

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-1139
Date Received: 10/28/1988
Receipt No: S003332
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MULDOON RANCH CO LLC
C/O ARLEN CROUCH
370 E 500 N
JEROME ID USA 83338

Phone: (208)324-3117

2. Date of Priority: 06/01/1919

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	21E	3	NE NW SE	BLAINE	

5. Description of diverting works:

Muldoon Creek is diverted into a ditch that intersects and diverts the flow from Spring Creek, Brown Creek, Chicken Creek, and all other small drainages north of Muldoon Ranch. This ditch can then deliver water to all the land applicable to this PPU through various small ditches.

DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	7	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	20E	13	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	280
02N	21E	7	NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	240
02N	21E	8	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	240
02N	21E	9	SW	SW	IRRIGATION	40
					Section Acres	40
02N	21E	17	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
					Section Acres	400
02N	21E	18	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	560

02N	21E	19	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
					Section Acres	80
02N	21E	20	NW	NW	IRRIGATION	40
					Section Acres	40
					Total Acres	1880

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

INCIDENTAL STOCK USE *****8 5-6-98: OWNERSHIP CHANGE ELLSWORTH TO ABC AGRA PER NOTICE REC'D 1-15-98 - VH

10/31/06 - Claim amended (M.Anders)

Other water rights used: 37-1005, 37-1048, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006, & 37-20544.

1: Total authorized irrigated acres shall not exceed 530 acres per irrigation season when used without the rest of the associated water rights of the PPU.

2: Total authorized irrigated acres of the rights in the PPU shall not exceed 1316.4 acres per irrigation season (based on 1987 aerial photo interpretation).

15. Basis of Claim: Decreed

Amended Claim 37-1139IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) The Muldoon Ranch Co., LLC c/o Arlen Crouch Phone (208) 324-3117Mailing Address 370 E 500 N, Jerome, Idaho Zip 833382. Date of Priority (Only one (1) per claim) 06/01/19193. Source of water supply (a) Muldoon Creekwhich is tributary to (b) Little Wood River4. a. Location of existing point of diversion is: Township 02N Range 21E Section 03,
NE 1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

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. Muldoon Creek is diverted into a ditch that intersects and diverts the
flow from Spring Creek, Brown Creek, Chicken Creek, and all other small drainages north of the Muldoon Ranch.
This ditch can then deliver water to all the land applicable to this PPU through various small ditches.

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 7.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.00 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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
			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	
02N	20E	13			40	40			40	40	40				40	40			280
02N	21E	07									40			40	40	40	40	40	240
02N	21E	08									40	40	40	40			40	40	240
02N	21E	09											40						40
02N	21E	17	40	40	40		40	40	40	40	40	40	40						400
02N	21E	18	40	40	40	40	40	40	40	40	40	40			40	40	40	40	560
02N	21E	19	40	40															80
02N	21E	20						40											40

Total number of acres irrigated 1880*

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

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

37-1005, 37-1048, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006, & 37-20544 Or None ☐

14. Remarks:

*1: Total authorized irrigated acres shall not exceed 530 acres per irrigation season when used without the rest of the associated water rights of the PPU

*2: Total authorized irrigated acres of the rights in the PPU shall not exceed 1316.4 acres per irrigation season (based on 1987 aerial photo interpretation).

COPY

Last Name _____ Ident. No. _____
15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree XX

If applicable provide IDWR Water Right Number 37-1139

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Of MULDON RANCH CO LLC Title _____, that I have signed the foregoing

Document in the space below as OWNER Organization _____ of MULDON RANCH CO LLC Title _____ Organization _____

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

Signature of Authorized Agent [Signature]

Title and Organization Owner Date April 12, 2006

State of Idaho / or _____)

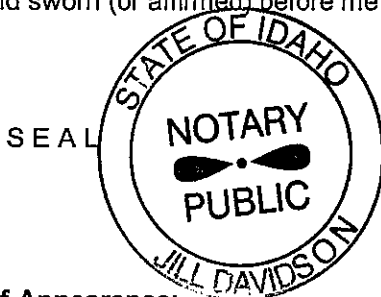
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 12TH day of April, 2006.

Notary Public [Signature]

Residing at Twin Falls

My Commission Expires November 18, 2010



Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01139
Date Received: 10/28/1988
Receipt No: S003332
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ABC AGRA LLC 208-324-6644
Address: PO BOX 378
JEROME ID 83338

2. Date of Priority: JUN 1, 1919

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	21E	3	SE	SW	NE		BLAINE

5. Description of diverting works:
DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.000		

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

8. Total consumptive use is 3885.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	20E	13	SW	NE		IRR	10.0
			SE	NE		IRR	37.0
			SW	NW		IRR	8.0
			SE	NW		IRR	14.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02N	20E	13	NE	SW		IRR	26.0
			NW	SW		IRR	18.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	193.0
		14	SW	SW		IRR	20.0
			SE	SW		IRR	20.0
			SW	SE		IRR	10.0
						Section Acres	50.0
		15	SE	SE		IRR	40.0
						Section Acres	40.0
	21E	7	NE	SW		IRR	20.0
			SE	SW		IRR	33.0
			NE	SE		IRR	20.0
			NW	SE		IRR	23.0
			SW	SE		IRR	40.0
			SE	SE		IRR	22.0
						Section Acres	158.0
		8	NE	SW		IRR	31.0
			NW	SW		IRR	25.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	23.0
						Section Acres	199.0
		9	SW	SW		IRR	30.0
						Section Acres	30.0
		17	NE	NE		IRR	20.0
			NW	NE		IRR	32.0
			SW	NE		IRR	18.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	12.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	21E	17	NW	SW		IRR	40.0
			SW	SW		IRR	18.0
			Section Acres				300.0
		18	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	28.0
			SE	SE		IRR	40.0
			Section Acres				548.0
		19	NE	NE		IRR	11.0
			NW	NE		IRR	25.0
			Section Acres				36.0
			Total Acres				1554.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

A37-01005, 01051, 01048, 02247, 07006, 02007.

14. Remarks:

INCIDENTAL STOCK USE

*****8

5-6-98: OWNERSHIP CHANGE ELLSWORTH TO ABC AGRA PER NOTICE REC'D

1-15-98 - VH

15. Basis of Claim: DECREED

Case Number:



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 6, 1998

ABC AGRA, LLC
PO Box 378
Jerome, Idaho 83338

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): A37-01139, A37-02007, A37-07006, A37-01051,
A37-01048A, A37-01005, A37-02247, A37-11664
Change of Ownership Notification

Dear Claimant(s):

We have been notified that you have purchased property with the above referenced Snake River Basin Adjudication claim(s), and our records have been changed, accordingly. EXHIBIT "B" of your Warranty Deed listed water right claim number 37-01139 twice, once with the correct diversion rate of 7.00 cfs, and once with a diversion rate of 1.40 cfs. Upon investigation, I found claim number 37-01005 in the name of Grant Ellsworth, appurtenant to your property, with the diversion rate of 1.40 cfs. I have changed the ownership of that claim to your name.

The enclosed copies are for your records, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

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

Vikie Hancock
S.R.B.A. Records Clerk

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

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

1. Water Right Number(s) SEE ATTACHED DESCRIPTION OF WATER RIGHTS
Adjudication Claim Number(s) A37- 01139 - 02062 - 07006 - 61051 - 01048A
- 01065 - 02247 - 11664 etc
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) GRANT R. ELLSWORTH AND FERN S. ELLSWORTH
2550 EAST SOUTHERN AVENUE
MESA, ARIZONA 85204
4. New Owner/Claimant(s) ABC AGRA, LLC
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. BOX 378 JEROME, ID 83338
City, State and ZIP Code JAN 15 1998
New Telephone Number (208-324-6644 -

5. Date you acquired the property JANUARY 2, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) ABC AGRA, LLC
Steven L. Johnson, Mgr. Date 01/02/98
Date _____

- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Order No. 23463

WARRANTY DEED

FOR VALUE RECEIVED

GRANT R. ELLSWORTH and FERN S. ELLSWORTH AS TRUSTEES UNDER THAT REVOCABLE LIVING TRUST AGREEMENT DATED MAY 22, 1984

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

ABC AGRA, L.L.C., an Idaho Limited Liability Company

GRANTEE(s) whose address is: P.O. Box 378, Jerome, ID 83338-0378

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A", AND BY THIS REFERENCE INCORPORATED HEREIN, TOGETHER WITH ALL WATER RIGHTS, WATER SHARES AND WATER PERMITS APPURTENANT THERETO, INCLUDING, BUT NOT NECESSARILY LIMITED TO THOSE WATER RIGHTS DESCRIBED IN EXHIBIT "B", ATTACHED HERETO, AND BY THIS REFERENCE INCORPORATED HEREIN, AND ALSO TOGETHER WITH ANY AND ALL GRAZING RIGHTS OF WHATSOEVER KIND OR NATURE OWNED BY THE GRANTORS, INCLUDING, BUT NOT NECESSARILY LIMITED TO BUREAU OF LAND MANAGEMENT AUM'S AND/OR STATE LEASES DESCRIBED IN EXHIBIT "C", ATTACHED HERETO, AND BY THIS REFERENCE INCORPORATED HEREIN.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

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

Dated: December 24, 1997

Grant R. Ellsworth
GRANT R. ELLSWORTH, TRUSTEE

Fern S. Ellsworth
FERN S. ELLSWORTH, TRUSTEE

State of Arizona

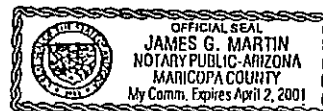
} ss.

County of Maricopa

On this 24th day of December, 1997, in the year 1997, before me, the undersigned, personally appeared Grant R. Ellsworth and Fern S. Ellsworth, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the Revocable Living Trust Agreement dated May 22, 1984, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.

James G. Martin
Notary Public
Commission Expires:



J:\escrow\forms\wtd

409472
Blaine Co. Request
of SAATCHI TITLE

98 JAN 2 AM 11 12
MARY GREEN, CLERK
FEE \$ 27.00

RECEIVED

JAN 15 1998

Department of Water Resources
Southern Region

EXHIBIT "A"

PARCEL

Township 2 North, Range 21 East, Boise Meridian, Blaine County, Idaho

Section 6: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 6 and 7
Section 7: NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 8: S $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
Section 9: SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 17: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$
Section 18: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 1, 2, and 3

Township 2 North, Range 20 East, Boise Meridian, Blaine County, Idaho

Section 1: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 13: NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 14: S $\frac{1}{2}$ S $\frac{1}{2}$
Section 15: SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL

Township 2 North, Range 21 East, Boise Meridian, Blaine County, Idaho

Section 17: W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPT that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ described as follows:
COMMENCING at the East quarter corner of said Section 18;
THENCE South 35°16' West, 777 feet to the TRUE POINT OF BEGINNING;
THENCE South 31°20' East, 200 feet;
THENCE South 58°40' West, 435.60 feet;
THENCE North 31°20' West, 200 feet;
THENCE North 58°40' East, 435.60 feet to the TRUE POINT OF BEGINNING.

Section 19: N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$

READ AND APPROVED

READ AND APPROVED

EXHIBIT "B"

Ellsworth/ABC Agra, L.L.C.

- Found
A37-01005
with 1.4 cfs
DH*
1. IDWR No. ³⁷⁻¹⁰⁰⁵ ~~37-1139~~ for 1.40 cfs with a priority date of 6/1/1919
 2. IDWR No. 37-1051 for 2.00 cfs with a priority date of 4/1/1888
 3. IDWR No. 37-1048A for 2.00 cfs with a priority date of 4/1/1884 ?
 4. IDWR No. 37-1139 for 7.00 cfs with a priority date of 6/1/1919
 5. IDWR No. 37-2007 for .80 cfs with a priority date of 8/28/1904
 6. IDWR No. 37-2247 for .50 cfs with a priority date of 8/22/1912
 7. IDWR No. 37-7006 for 2.18 cfs with a priority date 12/18/1967
 8. IDWR No. 37-11664 for .10 cfs with a priority date of 6/30/1930

Grantors represent and warrant that the water rights appurtenant to the real property described in the warranty deed, including, but not limited to the foregoing, are valid existing water rights that have been duly claimed in the Snake River Basin Adjudication, and that they are not subject to a claim of forfeiture or abandonment.

12239703.GDS/ry

READ AND APPROVED

Frank Ellsworth

READ AND APPROVED

Jim J. Ellsworth

Page (1)

FOR BLM USE ONLY

READ AND APPROVED

Page (2)

FOR ELM USE ONLY

State						
Office						
Operator No.						
Schedule No.						
Billing Code						
Special Bill Code						

READ AND APPROVED

STATE OF IDAHO
STATE LAND LEASE

LEASE NUMBER: G-7202

This lease agreement is made and entered into by and between the State of Idaho, acting by and through the State Board of Land Commissioners (lessor) and Ellsworth Farms (lessee)
Box 246 Carey, ID 83320
 (Address) (City) (State) (Zip)

This lease shall commence January 1, 1990 and terminate December 31, 1999.

The annual rent payment is due on MAY 1 of each year.

The lessor, in consideration of the rental paid and the covenants, conditions and restrictions hereinafter set forth, in attachment B, does hereby lease and demise unto the lessee the lands described in attachment A at the rates and uses specified herein; grazing 154.32 acres containing 13.00 AUMs, cropland .00 acres of dryland at .00 per acre, .00 acres irrigated land at .00 per acre and .00 acres of wasteland at .00 per acre, miscellaneous .00 per annum, or .00 premium bid.

IN WITNESS WHEREOF, The parties hereto have caused this lease to be duly executed the day and year first above written.

COUNTERSIGNED:

Pete T. Conarrusa Secretary of the State
Stanley F. Hamilton Director Department of Lands
Cecil D. Andrus President of the State Board of Land Commissioners and Governor of the State of Idaho

STATE OF IDAHO

COUNTY OF Ada

On this 4 day of January, in the year 1990 before me, a Notary Public in and for said State, personally appeared Cecil D. Andrus, known to me to be the president of the State Board of Land Commissioners of the State of Idaho and the Governor of the State of Idaho; and Pete T. Conarrusa, known to me to be the Secretary of the State of Idaho and Stanley F. Hamilton, known to me to be the Director, that executed the within instrument, and acknowledged to me that the State Board of Land Commissioners of the State of Idaho and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Residing at Idaho City, Idaho, Commission expires 8-25-92 John B. Bengtson
 Notary Public for Idaho

***** LESSEE *****

STATE OF ARIZ
IDAHO

X Grant Ellsworth (lessee)
 X Jesse S. Ellsworth (lessee)

COUNTY OF ARIZONA

On this 16 day of DEC, in the year 1989, before me, a Notary Public in and for said State, personally appeared GRANT ELLSWORTH and JESSE S. ELLSWORTH

known to me to be the lessee that executed the within instrument, and acknowledged to me that I help executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Residing at MESEA, ARIZ Idaho, Commission expires 24 Oct 1993 Joseph H. Pugh
 Notary Public for Idaho

06.05.1997 2:26PM

CHICAGO TITLE SNEA

EXHIBIT "C"

NO.517 P.4/6

STATE OF IDAHO
STATE LAND LEASE

page (4)

LEASE NUMBER: G-7202

PAGE 2

ATTACHMENT A

DESCRIPTION OF PROPERTY:

COUNTY	ACRES	SUBDIVISION DESCRIPTION	SEC.	TWP.	RGE.	ENDOW.
BLAINE	0.00	L3,4(N2NW),L5(SWNW),	6 00	2 N	21.0 E	PS
BLAINE	154.32	SENW	6 05	2 N	21.0 E	PS

STATE OF IDAHO
STATE LAND LEASE

Page (5)

Lease Number G-7202
Page 1 of 2ATTACHMENT B

This lease is made pursuant to the laws of the State of Idaho and the Rules and Regulations governing grazing leases and cropland leases, IDAPA 20.13.

1. USE OF LAND

The lands herein described shall be used for the purpose of grazing and farming as specified on the signature page; no other uses shall be made of these lands without the prior written approval of the lessor.

2. RECLASSIFICATION OF LAND USE

At the sole discretion of the lessor, lands under this lease may be reclassified in whole or in part for agricultural, commercial, homesite, or other purposes that would result in increased rentals to the lessor. For uses other than cropland or grazing the lands affected will be dropped from the lease.

3. RATE OF RENT — CHANGE OF RENT

Lessee agrees to pay to the lessor, in lawful money of the United States, each year's rent in advance, and prior to the legal possession of the property for such year, an annual rent for each acre of cropland and every AUM covered by this lease. The rent shall be payable on or before the date specified on the signature page. The lessor reserves the right to increase or decrease the annual rent, and the lessee will be notified six months in advance of the first payment of any increase.

4. RIGHT OF LESSOR TO SELL — APPRAISAL OF IMPROVEMENTS — APPROVAL OF IMPROVEMENTS REQUIRED

The lessor reserves the right to sell all or any portion of the land herein described and the lessee agrees to deliver immediate possession unless the lessee is to be permitted to harvest a growing crop. In such event, lessee shall have possession of only the land on which such crops are growing. The lessee will be notified of a scheduled sale at least thirty (30) days prior to sale date. When creditable improvements or growing crops are present, they will be appraised in accordance with Idaho Code, Section 58-313, by the lessor and the lessee will be paid for the improvements or crops by the purchaser on the day of sale; lessor's appraisal shall be conclusive.

Prior written approval of lessor is required to make permanent range improvements, construct permanent buildings, or clear the land for agricultural uses. Failure to secure such written approval shall constitute forfeiture of the value of such improvements in case of sale or lease conflict.

5. RENEWAL OF LEASE — APPRAISAL OF IMPROVEMENTS

If the lessee is not the successful bidder at the expiration of this lease then the value of improvements recognized in Section 4 above shall be paid by the successful bidder to the lessee prior to possession provided no delinquent rent is owed. Improvement payments shall be applied towards any rent due before being disbursed to lessee.

6. RELINQUISHMENT OF RIGHTS

The lessee agrees to relinquish possession of the leased premises upon breach of any of the conditions herein set forth, with all permanent improvements thereon in good order and condition when such breach results in cancellation or forfeiture of this lease.

7. TIMBER ON LAND UNDER LEASE — STATE FIRE LAWS

This lease is made subject to all present and future timber sale contracts. The lessor reserves the right to restrict or prohibit grazing use on all or portions of the land leased for timber management purposes. The lessee will be given one hundred eighty (180) days written notice, prior to turn out of livestock on the lands leased, of any such restrictions or termination of grazing use, together with a map of the restricted area. This lease does not authorize the lessee to cut any timber growing on the land leased; any unauthorized use of such timber by the lessee or with his knowledge or consent, shall work a forfeiture of his lease without notice, and said lessee shall be responsible for treble damages to said timber. Lessee is subject to the provisions of state fire laws except for fire protection charges.

8. MINERAL RESERVATIONS

This lease is subject to any mineral lease (including oil, gas and geothermal resource leases) that is now in force or effect or that may hereafter be granted on the lands or any part thereof included herein as provided by Title 47, Idaho Code; provided, however, when a mineral lease is granted after the granting of this lease, the mineral lessee shall give a good and sufficient bond to protect the lessee herein from all damage occasioned to the surface of the lands embraced in this lease, or improvements thereon, whether the damage is due to mineral extraction or rights-of-way or other activities incident to mineral extraction.

9. GRAZING REGULATIONS

For grazing use, the grazing period and the number of stock may be fixed and determined by the lessor. The grazing lessee shall furnish such information as may be required from time to time, to assist in determining the grazing period and number of stock to be grazed. A lessee may be required to participate in a resource management plan which includes all or part of the lands described herein. Any written agreement concerning a management plan will be a condition of this lease.

Where sheep are grazed on land included in this lease, they shall not be bedded more than two nights consecutively on the same bedding ground without prior approval of the lessor.

10. PAYMENTS OF TAXES AND WATER CHARGES

Unless otherwise provided, the lessee shall pay all water charges, assessments or taxes of whatsoever nature that may be legally levied or assessed against the land herein described, or any portion thereof, and if the same is not paid it shall constitute a lien in favor of the State of Idaho against all improvements or crops growing on said land.

11. SUBLEASING — ASSIGNMENT

The lessee shall not sublease any of the land embraced in this lease without prior written approval of lessor. The lessee shall not assign this lease except upon the written approval of the lessor on forms provided for that purpose, and only where the rent owing has been paid in full, except that if a rental extension has been granted, such extension shall be assumed by the assignee and if improvements exist, such will be purchased by the assignee.

12. RIGHT OF ENTRY AND INSPECTION — ABANDONMENT

The lessor reserves the right to enter upon land, or any portion thereof, during the term of this lease for the purpose of inspecting the property. Should any of the property covered by this lease be abandoned, or the lease cancelled or forfeited for any breach of condition herein contained, all improvements placed upon the property by the lessee shall remain a part of the realty and title thereto shall vest in the State of Idaho.

13. LESSOR PROTECTED AGAINST WASTE — NOXIOUS WEED CONTROL

The lessee shall use the property under this lease in such manner as will best protect the State of Idaho against loss or waste, and shall cooperate with the lessor or any other agency authorized to undertake programs for control or eradication of noxious weeds. The lessee shall take measures to control noxious weeds on the leased land in accordance with title 22, chapter 24, Idaho Code. Control of noxious weeds on state grazing lands shall be shared jointly by the lessee and lessor with the lessor's share subject to funds appropriated for that purpose.

14. FORFEITURE OF LEASE

In case the lessee fails to comply with any of the covenants, terms or conditions of this lease, the lessor may forfeit or cancel the lease upon ten days notice to the lessee and the lessee shall not, during the period of notice, remove any of the improvements or crops thereon, whether the crops have been harvested or not. The lessee shall, upon lease expiration, deliver immediate possession of the lands herein to the lessor without further notice or demand.

15. EASEMENTS

The lessor reserves the right to grant easements and rights-of-way across or upon the land described in this lease and to grant immediate possession thereof to the grantee of such easement. The lessor shall coordinate with the lessee before processing any easement applications on the leased land. The grantee of such easement shall, before exercising the same, pay to the lessee the reasonable value of the growing and immature crops and improvements, as determined by the lessor's appraisal; lessor's appraisal shall be conclusive. This lease is subject to any right-of-way or easement heretofore granted over the lands embraced by this lease.

16. PUBLIC USE

The lessee must allow the general public the right to use the lands described in the lease for outdoor recreation. However, nothing in this lease authorizes or purports to authorize trespass on private lands to reach state-owned lands. State lands shall not be restricted without prior written approval of the lessor. Grazing or cropland leases will not be considered exclusive use leases as described under Idaho Code, Section 36-1603.

17. WATER RIGHTS

The establishment of any water right or rights shall be by and for the lessor, and no claim thereto shall be made by the lessee; such rights shall attach to and become appurtenant to said land. The lessee shall not cause any water to be conveyed off the land without prior written approval of the lessor.

18. SEED HARVEST

The lessor reserves the right to harvest seed from plants on land not under a cropland lease. The lessor will coordinate the harvesting activities with lessee to minimize impacts on livestock operations.

19. ROAD CLOSURE

The lessor reserves the right to close roads for road protection, wildlife protection or administrative purposes. Planned road closures will be reviewed with lessee prior to action. The lessee will have the right to appeal to the Land Board decisions affecting his use.

20. LIABILITY

The lessee shall indemnify and hold harmless the lessor, its departments, agencies and employees for any and all claims, actions, damages, costs and expenses which may arise by reason of lessee's occupation of the leased premises, or the occupation of the leased premises by any of the lessee's agents, or by any person occupying the same with the lessee's permission.

21. BINDING ON HEIRS

All of the terms, covenants, and conditions of this lease shall be binding upon the heirs, executors and assigns of the lessee.

22. CIVIL RIGHTS

The lessee shall not discriminate against any person on the basis of such person's race, creed, color, sex, national origin or handicap.



January 14, 1998

RECEIVED

JAN 15 1998

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301-3380

Re: Order No. 23463

Sections 6, 7, 8, 9, 17, 18 Township 2 North, Range 21 East
ABC Agra, L.L.C./Ellsworth

Dear Ladies and Gentlemen:

In connection with the above mentioned order, please find attached copies/originals of the following document(s):

<u> x </u>	Warranty Deed recorded as Instrument No. 409472.
<u> x </u>	Notice of Change of Water Right Ownership.

If you should have any questions or if I may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY


Kristen Kludt
Escrow Officer

kk

Attachment(s)

Court :

Decree date: / /

HINES

Decree Plaintiff

WATKINS

vs

Decree Defendant

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: A37-01139
Date Received: 10/14/1988
Receipt No: 5003332
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRANT ELLSWORTH 208-788-3125
Address: BOX 246
CAREY, ID 83320

2. Date of Priority: JUN 01, 1919

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	21E	3	SE	SW	NE		BLAINE

5. Description of diverting works:
DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.000		

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

8. Total consumptive use is 3885.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	20E	13	SW	NE		IRR	10.0
			SE	NE		IRR	37.0
			SW	NW		IRR	8.0

A37-01139

Page 1

Date: 10/14/88

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	20E	13	SE	NW		IRR	14.0
			NE	SW		IRR	26.0
			NW	SW		IRR	18.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
					Section Acres		193.0
		14	SW	SW		IRR	20.0
			SE	SW		IRR	20.0
			SW	SE		IRR	10.0
					Section Acres		50.0
15	SE	SE		IRR	40.0		
				Section Acres		40.0	
21E		7	NE	SW		IRR	20.0
			SE	SW		IRR	33.0
			NE	SE		IRR	20.0
			NW	SE		IRR	23.0
			SW	SE		IRR	40.0
			SE	SE		IRR	22.0
					Section Acres		158.0
		8	NE	SW		IRR	31.0
			NW	SW		IRR	25.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	23.0
					Section Acres		199.0
9	SW	SW		IRR	30.0		
				Section Acres		30.0	
17	NE	NE		IRR	20.0		
	NW	NE		IRR	32.0		
	SW	NE		IRR	18.0		
	NE	NW		IRR	40.0		
	NW	NW		IRR	40.0		

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	21E	17	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	12.0
			NW	SW		IRR	40.0
			SW	SW		IRR	18.0

Section Acres 300.0

18	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	28.0
	SE	SE	IRR	40.0

Section Acres 548.0

19	NE	NE	IRR	11.0
	NW	NE	IRR	25.0

Section Acres 36.0

Total Acres 1554.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-01005, 01051, 01048, 02247, 07006, 02007.

14. Remarks:
INCIDENTAL STOCK USE

15. Basis of Claim: DECREED
Case Number:
Court :

Decree date:

HINES

Decree Plaintiff

WATKINS

Decree Defendant

vs

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Gerard R. Elsworth Date: 10/17/88
Jean S. Elsworth Date: 10/17/88

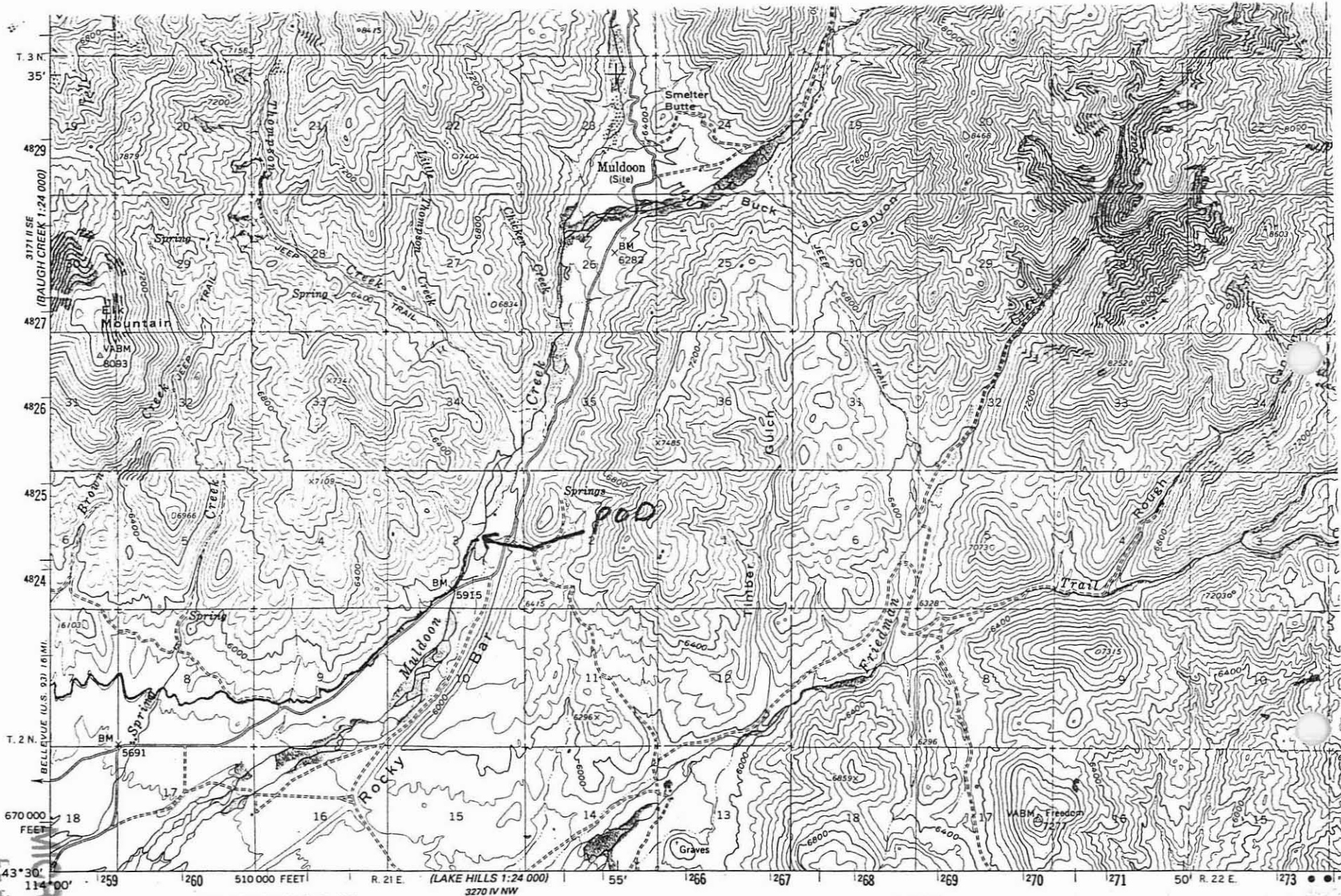
State of ARIZONA)
Idaho)
County of MARICOPA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of October 19 88

Barbara B. Taylor
Notary Public

Seal

Residing at 2740 E Southern Ave Mesa Az
My Commission Expires 5/3/89



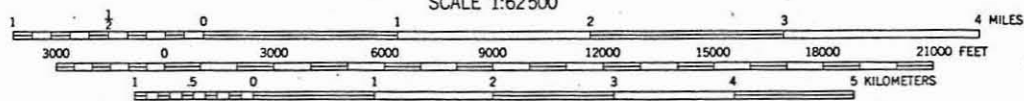
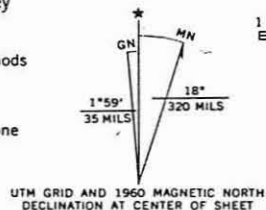
Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1957. Field check 1960

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, central zone
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

To place on the predicted North American Datum 1983
move the projection lines 13 meters north and
71 meters east

There may be private inholdings within the boundaries of
the National or State reservations shown on this map



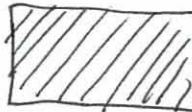
CONTOUR INTERVAL 80 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

SE SW NE SECTION 3 T2N R21E

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



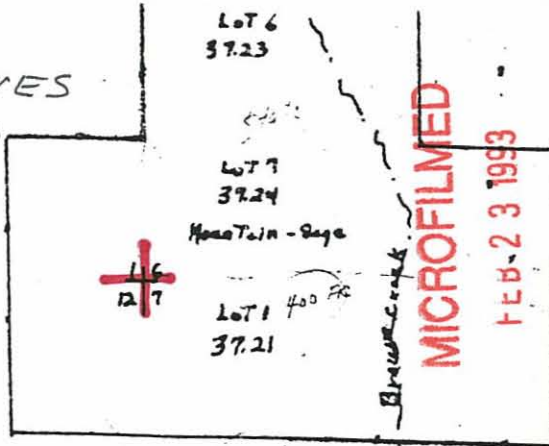
3170 INE
1:24 000
LITTLE WOOD RIVER RES.
5661 E 173
1993



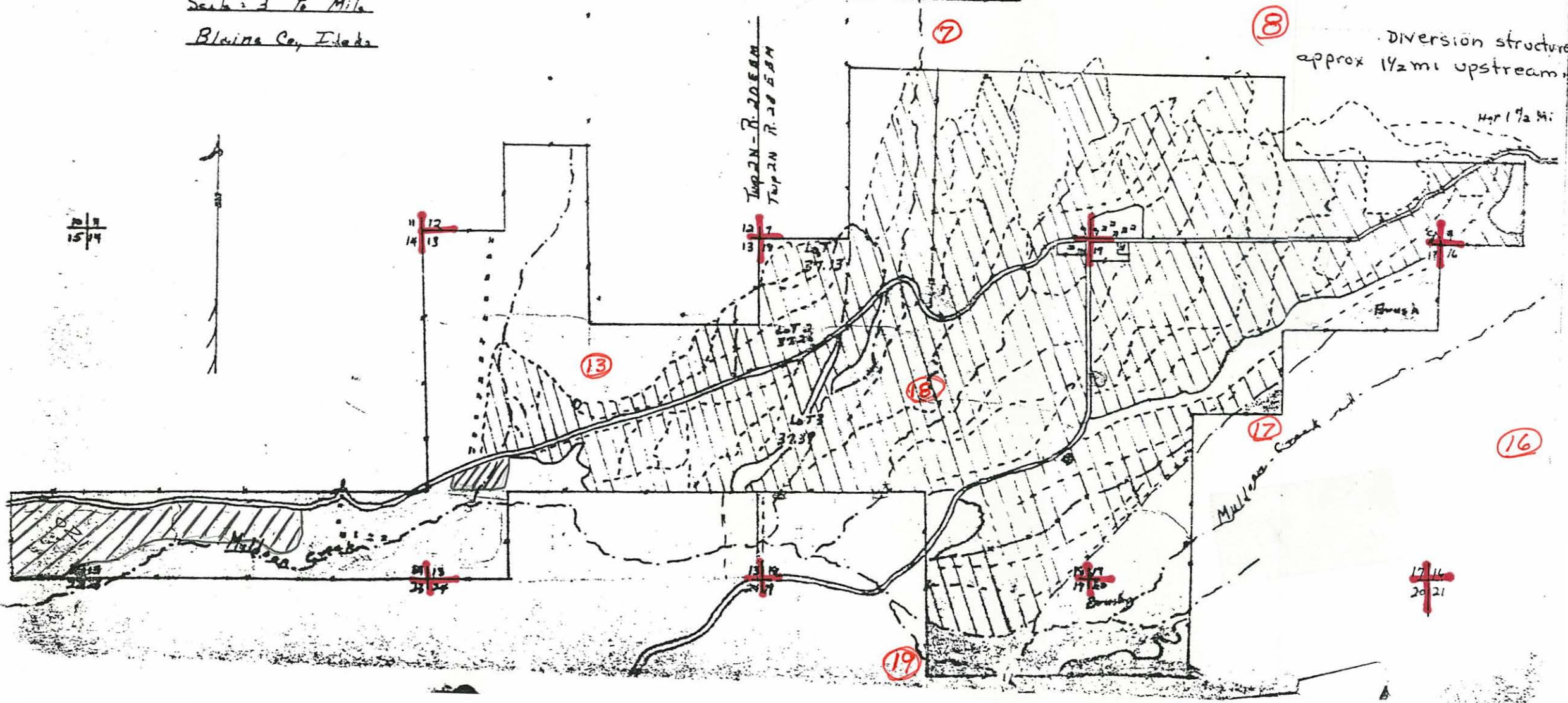
= POLL ACRES
IRRIGATED

21
11 12

Twp 2N - Range 21 + 20 E B M
Scale = 3" to Mile
Blaine Co, Idaho



10 9
15 14



01/17/2007

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

RIGHT NUMBER: 37-1139

NAME AND ADDRESS: MULDOON RANCH CO LLC
C/O ARLEN CROUCH
370 E 500 N
JEROME ID 83338

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 7.000 CFS

The rights listed below are limited to a total combined diversion rate of 7.0 cfs. Combined Right Nos.: 37-1139 and 37-22014.

PRIORITY DATE: 06/01/1919

POINT OF DIVERSION:

T02N R21E S3 NENWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
7.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R20E S13	SWNE	9.20	T02N R20E S13	SENE	35.00
T02N R20E S13	SWNW	1.50	T02N R20E S13	SENW	13.00
T02N R20E S13	NESW	13.00	T02N R20E S13	NESE	40.00
T02N R20E S13	NWSE	37.00	T02N R20E S14	SWSW	16.00
T02N R20E S14	SESW	3.40	T02N R20E S15	SESE	23.00
T02N R21E S07	NESW	14.00	T02N R21E S07	SESW	30.00
T02N R21E S07	NESE	32.00	T02N R21E S07	NWSE	25.00
T02N R21E S07	SWSE	39.00	T02N R21E S07	SESE	26.00
T02N R21E S08	NESW	17.00	T02N R21E S08	NWSW	21.00
T02N R21E S08	SWSW	37.00	T02N R21E S08	SESW	38.00
T02N R21E S08	SWSE	38.00	T02N R21E S08	SESE	24.00
T02N R21E S09	SWSW	31.00	T02N R21E S16	NWNW	0.50
T02N R21E S17	NENE	36.00	T02N R21E S17	NWNE	38.00
T02N R21E S17	SWNE	2.80	T02N R21E S17	NENW	40.00
T02N R21E S17	NWNW	35.00	T02N R21E S17	SWNW	38.00
T02N R21E S17	SENW	30.00	T02N R21E S17	NESW	3.80
T02N R21E S17	NWSW	36.00	T02N R21E S17	SWSW	33.00
T02N R21E S18	NENE	37.00	T02N R21E S18	NWNE	39.00
T02N R21E S18	SWNE	37.00	T02N R21E S18	SENE	38.00
T02N R21E S18	NENW	39.00	T02N R21E S18 Lot 1	NWNW	23.00
T02N R21E S18 Lot 2	SWNW	36.00	T02N R21E S18	SENW	40.00
T02N R21E S18	NESW	35.00	T02N R21E S18 Lot 3	NWSW	38.00
T02N R21E S18	NESE	34.00	T02N R21E S18	NWSE	35.00
T02N R21E S18	SWSE	35.00	T02N R21E S18	SESE	39.00
T02N R21E S19	NENE	20.00	T02N R21E S19	NWNE	33.00
T02N R21E S20	NWNW	4.80			

01/17/2007

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

1419 ACRES TOTAL

This right is limited to the irrigation of 671.7 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1,419 acres in a single irrigation season. Combined Right Nos.: 37-1005, 37-1048A, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006, 37-22014, and 37-22015.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right No. 37-22014 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

37-72
11-25-1
1-27-80

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR LINCOLN COUNTY.

REBECCA HINES,)
Plaintiff)
-VS-) D E C R E E
HERMAN WATKINS, Water Master,)
Defendant.)

THIS CAUSE Coming on regularly to be heard in Open Court,
this 15th day of February, 1927, at Shoshone, in the County of
Lincoln, State of Idaho, at the regular February 14th term of said
Court, before the Hon. H. F. Ensign, Judge of said Court, Leo M.
Bresnahan, Esq., appearing as counsel for Plaintiff, and the defendant
failing to appear, either in person or by counsel;

And it appearing that the defendant has been duly and
regularly served with Summons in the action and that said defendant
has failed to appear or answer the said complaint within the time
required by law and the time for answering having expired, it is there-
fore ordered that the default of the defendant be and the same is
hereby entered accordingly;

And it further appearing that the plaintiff has caused to
be published in a newspaper in accordance with the Order of the Court
herein, once a week for not less than three weeks, a notice of the
pendency and purpose of this action in all respects as required by
law, and that the time fixed by the said Order of the Court has
expired and no interested party appearing to defend against the
right of the plaintiff herein;

And the Court having heard the testimony and proofs in
behalf of plaintiff, and being fully advised in the premises:

37 1139 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the
plaintiff and her predecessors in interest have been at all times
since the 1st day of June, 1919, the owners of, in possession of and

entitled to the possession of the following described lands; situated in Blaine County, Idaho, to-wit:

SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 7, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 1, 2, 3, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18; T. 2 N. R. 21 E. B. M., and SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, T. 2 N. R. 20 E.B. M. containing 671.78 acres;

*this is
entire acreage
of POU description*

That said land is dry and arid in character and requires the artificial application of water thereon in order to produce profitable crops; that on or about the first day of June, 1919, the predecessors in interest of this plaintiff appropriated and by means of dams and ditches of sufficient capacity, diverted and used upon said lands seven (7) Second feet of the waters of Muldoon Creek, Elaine County, Idaho, and that the plaintiff and her predecessors in interest have since the said date continuously during the irrigation season of each and every year, diverted and used said amount of water for the irrigation of said lands and that the plaintiff is entitled to the right to the use of the said seven (7) second feet of the said waters, as prescribed by the law of Idaho, for the irrigation of said lands with date of priority June 1, 1919;

That this decree is rendered pursuant to the provisions of Section 7036, Idaho Compiled Statutes, and the decree of this Court in the action entitled S. C. Frost, et. al. Plaintiffs, vs. Alturas Water Company, et al, Defendants, and in the action entitled N. R. Woodworth, et al, vs. Frank Anthony, et al., in and for the County of Logan, (Now Blaine County) and the findings of fact and conclusions of law upon which said decrees were based are binding upon the said plaintiff; that the said defendant water master and his successors and all other persons acting by, through, or under them are hereby ordered and directed to distribute to plaintiff the said amount of water with the said date of priority, subject to said decrees.

Done in open Court, this 15th day of February, 1927.

H. F. Ensign,

District Judge.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1139

WATER RIGHT NUMBER: 37-1139

Owner Type Name and Address
Current Owner REBECCA HINES

, ZZ

Priority Date: 06/01/1919

Basis: Decreed

Status: Active

Source Tributary
MULDOON CREEK LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	7.000 CFS	
	<u>Total Diversion:</u>	7.000 CFS	

Location of Point(s) of Diversion
MULDOON CREEK

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	
02N	20E	13				X					X				X	X			
02N	21E	7								X				X	X	X	X	X	
02N	21E	18		X			X	X	X	X	X	X							
								L1	L2			L3							

Conditions of Approval:

Remarks:

- General P/U INCOMPLETE. SEE FILE.
AC. IRRIG. NOT SPECIFIED. FARM = 671.78 AC.

Comments:

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