

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: A21-07564
Date Received: 9/17/1997
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: STEVE RHODES
Address: 552 BONE RD
IONA ID

208-523-1828

83427

2. Date of Priority: JAN 17, 1966

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	41E	5		SW	SE		FREMONT
		8		SE	NE		FREMONT
				SE	SW		FREMONT
		17		SE	NW		FREMONT

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	11.690		2912.00

7. Total Quantity Appropriated is:
11.690 C.F.S. (and/or) 2912.00 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
08N	41E	5	SW	NE		IRR	9.0
			SE	NE		IRR	2.0

A2107564



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	41E	5	SE		NW		IRR	2.0
			NE		SW		IRR	31.0
			SE		SW		IRR	38.0
			NE		SE		IRR	31.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	38.0
							Section Acres	231.0
		8	NE		NE		IRR	26.0
			NW		NE		IRR	38.0
			SW		NE		IRR	39.0
			SE		NE		IRR	39.0
			NE		NW		IRR	34.0
			NW		NW		IRR	25.0
			SW		NW		IRR	39.0
			SE		NW		IRR	39.0
			NE		SW		IRR	37.0
			NW		SW		IRR	6.0
			SE		SW		IRR	37.0
			NE		SE		IRR	11.0
			NW		SE		IRR	40.0
			SW		SE		IRR	35.0
							Section Acres	445.0
		17	NW		NE		IRR	28.0
			SW		NE		IRR	37.0
			NE		NW		IRR	33.0
			SW		NW		IRR	1.0
			SE		NW		IRR	39.0
			NE		SW		IRR	10.0
			NW		SE		IRR	8.0
							Section Acres	156.0
							Total Acres	832.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

The right holder shall install a suitable measuring device or shall enter into an agreement to determine the amount of water diverted from power records and shall annually report the information.

The total instantaneous diversion of water from all points of diversion under Right No. 35-02892C shall not exceed 11.69 cfs nor a total combined annual volume of 2912.0 af for the irrigation of 832.0 acres.

The right holder will cease irrigation of 24.0 acres previously authorized under Right No. 35-02892C, and consolidate use of water on the remaining 832.0 acres.

15. Basis of Claim: LICENSE

Water Right Number: 32692

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRG LIMITED PARTNERSHIP 1908 E 500 N ST ANTHONY ID 83445 (208) 624-3293	01/17/1966	IRRIGATION	04-15 10-15	11.69 CFS	2912.00 AFA
TOTAL DIVERSION:					11.69 CFS	2912.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08N R41E S05 SWSE
S08 SENE SESW
S17 SENW

FREMONT County
FREMONT County
FREMONT 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	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
08N	41E	5	:			09	02	:				02	:	31			38	:	31	40	40	38	:	231.0
08N	41E	8	:	26	38	39	39	:	34	25	39	39	:	37	06		37	:	11	40	35		:	445.0
08N	41E	17	:		28	37		:	33		01	39	:	10				:		08			:	156.0
																						TOTAL ACRES		832.0

POU County: FREMONT

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 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 right holder shall install a suitable measuring device or shall enter into an agreement to determine the amount of water diverted from power records and shall annually report the information.

The total instantaneous diversion of water from all points of diversion under Right No. 35-02892C shall not exceed 11.69 cfs nor a total combined annual volume of 2912.0 af for the irrigation of 832.0 acres.

The right holder will cease irrigation of 24.0 acres previously authorized under Right No. 35-02892C, and consolidate use of water on the remaining 832.0 acres.

AJ0749NP
No. A21-07564

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

DATE: 09/18/97
PAGE: 2

Remarks: **CHANGED OWNERSHIP PER REQUEST/JH/9-18-97**

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 18, 1997

BRG LIMITED PARTNERSHIP
1908 E 500 N
ST ANTHONY ID 83445

RE: CHANGE IN OWNERSHIP FOR A21-07564

Dear Sirs:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

COPY

Department of Water Resources
Eastern Region

SEP 09 1997

RECEIVED

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

- Transfer Nos. 4999 & 5014
21-07564 (Formerly 35-02892C)
1. Water Right Number(s) _____
Adjudication Claim Number(s) A35-02892
2. The following REQUIRED information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Steve Rhodes
552 Bone Road, Iona, Idaho 83427
4. New Owner/Claimant(s) BRG Limited Partnership
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address 1908 E. 500 N.
City, State and ZIP Code St. Anthony, ID 83445
New Telephone Number (208) 624-3293
5. Date you acquired the property August 26, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated 832 Number and type of stock _____
Diversion rate in CFS 11.69 Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) BRG Limited Partnership by Date 9-5-97
John A. Lingo, Partner Date 9-5-97
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

COPY

WARRANTY DEED

FOR VALUE RECEIVED, Richard Reynolds Blake and Rhea Mecham Blake, husband and wife of 832 N., 2600 E., St. Anthony, Idaho, 83445, and Frank Brent Blake and Sharon Hansen Blake, husband wife of 819 N. 2600 E., St. Anthony, Idaho, 83445, hereinafter termed Grantors, do hereby grant, bargain, sell and convey unto BRG Limited Partnership of 1908 E 500 N., St. Anthony, Idaho 83445, hereinafter termed, Grantees, the following described property located in Fremont County, Idaho, which property is more particularly described as follows:

TOWNSHIP 8 NORTH, RANGE 41 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO:

Section 5: W1/2, W1/2E1/2, NE1/4NE1/4, SE1/4SE1/4 LESS the East 1000 feet of the SE1/4SE1/4

Section 6: N1/2, SE1/4

Section 7: N1/2NE1/4

LESS: That portion of ground in Sections 5, 6 & 7 that lies West and North of a fence line around circle pivots described as follows:

Beginning at the point that is South 38°35'57" West a distance of 1693.30 feet from the Southwest corner of Section 5, (Said section corner is a steel rod with aluminum cap buried 1 foot in the ground with a steel fence post set along side). The point of beginning is the intersection of the Idaho State Fish and Game and the pivot fences; and running thence along the fence boundary around the pivots for the next 16 calls; 1). thence North 4°48'35" East a distance of 262.50 feet; 2). thence North 39°46'12" East a distance of 274.98 feet; 3). thence North 31°17'13" East a distance of 728.31 feet; 4). thence North 54°00'02" East a distance of 505.11 feet; 5). thence North 15°00'15" East a distance of 274.65 feet; 6). thence North 46°22'45" East a distance of 480.09 feet; 7). thence North 55°25'00" East a distance of 580.15 feet; 8). thence North 12°30'11" East a distance of 716.57 feet; 9). thence North 38°37'52" East a distance of 749.46 feet; 10). thence North 56°35'29" East a distance of 889.34 feet; 11). thence North 10°53'29" West a distance of 931.83 feet; 12). thence North 21°56'32" East a distance of 620.62 feet; 13). thence North 52°46'43" East a distance of 622.45 feet; 14). thence South 78°25'42" East a distance of 983.29 feet; 15). thence South 46°20'18" East a distance of 324.10 feet; 16). thence South 1°50'00" East a distance of 229.81 feet to a steel bar for which bears South 48°43'55" West a distance of 1959.99 feet from the closing corner of Sections 4 and 5 which is marked by a stone with 4 notches on the West and CC chipped on the back. (Said stone has a 5/8" steel rod with aluminum cap set by it with a steel fence post along side). Thence South 89°25'01" East a distance of 1463.24 feet to a point that is South 00°26'21" West a distance of 1307.7 feet from the closing corner of Sections 4 and 5 which is a marked stone with 4 notches on the East and 2 notches on the West and CC chipped on the back. (Said stone has a 5/8" steel rod with aluminum cap set by it with a steel fence post along side).

Basis of bearing is the line between the West Quarter of Section 5 and the Northwest corner of Section 5 is assumed North as per the 1890 GLO survey by Rhodes and Long.

Section 8: All LESS: Beginning at the Northeast corner of Section 8, thence West 1000 feet; thence South 422 feet; thence East 1000 feet; thence North 422 feet to the point of beginning.

Section 17: All.

Micronfilm No.

27 Day Aug 19 97
At 11:48 o'clock A.M.

447649

MICKIE FUNKE

FREMONT CO. RECORDER

Fee \$ 9- C.M. Deputy

Recorded At Request of

Super Assessor

TOWNSHIP 9 NORTH, RANGE 41 EAST, BOISE MERIDIAN, FREMONT COUNTY,
IDAHO:

Section 28: SE1/4SW1/4, SW1/4SE1/4; W1/2SW1/4 East of County Road.

Section 33: NW1/4NE1/4, NE1/4NW1/4, NE1/4SW1/4; W1/2NW1/4, NW1/4SW1/4 East of
County Road.

Together with Ground Water Right No. 21-07564 formerly 35-02892C
Irrigation 04/15 to 10/15 11.69 CFS 2912.0 AF

Right No. 21-07564 formerly 35-02892C

SWSE, Sec. 5, Township 08 N., Range 41 E., B.M.

SENE, Sec. 8, Township 08 N., Range 41 E., B.M.

SESW, Sec. 8, Township 08 N., Range 41 E., B.M.

SENW, Sec. 17, Township 08 N., Range 41 E., B.M.

Fremont County, Idaho.

Total Number of Acres Irrigated: 832

Together with one-half of all geothermal and minerals located upon or under the above described
real property.

Together with all tenements, improvements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining. These premises are subject to all easements, roadways and rights-
of-way of record. They are also subject to patent reservations, easements and rights of way for highways,
roads, ditches, canals, pole, power and transmission lines as they exist; and to all existing zoning
ordinances and applicable building codes, laws and regulations.

These premises are also subject to those matters disclosed in a Survey by Boyd L. Cardon, Dated
July 1988, recorded December 27, 1988 as Instrument No. 408467, records of Fremont County, Idaho.

The government CRP payments for 1997 are the sole property of Second Party.

Together with all tenements, improvements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining. These premises are subject to all easements, roadways and rights-
of-way of record. They are also subject to patent reservations, easements and rights of way for highways,
roads, ditches, canals, pole, power and transmission lines as they exist; and to all existing zoning
ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the above described property, with its appurtenances unto the
Grantees, their heirs, successors, and assigns forever. The Grantors do hereby covenant to and with the
Grantees that they are the owners in fee simple of said property; that said property is free from all
encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.


RICHARD REYNOLDS BLAKE

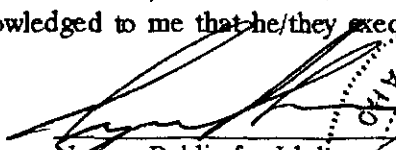

FRANK BRENT BLAKE


RHEA MECHAM BLAKE


SHARON HANSEN BLAKE

STATE OF IDAHO)
) ss.
 County of Fremont)

On this 26th day of August, 1997, before me, a Notary Public in and for said State, personally appeared Richard Reynolds Blake and Rhea Mecham Blake, known or identified to me to be the person(s) who executed the instrument, and acknowledged to me that he/they executed the same.


 Notary Public for Idaho
 Residing at: Ashton, Idaho
 My Comm. Expires: 4/12/98

STATE OF IDAHO)
) ss.
 County of Fremont)

On this 26th day of August, 1997, before me, a Notary Public in and for said State, personally appeared Frank Brent Blake and Sharon Hansen Blake, known or identified to me to be the person(s) who executed the instrument, and acknowledged to me that he/they executed the same.


 Notary Public for Idaho
 Residing at: Ashton, Idaho
 My Comm. Expires: 4/12/98

COPY

WARRANTY DEED

FOR VALUE RECEIVED, Cornelison-Olsen Partnership consisting of Keith Cornelison and Ron Olsen, the Grantor, does hereby grant, bargain, sell and convey unto Richard Reynolds Blake and Rhea Mecham Blake, husband and wife of 832 N., 2600 E., St. Anthony, Idaho, 83445 and Frank Brent Blake and Sharon Hanson Blake, husband wife of 819 N. 2600 E., St. Anthony, Idaho, 83445, the Grantees, the following described property located in Fremont County, Idaho, which property is more particularly described as follows:

Ground Water Right No. 35-02892C(21-07564)

Irrigation

04/15 to 10/15/1.69 CFS

2912.0 AF

Right No. 35-02892C (21-07564)

SWSE, Sec. 5, Township 08 N., Range 41 E., B.M.

SENE, Sec. 8, Township 08 N., Range 41 E., B.M.

SESW, Sec. 8, Township 08 N., Range 41 E., B.M.

SENW, Sec. 17, Township 08 N., Range 41 E., B.M.

Fremont County

Total Number of Acres Irrigated:

832

TO HAVE AND TO HOLD the above described property, with its appurtenances unto the Grantees, their heirs, successors, and assigns forever. The Grantor does hereby covenant to and with the Grantees that it is the owner in fee simple of said property; that said property is free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

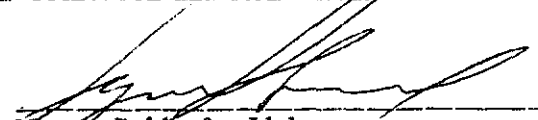
DATED this 22nd day of August, 1997.

CORNELISON-OLSEN PARTNERSHIP


By KEITH CORNELISON, Partner

STATE OF IDAHO)
) ss.
County of Fremont)

On this 22nd day of August, 1997, before me the undersigned, a notary public for the State of Idaho, personally appeared Keith Cornelison a partner in Cornelison-Olsen Partnership consisting of Keith Cornelison and Ron Olsen, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same on behalf of Cornelison-Olsen Partnership, consisting of Keith Cornelison and Ron Olsen.


Notary Public for Idaho
Residing at: Ashton, Idaho
Commission Exp: 4/12/98

COPY

WARRANTY DEED

FOR VALUE RECEIVED, ROBERT KNUDSEN, JR. of 2700 West 2100 South, Aberdeen, Idaho 83210, the Grantor, does hereby grant, bargain, sell and convey unto CORNELISON-OLSEN Partnership, consisting of Keith Cornelison and Ron Olsen, P.O. Box 396, Rexburg, Idaho 83440, the Grantee, the following described property located in located in Fremont County, Idaho, which property is more particularly described as follows:

Ground Water Right No. 35-02892C(21-07564)

Irrigation

04/15 to 10/15 1.69 CFS

2912.0 AF

Right No. 35-02892C (21-07564)

SWSE, Sec. 5, Township 08N, Range 41E

SENE, Sec. 8, Township 08N, Range 41E

SESW, Sec. 8, Township 08N, Range 41E

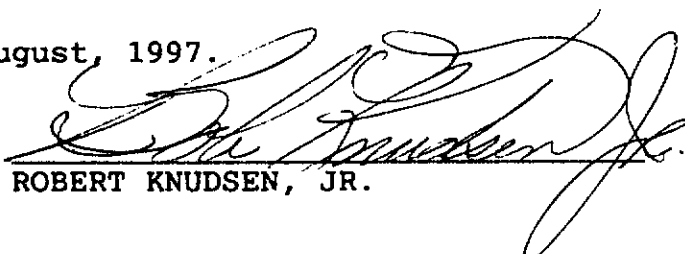
SENW, Sec. 17, Township 08N, Range 41E

Fremont County

Total Number of Acres Irrigated: 832

TO HAVE AND TO HOLD the above described property, with its appurtenances unto the Grantee, its heirs, successors, and assigns forever. The Grantor does hereby covenant to and with the Grantee that he is the owner in fee simple of said property; that said property is free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

DATED this 21st day of August, 1997.


ROBERT KNUDSEN, JR.

STATE OF IDAHO)

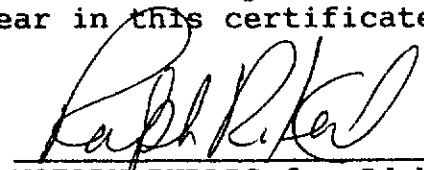
) ss.

County of Bonneville)

On this 21st day of August, 1997, before me a notary public for the State of Idaho, personally appeared Robert Knudsen, Jr., known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

(SEAL)


NOTARY PUBLIC for Idaho

Residing at: Rexburg, Id

Commission Expires: 9/19/99

WARRANTY DEED

COPY

FOR VALUE RECEIVED, Steven B. Rhodes and Tamara J. Rhodes, husband and wife of 552 Bone Road, Iona, Idaho 83427, the Grantors, do hereby grant, bargain, sell and convey unto Robert Knudsen, Jr. of 2700 West 2100 South, Aberdeen, Idaho 83210, the Grantee, the following described property located in Bingham, Fremont and Power Counties, Idaho, which property is more particularly described as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
Right No. 35-02892A: Irrigation	04/15 to 10/15	1.89 CFS	483.0 AF
Right No. 35-02892B: Irrigation	04/01 to 10/31	2.03 CFS	560.0 AF
Right No. 35-02892C(21-07564): Irrigation	04/15 to 10/15	<u>11.69 CFS</u>	<u>2912.0 AF</u>
Total:		15.61 CFS	3955.0 AF

Location of Point(s) of Diversion:

Right No. 35-02892A:	SWSE, Sec. 8, Township 01N, Range 31E SENE, Sec. 9, Township 01N, Range 31E Bingham County
Right No. 35-02892B:	NENE, Sec. 1, Township 07S, Range 29E Power County
Right No. 35-02892C (21-07564): <i>None</i>	SWSE, Sec. 5, Township 08N, Range 41E SENE, Sec. 8, Township 08N, Range 41E SESW, Sec. 8, Township 08N, Range 41E SENE, Sec. 17, Township 08N, Range 41E Fremont County

Source

Groundwater
Priority: 01/17/1966

JFB
SBR

Place of Use: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>Acres</u>	<u>Acres</u>	<u>Acres</u>	<u>Total</u>	
<u>Right No. 35-02892A:</u>							
01N	31E	4	SWSE	1	SESE	2	3
		5	NESW	2	NWSW	2	
			SESW	27	SWSE	1	53
		10	NWNW	2	SWNW	2	4
		16	NENW	20			20
		17	NWNW	26			26
		18	NENE	32			32

Total Number of Acres Irrigated:138

Right No. 35-02892B:

07S	30E	6	Lot 4 (NWNW)	40	SWNW	40	NWSW	40	
			SWSW	20					140

Total Number of Acres Irrigated:140

Right No. 35-02892C (21-07564):

08N	41E	5	SWNE	9	SENE	2	SENE	2	
			NESW	31	SESW	38	NESE	31	
			NWSE	40	SWSE	40	SESE	38	231
		8	NENE	26	NWNE	38	SWNE	39	
			SENE	39	NENW	34	NWNW	25	
			SWNW	39	SENE	39	NESW	37	
			NWSW	6	SESW	37	NESE	11	
			NWSE	40	SWSE	35			445
		17	NWNE	28	SWNE	37	NENW	33	
			SWNW	1	SENE	39	NESW	10	
			NWSE	8					156

Total Number of Acres Irrigated:832

TO HAVE AND TO HOLD the above described property, with its appurtenances unto the Grantee, his heirs, successors, and assigns forever. The Grantors do affirm, covenant and warrant that they are the lawful owners of the water right, that the water right is free of all liens, charges and encumbrances, that they have good right to sell the water right and that they, their heirs, representatives, and assigns, shall warrant and defend the same against the lawful claims of all persons whomsoever.

MR
SBR

DATED this 21 day of August, 1997.

GRANTORS

Steven B. Rhodes
Steven B. Rhodes

Tamara J. Rhodes
Tamara J. Rhodes

STATE OF IDAHO,)
County of Bonneville)^{SS}

On this 21 day of August, 1997, before me, the undersigned Notary Public in and for said County and State, personally appeared Steven B. Rhodes and Tamara J. Rhodes, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that they executed the same.

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

[Signature]
NOTARY PUBLIC for Idaho
Residing at: Idaho Falls, ID
Commission Expires: 11-18-99

(SEAL)

J.R.
S.B.R.

JUN-02-97 MON 11:31 AM

P.02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NOS. 4999 & 5014
WATER RIGHT NO. 35-02892A/B & C

This is to certify that: **STEVE RHODES**
552 BONE RD
IONA ID 83427

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. 35-02892A : IRRIGATION	04/15 to 10/15	1.89 CFS	483.0 AF
Right No. 35-02892B : IRRIGATION	04/01 to 10/31	2.03 CFS	560.0 AF
Right No. 35-02892C : IRRIGATION	04/15 to 10/15	11.69 CFS	2912.0 AF
TOTAL:		15.61 CFS	3955.0 AF

LOCATION OF POINT(S) OF DIVERSION:

Right No. 35-02892A : SWSE , Sec. 8, Township 01N, Range 31E
SENE , Sec. 9, Township 01N, Range 31E
BINGHAM County

Right No. 35-02892B : NENE , Sec. 1, Township 07S, Range 29E
POWER County

Right No. 35-02892C : SWSE , Sec. 5, Township 08N, Range 41E
SENE , Sec. 8, Township 08N, Range 41E
SESW , Sec. 8, Township 08N, Range 41E
SENE , Sec. 17, Township 08N, Range 41E
FREMONT County

SOURCE

GROUNDWATER

Priority: 01/17/1966

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**TRANSFER NOS. 4999 & 5014
WATER RIGHT NOS. 35-02892A/B & C**

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 35-02892A :						
01N	31E	4	SWSE 1	SESE 2		3
		5	NESW 2	NWSW 2	SWSW 21	
			SESW 27	SWSE 1		53
		10	NWNW 2	SWNW 2		4
		16	NENW 20			20
		17	NWNW 26			26
		18	NENE 32			32
Total number of acres irrigated:						138

Right No. 35-02892B :						
07S	30E	6	Lot 4 (NWNW) 40	SWNW 40	NWSW 40	
			SWSW 20			140
Total number of acres irrigated:						140

Right No. 35-02892C :						
08N	41E	5	SWNE 9	SENE 2	SENW 2	
			NESW 31	SESW 38	NESE 31	
			NWSE 40	SWSE 40	SESE 38	231
		8	NENE 26	NWNE 38	SWNE 39	
			SENE 39	NENW 34	NWNW 25	
			SWNW 39	SENW 39	NESW 37	
			NWSW 6	SESW 37	NESE 11	
			NWSE 40	SWSE 35		445
		17	NWNE 28	SENE 37	NENW 33	
			SWNW 1	SENW 39	NESW 10	
			NWSE 8			156
Total number of acres irrigated:						832

CONDITIONS OF APPROVAL AND REMARKS

1. Right No. 35-02892A when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. Right No. 35-02892B when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. Right No. 35-02892C when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

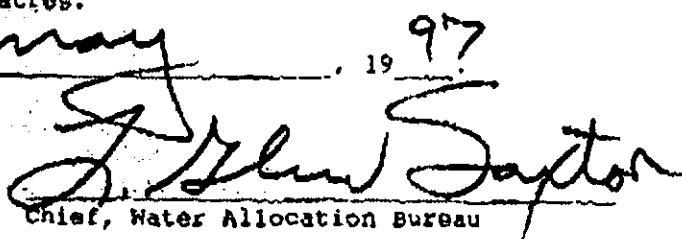
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TRANSFER NOS. 4999 & 5014
WATER RIGHT NOS. 35-02892A/B & C

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
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 right holder shall install a suitable measuring device or shall enter into an agreement to determine the amount of water diverted from power records and shall annually report the information.
8. The total instantaneous diversion of water from all points of diversion under Right No. 35-02892A shall not exceed 1.89 cfs, for a total combined annual volume of 483.0 af for the irrigation of 138.0 acres.
9. The total instantaneous diversion of water from all points of diversion under Right No. 35-02892C shall not exceed 11.69 cfs nor total combined annual volume of 2912.0 af for the irrigation of 832.0 acres.
10. The right holder ceased irrigation of 90.0 acres previously authorized under Right No. 35-02892 and consolidated use of water on the remaining 1143.0 acres prior to Transfer Nos. 4999 and 5014.
11. The right holder will cease irrigation of 9.0 acres previously authorized under Right No. 35-02892B, and consolidate use of water on the remaining 140.0 acres.
12. The right holder will cease irrigation of 24.0 acres previously authorized under Right No. 35-02892C, and consolidate use of water on the remaining 832.0 acres.

Dated this 21 day of

19 97


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NO. 21-07564
FROM: PAM SKAGGS/STATE OFFICE
SUBJECT: RIGHT RENUMBERED
DATE: May 21, 1997

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This right was originally numbered 35-02892C. The right was moved to Basin 21 through approved Transfer No. 5014.

Right No. 35-02892C has been renumbered to 21-07564.

— COPY —

MEMORANDUM

TO: FILE NO. 35-02892
FROM: PAM SKAGGS/²STATE OFFICE
SUBJECT: TRANSFER NOS. 4999 & 5014
DATE: May 19, 1997

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Transfer Nos. 4999 and 5014 were filed by the same applicant to change the place of use and points of diversion under portions of Right No. 35-02892 identified as Parts B and C respectively. The applications also identify a change in the place of use under the remaining portion of the right to reflect the confirmed historical use as identified under Part A.

The original license identified 1233 total acres irrigated. The transfer review and applications identify a reduction of acres when pivots were installed 10-12 years ago, concentrating all the water on 1143 acres. The Eastern Region office discussed the 90 acres reduction with the applicant prior to filing the applications and Mr. Rhodes agreed with the acres as described under these applications.

Transfer No. 4999 transfers 149 acres to be concentrated on a 140 acre place of use with a 9 acre reduction, and Transfer No. 5014 transfers 856 acres to be concentrated on 832 acre place of use with a 24 acre reduction. 1110 total acres will continue to be irrigated following these transfers reducing diversion and consumptive use volumes.

1143 - (9 + 24) = 1110 irrigated acres
15.61 cfs / 1110 acres = 0.014 cfs/acre

Transfer No. 5014 proposes to replace water that was previously transferred away from 832 acres on the Keith Cornelison farm. The transfer application failed to identify 21 acres in N1/2SE, S08, T08N, R41E. These acres were confirmed from the previous transfer applications as the original 832 acres as proposed. The right will also be renumbered to Basin 21.

Season of use and diversion volume were adjusted to current standards for each portion of the right. Recommended conditions include irrigation overlap, measuring device/reporting, multiple points of diversion limits, reduced acres and standard transfer conditions.