

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 29-13152
Date Received: 4/16/01
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MORGAN WHITWORTH Phone: (208) 897-5233

18350 S MARSH VALLEY RD
DOWNEY ID USA 83234

LYNDSI WHITWORTH Phone: (208) 897-5233

18350 S MARSH VALLEY RD
DOWNEY ID USA 83234

2. Date of Priority: 06/15/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	36E	2	SW NE	BANNOCK	

5. Description of diverting works:

14" CASING, 150' DEEP, 50 HP PUMP, MAINLINE TO HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.32	138

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
11S	36E	2	NE	NE	1	IRRIGATION	8
			SE	NE		IRRIGATION	8
						Section Acres	16
						Total Acres	16

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

SPLIT FROM PARENT RIGHT 29-07141

15. Basis of Claim: License

05/15/2001

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

RIGHT NUMBER: 29-13152

NAME AND ADDRESS: LYNDSEI WHITWORTH
MORGAN WHITWORTH
18350 S MARSH VALLEY RD
DOWNEY, ID 83234

SOURCE: GROUND WATER

QUANTITY: 0.32 CFS
56 AFY

PRIORITY DATE: 06/15/1973

POINT OF DIVERSION: T11S R36E S2 SWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.32 CFS 56.00 AFY

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>			
T11S R36E S2	LOT 1	NENE	8
T11S R36E S2		SENE	8

16 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-07141.

WATER RIGHT LICENSE

License of Water Right No. 29-7141 Priority 6/15/1973 Amount .81 cfs

THIS IS TO CERTIFY, that WILLIAM D. FUHRMAN
of Downey, ID, has complied with the terms and conditions of Permit
No. 29-7141 issued pursuant to Application for Permit dated 6/15/1973,
and has submitted proof to the Department of Water Resources on 6/29/1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .81 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from 3/15 to 11/15	at .81 cfs and	353.5 AF
	from to	cfs and	
	from to	cfs and	

Subject, however, to the condition that no more than .81 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 353.5 acre feet per year, said waters to be diverted within the SWNE, Sec. 12, T11S, R36E in the County of Banrock

Description and location of place of use:

[illegible]

Total number of acres irrigated 101

This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of May, 1981

Director

B 36 E

T
H
S

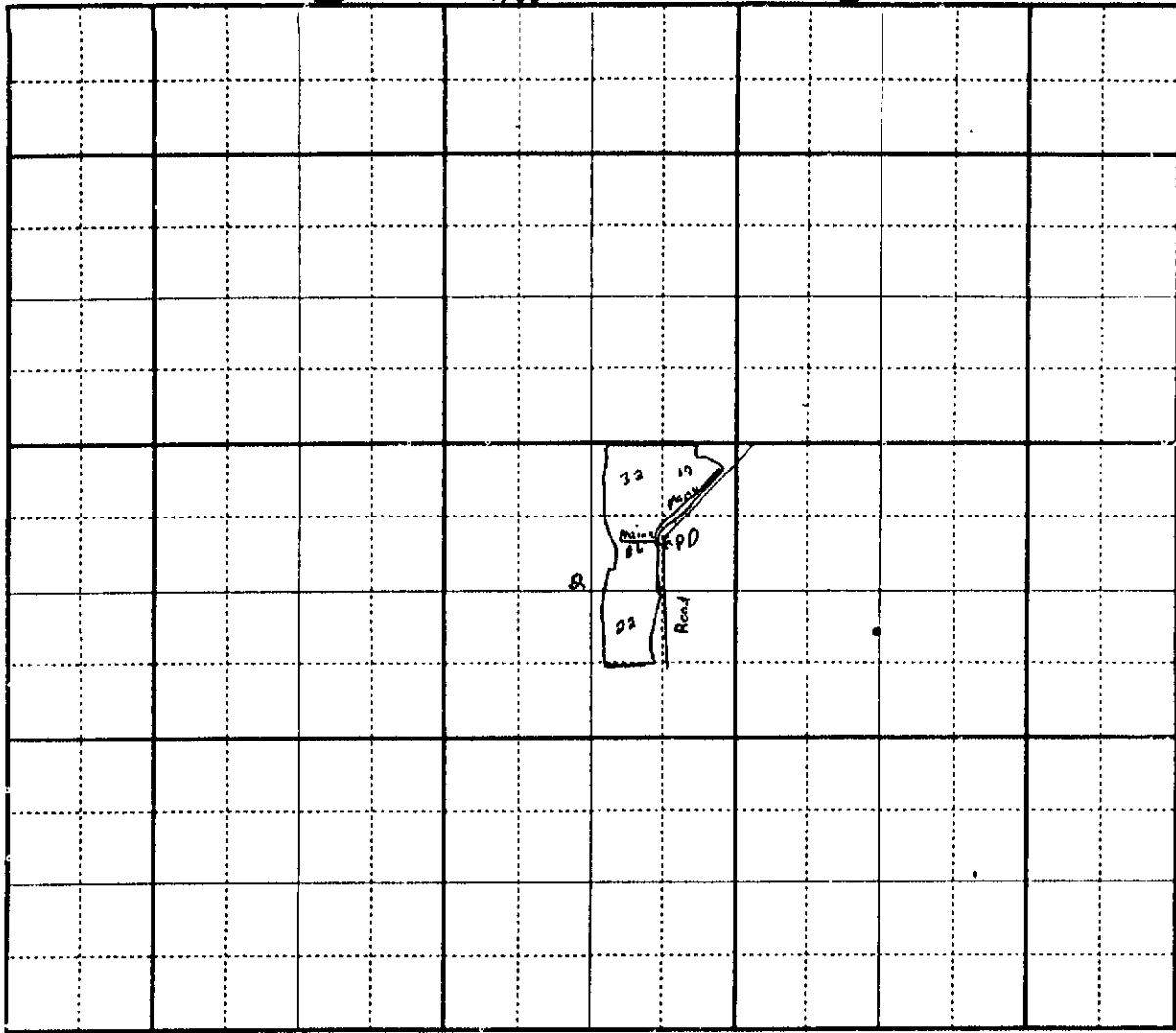
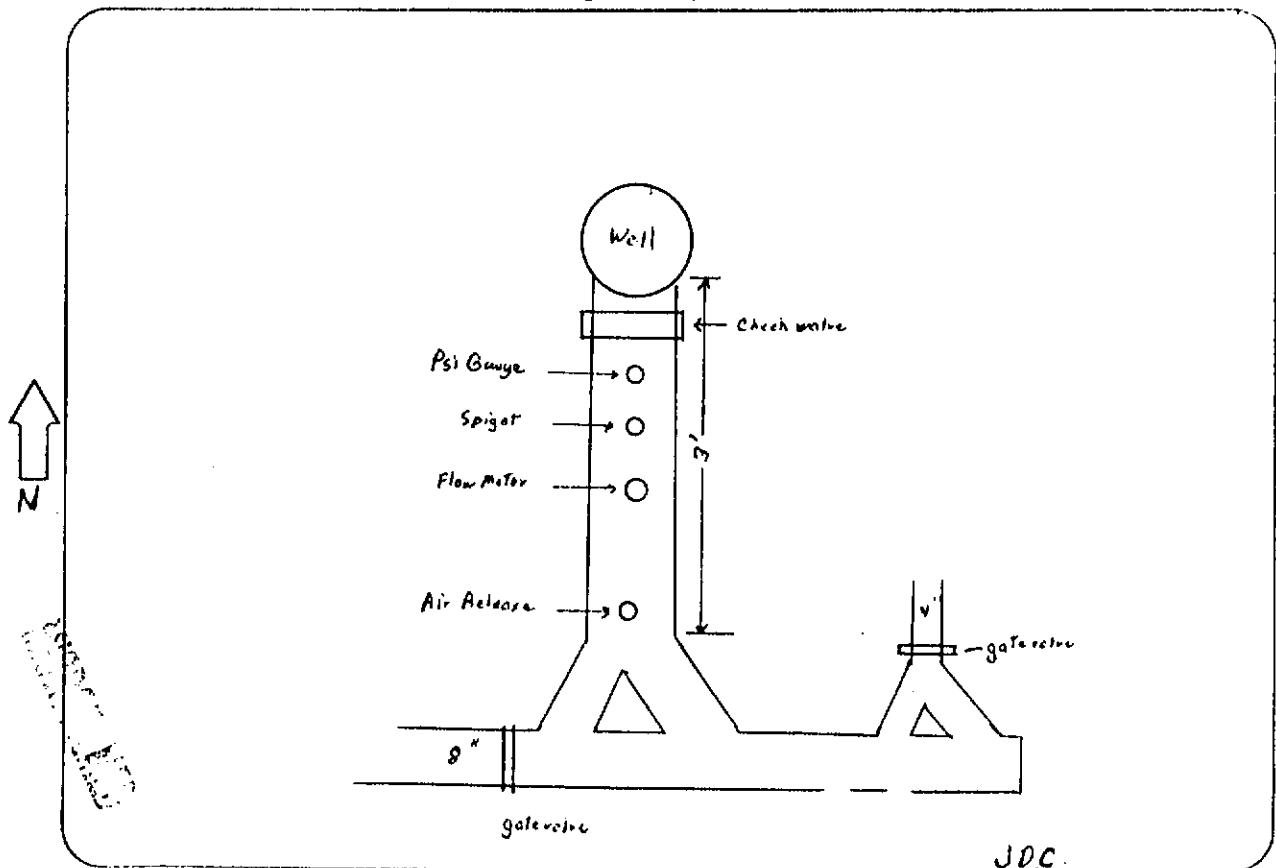
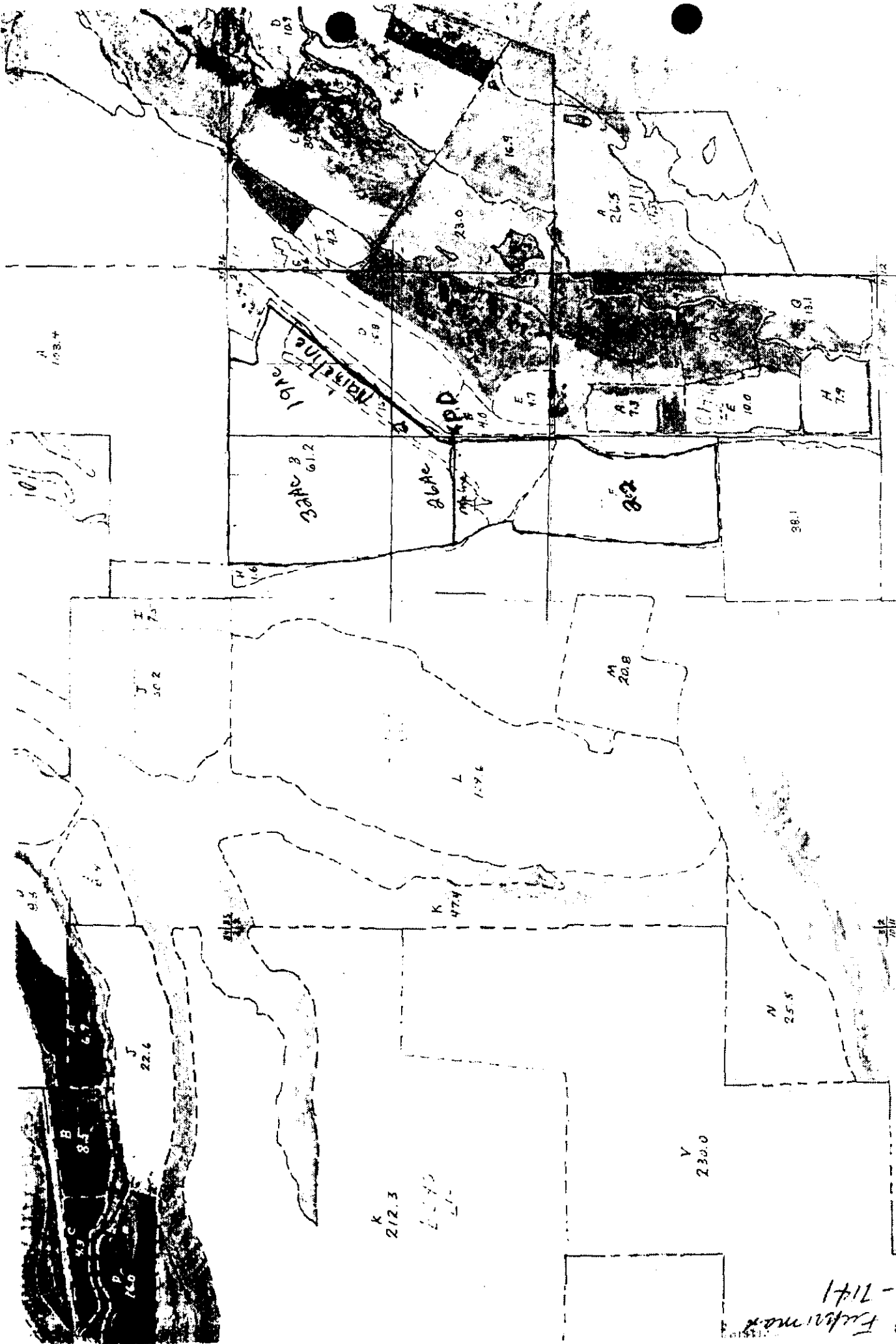


Diagram of System





113

William Fulton
29-7141

DATE OF EXAM 5/21/79

ACREAGE
Found 101 Ac ✓
Recommended 101 Ac ✓

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .81 c.f.s. V = 353.5 AF/Ann AF/Ann. from March 15 to Nov. 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: M/A
Twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no X

Name source exchanged with: M/A
Twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: M/A
Twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: M/A
Twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured .81 cfs Method of measurement Flow Meter

Total Q recommended .81 cfs Meter No. 75-8-104 Type McGraw-Hill Condition 3rd

Total V recommended 353.5 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

CIAP = 540 in. = 433.6 ± 540 = .81 cfs = 362 gpm

V = 101 Ac x 3.5 AF/Ac = 353.5 AF/Ann
353.5 AF/Ann x .81 cfs x 1.9235 (AF/dy) x 245 dy = 393.6 AF/Ann

SYSTEM DESCRIPTION:

Groundwater is diverted by a 21.5 HP 1000 GPM Pump motor 100 hp in # CR2023897
via Johnston vertical turbine pump 2nd 6.414070 Model # 1005. Water irrigated by 7-1/4 mil.
steel line & 100 ft of hard line.

REMARKS:

System described by William Fisher
49 Ac on this permit issued by 6-29-7043 standard 1 mil per day.

Examiner's Signature John D. Carson Date 3/24/80

Checked by Anthony R. Highsmith Date 4-4-80

Approved by [Signature] Date 4/14/81

William Fisher



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 16, 2001

MORGAN & LYNDSEI WHITWORTH
18350 S MARSH VALLEY RD
DOWNEY ID 83234

C END AT WELL

RE: CHANGE IN OWNERSHIP FOR A29-07141

Dear Mr. and Mrs. Whitworth:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-13151: 0.49 CFS, 25 ACRES, MAYNARD LAND & LIVESTOCK
29-13152: 0.32 CFS, 16 ACRES, WHITWORTH

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

DELOG
DC 4-12-01
JC OK 4/12/01

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.

1. Water Right No(s): _____
Adjudication Claim No(s): A29-07141
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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 OR Fuhrman Ranch Inc.
Rich Fuhrman (208) 897-5568
997 E. Richards Rd. Downey Id. 83234
4. New Owner/Claimant(s) Morgan Whitworth Lyndsi Whitworth
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address 18350 S. Marsh Valley Rd.
City, State and ZIP Code Downey Id. 83234
New Telephone Number (208) 897-5233
5. Date you acquired the property January 1999
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>16</u>	Number and type of stock <u>cattle/horses</u>
Diversion rate in CFS _____	Number of homes you acquired <u>1</u> Other uses _____

7. Signature of New Owner(s) or Claimant(s) Morgan V. Whitworth
Lyndsi Whitworth
Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

2077

00709

WARRANTY DEED

98025659

For Value Received FULFIRMAN RANCH, INC., AN IDAHO CORPORATION

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ENTRACE AL WINTWORTH, and BRENDA L. WINTWORTH, husband and wife

whose address is: 9083 South Crystal Springs Road McCammon, Idaho 83250

I have called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

A parcel of land known as Section 2, Township 11 South, Range 36 East of the Boise Meridian, BANNOCK COUNTY, IDAHO, and more particularly described as follows:

Commencing at the East quarter corner of said Section 2, from which the South quarter corner of said Section 2 bears South 44°26'21" West 3777.60 feet, thence West 1296.89 feet, thence North 51°2'30" East, to a 5/8" rebar with cap, labeled "A.A. HUDSON, PLS 4735", set on the East right of way line of Marsh Valley Road, said point also being set on a fence line, the TRUE POINT OF BEGINNING; thence North 00°51'20" West 298.62 feet, along said right of way line, to a 5/8" rebar with cap, set at the beginning of a 233.19 foot radius curve concave to the Southeast; thence Northwesterly along said curve through a central angle of 28°14'14" a distance of 114.92 feet (chord = North 13°15'47" East 113.77 feet), to a 5/8" rebar with cap, set on a fence line; thence North 38°57'22" East 1004.43 feet, along said fence line, to a 5/8" rebar with cap, set on said right of way line; thence North 39°13'24" East 409.24 feet along said right of way line, to a 5/8" rebar with cap, set on a fence line; thence South 75°50'31" East 287.69 feet, along said fence line, to a 5/8" rebar with cap; thence South 79°05'54" East 33.60 feet, along said fence line, to a 5/8" rebar with cap; thence South 29°48'01" West 1159.81 feet, along said fence line, to a 5/8" rebar with cap; thence South 48°56'02" West 276.24 feet along said fence line to a 5/8" rebar with cap; thence South 51°55'54" West 463.53 feet to a 5/8" rebar with cap set at a fence corner; thence South 89°10'20" West, along said fence line to the TRUE POINT OF BEGINNING.

TOGETHER WITH:

An easement for the use and maintenance of a well located in Section 2, Township 11 South, Range 36 East of the Boise Meridian, BANNOCK COUNTY, IDAHO, and more particularly described as follows:

Commencing at the East quarter corner of said Section 2, from which the South quarter corner of said Section 2 bears South 44°26'21" West 3777.60 feet, thence West 1441.52 feet, thence North 607.33 feet, to the TRUE POINT OF BEGINNING; thence North 00°51'20" West 100.00 feet, thence North 89°08'40" East 83.19 feet, to the West right of way line of Marsh Valley Road; thence South 00°51'20" East 100.00 feet, along said right of way line; thence South 89°08'40" West 83.19 feet, to the TRUE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and all regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, covenants of record, and covenants visible upon the premises; and that Grantor will warrant and defend the same from all claims whatsoever.

Dated December 18, 1998

Richard F. Fulfiman, President
FULFIRMAN RANCH, INC., AN IDAHO CORPORATION

Jessie Fulfiman, Secy.

STATE OF IDAHO)
COUNTY OF BANNOCK)

On this 18th day of DECEMBER, in the year 1998, before me, a Notary Public in and for said State, personally appeared _____ known or identified to me to be the _____ of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that said Corporation executed the same.

[Signature]
Notary Public of Idaho
Residing at POCATELLO, IDAHO
My Commission Expires 2-18-00
NOTARY SEAL

NO. 98025659
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
98 DEC 18 PM 3 11
OFFICIAL FILED AND BOOK NO. 227
COUNTY IDAHO
LAWYER'S RECORD
FEE 3.00 DUTY 1.00

21
99021894

54490 DG

QUITCLAIM DEED

For Value Received

George A. F. Whitworth and Brenda L. Whitworth, Husband and Wife
does hereby convey, release, remise and forever quit claim unto
Morgan Whitworth and Lyndsi Whitworth, Husband and Wife

the grantee's, whose current address is:

18350 South Marsh Valley Road, Downey, Idaho 83234

the following described premises, in Bannock County, Idaho, to-wit:

See Exhibit A attached

DATED: 11.5.99

George A. F. Whitworth
George A. F. Whitworth

Brenda L. Whitworth
Brenda L. Whitworth

STATE OF
COUNTY OF

On this 5th day of Nov., 1999, before me the undersigned, a
Notary Public, in and for said state, personally appeared George A.F. Whitworth
and Brenda L. Whitworth, Known to me to be the persons who executed the
foregoing instrument, and acknowledged to me that they executed the same.

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

[Signature]
Notary Public for IDAHO

Residing at: POCATELLO, IDAHO, 83202
Commission Expires: 7-02-2000

99021894

NO
RECORDED AT REQUEST OF
PIONEER TITLE

'99 NOV 8 PM 4 38

OFFICIAL RECORD BOOK NO 219

BANNOCK COUNTY IDAHO

LARRY W. DEAN RECORDER

FEE 10.00 DEPUTY 6.00

2-2

99021894

EXHIBIT A

A parcel of land located in Section 2, Township 11 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of said Section 2, from which the South quarter corner of said Section 2 bears South 44°26'21" West 3777.60 feet; thence West 1296.89 feet; thence North 512.30 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735", set on the East right of way line of Marsh Valley Road, said point also being set on a fence line, the true point of beginning;

Thence North 00°51'20" West 298.62 feet, along said right of way line to a 5/8-inch rebar with cap, set at the beginning of a 233.19 foot radius curve concave to the Southeast; thence Northeasterly along said curve through a central angle of 28°14'14" a distance of 114.92 feet (chord = North 13°15'47" East 113.77 feet) to a 5/8-inch rebar with cap, set on a fence line;

Thence North 38°57'22" East 1064.43 feet along said fence line to a 5/8-inch rebar with cap, set on said right of way line; thence North 39°13'24" East 409.24 feet along said right of way line to a 5/8-inch rebar with cap, set on a fence line; thence South 75°50'31" East 287.69 feet, along said fence line to a 5/8-inch rebar with cap;

Thence South 79°05'54" East 33.60 feet, along said fence line to a 5/8-inch rebar with cap; thence South 29°48'01" West 1159.81 feet along said fence line to a 5/8-inch rebar with cap; thence South 48°56'02" West 276.34 feet along said fence line to a 5/8-inch rebar with cap; thence South 51°55'54" West 463.53 feet to a 5/8-inch rebar with cap set at a fence corner; thence South 88°10'20" West along said fence line to the true point of beginning

TOGETHER WITH: An easement for the use and maintenance of a well located in Section 2, Township 11 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of said Section 2, from which the South quarter corner of said Section 2 bears South 44°26'21" West 3777.60 feet; thence West 1441.52 feet; thence North 607.33 feet to the true point of beginning.

Thence North 00°51'20" West 100.0 feet; thence North 89°08'40" East 83.19 feet to the West right of way line of Marsh Valley Road; thence South 00°51'20" East 100.0 feet, along said right of way line; thence South 89°08'40" West 83.19 feet to the true point of beginning.

QUITCLAIM DEED

20005083

FOR VALUE RECEIVED

MORGAN WHITWORTH AND LYNDSI WHITWORTH, HUSBAND AND WIFE

do hereby convey, release, remise and forever quit claim

unto MORGAN V. WHITWORTH AND LYNDSI WHITWORTH, HUSBAND AND WIFE

whose address is 18350 S. MARCS VALLEY ROAD DOWNEY ID 83234

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED

together with their appurtenances, together with any after acquired title.

dated: 3-31-00

Morgan Whitworth
MORGAN WHITWORTHLynsi Whitworth
LYNSI WHITWORTH

ACKNOWLEDGMENT - Individual

STATE OF Idaho County of BannockOn this 31 day of March, in
the year of 2000, before me Stephanie
Wright, a notary public,
personally appeared Morgan Whitworth
and Lynsi Whitworth
identified to me as the persons whose name
subscribed to this instrument, and acknowledged to
me that they executed the same.Notary Public
Residing in
County, Exp. 9-25-2000

STATE OF IDAHO COUNTY OF

NO 20005083
RECORDED AT REC'D FILE OF

2000 MAR 31 PM 4 42

OFFICIAL BOOK NO 756
BANNOCK COUNTY IDAHO
LARRY W CHAN RECORDER
FEE 6.42, DEPUTY UK

Mail to:

Pioneer Title Company of Bannock County
Pocatello, Idaho - 208-233-9595

JAN-17-01 09:45AM

FROM-PIONEER TITLE POCATELLO

208-234-0621

T-167 P.06/06 F-444

20005083

2-2
A parcel of land located in Section 2, Township 11 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

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