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 37-59D
Date Received: 7/8/1988
Receipt No: S000790
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BARBARA FARMS LLC
PO BOX 424
SHOSHONE ID 83352

2. Date of Priority: 05/27/1899

3. Source: BIG WOOD RIVER , BIG WOOD RIVER , BIG WOOD RIVER , BIG WOOD RIVER , BIG WOOD RIVER Trib. to: MALAD RIVER , MALAD RIVER , MALAD RIVER , MALAD RIVER , MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4 Lot	County	Type
02S	18E	30	NE	SE		LINCOLN	
05S	17E	29	NW	SW		LINCOLN	R
05S	17E	30	SW	SE		LINCOLN	R
05S	17E	32	NE	NE		LINCOLN	R
05S	17E	30	NE	SE		LINCOLN	R

5. Description of diverting works:

VIA RICHFIELD CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.38	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05S	16E	25	NE	NE		IRRIGATION	0.3
			SE	NE		IRRIGATION	0.6
						Section Acres	0.9
05S	17E	29	NE	SW		IRRIGATION	2.9
			NW	SW		IRRIGATION	7.6
			SW	SW		IRRIGATION	13
			SE	SW		IRRIGATION	20
			NW	SE		IRRIGATION	0.1
			SW	SE		IRRIGATION	0.1
						Section Acres	43.7
05S	17E	30	SW	NE		IRRIGATION	19
			NE	NW		IRRIGATION	7.8
			NW	NW	1	IRRIGATION	18
			SW	NW	2	IRRIGATION	35
			SE	NW		IRRIGATION	27
			NE	SW		IRRIGATION	32
			NW	SW	3	IRRIGATION	11
			SE	SW		IRRIGATION	8.6
			NE	SE		IRRIGATION	19
			NW	SE		IRRIGATION	17
			SW	SE		IRRIGATION	23
			SE	SE		IRRIGATION	23
						Section Acres	240.4
05S	17E	31	NE	NE		IRRIGATION	4.9
			NW	NE		IRRIGATION	9.5
						Section Acres	14.4
05S	17E	32	NE	NW		IRRIGATION	2.2
			NW	NW		IRRIGATION	0.3
						Section Acres	2.5
						Total Acres	301.9

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

TRANS. 3073.
RT. SUBJECT TO 27% CONVEYANCE LOSS; 0.28 CFS CAN BE RE- DIVERTED FROM LITTLE WOOD RIVER.
REDIVERSION IS UNDER CONTROL OF DIST. 37M WATERMASTER.
AMENDED POU TO 301.9 AC. 3-18-03 SCC.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

15. Basis of Claim: Decreed

Form 42-248/42-1409(a) July, 2000

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

RECEIVED
OCT 21 2005
Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-344A		___	37-10463		___
37-973		___			___
37-59D		___			___
37 10461		___			___
37 10462		___			___

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

   A. The appropriate **FILING FEE.** See instructions for fee amounts.

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

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

   OR

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

3. Name and Address of Former Owner/Claimant(s): Ernest A. Bryant III
   P. O. Box 669, Shoshone, ID 83352

4. New Owner/Claimant(s): Barbara Farms, LLC
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: P. O. Box 424
   City, State and ZIP Code: Shoshone, ID 83352
   New Telephone Number: ( )

5. Date you acquired the property: _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable)

Barbara Farms, LLC
Frederic A. Brossy, III, member Judith R. Brossy, member

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by _____ Date 10/27/05 Fee 75.00
Receipted by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

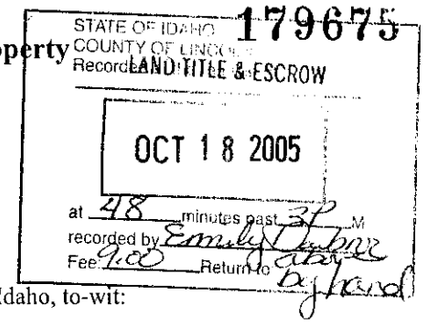
Re Record to correct easement instrument # of easement

WARRANTY DEED

#GL-06372

For Value Received

Ernest A. Bryant, III, a married man as his sole and separate property



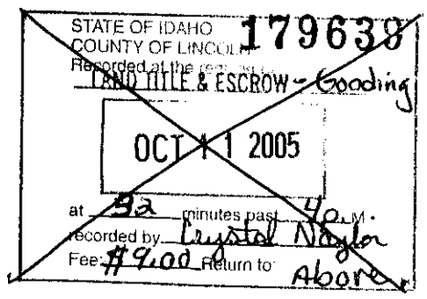
Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Barbara Farms, LLC
Address: P. O. Box 424, Shoshone, ID 83352

Hereinafter called the Grantee, the following described premises situated in **Lincoln** County, Idaho, to-wit:

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO



Section 29: W½SW¼; SE¼SW¼

Section 30: SW¼NE¼; Lots 1, 2 and 3, E½W½; SE¼

Section 31: N½NE¼

Section 32: N½NW¼

Section 34: All that portion of the S½ which lies South of State Highway No. 26;

EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Southwest corner of said Section 34;

Thence S 89°36'34" E along the South boundary of Section 34, 632.86 feet to the TRUE POINT OF BEGINNING;

Thence N9°35'02" E, 2,482.42 feet in a point on the circular arc of a 1°31'56" Curve right and being the Southerly right of way of State Highway #26;

Thence along the circular arc of the 1°31'56" curve right and the Southerly right of way line of State Highway #26, 1,909.10 feet to the point of tangency of the circular arc, said circular arc having a long chord bearing S67°45'27" E, 1,888.44 feet;

Thence S53°07'58" E, along the Southerly right of way line of State Highway #26, 221.82 feet to a point, which point is the Northwest corner of said tract shown on survey recorded February 5, 1980, as microfilmed Instrument No. 138510;

Thence S22°34'37" W, along the West boundary of said tract as shown on the Survey recorded as microfilmed Instrument No. 138510, 1,744.96 feet to a point on the Southerly boundary of Section 34;

Thence N89°36'34" W, along the Southerly boundary of Section 34, 1,668.79 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM Lots 1 through 10 inclusive in Sage Hill Acres Subdivision located in SE¼ of Section 34, Township 5 South, Range 17, E.B.M. Lincoln County, Idaho as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

Parcel No. 2:

TOWNSHIP 5 SOUTH RANGE 17 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 30: Lot 4

Section 31: Lots 1, 2, 3 and 4; S½NE¼; E½NW¼; NE¼SW¼; N½SE¼SW¼; N½SE¼; N½N½SW¼SE¼; and S½NW¼SW¼SE¼

Section 32: S½N½; N½SW¼; N½N½SE¼; N½S½NW¼SE¼; and N½SW¼NE¼SE¼

Section 33: SW¼NE¼; S½NW¼; N½NW¼SW¼; N½N½NE¼SW¼; S½NW¼NE¼SW¼; and N½N½NW¼SE¼

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 200 Shares of Capital Stock in Big Wood Canal Company, State of Idaho, Department of Water Resources Water right numbers A37-00344A, Little Wood River 4/6/1883 4 cfs(200 in.) A37-00973 Little Wood River 4/1/1884 2 cfs (100 in), and A37-0059D Big Wood River 5/27/1899 .3 cfs(14 in)

Also including Domestic water right numbers 37-10461, 37-10462 and 37-10463.

Also including the following A.U.M.'s, BLM Permit #90919 Antelope Allotment 1372 AUM's Active
State of Idaho Grazing Lease #7089, T6S, R17E, Sec. 16, 90 AUM's
State of Idaho Grazing Lease #7013, T5S, R17E, Sec. 36, 101 AUM's

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2005 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Any adverse claim based on the assertion that the location of the Little Wood River has moved.

Any adverse claim based on the assertion that some portion of said land is now or at any time has been within the boundaries of the Little Wood River or any other navigable body of water or by reason of the fact or claim that any portion or portions thereof have been rendered unnavigable by artificial means or have accreted to such portions so created.

Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.

Power Line Easement given by C.S. Myers and Anna Myers, his wife to Idaho Power Company, a corporation, dated January 22, 1946, recorded February 6, 1946 in Book 5 of Bonds and Agreements Page 245 as Instrument Number 87836, Lincoln County records, affecting Lot 2, SE¼NW¼, NE¼SW¼, NW¼SE¼, NE¼SE¼ all in Sec. 30, Twp 5 South, Rge 17 E.B.M. and within W½SW¼, SE¼SW¼, Sec 29, Twp 5 South, Rge 17 E.B.M..

Power Line Easement given by Mrs. Anne Myers, a widow to Idaho Power Company, a corporation, dated August 8, 1947, recorded April 30, 1949 in Book 5 of Bonds and Agreements Page 338 as Instrument Number 93347 , Lincoln County records, affecting Lot 2, Sec. 30, T.5 S., R. 17. E.B.M..

Power Line Easement given by Barbara Farms, Inc. to Idaho Power Company, a corporation, dated March 20, 1959, recorded January 6, 1960 in Book 6 of Bonds and Agreements Page 66 as Instrument Number 109623, Lincoln County records, affecting SE¼SE¼, Section 30, T 5 S, R. 17, E.B.M. and NE¼NE¼, Section 31, T 5 S, R. 17, E.B.M.

Reservations set forth in Patent by and between the United States of America, as Grantor and Barbara Farms, Inc., as Grantee, dated August 3, 1965, recorded August 9, 1965, as Instrument Number 117306, records of Lincoln County, Idaho. (Affecting NE¼NW¼ Sec. 30; NW¼NE¼ Sec. 31 and N½NW¼ Sec. 32, T. 5 S., Rge. 17 E.B.M.)

Right of Way Granted, including the terms and provisions thereof, from the United States Department of the Interior Bureau of Land Management to the Department of Highways, State of Idaho, dated June 14, 1969, recorded June 25, 1969 as Instrument No. 122575, records of Lincoln County, Idaho.

Conditions and restrictions contained in Warranty Deed given by Orville J. Harris and Helen Harris, husband and wife, and William W. Pardew and Helen S. Pardew, husband and wife to the State of Idaho, dated December 15, 1969, recorded December 15, 1969 as Instrument Number 123137, Lincoln County records, wherein grantors

agree that no buildings or structures, except irrigation or drainage structures, will be permitted to be constructed within 20 feet of the highway right of way.

Exchange Deed (Access) by and between State of Idaho, acting by and through its Idaho Transportation Board for Division of Highways and Orville J. Harris and Helen Harris, husband and wife and Kenneth L. Baker and Julia B. Baker, husband and wife dated July 10, 1980, recorded September 29, 1980 as Instrument Number 139881, records of Lincoln County, Idaho.

Agreement to Convey Easement, including the terms and provisions thereof, by and between George F. Arkoosh, Sr. and Bonnie E. Arkoosh, husband and wife; and Ernest A. Bryant, III, a married man, dated November 1, 1983, recorded November 1, 1983 as Instrument Number 145322, records of Lincoln County, Idaho, granting an easement for the purpose of transporting tail water from a proposed hydro project located upon property of Arkoosh across the property of Bryant into the Little Wood River located within the SE¼SE¼SW¼ Sec. 29, T. 5 S., Rge. 17 E.B.M.

Underground Power Line Easement given by Ernest A. Bryant, III, a single person to Idaho Power Company, a corporation, dated April 25, 1985, recorded September 5, 1985 as Instrument Number 148417, Lincoln County records, affecting a parcel of land in the SE¼SE¼, Section 30, T 5 S, R 17 E.BM., Lincoln County, Idaho.

Easement Deed, including the terms and provisions thereof, by and between Ernest A. Bryant, III and Geobon, Inc., an Idaho Corporation, dated December 1, 1985 and recorded December 10, 1985 as Instrument Number 148832, records of Lincoln County, Idaho, for a 50 foot wide easement for a tailrace channel located in the SE¼SW¼ of Sec. 29, T 5 S., Rge. 17 E.B.M.

Reservations set forth in Patent by and between the United States of America, as Grantor and Ernest A. Bryant, III, as Grantee, dated October 21, 1976, recorded April 17, 1982 as Instrument Number 155883, records of Lincoln County, Idaho.

Subject to the unpaid balance of a Financing Statement in favor of Farm Credit Leasing Services Corporation, recorded July 11, 2003, as Instrument Number 175100, Lincoln County Records, which the grantee herein assumes and agrees to pay.

Subject to a Conservation Easement Agreement dated October 11 **, 2005, by Ernest A. Bryant, III, a married man as his sole and separate property and The Wood River Land Trust Company, recorded on** October 11, 2005 **as Instrument Number** 179128 **, Lincoln County Records.**

FARM

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumberances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: **September 28, 2005**

Ernest A. Bryant, III

STATE OF CALIFORNIA)
) ss.
COUNTY OF Santa Barbara)

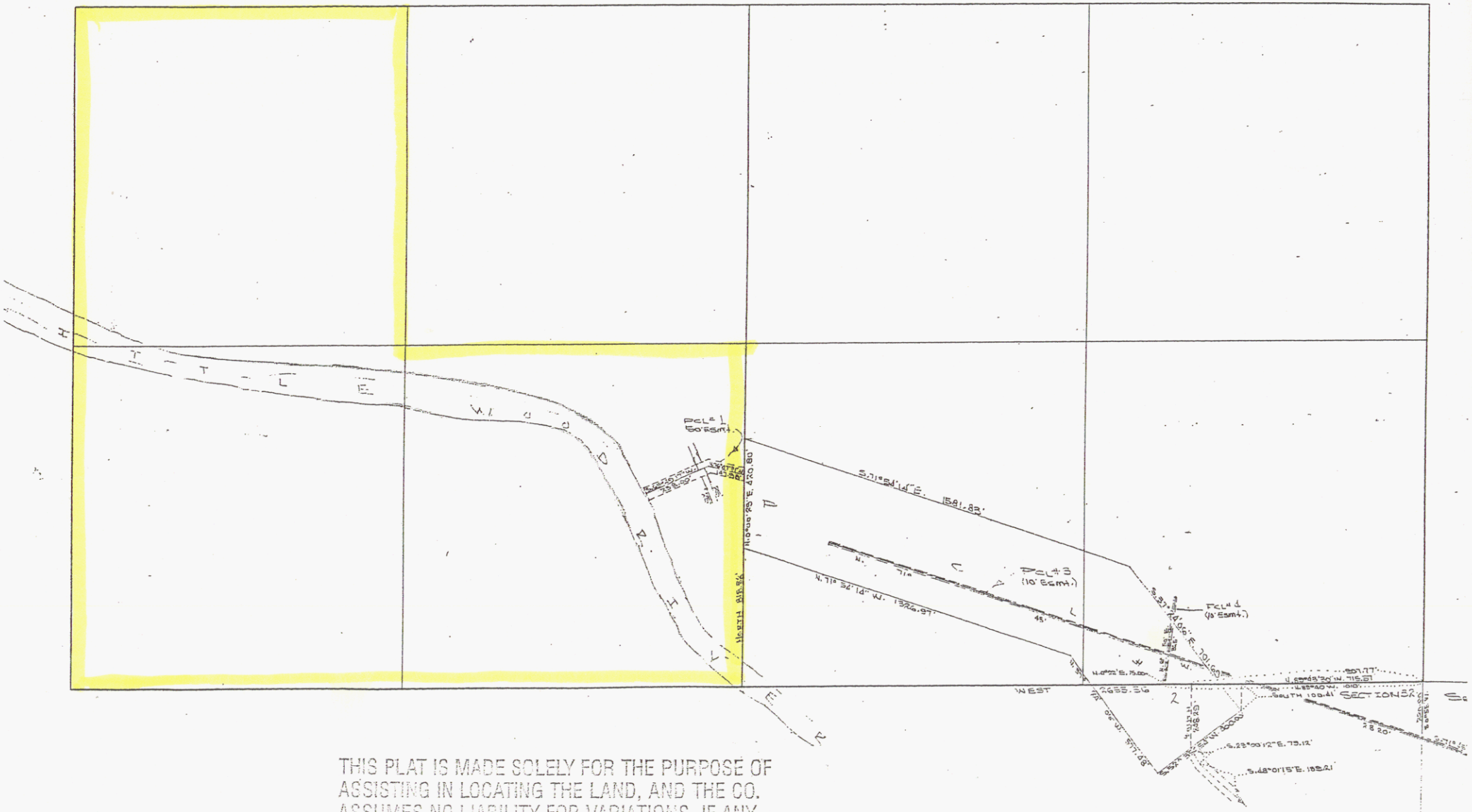
On this 3rd day of ~~September~~ October, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **Ernest A. Bryant, III**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

PSS 1 THERESE DE GROOD Commission #1373063 NOTARY PUBLIC-CALIFORNIA SANTA BARBARA COUNTY MY COMM. EXPIRES SEPT. 14, 2006 PSS 1

Notary Public Therese de Grood
Residing at: 602 Sunrise Vista Way, Santa Barbara, CA 93108
My Commission expires: September 14, 2006

LAND TITLE AND ESCROW, INC. LAND TITLE AND ESCROW, INC. LINCOLN COUNTY SEC. 6 COUNTY SEC. TWP 2 S RGE TWP 11 S EBM. RGE

SOUTH HALF

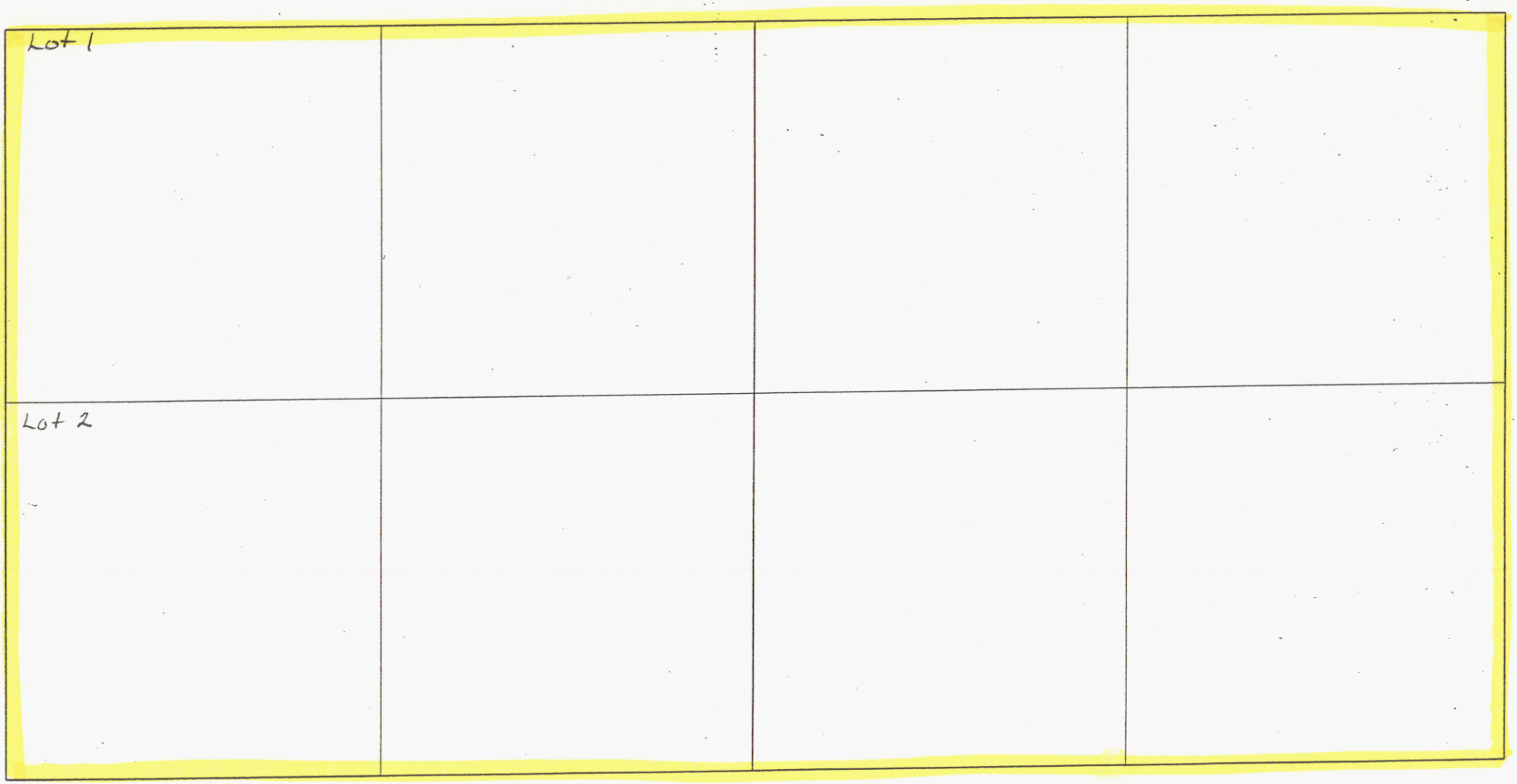


THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE CO. ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

LAND TITLE ASSOCIATES INC.

COUNTY SEC. 31 TWP. 5 S RGE. 17 EBM.

North Half



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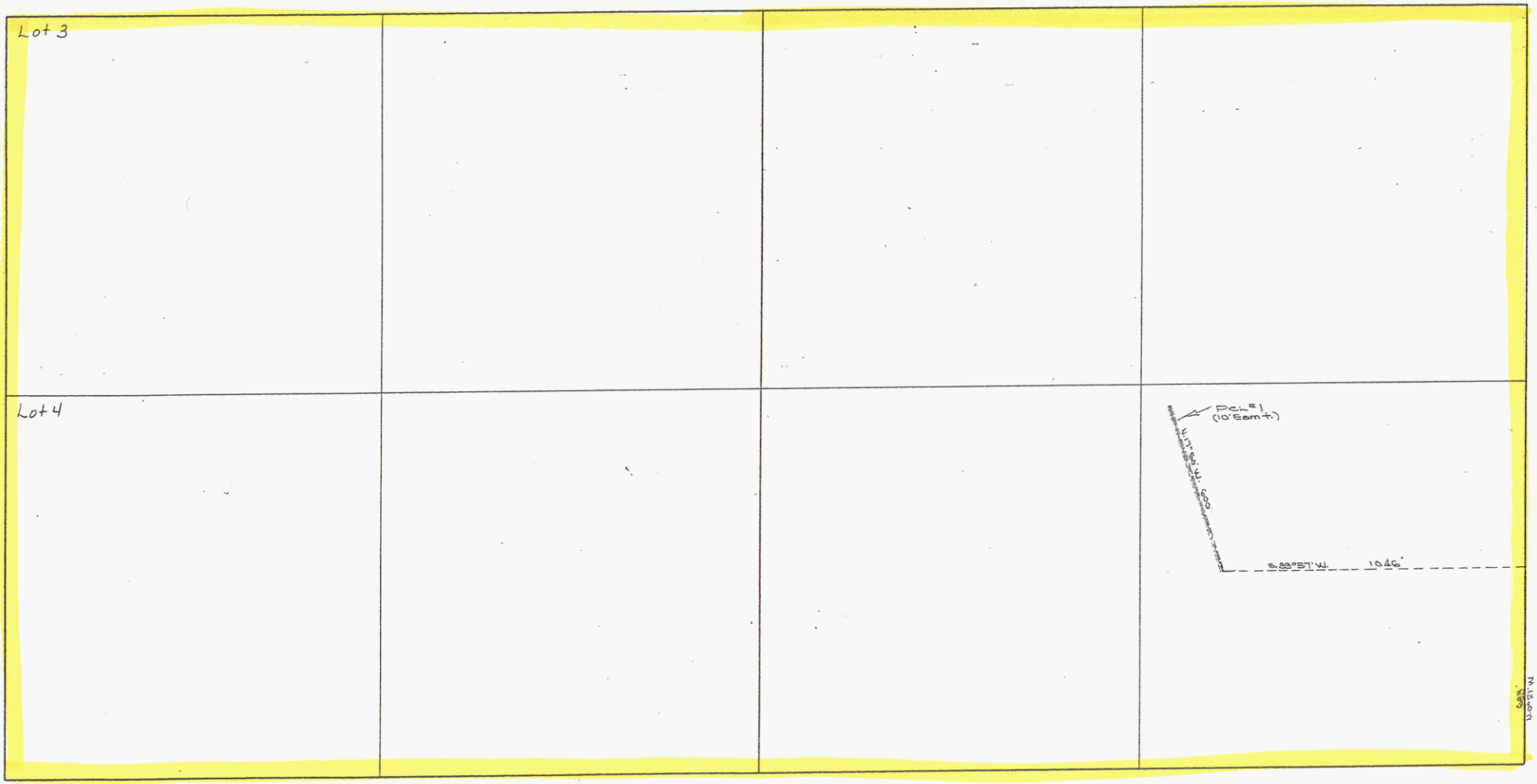
LAND TITLE AND ESCROW, INC. LAND TITLE AND ESCROW, INC. LINCOLN COUNTY SEC. 30 SEC. 5 TWP 17 S RGE EBM.

South Half



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1" = 400'

LANDATA, A DIVISION OF LTA, INC.

COUNTY _____ SEC. 31 TWP. 5 S RGE. 17 EBM.

South Half

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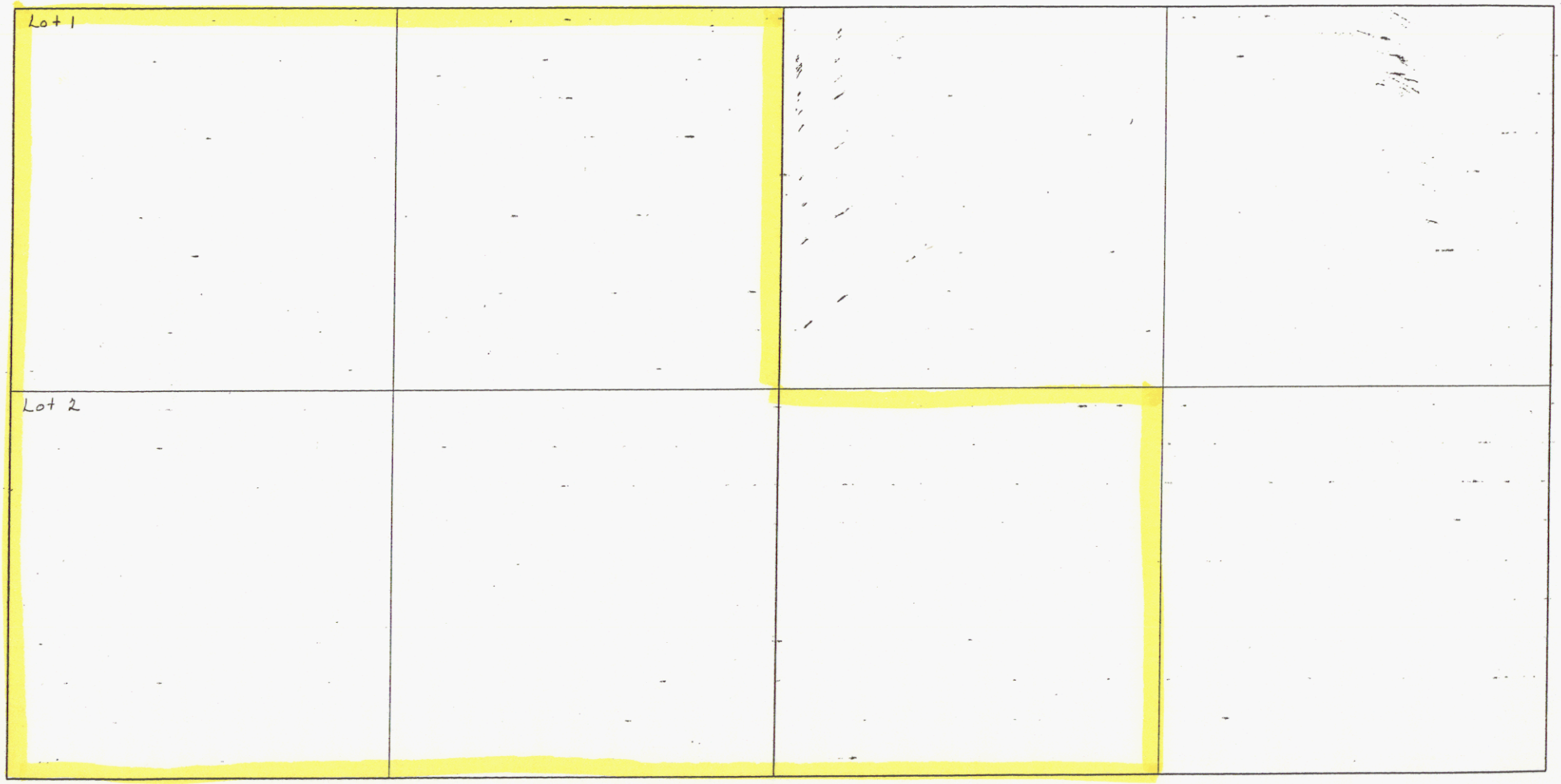
W. LAND TITLE AND ESCROW, INC. LINCOLN COUNTY SEC. TWP. 30 S RGE. 5 S EBM. PAGE 17

NORTH HALF



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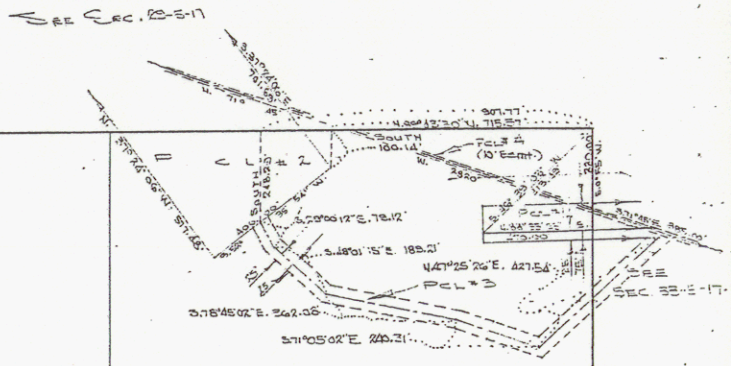
1" = 400'

AND TITLE AND ESCROW, INC.

LINCOLN COUNTY SEC. COUNTY SEC. 32 TWP 5 S TWP RGE 5 S RGE BM. 17 EBM.

NORTH HALF



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REMINGER-HURLEY

LAND TITLE AND ESCROW, ~~LAND TITLE AND ESCROW, INC.~~ LINCOLN COUNTY SEC. ~~COUNTY~~ 32 SEC. TWP 5 S ~~TWP~~ RGE 17 ~~RGE~~ ~~BSM.~~

SOUTH HALF

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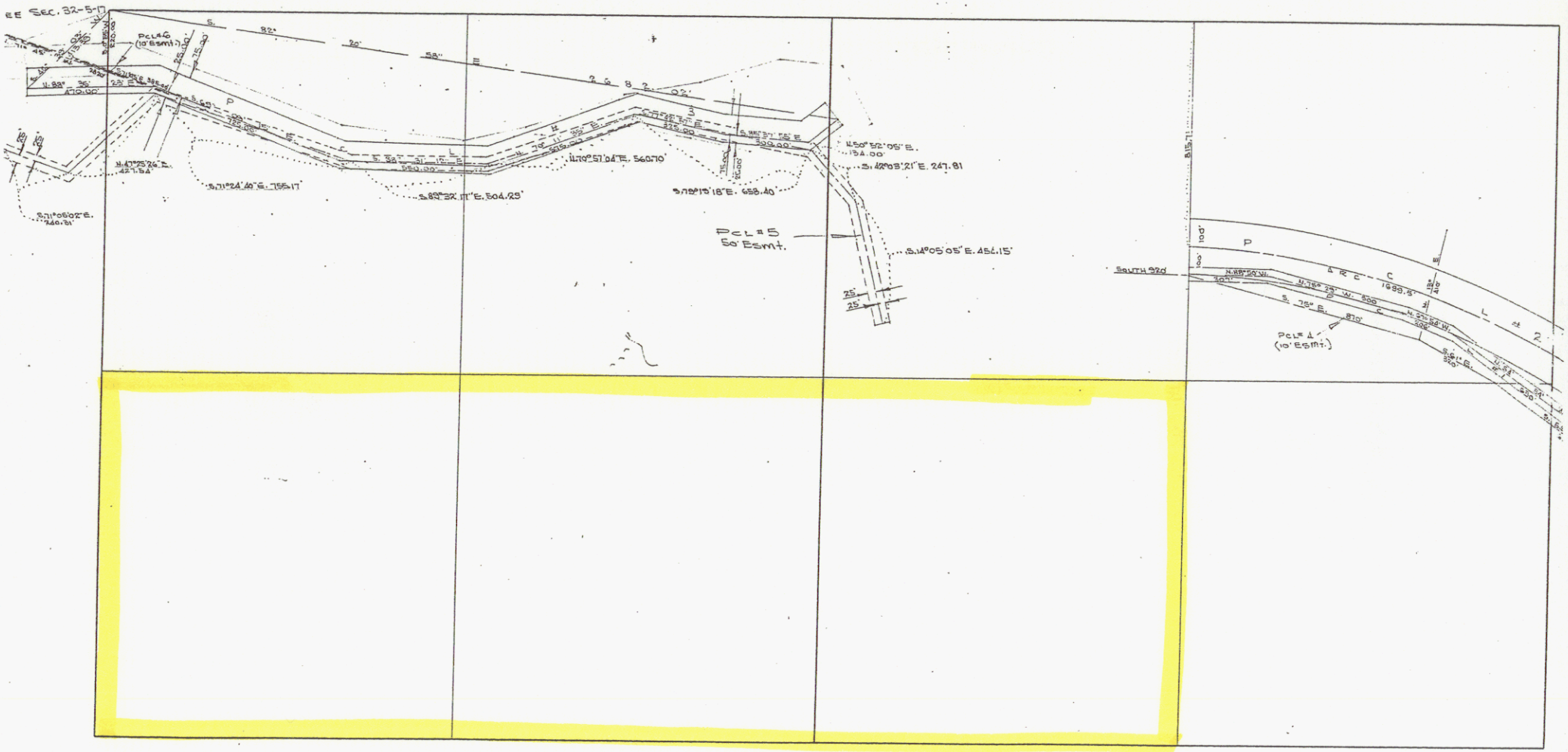
REMINDER - SURLEY

LAND TITLE AND ESCROW, INC.

COUNTY _____ SEC. _____ TWP _____ S RGE _____ EBM.

COUNTY _____ SEC. _____ TWP _____ S RGE _____ EBM.

NORTH HALF



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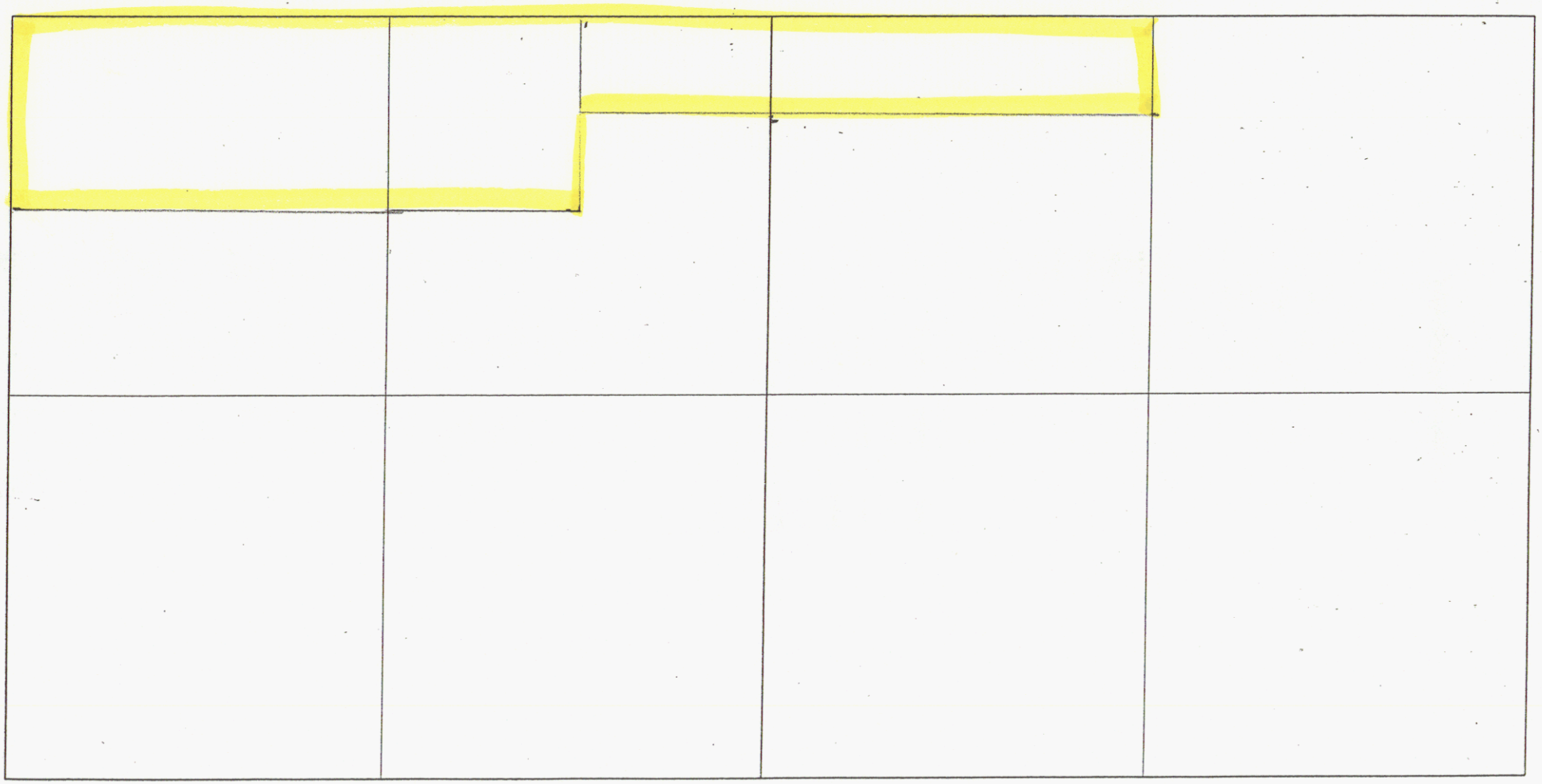
SCALE 1" = 400'

LAND TITLE ASSOCIATES INC. COUNTY SEC. 33 TWP. 5 S RGE. 17 EBM.

South Half



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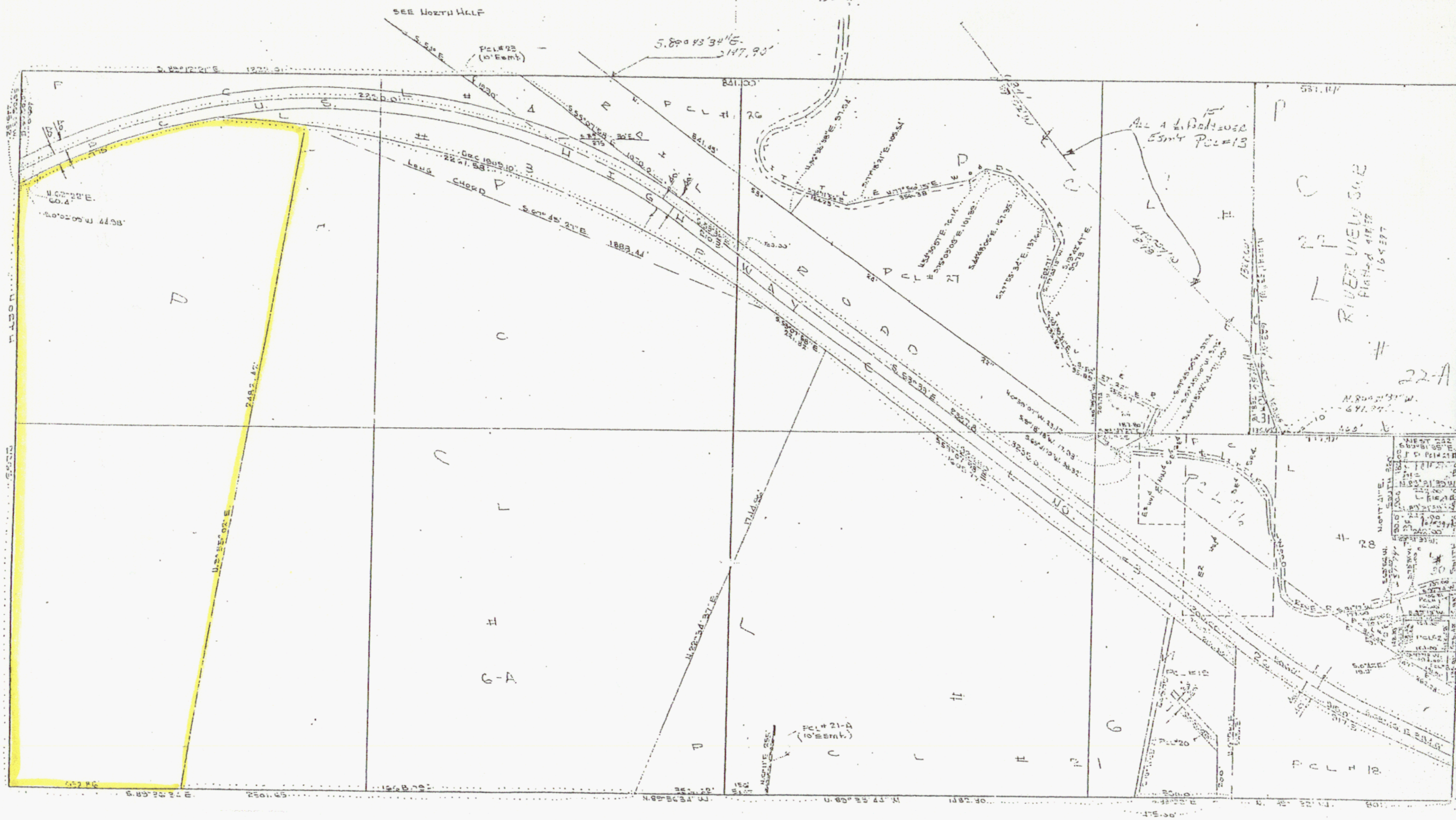
LAND TITLE AND ESCROW, INC. — LINCOLN COUNTY — SEC. 34 — TWP. 5 S — RGE. 11 EBM.
LAND TITLE AND ESCROW, INC. — COUNTY — SEC. — TWP. S — RGE. EBM.

SOUTH HALF



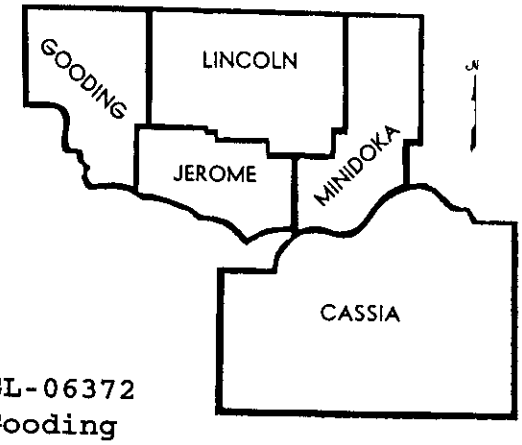
Pcl #21 - Sub. A

SCALE 1" = 400'

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE CO. ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:
OFFICE: GL-06372
Gooding

October 20, 2005

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RECEIVED
OCT 21 2005
Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Ernest Bryant III to Barbara Farms
Cert Mail #7005 0390 0001 1445 1907

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

-Notice of Change of Water Right Ownership on Ernest Bryant III
-for Water Right Number 37-344A;37-973:3759D;37-10461;37-10462; 37-10463
-Copy of Deed #179675
-Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.

(208)934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc:

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 2, 2005

BARBARA FARMS LLC
PO BOX 424
SHOSHONE ID 83352

Re: SRBA Claim #37-59D, #37-344A, #37-973

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc.