

Shurte, Jan

From: Shurte, Jan
Sent: Monday, September 14, 2009 2:36 PM
To: Ted Booth
Subject: Partial Decree for 63-32496 - Pioneer Irr. Dist.

Hi Ted,

During our status conference last week concerning Pioneer Irrigation District's rights, the question came up concerning the above water right and whether it can be sent to partial decree or not. It is an uncontested overlap and you asked me to check on it.

After reviewing the files for this one I feel that it can be sent through. It originally was a private right that Pioneer purchased – groundwater source. This right is a split of License No. 63-8436 and the other portion of the right, 63-32495, has already been partially decreed with no objections.

I do not see any problems with it and would be happy to see it partially decreed.

Thanks,
Jan

9/14/2009

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 63-32496
Date Received: 12/7/1989
Receipt No:
Received By:

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

1. Name of Claimant(s)

PIONEER IRRIGATION DISTRICT Phone: (208)459-3617

PO BOX 426
CALDWELL ID USA 83605

2. Date of Priority: 02/11/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	03W	3	SW NW SW	CANYON	

5. Description of diverting works:

WELL & PUMP.

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
03/15 11/15 0.11

(or) A.F.A

3-1 condition

7. Total Quantity Appropriated is:
0.11 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
03N	03W	4	~~NE~~ ~~SE~~ NW SE NE SE	IRRIGATION Section Acres	~~5.4~~ 10. ~~5.4~~ 16 26

Total Acres

~~5.4~~

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:

The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

OWNERSHIP CHANGE BY DB 1/6/98.
ADDRESS CHANGE 7/21/98 BY JG.

This right is a split from former right 63-8436.

15. Basis of Claim: Permit

License

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: **A63-08436**
Date Received: 12/ 7/1989
Receipt No: W006863
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name:	CRAIG GIBSON	208-466-3600
Address:	912 12TH AVE SOUTH	
	NAMPA ID	83651
AND		
Name:	HARMON JOHNSON	208-466-3600
Address:	912 12TH AVE SOUTH	
	NAMPA ID	83651
AND		
Name:	ELIZABETH JOHNSON	208-466-3600
Address:	912 12TH AVE SOUTH	
	NAMPA ID	83651

2. Date of Priority: FEB 11, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03W	3	SW	NW	SW		CANYON

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.540		

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

8. Total consumptive use is 94.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	4	NE	SE		IRR	17.0
			NW	SE		IRR	10.0
					Section Acres		27.0
					Total Acres		27.0

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:
PIONEER IRRIGATION DISTRICT

14. Remarks:
OWNERSHIP CHANGE BY DB 1/6/98.

15. Basis of Claim: PERMIT

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

RECEIVED

DEC 09 1997

WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s):

A63-08436

Adjudication Claim No(s):

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

- A.** A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
① # 9430610 ② # 9502465 AND ③ # 9502466
- B.** **PLAT OF PROPERTY or SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

- C.** For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Leo R. HartRuby K. Hart

4. New Owner/Claimant(s)

Craig Gibson, Harmon and Elizabeth Johnson

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
912 12th Avenue South

City, State and ZIP Code

Nampa, ID 83651

New Telephone Number

(208) 466-3600

5. Date you acquired the property

Jan. 26, 1995

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate

Number and type of stock

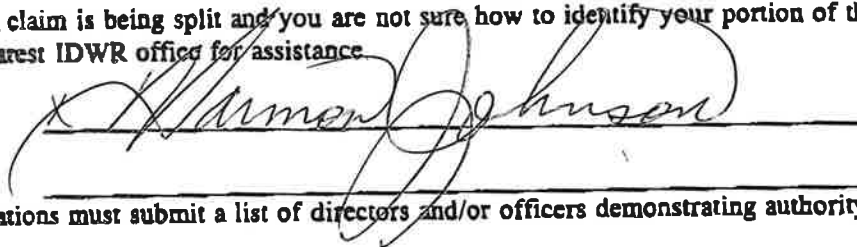
Diversion rate in CFS

Number of homes

Other uses

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)



(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

9502466

QUITCLAIM DEED

FOR VALUE RECEIVED Craig Gibson, an unmarried man

does hereby convey, release, remise and forever quit claim an undivided one-half interest

unto Harmon Johnson and Elizabeth Johnson, husband & wife

whose address is 912 12th Ave S, Nampa, ID 83651

the following described premises, to-wit:

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

together with their appurtenances.

Dated: January 26, 1995

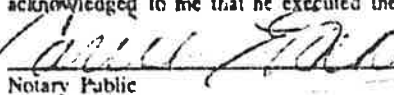


Craig Gibson

STATE OF IDAHO

COUNTY OF CANYON

On this 27th day of January in the year 1995, before me, a Notary Public, personally appeared Craig Gibson known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public

Residing at Parma

My commission expires 8/7/96



Exhibit "A"

Lots 17, 18 and 19, ORCHARD HEIGHTS, Caldwell, Canyon County, Idaho, according to the plat filed July 24, 1909 in Book 2 of Plats, Page 38, records of said County.

EXCEPTING THEREFROM:

A part of Tract 19 of ORCHARD HEIGHTS in Section 4, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Southeast corner of Tract 19 of ORCHARD HEIGHTS, the INITIAL POINT; thence

North 0° 00' West 195.5 feet along the East line of the said Tract 19; thence

South 89° 24' West 340 feet parallel to the South line of the said Tract 19 to a point in the centerline of the Phyllis Canal; thence

South 52° 21' East 315.73 feet along the said centerline to a point on the South line of the said Tract 19; thence

North 89° 24' East 90 feet along the said South line to the INITIAL POINT.

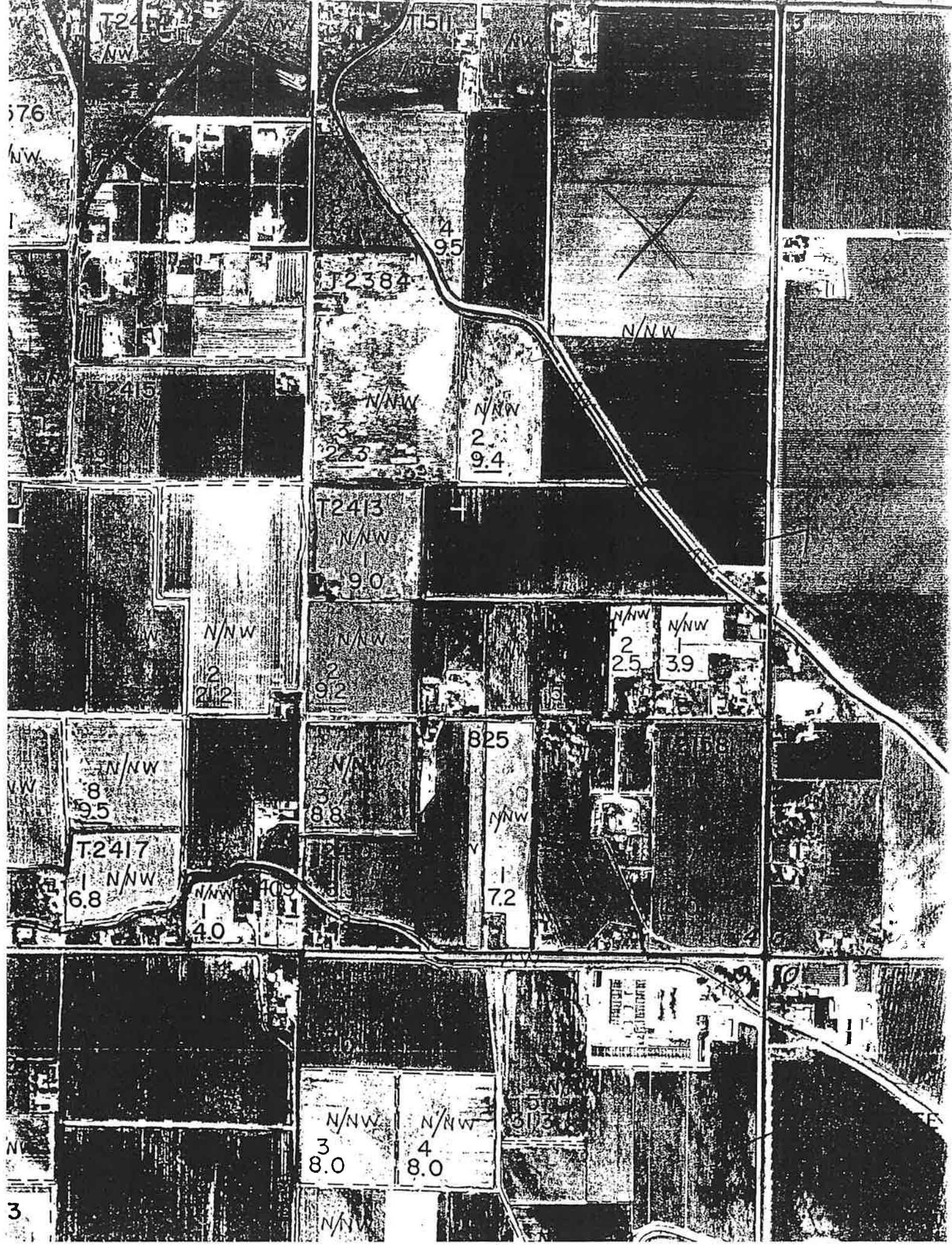
REQUIRE PIONEER-CALPINE
TYPE *Plat* FEE *30.*
400

CANYON CH. RECORDER
by Fred D. ...

95 JUN 30 PM 2 33

RECORDED

9502466



9502465

WARRANTY DEED

FOR VALUE RECEIVED, AgAmerica, FCB, a corporation, successor by merger to The Federal Land Bank of Spokane, the Grantor, does hereby grant, bargain, sell, and convey unto CRAIG L. GIBSON, a single individual, Grantee, whose address is P O Box 395, Meridian, ID 83680, the following described premises in Canyon County, Idaho, to-wit:

Lots 17, 18, and 19, ORCHARD HEIGHTS, Caldwell, Canyon County, Idaho, according to the plat filed July 24, 1909 in Book 2 of Plats, Page 38, records of said County.

EXCEPTING THEREFROM:

A part of Tract 19 of ORCHARD HEIGHTS in Section 4, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Southeast corner of Tract 19 of ORCHARD HEIGHTS, the INITIAL POINT; thence North 0°00' West 195.5 feet along the East line of the said Tract 19; thence South 89°24' West 340 feet parallel to the South line of the said Tract 19 to a point in the centerline of the Phyllis Canal; thence South 52°21' East 315.7 feet along the said centerline to a point on the South line of the said Tract 19; thence North 89°24' East 90 feet along the said South line to the INITIAL POINT.

TOGETHER WITH any and all tenements, hereditaments, and appurtenances thereunto belonging or any wise appertaining; together with all water and water rights used upon or appurtenant to said lands and however evidenced.

SUBJECT TO any and all easements, rights of way, or restrictions of record, and buildings and use restrictions, zoning and building laws, and ordinances, if any, as the same may appear of record, and the exceptions, provisions, and reservations contained in patents or deeds from the United States of America, or the State of Idaho, or in other deeds of record.

TO HAVE AND TO HOLD the said premises unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, except as mentioned above, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED This 25 day of January, 1995.

AgAMERICA, FCB,
Successor by merger to The
Federal Land Bank of Spokane

By: Kristine Peterson
Position: Notary Public

STATE OF IDAHO)
County of Twin Falls) ss.

On this 25 day of January, 1995, before me, the undersigned, a
Notary Public in and for said County and State, personally appeared
Kristine Peterson, known to me to be the
of AgAmerica, FCB, who executed the foregoing instrument on behalf of the said
corporation, and acknowledged to me that such corporation executed the same.

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



Elaine Klundt
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 3-5-1999

REQUEST
TYPE Deed FEE 6.00

PIONEER — CALPINE

CANYON CH. RECORDING
BY John D. Brown

95 JUN 30 PM 2 33

RECORDED

9502165

942010

WARRANTY DEED

FOR VALUE RECEIVED, Leo R. Hart and Ruby K. Hart, Husband and Wife and Richard K. Hart and Mary Alice Hart, Husband and Wife, hereinafter collectively referred to as "Grantors", do hereby grant, bargain, sell and convey unto AgAmerica, FCB, successor in interest to Federal Land Bank of Spokane, a corporation, hereinafter referred to as "Grantee", whose address is c/o Farm Credit Services, 423 Blaine Street, P.O. Box 310, Caldwell, Idaho 83605, the real property situated in Canyon County, Idaho, and more particularly described in Exhibit "A", attached hereto and made a part hereof;

To have and to hold the said premises and their appurtenances unto the said Grantee, their successors and assigns, forever.

The said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances; and that they will warrant and defend the same from all lawful claims whatsoever.

The consideration for this Deed is the forgiveness of indebtedness in the amount of \$150,000.00.

IN WITNESS WHEREOF, the parties hereto have set their hands this 29th day of September, 1994.

Leo R. Hart
Leo R. Hart

Ruby K. Hart
Ruby K. Hart

Richard K. Hart
Richard K. Hart

Mary Alice Hart
Mary Alice Hart

STATE OF IDAHO
County of Canyon

On this 29th day of September, 1994, before me, a Notary Public in and for said County and State, personally appeared Leo R. Hart, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



County of Canyon)
)
)

Leo R. Hart
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My Commission Expires: 12/11/99

On this 29th day of September, 1994, before me, a Notary Public in and for said County and State, personally appeared Ruby K. Hart, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

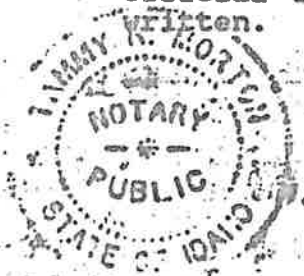


Leo R. Hart
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My Commission Expires: 12/11/99

STATE OF IDAHO)
County of Ada)
~~Canyon~~)

On this 29th day of September, 1994, before me, a Notary Public in and for said County and State, personally appeared Richard K. Hart, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Bain, Idaho
My Commission Expires: 12/11/99

STATE OF IDAHO)
County of Ada)
~~Canyon~~)

On this 29th day of September, 1994, before me, a Notary Public in and for said County and State, personally appeared Mary Alice Hart, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Bain, Idaho
My Commission Expires: 12/11/99

EXHIBIT "A"

Lots 17, 18 and 19, ORCHARD HEIGHTS, Caldwell, Canyon County, Idaho, according to the plat filed July 24, 1909 in Book 2 of Plats, Page 38, records of said County.

EXCEPTING THEREFROM:

A part of Tract 19 of ORCHARD HEIGHTS in Section 4, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Southeast corner of Tract 19 of ORCHARD HEIGHTS, the INITIAL POINT; thence

North 0° 00' West 195.5 feet along the East line of the said Tract 19; thence

South 89° 24' West 340 feet parallel to the South line of the said Tract 19 to a point in the centerline of the Phyllis Canal; thence

South 52° 21' East 315.73 feet along the said centerline to a point on the South line of the said Tract 19; thence

North 89° 24' East 90 feet along the said South line to the INITIAL POINT.

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property, which in any manner entitle Grantors to water.

REQUEST
TYPE Recd FEE 12.00
POWER - CALDWELL

BY John D. Jones
CANYON COUNTY RECORDER

94 OCT 7 AM 11 56

RECORDED

9430610

EXHIBIT "A"



AJ0749NP
No. A63-08436

IDAH0 DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/04/97
PAGE: 1

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C LEO R HART 02/11/1977 IRRIGATION 03-15 11-15 0.54 CFS 94.50 AFA
C RUBY K HART TOTAL DIVERSION: 0.54 CFS
CONSUMPTIVE USE:

Water Source: GROUNDWATER Tributary to: Stage: PERMIT
Point(s) of Diversion: T03N R03W S03 SUMWSH CANYON COUNTY

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		SUM	
WENE NAME	SWNE	SENE	WENW NAME	SWNW	SENW	WESW NAME	SESW	WESS NAME	SESE
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03N	03W	4				17	10		
TOTAL ACRES								27.0	27.0

POU County: CANYON

Other Rights: PIONEER IRRIGATION DISTRICT

Conditions of Approval:
01B - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install an access port or other device as specified by the
- Department.

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

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

Post-it Fax Note	7671	Date	12-4	# of pages
To	Desirae	From	Sandy	
Co./Dept./Pioneer Title		Co.		
Phone #		Phone #		
Fax #	465-3248	Fax #		

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: A63-08436
Date Received: 12/ 5/1989
Receipt No: W006863
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: LEO R HART
Address: 1903 RAY ST
CALDWELL ID

208-459-4925

83605

AND/OR

Name: RUBY K HART
Address: 1903 RAY ST
CALDWELL ID

208-459-4925

83605

2. Date of Priority: FEB 11, 1977

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03W	3	SW	NW	SW		CANYON

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.540		

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

A.F.A.

8. Total consumptive use is 94.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	03W	4	NE	SE		IRR	17.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	4	NW	SE		IRR	10.0

Section Acres	27.0
---------------	------

Total Acres	27.0
-------------	------

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:
PIONEER IRRIGATION DISTRICT

14. Remarks:

15. Basis of Claim: PERMIT

IN 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 63-8436Date Received 12-5-89Receipt Number W 006863NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWDepartment of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Leo R. & or Ruby K. Hart Phone (208) 459-4925Mailing Address 1903 Ray St. Caldwell, Idaho Zip 836052. Date of Priority (Only one (1) per claim) 2/11/773. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 3N Range 3W Section 3,
SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

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

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

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

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

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

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

12 inch casing - 20 ft deep - present time Tractor driven 80 HP. at a late date applicant plans on installing an electric motor - gravity irrigation with concrete ditches.

From P.D. in 3W NWSW Sec 3 T3N R3W water pumped into Pioneer Canal & redirected NE NESE Sec 4 T3N R3W. for fields # 1, 8, 9

See attached aerial map.

MICROFILMED
OCT 08 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 4/15 amount .54 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .54 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 94.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) none

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>3N</u>	<u>3W</u>	<u>4</u>													<u>17</u>	<u>10</u>			<u>27</u>

Total number of acres irrigated 27

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

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

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

14. Remarks:

Field examination was made in 1986

MICROFILMED
OCT 08 1996

Last Name Hart Ident No. 63-8436

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of graph paper. Handwritten notes are as follows:
 Row 4, Column 8: RBLW
 Row 6, Column 7: 1
 Row 6, Column 11: 3
 Row 7, Column 4: 3
 Row 7, Column 7: 10
 Row 7, Column 8: 17
 Row 7, Column 9: H0
 Row 7, Column 10: 17H0
 Row 7, Column 11: D.P.D

MICROFILMED
OCT 08 1996

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒
 Decree _____
 If applicable provide IDWR Water Right Number U3-8436
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

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

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

☒ Signature of Claimant (s) Leo A Hart Date 12/2/89
 _____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
 of _____, that I have signed the foregoing
 Organization _____
 document in the space below as _____ of _____
 Title _____ Organization _____
 and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
 Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 2 day of December 19 89

SEAL

Notary Public John K. Hoyer
 Residing at 15470 Homedale Rd
 Caldwell, Idaho 83605
 My Commission Expires Sept 21, 1994

Please Print Name

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

Signature _____
 Address _____
 Date _____

Last Name Hart Ident. Number U3-8436

MICROFILMED
 001 08 1996
 Copies White/Yellow/Orange/Red

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

(Reviewed by Cindy Hodges)
EXAMINER John K. Noyes DATE SUBMITTED 4/17/92
ADJUDICATION AGENT _____ RESPONSE DUE DATE _____
COUNTY _____ OWNER'S NAME Leo R. Hart

PERMIT DATA T R S Q/Q T R S Q/Q

P/D _____

P/U _____

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
☒ Claim filed for permit and copy attached *
☐ Claim filed although not required (proof filed after 11-19-87)
☐ No claim filed or required.

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☐ Name index search
☐ Non-data entry claims search
☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached
--------------------------------	------------------------------	---------------------------------	----------

<u>A638436</u> Adj No. <u>9/8/86</u>	☒	☐	
_____ Adj No. _____	☐	☐	
_____ Adj No. _____	☐	☐	

* copies included only if pertinent to permit field exam

MICROFILMED
OCT 1995

* Note: P/D overlap w/ 63-4249, but claim has been split & as of this date splits may still be unrecorded. Check validity of overlap upon SRBA exam!

10/30/2006

NOTICE OF ERROR

REPLY

RECEIVED

NOV 16 2006

WATER RESOURCES
WESTERN REGION

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: 11-14-06.

Water right number: 63-32496 (split from 63-8436)

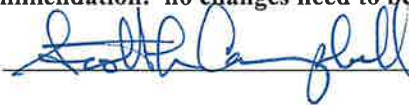
PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83606
Telephone Number: (208) 459-3617

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: 11/14/06

SIGNATURE:



Please print your name:

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of record for Pioneer Irrigation District

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

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 Schaefer 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

November 14, 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

NOV 16 2006

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region Office, Adjudication Bureau
2735 Airport Way
Boise, Idaho 83705

Re: Water Right No. 63-32496 (Split From 63-8436 - West Valley Estates)
MTBR&F File No. 18946.72

Dear Sir or Madam:

Enclosed please find the original Notice of Error Reply form for water right no. 63-32496. We are submitting the enclosed Notice on behalf of our client, the Pioneer Irrigation District. A copy of the Notice is also enclosed. Please receive stamp the copy and return it to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh
Enclosures

cc: Board of Directors

10/16/2006

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

RIGHT NUMBER: 63-32496

NAME AND ADDRESS: PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS
117.000 AFY

PRIORITY DATE: 02/11/1977

POINT OF DIVERSION:

T03N R03W S3 SWNWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.440 CFS
117.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S04

NESE

16.00

T03N R03W S04

NWSE

10.00

26 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 - License

This right is a split from former right 63-8436 .

The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.



Idaho Department of Water Resources

SRBA Recommendation:

63-32496

(Irrigation)

Legend

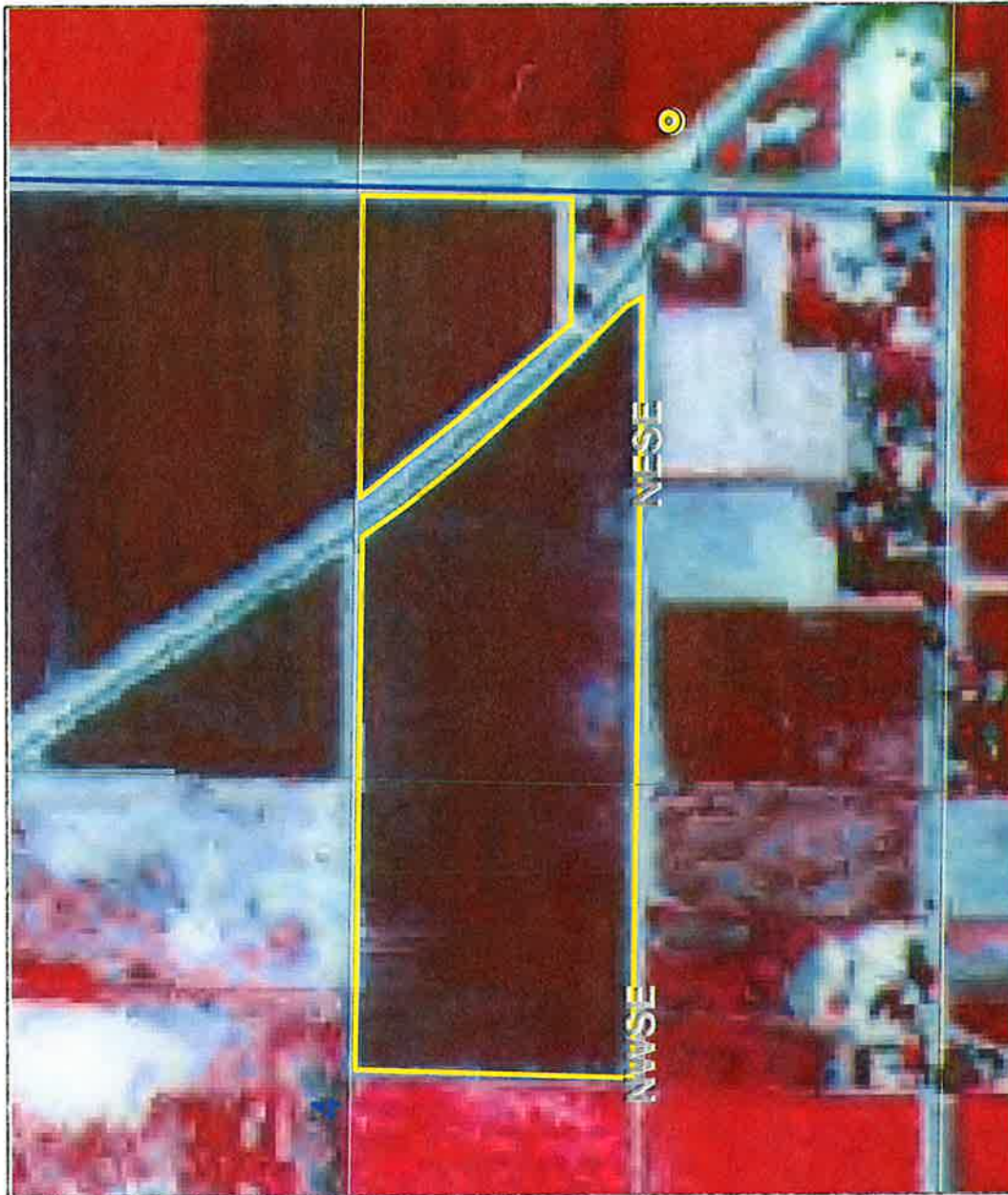
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by S. Egbert
On Monday, October 16, 2006
1987/88 Aerial Photography

R03W



T03N

0.4 Miles

0.2

0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32496 V1

WATER RIGHT NUMBER: 63-32496 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELIZABETH JOHNSON 6935 N PENNCROSS WY MERIDIAN, ID 83642
Original Owner	CRAIG GIBSON 6935 N PENNCROSS WY MERIDIAN, ID 83642
Current Owner	PIONEER IRRIGATION DISTRICT PO BOX 426 CALDWELL, ID 83605 (208)459-3617
Original Owner	HARMON H JOHNSON 6935 N PENNCROSS WAY MERIDIAN, ID 83642
Original Owner	LEO R HART 1903 RAY ST CALDWELL, ID 83605 (208)459-4925
Original Owner	RUBY K HART 1903 RAY ST CALDWELL, ID 83605 (208)459-4925
Attorney	ELAM & BURKE ATTN: SCOTT L CAMPBELL PO BOX 1539 BOISE, ID 83701-1539 (208)343-5454

Priority Date: 02/11/1977

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.440 CFS	117.00 AF
	<u>Total Diversion:</u>	0.440 CFS	117.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4SW1/4 Sec. 3, Twp 03N, Rge 03W, B.M.
CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec		NE		NW		SW		SE		Totals
				NE		NW		SW		SE		

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32496 V1

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 03W	4													16.0	10.0			26.0

Total Acres: 26

Conditions of Approval:

1. This right is a split from former right 63-8436 .
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. 01B The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.
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:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	10/16/2006 9:27:53 AM	segbert			Active
POD	10/16/2006 9:28:26 AM	segbert			Active
Source	10/16/2006 9:36:44 AM	segbert			Active
POU	10/16/2006 9:37:00 AM	segbert			Active
Use	10/16/2006 9:38:18 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32496 V1

Season	10/16/2006 9:38:55 AM	segbert	Active
Quantity	10/16/2006 9:40:00 AM	segbert	Active
Summary	10/16/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	10/16/2006 9:36:26 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/16/2006 9:36:42 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POD	10/16/2006 9:33:38 AM	segbert	Updated shape
POU	10/16/2006 9:37:36 AM	segbert	Updated shape for Active POU
Use	10/16/2006 9:38:00 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/16/2006 9:38:37 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32496 V1

Quantity	10/16/2006 9:39:42 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?
POD	10/16/2006 9:28:09 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
General	10/16/2006 9:27:36 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Summary	10/16/2006 9:43:46 AM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

September 29, 2006

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE, ID 83701

RE: Pioneer Irrigation Change of Ownerships

Dear Mr. Campbell,

I have enclosed the letters sent to Pioneer Irrigation as well as a copy of the claims showing the change in ownership. Please note that more information is needed on both claims as explained in the letters.

Sincerely,

Sandy Egbert
GIS Specialist
Western Region

Enc.

September 29, 2006

PIONEER IRRIGATION
PO BOX 426
CALDWELL, ID 83605

Re: Original Notice of Claim to a Water Right No. 63-8436
Renumbered Notice of Claim to a Water Right No. 63-32496

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner 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.

The deeds submitted with the Change of Ownership indicate Pioneer Irrigations is to receive Lots 17, 18 and 19 of Orchard Heights Sub. We can only locate lots 18 and 19 of the subdivision on the information we have. If lot 17 was to be included, please send us information as to the location of this lot.

Sincerely,

Sandy Egbert
GIS Specialist
Western Region

Enclosures

9-26-06

63-8436

Change of ownership submitted on 6-9-00 indicated that Pioneer ID was to receive this entire water right. However, the deeds submitted with the water deed indicated that Pioneer did receive one of the wells located in the SWNWSW, Sec. 3 along with Lots 17, 18 & 19 of the Orchard Heights Subdivision. In reviewing the location of these lots, the reviewer could only locate Lots 18 & 19 of Orchard Heights Sub which consist of approximately 5.41 acres in the NESE, S4. The Canyon county tax lots do not show a Lot 17, Orchard Heights Sub anywhere.

At this point we are splitting this right showing Lots 18 & 19 to Pioneer Irrigation District and the remainder left with the claimants. We will request information concerning the location of Lot 17 from Scott Campbell attorney for Pioneer Irrigation District when the split right is sent to both parties.

Pioneer - new owner
NESE 5.4 acres

split this
request
location of
lot 17 from
Scott Campbell
figure acres
of lot 18-19
(5.4 acres)

Gibson/Johnson - old owner

NESE	11.6
NWSE	<u>10</u>
	21.6

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

SEP 01 2006

Boise
Idaho Falls
Pocatello
Twin Falls

WATER RESOURCES
WESTERN REGION

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
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Gerald T. Husch
Scott L. Campbell -
Robert B. Burns

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Dylan B. Lawrence
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Benjamin C. Ritchie

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

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

August 31, 2006

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PO Box 829
Boise Idaho 83701 0829

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Daniel A. Nelson
Sr. Water Right Agent
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, Idaho 83705

Re: SRBA Claim No. 63-08436
MTBR&F File No. 18946.72

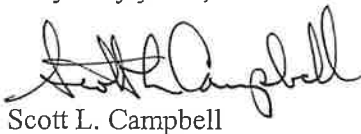
Dear Dan:

In follow-up to my letters to you dated May 30, 2006, and August 8, 2006, I am providing you with two (2) additional corrected water right deeds showing the correct points of diversion and places of use for the groundwater well, concerning the above-referenced water right. These documents are as follows:

1. Amended and Restated Deed for Water Right Number 63-08436, recorded with the Canyon County Recorder on August 30, 2006, as Instrument No. 200670587;
2. Amended and Restated Deed for Interest in Water Well, recorded with the Canyon County Recorder on August 30, 2006, as Instrument No. 200670588.

These documents, together with the documents previously provided to you, constitutes the required documentation to support the change in water right ownership previously submitted by the Pioneer Irrigation District. Thank you for your attention to this matter. If you have any questions, please feel free to contact me. In the event I am unavailable, please contact my paralegal, Tiffany Hudak, at 385-5435.

Very truly yours,



Scott L. Campbell

SLC/tmh
Enclosures

cc: Jeff Scott (w/o encls.)
Board of Directors (w/o encls.)

RECEIVED

SEP 01 2006

WATER RESOURCES
WESTERN REGION

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Moffatt, Thomas, Barrett, Rock &
Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

2006 AUG 30 PM 12 09
G NOTL FILES
CANYON COUNTY RECORDER
BY *[Signature]*
RECORDED
TYPE *[Signature]*
30-

RECORDED

200670588

(Space Above For Recorder's Use)

AMENDED AND RESTATED DEED FOR INTEREST IN WATER WELL

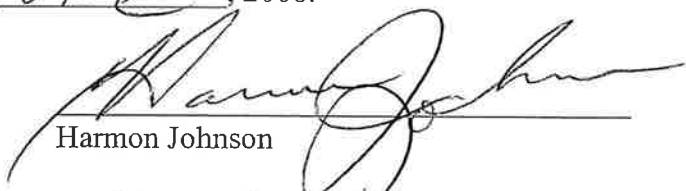
THIS AMENDED AND RESTATED DEED FOR INTEREST IN WATER WELL will correct an error in the legal description of the irrigation well contained in the Deed for Interest in Water Well dated January 8, 1998, which document was not recorded in the records of Canyon County. A copy of the Deed for Interest in Water Well is attached hereto as Exhibit A and made a part hereof.

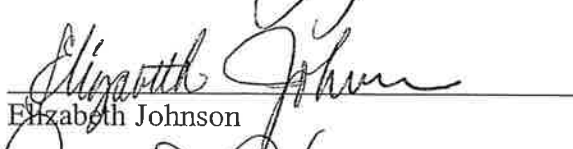
FOR VALUE RECEIVED, **HARMON JOHNSON** and **ELIZABETH JOHNSON**, husband and wife, whose address is 6935 North Pencross Way, Meridian, Idaho 83642, and **CRAIG L. GIBSON**, a single man, whose address is P.O. Box 395, Meridian, Idaho 83680 (hereinafter collectively referred to as "Grantors"), do hereby grant, bargain, sell, and convey to **PIONEER IRRIGATION DISTRICT**, an irrigation district organized under the laws of the State of Idaho, whose address is P.O. Box 426, Caldwell, Idaho 83606 (hereinafter "Grantee"), all of Grantor's right, title, and interest in and to real property situated in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 3, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, as more particularly described in Exhibit B, attached hereto and made a part hereof (the "Property"). Grantor further grants, bargains, sells, and

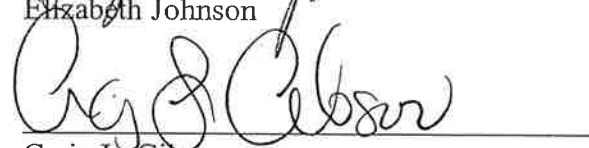
conveys to Grantee that certain water well situated on the above-described Property and which currently serves as the point of diversion for water right 63-08436 (the "Irrigation Well"), but not less than 16.071 percent of 100 percent of all interests therein, together with the well casings, pumps, motors, electrical connections, and all other appurtenances used in connection with the Irrigation Well.

TO HAVE AND TO HOLD said Property and Irrigation Well, together with its appurtenances, unto Grantee and Grantee's successors and assigns forever. Grantor does hereby warrant and represent to and with Grantee that (a) Grantor is the lawful owner of fee simple in the Property and owns no less than 16.071 percent of one hundred percent interest in said Irrigation Well; (b) that said premises are free from all encumbrances and liens and subject to reservations, restrictions, dedications, easements, rights-of-way and agreements (if any) of record; (c) general taxes and assessments for the current year are not yet due and payable; and (d) that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 16 day of June, 2006.


Harmon Johnson


Elizabeth Johnson


Craig L. Gibson

STATE OF IDAHO)
County of Ada) ss.

On this 25th day of Aug., 2006, before me, the undersigned notary public in and for said state, personally appeared ~~HARMON JOHNSON and ELIZABETH JOHNSON~~, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. *JAM*

Craig L. Gibson

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



Tracy A Malay
NOTARY PUBLIC FOR IDAHO
Residing at BOISE
My Commission Expires 11-06-07

California
STATE OF ~~IDAHO~~)
County of Riverside) ss.

On this 16th day of June, 2006, before me, the undersigned notary public in and for said state, personally appeared ~~CRAIG L. GIBSON~~, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same. *ELIZABETH JOHNSON & Harmon Johnson*

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

Kendal Trahan
NOTARY PUBLIC FOR ~~IDAHO~~ Cal. Farnia
Residing at 39934 Cricket Cove Palm Desert
My Commission Expires 11/23/06 *PA*



EXHIBIT A
Deed for Interest in Water Well

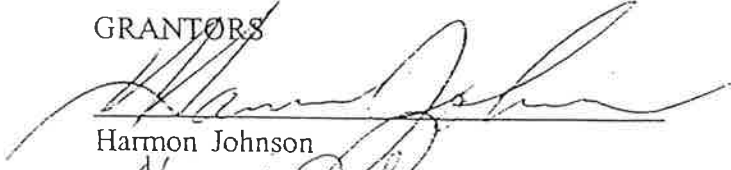
DEED FOR INTEREST IN WATER WELL.

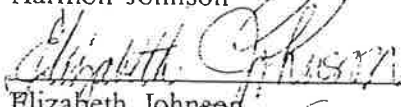
FOR VALUE RECEIVED, Harmon Johnson and Elizabeth Johnson, husband and wife, whose address is 6935 North Penncross Way, Meridian, Idaho 83642, and Craig L. Gibson, a single man, whose address is P.O. Box 395, Meridian, Idaho 83680 ("Grantors"), do hereby grant, bargain, sell, and convey unto Pioneer Irrigation District, an irrigation district organized under the laws of the State of Idaho ("Grantee"), whose address is P.O. Box 426, Caldwell, Idaho 83606, all right, title, and interest of Grantors in that certain water well situated on that certain real property located in Canyon County, State of Idaho, as more particularly described in Exhibit A attached hereto and made a part hereof, but not less than 16.071 percent of 100 percent of all interests therein, together with the well casing, pump, motor, electrical connections, and all other appurtenances used in connection therewith,

TO HAVE AND TO HOLD said water well, with its appurtenances, unto Grantee and Grantee's successors and assigns forever. Grantors do hereby covenant to and with Grantee that Grantors are the owners of no less than 16.071 percent of 100 percent interest in said water well; that said well is free from all encumbrances and liens; and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED This 31st day of January, 1998.

GRANTORS


Harmon Johnson


Elizabeth Johnson


Craig L. Gibson

DEED FOR INTEREST IN WATER WELL - 1

STATE OF IDAHO)
) ss.
County of Canyon)

On this 8th day of January, 1998, before me, the undersigned, the undersigned notary public in and for said state personally appeared Harmon Johnson, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein contained.

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



Desiree A Mayden
Notary Public for Idaho
Residing at Nampa
Commission Expires 3-9-2000

STATE OF IDAHO)
) ss.
County of Canyon)

On this 8th day of January, 1998, before me, the undersigned, the undersigned notary public in and for said state personally appeared Elizabeth Johnson, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes therein contained.

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



Desiree A Mayden
Notary Public for Idaho
Residing at Nampa
Commission Expires 3-9-2000

DEED FOR INTEREST IN WATER WELL - 2

STATE OF IDAHO)
) ss.
County of Ada)

On this 13th day of January, 1998, before me, Elaine Vernon
the undersigned notary public in and for said state personally appeared Craig L. Gibson,
known or identified to me to be the person whose name is subscribed to the foregoing
instrument, and acknowledged to me that he executed the same for the purposes therein
contained.

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

Elaine Vernon
Notary Public for Idaho
Residing at Meridian
Commission Expires 4-2-99

DEED FOR INTEREST IN WATER WELL - 3

EXHIBIT G

Page 8 of 16

Exhibit A

A parcel of real property located in the NW¼ of the SW¼ of Section 3, T.3N., R.3W., B.M., Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W¼ corner of said Section 11 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the REAL POINT OF BEGINNING;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North 53°15'41" West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.

EXHIBIT B
Legal Description of Irrigation Well



IDAHO
SURVEY
GROUP

1450 East Watertower St.
Suite 150
Meridian, Idaho 83642

Phone (208) 846-8570
Fax (208) 884-5399

August 19, 2005

**DESCRIPTION FOR
IRRIGATION PUMP STATION
WEST VALLEY ESTATES NO. 2**

An irrigation easement located in the NW1/4 of the SW1/4 of Section 3, T.3N., R.3W., B.M., Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W1/4 corner of said Section 3 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the **REAL POINT OF BEGINNING**;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North 53°15'41" West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.



Gregory G. Carter, PLS

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
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaer 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
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

August 8, 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

AUG 09 2006

WATER RESOURCES
WESTERN REGION

Daniel A. Nelson
Sr. Water Right Agent
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, Idaho 83705

Re: SRBA Claim Nos. 63-04249A and 63-08436
MTBR&F File No. 18946.72

Dear Dan:

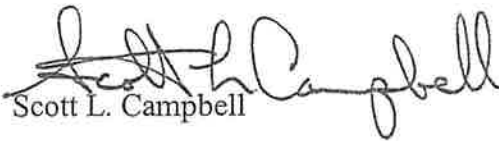
In follow-up to my letter to you dated May 30, 2006, I am providing you with corrected water right deeds showing the correct points of diversion and places of use for the groundwater well. Those documents are as follows:

1. Amended and Restated Deed for Water Right (63-08436), recorded with the Canyon County Recorder on August 8, 2006, as Instrument No. 200664237;
2. Amended and Restated Deed for Interest in Water Well, recorded with the Canyon County Recorder on August 8, 2006, as Instrument No. 200664238;
3. Amended and Restated Deed for Water Right Number 63-04249A, recorded with the Canyon County Recorder on August 8, 2006, as Instrument No. 200664236; and
4. Amended and Restated Warranty Deed, recorded with the Canyon County Recorder on August 8, 2006, as Instrument No. 200664235.

Daniel A. Nelson
August 8, 2006
Page 2

Thank you for your attention to this matter. If you have any questions, please feel free to contact me. In the event I am unavailable, please contact my paralegal, Tiffiny Hudak, at 385-5435.

Very truly yours,


Scott L. Campbell

SLC/tmh

Enclosures

cc: Jeff Scott (w/o encls.)
Board of Directors (w/o encls.)

200664237

RECORDED

2006 AUG 8 PM 12 28

C NOEL HALE

CANYON COUNTY RECORDER

BY DM

REQUEST MD 1004-110000
TYPE DD FEE 33

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Moffatt, Thomas, Barrett, Rock &
Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

(Space Above For Recorder's Use)

**AMENDED AND RESTATED
DEED FOR WATER RIGHT (63-08436)**

THIS AMENDED AND RESTATED DEED FOR WATER RIGHT (63-08436) will correct an error in the legal description of the irrigation well which serves as the point of diversion to water right number 63-08436, contained in the Deed for Water Right (63-08436), which was recorded with the Canyon County Recorder on December 6, 1999, as Instrument No. 009947626. A copy of the Deed for Water Right is attached hereto as Exhibit A and made a part hereof.

FOR VALUE RECEIVED, WEST VALLEY DEVELOPMENT, LLC ("Grantor"), whose address is 9550 West Bethel Court, Boise, Idaho, 83709, does hereby grant, bargain, sell, and convey unto PIONEER IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Idaho ("Grantee"), whose address is PO Box 426, Caldwell, Idaho, 83606, that certain water right identified as A63-08436, which water right is appurtenant to that certain real property situated in Canyon County, Idaho, more particularly described on Exhibit B, attached hereto and by this reference made a part hereof, and the diversion point of which is a

well situated on certain real property situated in Canyon County, Idaho, and more particularly described on Exhibit C, attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD said water right unto Grantee and Grantee's successors and assigns forever. Grantor does hereby covenant to and with Grantee that Grantor is the lawful owner of said water right and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 7th day of June, 2006.

WEST VALLEY DEVELOPMENT, LLC
an Idaho limited liability company



Don Hubble, Member

STATE OF IDAHO)
County of Ada) ss.

On this 7th day of June, 2006, before me, the undersigned notary public in and for said state, personally appeared **DON HUBBLE**, known or identified to me (or proved to me on the oath of _____) to be the manager/member of **WEST VALLEY DEVELOPMENT, LLC**, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

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



Heidi Englehorn
NOTARY PUBLIC FOR IDAHO
Residing at Mendon
My Commission Expires 1-14-2011

EXHIBIT A

Deed for Water Right (63-08436)

INSTRUMENT NO 9947624

DEED FOR WATER RIGHT

FOR VALUE RECEIVED, West Valley Development, LLC, ("Grantors"), whose address is 9550 West Bethel Court, Boise, Idaho, 83709, do hereby grant, bargain, sell, and convey unto Pioneer Irrigation District, an irrigation district organized under the laws of the State of Idaho ("Grantee"), whose address is PO Box 426, Caldwell, Idaho, 83606, that certain water right identified as A63-08436, which water right is appurtenant to that certain real property situated in Canyon County, Idaho, more particularly described on Exhibit 1 attached hereto and by this reference made a part hereof, and the diversion point of which is a well situated on certain real property situated in Canyon County, Idaho, more particularly described on Exhibit 2 attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD said water right unto Grantee and Grantee's successors and assigns forever. Grantors do hereby covenant to and with Grantee that Grantors are the lawful owners of said water right and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 6th day of December, 1999.

WEST VALLEY DEVELOPMENT, LLC
an Idaho limited liability company

Don Hubble
Don Hubble, Manager/Member (Title)

STATE OF IDAHO)
) ss.
County of Ada)

On this 10 day of December, 1999, before me, the undersigned notary public in and for said state, personally appeared DON HUBBLE, known or identified to me to be the manager/member (Title) of West Valley Development, LLC, an Idaho limited liability company, that he executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



Loretta Carlson
Notary Public for Idaho
Residing at Boise
Commission expires 10-02-2002

EXHIBIT 1 TO DEED FOR WATER RIGHT

Lots 17, 18, and 19, ORCHARD HEIGHTS, Caldwell, Canyon County, Idaho, according to the Plat filed July 24, 1909 in Book 2 of Plats, page 38, records of said County.

EXCEPTING THEREFROM:

A part of Tract 19 of ORCHARD HEIGHTS in Section 4, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Southeast corner of Tract 19 of ORCHARD HEIGHTS, the INITIAL POINT; thence

North $0^{\circ} 00'$ West 195.5 feet along the East line of the said Tract 19; thence

South $89^{\circ} 24'$ West 340 feet parallel to the South line of the said Tract 19 to a point in the centerline of the Phyllis Canal; thence

South $52^{\circ} 21'$ East 315.73 feet along the said centerline to a point on the South line of the said Tract 19; thence

North $89^{\circ} 24'$ East 90 feet along the said South line to the INITIAL POINT.

EXHIBIT 2 TO DEED FOR WATER RIGHT

A parcel of real property located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 3 North, Range 3 West, Boise Meridian, Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W $\frac{1}{4}$ corner of said Section ³ ~~1~~ from which the SW corner of said Section 3 bears South $00^{\circ}34'41''$ East, 2652.66 feet;

thence along the West boundary line of said Section 3 South $00^{\circ}34'41''$ East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South $60^{\circ}35'32''$ East, 40.74 feet;

thence continuing along said centerline South $53^{\circ}15'41''$ East, 13.00 feet to the REAL POINT OF BEGINNING;

thence leaving said centerline North $45^{\circ}18'25''$ East, 48.41 feet;

thence South $44^{\circ}41'35''$ East, 46.00 feet;

thence South $45^{\circ}18'25''$ West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North $53^{\circ}15'41''$ West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.

009947626

RECORDED

99 DEC 6 PM 4 46

G NOEL HALES

CANYON COUNTY RECORDER

BY

REQUEST FOR REVISION
FEE 12.00
MPB Book

EXHIBIT 2 TO DEED FOR WATER RIGHT

EXHIBIT B

Legal Description of Real Property to Which Water Right is Appurtenant

Lots 17, 18, and 19, ORCHARD HEIGHTS, Caldwell, Canyon County, Idaho, according to the Plat filed July 24, 1909, in Book 2 of Plats, page 38, records of said County.

EXCEPTING THEREFROM:

A part of Tract 19 of ORCHARD HEIGHTS in Section 4, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Southeast corner of Tract 19 of ORCHARD HEIGHTS, the INITIAL POINT; thence

North 0° 00' West 195.5 feet along to the East line of the said Tract 19; thence
South 89° 24' West 340 feet parallel to the South line of the said Tract 19 to a point in the centerline of the Phyllis Canal; thence
South 52° 21' East 315.73 feet along the said centerline to a point of the South line of the said Tract 19; thence
North 89° 24' East 90 feet along the said South line to the INITIAL POINT

EXHIBIT C

Legal Description of Irrigation Well



IDAHO
SURVEY
GROUP

1450 East Watertower St.
Suite 150
Meridian, Idaho 83642

Phone (208) 846-8570
Fax (208) 884-5399

August 19, 2005

**DESCRIPTION FOR
IRRIGATION PUMP STATION
WEST VALLEY ESTATES NO. 2**

An irrigation easement located in the NW1/4 of the SW1/4 of Section 3, T.3N., R.3W., B.M., Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W1/4 corner of said Section 3 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the **REAL POINT OF BEGINNING**;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North 53°15'41" West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.



Gregory G. Carter, PLS

200664235

RECORDED

2006 AUG 8 PM 12 27

CANYON COUNTY RECORDER
BY *SW*

REQUESTED *Moffatt Thomas*
TYPE *DIG* FEE *20*

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

*Moffatt, Thomas, Barrett, Rock &
Fields, Chartered*
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

(Space Above For Recorder's Use)

AMENDED AND RESTATED WARRANTY DEED

THIS AMENDED AND RESTATED WARRANTY DEED will correct an error in the legal description of the irrigation well contained in the Warranty Deed dated January 28, 1998, which document was not recorded in the records of Canyon County. A copy of the Warranty Deed is attached hereto as Exhibit A and made a part hereof.

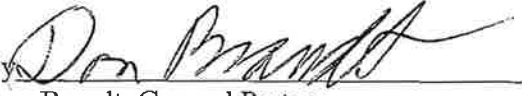
FOR VALUE RECEIVED, **JB FARMS**, an Idaho general partnership, whose address is 203 11th Avenue South, Nampa, Idaho 83651 (hereinafter referred to as "Grantor"), does hereby grant, bargain, sell, and convey to **PIONEER IRRIGATION DISTRICT**, an irrigation district organized under the laws of the State of Idaho, whose address is P.O. Box 426, Caldwell, Idaho 83606 (hereinafter "Grantee"), all of Grantor's right, title, and interest in and to real property situated in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 3, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, as more particularly described in Exhibit B, attached hereto and made a part hereof (the "Property"). Grantor further grants, bargains, sells, and conveys to Grantee that certain water well situated on the above-described Property and which currently serves as the point of diversion for water right 63-04249A (the "Irrigation Well"), but not less than 83.929 percent of 100 percent of all interests

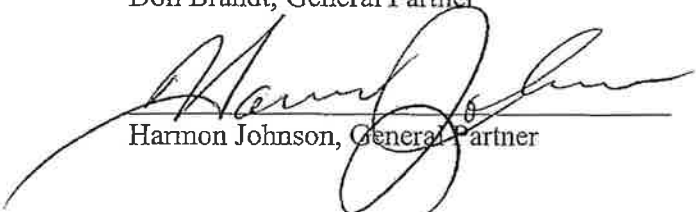
therein, together with the well casings, pumps, motors, electrical connections, and all other appurtenances used in connection with the Irrigation Well.

TO HAVE AND TO HOLD said Property and Irrigation Well, together with its appurtenances, unto Grantee and Grantee's successors and assigns forever. Grantor does hereby warrant and represent to and with Grantee that (a) Grantor is the lawful owner of fee simple in the Property and owns no less than 83.929 percent of one hundred percent interest in said Irrigation Well; (b) that said premises are free from all encumbrances and liens and subject to reservations, restrictions, dedications, easements, rights-of-way and agreements (if any) of record; (c) general taxes and assessments for the current year are not yet due and payable; and (d) that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 16 day of June, 2006.

JB FARMS,
an Idaho general partnership

By 
Don Brandt, General Partner


Harmon Johnson, General Partner

STATE OF IDAHO)
County of Canyon) ss.

On this 16 day of June, 2006, before me, the undersigned notary public in and for said state, personally appeared **DON BRANDT**, known or identified to be the General Partner of JB Farms, an Idaho general partnership and Grantor herein, the person who executed the instrument on behalf of said entity, and acknowledged to me that such entity executed the same.

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



Lori S. West
NOTARY PUBLIC FOR IDAHO
Residing at Nampa, Idaho
My Commission Expires 4-10-09

California
STATE OF ~~IDAHO~~)
County of Riverside) ss.

On this 16th day of June, 2006, before me, the undersigned notary public in and for said state, personally appeared **HARMON JOHNSON**, known or identified to be the General Partner of JB Farms, an Idaho general partnership and Grantor herein, the person who executed the instrument on behalf of said entity, and acknowledged to me that such entity executed the same.

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

Kendale Trahan
NOTARY PUBLIC FOR ~~IDAHO~~ California
Residing at 39954 Cricket Cove, Palm Desert
My Commission Expires 11/23/08



EXHIBIT A
Warranty Deed

WARRANTY DEED

FOR VALUE RECEIVED, JB Farms, an Idaho general partnership, whose address is 203 11th Avenue South, Nampa, Idaho 83651 ("Grantor"), does hereby grant, bargain, sell, and convey unto Pioneer Irrigation District, an irrigation district organized under the laws of the State of Idaho ("Grantee"), whose address is P.O. Box 426, Caldwell, Idaho 83606, the real property situated in Canyon County, State of Idaho, more particularly described in Exhibit A attached hereto and incorporated herein.

Grantor further grants, bargains, sells, and conveys unto Grantee all of Grantor's right, title, and interest in and to that certain water well situated on the above-described real property, but not less than 83.929 percent of 100 percent of all interests therein, together with the well casing, pump, motor, electrical connections, and all other appurtenances used in connection therewith,

TO HAVE AND TO HOLD said real property and water well, together with their appurtenances, unto the Grantee and Grantee's successors and assigns forever. Grantor does hereby covenant to and with Grantee that Grantor is the owner in fee simple of the real property and owns no less than 83.929 percent of 100 percent interest in the well; that said premises are free from all encumbrances and liens; and subject to reservations, restrictions, dedications, easements, rights-of-way and agreements (if any) of record, and general taxes and assessments for the current year which are not yet due and payable; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

WARRANTY DEED - 1

EXHIBIT C

Page 13 of 16

DATED This 25th day of January, 1998.

GRANTOR

JB FARMS,
an Idaho general partnership

By Don Brandt
Don Brandt, General Partner

By Harmon Johnson
Harmon Johnson, General Partner

STATE OF IDAHO)
) ss.
County of Canyon)

On this 28th day of January, 1998, before me, Jim Grayher,
the undersigned notary public in and for said state personally appeared Don Brandt, General
Partner of JB Farms, an Idaho general partnership and Grantor herein, known or identified to me
to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me
that he has the authority to execute and executed the same for the purposes therein contained on
behalf of JB Farms.

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



Jim Grayher
Notary Public for Idaho
Residing at Amor, ID
Commission Expires 5-18-01

WARRANTY DEED - 2

EXHIBIT G

Page 14 of 16

STATE OF IDAHO)
) ss.
County of Canyon)

On this 28th day of January, 1998, before me, Jon Braugher,
the undersigned notary public in and for said state personally appeared Harmon Johnson,
General Partner of JB Farms, an Idaho general partnership and Grantor herein, known or
identified to me to be the person whose name is subscribed to the foregoing instrument, and
acknowledged to me that he has the authority to execute and executed the same for the
purposes therein contained on behalf of JB Farms.

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



[Signature]
Notary Public for Idaho
Residing at Nampa ID
Commission Expires 5-18-01

WARRANTY DEED - 3

EXHIBIT C

Page 15 of 16

Exhibit A

A parcel of real property located in the NW¼ of the SW¼ of Section 3, T.3N., R.3W., B.M., Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W¼ corner of said Section ³/~~X~~1 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the REAL POINT OF BEGINNING;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North 53°15'41" West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.

EXHIBIT B
Legal Description of Irrigation Well

EXHIBIT B
BOI_MT2:584642.1



IDAHO
SURVEY
GROUP

1450 East Watertower St.
Suite 150
Meridian, Idaho 83642

Phone (208) 846-8570
Fax (208) 884-5399

August 19, 2005

**DESCRIPTION FOR
IRRIGATION PUMP STATION
WEST VALLEY ESTATES NO. 2**

An irrigation easement located in the NW1/4 of the SW1/4 of Section 3, T.3N., R.3W., B.M., Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W1/4 corner of said Section 3 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the **REAL POINT OF BEGINNING**;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North 53°15'41" West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.



Gregory G. Carter; PLS

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED
MAY 31 2006
WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello
Twin Falls

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

May 30, 2006

NOTE TO REVIEWER:

NO DEEDS AS OF
7-27-06. RECOMMENDED
TO ORIGINAL CLAIMANTS
AWAITING DEEDS FROM
ATTORNEY.



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. McParlane
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

Daniel A. Nelson
Sr. Water Right Agent
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, Idaho 83705

Re: SRBA Claim 63-4249A
MTBR&F File No. 18946.72

Dear Dan:

I am in receipt of your letter dated May 11, 2006, concerning the above-referenced matter. Please note that we are in the process of obtaining corrected water right deeds showing the correct points of diversion and places of use for the groundwater well. Irrespective of the small error in the legal descriptions attached to the deeds previously provided to the Department on June 9, 2000, the current and sole owner of the water right is 63-4249A is the Pioneer Irrigation District.

In response to your question concerning establishing proof of priority, please note that our office is investigating this matter and will have the necessary information and documentation to you in the near future.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me. In the event I am unavailable, please contact my paralegal, Tiffany Hudak, at 385-5435.

Very truly yours,



Scott L. Campbell

SLC/tmh

cc: Jeff Scott
Board of Directors



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

May 11, 2006

MOFFATT THOMAS
ATTN SCOTT CAMPBELL
PO BOX 829
BOISE ID 83701-0829

COPY

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A63-4249A

Dear Mr. Campbell:

Enclosed you will find a letter written to you on 12/4/2003. This letter requested additional information to change the ownership of water rights A63-4249A and A63-8436. I have not been able to find any response to this letter in our files, nor have I found any of the information requested. I have been asked to make the recommendation for water right A63-4249A to the Snake River Basin Adjudication (SRBA) court as soon as possible. In order to recommend this water right I will need to know the current ownership of the water right, and I will need to attain adequate proof of when the water right was first put to beneficial use.

If you could please submit or resend the information requested in the 12/4/2003 letter, and the necessary proof of priority information by 6/2/2006 it would greatly be appreciated. I know of at least one other party that has filed a water right that references a portion of this claim, and there may be others. In order to ensure that this water right be recommended with the proper priority date and ownership it is essential that I receive this information as soon as possible. If I don't receive the necessary information, the water priority date could be altered to our best information, or disallowed if we cannot find any beneficial use prior to 1963.

Once I receive this information, a field examiner will schedule an appointment with you to verify the water right's place of use, point of diversion, rate of diversion, and annual volume.

If you have any questions or concerns please contact me at the above address.

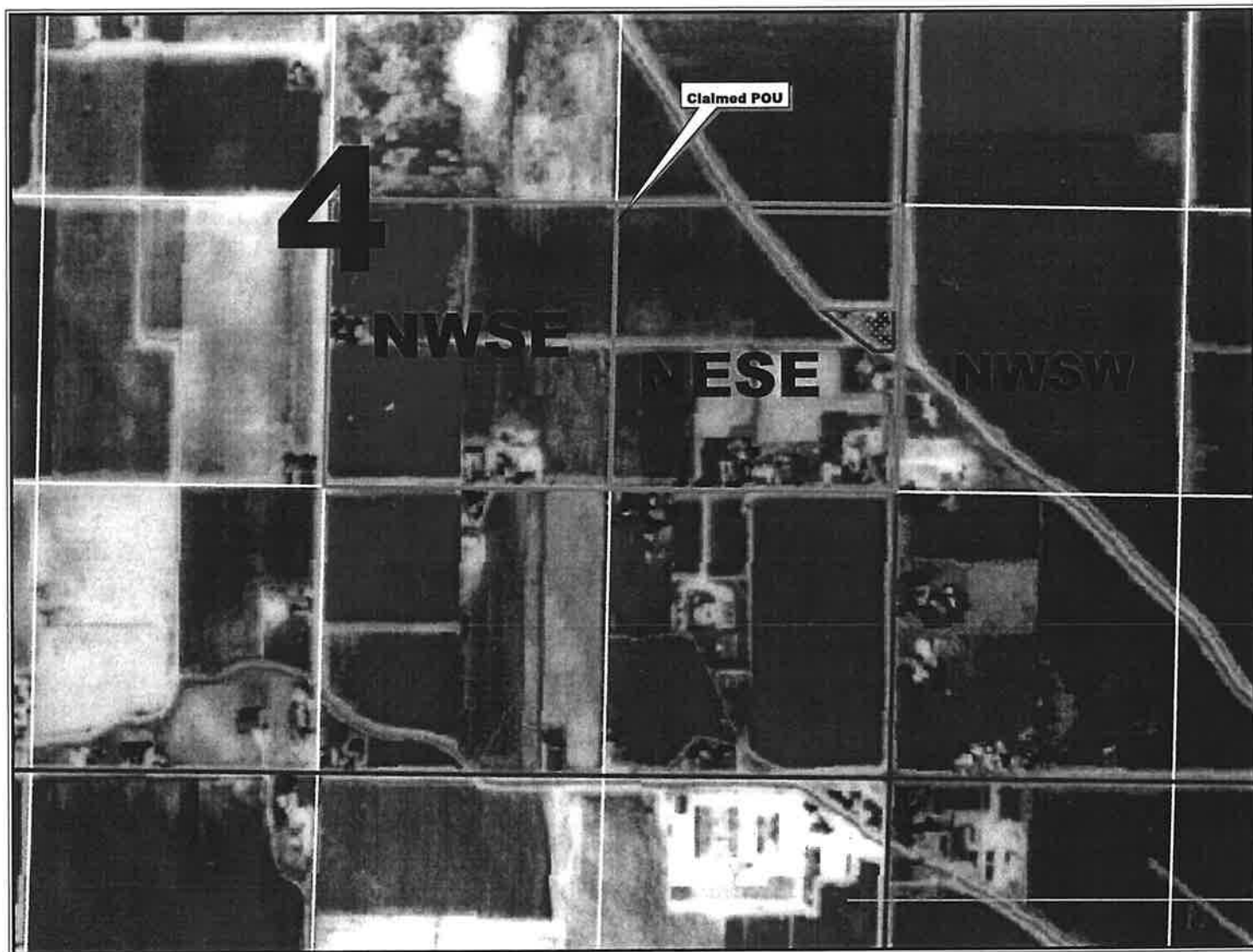
Respectfully,


Daniel A. Nelson
Sr. Water Right Agent

Enclosure: December 4, 2003 letter



C/O Map 63-08436 1987 Photography



1320 0 1320 Feet



Point of Diversion

Total Claimed Acres: 27.0



POU - Claimed/Licensed

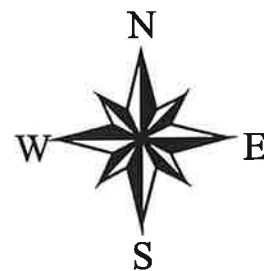


Deeded Property

Quarter Quarter Lines



Section Lines



Prepared by: Craig L. Saxton
Date: September 2004

Memorandum

Date: September 29, 2004

From: Craig L. Saxton

To: File

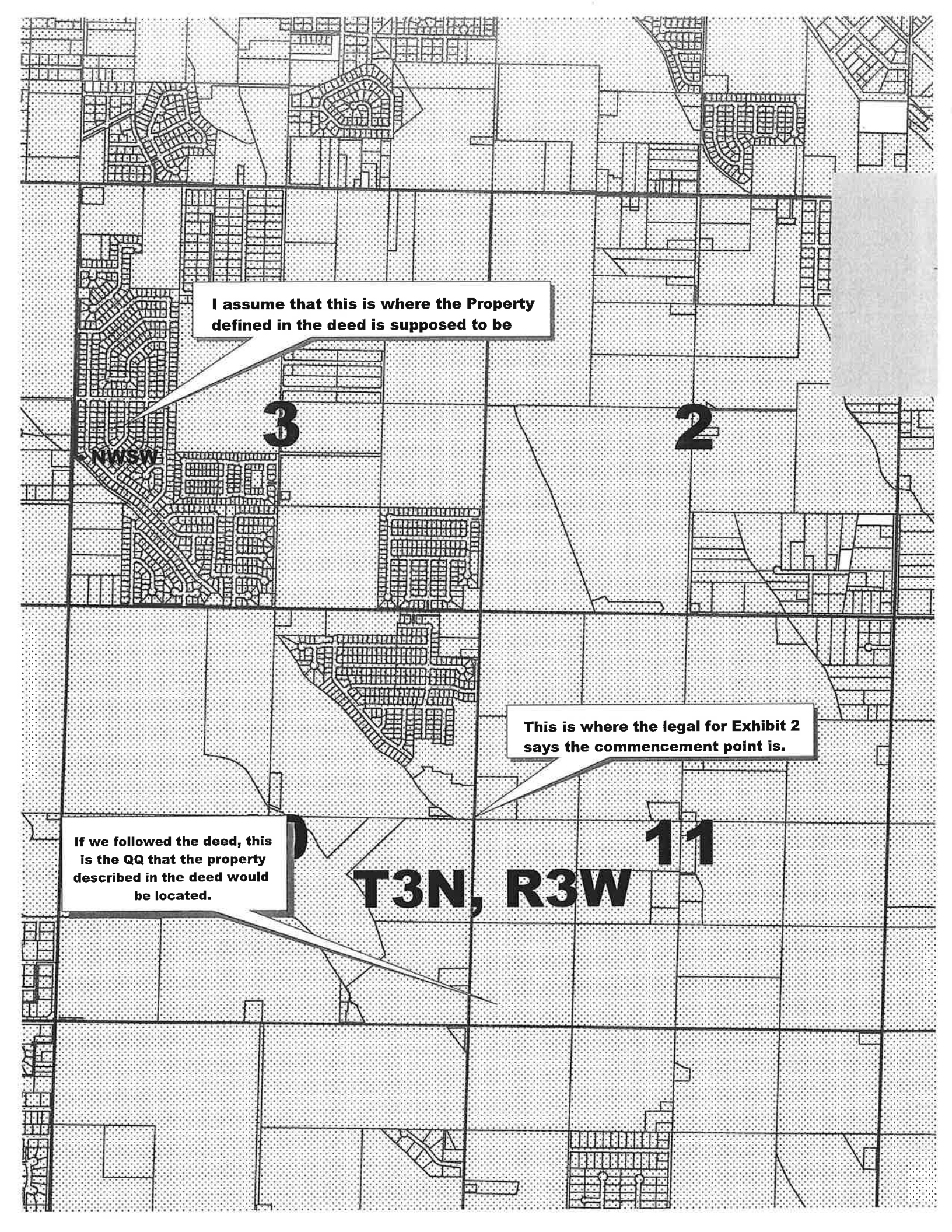
Subject: Change of Ownership for 63-04249A and 63-08436

In December of 2003, I was asked to review a change of ownership for the above two claims. After review, I felt that there was not enough information to complete the change of ownership.

In September of 2004, IDWR was contacted by Moffet Thomas Barrett Rock & Fields who represent Pioneer irrigation concerning the lack of processing a change of ownership on the above mentioned rights.

I re-reviewed the information submitted and found that the deeds to the land do not cover all of the ground listed in the claims. However, there are deeds passing the water rights on to Pioneer Irrigation District.

My analysis on this was based on the fact that the water right goes with the property, and that the information provided to me did not show that the property was under the ownership of Pioneer Irrigation District.



I assume that this is where the Property defined in the deed is supposed to be

This is where the legal for Exhibit 2 says the commencement point is.

If we followed the deed, this is the QQ that the property described in the deed would be located.

3 **2**
T3N, R3W **11**

Pioneer Irrigation District

3N 3W

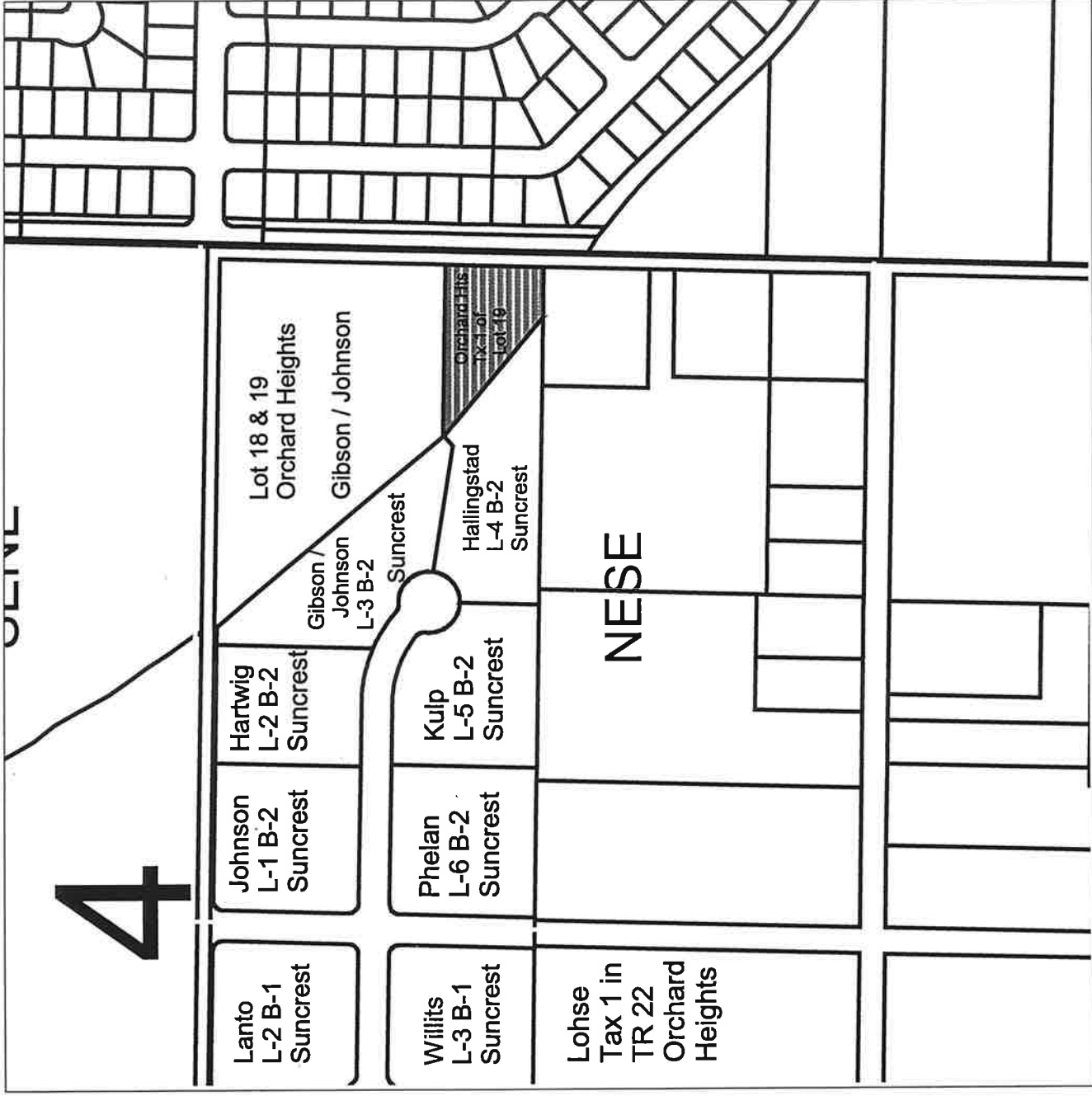
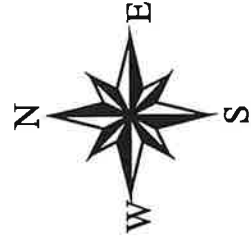
*Exhibit A
on deed*

☐ Exception

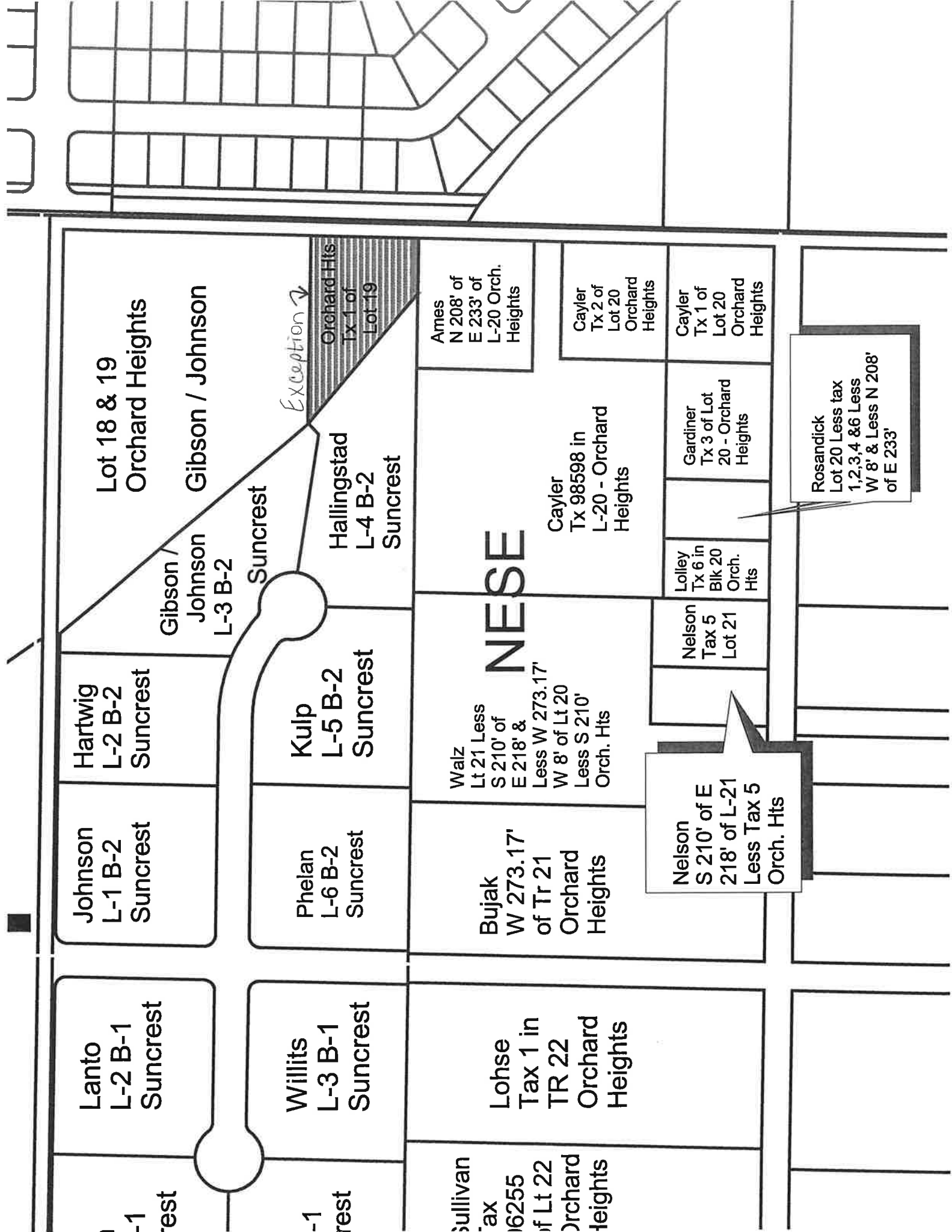
☐ Section Line

QQ Line

☐ Tax Lot data



**add'l details for the lots in S 1/2 NESE are on attached map.*



Lanto
L-2 B-1
Suncrest

Johnson
L-1 B-2
Suncrest

Hartwig
L-2 B-2
Suncrest

Lot 18 & 19
Orchard Heights

Gibson /
Johnson
L-3 B-2

Willits
L-3 B-1
Suncrest

Phelan
L-6 B-2
Suncrest

Kulp
L-5 B-2
Suncrest

Hallingstad
L-4 B-2
Suncrest

Exception

Orchard Hts
Tx 1 of
Lot 19

Sullivan
Tax
16255
of Lt 22
Orchard
heights

Lohse
Tax 1 in
TR 22
Orchard
Heights

Bujak
W 273.17'
of Tr 21
Orchard
Heights

Walz
Lt 21 Less
S 210' of
E 218' &
Less W 273.17'
W 8' of Lt 20
Less S 210'
Orch. Hts

NESE

Cayler
Tx 98598 in
L-20 - Orchard
Heights

Ames
N 208' of
E 233' of
L-20 Orch.
Heights

Cayler
Tx 2 of
Lot 20
Orchard
Heights

Nelson
S 210' of E
218' of L-21
Less Tax 5
Orch. Hts

Nelson
Tax 5
Lot 21

Lolley
Tx 6 in
Blk 20
Orch.
Hts

Gardiner
Tx 3 of Lot
20 - Orchard
Heights

Cayler
Tx 1 of
Lot 20
Orchard
Heights

Rosandick
Lot 20 Less tax
1,2,3,4 & 6 Less
W 8' & Less N 208'
of E 233'



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

December 4, 2003

MOFFATT THOMAS BARRETT ROCK & FIELDS
C/O SCOTT CAMPBELL
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE ID 83701-0829

RE: Notice of Change of Water Right Ownership No. 63-8436 & 63-4249A

Dear Claimants:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was submitted to our office on behalf of Pioneer Irrigation District. However, in reviewing the documentation received, we cannot continue to process the ownership change without additional information. The legal descriptions on the deeds submitted do not match the legal descriptions on the claims.

The Place of Use on claim number 63-8436 is located in Township 3N, Range 3W, *Section 4*. The deed submitted for this ownership change indicates property located in *Section 3* of said Township and Range.

The legal description on the deed submitted for claim number 63-4249A indicates property located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 3N, Range 3W; however this only covers a small portion of the Place of Use claimed, possibly indicating that this would be a split of the claim.

In addition, the metes and bounds descriptions on the Exhibits attached to these deeds appear to be incorrect. It is indicated that the property is located in Section 3; however, the description listed shows a beginning point of Section 11 and the end result is not in Section 3. You may need to check with the title company to verify that the exhibits attached to these deeds were written correctly.

Please submit this additional information, and we will be able to complete the review of the ownership changes.

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

Sincerely,

Adjudication Section
Western Region
(208) 334-2190

DH: dh

Enclosures

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

OCT 16 2003

Boise
Idaho Falls
Pocatello

Department of Water Resources

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner

Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Peter Benjamin McLaughlin
Bradley J. Dixon
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

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

October 14, 2003

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 22 2003

WATER RESOURCES
WESTERN REGION

AS
KariLynn Townsend
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Re: Pioneer Irrigation District
Change in Ownership of Water Right Nos. 63-08436 and 63-04249A
MTBR&F File No. 18946.6

Dear KariLynn:

As you may know, this firm represents the Pioneer Irrigation District. On or about June 9, 2000, the Pioneer Irrigation District submitted a Notice of Change of Water Right Ownership, together with the required supporting documents, for each of water right nos. 63-08436 and 63-04249A. The purpose of this correspondence is to inquire if the change in water right ownership has been completed for water right nos. 63-08436 and 63-04249A. If so, I would appreciate it if you would please provide me with written verification of the completed change in ownership.

This letter will also serve as notice to the Department of Water Resources that this firm represents the Pioneer Irrigation District on all matters pertaining to water right nos. 63-08436 and 63-04249A. Please direct all future correspondence, pleadings, and other filings or documents to my attention. If a formal notice of appearance is required, please advise me.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh

cc: Pioneer Irrigation District

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

SCOTT L. CAMPBELL

RECEIVED

JUN 09 2000

WATER RESOURCES
WESTERN REGION

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

June 8, 2000

Ms. Jan Shurte
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Change of Water Right Ownership - Water Right Nos. 63-08436 and 63-04249A

Dear Ms. Shurte:

Enclosed please find the original and one copy of the following

1. Notice of Change of Water Right Ownership for water right no. 63-08436;
2. Notice of Appearance for water right no. 63-08436;
3. Notice of Change of Water Right Ownership for water right no. 63-04249A; and
4. Notice of Appearance for water right no. 63-04249A.

Please file the originals, receive-stamp the copies, and return them to this office in the enclosed envelope. I appreciate your assistance in this regard.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:thm G:\Dap\WPDATA\1002\27\00014-shurte.wpd

Encl.

cc: Board of Directors, Pioneer Irrigation District (w/out encl.)

ORIGINAL

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPRECEIVED
JUN 09 2000
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Incomplete forms will be returned.

1. Water Right No(s).: 63-08436
Adjudication Claim No(s).: 63-08436
2. The following **REQUIRED** information must be submitted with this form: **Please see Attachments A & B**
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should also be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant Harmon Johnson, Elizabeth Johnson, Craig Gibson
6935 N. Penncross Way, Meridian, ID 83642
4. New Owner/Claimant(s) Pioneer Irrigation District
Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address PO Box 426
City, State, and ZIP Code Caldwell, ID 83606
New Telephone Number (208) 459-3617
5. Date you acquired the property December 6, 1999
6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claims(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

Number of acres you irrigate with this water right <u>27</u>	Number and type of stock <u>0</u>
Diversion rate in CFS <u>.540</u>	Number of homes you acquired <u>0</u> Other uses <u>0</u>
7. Signature of New Owner or Claimant(s) John Owen
President, Pioneer Irrigation District

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

**PIONEER IRRIGATION DISTRICT
OFFICERS AND DIRECTORS**

John Owen
Member/President
P.O. Box 426
Caldwell, ID 83606
(209) 459-3617

Ken Brush
Member/Director
P.O. Box 426
Caldwell, ID 83606
(209) 459-3617

Don Sayre
Member/Director
P.O. Box 426
Caldwell, ID 83606
(209) 459-3617

Naida Kelleher
Secretary/Treasurer
P.O. Box 426
Caldwell, ID 83606
(209) 459-3617

ATTACHMENT -A-

DEED FOR WATER RIGHT

FOR VALUE RECEIVED, West Valley Development, LLC, ("Grantors"), whose address is 9550 West Bethel Court, Boise, Idaho, 83709, do hereby grant, bargain, sell, and convey unto Pioneer Irrigation District, an irrigation district organized under the laws of the State of Idaho ("Grantee"), whose address is PO Box 426, Caldwell, Idaho, 83606, that certain water right identified as A63-08436, which water right is appurtenant to that certain real property situated in Canyon County, Idaho, more particularly described on Exhibit 1 attached hereto and by this reference made a part hereof, and the diversion point of which is a well situated on certain real property situated in Canyon County, Idaho, more particularly described on Exhibit 2 attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD said water right unto Grantee and Grantee's successors and assigns forever. Grantors do hereby covenant to and with Grantee that Grantors are the lawful owners of said water right and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 6th day of December, 1999.

WEST VALLEY DEVELOPMENT, LLC
an Idaho limited liability company



Don Hubble, Manager / member (Title)

STATE OF IDAHO)
) ss.
County of Ada)

On this 10 day of December, 1999, before me, the undersigned notary public in and for said state, personally appeared DON HUBBLE, known or identified to me to be the manager/member (Title) of West Valley Development, LLC, an Idaho limited liability company, that he executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



Loretta Carlson
Notary Public for Idaho
Residing at Boise
Commission expires 10-02-2002

EXHIBIT 1 TO DEED FOR WATER RIGHT

Lots 17, 18, and 19, ORCHARD HEIGHTS, Caldwell, Canyon County, Idaho, according to the Plat filed July 24, 1909 in Book 2 of Plats, page 38, records of said County.

EXCEPTING THEREFROM:

A part of Tract 19 of ORCHARD HEIGHTS in Section 4, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Southeast corner of Tract 19 of ORCHARD HEIGHTS, the INITIAL POINT; thence

North $0^{\circ} 00'$ West 195.5 feet along the East line of the said Tract 19; thence

South $89^{\circ} 24'$ West 340 feet parallel to the South line of the said Tract 19 to a point in the centerline of the Phyllis Canal; thence

South $52^{\circ} 21'$ East 315.73 feet along the said centerline to a point on the South line of the said Tract 19; thence

North $89^{\circ} 24'$ East 90 feet along the said South line to the INITIAL POINT.

N: 1383879.27

E: 2282726.26

I found 5.41 ac in lot 12 & 19

I don't know where lot 17 is

EXHIBIT 2 TO DEED FOR WATER RIGHT

A parcel of real property located in the NW ¼ of the SW ¼ of Section 3, Township 3 North, Range 3 West, Boise Meridian, Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W ¼ corner of said Section 11 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the REAL POINT OF BEGINNING;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along s
Beginning, containing

N: 1392439.52

E: 2284300.88

Property is shown
to be in Section
Starting point of
Section 11, and
not end in Section 3.

Section 3 + 11
are "Kitty Corner"
From Each other.
Do Not Change
Ownership.
Send Back

This Deed
makes NO
Sense. They
need to provide
Better info

ORDER
Phyllis
2.00
Phyllis

46

26

ATTACHMENT -B-

DEED FOR INTEREST IN WATER WELL

FOR VALUE RECEIVED, West Valley Development, LLC, ("Grantors"), whose address is 9550 West Bethel Court, Boise, Idaho, 83709, do hereby grant, bargain, sell, and convey unto Pioneer Irrigation District, an irrigation district organized under the laws of the State of Idaho ("Grantee"), whose address is PO Box 426, Caldwell, Idaho, 83606, the real property situated in Canyon County, State of Idaho, as more particularly described on Exhibit 1 attached hereto and by this reference made a part hereof.

Grantors further grant, bargain, sell, and convey unto Grantee all of Grantors' right, title, and interest in and to that certain water well situated on the above-described real property, together with the well casing, pump, motor, electrical connections, and all other appurtenances used in connection therewith.

TO HAVE AND TO HOLD said real property and water well, together with their appurtenances, unto Grantee and Grantee's successors and assigns forever. Grantors do hereby covenant to and with Grantee that Grantors are the lawful owners of fee simple in the real property and own 100 percent interest in said water well; that said premises are free from all encumbrances and liens; and subject to reservations, restrictions, dedications, easements, rights-of-way and agreements (if any) of record, and general taxes and assessments for the current year are not yet due and payable; and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 6TH day of December, 1999.

WEST VALLEY DEVELOPMENT, LLC
an Idaho limited liability company


Don Hubble, manager/member (Title)

STATE OF IDAHO)
) ss.
County of Ada)

On this 6 day of December, 1999, before me, the undersigned notary public in and for said state, personally appeared DON HUBBLE, known or identified to me to be the manager/member (Title) of West Valley Development, LLC, an Idaho limited liability company, that he executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



Loretta Carlson
Notary Public for Idaho
Residing at Boise
Commission expires 10-02-2002

EXHIBIT 1 TO DEED FOR INTEREST IN WATER WELL

A parcel of real property located in the NW ¼ of the SW ¼ of Section 3, Township 3 North, Range 3 West, Boise Meridian, Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the W ¼ corner of said Section 11 from which the SW corner of said Section 3 bears South 00°34'41" East, 2652.66 feet;

thence along the West boundary line of said Section 3 South 00°34'41" East, 747.91 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline South 60°35'32" East, 40.74 feet;

thence continuing along said centerline South 53°15'41" East, 13.00 feet to the REAL POINT OF BEGINNING;

thence leaving said centerline North 45°18'25" East, 48.41 feet;

thence South 44°41'35" East, 46.00 feet;

thence South 45°18'25" West, 41.48 feet to a point on the centerline of the Phyllis Canal;

thence along said centerline North 53°15'41" West, 46.52 feet to the Real Point of Beginning, containing 2067 square feet, more or less.

*Property is shown to
be in section 3.
Starting point shows
section 11, and
does not end up in
section 3.*

REQUEST - *James J. Hales*
BY *James J. Hales*
CANYON CNTY RECORDER
G NOEL HALES
99 DEC 6 PM 4 46
TYPE *Deed* FEE *9.00*

RECORDED

009947628

EXHIBIT 1 TO DEED FOR INTEREST IN WATER WELL

*Same as last
one. This
makes 100
since.*

ORIGINAL

Scott L. Campbell
Angela D. Schaer
ELAM & BURKE, P.A.
Key Financial Center, 10th Floor
702 West Idaho Street
P.O. Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

RECEIVED
JUN 09 2000
WATER RESOURCES
WESTERN REGION

Attorneys for Pioneer Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

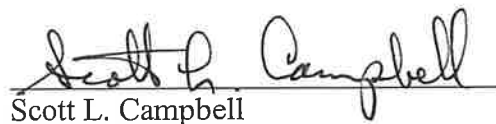
*Add to database
if 0-change
goes through*

IN THE MATTER OF WATER RIGHT)	NOTICE OF APPEARAN
NO. 63-08436)	
IN THE NAME OF PIONEER)	
IRRIGATION DISTRICT.)	
_____)	

PLEASE TAKE NOTICE that Scott L. Campbell, a shareholder of the firm of Elam & Burke, P.A., 702 West Idaho, Post Office Box 1539, Boise, Idaho, 83701, hereby enters an appearance as Attorney of Record for Pioneer Irrigation District, in the above-referenced water right matter.

Respectfully submitted this 8th day of June, 2000

ELAM & BURKE, P.A.


Scott L. Campbell

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed on this 8th day of June, 2000, with sufficient first-class postage to the following:

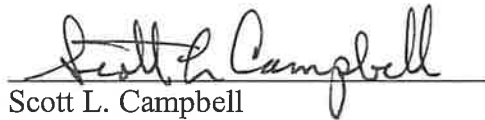
Pioneer Irrigation District
PO Box 426
Caldwell, ID 83606

☒ U.S. Mail (postage prepaid)
☐ Hand Delivery
☐ Federal Express

and the original and one copy to:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-502

☒ U.S. Mail (postage prepaid)
☐ Hand Delivery
☐ Federal Express


Scott L. Campbell



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 14, 1998

Re: Notice of Claim to a Water Right No. A63-08436

CRAIG GIBSON
HARMON JOHNSON
ELIZABETH JOHNSON
912 12TH AVE SOUTH
NAMPA ID 83651

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure

State of Idaho
Department of Water Resources

NOV 23 1992

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08436

Department of Water Resources
Western Regional Office

Priority: February 11, 1977

Maximum Diversion Rate: 0.46 CFS
Maximum Diversion Volume: 121.5 AF

This is to certify, that LEO R HART
1903 RAY ST
CALDWELL ID 83605

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 11, 1977; and
has submitted Proof of Beneficial Use on January 5, 1982. An examination indicates
that the works have a diversion capacity of 3.610 cfs of water from a **GROUNDWATER**
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.46 CFS	121.5 AF

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 3, Township 03N, Range 03W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	03W	4	NESE 17	NWSE 10		27
Total number of acres irrigated:						27

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. The total combined rate of diversion under this right and 63-04249 shall not exceed 3.61 cfs.

MICROFILMED
OCT 08 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08436

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 2ND
day of NOVEMBER, 1992.

Acting for R. Keith Higginson, Director

MICROFILMED
OCT 08 1996

RECEIVED

FEB 04 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-8436

1. Owner: Leo R. Hart

Phone No. 459-4925

Current Address: 1903 Ray St. Caldwell, Idaho 83605

2. Accompanied by: applicant

EXAM. DATE: 9/8/86

Address: Same as above

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: Phyllis canal & Deer Flat Caldwell
Deer Flat canal is above Phyllis canal. ☐ Copies Attached

2. Other water rights with same point of diversion: 63-4249

☐ Copies Attached

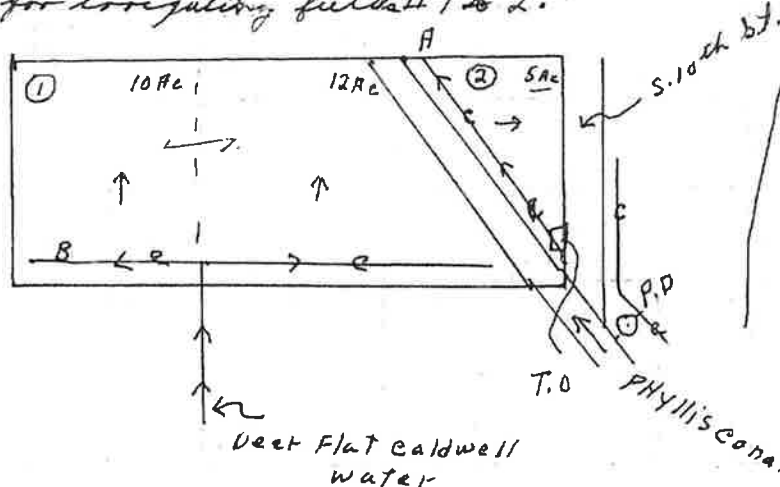
☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

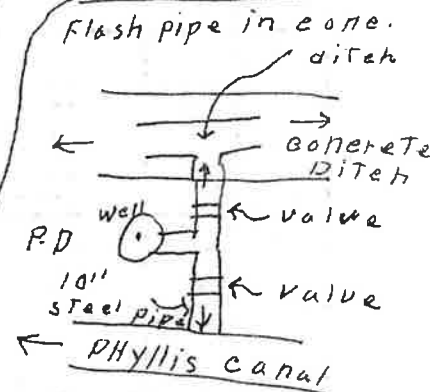
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

Method of Irrigation

Diverts well water into Phyllis canal. rediverts into concrete ditch A at T.O. Lifts water from conc. ditch A to conc. ditch B for gravity irr. Has portable pipeline from well to sprinkler system for irrigating fields #1 & 2.



Legend
○ well
① Field → conc. D
Ac acres → Ditch
→ Direction of irr.
T.O Turn out



MICROFILMED

NOV 18 1992

Scale: 1" = no scale

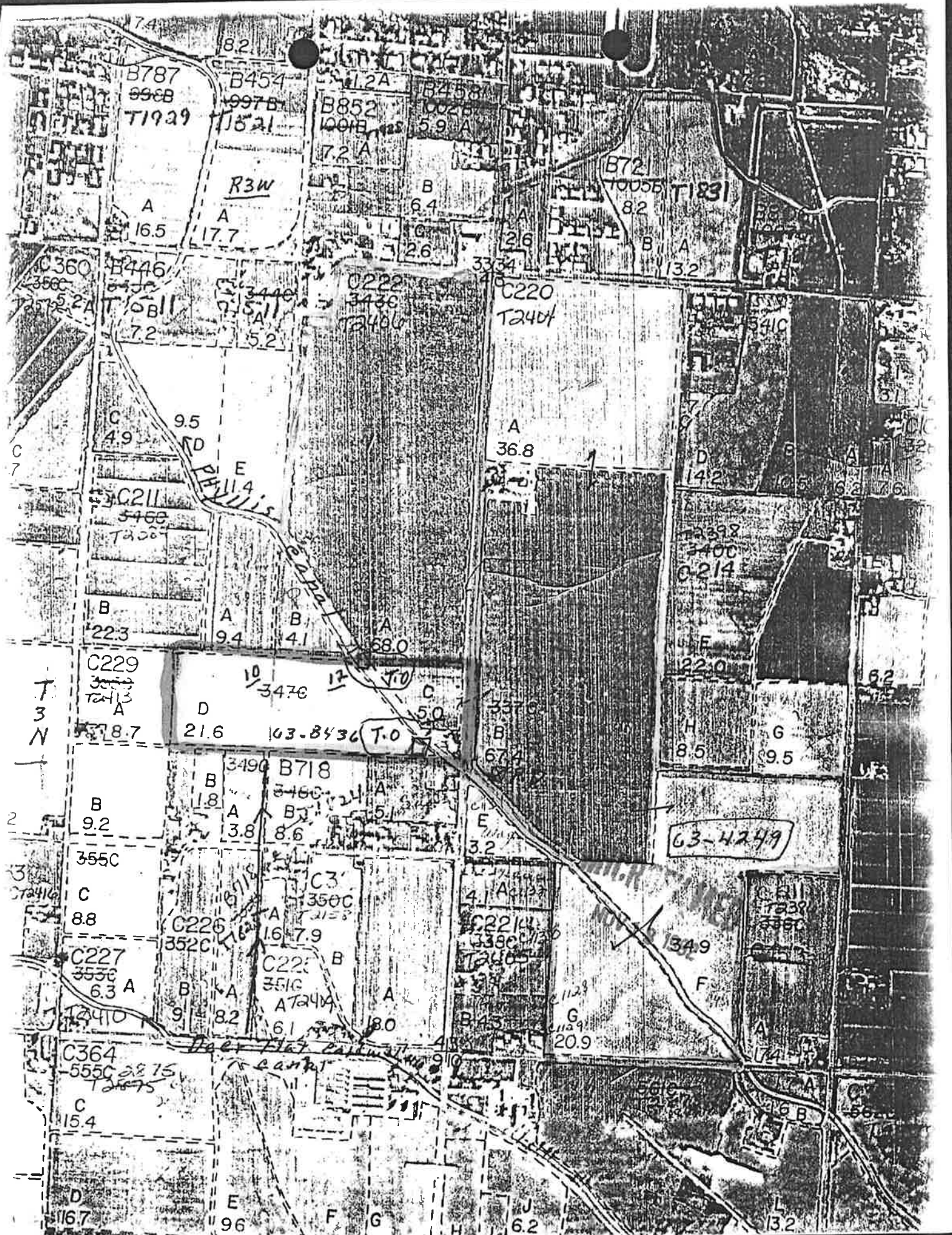
2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached

(required for irrigation of 10 acres or more).



State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-08436

RECEIVED
OCT 22 1992
APPROVED
Western Regional Office

Date of Priority: February 11, 1977

Maximum Diversion Rate: 0.46 CFS
Maximum Diversion Volume: 121.5 AF

Comes now LEO R HART
1903 RAY ST
CALDWELL ID 83605

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-08436, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.46 CFS	121.5 AF
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		NWSW , Sec. 3, Township 03N, Range 03W CANYON County	

<u>PLACE OF USE: IRRIGATION</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
03N	03W	4	NESE 17	NWSE 10	27
Total number of acres irrigated:					27

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at BOISE ID, this 22 day of OCT, 1992.

Leo A Hart
(Signature)

MICROFILMED
OCT 08 1996

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-08436

FOR DEPARTMENT USE ONLY

Preliminary check by CYH Fee = 20 Received by CYH # W015575 Date 10/22/92

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-08436 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. The total combined rate of diversion under this right and 63-04249 shall not exceed 3.61 cfs.

Witness my hand this 2ND day of NOVEMBER, 1992.

Ron Cey
Acting for R. Keith Higginson, Director

MICROFILMED
OCT 08 1996

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

5775
Date 07/05/91
Code 193002

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

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY
TO

RUBY K. HART
1903 RAY AVE.
CALDWELL, ID 83605

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE
() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 162	9337	8831		REFUNDS PER D. SHAFF WR#A63-04249/A63-08436/27407 RECEIPT #W006863 6/28/91 168.00 <i>See attached receipt</i>	168.00	
TOTAL						168.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

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

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

OCT 08 1996

Idaho, Department Of Water Resources
Detail Receipt Summary Screen

Date: 12/29/92
Time: 15:53:49

Rec/No - W006863 AR/No -
From: - HART, RUBY K.

Receipt Type - CK Doc/No - 973
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 12/07/1989

Type Of Payment
ADJUDICATION CLAIM FEE

Fund	FD	PCA	Obj	Subsid	Fee
9337		410162	6490		293.00

Total Due - 293.00

WR/No
A6308436

WR Fee
50.00
168.00

WR/No
A6327407

WR Fee
25.00

WR/No
A6304249A

WR Fee
50.00

← REFUND
7-5-91

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

MICROFILMED
OCT 08 1996

RECEIVED
MAY 08 1990

Inter-Department Memorandum Department of Water Resources

From: Bruce A. Schuld
Western Region

Date:

To: *AS*
Don Shaff/Debbie Allen
State Office

Re: Refund of Acreage Fees for Ruby/Leo Hart
1903 Ray Avenue
Caldwell Idaho
83605

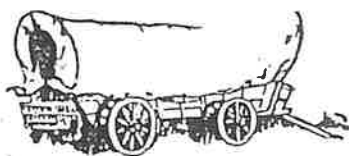
Attached are copies of Rcpt. # W006863 and Adjudication
⁰⁴²⁴⁹
claim #A63-08436. There is an overlap with the
irrigated acreages paid for by Pioneer Irrigation District in
the 40 acre tracts as indicated by on the copy of their Rcpt.

Would you please initiate a refund to Mr./Mrs. Hart for ^{\$}168

Thanks

Bruce A. Schuld
Bruce A. Schuld
Western Region

MICROFILMED
OCT 08 1996



Pioneer Irrigation District

LONNIE J. FREEMAN
Superintendent

NAIDA E. KELLEHER
Secretary/Treasurer

RECEIVED
MAR 20 1990

P. O. Box 426 — CALDWELL, IDAHO 83605

(208) 459-3617

March 14, 1990

Dear Waterusers:

Department of Water Resources

Being aware that planting season is just around the corner, the Board of Directors of Pioneer Irrigation District would like to let you know what the condition of our water outlook is for 1990. Following are some comparisons for you to take into consideration.

Total yearly volume forecast in acre feet of water produced in the basin:

1990	1.16 million
1989	1.76 million
1988	1.05 million
1987	.93 million
1977	.66 million

Physical Reservoir Content as of March 1st

	Anderson Ranch	Arrowrock	Lucky Peak	Total
1990	217,000	139,000	82,600	438,600
1989	129,600	168,000	70,500	368,100
1988	123,100	156,600	116,300	396,000
1987	369,700	233,400	81,400	684,500
1977	329,700	201,500	86,600	617,800

Snow Pack Water Content in Percent of Normal

1990	61%
1989	93%
1988	59%
1987	47%
1977	25%

Please be reminded that the wasting of water used for irrigation will be prohibited as per Sec. 18-4302 of the Idaho Water Law & Regulations.

REGARDING THE ADJUDICATION:

For those of you who filed a claim with the Idaho Department of Water Resources, and were required to pay a \$1.00 per acre fee on top of your fees for your wells, etc., you are entitled to a refund of the \$1.00 per acre, as Pioneer Irrigation District has already paid that \$1.00 per acre. To obtain your refund, write to:

Adjudication Bureau
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Include in your letter your Receipt Number and the Water Right number which they assigned to you, which will start with A63 4249. They said to allow up to 3 weeks for receipt of your refund, although it may take less time than that.

TURN ON DATE

The Board of Directors has set the Date of April 15th as the beginning of the 1990 irrigation season, and you may order water in starting on that date.

MICROFILMED
OCT 08 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 1, 1991

Mr. & Mrs. Leo R. Hart
1903 Ray Avenue
Caldwell, ID 83605

RE: Snake River Basin Adjudication (SRBA)
Canyon County - #A63-08436 & A63-04249
Receipt #W006863 - \$168.00

Dear Mr. & Mrs. Hart:

An overpayment of your filing fees has been brought to our attention on your above claims in the amount of \$168.00. The refund process has been initiated with the State Auditor's Office, and you should receive your check in the near future.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:ref

MICROFILMED
OCT 08 1996