

10/13/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 254000
FARM CREDIT BANK OF SPOKANE
2225 W BROADWAY STE A
IDAHO FALLS ID 83402
Telephone Number: (208)552-2300

RECEIVED
NOV 26 2004
DEPARTMENT OF
WATER RESOURCES

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

SEE MAP.
CURRENTLY MARKED AS FARM LAND UNDER NEW PIVOT
OLD HAND/PASTURE LAND, NOW WITH PIVOT IT IS BEING FARMED.

2. Describe the changes you wish to make in the proposed recommendation:

SEE MAP

3. Give a brief explanation as to why you disagree with these portions:

WHEN SYSTEM HAS BEEN CHANGED WITH NEW PIVOT; OLD
HAND LINES DID NOT COVER LAND, NOW PIVOT DOES AND IT
IS BEING IRRIGATED/FARMED.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/23/04

SIGNATURE: 

Please print your name: M. Kirk Moore, President, Sesto Calende, LLC.

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Correct owner is:

Sesto Calende LLC
503 Swan Valley Hwy
Pirie ID 83443

10/13/2004

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

RIGHT NUMBER: 25-4000

NAME AND ADDRESS: FARM CREDIT BANK OF SPOKANE
2225 W BROADWAY STE A
IDAHO FALLS ID 83402

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.030 CFS
207.00 AFY

PRIORITY DATE: 05/15/1953

POINT OF DIVERSION:
T03N R40E S2 SWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.030 CFS 207.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R40E S02	NWSW	5.4	T03N R40E S02	SWSW	32.0
T03N R40E S02	SESW	14.0			

51.4 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 - Beneficial Use

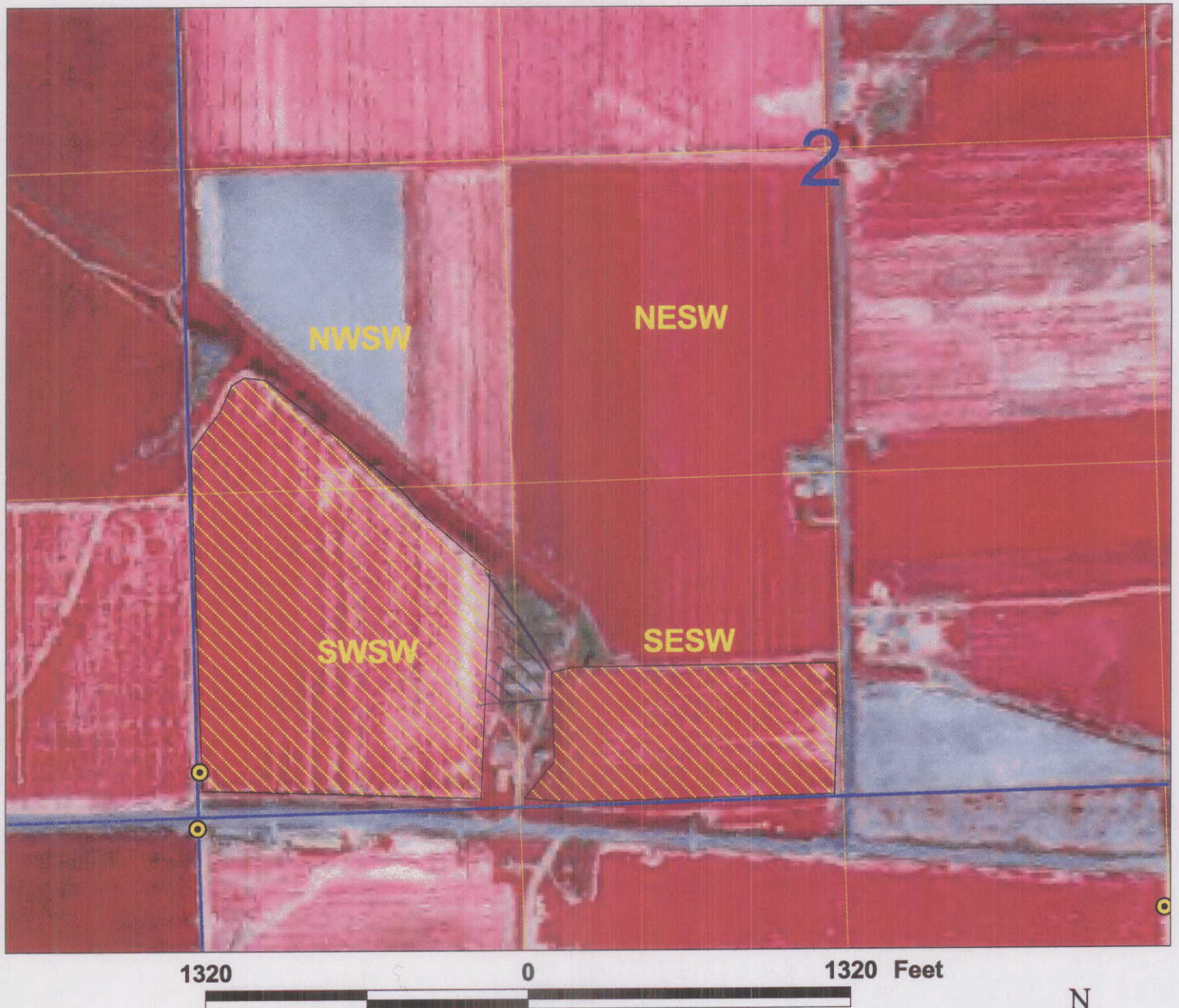


State of Idaho

Department of Water Resources

Eastern Region

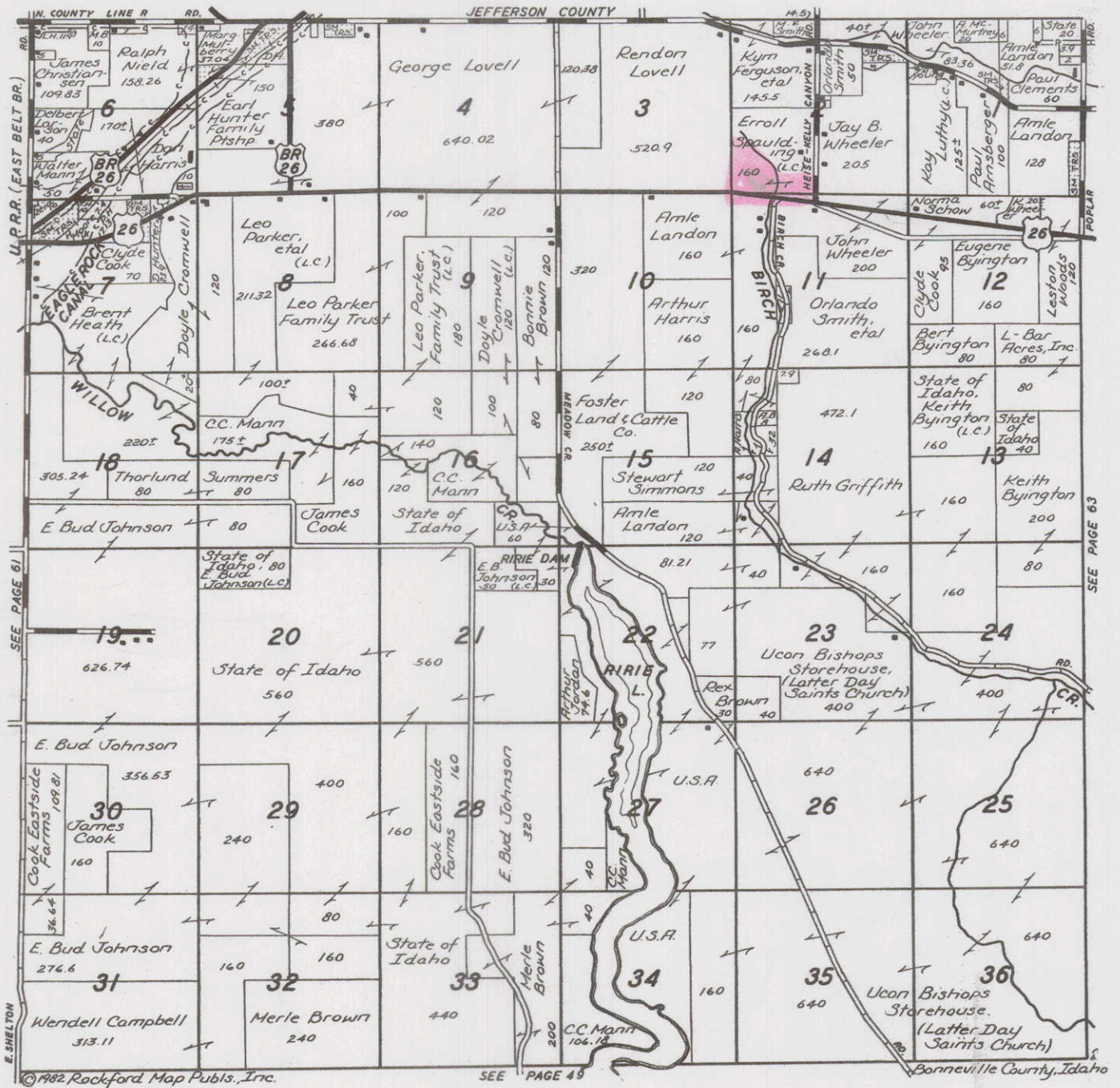
Water Right(s): 25-04000



- Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: October 2004

T.3 N.-R.40 E.



SEE PAGE 63

SEE PAGE 49

WARRANTY DEED

ALLAN M. COOK, a married man dealing with his sole and separate property; and COOK EASTSIDE FARMS, LIMITED PARTNERSHIP, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

M. KIRK MOORE and CHERI F. MOORE, husband and wife, as GRANTEE,

whose address is 10320 E. Jewel Ave., Denver Co 80231, and Grantee's successors and assigns, all of the following described real property, to-wit:

Township 3 North, Range 40 East of the Boise Meridian, Bonneville County, Idaho.

Section 2: SW1/4 lying Southwest of Birch Creek.

ALSO: All of said Southwest Quarter lying South of an existing irrigation ditch and East of Birch Creek, the South line of said irrigation ditch being described as follows:

Beginning at a point that is North 574.3 feet along the Quarter line from the South Quarter Corner of said Section 2, and running thence West 1110 feet, more or less, to Birch Creek.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

- a. That certain property conveyed to the State of Idaho for roadway purposes by that certain Warranty Deed recorded as Instrument No. 383283, records of Bonneville County, Idaho.

SUBJECT TO the 2001 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: May 1, 2001

Allan M. Cook

Allan M. Cook

COOK EASTSIDE FARMS, LIMITED PARTNERSHIP

BY: *Allan M. Cook Gen. Mgr.*

STATE OF IDAHO)

) ss

COUNTY OF Bonneville)

On May 1, 2001, before me, the undersigned, personally appeared

Allan M. Cook

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same

Notary Public for the State of Idaho

Commission Expiration Date: 1/28/2003

STATE OF IDAHO)

COUNTY OF Bonneville)

On May 1, 2001, before me, the undersigned, personally appeared

Allan M. Cook

known or identified to me to be (one of) the partners in the partnership and the (one of) partner(s) who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he/they executed the same on said partnership name.

Notary Public for the State of Idaho

Commission Expiration Date: 1/28/2003

INSTRUMENT NO. 1051405

DATE 6-29-01

INST. CODE 205

IMAGED PGS 1

RECORDED TO 3.00

CORRECT GRANTOR

STATE OF IDAHO)

COUNTY OF BONNEVILLE) ss

I hereby certify that the within

instrument was recorded.

Gordon Longmore,

County Recorder

Deputy

BLT

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

INSTRUMENT NO. 1047009

DATE 5-4-01

INST. CODE 205

IMAGED PGS 1

FEE 3.00

STATE OF IDAHO)

COUNTY OF BONNEVILLE) ss

I hereby certify that the within

instrument was recorded.

Gordon Longmore,

County Recorder

By *R. Avery* Deputy

Request of BLT

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
☒ **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s)

FARM CREDIT BANK

2225 W BROADWAY STE A, IDAHO FALLS, ID 83402

4. New Owner/Claimant(s)

S&S CO. CALLENDER, LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

503 SWAN VALLEY HWY

City, State and ZIP Code

PAID, ID 83404

New Telephone Number

208 538-5533

5. Date you acquired the property

9/01

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

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

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

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

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____