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Department of Water Resources

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DISTRICT COURT-GRDA
TWIN FALLS CO. IDAHO
FILED

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

In Re SRBA

)

Subcase 35-02117

)

Case No. 39576

)

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

)

)

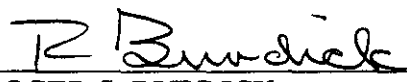
On January 4, 2002, Claimant U.S. Bank Trust National Association filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* April 16, 2002. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this Late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 35-02117 is **granted**.

The original Notice of Claim, as well as any filing fees submitted, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated 4-17-02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on 4/17/02, with sufficient first-class postage to the following:

John S Ritchie
Coleman, Ritchie & Robertson
PO Box 525
Twin Falls, ID 83303-0525

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Deputy Clerk

**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 _____

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) U.S. Bank Trust National Association, as Phone (314) 434-7159
Custodian/Trustee
Mailing Address c/o Lend Lease Agri-Business, Inc.
P. O. Box 411995, St. Louis, MO 63141 Zip 63141

2. Date of Priority (Only one (1) per claim) 12/01/48

3. Source of water supply (a) Ground Water
which is tributary to (b) Not Applicable

4. a. Location of existing point of diversion is: Township 07S Range 30E Section 01,
NE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, E B.M., County of Power

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is: Not Applicable

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

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

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

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

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

25 HP, GE electric motor, Serial #PE6790194, Fairbanks Morse turbine pump,
Serial #PK712 - depth of well is unknown

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1.8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.8 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 672 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Not Applicable

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
07S	30E	1									38	18		32		40	40		168

Total number of acres irrigated 168

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
Aberdeen-Springfield Canal Co. Certificate No. 5189 for 200 shares or None ()

14. Remarks:

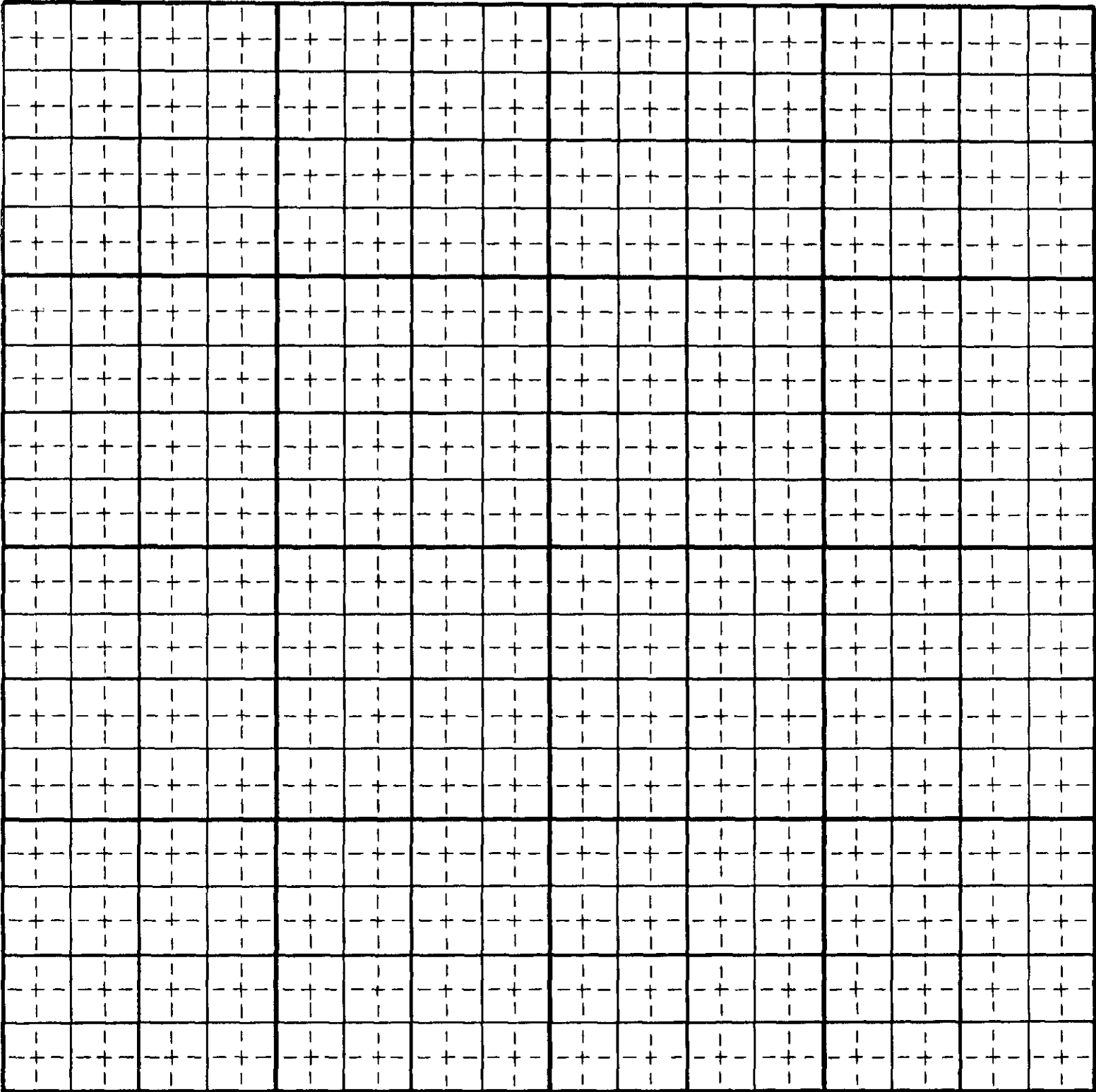
Last Name _____ Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Section 01, Township 07S, Range 30 E, Power County

SEE ATTACHED MAPS



Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 35-02117
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments (3) Maps, Deed & Adjudication Claim Report

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

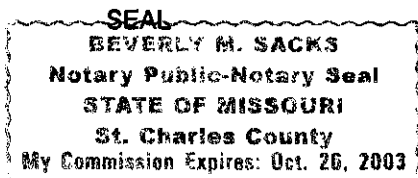
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Kevin J. Jorgensen* as Attorney in fact for US Bank Trust

Title and Organization Senior Vice President-Real Estate Date 12-26-01
Lend Lease Agri-Business, Inc.

State of ~~Idaho~~ Missouri)
County of St. Louis) SS.

Subscribed and sworn (or affirmed) before me this 27th day of December 19 2001



Notary Public *Beverly M. Sacks*

Residing at *St. Charles, Missouri*

My Commission Expires *10/26/03*

Please Print Name

17. Notice of Appearance:

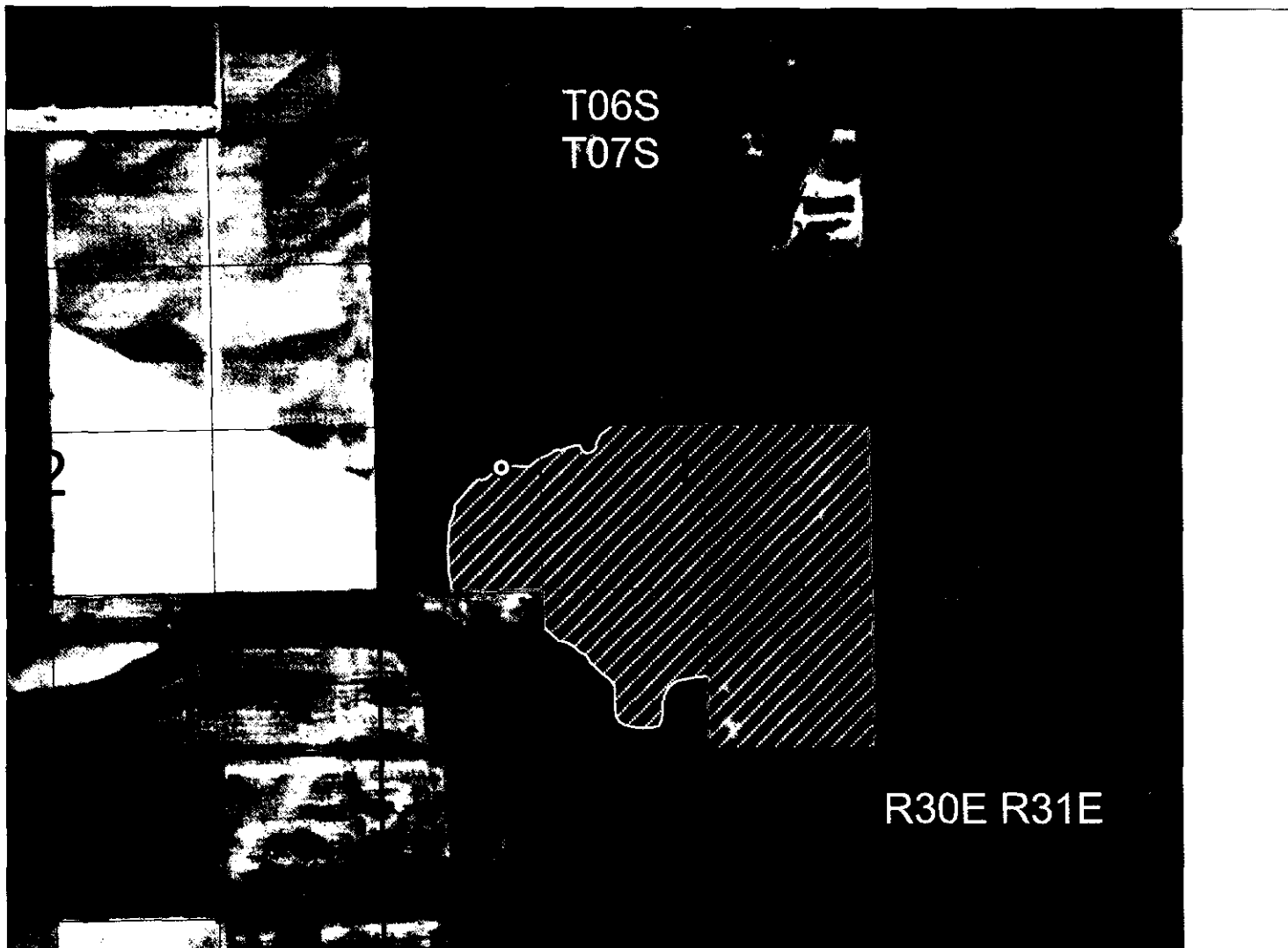
Notice is hereby given that I, John S. Ritchie will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature *John S. Ritchie*

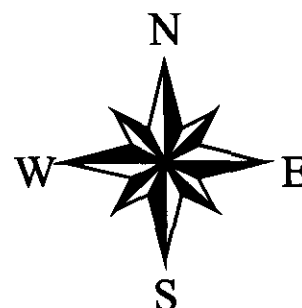
Address Coleman, Ritchie & Robertson, P. O. Box 525, Twin Falls, ID 83303-0525

Date *December 19, 2001*

Last Name _____ Ident. Number _____

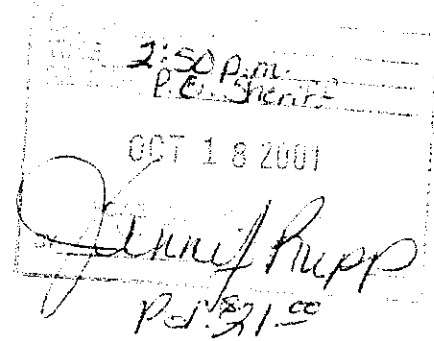


⊙ **Point of Diversion**
Place of Use



35-02117

178275



JOHN S. RITCHIE
COLEMAN, RITCHIE & ROBERTSON
Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, ID 83303-0525
Telephone: (208)734-1224
Fax: (208)734-3983
Idaho State Bar No. 1790

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

U.S. BANK TRUST NATIONAL
ASSOCIATION, as CUSTODIAN/
TRUSTEE,

Plaintiff,

vs.

DELON A. HUSE and MARILYN R. HUSE,
husband and wife; VERNON C. PHILLIPS
and MARILYN PHILLIPS; JUDY
HARVESTON; E & R TRANSPORTATION,
aka E & R TRANSPORTATION, L.L.C.; B.J.
HANSEN, INC., aka BJ HANSEN, INC.,
d/b/a STRAIGHTLINE CUSTOM
FARMING; AG ACCEPTANCE
CORPORATION, a subsidiary of AG
SERVICES OF AMERICA, INC.,

Defendants.

Case No. CV-01-0138

CORRECTED
SHERIFF'S CERTIFICATE OF SALE

I, HOWARD SPRAGUE, Sheriff of the County of Power, State of Idaho, do hereby certify that under and by virtue of a Writ of Execution issued out of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Power, in the above-entitled action dated August 8, 2001, reciting the material parts of the Judgment and Decree of Foreclosure entered in said action on August 1, 2001, which Writ of Execution was duly certified by Christine Steinlicht, the Clerk of the District Court of Power County, Idaho, and to me, as such Sheriff, duly directed and delivered, whereby I was commanded to satisfy the Judgment and Decree of Foreclosure entered in this action on August 1, 2001, together with interest thereon, by making sale of the property of the defendants Delon A. Huse and Marilyn R. Huse, husband and wife, located in Power County, Idaho, and to apply the proceeds of such sale, in conformity therewith, toward the satisfaction of the Judgment and Decree of Foreclosure entered in this action in the amount of \$1,728,938.55 as of August 1, 2001, on behalf of the plaintiff, U.S. Bank Trust National Association, as Custodian/Trustee, all in lawful money of the United States, with interest, costs and attorney's fees accruing since August 1, 2001, I duly levied upon, and on October 4, 2001, at 11:00 o'clock a.m., at the Power County Courthouse, 542 Bannock Avenue, American Falls, County of Power, Idaho, I duly sold at public auction, according to law, after giving due and legal notice, the property hereinafter described to U.S. Bank Trust National Association, as Custodian/Trustee, in c/o Lend Lease Agri-Business, Inc., P. O. Box 411995, St. Louis, Missouri, 63141, who made the highest and best bid therefor at such sale, as follows:

1. Parcel 1

The South half of Section 1, Township 7 South, Range 28 East, Boise Meridian, Power County, Idaho.

TOGETHER WITH Water Right #A35-07973 of Snake River Basin and the following fixtures and personal property:

350 hp GE Electric motor, serial #KTJ1028026, and Aurora turbine pump, Serial #3P8-88033;
100 hp Lincoln electric motor, serial #2504334, and Pacific booster pump, serial #IAFUF42388;
2 - Lockwood eight-tower pivots of 1,300' in length with low pressure nozzles and electric end-guns, serial #s: 821582 and 821583;
2 complete ¼ mile Western handline sprinklers of 3" diameter pipe.

for the sum of FOUR HUNDRED TWO THOUSAND FOUR HUNDRED THIRTY AND NO/100 DOLLARS (\$402,430.00), lawful money of the United States. The sum of \$402,430.00 was paid by U.S. Bank Trust National Association, as Custodian/Trustee, by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$402,420.00 and payment of costs of sale in the amount of \$100.00 for the above described property.

2. Parcel 2

The NE¼, the E½ NW¼ and Lots 1 and 2 in Section 7, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho.

TOGETHER WITH Water Right #A35-07914 of Snake River Basin and the following fixtures and personal property:

300 hp Westinghouse electric motor, serial #7802, and turbine pump;
100 hp GE electric motor, serial #MSS04027, and Cornell centrifugal booster pump;
Zimmatic eight-tower pivot of 1,300' in length with low pressure nozzles and electric end-gun, serial #L49005;

6 complete ¼ mile Funk wheel line sprinklers of 4" diameter pipe with electric mover motors.

for the sum of THREE HUNDRED SEVENTY-SEVEN THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$377,600.00), lawful money of the United States. The sum of \$377,600.00 was paid by U.S. Bank Trust National Association, as Custodian/Trustee, by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$377,500.00 and payment of costs of sale in the amount of \$100.00 for the above described property.

3. Parcel 3

The Southwest Quarter of Section 8, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho.

TOGETHER WITH Water License #A35-07686B and the following fixtures and personal property:

250 hp GE electric motor, serial #MKJ1211108, and Jacuzzi turbine pump, serial #4M722002;
8 complete ¼ mile Funk wheel line sprinklers of 4" diameter pipe with electric mover motors.

Tract II: Reinke center pivot approximately 1,302' with low pressure nozzles and electric end gun, Model E665.

1 - Grain bin

for the sum of TWO HUNDRED ONE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$201,300.00), lawful money of the United States. The sum of \$201,300.00 was paid by U.S. Bank Trust National Association, as Custodian/Trustee, by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$201,200.00 and payment of costs of sale in the amount of \$100.00 for the above described property.

4. Parcel 4A

E½ SW¼, NW¼ SW¼ of Section 1, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho.

EXCEPT: Beginning at the Southeast corner of the SW¼; thence North 280 feet; thence West 220 feet; thence South 280 feet; thence East 220 feet to the point of beginning.

Parcel 4B

The W½ SE¼ of Section 1, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho.

Parcel 5

Lots 6 and 7 and the E½ SW¼ of Section 6, Township 7 South, Range 31 East, Boise Meridian, Power County, Idaho.

EXCEPTING THEREFROM: Beginning at the Southwest corner of Section 6, thence North 225 feet; thence East 238 feet; thence South 225 feet; thence West 238 feet.

TOGETHER WITH 307.98 shares of stock for Aberdeen-Springfield Canal Company represented by Certificate #5189 for 200 shares and Certificate #5190 for 107.98 shares and the following fixtures and personal property:

40 hp Newman electric motor, serial #S1314101, and Jacuzzi short-coupled turbine pump, serial #SVE20052;

60 hp Fairbanks electric motor, serial #93180, and Berkeley short-coupled turbine pump, serial #7625167;

25 hp GE electric motor, DKJ417329, and Aurora short-coupled turbine pump, serial #V7401387;

2,200 feet of portable aluminum mainline of 5 - 8" in diameter;

7 complete ¼ mile Thunderbird wheel line sprinklers 4" diameter pipe with electric mover motors;

7 complete ¼ mile A & M handline sprinklers of 3" diameter pipe.

Reinke center pivot approximately 1,165' long, model E665 with low pressure nozzles and electric end-gun.

4 - Grain bins

for the sum of SEVEN HUNDRED SEVENTY-FOUR THOUSAND SIX HUNDRED THIRTY-FIVE AND NO/100 DOLLARS (\$774,635.00), lawful money of the United States. The sum of \$774,635.00 was paid by U.S. Bank Trust National Association, as Custodian/Trustee, by applying that amount toward the Judgment and Decree of Foreclosure, interest, costs and attorney's fees in the amount of \$774,435.00 and payment of costs of sale in the amount of \$200.00 for the above described property.

The commonly known address of the property sold is: The property consists of several tracts of farm land best described by the legal description.

The above described real property is subject to redemption within twelve (12) months from the date of the sale as provided by the Idaho Code.

This Corrected Sheriff's Certificate of Sale has been prepared and is being recorded to correct a typographical error regarding the purchase price for Parcel 2 contained in the Sheriff's Certificate of Sale recorded October 10, 2001, as Instrument No. 178210, records of Power County, Idaho. The sale price for Parcel 2 was incorrectly shown as \$337,600.00 rather than \$377,600.00 as bid at the sheriff's sale, which error is corrected in this Corrected Sheriff's Certificate of Sale.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of October,
2001.

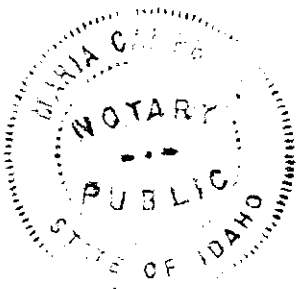
HOWARD SPRAGUE
Sheriff of Power County, Idaho

By 
JIM GLARBORG, Deputy Sheriff

STATE OF IDAHO)
) ss.
County of Power)

On this 18th day of October, 2001, before me, the undersigned, a Notary Public
in and for said County and State, personally appeared JIM GLARBORG, Deputy Sheriff, 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.

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




NOTARY PUBLIC
Residing at: 550 Gifford Pkwy, Kelso, ID
My Commission Expires: 11/2003

Water Right Report

Close

11/15/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report

WATER RIGHT NO. 35-2117

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner AUGUST HUSE

AMERICAN FALLS, ID 83211

(208)226-2081

Priority Date: 12/01/1948

Basis: License

Status: Temporary

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
-----------------------	-------------	-----------	-----------------------	---------------

IRRIGATION	3/15	11/15	1.8 CFS	
------------	------	-------	---------	--

Total Diversion			1.8 CFS	
-----------------	--	--	---------	--

Location of Point(s) of Diversion:

GROUND WATER NENWSW Sec. 01 Township 07S Range 30E POWER County

IRRIGATION Use:

Acre Limit: 168

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	30E	1		NESW 38			NWSW 18			SESW 32				
				NWSE 40			SWSE 40							

Total Acres: 168

Remarks:

***** AJ

1. General RECORD WAS GENERATED ON 3/16/90 BUT CLAIM WAS NOT FILED. CLAIMANT WAS NOTIFIED BY LETTER DATED 3/18/94 OF THE OPTION FOR FILING THE CLAIM. CLAIMANT DID NOT RESPOND. SLB 4/26/94

Dates:

Licensed Date: 08/01/1979

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

COLEMAN, RITCHIE & ROBERTSON

LAWYERS

P.O. BOX 525 (208) 734-1224
TWIN FALLS, IDAHO 83303-0525

FIRST FEDERAL SAVINGS BANK
383 Shoshone Street North/Box 249
Twin Falls, Idaho 83301

92-7017/3241

2703

1/3/2002

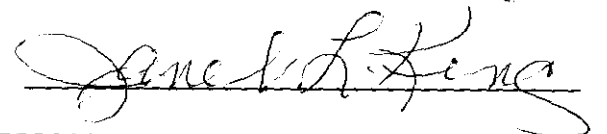
PAY TO THE ORDER OF Idaho Department of Water Resources

\$ **268.00

Two Hundred Sixty-Eight and 00/100*****

DOLLARS

Idaho Department of Water Resources



MEMO

Re: Lend Lease v. Huse

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

002703 13241701791 1 900481 9