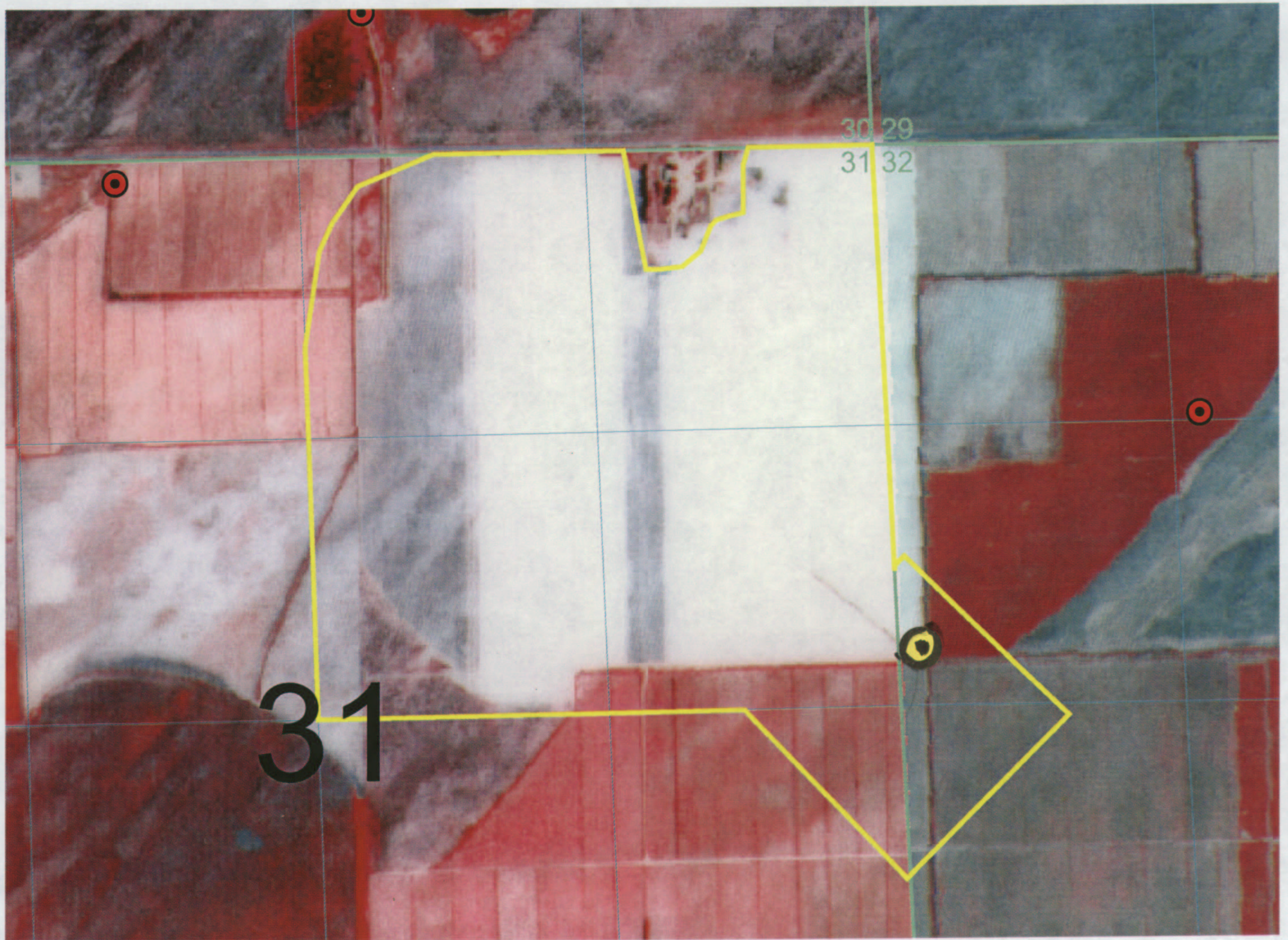


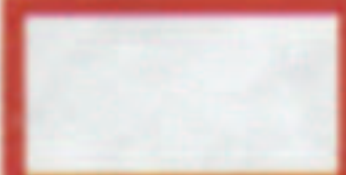
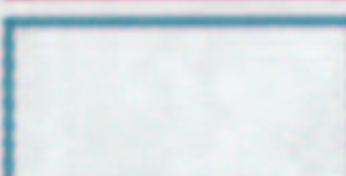
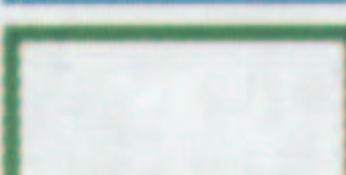
Idaho Department of Water Resources

Water Rights 31-2307A, 2408A, 31-7095A

Township 7N Range 36E Section 31



0 1320 Feet

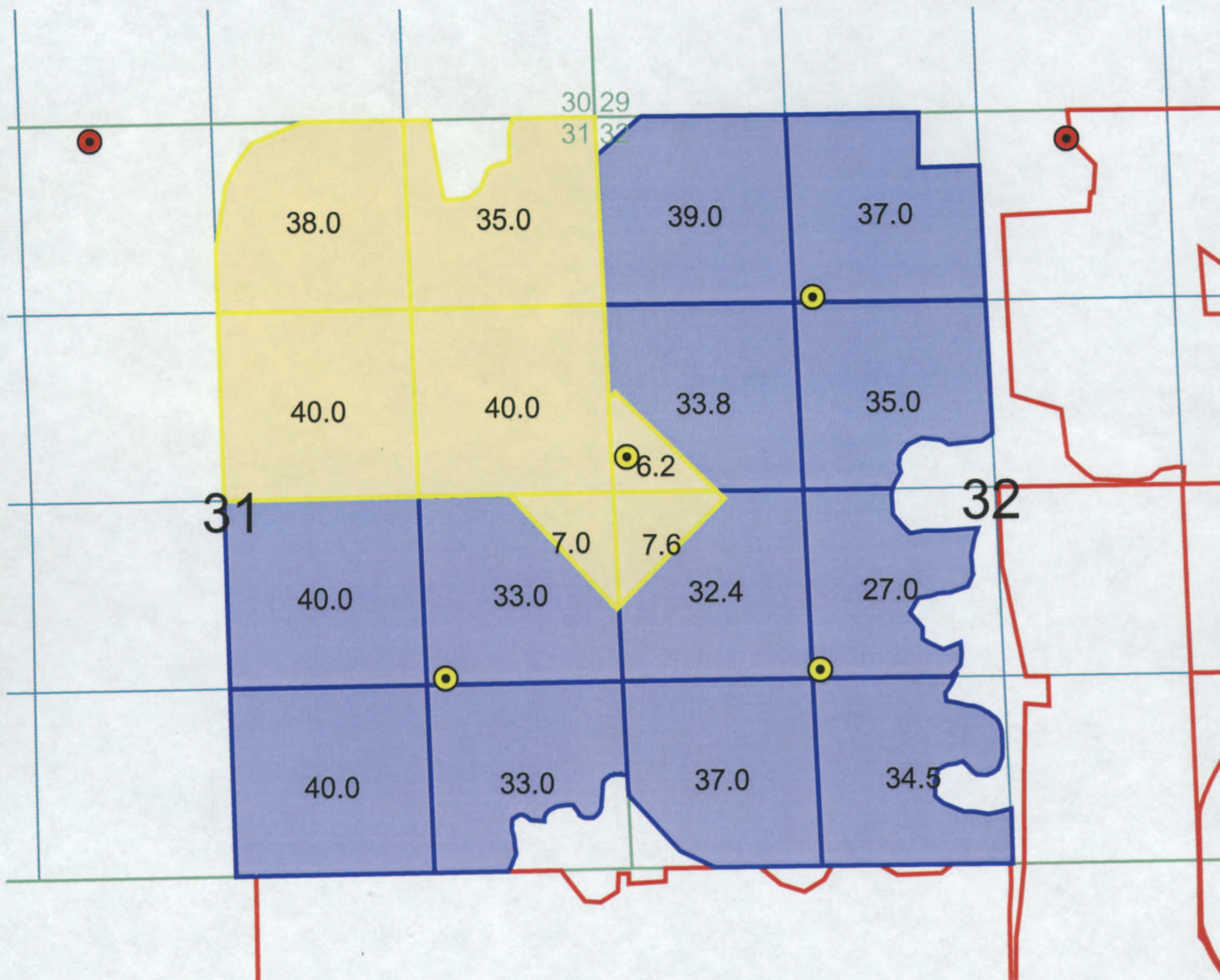
-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



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

A31-02307, A31-02408, A31-07095 Splits by Change of Ownership

T 7N R 36E Sections 31, 32



Perry Woodard - "A" Splits of Water Rights

Cornelison - Olson Partnership - "B" Splits of Water Rights



Prepared 7/2000 by B. Contor

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 31-02408A

202 JUL 21 PM 3:20
DISTRICT COURT - IDAHO
TWIN FALLS CO. IDAHO
FILED

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

SOURCE: GROUND WATER

QUANTITY: 0.67 CFS
210.40 APY

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.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.86 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 608.3 AF. COMBINED RIGHT NOS.: 31-2307A,
31-2408A, 31-7095A.

PRIORITY DATE: 11/27/1963

POINT OF DIVERSION: T07N R36E S32 SWSNW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.67 CFS 210.40 APY

PLACE OF USE:	Irrigation	Within Jefferson County
	T07N R36E S31	NENE 35.0 NWNE 38.0 SWNE 40.0 SENE 40.0
	S32	NESE 7.0 SWNW 6.2 NWSW 7.6
	173.8 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-2307A, 31-2408A.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 173.8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-2307A, 31-2408A, 31-7095A.

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:

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 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 31-02408A

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 31-02408A was mailed
on July 31, 2002, with sufficient first-class postage prepaid
to the following:

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

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
07/31/02

RECEIVED
JUL 31 2002
Department of Water Resources
Twin Falls, Idaho

JUL 31 PM 12:20
DISTRICT COURT-SRBA
TWIN FALLS, 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) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 31-02408A**
)
_____)

On May 29, 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 31-02408A is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 31, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-2408A

<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 GEORGE WOODARD
Original Owner	EST OF WILLIAM G WOODARD
Original Owner	WOODARD FARMS LIMITED PARTNERSHIP

Priority Date: 11/27/1963
Basis: License
Status: Valid

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	0.67 CFS	210.4 AFA	
Total Diversion			0.67 CFS	210.4 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	36E	32	SW SW NW		JEFFERSON

IRRIGATION Use:
Acre Limit: 60.1

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	38		SWNE	40		SENE	40
		32		NESE	7									
				SWNW	6.2									
				NWSW	7.6									

Total Acres: 173.8

Conditions of Approval:

- 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:

- Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2307A, 31-2408A.
- Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 173.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2307A, 31-2408A, 31-7095A.

Water Right 31-2408A

3. 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.
4. 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.
5. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.86 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 608.3 AF. COMBINED RIGHT NOS.: 31-2307A, 31-2408A, 31-7095A.

Comments:

Author	Date	Subject	Comment
bcontor	12/1/00	Documentation	See also paper files 31-2307 and 31-2307A.
bcontor	12/1/00	Recommendation	See electronic comments to eCVR 31-2307A.

Dates:

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

 Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Overall Max Diversion Rate: 0.67
 Overall Max Diversion Volume: 210.4
 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:
 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	12/1/00 12:30:30 PM	bcontor	Edited PLS
POD	12/1/00 12:30:06 PM	bcontor	Edited point location

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 31-2408A
Date Received: 11/18/88
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: PERRY L WOODARD Phone: (208)662-5477

Address: PO BOX 85
HAMER ID USA 83425

2. Date of Priority: 11/27/1963

3. Source: Unknown

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	36E	32	NE NW	JEFFERSON

5. Description of diverting works:

SEE REMARKS

Source is GROUNDWATER but software did not allow data entry of source.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.11	

7. Total Quantity Appropriated is:
1.11 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
07N	36E	31	NE NE	IRRIGATION	30

NW	NE	IRRIGATION	35
SW	NE	IRRIGATION	18
SW	NE	IRRIGATION	10

Section Acres 93

07N	36E	32	SW	NW	IRRIGATION	6
-----	-----	----	----	----	------------	---

Section Acres 6

Total Acres 99

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:

14. Remarks:

*** SPLIT RIGHT BY CHANGE OF OWNERSHIP 3-24-99, ESV. ORIGINALLY RECEIVED UNDER RECEIPT NO. E004183

SOURCE IS "GROUNDWATER," SOFTWARE PROBLEM PREVENTS DATA-ENTRY. CHANGE OF OWNERSHIP RE-DONE 8/2000 PER MORE CAREFUL READING OF DEED. TRANSFER WILL BE FILED TO COMBINE THIS RIGHT WITH 31-07095A AND 31-02307A ON A PERMISSIBLE PLACE OF USE BASIS. SEE MEMO IN FILE FOR FULL EXPLANATION.

15. Basis of Claim: License

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: **A31-02408A**
Date Received: 11/18/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

A3102408A

1. Name: PERRY L WOODARD
Address: PO BOX 85
HAMER ID

208-662-5477

83425

2. Date of Priority: NOV 27, 1963

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	31	SE	SE	NE		JEFFERSON
		32	SW	NE	NE		JEFFERSON
			NE	NE	NW		JEFFERSON

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.680		

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

8. Total consumptive use is 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	7.0
			NW	NE		IRR	7.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	31	SW	NE		IRR	7.0
			SE	NE		IRR	7.0
			NE	SE		IRR	7.0
				Section Acres	35.0		
		32	SW	NW		IRR	2.0
			NW	SW		IRR	7.0
		Section Acres	9.0				
		Total Acres	44.0				

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:
31-02307A AND 31-07095A

14. Remarks:
P/U COMBINED WITH 31-2408 BY TRANS. 2281.
NOT TO EXCEED 3.29 CFS OR 618 AFA.
SYSTEM INCLUDES 3 WELLS WHICH CAN BE INTERCONNECTED BY PORTABLE
MAINLINE TO IRRIGATE ANY OF LAND UNDER CLAIM. ORIGINAL WELL
400' W/ 30HP PUMP. WELL IN NENW IS 220' WELL W/ 60HP PUMP TO
CENTER PIVOT. WELL IN SENE IS 150' WELL W/ 100HP PUMP. HAND-
LINES ARE USED TO IRRIGATE CORNERS OF PIVOTS.
*** SPLIT RIGHT BY CHANGE OF OWNERSHIP 3-24-99, ESV. ORIGINALLY
RECEIVED UNDER RECEIPT NO. E004183.

15. Basis of Claim: LICENSE
Water Right Number: 22666

Water Right Number - A31-02408

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 22666

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPLIT RIGHT

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
WOODARD

WILLIAM GEORGE

1 -
2 -
3 -
City- N/A State- ID Zip- N/A
Phone - 208-000-0000

WOODARD

EST OF WILLIAM G

1 -
2 -
3 -
City- HAMER State- ID Zip- 83425
Phone - 208-000-0000
1 - HC 69 BOX 2150
2 -
3 -
City- HAMER State- ID Zip- 83425
Phone - 208-662-5477

WOODARD FARMS LIMITED PARTNERSHIP

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/27/1963 15 EASTERN Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER
SPLIT RIGHT

Point of Diversion						
Twn	Rng	Sec	Tract	Lot	RFlg	County
07N	36E	31	SE SE NE		(51)	JEFFERSON
		32	SW NE NE		(51)	JEFFERSON
			NE NE NW		(51)	JEFFERSON

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01	2.300	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.300 515.0

Place of Use								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07N	36E	31	NE NE		7.0	01	IRRIGATION	(51) JEFFERSON
07N	36E	31	NW NE		7.0	01	IRRIGATION	(51) JEFFERSON
07N	36E	31	SW NE		7.0	01	IRRIGATION	(51) JEFFERSON
07N	36E	31	SE NE		7.0	01	IRRIGATION	(51) JEFFERSON

Prefix Translation: ADJUDICATION CLAIM

Place of Use									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
07N	36E	31	NE SE		7.0	01	IRRIGATION	(51)	JEFFERSON
07N	36E	32	NE NW		40.0	01	IRRIGATION	(51)	JEFFERSON
07N	36E	32	NW NW		38.0	01	IRRIGATION	(51)	JEFFERSON
07N	36E	32	SW NW		40.0	01	IRRIGATION	(51)	JEFFERSON
07N	36E	32	SE NW		40.0	01	IRRIGATION	(51)	JEFFERSON
07N	36E	32	NE SW		6.0	01	IRRIGATION	(51)	JEFFERSON
07N	36E	32	NW SW		7.0	01	IRRIGATION	(51)	JEFFERSON

Total Acres: 206.0

+ - - Diversion Means - SEE REMARKS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - 31-02307

+ Remarks

GEN P/U COMBINED WITH 31-2408 BY TRANS. 2281.
NOT TO EXCEED 3.29 CFS OR 618 AFA.
SYSTEM INCLUDES 3 WELLS WHICH CAN BE INTERCONNECTED BY PORTABLE
MAINLINE TO IRRIGATE ANY OF LAND UNDER CLAIM. ORIGINAL WELL
400' W/ 30HP PUMP. WELL IN NENW IS 220' WELL W/ 60HP PUMP TO
CENTER PIVOT. WELL IN SENE IS 150' WELL W/ 100HP PUMP. HAND-
LINES ARE USED TO IRRIGATE CORNERS OF PIVOTS.
*** SPLIT RIGHT INTO PORTIONS A AND B. ESW 3/24/99

```
+-----+----- Old Water Right Numbers -----+
|      No Old Water Right Numbers Found      |
```

----- Conditions of Approval -----

+ - - - Decree Plaintiff - - - +	+ - - - Decree Defendant - - - +	+ - Decree Date - + 00/00/0000
----------------------------------	----------------------------------	-----------------------------------

-----Comments-----
No Comments Found

+ - - Audit Fields - - +
00/00/00

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	11/18/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	E004183	Water District	-	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	OR	Presumption Flag	-	C

Idaho Department of Water Resources

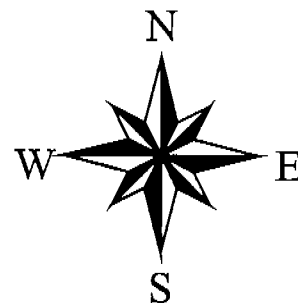
Water Rights 31-2307A, 2408A,
31-7095A

Township 7N Range 36E Section 31



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

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: 31-2408A

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

To: A31-02307A
A31-02307B
A31-02408A
A31-02408B
A31-07095A
A31-07095B

Fr: Bryce Contor
Date: 8/11/2000



Re: Office visit with Scott Clawson and Perry Woodard

Mr. Woodard and Mr. Clawson agreed that the intent of the development under license 31-07040, and the subsequent sale of part of the lands to Clawson's employer Cornelison-Olsen Partnership, was that all three rights be appurtenant to all the lands on a permissible place of use basis, and authorized for diversion from all the points of diversion. Mr. Woodard was surprised that the transfer on 31-02307 and 31-02408 had not gone through; he was under the impression that it had. He will look through his files for the copy of the transfer referenced in the April 1994 letter.

They agreed to file a joint transfer which will correct this situation. I agreed to prepare the transfer, and notify them by mail when it is ready.

Prior to preparing the transfer, I plan to correct the split of ownership per the deed and sale contract.

Mr. Woodard also had questions about two Rays Lake decreed rights he has on his portion of the POU. These questions will not affect this transfer, however.



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

July 24, 2000

Cornelison-Olsen Partnership
P.O. Box 396
Rexburg, Idaho 83440

Perry L. Woodard
P.O. Box 85
Hamer, Idaho 83425

Re: Adjudication Claims A31-02307A
 A31-02307B
 A31-02408A
 A31-02408B
 A31-07095A
 A31-07095B

Dear Water Users:

It appears from the records that you are the owners of the Adjudication Claims above, which arise from the original water rights of the Woodard Farms Limited Partnership lands in 7N 36E sections 31 and 32, in Jefferson County.

The original claim A31-07095 was filed based on a permit, for 405 acres. Since that time, a licensing examination has been performed and a license issued. The license was issued for 405 acres of irrigation within a 595.5 acre Permissible Place of Use. The intent of the licensing examiner was that this new license would be used in conjunction with original licenses 31-02307 and 31-02408 on the entire farm, four 1/4 mile center pivots and one mini pivot in the center of the farm. In fact, in 1994 the original owner received a letter from Idaho Department of Water Resources which stated:

"In order to properly reflect the irrigation system found in use, the descriptions on the two existing water licenses must also be changed. An Application for Transfer of the two older licenses has also been prepared and enclosed. By filing the transfer application, the rights will reflect the four wells and the entire land base irrigated from the wells."

This transfer was never filed.

Last year, the original adjudication claims A31-07095, A31-02307, A31-02408 were split by a Change of Ownership. Our records show Perry L. Woodard as the current owner of the "A" portions and Cornelison-Olsen Partnership as the current owner of the "B" portions of these claims.

While investigating these claims, I've come across some discrepancies which need to be corrected in order for me to make an accurate recommendation to the Snake River Adjudication Court. These are:

- 1) The split of the original claims needs to be adjusted to reflect the licensing information on 31-07095.
- 2) The split needs to be adjusted to reflect the mini-pivot that was retained by Perry Woodard.

- 3) Because the transfer contemplated by the licensing examiner was never filed, I cannot recommend an appropriate number of acres for the portion of the farm purchased by Cornelison-Olsen.
- 4) Because the transfer wasn't filed, I cannot recommend appropriate Points of Diversion for the splits of A31-02307 and A31-02408.

I will correct the first two items by adjusting the splits of the original claims. You will receive letters explaining this adjustment, and will have an opportunity to address concerns you may have with the new splits.

There are two possible approaches to correcting the last two items. One would be for Mr. Woodard and Cornelison-Olsen Partnership to jointly file the transfer that was originally contemplated when license 31-07095 was issued. This would give the best results but be the most difficult to accomplish, because of the need to coordinate with two different owners.

The other approach would be for Cornelison-Olsen Partnership to file an enlargement claim based upon A31-02307B and A31-02408B. This would allow me to recommend enough irrigated acres, and enough diversion rate, to authorize Cornelison-Olsen's current irrigation practices.

Following the issuing of Partial Decrees on these water rights, Mr. Woodard would need to file a formal transfer with the department to change the Point of Diversion and Place of Use of A31-02307A and A31-02408A. Cornelison-Olsen would need to file a formal transfer with the department to change the Point of Diversion and Place of Use of A31-02307B.

Please contact me at 525-7161 to set up an appointment to discuss these options, so that you may decide what you want to do. It will be easier to explain in person, when I can show you the maps and other documentation. I'd be glad to meet with Mr. Woodard and Cornelison-Olsen's representatives together, or separately, as suits you best.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

To: A31-02307 and splits
A31-02408 and splits
A31-07095 and splits
Fr: Bryce Contor
Date: 7/20/2000

Re: Transfer of 31-02307 and 31-02408, Permissible Place of Use

Cornelison-Olsen Partnership has purchased part of the original place of use of these water rights. Of the irrigated acres identified in license 31-07095, Woodard has 173.8 and Cornelison-Olsen has 421.7. WMD documents capacity of current systems as follows:

7N 36E 31 SESENE (Woodard)	1322 gpm	2.95 cfs
7N 36E 32 SWNESW (C-O)	963 gpm	2.15 cfs
7N 36E 32 NENENW (C-O)	802 gpm	1.79 cfs
7N 36E 31 SWNESE (C-O)	not measured	

Assuming 900 gpm (2.01 cfs) for the well not measured, Woodard's total capacity is 2.95 cfs and Cornelison's appears to be about 6.13cfs. Total capacity appears to be 9.08 cfs, just under the combined limitation of 9.81 cfs.,

The Adjudication Claims were split in 1999 by change of ownership, but this needs to be redone per a more careful reading of the legal description. Further, claim A31-07095 was initially based upon a permit and now needs to be amended in accordance with the license that was issued.

Also, it appears from the attached memos and letter from microfiche of 31-07095 that the post-1987 license was issued with the intent that a transfer be filed for the two older licenses, to combine all three into a permissible place of use, per attached GIS illustration #1. This transfer never occurred.

We are left to rely on transfer #2281, (1978), which assigned 31-02307 and 31-02408 to only part of the permissible place of use intended by the proposed transfer. The split of these rights is illustrated in attached GIS #2.

License 31-07095 imposed combined use limitations on these three rights. Splitting the two older licenses according to transfer #2281, and splitting 31-07095 and the limitations according to the permissible place of use of 31-07095, would result in the following:

<u>Item</u>	<u>Original</u>	<u>Woodard</u>	<u>Cornelison-Olsen</u>
31-02307/2408	206.0 acres	99.0 acres	107.0 acres
31-02307	1.82 cfs	0.87 cfs	0.95 cfs
31-02408	2.30 cfs	1.11 cfs	1.19 cfs
31-07095 PPU	595.5 acres	173.8 acres	421.7 acres
31-07095 limit	405.0 acres	118.2 acres	286.8 acres
31-07095	8.10 cfs	2.36 cfs	5.74 cfs
Cfs limit	9.81 cfs	2.86 cfs	6.95 cfs
Acre ft limit	2084.3 afa	608.3 afa	1476.0 afa

Considering the combined use limitations, this split leaves Cornelison-Olsen with authorization for 6.95 cfs vs. current capacity of about 6.13. However, Cornelison-Olsen has only $0.95 + 1.19 = 2.14$ cfs of the better-priority "older" rights, or about 0.005 cfs/acre.

Woodard is left with authorization for 2.86 cfs, vs. capacity of approximately 2.95. Of this, $0.87 + 1.11 = 1.98$ cfs is "older" rights, or about 0.011 cfs/acre.

Except for favoring Woodard with a better priority heirarchy, this split does allow adequate diversion rate for the current systems in place.

However, this split does not work on an acreage basis. While Cornelison-Olsen receives an adequate proportionate share of the Permissible Place of Use, the total of C-O's share of limitation acres and "older right" acres is only $286.8 + 107.0 = 393.8$ acres. This is not adequate.

If the transfer were filed to make this a permissible place of use, all of the rights would be split proportionally according to the split of the 595.5 acre permissible place of use. This would result in adequate acres and diversion rate for both parties, and an equal distribution of priority advantage:

Item	Original	Woodard	Cornelison-Olsen
31-02307/2408	206.0 acres	60.1 acres	145.9 acres
31-02307	1.82 cfs	0.53 cfs	1.29 cfs
31-02408	2.30 cfs	0.67 cfs	1.63 cfs
31-07095 PPU	595.5 acres	173.8 acres	421.7 acres
31-07095 limit	405.0 acres	118.2 acres	286.8 acres
31-07095	8.10 cfs	2.36 cfs	5.74 cfs
Cfs limit	9.81 cfs	2.86 cfs	6.95 cfs
Acre ft limit	2084.3 afa	608.3 afa	1476.0 afa

I had considered submitting a letter to both claimants explaining the need for a formal transfer. The claimants would need to act together on this because it will involve water rights appurtenant to both properties.

After conferring with Harold Jones regarding the time that would be involved and the potential difficulties of coordinating this with the two claimants, I have decided to approach Cornelison-Olsen partnership regarding an enlargement claim of their portion of the two older rights. This will give them adequate acres and adequate diversion rate to authorize current practice.

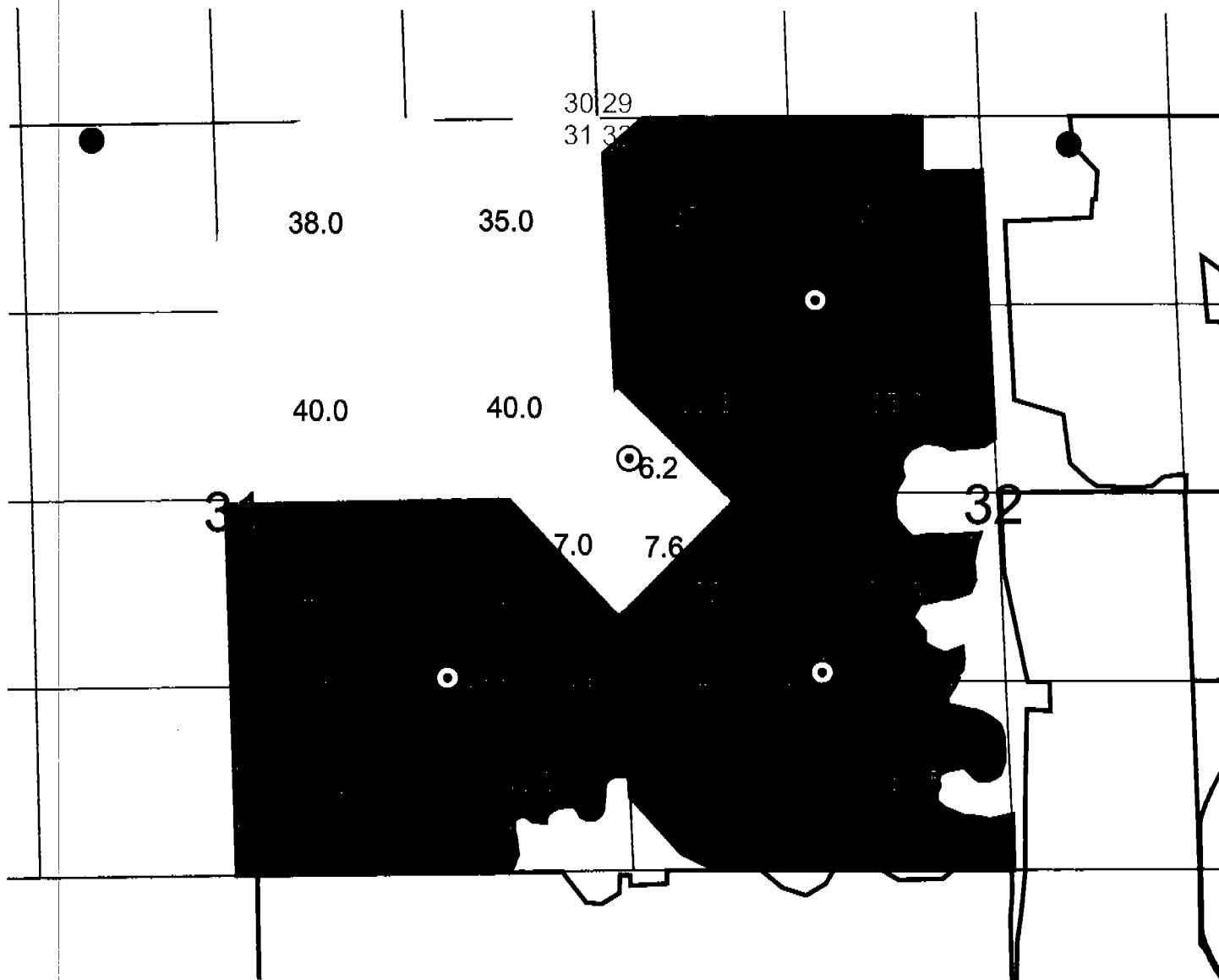
31-02408 limitation: 115 acres

33.6 Woodard

81.4 Cornelison-Olsen

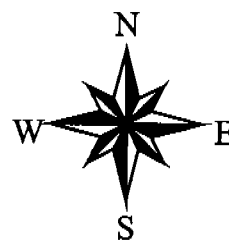
A31-02307, A31-02408, A31-07095 Splits by Change of Ownership

T 7N R 36E Sections 31, 32



Perry Woodard - "A" Splits of Water Rights

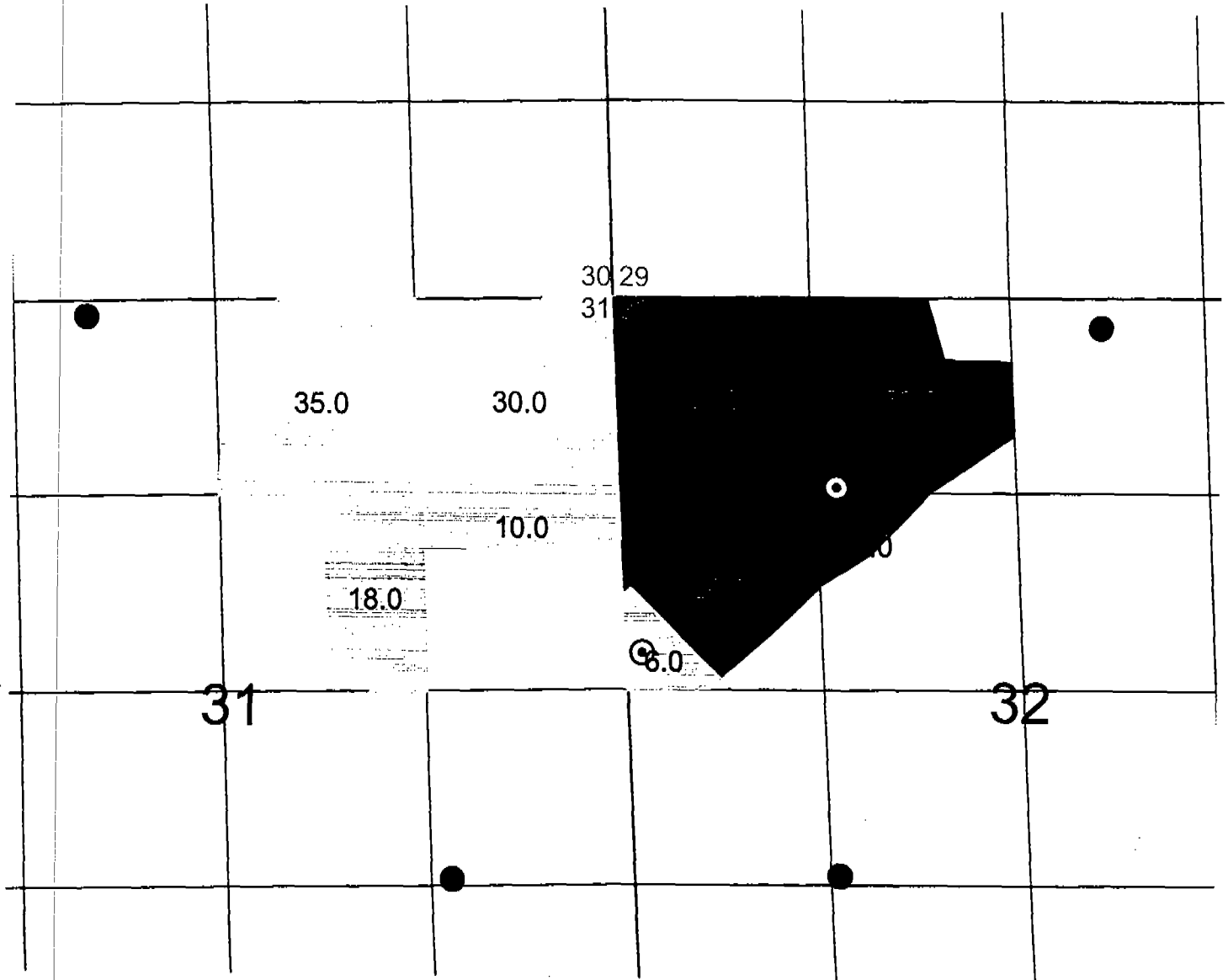
 Cornellson - Olson Partnership - "B" Splits of Water Rights



Prepared 7/2000 by B. Contor

A31-02307, A31-02408 Splits by Change of Ownership

T 7N R 36E Sections 31, 32



Perry Woodard - "A" Splits of Water Rights

 Cornelison - Olson Partnership - "B" Splits of Water Rights

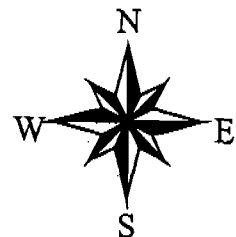


Illustration # 7 7/20/2000 Bae

Prepared 7/2000 by B. Contor

Contor, Bryce

From: Contor, Bryce
Sent: Wednesday, July 19, 2000 9:42 AM
To: Ciscell, Michael; Meyer, Paul
Subject: GCDB?

A deed I'm looking at contains the following in a metes and bounds description:

"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..."

When I COGO the above, the place I end up is about 25 - 30 meters west of the East Quarter Corner as shown on our project GCDB.

For now, I'm just starting at our East Quarter Corner and following the rest of the metes and bounds description...

MEMORANDUM

TO: File 31-07095

FROM: Sharla

DATE: March 17, 1994 *df*

RE: License Review

I initially reviewed this permit for licensing some time ago. The SRBA claims which were filed on the two existing licensed rights for this system (A31-02307 and A31-02408) were filed as supplemental to 31-07095. Steve Clelland worked on these claims and I have had several discussions with him and Eric Verner.

As I have outlined on the attached maps, the two licensed rights covered the majority of lands irrigated by two pivots (shown in yellow). Eric thought it was more appropriate to consolidate the rights and show the place of use as covering an entire 40-acre tract and some corners as entered by Steve (shown in green).

The place of use recommended by the examiner for the newer permit took into consideration the overlap with the other rights as they had been licensed. Thus, only new acres were recommended for licensing.

Subsequent discussions with Eric led to his statement that Eastern would be willing to follow the lead of the State Office in the recommendations in the SRBA after the licensing of this permit. The intention at that time was to issue the license for the new acres, which would then require the SRBA claims to be changed back to the way they were originally licensed. To break convention at that point would have resulted in further confusion.

I have again pulled the file to finish licensing review, this time with a new approach. It seems that the most appropriate way to handle the place of use issue is to list the entire land base irrigated under the system (595.5 acres) and then limit (by condition) the right to the irrigation of 405 acres (as originally permitted) in a single irrigation season.

At the same time, it is appropriate to solicit a transfer application for the two licensed rights so that all points of diversion and the entire land base can be listed on them as well.

DO NOT MICROFILM
From WR License File Microfiche

31-07095

INTER-DEPARTMENT MEMO — 1

DATE

FROM *Ernie*

TO *File.*

SUBJECT - *Application for Amendment of Permit 31-7095 was filed in
conjunction with Application for Transfer 31-2307/31-2408,*

Ernie

SIGNATURE

DO NOT MICROFILM
From WR License File Microfiche

31-07095



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 11, 1994
~~March 24, 1994~~

Estate of William G. Woodard
c/o Perry Woodard
Hamer, ID 83425

RE: Water Right Nos. 31-02307, 31-02408 and 31-07095

Dear Mr. Woodard:

After a considerable amount of delay, Permit No. 31-07095 is in the final process of being licensed. During our review it was discovered that two older licenses, Nos. 31-02307 and 31-02408 are part of the same irrigation system. The irrigation system as inspected by our Departmental field examiner in 1989 (see attached map) is comprised of four wells serving four large pivots and one smaller pivot. The pivots cover a land base of nearly 600 acres. The older licenses cover 206 acres.

Before a license can be issued for Permit No. 31-07095, it must be amended to correspond with the findings of the field examiner, which are reflected on the attached map. The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the points of diversion and place of use. The last page of the Application for Amendment contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

In order to properly reflect the irrigation system found in use, the descriptions on the two existing water licenses must also be changed. An Application for Transfer of the two older licenses has also been prepared and enclosed. By filing the transfer application, the rights will reflect the four wells and the entire land base irrigated from the wells. Both rights will still be individually limited to the number of acres originally licensed for each right.

Please review the enclosed applications and if you concur, sign the amendment and transfer and return with the filing fees (\$20.00 for the amendment and \$50.00 for the transfer) within 14 days.

DO NOT MICROFILM
From WR License File Microfiche

To: A31-07095 and splits
A31-02307 and splits
A31-02408 and splits
Fr: Bryce Contor
Date: 7/18/2000

Re: POU, Ownership split

A number of issues arise with these three rights:

1. POU of claim vs. License. (31-07095)

The original claim was filed for 405 acres, per the original permit. However, the license was issued in 1995 for 595.5 acres on a permissible place of use basis with licenses 31-02307 and 31-02408, based on a post-1987 transfer and post-1987 license exam and amended permit.

I've asked Ernie Carlsen for guidance (see attached e-mail). Unless instructed otherwise, I plan to treat the post-1987 license as an amendment to the claim, much as we do with post-1987 transfers. Because the claim has been split by change of ownership, each of the splits will have to be amended per the map in the licensing examiner's file.

2. Acre limitation (31-07095)

The difference in acres came about due to the field examiner's finding of an overlap of 31-07095 with the other two licenses. The claimant was invited to submit a transfer for the existing licenses and apply for an amended permit 31-07095 to adjust the water rights to fit what the examiner found in the field.

It is clear from the licensing exam that this was intended to be licensed on a permissible-place-of-use basis, and one of the conditions on the amendment was a 405 acre limitation on the use of 31-07095. However, neither this limitation nor a 595.5 acre combined limitation with the other rights was carried forward to the license.

Because this is a permissible place of use, and because of the clear intent of the licensing exam and the amended permit approval, I plan to recommend the standard acreage limitation and combined use acreage limitations of a permissible place of use.

3. Transfer limitations (31-02307 and 31-02408)

I have not examined the transfer that applied to 31-02307 and 31-02408. However, based on the above, I will recommend individual and combined use limitations to these rights consistent with what I recommend for 31-07095 splits.

4. Error in split (all)

The claims were split by change of ownership in March of 1999. It appears from the deed that parts of the NESE of section 31, the NWSW of section 32, and the SWSW of section 32 were retained by the seller. This is a mini-pivot in the center of the four original pivots. This interpretation matches the field map of the purchaser, found in A31-07095B and submitted with the Notice of Change of ownership.

However, our split of the water rights assumed the entirety of each quarter-quarter was conveyed to the new owner.

Per the attached e-mail, I plan to correct the splits and notify the owners.

5. GCDB discrepancy

The shapes were drawn by COGO in ArcView from the metes and bounds description in the deed, but the apparent location of the East Quarter Corner of Section 31 per the surveyor does not match the location of our GCDB. No matter how the shapes drawn on the ArcView project come out, the intent is to match the deed.

Contor, Bryce

From: Contor, Bryce
Sent: Wednesday, July 19, 2000 8:16 AM
To: Carlsen, Ernie
Subject: RE: A31-07095 post-87 license

Thank you.

I was planning to include the KO6 and E14. Those limitations are referred to in the licensing exam and even on the amended permit, but curiously they didn't make it all the way to the license.

-----Original Message-----

From: Carlsen, Ernie
Sent: Wednesday, July 19, 2000 8:14 AM
To: Contor, Bryce
Subject: RE: A31-07095 post-87 license

Good Morning,

A license issued subsequent to the filing of an SRBA claim, based on permit, is recognized as an amendment to the claim without having to initiate an amendment by the claimant. In the case cited below be sure to include a POU1 K06 and E14 if appropriate.
Ernie

-----Original Message-----

From: Contor, Bryce
Sent: Tuesday, July 18, 2000 3:39 PM
To: Carlsen, Ernie
Subject: A31-07095 post-87 license

Claim A31-07095 was claimed for the permitted 405 acres. License 31-07095 was issued in 1995 on a permissible place of use basis with 31-02408 and 31-02307 on 595.5 acres.

Can I take the post-1987 license as an amended the claim, as if it were a transfer, or do I need to send out an amended claim?

The right has subsequently been split by change of ownership, so there would actually be two amended claims.

Thanks, Bryce

Contor, Bryce
From: Contor, Bryce
Sent: Wednesday, July 19, 2000 8:04 AM
To: Carlsen, Ernie
Cc: Crabtree, Jennifer
Subject: RE: A31-07095 post-87 license

The plot thickens.

From the deed, it looks like the original owners retained a mini pivot that involves a small corner of each of three of the quarter-quarters that were sold. In doing the change of ownership, we changed the entirety of each of these quarter-quarters to the new owner.

I'm guessing I should re-do the split per the deed, and send notice to the owners? If the license does constitute an amended claim, also make those changes before sending notice?

Thanks, Bryce

-----Original Message-----

From: Contor, Bryce
Sent: Tuesday, July 18, 2000 3:39 PM
To: Carlsen, Ernie
Subject: A31-07095 post-87 license

Claim A31-07095 was claimed for the permitted 405 acres. License 31-07095 was issued in 1995 on a permissible place of use basis with 31-02408 and 31-02307 on 595.5 acres.

Can I take the post-1987 license as an amended the claim, as if it were a transfer, or do I need to send out an amended claim?

The right has subsequently been split by change of ownership, so there would actually be two amended claims.

Thanks, Bryce



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 L WOODARD
PO BOX 85
HAMER ID 83425

RE: CHANGE IN OWNERSHIP FOR A31-02307, A31-02408,
A31-07095

Dear Mr. Woodard:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

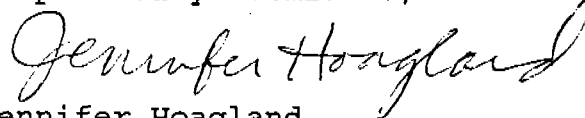
A31-02307A, 0.52 cfs on 44 acres, Woodard
A31-02307B, 1.30 cfs on 162 acres, Cornelison-Olsen

A31-02408A, 0.680 cfs on 44 acres, Woodard
A31-02408B, 1.620 cfs on 162 acres, Cornelison-Olsen

A31-07095A, 2.56 cfs on 128 acres, Woodard
A31-07095B, 5.54 cfs on 277 acres, Cornelison-Olsen

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,


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) 2307 2461 A31-02307A
Assigned by IDWR: A31-07095 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) 462-5477 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 Farm 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

PROJECT: PERRY WOODARD
JOB NO. 9421

RECORD

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

T7N, R35E S.W. SECTIONS
SCALE

LEGEND

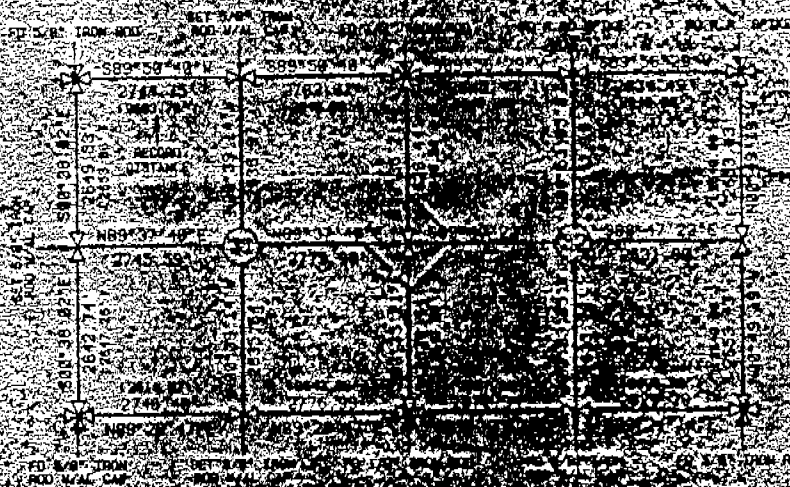
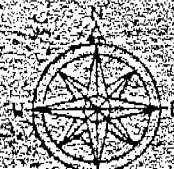
Q 1/2" X 24" IRON ROD
X FENCE

SET 5/8" IRON
W/AL CAP

NOTE:

BASIS OF BEARING TAKEN FROM RECORD OF SURVEY, INST. # 2625470 DONE BY HARPER LEAVITT ENGINEERING, INC. FOR DOUG ASHCRAFT IN 1991. SECTION 32 BREAKDOWN TAKEN FROM SAME RECORD OF SURVEY.

LINE NO.	BEARING	DISTANCE
1	S89°56'28"W	37.00
2	N89°53'05"E	38.00
3	S89°56'29"W	34.00
4	N89°57'03"E	31.00
5	S89°58'29"W	28.00
6	N89°57'15"E	28.00
7	N45°37'18"E	55.00
8	N45°35'12"E	57.00



TE THOMPSON ENGINEERING, INC.
CONSULTING ENGINEERS
RICHY, IDAHO 83441

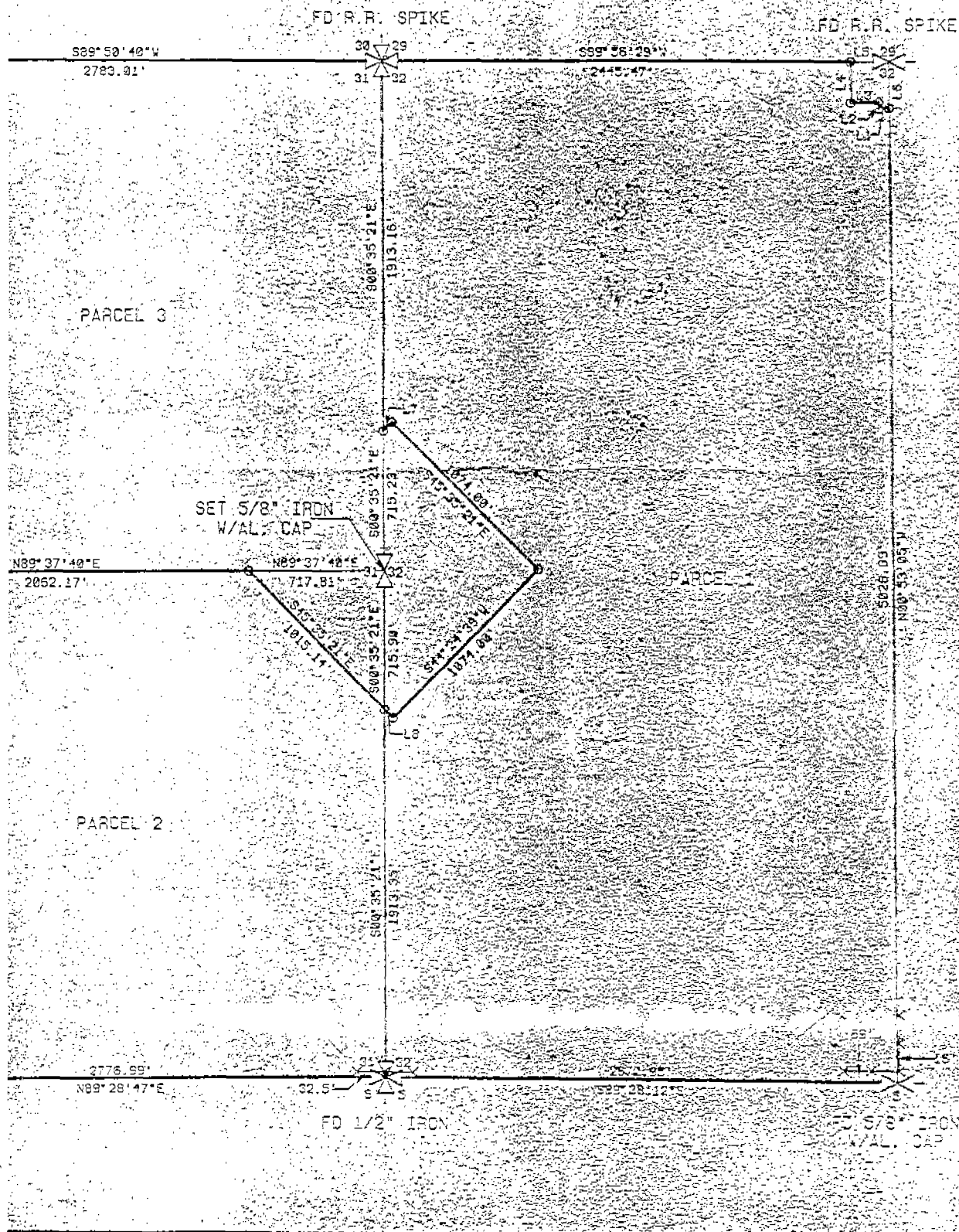
CERTIFICATE OF SURVEY

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

SET 5/8" IRON
W/AL CAP

T7N, R35E
T6N, R35E

2 JEFFERSON COUNTY, IOWA
22 FEET



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. $00^{\circ}35'21''$ 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. $00^{\circ}35'21''$ E. for a distance of 715.09 feet; thence N. $45^{\circ}35'21''$ W. for a distance of 1015.14 feet; thence N. $89^{\circ}37'40''$ 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. $00^{\circ}35'21''$ E. for a distance of 1913.16 feet to the true point of beginning; thence S. $00^{\circ}35'21''$ 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. $89^{\circ}37'40''$ W. for a distance of 717.81 feet; thence S. $45^{\circ}35'21''$ E. for a distance of 1077.94 feet; thence N. $44^{\circ}24'39''$ E. for a distance of 1074.00 feet; thence N. $45^{\circ}35'21''$ W. for a distance of 1074.00 feet; thence S. $44^{\circ}37'16''$ 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.

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.

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-O4-938

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

SURVEY

A31-02307
A31-02408

2 JEFFERSON COUNTY, IDAHO
20 FEET

AJ CLAIMS



A31-07905



Woodward Owner-
ship

