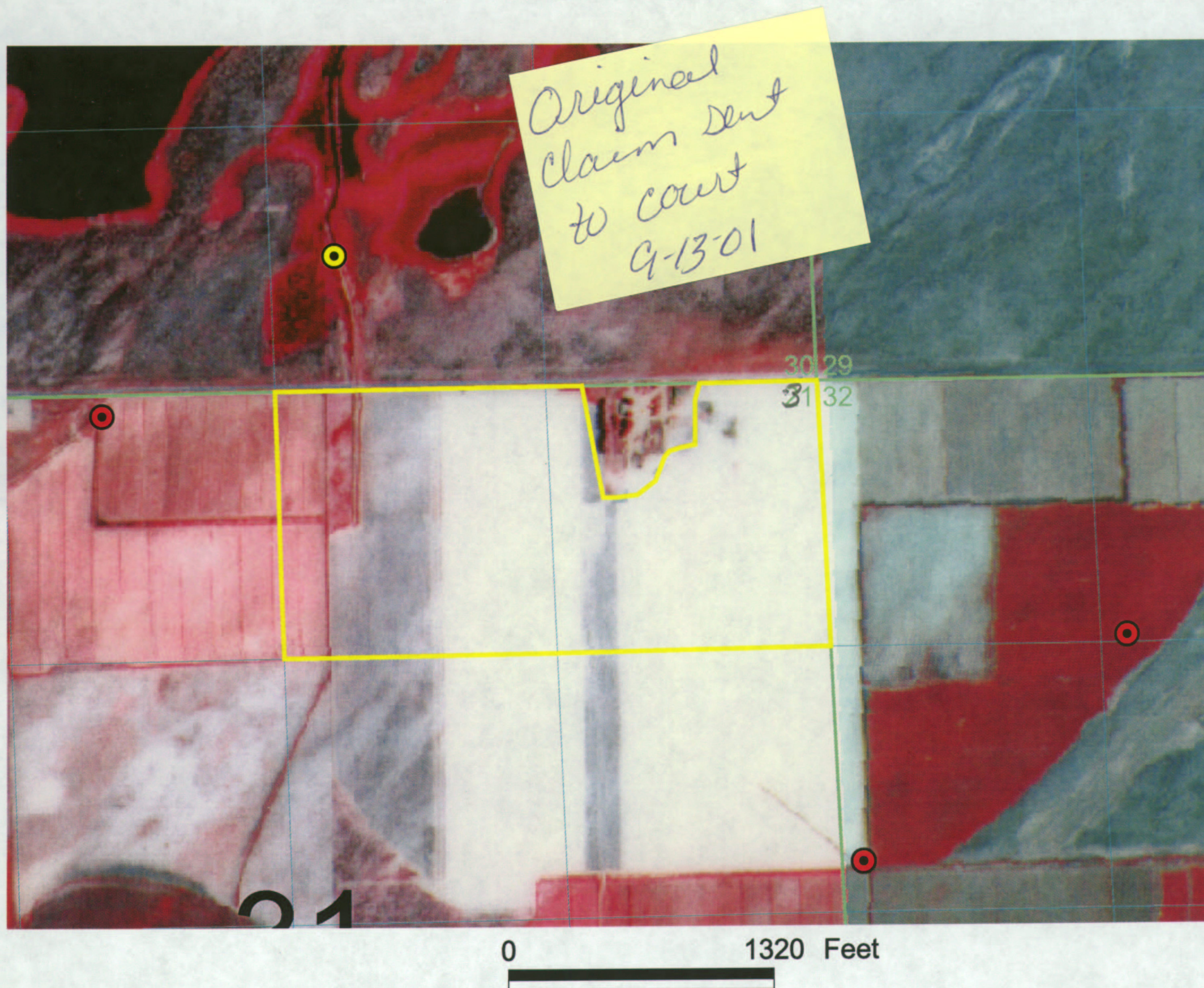


Idaho Department of Water Resources

Water Rights 31-262, 31-267

Township 7N Range 36E Section 31



- Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 31-00262

JUL 18 2002

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: PERRY L WOODARD
PO BOX 85
HAMER, ID 83425

SOURCE: RAYS LAKE TRIBUTARY: MUD LAKE

QUANTITY: 1.20 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.60 CFS. COMBINED RIGHT NOS.:
31-262, 31-267, 31-2307A, 31-2408A, 31-7095A.

PRIORITY DATE: 01/27/1914

POINT OF DIVERSION: TOWN R36E S30 NWSWSE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.20 CFS

PLACE OF USE: Irrigation Within Jefferson County
TOWN R36E S31 NENE 35.0 NWNE 41.0
76.0 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 180 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-262, 31-267, 31-2307A, 31-2408A,
31-7095A.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
GROUND WATER RIGHTS IN CONJUNCTION WITH SURFACE WATER DIVERTED
UNDER THIS RIGHT AND SHALL ONLY DIVERT SURFACE WATER UNDER THIS
RIGHT WHEN WATER FROM THE APPURTENANT GROUND WATER RIGHTS CANNOT
BE DELIVERED TO THE RIGHT HOLDER.

IF THE GROUND WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS
SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS
RIGHT TO DIVERT SURFACE WATER SHALL NOT BE USED WITHOUT AN
APPROVED TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR
APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JUL 18 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): 31-00262

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 31-00262 was mailed
on July 18, 2002, with sufficient first-class postage prepaid
to the following:

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

INDEPENDENT WATER USERS
MUD LAKE WATER USERS INC

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

PERRY L WOODARD
Represented by:
RAY W. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/18/02

RECEIVED

JUL 19 2002

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 13 2002	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

Case No. 39576

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 31-00262**
)

On May 24, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-00262 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 18, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-262

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PERRY L WOODARD PO BOX 85 HAMER, ID 83425 (208)662-5477
Original Owner	WILLIAM F WOODARD
Original Owner	WOODARD FARMS LIMITED PARTNERSHIP
Original Owner	JOHN H WALKER

Priority Date: 01/27/1914
Basis: Decreed
Status: Valid

<u>Source</u>	<u>Tributary to</u>
RAYS LAKE	MUD LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.2 CFS		

Total Diversion	1.2 CFS
-----------------	---------

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	36E	30	NW SW SE		JEFFERSON

IRRIGATION Use:
Acre Limit: 76

Place(s) of use:

Place of Use Legal Description: IRRIGATION	JEFFERSON County
--	------------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	36E	31		NENE	35		NWNE	41						

Total Acres: 76

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-262, 31-267, 31-2307A, 31-2408A, 31-7095A.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.60 CFS. COMBINED RIGHT NOS.: 31-262, 31-267, 31-2307A, 31-2408A, 31-7095A.

3. Place of Use - Irrigation

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 76 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-262, 31-267.

Comments:

Author	Date	Subject	Comment
bcontor	11/30/00	Combined use limitation	This right and 31-267 together are recommended for 1.7 cfs on 76 acres, or about 0.022/acre. See 31-11406 physical file for Hubble analysis of similar irr. system on similar soils justifying this diversion rate.
bcontor	11/30/00	Forfeiture	See letter in file re: forfeiture assertion from Mud Lake Water Users attorney Kent Foster. Claimant indicated in interview that WR was used up through 1986 or 1987; claim signed 1988. Per instructions I recommend WR as non-use
bcontor	11/30/00	Forfeiture continued	is not indicated prior to claim date.
bcontor	11/30/00	Combined use w/ GW	The POU is overlapped by splits of licenses 31-7095, 31-2307, and 31-2408. Combined acreage and diversion rate limitations apply.

Dates:

Licensed Date:
 Claim Received Date: 11/18/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 11/01/1930
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	11/30/00 12:56:22 PM	bcontor			In Process
POU	11/30/00 1:08:11 PM	bcontor			In Process
Priority Date	11/30/00 12:49:59 PM	bcontor			In Process
Quantity	11/30/00 1:12:26 PM	bcontor			In Process
Season	11/30/00 1:12:01 PM	bcontor			In Process
Source	11/30/00 1:14:27 PM	bcontor			In Process
Summary	11/30/00 1:14:22 PM		11/30/00 1:14:22 PM	bcontor	Complete
Use	11/30/00 1:09:34 PM	bcontor			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Overall Max Diversion Rate: 1.2
 Overall Max Diversion Volume:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	11/30/00 12:56:20 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file.

POD	11/30/00 12:55:06 PM	bcontor
POD	11/30/00 12:54:43 PM	bcontor
POU	11/30/00 1:08:09 PM	bcontor

Priority Date	11/30/00 12:49:57 PM	bcontor
---------------	----------------------	---------

Quantity	11/30/00 1:12:25 PM	bcontor
----------	---------------------	---------

Season	11/30/00 1:11:59 PM	bcontor
--------	---------------------	---------

Source	11/30/00 1:14:25 PM	bcontor
Summary	11/30/00 1:14:20 PM	bcontor

Use	11/30/00 1:09:33 PM	bcontor
-----	---------------------	---------

4. (YES) There is evidence that there has been a change in the Point of Diversion.
5. (YES) The change can be verified as an accomplished transfer.
- Comment for 5: GIS from USGS topo and aerial photo, drive by inspection
6. (YES) The file contains all the necessary information to verify the POD.
8. (NO) Point of Diversion remark was not required.
9. (NO) Point of Diversion condition was not required.

Edited PLS

Edited point location

1. (YES) The POU is required.
2. (NO) The basis of claim is not beneficial use.
3. (YES) The Parent Right has a POU.
4. (NO) The claimed POU can not be verified using the water right file.
5. (YES) There is evidence that there has been a change in the POU.
6. (YES) The change can be verified as an accomplished transfer.

Comment for 6: GIS

9. (YES) The file contains all the necessary information to verify the POU.
12. (YES) POU remark was required.

13. (NO) POU condition was not required.

1. (NO) There has not been a later court decree of the water right(s) from the water source.

4. (NO) The basis of claim is not beneficial use.

5. (NO) The basis of claim is not a posted notice.

6. (YES) Parent right has a priority date.

7. (NO) The basis of claim is not an application or permit.

12. (YES) The claim is recommended.

13. (YES) The claim is coded correctly.

14. (NO) Priority remark was not required.

15. (NO) Priority condition was not required.

1. (NO) The basis of claim is not beneficial use.

2. (NO) The basis of claim is not a posted notice.

3. (YES) The parent right has a diversion rate and/or diversion volume.

4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.

6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit.

7. (NO) The parent right does not have an annual diversion volume limit.

9. (YES) Quantity remark was required.

10. (NO) Quantity condition was not required.

1. (NO) The basis of claim is not beneficial use.

2. (NO) The parent right does not have a period of use.

4. (NO) There is not evidence that there has been a change to the period of use.

9. (YES) The file contains all the necessary information to verify the period of use.

11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.

13. (YES) Irrigation is the purposed use.

15. (NO) Period of Use remark was not required.

16. (NO) Period of Use condition was not required.

1. (NO) The basis is not beneficial use.

1. (NO) The basis of the claim is not beneficial use.

3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.

5. (NO) General remark was not required.

6. (NO) Explanatory remark was not required.

7. (YES) Additional condition was required.

8. (YES) Wanted to view the recommended right.

9. (NO) This is not a split right.

10. (NO) This is not a combined right.

11. (NO) Documents were not linked or attached to this file.

12. (YES) Set the verification date.

1. (NO) The basis of claim is not beneficial use.

2. (YES) The parent right has a purpose of use.

3. (YES) The claimed purpose of Use can be verified using the water right file.

11. (NO) Purpose of Use remark was not required.

12. (NO) Purpose of Use condition was not required.

AJ0749NP
No. A31-00262

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PERRY L WOODARD PO BOX 85 HAMER ID 83425 (208) 662-5477	01/27/1914	IRRIGATION	04-01 11-01	1.200 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.200 CFS 133.00 AFA

Water Source: RAYS LAKE

Tributary to: MUD LAKE

Stage: DECREED

Point(s) of Diversion:

T07N R36E S30

SWSWSE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	36E	31	:	38		38														:	76.0
																				TOTAL ACRES	76.0

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: 31-02461, 02307, 0408, 07095

Remarks: GEN SUPERSEDES 31-2139.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 31

Field Inspection Flag:
Presumption Flag: D

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: A31-00262
Date Received: 11/18/1988
Receipt No: E004183
Received By: Kcw

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WOODARD FARMS, LIMITED PARTNERSHIP 208-662-5477
Address: HC 69 BOX 2150
HAMER ID 83425

2. Date of Priority: JAN 27, 1914

3. Source: RAYS LAKE Trib. to: MUD LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	30	SW	SW	SE		JEFFERSON

5. Description of diverting works:
10HP PUMP IN RAYS LAKE TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 133.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	31	NE	NE		IRR	38.0
			NW	NE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	76.0
					Total Acres	76.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
31-02461, 02307, 0408, 07095

14. Remarks:
SUPERSEDES 31-2139.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 11/ 1/1930

ERNEST SAUVE
Decree Plaintiff

W. H. ABBOTT
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Mgm of
Woodard Farm, that I have signed the foregoing
Organization
document in the space below as Mgm of
Title
Woodard Farm and that the statements contained in the
Organization
foregoing document are true and correct.

Berry Woodard
Signature of Authorized Agent
Mgm Woodard Farm
Title and Organization
4-4-94
Date

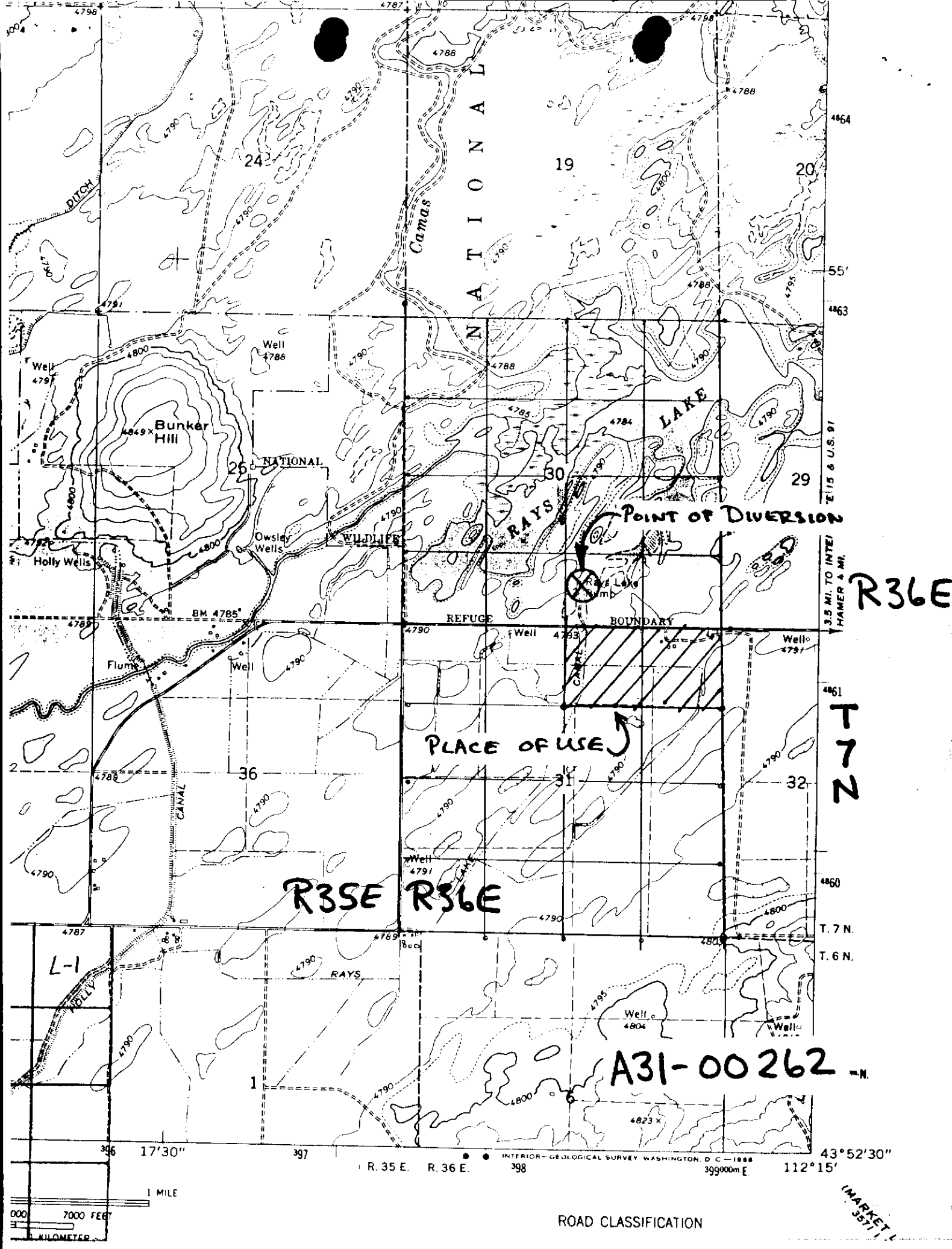
State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 19 94

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT LEANS FALLS, IDAHO
My Commission Expires EXPIRES: 6-30-94



R36E

T7N

R35E R36E

A31-00262

ROAD CLASSIFICATION

(MARKET 5571)

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: A31-00262
Date Received: 11/18/1988
Receipt No: 6004183
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WOODARD FARMS, LIMITED PARTNERSHIP 208-662-5477
Address: HC 69 BOX 2150
HAMER, ID 83425

2. Date of Priority: JAN 27, 1914

3. Source: RAYS LAKE Trib. to: MUD LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	30	SW	SW	SE		JEFFERSON

5. Description of diverting works:
10HP PUMP IN RAYS LAKE TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 133.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	31	NW	NE		IRR	38.0
			NE	NW		IRR	38.0
Section Acres							76.0

11/14/90

A3100262



10. Place of Use: Continued

Total Acres 76.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
31-02461, 02307, 0408, 07095

14. Remarks:
SUPERSEDES 31-2139.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 11/01/1930

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT

Decree Defendant

16. Signature(s)

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

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Manager of Standard Farms, that I have signed the foregoing document in the space below as Manager of Standard Farms and that the statements contained in the foregoing document are true and correct.

Perry S. Hoodard
Signature of Authorized Agent

Manager, Standard Farms
Title and Organization

Nov 18 - 88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of November 19 88

[Signature]
Notary Public

Seal

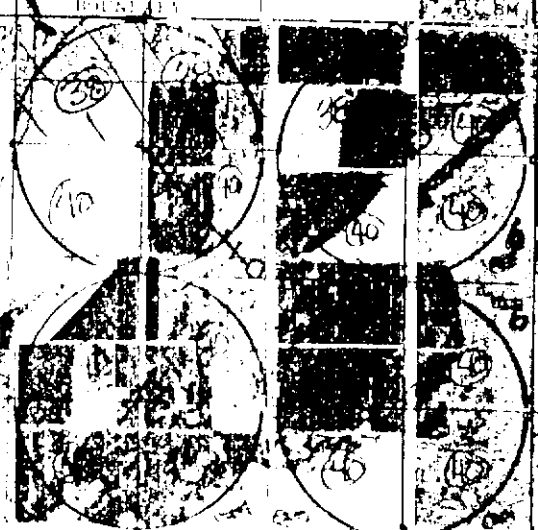
Residing at Idaho Falls, ID
My Commission Expires 2nd Aug 1994



POD

T
6N
R35E

A31-02461,00262
R36E

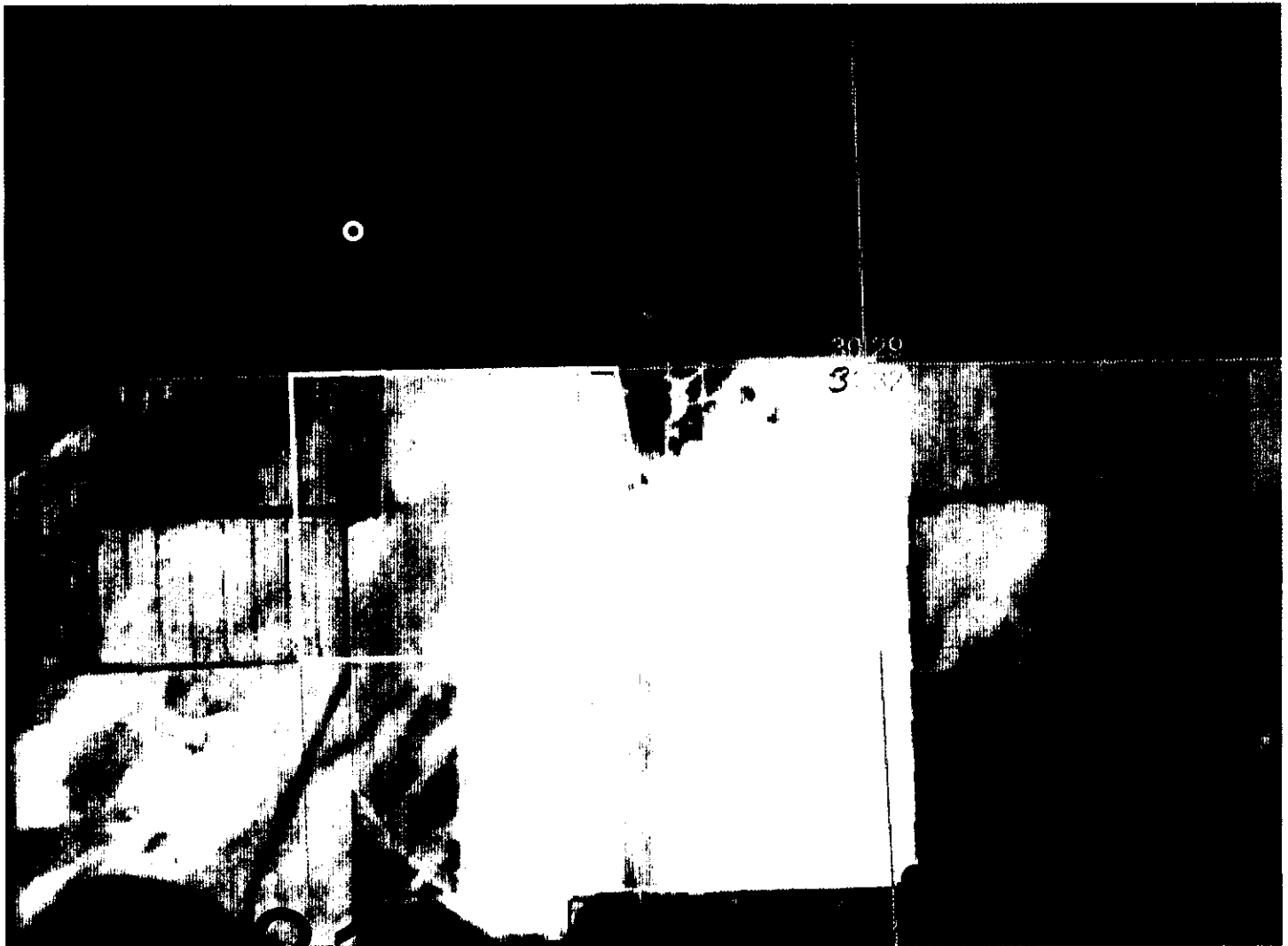


Idaho Department of Water Resources

Water Rights 31-262, 31-267

Township 7N Range 36E Section 31

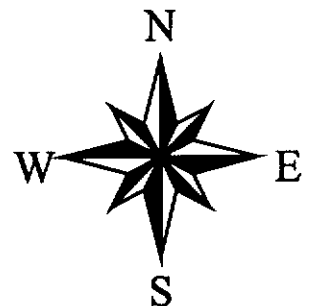
*Original
claim sent
to court
9-13-01*



0 1320 Feet



- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines

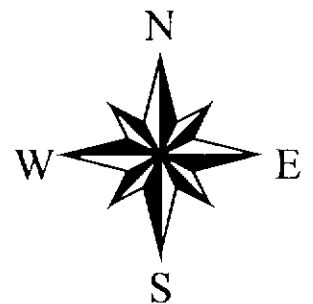
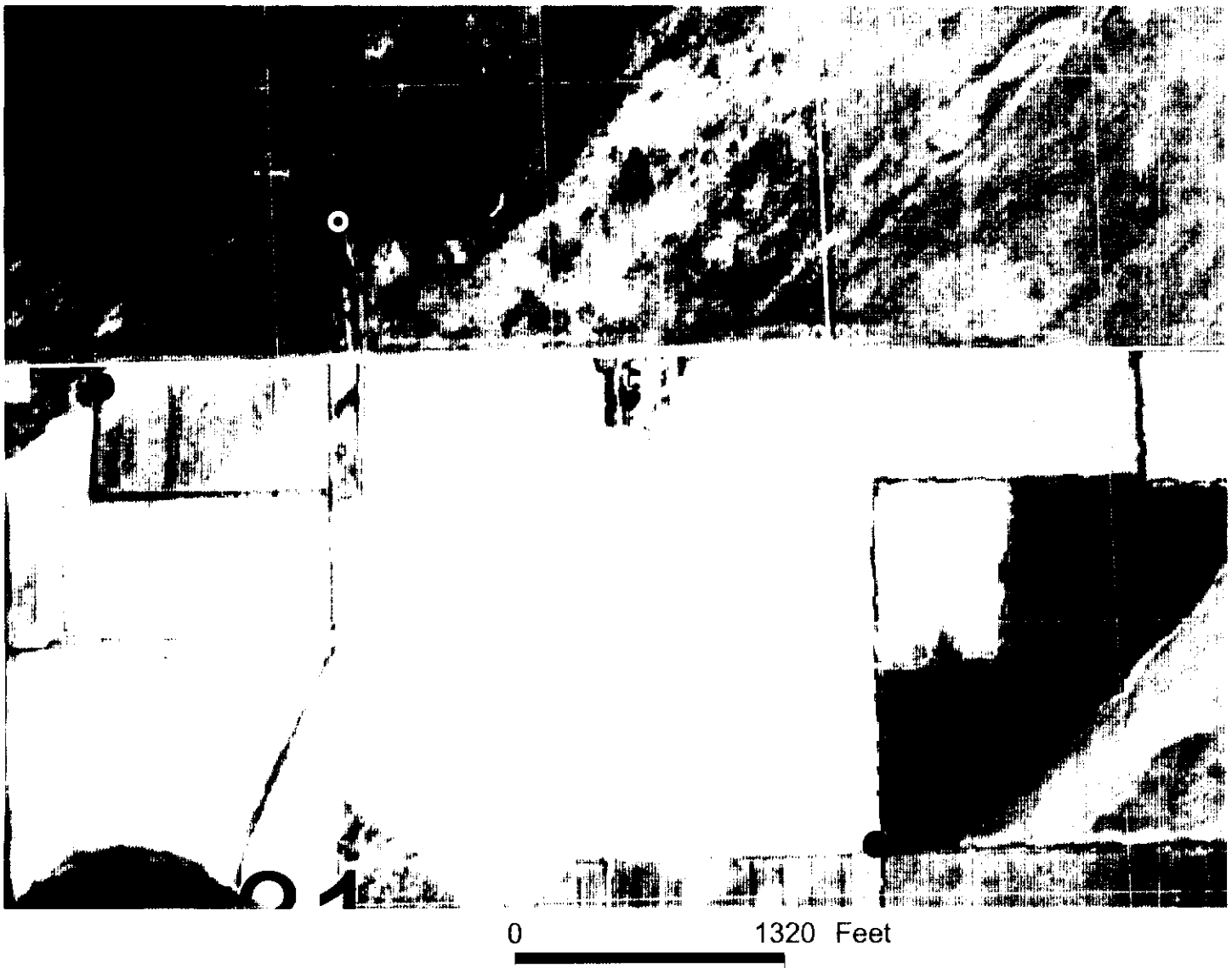


GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

Idaho Department of Water Resources

Water Rights 31-262, 31-267

Township 7N Range 36E Section 31



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

RECEIVED

SEP 10 2001

Department of Water Resources

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

A: Subcase 31-262

(insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Independent Water Users

Address: C/O Andy Dobson

1595 N 1500 Hamer Idaho 83425

Daytime Phone: (208) 663-4359

Name & Address of Attorney, if any:

Kent Foster

PO. Box 50130

Idaho Falls ID 83405-1030

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Perry L Woodard

Address: PO. Box 85

Hamer ID 83425

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☐ Quantity

Should be: _____

4. ☐ Priority Date

Should be: _____

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☐ Place of Use

Should be: _____

11. I object because:

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): SEE ATTACHMENTS

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on _____, 2001__, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Perry L Woodard

Address: PO. Box 85

Hamer ID 83425

3. 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



Signature of Objector or attorney
mailing on Objector's behalf

F:

VERIFICATION (Must be Completed)

State of Idaho)
County of Jefferson)ss.

Andy Dobson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Andy A.
(Signature of person filing objection)

(Attorney signing in representative capacity)

3. Copies to:

Subscribed and sworn to before me on:

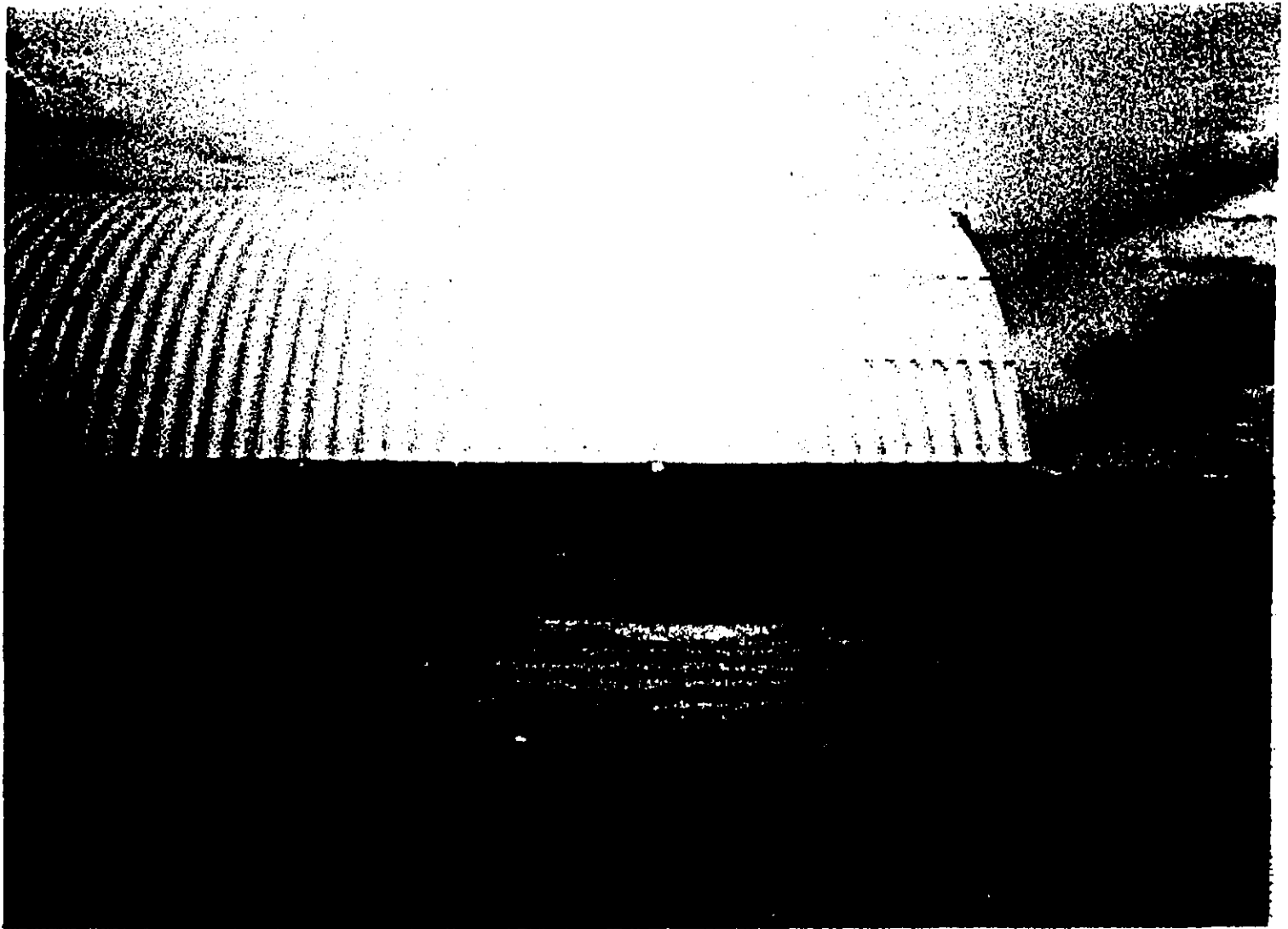
9-5-2001

Shawna Bore
Notary Public for Ike's Amoco
Residing at: Terreton Idaho
My Commission Expires: 5-21-02

- A. The above water right has not been used since the irrigation season of 1987. No water has been diverted or applied to any beneficial use pursuant to any such rights for a period of 14 irrigation seasons, 1988 through 2001.
- B. Under the provisions of Idaho Code 42-222(2) and the cases construing said statutory language, all right to the diversion and use of water pursuant to the above Listed water rights have been lost and forfeited by the failure for the term of more than (5) years to apply water under such fights to the beneficial uses for which they were appropriated.

Wherefore, petitioners that upon examination into this matter as required by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls. Issue a decision formally declaring that each and all of said water rights have been lost and forfeited.

- C. Land that this water right is tied to is currently being irrigated by well water.
- D. We the petitioner have already filled a forfeiture with the IDWR concerning this matter and no action was taken by the department. (See attachment)



Picture taken standing on the old Hamer highway looking South. The existing ditch is covered up with a cellar.



Standing the same location as the previous picture, looking North at the existing ditch coming from the pump at Ray's Lake. You can see the ditch has not been used for an extended period of time.

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE)
FORFEITURE OF WATER RIGHTS) PETITION FOR DECLARATORY
NOS. 31-00203, 31-00204, 31-00205,) RULING
31-00262 and 31-00267 IN THE)
NAMES OF PERRY WOODARD)
and SID ASHCRAFT.)
_____)

Petitioners, Owsley Canal Company, Holley Water Users, Inc., Jackett Canal Company, and Independent Water Users of Mud Lake, Inc., allege and petition the Director of Idaho Department of Water Resources as follows:

I.

Each of the petitioners is a corporation duly organized and existing under and by virtue of the laws of the State of Idaho, for the purpose of holding water rights and owning and operating a diversion and delivery system for diverting water pursuant to such water rights from the public source of supply and delivering the same for use upon the lands of their respective stockholders for the proper irrigation of the same. The service areas of said petitioners are in Jefferson and Clark Counties of the State of Idaho, and each is dependant for its water supply upon the ground and surface waters of Mud Lake, Camas Creek and the tributaries thereto and the aquifers underlying the surrounding areas.

II.

Certain decreed water rights, identified in the records of Idaho Department of Water Resources as rights nos. 31-00203, 31-00204, 31-00205, 31-00262 and 31-00267, apparently

held by Perry B. Woodard or Woodard Farms Limited Partnership and Sidney Ashcraft, have not been used since the irrigation season of 1987. No water has been diverted or applied to any beneficial use pursuant to any of such rights for a period of eight irrigation seasons, 1988 through 1995.

III.

Under the provisions of Idaho Code §42-222(2) and the cases construing said statutory language, all rights to the diversion and use of water pursuant to the above listed water rights have been lost and forfeited by the failure for the term of more than five (5) years to apply water under such rights to the beneficial uses for which they were appropriated.

WHEREFORE, petitioners pray that upon examination into this matter as required by law, the Director of Idaho Department of Water Resources issue a decision formally declaring that each and all of said water rights have been lost and forfeited, and directing the Watermaster of Water District 31 not to deliver water pursuant to any of said rights in the future.

DATED this 26th day of April, 1996.



Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
Attorney for Petitioners

G:\WPDATA\KWF\004\OWLYM26.PET:qjw

RECEIVED

SEP - 6 2001

Department of Water Resources

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

A: Subcase 31-262

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Mud Lake Water Users, Inc. (Formerly Owsley Canal)

Address: PO Box 68

Terridon ID 83450

Daytime Phone: 663-4359

Name & Address of Attorney, if any:

Kent Foster

PO Box 90130

Idaho Falls ID 83405-0130

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Perry L Woodward

Address: PO Box 85

Hamer ID 83425

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

11. I object because:

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Please see Attachments

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on September 4, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Perry L Woodward
Address: PO Box 85
Hammer ID 83425

3. 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

Gerald Musser
Signature of Objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Jefferson)

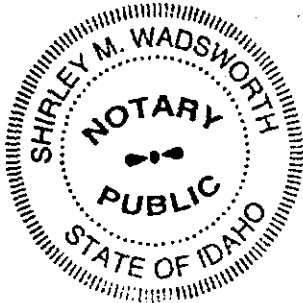
Gerald Messerli, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gerald Messerli
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Aug. 30, 2001

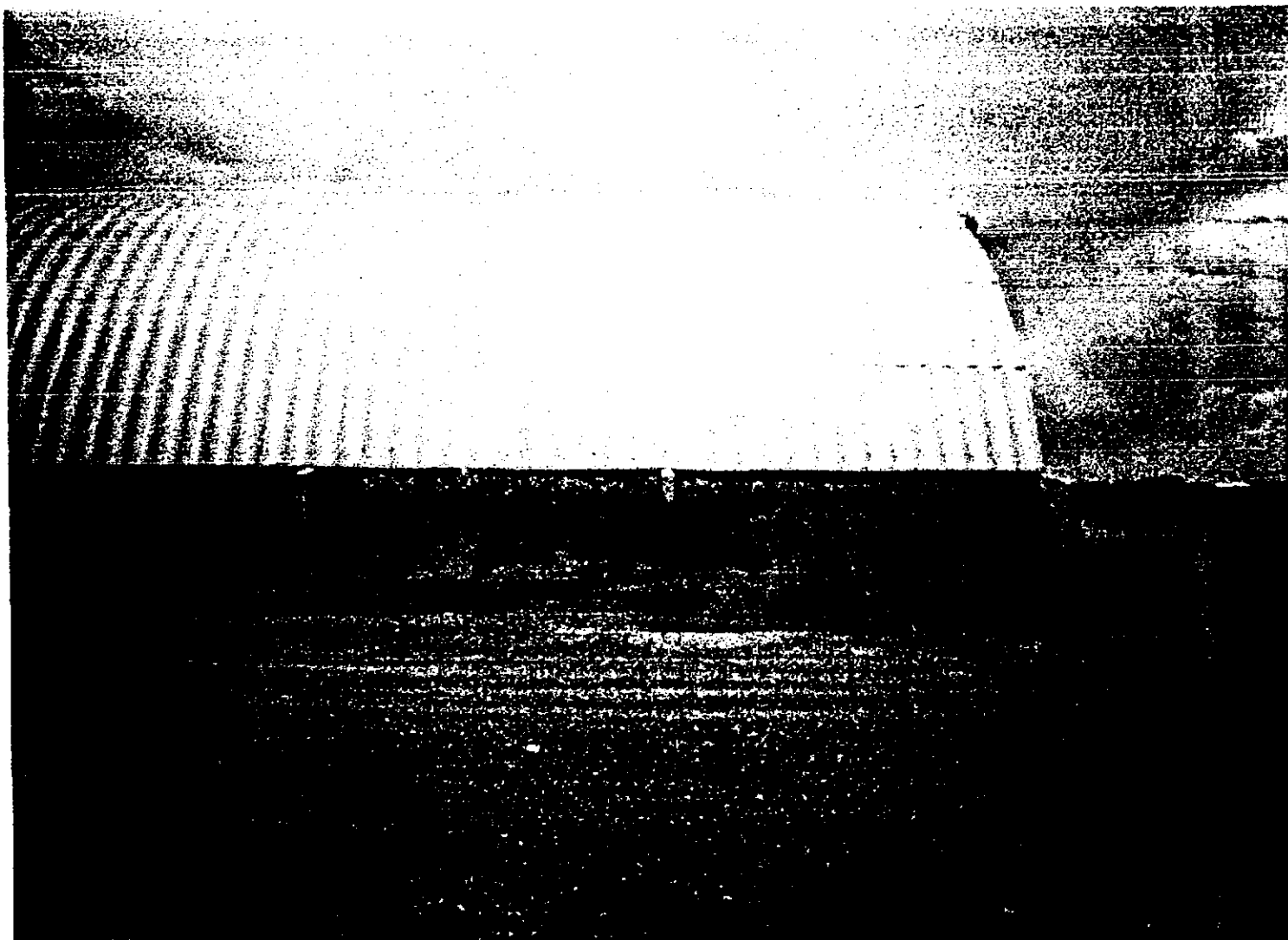


Shirley Wadsworth
Notary Public for Jefferson County
Residing at: Jefferson, Idaho
My Commission Expires: 1/25/2005

- A. The above water right has not been used since the irrigation season of 1987. No water has been diverted or applied to any beneficial use pursuant to any such rights for a period of 14 irrigation seasons, 1988 through 2001.
- B. Under the provisions of Idaho Code 42-222(2) and the cases construing said statutory language, all right to the diversion and use of water pursuant to the above. Listed water rights have been lost and forfeited by the failure for the term of more than (5) years to apply water under such rights to the beneficial uses for which they were appropriated.

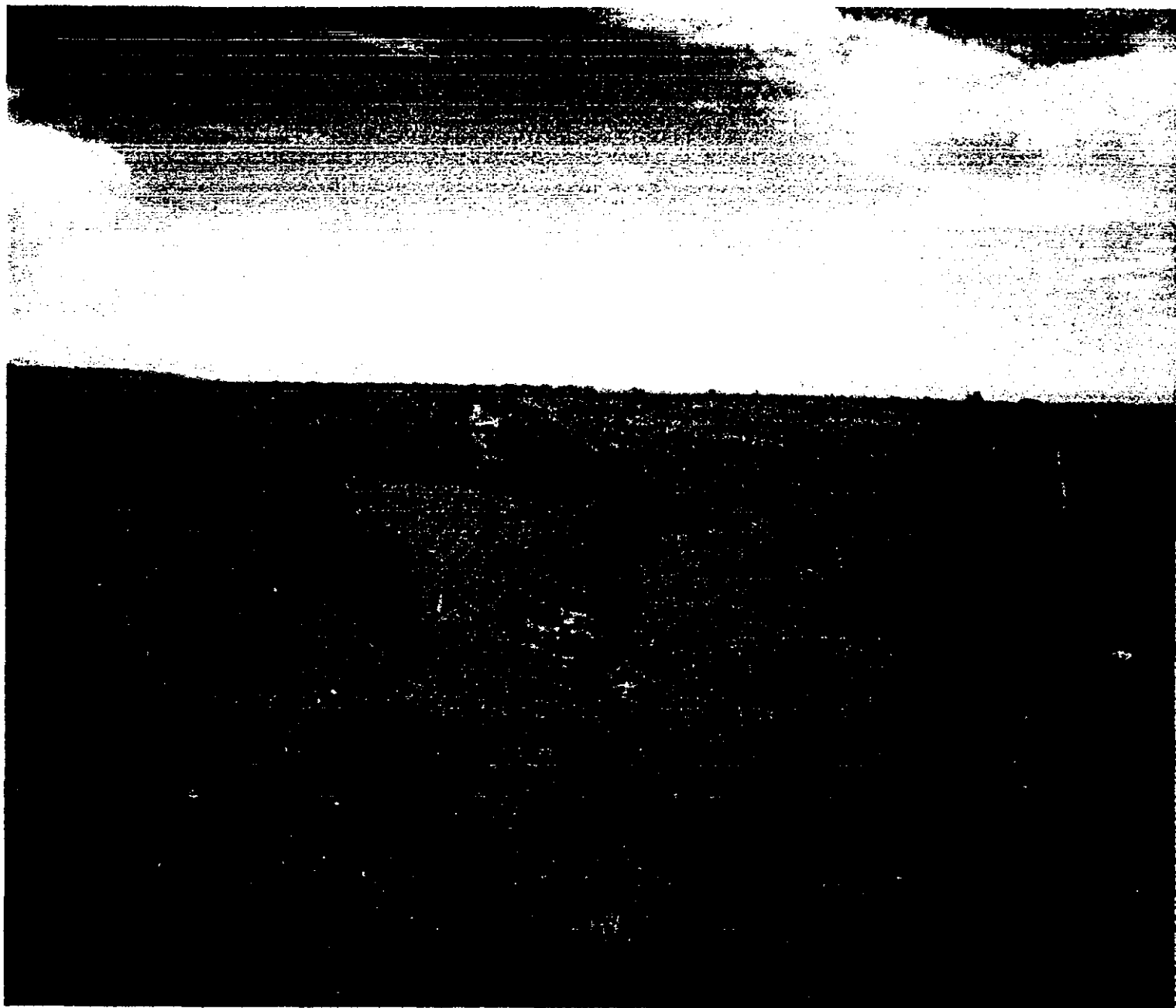
Wherefore, petitioners that upon examination into this matter as required by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls. Issue a decision formally declaring that each and all of said water rights have been lost and forfeited.

- C. Land that this water right is tied to is currently being irrigated by well water.
- D. We the petitioner have already filled a forfeiture with the IDWR concerning this matter and no action was taken by the department. (See attachment)



Picture taken standing on the old Hamer highway looking South. The existing ditch is covered up with a cellar.

Original Color Copy to IDWR



Standing the same location as the previous picture, looking North at the existing ditch coming from the pump at Ray's Lake. You can see the ditch has not been used for an extended period of time.

Original Color Copy to IDWR

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE	)	
FORFEITURE OF WATER RIGHTS	)	PETITION FOR DECLARATORY
NOS. 31-00203, 31-00204, 31-00205,	)	RULING
31-00262 and 31-00267 IN THE	)	
NAMES OF PERRY WOODARD	)	
and SID ASHCRAFT.	)	

Petitioners, Owsley Canal Company, Holley Water Users, Inc., Jackett Canal Company, and Independent Water Users of Mud Lake, Inc., allege and petition the Director of Idaho Department of Water Resources as follows:

I.

Each of the petitioners is a corporation duly organized and existing under and by virtue of the laws of the State of Idaho, for the purpose of holding water rights and owning and operating a diversion and delivery system for diverting water pursuant to such water rights from the public source of supply and delivering the same for use upon the lands of their respective stockholders for the proper irrigation of the same. The service areas of said petitioners are in Jefferson and Clark Counties of the State of Idaho, and each is dependant for its water supply upon the ground and surface waters of Mud Lake, Camas Creek and the tributaries thereto and the aquifers underlying the surrounding areas.

II.

Certain decreed water rights, identified in the records of Idaho Department of Water Resources as rights nos. 31-00203, 31-00204, 31-00205, 31-00262 and 31-00267, apparently

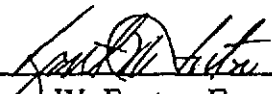
held by Perry B. Woodard or Woodard Farms Limited Partnership and Sidney Ashcraft, have not been used since the irrigation season of 1987. No water has been diverted or applied to any beneficial use pursuant to any of such rights for a period of eight irrigation seasons, 1988 through 1995.

III.

Under the provisions of Idaho Code §42-222(2) and the cases construing said statutory language, all rights to the diversion and use of water pursuant to the above listed water rights have been lost and forfeited by the failure for the term of more than five (5) years to apply water under such rights to the beneficial uses for which they were appropriated.

WHEREFORE, petitioners pray that upon examination into this matter as required by law, the Director of Idaho Department of Water Resources issue a decision formally declaring that each and all of said water rights have been lost and forfeited, and directing the Watermaster of Water District 31 not to deliver water pursuant to any of said rights in the future.

DATED this 26th day of April, 1996.



Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
Attorney for Petitioners

G:\WPDATA\KWF\JOS\HOWLY0426.PET:sjw

01/25/2001

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-262

PERRY L WOODARD

PO BOX 85

HAMER ID 83425

Telephone Number: (208)662-5477

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

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

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

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

DATE: 2-22-01

SIGNATURE: Perry L Woodard

Please print your name: Perry L Woodard

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

Contor, Bryce

From: Contor, Bryce
Sent: Monday, December 04, 2000 8:06 AM
To: McHugh, Candice; Baxter, Garrick
Cc: Music, Vicky
Subject: Potential Objection B31

I can't remember if I've reported this or not, but here's a heads up for you.

Claims 31-262, 31-267, and 31-10499 are for surface water from Rays Lake (two different claimants on a shared delivery system). Evidence in the file indicates that the water was used up through 1986 or 1987 and claims were filed in 1988 and 1989. All POU is overlapped by various GW rights.

In September, Garth Soderquist of Mud Lake Water users asked me about the status of those recommendations, and presented a copy of a letter written to the water users from attorney Kent Foster in 1996. The attorney recounts the history of an attempt to have the rights declared forfeited. The letter states in part:

"We concluded to go ahead and file a petition for declaratory ruling with the Department to see if the Department would take a look at the forfeiture issues.

As all of you are aware, the notice of the filing of the petition has never been published and the Department has taken no action so far....

Having not heard from [Mr. Phil Rassier], we called and spoke to him by telephone.... It appeared to us that Mr. Rassier believes the Department should not take the position that it has the authority to determine forfeiture issues in such a proceeding....

It may be necessary for us to make a decision whether to wait for an Application for Transfer to be filed and then protest the transfer on the grounds of forfeiture, or whether to proceed with the declaratory judgment action in District Court, or whether to just wait and let the matter take its course in the adjudication proceeding."

I've finished my review of all these claims and recommended them all, with appropriate combined use limitations tying them to the overlapping GW recommendations. Unless you think otherwise, if MLWU raises the issue again I plan to say that I've recommended these according to Judge Wood's instructions regarding finding of forfeiture, and they'll have to take their objections to the special master.

John H. Walker and
William F. Woodard,
a co-partnership

1914 - January 27

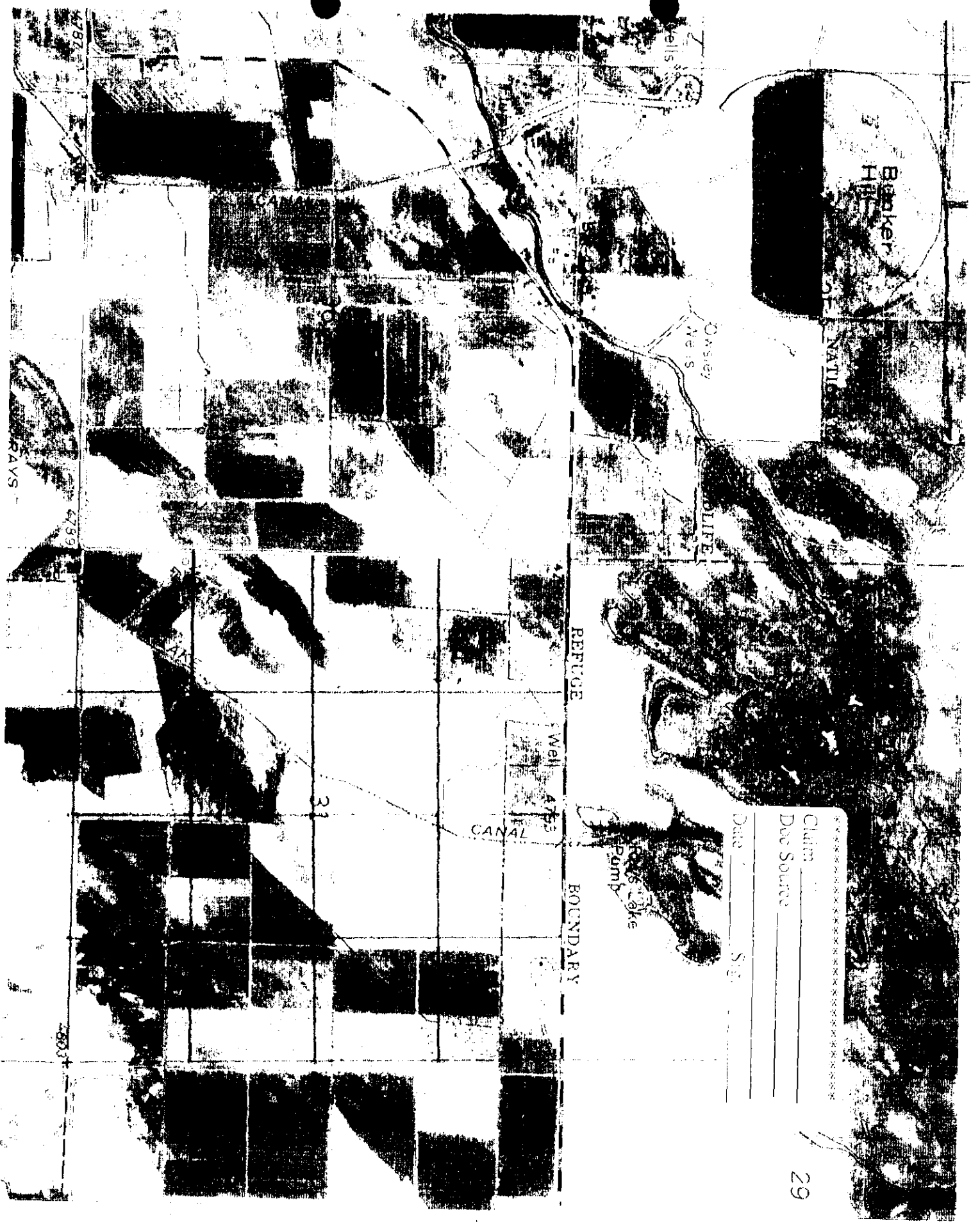
31 262 ✓
1.2 c.f.s.

Source: Ray's Lake, a tributary
of Mud Lake.

Point of Diversion: In the North-
west Quarter of the Southeast
Quarter of Section 30, Township 7
North, Range 36 East, B. M.

For use on the following described
land, to-wit: The Northwest Quar-
ter of the Northeast Quarter, and
the Northeast Quarter of the North-
west Quarter, of Section 31, Town-
ship 7 North, Range 36 East, B. M.

Claim _____
 Doc Source _____
 Date _____
 S.E. _____



Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III

WEST ONE BANK BLDG.
330 SHIOP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 323-0620
TELEFAX (208) 323-9518

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

September 11, 1996

Mr. Garth Soderquist
OWSLEY CANAL COMPANY
Terreton, Idaho 83450

Mr. Dwain Kirkham
HOLLEY WATER USERS
Terreton, Idaho 83425

Mr. Andy Dobson
INDEPENDENT CANAL CO.
Terreton, Idaho 83450

Mr. Edgar Green
JACKETT CANAL COMPANY
Hamer, Idaho 83425

Gentlemen:

You will undoubtedly recall our discussions last spring regarding what, if anything, to do about raising the forfeiture issues regarding some of the rights in Ray's Lake that have not been used for many years. We originally suggested that until someone filed an application for transfer, there was no way to raise the issue of forfeiture through a protest and that the alternative was a declaratory judgment action before Judge Moss. We were not overly enthusiastic about the declaratory judgment action because of the last decision by Judge Moss.

Because of concern that there might be a call for delivery, we considered as an alternative a declaratory ruling under the Department of Water Resources rules although we have never used that procedure before. We concluded to go ahead and file a petition for declaratory ruling with the Department to see if the Department would take a look at the forfeiture issues.

As all of you are aware, the notice of the filing of the petition has never been published and the Department has taken no action so far. We have called the Eastern Idaho Region office from time to time to find out the status and always received some sort of vague response that it had been sent to Boise for review.

A few weeks ago, we were advised that the matter had been handed to the Department's attorney, Mr. Phil Rassier, for review, and that we would be hearing from him.

Having not heard from him, we called him and spoke to him by telephone. We had a fairly lengthy discussion about the scope of the declaratory ruling procedure but it appeared to us that Mr. Rassier believes the Department should not take the position that it has authority to determine forfeiture issues in such a proceeding. He said he had been planning to do some more extensive research and to make a formal recommendation to the Department but had not yet been able to

Claim A31-00262, 00461, 10499
Doc Source Mult Lake Water
Users
Date 9/21/96 Sig. B. Connor

Garth Soderquist
Dwain Kirkham
Andy Dobson
Edgar Green
September 11, 1996
Page 2

complete that process. We do not know when to expect a formal decision from the Department as to whether they will process our petition or refuse to do so.

Apparently no call was made upon the Water Master for delivery of these water rights during the 1996 irrigation season. As soon as we hear from the Department we will let you know. However it may be necessary for us to make a decision whether to wait for an Application for Transfer to be filed and then protest the transfer on the grounds of forfeiture, or whether to proceed with the declaratory judgment action in District Court, or whether to just wait and let the matter take its course in the adjudication proceeding. If any of you have thoughts or comments and wish to discuss the matter, we will appreciate hearing from you.

Very truly yours,



Kent W. Foster

G:\WP\DATA\KWP\414\ALL\0911.LTR:bjw

Claim A3-00262, 02461, 10499
Doc Source Mud Lake Water
Ugens
Date 9/21/02 Sig. BAC

 Claim 31-00242 02461, 10499
 Doc Source Mrd Lake Wnter
45243
 Date 7/24/12 Sig Bac



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 1999

PERRY WOODARD
PO BOX 85
HAMER ID 83425

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A31-00262,
A31-02461

Dear Mr. Woodard:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 7N Range 36E
Section 31, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) A31-07095A

[] Water Right Number(s) A31-07095 2307 2461 A31-02307A
Assigned by IDWR: 2408 00262 A31-02408A

[] Name and Address of Former Owner/Claimant(s)(Seller): Woodard Farms

Box 85

[] New Owner/Claimant (Purchaser): Hamer Id 83425

Perry L Woodard

[] New Mailing Address: Box 85

Hamer Id 83425

[] New Telephone Number: (208) 662-5477 351-6767

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) Perry L Woodard Date _____

Date

[] Signature of Former Owner/Claimant(s): Woodard Farms Date _____

Perry Woodard Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

FROM: J. HENRY WOODARD
JOB NO. 9421

RECORD

DATE: 5-26-94
SURVEYOR: J. H. T.
DRAWN: K. L. T.
LEGALS CHECKED: L. J. T.

T/JN, ROBE D.M. SECTIONS
SCALE

LEGEND

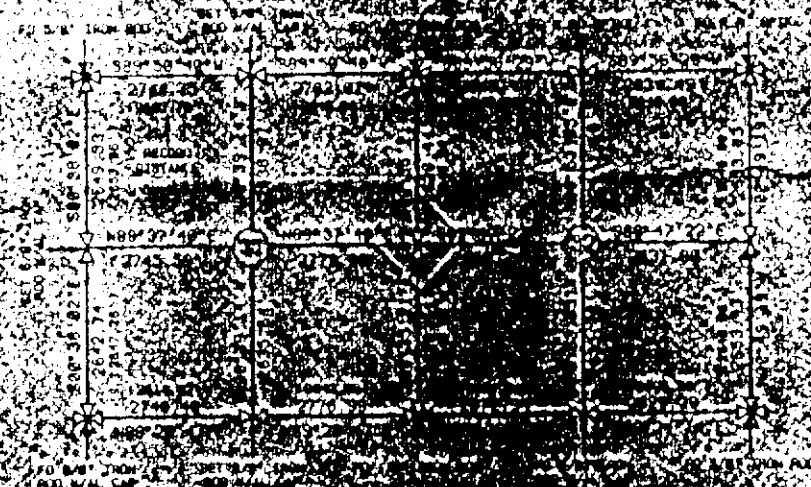
9 1/2" X 24" IRON ROD
X FENCE

SET 5/8" IRON
WAL. CAP

NOTE:

BASIS OF BEARING TAKEN FROM RECORD OF SURVEY INST.
2665477 DONE BY HARPER-LEAMING LINTABRING INC
FOR DOUG LASHCRAFT IN 1991. SECTION 22 BREAKDOWN
TAKEN FROM SAME RECORD OF SURVEY

LINE NO.	BEARING	DISTANCE
1	S89°58'09"W	31.00
2	N89°53'05"E	1.00
3	S89°56'29"W	1.00
4	N89°53'05"E	1.00
5	S89°56'29"W	1.00
6	N89°53'05"E	1.00
7	N45°00'00"E	1.00
8	N45°00'00"E	1.00



THOMPSON ENGINEERING INC.
CONSULTING ENGINEERS
RICHIE, IDAHO 83447

CERTIFICATE OF SURVEY

I, LYLE J. THOMPSON, DO HEREBY CERTIFY THAT I AM A REGISTERED
PROFESSIONAL LAND SURVEYOR AND THAT THE
ATTACHED PLAT OF SURVEY WAS MADE ON THE
GROUND UNDER MY DIRECT SUPERVISION AND THAT THE MAP IS AN
ACCURATE REPRESENTATION OF THE SURVEY.

SET 5/8" IRON
WAL. CAP

7/4" IRON
TOM BASE

AGREEMENT

THIS AGREEMENT is executed this 10th day of May, 1994, between SHIRLEY K. MAINS a/k/a SHIRLEY K. DAVIS, a single woman, hereinafter referred to as "Davis", JAMES CLYDE WOODARD, a married man dealing with his sole and separate property, hereinafter referred to as "Jim Woodard", ELIZABETH C. KREUTZER, a married woman dealing with her sole and separate property, referred to as "Kreutzer", and PERRY L. WOODARD, hereinafter referred to as "Perry Woodard".

RECITALS

a. The parties to this Agreement own the following described real property in Jefferson County, Idaho:

TRACT I:

A parcel of land situated in Jefferson County, State of Idaho, Township 7 North, Range 36 East of the Boise Meridian, Section 32 more particularly described as follows: The West Half (W 1/2) of Section 32, Township 7 North, Range 36 E.B.M.

EXCEPTING: Beginning at the North Quarter corner (N 1/4) of Section 32, Township 7 North, Range 36 E.B.M., said point being the true point of beginning, thence S 00°53'05" E. for a distance of 248.00 feet; thence S. 89°56' 29" W. for a distance of 55.00 feet; thence N. 00°53'05" W. for a distance of 30.00 feet; thence S. 89°56'29" W. for a distance of 145.00 feet; thence N. 00°53'05" W. for a distance of 218.00 feet; thence N. 89°56'29" E. for a distance of 200.00 feet to the true point of beginning.

EXCEPTING: Beginning at the Northwest corner of Section 32, Township 7 North, Range 36 E.B.M., thence S. 00°35'21" E. for a distance of 1913.16 feet to the true point of beginning, thence N. 44°37'16" E. for a distance of 62.58 feet; thence S. 45°35'21" E. for a distance of 1074.00 feet; thence S. 44°24'39" W. for a distance of 1074 feet; thence N. 45°35'21" W. for a distance of 62.81 feet; thence N. 00°35'21" W. for a distance of 1430.37 feet; to the true point of beginning.

TRACT II:

A parcel of land situated in Jefferson County, State of Idaho, Township 7 North, Range 36 East of the Boise Meridian, Section 31

more particularly described as follows: The Southeast Quarter (SE1/4) of Section 31, Township 7 North, Range 36 E.B.M.

EXCEPTING: Beginning at the Northeast corner of Section 31, Township 7 North, Range 36 E.B.M., thence S. 00°35'21" E. for a distance of 2628.44 feet to the true point of beginning, said point also being the East Quarter corner (1/4) of Section 31, Township 7 North, Range 36 E.B.M., thence S. 00°35'21" E. for a distance of 715.09 feet; thence N. 45°35'21" W. for a distance of 1015.14 feet; thence N. 89°37'40" E. for a distance of 717.81 feet to the true point of beginning.

TRACT III:

A parcel of land situated in Jefferson County, State of Idaho, Township 7 North, Range 36 East of the Boise Meridian, Section 31 more particularly described as follows: The Northeast Quarter (NE1/4) of Section 31, Township 7 North, Range 36 E.B.M.

ALSO: Beginning at the Northeast corner of Section 31, Township 7 North, Range 36 E.B.M., thence S. 00°35'21" E. for a distance of 1913.16 feet to the true point of beginning; thence S. 00°35'21" E. for a distance of 715.28 feet, said point also being the East Quarter corner (1/4) of Section 31, Township 7 North, Range 36 E.B.M., thence S. 89°37'40" W. for a distance of 717.81 feet; thence S. 45°35'21" E. for a distance of 1077.94 feet; thence N. 44°24'39" E. for a distance of 1074.00 feet; thence N. 45°35'21" W. for a distance of 1074.00 feet; thence S. 44°37'16" W. for a distance of 62.58 feet to the true point of beginning.

b. Each party to this Agreement owns an undivided one-fourth (1/4) interest in the above described property.

c. Each party's interest in the property is valued at \$209,250.00, less an equal share of the indebtedness against the property.

d. Mains, James Woodard, and Perry Woodard are partners in that certain partnership known as Woodard Farms, which is the subject of a Partnership Agreement dated December 31, 1983.

e. The parties desire to sever their ownership interests in the land and to terminate said partnership.

AGREEMENT

In consideration of the mutual covenants herein, the parties agree as follows:

1. Perry Woodard shall take the following described real and personal property:

- a. Real Property. The real property to be conveyed to Perry Woodard is described as follows:

TRACT III:

A parcel of land situated in Jefferson County, State of Idaho, Township 7 North, Range 36 East of the Boise Meridian, Section 31 more particularly described as follows: The Northeast Quarter (NE1/4) of Section 31, Township 7 North, Range 36 E.B.M.

ALSO: Beginning at the Northeast corner of Section 31, Township 7 North, Range 36 E.B.M., thence S. 00°35'21" E. for a distance of 1913.16 feet to the true point of beginning; thence S. 00°35'21" E. for a distance of 715.28 feet, said point also being the East Quarter corner (1/4) of Section 31, Township 7 North, Range 36 E.B.M., thence S. 89°37'40" W. for a distance of 717.81 feet; thence S. 45°35'21" E. for a distance of 1077.94 feet; thence N. 44°24'39" E. for a distance of 1074.00 feet; thence N. 45°35'21" W. for a distance of 1074.00 feet; thence S. 44°37'16" W. for a distance of 62.58 feet to the true point of beginning.

- b. Personal Property. The personal property to be conveyed to Perry Woodard is described as follows:

U.S. 100 HP, C2849-02-197 83-09582; 1 Valley center pivot, 1 Gifford Hill mini pivot.

- c. Value. The value of the property received by Perry Woodard is \$235,600.00.

2. Davis, Kreutzer and Jim Woodard shall take the following described real property in equal shares:

- a. Real Property. The real property is described as follows:

TRACT I:

A parcel of land situated in Jefferson County, State of Idaho, Township 7 North, Range 36 East of the Boise Meridian, Section 32 more particularly described as follows: The West Half (W 1/2) of Section 32, Township 7 North, Range 36 E.B.M.

EXCEPTING: Beginning at the North Quarter corner (N 1/4) of Section 32, Township 7 North, Range 36 E.B.M., said point being the true point of beginning, thence S 00°53'05" E. for a distance of 248.00 feet; thence S. 89°56' 29" W. for a distance of 55.00 feet; thence N. 00°53'05" W. for a distance of 30.00 feet; thence S. 89°56'29" W. for a distance of 145.00 feet; thence N. 00°53'05" W. for a distance of 218.00 feet; thence N. 89°56'29" E. for a distance of 200.00 feet to the true point of beginning.

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EXCEPTING: Beginning at the Northeast corner of Section 31, Township 7 North, Range 36 E.B.M., thence S. 00°35'21" E. for a distance of 2628.44 feet to the true point of beginning, said point also being the East Quarter corner (1/4) of Section 31, Township 7 North, Range 36 E.B.M., thence S. 00°35'21" E. for a distance of 715.09 feet; thence N. 45°35'21" W. for a distance of 1015.14 feet; thence N. 89°37'40" E. for a distance of 717.81 feet to the true point of beginning.

b. Personal Property. The personal property is described as follows:

Three (3) Gifford Hill center pivot sprinkler systems, including pump, panel, motor and all related equipment. Said sprinkler equipment includes the following pumps:

1. U.S. 60 HP
R6234-04938R2118557

2. U.S. 75 HP
RC326-05-166 R328-7254

3. US 60 HP
R 6234-04-938

c. Property. The value of the property received by Davis, Kreutzer and Jim Woodard is \$602,950.00.

3. There is presently indebtedness against the property of \$187,000.00. In order to adjust the price differential on the property received by Perry Woodard, Perry Woodard shall be responsible for \$54,550.00 of said indebtedness which will be paid to Farm Credit Services. This amount is \$7,800.00 more than his share of indebtedness. Davis, Kreutzer and Jim Woodard shall be responsible for the remaining indebtedness and shall cause the financial institutions to release the mortgages against the property described in paragraph 1 above with respect to said indebtedness.

4. The Partnership shall retain Perry Woodard's share of the 1993 earnings, which are valued at approximately \$18,526.00.

5. The parties to this Agreement recognize that execution of this Agreement constitutes termination of the above-referenced partnership. Each party to this Agreement hereby releases the other of all right, claims, and causes of action arising out of or in any way related to the ownership of the above-described property, the sale of the above-described property, the formation, operation and dissolution of the above-referenced partnership, except as specifically set forth herein.

a. Davis, Kreutzer and Jim Woodard shall pay the costs of sale, except for the cost of the survey.

b. The cost of the survey shall be paid by Perry Woodard.

c. Perry Woodard acknowledges that receipt of the property hereunder constitutes a full and final settlement with respect to said partnership.

5. Each partner hereby agrees to indemnify and hold harmless each other partner of all partnership indebtedness except as specifically identified herein. As of the date of this Agreement, the only partnership indebtedness relates to the expenses of sale, and said indebtedness shall be paid by the existing partnership. All other partnership obligations shall be the responsibility of the partner who incurred said obligation and said partner hereby indemnifies and agrees to hold harmless the other partners with respect to such indebtedness.

DATED this 10th day of May, 1994.


Shirley K. Mains, a/k/a Shirley K. Davis

AJ5809NP
No. A31-00262

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PERRY L WOODARD	01/27/1914	IRRIGATION	04-01 11-01	1.200 CFS	
TOTAL DIVERSION:					1.200 CFS	
CONSUMPTIVE USE:						133.00 AFA

Water Source: RAYS LAKE

Tributary to: MUD LAKE

Stage: DECREED

Point(s) of Diversion: T07N R36E S30 SWSWE JEFFERSON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	36E	31	:	38		38												:	76.0
TOTAL ACRES																			76.0

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: 31-02461, 02307, 0408, 07095

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A31-02461 A31-10499

Other Water Rights Listing Overlapping Place(s) of Use:
A31-02307 A31-02307A A31-02408 A31-02408A A31-02461 A31-07095 A31-07095A

Remarks: GEN SUPERSEDES 31-2139.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 31 Field Inspection Flag:
Presumption Flag: D