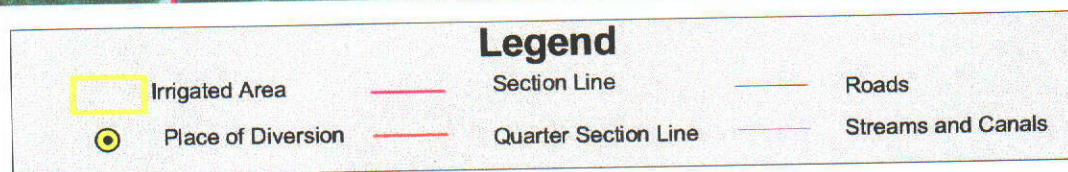
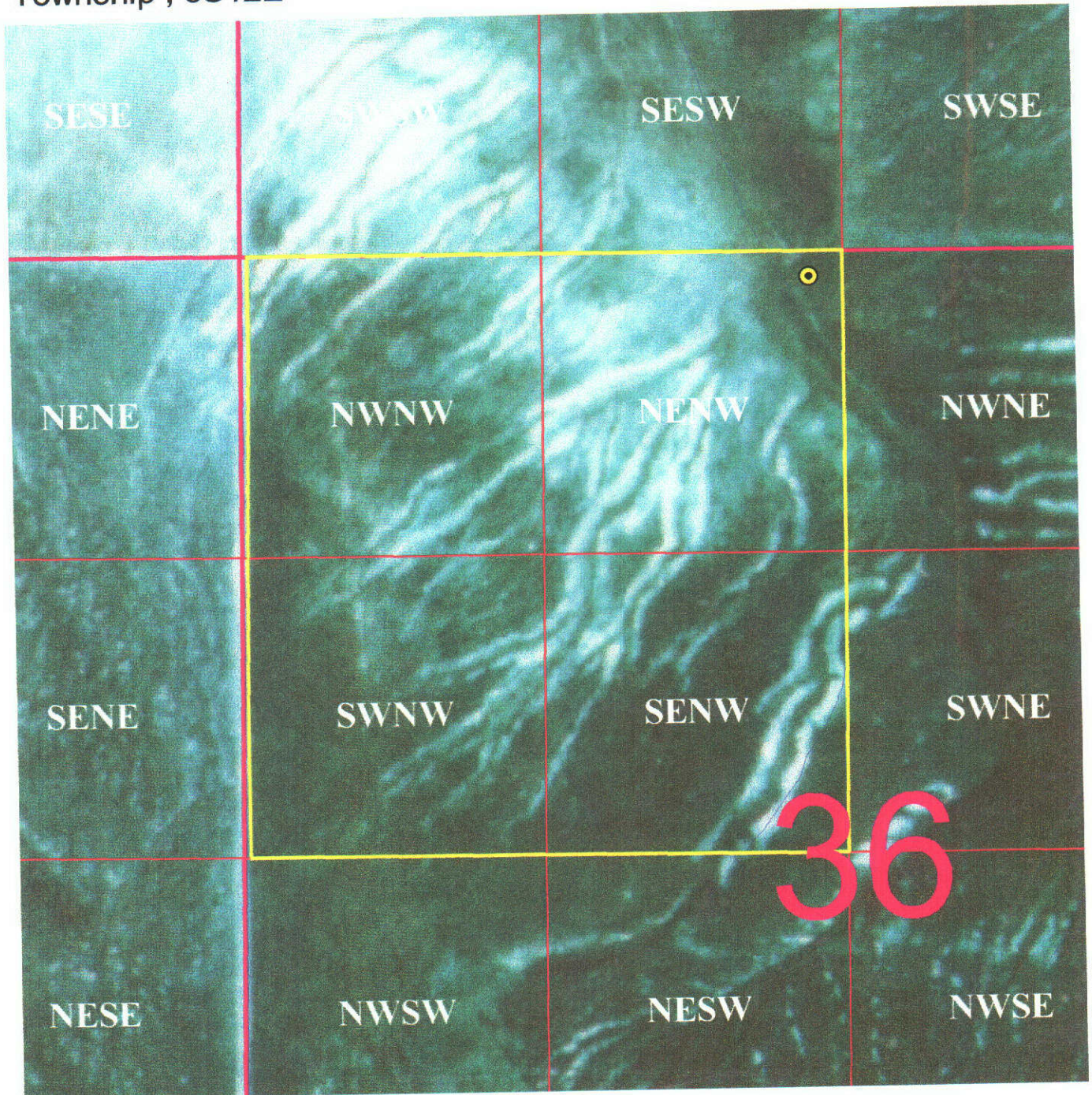


Water Right Claim Number 47-02386B  
Township , 8S12E

02/19/2001



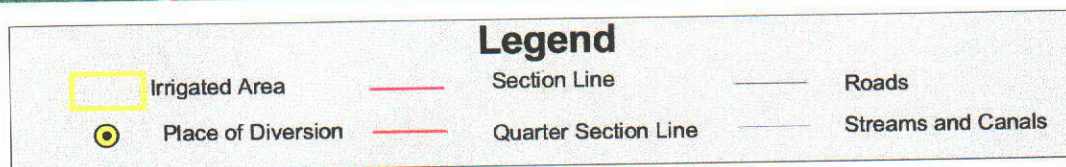
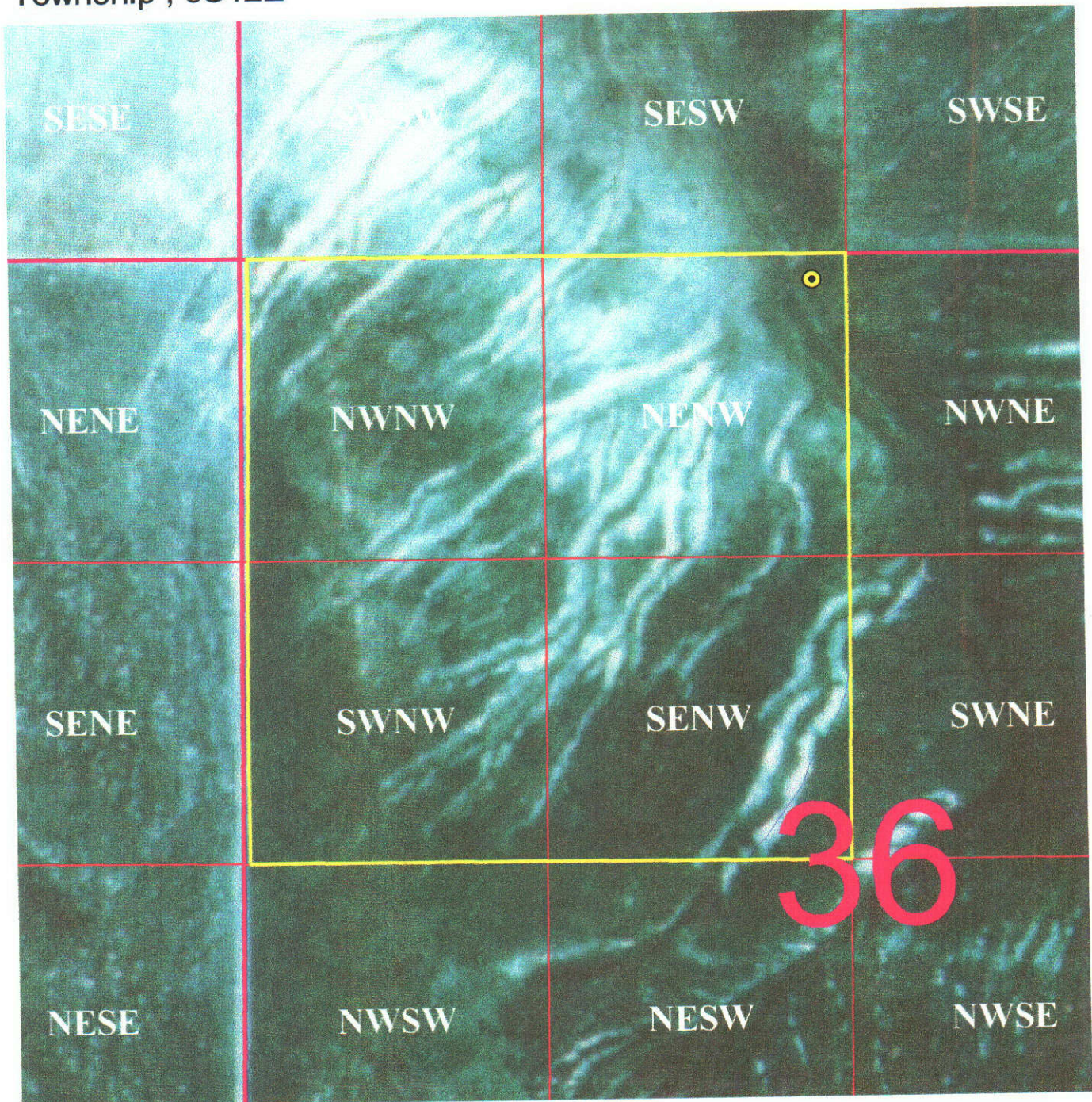
400 0 400 800 Feet



SPATIAL  
DYNAMICS

Water Right Claim Number 47-02386B  
Township , 8S12E

02/19/2001



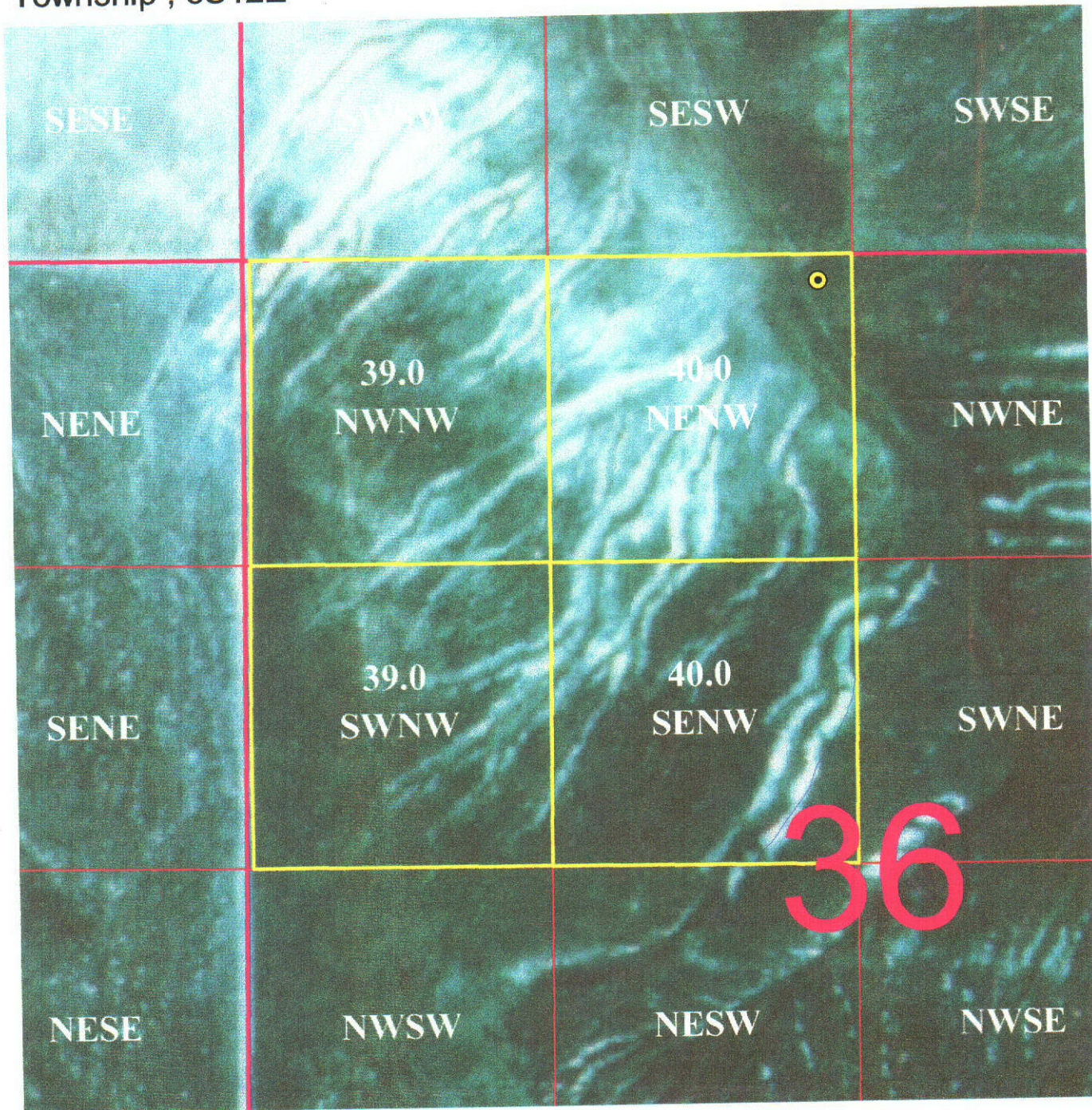
400 0 400 800 Feet



SPATIAL  
DYNAMICS

Water Right Claim Number 47-02386B  
Township , 8S12E

02/19/2001



**Legend**

|                    |                      |                    |
|--------------------|----------------------|--------------------|
| Irrigated Area     | Section Line         | Roads              |
| Place of Diversion | Quarter Section Line | Streams and Canals |



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: A47-02386B  
Date Received: 6/ 9/1988  
Receipt No: X777777  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SALMON FALLS LAND & LIVESTOCK CO INC 208-837-6053  
Address: 123 BELL RAPIDS RD  
HAGERMAN ID 83332-6041

2. Date of Priority: SEP 12, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 08S      | 12E   | 36      |        | NE     | NW  |     | TWIN FALLS |

5. Description of diverting works:  
WELL WITH PUMP DELIVERING TO PIVOT & HANDLINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 2.220 |      | 520.00 |

7. Total Quantity Appropriated is:  
2.220 C.F.S. (and/or) 520.00 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 08S      | 12E   | 36      | NE     | NW  |     | IRR | 34.0  |
|          |       |         | NW     | NW  |     | IRR | 31.0  |
|          |       |         | SW     | NW  |     | IRR | 31.0  |
|          |       |         | SE     | NW  |     | IRR | 34.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 130.0 |
|          |       |         |            |     | Total Acres   | 130.0 |

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:  
NONE

14. Remarks:

THIS IS A PORTION OF ORIGINAL RIGHT 47-02386 WHICH WAS SPLIT  
PURSUANT TO APPROVED TRANSFER NO. 4818. 5/14/97 jr  
\*\*\*\*\*  
PURSUANT TO APPROVED TRANSFER NO. 4818:

1. THIS RIGHT 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.
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. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED  
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. 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.
5. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY  
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT IN THE ONGOING  
SNAKE RIVER BASIN ADJUDICATION.

15. Basis of Claim: LICENSE

Water Right Number: 31379

AJ0743WP  
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)

05/14/97 13:32:29  
Page 1

Water Right Number - R47-023868

Prefix Translation: RESEARCH

Old (D) Number - 31379

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

SALMON FALLS LAND & LIVESTOCK CO INC

1 - 123 BELL RAPIDS RD

2 -

3 -

City- HAGERMAN

State- ID Zip- 833326041

Phone - 208-837-6240

\*\*\* O - ORIGINAL OWNER \*\*\*

LE MOYNE

HARRY F

1 - 1418 NORTH BLUE LAKES

2 -

3 -

City- TWIN FALLS

State- ID Zip- 83301

Phone - 208-733-0874

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
09/12/1963 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +  
GROUNDWATER

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County

08S 12E 36 NE NW (83) TWIN FALLS

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 10/31 2.220 520.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
2.220 520.00 0.0

+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
08S 12E 36 NE NW 34.0 01 IRRIGATION (83) TWIN FALLS  
08S 12E 36 NW NW 31.0 01 IRRIGATION (83) TWIN FALLS  
08S 12E 36 SW NW 31.0 01 IRRIGATION (83) TWIN FALLS  
08S 12E 36 SE NW 34.0 01 IRRIGATION (83) TWIN FALLS

Total Acres: 130.0

+ - - Diversion Means - WELL WITH PUMP DELIVERING TO PIVOT & HANDLINES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Water right number - R47-023868

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

GEN TOTAL AC. IRR. = 229.8.  
\*\*\*\*\*  
OWNERSHIP CHANGE MADE 3/10/97 BY TLB.  
\*\*\*\*\*  
3/25/97 TF; MINOR CHANGES TO MAKE NAME AND ADDRESS CONSISTENT  
WITH ALL OTHER SALMON FALLS LAND & LIVESTOCK CLAIMS.  
\*\*\*\*\*  
AMENDED CLAIM: LICENSE WAS AMENDED ON NOVEMBER 5, 1996. CLAIM  
WAS AMENDED TO MATCH THE AMENDED LICENSE. 5/2/97 jr  
\*\*\*\*\*  
PURSUANT TO APPROVED TRANSFER NO. 4818:  
1. THIS RIGHT 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.  
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. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED  
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.  
4. 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.  
5. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY  
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT IN THE ONGOING  
SNAKE RIVER BASIN ADJUDICATION.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

+ - - - - Comments - - - - - +

|                                                                                                                                                                                              |                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Date: 06/16/1992 User Id: THORNTON Subject: CLAIM REVIEW<br>THIS CLAIM HAS BEEN REVIEWED AS PART OF THE BASIN 51 BLUE GULCH<br>HOWEVER, NO DATA ENTRY EXCEPT FOR THIS COMMENT HAS BEEN DONE. | CGWA REVIEW. THE CVR HAS BEEN COMPLETED AND IS IN THE FILES. |
| Date: 03/10/1997 User Id: TBACKLUN Subject: OWNERSHIP CHANGE<br>OWNERSHIP CHANGE MADE WITH 42-1409(6). QUITCLAIM DEEDS AND MAP                                                               | WERE PROVIDED FOR PROOF.                                     |
| Date: 03/25/1997 User Id: TFAWCETT Subject: NAME/ADDRESS CHANGES<br>MINOR CHANGES TO NAME AND ADDRESS WERE MADE TO MAKE ALL                                                                  | SALMON FALLS LAND & LIVESTOCK CLAIMS CONSISTENT.             |
| Date: 05/02/1997 User Id: JROBERTS Subject: AMENDED CLAIM<br>LICENSE WAS AMENDED ON 11/5/96. CLAIM WAS AMENDED TO MATCH THE                                                                  | AMENDED LICENSE. jr                                          |
| Date: 05/14/1997 User Id: JROBERTS Subject: AMENDED/SPLIT/TRANSFER<br>THIS IS A PORTION OF ORIGINAL RIGHT WHICH WAS SPLIT PURSUANT TO                                                        | APPROVED TRANSFER NO. 4818.                                  |

AJ0743NP  
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)

05/14/97 13:32:30  
Page 3

Water right number - R47-023868

Prefix Translation: RESEARCH

+ - - Audit Fields - - +

05/14/97 JROBERTS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 06/09/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - X777777    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 14, 1997

MIKE HENSLEE  
SALMON FALLS LAND & LIVESTOCK CO INC  
123 BELL RAPIDS RD  
HAGERMAN ID 83332-6041

RE: Amendment of SRBA Claims #A47-02386A & B

Dear Mike:

Pursuant to the approval of Transfer No. 4818, the above referenced Notices of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please look the modified records over carefully to be sure they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Jeanie'.

Jeanie Robertson  
Sr. Water Rights Agent

Encl:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 4818  
WATER RIGHT NO. 47-02386B

This is to certify that: **SALMON FALLS LAND & LIVESTOCK COMPANY**  
**123 BELL RAPIDS RD**  
**HAGERMAN ID 83332**

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> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 2.22 CFS              | 520.0 AF             |

SOURCE

GROUNDWATER

Priority: 09/12/1963

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 36, Township 08S, Range 12E  
TWIN FALLS County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u>                     | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|----------------------------------|--------------|--------------|
| 08S 12E 36         | NENW 34      | NWNW 31                          | SWNW 31      | 130          |
|                    | SEnw 34      |                                  |              | 130          |
|                    |              | Total number of acres irrigated: |              | 130          |

CONDITIONS OF APPROVAL AND REMARKS

1. This right 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.
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. 4818  
WATER RIGHT NO. 47-02386B

CONDITIONS OF APPROVAL AND REMARKS

3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. 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.
5. 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.

Dated this 19<sup>th</sup> day of November, 1996

  
Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NO. 47-02386

FROM: PAM SKAGGS<sup>29</sup> STATE OFFICE

SUBJECT: AMENDED LICENSE & TRANSFER NO. 4818

DATE: October 25, 1996

=====

Transfer No. 4818 was filed to change the point of diversion and place of use for 130 acres under a portion of Right No. 47-02386. The transfer application was originally proposed to move all the water under the right and reduce the acres. The applicant questioned the accuracy of the original license and requested that the department reconsider the matter. The transfer approval was modified to reflect the resulting amended license.

The original license appeared to be flawed, allowing a small rate of diversion (0.005 cfs/acre) calculated under the assumption that only 4 lines were being used. The field exam was conducted later in the season when perhaps the irrigation need was reduced, but review of the exam information and photo reflect the total irrigation of licensed acres through the use of more than 4 lines. The rate of diversion was identified by the examiner for each well allowing the more realistic rate of diversion of 3.51 cfs or 0.017 cfs/acre and full volume for the irrigated acres.

An Amended License was prepared to more accurately reflect the historical use of this right. Since shortly after the field exam the acres in SW, S24, T08S, R12E have been irrigated under a circle pivot while the acres in the E1/2SE, S23, T08S, R12E have continued with minor adjustments. The previous owner agreed that this was a more accurate description of the use of this right.

The transfer subsequently moves the 130 acres from the pivot in Section 24 to the proposed place of use, an existing well and pivot located in NW, S36, T08S, R12E. The remaining unchanged portion of the right, Part A, consists of 76 acres in the E1/2SE, S23.

Season of use was adjusted to current standards. Recommended conditions include future measuring devices & annual reporting, irrigation overlap and standard transfer conditions.

Southern

State of Idaho  
Department of Water Resources

## WATER RIGHT LICENSE

\*AMENDED\*

\*AMENDED\*

WATER RIGHT NO. 47-02386

Priority: September 12, 1963

Maximum Diversion Rate:

3.51 CFS

Maximum Diversion Volume:

824.0 AF

This is to certify, that SALMON FALLS LAND & LIVESTOCK COMPANY

123 BELL RAPIDS RD

HAGERMAN ID 83332

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 12, 1963; and has submitted Proof of Beneficial Use on October 12, 1970. An examination indicates that the works have a diversion capacity of 0.000 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/01 to 11/01       | 3.51 CFS                 | 824.0 AF             |

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 23, Township 08S, Range 12E  
SWSW , Sec. 24, Township 08S, Range 12E  
TWIN FALLS County

PLACE OF USE: IRRIGATION

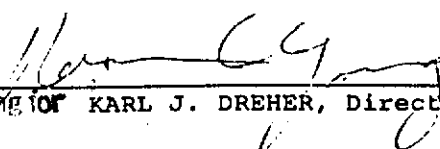
| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------|--------------|--------------|
| 08S 12E 23         | NESE 38      | SESE 38      |              | 76           |
| 24                 | NESW 32      | NWSW 32      | SWSW 33      | 130          |
|                    | SESW 33      |              |              |              |

Total number of acres irrigated: 206

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 5th day of November, 1996.

  
\_\_\_\_\_  
Acting for KARL J. DREHER, Director

Harry Le Moyne

FARM MANAGEMENT CONSULTANT  
1418 BLUE LAKES BLVD. NORTH  
PHONE (208) 733-0874  
TWIN FALLS, IDAHO  
83301

Sent Doug Jones  
to  
EASTERN  
By mistake go

RECEIVED

OCT 03 1996

Department of Water Resources

RECEIVED

OCT 21 1996

Department of Water Resources  
Boise, Idaho

September 23, 1996

Pamela Scaggs  
Senior Water Resource Agent  
Department of Water Resources  
1301 North Orchard Street  
Boise, Idaho 83720-9000

RECEIVED

OCT 15 1996

Department of Water Resources  
Eastern District Office

Dear Ms. Scaggs:

I am writing this letter to you as the owner of Water Right No. 47-02386. This letter is also in reply to your letter dated September 12, 1996 to Salmon Falls Land and Livestock, Inc.

Salmon Falls and I have mutually agreed to withdraw the application to transfer the above mentioned water right to lands owned by Salmon Falls Land and Livestock, Inc. Secondly, I would like to use this letter to make a matter of record for the coming adjudication regarding the history of that particular water right. According to the well driller's report dated August 18, 1967, a 12 inch well was drilled to depth of 766 feet, was test pumped and found that the water level stood at 178 feet below ground. This well was located in the SW1/4 SE1/4 of Section 23, Township 8 South, Range 12 East. Clifton Smallwood of Twin Falls was the owner of the land at that time and I was involved in desert entry applications in that immediate area at the same period of time. Mr. Smallwood used this well and grew successful crops with it in the SE1/4 of Section 23. Approximately 100 acres was irrigated at that time according to my recollection.

A well was subsequently drilled in the SW1/4 SW1/4 of Section 24 and according to my notes, this well was 450 feet deep with a 20 inch hole and the water table stood at 230 feet. I do not have the well logs of this 450 foot well any longer so I don't know the date but the water license was issued on December 19, 1972 with a priority of September 12, 1963. Both of these wells were put on the same license which is inconceivable in the first place and secondly, we know that each well produced at least 1.2 cfs of water. In any event, the license did cover 229.8 acres and I have personally irrigated all of the designated acres at various times over the years.

Under the adjudication claim, Case No. 39576, I filed an

application for consumptive use of 690 acre feet per annum on this particular property. I know that it is difficult to change a licensed water right but a total consumptive use of 690 acre feet is not requesting much and we would like to maintain that as a final claim to our water right under state law.

Thank you for your consideration of this matter.

Very truly yours,

*Harry F. LeMoyne*  
Harry F. LeMoyne

HFL:mlc  
enclosures

**S**

## E Trans

**L No.**

Last Name

**S**

T

Status

Date \_\_\_\_\_

## Call-Up

Date \_\_\_\_\_

Affected

## Rights

Proposed

## Rights

4209 STUTZMAN

W 04/11/1995

00/00/0000

47-02386

47-02386

4428 TOLKINGA

D 01/09/1996

00/00/0000

47-02386

47-02386A

47-02386B

4818 SALMON FALLS LAND & LI W 10/03/1996 00/00/0000 47-02386

47-02386A

47-02386B

(Enter=Continue)

(GOLD 7=This Query)

(Menu \_\_\_\_\_)

FROM: Allen Merritt

DATE: June 5, 1996

TO: Transfer File #4818

SUBJECT: Review and Recommendation

The transfer proposes to move an existing irrigation water right from one farm to another farm nearby. The current place of use is in CRP and the water has been leased to provide water to the second farm which was developed without a water right.

(See 4/16/96 memo from Corey Skinner) Review of overlapping rights finds that both farms have application 47-07165 overlapping, otherwise 47-02386 is the sole water source for the current P/U and the proposed P/U has no recorded rights.

Based on Corey's memo and review of memo from Georgia Satterlee regarding field review it appears that the proposed P/U has a diversion capacity of 900 gpm or 2.0 cfs. The right proposed to be transferred has a diversion rate of 1.21 cfs which appears to be insufficient. Review of the diversion volume limit of the right which is 588 afa would indicate that the volume is sufficient to irrigate the 130 acres (520 afa based on 4 afa/acre).

I am torn with approving this transfer since on the face there could be an expansion of the diversion rate. I have been a proponent of regulating groundwater diversions based on diversion volume rather than diversion rate and with this emphasis I make the following recommendation:

I recommend the transfer be approved with the following conditions:

- Subject to SRBA review.
- A measuring device with totalizing meter be installed on the well.
- The right is limited to 520 afa until such time as the right is moved back to the original P/U.
- The right is limited to a diversion rate of 1.21 cfs or applicant must provide a mitigation plan that must be approved by the department whereby a diversion rate of 2.0 cfs would be allowed on a timed basis if it is demonstrated other rights are not injured. As part of the plan reporting of the use to the department must be incorporated.\*

\*This condition should be reviewed by legal & administration.

47-02386. T # 4818

## MEMORANDUM

**TO:** Salmon Falls Land & Livestock Transfer (47-02386) File  
**FROM:** Corey Skinner *CS*  
**DATE:** April 16, 1996  
**SUBJECT:** Pertinent Information

I assisted Mike Henslee, Vice President of Salmon Falls Land & Livestock, with the enclosed transfer application for right 47-02386. Mr. Henslee desires to irrigate 130 acres of ground in the NW  $\frac{1}{4}$  of Section 36 (T08S, R12E) out of an existing unlicensed well and pivot irrigation system. He was able to lease some property about a mile north of the 130 acres that he desires to irrigate. This leased property, a portion of which is currently under CRP, has an appurtenant Water Right, license 47-02386. It is Mr. Henslee's intention to transfer this license to the 130 acres of land in Section 36.

Water Right 47-02386 was originally licensed for 1.21 cfs for 229 acres and limited to a 588 acre foot diversion volume out of two separate wells. Mr. Henslee's Section 36 irrigation system consists of an existing well and center pivot sprinkler. In January while preparing the transfer, I told Mr. Henslee that the diversion rate for license 47-02386, 1.21 cfs = 544.5 gpm, was not enough to run his center pivot system and that he would need additional water. He decided that he would attempt to locate an additional water right to transfer along with 47-02386.

On February 22nd, Mr. Henslee and Harry LeMoyne (the gentleman Mr. Henslee is leasing the property from) came by the office to discuss the transfer application. It was brought to Mr. LeMoyne's attention that water right 47-02386 was not licensed for a large enough flow rate to run a center pivot system. Mr. LeMoyne argued that the property he is leasing to Mr. Henslee was irrigated with a pivot system before it was put into CRP. The orthophoto quads here in our office (BB18 & BB19, 1974) support this contention. He also said that the flow rate on the original license was too low and possibly measured incorrectly, or at the wrong time of the year (original field exam was conducted July 29, 1971).

After some interoffice discussions, Mr. Henslee agreed to proceed with the transfer application, despite the inadequate flow rate. It was explained to Mr. Henslee and Mr. LeMoyne that the department can not allow an expansion of the flow rate, number of acres irrigated, or the diversion volume in the transfer process. Mr. Henslee's proceeding with the transfer application was based on the idea that the entire original license was for 229 acres and a 588 acre foot diversion volume. Mr. Henslee intends to irrigate 130 acres (which would work out to a 520 acre foot diversion

Page 2  
Transfer (47-02386) Memo  
April 16, 1996

volume) both of these numbers are less than the respective numbers on the original license, so maybe the department might approve the application.

No promises were made to the applicant and he was told that the department would probably view the transfer as an expansion, but he decided to go ahead and submit the application and proceed with the transfer process.

Because this transfer application involves land in the Blue Gulch CGWA, and is a probable expansion of diversion rate...

It is imperative that the necessary limit and approval conditions are addressed and complied with if this application is approved.

12 APRIL 1996

TO: FILE-TRANSFER #47-02386  
SALMON FALLS LAND & LIVESTOCK

FROM: GEORGIA SATTERLEE

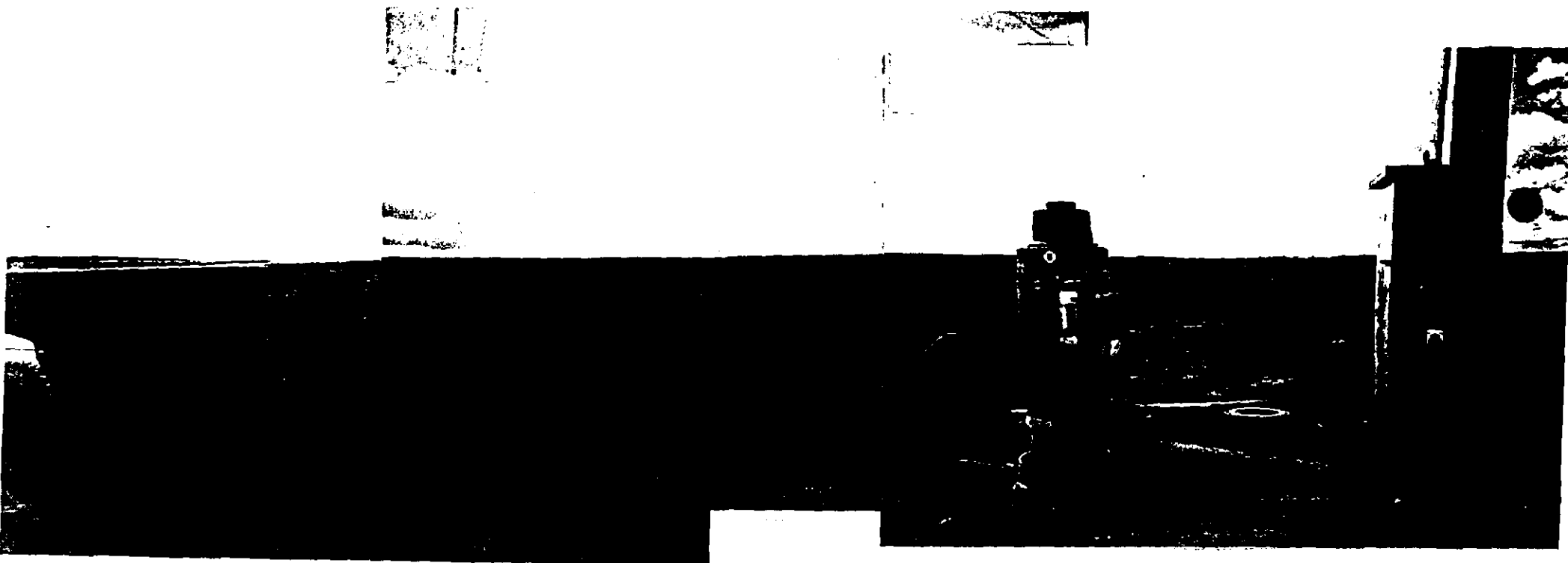
TODAY AT 1500 HRS., I MET WITH MIKE HENSLEE. MR. HENSLEE SHOWED ME THE POINT OF DIVERSION AND PLACE OF USE FOR THE AREA THE APPLICATION FOR TRANSFER IS GEARED TOWARDS. ALSO, HE SHOWED ME THE AREA (THE POINT OF DIVERSION(S) AND PLACE(S) OF USE) HE IS WANTING TO TRANSFER FROM. THE PLACE OF USE THAT IS IN CRP UNTIL 1997 IS THE SE $\frac{1}{4}$  IN SECTION 23. PHOTOS WERE TAKEN OF ALL AREAS AND ALL POINTS OF DIVERSIONS. SEE ATTACHED PHOTOS WITH REMARKS.

T-# 4818

12 April 1996 Application for T47-02386  
Photo: P/D and P/U, Sec 36, T8S, R12E  
NE $\frac{1}{4}$  NW $\frac{1}{4}$   
General Electric Pump 150 HP  
Mod#5K6277XH57A Ser#DHJ419137

Base:VERTI-LINE Mod#12RH GPM 1660@150FT.  
Pivot has 900 GAL. capacity  
Drilled: 1968-1969  
Pivot(in background)

photo looking south-westerly



8184 #1

12 April 1996

Existing P/D: SEC <sup>24</sup>~~23~~, T08S, R12E, SW <sup>SW</sup>~~SE~~  
Gen Elec. 125 HP Mod#5K6268XH37A  
Ser#ECJ510170  
Base:VERTI-LINE 900 GPM 1770 RPM  
Mod#10JKHXX Ser#D16648

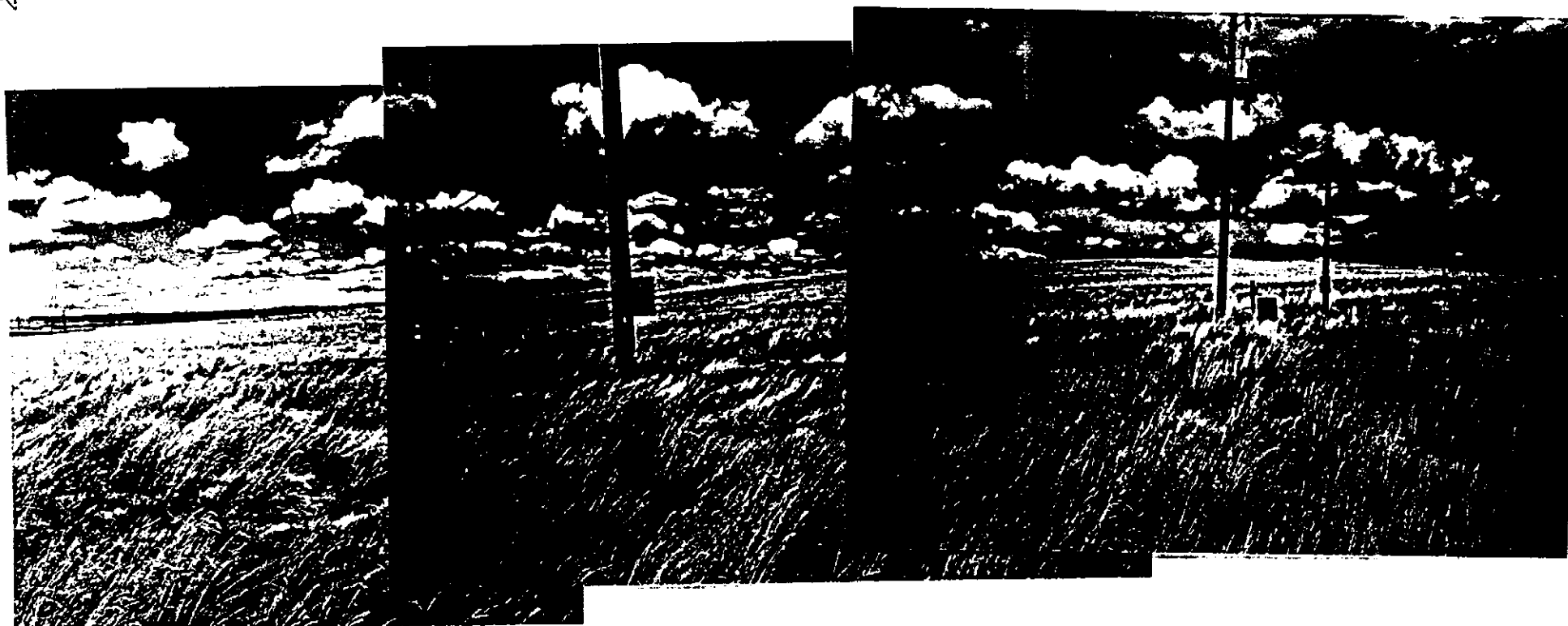
GLS 20 AUG 96

(1A)

SEE (1B)

Place of Use (background) in CRP

photo looking northerly



T-#4818

Pivot (in background) is not in use due to the land being in CRP.  
This P/U is related to P/D in Sec 23, T8S, R12E, SW <sup>SE</sup> (P/D is right of pictured pivot, over the hill)

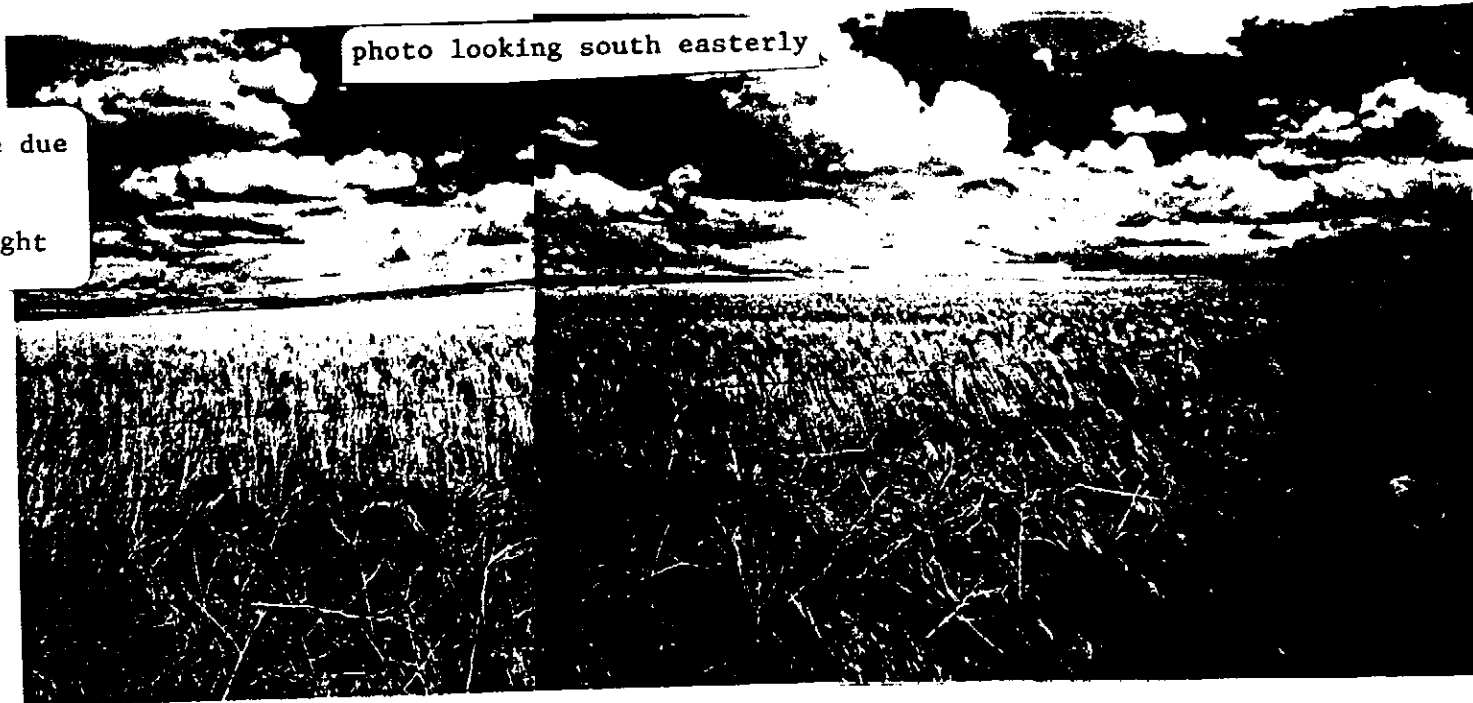
Sec 24

(1B)

SEE (1A)

GLS 20AUG96

photo looking south easterly



12 April 1996 Existing P/D (pump not pictured because its being repaired)

Sec 24, T8S, R12E, SW <sup>SW</sup> 23

Photo looking easterly

SE 1/4 GLS 20AUG96



7# 4818

Page 1 of 7STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4818

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant SALMON FALLS LAND & LIVESTOCK Co. Inc. Phone 837-4917  
Post Office address 123 BELL RAPIDS RD. HAGERMAN, IDAHO 83332

## 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 TO OBTAIN A LEGAL WATER RIGHT TO IRRIGATE 130 ACRES, WHICH HAS AN EXISTING WELL AND IRRIGATION SYSTEM ON IT AND WAS PREVIOUSLY FARMED. THE LAND IS LOCATED ONE MILE SOUTH OF THE EXISTING WATER RIGHT.

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

1. Right Number 47-02386 Priority 09/12/1963 Amount (cfs/ac-ft) 1.2/cfs Nature of Use IRRIGATION Period of Use 04/01 to 10/31
2. Total amount of water being transferred 1.2/cfs cubic feet per second and/or 588.0 acre-feet per annum.
3. Source of water GROUNDWATER tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|------|------------|--------------------------|
|     |     | NE  | NW  | 36   | 08S  | 12E  | TWIN FALLS |                          |
|     |     |     |     |      |      |      |            |                          |
|     |     |     |     |      |      |      |            |                          |
|     |     |     |     |      |      |      |            |                          |

## 5. 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 |        |
| 08S  | 12E  | 36   |        |        |        |        | 34     | 31     | 31     | 34     |        |        |        |        |        |        |        |        | 130.0  |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 130.0

## PART 1

## 6. General Information:

a. Description of diversion system WELL DIVERTED INTO MAINLINE AND PIVOT

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:

THE LAND IS UNDER ASCS - CRP CONTRACT, SO IT IS ALREADY DRY.

d. Remarks:

---

**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 \_\_\_\_\_.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated: \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 47-02386 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water GROUNDWATER tributary to \_\_\_\_\_

4. Date or priority 02/12/1963

5. Water is used for the following purpose:

amount 1.21 cfs for IRRIGATION purposes from MARCH 1 to NOVEMBER 1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 1.21 cubic feet per second and/or 588.00 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|------|------------|--------------------------|
|     |     | SW  | SE  | 23   | 08S  | 12E  | TWIN FALLS |                          |
|     |     | SW  | SW  | 24   | 08S  | 12E  | TWIN FALLS |                          |
|     |     |     |     |      |      |      |            |                          |

8. 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 |        |
| 08S  | 12E  | 23   |        |        |        |        |        |        |        |        |        |        |        |        | 38     |        |        | 38     | 76     |
|      |      | 24   |        |        |        |        |        |        |        |        | 38     | 38     | 39     | 38     |        |        |        |        | 153    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 229

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

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

YES If yes, describe DUE TO C.R.P.

**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 \_\_\_\_\_

ASCS  
MAP OF  
NEW PLACE OF  
USE.

NW  $\frac{1}{4}$  Section 36

T08S, R12E

26 25

35 36

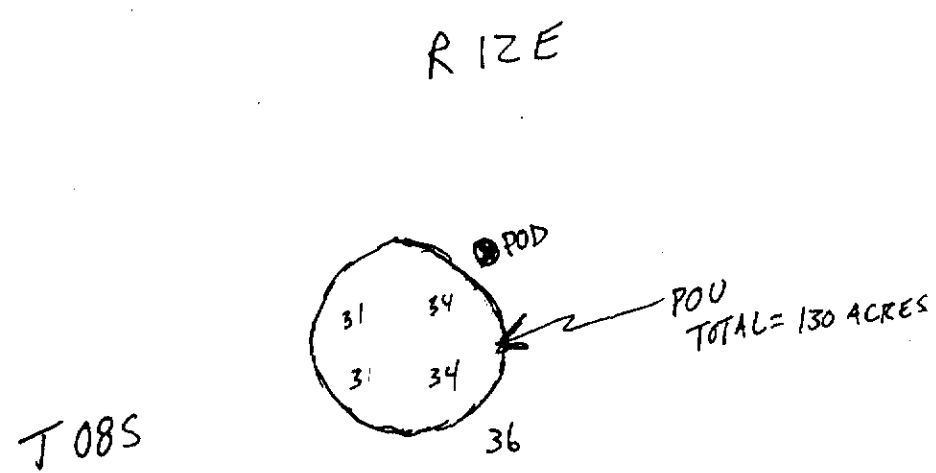
T31658

4225

179

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 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | 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.

Mike Kandler V.P.  
Salmon Falls Land & Livestock Co., Inc.  
 (Signature of Applicant)

Subscribed and sworn to before me this 22nd day of February, 19 96

J. F. Stanton  
 (Notary Public)

My commission expires 10-25-2000

## FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 3 attachments

Received by J. F. Stanton Date 2-22-96 Protest filed by \_\_\_\_\_

Prelim. check by CS Fee \$100, 50/8869

Receipted by JP Date 2-22-96

Published in Signes News Copies of protest forwarded by \_\_\_\_\_

Pub. dates 5/2 & 5/9/96 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

RECEIVED

FEB 21 1996

Department of Water Resources  
 Southern Region

CONTRACT TO LEASE WATER

On the 8th day of September 1995, S & L Company of Twin Falls, Idaho entered into a lease and option agreement with Salmon Falls Land & Livestock of Hagerman, Idaho.

Now the Lessee under the aforementioned agreement wishes to transfer the water right which is appurtenant to S & L lands from those lands to lands owned by the Lessee. S & L Company hereby agrees to let Salmon Falls transfer said water right to lands described as the NW1/4 of Section 36, Township 8 South, Range 12 EBM with the express provision and agreement that if Salmon Falls does not exercise the option to purchase S & L lands under the September agreement by December 31, 1996, that they will transfer the water back to the SE1/4 of Section 23 and the SW1/4 of Section 24, all in Township 8 South, Range 12 EBM. Salmon Falls to pay all expenses of said transfer to their lands and expenses of any retransfer to S & L lands.

S & L Company agrees to execute all necessary papers to effect the original transfer and Salmon Falls hereby agrees to execute transfer agreements to retransfer said water which agreements shall be held by LeMoyne Development, Inc. pending the exercise of option. If said option is not exercised, LeMoyne Development, Inc. will deliver said transfer payments to S & L Company to be recorded with the Department of Water Resources.

IN WITNESS WHEREOF the parties hereto have set their hands and seals this 22 day of ~~January~~ *February* 1996.

S & L COMPANY

by: *Harry LeMoyne*  
Harry LeMoyne, Partner

SALMON FALLS LAND & LIVESTOCK

by: *Mike Henslee V.P.*  
Mike Henslee

STATE OF IDAHO )

) ss.

COUNTY OF )

On this 22nd day of ~~January~~ *February* in the year 1996, before me, a Notary Public, personally appeared Harry LeMoyne, known or identified to me to be a partner in the corporation that executed

T #4818

the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

J.F. Stanton  
Notary Public  
Residing at Twin Falls, ID

STATE OF IDAHO )  
                  ) ss.

COUNTY OF )

On this 22nd day of February in the year 1996, before me, a Notary Public, personally appeared Mike Henslee, known or identified to me to be a partner in the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

J.F. Stanton  
Notary Public  
Residing at Twin Falls, ID

### LEASE AND OPTION AGREEMENT

This lease and option made and entered into this 4<sup>th</sup> day of September, 1995, by and between S & L Company of Twin Falls, Idaho, Lessor, and Salmon Falls Land & Livestock of Hagerman, Idaho, Lessee.

NOW THEREFORE, and in consideration of the premises and of the payment of the sum of \$2,000.00, receipt of which is hereby acknowledged, it is hereby agreed that the Lessors do hereby lease, let, and remise to the Lessee the following described real property situated in Twin Falls County, State of Idaho, to wit:

SE1/4 of Section 23 and SW1/4 of Section 24, all in Township 8 South, Range 12 EBM, together with all wells, pumps and water rights appurtenant thereto, including the Mel Brown pivot located on the SW1/4 of Section 24.

This lease and agreement is made and entered into upon the further terms, conditions, provisions and agreements hereinafter set forth, to wit:

(1) That this lease shall be for a period from September 10, 1995 to December 31, 1996 unless sooner terminated by mutual agreement, or by a breach of the terms and conditions contained herein.

(2) That Lessor during the term of said lease shall pay all taxes and legal assessments on the said described property.

(3) That as a part of the consideration hereof vendor hereby gives and grants unto the Lessee and its successors in interest, an exclusive option to purchase the above described property for a total sum of \$100,000. The option to purchase must be exercised on or before December 31, 1996. If said option is exercised the lease payment will be applied to the purchase price. The closing date will be 15 days after notification of exercise of option is given to seller. The sum of \$20,000 cash will be made on closing and the balance of \$78,000 is to be paid on a note secured by a mortgage at 9% interest with the payment amortized over a 20 year period with the full balance of the remaining principal due and payable on or before January 15, 2007. There will be no prepayment penalty on any amounts paid on the annual due dates.

Title to the seller is to be conveyed by warranty deed and is to be marketable and insurable. TitleFact, Inc. of Twin Falls, Idaho will provide a title policy and will be the closing agent. Buyer and seller will split all closing costs except seller will pay for the title insurance and the real estate commission of 6%.

It is understood by the parties to this agreement that the S & L property is subject to a lease agreement dated October 1, 1986 between S & L Company as Lessor and Faulkner Land & Livestock as

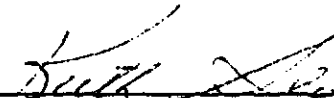
Lessee. This lease agreement is for the right to use a well located in the SE1/4 of Section 23 through the 31st day of October 2006. A copy of said lease agreement is attached hereto.

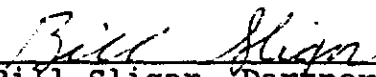
The parties hereto are also aware that the SE1/4 of Section 23 is subject to a CRP lease through 1996. If the S & L Company is given an opportunity by the United States government to participate in another CRP contract on said SE1/4 of Section 23, the lessors herein shall notify the lessee of the terms and conditions of the proposed CRP contract. Lessee can then approve of said terms and conditions and upon exercise of option will succeed to the full use and benefit of said contract. If Lessee does not wish to approve of said terms and conditions, he must then exercise his option to purchase and close within 15 days from the time of notification of the terms and conditions as submitted by Lessor.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this 8<sup>th</sup> day of September 1995.

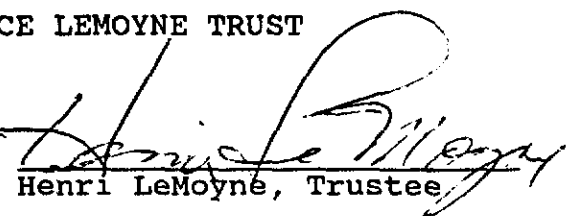
LESSORS

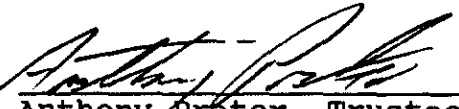
S & L Company

by:   
Keith Sligar, Partner

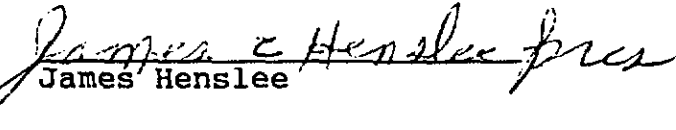
by:   
Bill Sligar, Partner

ALICE LEMOYNE TRUST

by:   
Henri LeMoyné, Trustee

by:   
Anthony Prater, Trustee

SALMON FALLS ~~SHEEP~~/COMPANY/ LAND & LIVESTOCK

by:   
James Henslee

Log for claim 47-02386B

Spatial Dynamics BTD

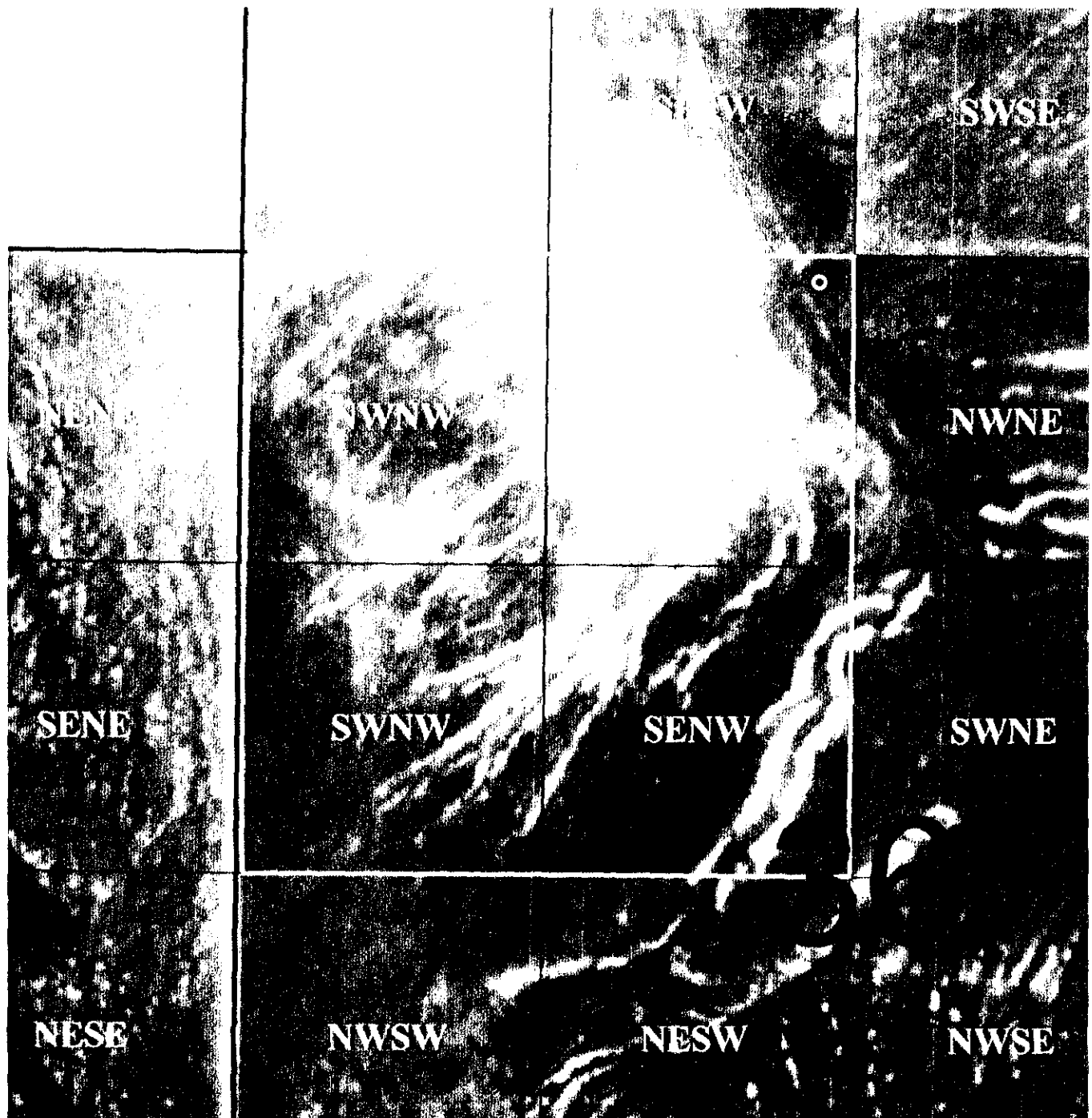
2/19/01

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|---------|-----|------|------------------|----------------|---------------|
| 08s12e  | 36  | NENW | 34               | 40             | Indiscernible |
| 08s12e  | 36  | NWNW | 31               | 39             | Indiscernible |
| 08s12e  | 36  | SWNW | 31               | 39             | Indiscernible |
| 08s12e  | 36  | SEnw | 34               | 40             | Indiscernible |
| Totals: |     |      | 130              | 158            |               |

 SPATIAL  
DYNAMICS

Water Right Claim Number 47-02386B  
Township , 8S12E

02/19/2001



**Legend**

- |                    |                      |                    |
|--------------------|----------------------|--------------------|
| Irrigated Area     | Section Line         | Roads              |
| Place of Diversion | Quarter Section Line | Streams and Canals |

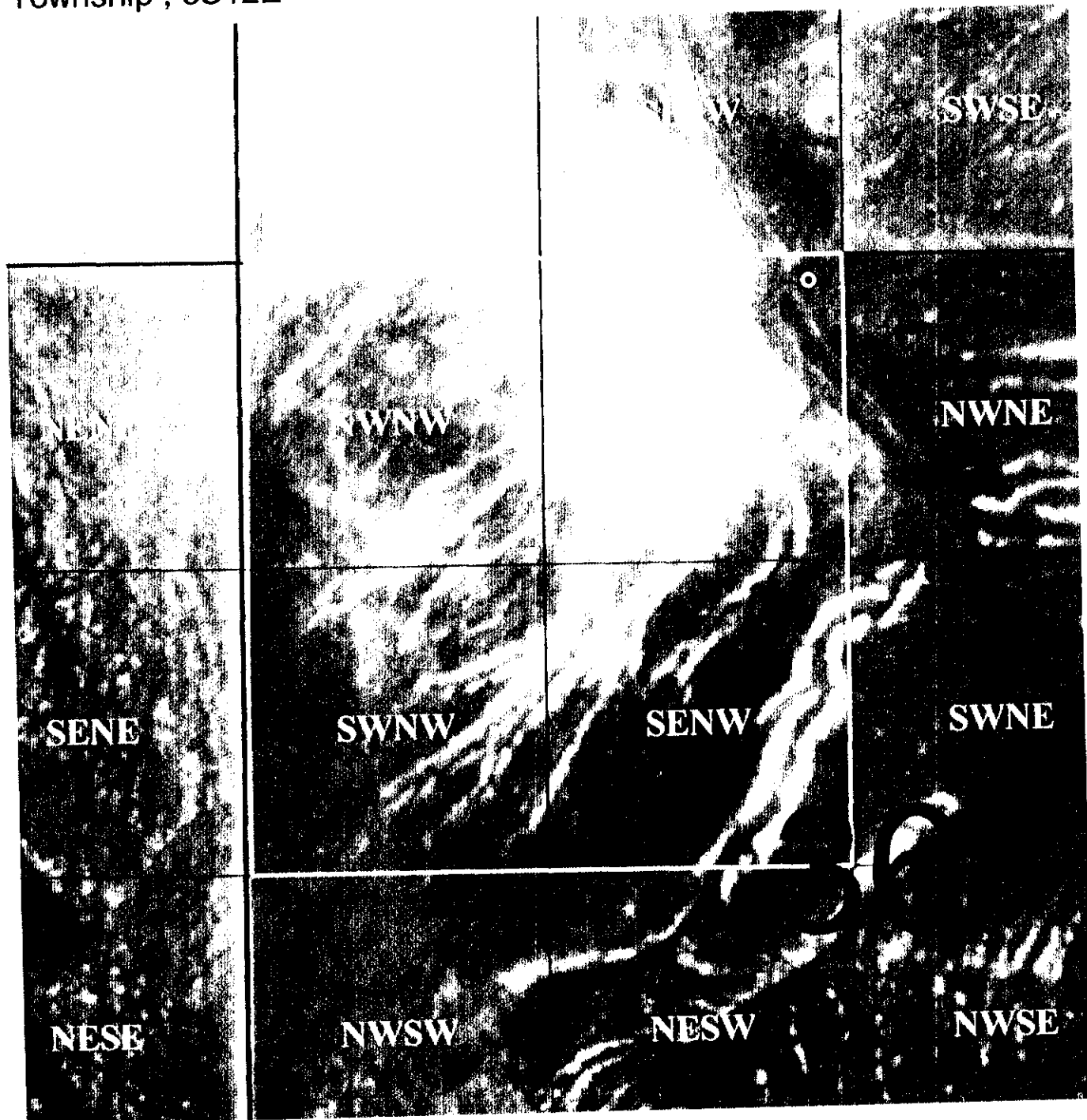


400 0 400 800 Feet

*SPATIAL  
DYNAMICS*

Water Right Claim Number 47-02386B  
Township , 8S12E

02/19/2001



**Legend**

Irrigated Area

Section Line

Roads



Place of Diversion

Quarter Section Line

Streams and Canals

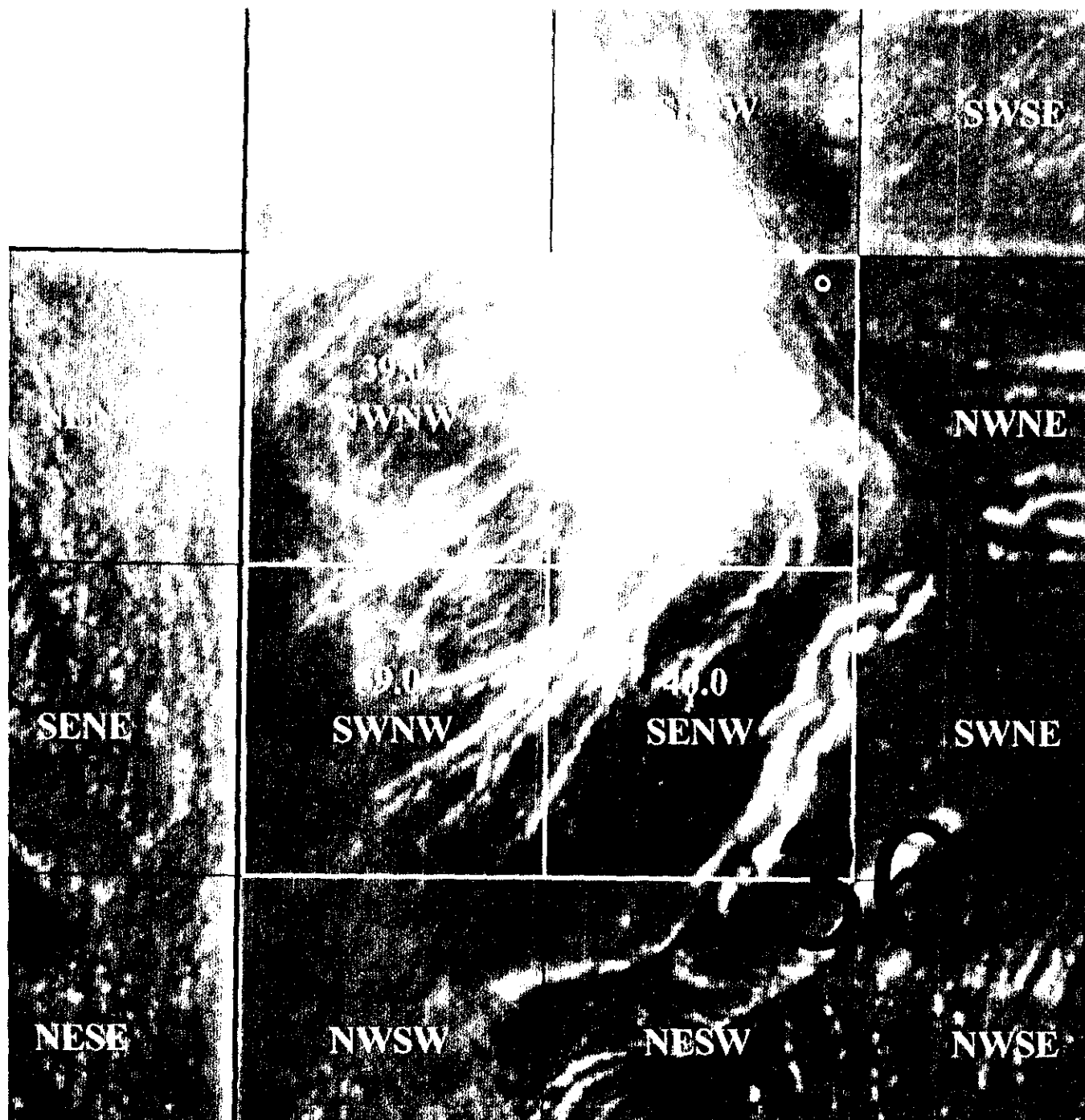


400 0 400 800 Feet

SPATIAL  
DYNAMICS

Water Right Claim Number 47-02386B  
Township , 8S12E

02/19/2001



**Legend**

- |                    |                      |                    |
|--------------------|----------------------|--------------------|
| Irrigated Area     | Section Line         | Roads              |
| Place of Diversion | Quarter Section Line | Streams and Canals |



400 0 400 800 Feet

SPATIAL  
DYNAMICS

AJ5809NP  
No. A47-02386B

IDAHO DEPARTMENT OF WATER RESOURCES  
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| OWNER<br>CODE    | NAME & ADDRESS                                                                                        | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | SALMON FALLS LAND & LIVESTOCK CO INC<br>123 BELL RAPIDS RD<br>HAGERMAN ID 833326041<br>(208) 837-6053 | 09/12/1963       | IRRIGATION | 04-01 10-31           | 2.220 CFS         | 520.00 AFA          |
| TOTAL DIVERSION: |                                                                                                       |                  |            |                       | 2.220 CFS         | 520.00 AFA          |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T08S R12E S36

NENW

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

| NE           |   |   |    |    |    |    |    |    |    |    |    | NW |    |    |    | SW |    |    |    | SE |       |  |  |  |
|--------------|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--|--|--|
| T            | R | S | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | SUM   |  |  |  |
|              |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |  |  |
| OBS 12E 36 : |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 130.0 |  |  |  |
|              |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |  |  |  |
| TOTAL ACRES  |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 130.0 |  |  |  |

POU County: TWIN FALLS

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
R47-02386B

Other Water Rights Listing Overlapping Place(s) of Use:  
R47-02386B

Remarks: GEN THIS IS A PORTION OF ORIGINAL RIGHT 47-02386 WHICH WAS SPLIT  
PURSUANT TO APPROVED TRANSFER NO. 4818. 5/14/97 jr  
\*\*\*\*\*  
PURSUANT TO APPROVED TRANSFER NO. 4818:  
1. THIS RIGHT 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.  
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. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED  
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.  
4. 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.  
5. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY  
FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT IN THE ONGOING  
SNAKE RIVER BASIN ADJUDICATION.

AJ5809NP  
No. A47-02386B

IDAHO DEPARTMENT OF WATER RESOURCES  
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|        |                        |                        |                       |
|--------|------------------------|------------------------|-----------------------|
| Dates: | Exam Made Date:        | Verified Date:         | Objection Filed Date: |
| Misc:  | Water District Number: | Field Inspection Flag: |                       |
|        |                        | Presumption Flag:      |                       |
| Audit: | 05/14/97 JROBERTS      |                        |                       |