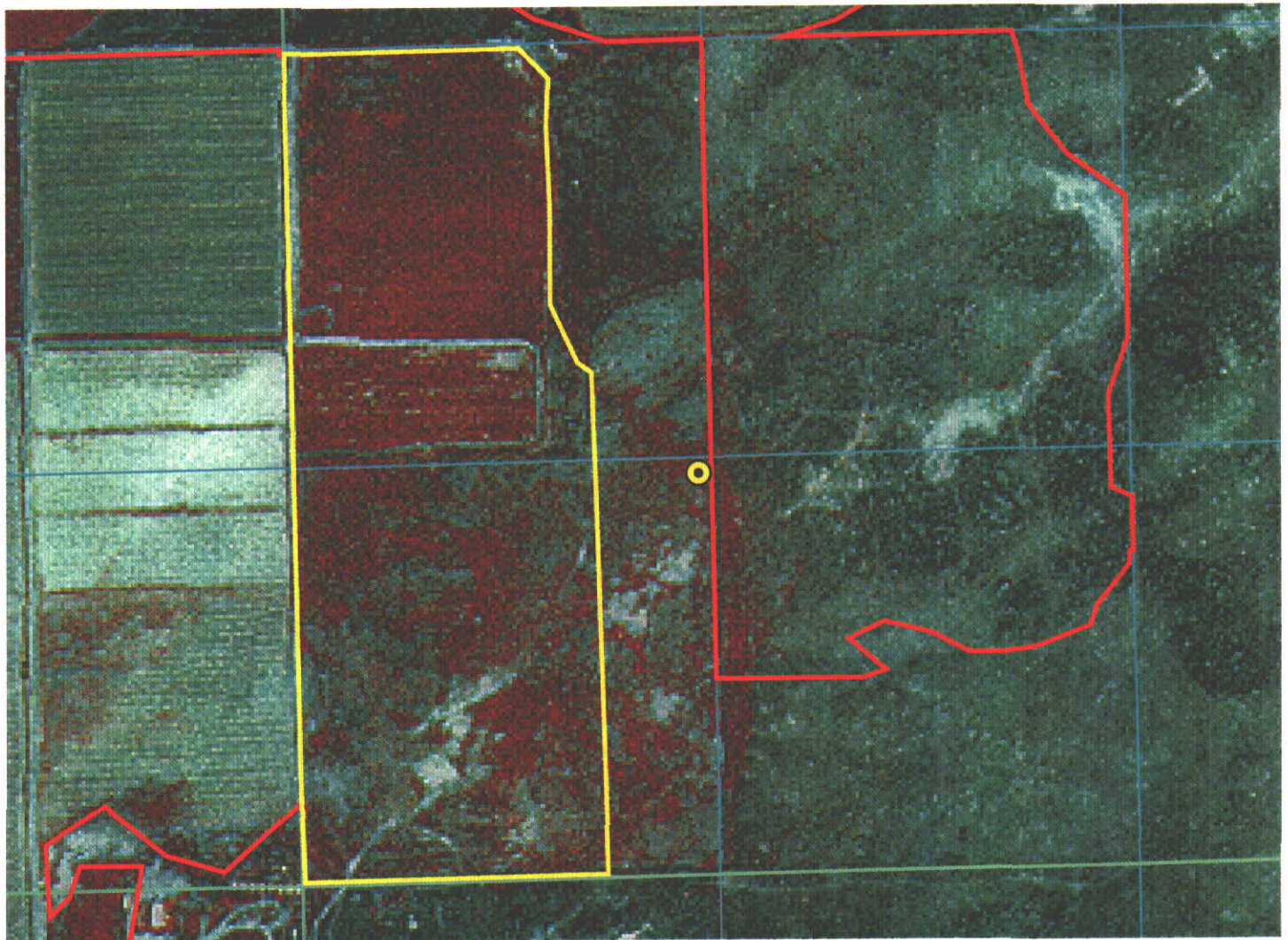


Idaho Department of Water Resources

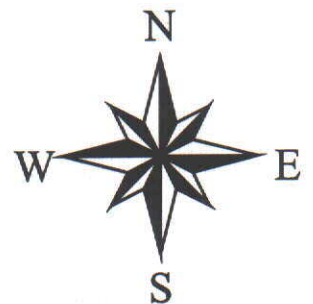
11398
Water Right 31-~~11338~~, 31-11404,
31-11406

Township 6N Range 35E Section 13, SW quarter



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

11/06/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-11398

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LLOYD RAY BARZEE 1577 N 1950 E TERRETON, ID 83450 (208)663-4558
Current Owner	JEWEL BARZEE 1571 N 1950 E TERRETON, ID 83450

Priority Date: 05/09/1962
Basis: License
Status:

Source Tributary to
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	0.89 CFS	154 AFA	
Total Diversion			0.89 CFS	154 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	35E	13	NE SW SW		JEFFERSON

IRRIGATION Use:
Acre Limit: 44

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>
06N	35E	13		NWSW	26		SWSW	29						

Total Acres: 55

Conditions of Approval:

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

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 44 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. ✓
2. Explanatory RIGHT NO. 31-11404 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE. ✓
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-11406 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 154 AF. ✓
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-11406 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON. ✓
5. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 55 ✓

6. Quantity

ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-11398, 31-11404, 31-11406.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 1.18 CFS. COMBINED RIGHT NOS.: 31-11404, 31-11406. ✓

Comments:

Author	Date	Subject	Comment
bcontor	11/6/00	documentation	see 31-11406 for additional documentation (physical file).
bcontor	11/6/00	post-1987 transfer	Note that parent right was subject of post-1987 transfer. This transfer is not strictly adhered to on grounds that at time of transfer, overlapping ben. use. right and enlargement rights were not recognized by allocations in transfer evaluation.
bcontor	11/6/00	PD	Transfer placed new PD in same qq as recommended; well was actually drilled in different spot than sketched in transfer app.
bcontor	11/6/00	split	This claim split off of 31-2398 by change in ownership.
bcontor	11/6/00	PPU	This claim recommended on PPU basis with beneficial use right 31-11406 and enlargement right 31-11404.
bcontor	11/6/00	combined volume	This right and 31-11406 limited to 3.5 afa per acre because original border irrigation system had adequate efficiency even though addl q was needed to facilitate appropriate run lengths and set times.
bcontor	11/6/00	recommendation	Except as noted recommended per transfer 3622 (1989), copy in file 31-02398. Additional analysis documented in paper file 31-11406. eCVR not used as it does not adequately address the issues of this group of recommendations.

Dates:

Licensed Date:
Claim Received Date: 08/21/2000
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:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
PQD	8/22/00 1:38:54 PM	bcontor			In Process
POU	8/22/00 1:46:19 PM	bcontor			In Process
Summary	11/6/00 1:24:25 PM		11/6/00 1:24:25 PM	bcontor	Complete
Use	8/22/00 1:47:16 PM	bcontor			In Process

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector: OR
Overall Max Diversion Rate: 0.89
Overall Max Diversion Volume: 154
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
Parent Right: 31-2398

WRADJUDICATIONCLAIM

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	11/6/00 1:16:47 PM	bcontor	Edited PLS
POD	11/6/00 1:16:30 PM	bcontor	Edited point location
POD	8/22/00 1:38:47 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	8/22/00 1:46:17 PM	bcontor	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. (NO) The change can not be verified as an accomplished transfer. 7. (YES) The change is an enlargement of the POU. Comment for 7: 1987 aerial photo; interview with original owner. 8. (YES) An enlargement claim was filed. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: 1987 aerial photo; interview with original owner. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Summary	11/6/00 1:24:23 PM	bcontor	7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (YES) This is 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.
Use	8/22/00 1:47:14 PM	bcontor	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.

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 31-11398
Date Received: 8/21/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: LLOYD RAY BARZEE Phone: (208)663-4558

Address: 1577 N 1950 E
TERRETON ID USA 83450

Name: JEWEL BARZEE Phone:

Address: 1571 N 1950 E
TERRETON ID USA 83450

2. Date of Priority: 05/09/1962

3. Source: Unknown

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06N	35E	14	NW SE	JEFFERSON

5. Description of diverting works:

ORIGINALLY WELL TO DITCHES TO FLOOD IRRIGATION & TRACTOR PUMP TO SPRINKLERS.
TRANSFER WILL BE NEEDED TO SHOW POST-1987 CHANGE TO WELL IN SECTION 13.

6. Water is used for the following purposes:

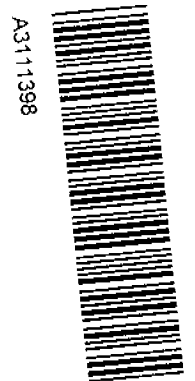
Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.89	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:



Lucas

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	35E	13	NW	SW	IRRIGATION	26
			SW	SW	IRRIGATION	29
					Section Acres	55
					Total Acres	55

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:

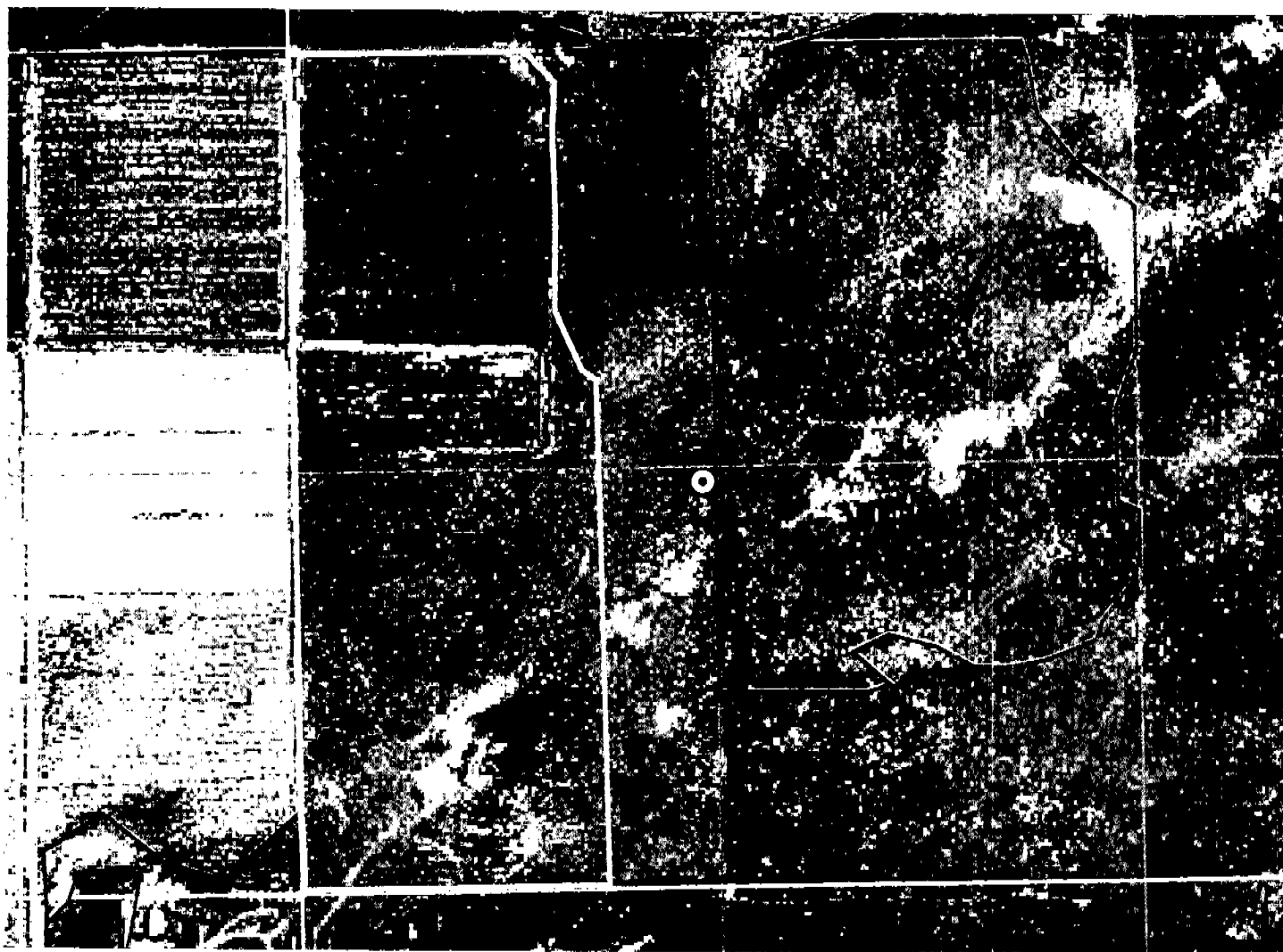
14. Remarks:

SPLIT BY CHANGE OF OWNERSHIP. THIS RIGHT IS PART OF ORIGINAL RIGHT 31-02398. THIS RIGHT IS CLAIMED FOR 44 ACRES WITHIN A PERMISSIBLE PLACE OF USE WITH 31-11404 AND 31-11406. TOGETHER THESE RIGHTS AUTHORIZE IRRIGATION OF 55 ACRES WITH 1.18 CFS. A FORMAL TRANSFER WILL BE NEEDED TO CHANGE THE POD TO SECTION 13. BCONTOR 8/21/2000.

Idaho Department of Water Resources

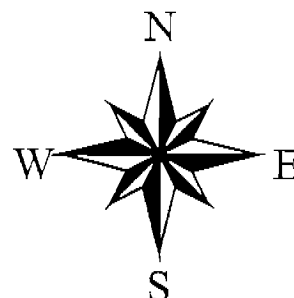
11338
Water Right 31-11338, 31-11404,
31-11406

Township 6N Range 35E Section 13, SW quarter



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

To: Lee Petersen Files
Lloyd Barzee files 31-11404, 31-11398, 31-11406
Fr: Bryce Contor
Date: 11/6/2000
Re: Documentation

Additional documentation may be found in AJ file 31-11406



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 23, 2000

LLOYD & JEWEL BARZEE
1577 N 1950 E
TERRETON ID 83450

RE: CHANGE IN OWNERSHIP FOR A31-02398, A31-11378, A31-11380

Dear Mr. & Mrs. Barzee:

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:

A31-02398:
A31-11398, 0.89 CFS, 55 ACRES, BARZEE
A31-11399, 3.85 CFS, 283.3 ACRES, PETERSON

A31-11378:
A31-11406, 0.28 CFS, 55 ACRES, BARZEE
A31-11407, 1.23 CFS, 283.3 ACRES, PETERSON

A31-11380:
A31-11404, 0.25 CFS, 55 ACRES, BARZEE
A31-11405, 1.09 CFS, 238.3 ACRES, PETERSON

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,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosure

DELOG BC
8-21-00
OK for 8/21/00

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A31-02398	✓			
	A31-11378	✓			
	A31-11380	✓			

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

A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~ N/A

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

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

OR

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

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

Lee C. Peterson
Terracon ID 83450

4. New Owner/Claimant(s)

Kloyd R. BARZEE
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

15711 1950E

City, State and ZIP Code

Terracon ID. 83450

New Telephone Number

(208) 663-4598

5. Date you acquired the property

May 1990

CONTRACT OF SALE

Agreement between LEE C. PERTERSON and MONA PETERSON as sellers and LLOYD R. BARZEE and JEWEL BARZEE as purchasers.

1. Property to be sold and purchased is One hundred forty acre's (140), in Jefferson County of Terreton, Idaho as follows:

The Southwest Quarter (1/4) of section 13 excepting
The South Half (1/2) of the Southeast Quarter (1/4)
of the Southwest Quarter (1/4) of Section 13 Township
6 North, Range 35 East of Boise Meridian.

2. Purchase Price of Fifty Thousand Dollars (\$50,000) is to be paid as follows:

a. Eleven Thousand Dollars (\$11,000) down of which is acknowledged as paid: The balance of Thirty-nine Thousand Dollars (\$39,000) to be paid over a ten year period.

b. The unpaid balance shall earn interest at twelve percent (12%) per annum and each payment shall be applied first to interest due and the balance to principal.

c. The first principal and interest payment shall be payable on or before June 1, 1991. On or before that date, PURSHASERS shall pay one-tenth of the principal amount or Thirty-nine Thousand Dollars (\$39,000) plus any interest that has accrued to that date. Thereafter, PURCHASERS shall pay the sum of Thirty-nine hundred Dollars (\$3,900) per annum plus interest on the unpaid balance until both principal and interest are paid in full.

ANNUAL PAYMENT SCHEDULE

DATE	PRINCIPAL	INTEREST	PAYMENT
1 JUNE 1991	\$39,000	\$4,680	\$8,580
1 JUNE 1992	\$35,100	\$4,212	\$8,112
1 JUNE 1993	\$31,200	\$3,744	\$7,644
1 JUNE 1994	\$27,300	\$3,276	\$7,176
1 JUNE 1995	\$23,400	\$2,808	\$6,708
1 JUNE 1996	\$19,500	\$2,340	\$6,240
1 JUNE 1997	\$15,600	\$1,872	\$5,772
1 JUNE 1998	\$11,700	\$1,404	\$5,304
1 JUNE 1999	\$7,800	\$936	\$4,836
1 JUNE 2000	\$3,900	\$468	\$4,368

3. DEFAULT: This agreement is made upon the express condition that time and punctuality of payment are of the essence and a material part of this contract. In the event PURCHASERS shall default in the performance of the terms of this agreement, SELLERS may cause notice in writing to be given to the PURCHASERS specifying the matters in which such default occurred. The notice shall be served upon the PURCHASERS by depositing the same in a United States Post Office, addressed to the PURCHASERS at Terreton, Jefferson County, Idaho 83450. Said notice shall be sent by certified and/or registered mail, return receipt requested, postage prepaid, and such notice shall be deemed served upon its deposit in the postoffice as aforesaid. If the PURCHASERS shall fail to cure such default within sixty days (60) after the service of such notice as aforesaid, then SELLERS may elect to do any one or more of the following:

(a) Declare the entire unpaid balance on the Contract, including principal, interest, taxes, assessments, attorney's fees, and any other sums owing SELLERS to be immediately due and owing.

(b) Bring an action for specific performance of the terms, covenants and conditions of this agreement, and to require and enforce full and complete performance by PURCHASERS.

(c) Rescind this Contract and recover full and complete restitution from PURCHASERS.

(d) Declare this Contract to be terminated due to said default. In that event, this Contract shall be immediately terminated and PURCHASERS shall forfeit all rights to said premises, and all payments made hereon shall be retained by SELLERS as liquidated damages for breach of this Contract.

(e) To pursue any other remedy in law or equity to enforce the performance of this Contract, or to recover damages for the breach thereof.

4. HEIRS, EXECUTORS, ADMINISTRATORS, PERSONAL REPRESENTATIVES: All covenants and agreements herein contained shall extend and be obligatory upon the heirs, executors, administrators, personal representatives, successors and assigns of the respective parties hereto.

NOTICE OF PURCHASERS INTEREST

NOTICE IS HEREBY GIVEN that the undersigned are parties to a Contract of sale dated the 14th day of May, by and between LEE C. PETERSON and MONA PERTERSON, as Sellers, of Terreton, Jefferson County, Idaho, and LLOYD RAY BARZEE and JEWEL BARZEE, husband and wife, as PURCHASERS, of Terreton, Jefferson County, Idaho, for the following described real property;

The Southwest Quarter (1/4) of section 13 excepting
The South Half (1/2) of the Southeast Quarter (1/4)
of the Southwest Quarter (1/4) of section 13 Township
6 North, Range 35 East of Boise Meridian.

TOGETHER with all appurtenant water rights.

Information regarding the sale of referred to herein can be obtained from GROVER & WALKER, P.O. Box 36, Rigby, Idaho, 83442.

In WITNESS WHEREOF, we have set our hands and seals the day and year in the acknowledgements hereinafter set forth.

SELLERS:

Lee C. Peterson
Mona Peterson

PURCHASERS:

Lloyd Ray Barzee
Jewel Barzee