

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-4006

WATER RIGHT NUMBER: 43-4006

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONFORT FINANCE CO INC 1770 PROMONTORY CIRCLE GREELEY, CO 80634 (970)506-8000
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO 140 N GARDEN ST HARTFORD, CT 06115
Directors Report Owner	INTERSTATE FEEDERS INC 1710 S 2450 E MALTA, ID 83342 (208)645-2221

Priority Date: 04/29/1952

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.470 CFS	176.00 AF
INDUSTRIAL	03/15 to 11/15	0.420 CFS	141.00 AF
DOMESTIC	01/01 to 12/31	0.030 CFS	1.70 AF
COMMERCIAL	01/01 to 12/31	0.030 CFS	10.90 AF
IRRIGATION	03/15 to 11/15	2.050 CFS	828.00 AF
	<u>Total Diversion:</u>	3.000 CFS	1,157.60 AF

Location of Point(s) of Diversion

GROUND WATER CASSIA County	NE1/4NE1/4NE1/4	Sec. 20, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	NE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	NE1/4NE1/4SE1/4	Sec. 17, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	SE1/4SE1/4NE1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	SE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	NE1/4NE1/4SE1/4	Sec. 20, Twp 13S, Rge 27E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-4006

Place of UseSTOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

INDUSTRIAL Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

DOMESTIC Within CASSIA County

T13S R27E S16 NESW

COMMERCIAL Within CASSIA County

T13S R27E S20 NENE

IRRIGATION Within CASSIA County

T13S R27E S16	NENE	40.0	T13S R27E S16	NWNE	40.0
T13S R27E S16	SWNE	38.0	T13S R27E S16	SENE	39.0
T13S R27E S16	NENW	40.0	T13S R27E S16	NWNW	38.0
T13S R27E S16	SWNW	38.0	T13S R27E S16	SENE	39.0
T13S R27E S16	NESW	35.0	T13S R27E S16	NWSW	37.0
T13S R27E S16	SWSW	36.0	T13S R27E S16	SESW	39.0
T13S R27E S16	NESE	40.0	T13S R27E S16	NWSE	38.0
T13S R27E S16	SWSE	38.0	T13S R27E S16	SESE	39.0
T13S R27E S17	NENE	40.0	T13S R27E S17	NWNE	40.0
T13S R27E S17	SWNE	38.0	T13S R27E S17	SENE	39.0
T13S R27E S20	NESE	40.0	T13S R27E S20	NWSE	36.0
T13S R27E S20	SWSE	36.0	T13S R27E S20	SESE	40.0
T13S R27E S21	SWSW	40.0	T13S R27E S21	SESW	40.0
T13S R27E S29	NENE	40.0	T13S R27E S29	SENE	20.0

Total Acres: 1063

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C10 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-4006

Remarks:

1. Explanatory STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
2. Explanatory INDUSTRIAL USE IS FOR DUST CONTROL.
3. Explanatory COMMERCIAL USE IS FOR A FEED MILL OPERATION.
4. Place of Use - Irrigation THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-2442, 43-4006 and 43-2437.
5. Explanatory RIGHT NUMBERS 43-2442, 43-2437 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
6. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2 44 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 6/28/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 28, 2002

MONFORT FINANCE CO INC
1770 PROMONTORY CIRCLE
GREELEY CO 80634

RE: Decreed Water Rights 43-2436A, 43-2437, 43-2438A,
43-2442, 43-4006

Dear Water Right Holder:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

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.

RECEIVED
SEP 16 2002
 Department of Water Resources
 Southern Region

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 not 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
43-2437	A43-2437				
43-2442	A43-2442				
43-4006	A43-4006				
	A43-2436A				
	A43-2438A				

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 diversion 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 claims(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) Swift Beef Company (f/k/a ConAgra Beef Company)
1770 Promontory Circle, Greeley, CO 80634
4. New Owner/Claimant(s) Monfort Finance Company, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 1770 Promontory Circle
 City, State and ZIP Code Greeley, CO 80634
 New Telephone Number (970) 506-8000
5. Date you acquired the property April 5, 2002

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) amount 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 the 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) Debra L. Keith
(include title if applicable) Debra L. Keith, Vice President—Tax

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 [Signature] Date _____ Fee 125.00
Receipted by [Signature] Date _____ Receipt No. 5025226
Processed by [Signature] AJ Date 10/10/00 WR _____ Date _____

★ 93710

Delaware

PAGE 1

281102

The First State

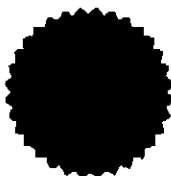
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"E.A. MILLER, INC.", A UTAH CORPORATION,

"INTERSTATE FEEDERS, INC.", A UTAH CORPORATION,

WITH AND INTO "MONTFORT, INC." UNDER THE NAME OF "MONTFORT, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-SIXTH DAY OF JULY, A.D. 1993, AT 9 O'CLOCK A.M.

281102
CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER
FEE \$600 DEPUTY *[Signature]*
02 APR 23 PM 3 08
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

0705607 8100M

AUTHENTICATION: 1731974

020251314

DATE: 04-19-02

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09.00 AM 07/26/1993
30207C204 - 708607

CERTIFICATE OF OWNERSHIP AND MERGER

OF

E.A. MILLER, INC.
(A Utah Corporation)

and

INTERSTATE FEEDERS, INC.
(A Utah Corporation)

INTO

MONFORT, INC.
(A Delaware Corporation)

I.

The names of the merging corporations are E.A. MILLER, INC., a Utah corporation, and INTERSTATE FEEDERS, INC., a Utah corporation. The name of the surviving corporation is MONFORT, INC., a Delaware corporation.

II.

MONFORT, INC., a Delaware corporation, in accordance with Section 253 of the Delaware Corporation Law, sets forth the following copy of the resolution of its Board of Directors to so merge, such resolution adopted on the 1st day of June, 1993:

WHEREAS, MONFORT, INC. owns 100% of the outstanding shares of E.A. MILLER, INC. and INTERSTATE FEEDERS, INC., hereinafter referred to as the "subsidiaries"; and

WHEREAS, it is in the best interest of MONFORT, INC. to merge the subsidiaries into itself; and

WHEREAS, it has been determined that the laws of such jurisdiction involved permit such merger;

BE IT RESOLVED, that the subsidiaries be merged into MONFORT, INC. immediately in accordance with Section 253 of the Delaware Corporation Law and other applicable state law and that the officers of the corporation do, and hereby are, authorized and directed to execute, acknowledge and file a Certificate of Ownership and Merger and such other

documents as may be necessary and proper to effect such merger in the appropriate jurisdiction.
For accounting purposes, such merger will be effective June 1, 1993.

DATED this 1st day of June, 1993.

ATTEST:

MONFORT, INC.

L.B. THOMAS, Secretary

By:

JOHN J. DILL, Vice President

SEP 16 2002

**Department of Water Resources
Southern Region**

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Jeffrey A. De Voe
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen

Anne C. Kunkel
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Kevin T. Maloney
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller

Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Brad V. Sneed
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westemeier
OF COUNSEL

September 13, 2002

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

Re: Notice of Change in Water Right Ownership
Our File No. 6538-1

To Whom It May Concern:

I am enclosing an original and one copy of Monfort Finance Company, Inc.'s completed Notice of Change in Water Right Ownership for Water Right Nos. 43-2437/A43-2437, 43-2442/A43-2442, 43-4006/A43-4006, A43-2436A, and A43-2438A, with the following supporting documents: Certificate of Amendment changing the name of Conagra Beef Company to Swift Beef Company, Special Warranty Deed, and Farm Service Agency aerial photos showing irrigated acres. Please conform the copy and return it to my office in the enclosed self-addressed, stamped envelope. Also enclosed is a check in the amount of \$125.00 to cover the filing fee associated with the Notice.

Please contact me if you have any questions about the Notice or if you need further documentation.

Sincerely,



Deborah E. Nelson

Enclosures

cc: Patrick R. McGill (w/o enclosures)

DEN:kdt S:\CLIENTS\6538\1\2002-09-13 DEN Ltr to IDWR re Notice.DOC

5000

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: A43-04006

Date Received: 5/24/1989

Receipt No: 11003772

Received By: AS

RECEIVED
MAY 31 1989

Department of Water Resources

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

1. Name: INTERSTATE FEEDERS, INC. 208-645-2221
Address: HC 72 BOX 2086
MALTA, ID 83342

2. Date of Priority: APR 29, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	27E	16	SE	SE	NE		CASSIA
			SE	NE	SW		CASSIA
		17	NE	NE	SE		CASSIA
		20	NE	NE	SE		CASSIA

5. Description of diverting works:
4 WELLS, 6 PIVOTS, MAILINES, WHEELINES & HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 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
13S	27E	16	NE	NE		IRR	40.0

A43-04006

Page 1

Date: 05/24/89

MICROFILMED

MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	16	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					640.0
		17	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					320.0
		20	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					160.0
		21	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			Section Acres					80.0
		29	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
			Section Acres					80.0

10. Place of Use: Continued

Total Acres 1280.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A43-02442, A43-02437, A43-04079

14. Remarks:

THIS RIGHT WAS COMBINED UNDER TRANSFER 1681.

|
THE IRRIG. ACRES IN THE SE 1/4 OF SECTION 17 ARE NOW A FEEDLOT,
THE WATER IS CURRENTLY BEING APPLIED TO THOSE ACRES FOR DUST
CONTROL.

15. Basis of Claim: BENEFICIAL USE

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am President of Interstate Feeders Organization, that I have signed the foregoing document in the space below as President of Interstate Feeders Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

President--Interstate Feeders
Title and Organization

May 30, 1989
Date

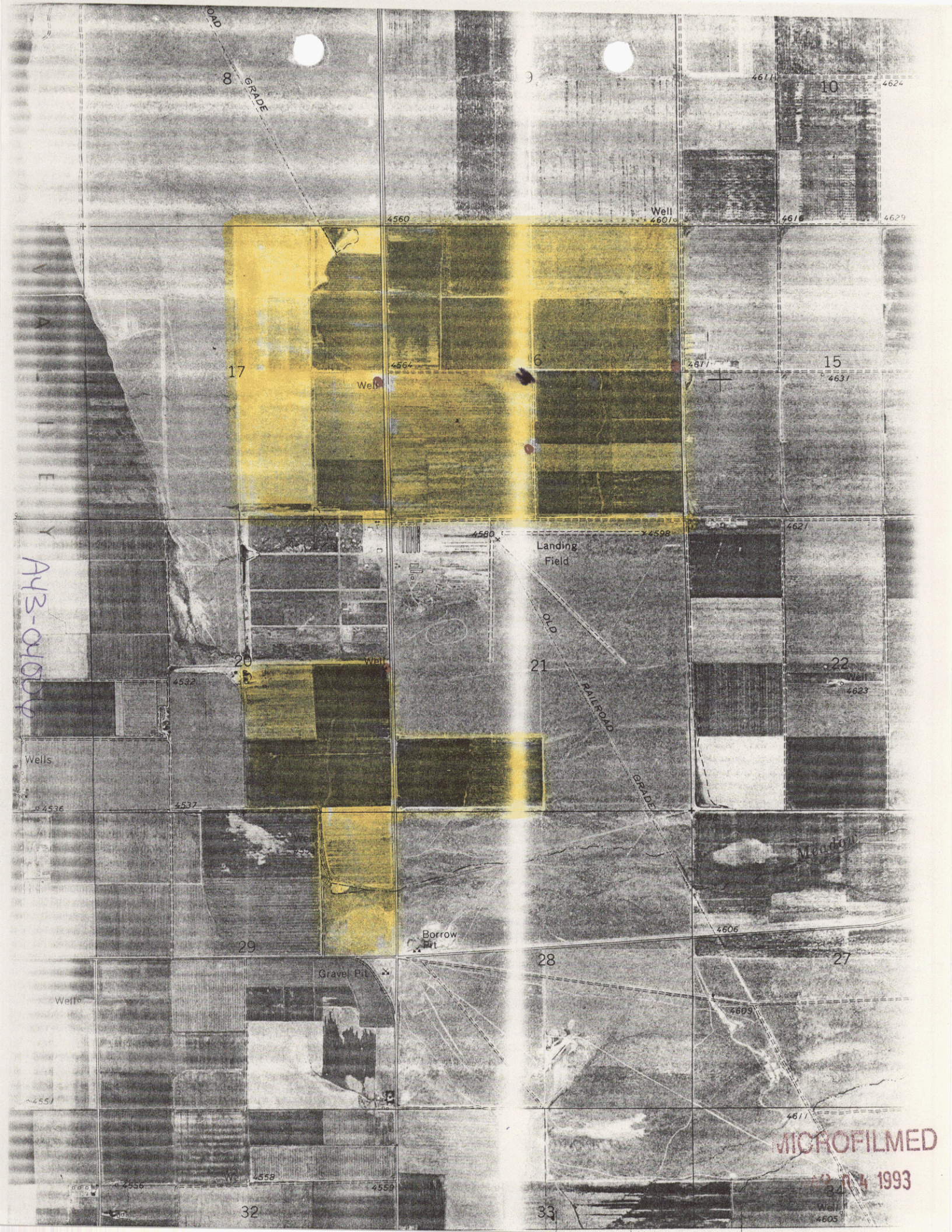
State of ~~Idaho~~ Utah)
County of Cache) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of May 19 89

[Signature]
Notary Public

Seal

Residing at Logan, Utah
My Commission Expires April 1, 1990



A43-04004

MICROFILMED

APR 4 1993

Water Right Number - 43-04006
Adj. Flag Translation: Standard Water Right Number
Old (D) Number -
Last Name -
First Name -
Address -
City -
State - CT Zip -
Phone -
1 - 140 GARDEN ST.
2 -
3 -
City - HARTFORD
State - CT Zip -
Phone -

*** O - ORIGINAL OWNER ***
PEWITT-THOMPSON INC.

Priority Date - 04/29/1952
Region - 17
Stage - S - STATUTORY CLAIM
Tributary -
Status -

SOURCE
GROUNDWATER

Tw	Rng	Sec	Tract	Lot	Rf	Div	County	Point of Diversion
13S	27E	17	NE SE	(31)	CASSIA			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	03/20	11/15		3.000	

Total Div. Rate - 3.000
Total Div. Volume -
Total Div. Capacity -

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	17	NE NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	NW NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	SW NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	SE NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	NE SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	NW SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	SW SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	SE SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	20	NE SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	20	NW SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	20	SW SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	20	SE SE		40.0	01	IRRIGATION	(31) CASSIA	

Total Acres: 480.0

MICROFILMED

MAR 4 1993

Adj. flag translation: Standard Water Right Number

22 & 43-2437.

-----Remarks-----

70 & 1681.

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

+ - - - Decree Defendant - - - +

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-- Water Rights Dates and Flags Area --

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00/00/0000	Field Exam Made -	00/00/0000	Field Exam Made -
00/00/0000	Protested Date -	00/00/0000	Swan
00/00/0000	Hearing Date -	00/00/0000	Temp
00/00/0000	Verified Date -	00/00/0000	DLE
00/00/0000	Receipt Number -		Wait
00/00/0000	Appl Received -	00/00/0000	Trans

MAR 04 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04006
INTERSTATE FEEDERS, INC.
HC 72 BOX 2086

MALTA ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

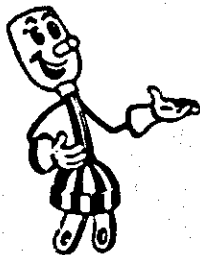
Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993



RAFT RIVER ELECTRIC COOPERATIVE, INC.

Phone 645-2406

Owned by *Thompson's* *Service*

July 23, 1966

TO WHOM IT MAY CONCERN:

Electric power, furnished by Raft River Rural Electric Cooperative, Inc., was connected on April 29, 1952 and used on Mr. Lester Thompson's pump in question. This pump is located on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; Township 14 South Range 27 East.

Very truly yours,

Lois Whitaker
Lois Whitaker
Cashier, Secretary

*1952 evidence
9/4 off?*

MICROFILMED
MAR 04 1993

6

IN THE MATTER OF:

1952 & 1955

AFFIDAVIT

evidence

State of Idaho
County of Carroll

Wayne H. Hargrave being first duly sworn,
deposes and says: In March 1955 I moved on said well located in S⁴ of S⁴ of
Section 9 Township 11 Range 27. Well was open to 24 feet, bailed and
and decreased to 475 feet. Installed 1 1/2 inch of 20 inch 1/2 inch wall
depth 300 feet 16 inch from 200 feet to 478 feet. Well was previously
developed in 1952. I also understand some work has been done on this well
since this repair.

Wayne H. Hargrave
(signature)

Subscribed and sworn to before me this 1 day of March 1955

Notary Public
(Notary Public)

Residing at Bayley Idaho
My commission expires 1955

MICROFILMED

APR 14 1955

100-100000-100

100-100000-100

100-100000-100

100-100000-100

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100-100000-100

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100-100000-100

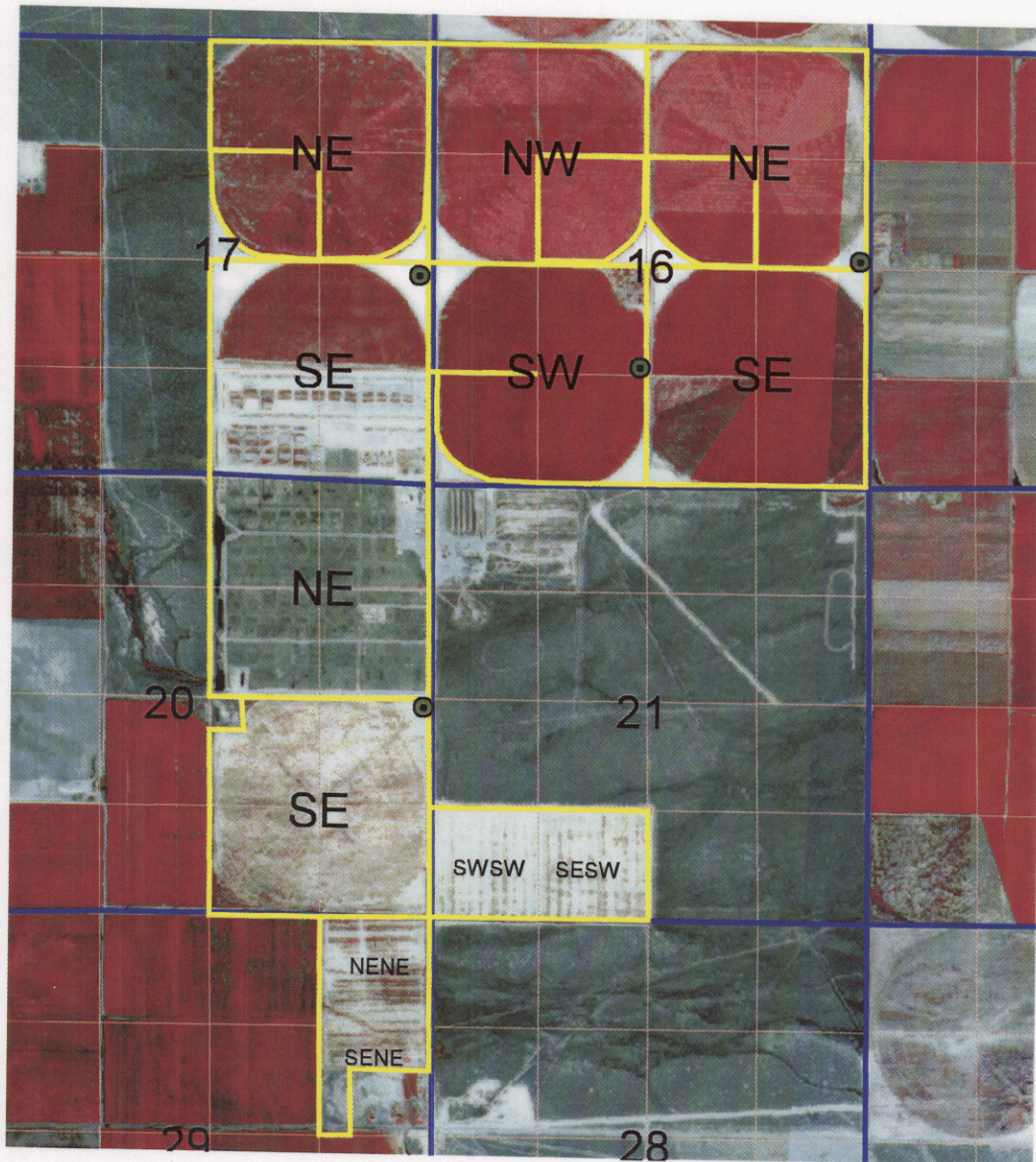


**DO
NOT
FILM**

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY PLACE OF USE

43-2437, 43-2442 & 43-4006



0.3 0 0.3 0.6 Miles

T13S, R27E Sections 16, 17, 20, 21 & 29

Map prepared by: Cbird
December 11, 2000
1987-1988 NAPP Photography

- POINT OF DIVERSION
- PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



Water Right Number - 43-04006 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + Address - - - - -

*** C - CURRENT OWNER ***
CONNECTICUT MUTUAL LIFE INSURANCE CO.

1 - 140 GARDEN ST.
2 -
3 -
City- HARTFORD
Phone - 208-000-0000

State- CT Zip-

*** O - ORIGINAL OWNER ***
PEWITT THOMPSON INC.

1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/29/1952 17 SOUTHERN S - STATUTORY CLAIM

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

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) +
TwN Rng Sec Tract Lot RFlg County

13S 27E 17 NE SE (31) CASSIA

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume +
Code Description Period From Period To 3.000
01 - IRRIGATION 03/20 11/15 3.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
3.000

| TwN | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|------|-------|--------------|------------|-------------|-------------|
| 13S | 27E | 17 | NE NE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 17 | NW NE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 17 | SW NE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 17 | SE NE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 17 | NE SE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 17 | NW SE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 17 | SW SE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 17 | SE SE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 20 | NE SE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 20 | NW SE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 20 | SW SE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |
| 13S | 27E | 20 | SE SE | 40.0 | 40.0 | 01 | IRRIGATION | (31) CASSIA | (31) CASSIA |

Total Acres: 480.0

+ - - Diversion Means -

WATER RIGHT

| | | | | | |
|-------------------|--------------|------------------|--------------|------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 00/00/0000 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | Presumption Flag | - | | |

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

09/07/2001

NAME AND ADDRESS: INTERSTATE FEEDERS INC
HC 72 BOX 2086
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.00 CFS
1,157.6 AFY

PRIORITY DATE: 04/29/1952

POINT OF DIVERSION:

T13S R27E S16 SESENE Within CASSIA County
T13S R27E S16 NENESW Within CASSIA County
T13S R27E S16 SENESW Within CASSIA County
T13S R27E S17 NENESE Within CASSIA County
T13S R27E S20 NENENE Within CASSIA County
T13S R27E S20 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER | 01/01 12/31 | 0.470 CFS |
| INDUSTRIAL | 03/15 11/15 | 176.00 AFY |
| DOMESTIC | 01/01 12/31 | 0.420 CFS |
| COMMERCIAL | 01/01 12/31 | 141.00 AFY |
| IRRIGATION | 03/15 11/15 | 0.030 CFS |
| | | 1.70 AFY |
| | | 0.030 CFS |
| | | 10.90 AFY |
| | | 2.050 CFS |
| | | 828.00 AFY |

PLACE OF USE:

STOCKWATER Within CASSIA County

| | | | |
|---------------|------|---------------|------|
| T13S R27E S17 | NESE | T13S R27E S17 | NWSE |
| T13S R27E S17 | SWSE | T13S R27E S17 | SESE |
| T13S R27E S20 | NENE | T13S R27E S20 | NWNE |
| T13S R27E S20 | SWNE | T13S R27E S20 | SENE |

INDUSTRIAL Within CASSIA County

| | | | |
|---------------|------|---------------|------|
| T13S R27E S17 | NESE | T13S R27E S17 | NWSE |
| T13S R27E S17 | SWSE | T13S R27E S17 | SESE |
| T13S R27E S20 | NENE | T13S R27E S20 | NWNE |
| T13S R27E S20 | SWNE | T13S R27E S20 | SENE |

DOMESTIC Within CASSIA County

T13S R27E S16 NESW

COMMERCIAL Within CASSIA County

T13S R27E S20 NENE

IRRIGATION Within CASSIA County

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

09/07/2001

| | | | | | |
|---------------|------|------|---------------|------|------|
| T13S R27E S16 | NENE | 40.0 | T13S R27E S16 | NWNE | 40.0 |
| T13S R27E S16 | SWNE | 38.0 | T13S R27E S16 | SENE | 39.0 |
| T13S R27E S16 | NENW | 40.0 | T13S R27E S16 | NWNW | 38.0 |
| T13S R27E S16 | SWNW | 38.0 | T13S R27E S16 | SENW | 39.0 |
| T13S R27E S16 | NESW | 35.0 | T13S R27E S16 | NWSW | 37.0 |
| T13S R27E S16 | SWSW | 36.0 | T13S R27E S16 | SESW | 39.0 |
| T13S R27E S16 | NESE | 40.0 | T13S R27E S16 | NWSE | 38.0 |
| T13S R27E S16 | SWSE | 38.0 | T13S R27E S16 | SESE | 39.0 |
| T13S R27E S17 | NENE | 40.0 | T13S R27E S17 | NWNE | 40.0 |
| T13S R27E S17 | SWNE | 38.0 | T13S R27E S17 | SENE | 39.0 |
| T13S R27E S20 | NESE | 40.0 | T13S R27E S20 | NWSE | 36.0 |
| T13S R27E S20 | SWSE | 36.0 | T13S R27E S20 | SESE | 40.0 |
| T13S R27E S21 | SWSW | 40.0 | T13S R27E S21 | SESW | 40.0 |
| T13S R27E S29 | NENE | 40.0 | T13S R27E S29 | SENE | 20.0 |

1063 ACRES TOTAL

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-2442, 43-4006 and 43-2437.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 244 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
RIGHT NUMBERS 43-2442, 43-2437 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
INDUSTRIAL USE IS FOR DUST CONTROL.
COMMERCIAL USE IS FOR A FEED MILL OPERATION.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER RIGHT NUMBER: 43-4006 V1

DRAFT

Status: Active

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER | 01/01 to 12/31 | 0.470 CFS | 176.00 AF |
| IRRIGATION | 03/15 to 11/15 | 2.050 CFS | 828.00 AF |
| DOMESTIC | 01/01 to 12/31 | 0.030 CFS | 1.70 AF |
| COMMERCIAL | 01/01 to 12/31 | 0.030 CFS | 10.90 AF |
| INDUSTRIAL | 01/01 to 12/31 | 0.42 CFS | 141.00 AF |
| | <u>Total Diversion:</u> | 3.000 CFS | 1157.60 AF |

| | | |
|-------------------------------|-----------------|---------------------------------|
| GROUND WATER
CASSIA County | SE1/4SE1/4NE1/4 | Sec. 16, Twp 13S, Rge 27E, B.M. |
| GROUND WATER
CASSIA County | NE1/4NE1/4SE1/4 | Sec. 20, Twp 13S, Rge 27E, B.M. |
| GROUND WATER
CASSIA County | NE1/4NE1/4NE1/4 | Sec. 20, Twp 13S, Rge 27E, B.M. |
| GROUND WATER
CASSIA County | NE1/4NE1/4SE1/4 | Sec. 17, Twp 13S, Rge 27E, B.M. |
| GROUND WATER
CASSIA County | SE1/4NE1/4SW1/4 | Sec. 16, Twp 13S, Rge 27E, B.M. |

STOCKWATER

[illegible]

08/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 43-4006 V1

INDUSTRIAL

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 13S 27E 17 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 13S 27E 20 | X | X | X | X | | | | | | | | | X | X | X | X | |

DOMESTIC

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 13S 27E 16 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | | | | | | | | | | | | | X | | | | |

COMMERCIAL

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 13S 27E 20 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | X | | | | | | | | | | | | | | | | |

IRRIGATION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| 13S 27E 16 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | 40.0 | 40.0 | 38.0 | 39.0 | 40.0 | 38.0 | 38.0 | 39.0 | 35.0 | 37.0 | 36.0 | 39.0 | 40.0 | 38.0 | 38.0 | 39.0 | 614.0 |
| 13S 27E 17 | 40.0 | 39.0 | 38.0 | 39.0 | | | | | | | | | | | | | 156.0 |
| 13S 27E 20 | | | | | | | | | | | | | 40.0 | 36.0 | 36.0 | 40.0 | 152.0 |
| 13S 27E 21 | | | | | | | | | 40.0 | 40.0 | | | | | | | 80.0 |
| 13S 27E 29 | 40.0 | | | 20.0 | | | | | | | | | | | | | 60.0 |

Total Acres: 1062

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-4006 V1

Remarks:

1. Explanatory RIGHT NUMBERS 43-2437, 43-2346A, 43-2438A AND 43-4006 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 432 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-2437 and 43-2442
4. Explanatory STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
5. Explanatory INDUSTRIAL USE IS FOR DUST CONTROL.
6. Explanatory COMMERCIAL USE IS FOR A FEED MILL OPERATION.
7. Quantity THE TOTAL COMBINED USE OF ALL RIGHTS FOR STOCKWATER AND COMMERCIAL USE FOR THE WELL IN T13S R27E S20 NENENE IS LIMITED TO 2.45 CFS.
8. Quantity THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED FLOW RATE OF 10.72 CFS AND 3308 AFA FOR IRRIGATION USES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS; 43-2437, 43-2442 and 43-4006
- 9.

System Analysis For:

Interstate Feeder, Inc.

November 8, 2000

The water rights listed in this claim review are located in the Raft River Critical Ground water area. This area was closed to any new appropriation July 23, 1968. Water Rights analyzed for Interstate Feeder, Inc. are listed below with a brief description of the basis of the right.

43-2437, 2442, 2436A and 2438A
43-4079, 43-4006

Licensed Rights
Statutory Claim

Diversion Volume analysis:

Water right licenses 43-2436 & 2438 identifies irrigation, stock water and feed mill water uses for each license. The 4.27-cfs irrigation portion of the rights was transferred off under T1838 in December 1974. HARRIS AG claimed the irrigation use from well #14. A 1970 field examination measured the flow in well #14 (T13S, R27E, Sec 9) at 4.27 cfs and well #19 (T13S, R27E sec 20) at 4.04 cfs, the system capacity of 8.31 cfs. The initial application for permit was filed for irrigation of 320 acres. They developed 256 acres and convert the rest to stock water and a feed mill. Because of that the licenses 43-2436 and 2438 specifically limits the volume for both licenses to 78.3 ac-ft/yr for stock water and .56 ac-ft/yr for the feed mill.

Interstate Feeder operates with 52,000 head of cows in the feedlot. The diversion rate for the licenses is adequate for the number of cows in the feedlot. The diversion volume needed for the livestock is 699 ac-ft/yr ($52,000 \text{ head} * 12 \text{ gpd/head} / 325,850 \text{ gal/ac-ft} * 365 \text{ day/yr} = 699 \text{ ac-ft/yr}$). Therefore, the volume needed is $699 - 78.3 = 620 \text{ ac-ft/yr}$. To get the volume needed we dried up 206 acres of irrigated land. ($620/3 = 206 \text{ acres}$) using the consumptive use volume calculation. The original licenses and claims had 1280 irrigated acres. So when we took 206 out of production, leaving 1074 irrigated acres in production. The interstate feeder water rights don't have an inch per acre diversion rate for the irrigation portions of the rights. The diversion rate and volume for claims 43-2437, 2442 and 4006 was proportionally divided between the right since the system is connected.

43-4006: Field examination was done Aug. 13, 1970. The discharge was measured at 1.86 cfs using the co-ordinate method. Therefore my recommended flow is 1.86 cfs. A letter is contained in the file for Raft River Electric for the 4-29-52-priority date.

WELL LOG AND REPORT TO THE Department of Reclamation STATE RECLAMATION ENGINEER OF IDAHO

JUN 10 1965

SUBMIT WITHIN 30 DAYS AFTER COMPLETION OF WELL: SEE IDAHO STATUTES 42-238

Permit No. _____ Well No. _____ County Cassia

Owner Lester Thorgren

Address Malta, Idaho

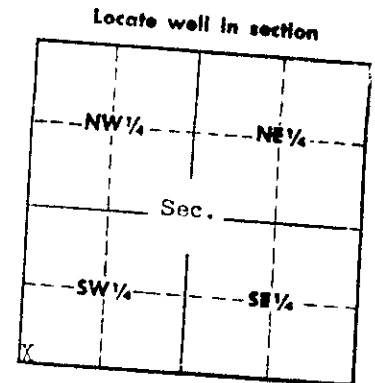
Driller Robert A. Bottom

Address Malta, Idaho

Well location SW 1/4 SW 1/4 Sec. 9, T. 14 N/S, R. 27 E/W

Size of drilled hole 24" 0' to 34' / 20" 30' to 305' / 16" 288' to 476'
10" 416' to 536'

Total depth of well 536'



Give depth to standing water from the ground 32' Water temp. _____ °Fahr.

Test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet. Pump? _____ Bail? _____

Size of pump and motor used to make test _____

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure N/A

If flowing well, described control works _____

Water will be used for Irrigation

(TYPE AND SIZE OF VALVE, ETC.)

Weight of casing per lineal foot _____

Thickness of casing 1 inch Casing material Steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 24" 0' to 34' / 20" 30' to 305' / 16" 288' to 476' / 10" 416' to 536'

(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

| Diam. Casing | From Feet | To Feet | Length | Remarks—seals, grouting, etc. |
|--------------|-----------|---------|--------|-------------------------------|
| 24" | 0' | 34' | 34' | |
| 20" | 34' | 305' | 271' | |
| 16" | 305' | 476' | 171' | |
| 10" | 416' | 536' | 120' | |

Number and size of perforations 1/2 in. 6 located 0 feet to 476 feet from ground

Date of commencement of well Jan. 4, 1965 Date of completion of well Mar 12, 1965

SNWSW 5.9145 27E

| WELL LOG | | | | |
|---|---------|---------------------|--|----------------------------------|
| From Feet | To Feet | Type of Material | Water-bearing Formation Ans. Yes or No | Casing Perforated Ans. Yes or No |
| 0 | 4 | top soil | | |
| 4 | 8 | brown clay | | Yes |
| 8 | 12 | cement rock | | " |
| 12 | 25 | black gravel | | " |
| 25 | 30 | hard pan | | " |
| 30 | 70 | sandy gravel | | " |
| 70 | 85 | red clay | Yes | " |
| 85 | 95 | sandy | | " |
| 95 | 120 | brown clay | Yes | " |
| 120 | 135 | yellow clay | | " |
| 135 | 140 | sand | | " |
| 140 | 155 | red clay | Yes | " |
| 155 | 174 | coarse gravel | | " |
| 174 | 210 | sand | Yes | " |
| 210 | 225 | yellow clay | Yes | " |
| 225 | 250 | gray clay | | " |
| 250 | 260 | gravel and boulders | | " |
| 260 | 270 | clay | Yes | " |
| If more space is required use Sheet No. 2 | | | | " |

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

Signed Edward K. Holtman

By _____

Dated June 8, 1965

License No. 264

Well Driller's Helper Lester Boyd

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A43-4006

RE: PRIORITY DATE LETTER

DATE 1-9-92

NAME OF PARTY

MIKE TELFORD

He brought in a power service hook up for a well drilled in 1974. I looked at the microfiche and found that this right was originally developed in Sec. 9 T14S R27E SWSW in 1952. It was transferred to Sec 17 T13S R27E ^(well #12) in 1968 - (this was also the time the statutory claim was filed for this right.) Another transfer was made in about 1974 or 1977 which added another well to the system (well #20.)

At one of these transfers, the claim was verified and measured by the IDWR prior to transfer approval. See the Microfiche records for field report.

I suggested Mr. Telford find some evidence of the original development of this right in 1952. If not at least try to pre-date the mandatory permit statute in 1963. He was prepared to locate the correct evidence for the 1952 date and he left with some affidavits and a copy of the original claim.

MICROFILMED

MAR 04 1993

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Identification No. _____
Transfer No. 43-2442, 43-4006, 43-2437
Shoreline location and
the processing of this
application please contact
JACK A. BARNETT
520 Idaho Bldg.
Boise Idaho 83702
344-1541

APPROVED

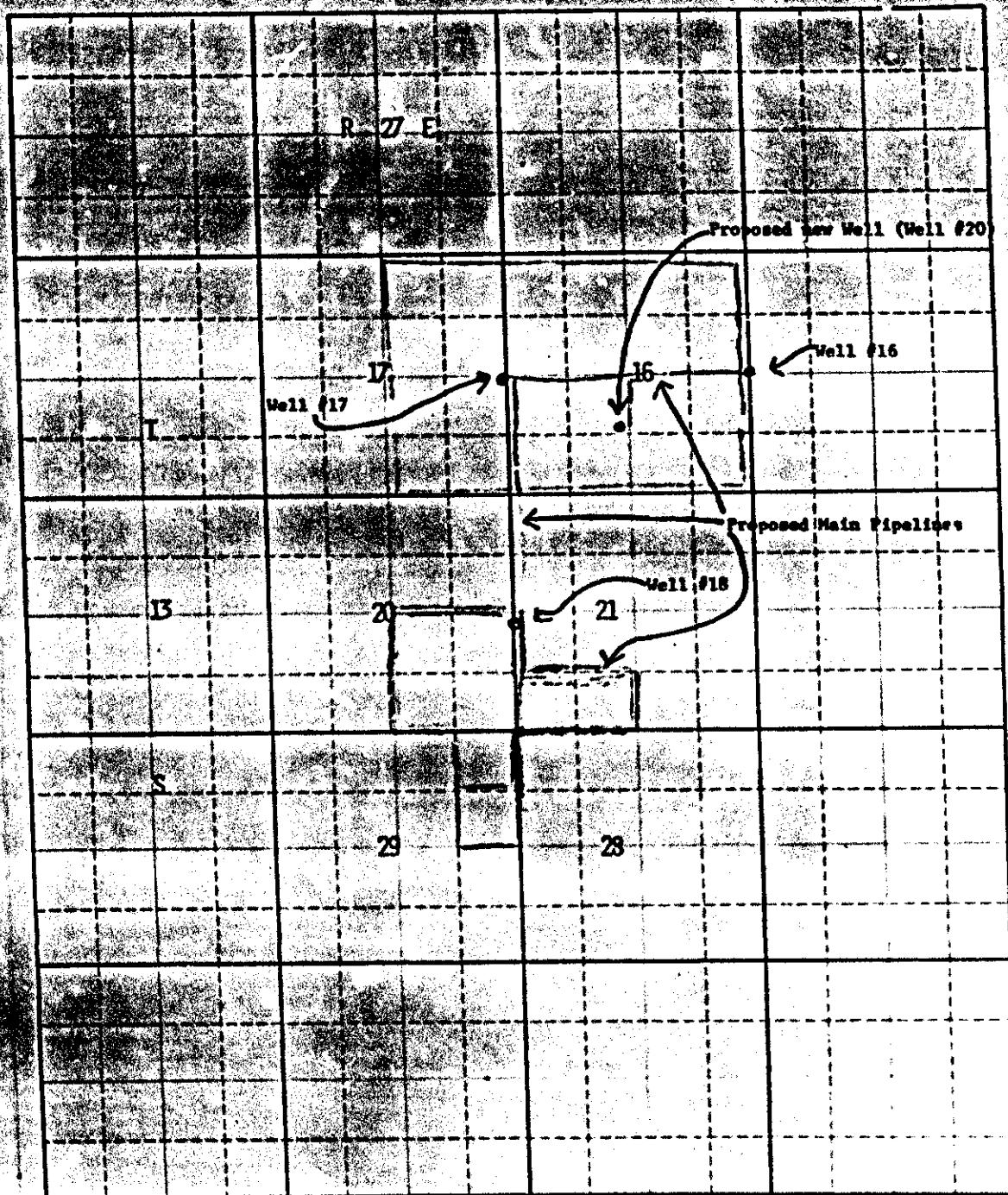
1. Name of Right Holder Viet Land Company
Pool office address Malta, Idaho
Right obtained by: Two licensed and one constitutional use right.
a. Source to W/A (Name) _____ In Case of _____
vs. _____, Dated _____ in _____
Court, County of _____ (Name of Court)
b. License No. Well #16-43-2442; Well #17-43-4006 (T-1570); and Well #18-43-2437
issued by the State of Idaho, Department of Reclamation.
3. Source of water Underground water tributary to _____
(Name of stream or source)
4. Date of Priority Well #16-3-5-36; Well #17-4-29-52; and Well #18-3-5-86
5. Amount of water a. 15.77 c.f.s. and/or Well #16-7.21 cfs; Well #17- 8;
and Well #18-5.56 cfs
b. _____ acre feet/annum
6. Water is used for _____ from _____ to _____
7. Original location of point of diversion is (Well #16) SE 1/4 NE 1/4 of Section 16
Township 13S Range 27E B.M. in Cassia County.
Additional points of diversion, if any Well #17, NE 1/4 SE 1/4 Section 17, T13S, R 27E;
Well #18, NE 1/4 SE 1/4 Section 20, T 13S, R 27E.
8. Lands presently irrigated or place of use:

| TWP. | RANGE | 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 | |
| Well #16 | | | | | | | | | | | | | | | | | | | |
| 13S | 27E | 16 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 | |
| Well #17 | | | | | | | | | | | | | | | | | | | |
| 13S | 27E | 20 | 40 | 40 | | | | | | | | | | | | | | 80 | |
| 17S | 27E | 17 | 40 | 40 | | 40 | 40 | | | | | | | | | | | 320 | |
| Well #18 | | | | | | | | | | | | | | | | | | | |
| 13S | 27E | 20 | | | | | | | | | | | | | | | | | |
| 13S | 27E | 21 | | | | | | | | | | | | | | | | | |
| 13S | 27E | 29 | 39 | | | | | | | | | | 40 | 39 | 40 | 40 | 40 | 160 | |
| | | | | | | | | | | | | | | | | | | | 79 |
| | | | | | | | | | | | | | | | | | | | 19 |

Total number of acres presently irrigated 1318

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SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

43 4006

43-4006 - Lands to be irrigated as right in presently on file. (Well #17)

43-2442 - Lands to be irrigated as right in presently on file. (Well #16)

43-2437 - Lands to be irrigated as right in presently on file. (Well #18)

Location of lands to be irrigated in the future by all three rights.

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If applicant was not the original holder of this right explain how it was acquired. All lands and rights have been acquired by purchase.

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point 15.77 c.f.s. and/or acre feet
 b. New point of diversion NE 1/4 SW 1/4 Section 16 Township 13S
Range 27E B.M. and the three existing wells described in

Paragraph 7.
 c. Description of method of diversion and conveyance from new point of diversion Deep well, vertical turbine pump and pipelines.

d. Is water to be conveyed to the lands previously irrigated? Yes x No
 If not, the place of use should be changed below. (For the most part)

e. Describe the reasons for applying for a change in the point of diversion:
This land was first developed by PEWITT-THOMPSON, INC. as a part of a much larger farm. There were many wells on the larger farm that could be diverted to part of the land that are the subject of this transfer. Several years ago VISTA LAND CO. bought most of the PEWITT-THOMPSON holdings in the immediate area, but not all of the holdings. Some ability to move (Con't on Appendix A)

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? No

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

| TWP. | RANGE | 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 | |
| 13S | 27E | 16 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 17 | 40 | 40 | 40 | 40 | | | | | | | | | 40 | 40 | 40 | 40 | 320 |
| | | 20 | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 160 |
| | | 21 | | | | | | | | | | 40 | 40 | | | | | | 80 |
| | | 29 | 40 | | 40 | | | | | | | | | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated 1280

MAY 1966

Do you intend to make any further application? Yes

Have you already made any application previously filed by this right? If not, explain your plans.

Only the NW 1/4, Section 17, which has been traded for the SW 1/4, Section 17 with the BLM and the NE 1/4, Section 20, which has been converted to a feed lot.

Describe any other water rights that you claim for the new ground upon which you wish to transfer this right. None

Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own

risk. The information contained in this application is true to the best of my knowledge.

Robert P. Smith
(signature of applicant)

Subscribed and sworn to before me this 8th day of November, 1973.

Elaine C. Tolman
(notary public)

My commission expires July 1, 1974.

Residing at Hyrum, Cache County, Utah.

ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2442, 43-4008 & 43-2437 and said application is hereby APPROVED

Approval of said application is subject to the following limitations and conditions:

Subject to the condition that this approval does not validate the water right as claimed under 43-4008. Measuring devices of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 3 day of January, 1974.

Richard H. [Signature]
Director
Idaho Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by *du* Date 11-21-73 Protest filed by: Date

Prelim. check by *du* Date 11-21-73

Fee received by *du* Date 11-21-73 Fee \$ 31.00

Approved for publication by _____

Published in South Idaho Press Dates 12-11 & 12-18-73

Hearing held _____

Watermaster Recommendation sent _____

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MAR 04 1993

RECEIVED

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder PEWITT-THOMPSON, INC.
- Post office address Malta, Idaho
2. Right obtained by claim to a water right filed with the Dept. of Reclamation
- a. Decree to _____ in Case of _____
(Name) _____
vs. _____, Dated _____ in _____
(Name of Court) _____
Court, County of _____
- b. License No. 43-416 issued by the State of Idaho, Department of Reclamation.
3. Source of water subterranean tributary to _____
(Name of stream or source)
4. Date of Priority April 27, 1952
5. Amount of water 3 cfs. and/or
150 miner's inches
6. Water is used for irrigation from March 20 to November 15th
Domestic use the year around 31 (Month, Day) (Month, Day)
7. Original location of point of diversion is SE 1/4 of Section 9
Township 14 S., Range 27, E., S.M., in Cassia Co. County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

| TWP. | RANGE | 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 | |
| 13 S. | 27 E. | 32 | | | | | | | | | | | 40 | | | 40 | 40 | | 120 |
| " | " | 33 | | | | | | | | | | | 40 | 40 | | | | | 80 |
| 14 S. | 27 E. | 3 | 40 | 40 | 40 | 40 | 40 | 40 | | | | | | | 40 | 40 | 40 | 40 | 400 |
| " | " | 8 | 40 | 40 | 35 | 30 | | | | | | | | | | | | | 145 |
| " | " | 4 | | | | | 40 | 40 | 40 | 40 | 40 | 40 | 30 | | | | | | 310 |
| " | " | 9 | | | | | 20 | 40 | 40 | 20 | 20 | 40 | 40 | 20 | | | | | 240 |

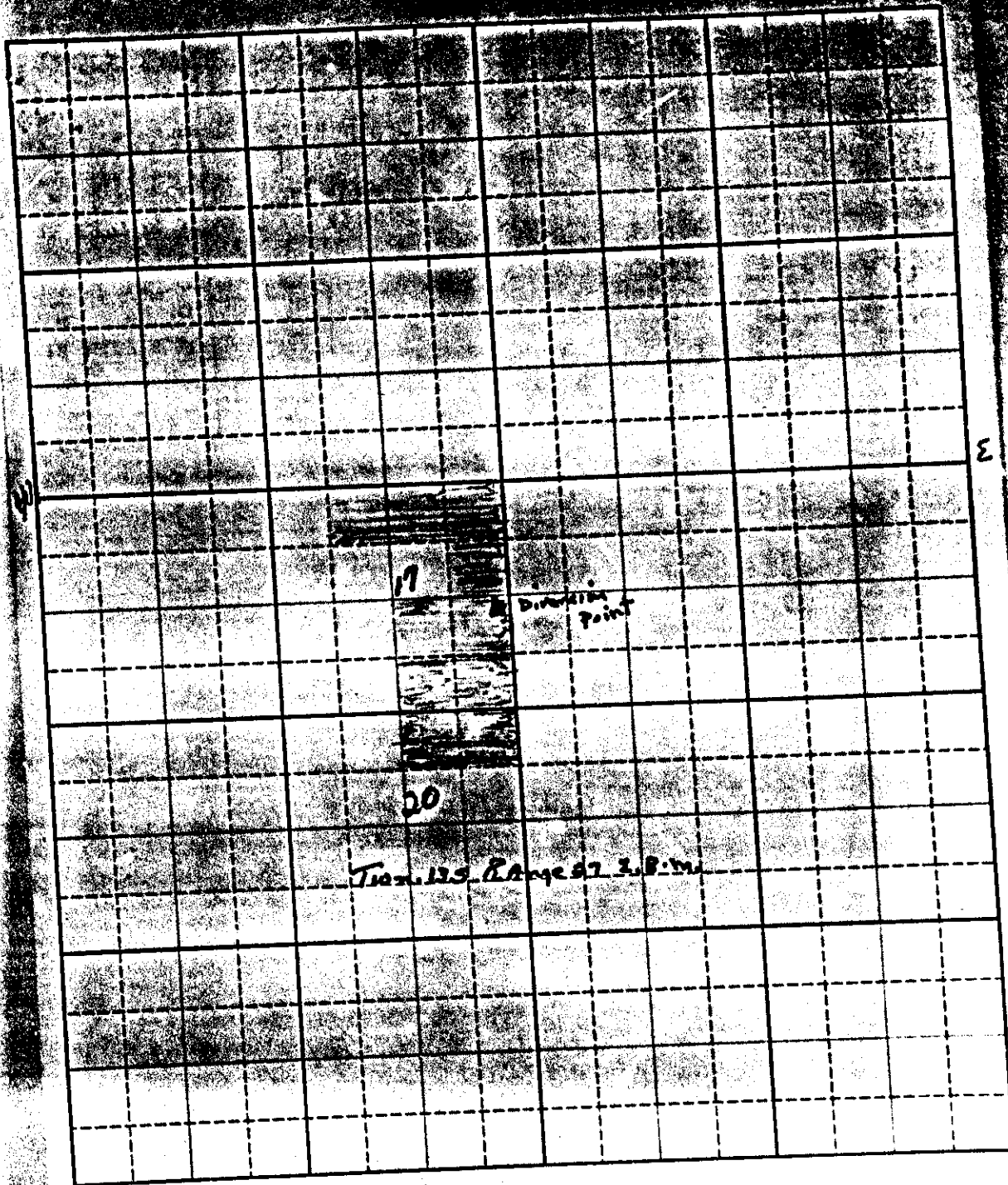
Total number of acres presently irrigated 1295

43 4006

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MAR 14 1993

43 4006



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

5

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MAR 04 1993

Applicant is original owner

g. Quantity to be diverted at new point: 1 c.f.s. and/or 150 miner's inches

5. New point of diversion: NE 1/4 SE 1/4, Section 17, Township 13 S.

_____, Range 27, E., S.M.

c. Description of method of diversion and conveyance from new points of diversion.

Deep wall, pump, and bank ditches

d. Is water to be conveyed to the lands previously irrigated? Yes _____ No x

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion.

To provide lands described below with sufficient water supply.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

Red coloring indicates areas to be irrigated.

11. CHANGE IN PLACE OF USE

5. Describe the new lands on which you wish to use your right.

See form

[illegible]

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Total number of acres to be irrigated MAR 206 1993

43 404

43-4006

Do you intend to make the transfer permanent? Yes

Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans.

No. The lands previously irrigated have an adequate supply of water from another source.

Describe any other water rights that you claim for the new ground upon which you wish to transfer this right.

none

Indicate on the above plat the new land to be irrigated and the point of diversion. See, also, 10 b.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

FEWITT-THOMPSON, INC.

By Lester Thompson
Manager (signature of applicant)

Subscribed and sworn to before me this 29th day of July, 19 68

[Signature]
(notary public) for Idaho
Residing at Burley, Idaho

My commission expires June 15, 1969

ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 43-4006

and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

Subject to the condition that this approval does not validate the water right as claimed.

2. Denial of said application is for the following reasons:

Witness my hand this 24 day of January, 19 72

[Signature]
Director
Dept. of Water Administration

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MAR 04 1993

SPECIAL

DATE OF DATA

DEPARTMENT OF RECLAMATION

POST DATA

REPORT OF EXAMINER

CANAL
FISHER NO. 4-100

WATER POWER PROJECT

ST. LOUIS DISTRICT

NAME OF PROJECT

NAME OF EXAMINER

DATE OF EXAMINATION

LOCATION OF PROJECT

DESCRIPTION OF PROJECT

Well and pump. Well is approximately 550 feet diameter & well is 24" telescoped to 10".
Type of pump is turbine pump and capacity of pump is 1350 g.p.m.

WATER POWER PROJECT

NAME OF PROJECT

DESCRIPTION OF PROJECT

NAME OF PROJECT

NAME OF PROJECT

NAME OF PROJECT

NAME OF PROJECT

NAME OF PROJECT

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DESCRIPTION OF PROJECT

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MAR 04 1993

DESCRIPTION OF PROJECT

JACK A. BARNETT

CONSULTANT

620 IDAHO BUILDING - BOISE, IDAHO

Phone 344-1841

GROUND-WATER HYDROLOGY • WATER RIGHTS • GEOLOGIC ENGINEERING

May 20, 1971

RECEIVED

MAY 22 1971

Department of Water Administration

Mr. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, ID 83707

BDF

Dear Mr. Higginson:

Following our discussion of April 18, concerning the transfer of certain water rights in the Raft River Valley, I am writing this letter to you as a formal request for response from your office as to whether or not water rights can be transferred in the case in point without the necessity of a transfer application. Let me briefly state the facts as I understand them.

A well was equipped and used as early as April 1952, and the water right was established by diversion and use. This well was located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 9, T. 14S., R. 27E. The evidence of that water right is set forth in a claim #43-4006 filed by Pewitt-Thompson, Inc. In the months of January through March of 1964, a well was drilled approximately six miles to the north in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 17, T. 13S., R. 27E. On August 5, 1968, transfer #1570 was filed by Pewitt-Thompson, Inc. to move the previous mentioned claimed right to the well site located in section 17. This application has been on file in your office since that date without action. On May 26, 1969, there were some changes to the Idaho water law that may require that from that date forward transfer applications are necessary for water rights to be transferred. On May 26, 1969, the well in section 17 was tested and the water was put to beneficial use July 2, 1969.

We feel that the water right, which was established by constitutional means of diversion and use, can also be moved or transferred by the same procedure. We feel that we have accomplished this transfer successfully in this case, and even if it is held that the May 26, 1969 change in statutes is restrictive as far as transfers, that this transfer had in effect been initiated prior to that with the drilling of a well in 1964 and the formal declaration of our intentions by the filing of a transfer application in 1968. We followed with diligence the application of water to a beneficial use, and the water has been used consistently every year since 1969. Therefore, it is our belief that the claimed water right has been successfully moved and is in force and effect at the new point of diversion and that the transfer application is not now needed.

43 4006

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May 11 4 1971

Mr. Keith Higginson

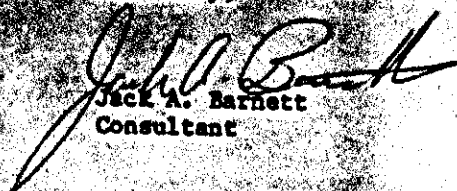
Page 2

May 20, 1971

If you, your staff, or the attorney general's office could reply indicating policies or interpretations of statutes concerning the ability of transfers to be accomplished, we would be in a position to know whether our assumptions are right, and we could proceed with the withdrawal of the transfer application.

As I indicated to you, there are several matters that need to be clarified concerning the wells of Vista Land Company. We appreciate your patience concerning these matters and would only indicate that most of the additional action is dependent upon the interpretation of the transfer statutes and the establishment of the water right for the well located in section 17.

Sincerely,



Jack A. Barnett
Consultant

JAB:cwv

cc Lamond Keller
Jay Bingham
Dallin Jensen

43 45
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MAR 14 1993

Claim No. 4006
Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-2236, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant PEWITT-THOMPSON, INC.
post office address Malta, Idaho

2. The point of diversion is in SW 1/4 of SW 1/4 Section 9 Township 14 S
Range 27 E B.M. located on subterranean
(name of source)

Priority to Cassia County.

3. Date of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based on the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: April 29, 1952 amount 3 cfs @ 150/acre-foot
amount 1 cfs @ 150/acre-foot
amount 1 cfs @ 150/acre-foot
Total claimed 3 cfs @ 150/acre-foot

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from March 20 to Nov. 15 (both dates inclusive)
use domestic period of use from year around (both dates inclusive)
use period of use from to (both dates inclusive)
use period of use from to (both dates inclusive)

c. Since structure was first built, giving dates and estimated capacities if known ditches were designed to convey water from other wells

b. Underground water diverting works: is well flowing or pumped pumped
apprx 536 feet, diameter of well is 24", telescoped to 10"
capacity of pump is 1350 g.p.m., name and address of well driller is Haymon Yarbrough, Burley, Idaho, Overlook Trailer Park

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MAR 04 1993

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R PROOF

CVR

MAPS

PHOTOS

MISC

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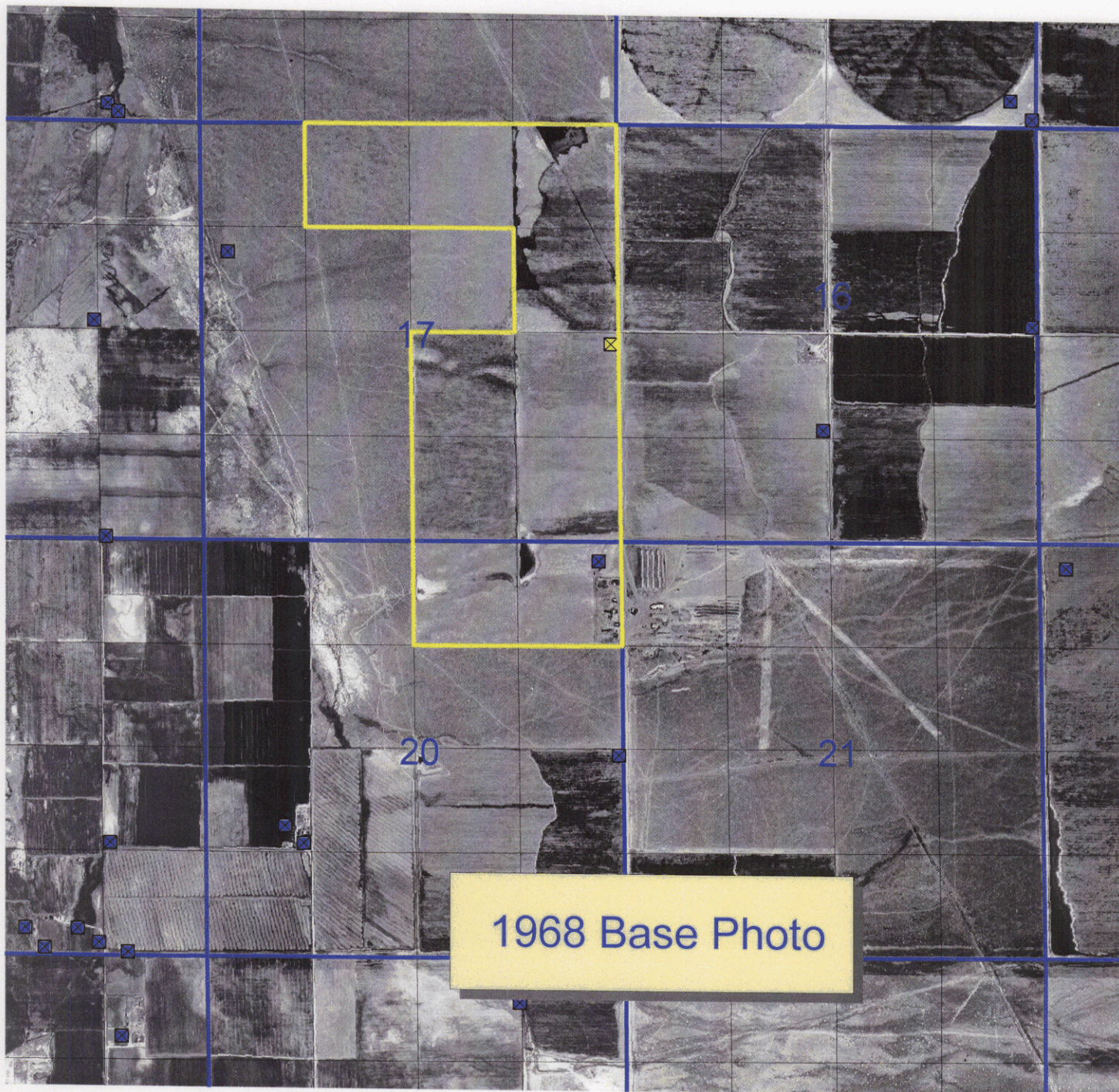
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IDAHO DEPARTMENT OF WATER RESOURCES

T#1570 (43-4006)



1320 0 1320 2640 Feet

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



GIS WATER RIGHT PRESENTATION
PHOTOGRAPHY: 1987 &/OR 1988 NAPP
DATA ENTRY: Mar., 2001
DOUGLAS JONES