

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

RIGHT NUMBER: 63-31346

NAME AND ADDRESS: RUSSELL MATSON
524 3RD ST S #102
NAMPA ID 83651

AMANDA MATSON
524 3RD ST S #102
NAMPA ID 83651

~~SCOTT DRAKE~~
~~MARTHA DRAKE~~
~~122 N ORCHARD HEIGHTS WAY~~
~~NAMPA ID 83651~~

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

QUANTITY: 0.160 CFS
54.000 AFY

Rights 63-31346 and 63-31348 when combined shall not exceed a total diversion rate of 0.20 cfs, a total annual maximum diversion volume of 54.0 af at the field headgate, and the irrigation of 12 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/07/1963

POINT OF DIVERSION:

T01N R01W S5 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.160 CFS 54.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in ADA County

T01N R01W S05	SWSW	8.00	T01N R01W S05	SESW	4.00
---------------	------	------	---------------	------	------

12 ACRES TOTAL

Point of diversion and place of use are located within Lot 3, Blk. 1, Boyer Heights Subdivision.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

In Re SRBA

Case No. 39576

Water Rights: 63-31346, 63-31348

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐

Address change

XX

Substitution of Party

☐

IC § 42-222 transfer

☐

Point of diversion

☐

Place of use

☐

Period of use

☐

Nature of use

☐

Split of water right

☐

Change in ownership

☐

Other

☐

IC § 42-219 license

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

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

DATED: May 18, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 18, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

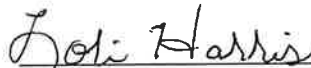
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Russell Matson	☐	overnight mail
Amanda Matson	☒	regular mail
524 3 rd St S #102	☐	hand-delivered
Nampa ID 83651	☐	facsimile

Scott Drake	☐	overnight mail
Martha Drake	☒	regular mail
122 N Orchard Heights Way	☐	hand-delivered
Nampa ID 83651	☐	facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 18, 2007

RUSSELL MATSON
AMANDA MATSON
524 3RD ST S #102
NAMPA ID 83651

Re: Water Right Nos. 63-31346, 63-31348

Dear Mr. & Mrs. Matson:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:1
Enclosures

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-31346					
63-31348					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Scott Drake
122 N Orchard Heights Way Nampa
83651
4. New Owner/Claimant(s) Russell and/or Amanda Matson
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 524 3 St So #102
- City, State and ZIP Code Nampa ID 83651
- New Telephone Number 208 573-1388
5. Date you acquired the property June 6 2005

RECEIVED

MAR 21 2007

**WATER RESOURCES
 WESTERN REGION**

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

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

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

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

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

For Office Use Only			
Received by <u>ADL</u>	Date <u>3-21-07</u>	Fee <u>N/A</u>	
Receipted by _____	Date _____	Receipt No. _____	
Processed by <u>ADL</u> AJ	Date <u>5-17-07</u>	WR _____	Date _____



254887-MR

CC5447

WARRANTY DEED

FOR VALUE RECEIVED Scott Drake and Martha Drake, husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Russell Matson and Amanda J. Matson, husband and wife

the Grantees, whose address is 524 3rd St S., PMB 102, Nampa, ID, 8351

the following described premises, to-wit:

LOT 3 IN BLOCK 1 OF BOYER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT, FILED IN BOOK 78 OF PLATS AT PAGES 8295 AND 8296, RECORDS OF ADA COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2004 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: June 2, 2005

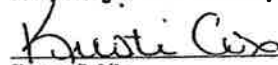

Scott Drake


Martha Drake

STATE OF IDAHO

COUNTY OF CANYON

On this 2nd day of June in the year 2005, before me, a Notary Public, personally appeared Scott Drake & Martha Drake 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.


Notary Public

Residing at _____

My commission expires _____

Residing in Middleton, Idaho
Commission Expires 02-11-09



PIONEER TITLE COMPANY
OF CANYON COUNTY
"CANYON OFFICE"

5680 E. FRANKLIN, STE. 150
NAMPA, IDAHO 83686

TEL. (208) 465-6655
FAX. (208) 465-6556



PARCEL INFORMATION

Year 2007	Parcel # R1046030300	Property Type Real	Status Active	Exemption None	Z 0	Code 	☐ Urban Renewal
☒ Taxes Owning		Sub Property Type None	Code Area 85	Districts	Appraisers Initials LLF	Details	☐ Ownership Change
							☐ Drop HOE
							☐ Circuit Breaker
							☐ Bankruptcy

Print Property Desc. Cancel Help

PHYSICAL LOCATION

Property Address: 5862 W FAIRCHILD RD
KUNA ID 83634-0000

Group Type: SUB Group #: 104603
Description: BOYER HEIGHTS SUB

Township/Range/Section: Zoning Code: RR
1N 1W 05 MLS Area 1100 - Kuna

Reappraisal Year: 2006 Physical Inspection: 10/25/2005

OWNER INFORMATION

Name: MATSON RUSSELL
MATSON AMANDA J

Mailing Address: 524 3RD ST S PMB 102
NAMPA ID 83351-0000

Add'l Info

PARCEL VALUES

Assessment Roll	Property Occupancy	State Category Code	Acreage	Assessed Value	Valuation Method	Code Area
Primary	Non-Occupancy	150	12.292	129,000	MARKET	85
Primary	Non-Occupancy	370	0.000	125,100	COST	85

Total Parcel Values

Assessed Amt	254,100
HO Value	-(89,325)
Taxable Amt	164,775

Public Property Description - Display [PT22/F]



State Parcel #: 036950010030

Property Description: LOT 03 BLK 01
BOYER HEIGHTS SUB

Cancel

Manufactured

Total Acreage 12.292

Ready

PIONEER W085YTCP NUM



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 12, 2007

RUSSELL MATTSON
524 3RD ST S PMB 102
NAMPA ID 83651

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-31346, 63-31348

Dear Mr. Mattson:

We have been advised you may be the new owner of the property with the water rights referenced above (see enclosed report).

Before we can modify our records to reflect your ownership of these water rights, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions included with this form and return to our office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region

LH:l
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER
WESTERN REGIONAL OFFICE
2736 AIRPORT WAY
BOISE, IDAHO 83705

REQUESTED SERVICE



UNITED STATES
\$01.11
02 1M
0004230683
MAILED FROM ZIP CODE 837

RECEIVED

FEB 12 2007

WATER RESOURCES
WESTERN REGION

SCOTT DRAKE
MARTHA DRAKE
122 N ORCHARD HEIGHTS WAY
Nampa ID 83651

DRAKE122 X836512016 1705 03 02 09
DRAKE RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSEE
UNABLE TO FORWARD
RETURN TO SENDER

03-31346
31348

Russell Matson
324 3rd St S PMB102
Nampa 83651



*Metzen, Russell & Orange
Amanda coming
524 3RD ST S PMB 102
Nampa ID 83351
copy sent
11/17/06
adw*

*Jan:
Russell called
me this am.
He is happy
w/ the recommendation
and will file an
ownership change.
Dane J*

**IDAHO DEPARTMENT OF
WATER RESOURCES**
322 EAST FRONT ST
P.O. BOX 83720
BOISE, ID 83720-0098

TO

SCOTT & MARTHA DRAKE
122 N ORCHARD HEIGHTS WAY
NAMPA ID 83651

DRAK122 836512011 1705 16 11/15/06
FORWARD TIME EXP RTN TO SEND
DRAKE
2508 W CERULEAN DR
KUNA ID 83634-3488

*sent 11/17/06
adw*

RETURN TO SENDER



RECEIVED
NOV 16 2006
DEPARTMENT OF
WATER RESOURCES
Dave

*63-31346
6331348*

11/01/2006

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

RIGHT NUMBER: 63-31346
NAME AND ADDRESS: SCOTT DRAKE
122 N ORCHARD HEIGHTS WAY
NAMPA ID 83651

MARTHA DRAKE
122 N ORCHARD HEIGHTS WAY
NAMPA ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

QUANTITY: 0.160 CFS
54.000 AFY

Rights 63-31346 and 63-31348 when combined shall not exceed a total diversion rate of 0.20 cfs, a total annual maximum diversion volume of 54.0 af at the field headgate, and the irrigation of 12 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/07/1963

POINT OF DIVERSION:

T01N R01W S5 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.160 CFS 54.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION Within ADA County

T01N R01W S05	SWSW	8.00	T01N R01W S05	SESW	4.00
---------------	------	------	---------------	------	------

12 ACRES TOTAL

Point of diversion and place of use are located within Lot 3, Blk. 1, Boyer Heights Subdivision.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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



Idaho Department of Water Resources

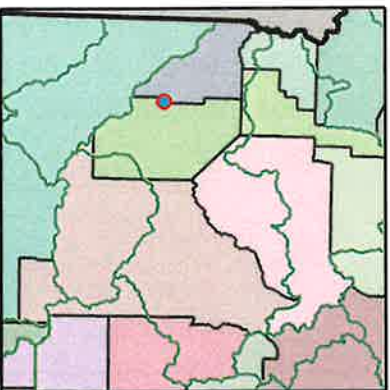
SRBA Recommendation:

63-31346 & 63-31348

(Irrigation)

Legend

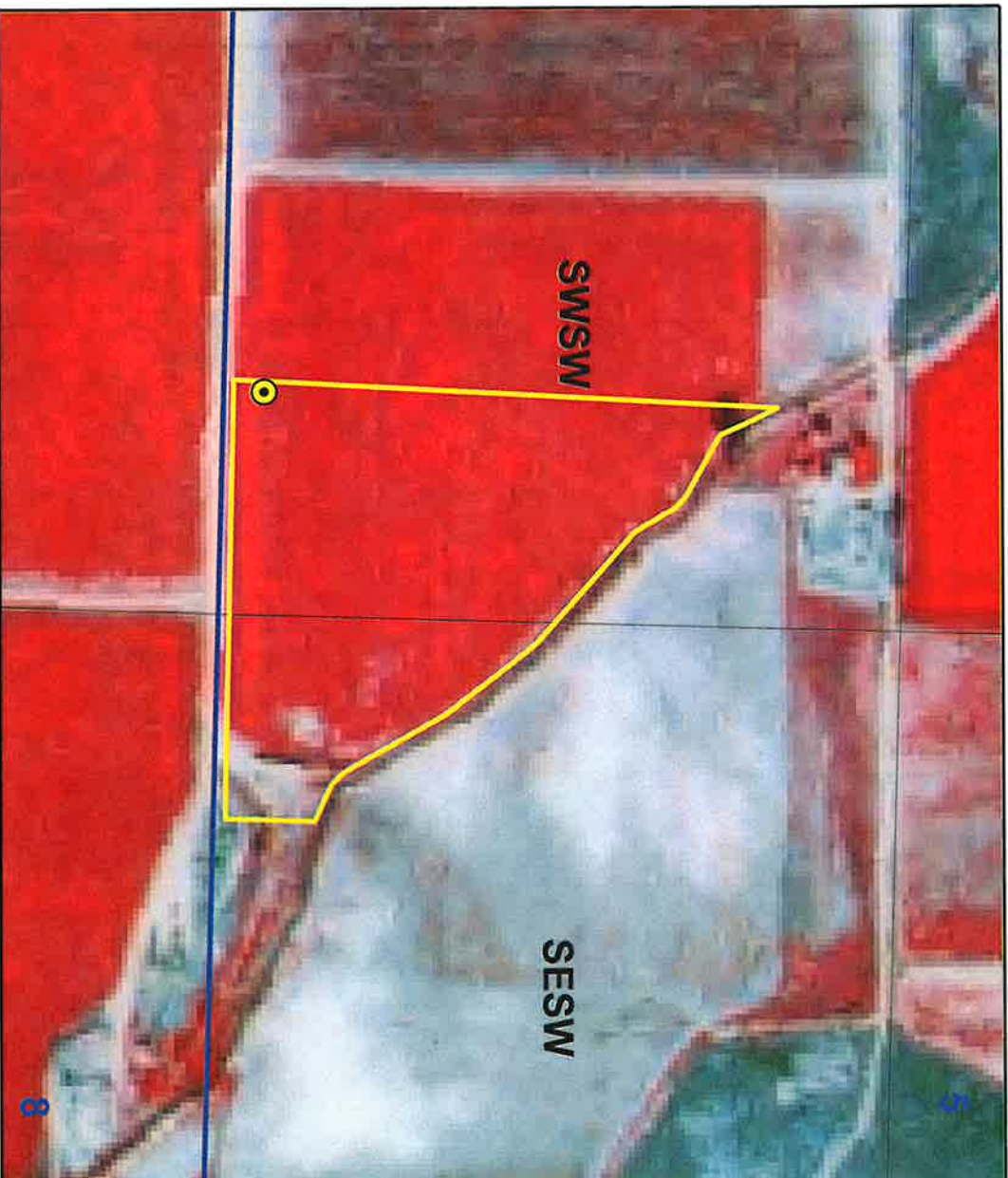
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



T01N



Prepared by A. Warnittes
On Wednesday, November 1, 2006
1987/88 Aerial Photography



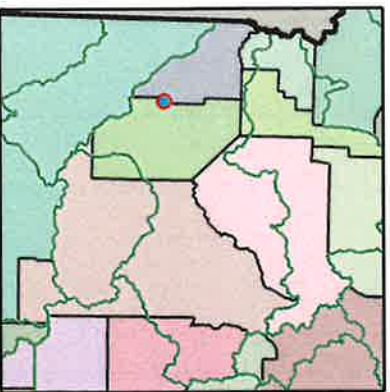
Idaho Department of Water Resources

SRBA Recommendation:

63-31346
(Irrigation)

Legend

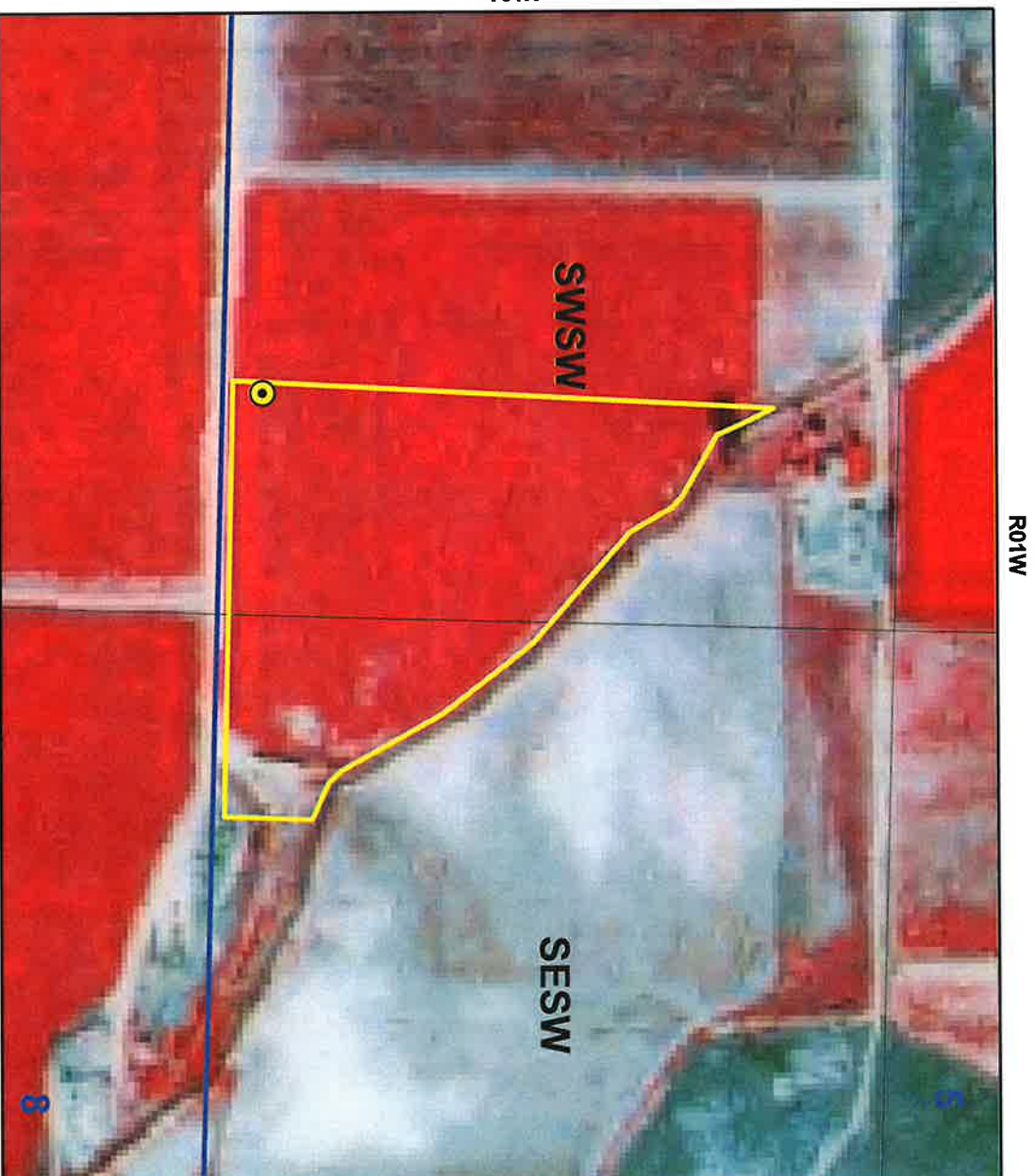
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



T01N



Prepared by A. Warnitjes
On Wednesday, November 1, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 13, 2006

Dear Water Right Claimant:

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claims in the Snake River Basin Adjudication (SRBA). We have enclosed printouts showing our preliminary recommendations for reporting your claims to the SRBA District Court later in 2006.

Please review the preliminary recommendations carefully. If there is any information on the printouts that you believe is inaccurate, please fill and return out the enclosed reply forms "Notice of Error" indicating what changes you believe should be made, **no later than November 23, 2006**. Further instructions to assist you with review are enclosed.

Due to the short time that remains for review of your water rights, if you have a question please call me directly at 208-287-4805. I will be happy to discuss your recommendations with you.

This process is intended to ensure IDWR recommends your water rights accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendations. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary for and appreciated by IDWR to provide accurate information to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

David R. Tuthill, Jr.
Administrator, Water Management Division

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31346 V1

WATER RIGHT NUMBER: 63-31346 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALLEN E HOSACK
	, ID
Current Owner	SCOTT DRAKE 122 N ORCHARD HEIGHTS WAY NAMPA, ID 83651 (208) 468-3602
Current Owner	MARTHA DRAKE 122 N ORCHARD HEIGHTS WAY NAMPA, ID 83651 (208) 468-3602

Priority Date: 10/07/1963

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.160 CFS	54.00 AF
	<u>Total Diversion:</u>	0.160 CFS	54.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 5, Twp 01N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	5									8.0	4.0							12.0

Total Acres: 12

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31346 V1

5. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. X35 Rights 63-31346 and 63-31348 when combined shall not exceed a total diversion rate of 0.20 cfs, a total annual maximum diversion volume of 54.0 af at the field headgate, and the irrigation of 12 acres.
9. X60 Point of diversion and place of use are located within Lot 3, Blk. 1, Boyer Heights Subdivision.

Remarks:Comments:

1. scurtis 5/21/2003 8:26:43 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69547

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:
State or Federal:
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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 63-31346
Date Received: 8/28/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SCOTT DRAKE Phone: (208) 468-3602
122 N ORCHARD HEIGHTS WAY
NAMPA ID USA 83651

MARTHA DRAKE Phone: (208) 468-3602
122 N ORCHARD HEIGHTS WAY
NAMPA ID USA 83651

2. Date of Priority: 10/07/1963

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
01N	01W	5	SW	SW	ADA	

5. Description of diverting works:

Well, Pump, and Sprinkler system. We will have a seperate pump in the well for our home.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.16	54

7. Total Quantity Appropriated is:
0.16 C.F.S. and/or 54 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	01W	5	SW	SW	IRRIGATION	8
			SE	SW	IRRIGATION	4
					Section Acres	12
					Total Acres	12

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Rights 63-31346 and 63-31348 when combined shall not exceed a total diversion rate of 0.20 cfs, a total annual maximum diversion volume of 54.0 af at the field headgate, and the irrigation of 12 acres.

Point of diversion and place of use are located within Lot 3, Blk. 1, Boyer Heights Subdivision.

15. Basis of Claim: License

WATER RIGHT NO. 63-31346
As Modified by Transfer No. 69547

In accordance with the approval of Transfer No. 69547, Water Right No. 63-31346 is now described as follows.

Right Holder: SCOTT DRAKE And
 MARTHA DRAKE
 122 N ORCHARD HEIGHTS WAY
 NAMPA ID 83651

Priority Date: October 07, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.16 CFS	54.0 AF
			0.16 CFS	54.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 5 Twp 01N Rge 01W ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01N	01W	5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											8.0				4.0				12.0

Total Acres: 12

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

WATER RIGHT NO. 63-31346
As Modified by Transfer No. 69547

CONDITIONS OF APPROVAL

8. Rights 63-31346 and 63-31348 when combined shall not exceed a total diversion rate of 0.20 cfs, a total annual maximum diversion volume of 54.0 af at the field headgate, and the irrigation of 12 acres.
9. Point of diversion and place of use are located within Lot 3, Blk. 1, Boyer Heights Subdivision.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 day of May, 2003


For Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69547

This is to certify that: SCOTT DRAKE And/Or
MARTHA DRAKE
122 N ORCHARD HEIGHTS WAY
NAMPA ID 83651
(208) 468-3602

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-3369D	AJC/License	10/07/1963	0.31 cfs	108 af	24.0		GROUND WATER
63-7532D	AJC/License	12/17/1971	0.26 cfs	108 af	24.0		GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-3369D	YES	NO	NO	YES	NO	NO
63-7532D	YES	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-3369D	63-31346	0.16 cfs	54 af	N/A	12.0	63-31345	0.15 cfs	54 af	N/A	12.0
63-7532D	63-31348	0.13 cfs	54 af	N/A	12.0	63-31347	0.13 cfs	54 af	N/A	12.0
COMBINED										
TOTALS		0.2 cfs	54 af	N/A	12		0.2 cfs	54 af	N/A	12

Detailed Water Right Description(s) attached

Dated this 20 day of May, 2003

For  Chief, Water Allocation Bureau

(Internet)

RECEIVED

SEP 07 2001

69547

Page 1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

Transfer No.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Scott and/or Martha Drake Phone 468-3602
Post Office address 122 N. Orchard Heights Way Nampa Id. 83651

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split Water Rights
2. Describe the reason for the proposed changes To add a well for our Property,
which will be used for irrigation under these rights
& for our home.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|-------------------|-----------------------|-------------------|-----------------------------|
| <u>63-075320</u> | <u>12-17-1921</u> | <u>.13</u> | <u>irrigation</u> | <u>4-1</u> to <u>11-15</u> |
| <u>63-033690</u> | <u>10-17-1963</u> | <u>.155</u> | <u>irrigation</u> | <u>3-15</u> to <u>11-15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred .20 cubic feet per second and/or 54 acre-feet per annum.
3. Source of water ground water tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1**6. General Information:**

- a. Description of diversion system Well, Pump, Sprinkler system; we will have a seperate pump in the well for our Home.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
none
- d. Remarks:
We have sold 1/2 of our original Property + now only own Lot 3 (See Map) we wish to put in our own well for just our property.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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✓

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 63-3369D

Owner Type Name and Address
Current Owner MARTHA DRAKE
Current Owner SCOTT DRAKE
 3654 E WORMWOOD CT
 BOISE, ID 83716
 (208)384-0548

Original Owner ALLEN E HOSACK

Priority Date: 10/07/1963
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.31 CFS	108 AFA	
Total Diversion			0.31 CFS	108 AFA	

Location of Point(s) of Diversion:

GROUND WATER SWSWSW Sec. 05 Township 01N Range 01W ADA County

IRRIGATION Use:
Acre Limit: 24

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	01W	5		SWSW	20		SESW	4						

Total Acres: 24

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right

Water Right 63-3369D

63-03369B before 03/15, and under Right 63-07532B before 04/01, is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.

Rights 63-03369D and 63-07532D when combined shall not exceed a total diversion rate of 0.40 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 24.0 acres.

Approval of Transfer 5633 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Point of diversion is located within Lot 1, and place of use is located within Lots 2 and 3, Block 1, Boyer Heights Subdivision.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
PSKAGGS	11/19/99	TRANSFER 5470	Transfer 5470 changes the point of diversion under a portion of Rights 63-03369 & 63-07532, splitting each right into Parts A & B.
PSKAGGS	3/27/00	TRANSFER 5633	Transfer 5633 changes the place of use under a portion of Rights 63-03369B & 63-07532B, splitting each right into Parts C & D.

Dates:

Licensed Date: 09/12/1979
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s): W025869
State or Federal:
Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[illegible]

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04/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 63-7532D

Owner Type Name and Address
Current Owner MARTHA DRAKE
Current Owner SCOTT DRAKE
 3654 E WORMWOOD CT
 BOISE, ID 83716
 (208)384-0548

Original Owner GERALD GUENTZ
Original Owner LORENE GUENTZ

Priority Date: 12/17/1971
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/15	0.26 CFS	108 AFA	
Total Diversion			0.26 CFS	108 AFA	

Location of Point(s) of Diversion:

GROUND WATER SWSWSW Sec. 05 Township 01N Range 01W ADA County

IRRIGATION Use:
Acre Limit: 24

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	01W	5		SWSW	20		SESW	4						

Total Acres: 24

Conditions of Approval:

- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

- General The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that

beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03369B before 03/15, and under Right 63-07532B before 04/01, is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.

Rights 63-03369D and 63-07532D when combined shall not exceed a total diversion rate of 0.40 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 24.0 acres.

Approval of Transfer 5633 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Point of diversion is located within Lot 1, and place of use is located within Lots 2 and 3, Block 1, Boyer Heights Subdivision.

Comments:

Author	Date	Subject	Comment
PSKAGGS	11/19/99	TRANSFER 5470	Transfer 5470 changes the point of diversion under a portion of Rights 63-03369 & 63-07532, splitting each right into Parts A & B.
PSKAGGS	3/27/00	TRANSFER 5633	Transfer 5633 changes the place of use under a portion of Rights 63-03369B & 63-07532B, splitting each right into Parts C & D.

Dates:

Licensed Date: 09/13/1979
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Application Received Date:
 Protest Deadline Date:
 Number of Protests: 0

Other Information:

Receipt Number(s): W025869
 State or Federal:
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

[illegible]

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T1N R1W S6 SW 1/4

P/U

PROPOSED NEW WELL P/D



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>N/A</u>			to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

N/A

3. Describe effects on other water uses resulting from the proposed change:

None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

and that any willful misrepresentations made in this application may result in voiding its approval.



Scott Drake
(Signature of Applicant)
7th day of Sept., 192001

Jan Shurte
(Notary Public)

My commission expires 9-14-2004

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 1 attachments

Received by [Signature] Date 9-7-01 Protest filed by WD28223 (100.00)

Prelim. check by [Signature] Fee 4100.00

Receipted by [Signature] Date 9-7-01

Published in THE IDAHO STATESMAN

Pub. dates 12-6-13-01 Copies of protest forwarded by _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

2001

Robert H. McQuade
Ada County Assessor
650 Main Street
Boise, ID 83702

ASSESSMENT NOTICE

& ESTIMATE OF TAX

**THIS IS NOT A BILL.
DO NOT PAY.**

PARCEL DESCRIPTION:

LOT 03 BLK 01
BOYER HEIGHTS SUB
#99088705

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 364-2116

PARCEL ADDRESS: W FAIRCHILD RD
KUNA ID

*****5-DIGIT 83716



DRAKE SCOTT &
DRAKE MARTHA
3654 E WORMWOOD CRT
BOISE ID 83716-6935

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 25, 2001

Tax Code Area: 85

Parcel Number: R1046030300

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
IRRIGATED AG	12.292	12,700	10,300
SUBTOTAL:	12.292	12,700	10,300
LESS HOMEOWNERS EXEMPTION:		0	0
NET TAXABLE PROPERTY VALUE:		12,700	10,300

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
ADA COUNTY	37.85	30.69	(208) 364-2333	6-4-2001
PEST EXTERMINATION	1.34	1.08	(208) 888-2316	6-4-2001
EMERGENCY MEDICAL	1.57	1.27	(208) 375-7048	6-4-2001
ADA COUNTY HIGHWAY DIST	13.51	10.96	(208) 387-6120	8-22-2001
SCHOOL DISTRICT NO 3	54.90	44.53	(208) 922-1000	6-11-2001
KUNA LIBRARY	8.91	7.23	(208) 922-1025	8-30-2001
KUNA CEMETERY	1.53	1.24	(208) 922-5256	8-10-2001
MELBA FIRE	16.39	13.29	(208) 495-2213	9-6-2001
MOSQUITO ABATEMENT	0.36	0.29	(208) 362-1440	
SUBTOTAL:	136.36	110.58		
FEES:				
TOTAL PROPERTY TAXES & FEES:	136.36	110.58		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

TAX EST DOES NOT INCLUDE ADDITIONAL CERTIFICATIONS AND FEES.
NEWLY ANNEXED AREAS--SEE 2000 TAX BILL FOR LAST YEARS TAXES.

0108930

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 63-3369D
Date Received: 8/28/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SCOTT DRAKE Phone: (208) 468-3602
122 N ORCHARD HEIGHTS WAY
NAMPA ID USA 83651

MARTHA DRAKE Phone: (208) 468-3602
122 N ORCHARD HEIGHTS WAY
NAMPA ID USA 83651

2. Date of Priority: 10/07/1963

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01N	01W	5	SW	SW	SW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	03/15	11/15	0.31	108

7. Total Quantity Appropriated is:
0.31 C.F.S. and/or 108 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	01W	5	SW	SW	IRRIGATION	24
					Section Acres	24
					Total Acres	24

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split of 63-3369B, per Transfer 5633 approved 3/27/00.

15. Basis of Claim:

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 28 2000

WATER RESOURCES
WESTERN REGION

TRANSFER OF WATER RIGHT

TRANSFER NO. 5633
WATER RIGHT NO(S). 63-03369D/63-07532D

This is to certify that: SCOTT DRAKE
MARTHA DRAKE
3654 E WORMWOOD CT
BOISE ID 83716

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-03369D : IRRIGATION Priority: 10/07/1963	03/15 to 11/15	0.31 CFS	108.0 AF
Right No. 63-07532D : IRRIGATION Priority: 12/17/1971	04/01 to 11/15	0.26 CFS	108.0 AF

TOTAL: * 0.40 CFS * 108.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SWSWSW Sec 5, Township 01N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

TWN RGE SEC

01N 01W 5

ACRES

SWSW 20

ACRES

SESW 4

ACRES

TOTAL

Total number of acres irrigated:

* 24

CONDITIONS OF APPROVAL AND REMARKS

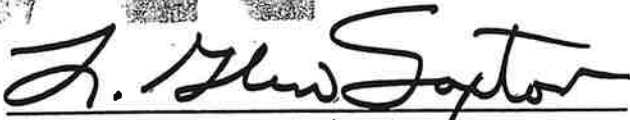
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

TRANSFER NO. 5633
WATER RIGHT NO(S). 63-03369D/63-07532D

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03369B before 03/15, and under Right 63-07532B before 04/01, is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
- * 8. Rights 63-03369D and 63-07532D when combined shall not exceed a total diversion rate of 0.40 cfs, a total annual maximum diversion volume of 108.0 af at the field headgate, and the irrigation of 24.0 acres.
9. Approval of Transfer 5633 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. Point of diversion is located within Lot 1, and place of use is located within Lots 2 and 3, Block 1, Boyer Heights Subdivision.

Dated this 27th day of March, 2000.


Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Scott & Martha Drake Phone HM: 384-0548
Post Office address 3654 E. Wormwood Ct; Boise, ID 83716 WK: 898-1024

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split Rights & Clarify
2. Describe the reason for the proposed changes To clarify acres from original right
incorrectly described and split ownership

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|------------|-----------------------|------------------|---------------|
| 63-033690 | 10/7/1963 | .28/99 | Irrig | 3/15 to 11/15 |
| 63-075320 | 12/17/1971 | .24/99 | Irrig | 4/1 to 11/15 |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred .44 cubic feet per second and/or 99 acre-feet per annum.

3. Source of water Ground water tributary to _____

- 4. Point(s) of Diversion:**

[illegible]

5. Lands irrigated or place of use: ☒ portion

[illegible]

PART 1

6. General Information:

a. Description of diversion system

Well, pipe, sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

See attached agreement for well easement

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____

19 _____

WR5809NP
No. 63-03369B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/15/
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT SVEDIN 7605 S ROBINSON KUNA ID 83634 (208) 495-2259	10/07/1963	IRRIGATION	03/15 11/15	0.470 CFS	162.00 AF/
TOTAL DIVERSION:					0.470 CFS	162.00 AF/

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01W S05

SWSW

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
01N	01W	5	:					:			36	:				: 36.0
TOTAL ACRES																36.0

Pou County: ADA

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 01M - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- R65 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03369B before 03/15, and under Right 63-07532B before 04/01, is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval. Rights 63-03369B and 63-07532B when combined shall not exceed a total diversion rate of 0.60 cfs, a total annual maximum

WR5809NP
No. 63-075328

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/15/
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT SVEDIN 7605 S ROBINSON KUNA ID 83634 (208) 495-2259	12/17/1971	IRRIGATION	04/01 11/15	0.390 CFS	162.00 AF
TOTAL DIVERSION:					0.390 CFS	162.00 AF

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01N R01W S05

SWSW

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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Pou County: ADA

Conditions of Approval:

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- R65 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03369B before 03/15, and under Right 63-075328 before 04/01, is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval. Rights 63-03369B and 63-075328 when combined shall not exceed a total diversion rate of 0.60 cfs, a total annual maximum

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 5.0 ac-ft for irrigation purposes from 3/15 to 11/15
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
			5	1N	1W	ADA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	Totals
1N	1W	5									24

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)
amount 13.0 ac-ft for irrigation purposes from 3/15 to 11/15
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
			5	1N	1W	ADA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	Totals
1N	1W	5									12

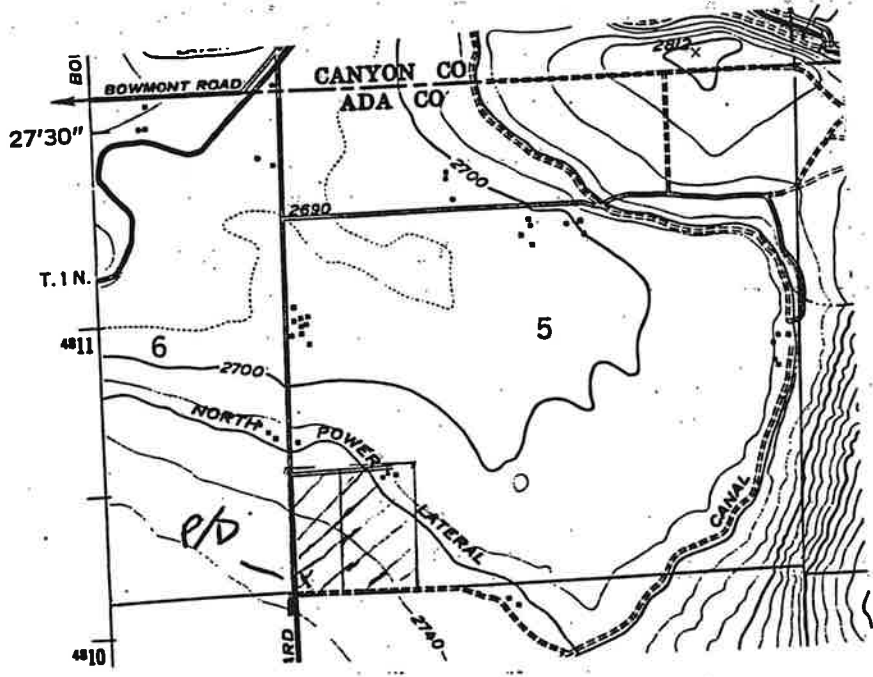
Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

Previous

T1N
R1W
S5
SWSW

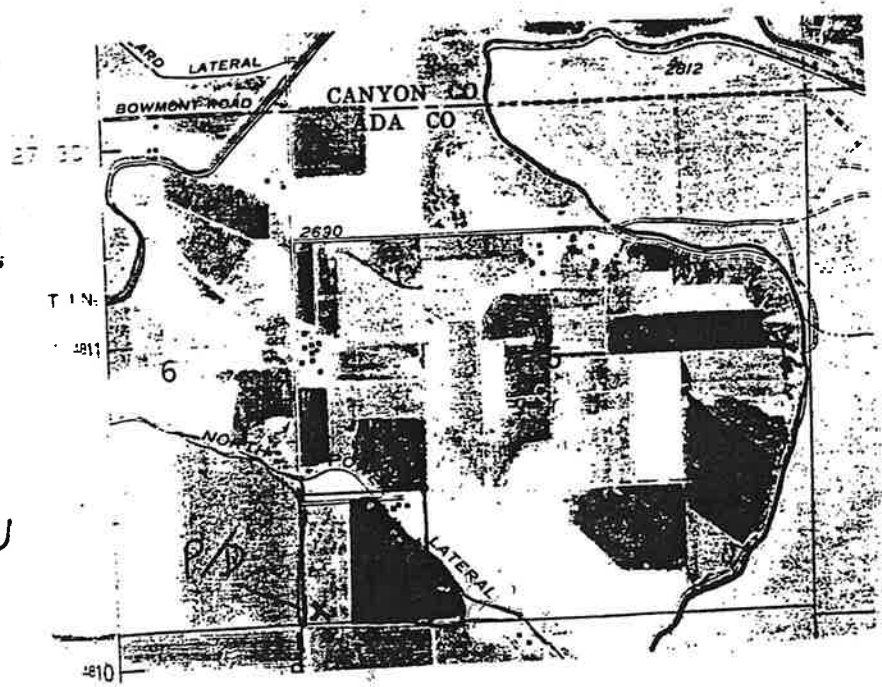


No Gov'ts in S 1/2, sec 5

2N
1N

DISTRICT
CHANGE:

1N
1W
S5
SWSW



PART 3

CHANGES IN NATURE OF USE

1	2	3	4	5
New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use	

1 Describe effects on other water uses resulting from the proposed change:

2 Quantity and quality of return flows and location of discharge:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

day of _____, 19 99

(Notary Public)

My commission expires 6/18/04

FOR DEPARTMENT USE ONLY

8 pages and 6 attachments

8 DAN

Received by _____ Date 10/29/99

Protest filed by _____ Date 10/29/99

Fee \$100 W025869

Received by _____ Date 10/29/99

Protest filed by _____ Date 10/29/99

Protest filed by _____ Date 10/29/99

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

_____ by _____ rec'd _____

_____ of transfer sent to lien holder

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT SCOTT & MARTHA ORAKE TRANSFER NO. 5633

INITIAL ALLOCATION REVIEW BY DAV DATE 12-30-99

1. Right number(s) 63-03369B ; 63-07532B

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☐ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Period ☒ Split Right
☒ Other: CLARIFY LEGAL DESCRIPTION

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo (always - unless justify why not needed)
- b. ☐ All of right
- c. ☒ Part of right (*NOTE! Part B should be filled in only if part of right is owned by the applicant*)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive use volume. Discuss in memo.
- j. N/A Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

k. X

Overlapping rights: check current & proposed scenarios:

Current Now e

Proposed not

1. X

SRBA claim(s) Claims reflect ~~water~~ licenses
for previous transfer

m. X

Comment letters

If yes

X

Yes **No**

Water District #

X

Other, see #2 below for name
and address

1224 RUTH LN
Nampa, ID 83686

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT?

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters:

See attached information

3. Transfer published correctly?

☒ Yes ☐ No

4. Affidavit of publication received?

✓ Yes No

5. Protests received? ☐ Yes ☐ No; Acknowledgement sent? ☐ Yes

6. Data entry of application completed? ☒ Yes

RECOMMENDED ACTION

1. ☒ Approve ☐ See attached memo

2. Deny due to

3. Conditions (special conditions in Water Districts) standard test conditions

"both rights limited to 0.40 cfs @ 108 dfa."

4. By Hayes

Date 2/22/2006

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ☐ Yes *Pam*

2. File forwarded to S.O.: by AT date 2-22-00

The Idaho Statesman

RECEIVED

FEB 02 2000

P.O. Box 40, Boise, Idaho 83707-0040
LEGAL ADVERTISING INVOICE

WATER RESOURCES
WESTERN REGION

Account #	DTI#	Identification	Amount:
047628	183969	PROPOSED CHANGE OF WATER RIGHT - 5633	\$54.84
Ordered by:	P.O. #	Rate	Run Dates
		NT	JANUARY 20, 27, 2000
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WAY BOISE, IDAHO 83705-5082			Number of Lines 36
			Affidavit 1
			Legal # 6058

LEGAL NOTICE PROPOSED CHANGE OF WATER RIGHTS, TRANSFER NO. 5633

Notice is given that SCOTT &/OR MARTHA DRAKE of 3654 E Wormwood Ct, Boise, ID 83716 have applied to the Department of Water Resources to clarify place of use pursuant to I.C. § 42-222 for 2 irrigation rights recorded as follows in TIN R1WS5, Ada county:

LICENSE 63-03369B, priority 10/7/1963, .47 cfs, Groundwater diverted and used in SWSW for 36 acres

LICENSE 63-07532B, priority 12/17/1971, .39 cfs, Groundwater diverted and used in SWSW for 36 acres

PROPOSED CHANGE FOR ALL RIGHTS

Split right and clarify place of use for applicant's portion for 20 acres in SWSW and 4 acres in SESW. Applicants share of rights will be 63-03369D, .31 cfs and 63-07532D, .26 cfs for 24 acres. Balance of rights remains unchanged.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 7, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Jan. 20,27, 2000

6058

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning with the issue of: JANUARY 20, 2000
and ending with the issue of: JANUARY 27, 2000

Janice Hildreth

STATE OF IDAHO)
)ss
COUNTY OF ADA)

On this 27 day of JANUARY in the year of 2000 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Annita L. Curran

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires:

10/13/2001



CONVERSATION MEMORANDUM

DATE 2/3/2000FILE ~~T. 5470~~ Svedin

NAME OF PARTY _____

T. D.P. ApplicantEMPLOYEE R63-99-W-101
0RE: Drilling Permit Appl. for Robert Svedin

This d.p. is for new well added in T. 5470, which split rights 63-03369 & 63-07532 into A & B portions. The B portions were for Svedin.

Subsequent to that, Drake filed T. 5633 application to split B into C & D since Svedin sold to 2 new parties, Hewson (will be C) & Drake (will be D). T. 5633 is pending at Regional office. Part of the plan has to be corrected in the pending split.

A well agreement was included in T. 5633 that requires Svedin to put in the new well as part of the SAKS Agreement. The new well (additional pt. of division originally approved in T. 5470 & reaffirmed in Appl. T. 5633) might be able to be drilled per T. 5470 Agreement (Nov. 1999), although it should not be used outside of Svedin's S.5 until T. 5633 is issued.

The best course of action is probably to wait until T. 5633 is issued, then approve the d.p. in name of Svedin. D.P. approval will not confer any WR ownership or use of water for Svedin.

T. 5470 T. 5633 Drake & Hewson

MEMORANDUM

TO: FILE

FROM: DANIEL A NELSON

DATE: 12/15/99

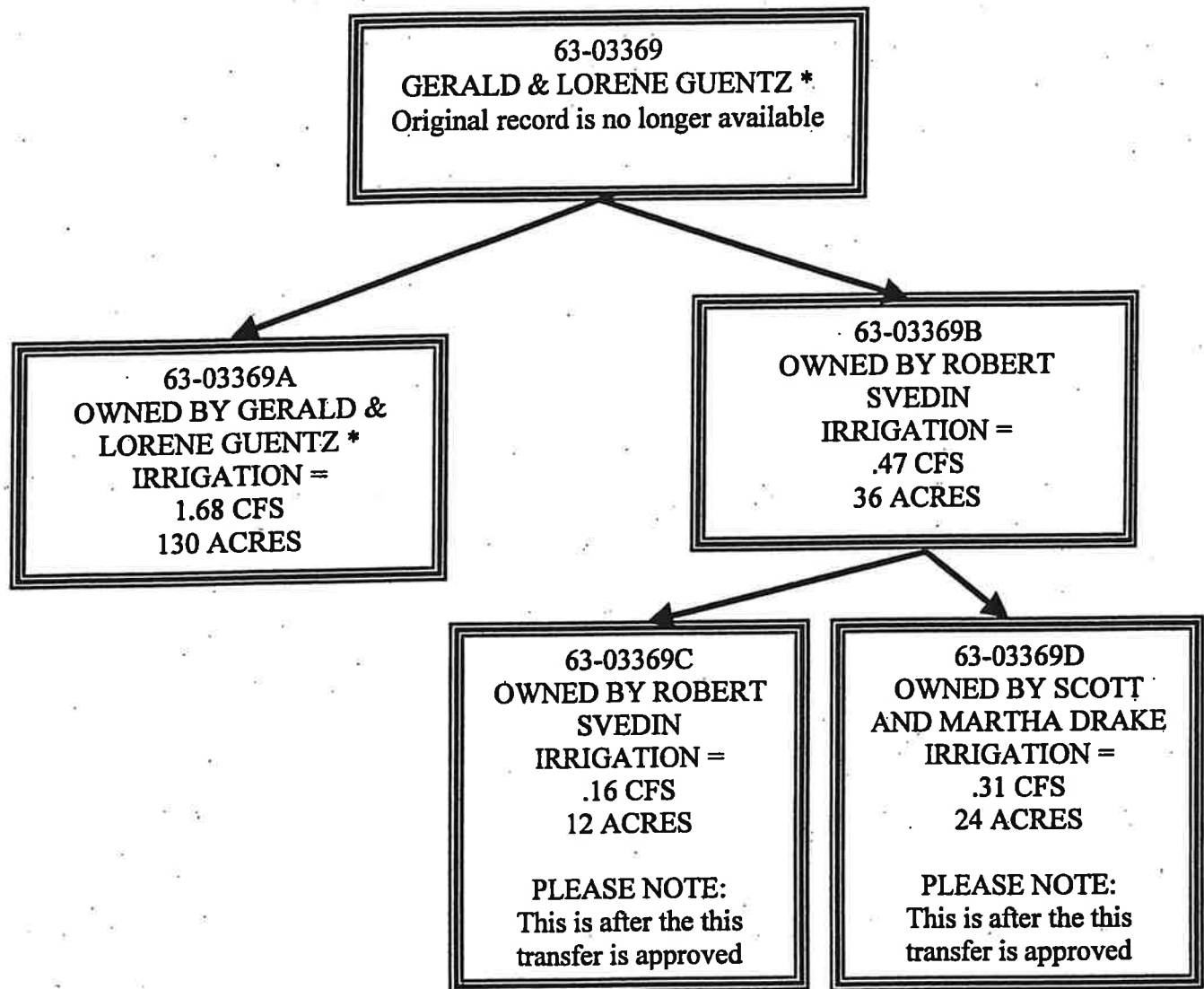
SUBJECT: APPLICATION FOR TRANSFER

I spoke with Martha Drake today concerning her application for transfer. I discovered that Robert Svedin had already filed a transfer for the well and property. Therefore, all the Drakes would need to do is change the ownership of the property into their name to add a point of diversion. |

In reviewing this application I also discovered that the original license did not correctly describe the acres and the transfer filed by Mr. Svedin did correct the acres. So I told the applicants that they could withdraw the application for transfer and do a change of ownership or they could use the money from this transfer fee and correct the place of use for this water right.

Ms. Drake said she would need to discuss what to do with her husband and would contact me after the first of the year.

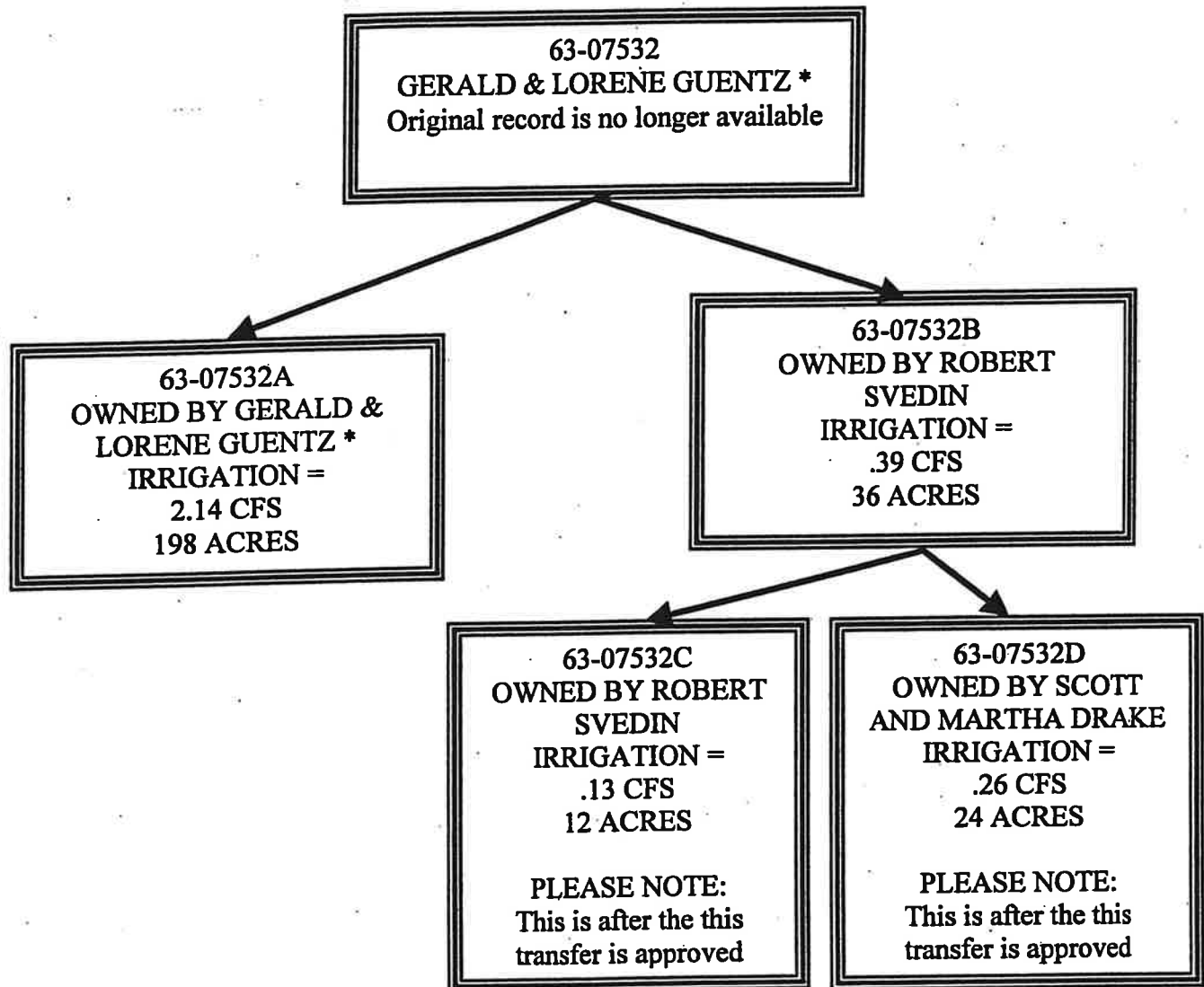
WATER RIGHT SPLITS FROM WATER RIGHT #63-03369



* The Adjudication files show the ownership of the original water right in the name of Susan and Curtis Howell.

PLEASE NOTE: This water is combined with water right 63-07532 and when combined with this water right the maximum diversion rate is .60 cfs. This would split the maximum diversion rate for these two rights to .20 cfs for the 63-03369B portion and .40 cfs for the 63-03369C portion.

WATER RIGHT SPLITS FROM WATER RIGHT #63-07532



* The Adjudication files show the ownership of the original water right in the name of Susan and Curtis Howell.

PLEASE NOTE: This water is combined with water right 63-03369 and when combined with this water right the maximum diversion rate is .60 cfs. This would split the maximum diversion rate for these two rights to .20 cfs for the 63-07532B portion and .40 cfs for the 63-07532C portion.

MEMORANDUM

TO: FILE

FROM: DANIEL A. NELSON *DAN*

DATE: 1/4/2000

**RE: SCOTT & MARTHA DRAKE TRANSFER, RIGHT 63-03369B &
63-07532B**

The transfer proposes to split the ownership and clarify acre description.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 8 pages and 6 attachments. Note the location of the following application items:

Attach. A – Copy of latest CSFA aerial photo of property.

Attach. B – Copy of ASCS aerial photo and diagram used for licensing of these two water rights (B and B1).

Attach. C – Copy of Applicant's Warranty Deed.

Attach. D – Copy of Water Agreement between Applicant and other lot owner.

Attach. E – Copy of Warranty Deed for other lot owner.

Attach. F – Plat map of Boyer Heights Subdivision (applicants property).

Applicant prepared the application with assistance from Lori Graves and Dan Nelson.

Other information used in this review includes Place of Use Comparison report, Water right split tree for 63-03369 and associated water right and adjudication profile reports, Water Right Split Tree for 63-07532 and associated water right and adjudication profile reports, Copy of approved transfer # 5470 including memos from Pam Skaggs and Lori Graves, 1987 NAPP Aerial Photos, 1994 IDWR Scanned Aerial Photo, and Lot Calculation sheet. All of these are attached to this memo.

CURRENT RECORDS & PROPOSED CHANGE

Originally Gerald and Lorene Guentz owned the two water rights involved in this transfer. ~~Water right 63-03369 was for 2.15 cfs and 166 acres and water right 63-07532 was for 2.53 cfs for 234 acres (see attached adjudication profile report).~~ Transfer 5470 was filed by Robert Svedin to split the ownership and add a point of diversion in the SWSW T1N R1W S5 for Mr. Svedin's portion of the water right now known as 63-03369B and 63-07532 B (see attached transfer). The A portion of both rights remained in the name of Guentz.

After transfer 5470 the right 63-03369B was recorded as .47 cfs, 162 afa for irrigation of 36 acres in the SWSW T1N R1W S5 and right 63-07532B were recorded as .39 cfs, 162 afa for irrigation of 36 acres in the SWSW T1N R1W S5. The legal description for the point of diversion was the same as the irrigation for both rights. The conditions stated that when 63-03369B and 63-07532B were combined they were limited to the irrigation of 36 acres, diversion rate of .60 cfs and annual volume of 162 afa (see attached transfer).

The Snake River Basin Adjudication (SRBA) claims were amended to reflect the above transfer (see attached adjudication profile reports).

Mr. Svedin has since split the property associated with 63-03369B and 63-07532B into 3 lots, all of which have been sold. The applicant's have purchased 2 of these lots and wish to have their portion of the water right (approximately 24 acres) put into their name. They also want to have the legal description clarified to show the correct acres in the proper $\frac{1}{4}$ $\frac{1}{4}$ per the original license's maps and historic use.

VERIFICATION & OTHER ANALYSIS

The applicants have supplied a warranty deed as proof of ownership of the property (see attachment C). They also included a copy of the well agreement made with the new owners of the property for which the well is located and a copy of their warranty deed to proof that they are the current owners of that property (see attachments D and E).

The 1987 NAPP aerial photo and 1994 IDWR Scanned Aerial photo reveal that the property has been irrigated and forfeiture is not an issue (see attached aerial photos).

The applicant's also supplied a copy of the original ASCS aerial photo used during the licensing of the original water right and the most current CSFA aerial photo to demonstrate that the property was incorrectly described during the licensing of this water right (see attachments A and B through B1). I have reviewed this information and the information supplied does show that a portion of the 36 acres described in the original water right was in the SESW of S5 T1N R1W.

There is a question in reviewing the old records of how much of the original property has actually been irrigated. I reviewed the old records and it looked as though the eastern tip of the property may have been irrigated (see attachment B). However, after reviewing the 1981 Orthophoto Quadrangle map (page 7) supplied by the applicant and all of the aerial photos (see attached aerial photos), it looks as though this portion of land is a bog created by the canal and has never been irrigated. I then did a rough calculation of the surveyed plat map supplied by the applicant and came up with 37.2 acres of land owned by the applicant and the other lot owner (see attachment F and Lot Calculation Sheet). The CFSA map supplied by the applicant indicates that 34.5 acres were irrigated (see attachment A). The 37.2 acres calculated by the plat map did not include road and canal easements and the 34.5 acres calculated by CSFA could also have some degree of error depending on the planimeter used and its operator. Therefore, it is reasonable to assume that the 36 acres described in the original license did not include the eastern tip of the property and only the lands associated with the three lots were irrigated.

I used a dot grid to determine the acres of the place of use and which $\frac{1}{4}$ $\frac{1}{4}$ section they were located in. My determination using the dot grid was that 32 acres were irrigated in the SWSW $\frac{1}{4}$ and 4 acres were irrigated in the SESW $\frac{1}{4}$. This coincides with the applicant's request of 20 acres in the SWSW and 4 acres in the SESW.

RECOMENDATIONS

I recommend that this transfer be approved in the name of Scott and/or Martha Drake for 20 acres in SWSW and 4 acres in the SESW for a total of 24 acres (known as the D portion of both rights). The diversion rates should be recorded as shown on the transfer with the condition of "when both rights are combined they should be limited to .40 cfs and 108 afa". The C portion should be recorded as shown on the transfer with the condition of "when both rights are combined they should be limited to .20 cfs and 54 afa when both rights are combined for a total of 12 acres". The 12 acres for the C portion of the water right would be in the SWSW $\frac{1}{4}$.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3369B

WATER RIGHT NUMBER: 63-3369B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CURTIS R HOWELL RT 1 KUNA, ID 83634 (208)466-1550
Current Owner	ROBERT A SVEDIN 7605 S ROBINSON RD KUNA, ID 83634 (208)495-2259
Original Owner	SUSAN E HOWELL RT 1 KUNA, ID 83634 (208)466-1550
Current Owner	ELLEN K SVEDIN 7605 S ROBINSON RD KUNA, ID 83634 (208)495-2259

Priority Date: 10/07/1963

Basis: License

Status: Parent

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.470 CFS	162.00 AF
	<u>Total Diversion:</u>	0.470 CFS	162.00 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SW1/4

Sec. 5, Twp 01N, Rge 01W, B.M.

ADA County

Place of UseIRRIGATION Within ADA County

T01N R01W S05 SWSW 36.0

Total Acres: 36

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3369B

1. General RIGHTS 63-03369B AND 63-07532B WHEN COMBINED SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 0.60 CFS, A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 162.0 AF AT THE FIELD HEADGATE, AND THE IRRIGATION OF 36.0 ACRES.
 ***CLAIM AMENDED PER TRANSFER NO. 5470 APPROVED 11/22/99 SB.
 SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5470 IN FILE.
 THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-03369, FEE PAID UNDER RECEIPT NO. W005051.
2. General This claim has been split per Transfer 5633 approved 3/27/00. See right nos. 63-3369C & 63-3369D.

Comments:Dates and Other Information:

Claim Received Date: 8/28/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 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

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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

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

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED
NOV 26 1999
WATER RESOURCES
WESTERN REGION

TRANSFER NO. 5470
WATER RIGHT NO(S). 63-03369B/63-07532B

This is to certify that: ROBERT SVEDIN
7605 S ROBINSON
KUNA ID 83634

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-03369B : IRRIGATION Priority: 10/07/1963	03/15 to 11/15	0.47 CFS	162.0 AF
Right No. 63-07532B : IRRIGATION Priority: 12/17/1971	04/01 to 11/15	0.39 CFS	162.0 AF
TOTAL:		0.60 CFS	162.0 AF
<u>SOURCE</u> GROUNDWATER			
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		SWSW, Sec 5, Township 01N, Range 01W IDA County	
<u>PLACE OF USE:</u> IRRIGATION			
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u> <u>TOTAL</u>
01N 01W 5	SWSW 36		36
Total number of acres irrigated:			* 36

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

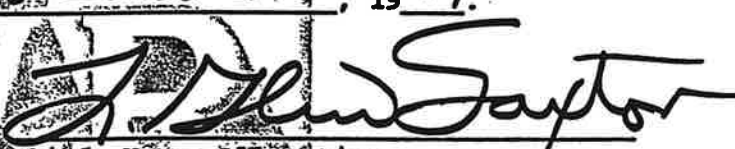
TRANSFER NO. 5470
WATER RIGHT NO(S). 63-03369B/63-07532B

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03369B before 03/15, and under Right 63-07532B before 04/01, is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
- * 8. Rights 63-03369B and 63-07532B when combined shall not exceed a total diversion rate of 0.60 cfs, a total annual maximum diversion volume of 162.0 af at the field headgate, and the irrigation of 36.0 acres.

Dated this 22nd day of

November, 1999



Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 63-03369 & 63-07532

FROM: Pam Skaggs *PS* State Office

SUBJECT: Transfer 5470

DATE: November 19, 1999

Transfer 5470 changes the point of diversion under a portion of Rights 63-03369 and 63-07532, splitting each right into Parts A and B. The applicant is drilling a separate well for his portion of the right and land. The unchanged portions under Part A will continue to use the original well.

The standard season of use is earlier than either licensed season and the approval contains the subordinated early use condition. Other recommended conditions include drilling permit requirements, future measuring devices & annual reporting, irrigation overlap and standard transfer conditions.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT Robert Svedin TRANSFER NO. 5470

INITIAL ALLOCATION REVIEW BY R DATE 6/9/99

1. Right number(s) 63-03369 63-07532

2. Type of right ☒ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Period ☒ Split Right
☐ Other: _____

4. Check Existing Right:
☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

a. ☒ Analysis memo (always - unless justify why not needed)

b. ☒ All of right

c. ☒ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant) - *change in ownership to follow for separate syst*

d. ☒ Description of point(s) of diversion

e. ☒ Description of place of use

f. ☒ Map showing P/D & P/U after transfer

g. ☒ Correct notarized signature and \$100 fee

h. ☒ Proof of ownership of right &/or land from which water is transferred

i. ☒ Expansion in use of right - check rate of flow, diversion volume and consumptive use volume. Comments:

to complete
need current owner's consent
Rec 6/21/99

j. /

Overlapping rights - check current & proposed scenarios:

Current } Appears that only these 2 g.w.Proposed } Rights cover the pertinent P/w.k. /SRBA claim(s) claimed as licensed so" in its n/a to legal noticel. /

Comment letters

If yes

Yes /

No

Water District #

Other, see #2 below for name
and address

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT?

/ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters:

/ See attached information.

3. Transfer published correctly?

/ Yes / No

4. Affidavit of publication received?

/ Yes / No5. Protests received? / Yes / No;Acknowledgement sent? / Yes

6. Data entry of application completed?

/ Yes

RECOMMENDED ACTION

1. / Approve / See attached memo2. / Deny due to _____3. Conditions (special conditions in Water Districts) standard xfer conditions4. By Gary SDate 8/12/99

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? / Yes from

2. File forwarded to S.O.:

by STdate 8-13-99

MEMO

DATE: 7/27/1999

TO: File 5470

FR: lg

RE: Svedin Transfer, Rights 63-03369, 63-07532

This transfer proposes to split the water rights to reflect separate owners and, with the addition of a new well, separate systems.

ATTACHMENTS:

- A. Ownership Documentation
- B. 1987 CFSA Photo

The application was prepared by myself and initially reviewed and submitted for advertising by Steve Lester.

CURRENT RECORDS & PROPOSED CHANGE:

Although surface water (63-02388) appears in sections 5 and 8, on the p/u comparison report, Steve found that the p/u for both rights appears to be outside the delivery co./district service area per basin 63 local service area maps produced by IDWR.

The SRBA claims were filed as licensed.

VERIFICATION:

1987 CFSA photo verified irrigation along with IDWR's 1994 scanned airphoto.

RECOMMENDATIONS:

With the attached ownership information, this transfer should be approved as part A and part B designating each separate owner, system, and acres.

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING INVOICE

Account #	DTI#	Identification	Amount:
047628	60618	PROPOSED CHANGE OF WATER RIGHT, #5470.	\$54.48
Ordered by:	P.O. #	Rate	Run Dates
SUE TAYLOR		NT	JUNE 17, 24, 1999
IDAHO DEPT. OF WATER RESOURCES WEST 2735 AIRPORT WAY BOISE, IDAHO 83705-5082			Number of Lines 31
			Affidavit 1
			Legal # 4326

LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5470.

Notice is given that ROBERT SVEDIN of 7605 S. Robinson, Kuna ID 83634 has applied to the Department of Water Resources to change the Point of Diversion pursuant to I.C. § 42-222 for the following licensed irrigation ground water rights in TIN R1W, Ada County: #43-03369, priority 10-7-1963, 2.15 cfs, diverted in NWNW S8 to irrigate 166 acres in SWSW S5 and parts of W 1/2 S8. #43-07532, priority 12-17-1971, 2.53 cfs, same diversion to irrigate 234 acres in about the same tracts described above. Combined rights allow 3.90 cfs to irrigate 234 acres.

PROPOSED CHANGE
Split both rights and add a new well to irrigate Svedin's 36 acres, all in SWSW S5. Applicant will divert .60 cfs from new well. Unchanged portions of rights will still be served from original well (3.30 cfs for 198 acres in S8). Applicant's portions of rights will be 63-03369B and 63-07532B.
Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before July 6, 1999. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Pub. June 17, 24, 1999

4326

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 80-108, Idaho Code, as amended for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
Insertion(s)

beginning with the issue of: JUNE 17, 1999

and ending with the issue of: JUNE 24, 1999

Janice Hildreth

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 24 day of JUNE In the year of 1999

before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Angela M. Newland

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 2/12/05

RECEIVED

JUN 25 1999

WATER RESOURCES
WESTERN REGION

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 54

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Robert S. Swain Phone 445-2259
Post Office address 7605 S Robinson Rd 83634

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes acres in section 5 will operate from a separate well + system for separate owners - change of ownership will be necessary once transfer is approved.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-03369A</u>	<u>10/7/1963</u>	<u>1.68/585</u>	<u>Irrig</u>	<u>3/15</u> to <u>11/15</u>
<u>B</u>		<u>.47/162</u>		<u>3/15</u> to <u>11/15</u>
<u>63-07532A</u>	<u>12/17/1971</u>	<u>2.14/291</u>		<u>4/1</u> to <u>11/15</u>
<u>B</u>		<u>.39/162</u>		<u>4/1</u> to <u>11/15</u>

- ✓/c - 2. Total amount of water being transferred 4168 3.90 cubic feet per second and/or 1053 acre-feet per annum
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	8	1N	1W	Ada	existing
		SW	SW	5				proposed

5. Lands irrigated or place of use: No change

A
B

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	1W	8					38	40	32	30	18	40							198
		5											36						36

PART 1**6. General Information:**

a. Description of diversion system A- existing system
B- new well, pump, sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes / No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

A + B parts of both rights, when combined, cannot
exceed the original system capacity of 3.9 cfs.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

pg 3 of 8

MR0749NP
No. 63-03369

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/1
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD GUENTZ	10/07/1963	IRRIGATION	03/15 11/15	2.150 CFS	747.00
C	LORENE GUENTZ					
	RT. 3					
	NAHPA ID 83651					
TOTAL DIVERSION:					2.150 CFS	747.00

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01W S08 NW NW NW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NNE	SNE	SENE	NENW	NNW	SNW	SENW	NESW	NWSW	SSW	SESW	NESE	NWE	SWE	SESE	SUM
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01N	01W	5														
01N	01W	8				40	32		18	40						
															TOTAL ACRES	166.0

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-07532

Other Water Rights Listing Overlapping Place(s) of Use:
63-03319 63-07532

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date: 09/12/1979

Priority Date: 10/07/1963
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number:

Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
N If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

WR0749NP
No. 63-07532

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/2
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD V. GUENTZ R.R.3 BOX 3603 NAMPA ID 83651	12/17/1971	IRRIGATION	04/01 11/15	2.530 CFS	1053.00 /
TOTAL DIVERSION:					2.530 CFS	1053.00 /
C	THE TRAVELERS INSURANCE CO.					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01N R01W S08

NAMW

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SUN	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01N	01W	5	:													
01N	01W	8	:													
TOTAL ACRES															234.0	

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03369

Other Water Rights Listing Overlapping Place(s) of use:
63-03319 63-03369

Conditions of Approval:

- 016 - See remarks for additional conditions of approval.
- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Remarks: GEN THE MAXIMUM RATE OF DIVERSION & VOLUME PER YEAR SHALL NOT EXCEED 3.90 CFS/1053 AF WHEN COMBINED WITH LIC. 3142/63-3369.

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date: 09/13/1979

Priority Date: 12/17/1971
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number:

Field Exam Fee:

Audit: 04/29/86 05/01/88 CONVERT 09/22/90 RGTHE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
N If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

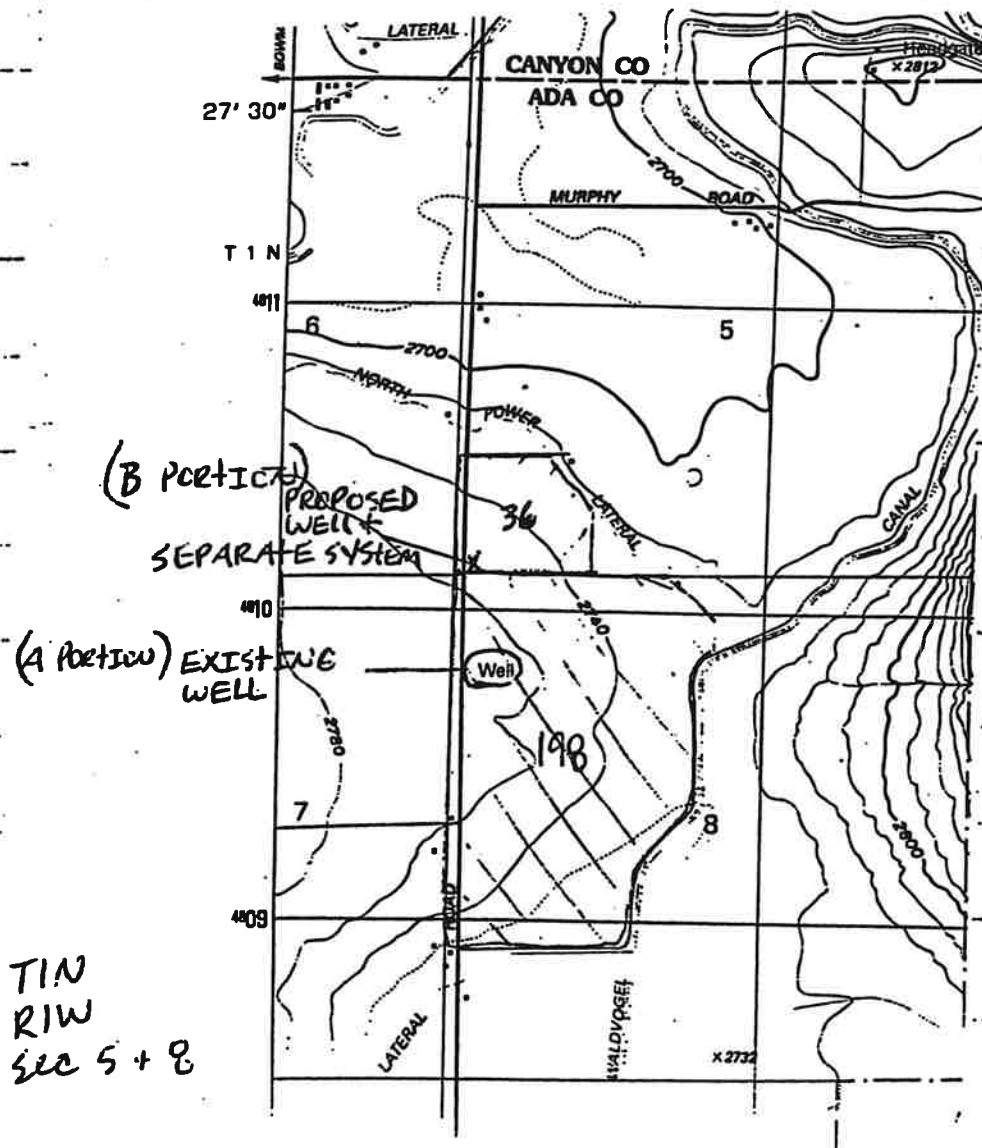
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

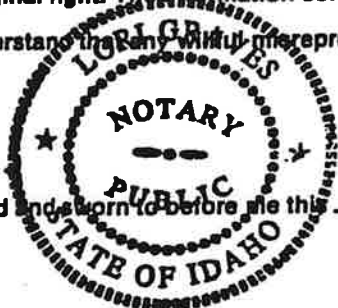
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this _____



Robert A. Smith
(Signature of Applicant)
21st day of April, 19 99.

Lori Graves
(Notary Public)

My commission expires 6/18/2004**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 2 attachments
 Received by LG Date 4/21/99 Protest filed by _____
 Prelim. check by SL Fee 100 W025093
 Receipted by LG Date 4/21/99
 Published in Idaho Statesman 6-17+24-99 Copies of protest forwarded by _____
 Pub. dates 6-17+24-99 Hearing held by _____ Date _____
 Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

CONVERSATION MEMORANDUM

DATE 2/3/2000FILE ~~540~~ Suedin

NAME OF PARTY _____

D.P. Applic
63-99 W-1EMPLOYEE RRE: Drilling Permit Appl. for Robert Suedin

This dep. is for new well added in T. 5470 which split rights 63-03369 & 63-07532 into A & B portions. The B portions were for Suedin.

Subsequent to that, DRAKE filed T. 5633 application to split B into C & D since Suedin sold to 2 new parties, Hensler (will be C) & Drake (will be D). T. 5633 is pending at Regional office. Part of the plan has to be corrected in the pending split.

A well agreement was included in T. 5633 that requires Suedin to put in the new well as part of the SAKS Agreement. The new well (additional pt. of division originally approved in T. 5470 & reconfirmed in Appl. T. 5633) might be able to be drilled per T. 5470 Agreement (Nov. 1999), although it should not be used outside of Suedin's until T. 5633 is issued.

The best course of action is probably to wait until T. 5633 is issued, then approve the dep. in name of Suedin. D.P. approval will not confer any water ownership or use of water for Suedin.

B' putins *

WR5809NP
No. 63-03369B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT SVEDIN 7605 S ROBINSON KUNA ID 83634 (208) 495-2259	10/07/1963	IRRIGATION	03/15 11/15	0.470 CFS	162.00
TOTAL DIVERSION:					0.470 CFS	162.00

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01N R01W S05

SWSW

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
---	---	---	: -----	-----	-----	-----	-----	: -----	-----	-----	-----	: -----	-----	-----	-----
01N	01W	5	:					:				:			
														TOTAL ACRES	36.0

Pou County: ADA

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 01M - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- R65 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN

The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03369B before 03/15, and under Right 63-07532B before 04/01, is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
Rights 63-03369B and 63-07532B when combined shall not exceed a total diversion rate of 0.60 cfs, a total annual maximum

new R → proposal C (Heuser) & D (Orake) pg

WR5809NP

No. 63-03369B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/

PAGE:

Remarks: diversion volume of 162.0 af at the field headgate, and the
irrigation of 36.0 acres.

Dates: App. Received: Priority Date: 10/07/1963
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/12/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/19/1999 User-ID: PSKAGGS Subject: TRANSFER 5470
Transfer 5470 changes the point of diversion under a portion
of Rights 63-03369 & 63-07532, splitting each right into Parts
A & B.

Audit: 11/19/99 PSKAGGS

WR5809NP
No. 63-07532B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT SVEDIN 7605 S ROBINSON KUNA ID 83634 (208) 495-2259	12/17/1971	IRRIGATION	04/01 11/15	0.390 CFS	162.00
TOTAL DIVERSION:					0.390 CFS	162.00

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01W S05 SWSW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
01N	01W	5	:				:				:				:	36.1
TOTAL ACRES															36.1	

Pou County: ADA

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 01M - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- R65 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-033698 before 03/15, and under Right 63-07532B before 04/01, is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval. Rights 63-033698 and 63-07532B when combined shall not exceed a total diversion rate of 0.60 cfs, a total annual maximum

WR5809NP
No. 63-07532B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/
PAGE:

Remarks: diversion volume of 162.0 af at the field headgate, and the
irrigation of 36.0 acres.

Dates:	App. Received:	Priority Date:	12/17/1971
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	09/13/1979	

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/19/1999 User-ID: PSKAGGS Subject: TRANSFER 5470
Transfer 5470 changes the point of diversion under a portion
of Rights 63-03369 & 63-07532, splitting each right into Parts
A & B.

Audit: 11/19/99 PSKAGGS 11/19/99 PSKAGGS

WR5809NP
No. 63-03369A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/
PAGE:

A' portions

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD GUENTZ	10/07/1963	IRRIGATION	03/15 11/15	1.680 CFS	585.00
C	LORENE GUENTZ					
	RT 3					
	NAMPA ID 83651					
TOTAL DIVERSION:					1.680 CFS	585.00

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01W S08 NWNW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SU
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SU
01N 01W 8 :				:	40	32	:	18	40	:	:	:	:	:	:	: 130.1
TOTAL ACRES																130.1

Pou County: ADA

Dates: App. Received: Priority Date: 10/07/1963
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/12/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/19/99 User-ID: PSKAGGS Subject: TRANSFER 5470
Transfer 5470 changes the point of diversion under a portion
of Rights 63-03369 & 63-07532, splitting each right into Parts
A & B.

Audit: 11/19/99 PSKAGGS

*add's proposed WSA
to B portions*

SWSW S.S

WR5809NP
No. 63-07532A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD V GUENTZ R R 3 BOX 3603 NANPA ID 83651	12/17/1971	IRRIGATION	04/01 11/15	2.140 CFS	891.00
TOTAL DIVERSION:					2.140 CFS	891.00
C	THE TRAVELERS INSURANCE CO					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01W S08 NW NW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE										
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SU
01N	01W	8	:					38	40	32	30	18	40									198.0
																			TOTAL ACRES	198.0		

Pou County: ADA

Conditions of Approval:

- 016 - See remarks for additional conditions of approval.
- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

Remarks: GEN THE MAXIMUM RATE OF DIVERSION & VOLUME PER YEAR SHALL NOT EXCEED
3.30 CFS/891 AF WHEN COMBINED WITH LIC. 3142/63-3369.

Dates: App. Received: Priority Date: 12/17/1971
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/13/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/19/1999 User-ID: PSKAGGS Subject: TRANSFER 5470
Transfer 5470 changes the point of diversion under a portion
of Rights 63-03369 & 63-07532, splitting each right into Parts
A & B.

Audit: 11/19/99 PSKAGGS

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: A63-03369
Date Received: 8/28/1989
Receipt No: W005051
Received By: JW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CURTIS R. HOWELL
Address: RT. 1
KUNA, ID 83634 208-466-1550
OR
Name: SUSAN E. HOWELL
Address: RT. 1
KUNA, ID 83634 208-466-1550
2. Date of Priority: OCT 07, 1963
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
01N 01W 8 NW NW ADA
5. Description of diverting works:
6. Water is used for the following purposes:
Purpose From To C.F.S (or) A.F.A.
IRRIGATION 03/15 11/15 2.150 747.00
7. Total Quantity Appropriated is:
2.150 C.F.S. (and/or) 747.00 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	01W	5	SW	SW	IRR	36.0
					Section Acres	36.0
		8	NW	NW	IRR	40.0
			SW	NW	IRR	32.0
			NE	SW	IRR	18.0
			NW	SW	IRR	40.0
					Section Acres	130.0
					Total Acres	166.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 31421

16. Signature(s)

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

Number of attachments: 2

For Individuals:

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

Signature of Claimant(s): Curtis K. Howell Date: 8-28-89

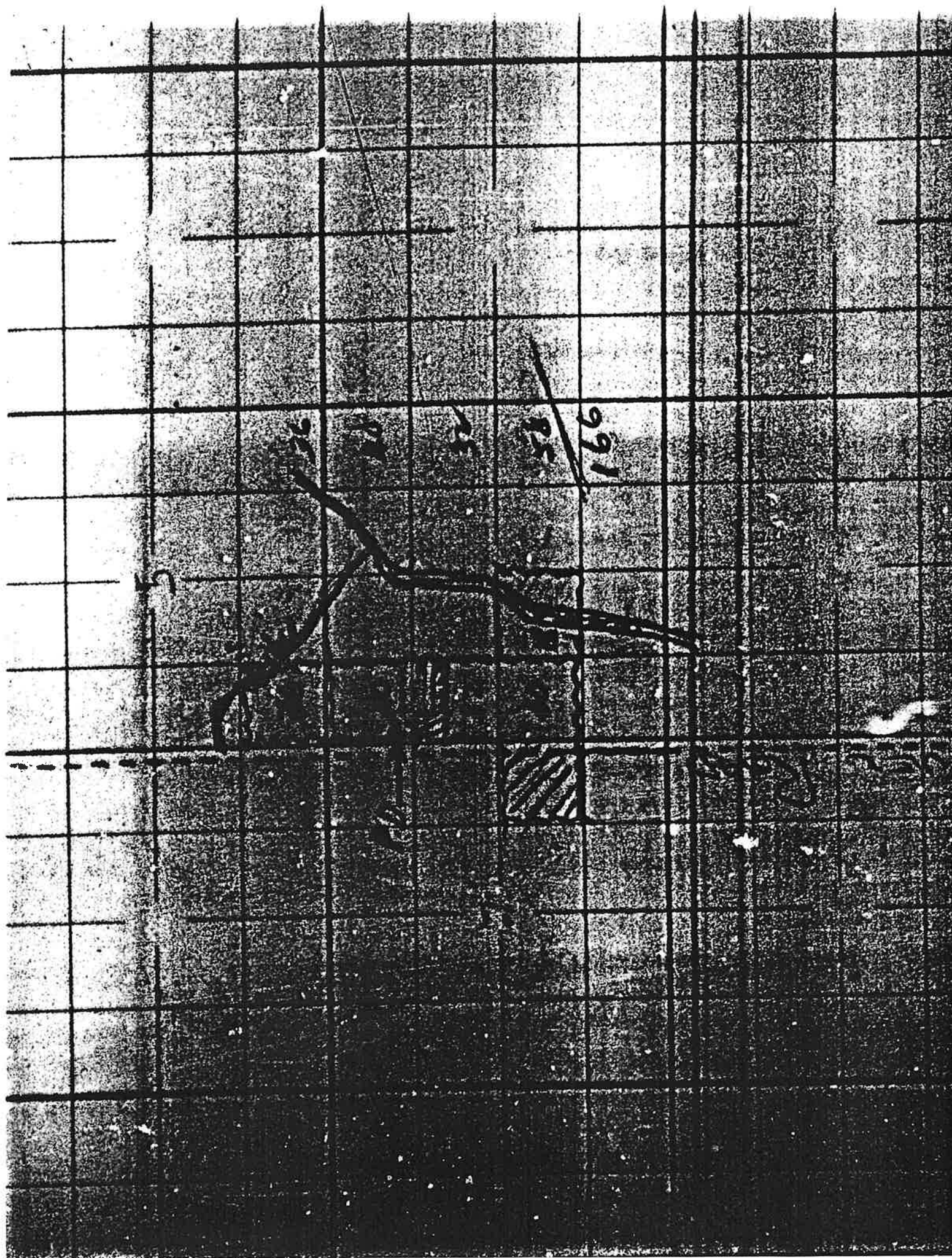
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of August 19 89
Seal

Jan O. Huete
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94





Howell

#A63-00336

Pad X

CANYON CO
IDA CO

KUNA B U

MICROFILMED

AUG 5 1967