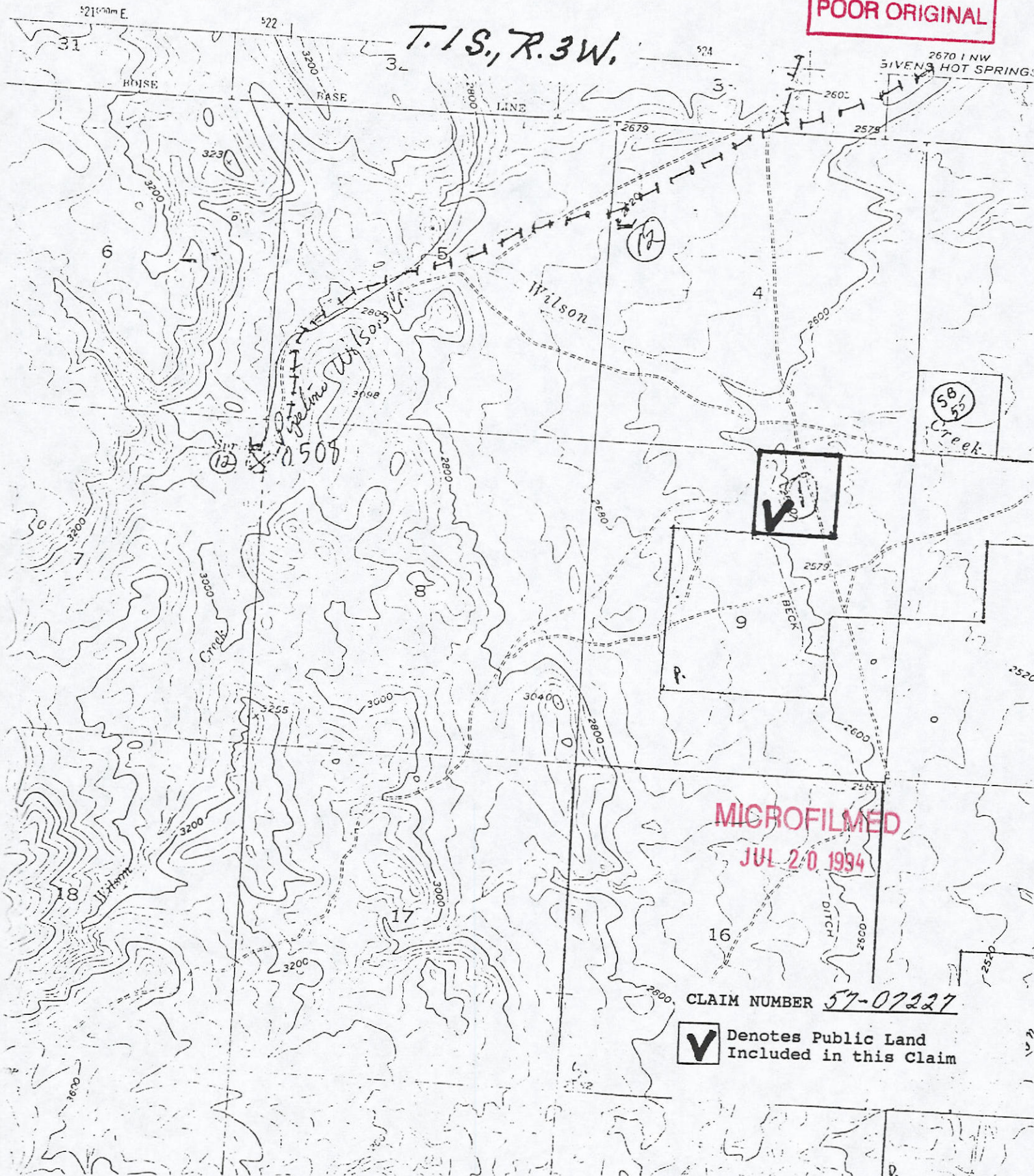


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

POOR ORIGINAL

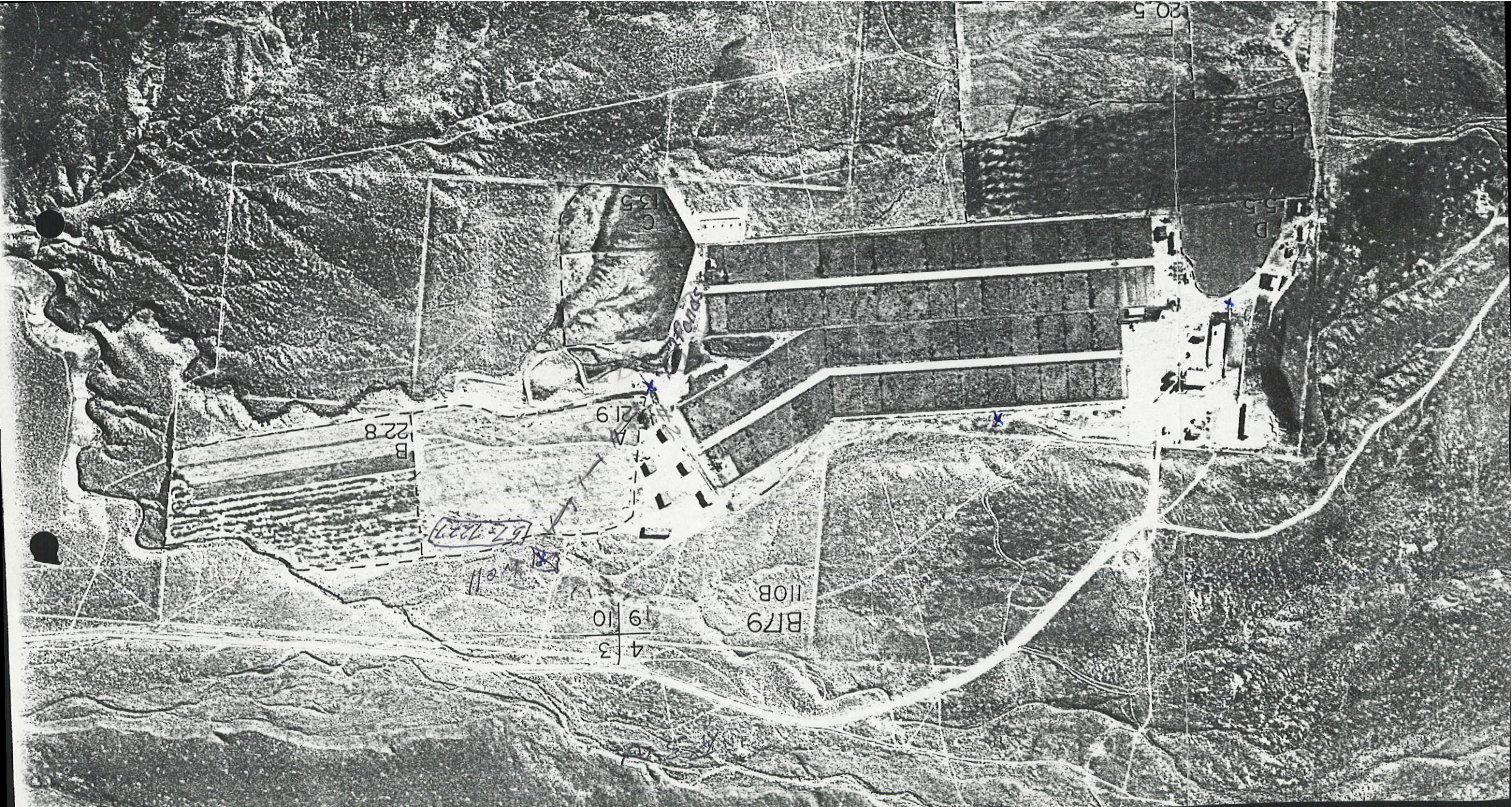
T.1S., R.3W.



MICROFILMED
JUL 20 1994

CLAIM NUMBER 57-07227

 Denotes Public Land
Included in this Claim



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: A57-07227
Date Received: 1/19/1989
Receipt No: W002074
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACOBSON FEEDLOTS, INC. 208-495-2315
Address: HC 79 BOX 87A
MELBA, ID 83641

2. Date of Priority: OCT 06, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	03W	10		NE	NW		OWYHEE
				NW	NW		OWYHEE
				SW	NW		OWYHEE

5. Description of diverting works:
WELLS, PUMPS, PIPELINE & TANKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	2.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/15,000 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	03W	9	NE	NE		STOCK	

A57-07227

Page 1

Date: 01/26/89

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OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	03W	9	SW	NE	STOCK	
			SE	NE	STOCK	
		10	NE	NW	STOCK	
			NW	NW	STOCK	
			SW	NW	STOCK	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SAME QUANTITY AS BENEFICIAL USE REPORT. ITEM 7.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-07227

NAME & ADDRESS: OWYHEE FEEDERS INC
HC 79 BOX 656
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.22 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-02214, 57-02215 AND
57-02303 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30
CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.

PRIORITY DATE: 12/22/1978

POINT OF DIVERSION: T01S R03W S09 SWNE Within OWYHEE County
SENE
SENW
S10 NWNWPURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.22 CFSPLACE OF USE: STOCKWATER Within OWYHEE County
T01S R03W S09 NENE SWNE SENE SENW
S10 NENW NWNWEXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
STOCKWATER, 15000 HEAD FEEDLOT

From (Claimant/Seller):

Name of Claimant: JACOBSON FEEDLOTS INC
Address: HC 79 BOX 87A
MELBA ID 83641
Phone: (208) 495-2315

To (Claimant/Purchaser):

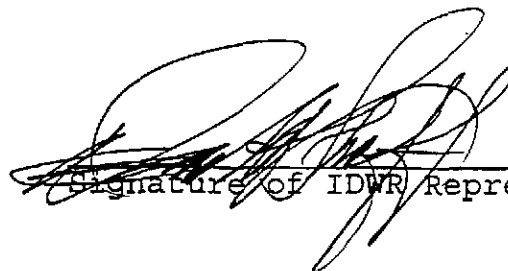
Name of Claimant: OWYHEE FEEDERS INC
Address: HC 79 BOX 656
MELBA ID 83641

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

MAY 12, 1997



Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
5/8/1997

57-02303, 57-02214, 57-02215
AND 57-07227

PAGE 2

CERTIFICATE OF MAILING

I certify that on 5-13-97 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

JACOBSON FEEDLOTS INC
HC 79 BOX 87A
MELBA ID 83641
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

OWYHEE FEEDERS INC
HC 79 BOX 656
MELBA ID 83641
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Sandy Egbert
Signature of person or attorney mailing the form

Movant's Name:
UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Acting Assistant Attorney General
Environment and Natural Resources Division

PETER C. MONSON
LEIF JOHNSON
Attorneys, Department of Justice
Indian Resources Section
Environment and Natural Resources Division

K. JACK HAUGRUD
DARIA J. ZANE
R. LEE LEININGER
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351, (202) 272-4692

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	)	Subcase No. 57-07227
	)	
Case No. 39576	)	STIPULATION AND ORDER
	)	TO RESOLVE OBJECTION

DESCRIPTIVE SUMMARY

This is a stipulation and order to resolve the United States' objection to water right number 57-07227.

STIPULATION

To resolve the dispute over the above-captioned water rights, the claimant, Jacobson Feedlots, Inc., the objector, the United States of America, and the Idaho Department of Water Resources (IDWR), stipulate and agree as follows:

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MAR 09 1998

2
1. The place of use as recommended in the Director's Report is incorrect. The following point of diversion should be deleted: T01S R03W Sec. 09 NWNE.

2. The water right is accurately described in Exhibit 1, a revised page of the Director's report containing the changes described above showing specific changes made to the Director's original recommendation in an underline/overstrike format.

3. All decrees, whether partial or final, should describe the water rights as modified and described in Exhibit 1.

4. Upon entry of partial and final decrees for Water Right No. 57-07227, describing the rights as shown in Exhibit 1, including the modifications indicated thereon, the objections of the United States shall be deemed withdrawn.

5. Because there are no remaining objections to these water rights, partial decrees may be entered for them pursuant to I.C. 42-1412(8).

6. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

7. This stipulation is entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence, whatsoever.

Respectfully submitted,

CLAIMANT

Dated: _____

UNITED STATES OF AMERICA
on behalf of the BLM

Dated: _____

By: _____

Daria J. Zane
Lee Leininger
Attorneys
General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice

BUREAU OF LAND MANAGEMENT

Dated: _____

By: _____

David Brunner
District Manager
Bureau of Land Management
Boise, Idaho 83720

IDAHO DEPARTMENT OF WATER RESOURCES

Dated: _____

By: _____

Daniel L. Steckel
Deputy Attorney General
Department of Water Resources

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ORDER

This matter having come before the Court upon stipulation of counsel, and good cause having been shown,

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right ____-____ as described in the attached Exhibit 1. The United States' objection shall be deemed withdrawn upon entry of the partial decree. Because no other objections have been raised to this water right, the hearing for entry of this partial decree is scheduled for _____, 199__, at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED and signed this _____ day of _____, 1994.

DANIEL C. HURLBUTT JR.
District Judge

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER		TRIBUTARY:				
57-07227	JACOBSON FEEDLOTS INC HC 79 BOX 87A MELBA ID 83641	12/22/1978	STOCKWATER	01-01 12-31	.22	CFS LICENSE
TOTAL QUANTITY:					.22	CFS
NON-IRRIGATION USES:						
STOCKWATER, 15,000 CATTLE						
POINT OF DIVERSION:						
T01S R03W S09		NENE				
S10		SENE				
T01S R03W S09		NWNW				
PLACE OF USE: STOCKWATER		NENE	SWNE	SENE		
T01S R03W S09		NENE	NWNW	SENE		
S10		NENE	NWNW	SENE		
REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 57-02214, 57-02215 AND 57-02303						
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30 CFS AND A						
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.						

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MAR 09 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Notice of Claims to Water Rights Nos. 57-02303, 57-02214,
57-02215 and 57-07227

RECEIVED

APR 01 1997

Owyhee Feeders
Attn: Bob &/or Ed Lincoln *208 495-2276*
HC 79, Box 656
Melba, ID 83641

Department of Water Resources

Dear Water Users:

It has come to our attention that you now own Jacobson Feedlots Inc. and we have not been able to contact you because we were not notified of the ownership change. Enclosed is a "Notice of Change of Water Right Ownership" form that needs to be completed and returned to our office as soon as possible. I have partially completed the form for your convenience. Also enclosed are profile reports of the above referenced water rights that were submitted for decree in 1992. When these rights were submitted for decree the BLM objected to Rt. 57-07227 because a portion of the place of use may be on BLM land. I have included a copy of a map that shows which land they have submitted their objection on. It is urgent that you submit the ownership change as soon as possible. The Court has been holding conferences in regard to other rights that were objected to and they requested that we locate the current owners of these water rights. If no response is received the water rights could be disallowed by the Court.

I have enclosed some brochures which discuss the Snake River Basin Adjudication for your information. If you have any questions in regard to this matter, please do not hesitate to contact this office. If you need assistance and wish to come into our office, please call ahead and set up an appointment.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

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MAR 09 1998

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 3 WEST, BOISE MERIDIAN, OWYHEE COUNTY,
IDAHO

Section 9: Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Conveying with the above described land any and all water rights and irrigation ditches belonging or in anywise appertaining thereto and especially including, but not limited to, the following. Together with all water rights, irrigation canal rights and privileges now owned or to be acquired by the Buyer hereto under Idaho State Water Licensee-Subterranean Waters:

License No. 57-2303 - Priority of 9/22/66 for 1.62 c.f.s.

License No. 57-2215 - Priority of 3/19/56 for .8 c.f.s.

License No. 57-2214 - Priority of 3/19/56 for 1.6 c.f.s.

License No. 57-7227 - Priority date 12/22/78 for 2.2 c.f.s.

217712

FILED-RECORDED

'96 JAN 3 AM 10 41

BY *Diana D. Miller*

Amber Little
9/10

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MAR 09 1981

EXHIBIT "A"

Corporate officers on pg. 8

**AGREEMENT FOR THE SALE OF
REAL AND PERSONAL PROPERTY**

THIS AGREEMENT is made and entered into this 2nd day of January, 1996, by and between DUANE E. JACOBSON and NADINE JACOBSON, husband and wife, hereinafter collectively referred to as "Seller," and OWYHEE FEEDERS, INC., an Idaho corporation, hereinafter referred to as "Buyer."

W I T N E S S E T H:

Seller agrees to sell to Buyer on performance of all of the agreements and covenants of Buyer at the time and in the manner hereinafter specified, and convey or cause to be conveyed by the legal owner or owners thereof by good and sufficient Warranty Deed and Bill of Sale, the following described real and personal property, situated in the County of Owyhee, State of Idaho, to-wit:

REAL PROPERTY:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

PERSONAL PROPERTY:

See Exhibit "B" attached hereto, and by this reference made a part hereof.

Buyer agrees to buy the said above described real and personal property and to pay Seller therefor the sum of \$666,400.00, lawful money of the United States, payable in the manner and pursuant to the conditions as follows, to-wit:

A. \$66,400.00 in cash, payable from Buyer to Seller at the closing of this transaction.

B. \$451,343.60 with interest at the rate of ten percent (10%) per annum commencing November 3, 1995, to be paid in regular monthly payments of \$5,500.00 per month, including interest, with the first of said monthly payments to be made on the 1st day of December, 1995, and a like payment on the 1st day of each and every month thereafter until July 1, 2000, at which time the remaining principal sum and accrued interest are due and payable in full. The parties understand and agree that there will be the necessity of a balloon payment on July 1, 2000. All monthly payments shall be credited first to accrued interest and the balance to principal.

52-02303
57-02214
57-02215
57-07227

If any payment is more than five days late, a late charge of 5% of the unpaid payment shall be added. Further, at the end of each month, if there is unpaid interest, then that interest will be added to the principal balance and will bear interest at the rate set forth in this paragraph. The amount due under this paragraph B shall be evidenced by a Promissory Note entered in escrow for collection, which Note shall be secured by a Mortgage.

C. \$148,656.40 with interest at the rate of nine and one-fourth percent (9¼%) per annum commencing November 3, 1995, shall be paid in regular monthly payments commencing June 1, 1996 and continuing on the first day of each and every month thereafter until principal and interest is paid in full. The parties hereto understand and agree that as of May 1, 1996, the interest accrued from November 3, 1995, which was compounded, in the sum of \$6,715.37, was added to the principal balance due pursuant to this paragraph, and a new principal balance, in the sum of \$155,371.77, was amortized over the remainder of the loan period. For purposes of calculating interest, the said sum of \$155,371.77 shall be considered the principal balance as of May 1, 1996, and shall be paid in regular monthly payments in the sum of \$1,796.98 per month, including interest, with the first of said monthly payments to be made on the 1st day of June, 1996, and a like payment on the 1st day of each and every month thereafter until April 1, 2008, at which time the remaining principal sum and accrued interest are due and payable in full. All monthly payments shall be credited first to accrued interest and the balance to principal, based on the new principal amount. The amount due under this paragraph C shall be evidenced by a Promissory Note entered in escrow for collection, which Note shall be secured by a Mortgage. The payment obligation and promissory note referred to in this paragraph C is separate from and in addition to the payment obligation and promissory note referred to in paragraph B.

D. Buyer shall have an absolute prepayment privilege and all prepayments shall be applied first to the interest accrued to the date such prepayment is paid and the balance thereof, if any, shall be applied to principal. Any prepayment shall not affect the regularly scheduled payments due under this agreement.

E. Allocation of Purchase Price. The purchase price shall be allocated as follows:

Personal Property	\$238,000.00
Real Property	<u>\$428,400.00</u>
	\$666,400.00

IT IS FURTHER EXPRESSLY COVENANTED AND AGREED by and between the parties hereto as follows:

1. **POSSESSION AND CLOSING:** Buyer and Seller covenant and agree that legal possession of the above described real and personal property is delivered to Buyer at the closing of this transaction, which shall take place at the offices of Owyhee Title Company, Murphy, Idaho, on the 2nd day of January, 1996.⁸⁷ Buyer and Seller further covenant and agree that physical possession of the above described real and personal property is hereby retained by Seller to be delivered to Buyer on January 2, 1996.^{MS}

2. **ITEMS EXCLUDED FROM SALE:** The following items are specifically excluded from this sale:

- 1 - 6000 gallon steel tank
- 1 - Roping chute (at the "arena")
- 1 - Round pen
- 4 - 3-sided sheds
- Miscellaneous portable panels (horse pen panels)
- 1 - Powder River Squeeze Chute and Runway
- 1 - Horsewalker.

3. **WARRANTIES:** BUYER HAS LEASED THE PREMISES PRIOR TO THIS AGREEMENT AND IS THEREFORE FAMILIAR WITH THE REAL PROPERTY AND PREMISES. BUYER HAS ALSO INSPECTED THE ABOVE DESCRIBED REAL PROPERTY AND PREMISES HEREIN CONVEYED FROM SELLER TO BUYER, AND ACCEPTS THE SAME IN THE CONDITION THE SAME ARE NOW IN. THERE ARE NO VERBAL OR IMPLIED PROMISES, AGREEMENTS, STIPULATIONS, REPRESENTATIONS OR WARRANTIES OF ANY CHARACTER WHATSOEVER, EXCEPT THOSE SET FORTH IN WRITING IN THIS AGREEMENT, AND BUYER IN ENTERING INTO THIS AGREEMENT IS RELYING WHOLLY UPON BUYER'S OWN INSPECTION AND JUDGMENT. BUYER AGREES THAT BUYER HAS ASCERTAINED, FROM SOURCES OTHER THAN SELLER, THE APPLICABLE ZONING, BUILDING, HOUSING AND OTHER REGULATORY ORDINANCES AND LAWS AND THAT BUYER ACCEPTS THE PROPERTY WITH FULL AWARENESS OF THESE ORDINANCES AND LAWS AS THEY MAY AFFECT THE PRESENT USE OR ANY INTENDED FUTURE USE OF THE PROPERTY, AND SELLER HAS MADE NO REPRESENTATIONS WITH RESPECT THERETO.

4. **MAINTENANCE:** Buyer agrees to maintain said premises in as good condition as the same are now in, reasonable wear and tear and damage by the elements excepted, during the life of this Agreement.

5. **TAXES AND ASSESSMENTS:** Seller agrees to pay all taxes, water assessments and all other assessments of any type or kind upon the above described real and personal property for the

year 1994 and all prior years; and the Buyer agrees to pay all taxes, water assessments and all other assessments of any type or kind upon the above described real and personal property for the year 1995 and all subsequent years, promptly and before the same become delinquent, except that the Seller shall pay to the Buyer upon the execution of this Agreement, Seller's pro rata share of the 1995 taxes and assessments, with the date of possession as the date of proration, and in the event the taxes for 1995 have not yet been levied, in such computation it will be assumed that the 1995 taxes and assessments are the same as the 1994 taxes and assessments.

6. **EXISTING ENCUMBRANCE - MORTGAGE AND SECURITY AGREEMENT:** Buyer acknowledges that Buyer has been made aware of an existing encumbrance upon the above described real property consisting of a Mortgage made to the favor of Farmers Cattle Company, Inc., dated July 1, 1984, and recorded October 29, 1985, as Instrument No. 187024, records of Owyhee County, Idaho. The parties hereto covenant and agree that Buyer is not assuming said Mortgage and Seller agrees to indemnify and hold harmless Buyer from any and all liability which may arise pursuant thereto, so long as Buyer is not in default of this agreement or its payment obligation pursuant to the promissory notes which have been executed as part of this transaction. Seller is also notifying Buyer of an underlying security agreement on the personal property being sold pursuant to this Agreement, as granted in that certain Agreement for the Sale of Real and Personal Property dated July 1, 1984, between Farmers Cattle Company, Inc., as "Seller," and Jacobson Feed Lots, Inc., as "Buyer." The interest of Jacobson Feed Lots, Inc., in said security agreement has previously been transferred to Seller herein. As a result of said security agreement, Buyer agrees that it will not convey or otherwise encumber the personal property listed on Exhibit "B" attached hereto without first obtaining the prior written consent of Seller. In the event the Farmers Cattle Company, Inc., indebtedness is paid prior to completion of all of the terms and conditions of this agreement, the Buyer agrees to grant a security interest to the Seller in the personal property as additional security as set forth in the following paragraph 7.

7. **SECURITY INTEREST:** In accordance with the foregoing paragraph 6, Buyer grants Seller a security interest in the personal property sold and purchased under the terms of this Agreement. Buyer agrees to execute UCC-1 forms or such other documentation as Seller may require to perfect Seller's security interest which shall be placed and held in escrow to be used in the event the underlying indebtedness to Farmers Cattle Company, Inc., is paid in full prior to the completion of all of the terms and conditions of this Agreement. Seller agrees to release the

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MAR 09 1993

security interest granted herein upon payment in full of the Promissory Notes entered into herein.

8. **MORTGAGE AND PERSONAL GUARANTYS:** Buyer agrees to execute at closing a mortgage in favor of Seller to secure the second promissory note referred to in paragraph C of this Agreement. The Buyer's principals, Robert Lincoln, Edward Lincoln, and Charles Gibson, also agree to execute, at closing, unconditional personal guarantees in favor of Seller.

9. **OTHER ENCUMBRANCES:** Seller is making no other representations or warranty with respect to the title of the real property and other encumbrances thereon.

10. **WARRANTY DEED AND MORTGAGE:** A. Seller agrees to execute and deliver to Buyer, at the closing of this transaction, for immediate recording, a good and sufficient warranty deed subject to the encumbrance referred to in paragraph 6 of this Agreement, conveying unto Buyer the said real property in conformity with the provisions of this Agreement. Buyer shall then immediately execute unto Seller a mortgage on the real property securing all sums due under this Agreement. The mortgage shall then also be recorded.

B. Seller shall also execute, at the closing of this transaction, a Satisfaction of Mortgage, which shall be held in escrow until such time as all sums due under this Agreement have been paid by Buyer to Seller.

11. **BILL OF SALE:** Seller agrees to execute and deliver in escrow a good and sufficient Bill of Sale conveying unto Buyer the said personal property in conformity with the provisions of this Agreement.

12. **ESCROW:** The balance of the monies to be paid to Seller under the terms of this Agreement shall be paid through the offices of Pioneer Title Company of Canyon County, Idaho, of Nampa, Idaho, (hereinafter "escrow agent"), hereby designated escrow agent under the terms of this Agreement. A copy of this Agreement, the original Promissory Notes, recorded Mortgage, Bill of Sale, UCC-1 and Satisfaction of Mortgage, shall be placed in escrow with the escrow agent, to be delivered to Buyer upon compliance with all of the terms and conditions of this Agreement. When Buyer shall have paid to the escrow agent the sum of \$600,000.00, together with accrued interest or any other additional charges added pursuant to this Agreement, in the manner and at the time herein specified, and upon compliance with the terms and conditions of this Agreement, the said escrow papers shall be delivered by the said escrow agent to Buyer and the said escrow agent may thereupon close this escrow.

13. **SPECIAL ESCROW INSTRUCTIONS:** Out of the monthly payments received hereunder, and after proper credit therefor has been given to Buyer, the escrow holder herein is authorized and directed to remit such monthly payment in the following manner:

A. \$5,500.00 per month shall be applied by escrow holder directly to escrow #1370, which is the escrow established at Pioneer Title Company of Canyon County, Idaho, for the collection of the underlying Mortgage disclosed in this Agreement in favor of Farmers Cattle Company.

B. The balance of any monthly payments shall be remitted directly to Seller AT HC 79 BOX 87A MELOKA, IDA. 83641

Upon the payment in full of the underlying Mortgage, identified as escrow #1370, the Seller shall notify the escrow holder of such fact and escrow holder shall commence to remit the entire monthly payment received hereunder to Seller.

14. **HAZARDOUS SUBSTANCES:** Seller represents and warrants that there has been no release of hazardous substances on the property as defined by applicable Federal or State laws and regulations during the time that they have been the owners of the property, and by information and belief, during the time Jacobson Feed Lots, Inc., was the owner of the property; and Seller holds Buyer harmless from any violation alleged to have occurred during that those times. This covenant shall survive the closing of this transaction. Buyer represents and warrants that the premises will never be used for the generation, manufacture, storage, treatment, disposal, release or threatened release of any hazardous substances as those terms are defined by applicable Federal or State laws and regulations except for the storage of oil or petro-chemicals used in the feed lot business. Buyer agrees to indemnify and hold harmless Seller against any and all claims and losses resulting from a breach of this provision of this agreement. This obligation to indemnify shall survive the payment of the indebtedness and the satisfaction of this agreement.

15. **DEFAULT:** Seller's remedy for default hereunder shall be as set forth in the mortgage documents, security agreement and personal guarantys, which are a part of this transaction.

16. **ATTORNEY FEES:** In the event an action is brought to enforce any of the terms or provisions of this Agreement, or enforce forfeiture thereof for default thereof by either of the parties hereto, the successful party to such action or collection shall be entitled to recover from the losing party a reasonable

attorney fees, together with such other costs as may be authorized by law.

17. USE OF HORSE CORRALS AND ARENA: The parties agree that for a period of one (1) year following the date of closing of this transaction, Seller shall have the exclusive use of the southwest corner of the property, consisting of approximately fifteen (15) acres, more or less, within the known confines of existing horse corrals and arena. The use of said horse corrals and arena shall be of no charge to Seller. The parties hereto agree to enter into a one (1) year Lease setting forth their agreements pursuant to this paragraph.

18. REMOVAL OF PERSONAL PROPERTY: Buyer hereby agrees to allow Seller thirty (30) days after the closing of this transaction to remove from the property their personal property and shop equipment that is not part of the sale.

19. CORPORATE STANDING AND AUTHORITY: Buyer is a corporation duly organized, validly existing and in good standing under the laws of the State of Idaho and has the full corporate power to purchase the property from Seller pursuant to this Agreement. Further, the execution and performance of this Agreement have been duly authorized and approved by all of the directors and shareholders of Buyer and this Agreement constitutes a valid, binding agreement of Buyer in accordance with its terms. Buyer agrees to provide at closing a directors' resolution signed by all of the directors of Buyer authorizing Buyer to enter into and purchase the property under this Agreement.

20. COSTS OF SALE: The parties agree that the Seller and Buyer shall each bear their own attorney fees in this matter. The other costs of this sale, including but not limited to closing costs, escrow fees and recording fees, shall be divided equally between the parties hereto.

21. ENTIRE AGREEMENT: The parties agree that this Agreement constitutes the entire agreement between the parties hereto.

22. SEVERABILITY: In the event any of the provisions of this Agreement shall be deemed illegal or unenforceable, such determination shall not operate to invalidate any of the remaining provisions of this Agreement.

23. HEADINGS: The bolded paragraph headings are for convenience only and are not a part of this Agreement and shall not be used in interpreting or construing this Agreement.

24. **SITUS:** This Agreement is established under the laws of the State of Idaho, and all questions concerning its validity and construction shall be determined under such laws.

25. **BINDING EFFECT:** The provisions and stipulations of this Agreement shall inure to and bind the heirs, personal representatives, assigns and successors in interest of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

Duane Jacobson
Duane Jacobson

Nadine Jacobson
Nadine Jacobson

"Seller"

OWYHEE FEEDERS, INC.

By *Robert Lincoln*
Its President

ATTEST:

[Signature]
Its Secretary

"Buyer"

Robert Lincoln
Robert Lincoln

Robert Lincoln
Edward Lincoln
Ralph E. Gibson
Charles Gibson

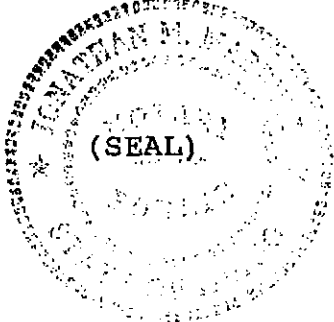
"Guarantors"

STATE OF IDAHO)

:ss

County of Owyhee)

On this 2nd day of January, in the year 1996, before me, Jonathan M. Mabbitt, a Notary Public, personally appeared DUANE JACOBSON and NADINE JACOBSON, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Jonathan M. Mabbitt
Notary Public for Idaho
Commission expires: 4-25-2000

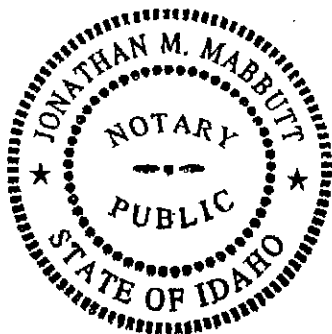
STATE OF IDAHO)

:ss

County of Owyhee)

On this 2nd day of January, in the year 1996, before me, Jonathan M. Mabbitt, a Notary Public, personally appeared Robert Lincoln and Charles L. Gibson, known or identified to me to be the President and Secretary, respectively, of OWYHEE FEEDERS, INC., who executed the instrument or the person that executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

(SEAL)



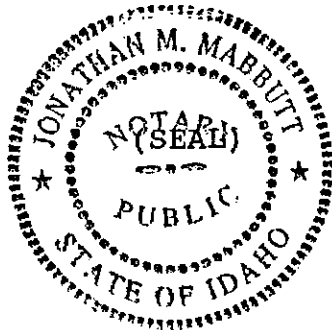
Jonathan M. Mabbitt
Notary Public for Idaho
Commission expires: 4-25-2000

STATE OF IDAHO)

County of Owyhee)

:ss

On this 2nd day of January, in the year 1996,
before me, Jonathan M. Mabbitt, a Notary Public, personally
appeared ROBERT LINCOLN, known or identified to me to be the person
whose name is subscribed to the within instrument, and acknowledged
to me that he executed the same.



Jonathan Mabbitt
Notary Public for Idaho

Commission expires: 4-25-2000

STATE OF IDAHO)

County of Owyhee)

:ss

On this 2nd day of January, in the year 1996,
before me, Jonathan M. Mabbitt, a Notary Public, personally
appeared RALPH LINCOLN, known or identified to me to be the person
whose name is subscribed to the within instrument, and acknowledged
to me that he executed the same.



Jonathan Mabbitt
Notary Public for Idaho

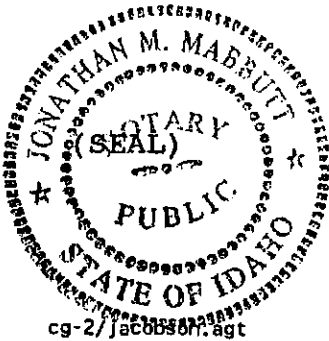
Commission expires: 4-25-2000

STATE OF IDAHO)

County of Owyhee)

:ss

On this 2nd day of January, in the year 1996,
before me, Jonathan M. Mabbitt, a Notary Public, personally
appeared CHARLES GIBSON, known or identified to me to be the person
whose name is subscribed to the within instrument, and acknowledged
to me that he executed the same.



Jonathan M. Mabbitt

Notary Public for Idaho

Commission expires: 4-25-2000

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 3 WEST, BOISE MERIDIAN, OWYHEE COUNTY,
IDAHO

Section 9: Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10: W $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Conveying with the above described land any and all water rights and irrigation ditches belonging or in anywise appertaining thereto and especially including, but not limited to, the following. Together with all water rights, irrigation canal rights and privileges now owned or to be acquired by the Buyer hereto under Idaho State Water Licensee-Subterranean Waters:

License No. 57-2303 - Priority of 9/22/66 for 1.62 c.f.s.

License No. 57-2215 - Priority of 3/19/56 for .8 c.f.s.

License No. 57-2214 - Priority of 3/19/56 for 1.6 c.f.s.

License No. 57-7227 - Priority date 12/22/78 for 2.2 c.f.s.

EXHIBIT "A"

MICROFILMED

MAR 09 1980

FEEDLOT EQUIPMENT
(as of 4-1-95)

- 1 Water Well 25 HP Turbine Pump
- 1 Water Well 30 HP Submersible Pump
- 1 Water Well 25 HP Submersible Pump
- 1 Water Well 15 HP Submersible Pump
- 1 40 HP Booster Pump
- 1 15 HP Booster Pump
- 31,000 feet of 4.50 foot Steel Pipe and Sucker Rod Fence
- 10,870 feet of Concrete Feed Bunks w/8' Apron - 12/50'
- 400 feet of Wood Feed Bunks w/8' Apron - 6.00'
- 800 feet of Wood Feed Bunks
- 320 feet of Wood and Concrete Bunks - 5.00'
- 200 14' Steel Rod and Pipe Gates
- 103 10' Fiberglass Water Tanks
- 7 Steel Water Tanks
- 2 Sick pen Chutes and Steel Runways
- 1 Cattle Processing Barn with Steel Runway, Hydraulic Squeeze Chute and Dipping Vat
- 1 Fat Cattle Holding Pen and Steel Loading Chute
- 1 14 x 70 1974 Tamarack Mobile Home
- 1 2 Story Wood Frame House, Modern Plumbing and remodeled 1987
- 1 28 x 60 1973 Double Wide Mobile Home
- 1 Scale House 12' x 16' Concrete Block
- 1 Office 40' x 32' Concrete Block and Wood Frame, with Wood Siding
- 1 Shop 40' x 60' Steel with concrete floor
- 1 Mill Building 80' x 120' Concrete and Steel with concrete floor
- 1 Horse Barn 24' x 32' Steel
- 1 Horse Barn 16' x 64' Metal Siding
- 1 Boiler and Electrical Room 20' x 32' concrete block
- 2 Medicine Storage Buildings 8' x 8' steel
- 1 40,000 lb. capacity 14' x 28' Cattle Scales
- 1 100,000 lb. capacity 10' x 70' Truck Scales
- 1 75' high Elevator Leg - Creamer
- 1 90' Custom Elevator Leg
- 1 25' Custom Elevator Leg
- 1 Grain Scalper and Augers Wheeler - Reader
- 3 Grain Storage Bins 32' x 28' Concrete Cone
(bottoms with unloading augers 800 ton capacity)
- 3 Overhead Steel Grain Tanks - 25 ton capacity
- 1 Overhead Steel Grain Tank - 45 ton capacity
- 1 Grain Roller Denver 18" x 36" w/75 HP motor
- 1 Grain Roller Roskamp 18" x 36" w/75 HP motor
- 1 Grain Roller Mill Utah 12" x 30"

MICROFILMED
MAR 09 1998

EXHIBIT B

FEEDLOT EQUIPMENT
(as of 4-1-95)

Page 2

- 1 Continental Boiler 125 HP**
- 1 Harsh Stationery Mixer w/Electric scales**
- 1 32' x 36" Belt Conveyor**
- 1 30' x 48" Belt Conveyor**
- 1 Molasses Tank - 8,000 gallon capacity**
- 3 Molasses Pumps 5 HP**
- 1 Fuel Storage Tank - 10,000 gallon capacity**
- 1 Fuel Storage Tank - 2,000 gallon capacity**
- 1 Hay Chopper Hay Buster C-11 w/200 HP motor**

MICROFILMED
MAR 09 1998

WARRANTY DEED

DUANE JACOBSON and NADINE JACOBSON, husband and wife, Grantors, hereby convey, grant and warrant to OWYHEE FEEDERS, INC., an Idaho corporation, Grantees, whose address is HC 79 Box 656, Mc16A, ID 83441, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

SUBJECT TO that certain Mortgage made to the favor of Farms Cattle Company, Inc., dated July 1, 1984, and recorded October 29, 1985, as Instrument No. 187024, records of Owyhee County, Idaho, which Grantees are not assuming.

ALSO SUBJECT TO taxes and assessments for the year 1995 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantees that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as set forth in the Agreement for the Sale of Real and Personal Property, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

57-02303
57-02214

MICROFILMED
57-02215
57-07224
MAR 09 1998

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 2nd day of JANUARY, 1996.

Duane Jacobson
Duane Jacobson

Nadine Jacobson
Nadine Jacobson

STATE OF IDAHO)
County of Oneida) :ss

On this 2nd day of January, in the year 1996, before me, Jonathan M. Marbutt, a Notary Public, personally appeared DUANE JACOBSON and NADINE JACOBSON, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Jonathan M. Marbutt
Notary Public for Idaho
Commission expires: 4-25-2000

cg-1/jacob.vd

WARRANTY DEED - 2

57-02303
57-02214
57-02215
57-07227

MICROFILMED
MAR 09 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A57-02303, A57-02214, A57-02215,
A57-07227
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Jacobson Feedlots Inc.
HC 79 Box 87A Melba, ID 83641
4. New Owner/Claimant(s) Owyhee Feeders
New Mailing Address HC 79 Box 656
City, State and ZIP Code Melba, ID 83641
New Telephone Number (208) 495-2315
5. Date you acquired the property 1-3-96
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Robert L. Linn Pres. Date 5-8-97
Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

O.K. RB 5-8-97
NCAP generated 05-7-97 - 20
blank prefix + 'E' record Comments updated.
5-13-97

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

AJ0749NP
No. 57-07227

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

DATE: 05/08/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	OWYHEE FEEDERS HC 79 BOX 656 MELBA ID 83641 (208) 495-2315	12/22/1978	STOCKWATER	01-01 12-31	0.22 CFS	
TOTAL DIVERSION:					0.22 CFS	

D JACOBSON FEEDLOTS INC
HC 79 BOX 87A
MELBA ID 83641
(208) 495-2315

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R03W S09 S10 NENE NWNW SENW
OWYHEE County
OWYHEE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
01S	03W	9	:	S		S	S	:				S	:					:					:
01S	03W	10	:					:	S	S	S		:					:					:

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 15,000 CATTLE

Remarks: GEN USE OF THIS RIGHT WITH RIGHT NOS. 57-02214, 57-02215 AND 57-02303
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30 CFS AND A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.

Dates: Exam Made Date: 08/02/1990 Verified Date: Objection Filed Date: 02/26/1993

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

MAR 9 1993
MICROFILMED



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 13, 1997

OWYHEE FEEDERS
HC 79 BOX 656
MELBA ID 83641

RE: Snake River Basin Adjudication (SRBA)
Owyhee County - Claims #57-02303, 57-02214,
57-02215 & 57-07227

Dear Claimant:

IDWR has received your notice of the change in ownership of the above-referenced water right claims. Our records have been changed accordingly.

Copies of Adjudication Claim Profile Reports prepared from our computer database are enclosed for your review. If you have any questions, please contact our office at 800/451-4129.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosures:

Adjudication Claim Profile Reports
"How You Will Receive Notice...."

MICROFILMED

MAR 09 1998

1997 JUN 23 AM 9:32

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

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): 57-07227

CERTIFICATE OF MAILING

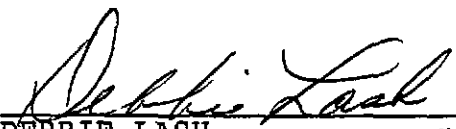
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 23, 1997, with sufficient first-class postage prepaid to the following:

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

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

OWYHEE FEEDERS, INC.
HC 79 BOX 656
MELBA, ID 83641

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449


DEBBIE LASH

CERTIFICATE OF MAILING

MICROFILMED
PAGE 1
06/23/97
MAR 09 1998

1997 JUN 23 AM 9:32

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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)
_____)

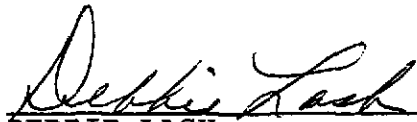
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-07227

On June 23, 1997, Special Master FRITZ X HAEMMERLE
issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above
subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

Pursuant to SRBA Administrative Order 1, Section 14b, any party
to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S
REPORT AND RECOMMENDATION within 21 days following the date of
publication of the filing of the Special Master's report in the Docket
Sheet except parties to the subcase who failed to file a Motion to
Alter or Amend before the Special Master (AO1, Section 9f).
The Notice of Challenge shall appear on the Docket Sheet and shall be
served on parties to the subcase(s) covered by the challenged report
and the SRBA Court Reporter.

DATED June 23, 1997.


DEBBIE LASH
Deputy Clerk

NOTICE OF ISSUANCE

MICROFILMED
MAR 09 1998

PAGE 1
06/23/97

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)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-07227

1997 JUN 23 AM 9:32
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *OK*

NAME & ADDRESS: OWYHEE FEEDERS INC
HC 79 BOX 656
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.22 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-02214, 57-02215 AND
57-02303 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30
CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.

PRIORITY DATE: 12/22/1978

POINT OF DIVERSION: T01S R03W S09 SWNE Within OWYHEE County
SENE
SENW
S10 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.22 CFS

PLACE OF USE:	STOCKWATER	Within OWYHEE County			
	T01S R03W S09	NENE	SWNE	SENE	SENW
	S10	NENW	NWNW	SWNW	

DATED: 6/23/97

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-07227

MICROFILMED
MAR 09 1998
PAGE 1
APR-24-1997

RECEIVED

JUN 24 1997

Department of Water Resources
Adjudication Bureau

1997 JUN 23 AM 9:32

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

) Subcase 57-07227

Case No. 39576

) SPECIAL MASTER'S REPORT
)
)
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

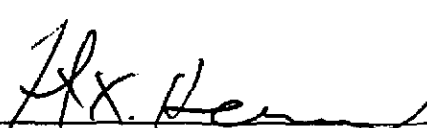
A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by Jacobson Feedlots, Inc. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-07227 was filed by United States (BLM). Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The parties agreed that the owner of the right should be Owyhee Feeders. The *Standard Form 5* was accepted by the court.

A *Preliminary Special Master's Report and Recommendation* for this right was issued. No motion to alter or amend was filed and the time for filing such motions has now expired; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-07227 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED June 23, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

MICROFILMED
MAR 09 1993

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

757-07227

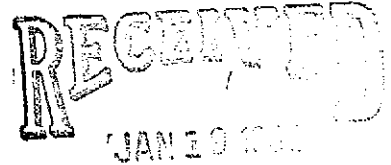
Date Received

1-19-89

Receipt Number

W002074/W002075

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Jacobson Feed Lots Inc Phone (208) 495-2315Mailing Address H.C. 79 Box 87A Melba, Idaho Zip 836412. Date of Priority (Only one (1) per claim) 10/6/19783. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 1S Range 3W Section 10,1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of _____Additional points of diversion if any: NENW, SWNW Sec 10 T15R3W

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

4 wells pumped
to place of use - water fonts

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For stockwater purposes from 1/1 to 12/31 amount 2.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5/15000/range

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15	3W	10					S	S	S										
		9	S		S	S													

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? owl/hare

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

14. Remarks:

Same quantity as beneficial use
report. Item 17

Last Name Jacobson Ident No. 1957-07227

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Copies: White-State, Yellow-Claimant
OCT 07 1992

Scale: 2 inches equals 1 mile

[illegible]

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Last Name Jacobson

Ident No. 1757-07227

Copies: White-State, Yellow-Claimant
 JUL 10 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒
Decree ☒

If applicable provide IDWR Water Right Number A57-07227

Court 3rd Case Number 3456 Decree Date _____

Plaintiff vs Defendant A. Kenneth Dunn v. Larry Adams et al.

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
Title

of Jacobson Feed Lots Inc
Organization

document in the space below as President of Jacobson Feed Lots Inc
Title Organization

and that the statements contained in the foregoing document are true and correct.

☒ Signature of Authorized Agent [Signature]

Title and Organization Pres. Jacobson Feed Lots Inc Date 1/16/89

State of Idaho/or Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 16 day of January 19 89

SEAL

Notary Public John K. Noyes

Residing at 15470 Homedale Rd
Calwell, Idaho

My Commission Expires Sept 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Jacobson Ident. Number A57-07227

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Copies White State, Yellow Claimant
OCT 07 1992

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 57-07227 -0001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the points(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A57-07227	4

(Over)

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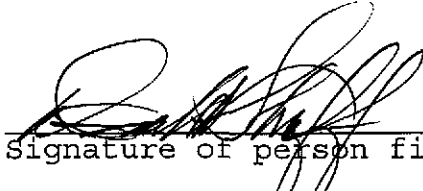
VERIFICATION (Must be Completed)

State of IDAHO

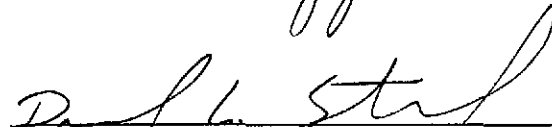
County of ADA

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

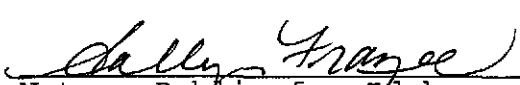


Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of June,
1993.



Notary Public for Idaho
Residing at: Boise
My Commission expires: 11-14-1998

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

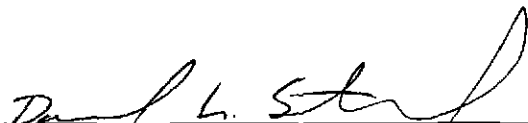
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: JACOBSON FEEDLOTS INC
Address: HC 79 BOX 87 A
MELBA ID 83641

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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 A57-07227
Date Received 1-19-89
Receipt Number W002074/W002075

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JAN 19 1989

Department of Water Resources
Western Regional Office

Please type or print clearly

- Name of Claimant (s) Jacobson Feed Lots Inc Phone (208) 495-2315
Mailing Address H.C. 79 Box 87A Melba, Idaho Zip 83641
- Date of Priority (Only one (1) per claim) 10/6/1978
- Source of water supply (a) Groundwater
which is tributary to (b) _____
- a. Location of existing point of diversion is: Township 1S Range 3W Section 10,
_____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Owyhee
Additional points of diversion if any: NENW, SWNW Sec 10 T15R3W
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 4 wells pumped
To place of use - water fonts

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JUL 20 1994

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For stockwater purposes from 1/1 to 12/31 amount 2.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 3/15000/range

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15	3W	10					S	S	S										
		9	S		S	S													

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? owl/hare

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (☒)

14. Remarks:

Same quantity as beneficial use
report. Item 17

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JUL 20 1994

Last Name Jacobson Ident No. 157-07227

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Copies: White - State, Yellow - Claimant
OCT 07 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile

[illegible]

JUL 20 1994

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Copies: ~~White-Space~~ ~~Yellow-Clairmont~~

~~State, Yellow-Flairman~~
OCT 07 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒

Decree ☒

If applicable provide IDWR Water Right Number A57-07227

Court 3rd

Case Number 3456

Decree Date _____

Plaintiff vs Defendant A. Kenneth Dunn v. Larry Adams et al.

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

President
Title

of Jacobson Feed Lots Inc that I have signed the foregoing
Organization

document in the space below as President of Jacobson Feed Lots Inc
Title Organization

and that the statements contained in the foregoing document are true and correct.

☒ Signature of Authorized Agent Wesley Jacobson

Title and Organization Pres. Jacobson Feed Lots Inc Date 1/16/89

State of Idaho/or Idaho)

County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 16 day of January 19 89

SEAL

Notary Public John H. Noyes

Residing at 15470 Homedale Rd.

Caldwell, Idaho

My Commission Expires Sept 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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JUL 20 1989

Last Name Jacobson Ident. Number A57-07227

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OCT 07 1992
Copies White State Yellow Claimant

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-07227
(You must insert the
water right number you
are objecting to)

OBJECTION RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

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JUL 20 1994

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting: United States of America
Bureau of Land Management
Name: U.S. Department of the Interior
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:

The United States, through the Bureau of
Land Management, is the owner of the land
upon which this water right is claimed,
and claimant does not have a valid water
right.

2. Owner of the water right:
Name: claimant Jacobson Feedlots Inc.
Address: HC 79, Box 87A
Melba, ID 83641
3. If this objection is filed by an attorney:
Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U. S. Department of Justice
500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

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JUL 20 1994

(Over)

12. ☒ Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Directors report should be changed to recommend disallowance of this claim.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

1. Map of claim on public land

2. ~~Map of claim on public land~~

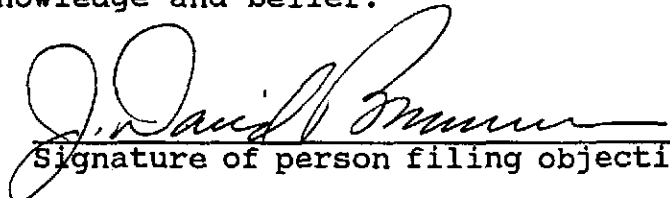
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

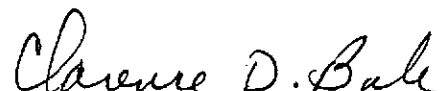
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By:

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of February,
1993.



Notary Public for Ada County
Residing at: Boise, Idaho
My Commission expires: April 27, 1997

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JUL 20 1994

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I ^{mailed} ~~mailed~~ the original and ^{files} ~~copies~~ of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

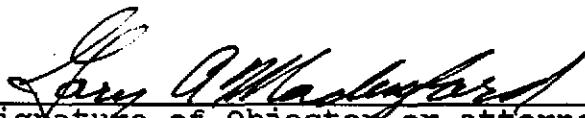
Owner name: Jacobson Feedlots Inc.
Owner's address: HC 79, Box 87A
Melba, ID 83641

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf

POOR ORIGINAL

T. 1 S., R. 3 W.

2670 1 NW
GIVEN: HOT SPRINGS

MICROFILMED

JUL 20 1994

CLAIM NUMBER 57-07227

✓ Denotes Public Land
Included in this Claim

VERIFIED BY KME 6/3/92

Water Right Number - R57-07227

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
JACOBSON FEEDLOTS INC1 - HC 79 BOX 87A
2 -
3 -
City- MELBA State- ID Zip- 83641
Phone - 208-495-2315*** O - ORIGINAL OWNER ***
FARMERS CATTLE CO.1 -
2 -
3 -
City- MELBA State- ID Zip- 00000
Phone - 208-000-0000
1 -
2 -
3 -
City- HARTFORD State- CT Zip- 06105
Phone - 208-000-0000

CONNECTICUT MUTUAL LIFE INSURANCE CO.

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
12/22/1978 ✓ 14 WESTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
01S	03W	9	NE NE ✓		(73)	OWYHEE	
			NW NE ✓		(73)	OWYHEE	
			SE NW ✓		(73)	OWYHEE	
		10	NW NW ✓		(73)	OWYHEE	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31	0.220 ✓	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.220 ✓ 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01S	03W	9	NE NE ✓			04	STOCKWATER	(73) OWYHEE
01S	03W	9	SW NE ✓			04	STOCKWATER	(73) OWYHEE
01S	03W	9	SE NE ✓			04	STOCKWATER	(73) OWYHEE
01S	03W	9	SE NW ✓			04	STOCKWATER	(73) OWYHEE
01S	03W	10	NE NW ✓			04	STOCKWATER	(73) OWYHEE
01S	03W	10	NW NW ✓			04	STOCKWATER	(73) OWYHEE
01S	03W	10	SW NW ✓			04	STOCKWATER	(73) OWYHEE

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OCT 0 7 1992

Water right number - R57-07227

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
----	-----	-----	-------	-----	-------	------	-------------	--------

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use - STOCKWATER, 15,000 CATTLE

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
USE OF THIS RIGHT WITH RIGHT NOS. 57-02214, 57-02215 AND 57-02303
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30 CFS AND A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.

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

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

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

+ - - - - - Comments - - - - -
Date: 12/10/1991 User Id: MCCARTHY Subject: COPIED FROM REMARKS
SAME QUANTITY AS BENEFICIAL USE REPORT. ITEM 7.

+ - - Audit Fields - - +
06/03/92 MCCARTHY

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 08/02/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 06/03/1992	Old Judicial District	-
Claim Received Date	- 01/25/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W002074	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:25:47
06/11/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-07227

LAST: FARMERS CATTLE CO. FIRST:
ADDRESS:
CITY: MELBA STATE: ID ZIP: 00000
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

LAST: CONNECTICUT MUTUAL LIFE INSURANCE CO. FIRST:
ADDRESS:
CITY: HARTFORD STATE: CT ZIP: 06105
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

LAST: JACOBSON FEEDLOTS, INC. FIRST:
ADDRESS: HC 79 BOX 87A
CITY: MELBA STATE: ID ZIP: 83641
PHONE NUMBER: 208-495-2315
OWNER CODE: C

FIELD EXAM REQUIRED? FIELD EXAMINER
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y N

CLAIM REMARKS: SAME QUANTITY AS BENEFICIAL USE REPORT. ITEM 7. *→ out*

decrued as licensed 4-17-92.

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OCT 07 1992

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 8/2/90

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

field exam scheduled

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OCT 07 1992

A. AJ CLAIM: # A57-07227 PRIORITY DATE: 10-06-1978 STAGE: P

B. WR RECORD: # 57-07227 PRIORITY DATE: 12-22-1978 STAGE: P

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

Y

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS: Priority date advanced during reinstatement;
recommend current priority date.

RECOMMENDED PRIORITY DATE:

02-28-1978

REVIEWED BY

RME

DATE

12/3/91

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OCT 07 1992

MEMORANDUM

From: Roxanne McCarthy
To: 57-02214, 57-02215, 57-02303, 57-07227
Re: Chronology of Development
Date: December 9, 1990

=====

1956: permits for irrigation and domestic use
57-02214 irr./dom.
57-02215 irr. only

1966: permit for irrigation
57-02303

1978: permit for stockwater
57-07227 (same PODs as 57-02214, -02215 and -02303)

5/15/1979: joinder to Reynolds Creek decree

1979: orthophotoquad shows extensive stockyard development

1983: extension request for 57-07227 indicates the installation of
stocktanks and pens

3/23/1988: Reynolds Creek decree filed with Court

11/21/1988: claims filed in the SRBA, filed as decreed and
permitted

1989: Proof of Beneficial Use submitted for 57-07227
2.2 cfs for 15,000 head

1990 and 1991: field examination of Permit 57-07227 and claims
no evidence of irrigation, stockyard capable of 15,000 head

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-07227	01S	03W	10		NE	NW		OWYHEE
A57-07227	01S	03W	10		NW	NW		OWYHEE
A57-07227	01S	03W	10		SW	NW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A57-02215 NONE
A57-02303

WR RECORDS IN SAME 40 ACRE TRACT

A57-07227
57-02041
57-02215
57-02303
A57-02214
A57-02215
A57-02303

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-07227	01S	03W	9		SE	NW		OWYHEE
57-07227	01S	03W	9		SW	NE		OWYHEE
57-07227	01S	03W	10		NE	NW		OWYHEE
57-07227	01S	03W	10		NW	NW		OWYHEE
57-07227	01S	03W	10		SW	NW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

57-02214
A57-02214
A57-07227
57-02041
57-02215
57-02303
A57-02215
A57-02303

A57-02214
A57-02215
A57-02303
NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	Y	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY? (Y/N)	N	<u>Y</u>

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REMARKS:

See POO in licensing exam.

Decree as licensed 4-17-92. RTM 6/3/92

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

—	—	—	—	—	—	—	—
---	---	---	---	---	---	---	---

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: *RTM*

DATE: *12/3/91*

MICROFILMED

OCT 07 1992

A. ROOT WATER RIGHT NUMBERS: A57-07227
R57-07227

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
01S	03W	10	NW	NW		JACOBSON FEEDLOTS, INC.	A57-07227 /	57-07227 /	19.0		
			NW	NW		JACOBSON FEEDLOTS, INC.	A57-02215 /20.0	57-02215 /20.0			
			NW	NW		JACOBSON FEEDLOTS, INC.	A57-02303 / 5.0	57-02303 /21.0			
			NW	NW		JACOBSON FEEDLOTS, INC.	R57-07227 /	- /			
			NW	NW		FARMERS CATTLE CO.		A57-02215 /20.0			
			NW	NW		FARMERS CATTLE CO.		A57-02303 / 5.0			
			NW	NW		FARMERS CATTLE CO.		A57-07227 /			
01S	03W	10	NE	NW		JACOBSON FEEDLOTS, INC.	A57-07227 /	57-07227 /	18.0		
			NE	NW		JACOBSON FEEDLOTS, INC.	A57-02303 /25.0	57-02303 /13.0			
			NE	NW		JACOBSON FEEDLOTS, INC.	R57-07227 /	- /			
			NE	NW		FARMERS CATTLE CO.		A57-02303 /25.0			
			NE	NW		FARMERS CATTLE CO.		A57-07227 /			
01S	03W	10	SW	NW		JACOBSON FEEDLOTS, INC.	A57-07227 /	57-07227 /	4.0		
			SW	NW		JACOBSON FEEDLOTS, INC.	A57-02215 /15.0	57-02215 /20.0			
			SW	NW		JACOBSON FEEDLOTS, INC.	R57-07227 /	- /			
			SW	NW		JOHNSTON, ELMER O.		57-02303 / 2.0			
			SW	NW		FARMERS CATTLE CO.		A57-02215 /15.0			
			SW	NW		FARMERS CATTLE CO.		A57-07227 /			
01S	03W	9	NE	NE	1	JACOBSON FEEDLOTS, INC.	A57-07227 /	57-07227 /			
			NE	NE	1	JACOBSON FEEDLOTS, INC.	A57-02303 / 6.0	57-02303 /10.0			
			NE	NE		JACOBSON FEEDLOTS, INC.	R57-07227 /	- /			
			NE	NE	1	FARMERS CATTLE CO.		A57-02303 / 6.0			
			NE	NE		FARMERS CATTLE CO.		A57-07227 /			
01S	03W	9	SE	NE		JACOBSON FEEDLOTS, INC.	A57-07227 /	57-07227 /			
			SE	NE	2	JACOBSON FEEDLOTS, INC.	A57-02303 / 5.0	57-02303 /12.0			
			SE	NE		JACOBSON FEEDLOTS, INC.	R57-07227 /	- /			
			SE	NE	2	FARMERS CATTLE CO.		A57-02303 / 5.0			
			SE	NE		FARMERS CATTLE CO.		A57-07227 /			
01S	03W	9	SW	NE		JACOBSON FEEDLOTS, INC.	A57-07227 /	57-07227 /			
			SW	NE		JACOBSON FEEDLOTS, INC.	A57-02214 / 5.0	57-02214 /30.0			
			SW	NE		JACOBSON FEEDLOTS, INC.	R57-07227 /	- /			
			SW	NE		JOHNSTON, ELMER O.		57-02303 /32.0			
			SW	NE		FARMERS CATTLE CO.		A57-02214 / 5.0			
			SW	NE		FARMERS CATTLE CO.		A57-07227 /			
TOTAL ACRES							A57-07227		41.00		

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ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

See POU in licensing exam

Decree as licensed 4-17-93 RNF 6/3/93

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: RNF

DATE: 12/3/91

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OCT 07 1992

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-07227 STOCKWATER	FROM 01-01 TO 12-31	2.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.200 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-07227 STOCKWATER	FROM 01-01 TO 12-31	4.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		4.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>Y</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>Y</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(Y) N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N() Explain in remarks, below.

REMARKS:

*Recommend additional flow limited when
used with 57-02214, 57-02215 and 57-02303.*

<E01>

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OCT 07 1992

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 2.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 4.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B. FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-02215	GROUNDWATER	JACOBSON FEEDLOTS INC.	0.700	0.020		
A57-02214	GROUNDWATER	JACOBSON FEEDLOTS, INC.	0.520	0.026		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A57-07227	STOCKWATER	JACOBSON FEEDLOTS, INC.	FROM 01-01 TO 12-31	2.200 CFS	
R57-07227	STOCKWATER	JACOBSON FEEDLOTS, INC.	FROM 01-01 TO 12-31	2.200 CFS	

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OCT 07 1992

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

See field exam in licensing file

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
STOCKWATER	01-01 12-31	DATABASE 2.200 EXAMINER <u>2.30</u>	DATABASE EXAMINER _____	DATABASE 0.0 EXAMINER _____
TOTAL FOR THIS RIGHT		2.200 <u>2.30</u>		0.0

REVIEWED BY: RM^c DATE: 12/3/91

See calculations in 57-07214.

Condition to limit div. vol when used with 57-07214, 2215, 2363 to 201.0 af.

Decree as licensed 4-17-92 RM^c 6/3/92

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OCT 07 1992

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(✓)	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-07227

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
4.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-07227	2.200	R57-07227	2.200	57-07227	4.000
-	R57-07227	2.200	R57-07227	2.200	57-07227	4.000
-	-	-	-	-	A57-07227	4.000
TOTAL CFS		4.400	4.400		4.000	

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

No splits.

AUTHENTICATION:

SIGNATURE: *Anthony McCarthy*

DATE: *12/3/91*

NAME OF FIELD EXAMINER: *B. Schold*

TITLE: *State Water Engineer*

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OCT 07 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Date

6/19/90

Name
Address

Duane Jacobson
Jacobson Feedlots
HC 79 Box 87A
Melba, Idaho 83641

RE: Permit and/or Adjudications Claim No.s 57-07227

457-07227

Dear Mr./Ms. :

The Department of Water Resources will be conducting Beneficial Use field examinations and water right claim verification examinations in your area during the weeks of 7/23 to 8/3. These Beneficial Use and verification field examinations and verifications are required by Idaho Code. Once the Beneficial Use examination or claim verification is made, your water rights will be recommended for licensing by the Department or decree by Judge Hurlbutt in the Fifth District Court. The recommendations will be based on our findings in the field.

Information on your permit or claim, which may need to be verified, includes source(s) of water, types and amounts of water used, legal description of the point of diversion, legal description of the place of use, and in some cases documentation verifying the date of priority as claimed in the Snake River Basin Adjudication. Some of your Adjudication Claims may not be subject to verification as they have not been claimed in the Snake River Basin Adjudication differently from the manner in which they were previously documented and examined in accordance with the State's permitting, licensing and/or decree process.

In order to expedite the Beneficial Use field examinations and claims verifications, we request that you call our office at 208-334-2190 and establish an appointment during one of these weeks. Although it is not mandatory that you accompany our field examiner, it would be helpful for you or someone who knows the intricacies of your delivery system to accompany the field examiner should questions arise during the exam, in order that they make recommendations to the department or court which most accurately reflect the water rights.

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OCT 07 1992

Based on our initial review of your water rights, the field examination will take approximately 8 hours.

Please reply within 15 days of receipt of this notice and reference the water right numbers, the time we have approximated for the field exam, and the undersigned senior agents, who will be conducting the exam. If there are extenuating circumstances preventing the field examination of your water rights during this week, please contact us and arrangements can be made to resolve the scheduling conflict. Failure to reply or have the field examinations performed may result in inaccurate recommendations.

Regards,



Bruce A. Schuld
Senior Water Rights Agent
Western Region

Rob Whitney
Senior Water Rights Agent
Western Region

cc:BS:file

MICROFILMED

OCT 07 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

JACOBSON

CLAIM IDENT. NO.

A57-07227

DATE RECEIVED 11-21-88

CK # 1950/943

AMOUNT \$ 256.00

YES

NO

Required Info?

1. Is the name and address complete with zip code? 3.34.00

2. Is a priority date entered?

Is the priority date acceptable in view of mandatory filing dates?

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required) N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered? N/A

Is the consumptive use correct? N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A

15. Is the basis of the claim indicated?

16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.)

17. Is the claim signed by the claimant, and is the signature appropriate?

18. Has the claim been signed, sealed, and dated by a notary?

19. Was this claim filed on time, or was an extension granted?

20. Is the fee enclosed correct? Exempt

21. If this claim is based on an existing water right, has the identification number been entered? N/A

22. Should this claim be reentered and data entered?

Claim checked by:

VERIFIED ROH

Date: 1-25-89

Claim must be returned to claimant: (Yes) (No)

Claimant must be sent a copy of amended claim for approval: (Yes) (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Checked by:

Date:

Sent to claimant by:

Date:

Comments: CHANGE TOTAL DIVERSION RATE AS ON CLAIM. (2.2 cfs) take-off

Volume. PROOF OF BEN. USE MADE / PER SHARLA 5/03

270.00

MICROFILMED

OCT 07 1992

WATER RIGHT NUMBER 57-7227

OWNER LAST NAME - FARMERS CATTLE CO.

FIRST NAME -

ORIG OWNER -

ADDRESS LINE 1 - STAR RT

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - MELBA

STATE - ID ZIP CODE - 83641

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE -

STATUS -

PRIORITY - 10-06-1978 COUNTY - Owyhee

TOTAL DIV. RATE -

4.0000 -CFS

TOTAL DIV. VOLUME -

.00 AFR TRFR/AMEND -

WATER DIST. - 57R DLE/CAREY ACT -

RIGHT BASIS - 0

DIVERSION POINT - NENW 10 015 03W LOT

REDIV -

NENW 10 015 03W LOT

REDIV -

SENE 09 015 03W LOT

REDIV -

SENE 10 015 03W LOT

REDIV -

SENE 09 015 03W

FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE -

4.0000 CFS

USE DIV. VOLUME -

268.00 AFR

USE - STOCKWATER

PLACE OF USE - T1N 01S R1G 03W SEC 10

TRACT NENW LOT

AC

TRACT NENW LOT

AC

TRACT SENE LOT

AC

USE - STOCKWATER

PLACE OF USE - T1N 01S R1G 03W SEC 09

TRACT SENE LOT

AC

TRACT SENE LOT

AC

TRACT SENE LOT

AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS - THIS RT. DIVERTS FROM P/D FOR 57-2303, 57-2214 & 57-2215.

THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROC

EDURE. AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STAT

UTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.

NON IRRIG USE - S/20.000 RANGE.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

WATER RIG

OWNER LAST

ADDRESS I

ADDRESS I

SOURCE I

STAGE -

TOTAL DI

DIVERSION

FROM -

USE -

USE -

DEGREE

REMARKS

NON IRR

OTHER

PROOF

PROOF

DIVERSION MEANS -

225
1007228
1800
450
450
450
501300

MICROFILMED
OCT 07 1992

CONVERSATION MEMORANDUM

3-18-85

DATE 4-12-85

FILE 57-7227

NAME OF PARTY Farmers cattle co.EMPLOYEE John K. Noyes

RE: Field examination was made 3-18-85
accompanied by Duwaine Jacobson owner.
90 GPM or 120 CFS was measured with
a 2 gallon bucket. 30 HP Berkeley pump - Dubuque
well 330 ft deep - static water level 150 ft
6" PVC pipeline from well to 2 holding
ponds - 180 stock tanks - 12,000 S/acre
is maximum.

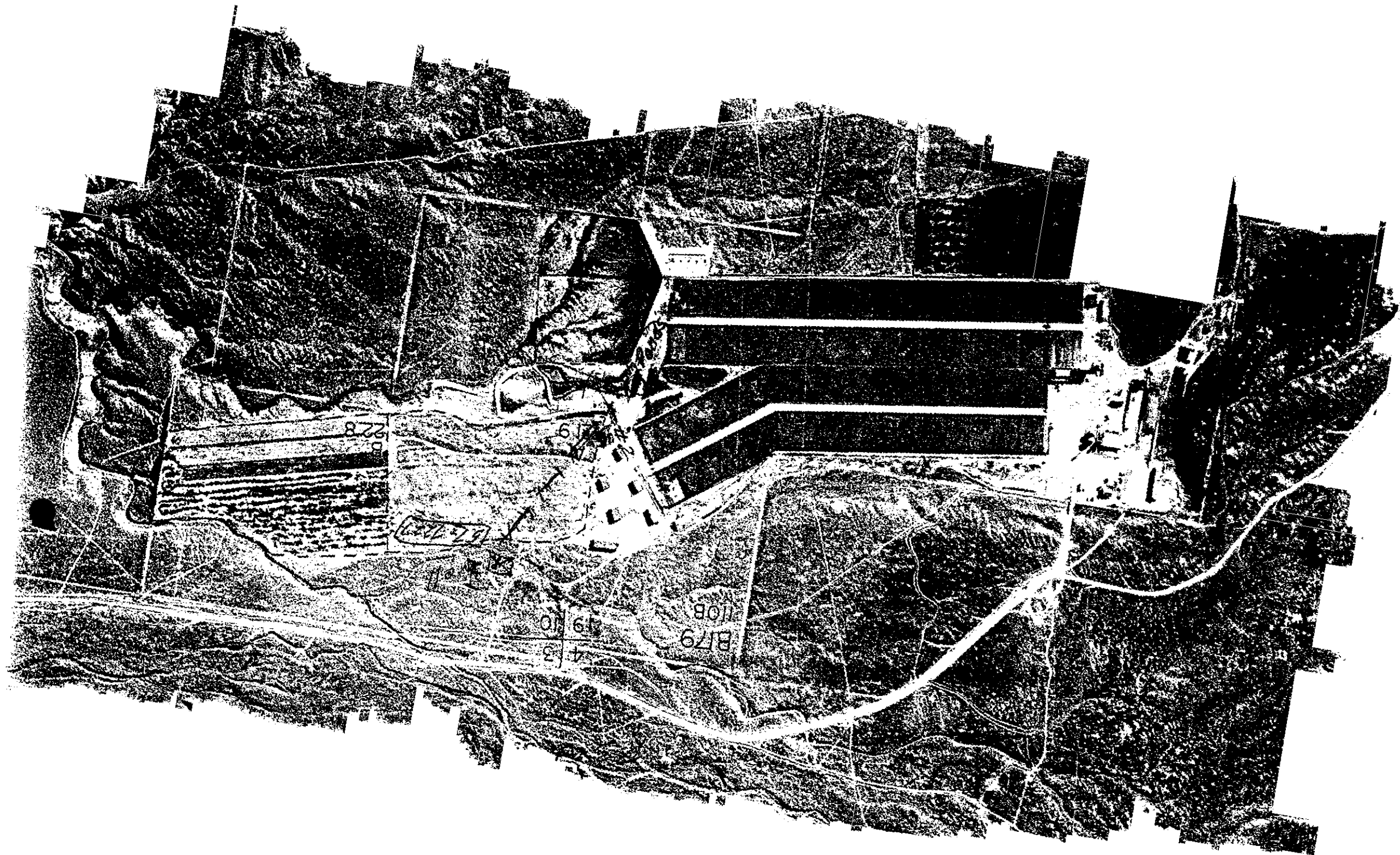
Mr. Jacobson was not satisfied
with amount of water measured - He
said pump is pumping air & would desire
a re measurement.

4-12-85

Called Mr Jacobson & he said they
haven't repaired the pump.

MICROFILMED

OCT 07 1992



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

For Office Use Only
Fee Received <u>10/28/83</u>
Date <u>10/28/83</u>
Receipt # <u>32755</u>
RECEIVED
OCT 28 1983

Department of Water Resources

CONNECTICUT MUTUAL LIFE INSURANCE COMPANY

FARMERS--CATTLE--CO--INC of STAR RT MELBA, IDAHO 83641
(Name) (Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 57-7227.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Nov 1, 1983.

That he has heretofore performed the following work described under said permit: 4 wells are
(This must be filled out! If no work has been completed put none.)
IN OPERATION, All P.P. Lines AND Tanks ARE INSTALLED.
TOTAL WATER

Completed work

Costing \$ 75,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
UNDER Application for Permit TO APPROPRIATE WATER
AMOUNTING TO 4.0 CU FT PER SECOND THE FOUR EXISTING
WELLS ARE PRODUCING ONLY 1.7 CU FT PER SECOND

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to Nov 1, 1988.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Farmers Cattle Co Inc
Ray William Jacobson President
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to November 1, 1988.

Signed this 29th day of November, 19 83.

J. Glen Sayton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

RECEIVED
23 1978
Department of Water Resources
OK JG

The undersigned holder(s) of Permit/Application No. 57-7227
of the Department of Water Resources of the State of Idaho hereby
nominates Walter Fong, whose address is
_____, as attorney-in-fact, with
full authority to act for and on behalf of the undersigned in
matters pertaining to the above numbered permit or application.
Such acts shall be limited to the submission of proofs of comple-
tion of works and beneficial use of water.

Dated this 21st day of November, 1978.

CONNECTICUT MUTUAL LIFE INSURANCE
COMPANY

Rose Marie Beaulieu
Carmella L. Lincid

By: James B. McCandless
Investment Officer
McCandless

STATE OF CONNECTICUT)
COUNTY OF HARTFORD) ss. Hartford

On this 21st day of November, 1978, personally
appeared before me the signer ~~(s)~~ of the above instrument, who duly
acknowledged to me that he ~~(she)~~ ~~(they)~~ executed the same.

SEAL

Lois T. Stein
Notary Public
Residing at West Hartford, Ct.

My Commission expires:

March 31, 1983

MICROFILMED

OCT 07 1992

ASSIGNMENT OF PERMIT

Farmers Cattle Company, a partnership

By I, Walter Fong and Yee Shee Fong hereby assign and transfer
Connecticut Mutual Life
to Insurance Company of Hartford, Connecticut
(address)

RECEIVED
Department of
Water Resources
OK
JG

☒ All my right, title, and interest, in and to Permit No. 57-7227
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest
in and to Permit No. _____ to appropriate the public waters
of the State of Idaho. (Give that portion of the permit being
assigned by describing the land list and the point of diversion
describe by acreage within each 40 acre subdivision.)

This is given as collateral security for a loan of \$500,000
made by Connecticut Mutual Life Insurance Company to permit
holder(s) evidenced by a Promissory Note dated November 28, 1978
and secured by a mortgage of even date, microfilmed as Instrument
No. _____, records of Owyhee County, Idaho.

Made this 28th day of November, 1978.

FARMERS CATTLE COMPANY

Walter Fong
Permit Holder
Walter Fong

X Yee Shee Fong
Wife of Permit Holder
Yee Shee Fong

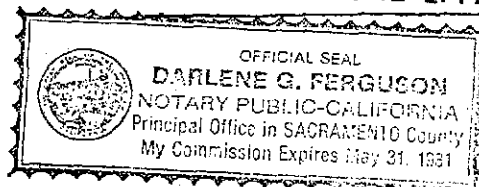
STATE OF California)
COUNTY OF Sacramento } ss

On this 6th day of December, 1978, personally
appeared before me the signer(s) of the above instrument, who duly
acknowledged to me that he (she) (they) executed the same.

Darlene G. Ferguson
Notary Public residing at

My Commission expires:

DARLENE G. FERGUSON



MICROFILMED

OCT 07 1992

DEPARTMENT OF WATER RESOURCES

The undersigned holder(s) of Permit/Application No. 57-7227 of the Department of Water Resources of the State of Idaho hereby nominates Duane Jacobson, whose address is Melba, Idaho, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in matters pertaining to the above numbered permit or application. Such acts shall be limited to the submission of proofs of completion of works and beneficial use of water.

CONNECTICUT MUTUAL LIFE INSURANCE COMPANY

BY: Stephen L Roberts

On this 4th day of November, 1983, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he executed the same.

Notary Public
Residing at: HARTFORD, CONN.

My Commission expires:

NOTARY PUBLIC
MY COMMISSION EXPIRES 1938

MICROFILMED
OCT 07 1992

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
REYNOLDS CREEK

DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

57-7227

I.D. No.

Map No.

\$

10

Fee Paid

14591

Receipt No.

Notice is hereby given that FARMERS CATTLE COMPANY

(Name of Claimant)

STAR ROUTE, MELBA, ID 83641

(Mailing Address)

(Zip Code)

Telephone No.

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 10-6-78 (1978)

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 4.0 CFS Use Stockwater Period of Use From 1/1 To 12/31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity 4.0 CFS Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 268 AF 4.0 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 NW 1/4
Sec. 10, Twp. 1S, Rge. 3W, B.M., NWNW and SWNW County OWYHEE
Additional Points: Sec. 10, T 1S, R 3W, SENW Sec. 9, T 1S, R 3W, SWNE S. 9, T 1S R 3W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
4 wells, pumps, pipeline, 180 stockwater tanks

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1S</u>	<u>3W</u>	<u>9</u>	<u>X</u>		<u>X</u>	<u>X</u>													
<u>1S</u>	<u>3W</u>	<u>10</u>					<u>X</u>	<u>X</u>	<u>X</u>										

Total no. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for 20,000 head beefsteak

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks This right diverts from points of diversion for 57-2303 and 57-2214, and 57-2215

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. Application

KEYPUNCHED

10-16-79

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

8/1/79

(Date)

(Signature of Claimant)

State of Idaho

Organization

Organization

(Signature of Spouse)

County of Ada

ss.

Seal

Organization

(Signature of Authorized Agent)

On this 1 day of August, in the year 1979, before me
a notary public, personally appeared Duane Jacobson

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or 9 KN) executed the same.

My commission expires lifeNotary Public residing at Boise

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
REYNOLDS CREEK

 DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

57-7227	
I.D. No.	Map No.
\$	Receipt No.
Fee Paid	Receipt No.

Notice is hereby given that FARMERS CATTLE COMPANY

(Name of Claimant)

STAR ROUTE, MELBA, ID 83641

(Mailing Address)

(Zip Code)

Telephone No.

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 10-6-78

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Groundwater tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity <u>4.0 CFS</u>	Use <u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>	
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day)	(Mo., Day)	(Both dates inclusive)
Quantity <u> </u>	Use <u> </u>	Period of Use From <u> </u>	To <u> </u>	
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day)	(Mo., Day)	(Both dates inclusive)
Quantity <u> </u>	Use <u> </u>	Period of Use From <u> </u>	To <u> </u>	
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day)	(Mo., Day)	(Both dates inclusive)
Quantity <u> </u>	Use <u> </u>	Period of Use From <u> </u>	To <u> </u>	
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day)	(Mo., Day)	(Both dates inclusive)

(4) 4.0 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 NW 1/4
Sec. 10, Twp. 1S, Rge. 3W, B.M., NWNW and SWNW County
Additional Points: Sec. 10, T 1S, R 3W, SENW Sec. 9, T 1S, R 3W, SWNE S. 9, T 1S R 3W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
4 wells, pumps, pipeline, 180 stockwater tanks

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	3W	9	X		X	X													
15	3W	10					X	X	X										

Total no. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for 20,000 head beefsteak

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks This right diverts from points of diversion for 57-2303 and 57-2214,
and 57-2215

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. Application 001 01 001

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

8/1/79

(Date)

State of Idaho

County of Ada

(Signature of Claimant)

(Signature of Spouse)

Organization FARMERS CATTLE CO

(Signature of Authorized Agent)

On this 1 day of August

, in the year 1979

before me

a notary public, personally appeared Ruth A. Jacobson

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

My commission expires life

Notary Public residing at Boise

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant FARMERS CATTLE COMPANY Phone 495-2315

Post office address Star Route, Melba, ID 83641

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9 Township 1S

Range 3W B.M. Owyhee County, additional points of diversion if any: _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, Twp. 1S, Rge. 3W and NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, Twp. 1S, Rge. 3W, B. M.

4. Water will be used for the following purposes:

Amount 4.0 for stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 4.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 4 wells, pumps, pipeline, 180 stockwater tanks.

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; N $\frac{1}{2}$ NW $\frac{1}{4}$,
(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10 Township 1S

Range 3W B.M.

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

(3) List number of each kind of livestock to be watered 20,000 beef

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. None. License
No.'s 57-2303, 57-2214, 57-2215 have same point of diversion.

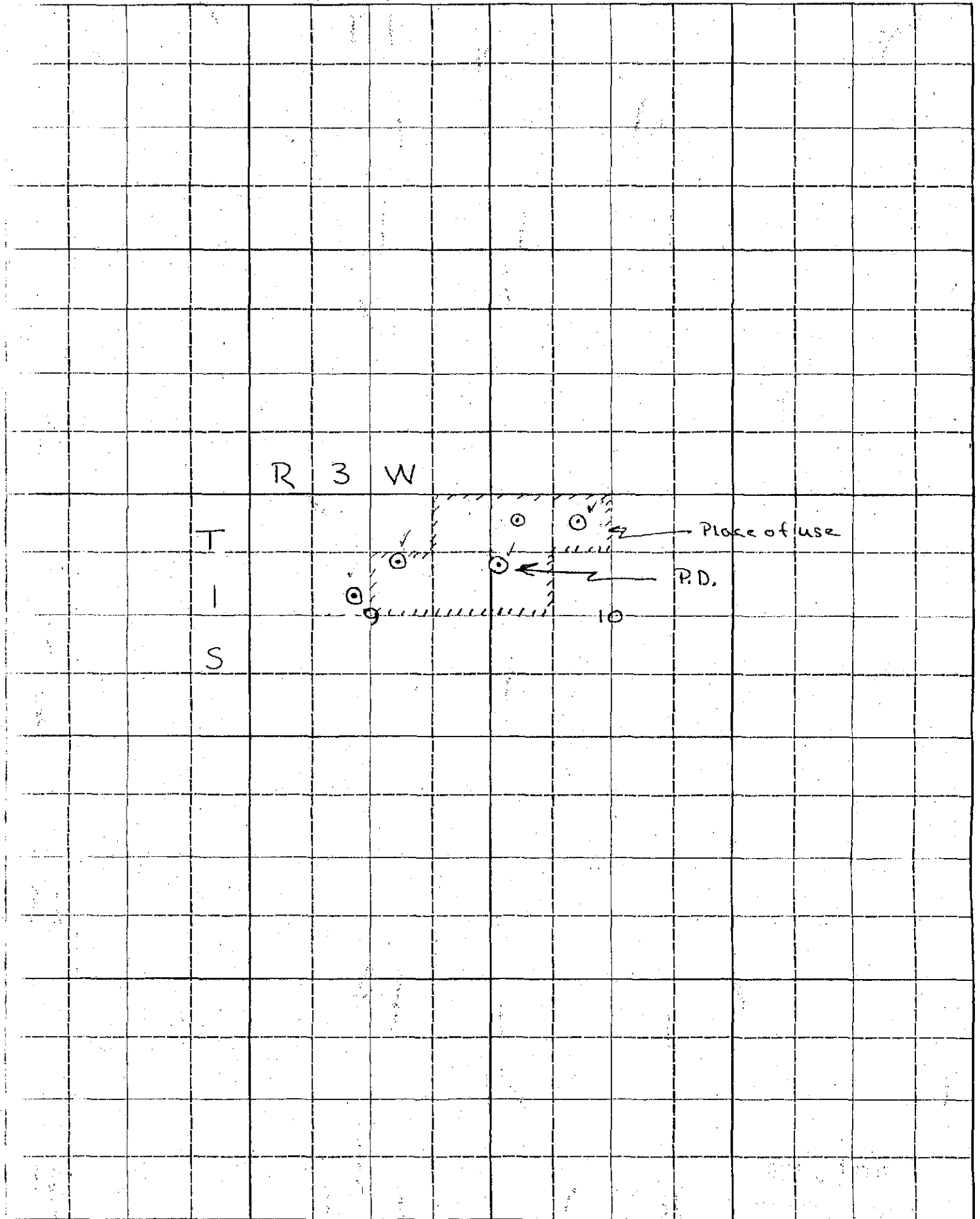
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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



Scale: 2 inches equal 1 mile.

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

Farmers Cattle Co
(Applicant)
by Duane Jackson
Manager

Proposed Permit 10-6-78

Received by ST Date 10-6-78 Time 11:00 AM

Preliminary check by EUB Fee \$ 65.00

Receipted by ST Date 10-6-78 # 12453

Publication prepared by ST Date 10-12-78

Published in Owyhee Tugget

Publication dates 10/19/78 & 10/20/78

Publication approved ST Date 11-7-78

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DAS J.S.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 57-7227, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 83.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 13th day of November, 19 78.

L. Glen Saxton

Chief, Operations Bureau