

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: A45-02583

Date Received: 5/31/1989

Receipt No: S007412

Received By: *Thomas Chang*

~~NOTICE FOR~~
~~YOUR FILE~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~NOTICE FOR~~
~~YOUR FILE~~

1. Name: CUMMINS FARMS INC
Address: 4418 E 3300 N
MURTAUGH ID

208-432-6675

83344

2. Date of Priority: JUN 19, 1959

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	21E	9	NW	NW	NE		CASSIA
			SE	SE	SE		CASSIA
		10	SW	SW	SW		CASSIA
		15	NW	NW	NW		CASSIA

5. Description of diverting works:

WELLS, PUMPS, DITCHES, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.820		

7. Total Quantity Appropriated is:

1.820 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

288.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	21E	7	NE	SE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	21E	7	SE	SE		IRR	3.0
						Section Acres	6.0
		8	NE	NE		IRR	9.0
			NW	NE		IRR	4.0
			SW	NE		IRR	34.0
			SE	NE		IRR	40.0
			NW	SW		IRR	3.0
						Section Acres	90.0
						Total Acres	96.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
OTHER RIGHTS FROM SAME SYSTEM.

14. Remarks:

THIS CLAIM IS BASED ON THE UNRECORDED TRANSFER OF LIC. 45-02583 FROM GROUNDWATER TO THOSE LANDS WHICH HAVE BEEN WATERED FROM AN UNNAMED STREAM DEVELOPMENT CLAIMED AS A45-07034. THIS CHANGE IS BEING MADE SINCE THESE LANDS ARE ALSO WATERED FROM GROUNDWATER BY THE PIPELINE NETWORK CONNECTING THE FOUR WELLS & THE PUMP DIVERTING FROM THE UNNAMED STREAM.

10/21/99, CHANGED OWNERSHIP: CONRAD TO CUMMINS AS PER FORM 1409 AND DEED REC'D 2/11/99. C.T.

15. Basis of Claim: LICENSE

Water Right Number: 27993



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

April 4, 2000

ATTN CINDY
CUMMINS FARMS INC
4418 E 3300 N
MURTAUGH ID 83344

RE: SRBA Claim(s) A45-02583, A45-02689, A45-07020,
A45-07034, A45-07035, A45-07110,
A45-07238, A45-07374, A45-10274,
A47-02538
Decreed Water Rights 45-10269, 45-10270, 45-10271
45-10272, 45-10273
Application for Permit 45-07578

Dear Cindy:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership on all the above listed claims and water rights except 45-07578 to Cummins Farms Inc. Enclosed please find printouts of these records showing the change in ownership.

Changing 45-07578 requires Howard Conrad to complete an Assignment of Application for Permit form. I have enclosed one of these forms for your use. The next time you see Mr. Conrad, have him complete and sign the form, have it notarized then return it to this office.

There is a notation by Howard Conrad on claim A45-10274 that states "These lands have been watered from my irrigation system and farmed by me for many years; however, I do not own the land and no water right has ever been recorded for this use." This property was not included in the conveyance documents supplied with the owner change form. Even though this claim was changed into Cummins Farms Inc., we need for our files documentation that Cummins Farms Inc. does indeed own the property or a copy of the agreement Cummins has with the owner of the property. Having this information in our files will help to protect your claim against any counter claims. Give me a call, Cindy, if you have any questions or I can assist you in any way.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish'.

Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED

FEB 11 1999

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JAN 27 2000

Department of Water Resources
Southern Region

1. Water Right Number(s) See Attachment
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION,
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Conrad Land and Livestock, Inc.
325 South 1200 East
Murtaugh, Idaho 83344
4. New Owner/Claimant(s) Cummins Farms, Inc.
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address 4418 East 3300 North
City, State and ZIP Code Murtaugh, Idaho 83344
New Telephone Number (208) 4132-6675
5. Date you acquired the property January 8, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
CUMMINS FARMS, INC.
7. Signature of New Owner/Claimant(s) By: Mark S. Cummins Date 1-7-99
Mark S. Cummins, President Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Cummins Farms, Inc.

4418 E 3300 N
Murtaugh, Idaho 83344

432-6675
Fax # 432-5421

To Whomever it May Concern:

Jan 25, 2000

It is the wish of the three (3) Officers of Cummins Farms, Inc., to inform you, that it has been agreed upon that, any one of, or all three, of the officers can sign any/and all documents, pertaining to the business and legal operation of Cummins Farms, Inc.

Listed below are the 3 Members and their signatures giving permission to each other to sign in behalf of the Corporation known as Cummins Farms, Inc.

Mark Cummins *Mark Cummins* President

Allen Cummins *Allen Cummins* Vice President

Daniel Cummins *Daniel Cummins* Secretary

I Cindy L. Perkins, being a Notary Public for and on behalf of the State of Idaho, do acknowledge that Mark Cummins, Allen Cummins, and Daniel Cummins did appear before me on Jan. 25, 2000. I do know them By personal association, to be who they say they are.

Cindy L Perkins *Cindy Perkins*

Date

Jan 25, 2000

My Commission ends on 2/02/04
State of Idaho County of Twin Falls

I reside in Murtaugh, Idaho 83344

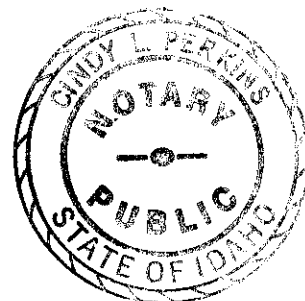


EXHIBIT B

Water Rights and Palisades Water Shares

<u>Water Right #</u>	<u>Acres Attached</u>	<u>Diversion Flow</u>	<u>Consumptive Use</u>	<u>Priority Date</u>	<u>Stage</u>
A45-02583	96.00	1.82 CFS	288.00AFA	06/19/59	License
A45-07020	188.00	3.76 CFS	564.00AFA	04/06/67	License
A45-07034	148.00	2.94 CFS	444.00AFA	03/03/69	License
A45-02689	494.00	5.82 CFS	1,482.00AFA	11/09/62	License
A45-07374	155.00	3.10 CFS	465.00AFA	04/11/79	License
A45-07110	310.00	3.98 CFS	930.00AFA	09/18/72	License
A45-07238	634.00	6.40 CFS	1,902.00AFA	05/02/75	License
A45-07035	320.00	5.79 CFS	960.00AFA	02/28/69	Licesne
45-07578	2,205.00	13.43 CFS	N/A	06/06/85	Application
A45-10274 *	14.00	.28 CFS	42.00 AFA	06/19/89	Beneficial Use

Palisades Water Users, Inc.

<u>Certificate #</u>	<u>#of Shares</u>
658	1000.00
660	140.00

RANGE 21

CUMMINS FARMS

MAP 4

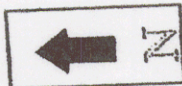
1999

TOWNSHIP 10

TOWNSHIP 11

TO BURLEY

US HIGHWAY 30



7

7

8

9

10

13

19

18

17

16

15

POTATOES

WINTER WHEAT

SPRING WHEAT

FLD 110
154 AC

FLD 109
154 AC

FLD 108
129 AC

FLD 106
129 AC

FLD 107
137 AC

FLD 111
262 AC

FLD 113
149 AC

FLD 114
110 AC

FIELD 115
144 ACRES

FLD 104
138 AC

FLD 103
153 AC

FLD 102
335 AC

Property bought from
Haward Conrad
Conrad Land: Livestock

Hiway 30
headed East to Burley -

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY

Parker S. Kennedy

PRESIDENT

ATTEST

Mark R. Arnesen

SECRETARY

J

989970

CONTINUATION

SCHEDULE A

Policy Number: J 989970

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- | | |
|-------------|---|
| Section 7: | That part of the SE $\frac{1}{4}$ that lies South of U.S. Highway 30 Right of Way |
| Section 8: | That part of the NE $\frac{1}{4}$ and the W $\frac{1}{2}$ that lies South of U.S. Highway 30 Right of Way |
| Section 9: | SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ |
| Section 15: | W $\frac{1}{2}$ |
| Section 16: | E $\frac{1}{2}$ |

PARCEL NO. 2:

TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- | | |
|-------------|---|
| Section 10: | SW $\frac{1}{4}$ |
| Section 18: | All |
| Section 19: | SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2) |
| Section 21: | NE $\frac{1}{4}$ |

FIRST AMERICAN TITLE INSURANCE COMPANY**STANDARD OWNERS POLICY****SCHEDULE A**

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
30995	J 989970	January 8, 1999 at 1:10 P.M.	\$4,025,000.00	\$8,800.00

1. Name of Insured:

CUMMINS FARMS, INC., an Idaho Corporation

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

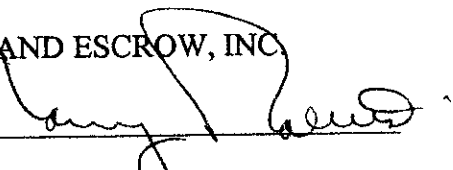
3. Title to the estate or interest in the land is vested in:

CUMMINS FARMS, INC., an Idaho Corporation

4. The land referred to in this Policy is described as follows:

SEE SCHEDULE A, PAGE 2

LAND TITLE AND ESCROW, INC.

Countersigned: 

Agent

This Policy is valid only if Schedule B is attached.

STANDARD OWNERS POLICY

SCHEDULE B

EXCEPTIONS FROM COVERAGE

Policy Number: J 989970

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

SECTION I

1. Taxes or assessments 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.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Any lien or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

SECTION II

7. Taxes for 1999 and subsequent years, a lien, but not yet due or payable.
8. Assessments, if any, of the Milner Low Lift Irrigation District and the rights and powers of said District as by law provided.
9. Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.
10. Right-of-Way Deed executed by James H. Brady, Governor of the State of Idaho, and Ex-Officio President of the State Board of Land Commissioners, to Milner and North Side Railroad Company, a corporation, dated November 12, 1910 and recorded November 15, 1912 as Instrument No. 12900 in Book 14 of Deeds, Page 609, records of Cassia County, Idaho, over and across NE¼ of Section 16, Township 11 South, Range 21, East of the Boise Meridian.

-Continued-

SCHEDULE B

Policy Number: J 989970

11. Rights for transmission line purposes as the Idaho power Company may have under the Act of march 4, 1911 (36 Stat.1253) as amended (43 U.S.C. sec. 961) and rights for pipeline purposes as the Salt Lake Pipeline Company may have under Section 28 of the Act of February 25, 1920 (41 Stat. 437) and reservation of a right-of-way for a Federal Aid Highway under the Act of November 9, 1921 (42 Stat. 212), notice of such given by Patent recorded February 11, 1955 as Instrument No. 185048 in Book 2 of Patents, Page 378, records of Cassia County, Idaho. (NW¼ and NW¼SW¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.)
12. Right of Way Contract from May A. Hale to pacific Northwest Pipeline Corporation, a Delaware corporation, dated September 7, 1955, and recorded September 29, 1955 as Instrument No. 187508, in Book 9 of Bills of Sales and Agreements, Page 230, records of Cassia County, Idaho, granting a right of way and easement to said corporation, over and across the NW¼SW¼ and SW¼NW¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.
AMENDMENT TO RIGHT OF WAY CONTRACT dated August 25, 1980 and recorded September 8, 1980 as Instrument No. 128901 on Film No. 137, records of Cassia County, Idaho.
13. Right of Way Contract from Zelma Anderson, a widow of L.W. Anderson, deceased, to Pacific Northwest Pipeline Corporation, dated September 23, 1955, and recorded December 5, 1955 as Instrument No. 188241, in Book 9 of Bills of Sales and Agreements, Page 328, records of Cassia County, Idaho, granting a right of way and easement to said corporation, over and across the NE¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.
14. Excepting and excluding all that tract of land described and included in power site reserve No. 498, created by Executive Order of July 19, 1915, under the Act of Congress approved June 25, 1910 (36 Stat. 847), more specifically described as follows: one and twelve hundredths acres in the Northeast quarter of Section eight, Township 11 South, Range 21, notice of such given by Patent recorded September 22, 1958 as Instrument No. 198623 in Book 2 of Patents, records of Cassia County, Idaho.
15. Power Line Easement from Leland J. Garner and Maxine Call Garner, husband and wife, to Idaho Power Company, dated April 17, 1961 and recorded March 27, 1962 as Instrument No. 5977 on Film No. 12 in the office of the Recorder of Cassia County, Idaho, over and across the SE¼SE¼ of Section 9, Township 11 South, Range 21 East, Boise Meridian.
16. Power Line Easement executed by Arthur T. Hull and Juanita A. Hull, his wife, to Idaho Power Company, a corporation, its licensees, successors and assigns, dated May 15, 1961 and recorded March 27, 1962 as Instrument No. 5980 on Film No. 12, records of Cassia County, Idaho, over and across SW¼SW¼ Section 10, Township 11 South, Range 21 East of the Boise Meridian.

-Continued-

SCHEDULE B

Policy Number: J 989970

17. Power Line Easement executed by Nellie Hull Stoddard, Widow, to Idaho Power Company, a corporation, its licensees, successors and or assigns, dated May 29, 1961 and recorded March 27, 1962 as Instrument No. 5983 on Film No. 12, records of Cassia County, Idaho, over and across SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11, Range 21 East of the Boise Meridian.
18. Power Line Easement from C. LeRoy Garner and Gladys Garner, husband and wife, to Idaho Power Company, a corporation, dated April 25, 1963, and recorded July 10, 1963 as Instrument No. 20582 on Film No. 30, in the office of the Recorder of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
19. Power Line Easement from C. LeRoy Garner and Gladys Garner, husband and wife, to Idaho Power Company, dated May 6, 1964, and recorded March 11, 1965 as Instrument No. 23042 on Film No. 33 in the office of the Recorder of Cassia County, over and across the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
20. Right of Way from Bureau of Land Management to Department of Highways, State of Idaho, dated September 13, 1966 and recorded January 31, 1967 as Instrument No. 33397 on Film No. 47, records of Cassia County, Idaho, over and across N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 18, Township 11 South, Range 21, East of the Boise Meridian.
PARTIAL RELINQUISHMENT recorded January 29, 1979 as Instrument No. 113850 on Film No. 123, records of Cassia County, Idaho.
21. Power Line Easement from Howard Conrad and Mary J. Conrad, his wife, to Idaho Power Company, a corporation, dated December 23, 1966, and recorded May 2, 1967 as Instrument No. 34780 on Film No. 49, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
22. Reservation unto the United States, its permittee or licensee, the right to enter upon, occupy and use, any part or all of that portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ said Section 9, lying within 50 feet of the center line of the transmission line right of way of the Great Shoshone and Twin Falls Water Power Company, Power Site Reserve No. 498 and 25 feet of the center line of the transmission line right of way of the Idaho Power Company, project No. 406, for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063), and subject to the conditions and limitations of Section 24 of said Act, as amended by the Act of August 26, 1935 (49 Stat.846) and such rights for pipe line purposes as the Minidoka and Northside Railway Company and Pacific Northwest Pipeline Corporation may have under Section 28 of the Act of February 25, 1920 (41 Stat.437), as amended by the Act of August 21, 1935 (49 Stat. 674), notice of such given by Patent recorded June 4, 1971 as Instrument No. 56843 on Film No. 70, records of Cassia County, Idaho. (S $\frac{1}{2}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian)

-Continued-

SCHEDULE B

Policy Number: J 989970

23. Grant of Easement executed by Arther T. Hull and Juanita A. Hull, husband and wife, parties of the first part, to C. LeRoy Garner, party of the second part, dated February 21, 1963 and recorded February 3, 1972 as Instrument No. 60531 on Film No. 74, records of Cassia County, Idaho, over and across SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 Township 11 South, Range 21 East of the Boise Meridian.
24. Assignment of Water Rights executed by Arthur T. Hull and Juanita A. Hull, husband and wife, to C. LeRoy Garner, dated February 2, 1965 and recorded February 4, 1972 as Instrument No. 60532 on Film No. 74, records of Cassia County, Idaho, assigning all right, title and interest, if any, in and to the Waters produced from a certain irrigation well located on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21 East of the Boise Meridian.
25. Easement from Howard E. Conrad and Mary J. Conrad, husband and wife, to Conrad Land & Livestock, Inc., dated September 6, 1972 and recorded September 7, 1972 as Instrument No. 65050 on Film No. 78, records of Cassia County, Idaho, for the purpose of maintaining and operating a storage pond for the collection and storage of water for irrigation purposes in the Northeast corner of Section 16, Township 11 South, Range 21, East of the Boise Meridian.
26. Power Line Easement from Conrad Land & Livestock, Inc., to Idaho Power Company, a corporation, dated January 7, 1974, and recorded May 19, 1976 as Instrument No. 90769 on Film No. 101, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian.
27. Power Line Easement from Howard Conrad and Mary J. Conrad, his wife, to Idaho Power Company, a corporation, dated March 4, 1975 and recorded May 19, 1976 as Instrument No. 90774 on Film No. 101, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian.
28. Power Line Easement executed by Conrad Land & Livestock Co., Inc. to Idaho Power Company, a corporation, dated July 28, 1976 and recorded February 16, 1977 as Instrument No. 96305 on Film No. 106, records of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21 East of the Boise Meridian.
29. Rights for highway purposes granted to the Idaho Department of Transportation, its successors or assigns, by right-of-way No. I-143, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317) as to Lot 1 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, Township 11 South, Range 21 East of the Boise Meridian, notice of such given by Patent recorded May 4, 1978 as Instrument No. 107221, records of Cassia County, Idaho.

-Continued-

SCHEDULE B

Policy Number: J 989970

30. Right of Way and Easement between Howard E. Conrad and Mary J. Conrad, and Northwest Pipeline Corporation, a corporation, dated August 25, 1980, and recorded September 8, 1980 as Instrument No. 128904 on Film No. 137, records of Cassia County Idaho, over and across the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8 and the S $\frac{1}{2}$ N $\frac{1}{2}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho.
31. Road Easement and Right-of-Way Deed executed by Howard E. Conrad and Mary J. Conrad, husband and wife, to Burley Highway District, a political subdivision of the State of Idaho, dated November 3, 1980 and recorded November 4, 1980 as Instrument No. 130300 on Film No. 138, records of Cassia County, Idaho, over and across a portion of Sections 7 and 18 in Township 11 South, Range 21, East of the Boise Meridian.
32. State of Idaho Lease No. 0G-0335, notice given by document recorded March 11, 1982 as Instrument No. 141700, records of Cassia County, Idaho.
ASSIGNMENT OF MINERAL, OIL, AND GAS, AND/OR GEOTHERMAL RESOURCE LEASE(S) from Steven W. Davis and Karen M. Davis, Spouse, to Bridger Energy Associates, dated November 24, 1981 and recorded March 11, 1982 as Instrument No. 141700 on Film No. 148, records of Cassia County, Idaho.
33. Exception contained in Warranty Deed executed by Clarence Barkes and Bessie I. Barkes, husband and wife, and Stan Barkes and Dixie Ann Barkes, husband and wife, to Conrad Land & Livestock, Inc., an Idaho corporation, dated May 10, 1976 and recorded September 5, 1997 as Instrument No. 251043 on Film No. 291, records of Cassia County, Idaho, which reads as follows: "EXCEPTING the deep well, irrigation equipment and water rights owned by C. LeRoy Garner, his heirs, successors and assigns." (SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21, East of the Boise Meridian.)
34. Rights for pipeline purposes as have been granted to El Paso Natural Gas Company, its successors or assigns, by Right of Way Idaho 06421 under 50 C.28 of the Mineral Leasing Act, 30 U.S.C. 185, notice of such given by United States patent No. 11-72-0171 dated March 3, 1972 and recorded December 22, 1998 as Instrument No. 259794 on Film No. 306, records of Cassia County, Idaho. (S $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 11 South, Range 21, East of the Boise Meridian)
35. A First Mortgage, Security Agreement and Assignment of Rents to secure an indebtedness in the principal sum of \$3,013,000.00.

Recorded:	January 8, 1999 as Instrument No. 260101 on Film No. 307, records of Cassia County, Idaho.
Dated:	January 7, 1999
Mortgagor:	Cummins Farms, Inc., an Idaho corporation
Mortgagee:	Metropolitan Life Insurance Company

-Continued-

SCHEDULE B

Policy Number: J 989970

36. Assignment of Bonuses, Rentals and Royalties executed by Cummins Farms, Inc., an Idaho corporation to Metropolitan Life Insurance Company, dated January 7, 1999 and recorded January 8, 1999 as Instrument No. 260102 on Film No. 307, records of Cassia County Idaho.
37. Financing Statement between Cummins Farms, Inc. as Debtor #1 and Metropolitan Life Insurance Company as Secured Party, recorded January 8, 1999 as Instrument No. 260103 on Film No. 307, records of Cassia County, Idaho.

END OF SCHEDULE B

Schedule B (Owners Policy)



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**

September 15, 1999

CUMMINS FARMS INC
4418 E 3300 N
MURTAUGH ID 83344

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS

Dear Claimant(s):

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without the required information listed under item 1 of the ownership change form. Specifically, we need a listing of the water right claims to be changed to Cummins Farms Inc.

Enclosed is your original ownership change form. Please attach the required information and return the entire packet in the enclosed self-addressed envelope. As soon as this information is received, our records will be updated and you will be notified by mail that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Cheryl E. Timm
SRBA Records Clerk

enc.

CT:ct

260095

#30995-B

WARRANTY DEED

THIS INDENTURE, made this 11th day of January, 1999,
between Conrad Land & Livestock, Inc., ("Grantor"), and Cummins
Farms, Inc., an Idaho Corporation whose address is 4418 East 3300
North, Murtaugh, Idaho 83344, ("Grantee").

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of
America, and other good and valuable consideration, to the
Grantor in hand paid by the Grantee, the receipt whereof is
hereby acknowledged, has granted, bargained, and sold and by
these presents does grant, bargain and sell, convey and confirm
unto the Grantee, and to the heirs and assigns of Grantee
forever, all of the following described real estate situated in
the County of Cassia, State of Idaho, to-wit:

Township 11 South, Range 21 EBM, Cassia County, Idaho:
Section 10: SW~~X~~
Section 18: All
Section 19: SW~~X~~NW~~X~~(Lot 2)
Section 21: NE~~X~~

SUBJECT TO: Power Line Easement executed by Arthur T.
Hull and Juanita A. Hull, his wife, to Idaho Power Company, a
corporation, its licensees, successors and assigns, dated May 15,
1961 and recorded March 27, 1962 as Instrument No. 5980 on Film
No. 12, records of Cassia County, Idaho, over and across SW~~X~~SW~~X~~
Section 10, Township 11 South, Range 21 East of the Boise

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LAWYERS
BURLEY, IDAHO

1 Meridian.

2 Power Line Easement executed by Nellie Hull Stoddard,
3 Widow, to Idaho Power Company, a corporation, its licensee,
4 successors and or assigns, dated May 29, 1961 and recorded March
5 27, 1962 as Instrument No. 5983 on Film No. 12, records of Cassia
6 County, Idaho, over and across SE~~X~~SW~~X~~ Section 10, Township 11,
7 Range 21 East of the Boise Meridian.

8 Right of Way from Bureau of Land Management to
9 Department of Highways, State of Idaho, dated September 13, 1966
10 and recorded January 31, 1967 as Instrument No., 33397 on film
11 No. 47, records of Cassia County, Idaho, over and across N~~X~~NW~~X~~ of
12 Section 18, Township 11 South, Range 21, East of the Boise
13 Meridian. PARTIAL RELINQUISHMENT recorded January 29, 1979 as
14 Instrument No. 113850 on Film No. 123, records of Cassia County,
15 Idaho.

16 Grant of Easement executed by Arther T. Hull and
17 Juanita A. Hull, husband and wife, parties of the first part, to
18 C. LeRoy Garner, party of the second part, dated February 21,
19 1963 and recorded February 3, 1972 as Instrument No. 60531 on
20 Film No. 74, records of Cassia County, Idaho, over and across
21 SW~~X~~SW~~X~~ Section 10 Township 11 South, Range 21 East of the Boise
22 Meridian.

23 Assignment of Water Rights executed by Arthur T. Hull
24 and Juanita A. Hull, husband and wife, to C. LeRoy Garner, dated
25 February 2, 1965 and recorded February 4, 1972 as Instrument No.
26 60532 on Film No. 74, records of Cassia County, Idaho, assigning
all right, title and interest, if any, in and to the Waters

1 produced from a certain irrigation well located on the SW~~X~~SW~~X~~
2 Section 10, Township 11 South, Range 21, East of the Boise
3 Meridian.

4 Power Line Easement executed by Conrad Land & Livestock
5 Co., Inc. to Idaho Power Company, a corporation, dated July 28,
6 1976 and recorded February 16, 1977 as Instrument No. 96305 on
7 Film No. 106, records of Cassia County, Idaho, over and across
8 the SE~~X~~SW~~X~~SW~~X~~SW~~X~~ Section 10, Township 11 South, Range 21 East
9 of the Boise Meridian.

10 Rights for highway purposes granted to the Idaho
11 Department of Transportation, its successors or assigns, by
12 right-of-way No. I-143, pursuant to the Act of August 27, 1958,
13 as amended (23 U.S.C. 317) as to Lot 1 and the NE~~X~~NW~~X~~ Section 18,
14 Township 11 South, Range 21 East of the Boise Meridian, notice of
15 such given by Patent recorded May 4, 1978 as Instrument No.
16 107221, records of Cassia County, Idaho.

17 Road Easement and Right-of-Way Deed executed by Howard
18 E. Conrad and Mary J. Conrad, husband and wife, to Burley Highway
19 District, a political subdivision of the State of Idaho dated
20 November 3, 1980 and recorded November 4, 1980 as Instrument No.
21 130300 on film No. 138, records of Cassia County, Idaho, over and
22 across a portion of Sections 7 and 18 in Township 11 South, Range
23 21, East of the Boise Meridian.

24 Exception contained in Warranty Deed executed by
25 Clarence Barkes and Bessie I. Barkes, husband and wife, and Stan
26 Barkes and Dixie Ann Barkes, husband and wife, to Conrad Land &
Livestock, Inc., an Idaho corporation, dated May 10, 1976 and

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1 recorded September 5, 1997 as Instrument No. 251043 on Film No.
2 291, records of Cassia County, Idaho, which reads as follows:
3 "EXCEPTING the deep well, irrigation equipment and water rights
4 owned by C. LeRoy Garner, his heirs, successors and assigns."
5 (SW¼ Section 10, Township 11 South, Range 21, East of the Boise
6 Meridian.)

7 TOGETHER with all and singular the tenements,
8 hereditaments and appurtenances thereunto belonging or in anywise
9 appertaining, the reversion and reversions, remainder and
10 remainders, rents, issues and profits thereof, and all estate,
11 right, title and interest in and to said property as well in law
12 as in equity of the Grantor.

13 TO HAVE AND TO HOLD, all and singular the above-
14 mentioned and described premises, together with appurtenances
15 unto the Grantee and to the heirs and assigns of Grantee forever

16 The Grantor shall and will warrant and by these
17 presents will forever defend the said premises in the quiet and
18 peaceable possession of the Grantee, and the heirs and assigns of
19 Grantee against all and every person and persons whomsoever
20 lawfully claiming the same, except as aforesaid.

21 IN WITNESS WHEREOF, the Grantor has executed this Deed
22 the day and year first above written.

23 CONRAD LAND & LIVESTOCK, INC.

24 
25 _____
26 Howard E. Conrad
President

PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

1 STATE OF IDAHO)
 2) SS
 3 County of Cassia)

4 On this 7th day of January, in the year 1999, before me,
 5 Larry Roberts, the undersigned, a Notary Public
 6 in and for said State, personally appeared Howard E. Conrad,
 7 known or identified to me to be the President of the corporation
 8 that executed the instrument or the person who executed the
 9 instrument on behalf of said corporation, and acknowledged to me
 10 that such corporation executed the same.

11 **LARRY ROBERTS**
 12 **☆ NOTARY PUBLIC ☆**
 13 **STATE OF IDAHO**

14 RESIDING AT BURLEY, ID
 15 MY COMMISSION EXPIRES

16 Notary Public for Idaho
 17 Residing at Burley, Idaho
 18 My commission expires on 06-30-03

19 **LAND TITLE & ESCROW**

20 **FILED**
 21 **DEPUTY**
 22 **CLERK**
 23 **CASSIA COUNTY, IDAHO**
 24 **CARROLL H. ROSSELLEY**
 25 **RECORDER**

26 **1999 JAN -8 P 1:00**

260095

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILE # 307

PARSONS, SMITH & STONE, LLP
 LAWYERS
 BURLEY, IDAHO

260096

#30995-C

WARRANTY DEED

THIS INDENTURE, made this 7th day of January, 1999, between Howard E. Conrad and Mary J. Conrad, Trustees, or their successors in trust, under the Howard E. and Mary J. Conrad Family Revocable Living Trust and any amendments thereto, dated March 21, 1994, ("Grantor"), and Cummins Farms, Inc. whose address is 4418 East 3300 North, Murtaugh, Idaho 83344, ("Grantee").

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

Township 11 South, Range 21 EBM, Cassia County, Idaho:
Section 7: That part of the SE $\frac{1}{4}$ that lies South of Hwy 30 right-of-way

Section 8: That part of the NE $\frac{1}{4}$ and the W $\frac{1}{2}$ that lies South of the U.S. Hwy 30 right-of-way

Section 9: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Section 16: SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$

SUBJECT TO: Rights for transmission line purposes as

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BURLEY, IDAHO

1 the Idaho Power Company may have under the Act of March 4, 1911,
2 (36 Stat. 1253) as amended (43 U.S.C. sec. 961) and rights for
3 pipeline purposes as the Salt Lake Pipeline Company may have
4 under Section 28 of the Act of February 25, 1920 (41 Stat. 437)
5 and reservation of a right-of-way for a Federal Aid Highway under
6 the Act of November 9, 1921 (42 Stat. 212), notice of such given
7 by Patent recorded February 11, 1955 as Instrument No. 185048 in
8 Book 2 of Patents, Page 378, records of Cassia County, Idaho (NW¼
9 and NW¼SW¼ of Section 8, Township 11 South, Range 21 East of the
10 Boise Meridian.)

11 Right of Way Contract from May A. Hale to Pacific
12 Northwest Pipeline Corporation, a Delaware corporation, dated
13 September 7, 1955, and recorded September 29, 1955 as Instrument
14 No. 187508, in Book 9 of bills of Sales and Agreements, Page 230,
15 records of Cassia County, Idaho, granting a right of way and
16 easement to said corporation, over and across the NW¼SW¼ and
17 SW¼NW¼ of Section 8, Township 11 South, Range 21 East of the
18 Boise Meridian.

19 AMENDMENT TO RIGHT OF WAY CONTRACT dated August 25,
20 1980 and recorded September 8, 1980 as Instrument No. 128901 on
21 Film No. 137, records of Cassia County, Idaho.

22 Right of Way Contract from Zelma Anderson, a widow of
23 L.W. Anderson, deceased, to Pacific Northwest Pipeline
24 Corporation, dated September 23, 1955, and recorded December 5,
25 1955 as Instrument No. 188241, in Book 9 of bills of Sales and
26 Agreements, Page 328, records of Cassia County, Idaho, granting a
right of way and easement to said corporation, over and across

1 the NE¼ of Section 8, Township 11 South, Range 21 East of the
2 Boise Meridian.

3 Excepting and excluding all that tract of land
4 described and included in power site reserve No. 498, created by
5 Executive Order of July 19, 1915, under the Act of Congress
6 approved June 25, 1910 (36 Stat. 847), more specifically
7 described as follows: one and twelve hundredths acres in the
8 Northeast quarter of Section eight, Township 11 South, Range 21,
9 notice of such given by Patent recorded September 22, 1958 as
10 Instrument No. 198623 in Book 2 of Patents, records of Cassia
11 County, Idaho.

12 Power Line Easement from Leland J. Garner and Maxine
13 Call Garner, husband and wife, to Idaho Power Company, dated
14 April 17, 1961 and recorded March 27, 1962 as Instrument No. 5977
15 on Film No. 12 in the office of the Recorder of Cassia County,
16 Idaho, over and across the SE¼SE¼ of Section 9, Township 11
17 South, Range 21 East, Boise Meridian.

18 Power Line Easement from C. LeRoy Garner and Gladys
19 Garner, husband and wife, to Idaho Power Company, a corporation,
20 dated April 25, 1963, and recorded July 10, 1963 as Instrument
21 No. 20582 on Film No. 30, in the office of the Recorder of Cassia
22 County, Idaho over and across the SE¼SE¼ of Section 9, Township
23 11 South, Range 21 East of the Boise Meridian.

24 Power Line Easement from C. LeRoy Garner and Gladys
25 Garner, husband and wife, to Idaho Power Company, dated May 6,
26 1964, and recorded March 11, 1965 as Instrument No. 23042 on Film
No. 33 in the office of the Recorder of Cassia County, over and

1 across the NE~~X~~NW~~X~~ of Section 9, Township 11 South, Range 21 East
2 of the Boise Meridian.

3 Power Line Easement from Howard Conrad and Mary J.
4 Conrad, his wife, to Idaho Power Company, a corporation, dated
5 December 23, 1966, and recorded May 2, 1967 as Instrument No.
6 34780 on Film No. 49, records of Cassia County, Idaho, granting a
7 right of way and easement to said corporation over and across the
8 NE~~X~~NW~~X~~ of Section 9, Township 11 South, Range 21 East of the
9 Boise Meridian.

10 Reservation unto the United States, its permittee or
11 licensee, the right to enter upon, occupy and use, any part of
12 all of that portion of the S~~X~~NW~~X~~, W~~X~~SE~~X~~ said Section 9, lying
13 within 50 feet of the center line of the transmission line right
14 of way of the Great Shoshone and Twin Falls Water Power Company,
15 Power Site Reserve No. 498 and 25 feet of the center line of the
16 transmission line right of way of the Idaho Power Company,
17 project No. 406, for the purposes provided in the Act of June 10,
18 1920 (41 Stat. 1063), and subject to the conditions and
19 limitations of Section 24 of said Act, as amended by the Act of
20 August 26, 1935 (49 Stat. 846) and such rights for pipe line
21 purposes as the Minidoka and Northside Railway Company and
22 Pacific Northwest Pipeline Corporation may have under Section 28
23 of the Act of February 25, 1920 (41 Stat. 437), as amended by the
24 Act of August 21, 1935 (49 Stat. 674), notice of such given by
25 Patent recorded June 4, 1971, as Instrument No. 56843 on Film No.
26 70, records of Cassia County, Idaho. (S~~X~~NW~~X~~ and SE~~X~~ of Section 9,
Township 11 South, Range 21, East of the Boise Meridian)

PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

1 Power Line Easement from Conrad Land & Livestock, Inc.,
2 to Idaho Power Company, a corporation, dated January 7, 1974, and
3 recorded May 19, 1976 as Instrument No. 90769 on Film No. 101,
4 records of Cassia County, Idaho, granting a right of way and
5 easement to said corporation over and across the NW~~1~~NW~~1~~NE~~1~~ of
6 Section 9, Township 11 South, Range 21, East of the Boise
7 Meridian.

8 Power Line Easement from Howard Conrad and Mary J.
9 Conrad, his wife, to Idaho Power Company, a corporation, dated
10 March 4, 1975 and recorded May 19, 1976 as Instrument No. 90774
11 on Film No. 101, Records of Cassia County, Idaho, granting a
12 right of way and easement to said corporation over and across the
13 SE~~1~~NE~~1~~NE~~1~~NW~~1~~ of Section 9, Township 11 South, Range 21 East of
14 the Boise Meridian.

15 Right of Way and Easement between Howard E. Conrad and
16 Mary J. Conrad, and Northwest Pipeline Corporation, a
17 corporation, dated August 25, 1980, and recorded September 8,
18 1980 as Instrument No. 128904 on Film No. 137, records of Cassia
19 County Idaho, over and across the NE~~1~~SW~~1~~ of Section 8 and the
20 S~~1~~N~~1~~ of Section 9, Township 11 South, Range 21, East of the Boise
21 Meridian, Cassia County, Idaho.

22 Road Easement and Right-of-Way Deed executed by Howard
23 E. Conrad and Mary J. Conrad, husband and wife, to Burley Highway
24 District, a political subdivision of the State of Idaho, dated
25 November 3, 1980 and recorded November 4, 1980 as Instrument No.
26 130300 on Film No. 138, records of Cassia County, Idaho, over and
across a portion of Sections 7 and 18 in Township 11 South, Range

1 21, East of the Boise Meridian.

2 Rights for pipeline purposes as have been granted to El
3 Paso Natural Gas Company, its successors or assigns, by Right of
4 Way Idaho 06421 under 50 C. 28 of the Mineral Leasing Act, 30
5 U.S.C. 185, notice of such given by United States patent No. 11-
6 72-0171 dated March 3, 1972. (S~~X~~SW~~X~~ and NE~~X~~SW~~X~~ of Section 8,
7 Township 11 South, Range 21, East of the Boise Meridian) (NOTE:
8 This exception is contained in Patent to be recorded under
9 Requirement (c)-1 under Schedule B-Section I)

10 TOGETHER with all and singular the tenements,
11 hereditaments and appurtenances thereunto belonging or in anywise
12 appertaining, the reversion and reversions, remainder and
13 remainders, rents, issues and profits thereof, and all estate,
14 right, title and interest in and to said property as well in law
15 as in equity of the Grantor.

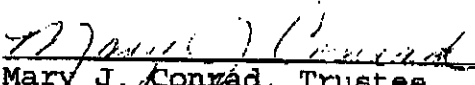
16 TO HAVE AND TO HOLD, all and singular the above-
17 mentioned and described premises, together with appurtenances
18 unto the Grantee and to the heirs and assigns of Grantee forever

19 The Grantor shall and will warrant and by these
20 presents will forever defend the said premises in the quiet and
21 peaceable possession of the Grantee, and the heirs and assigns of
22 Grantee against all and every person and persons whomsoever
23 lawfully claiming the same, except as aforesaid.

24 IN WITNESS WHEREOF, the Grantor has executed this Deed
25 the day and year first above written.

Howard E. Conrad and Mary J. Conrad
Trustees, or their successors in
trust, under the Howard E. and Mary
J. Conrad Family Revocable Living
Trust and any amendments thereto,
dated March 21, 1994


Howard E. Conrad, Trustee


Mary J. Conrad, Trustee

STATE OF IDAHO)

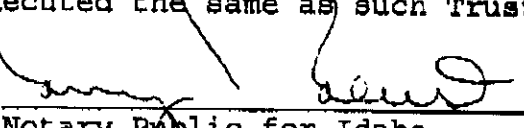
County of Carson)

ss

On this 7th day of January, in the year 1999, before
me, Larry Roberts, the undersigned, a Notary
Public in and for said State, personally appeared Howard E.
Conrad, known or identified to me to be the person whose name is
subscribed to the within instrument as trustee of the Howard E.
Conrad and Mary J. Conrad, Trustees, or their successors in
trust, under the Howard E. and Mary J. Conrad Family Revocable
Living Trust and any amendments thereto, dated March 21, 1994 and
acknowledged to me that he executed the same as such Trustee.

LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-03


Notary Public for Idaho
Residing at Burley
My commission expires on 6-30-03

1 STATE OF IDAHO)

2 County of Cassia)

ss

3 On this 7th day of January, in the year 1999, before
 4 me, Larry Roberts, the undersigned, a Notary
 5 Public in and for said State, personally appeared Mary J. Conrad,
 6 known or identified to me to be the person whose name is
 7 subscribed to the within instrument as trustee of the Howard E.
 8 Conrad and Mary J. Conrad, Trustees, or their successors in
 9 trust, under the Howard E. and Mary J. Conrad Family Revocable
 10 Living Trust and any amendments thereto, dated March 21, 1994 and
 11 acknowledged to me that she executed the same as such Trustee.

12 **LARRY ROBERTS**
 13 **☆ NOTARY PUBLIC ☆**
 14 **STATE OF IDAHO**

15 RESIDING AT BURLEY, ID
 16 MY COMMISSION EXPIRES 4-30-03

17 [Signature]
 18 Notary Public for Idaho
 19 Residing at Burley, Idaho
 20 My commission expires on 4-30-03

21 PARSONS, SMITH & STONE, LLP
 22 LAWYERS
 23 BURLEY, IDAHO

24 LAND TITLE & ESCROW

25 CASSIA COUNTY, IDAHO
 26 DANIELLE M. ROSKELLEY
 27 RECORDER
 28 FEB 10 2000
 29 DEPUTY

1999 JAN -8 P 1:01

260096

FILM 307

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

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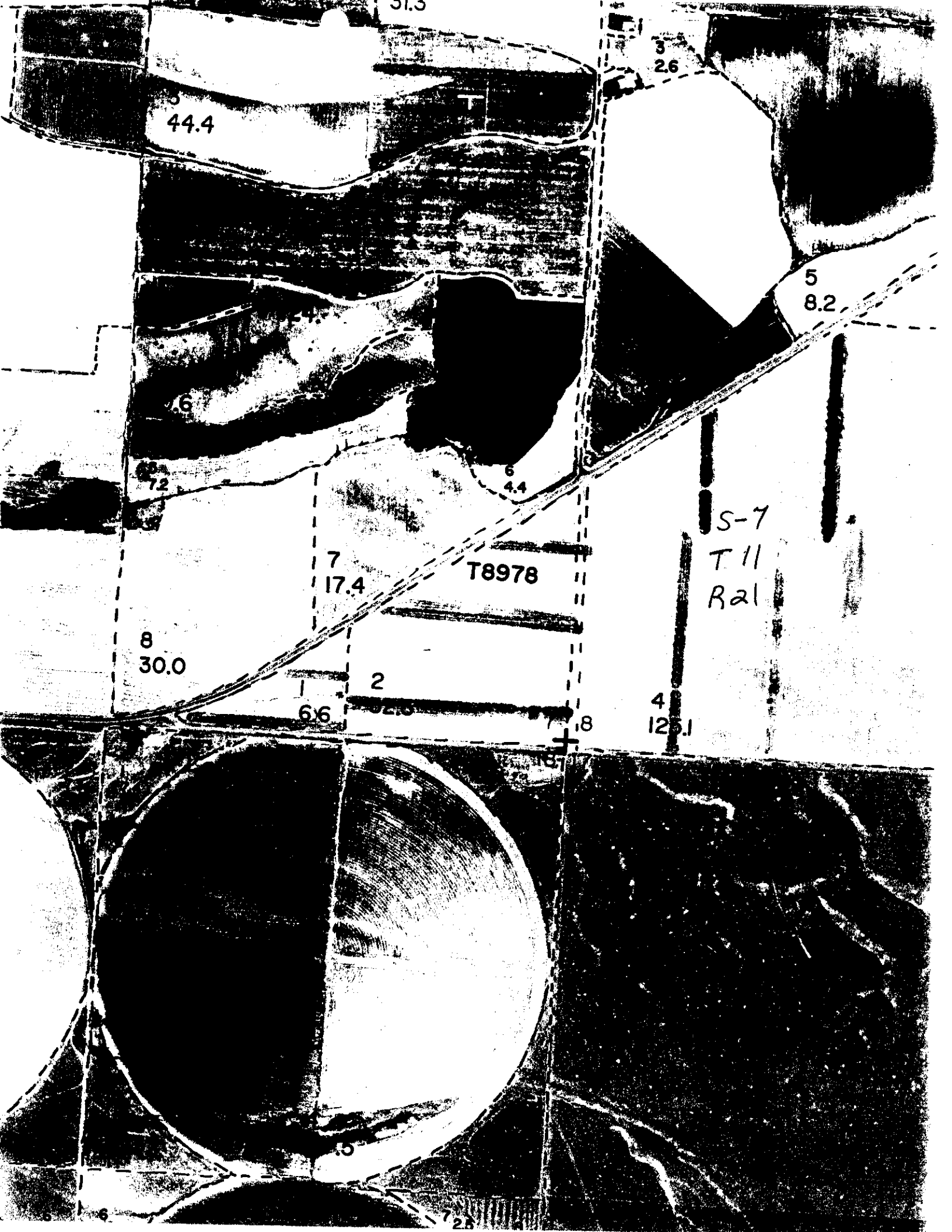
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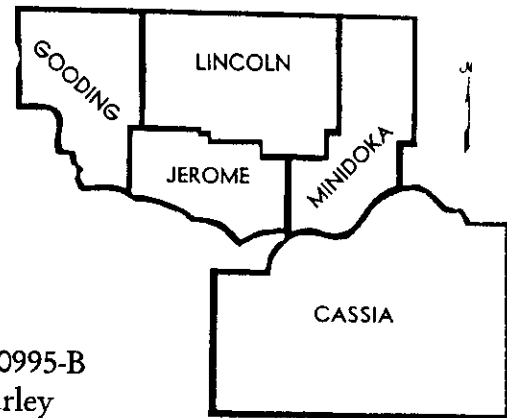
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Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #30995-B
OFFICE: Burley

February 10, 1999

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

FEB 11 1999

Department of Water Resources
Southern Region

Re: Notice of Change of Water Right Ownership

Dear Sir/Madam:

Enclosed with this letter please find an original executed Notice of Change of Water Right Ownership and aerial photos.

Would you please make the necessary changes in your records to indicate the new owner as Cummins Farms, Inc. and send a receipted copy to this office.

Should you have any questions concerning this matter, please don't hesitate to contact me.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1189

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

August 11, 1998 4:29pm

CUSTOMER

Howard Conrad

SUBJECT: 45-02583, -02689, -07020, -07035, -07034, -07110, -07238, -07374
phone call (.) walk-in (x)

The D/S claims in Conrad Land and Livestock were recently decreed. He came in to verify that all his irrigation rights were in order. After 2.5 hours compilation of the irrigation claims I told Conrad they seemed to be in order. He concluded his visit by saying, "Yea, he knew that." I suspect the home boy knows exactly what is going on and that I used up 2.5 hrs of my time wheel spinning. Good lesson for me, one more time...

COMMUNICATION DOCUMENTATION

Claim No. see below

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 3/23/95
 Contact Person(s) Zola McFarland - Carey & Adams Realty
1570 Overland, Burley FAX 678-1151
 Nature of Contact phone call

Substance of Communication sent profile reports on the

following claims: [REDACTED] A45-02674
 (Conrad Land & Livestock) A45-02683 A45-02689
 A45-07013 A45-07020
 A45-07034 A45-07035
 A45-07006 A45-07009
 A45-07110 A45-07238
 A45-07374 A45-07481
 A45-07482A A45-07482B
 A45-10263 A45-10264
 A45-10265 A45-10266
 A45-10267 A45-10268
 A45-10269 A45-10270
 A45-10271 A45-10272
 A45-10273 A45-10274
 A45-12452

MICROFILMED

DEC 9 1996

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

COPY

Ident. Number: A45-02583
Date Received: 3/17/1989
Receipt No: 5007412
Received By: AD~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CONRAD LAND & LIVESTOCK, INC. 208-432-5444
Address: RT. 1
MURTAUGH, ID 83344
AND/OR
Name: HOWARD CONRAD 208-432-5444
Address: RT. 1
MURTAUGH, ID 83344

2. Date of Priority: JUN 19, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	21E	9	NW	NW	NE		CASSIA
			SE	SE	SE		CASSIA
		10	SW	SW	SW		CASSIA
		15	NW	NW	NW		CASSIA

5. Description of diverting works:
WELLS, PUMPS, DITCHES, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.820		

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

8. Total consumptive use is 288.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A45-02583

Page 1

Date: 03/20/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	21E	7	NE	SE		IRR	3.0
			SE	SE		IRR	3.0
					Section Acres		6.0
		8	NE	NE		IRR	9.0
			NW	NE		IRR	4.0
			SW	NE		IRR	34.0
			SE	NE		IRR	40.0
			NW	SW		IRR	3.0
					Section Acres		90.0
					Total Acres		96.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
OTHER RIGHTS FROM SAME SYSTEM.

14. Remarks:
THIS CLAIM IS BASED ON THE UNRECORDED TRANSFER OF LIC. 45-02583 FROM GROUNDWATER TO THOSE LANDS WHICH HAVE BEEN WATERED FROM AN UNNAMED STREAM DEVELOPMENT CLAIMED AS A45-07034. THIS CHANGE IS BEING MADE SINCE THESE LANDS ARE ALSO WATERED FROM GROUNDWATER BY THE PIPELINE NETWORK CONNECTING THE FOUR WELLS & THE PUMP DIVERTING FROM THE UNNAMED STREAM.

15. Basis of Claim: LICENSE
Water Right Number: 27993

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: See Map A45-07020

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 _____ of
Charles L. Smith Title
Organization, that I have signed the foregoing
document in the space below as _____ of
Charles L. Smith Title
Organization and that the statements contained in the
foregoing document are true and correct.

Charles L. Smith
Signature of Authorized Agent

Charles L. Smith
Title and Organization

4-3-89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of April 19 89

Charles L. Smith
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/94
3 Date: 03/20/89

A45-02583

Page

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MAR 08 1993

COPY

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)
_____)

A. Subcase 45-2583

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: CUMMINS FARMS INC. By: Daniel Cummins

Address: P O BOX 30

MURTAUGH, ID 83344-0033

Daytime Phone: 208-432-6675

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: CUMMINS FARMS INC

Address: PO BOX 30

MURTAUGH, ID 83344-0033

DJ

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 1.82 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☐ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** _____

Refer to Exhibit "A" attached

Exhibit "A"

Water right numbers 45-7374 and 45-7110 are limited to a combined 5.47 cfs quantity or flow, per condition of limitation of license.

The water right numbers 45-2583, 45-7035, 45-7020, 45-7238, and 45-2689 have no limitation of quantity or flow per the licensed rights. And in the aggregate these rights are licensed for 23.59 cfs.

The approved transfer of all the aforementioned water rights, as attached to this objection, allows for the aggregate quantity or flow of 29.06 cfs for the 23.59 cfs and the 5.47 cfs of approved quantity.

In the adjudication recommended right report, the I.D.W.R. ignored the licensed rights and the approved transfer by recommending a reduction of quantity of 8.83 cfs to a combined total diversion rate of 20.23 cfs. This I.D.W.R. recommendation has ignored all historical proof of the water right transfer approved on October 21, 1985 as well as all licensed rights, applied for and approved dating back to June 19, 1959.

This farm was purchased on February 11, 1999, with the market value or purchase price predicated on the validity of these approved water rights. I have complied with the appropriate change of ownership forms (1409) and I now am being forced to file this objection to the I.D.W.R. recommendations to protect my investment because the I.D.W.R. has arbitrarily reduced my water rights by 8.83 cfs, which equates to a 30% reduction and will force me to take all appropriate legal action. This IDWR recommendation will result in a 30% diminution in the value of my land, which I find completely unacceptable.

I respectfully request the SRBA court reject the IDWR recommendations.

#7057

State of Idaho License and Certificate of Water Right

Water License No. G-27993

Amount 1.82 c.f.s.

Water District No. _____

Priority June 19, 1959

THIS IS TO CERTIFY that

MAXINE CALL GARNER

of Burley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 19, 1959; that Permit No. G-27993 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.82 second feet, was issued thereunder on June 25, 1964, showing that said works were completed on the 15th day of April, 1962; and that on the 16th day of April, 1962,

MAXINE CALL GARNER

of Burley, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-27993 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7857, on the 25 day of June, 1964;

The right hereby confirmed dates from June 19, 1959;

The Point of Diversion is located

in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, Tp. 11 S., R. 21 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.82 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	21 E.	9	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	20
			N $\frac{1}{2}$ SE $\frac{1}{4}$	80	80
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	<u>25</u>
			Total number of acres to be irrigated:		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 25th day of June, 1964.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

45 2583

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____

(Name of court)

b. License No. 45-7110 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired: _____

3. Source of water groundwater tributary to _____4. Date of priority 9-18-1972**5. Water is used for the following purposes:**amount 3.98 for irrigation purposes from 3/1 to 11/1amount .02 for stockwater purposes from 1/1 to 12/31amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 4.0 cubic feet per second
&/or

b. _____ acre feet per annum

7. Location of original point of diversion is NW 1/4 of NW 1/4 of Section 15Township 11S Range 21E B.M. in Cassia County

Additional points of diversion, if any: _____

8. Lands irrigated or place of use:

Twp.	Range	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	
11S	21E	15					39	38	39	39	39	39	39	39					310

Total number of acres to be irrigated 310

9. Describe any other water rights used for the same purpose as described above: _____

10. To your knowledge, has any portion of this water right undergone a period of five consecutive years of nonuse? _____ If yes, describe in item D. REMARKS.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)b. License No. 45-7374 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired: _____

3. Source of water groundwater tributary to _____4. Date of priority 4-11-1979**5. Water is used for the following purposes:**amount 3.10 for irrigation purposes from 3/1 to 11/1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 3.10 cubic feet per second

b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15Township 11S Range 21E B.M. in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	10									40	40	36	39					155

Total number of acres to be irrigated 155

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in Item D, REMARKS.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83348**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 45-2583 Issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired.3. Source of water groundwater tributary to _____4. Date of priority 6/19/1959

5. Water is used for the following purposes: not given on license
amount 1.82 for irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.82 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE 1/4 of SE 1/4 of Section 9
Township 11S Range 21E B.M. in Cassia County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 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	
11S	21E	9			40	40				20					40	40	25	40	245

Total number of acres to be irrigated 245

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five (5) years of nonuse? _____ If yes, describe in item D, REMARKS.

MICROFILMED

Transfer No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____ (Name of court)

b. License No. 45-2689 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired: _____

3. Source of water groundwater tributary to _____4. Date of priority 11/9/19625. Water is used for the following purposes: Not given on licenseamount 5.82 for irrigation purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 5.82 cubic feet per second &/or

b. _____ acre feet per annum

7. Location of original point of diversion is SW 10 % of SW 10 % of Section _____Township 11S Range 21E B.M., in Cassia County

Additional points of diversion, if any: _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	SW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	21E	9	40	40	40	40	37	40	40	40					40	40	40	40	477
		8	17																17

Total number of acres to be irrigated 494

9. Describe any other water rights used for the same purpose as described above: _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D, REMARKS.**MICROFILMED**

Transfer No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ (Name of court) county of _____

b. License No. 45-7020 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water groundwater tributary to _____4. Date of priority 4/6/1967

5. Water is used for the following purposes:

amount 3.75 for irrigation purposes from 4/1 to 11/15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 3.75 cubic feet per second
b. _____ &/or
_____ acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15Township 11S Range 21E B.M. in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	8								10	38	20	40	40					148
		7														10	30		40

Total number of acres to be irrigated 188

9. Describe any other water rights used for the same purpose as described above _____

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in Item D, REMARKS.

Transfer No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____

(Name of court)

b. License No. 45-7238 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired:

3. Source of water groundwater tributary to _____**4. Date of priority** 5/2/1975**5. Water is used for the following purposes:**amount 6.4 for irrigation purposes from 3/15 to 11/15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 6.4 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9Township 11S Range 21E B.M. in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	18	40	40	40	40	39	38	39	40	40	39	39	40	40	40	40	40	634

Total number of acres to be irrigated 534**9. Describe any other water rights used for the same purpose as described above:** _____

10. To your knowledge, has any portion of this water right undergone a period of no more consecutive years of nonuse? no If yes, describe in item D. REMARKS.

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B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT. If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	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	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

3. Amount of water to be diverted 29.08 C.F.S. c.f.s. &/or _____ acre feet
- b. Description of diverting works WELLS, MOTORS, AND PUMPS
- c. Describe the reasons for the proposed changes CONSOLIDATING POINTS OF DIVERSIONS AS TO IRRIGATE ALL OF THE GROUND BY ONE COMMON SYSTEM.

2. Change in point of diversion

Point of diversion 2pts-NE 1/4 SE 1/4, Section 9 Township 11S
Range 21 E, B.M., Cassia County
Additional points (se, sec 9, sww, sec 10, nwnw, sec 15 nenw, sec 9 11s 21e

3. Change in place of use NO CHANGE

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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REMARKS:

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.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of June, 1985

[Signature]
(Notary Public)

My commission expires 6/6

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 45-2583/2689/7020/
7035/7110/7238/7374
and said application is hereby APPROVED subject to the following limitations and conditions:

Witness my hand this 21st day of October, 1985

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by AA Date 6-27-1985 Protest filed by None
Prelim. check by ADM Fee 50.00 #16642
Receipted by AS Date 6-27-1985 # 36642
Published in South Idaho Press Copies of protest forwarded by _____
Pub. dates 8/29 + 9/5/85 Hearing held by _____ Date _____
Watermaster recommendation requested on NA Recommended for approval denial _____
_____ rec'd. by ADM Sim

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F.

VERIFICATION (must be completed)

State of _____)
County of _____) ss.

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

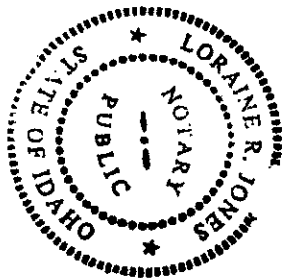
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)
Kevin F. Trainor, Attorney

Subscribed and sworn to before me on: _____

Lorraine R. Jones
Notary Public for _____
Residing at: _____
My Commission Expires: _____



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on January 4, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: CUMMINS FARMS INC

Address: P.O. BOX 30

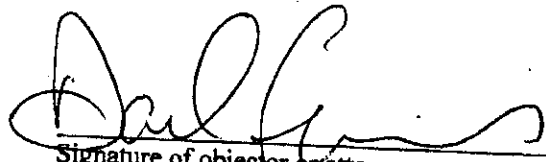
MURTAUGH, ID 83344-0033

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

ORIGINAL

Jones, Doug

From: Jones, Doug
Sent: Thursday, August 05, 2004 2:34 PM
To: Bromley, Chris
Subject: RE: Cummins' System

I'm recommending the rights individually, as claimed and as licensed - not a PPU. The acres are all valid, the flow rates can be valid, but the exercise of the rights is being specified and limited to what was actually developed.

Doug

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

From: Bromley, Chris
Sent: Thursday, August 05, 2004 2:14 PM
To: Jones, Doug
Subject: RE: Cummins' System

I think it depends on how you're doing the recommendation (i.e. all the water rights together or individually). If it's a complete forfeiture of one particular water right, you would need to include that information on the particular recommendation. However, if it's a partial forfeiture, you won't need to state the reason for recommending less quantity.

Chris

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

From: Jones, Doug
Sent: Thursday, August 05, 2004 2:07 PM
To: Bromley, Chris
Subject: RE: Cummins' System

Would I have to explicitly state on the recommendation that X cfs was forfeited? Or would the combined limits such as I have them imply that? I'd prefer the latter due to data entry work and imminent issuance of the Director's Report. The field exam for 45-7374 was in 1979 and the license was issued 1/1980.

Thanks, Chris

Doug

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

From: Bromley, Chris
Sent: Thursday, August 05, 2004 1:28 PM
To: Jones, Doug
Subject: RE: Cummins' System

Talked some more with Susan on this and we think arguing forfeiture is a possibility.

A license is prima facie evidence of a water right. Therefore, since they were issued a license, they had a valid water right. By never drilling the wells, it could be argued that the license was forfeited by non-use. If at least 5 years passed between the issuance of the license and the transfer proceedings, it would hopefully get us around the issue of whether the transfer reset the 5-year forfeiture time period.

Chris

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

From: Jones, Doug
Sent: Wednesday, August 04, 2004 3:43 PM
To: Bromley, Chris
Subject: RE: Cummins' System

My responses are in red.

Thanks, Chris.

Doug

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

From: Bromley, Chris
Sent: Wednesday, August 04, 2004 3:16 PM
To: Jones, Doug
Subject: RE: Cummins' System

Interesting, I'll need some more time to think this one through.

Are you saying something along the lines that the Department assumed at the time it approved the transfer that the wells would be drilled, when, in fact, they never were? I am still awaiting info from present claimant on the issue of well construction, but no additional wells were observed anywhere on the property this past spring. No well logs were found in IDWR records.

Therefore, forfeiture's not an issue because the water was never actually developed into a water right even though it was licensed? A flow rate was licensed to various different ground. In this case it was the same available flow rate - additional capacity apparently wasn't developed during permit process, nor apparently was it after the transfer was approved.

Chris

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

From: Jones, Doug
Sent: Wednesday, August 04, 2004 2:59 PM
To: Bromley, Chris
Subject: RE: Cummins' System

I am not suggesting forfeiture, my analysis indicates only 20.23 cfs was ever developed under the group of ALL the licenses and 5.9 cfs for the well in S15. All the field exams for the well in NWNW S15 identify the same motor equipment by serial number. The 1.61 cfs, as you can see on the previous attachment, came from combined limit on the most junior license (45-7374) for the well in the NWNW S15 referencing the next most junior license (45-7110). These licenses were issued within months of each other. Our previous data management system before these two junior licenses was in handwritten form and I think the two older licenses did not come up on the "radar" to include in the limit. My combined limit conclusion is based on ambiguous nature of the information on earlier rights and if there is non-use (forfeiture) then it was between 1979 and the 1985 transfer. Since the wells approved in the transfer were not drilled perhaps the transfer was not accomplished and can be negated.

The SRBA claims were indeed filed in 1989.

Thanks, folks.

Doug

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

From: Bromley, Chris
Sent: Wednesday, August 04, 2004 2:09 PM
To: Jones, Doug
Subject: RE: Cummins' System

OK, I met with Dave and Susan on this and we came up with the following:

First, when was the claim filed? This date is important because what you're proposing is to decrease the combined diversion rate from the transfer by approximately 9 cfs. The transfer, along with a combined diversion rate of approximately 30 cfs, was approved by the Department in 1985. If the claim was filed in 1989, and presuming that we would argue forfeiture, the forfeiture statute (5 years continuous non-use) would have been tolled after only 4 years of non-use. (The SRBA court has found that filing a claim tolls forfeiture proceedings.) However, if the forfeiture began before the transfer was approved, it is possible that the court might find that the Department's approval reset the forfeiture time period. (The court has not ruled on this issue.) If that's the case, and the claim was filed in 1989 or later,

forfeiture would be tolled.

Second, when exactly did the quantity decrease? This is important because the transfer decreased the quantity by 1.61 cfs from the actual diversion rate of the 7 licenses--30.67 cfs. Because of the decrease, it is likely that the Department undertook an examination of the diversion rate during the transfer proceeding. By only reducing the rate by 1.61 cfs, it would be difficult to show that Cummins is not entitled to the full amount--29.06 cfs. It would also be difficult at this point in time to say Cummins wasn't using approximately 9 cfs before the transfer was approved when the Department didn't find that to be the case then.

Finally, I assume that you would like to argue forfeiture as the basis for decreasing the combined diversion rate. Is that right?

Let me know if you have any other questions on this, or if I wasn't clear in how I wrote this out.

Thanks,

Chris

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

From: Jones, Doug
Sent: Monday, August 02, 2004 3:41 PM
To: Bromley, Chris
Subject: RE: Cummins' System

That time frame is ok. I have my recommendations made, the customer may be delivering info about Thursday. I'm sure they will want me to answer right away, but I will not - I'll consider it a day or two anyway.

Thanks,

Doug

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

From: Bromley, Chris
Sent: Monday, August 02, 2004 2:35 PM
To: Jones, Doug
Subject: RE: Cummins' System

Doug,

Dave's out sick today and is scheduled to go to be in Reno tomorrow for some interstate water issues. He is supposed to be back Wednesday, but has various things scheduled.

I'll do my best to get a moment with him Wednesday, however, it may end up being Thursday if he's too busy.

When would you like an answer by?

Chris

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

From: Jones, Doug
Sent: Monday, August 02, 2004 9:55 AM
To: Bromley, Chris
Subject: RE: Cummins' System

I would like to make the distinction that there are 7 licenses with an *apparent* total rate of 29.06 - on paper. My conclusion is that the well in NWNW S15 was never able to pump 15.02 cfs the 4 licenses total up to. Adding capacity as a result of a transfer after the basin was closed would be erroneous.

Doug

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

From: Bromley, Chris
Sent: Monday, August 02, 2004 9:36 AM
To: Jones, Doug
Subject: RE: Cummins' System

I'm looking at this right now and will review with Dave when he gets back. I should have an answer to you in the next day or two.

I can see why they would be annoyed since they have 7 licensed rights with a total diversion rate of 29.06. However, if they're not using all of their rights, it may be possible that there has been a forfeiture or abandonment of approximately 9 cfs.

Thanks for the question,

Chris

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

From: Jones, Doug
Sent: Friday, July 30, 2004 4:35 PM
To: Bromley, Chris
Subject: Cummins' System

Chris,

Here is a difficult one. Attached is an Excel sheet that summarizes the water rights by point of diversion. Listed are the license numbers, field exam dates, measured flow rates, licensed flow rates and any limitations.

You will see that 4 licenses were issued to one well in the NWNW Sec 15. Each measured diversion capacity is in the vicinity of 5.5 to 5.9 cfs, with the decrease over time consistent with the falling ground water table (this is in a Critical Ground Water Area designated in 1982). The two most recent licenses have co-limitations of 5.47 cfs, but do not include the earliest two licenses - weird.

In 1985 T#3205 was approved to add two wells to the system and listed the face value of the licenses as the total diversion rate (29.06 cfs). It was approved, but one or both of the wells were not constructed. My field visit this spring found only 4 wells. The horsepower found was consistent with the equipment as licensed. It is possible that the motors have been reworked and the horsepower boosted - I don't know.

My preliminary recommendation for these rights included a flow rate limitation of the four licenses in NWNW S15 of 5.9 cfs and a total combined flow rate limitation of 20.23 cfs for all the licenses. Each of the licenses include all of the wells since that was what on the water right data from the transfer (the water right data included the extra two wells, but these weren't originally claimed). The 5.9 cfs was the maximum historical flow rate from the well. However, my total combined flow rate of 20.23 cfs includes an extra 0.29 cfs measured in the well in the NENW S9. I am willing to bump the 4-license limitation up to 6.19 cfs.

Obviously the owner and his consultants are miffed that I did not total the allowed flow rates up to 29.06 cfs as described on the transfer. My recommendation is based on what was actually developed under the licenses.

Consultants (appraiser, lawyer and engineer) are apparently developing information and are looking to get together the end of next week. Was I out of line to reach my conclusion? Perhaps you will want to inquire of Dave T about this.

Thanks, Chris.

Doug

<< File: cummins milner butte.xls >>

RECEIVED IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
JUL 28 2004 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources
Southern Region

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

45-7374

Date Received

7/28/04

Receipt Number

N/A

Amended
**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Summit's Farms Inc Phone (208) 432-6675

Mailing Address

P.O. Box 30 Montpelier

Zip

83344

2. Date of Priority (Only one (1) per claim) 40-1-3-74

3. Source of water supply (a) ground water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 11 S Range 21 E Section 15,

NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: S 10 SW 1/4 SW 1/4; S 9 SE 1/4 SE 1/4; S 9 NE 1/4 NE 1/4; 2 pts in S 9 NE 1/4

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

6. Water is claimed for the following purposes:

(both dates are inclusive)

For Irrigation purposes from 3-15 to 11-15 amount 3.10 (cfs) or 620 (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.10 (cfs) and/or (b) 620 (acre feet)

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	21R	10									40	40	36	39					155
																			155

Total number of acres irrigated 155

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

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

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

14. Remarks: This amended claim adds points of diversion as described in T#3205.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-2583

NAME AND ADDRESS: CUMMINS FARMS INC
4418 E 3300 N
MURTAUGH ID 83344-5204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.820 CFS
888.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-10274 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.82 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 888 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.64 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1976 AF. COMBINED RIGHT NOS.: 45-2583, 45-2689 & 45-10274.

PRIORITY DATE: 06/19/1959

POINT OF DIVERSION:

T11S R21E S9 NENENW Within CASSIA County
T11S R21E S9 SESESE Within CASSIA County
T11S R21E S10 SWSWSW Within CASSIA County
T11S R21E S15 NWNWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.820 CFS 888.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R21E S08	NENE	25.0	T11S R21E S09	NENE	39.0
T11S R21E S09	NWNE	32.0	T11S R21E S09	SWNE	40.0
T11S R21E S09	SENE	40.0	T11S R21E S09	NENW	32.0
T11S R21E S09	NWNW	38.0	T11S R21E S09	SWNW	40.0
T11S R21E S09	SENE	40.0	T11S R21E S09	NESW	10.0
T11S R21E S09	NESE	40.0	T11S R21E S09	NWSE	40.0
T11S R21E S09	SWSE	39.0	T11S R21E S09	SESE	39.0

494 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 45-2689 & 45-10274 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 494 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 245 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

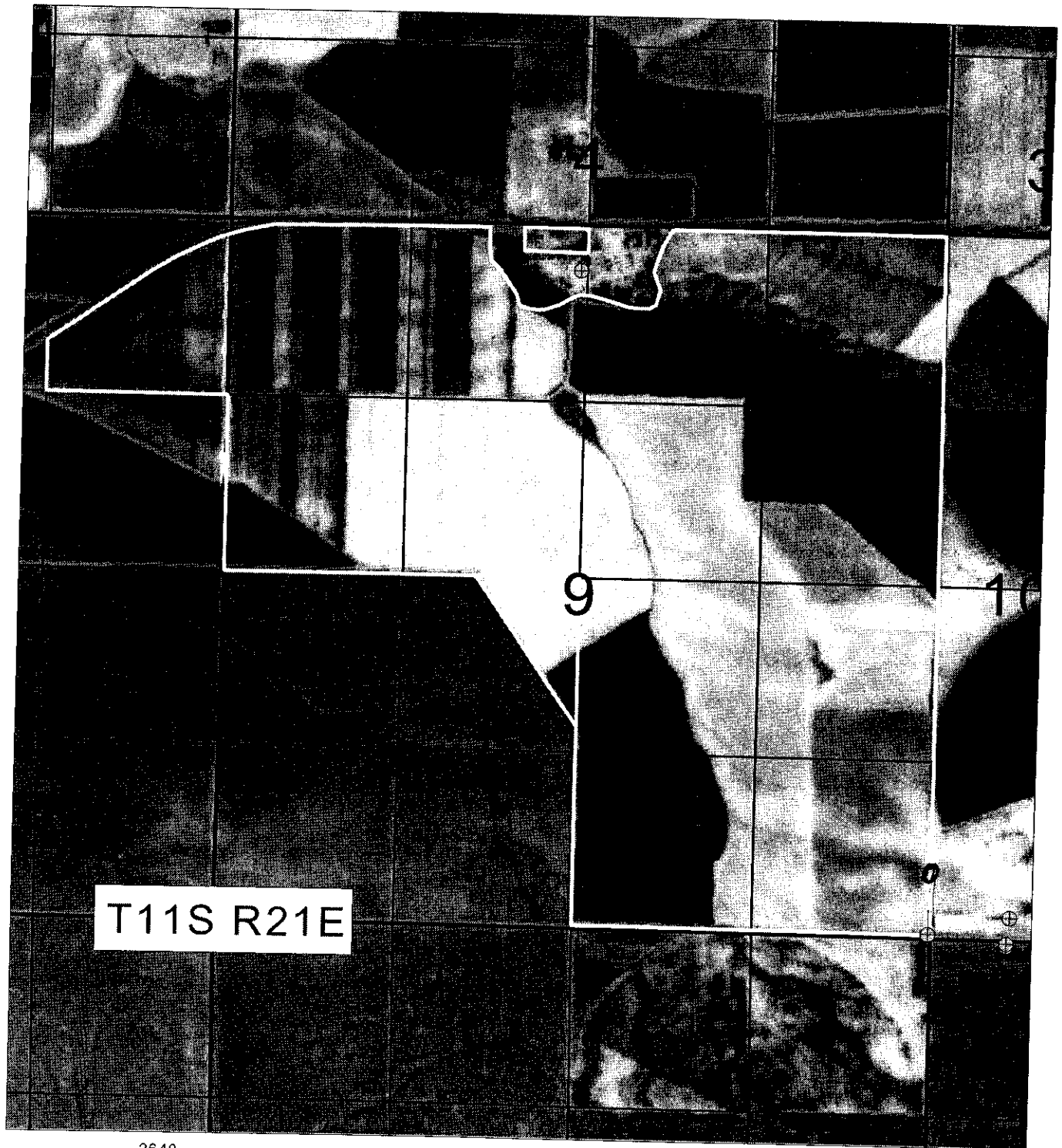
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: License

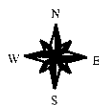
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

45-2583, 45-2689 & 45-10274



-  Section Lines
-  Quarter/Quarter Lines
-  Place of Use
-  Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAPP
DATA ENTRY: 3/2004
DOUGLAS JONES

45-2583 & 45-2689

45-7034

45-7374

45-10274

45-7020

45-7035

45-7238

45-7110

7

9

18

17

16

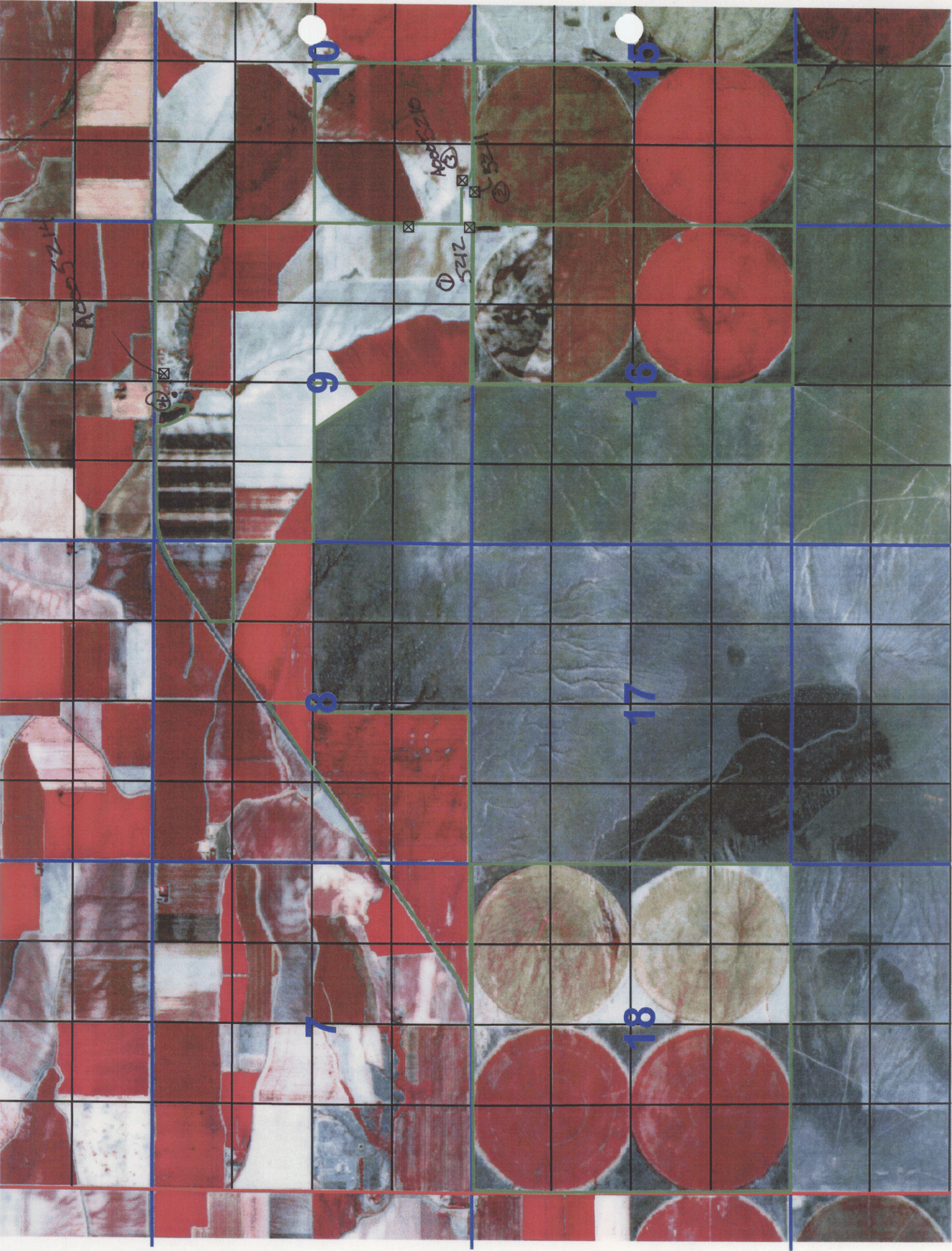
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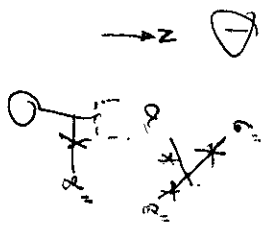
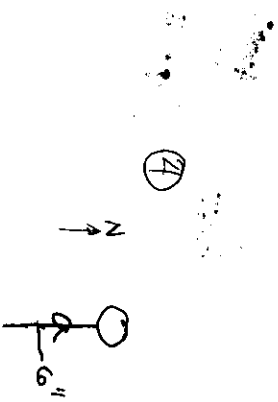
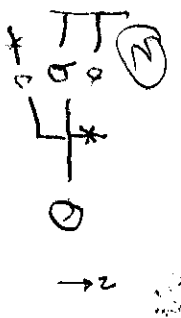
12

10

11

14





WP1 ① 500842 152742 EPE12
 a) 60hp
 501018 152720 EPE15 A0005211
 450hp EHI503017
 3boersens
 a) 150 hp 4007355
 b) 75 hp 2537980
 c) 100 hp 960827

③ A0005210
 501028 152785
 400hp 1246527 US Elec
 a) 125hp Marathon

WP3 ④ A0005214
 500030 154240 EPE16
 GE 500hp DL3416021
 a) 200hp US
 C1268-01-593

300
 Pion Husy EPE15 A0005211
 499822 1543338

-114

42

19996
 500000
 1000000

COMBINED LIMITS DATA WORKSHEET

Individual Rights:

	WR #	Rate	Volume	Tot. Acres	Acre Limit
✓ 1	45-7238	6.14	2536	634	
✓ 2	45-7035	5.79	1280	320	
✓ 3	45-7110	4.00	1248	310	
✓ 4	45-7374	3.10	620	155	
✓ 5	45-7020	3.76	703.2	175.8	
✓ 6	45-2689	5.82	1976	494	
✓ 7	45-2583	1.82	888	494	245
✓ 8	45-7034	2.89	577.2	144.3	
✓ 9	45-10274	0.07	34	494	10
10					

Combinations:[illegible]

Other Conditions, Remarks:

1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

CUMMINS FARMS:		MILNER BUTTE PROPERTY ANALYSIS					
License data							
NWNW Sec 15							
		FE Date	FE Q(cfs)	Lic Q(cfs)	Limit Q(cfs)		
	45-7020	7/20/1973	5.9	3.76			
	45-7035	5/21/1974	5.79	5.79			
	45-7110	5/24/1978	5.48	4.00			
	45-7374	8/9/1979	5.47	3.10	5.47 w/ 7110		
		Assuming open discharge, 450 hp motor, 481 WL (1972 data)					
		Theoretical Q = 5.76 cfs					
NENW Sec 9							
		FE Date	FE Q(cfs)	Lic Q(cfs)	Limit Q(cfs)		
	45-7238	7/22/1980	6.69	6.4			
SWSW Sec 10							
		FE Date	FE Q(cfs)	Lic Q(cfs)	Limit Q(cfs)		
	45-2689	7/13/1965	5.82	5.82			
SESE Sec 9							
		FE Date	FE Q(cfs)	Lic Q(cfs)	Limit Q(cfs)		
	45-2583	8/10/1962	1.82	1.82			
Sum Max. Capacity =			20.23	cfs			

Log for claim A45-02583

Spatial Dynamics LTD

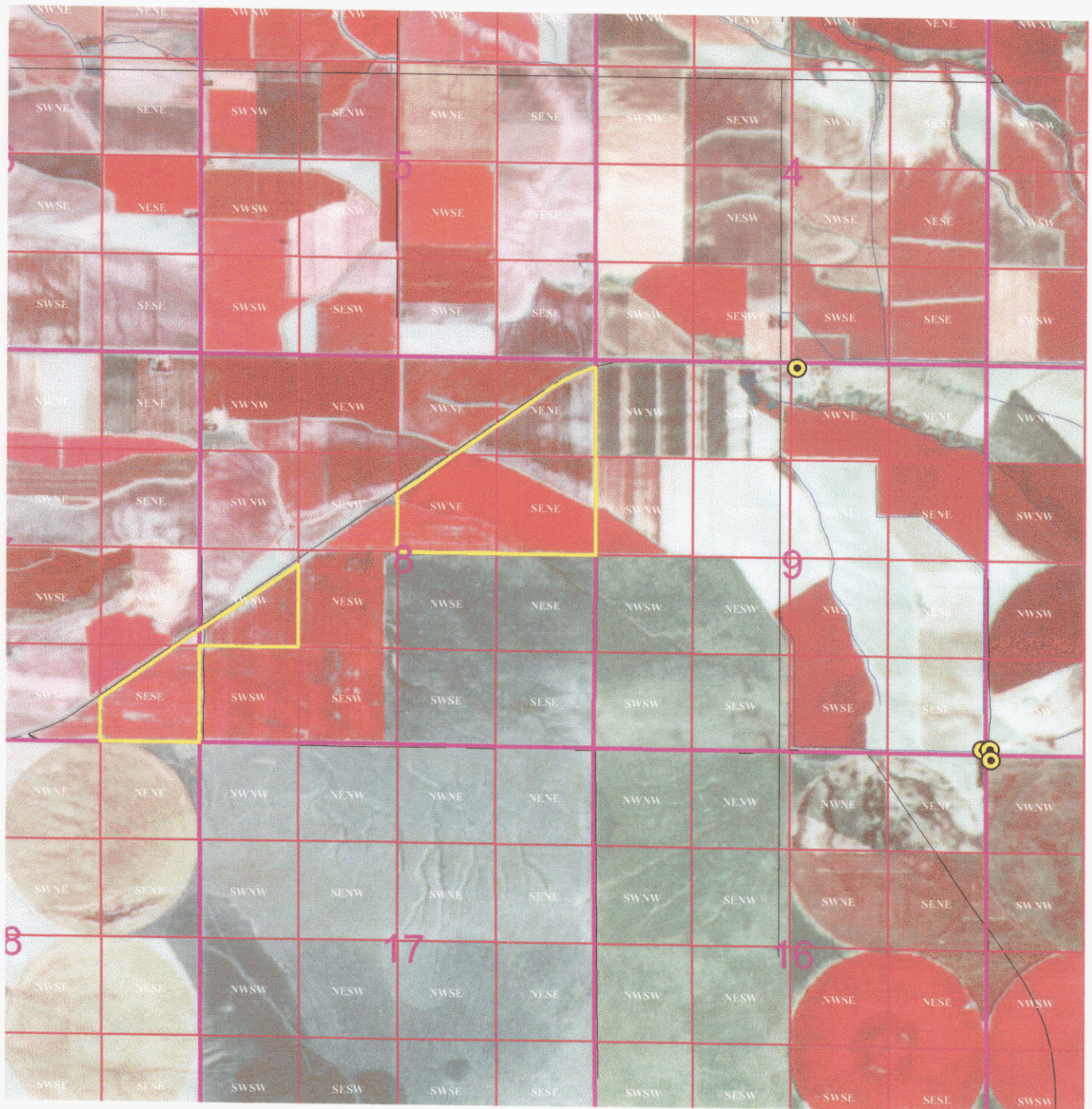
8/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s21e	7	NESE	3	0.8	
11s21e	7	SESE	3	32	Indiscernible
11s21e	8	NENE	9	26	Indiscernible
11s21e	8	NWNE	4	2.7	
11s21e	8	SWNE	34	35	
11s21e	8	SENE	40	40	
11s21e	8	NWSW	3	20	Indiscernible
Totals:			96	156.5	

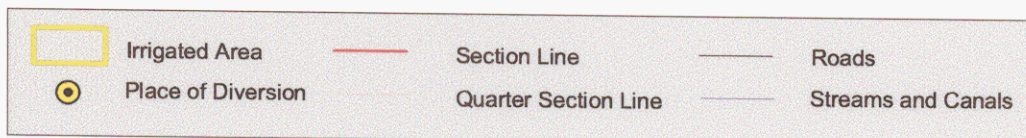
Lic to Sec 9

Water Right Claim Number A45-02583
Township , 11S21E

08/01/2000



Legend



1000 0 1000 2000 Feet



AJ5809NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 215

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CUMMINS FARMS INC 4418 E 3500 N MURTAUGH ID 83344 (208) 432-6675	06/19/1959	IRRIGATION	03-15 11-15	1.820 CFS	
TOTAL DIVERSION:					1.820 CFS	
CONSUMPTIVE USE:						288.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

AJ5809NP
No. A45-02583

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 216

Point(s) of Diversion:

T11S R21E S09

NW1/4NE

SESESE

CASSIA County

AJ5809NP
No. A45-02583

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 217

Point(s) of Diversion:

T11S R21E S10

SWSWSW

CASSIA County

CASSIA County

..SE

[illegible]

Non-Irrigation Uses: NONE

other rights: OTHER RIGHTS FROM SAME SYSTEM.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):	45-10273	45-02689	445-07070
45-10270	45-10274	45-10272	45-10273

A45-07374	A45-10269	A45-10270	A45-10271	A45-10272	A45-02689	A45-07020	A45-07110	A45-07238
Water Rights with same points of diversion	45-10269	45-10270	45-10271	45-10272	45-10273	45-02689	45-07020	45-07238
45-10269	45-10269	45-10270	45-10271	45-10272	45-10273	45-02689	45-07020	45-07238
A45-07374	A45-10269	A45-10270	A45-10271	A45-10272	A45-10273	A45-07020	A45-07110	A45-07238

Other Water Rights Listing Overlapping Place(s) of Use:
A01-00017 A45-02689 A45-07020 A45-07034

Remarks: GEN THIS CLAIM IS BASED ON THE UNRECORDED TRANSFER OF LIC. 45-02583
FROM ACCQUITTANCE TO THOSE LANDS WHICH HAVE BEEN WATERED FROM

FROM GROUNDWATER TO THOSE LANDS WHICH HAVE BEEN WRITTEN THEREON. AN UNNAMED STREAM DEVELOPMENT CLAIMED AS A45-07034. THIS CHANGE IS BEING MADE SINCE THESE LANDS ARE ALSO WATERED FROM GROUNDWATER BY THE PIPELINE NETWORK CONNECTING THE FOUR WELLS & THE PUMP DIVERTING FROM THE UNNAMED STREAM.

 10/21/99, CHANGED OWNERSHIP: CONRAD TO CUMMINS AS PER FORM 1409
 AND DEED REC'D 2/11/99. C.T.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
--------	-----------------	----------------	-----------------------

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

Audit:	03/17/89	MERRITT	03/30/95	POST-STD	10/21/99	CT1MM
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State of Idaho

License and Certificate of Water Right

Water License No. G-27993

Amount 1.82 c.f.s.

Water District No. _____

Priority June 19, 1959

THIS IS TO CERTIFY that MAXINE CALL GARNER
of Burley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 19, 19 59; that Permit No. G-27993
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.82 second feet, was issued thereunder on June 25, 19 64, showing that said works
were completed on the 16th day of April, 19 62; and that on the 16th
day of April, 19 62,

MAXINE CALL GARNER

of Burley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-27993 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7857, on the 25 day of June, 19 64;

The right hereby confirmed dates from June 19, 19 59;

The Point of Diversion is located
in the SE 1/4 SE 1/4, Sec. 9, Tp. 11 S, R. 21 E, B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.82 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	21 E.	9	SE 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SE 1/4 NW 1/4	40	20
			N 1/2 SE 1/4	80	80
			SE 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	25
			Total number of acres to be irrigated:		245

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
25th day of June, 19 64.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

45-

(b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

By _____ Agent.

Allowed: _____

Twp.	Range	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
11 S	21 E	9										
			40	40	40	40			40	40	40	40
			Permit No. G-27993 CERTIFICATE OF COMPLETION OF WORKS									
TO ALL WHOM IT MAY CONCERN:			This is to certify that MAXINE GAIL GARNER of Burley, County of Cassia, and State of Idaho, the holder of Permit No. G-27993, issued upon Application No. G-35951, bearing date of priority of June 19, 1959, authorizing the diversion of 6.4 second feet of waters of a well, County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.82 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SE 1/4, Sec. 9, T. 11 S., R. 21 E., E. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 245 acres in S 1/4 NW 1/4, S 1/4, SE 1/4 NW 1/4, Sec. 9, T. 11 S., R. 21 E., E. M. Witness my hand this 25th day of June, A. D. 1964. s/ RALPH W. THOMAS Deputy State Reclamation Engineer									
Proof of Completion of Works Made: April 16, 1962												
			LICENSE ISSUED FOR 1.82 SEC. FT. Page 7857									

Tr or No. 3205

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)b. License No. 45-7035 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired: _____

3. Source of water groundwater tributary to _____4. Date of priority 2-28-1969

5. Water is used for the following purposes:

amount 5.79 for Irrigation purposes from 3/15 to 11/15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 5.79 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15
Township 11S Range 21E B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	16	40	40	40	40									40	40	40	40	320

Total number of acres to be irrigated 320

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in item D, REMARKS.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)b. License No. 45-7110 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired : _____

3. Source of water groundwater tributary to _____4. Date of priority 9-18-1972

5. Water is used for the following purposes:

amount 3.98 for irrigation purposes from 3/1 to 11/1amount .02 for stockwater purposes from 1/1 to 12/31amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)6. Total amount of water under right: a. 4.0 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15
Township 11S Range 21E, B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	15					39	38	39	39	39	39	39	39					310

Total number of acres to be irrigated 310

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)b. License No. 45-7374 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired3. Source of water groundwater tributary to _____4. Date of priority 4-11-1979**5. Water is used for the following purposes:**amount 3.10 for irrigation purposes from 3/1 to 11/1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 3.10 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15
Township 11S Range 21E, B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	10									40	40	36	39					155

Total number of acres to be irrigated 1559. Describe any other water rights used for the same purpose as described above **MICROFILMED**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in item D, REMARKS.

Tr or No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____

dated in _____ in _____ (Name of court) county of _____

b. License No. 45-2583 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired .

3. Source of water groundwater tributary to _____

4. Date of priority 6/19/1959

5. Water is used for the following purposes:

amount 1.82 for irrigation purposes from _____ to _____ not given on license
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.82 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9
Township 11S Range 21E, B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	9			40	40				20					40	40	25	40	245

Total number of acres to be irrigated 245

9. Describe any other water rights used for the same purpose as described above _____

MICROFILMED

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in item D, REMARKS.

Tr. or No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ (Name of court) county of _____

b. License No. 45-2689 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____3. Source of water groundwater tributary to _____4. Date of priority 11/9/1962**5. Water is used for the following purposes:**

Not given on license

amount 5.82 for irrigation purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 5.82 cubic feet per secondb. _____ &/or
_____ acre feet per annum7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10Township 11S Range 21E, B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	9	40	40	40	40	37	40	40	40					40	40	40	40	477
		8	17																17

Total number of acres to be irrigated 494**9. Describe any other water rights used for the same purpose as described above** _____**MICROFILMED****10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse?** no If yes, describe in item D, REMARKS.

Tr. or No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 45-7020 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired: _____

3. Source of water groundwater tributary to _____4. Date of priority 4/6/1967

5. Water is used for the following purposes:

amount 3.76 for irrigation purposes from 4/1 to 11/15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.76 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15
Township 11S Range 21E, B.M., in Cassia County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	8								10	38	20	40	40					148
		7															10	30	40

Total number of acres to be irrigated 1889. Describe any other water rights used for the same purpose as described above _____ **MICROFILMED**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____ If yes, describe in item D, REMARKS.

Transfer No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Howard E. Conrad Phone 432-5444Post Office address Rt. 1 Murtaugh, Idaho 83344**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)b. License No. 45-7238 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired:3. Source of water groundwater tributary to _____4. Date of priority 5/2/1975**5. Water is used for the following purposes:**amount 6.4 for irrigation purposes from 3/15 to 11/15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 6.4 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9Township 11S Range 21E, B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	21E	18	40	40	40	40	39	38	39	40	40	39	39	40	40	40	40	40	634

Total number of acres to be irrigated 634**9. Describe any other water rights used for the same purpose as described above:****MICROFILMED****10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D, REMARKS.**

B. DESCRIPTION OF RIGHT OWNED BY APPLICANT. If the right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 29.06 C.F.S. c.f.s. &/or _____ acre feet
- b. Description of diverting works WELLS, MOTORS, AND PUMPS
- c. Describe the reasons for the proposed changes CONSOLIDATING POINTS OF DIVERSIONS AS TO IRRIGATE ALL OF THE GROUND BY ONE COMMON SYSTEM.

2. Change in point of diversion

Point of diversion 2pts-NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9 Township 11S
Range 21 E, B.M., Cassia County
Additional points seese, sec 9, swsw, sec 10, nwnw, sec 15 (nenw, sec 9) 11s 21e

3. Change in place of use NO CHANGE

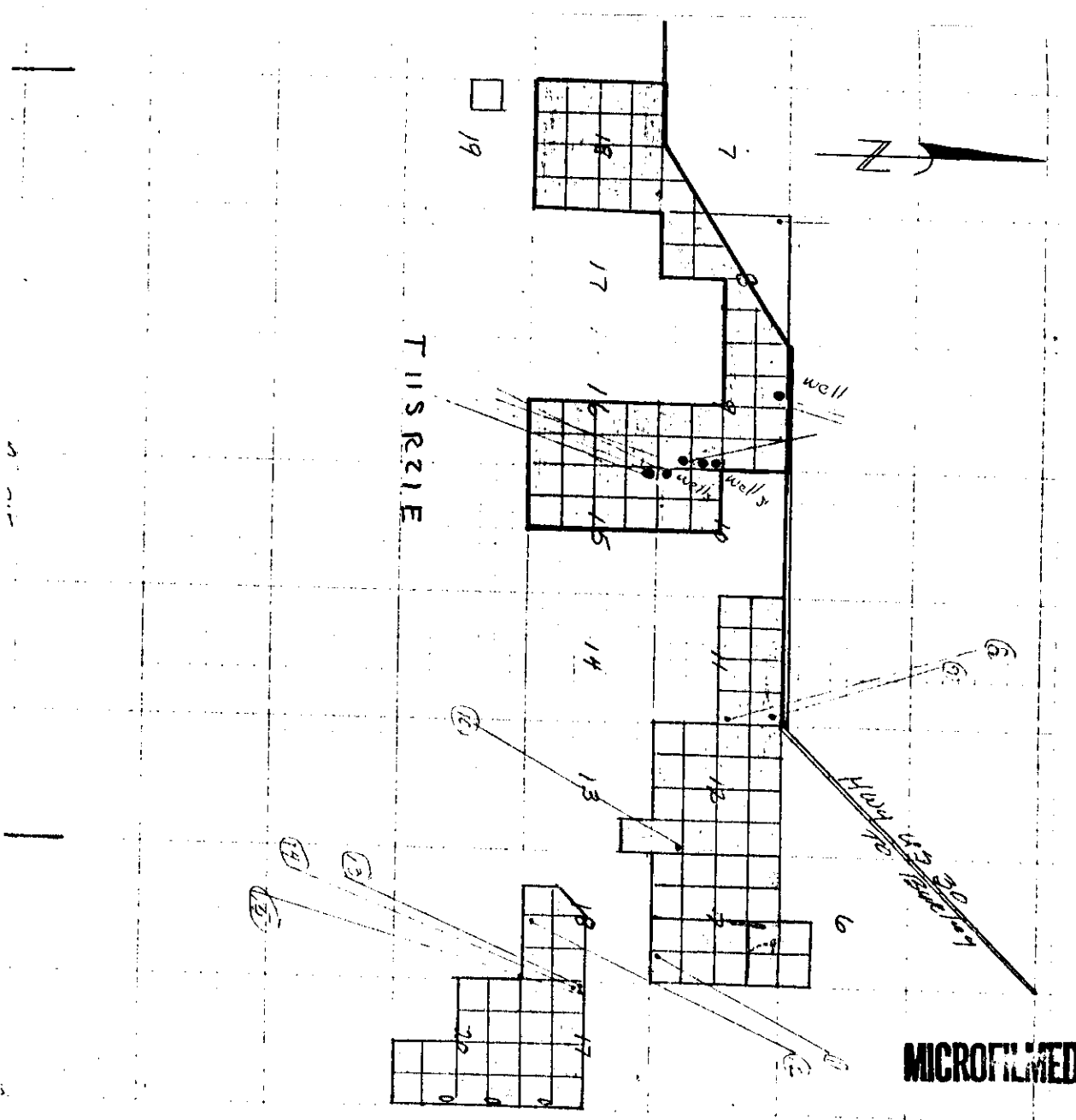
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

MICROFILMED

[illegible]

4. Describe any other water rights used for the same purpose as described above. _____

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-27993

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant: Maxine Call Garner
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the SE¹SE¹ of Section 9
T. 11'S R. 21'E.B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 200 H.P. Hollow Shaft
Motor # 1279637 Layne & Bowler Pump # D01016 1200 RPM @ 540'
head @ 1770 RPM 8" discharge into 8" gate valve into concrete
distribution tower 6'x60' into open ditches 8"x50' column 20"x50'
Casing h: 485' O.D. Well depth 735'

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

S¹NE¹, S¹NW¹, SE¹ Sec. 9., Twp. 11 S., Rge. 21 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Leland Garner along

Measurement was made with Cippolatti weir
1/2 over 2' weir = 91.0 inches

This examination was made on the 10th day of August, 1962

(Signed) Row Nelson Examiner.

Laxine Call Garner
Rt. #1
Burley Idaho
Permit No. G-27993

Examination for Completion of Works & Beneficial Use

County Cassia

Sec. 2 T. 11 S. R. 21 E. B. M.

Quantity: 6.40 a. ±

Source: ...

P.D.: ...

Use: ...

Filed: ...

Due: ...

Extension: ...

Completion of Works: ...

Other Rights: ...

Miller - Island Haven

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

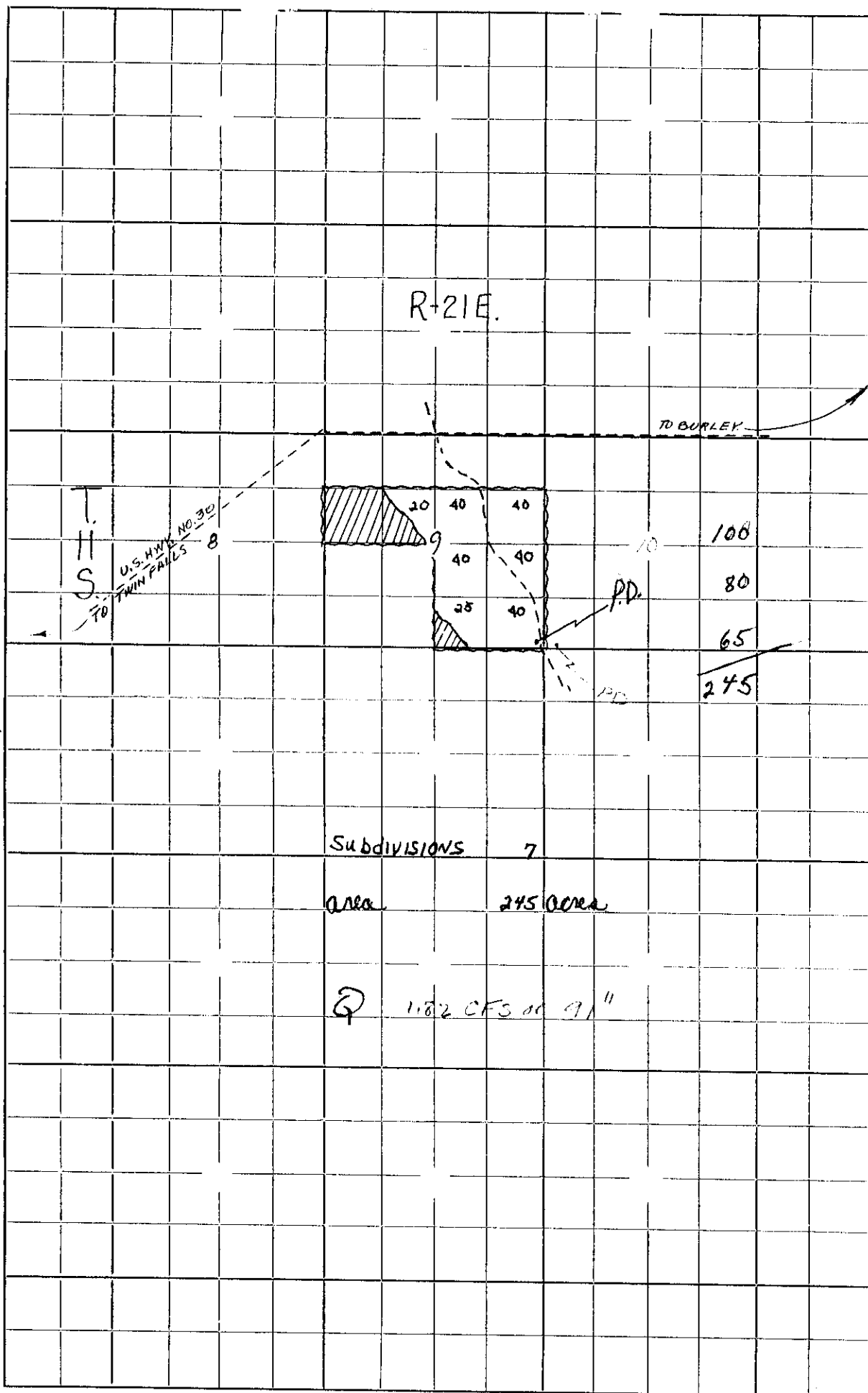
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27993

REPORT ON PROOF OF Completion of Works & Beneficial Use

Maxine Call Garner, Burley, Idaho



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

21993