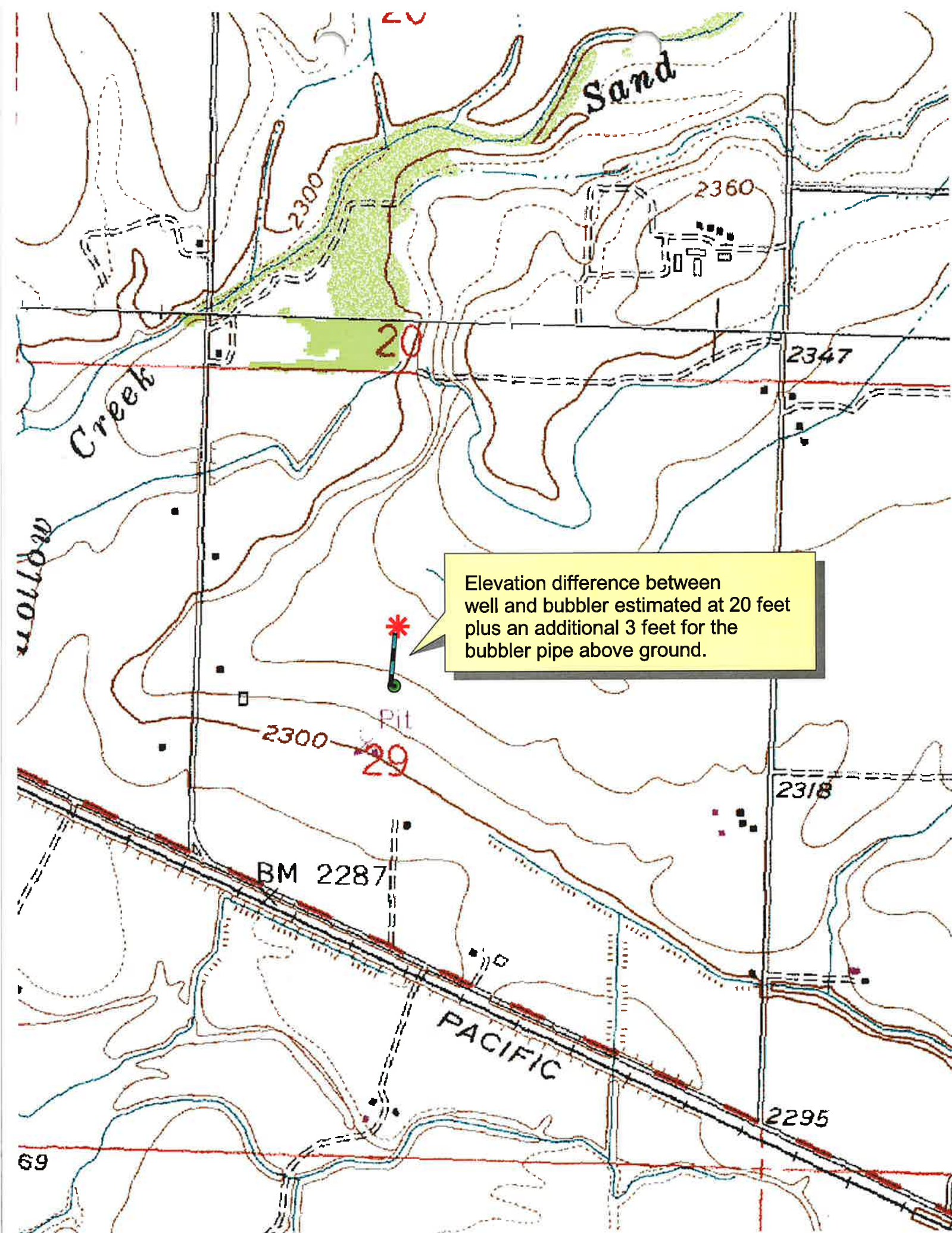
Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: I measured the static water level at 25 feet. According to Quadrange maps the pump pushes the water approximately 20 feet. Add on a 3 ft bubble pipe and 5 psi for open discharge. I would place the pressure against the pump at least 15 psi.

This diversion rate may be a little high, but it close to representing the capacity of the pump.

98.2 acres are irrigated, using the standard inch per acre limitation. ~~the capacity of the~~ maximum allowable diversion rate is 1.96 cfs. The pump has the capacity to supply the full inch per acre.



Elevation difference between well and bubbler estimated at 20 feet plus an additional 3 feet for the bubbler pipe above ground.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 7/22/2006

FILE NUMBER 63-5277



The upper photo shows the well and pump for this claim.

The second photo shows the bubbler where the canal water and well water can be commingled or used separately. The water can either be pumped through a mainline to sprinklers that irrigate the northern fields that are north of the bubbler, or sent west through a cement ditch to gravity irrigate the southern fields that are south of the bubbler.



The bottom photo shows the well and fields being irrigated.





mainline
canal
pump

mainline
canal

April 23, 2006

Lori Graves, Sr. Water Resource Agent
Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705-50821

RECEIVED
APR 25 2006
WATER RESOURCES
WESTERN REGION

RE: Notice of Claim No: 63-5277
Water Right 63-19256

Dear Lori:

Attached is the information necessary to show the change of ownership for the claim and right shown above. I have enclosed the following:

- 1) Notice of Change in Water Right Ownership
- 2) Personal Representative's Deed that reflects the transfer of ownership of such property from the estate of Marie Odiaga to myself, Benita R. Murgoitio. Marie purchased the property from the Williams in 1998.
- 3) FSA Aerial Photo, showing location of irrigation well and domestic well.
- 4) Affidavit from Tom Johnston regarding wells and use.

If you need additional information, please contact my sister, Carol Ann Murgoitio, at 208-941-2436. Carol handles my affairs in relationship to this property and she has authority to act on my behalf.

Thank you so much for all your help!



Benita R. Murgoitio

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Claim No. 63-5277)
Water Right 63-19256)
State of Idaho)
County of Canyon)

AFFIDAVIT

I, Tom Johnston

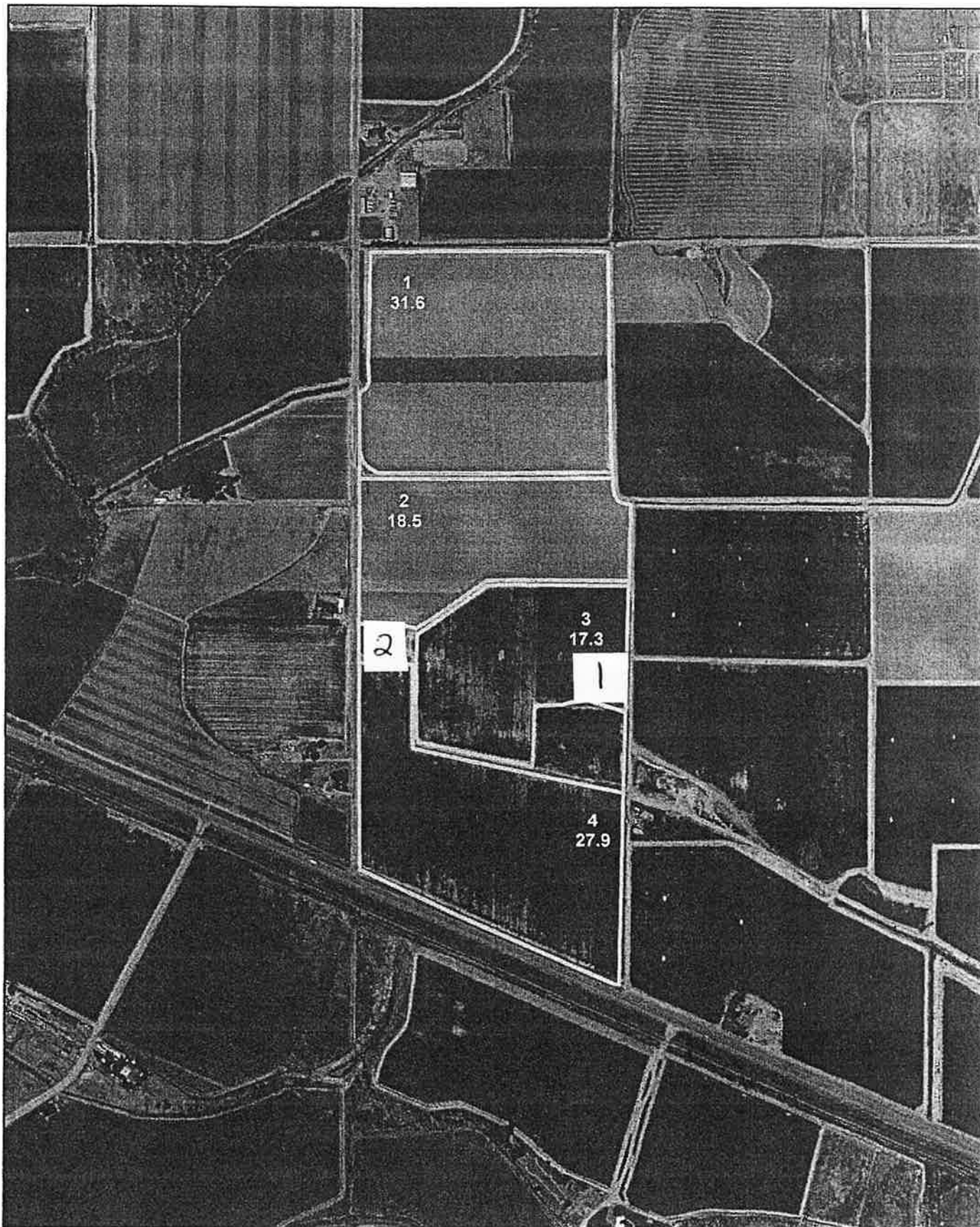
deposes and says: this claim reflects a drainage well drilled around June 1,
1940. It is located approximately 1/4 mile North of Highway 20/26 and
1/4 mile East of Lon Davis Road in Canyon County. As a 4th generation
farmer and adjacent landowner, I have personal knowledge and observed the
use of this well for water on the property where it is located.

The water has been used for irrigation purposes.

There is also a domestic well located at 25529 Don Lane, Parma, on this
farm of approximately 108 acres.


(Signature)

Tom Johnston
22410 Ten Davis Road
Parma, ID 83660
(208-722-6224)



Well Locations 1 = drainage well
2 = domestic well
Canyon County, ID



Receipt Details for ID C012393

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/19/1989 9:40:29 AM	10/19/1989	State	\$210.00	Check
Payer		WILLIAMS IND(LARRY&MARI.)		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2818			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$210.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

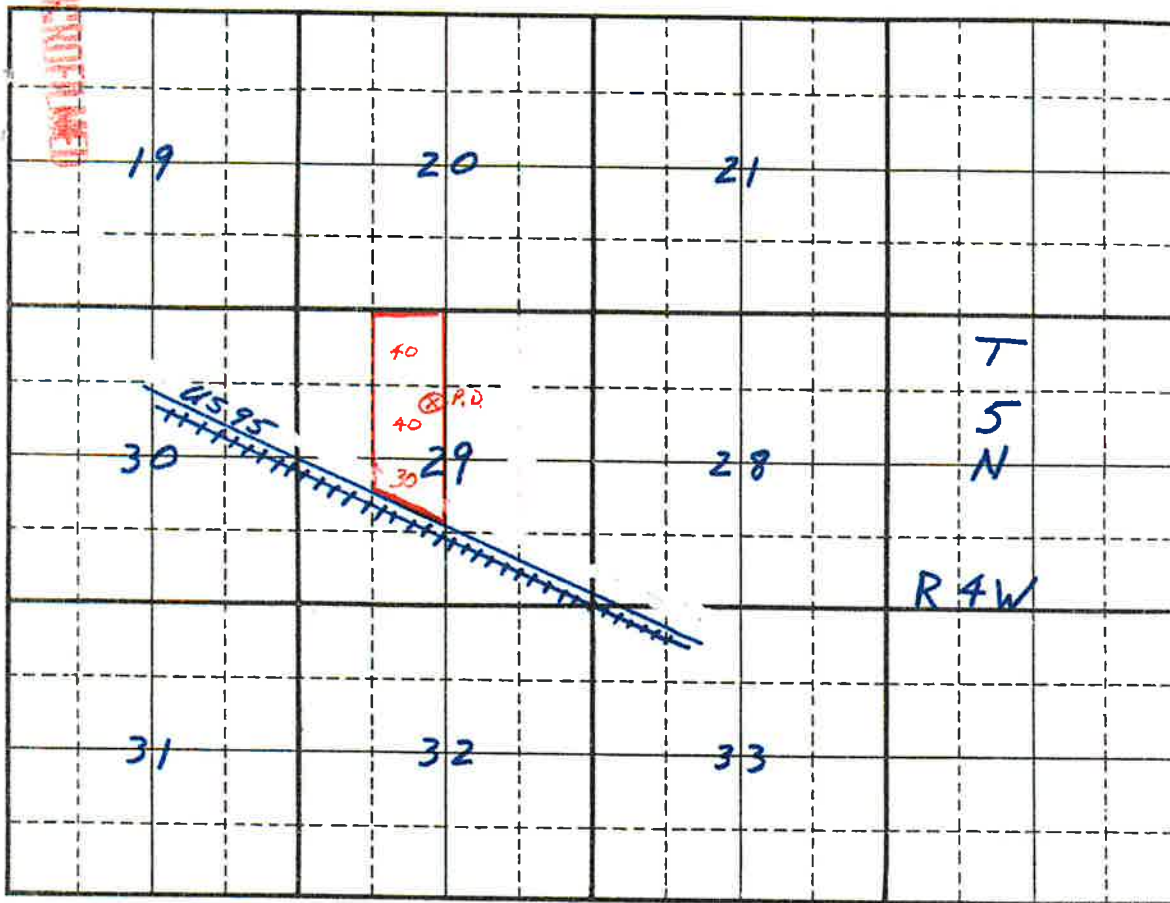
Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
67	10985		\$25.00	Claim
63	5277		\$160.00	Claim
63	19256		\$25.00	Claim

Print Report

(8) Remarks _____



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)
County of ADA) ss.

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.

Sworn to before me this 28th day of JUNE

Paul Anderson
(Claimant)
19 83
Paul Anderson
Notary Public
Residing at Boise

My commission expires (life commission)

Received by SRC 7-5-83 FOR DEPARTMENT USE ONLY
Prelim. check by TG Date 6/30/83 Exception filed by: _____ Date _____
\$30.00 fee received by IP Date 1-3-84 Forwarded to claimant by: _____ Date _____
Published in Boise Tribune Date 7-5-83 26911
Dates 2/23 & 3/1/84



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 11, 2006

Benita Murgoitio
2611 S Groom Way
Meridian, ID 83642

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Notice of Claim to a Water Right No. 63-5277

Dear Claimant(s):

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

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

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

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

MAY 08 2006

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaefer Kaufmann
Michael W. McGreaham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. Stenquist

Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Joel A. Flake, Jr.
Russell G. Metcalf
Benjamin C. Ritchie

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

May 4, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Lori Graves
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Water Right 63-5277
MTBR&F File No. 22567.0

Dear Lori:

I am in receipt of your letter to Larry Williams dated April 10, 2006, concerning the above-referenced water right. After researching this matter, it appears that Mr. Williams sold the subject property, to which this water right is appurtenant, to Marie Odiaga in approximately June of 1998.

Thank you for your assistance this matter. If you have any questions, please do not hesitate to contact me. In the event that I am unavailable, please contact my paralegal, Tiffiny Hudak, at 385-5435.

Very truly yours,


Scott L. Campbell

SLC/tmh
cc: Larry Williams



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 10, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LARRY AND MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-5277

Dear Mr. and Mrs. Williams,

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 well/pump and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion system as possible such as pump make and model, horsepower, well depth, static water level,

Page 2

water lift (in feet), operating pressure, sprinkler system details, etc. 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 1, 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 A63-5277
Aerial Photo

Cc: **BENITA R MURGOTTIO**
6833 AMITY RD
BOISE ID 83709



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 10, 2006

BENITA MURGOITIO
6833 AMITY RD
BOISE ID 83709

**RE: NOTICE OF CLAIM NO: 63-5277
WATER RIGHT 63-19256**

Dear Mrs. Murgoitio:

We are currently preparing the Notice of Claim for the Director's Report in the Snake River Basin Adjudication for claim 63-5277. Enclosed is a computer printout of the claim for your reference and also accompanying domestic water right 63-19256. Our research indicates there may have been a change in the ownership for the claim and right. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the records listed above:

**LARRY AND MARIANNE WILLIAMS
914 HOUSTON RD
BOISE ID 83706**

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 records 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