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Documents  
In File

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: **A63-08067**  
Date Received: 5/29/1996  
Receipt No: W020936  
Received By: SL

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BIG SKY PARTNERSHIP 208-825-5258  
Address: PO BOX 268  
EDEN ID 83325-0268

2. Date of Priority: JAN 6, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01N      | 09E   | 33      |        | NW     | SW     |     | ELMORE |
|          |       |         |        | SW     | SW     |     | ELMORE |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 6.000 |      |        |

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

8. Total consumptive use is 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 |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01N      | 09E   | 32      | NE     | NE     |     | IRR | 40.0  |
|          |       |         | SE     | NE     |     | IRR | 40.0  |
|          |       |         | NE     | SE     |     | IRR | 40.0  |

MICROFILMED

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 01N           | 09E   | 32      | SE     | SE  |     | IRR | 40.0  |
| Section Acres |       |         |        |     |     |     | 160.0 |
|               |       | 33      | NW     | NW  |     | IRR | 40.0  |
|               |       |         | SW     | NW  |     | IRR | 40.0  |
|               |       |         | NW     | SW  |     | IRR | 40.0  |
|               |       |         | SW     | SW  |     | IRR | 40.0  |
| Section Acres |       |         |        |     |     |     | 160.0 |
| Total Acres   |       |         |        |     |     |     | 320.0 |

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:  
63-10272, 63-11513, 63-11514

14. Remarks:  
REINSTATED 1/30/1980.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments:   0

**For Organizations:**

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

Don McDaniel  
Signature of Authorized Agent

Same  
Title and Organization

5/29/96  
Date

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 29 day  
of MAY 19 96

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires 2000

**17. Notice of Appearance:**

Notice is hereby given that I, \_\_\_\_\_ will be  
Print Name

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Copies given  
to owner c  
time of filing.

For map - See  
Permit file  
63-08067

JC 5/29/96

MICROFILMED  
OCT 07 1996

02/26/2002

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

RIGHT NUMBER: 63-8067

NAME AND ADDRESS: BIG SKY PARTNERSHIP  
PO BOX 268  
EDEN ID 833250268

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.00 CFS

PRIORITY DATE: 01/06/1975

POINT OF DIVERSION:

T01N R09E S33 NWSW Within ELMORE County

T01N R09E S33 SWSW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/15 10/15

6.000 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T01N R09E S32 | NENE | 40.0 | T01N R09E S32 | SENE | 40.0 |
| T01N R09E S32 | NESE | 40.0 | T01N R09E S32 | SESE | 40.0 |
| T01N R09E S33 | NWNW | 40.0 | T01N R09E S33 | SWNW | 40.0 |
| T01N R09E S33 | NWSW | 40.0 | T01N R09E S33 | SWSW | 40.0 |

320 ACRES TOTAL

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

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.

EXPLANATORY MATERIAL: Permit

PERMIT  
STAGE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGION ADJUDICATION SECTION  
CLAIM VERIFICATION FIELD EXAM SHEET  
(Use with the ECVR)

CLAIM NO(s). 63-8067

1. ☐ No Change NAME IS SAME  
☐ NEW OWNER: \_\_\_\_\_  
☐ No Change ADDRESS  
☐ NEW ADDRESS: \_\_\_\_\_

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted  
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: \_\_\_\_\_  
(If the priority date, based on your exam, seems questionable, explain below.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. ☐ No Change — SAME SOURCE  
☐ Source is different than that claimed:

Source found: \_\_\_\_\_

4. ☐ No Change — POINT OF DIVERSION  
☐ Point of diversion is different than the claim and/or new P/D's:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS  
☐ Incomplete description, list below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. ☐ No Change - WATER USES  
☐ Different uses, (list uses found):

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: \_\_\_\_\_ Stock # \_\_\_\_\_ List types: \_\_\_\_\_

Additional comments: \_\_\_\_\_

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
Use: \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
Use: \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
Use: \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_

Remarks: (Comments pertinent to field examination) See additional attachment

RECOMMENDED AS PERMIT WITH AO1

CONDITION, - SEE ATTACHED WATER PERMIT

REPORT DATED 01/11/02

☐ SYSTEM DIAGRAM INCLUDED ☒ N/A

☐ Shown on GIS Layout

☒ CHECK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 1-11-02

FIELD EXAMINER:

RON HOWERTON

Print Name

Ron Howerton

Signature

AO1 CONDITION

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-8067

WATER RIGHT NUMBER: 63-8067

| <u>Owner Type</u> | <u>Name and Address</u>                                                                          |
|-------------------|--------------------------------------------------------------------------------------------------|
| Current Owner     | F M AGRICULTURAL REAL EST TRUST<br>BANK OF AMERICA NT&SA<br>555 ANTON RD<br>COSTA MESA, CA 92626 |
| Current Owner     | ROBERT C RHEAD<br>RT B BOX 20<br>MOUNTAIN HOME, ID 83647<br>(208)587-5092                        |
| Trustee           | BANK OF AMERICA NT&SA<br>555 ANTON RD<br>BC-071<br>COSTA MESA, CA 92626                          |
| Current Owner     | MARLENE D RHEAD<br>RT B BOX 20<br>MOUNTAIN HOME, ID 83647<br>(208)587-5092                       |

Priority Date: 01/06/1975

Basis:

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/15 to 10/15           | 6.000 CFS             |                      |
|                       | <u>Total Diversion:</u> | 6.000 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | SW1/4SW1/4 | Sec. 33, Twp 01N, Rge 09E, B.M. |
| ELMORE County |            |                                 |
| GROUND WATER  | NW1/4SW1/4 | Sec. 33, Twp 01N, Rge 09E, B.M. |
| ELMORE County |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |    |    |      | NW   |      |    |    | SW   |      |    |    | SE   |    |    |      | Totals |
|-----|-----|-----|------|----|----|------|------|------|----|----|------|------|----|----|------|----|----|------|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW | SE | NE   | NW   | SW | SE | NE   | NW | SW | SE   |        |
| 01N | 09E | 32  | 40.0 |    |    | 40.0 |      |      |    |    |      |      |    |    | 40.0 |    |    | 40.0 | 160.0  |
| 01N | 09E | 33  |      |    |    |      | 40.0 | 40.0 |    |    | 40.0 | 40.0 |    |    |      |    |    |      | 160.0  |

Total Acres: 320

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-8067

Conditions of Approval:

1. 01B The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

Remarks:

1. General REINSTATED 1/30/1980.

Comments:

1. CZIMMERM 5/22/1995 PARTNERS

Comment: The partners of Big Sky Partnership are: Lori & Kelly Human, 12-1/2%; Maurisa McFarland, 12-1/2%; Kristi Lucas, 12-1/2%; Suzanne Vance, 12-1/2%; Don & Carol McFarland, 12-1/2%; and McFarland Agricultural Co, 37-1/2%.

Dates and Other Information:

Permit Proof Due Date: 1/1/1980  
Permit Proof Made Date: 1/1/1900  
Permit Approved Date: 1/24/1975  
Permit Moratorium Expiration Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Field Exam Date: 8/27/1991  
Date Sent to State Office:  
Date Received at State Office:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

WR5809NP  
No. 63-08067

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/22/01  
PAGE: 49

| OWNER<br>CODE    | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | MARLENE D RHEAD<br>RT B BOX 20<br>MOUNTAIN HOME ID 83647<br>(208) 587-5092 | 01/06/1975       | IRRIGATION | 04/15 10/15           | 6,000 CFS         |                     |
| TOTAL DIVERSION: |                                                                            |                  |            |                       | 6,000 CFS         |                     |

C F M AGRICULTURAL REAL EST TRUST  
BANK OF AMERICA NT&SA  
555 ANTON RD  
COSTA MESA CA 92626

C ROBERT C RHEAD  
RT B BOX 20  
MOUNTAIN HOME ID 83647  
(208) 587-5092

Water Source: GROUNDWATER  
Tributary to: ELMORE County  
Stage: PERMIT

Point(s) of Diversion: T01N R09E S33  
Place of use Legal Description for: IRRIGATION

| NE          |    | NW |    | SW |    | SE |    | SUM |       |
|-------------|----|----|----|----|----|----|----|-----|-------|
| T           | R  | S  | NE | SW | SE | NE | SW | SE  | SUM   |
| Lt          | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt  | Ac    |
| 01N 09E 32  | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40  | 160.0 |
| 01N 09E 33  |    |    |    |    |    |    |    |     | 160.0 |
| TOTAL ACRES |    |    |    |    |    |    |    |     | 320.0 |

Pool County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:  
63-11513

Conditions of Approval:  
01B - The right holder shall either install a measuring device or  
- provide a certified measurement by a professional engineer or  
- install an access port or other device as specified by the  
- Department.

Remarks: GEN REINSTATED 1/30/1980.

Dates: App. Received: 01/06/1975  
Proof Due Date: 01/01/1980  
Exam Made Date: 08/27/1991  
Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

WR5809NP  
No. 63-08067

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/22/01  
PAGE: 50

Comments: Date: 05/22/1995 User-ID: CZIMMERM Subject: PARTNERS

The partners of Big Sky Partnership are:

Lori & Kelly Human, 12-1/2%; Maurisa McFarland, 12-1/2%;  
Kristi Lucas, 12-1/2%; Suzanne Vance, 12-1/2%; Don & Carol  
McFarland, 12-1/2%; and McFarland Agricultural Co, 37-1/2%.

Audit:

07/01/86 05/01/88 CONVERT 09/22/90 RTNE 09/03/91 GARRETT  
07/22/92 MILLER 01/07/93 MILLER 05/22/95 CZIMMERM 06/29/95 CZIMMERM