

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Craig D. and Patty V. Goodwin

My address is 1624 W. 300 N.
Blackfoot, ID 83221

My phone number is: 209 Work 785-4460 Home 684-5499

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

We were not aware that the CFS water rights were not sufficient to run our irrigation system. We found information on water rights prior to when we purchased the farm.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Water Right License 35-07194, Approved Application for Permit 35-8024
IDWR Beneficial Use Application 6.40 cfs, 1999 Farm Appraisal 6.40 cfs
Warranty Deeds, FHA supplemental Report 1990 Wheel lines
~~SRBA Decree~~

SRBA Decree

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 100.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on

Tuesday, May 17, 2005
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

~~X~~MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

Craig + Patricia Goodwin being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

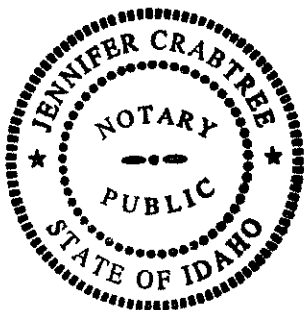
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Craig Goodwin
Signature of person filing motion

Patty V. Goodwin

Attorney signing in representative capacity

Subscribed and sworn to before me on 16th of Feb, 2005
(Insert Date)



Jennifer Crabtree
Notary Public for Idaho
Residing at: Idaho Falls
My Commission expires: 9/23/09

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Feb. 22, ~~199~~²⁰⁰⁵, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

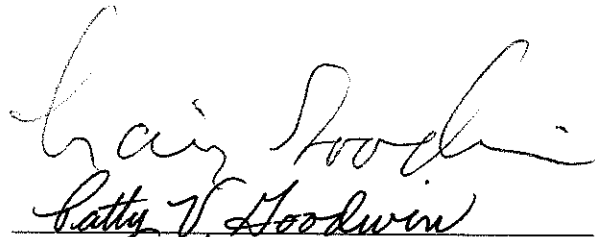
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

A handwritten signature in cursive script, appearing to read "Patty V. Goodwin", is written over a horizontal line.

Signature of person or attorney mailing the form

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 35-8024
Date Received: 2/16/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

CRAIG D GOODWIN Phone: (208) 684-5499
1624 W 300 N
BLACKFOOT ID USA 83221

PATTY V GOODWIN Phone: (208) 684-5499
1624 W 300 N
BLACKFOOT ID USA 83221

2. Date of Priority: 02/23/1982

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	33E	17	SE SE	BINGHAM	

5. Description of diverting works:

Well, Pump and sprinkler System

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.59	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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02S	33E	17	NW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	39
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	39
			NE	NE	IRRIGATION	38
			SE	SE	IRRIGATION	36
			SW	NE	IRRIGATION	40
					Section Acres	310
					Total Acres	310

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Permit

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: _____

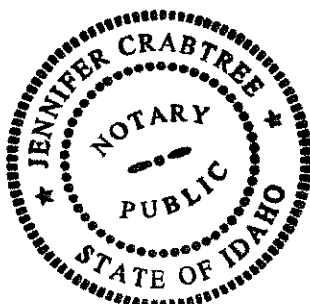
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Graig Hoodwin* Date: 2-16-05
Patty V. Hoodwin Date: 2-16-05

State of Idaho
 County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16th day of February 2005.



Jennifer Crabtree
 Notary Public

Residing at Idaho Falls
 My commission Expires 9/23/09

RECEIVED
JUL 18 1976

Identification No. _____
Permit No. 35-7194

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder: Marvin W. Vais
b) Post Office Address: Rt. 775, Box 120-A, Blackfoot, Idaho 83221
2. Permit Number: 35-7194
3. Date of Priority that you are prepared to establish: 12-17-71
4. a) Source from which water was appropriated: ground water
b) Location of the point of diversion: SE 1/4 SE 1/4, Section 17
Township 25 S Range 33E Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 6.40 for irrigation purposes from Apr. 1 to Oct. 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.40 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Snake River Equipment
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
H.A.
b) Describe the agreement or understanding by which you take water from the works:
H.A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch): 18" well, 150' deep, 150 Hp. pump, 12 hand lines
b) Describe the type and size of measuring device which you have installed at your point of diversion:
10" inline meter
c) Give well driller's name and address and the date the well was completed:
Unknown - Approximately 1965
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

from time 8-18-1971 JF

[Signature]
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR PERMIT **APPROVED**

Ident. No. _____

To appropriate the public waters of the State of Idaho

1. Name of applicant Scott M. &/or Marvin W. Vail Phone 684-4915
Post office address Rt. #5, Box 141 Blackfoot, Idaho 83221
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17 Township 2S
Range 33E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.59 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum) for _____ to _____ (both dates inclusive)
Amount _____ for _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) for _____ to _____ (both dates inclusive)
Amount _____ for _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) for _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:
a. 3.59 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (*minimum 1 year — maximum 5 years*).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the table below:

[illegible]

	Total number of acres to be irrigated	
c. Describe any other water rights used for the same purposes as described above.	320	
		License 35-7194

License 35-7194

9. a. Who owns the property at the point of diversion

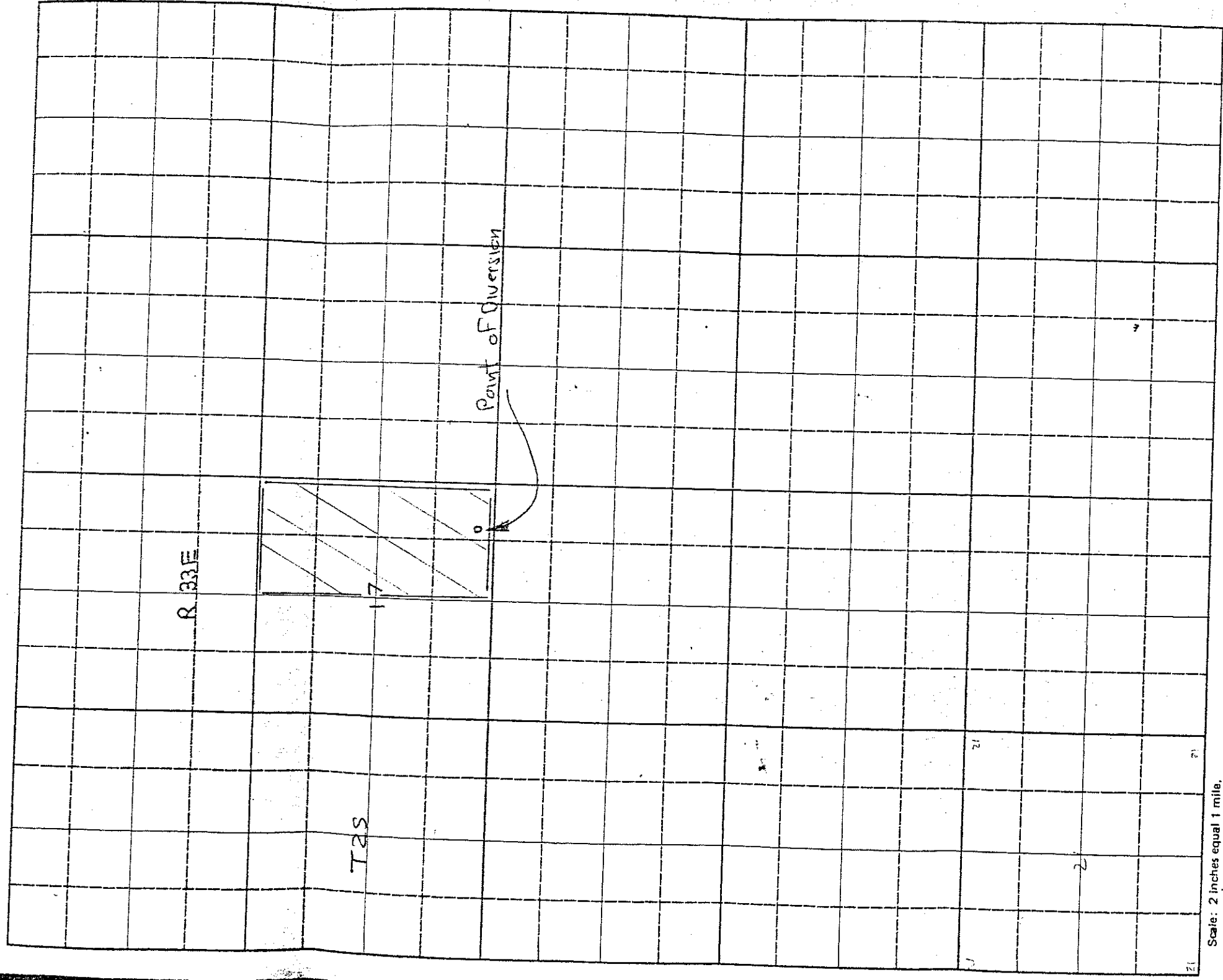
b. Who owned the property at the point of diversion _____ Scott Vail

b. Who owns the land to be irrigated or place of use _____ Scott Vail _____

applicant to make this filing

10. Remarks

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Marvin Wayne Nail
(Applicant)

Classified by HWJ

Received by HWJ Date 2-23-82 Time 4:00pm
Preliminary check by HWJ Fee \$ 125.00
Received by Cul Date 2-23-82 # 22005
Publication prepared by HWJ Date 3-3-82
Published in Blackfoot News
Publication dates 3-12 and 3-19-82
Publication approved Cul Date 3-25-82
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-8024, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 87.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 13th day of April, 19 82.

A. Glen Gayton
Chief, Operations Bureau

19920
412

256482

WARRANTY DEED

For Value Received MARVIN WAYNE VAIL and AUDREY T. VAIL, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto VAIL BROTHERS, a partnership of SCOTT M VAIL and VICKY B. VAIL, and DAVID W. VAIL and MIRIAM M.S. VAIL,

whose current address is Route #5 E Z Street, Blackfoot, Idaho,

the grantee s, the following described premises, in Bingham County Idaho, to wit:

Township 2 South, Range 33 E.B.M., Bingham County, Idaho,
Section 17: E2, EXCEPTING and RESERVING to the United
States all of the oil and gas.

Together with all water and water rights under license
number 35-7194, and water rights, ditch and ditch rights
used thereon or appurtenant thereto and all irrigation
equipment of every kind and character presently located
thereon or used in the irrigation of the above said premises.

Subject to rights-of-way, easements and reservations in
Federal Patents or State Deeds or other restrictions imposed
by law, building and use restrictions of record, building
and zoning regulations, ordinances of any governmental unit,
and taxes for the year 1979, as pro-rated between the parties
hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantee, that he the owner in fee simple of said premises; that they are free
from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

STATE OF IDAHO, COUNTY OF Bingham

On this 10th day of August, 1979,
before me, a notary public in and for said State, personally
appeared MARVIN WAYNE VAIL and
AUDREY T. VAIL.

known to me to be the person whose name is subscribed to the within instrument, and who acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public

Residing at Blackfoot, Idaho.
Comm. Expires 1981

FIRST AMERICAN TITLE COMPANY

Furnished by the AMERICAN LAND TITLE CO., Portland, Maine

WARRANTY DEED

For Value Received L. LEIGH BAIR and GLADYS H. BAIR, husband and wife,

the grantors do hereby grant, bargain, sell and convey unto VAIL BROTHER, a partnership of SCOTT N. VAIL and VICKY B. VAIL, husband and wife, and DAVID W. VAIL and MARTAN M. S. VAIL, husband and wife, whose current address is Route #5 E 2 Street, Blackfoot, Idaho

the grantee s, the following described premises, in Bingham County Idaho, to wit:

Part of Section 29, T. 2 S., R. 35 E.B.M., Bingham County, Idaho, described as:

Beginning at the S $\frac{1}{4}$ corner of said Section 29 and running thence N 0°10'42" E 1277.97 feet to a fence line at the Southerly toe of the Danskin Canal; thence along said fence the following 8 courses and distances: S 38°23'16" E 737.27 feet; thence S 65°58'37" E 228.08 feet; thence N 75°20'09" E 291.01 feet; thence N 59°26'32" E 325.57 feet; thence N 71°58'49" E 179.80 feet; thence S 89°48'45" E 238.43 feet; thence N 83°33'45" E 315.02 feet; thence S 85°49'52" E 162.18 feet; thence leaving said fence S 02°48'25" W 507.43 feet; thence S 01°23'32" E 183.55 feet; thence S 03°55'38" W 235.61 feet to a point on the South line of said Section 29; thence N 89°59'02" W 2079.67 feet along said South line to the point of beginning.

Excepting therefrom, beginning at the S $\frac{1}{4}$ corner of said Section 29 and running thence S 89°59'02" E 1621.67 feet to the true point of beginning: thence N 00°10'42" E 238 feet;

(legal description continued on Exhibit "A" attached hereto.)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: Aug 10, 1979

L. Leigh Bair

Gladys H. Bair

STATE OF IDAHO, COUNTY OF BINGHAM

On this 10 day of Aug, 1979, before me, a notary public in and for said State, personally appeared

L. LEIGH BAIR and GLADYS H. BAIR, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public

Residing at Blackfoot, Idaho.
Comm. Expires Life

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WARRANTY DEED

For Value Received VAIL BROTHERS, a partnership of SCOTT M. VAIL and VICKY B. VAIL, husband and wife, and DAVID W. VAIL and MIRIAM M.S. VAIL, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto MARVIN WAYNE VAIL, and AUDREY T. VAIL, husband and wife,

whose current address is Route #5 E 2 Street, Blackfoot, Idaho

the grantees, the following described premises, in Bingham County Idaho, to wit:

Part of Section 29, T. 2 S., R. 35 E.B.M., Bingham County, Idaho, described as:

Beginning at the S 1/4 corner of said Section 29 and running thence N 0°10'42" E 1277.97 feet to a fence line at the Southerly toe of the Danskin Canal; thence along said fence the following 8 courses and distances: S 38°23'16" E 737.27 feet; thence S 65°58'37" E 228.08 feet; thence N 75°20'09" E 291.01 feet; thence N 59°26'32" E 325.57 feet; thence N 71°58'49" E 179.80 feet; thence S 89°48'45" E 238.43 feet; thence N 83°33'45" E 315.02 feet; thence S 85°49'52" E 162.18 feet; thence leaving said fence S 02°48'25" W 507.43 feet; thence S 01°23'32" E 183.55 feet; thence S 03°55'38" W 235.61 feet to a point on the South line of said Section 29; thence N 89°59'02" W 2079.67 feet along said South line to the point of beginning.

Excepting therefrom, beginning at the S 1/4 corner of said Section 29 and running thence S 89°59'02" E 1621.67 feet to the true point of beginning: thence N 00°10'42" E 238 feet;

(legal description continued on Exhibit "A" attached hereto)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: Aug 10, 1979

Scott M. Vail David W. Vail
Vicky B. Vail Miriam M. Vail

STATE OF IDAHO, COUNTY OF BINGHAM
On this day of 1979,
before me, a notary public in and for said State, personally appeared

VAIL BROTHERS, a partnership, by SCOTT M. VAIL and VICKY B. VAIL, and DAVID W. VAIL and MIRIAM M.S. VAIL,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at Blackfoot, Idaho
Comm. Expires 1-1-80

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FIRST AMERICAN TITLE COMPANY

Furnished by the AMERICAN LAND TITLE CO., Fayetteville, Idaho

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IN TITLE COMPANY

Furnished by the AMERICAN LAND TITLE CO., Bozelle, Idaho

EXHIBIT "A"

thence S 89°59'02" E 208 feet; thence S 00°10'42" W 238 feet; thence N 89°59'02" W 208 feet to the point of beginning.

Parcel is subject to a road right-of-way along the South that is coincident with said section line.

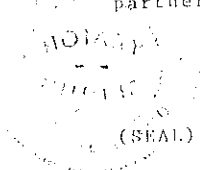
Together with all water and water rights, particularly all shares of the Danskin Canal Company water, ditch and ditch rights used thereon or appurtenant thereto.

Subject to rights-of-way, easements and reservations in Federal Patents or State Deeds or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations, ordinances of any governmental unit, and taxes for the year 1979, as pro-rated between the parties hereto.

ACKNOWLEDGEMENT

STATE OF IDAHO)
: ss.
County of Bingham)

On this 10th day of August, in the year of 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared SCOTT M. VAIL and VICKY B. VAIL, husband and wife, and DAVID W. VAIL and MIRIAM M.S. VAIL, husband and wife, known to me to be the partners in the partnership of Vail Brothers, and the partners who subscribed said partnership name to the foregoing instrument and acknowledged to me that they executed the same in said partnership name.



My J. Orr
Notary Public, residing at Blackfoot
My Commission Expires: LIFE

USDA-FHA
Form FHA 427-12 Idaho
(Rev. 1-5-62)
(COMMUNITY)

Warranty Deed (IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That H. EUGENE TALBOT

and JOYCE TALBOT

, his wife,

, State of IDAHO

of the County of BINGHAM

parties of the first part, for and in consideration of the sum of FORTY-TWO THOUSAND AND

NO/100 ----- Dollars (\$42,000.00),

in lawful money of the United States of America, and other valuable consideration, to

in hand paid by MARVIN W. VAIL

and AUDREY T. VAIL

his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second party, all of the following-described property situate, lying and being in the County of State of Idaho, to wit:

The East Half of Section 17, Township 2 South,
Range 33 E.B.M., Bingham County, Idaho.

SUBJECT TO General taxes for the year 1973, which are a lien, payable on or before December 20th of said year.

SUBJECT TO Right, title and interest of the Public in and to those portion of the above described premises falling within the bounds of roads and highways.

SUBJECT TO exceptions and reservations contained in patents from the United States.

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to, rights to ground waters produced from a well or wells located and to be located on the mortgaged premises, especially such water under (State of Idaho Permit 35-7194 with priority date of December 17, 1971, approved by the Idaho State Reclamation Engineer).

Together with all irrigation equipment of every kind and character, and additions thereto and replacements thereof, now or hereafter owned by the Borrower and used in the irrigation of the above premises, including but not limited to, pumps, pipe, casing, motors, electrical panels and accessories to each.

The East Half of Section 17, Township 2 South, Range 33
E.B.M., Bingham County, Idaho.

SUBJECT TO General taxes for the year 1973, which are a
lien, payable on or before December 20th of said year.

SUBJECT TO Right, title and interest of the Public in
and to those portions of the above described premises
falling within the bounds of roads and highways.

SUBJECT TO exceptions and reservations contained in patents
from the United States.

Together with all water and water rights, ditches and ditch
rights, used thereon or appurtenant thereto, including but not
limited to, rights to ground waters produced from a well or
wells located and to be located on the mortgaged premises,
especially such water under (State of Idaho Permit 35-7194
with priority date of December 17, 1971, approved by the
Idaho State Reclamation Engineer).

Together with all irrigation equipment of every kind and (Contd on
Schedule A)
together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, the rents, issues, and
profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or
reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers,
or carpeting purchased or financed in whole or in part with loan funds, all water, water rights, and water stock pertaining
thereto, and all payments at any time owing to Borrower by virtue of any sale, lease, transfer, conveyance, or condemnation
of any part thereof or interest therein-all of which are herein called "the property".

TO HAVE AND TO HOLD the property unto the Government and its assigns forever in fee simple.

BORROWER for himself, his heirs, executors, administrators, successors and assigns WARRANTS THE TITLE to the
property to the Government against all lawful claims and demands whatsoever except any liens, encumbrances, easements,
reservations, or conveyances specified hereinabove, and COVENANTS AND AGREES as follows:

(1) To pay promptly when due any indebtedness to the Government hereby secured and to indemnify and save harmless
the Government against any loss under its insurance of payment of the note by reason of any default by Borrower. At all
times when the note is held by an insured holder, Borrower shall continue to make payments on the note to the Government,
as collection agent for the holder.

(2) To pay to the Government such fees and other charges as may now or hereafter be required by regulations of the
Farmers Home Administration.

(3) If required by the Government, to make additional monthly payments of 1/12 of the estimated annual taxes,
assessments, insurance premiums and other charges upon the mortgaged premises.

(4) Whether or not the note is insured by the Government, the Government may at any time pay any other amounts
required herein to be paid by Borrower and not paid by him when due, as well as any costs and expenses for the preser-
vation, protection, or enforcement of this lien, as advances for the account of Borrower. All such advances shall bear
interest at the rate borne by the note which has the highest interest rate.

(5) All advances by the Government as described by this instrument, with interest, shall be immediately due and payable
by Borrower to the Government without demand at the place designated in the latest note and shall be secured hereby.
No such advance by the Government shall relieve Borrower from breach of his covenant to pay. Any payment made by
Borrower may be applied on the note or any indebtedness to the Government secured hereby, in any order the Government
determines.

(6) To use the loan evidenced by the note solely for purposes authorized by the Government.

(7) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed
against the property, including all charges and assessments in connection with water, water rights, and water stock
pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the
Government without demand receipts evidencing such payments.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 27th day of August, 1973

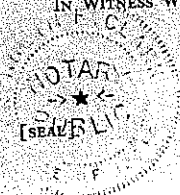
WITNESSES: *H. Eugene Talbot* [SEAL] (Husband)
H. EUGENE TALBOT
Joyce Talbot [SEAL] (Wife)
JOYCE TALBOT

ACKNOWLEDGMENT

STATE OF *Idaho* } ss:
COUNTY OF *Bingham*

On this 27th day of August, 1973, before me, a Notary Public in and for said County and State, personally appeared H. EUGENE TALBOT and JOYCE TALBOT, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.



[Signature]
Notary Public in and for the State of
Residing at Blackfoot, Idaho
My commission expires: 8-22-74

Recorded in _____
County, Idaho, on _____
_____, in Book _____
at Page _____

184161

NO. _____
BOOK _____
PAGE _____

73 AUG 28 PM 2 30

OFFICE RECORDED BY _____
FEE \$2.00 RETURNED BY _____
RECORDED AT REQUEST OF _____

AMERICAN LAND TITLE CO.

The East Half of Section 17, Township 2 South, Range 33
E.B.M., Bingham County, Idaho.

SUBJECT TO General taxes for the year 1973, which are a
lien, payable on or before December 20th of said year.

SUBJECT TO Right, title and interest of the Public in
and to those portions of the above described premises
falling within the bounds of roads and highways.

SUBJECT TO exceptions and reservations contained in patents
from the United States.

Together with all water and water rights, ditches and ditch
rights, used thereon or appurtenant thereto, including but not
limited to, rights to ground waters produced from a well or
wells located and to be located on the mortgaged premises,
especially such water under (State of Idaho Permit 35-7194
with priority date of December 17, 1971, approved by the
Idaho State Reclamation Engineer).

Together with all irrigation equipment of every kind and (Contd on
Schedule A)
together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, the rents, issues, and
profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or
reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers.

SCHEDULE A

character, and additions thereto and replacements thereof,
now or hereafter owned by the Borrower and used in the
irrigation of the above premises, including but not limited
to, pumps, pipe, casing, motors, electrical panels and
accessories to each.

1
2 - JUN 1989

APPRAISAL REPORT

ON
SCOTT VAIL FARM
E 1/2 SEC. 17 TWP. 2 SO.
RGE. 33 E.B.M.
BINGHAM COUNTY IDAHO

FOR
FARMERS HOME ADMINISTRATION
BLACKFOOT, OFFICE

BY
JOHN S. CHIDESTER, C.R.E.A.
CERTIFIED REAL ESTATE APPRAISER
710 WEST BRIDGE STREET
BLACKFOOT, IDAHO 83221

MAY 26, 1989

FmHA68-P1

TOWN & COUNTRY APPRAISAL SERVICE

TOWN & COUNTRY APPRAISAL SERVICE

710 West Bridge
P.O. Box 1041
Blackfoot, Idaho 83221
(208) 785-2474

May 26, 1989

Advalorem Appraisals
Agriculture Appraisals
Home Appraisals
Commercial Appraisals

LETTER OF TRANSMITTAL

U.S.D.A.
Farmer's Home Administration
Blackfoot, Idaho Office
C/O Bradley J. McMurtrey

Dear Brad:

Pursuant of your task order I have completed an appraisal on the Scott Vail farm described herein this appraisal.

After a careful analysis of the property using all three Approaches to Value, the value arrived at in this appraisal for this farm parcel is as follows:

E 1/2 Sec. 17 Twp. 2 S. Rge. 33 E.B.M.: \$147,000

The following item should be specifically noted concerning this appraisal:

1) Estimated cash rental with landlord paying only canl charges (if any), real estate taxes, and any major sprinkler system repair: \$12,100 annually.

May this value be of assistance to you and your decisions and endeavors on this farm.

Respectfully submitted,



John S. Chidester, Appraiser

SUBJECT FARM ANALYSIS

Land Description:

(See Cost Approach)

Improvement Description:

(See Cost Approach)

Water Rights:

(Irrigation well rights)

Well depth - 200'

Water lift - 150'

Permitt - #35-7194

Priority Date - December 17, 1971

Amount - 6.4 cubic feet per second (c.f.s.)

Adequacy - 6.4 c.f.s. X 450 gallons per minute g.p.m./c.f.s. = 2880 g.p.m. divided by 310 acres irrigated (rock outcroppings that are irrigated included) = 9.2 g.p.m. per irrigated acre, which is considered more than adequate. 6.5 g.p.m./acre is considered adequate for the neighborhood in which the Subject Farm is located.

Irrigation Water Distribution System:

(Deep Well - wheel and hand lines - entire farm).

Item	Manufacturer	& Type	Size	Length	Remain- ing Life	Cond- ition	Contributory Value
Pump	U.S	Turbine	150 Hp.	175'	15	F.	\$ 8,537
Booster Pump	-	Centrifugal	50	-	12	F.	1,878
Mainline	-	Steel	12,14,16	2240'	15	F.	7,011
Port.Mainline		Aluminum	6,8,10	3040'	12	F.	5,700
Wheellines(11) A&M			4"1/4 Mi.	14080	12	F-P	27,287
Handline (1)		Aluminum	4"	1280'	8	F	1,216
Totals							\$51,629

Wheat & Barley Bases:

- 1) Wheat base - 0 acres, 0 bushel assigned yield.
- 2) Barley base - 0 acres, 71 bushel assigned yield.

Adequacy: It is atypical for a farm to have no crop bases. This affects its marketability in comparison with other farms with established bases.

Assessors Valuation & Real Estate Taxes:

Sec.-Twp.-Rge.	Acres	Assessed Value	88 Taxes	87 Taxes	86 Taxes
17 - 2S - 33E	320	\$151,310.00	\$2,610.38	\$ -	\$ -

STATE Idaho

SUPPLEMENTAL REPORT

IRRIGATION, DRAINAGE, LEVEE, AND MINERALS

COUNTY BinghamAPPLICANT'S NAME Scott Vail Farm

VENDOR'S NAME _____

I. IRRIGATION

1. WATER RIGHTS OWNED OR TO BE ACQUIRED FOR THE FARM:

- A. NUMBER SHARES OF STOCK _____
- B. APPROPRIATED RIGHT OF _____ G P M OR _____ C F S
DATE RIGHT ESTABLISHED _____
- C. ADJUDICATED RIGHT OF _____ G P M OR _____ C F S
TITLE AND DATE OF DECREE _____
- D. USE RIGHT OF _____ G P M OR 6.4 C F S
DATE WATER WAS PUT TO BENEFICIAL USE Dec.
- E. STORED WATER RIGHTS _____ AC. IN OR _____ AC. FT.
- F. OTHER RIGHTS (EXPLAIN) Water permit #35-7194
for 6.4 c.f.s., priority Dec. 17, 1971

2. SOURCE OR SOURCES OF SUPPLY:

A. OFF-FARM SOURCES:

- (1) NAME OF IRRIGATION COMPANY OR DISTRICT _____
- (2) NAME OF STREAM _____
- (3) NAME OF RESERVOIR _____
- (4) OTHER SOURCE (SPECIFY) _____

B. ON-FARM SOURCES:

- (1) ☐ SPRING (2) ☐ PUMP WELL (3) ☐ FLOWING WELL (4) ☐ POND
- (5) OTHER (SPECIFY) _____

- C. IS THE WATER RIGHT APPURTENANT TO THE LAND? ☐ YES ☐ NO
TO HOW MANY ACRES IN FARM ARE RIGHTS APPURTENANT? 320

D. WHAT LITIGATION, IF ANY, IS PENDING WHICH MIGHT AFFECT PRESENT OWNER'S RIGHTS?

Ongoing Snake River water adjudication
- should reaffirm existing water
license

3. WATER SUPPLIES:

A. REQUIREMENTS OF THE FARM FOR THE CROPPING PROGRAM USED IN THE APPRAISAL REPORT:

- (1) ACRES NOW IRRIGATED 288.7
ADDITIONAL ACRES TO BE IRRIGATED 0
- (2) AVERAGE WATER REQUIREMENTS 2.5 ACRE-Feet
OR 30 INCHES PER ACRE
- (3) AMOUNT REQUIRED PRIOR TO JULY 1, 240.6 ACRE-Feet OR 10
INCHES PER ACRE
- (4) AMOUNT REQUIRED AFTER JULY 1, 481.2 ACRE-Feet OR 20
INCHES PER ACRE

B. WATER DELIVERED TO FARM IN NORMAL YEARS:

- (1) 240.6 ACRE-Feet OR 10 INCHES PER ACRE PRIOR TO
JULY 1
- (2) 481.2 ACRE-Feet OR 20 INCHES PER ACRE AFTER JULY 1

4. TYPE OF IRRIGATION SYSTEM:

- A. NUMBER ACRES IRRIGATED BY GRAVITY SYSTEM 0
- B. NUMBER ACRES IRRIGATED BY PUMPING: 288.7
FROM WELL 288.7
STREAM _____
OTHER _____

4. TYPE OF IRRIGATION SYSTEM-(CONTINUED)

- C. TYPE OF PUMP USED Electric turbine
CAPACITY OF PUMP 2,015 G P M OR 4.48 C F S
GALLONS PER MINUTE: LIFT 150 FEET
KIND OF POWER Electric
RATED HORSEPOWER OF ENGINE OR MOTOR 150 Hp. & 50 Hp.

5. METHODS USED TO APPLY WATER TO LAND:

- ☐ LEVEL BORDER FLOODING ☒ SPRINKLER
☐ CONTOUR BORDER FLOODING ☐ LEVEL FURROWS
☐ DEEP FURROW CORRUGATIONS ☐ GRADED FURROWS
☐ SHALLOW FURROW CORRUGATIONS ☐ SUBIRRIGATION

6. ANNUAL WATER COSTS:

- A. AMOUNT OF IRRIGATION COMPANY OR DISTRICT INDEBTEDNESS
CHARGEABLE TO THIS FARM _____ \$
PER IRRIGATED ACRE _____ \$ 33.56

- B. PRESENT INDEBTEDNESS IS SCHEDULED TO BE LIQUIDATED IN HOW MANY
YEARS? _____ WHEN IS LAST PAYMENT DUE? 19

- C. HAVE ALL DUES, ASSESSMENTS, AND COSTS BEEN PAID TO DATE?

☒ YES ☐ NO

- D. ANNUAL O & M COSTS _____ \$ 10.73 PER ACRE IRRIGATED
FOR THE FARM 3,098

E. ANNUAL PAYMENT (INTEREST

AND PRINCIPAL) REQUIRED ON

COMPANY OR DISTRICT DEBT.

- F. OTHER ANNUAL CHARGES Elec. 33.56 9,689
44.29 12,787

- G. TOTAL ANNUAL WATER COSTS. \$ 44.29 12,787

7. NUMBER OF YEARS LAND HAS BEEN IRRIGATED 19 years

8. EVIDENCE OF EROSION DUE TO IRRIGATION No

9. CONDITION OF THE "ON-FARM" DISTRIBUTION SYSTEM Fair to Poor

10. HAVE EXTENSION SERVICE, PRIVATE ENGINEER, OR SCS TECHNICIANS IN-
SPECTED IRRIGATION FACILITIES? ☐ YES ☒ NO

RECOMMENDATIONS MADE BY TECHNICIANS AND THEIR ESTIMATED COSTS:

11. REMARKS:

(ATTACH SUPPLEMENTAL SHEET TO DISCUSS SUGGESTED CHANGES TO IMPROVE THE
PLAN OF IRRIGATION, INCLUDING INFORMATION REGARDING THE NATURE OF TOPOG-
RAPHY AND LOCATION OF FARM DITCHES AS RELATED TO EXPENSE, EFFICIENCY, AND
ADEQUACY OF IRRIGATION. ALSO DISCUSS OTHER PERTINENT FACTORS SUCH AS
ASSESSMENT DELINQUENCIES, AND RECOMMEND CROPPING SYSTEMS TO MAKE MOST
EFFICIENT USE OF AVAILABLE WATER.)

THIS FARM LOCATED IN AN ORGANIZED DRAINAGE AREA? ☐ YES ☐ NO

NAME OF DRAINAGE ORGANIZATION _____

☐ PUBLIC ☐ PRIVATE ☐ MUTUAL ☐ OTHER

3 AMOUNT OF DRAINAGE INDEBTEDNESS CHARGEABLE TO THIS FARM \$ _____

4 DRAINAGE DEBT IS SCHEDULED TO BE LIQUIDATED IN HOW MANY YEARS? _____ WHEN IS LAST PAYMENT DUE? 19 _____

5 ANNUAL PAYMENT (INTEREST AND PRINCIPAL) REQUIRED ON DRAINAGE DEBT \$ _____

6 AVERAGE ANNUAL COST OF MAINTENANCE OF DRAINAGE IMPROVEMENTS BORNE BY THIS FARM \$ N/A

11. REMARKS: _____

7 HAVE ALL DUES, ASSESSMENTS, AND COSTS BEEN PAID TO DATE? ☐ YES ☐ NO

8 DATE DRAINAGE SYSTEM INSTALLED _____

9 NUMBER OF ACRES ON THIS FARM BEING DRAINED _____ IS ADDITIONAL DRAINAGE REQUIRED? ☐ YES ☐ NO

10 HAVE EXTENSION SERVICE, SCS, OR PRIVATE TECHNICIANS EXAMINED PRESENT DRAINAGE FACILITIES? ☐ YES ☐ NO

WHAT RECOMMENDATIONS WERE MADE? _____

APPROXIMATE COST \$ N/A

III. LEVEE DISTRICT

1 IS FARM IN A LEVEE DISTRICT? ☐ YES ☐ NO

NAME OF DISTRICT _____

2 TO WHAT EXTENT DOES LEVEE SYSTEM GIVE ADEQUATE PROTECTION? (EXPLAIN) _____

3 AMOUNT OF BONDED DEBT CHARGEABLE TO THIS FARM \$ _____

8 REMARKS: _____

4 ANNUAL PAYMENT (INT & PRIN) REQUIRED ON BONDED DEBT \$ _____

5 PRESENT BONDED DEBT IS SCHEDULED TO BE LIQUIDATED IN HOW MANY YEARS? _____ WHEN IS LAST PAYMENT 19 _____

6 ESTIMATED AVERAGE ANNUAL COST OF MAINTENANCE OF LEVEE IMPROVEMENTS BORNE BY THIS FARM \$ _____

7 HAVE ALL DUES, ASSESSMENTS, AND COSTS BEEN PAID TO DATE? ☐ YES ☐ NO

IV. MINERALS None

1 MINERAL RESERVATIONS IN PATENT OR DEED. (STATE WHETHER ALL MINERALS OR ONLY SPECIFIC MINERALS HAVE BEEN RESERVED)

RESERVED IN PATENT OR DEED	DESCRIPTION OF LAND AFFECTED	FRACTIONAL PART RESERVED	BY WHOM RESERVED

2. ROYALTY OR MINERAL CONVEYANCES:

DATE OF SALE	DESCRIPTION OF LAND AFFECTED	FRACTIONAL PART SOLD	NAME AND ADDRESS OF SELLER AND PURCHASER INCLUDING ZIP CODE
			SELLER ADDRESS PURCHASER ADDRESS

3 ARE THERE ANY OIL AND GAS OR OTHER MINERAL LEASES ON THIS FARM? ☐ YES ☐ NO. IF YES, SUPPLY THE FOLLOWING INFORMATION:

DATE OF LEASE	KIND AND TERM OF LEASE	HOLDER OF LEASE	DESCRIPTION OF LEASED LAND	AMOUNT OF RENTAL

4 IS THERE ANY OIL AND GAS OR OTHER MINERAL PRODUCTION ON THE LAND OFFERED? ☐ YES ☒ NO. IF YES, EXPLAIN EXTENT OF OPERATIONS _____

5 IS THERE ANY OIL, GAS, COAL, OR OTHER MINERAL PRODUCTION IN THE NEIGHBORHOOD? ☐ YES ☒ NO. IF YES, EXPLAIN _____

6 REMARKS: (INCLUDE INFORMATION REGARDING EFFECT OF PRESENT AND POSSIBLE FUTURE DEVELOPMENT OF MINERALS ON AGRICULTURAL EARNING CAPACITY OF FARM.) _____

NAME John S. Chidester

TITLE Appraiser, Town & Country Appraisals

DATE June 7, 1990

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

For Water Right 35-07194

Roger Burdick

Page 1

2012 JAN 31 PM 3: 54
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

PAGE 1
Jan-31-2002

2002 JAN 31 PM 02:00
DISTRICT COURT - SRBA
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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-07194

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-07194 was mailed
on January 31, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

C & L FARMS
DEL RAY HOLM
HOLM BROS. PARTNERSHIP, HOLM
R & M FARMS PARTNERSHIP
THEODORE L DEFFINGER

Represented by:
BLAIR J. GROVER
215 FARNSWORTH WAY
PO BOX 36
RIGBY, ID 83442-0036
Phone: 208-745-6653

CERTIFICATE OF MAILING

PAGE 1
01/31/02

ABERDEEN-AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
CRAIG D GOODWIN
PATTY V GOODWIN
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

FREMONT MADISON IRRIG. DIST.

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

ALBERT & CHRISTINE WADA
BRENT STOLWORTHY
CLYDE M WILSON
DARWIN BROWN
FRANK S & AGNES H WADA
GERALD J BUTIKOFER
JAY L & MERRI LYNN STOLWORTHY
KENT B CORNELISON
KENT SEARLE
LDS CHURCH
LINDEN J & LOIS J BUTIKOFER
MERLE & ULENE BUTIKOFER
MURDOCH-WILSON FARMS
PAUL & ALICE HEYREND
WAYNE HANSEN

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

PAGE 2
DIANA DELANEY
Chief Deputy Clerk 01/31/02