

3103

36

31

32

P.D.



3092	43	39	3098
P.D.	45	38	6
3081	3082		

T35

R5E

5

3085

3079

3119

A61- 07263

7

8

3068

3075

3057

18

3058

3056

3052

UNFILMED

AUG 11 1982

17

IDWR T03S, R05E

Claim(s) : 61-07263

Owner(s) : Desert

Sea Farms

Date: 05 Oct 98

Prepared by:

Ron Howerton

Total Acres: 165

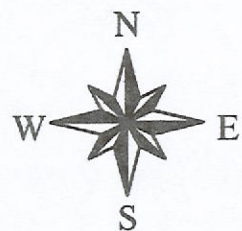
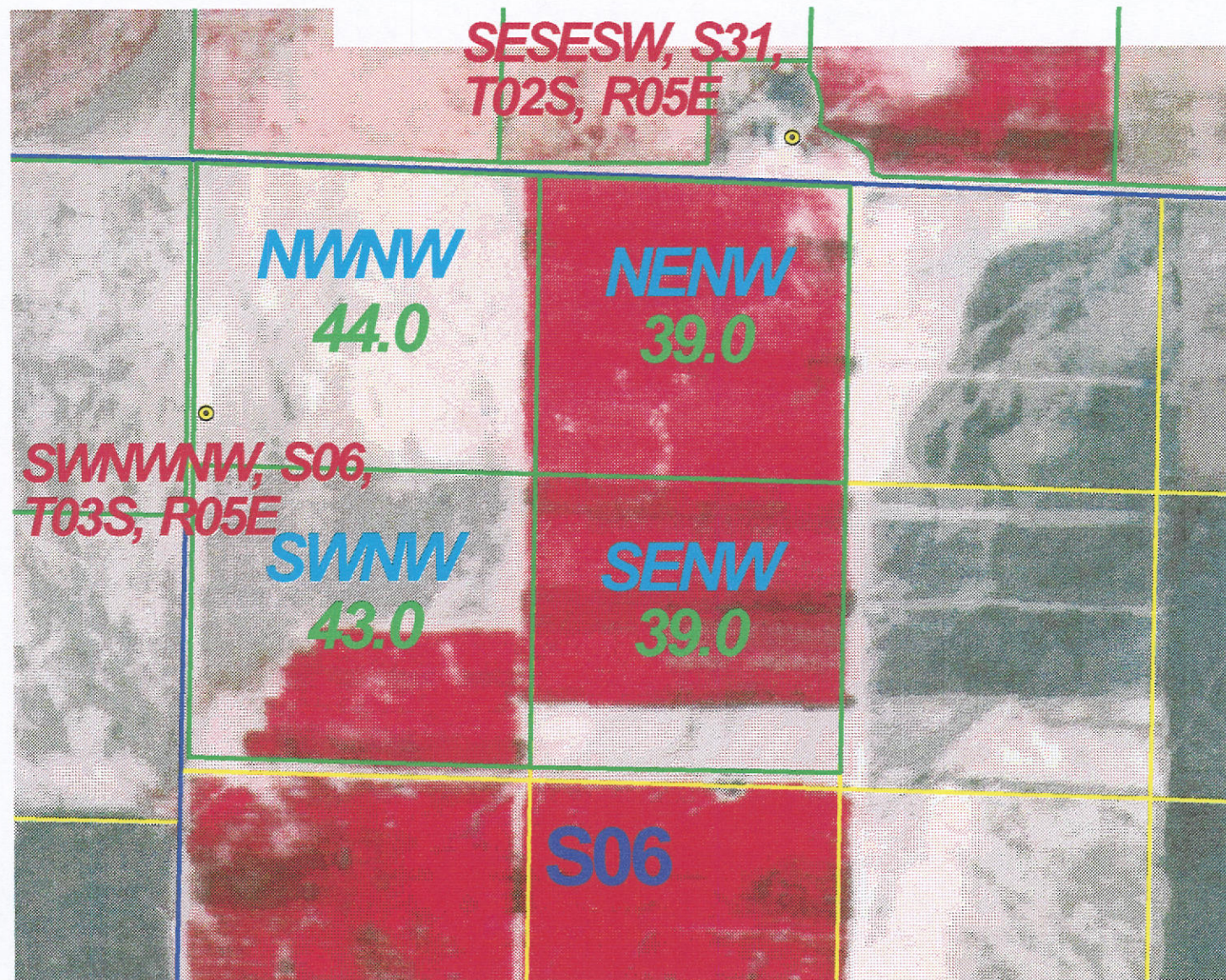
 POU

 POD

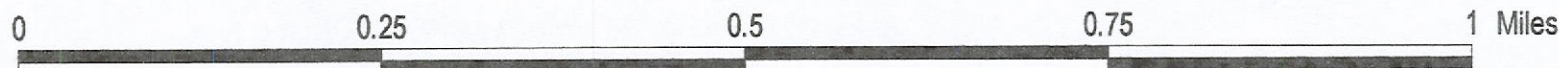
 SECTION LINES

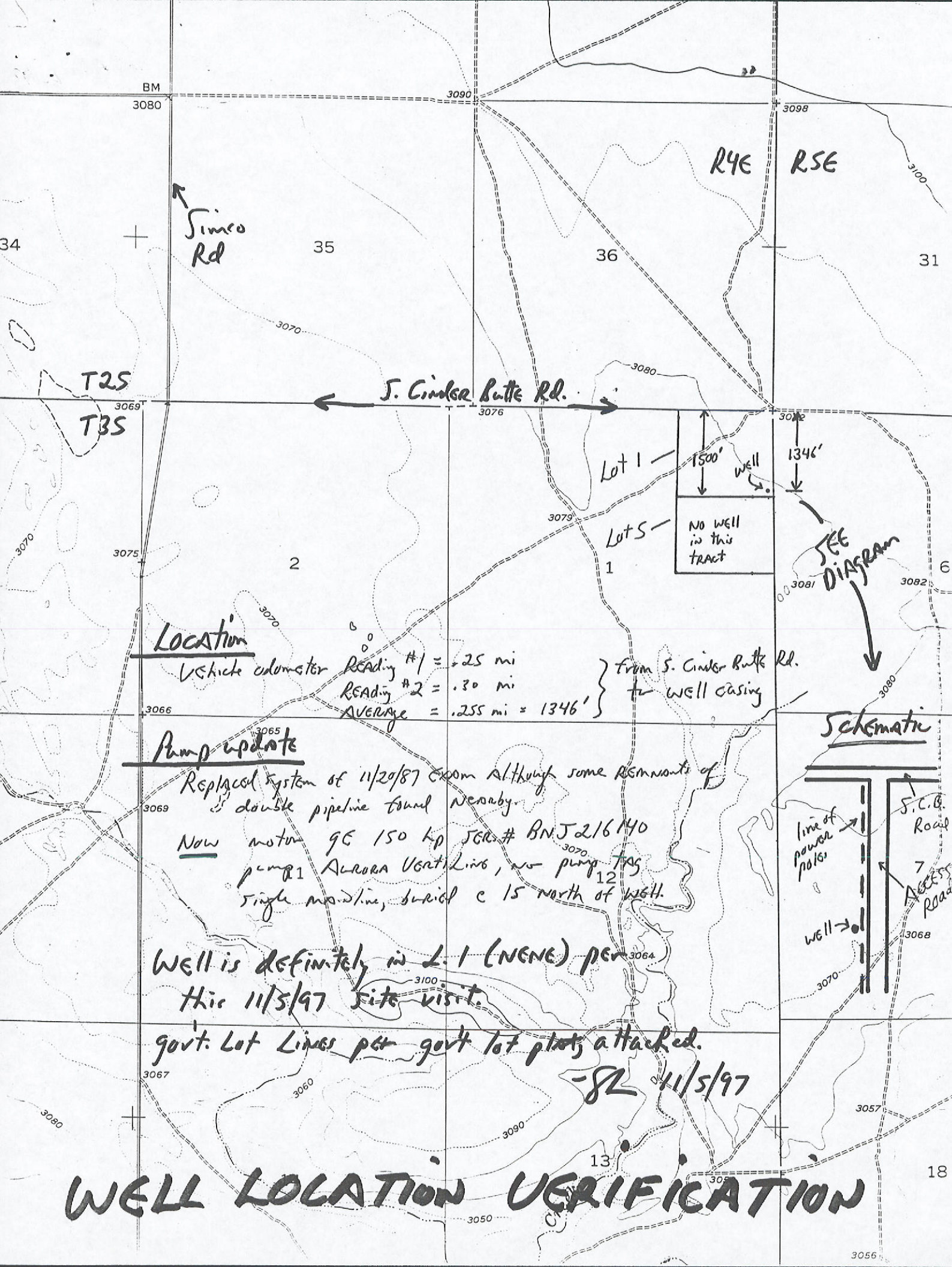
 1/4 1/4

ACRES



1987 NAPP





Location

Vehicle odometer Reading #1 = .25 mi
Reading #2 = .30 mi
Average = .255 mi = 1346' } from S. Cinder Butte Rd.
to well casing

Pump update

Replaced system of 11/20/87 even although some remnants of double pipeline found nearby.

Now motor 9C 150 hp SER# BNJ216140
pump 1 Aurora Vert. Line, no pump tag
single mainline, burial c 15 north of well.

Well is definitely in L. 1 (NENE) per
this 11/5/97 site visit.

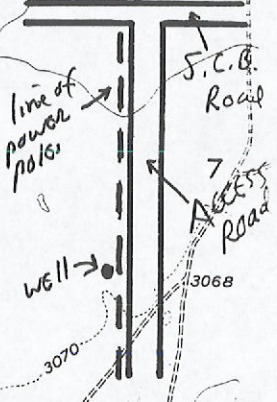
govt. Lot Lines per govt lot plat, attached.

-SL 11/5/97

WELL LOCATION VERIFICATION

SEE DIAGRAM

Schematic



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: A61-07263

Date Received: 11/ 9/1989

Receipt No: C012769

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DESERT SEA FARMS LLC 208-587-9271
Address: 905 E 13TH N
MOUNTAIN HOME ID 83647

2. Date of Priority: APR 1, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	05E	31		SE	SW	1	ELMORE
03S	05E	6		NW	NW	4	ELMORE

5. Description of diverting works:
2 WELLS, BOOSTER PUMPS, SPRINKLER SYSTEMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.400		660.00

7. Total Quantity Appropriated is:
2.400 C.F.S. (and/or) 660.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	05E	6	NE	NW	3	IRR	39.0
			NW	NW	4	IRR	43.0
			SW	NW	5	IRR	45.0
			SE	NW		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	165.0
					Total Acres	165.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

CLAIM AMENDED PER TRANSFER NO. 5145 APPROVED 12/16/97.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 5145 IN FILE.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.60 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 900.0 AF.
RIGHT A61-07263 WHEN COMBINED WITH RIGHTS A61-07247B AND
A61-07264 SHALL NOT EXCEED 11.36 CFS.

15. Basis of Claim: LICENSE

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

Western AS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5145
WATER RIGHT NO(S). 61-07247B/61-07263

RECEIVED

DEC 22 1997

WATER RESOURCES
WESTERN REGION

This is to certify that: **DESERT SEA FARMS LLC**
905 E 13 N
MOUNTAIN HOME ID 83647

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 61-07247B :			
IRRIGATION	04/01 to 10/31	1.20 CFS	240.0 AF
Priority: 01/10/1976			
Right No. 61-07263 :			
IRRIGATION	04/01 to 10/31	* 2.40 CFS	660.0 AF
Priority: 04/01/1976			
TOTAL:		** 3.60 CFS	** 900.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 1(SESW), Sec. 31, Township 02S, Range 05E
Lot 4(NWNW), Sec. 6, Township 03S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

Right No. 61-07247B :

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	04E	1	Lot 1(NENE)	60		60
Total number of acres irrigated:						60

Right No. 61-07263 :

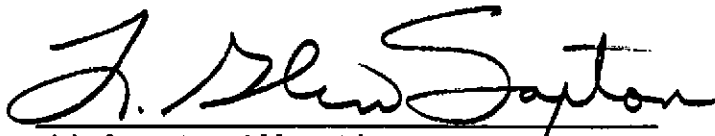
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	Lot 3(NENW)	39	Lot 4(NWNW)	43
			SENE	38	Lot 5(SWNW)	45
Total number of acres irrigated:						165
						165

TRANSFER NO. 5145
WATER RIGHT NO(S). 61-07247B/61-07263

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ** 7. The total instantaneous diversion of water from all points of diversion under Transfer 5145 shall not exceed 3.60 cfs, nor total combined annual volume of 900.0 af.
- * 8. Right 61-07263 when combined with Rights 61-07247B and 61-07264 shall not exceed 11.36 cfs.

Dated this 16th day of December, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 61-07247B & 61-07263

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 5145

DATE: December 9, 1997

=====

Transfer 5145 changes one of the points of diversion under Rights 61-07247B and 61-07263. The two rights share the same wells on adjacent land parcels as identified under the unchanged place of use.

Expedited Drilling Permit 61-97-C-0055-000 was approved 12-03-97 following region review of the transfer. Transfer approval is based on the licensed rate of diversion of 2.40 cfs, not the 3.30 cfs identified under Right 61-07263 on the application. A correction to the point of diversion overlap condition under Right 61-07263 was also made, identifying Right 61-07264 instead of 61-07262 as verified by region staff and file review.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include multiple points of diversion/measuring devices, annual reporting, irrigation overlap and standard transfer conditions.

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: **A61-07263**
Date Received: 11/ 9/1989
Receipt No: C012769
Received By: _____

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

1. Name: DESERT SEA FARMS LLC 208-587-9271
Address: 905 E 13TH N
MOUNTAIN HOME ID 83647

2. Date of Priority: APR 1, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	05E	31	SE	SE	SW	3	ELMORE
03S	04E	1	NE	SE	NE	5	ELMORE

5. Description of diverting works:
WELL, 20" X 409', 200 HP MAIN PUMP, 2 BOOSTER PUMPS, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.300		

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

8. Total consumptive use is 495.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	05E	6	NE	NW	3	IRR	39.0
			NW	NW	4	IRR	43.0
			SW	NW	5	IRR	45.0
			SE	NW		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	165.0
					Total Acres	165.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGED BY RDH ON 07/08/94.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT

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



SOILBUILDERS

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Gov
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

J.R. SIMPLOT COMPANY
P.O. BOX 610
MOUNTAIN HOME, IDAHO 83647
208/587-3345 BUS
208/587-9271 RES
MOBILE 587-1125-1353

LARRY ESSON
SALESMAN
MOUNTAIN HOME
IDAHO REGION

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

☒ Water Right Number(s)
Assigned by IDWR: A61-07247B, A61-07263, A61-07264

☐ Name and Address of Former Owner/Claimant(s)(Seller):
ESTATE OF EDNA BALLANTYNE, WJ BALLANTYNE
HERBERT C. HERRINGTON, TEROLD L WOOD
SEE CLAIM FOR ADDRESSES.

☒ New Owner/Claimant (Purchaser):
LIST AS:
Desert Sea Farms LLC *

☐ New Mailing Address:
905 E. 13th North
Mtn. Home, Idaho
83647

☐ New Telephone Number: (208) 587-9271

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
BARGAIN OF SALE DEED

☒ Attach proof of ownership, describe proof attached: BARGAIN OF SALE DEED

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

☐ Signature of New Owner/Claimant(s): Larry Esson Date 7/8/94

☐ Signature of New Owner/Claimant(s): Beverly Fransen Date 7/8/94

☐ Signature of Former Owner/Claimant(s): Norma Stewart Date 7/8/94

Date

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

* FORMER OWNERS THAT REMAIN ARE:

LARRY ESSON
BEVERLY FRANSSEN
NORMA STEWART
NEIL ESSON

NEW NAME - DESERT SEA
FARMS LLC

SEE BARGAIN OF SALE
DEED...

NEW OWNER ADDED & SIGNED IS JERRY STEWART
ALSO FORMER OWNER LARRY ESSON SIGNED AGAIN AS NEW FORMER
OWNER

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

LEGAL DESCRIPTION

Township 3 South, Range 4 East, Boise Meridian, Blaine County, Idaho

Section 1: Lot 1

Township 2 South, Range 5 East, Boise Meridian, Blaine County, Idaho

Section 31: NE1/4
N1/2S1/2
Lots 1, 2, 3, and 4

Section 32: W1/2W1/2NW1/4
NE1/4S1/2NW1/4
NE1/4NW1/4NW1/4

Township 3 South, Range 5 East, Boise Meridian, Blaine County, Idaho

Section 6: Lots 3, 4, and 5
SE1/4NW1/4

EXHIBIT A

(Continued)

WARRANTY DEED

Norma Esson Stewart, a single person, Beverly Esson Fransen, a married person dealing with her separate property, Neil Esson, a single person, Jerry H. Stewart, a single person, Larry Esson, a single person, and Josephine Anchustegui, a single person, hereby convey, grant, bargain, sell and warrant to Desert Sea Farms L.L.C., a limited liability company, organized under the laws of the State of Idaho, whose address is 905 E. 13th North, Mountain Home, Idaho, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the real property located in Elmore County, Idaho and more particularly described on Exhibit A, attached and incorporated by reference.

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

The Grantor covenants to the Grantee that the Grantor is the owner in fee simple of said premises; that the premises are free from all encumbrances, except as set forth on Exhibit B, and except for those of record, and that the Grantor will warrant and defend the same from all other claims whatsoever.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 24th day of May, 1994.

Norma Esson Stewart
Norma Esson Stewart

Beverly Esson Fransen
Beverly Esson Fransen

Neil Esson
Neil Esson

Jerry H. Stewart
Jerry H. Stewart

Larry Esson
Larry Esson

Josephine Anchustegui
Josephine Anchustegui

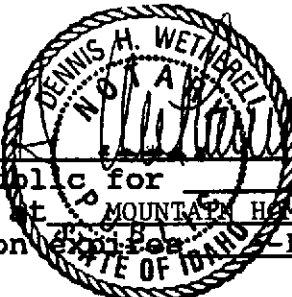
280936
ELMORE COUNTY, IDAHO, ss
Request of GUARANTY TITLE, INC.

Time 2:55 P.M.
Date JUNE 1, 1994
Book DOLORES ROBISON
Page _____

Recorded by Linda Van Meer
Deputy
Fee \$15.00

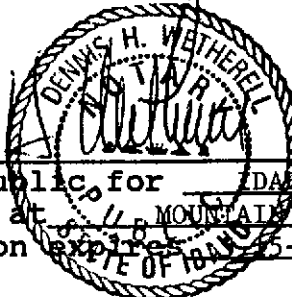
STATE OF IDAHO)
) ss.
County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared NORMA ESSON STEWART, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Notary Public for _____ IDAHO
Residing at _____ MOUNTAIN HOME
Commission expires _____ 5-15-98

STATE OF IDAHO)
) ss.
County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared BEVERLY ESSON FRANSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Notary Public for _____ IDAHO
Residing at _____ MOUNTAIN HOME
Commission expires _____ 5-15-98

STATE OF IDAHO)
) ss.
County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared NEIL ESSON, 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.

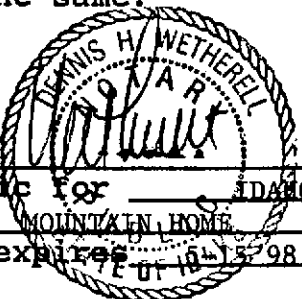


Notary Public for _____ IDAHO
Residing at _____ MOUNTAIN HOME
Commission expires _____ 5-15-98

STATE OF IDAHO)
) ss.
County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared JERRY H. STEWART, 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.

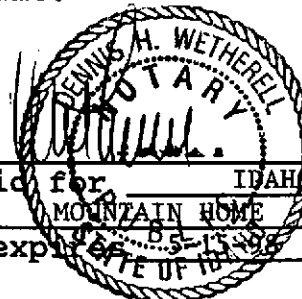

Notary Public for IDAHO
Residing at MOUNTAIN HOME
Commission expires 05-15-98



STATE OF IDAHO)
) ss.
County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared LARRY ESSON, 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.

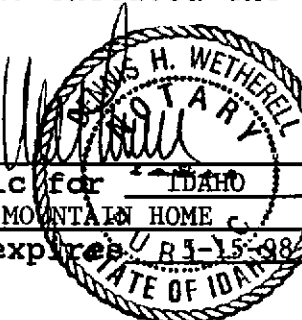

Notary Public for IDAHO
Residing at MOUNTAIN HOME
Commission expires 05-15-98



STATE OF IDAHO)
) ss.
County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared JOSEPHINE ANCHUSTEGUI, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public for IDAHO
Residing at MOUNTAIN HOME
Commission expires 05-15-98



LEGAL DESCRIPTION

Township 3 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 1: Lot 1

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 31: NE1/4
N1/2S1/2
Lots 1,2,3, and 4

Section 32: W1/2W1/2NW1/4
NE1/4SW1/4NW1/4
NE1/4NW1/4NW1/4

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: Lots 3,4, and 5
SE1/4NW1/4

EXHIBIT B

The real property described herein is conveyed subject to the following encumbrances:

A mortgage, dated May 24, 1994, wherein the Mortgagor is Josephine Anchustegui, a single person, Larry Esson, a single person, Jerry H. Stewart, a single person, and the Mortgagees are William J. Ballantyne, a married man dealing with his sole and separate property, Jerold L. Wood and Catherine R. Wood, husband and wife, and Herbert G. Hetherington and Barbara Hetherington, husband and wife, recorded on ~~May 1~~ ^{May 24}, 1994, in the Office of the Elmore County Recorder as Instrument No. _____.

By acceptance of this conveyance, the Desert Sea Farms L.L.C. does hereby assume and agree to pay when due the obligations secured by the above described mortgage.

Subject further to current taxes and assessments, easements and other encumbrances of record and restrictive covenants, if any.

BARGAIN AND SALE DEED

GRANTOR: William J. Ballantyne, a married man, as his sole and separate property; Jerold L. Wood and Catherine R. Wood, husband and wife; Herbert G. and Barbara Hetherington, husband and wife

GRANTEE: Josephine Anchustegui, a single woman; Larry Esson, a single man, Jerry H. Stewart, a single man

GRANTEE'S ADDRESS: 905 East 13th North, Mt. Home, ID 83647

For good and valuable consideration, the receipt of which is hereby acknowledged the Grantor hereby grants, bargains, sells and conveys unto Grantee all of Sellers undivided 2/3 interest in and to that real property described on Exhibit A together with those fixtures listed on Exhibit B. Subject to easements existing on the premises, road rights of way and those encumbrances listed on Exhibit C attached hereto. Together with all appurtenances; water, water rights, ditch and ditch rights and any joint well agreements appurtenant to the property.

To have and to hold said premises unto Grantee and Grantees heirs and assigns.

DATED This 24th day of MAY, 1994.

Jerold L. Wood
Jerold L. Wood

Herbert G. Hetherington
Herbert G. Hetherington

William J. Ballantyne
William J. Ballantyne

Catherine R. Wood
Catherine R. Wood

Barbara Hetherington
Barbara Hetherington

280934 ELMORE COUNTY, IDAHO, ss
Request of GUARANTY TITLE, INC.

BARGAIN AND SALE DEED - 1
d/realest/wood.dee

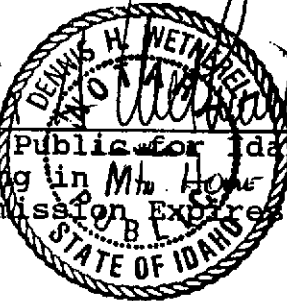
Time 2:16 P.M.
Date JUNE 1, 1994
Book _____
Page DOLORES ROBISON
Recorder
By #2400
Deputy

STATE OF IDAHO,)
(ss.
COUNTY OF Elmore)

On this 24th day of May, 1994, before me, the undersigned a Notary Public in and for said State, personally appeared William J. Ballantyne, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

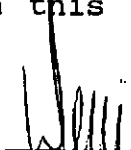

Notary Public for Idaho
Residing in Mt. Home
My Commission Expires: 5-15-98

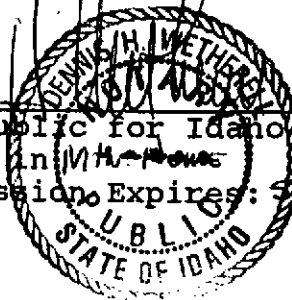


STATE OF IDAHO,)
(ss.
COUNTY OF Elmore)

On this 24th day of May, 1994, before me, the undersigned a Notary Public in and for said State, personally appeared Jerold L. Wood and Catherine R. Wood, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

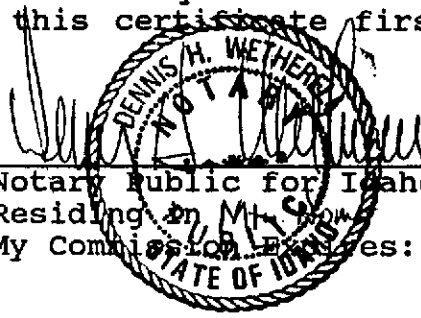

Notary Public for Idaho
Residing in Mt. Home
My Commission Expires: 5-15-98



STATE OF IDAHO,)
 (ss.
COUNTY OF Elmore)

On this 24th day of May, 1994, before me, the undersigned a Notary Public in and for said State, personally appeared Herbert G. Hetherington and Barbara Hetherington, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A circular notary seal for Dennis H. Wetherington, Notary Public for Idaho, with a signature across it.

Notary Public for Idaho
Residing in Mt. Shasta
My Commission Expires: 5-15-98

EXHIBIT B

FIXTURES

- 1 Metal Machine Shed, approximately 40' x 80'
- 2 Graineries
- 1 400 hp pump
- 2 100 hp Booster Pumps
- 2 50hp Booster Pumps
- 5 Electrical Panels

SCHEDULE B - SECTION 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, ~~liens, encumbrances, or claims thereof~~, which are not shown by the public records,.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey of the land would disclose, and which are not shown by the public records.
4. ~~Any lien, or right to a lien, imposed by law for services, labor or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.~~
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) ~~water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.~~
6. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
8. ~~Defects, lien, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.~~
9. ~~General taxes for the year 1993, which are a lien and are one half paid and one half due and payable.~~
10. General taxes for the year 1994, which are a lien and are not yet due or payable.
11. Right of Way Deed dated July 21, 1976, granted by Dixie Land Company, Inc., and John Bentz and Laurice Bentz, husband and wife to Mountain Home Highway District; recorded September 9, 1976, as Instrument No. 170153, records of County, Idaho; on, over and across A strip of land thirty feet wide running along the North side of the West half of the North-West quarter of Section Thirty-two, Township Two South, Range Five East, Boise Meridian.

(Continued)

NOTE: EXCEPTIONS

WILL NOT APPEAR IN THE MORTGAGE POLICY TO BE ISSUED HEREUNDER

AJTA Commitment

Schedule B - Section 2

Form 1004-133

Ex C
1083

Continued

12. Power Line Easement dated January 13, 1975, granted by Dixie Land Co., Inc., to Idaho Power Company, a corporation; recorded December 22, 1976, as Instrument no. 171575, records of Elmore County, Idaho; over, on and across the West 30 feet of the SW1/4, Section 31, T2S, R5E, B.M.
13. Power Line Easement granted by Wilbur Wilson and Myrrl Heller, to Idaho Power Company, a corporation; recorded December 22, 1976, as Instrument no. 171579, records of Elmore County, Idaho; on, over and across North 30 feet of Lot 1
14. Power Line Easement dated March 16, 1977, granted by Robert E. Osborn and Betty F. Osborn, his wife, to Idaho Power Company, a corporation; recorded August 3, 1977, as Instrument no. 175536, records of Elmore County, Idaho; on, over and across the West 5 feet of Lot 4 and West 5 feet of the North 300 feet of Section 6
15. Power Line Easement dated March 23, 1977, granted by Robert E. Osborn and Betty F. Osborn, his wife, to Idaho Power Company, a corporation; recorded September 9, 1977, as Instrument no. 176197, records of Elmore County, Idaho; on, over and across the West 5 feet of South 1030 feet of Lot 5, Section 6.
16. Road Easement dated January 3, 1978, granted by John Bentz and Laurice D. Bentz to Elwood D. Wing and Naomi Wing, husband and wife, recorded March 21, 1978, as Instrument No. 179675, records of County, Idaho; on, over and across The West 30 feet and the S 30 feet of the SW1/4 of Sec. 31, T2S R5E, B.M., Elmore County, Idaho. The N 30 feet of the NE1/4 of Sec. 31, T2S R5E, B.M., Elmore County, Idaho. The SW 30 foot square of the SE1/4 of Sec. 31, T2S, R5E, B.M., Elmore County, Idaho.
17. Road Easement dated January 3, 1978, granted by Robert E. Osborn and Betty F. Osborn to Elwood D. Wing and Naomi Wing, husband and wife, recorded March 21, 1978, as Instrument No. 179677, records of County, Idaho; on, over and across The N 30 feet and the E 30 feet of the NW1/4 of Sec. 6, T3S, R5E, B.M., and the NE 30 foot square of Section 1, T3S, R4E, B.M., all in Elmore County, Idaho.
18. Road Easement dated January 3, 1978, granted by John Bentz and Laurice D. Bentz, husband and wife, by to Herbert Montierth and Darlene R. Montierth, husband and wife, recorded May 22, 1978, as Instrument No. 181074, records of County, Idaho; over, on and across the West 30 feet and the South 30 feet of the S1/2, Section 31, T2S, R5E, B.M.
19. Road Easement dated January 3, 1978 granted by Robert E. Osborn and Betty F. Osborn, to Herbert Montierth and Darlene R. Montierth, recorded May 22, 1978, as Instrument No. 181076, records of County, Idaho; on, over and across the N 30 feet and the E 30 feet of the NW1/4 of Section 6, T3S, R5E, B.M., Elmore County, Idaho, and the NE 30 foot square of Section 1, T3S, R4S, B.M., Elmore County, Idaho.
20. Road Easement dated January 3, 1978 granted by John Bentz and Laurice D. Bentz, Husband and wife, to Robert Osborn; , recorded January 24, 1979, as Instrument No. 185788, records of County, Idaho; on, over and across the West 30 feet of the SW1/4, Sec. 31, T2S, R5E, B.M.

(Continued)

Ex C
2 of 3

Continued

21. Joint Well Agreement dated January 24, 1979, executed by and between Monte E. Hergert and Valinda Hergert, husband and wife, parties of the first part; Wayne Hergert and Kelly Hergert, husband and wife, parties of the second part; Robert L. Alexander, party of the third part; Bryce Hergert and Penny Hergert, husband and wife, parties of the fourth part; and Niel Hergert and Marie R. Hergert, husband and wife, parties of the fifth part; recorded January 26, 1979, as instrument No. 185859, records of County, Idaho.
Amendment to said Agreement recorded May 21, 1979 as Instrument Number 188172, records of Elmore County, Idaho.
22. Power Line Easement dated April 28, 1980, granted by Monte E. Hergert, to Idaho Power Company, a corporation; recorded October 7, 1980, as Instrument no. 198113, records of Elmore County, Idaho; over, on and across NE1/4NE1/4NE1/4NE1/4, Section 31, T2S, R5E, B.M.
23. Power Line Easement dated September 16, 1980, granted by Niel Hergert and Marie R. Hergert, husband and wife; Bryce Hergert and Penny Hergert, husband and wife; Wayne Hergert and Kelly Hergert, husband and wife; and Monte Hergert and Valinda T. Hergert, husband and wife, to Idaho Power Company, a corporation;; recorded January 7, 1981, as Instrument no. 200054, records of Elmore County, Idaho; over, on and across Lot 3, Sec. 31, T2S, R5E, B.M.
24. Right of Way Deed dated July 15, 1981 granted by Hergert Brothers, a partnership to Mountain Home Highway District; recorded August 17, 1982, as Instrument No. 210061, records of County, Idaho; over on and across the South side of SW1/4, Sec. 36, T2S, R4E, B.M. and the South side of SW1/4, Sec. 31, T2S, R5E.
25. Right of Way Deed dated July 15, 1981 granted by Wayne Hergert and Kelly Hergert, husband and wife, Bryce Hergert and Penny E. Hergert, husband and wife; Monte Hergert and Valinda Hergert, husband and wife; and Niel Hergert and Marie Hergert, husband and wife; to Mountain Home Highway District to , recorded August 17, 1982, as Instrument No. 210062, records of Elmore County, Idaho; for a strip of land 30 feet wide running along the East side of W1/2NW1/4, Section 32, T2S, R5E, B.M.
26. Right of Way Deed dated July 15, 1981 granted by Bryce Hergert and Penny Hergert, husband and wife; to Mountain Home Highway District; recorded August 17, 1982, as Instrument No. 210064, records of County, Idaho; for a strip of land 30 feet wide running along the North side of NE1/4NE1/4, Section 1, T3S, R4E, B.M.; and a strip of land 30 feet wide running along the North side of NW1/4, Section 6, T3SR6E, B.M.
27. Road and Ditch Rights of Way appearing on the premises, but not of record.
- ~~28. Right, Title and Interest of Beverly Franson, Neil Eason, Harry Eason, Norma Stewart, Laurie Knight, Paul Rodman, Leann M. Ballew, Jeri Lynn Rodman and Sandra Lee Rodman, as disclosed in Order Approving Amended Final Account and Decree of Distribution, recorded March 24, 1993 as Instrument No. 273304, records of Elmore County, Idaho.~~

(Continued)

Ex C
3 of 3

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

RECEIVED

NOV 9 1989

Ident. Number: A61-07263
Date Received:
Receipt No: 012769 & 012770
Received By: C. Wong

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: LARRY ESSON
Address: P.O. BOX 182
GRANDVIEW, ID 83624
AND
Name: JEROLD L. WOOD
Address: 919 N. 17TH ST. 208-342-5426
BOISE, ID 83702
AND
Name: ESTATE OF EDNA BALLANTYNE
Address: C/O W. J. BALLANTYNE, TRUSTEE 208-459-8590
2208 ELLIS
CALDWELL, ID 83605
AND
Name: W. J. BALLANTYNE
Address: 2208 ELLIS 208-459-8590
CALDWELL, ID 83605
AND
Name: HERBERT C. HETHERINGTON
Address: P.O. BOX 740 208-365-2280
EMMETT, ID 83617
AND
Name: BEVERLY FRANSEN
Address: 2403 JULIE LANE
PAYETTE, ID 83661
AND
Name: NORMA STEWART
Address: 406 E. CURLING
BOISE, ID 83702
AND
Name: NEIL ESSON
Address: 1824 E. IOWA
NAMPA, ID 83651

2. Date of Priority: APR 01, 1976

3. Source: GROUNDWATER Trib. to:

A61-07263

Page 1

Date: 11/08/89

MICROFILMED

AUG 11 1992

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	05E	31	SE	SE	SW	3	ELMORE
03S	04E	1	NE	SE	NE	5	ELMORE

5. Description of diverting works:

WELL, 20" X 409', 200 HP MAIN PUMP, 2 BOOSTER PUMPS, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.300		

7. Total Quantity Appropriated is:

3.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 495.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03S	05E	6	NE	NW	3	IRR	39.0
			NW	NW	4	IRR	43.0
			SW	NW	5	IRR	45.0
			SE	NW		IRR	38.0
Section Acres							165.0
Total Acres							165.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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): Hubert G. Weatherly Date: 9-27-89

Date: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho

County of Osborne) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of Sept 19 89

Seal

A61-07247B

Page

My Commission Expires 7/25/91
3 Date: 09/14/89

Residing at _____

Notary Public

A61-07243

MICROFILMED

Aug 11 1992

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): *W. J. Ballantyne* Date: 9/20/89
W. J. Ballantyne Date: 9/27/89
Personal Representative
Elena Ballantyne Estate

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of Sept 19 89

[Signature]
Notary Public

Seal

Residing at Caldwell 10240

My Commission Expires 7/25/91
3 Date: 09/14/89

A61-07264

Page

A61-07263

MICROFILMED

APR 11 1992

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): Jerald S. Hood Date: 7/27/89

Date: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of Sept 19 89

[Signature]
Notary Public

Seal

Residing at Caldwell Idaho

My Commission Expires 7/25/91
3 Date: 09/14/89

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: _____

For Organizations:

I do solemnly swear or affirm that I am Personal Representative of Edna Ballantyne Estate, that I have signed the foregoing document in the space below as Personal Representative of Edna Ballantyne and that the statements contained in the foregoing document are true and correct.

Edna Ballantyne
Signature of Authorized Agent

Personal Representative
Title and Organization

11/8/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of November 19 89

Carter L. Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires
3 Date: 11/08/89

A61-07263

Page

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994
NOV 11 1989

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): Neil Esson Date: 10-19-89

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of October 19 89

Larry L. Vinkhovel
Notary Public

Seal

Residing at Emmett Idaho

My Commission Expires 8-15-93
Date: 09/14/89

A61-07263

Page

3

NOT RECORDED
AUG 11 1989

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): Norma Stewart Date: 10/25/89

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of October 19 89

Larry L. Umbolm
Notary Public

Seal

Residing at Emmett, Idaho

My Commission Expires 8-15-93
3 Date: 09/14/89

A61-07263

Page

103 11 1002

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): *James E. ...* Date: 10/25/89
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

_____, Title
Organization and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of October 19 89

Larry L. Vanholm
Notary Public

Seal

Residing at Emmett, Idaho

My Commission Expires 8-15-93
3 Date: 09/14/89

A61-07263

Page

RECORDED

OCT 11 1989

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): Beverly Jonson Date: 10-27-89

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Payette) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of October 19 89

Judy Blackmer
Notary Public

Seal

Residing at Payette, Idaho

My Commission Expires Feb 23, 1991
Date: 09/14/89
10/27/89

A61-07263

Page

3

RECORDED

100 11 1002

3103

36

31

32

P.D.



3082

3098

43

39

45

38

P.D.

3081

3082

6

T35

R5E

5

3085

3079

3119

A61-07263

7

8

3068

3078

3067

18

3059

3056

3052

100 11 1002

17

Water Right Number - 61-07263

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
WOOD

JEROLD L.

1 - 919 N. 17TH ST.

2 -

3 -

City- BOISE

Phone - 208-000-0000

State- ID Zip- 83702

BALLANTYNE

EST. OF EDNA

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

ESSON

MARTHA

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

BALLANTYNE

W. J.

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

HETHERINGTON

HERBERT C.

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

*** O - ORIGINAL OWNER ***
OSBORN

BETTY F.

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

OSBORN

ROBERT E.

1 -

2 -

3 -

City-

Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - +
04/01/1976

+ - - Region - - - +
14 WESTERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - - +

+ - - - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +						+ - - - - +			
Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
02S	05E	31	SE SW	3	(39)	ELMORE			
03S	04E	1	NE NE	1	(39)	ELMORE			

Water right number - 61-07263

Prefix Translation: WATER RIGHT

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	2.400	742.50

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +
2.400	742.50	11.360

Trn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
03S	05E	6	NE NW	3	39.0	01	IRRIGATION	(39) ELMORE
03S	05E	6	NW NW	4	43.0	01	IRRIGATION	(39) ELMORE
03S	05E	6	SW NW	5	45.0	01	IRRIGATION	(39) ELMORE
03S	05E	6	SE NW		38.0	01	IRRIGATION	(39) ELMORE
Total Acres:					165.0			

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
This right when combined with rights 61-072478 and 61-07262 shall not exceed 11.36 cfs.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

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

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

+ - - Audit Fields - 03/31/88 05/01/88 CONVERT 06/09/88 CURTIS 07/14/88 CURTIS 08/08/89 CURTIS 08/17/89 CURTIS 06/05/90 CURTIS 06/22/90 JOHNSON 07/18/90 JOHNSON
--

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 05/01/1981	Field Exam Made - 11/20/1987	Field Exam Fee - R
Approved/Denied - 05/28/1976	Protested Date - 00/00/0000	Swan Falls - 2
Proof Made Date - 05/08/1981	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -

Water right number - 61-07263

Prefix Translation: WATER RIGHT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Licensed Date	- 08/14/1989	Appl Received	- 04/01/1976	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 27, 2000

STEVE BOSCHMA
5592 KUNA RD
KUNA ID 83634

Dear Mr. Boschma:

Enclosed is a copy of the Notice of Administrative Proceeding regarding your water right(s) that have been sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are required to be filed by the Department in order to notify the Court of any contemplated changes to your water right(s).

The SRBA Court or Water Resources will notify you of any future action on your water right(s).

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads 'Lori Harris'.

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosure

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

Water Rights: 61-07263, 61-07264A,
61-07264B

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

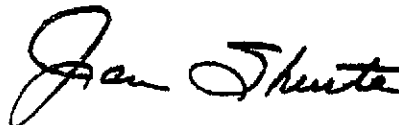
☒ I.C. § 42-222 transfer

☒ point of diversion ☐ place of use

☒ period of use ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than:

Dated September 27, 2001



Signature of IDWR Representative

INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

CERTIFICATE OF MAILING

I certify that on September 27, 2000, 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 ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
N/A
3. One copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record:

Steve Boschma
5592 Kuna Rd
Kuna ID 83634



Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5784

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant: Steve BoschmaPhone: (208) 870- 1763, 467-2816Post Office address: 5592 Kuna Rd. Kuna ID 83634**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other

2. Describe the reason for the proposed changes: Applicant wishes to construct a new dairy facility on the site, and drill a new well to supply stockwater and process water for the dairy. In addition, applicant wishes to recombine rights 61-07264A and 61-07264B and to correct a diversion point.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
<u>61-07264C</u>	<u>06/10/76</u>	<u>9.87 / 2144</u>	<u>irrigation</u>	<u>04/01</u>	<u>to</u>	<u>10/31</u>
		<u>.74 / 127</u>	<u>stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
<u>61-07263</u>	<u>04/01/1976</u>	<u>.53 / 91</u>	<u>commercial</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>2.4/660</u>	<u>irrigation</u>	<u>4/01</u>	<u>to</u>	<u>10/31</u>

2. Total amount of water being transferred 11.36 cubic feet per second and/or 3022 acre-feet per annum.

3. Source of water groundwater tributary to

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion
3	SE	SE	SW	31	T02S	R05E	Elmore	irrigation well
		NW	NE	31	T02S	R05E	Elmore	New Dairy Well
4	SW	NW	NW	6	T03S	R05E	Elmore	Irrigation Well

5. Lands irrigated or place of use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
61-0764:																			
02S	05E	31	39			40					40	40	39	33	40	40	35	42	
			C	X	X	C					C	C	C	C	C	C	C	C	
02S	05E	32						39	39										
								C	C										466
61-0763:																			
							39	43	45	38									165
							C	C	C	C									

Total acres

631

PART 1

6. General Information:

- a. Description of diversion system: A new well will be drilled near the new milking parlor for dairy use. Pumps, pressure tanks and distribution system will be installed per engineer's specifications for a dairy of this size and style.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land now irrigated will be covered with corrals, feed storage and building sites for new dairy buildings.
- d. Remarks:
- See attachments:
- A. Statement from landowner on existence of contract and proof of ownership.
 - B. Daily Fresh Water Requirement For Dairy Facility Worksheet
 - C. Flow, Volume, and Allocation Calculations
 - D. Crop history and calculation of consumptive use
 - E. Lagoon sizing calculations
 - F. Memorandum addressing the four issues raised in the Idaho code 42-222

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

AJ0749NP
No. 61-07263

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

DATE: 05/31/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DESERT SEA FARMS LLC 905 E 13TH N MOUNTAIN HOME ID 83647 (208) 587-9271	04/01/1976	IRRIGATION	04-01 10-31	2.400 CFS	
TOTAL DIVERSION:					2.400 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02S R05E S31 Lot01(SESESW)
T03S R05E S06 Lot04(SWNWNW)

ELMORE County
ELMORE County

Place of use Legal Description for: IRRIGATION

												NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
03S	05E	6	:									:	03-39	04-44	05-43	39	:					:						:	165.0
																												TOTAL ACRES	165.0

POU County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07247B A61-07247B A61-07263

Other Water Rights Listing Overlapping Place(s) of Use:
A61-07263

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 61:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: QNT

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.60 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 900.0 AF.
RIGHT 61-07263 WHEN COMBINED WITH RIGHTS 61-07247B AND
61-07264A & 61-07264B SHALL NOT EXCEED 11.36 CFS.

USE

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS

Part of pg 4 of 6

AJ0749NP
No. 61-07263

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

DATE: 05/31/00
PAGE: 2

Remarks: EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

EXP RIGHT NO. 61-07247B IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED AS T02S, R05E, S31, SESESW: 61-07264A AND
61-07264B.

Dates: Exam Made Date: 10/05/1998 Verified Date: Objection Filed Date:

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

AJ0749NP
No. 61-07264A

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

DATE: 05/31/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DESERT SEA FARMS LLC 905 E 13TH E MOUNTAIN HOME ID 83647 (208) 587-9271	06/10/1976	IRRIGATION	03-15 11-15	10.740 CFS	2416.50 AFA
TOTAL DIVERSION:					10.740 CFS	2416.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R05E S31 Lot03(SESESW)

ELMORE County

Place of use Legal Description for: IRRIGATION

NE										NW				SW				SE																																			
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM																												
02S	05E	31	:	39		39		40		40	:						:	40		40		04-39		03-39	:	40		40		02-41		01-42	:	479.0																			
02S	05E	32	:								:	29		29			:									:							:	58.0																			
																							TOTAL ACRES																														537.0

POU County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07264B A61-07247B A61-07263 A61-07264A A61-07264B

Other Water Rights Listing Overlapping Place(s) of Use:
61-07264B A61-07264 A61-07264A A61-07264B

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-07247B, 61-07263 & 61-07264B.

Dates: Exam Made Date: 10/02/1998 Verified Date: 10/02/1998 Objection Filed Date:

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

Part of pg 4 of 6

AJ0749NP
No. 61-07264B

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

DATE: 05/31/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DESERT SEA FARMS LLC 905 E 13TH N ST MOUNTAIN HOME ID 83647	06/10/1976	IRRIGATION	03-15 11-15	0.400 CFS	90.00 AFA
TOTAL DIVERSION:					0.400 CFS	90.00 AFA

D CARL D HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647
(208) 796-2127

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R05E S31 Lot03(SESESW)

ELMORE County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM			
02S	05E	32	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	20.0			
TOTAL ACRES																				20.0				

POU County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07264A A61-07247B A61-07263 A61-07264A A61-07264B

Other Water Rights Listing Overlapping Place(s) of Use:
61-07264A A61-07264 A61-07264A A61-07264B

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 61:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 61-07247B, 61-07263 & 61-7264A.

part of 61-07264B

AJ0749NP
No. 61-07264B

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

DATE: 05/31/00
PAGE: 2

=====

Dates:	Exam Made Date: 10/02/1998	Verified Date:	Objection Filed Date:
--------	----------------------------	----------------	-----------------------

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5784

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use? Yes If yes, describe: CRP

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1.

Amount (cfs/ac-ft)						
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

3. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	

C. Description of unchanged portion of right

1.

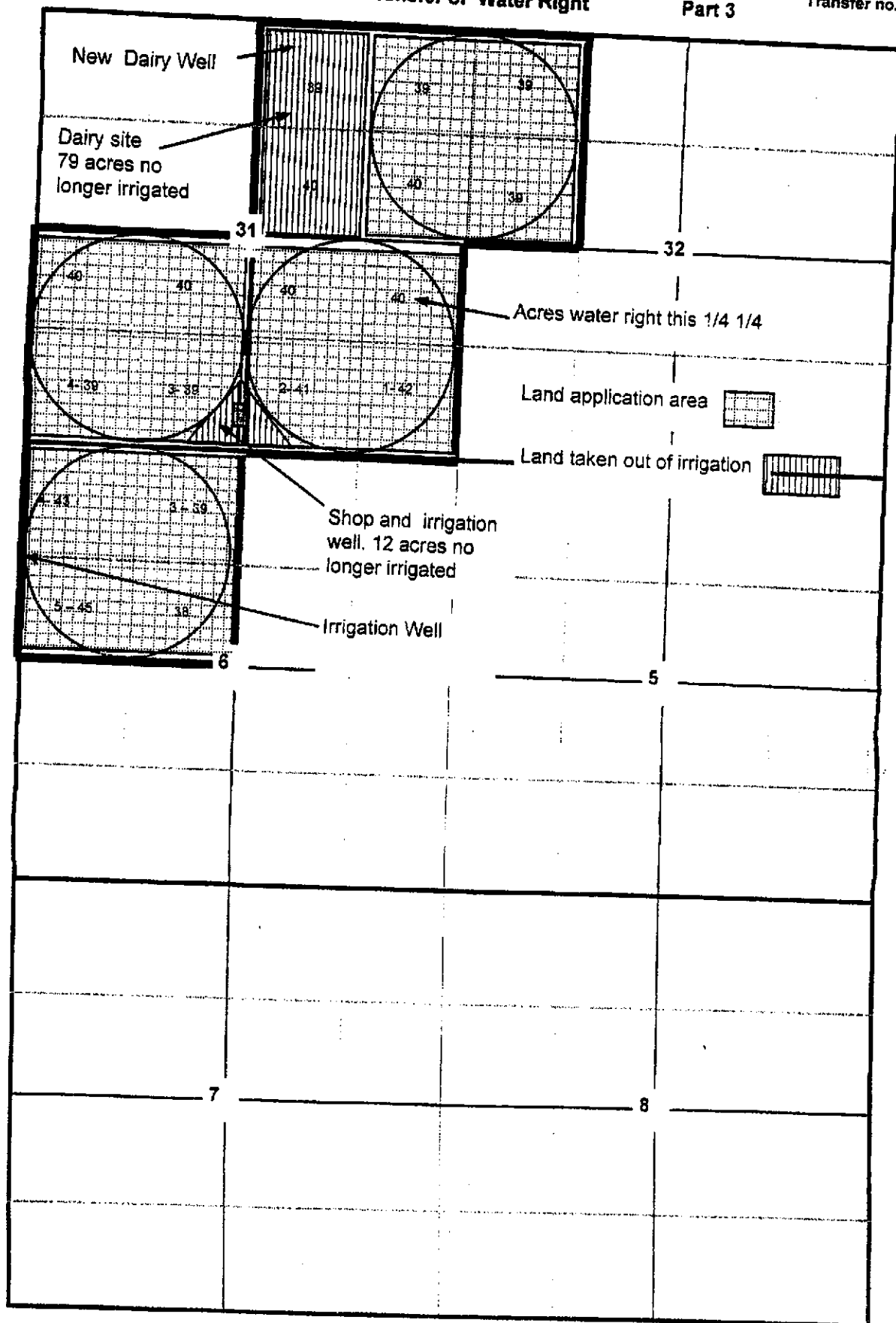
Amount (cfs/ac-ft)						
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	
	for		purposes from		to	

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

3. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	



Steve Boschma Dairy		
Elmore County, ID		Scale 3" = 1 mile
T 2 S, R 5 E, S. 31 & 32		Prepared by: Darwin Vander Stelt

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5784

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use		
Stockwater	.74 / 127	365	01/01	to	12/31
Commercial	.53 / 91	365	01/01	to	01/01

2. Quantity and quality of return flows and location of discharge:

Used process and runoff to be contained in the lagoon on the NE 1/4 sec 31 T02S R05E

Estimated volume of return flow is 91 acre feet to be land applied during the growing season.

3. Describe effects on other water uses resulting from the proposed change:

See Attachment 5.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Steph T. Beechman
(Signature of Applicant)

Subscribed and sworn to before me this 6 day of April, 19 2000

Ron Howerton
(Notary Public)

My commission expires _____

Ron Howerton

Residing at Boise, Idaho

My Commission Expires December 8, 2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by Rch Date 4/6/00 Protest filed by _____

Prelim. check by g Fee 100.00 W 026316

Receipted by Rch Date 4/6/00

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

Attachment A

Verification of pending Purchase and Sale Agreement

Buyer(s) Steve Boschma

Seller(s) Larry Essen *ESSON ZE*

The undersigned parties hereby verify that a Purchase and Sale agreement exists and is a valid contract for the sale of T02S,R05E, NE ¼ and S ½ sec 31, W ½ of W ½ sec 32, and T03S, R05E, NW ¼ sec 6, contingent upon buyer obtaining a change in the nature of use of a groundwater right, and also contingent on buyer obtaining other required permits relating to construction and operation of a dairy on the site.

Larry Essen

Seller

4/6/2000

Date

Derent Lee Farms LLC

Seller

4/6/2000

Date

Steve Boschma

Buyer

4/6/00

Date

Seller

Date

AJ0749NP
No. R61-07263

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

DATE: 11/20/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DESERT SEA FARMS LLC 905 E 13TH N MOUNTAIN HOME ID 83647 (208) 587-9271	04/01/1976	IRRIGATION	04-01 10-31	2.40 CFS	
TOTAL DIVERSION:					2.40 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R05E S31 Lot01(SESESW)
T03S R05E S06 Lot04(SMNWNW)

ELMORE County
ELMORE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
03S	05E	6	:					03-39				04-44				05-43				39	:	165.0
																			TOTAL ACRES	165.0		

POU County: ELMORE

Remarks: QNT THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.60 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 900.0 AF.
RIGHT 61-07263 WHEN COMBINED WITH RIGHTS 61-07247B AND 61-07264A & 61-07264B SHALL NOT EXCEED 11.36 CFS.

USE THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

EXP RIGHT NO. 61-07247B IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED AS T02S, R05E, S31, SESESW: 61-07264A AND 61-07264B.

Dates: Exam Made Date: 10/05/1998 Verified Date: Objection Filed Date:

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

AJ0749NP
No. R61-07263

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

DATE: 11/20/98
PAGE: 2

Comments: Date: 10/05/1998 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
CLAIM AMENDED PER TRANSFER NO. 5145 APPROVED 12/16/97.

Audit: 11/20/98 LHARRIS

AJ0749NP
No. R61-07263

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

DATE: 10/05/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DESERT SEA FARMS LLC 905 E 13TH N MOUNTAIN HOME ID 83647 (208) 587-9271	04/01/1976	IRRIGATION	04-01 10-31	2.40 CFS	
TOTAL DIVERSION:					2.40 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R05E S31 Lot01(SESESW)
T03S R05E S06 Lot04(SWNWNW)

ELMORE County
ELMORE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
03S	05E	6	:																	:	165.0
																				TOTAL ACRES	165.0

POU County: ELMORE

Remarks: QNT THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.60 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 900.0 AF.
RIGHT 61-07263 WHEN COMBINED WITH RIGHTS 61-07247B AND
61-07264A & 61-07264B SHALL NOT EXCEED 11.36 CFS.

EXP RIGHT NO. 61-07247B IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED AS T02S, R05E, S31, SESESW: 61-07264A AND
61-07264B.

Dates: Exam Made Date: 10/05/1998 Verified Date: 10/05/1998 Objection Filed Date:

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

Comments: Date: 10/05/1998 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
CLAIM AMENDED PER TRANSFER NO. 5145 APPROVED 12/16/97.

Audit: 10/05/98 RHOWERTO

IDWR T03S, R05E

Claim(s) : 61-07263
Owner(s) : Desert
Sea Farms
Date: 05 Oct 98
Prepared by:
Ron Howerton
Total Acres: 165

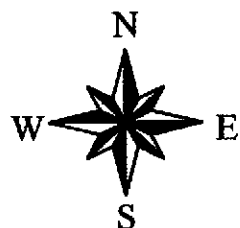
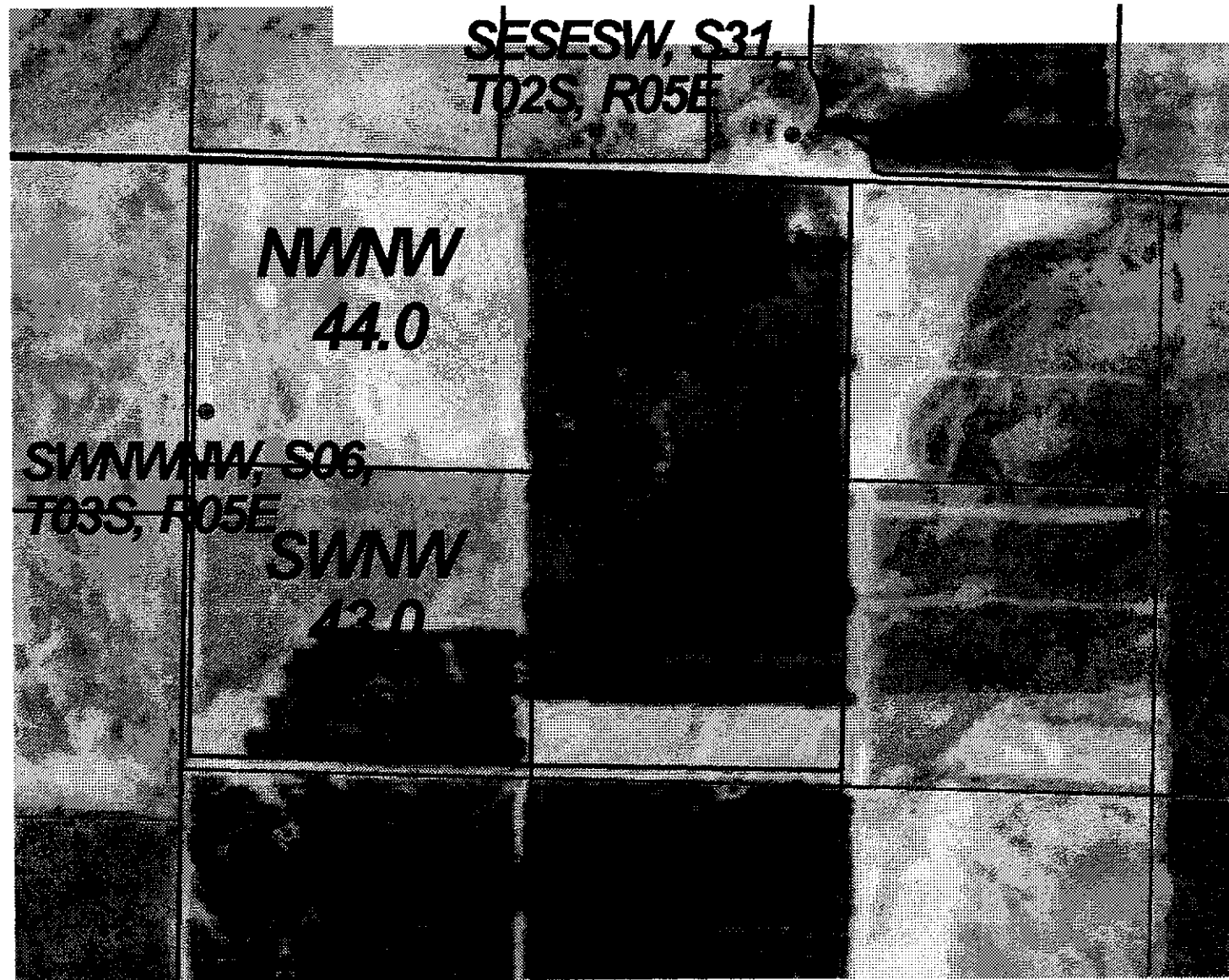
 POU

 POD

 SECTION LINES

 1/4 1/4

ACRES



1987 NAPP

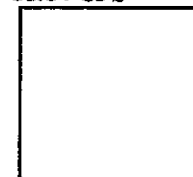


SPLIT REVIEW (Rights: 61-07263, 61-07264 & 61-07247)

AGENT: Ron Howerton

Date: 23 Sep 98

61-07264
557 acres
11.14 CFS



*P/D SESESW, S31,
T02S, R05E LT 01*

61-07264A
537 acres
10.74 CFS
Desert Sea Farms

61-07264B
20 acres
0.4 CFS
Hickey

61-07247



*P/D SESW, S36,
T02S, R04E*

61-07247A
Split into C Hergert Farms
Permit
Split into D Hickey
Permit

*P/D SESESW, S31,
T02S, R05E LT 01
Transfer 5145
Changed P/D from S01 to
P/D NWNW, S06,
T03S, R05E LT 04 (see attached well log dated 6/1/98)*

61-07247B
License
60 acres
1.2 CFS
Desert Sea Farms

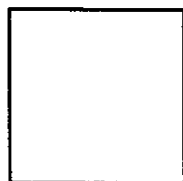
61-07263

Transfer 5145

P/D SESESW, S31, T02S, R05E LT 01

P/D NWNW, S06, T03S, R05E LT 04

Desert Sea Farms



SPLIT REVIEW (Rights: 61-07263, 61-07264 & 61-07247)

AGENT: Ron Howerton

Date: 23 Sep 98

P/D OVERLAP AND CONDITIONS FOR:

61-07247B & 61-07263

- * P/D overlap with 61-07263, 61-07247B (Both have same P/D's) & 61-07264 (SESESW, S31, T02S, R05E LT 01 only)
- Combined remarks apply for CFS & Volume for 61-07247B, 61-07263, 61-07264A & B.

61-07264A & 61-07264B

- P/D overlap with 61-07264A & 61-07264B (Both have same P/D) & 61-07263, 61-07247B (SESESW, S31, T02S, R05E LT 01 only)
- No combined conditions apply for 61-07264A & 61-07264B. (Conditioned on 61-07247B & 61-07263)
- For the P/D overlap of 61-07263 or 61-07247B, that pipeline to those lands only flows one way. Their other P/D located in S01, prior to Transfer 5145 did not flow back up through that pipeline. (Per conversation with Steve Lester, field examiner) Also noted by memorandum dated 7/7/94 that it wasn't a common 1 system, per point of contact, Larry Esson.
- Transfer 5145 moved the P/D from S01, to its new location in S06, approved December 16, 1997. Since then, no-transfer has been filed to add this point of diversion to 61-07264A or B.
- Proof of the new well located in *NWNW, S06, T03S, R05E LT 04* is shown by well log permit 61-97-C-0055-000, well tag 00000272. Completed 1 June 98.

MEMORANDUM

TO: FILE

FROM: STEVE LESTER 

DATE: NOVEMBER 6, 1997

RE: RECOMMENDATIONS FOR T.5145, DESERT SEA FARMS

This is a simple transfer to change a diversion point from Section 1 well to a new well to be drilled in adjacent site in Section 6. There does not appear to be any problems with approving the transfer. The incorrect flow rate for 61-07263 on page 1 and the incorrect well site in Section 1 on page 6 of the application do not need to be corrected by the applicant as explained in this memo.

The two licenses use Section 1 well plus another well located northeast in Section 31. Note that a third right also uses the Section 31 well (61-07264) but does not use the Section 1 well so that right is not involved in the transfer.

The two SRBA claims reflect the licenses except that the Section 1 well is claimed in Lot 5 (SENE) instead of licensed Lot 1 (NENE) plus A63-07263 claims 3.30 cfs instead of the licensed 2.40 cfs. I spoke with the applicant contact, Mr. Larry Esson, on his October 29 office visit. He does not have any information to support the claim differences and did not appear concerned about claim corrections to match any transfer approval to be issued.

The legal notice included the claimed differences to allow proper notification as required. No protests resulted.

Ownership records are in order for both rights via the completed change in ownership filed by the applicant in 1994. Transfer Attachments A and B authorize access to the proposed well site in Section 6, although that authorization does not appear to be needed per ownership records for the NW 1/4 S. 6 (A61-07263 in the applicant's name).

CORRECTION OF REMARKS IN 61-07263

Note that right 61-07263 includes a remark linking the right to 61-07262. That appears to be a typo error since the latter right has nothing to do with the rights in question. The remark should refer to right 61-07264 from the 1987 field exams, and it can be corrected in the transfer decision.

CLARIFICATION OF SECTION 1 WELL LOCATION

Some confusion occurs in the water right and SRBA records for the well in Section 1. The 1987 field exams showed that the well was in Lot 1 (NENE). The tract lines for the section are abnormal due to large government lots.

The water right P/D index lists ground water in Lot 1 (NENE) for 61-07247B and 61-07263. It also shows ground water in Lot 5 (SENE) for 61-07203B, a split that included a change in P/D and P/U for Mr. Hickey per T.4328 issued in 1994 after that right was licensed.

The SRBA P/D index includes ground water in Lot 5 (SENE) for claims A61-07203B (Hickey as above) and A61-07247B plus A61-07263 plus A61-07264 (all for Desert Sea Farms). No ground water is shown in Lot 1 (NENE). The latter three claims contradict the 1987 license reports.

All of this can be clarified very easily. The current well location in Lot 1 was reconfirmed by a site visit yesterday (see attached notes). The well is close to the tract line but is definitely in Lot 1. No well is found in Lot 5 as verified by the 1987 and 1997 field visits. Note that no well drilling activity has been indicated for NE 1/4 Section 1 per well drilling database check. It appears that a case of mistaken 1/4-1/4 has resulted from the abnormal shape of the tracts due to large government lots found in the section.

Transfer approval will correct claims A61-07247B and A61-07263. Claim A61-07264 can be corrected by the claimant to delete reference to a Section 1 P/D. License 61-07203B and claim A61-07203B can be amended by Mr. Hickey or his successor: transfer application that would not need to be advertised to simply correct an error that was easy to make per above explanation?

RECOMMENDATIONS

61-07247B for 1.20 cfs, wells in S.31 (existing) and S.6 (proposed);

61-07263 for 2.40 cfs, wells as above, clarify remark about linkage to other rights;

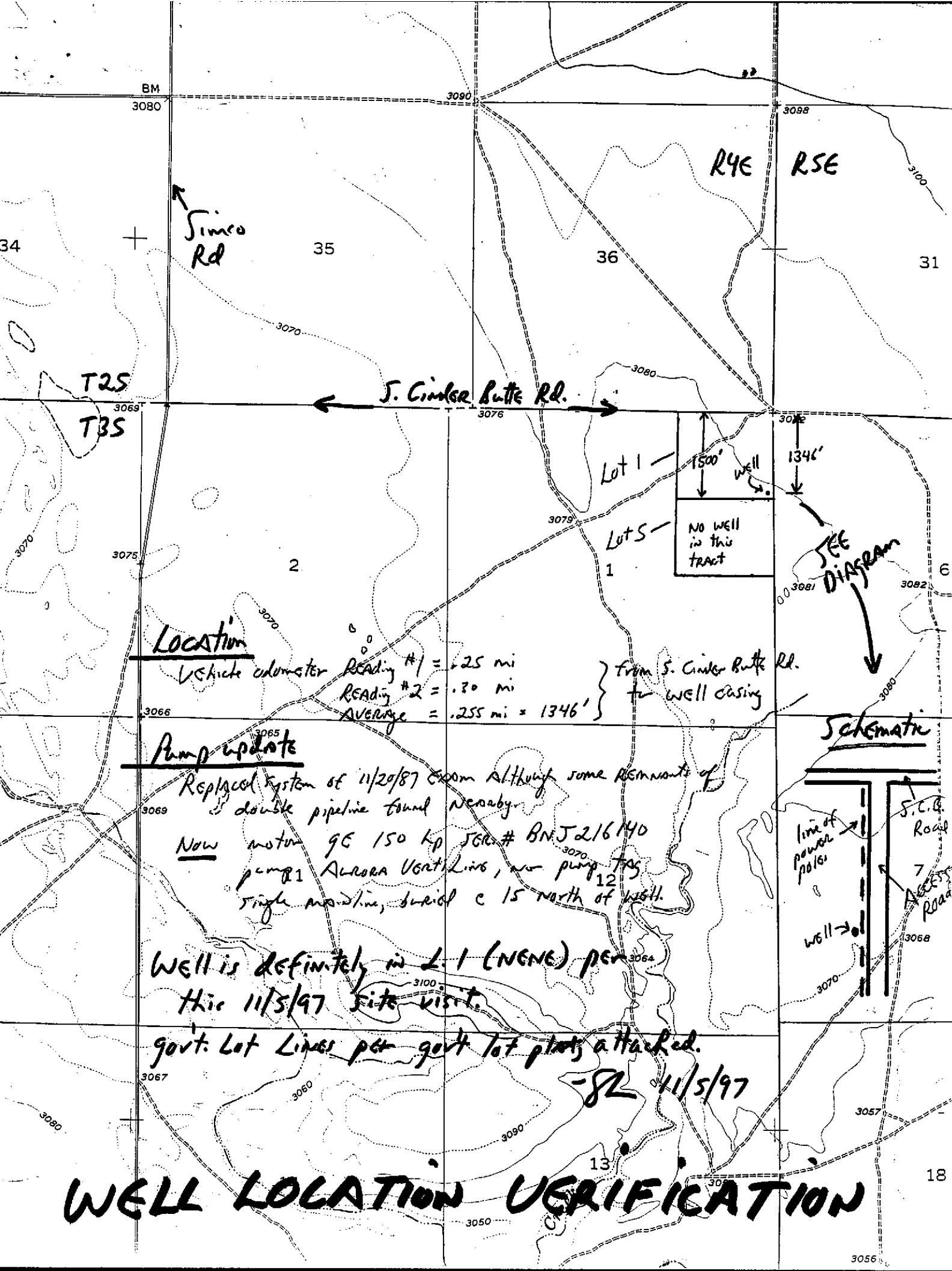
total flow is 3.60, not 4.50, cfs;

request for expedited drilling permit should be denied (?) -- see second memo also with today's date;

A61-07264 can be addressed by regional SRBA staff;

61-07203B and its claim can be addressed by regional allocation staff.

c: ✓ RDH for A61-07264
✓ Regional files 61-07203B and A61-07203B, 61-07264
✓ S.O. files 61-07203B and 61-07264



Location

Vehicle odometer Reading #1 = .25 mi
Reading #2 = .30 mi
Average = .255 mi = 1346' } from S. Cinder Butte Rd.
to well casing

Pump update

Replaced system of 11/20/87 Exom Although some remnants of double pipeline found nearby.

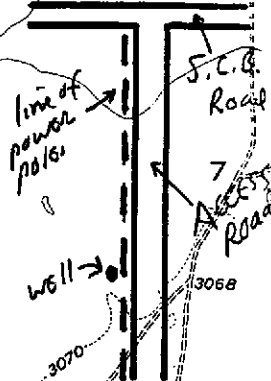
Now motor 95 150 hp SER.# BNJ216140
pump 1 Aurora Vert. Line, no pump tag
single mainline, burial c 15 north of well.

Well is definitely in L. 1 (NENE) per
this 11/5/97 site visit.

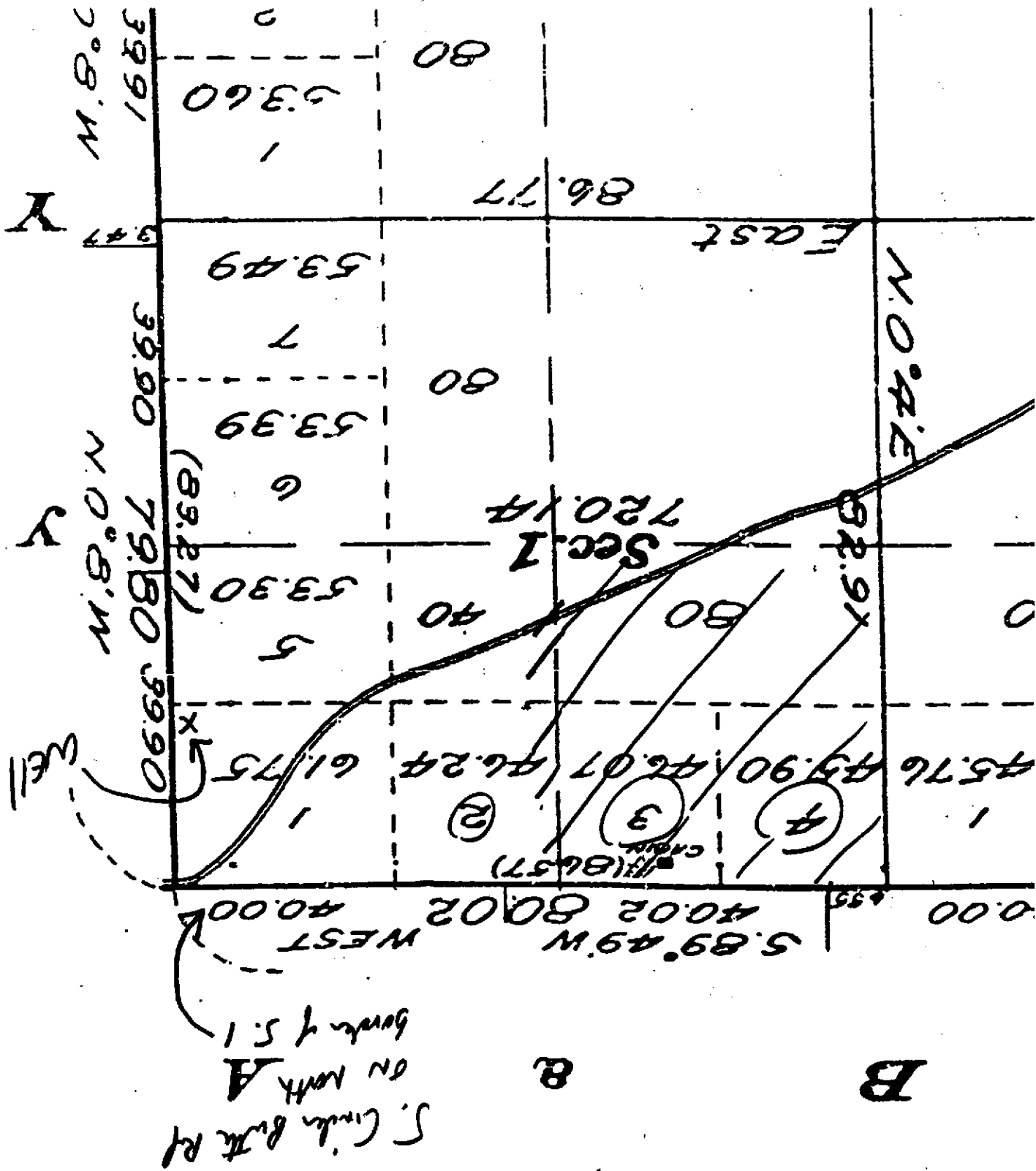
govt. Lot Lines per govt lot plat, attached.

-SL 11/5/97

Schematic



WELL LOCATION VERIFICATION



ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 61-07263

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE 10-OFFICE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	N	Rch 5oct98		N	N		
PT. OF DIV.			LIC/TRANSFER				DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE							
PL. OF USE			4				FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF							
CONSUMPTIVE USE							
NATURE OF USE							
PERIOD OF USE							
BASIS OF CLAIM							
REMARKS							

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: _____

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER(SEE COMMENTS) = 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:23:57
07/05/94

PAGE: 1
GENERAL INFORMATION

42
CLAIM NUMBER: A61-07263

LAST: ESSON
ADDRESS: P.O. BOX 182
CITY: GRANDVIEW
PHONE NUMBER: 208-000-0000

FIRST: LARRY
STATE: ID ZIP: 83624

OWNER CODE: ~~0~~

DESERT SEA FARMS LLC
905 E 13TH N
MOUNTAIN HOME ID 83647

LAST: WOOD
ADDRESS: 919 N. 17TH ST.
CITY: BOISE
PHONE NUMBER: 208-342-5426

FIRST: JEROLD L.
STATE: ID ZIP: 83702

OWNER CODE: ~~0~~

CURRENT
OWNER (208) 587-9271

LAST: BALLANTYNE
ADDRESS: C/O W. J. BALLANTYNE, TRUSTEE
2208 ELLIS
CITY: CALDWELL
PHONE NUMBER: 208-459-8590

FIRST: ESTATE OF EDNA
STATE: ID ZIP: 83605

OWNER CODE: ~~0~~

LAST: OSBORN
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: BETTY F.
STATE: ID ZIP: 0

OWNER CODE: ~~0~~

LAST: BALLANTYNE
ADDRESS: 2208 ELLIS
CITY: CALDWELL
PHONE NUMBER: 208-459-8590

FIRST: W. J.
STATE: ID ZIP: 83605

OWNER CODE: ~~0~~

LAST: HETHERINGTON
ADDRESS: P.O. BOX 740

FIRST: HERBERT C.

CITY: EMMETT
PHONE NUMBER: 208-365-2280

STATE: ID ZIP: 83617

OWNER CODE: C

LAST: OSBORN
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: ROBERT E.
STATE: ID ZIP: 0

OWNER CODE: O

LAST: FRANSEN
ADDRESS: 2403 JULIE LANE
CITY: PAYETTE
PHONE NUMBER: 208-000-0000

FIRST: BEVERLY
STATE: ID ZIP: 83661

OWNER CODE: ~~0~~ 0

LAST: STEWART
ADDRESS: 406 E. CURLING
CITY: BOISE
PHONE NUMBER: 208-000-0000

FIRST: NORMA
STATE: ID ZIP: 83702

OWNER CODE: ~~0~~ 0

LAST: ESSON
ADDRESS: 1824 E. IOWA
CITY: NAMPA
PHONE NUMBER: 208-000-0000

FIRST: NEIL
STATE: ID ZIP: 83651

OWNER CODE: ~~0~~ 0

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

PHONE NUMBER: () 587-9271

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

PHONE NUMBER: () -

SEE MAP IN THIS FILE AND 7247B

A. AJ CLAIM: # A61-07263 PRIORITY DATE: 04-01-1976 STAGE: L

B. WR RECORD: # 61-07263 PRIORITY DATE: 04-01-1976 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE FIELD
N EXAMINER

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

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:
04-01-1976

REVIEWED BY Rdh

DATE 5oct98

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A61-07263	02S	05E	31	SE	SE	SW	3	ELMORE
A61-07263	03S	04E	1	NE	SE	NE	5	ELMORE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A61-07247B NONE
A61-07264

WR RECORDS IN SAME 40 ACRE TRACT

61-07247B
61-07264

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
61-07263	02S	05E	31		SE	SW	3	ELMORE
61-07263	03S	04E	1		NE	NE	1	ELMORE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

61-07247B
61-07264

A61-07247B NONE
A61-07264

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
X
N

FIELD
EXAMINER
Rch

NOTES:

SEE WELL DRILLERS REPORT AND STEVE LESTERS MEMORANDUM
DATED 6 NOV 97,

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
25	SE	31	SE	SE	SW	---	ELMORE	---
35	SE	06	SW	NW	NW	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: Rch DATE: 5 Oct 98

SYSTEM DESCRIPTION:

- 2-WELLS, BOOSTER PUMPS, SPRINKLER SYSTEMS
- TRANSFER 5145 CHGD. PID - SEE ATTACHED TRANSFER
- SEE SPLIT REVIEW, DTD 23 SEP 98
- SEE MEMORANDUM by Steve Lester DTD 6 NOV 97

ADD REMARKS:

EXP-F05 (7247B)

F06 (7264A & 7264B) LOCATED IN T25, R5E, S31, SESESW

A. ROOT WATER RIGHT NUMBERS: A61-07263

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03S	05E	6	NE	NW	3	ESSON, LARRY	A61-07263 /39.0	61-07263 /39.0	37.0		39
03S	05E	6	NW	NW	4	ESSON, LARRY	A61-07263 /43.0	61-07263 /43.0	39.0		44
03S	05E	6	SW	NW	5	ESSON, LARRY	A61-07263 /45.0	61-07263 /45.0	45.0		45.0 43
03S	05E	6	SE	NW		ESSON, LARRY	A61-07263 /38.0	61-07263 /38.0	39.0		39
TOTAL ACRES							A61-07263	165.00	165.00	160.00	165

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE

FIELD
EXAMINER

POU COUNTY: ELMORE

PRESUMPTION FLAG: X

NOTES:

RECOMMENDATIONS:

TOTAL ACRES:

165

REVIEWED BY:

Rch

DATE:

5 Oct 98

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A61-07263 IRRIGATION	FROM 03-15 TO 11-15	3.300 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3.300 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
61-07263 IRRIGATION	FROM 03-15 TO 11-15	2.400 CFS 742.50 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.400 CFS 742.50 AF/A

PRESUMPTION FLAG: ☒

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	☒	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	☒	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	☒	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in notes, below.

NOTES:

TRANSFER # 5145 APPROVED 16 DEC 97 WITH 4/1 to 10/31
SEASON - SEE ATTACHED

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: ~~3.300~~ CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.400 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 notes. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD NA, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 165 x 0.02 CFS/ACRE = 3.3 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N() HOWEVER, TRANSFER LIMITED TO 2.4 CFS

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 495.0 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()

WR RECORD CONDITIONS/REMARKS:

~~R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.~~

E04 This right when combined with rights 61-07247B and 61-07262 shall not exceed 11.36 cfs.

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

QNT REMARK 2 E04 & Item # 7 on transfer

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~03-15~~ ~~11-15~~	DATABASE EXAMINER ~~3.300~~ _____	DATABASE EXAMINER _____	DATABASE EXAMINER ~~495.0~~ _____
TOTAL FOR THIS RIGHT	4-1 to 10-31	~~3.300~~		~~495.0~~

REVIEWED BY: Rch DATE: 5 Oct 98

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(X)	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

SEE SPLIT REVIEW DTD 23 Sep 98

ROOT WATER RIGHT NUMBER: 61-07263

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.400

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A61-07263	3.300	-		61-07263	2.400
TOTAL CFS		3.300				2.400

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

NOTES:

LAND WAS UNDER CRP 1988-1997. SEE ASCS MAP

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE:

5 Oct 98

NAME OF FIELD EXAMINER:

RON HOWERTON

TITLE:

SR WA AGENT

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. <u>2-11</u>	Y(☒) N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987</u>	Y() N(☒) IN 7247B
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☒ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED <u>16 DEC 97</u>	<u>3</u>	<u>IN - FILE (this)</u>
☒ SYSTEM DESCRIPTION	DATE DRAWN <u>SEE B/w EXAM</u>	_____	<u>IN FILE 7264A</u>
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
☒ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED <u>23 Sep 98</u>	<u>2</u>	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <u>WELL LOG</u>	DATE <u>6-1-98</u>	<u>1</u>	<u>Shows LOCATION OF NEW WELL</u>
() OTHER <u>MEMORANDUM</u>	DATE <u>6 NOV 97</u>	<u>4</u>	<u>Shows LESTERS FIELD RECOMMENDATIONS</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:23:57
07/05/94

PAGE: 13
QUICKLOOK INFORMATION

54
CLAIM NUMBER: A61-07263

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS								

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

11:36:57
07/05/94
55

CLAIM NUMBER: A61-07263

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:36:57
07/05/94
56

PAGE: 15
PROFILE REPORT CONTINUED

CLAIM NUMBER: A61-07263

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
03S	05E	6	:					:	03-39	04-43	05-45	38	:					:						:	165.0	
																							TOTAL ACRES	165.0		

POU County: ELMORE

Other Rights: NONE

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

ADJUDICATION MEMORANDUM

CLAIM NO.: A61-07247B, 7263 & 7264 SUBJECT: OWNERSHIP CHANGE

EMPLOYEE: RON HOWERTON

DATE: 7-7-94

REF: LARRY ESSON CALLED, FOLLOW-UP FROM
ORIGINAL OWNER BILL BALLANTYNE TEL CONU 7-6-94.

- MADE APPOINTMENT FOR 9AM FRI JULY 8th TO
UPDATE OWNER LIST.
- ALSO DISCUSSED WHETHER PIDS WERE 1-SYSTEM
HE SAID NO, BUT IT WAS AT ONE TIME. IF HE
WANTS TO MAKE THEM 1-SYSTEM AGAIN THEN I
ADVISED THAT A TRANSFER NEEDED TO BE FILED.
- THUS, ON CLAIM A61-07264 WHERE A PID WAS ADDED
CAN BE DELETED, SINCE NO TRANSFER WAS FILED.
- ALSO, ON 7247B & 7263 THE 2ND PID WAS LICENSED
IN THE NENE, SI NOT SENE SI AS CLAIMED. THIS
COULD EASILY BE OFF BECAUSE ITS LOCATION IS SO CLOSE
TO 1/4 1/4 LINE, THIS RECOMMENDATION WILL
BE AS LICENSED FOR LOCATION OF THIS PID.
- NEW ADDRESS & PH FOR LARRY ESSON (208) 587-9271
905 E 13TH N
MOUNTAIN HOME ID 83647

7-8-94

LARRY ESSON & JERRY STWARD CAME-IN AND BROUGHT BARGAIN
AND SALE DEED. CHANGED CLAIMS TO REFLECT NEW NAME
OF ORGANIZATION IN PLACE OF ALL NAMES THAT REMAINED
AND NEW NAME - JERRY STWARD. SEE BARGAIN & SALE DEEDS.

July 6, 1994
2:25 PM

FIELD EXAM
TELEPHONE CONVERSATION MEMO

I.D. NUMBER A61-07247B, A61-07263 & A61-07264

NAME OF CONTACT BILL BALLANTYNE (Rec'd call from appoint letter)

PHONE NO. 459-8590 ADJ. AGENT RON HOWERTON

DATE SET FOR EXAM _____

~~LOCATION~~ - 1) AN OWNERSHIP CHANGE IS REQUIRED FOR THE ABOVE CLAIMS.
2) ALL CLAIMS WERE RECENTLY LICENSED, 1-6-89, 8-14-89 & 1-6-89
thus NO FX NEEDED

Diverting at full rates? * NA

Type of measuring devices? * NA

Places to make measurements? * NA

Type of system? (pipeline, ditches) * NA

How many laterals are used? * NA

Length and size of mainline? * NA

Size of Motor used for each P/D? * NA

Estimate of depth to water? NA *

Pressure at well? NA *

Pressure at sprinkler head? NA *

COMMENTS • BILL SAID THAT HE WAS NO LONGER AN OWNER. HE SAID THAT HE

would have the NEW OWN(S) CALL ME. THE FOLLOWING ARE NO LONGER OWNERS:

- 1) ESTATE OF EDNA BALLANTYNE 3) HERBERT C. HERRINGTON ALSO LAND HAS BEEN *
2) W. J. BALLANTYNE (BILL) 4) JEROLD L. WOOD • IN CRP FOR 6YRS-4 MORE TO GO.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Date: July 1, 1994

Estate of Edna Ballantyne
C/O W J Ballantyne, Trustee
2208 Ellis
Caldwell, Id 83605

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Field Exam Scheduling Letter for the following Adjudication Claims:

A61-07247B, A61-07263 & A61-07264.

Dear Mr. Ballantyne,

The Adjudication Staff of the Department of Water Resources will be conducting Snake River Basin Adjudication Claim Examinations for Elmore County from July through November 1994.

Information on your claim that may need to be verified includes, source(s) of water, uses and amounts, legal descriptions of point(s) of diversion, place of use and in some cases documentation verifying the date of priority as claimed in the Snake River Basin Adjudication.

Although it is not mandatory that you accompany me, should questions arise during the exam, it would be most helpful for yourself or a knowledgeable representative to be available during the field exam. This will help in the accuracy of collecting specific information about your water right and speed up our findings.

I would appreciate your call **ASAP** to set-up a field exam date. I may also be calling to help speed up the scheduling due to the short field season this year.

If you have other questions prior to scheduling a date or about the field examination, feel free to call me on that too. **Please call today to set-up your exam!**

Sincerely,


Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190